

**TO: Mayor and City Council Members**

**FROM: Rob Hunt, City Manager**

**SUBJECT: February 4, 2020 Agenda Items**

**DATE: January 30 2020**

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**5:00 p.m.**

**I. CALL TO ORDER CLOSED SESSION**

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

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

- (a) 54956.9(d)(2) & (e)(3) Conference with Legal Counsel – Anticipated Litigation  
Five (5) items of anticipated litigation

**IV. RECONVENE CLOSED SESSION**

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

**VI. ADJOURN CLOSED SESSION**

**6:00 p.m. (Or, immediately following Closed Session)**

**VII. CALL TO ORDER STUDY SESSION**

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

**IX. STUDY SESSION**

- a. Presentation of options related to cannabis retail locations, including sales tax measure, number of facilities, development agreements, existing license holders and direction related thereto. [Submitted by: M. Zamora]

**X. ADJOURN STUDY SESSION**

**7:00 p.m.** (Or, immediately following Study Session)

**XI. CALL TO ORDER REGULAR SESSION**

**XII. PLEDGE OF ALLEGIANCE AND INVOCATION**

**XIII. CITIZEN COMMENTS**

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

*This is also the time for citizens to comment on items listed under the Consent Calendar or to request an item from the Consent Calendar be pulled for discussion purposes. Comments related to general business/city manager items or public hearing items will be heard at the time the item is discussed or at the time the Public Hearing is opened for comment.*

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

**XIV. COMMUNICATIONS**

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

**XV. CONSENT CALENDAR**

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

**(1) Authorization to read ordinances by title only.**

- (2) **Approve minutes of January 16 and 21, 2020 special/regular meeting. [Submitted by: R. Yoder]** The minutes of January 16 and 21, 2020 special/regular meeting are submitted for your approval. **Staff recommends Council approve as presented.**
  
- (3) **Adopt Ordinance 19-12 an Ordinance revoking and replacing Chapter 5.96 of the City of Tulare Municipal Code allowing Recreational Cannabis Businesses and Establishing Permitting Procedures and Regulations. [Submitted by: M. Zamora]** On December 3, 2019, the City Council passed-to-print Ordinance 19-12 and scheduled adoption for the December 17, 2019 meeting, where it was continued in order for the Council to hold a study session on the next steps and provide direction on options related to cannabis retail locations, including a possible sales tax measure, number of facilities, development agreements, and existing license holders. **Staff recommends following the outcome of the Study Session, Council adopt Ordinance 19-12, as presented.**
  
- (4) **Authorize the City Manager to complete and execute the documents necessary to purchase property located as a portion of APN: 149-380-031 & 149-390-022 in the amount of \$101,850 for the use of public right-of-way for Project EN0073 – Cartmill Avenue Improvements project, subject only to minor conforming and clarifying changes acceptable to the City Attorney and City Manager. [Submitted by: N. Bartsch]** Capital Improvement Project EN0073 addresses pavement and utility infrastructure improvements along Cartmill Avenue between the Cartmill Avenue Interchange at Highway 99 and Mooney Boulevard. The project modifies the existing traffic signals at the intersections of Cartmill Avenue and Akers Street along with Cartmill Avenue and Hillman Street to provide additional thru lanes and protected left-turn movements for eastbound and westbound traffic, and will install a new traffic signal at the intersection of Cartmill Avenue and Retherford Street. The project also includes installation of new water, sewer and storm drainage facilities needed to facilitate the development of properties along this segment of Cartmill Avenue, including the northeast and southeast quadrants of the Cartmill Avenue interchange. Finally, the additional paved width and construction of median improvements will provide additional operational capacity and addresses traffic safety concerns. These improvements are also expected to reduce the Fire Department's response time from Fire Station 63 to the Del Lago area.

At the April 18, 2017 regular City Council Meeting, direction was given to staff commence the design and right-of-way acquisition phases for Project EN0073. At the June 6, 2017 City Council Meeting, a contract for engineering services was awarded to Peters Engineering group to identify the master planned improvements along Cartmill Avenue, create plans, and coordinate the

necessary interim street and utility improvements necessary for development to occur in the area adjacent to the Cartmill Interchange. Additionally, facilitation of the right-of-way acquisitions needed for the ultimate improvements of Cartmill Avenue was included in their scope of work for the project. To date, the properties west of De La Vina needed for the portion of the project currently under construction have been acquired. At the May 14, 2019 City Council Meeting, direction was given and a contract amendment was approved for the engineering design and property acquisition needed to extend the project limits east to Mooney Boulevard. There are additional properties affected by these improvements. Peters Engineering Group prepared exhibits and performed appraisals of the portions of property needed for the extension of the project.

The subject property is located on the southwest corner of Cartmill Avenue and Mooney Boulevard. The property owner, Del Lago Development Company, a California limited partnership, has worked diligently with City Staff through the design, appraisal, and acquisition process, and has agreed to sell the additional needed property for the amount of \$101,850, according to the terms previously authorized by the City Council. This property currently encompasses a combination of 0.25 acres of existing right-of-way easement, along with 0.72 acres of property. The property currently does not have any structures or existing improvements. **Staff recommends Council authorize the City Manager to complete and execute the documents necessary to purchase property located as a portion of APN: 149-380-031 & 149-390-022 in the amount of \$101,850 for the use of public right-of-way for Project EN0073 – Cartmill Avenue Improvements project, subject only to minor conforming and clarifying changes acceptable to the City Attorney and City Manager, as presented.**

- (5) **Authorize the City Manager to complete and execute the documents necessary to purchase a portion of property located at the northeast corner of Oaks Street and Prosperity Avenue (APN 166-094-021) in the amount of \$2,300.00 for the use of public right-of-way for Project EN0072 – Oaks Street and Prosperity Avenue Traffic Signal Project, subject only to minor conforming and clarifying changes acceptable to the City Attorney and City Manager. [Submitted by: J. Funk]** A portion of Capital Improvement Project EN0072 upgrades the intersection of Prosperity Avenue and Oaks Street from an all-way stop to a signalized intersection. For eastbound and westbound traffic on Prosperity Avenue, the project will provide a single thru lane, a dedicated right-turn lane, and a protected left-turn movement. For northbound and southbound traffic on Oaks Street, a single lane will be provided in each direction. The project also includes installation of storm drainage facilities (pipes and drop inlets) to address street runoff in the area of the intersection.

The Prosperity Avenue and Oaks Street traffic signal project impacts two properties - the southeast and northeast corners of the intersection, requiring acquisition of additional property around the corner returns for right-of-way to construct proposed ADA improvements. Additionally, a temporary construction easement is needed at the northeast corner to allow the contractor room to construct improvements related to the intersection signalization.

At the December 3, 2019 City Council meeting's closed session, Council authorized staff (and Universal Field Services – our right-of-way consultant) to proceed with negotiations with the property owners at the two corners. An effort to purchase the portion of the northeast corner was started in 2016, at which time the property owner (Mr. Rivera) agreed to sell the portion necessary for the project. The earlier effort was ultimately terminated in 2017 when Mr. Rivera took exception to the conditions of sale.

Most recently, an offer based on the current appraised value plus compensation for the loss of a mature tree, plus the value of a temporary construction easement (TCE) was presented to Mr. Rivera. Recently, Mr. Rivera accepted the City's offer. An exhibit showing the proposed acquisition with TCE is attached for reference.

Council approved the purchase of the needed right-of-way at the southeast corner from Mr. Jones at its January 21, 2020 meeting. **Staff recommends Council authorize the City Manager to complete and execute the documents necessary to purchase a portion of property located at the northeast corner of Oaks Street and Prosperity Avenue (APN 166-094-021) in the amount of \$2,300.00 for the use of public right-of-way for Project EN0072 – Oaks Street and Prosperity Avenue Traffic Signal Project, subject only to minor conforming and clarifying changes acceptable to the City Attorney and City Manager, as presented.**

- (6) **Receive, review, and file the Monthly Investment Report for December 2019. [Submitted by: D. Thompson]** The investment report for the period ending December 2019 is submitted for review and acceptance. **Staff recommends Council accept the December 2019 Investment Report as presented.**
- (7) **Accept the Police Department Citizen Complaint Review Board's annual report for calendar year 2019. [Submitted by: W. Hensley]** On January 18, 1994, the City Council adopted Ordinance No. 1722 establishing a Police Department Citizen Complaint Review Board. The ordinance requires an annual reporting to the City Council.

The Board is charged with the responsibility to review the Police Department's investigation of citizen complaints and provide an independent review to the Police Chief. The intention is to ensure continued and ongoing public confidence in the Police Department personnel and Police Department operations.

Together, the Police Department and the City Clerk's office received eleven complaint forms during the year. Attached for your review is the annual report for calendar year 2019. **Staff recommends Council accept the Police Department Citizen Complaint Review Board's annual report for calendar year 2019, as presented.**

- (8) **Authorize the Mayor to sign the consent letter for the Tulare Local Healthcare District 2020 General Obligation Refunding Bonds. [Submitted by: D. Thompson]** Tulare Local Healthcare District is presently in the process of issuing its 2020 General Obligation Refunding Bonds to refund its previously issued Tulare Local Health Care District General Obligation Bonds Election of 2005, Series A, General Obligation Bonds, Election of 2005, Series B-1 and Tulare Local Health Care District General Obligations, Election 2005, Series B-2 (Federally Taxable – Direct Payment Build America Bonds). The District's efforts in this regard will result in an aggregate debt service savings of approximately \$20,000,000 benefitting the taxpayers living within the District boundaries.

This refunding is not requesting any new debt, but to only refund the existing debt. City's line of credit will not be affected by this refunding. Our support is necessary for the District to continue their effort to refinance their existing bonds with lower interest rate bonds. **Staff recommends Council authorize the Mayor to sign the consent letter for the Tulare Local Healthcare District 2020 General Obligation Refunding Bonds, as presented.**

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

There are no items for this section of the agenda.

#### **XVII. MAYOR'S REPORT**

- (1) Authorize the Mayor to execute a letter in support of the reappointment of Paul Van Konynenburg to the California Transportation Commission. [Submitted by: R. Hunt as requested by TCAG]

## XVIII. STUDENT REPORTS

- (1) Teens on Board City Council representatives Araceli Espinoza, Tulare Western, Jr.; Amber Munoz, Tulare Western Sr. and Sebastian Pires, Tulare Western, Jr.; to provide student reports.

## XIX. GENERAL BUSINESS

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

### (1) Public Hearing:

*[Due to the size of the Mitigated Negative Declaration document, it won't be included in the packet, but provided on the City's website and available in the City Clerk's Office for viewing purposes.]*

- a. **Continued Public Hearing to adopt Resolution 2020-04 adopting a Mitigated Negative Declaration prepared for Tentative Subdivision Map 2019-15 (Farrar), General Plan Amendment No. 2019-02, Zone Amendment No. 735 and Conditional Use Permit No. 2019-19 and to adopt Resolution 2020-05 approving General Plan Amendment No. 2019-02 changing the General Plan land use designation on approximately 76.5-acres to Low Density Residential, and pass-to-print Ordinance 2020-02 approving Zone Amendment No. 735, to change the existing zoning designation on approximately 76.5-acres to the R-1-6 (Single Family Residential, 6,000 sq. ft. minimum lot area) and R-1-4 (Small-lot Residential) zoning designation on property located on the west side of Morrison Street between Tulare Avenue and the Seminole Avenue alignment. [Submitted by: T. Myers]** This is a request by Woodside Homes to subdivide approximately 76.5 acres into a 360-lot single-family residential subdivision. The applicant is proposing to change the existing General Plan land use and zoning designations on the project site in order to construct the subdivision as proposed. The proposed project is located on the west side of Morrison Street between Tulare Avenue and the Seminole Avenue alignment. The existing General Plan designation for the site is Low Density Residential, Residential Estate and Rural Residential within the City of Tulare's adopted 2035 General Plan. The applicant proposes to amend the General Plan land use designation to designate the entire site as Low Density Residential. The City of Tulare's 2035 General Plan density standard for Low Density Residential ranges from 3.1 to 7.0 dwelling units per acre. The proposed Tentative Subdivision Map illustrates a density of approximately 4.70 dwelling

units per acre, which is within the required density range for the Low-Density Residential land use designation.

The current zoning designation for the site is RA (Rural Residential), R-1-7 (Single-family Residential, 7,000 sq. ft. minimum lot area), R-1-12.5 (Single-family Residential, 12,500 sq. ft. minimum lot area) and, R-1-20 (Single-family Residential, 20,000 sq. ft. minimum lot area). The applicant proposes to amend the zoning designation to allow for the proposed single-family residential development. The applicant proposes to change the existing zoning designation to R-1-4 (Small-lot Residential) and R-1-6 (Single-family Residential, 6,000 sq. ft. minimum lot area). The proposed R-1-4 and R-1-6 zone districts are consistent with the existing/proposed Low Density Residential land use designation.

An Initial Study/Mitigated Negative Declaration was prepared for this project for public review pursuant to provisions of the Public Resources Code, State of California, Section 21000 to 21177 of the California Environmental Quality Act (CEQA). The City of Tulare was the lead agency on the preparation of the Initial Study/Mitigated Negative Declaration. A notice of Public Hearing for the project, and the Notice of Intent to Adopt the Mitigated Negative Declaration was published on November 22, 2019. Comments were received during the public comment period for the project from the California Department of Transportation (Caltrans), the Department of Toxic Substances Control, the San Joaquin Valley Air Pollution Control District (SJVAPCD), and five residents who live on the County side of Morrison Street. Caltrans comments centered around required improvements to Caltrans right-of-way along Tulare Avenue and Mooney Blvd. Comments from the Department of Toxic Substances Control focused on the Hazardous Materials section of the IS/MND and responses that were provided. Comments from SJVAPCD related to air district rules and requirements that are standard for the development of a single-family subdivision. Comments from the local residents were in opposition to the project.

During the public review comment period on the CEQA document, the applicant noticed an informational meeting to approximately 150 residents in and around the proposed project site. The meeting was held at Mission Oak High School on December 7, 2019. Out of approximately 150 notices mailed, an estimated 20 residents from both the County and the adjacent Greens Subdivision attended.

The Planning Commission reviewed the proposed project on December 23, 2019. The Commission voted 3-2 to approve the proposed Tentative Subdivision Map and to recommend that the City Council approval of General



Plan Amendment No. 2019-02 and Zone Amendment No.735. **Staff recommends Council consider approving the following, as presented:**

1. **Adopt Resolution 2020-04 adopting the Initial Study/Mitigated Negative Declaration prepared for General Plan Amendment No. 2019-02, Zone Amendment No. 735, Conditional Use Permit No. 2019-19 and the Farrar Tentative Subdivision Map;**
  2. **Adopt Resolution 2020-05 approving General Plan Amendment No. 2019-02 to change the existing General Plan land use designation from Low Density Residential, Residential Estate and Rural Residential to Low Density Residential on approximately 76.5 acres;**
  3. **Pass-to-Print Ordinance 2020-02 approving Zone Amendment No. 735, changing the zoning designation on approximately 76.5 acres from the RA (Rural Residential), R-1-7 (Single-family Residential, 7,000 sq. ft. minimum lot area), R-1-12.5 (Single-family Residential, 12,500 sq. ft. minimum lot area) and, R-1-20 (Single-family Residential, 20,000 sq. ft. minimum lot area) to the R-1-4 (Small-lot Residential) and R-1-6 (Single-family Residential, 6,000 sq. ft. minimum lot area) zoning designations.**
- b. **Public Hearing to Pass-to-Print Ordinance 2020-03, adding Chapter 10.162 to the City of Tulare Municipal Code, the Farmland Mitigation Ordinance. [Submitted by: M. Anaya]** Policy COS-P3.12 of the City of Tulare General Plan 2035 requires the City of Tulare to create and adopt a mitigation program to address the conversion of Prime Farmland and Farmland of Statewide Importance within the City's urban development boundary (UDB), and outside the city limits, to non-agricultural uses. The preservation of farmland against the increasing pressures of urban development was a key issue of concern during preparation of the Tulare General Plan 2035, and a factor in establishing the City's UDB for growth of development beyond the City limits. As the City's growth continues to reduce the vacant land available for development within the City's limits, the next areas of development growth would take place within the City's UDB, just outside the City's limits. Therefore, the potential for the conversion of agricultural lands to non-agricultural uses will increase over time, and the City is obligated to implement the mitigation requirement legally mandated in the City's 2035 General Plan. By having a codified agricultural mitigation ordinance, the City will remain in compliance with its' 2035 General Plan, and the ordinance also provides a clear process and protocol for potential developers to use in obtaining entitlement approvals, while avoiding uncertain delays when proposing to convert critical agricultural land to non-agricultural use.

The objectives of the proposed Farmland Mitigation Ordinance are the following:

- (1) Protect agriculture as a crucial component of Tulare's economy and cultural heritage;
- (2) Protect and preserve agricultural lands from the effects of urban encroachment;
- (3) Balance the need for agricultural land conservation with other public goals in Tulare, including the need for housing, commercial, industrial, and infrastructure development; and
- (4) Foster coordination and cooperation by the City of Tulare with the County of Tulare, Local Agency Formation Commission, and neighboring cities, including the City of Visalia, to facilitate an integrated and comprehensive regional approach to agricultural land conservation.

The proposed ordinance text is provided, attached to this staff report.

***ENVIRONMENTAL:***

The proposed Zoning Ordinance Amendment is exempt from Environmental Review under the California Environmental Quality Act (CEQA), pursuant to Sections 15317 and 15325(b).

**Staff recommends Council pass-to-print Ordinance 2020-03, adding Chapter 10.162 to the City of Tulare Municipal Code, the Farmland Mitigation Ordinance, as presented.**

*[A PowerPoint slide presentation will be presented, written material, if provided, will be distributed before or at the meeting.]*

**(2) Finance:**

- a. **Mid-Year Budget Review Presentation, Discussion and Direction related thereto [Submitted by: D. Thompson]:**
  - i. **Mid-Year Review**
  - ii. **End of Year Projections**
  - iii. **CalPERS Outlook**

**(3) Engineering:**

- a. **Approve a short-term deferred improvement agreement with Presidio JJR Kensington 111, LLC, a Delaware Limited Liability Company, to defer the required completion of segments of decorative block wall for**

**Phase 1 of the Kensington Estates subdivision located at the northwest corner of Cartmill Avenue and Devenshire Street, accept all other required public works improvements for the subdivision as complete, authorize the City Engineer to sign a Notice of Completion, and direct the City Clerk to file the Notice of Completion with the Tulare County Recorder's Office. [Submitted by: M. Miller]** On April 16, 2019, City Council conditionally approved the final map for Phase 1 of the Kensington Estates subdivision, which created 73 single family residential lots along the north side of Cartmill Avenue, west of Devenshire Street. The overall Kensington Estates subdivision comprises approximately 28.6 acres consisting of 134 single-family residential lots. The subdivision is being developed in phases.

The Subdivider, Presidio JJR Kensington 111, LLC, a Delaware Limited Liability Company, has completed construction of all required public works improvements in accordance with the approved plans and specifications for this subdivision with the exception of segments of decorative block wall along the Devenshire Street and Logan Avenue frontages of Lots 1, 2 and 3. These segments of block wall have intentionally been left a few courses of block low to allow for better visibility into the subdivision for the purpose of promoting home sales. The Subdivider is requesting that they be allowed to enter into a short-term deferred improvement agreement for completion of these decorative block wall segments so that a notice of completion can be filed for the remainder of the required public improvements for the subdivision. A copy of the short-term deferred improvement agreement is attached for reference. The Subdivider will post security in the estimated value of the remaining block wall improvements to guarantee their completion per the requirements of the short-term deferred improvement agreement.

Staff has determined that the uncompleted segments of decorative block wall do not pose a hazard or risk to the public, and that they are being maintained in a condition that is visually appealing and does not detract from the aesthetics of the overall subdivision improvements. Staff is also satisfied that the terms of the proposed short-term deferred improvement agreement, along with the required security, sufficiently ensure completion of the improvements within a reasonable timeframe. Therefore, no objections are raised to the proposed short-term deferred improvement agreement for completion of the decorative block wall along Lots 1, 2 and 3 of the subdivision, or subsequent approval of a notice of completion for all other public improvements required of the subdivision. **Staff recommends Council approve a short-term deferred improvement agreement with Presidio JJR Kensington 111, LLC, a Delaware Limited Liability Company, to defer the required completion of segments of decorative block wall for Phase 1 of the**

**Kensington Estates subdivision located at the northwest corner of Cartmill Avenue and Devenshire Street, accept all other required public works improvements for the subdivision as complete, authorize the City Engineer to sign a Notice of Completion, and direct the City Clerk to file the Notice of Completion with the Tulare County Recorder's Office, as presented.**

**(4) Community & Economic Development:**

- a. Adopt Resolution 2020-06 establishing the formation of a Strategic Action Committee on Homelessness pursuant to the County of Tulare's Pathway Home Strategic Plan, set goals and objectives for said Committee and appoint voting and advisory members to same, to sunset in five years, unless otherwise extended by the Council.**

**[Submitted by: T. Myers]** On January 16, 2020 the Tulare City Council directed staff to draft a Resolution that sets forth the formation of a Strategic Action Committee on Homelessness pursuant to the County of Tulare's Pathway Home Strategic Plan endorsed by the Council at the December 17, 2019, City Council Meeting, to sunset in five years, unless otherwise extended by the Council. The Resolution sets forth goals, objections and purpose, and the duration of same.

In anticipation of the approval of the Committee formation and to expedite the process, a number of the City's applications to serve on boards and commissions were distributed at the January 21, 2020 Council meeting, at the Project Homeless Connect event held on January 23, 2020 and through various social services organizations. The Council also authorized a subcommittee to review applications for this newly proposed Committee. The subcommittee consisted of Council Member Sayre, a City staff member and a community member who have provided their recommendation to Council to be approved by way of the attached resolution.

The recommended committee consists of nine voting members and two alternates made up of a Council Member (Council Member Sayre has expressed in interest in serving) and those who have previously participated on the City's Ad Hoc Committee on Homelessness, but also include those who have a passion to serve others, experience in working with socioeconomically disadvantaged individuals, background in mental health and/or addiction services and/or treatment, etc. It is recommended that the committee appoint at least two City staff members to serve on the Committee in an advisory capacity. **Staff recommends Council adopt Resolution 2020-06 establishing the formation of a Strategic Action Committee on Homelessness pursuant to the County of Tulare's Pathway Home**

**Strategic Plan, set goals and objectives for said Committee and appoint voting and advisory members to same, to sunset in five years, unless otherwise extended by the Council, as presented.**

- b. Council consideration and direction to staff on the issuance of a Notice of Funding Availability and Request for Proposals for use of the City's Housing Successor Asset Funds in the approximate amount of \$1.5 million. [Submitted by: T. Myers]** The City of Tulare has approximately \$1.5million of Housing Asset Funds available to fund affordable housing development. State law sets limits on how the funds may be used. For example, at least 30% of the Housing Asset Funds must be spent assisting extremely low-income rental units within a five-year compliance period. Additionally, State law permits the City to spend up to \$250,000 of Housing Asset Funds per year on rapid rehousing solutions for homelessness and homelessness prevention.

According to Health and Safety Code Section 34176.1, Housing Asset Funds may be spent on:

- Administrative activities (up to annual maximum that varies each year);
- Homeless prevention and rapid rehousing services (up to \$250,000 per year); and
- Affordable housing development (subject to income and age targets).

Although homeless prevention and rapid rehousing expenditures are capped at \$250,000 annually, affordable housing development could include permanent support housing that is not subject to the annual limit.

The following depict the Housing Asset Fund Spending Restrictions per the HSC Section 34176.1:

***Administration & Compliance Monitoring allowable uses:***

- Professional services (consultant fees, auditor fees, etc.)
- Staff Salaries, benefits and overhead time spent on Housing Successor administration
- Compliance monitoring

***Homeless Prevention and Rapid Rehousing Solutions allowable uses:***  
(Services for individuals and families who are homeless or would be homeless but for this assistance)

- Contributions toward the construction of local and regional homeless shelters
- Housing relocation and stabilization services
- Short-term or medium-term rental assistance
- Utility payments
- Case management

***Affordable Housing Development allowable uses:*** (Subject to State law limits)

- New Construction
- Acquisition and rehabilitation
- Substantial rehabilitation of existing structure
- Acquisition of long-term affordability covenants on multifamily units
- Preservation of at-risk units whose affordable rent restrictions would otherwise expire over the next five years.

It is important to note that the City's approximate \$1.5million in Housing Asset Funds is not enough to fund affordable housing development on its own. Nor is the \$250,000 annual spending limit on homelessness enough to fund the start-up and operational costs of a shelter.

Therefore, the City is issuing this NOFA and RFP to solicit proposals from experienced developers on how the City's Housing Asset Funds may be leveraged to construct affordable housing by securing other gap financing sources. Additionally, how the Housing Asset funds may also be used by local homeless service providers to subsidize their efforts.

Staff has attached a memo from the City's housing consultants, RSG, which recommends the City reserve at least \$1million in Housing Asset Funds to issue a NOFA for affordable housing development in order to make a meaningful contribution to the total development cost. The NOFA may give preference to projects that provide permanent supportive housing if desired.

**Staff is seeking Council direction on the parameters of the NOFA and RFP:**

- 1. Should the NOFA solicit projects leveraging the City's *total* \$1.5million in Housing Asset Funds for an affordable housing project; or,**
- 2. Should the NOFA solicit projects leveraging \$250,000 per year (or \$500,000 total) towards homeless prevention and rapid rehousing**

**and the remainder (approximate \$500,000) towards an affordable housing project?**

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

**XXI. ADJOURN REGULAR MEETING**

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

**January 16, 2020**

**A special session of the City Council, City of Tulare was held on Thursday, January 16, 2020, at 6:00 p.m., in the Tulare Public Library & Council Chambers, 491 North "M" Street.**

**COUNCIL PRESENT:** Jose Sigala, Dennis A. Mederos, Terry A. Sayre, Carlton Jones, Greg Nunley<sup>6:02 p.m.</sup>

**STAFF PRESENT:** Rob Hunt, Josh McDonnell, Mario Zamora, Wes Hensley, Luis Nevarez, Janice Avila, Michael Miller, Traci Myers, Darlene Thompson, Trisha Whitfield, Craig Miller, Roxanne Yoder

**I. CALL TO ORDER SPECIAL SESSION**

Mayor Sigala called the special session to order at 6:00 p.m.

**II. PLEDGE OF ALLEGIANCE**

Mayor Sigala led the Pledge of Allegiance.

**III. INVOCATION**

An invocation was given by Council Member Sayre.

**IV. CITIZEN COMMENTS**

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

The following audience members addressed the City Council with their concerns and suggestions for addressing homelessness in the community:

Trish Hitlin, Marmie Fidler, Carolyn Wong, Bill Sherman, Ricardo Florez, Sarah Rodriguez, Julian Grijalva, Teresa and Brianne Navarro, Dora Salazar, Ms. Leyvas, Miranda Santos, Ms. Lorenzo, Aaron Talbert, Michelle Smith of the Kings Tulare Homeless Alliance, Samantha Perry, Kenneth Ingle, Emilio Meha, Tim Hall, Chuck Miguel, Nathaniel & Christopher Woomavovah, Barbara Miller, Claire Bernardo, John Harman, Tulare Downtown Association, Daniel Castro and Lino Pimentel



## V. GENERAL BUSINESS

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

- (1) Council discussion and consideration for the formation of a City Council appointed Social Services Commission or Jurisdictional Strategic Action Committee per the County of Tulare's Pathway Home Strategic Plan. In the alternative, discussion and consideration of the formation of a Homeless Working Group consisting of Council members and City staff.**

Council Member Sayre moved to direct staff to draft an item to adopt a resolution to establish a Jurisdictional Strategic Action Committee on Homelessness for the February 4, 2020, City Council agenda. It was seconded by Mayor Sigala and unanimously carried to direct staff as noted.

- a. Application process**
- b. Selection process; and**
- c. Commission/Committee outcomes**

- (2) Council discussion and consideration of funding opportunities.**

Questions related to housing funds were addressed by Community & Economic Development Director Traci Myers through a brief PowerPoint.

Mayor Sigala moved to direct staff to place the NOFA/RFP on the February 4, 2020, City Council Agenda, for consideration as stated by staff on the record. It was seconded by Vice Mayor Mederos and unanimously carried to direct staff as noted.

- a. Federal**
- b. State**
- c. County**
- d. Local**
- e. Private sector**

- (3) Council discussion regarding potential partnerships to assist with homelessness issues.**

Chaz Felix of Tulare County Health and Human Services Agency addressed the Council regarding County/City partnerships.

Adrienne Hillman of Salt & Light addressed the Council regarding issues related to chronically homeless.

Comments by Council.

**(4) Council discussion and consideration of next steps to address Tulare-specific homelessness issues.**

Donna Ortiz, Tulare County Behavioral Health Director and Tim Lutz, Tulare County Health & Human Services Agency Director addressed the Council regarding County's efforts.

Mayor Sigala moved to authorize the City Manager and Public Works Director to place dumpsters in or around homeless encampments around the City for 30 days with weekly pick up. The motion failed for lack of a second.

Michelle Smith addressed the Council regarding homeless that sleep in cars indicating that it is not something they see a lot of.

**a. Immediate – Encampments along railroad, parks, safe harbor parking, waiver of citations, landlord mitigation.**

Comments made by Council. Chief Hensley addressed the clean-up efforts scheduled along the railroad property around March 1, 2020.

**b. Future – Transitional housing, permanent supportive housing with services.**

Further discussion regarding the ability to enforce current laws once transitional temporary housing is available for a percentage of homeless as identified in the Point in Time count.

**VI. ADJOURN SPECIAL SESSION**

Mayor Sigala adjourned the special session at 9:04 p.m.

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

**ATTEST:**

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

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

**January 21, 2020**

**A closed session of the City Council, City of Tulare was held on Tuesday, January 21, 2020, at 5:45 p.m., in the Tulare Public Library & Council Chambers, 491 North "M" Street.**

**COUNCIL PRESENT:** Jose Sigala, Dennis A. Mederos, Terry A. Sayre

**COUNCIL ABSENT:** Carlton Jones, Greg Nunley

**STAFF PRESENT:** Rob Hunt, Josh McDonnell, Megan Dodd, Leonard Herr, Janice Avila, Roxanne Yoder

**I. CALL TO ORDER CLOSED SESSION**

Mayor Sigala called the closed session to order at 5:45 p.m.

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

There were no public comments.

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

Mayor Sigala adjourned to closed session for items as noted by Assistant City Attorney Megan Dodd at 5:46 p.m.

- (a) 54956.9(d)(1) Conference with Legal Counsel – Existing Litigation (1)  
Name of Case: City of Tulare vs. Phillips, Goyette, TCSC #VCU276579

**IV. RECONVENE CLOSED SESSION**

Mayor Sigala reconvened from closed session at 6:21 p.m.

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

Mayor Sigala advised there were no reportable actions.

**VI. ADJOURN CLOSED SESSION**

Mayor Sigala adjourned closed session at 6:21 p.m.

**A study session of the City Council, City of Tulare was held on Tuesday, January 21, 2020, at 6:00 p.m., in the Tulare Public Library & Council Chambers, 491 North "M" Street.**

**COUNCIL PRESENT:** Jose Sigala, Dennis A. Mederos, Terry A. Sayre

**COUNCIL ABSENT:** Carlton Jones, Greg Nunley

**STAFF PRESENT:** Rob Hunt, Josh McDonnell, Megan Dodd, Wes Hensley, Cameron Long, Janice Avila, Michael Miller, Traci Myers, Craig Miller, Darlene Thompson, Trisha Whitfield, Nick Bartsch, Roxanne Yoder

**STUDENTS PRESENT:** Aracelli Espinoza, Amber Munoz, Sebastian Pires

## **VII. CALL TO ORDER STUDY SESSION**

Mayor Sigala called the study session to order at 6:21 p.m.

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

There were no public comments.

## **IX. STUDY SESSION**

- a. Presentation from Willdan Financial Services on updated city-wide users fees and direction to set fees for the upcoming budget year. [Submitted by: D. Thompson]** Finance Director Darlene Thompson provided a brief report and introduction of Tony Thrasher, Project Manager of Willdan Financial Services who provided a PowerPoint presentation for the Council's review and consideration, highlighting objectives, scope of study, fee cost composition and related analysis, if any, for the various City departments.

Questions and comments posed by Council were addressed by Mr. Thrasher.

Staff was directed to post the study online for access to the public, email to the Council for their review and input of which will be provided to City Manager Hunt and Finance Director Thompson in advance of a public hearing to be scheduled in April 2020.

## **X. ADJOURN STUDY SESSION**

Mayor Sigala adjourned the study session at 6:51 p.m.

**A regular session of the City Council, City of Tulare was held on Tuesday, January 21, 2020, at 7:00 p.m., in the Tulare Public Library & Council Chambers, 491 North "M" Street.**

**COUNCIL PRESENT:** Jose Sigala, Dennis A. Mederos, Terry A. Sayre

**COUNCIL ABSENT:** Carlton Jones, Greg Nunley

**STAFF PRESENT:** Rob Hunt, Josh McDonnell, Megan Dodd, Wes Hensley, Luis Nevarez, Janice Avila, Michael Miller, Traci Myers, Darlene Thompson, Trisha Whitfield, Nick Bartsch, Steven Sopp, Mario Anaya, Roxanne Yoder

**STUDENTS PRESENT:** Aracelli Espinoza, Amber Munoz, Sebastian Pires

#### **XI. CALL TO ORDER REGULAR SESSION**

Mayor Sigala called the regular session to order at 7:04 p.m.

#### **XII. PLEDGE OF ALLEGIANCE AND INVOCATION**

Police Chief Hensley led the Pledge of Allegiance and an invocation was given by Council Member Sayre.

#### **XIII. CITIZEN COMMENTS**

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

Donnette Silva-Carter addressed the Council regarding our Sister City in Australia and communication regarding the fires in that region. She further thanked the Council's partnership for the ICSC attendees at upcoming events.

#### **XIV. COMMUNICATIONS**

City Manager Rob Hunt advised Council of a communication from Carlos and Hope Sanchez requesting a drive approach exception.

#### **XV. CONSENT CALENDAR:**

**It was moved by Mayor Sigala, seconded by Council Member Sayre and carried 3 to 0 (Council Members Jones and Nunley absent) that the items on the Consent Calendar be approved as presented with the exception of item 7.**

- (1) **Authorization to read ordinances by title only.**
- (2) **Approve minutes of January 7, 2020 special/regular meeting. [Submitted by: R. Yoder]**
- (3) **Adopt Ordinance 2020-01 amending Title 2, Chapter 2.04 (Parks & Recreation Commission), Section 2.04.020 (Definitions), 2.04.030 (Appointments and Qualifications), 2.04.060 (Forfeiture of Office) and 2.04.070 (General Powers & Duties) of the Tulare Municipal Code. [Submitted by: R. Hunt]**
- (4) **Authorize the City Manager to complete and execute the documents necessary to purchase a portion of property located at the southeast corner of Oaks Street and Prosperity Avenue (APN 170-041-001) in the amount of \$4,800.00 for the use of public right-of-way for Project EN0072 – Oaks Street and Prosperity Avenue Traffic Signal Project, subject only to minor conforming and clarifying changes acceptable to the City Attorney and City Manager. [Submitted by: J. Funk]**
- (5) **Accept a grant of easement for public utility purposes, a grant deed for street rights-of-way on Mooney Boulevard and Bardsley Avenue, and a grant of easement for storm water discharge purposes associated with Jack-In-The-Box, a commercial property being developed by MFT – Bardsley, LLC, and authorize the City Manager or his designee to sign Certificates of Acceptance for the same. [Submitted by: M. Miller]**
- (6) **Authorize the City Manager to complete and execute the documents necessary to purchase property located as a portion of APN: 149-060-029 in the amount of \$85,050 for the use of public right-of-way for Project EN0073 – Cartmill Avenue Improvements project, subject only to minor conforming and clarifying changes acceptable to the City Attorney and City Manager. [Submitted by: N. Bartsch]**

*Due to a lack of a quorum (Council Members Jones and Nunley absent; Vice Mayor Mederos recused due to property ownership in the area) Consent Item 7 will be continued to the next regular meeting.*

- (7) **Authorize the City Manager to complete and execute the documents necessary to purchase property located as a portion of APN: 149-380-031 & 149-390-022 in the amount of \$101,850 for the use of public right-of-way for Project EN0073 – Cartmill Avenue Improvements project, subject only to minor conforming and clarifying changes acceptable to the City Attorney and City Manager. [Submitted by: N. Bartsch]**

## XVI. SCHEDULED CITIZEN OR GROUP PRESENTATIONS

There were no items for this section of the agenda.

## XVII. MAYOR'S REPORT

Mayor Sigala reminded Council that the first meeting in March will be International Women's Month recognition and to submit nominees to the City Clerk by mid Februray.

## XVIII. STUDENT REPORTS

Teens-On-Board City Council representatives Araceli Espinoza, Tulare Western, Jr.; Amber Munoz, Tulare Western Sr. and Sebastian Pires, Tulare Western, Jr.; provided student reports.

## XIX. GENERAL BUSINESS

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

### (1) Public Hearing:

- a. **Public Hearing to adopt Resolution 2020-03 regarding financing plan for Kaweah Delta Health Care District of Tulare County, California, for the proposed issuance of its Revenue Bonds, Series 2020 in an aggregate principal amount not to exceed \$15,000,000, a portion of which may be issued to provide for financing the acquisition and improvement of the Tulare Clinic located at 1000 North Mooney Boulevard, Tulare, California. [Submitted by: T. Myers]** Community & Economic Development Director Traci Myers provided a report for the Council's review and consideration. Mayor Sigala opened the public hearing at 7:25 p.m. Receiving no public comment, he closed the public hearing at 7:25 p.m.

Kaweah Delta Health Care District representatives Melinda Tupper and Marc Mertz addressed the Council regarding the item and related project.

Following questions and comments, it was moved by Vice Mayor Mederos, seconded by Council Member Sayre and carried 3 to 0 (Council Members Jones and Nunley absent) to adopt Resolution 2020-03 as presented.

*[Due to the size of the Mitigated Negative Declaration document, it won't be included in the packet, but provided on the City's website and available in the City Clerk's Office for viewing purposes.]*

- b. Public Hearing to adopt Resolution 2020-04 adopting a Mitigated Negative Declaration prepared for Tentative Subdivision Map 2019-15 (Farrar), General Plan Amendment No. 2019-02, Zone Amendment No. 735 and Conditional Use Permit No. 2019-19 and to adopt Resolution 2020-05 approving General Plan Amendment No. 2019-02 changing the General Plan land use designation on approximately 76.5-acres to Low Density Residential, and pass-to-print Ordinance 2020-02 approving Zone Amendment No. 735, to change the existing zoning designation on approximately 76.5-acres to the R-1-6 (Single Family Residential, 6,000 sq. ft. minimum lot area) and R-1-4 (Small-lot Residential) zoning designation on property located on the west side of Morrison Street between Tulare Avenue and the Seminole Avenue alignment. [Submitted by: T. Myers]** Vice Mayor Dennis Mederos provided a statement regarding his ability to consider the matter without a conflict of interest and therefore will have to recuse himself from discussions. The recusal created a lack of a quorum (Council Members Jones and Nunley absent); therefore, the Public Hearing was continued to Tuesday, February 4, 2020 and notice is preserved.

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

**XXI. ADJOURN REGULAR MEETING**

Mayor Sigala adjourned the regular meeting at 7:39 p.m.

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

**ATTEST:**

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



**ORDINANCE 19-12**

**AN ORDINANCE AMENDING CHAPTER 5.96 OF THE CITY OF TULARE  
MUNICIPAL CODE ALLOWING RECREATIONAL CANNABIS  
BUSINESSES AND ESTABLISHING PERMITTING PROCEDURES AND  
REGULATIONS**

THE CITY COUNCIL OF THE CITY OF TULARE DOES ORDAIN AS FOLLOWS:

**Section 1.** PURPOSE. The provisions of this ordinance are intended to permit and regulate legal cannabis businesses in the City of Tulare.

**Section 2.** CODE ENACTMENT.

Tulare Municipal Code Chapter 5.96 “Marijuana Dispensaries” is hereby revoked in its entirety, and replaced in full with the following:

**Chapter 5.96**

**COMMERCIAL CANNABIS BUSINESSES**

**5.96.010 Purpose**

It is the purpose of this Chapter to allow retail sales, under a Retail License, of recreational and medicinal cannabis from persons or entities that are duly licensed and authorized under state and local law in the City of Tulare.

Manufacturing, cultivation, distribution, or any other activity required to have a State License, is not permitted in any zone within the City.

**5.96.020 Cannabis Permitted Uses and Zoning.**

*Retail sales shall only be allowed in a storefront, in an area zoned C-4 or C-3, but at least 1,000 feet away from each other, at least 600 feet away from any school, and in compliance with all other State and local laws. (See Chapter 10 for zoning designations.) No distinction shall be made between medicinal and recreational sales.*

**5.96.030 Commercial Cannabis Business Minimum Operational Requirements and Restrictions.**

The following operational requirements and restrictions shall apply to all Commercial Cannabis Businesses:

- A. State Law. The Commercial Cannabis Business shall at all times be in compliance with State Law and the implementing regulations, as they may be amended from time to time, as well as

all required State license(s) under State Law, and any other applicable State law. The Operator shall obtain required licenses under State Law prior to opening for business. If the Operator uses the approved Cannabis operations for commercial recreational cannabis, the Operator shall meet or exceed the health and safety requirements of State Law in any operations relating to recreational cannabis.

- B. Register of Employees. The Operator shall maintain a current register of the names of persons required to have Employee Permits. The register shall be available to the City Manager or their designee at all times, and immediately upon request.
- C. Signage. Signage which advertises the business shall be allowed. However, there shall be no signage, markings, text, logos, artwork, etc., on the Premises, or off-site, which in any way evidences that Commercial Cannabis Businesses are occurring on the property. Interior building signage evidencing Commercial Cannabis Business is occurring on the property is permissible provided the signage is not visible outside of the building. Signage must comply with all other City requirements for signage.
- D. Cannabis Consumption. No cannabis shall be smoked, ingested or otherwise consumed on the Premises. Adequate signage of this prohibition shall be displayed throughout the facility.
- E. Alcoholic Beverages. Alcohol for personal consumption shall not be provided, stored, kept, located, sold, dispensed, or used on the Premises.
- F. *Distribution. Distribution of cannabis into City limits to a Cannabis Business shall be conducted according to State law.*
- G. Minors. It shall be unlawful for any Operator to employ any person who is not at least twenty-one (21) years of age, or any older age if set by the State.
- H. Distance separation from schools and residences. Commercial Cannabis Business shall comply with the distance separation requirements from residences and schools as required by State law. In addition, a Cannabis operation shall not be located within six hundred (600) feet from any existing residence, school, or proposed school site as identified in the General Plan. Measurements shall be from property boundary to property boundary. For purposes of this section, school means any public or private school providing instruction in kindergarten or grades 1-12, inclusive, but does not include any private school in which education is primarily conducted in private homes.
- I. Hours of Operation. Commercial cannabis operations shall be allowed to operate between 8:00 am and 8:00 pm. Deliveries to the commercial cannabis business may only take place, and must be completed, during regular business hours.
- J. Building and Related Codes. Commercial cannabis operations shall be subject to the following requirements:

1. The Premises in which the Cannabis business occur shall comply with all applicable local, State and federal laws, rules, and regulations including, but not limited to, building codes and the Americans with Disabilities Act, as certified by the Building Official of the City. The Operator shall obtain all required building permits and comply with all applicable City standards.
2. The Responsible Party shall ensure that the Premises has sufficient electrical load for the storage of Cannabis. The use of generators is prohibited other than for temporary emergency use.
3. Employee training records and safety equipment must be maintained, and all equipment must be compliant with State safety regulations in §§40100 – 41099 and as they may be amended. The Tulare Police Department shall inspect and approve the Premises for use of the products prior to City's issuance of a certificate of occupancy, or otherwise prior to opening for business, to ensure compliance with this requirement.

K. Odor control. Cannabis businesses shall provide a sufficient odor absorbing ventilation and exhaust system so that odor generated inside the facility that is distinctive to its operation is not detected outside the Premises, outside the building housing the Cannabis business, or anywhere on adjacent property or public rights-of-way. As such, Cannabis businesses must install and maintain the following equipment or any other equipment which the City's Building Official determines has the same or better effectiveness, if a smell extends beyond a property line:

1. An exhaust air filtration system with odor control that prevents internal odors and pollen from being emitted externally; or an air system that creates negative air pressure between the cannabis facility's interior and exterior so that the odors generated inside the cannabis facility are not detectable outside the cannabis facility.

L. Secure Building. All commercial cannabis operations shall occur entirely inside of a building that shall be secure, locked, and fully enclosed, with a ceiling, roof or top. The building shall include a burglar alarm monitored by an alarm company or private security company. The building, including all walls, doors, and the roof, shall be of solid construction meeting the minimum building code requirements for industrial structures (including, without limitation, commercial greenhouse structures), and include material strong enough to prevent entry except through an open door. Notwithstanding the foregoing, the roof may be of solid translucent material provided other security measures exist to ensure that the Cannabis Operation cannot be seen, heard or smelled beyond the property line. The precise building construction and material to be used shall be identified and provided to the City prior to construction and provided with the application.

M. Premises Security. The City Council shall set Premises Security requirements by resolution and the Chief of Police shall enforce.

### **5.96.040 Mobile Deliveries & Business License**

Mobile deliveries from a Commercial Cannabis Business with a Regulatory Permit shall be allowed within the City limits. Commercial Cannabis Businesses located outside of City limits and who deliver into the City limits must obtain a City of Tulare Business License and pay all appropriate fees and taxes when due.

*All deliveries shall be conducted in accordance with regulations and standards approved by the Chief of Police.*

### **5.96.050 Regulatory Permit Required**

All Commercial Cannabis Businesses shall be required to have a Regulatory Permit issued by the City of Tulare. The City Council shall set Regulatory Permit requirements by resolution and the Chief of Police shall enforce said regulations.

The total number of Regulatory Permits shall be fixed at five (5), consisting of three (3) recreational (Type 10-A) and two (2) medicinal (Type 10-M only) Permit holders, but subject to amendment by the City Council.

Any Commercial Cannabis Businesses in operation at the time of enactment of this ordinance shall be required to comply with this Chapter in order to sell recreational cannabis.

*Regulatory Permits are granted to, and are held in the name of, the Responsible Party. Regulatory Permits are not transferrable or assignable.*

### **5.96.060 Employee Permit Required**

- A. Every employee or independent contractor working at a Commercial Cannabis Business or involved in transportation/delivery related services for a Cannabis Business shall obtain an Employee Permit. It shall be the duty of the Commercial Cannabis Business to ensure that Employee Permits are obtained from the Tulare Police Department prior to the employee or independent contractor commencing work. Persons who are listed as a Business Owner on a Regulatory Permit shall not be required to obtain an Employee Permit if such person also serves as an employee or contractor. All Responsible Parties, except the Business Owner, shall be required to obtain an Employee Permit.
- B. Each employee and independent contractor shall be required to provide the following information under penalty of perjury, so that the Tulare Police Department can perform a background check:
  - 1. Name, current resident address, and telephone number.
  - 2. Date of birth.

3. Tax identification number.
4. Height, weight, color of eyes, and hair.
5. Photographs for identification purposes.
6. Be fingerprinted by the Police Department.
7. Such other identification and information as deemed necessary by the Chief of Police and pertinent to the Employee Permit.
8. Authorization for the City, its agents and employees to seek verification of the information contained within the application.
9. The name of the Business Owner holding the Regulatory Permit and the Operator for which such person is proposed to work.

#### **5.96.070 Application Fees**

Every new application for a Regulatory Permit, Employee Permit, or renewal shall be accompanied by a nonrefundable fee, as established by resolution of City Council. This fee shall be in addition to any other business license, tax, or permit fee imposed by this Code or other governmental agencies. The fee shall include an amount to cover the costs of fingerprinting, photographing, background checks as well as general ongoing monitoring for compliance and processing of the application.

#### **5.96.080 Investigation and Action on Application.**

- A. Upon the filing of a properly completed application for a regulatory or employee permit and the payment of the fee, the Chief of Police shall conduct an investigation of the application, including a background check of the applicant and all employees and independent contractors. All applicants for a Regulatory Permit and Employee Permit shall be required to submit to a fingerprint-based criminal history records check conducted by the Tulare Police Department.
- B. For Regulatory Permits, after the background checks and investigation are complete, and in no case later than ninety (90) days after receipt of a properly completed application, the City shall issue a recommendation that the City Council approve or deny a Regulatory Permit in accordance with the provisions of this section. The recommendation for approval shall include conditions the City deems reasonable under the circumstances to protect the public health, safety, and welfare of the community. The recommendation shall be forwarded to the City Council for action following any required noticing and public hearings and may be processed concurrently with any other entitlements necessary for the Cannabis Operation.

- C. For Employee Permits, after the background checks and investigation are complete, and in no case later than thirty (30) days after receipt of a properly completed application, the Chief of Police shall either approve or deny an Employee Permit. At the discretion of the Chief of Police, Employee Permits may be conditionally approved pending the background investigation.

**5.96.90 Term of Permits and Renewals.**

- A. Regulatory and employee permits issued under this Chapter shall expire on December 31<sup>st</sup> each year. Applications for renewal shall be made at least forty-five (45) days prior to the expiration date of the permit and shall be accompanied by the nonrefundable fee referenced in this section. When made less than forty-five (45) days before the expiration date, the expiration of the permit will not be stayed. Applications for renewal shall be acted on similar to applications for permits except that the Chief of Police shall renew annual permits for additional one-year periods if the circumstances and information provided with the initial application have not materially changed. Fees, or portions thereof, shall not be adjusted on a pro-rata basis.

**5.96.100 Grounds for Denial of Regulatory Permit.**

The grounds for denial of a Regulatory Permit shall be one or more of the following:

- A. The business or conduct of the business at a particular location is prohibited by any local or State law, statute, rule or regulation.
- B. The Business Owner or Operator has been issued a local or State permit related to Cannabis operations at any other location in California, or another state, and that permit was suspended or revoked, or the Business Owner or Operator has had disciplinary action relating to the permit.
- C. The Business Owner or Operator has knowingly made a false statement of material fact or has knowingly omitted to state a material fact in the application.
- D. Consistent with State Law or other applicable State law, the Business Owner or Operator, or any Responsible Person, has been:
  - 1. Convicted of a serious or violent offense as listed under California Penal Code sections 667.5 and 1192.7(c); or
  - 2. Convicted of any of the offenses listed in Business and Professions Code section 19323; or
  - 3. Convicted of a misdemeanor involving moral turpitude as defined under State law (generally crimes relating to theft and dishonesty) within the five (5) years preceding the date of the application; or

4. Convicted of a felony involving the illegal use, possession, transportation, distribution or similar activities related to controlled substances, as defined in the Federal Controlled Substances Act, unless the individual has received a Certificate of Rehabilitation as defined in the Act; or
5. Has engaged in misconduct related to the qualifications, functions or duties of a permittee, such as lying on an application, falsifying legal documents, or anything that would otherwise ban the permittee from obtaining a State license under State Law.
6. Consistent with State Law or other applicable State law, the Business Owner or Operator has engaged in unlawful, fraudulent, unfair, or deceptive business acts or practices.
7. The Business Owner or Operator is under twenty-one (21) years of age, or any older other age set by the State.
8. The Cannabis Operation does not comply with the zoning ordinance standards of the City of Tulare or the development standards set forth in this Title.
9. The required annual business license fee, annual regulatory fee or revenue raising fee has not been paid.

E. The number of regulatory permits authorized by this Chapter has been reached.

#### **5.96.110 Grounds for Denial of Employee Permit.**

The grounds for denial of an Employee Permit shall be one or more of the following:

- A. The applicant has been issued a local or State permit related to Cannabis production at any other location in California, or another state, and that permit was suspended or revoked, or the applicant has had disciplinary action relating to the permit.
- B. Consistent with State Law or other applicable law, the applicant has been:
  1. Convicted of a serious or violent offense as listed under California Penal Code sections 667.5 and 1 192.7(c); or
  2. Convicted of any of the offenses listed in Business and Professions Code section 19323; or
  3. Convicted of a misdemeanor involving moral turpitude as defined under State law (generally crimes relating to theft and dishonesty) within the five (5) years preceding the date of the application; or

4. Convicted of a felony involving the illegal use, possession, transportation, distribution or similar activities related to controlled substances, as defined in the Federal Controlled Substances Act, unless the individual has received a Certificate of Rehabilitation as defined in State Law; or has engaged in misconduct related to the qualifications, functions or duties of a permittee.
5. Consistent with State Law or other applicable State law, the applicant has engaged in unlawful, fraudulent, unfair, or deceptive business acts or practices.
6. The applicant has committed any act, which, if done by a permittee, would be grounds for suspension or revocation of a permit.
7. An applicant is under twenty-one (21) years of age, or any older age set by the State.

**5.96.120 Notice of Decision and Final Action.**

A. Regulatory Permit. Action on the Regulatory Permit shall be as follows:

1. The Chief of Police shall cause a written notice of his or her recommendation on the issuance or denial of a Regulatory Permit, and the date and time when the City Council will consider action on the Regulatory Permit, to be personally delivered or mailed to the applicant by certified U.S. mail, postage prepaid.
2. Following a public hearing before the City Council, the Council may grant the Regulatory Permit subject to such conditions as it deems reasonable under the circumstances to protect the public health, safety, and welfare of the community, or it may deny the issuance of the Regulatory Permit for any of the grounds specified in this section. The decision of the Council shall be final, subject to judicial review.

B. Employee Permit. Action on the Employee Permit shall be as follows: 1. The Chief of Police shall cause a written notice of his or her determination on the issuance or denial of an Employee Permit to be personally delivered or mailed to the applicant by certified U.S. mail, postage prepaid. The Chief of Police decision on an Employee permit shall be final, subject to judicial review.

**5.96.130 Suspension and Revocation of Regulatory Permit or Employee Permit.**

A. Regulatory Permit. The City Council may suspend or revoke the Regulatory Permit of a Commercial Cannabis Operation when any of the following occur:

1. The Cannabis Operation is conducted in violation of any provision of this section, State Law, or any other applicable State law.
2. The Cannabis Operation is conducted in such a manner as to create a public or private nuisance.



3. A failure to pay the Regulatory Fee or Revenue Raising Fee required by this section.
4. A failure to take reasonable measures to control patron conduct, where applicable, resulting in disturbances, vandalism, or crowd control problems occurring inside of or outside the Premises, traffic control problems, or obstruction of the operation of another business.
5. A failure to comply with the terms and conditions of the Regulatory Permit.
6. Any act which would be considered grounds for denial of the Regulatory Permit in the first instance.

B. Employee Permit. The Chief of Police may suspend or revoke an Employee Permit when the permittee or the employee has committed any one or more of the following acts:

1. Any act which would be considered a ground for denial of the permit in the first instance.
2. Violates any provision of this section, State Law, or any other applicable law relating to the Cannabis Operation.
3. Violates or fails to comply with the terms and conditions of the Employee Permit.

C. Procedures for Revoking Regulatory Permits. For Regulatory Permits, the procedures and timelines for revoking a permit shall be the same as stated in Section 10.116.100 of this code, except that all matters shall be heard by the City Council in the first instance, and there shall be no further appeal following the City Council's decision.

D. Procedures/or Revoking Employee Permits. Prior to suspension or revocation of an Employee Permit, the Chief of Police shall conduct a hearing. Written notice of the time and place of such hearing shall be served upon the permittee at least five (5) calendar days prior to the date set for such hearing. The notice shall contain a brief statement of the grounds to be relied upon for revoking or suspending the permit. Notice may be given either by personal delivery or by certified U.S. mail, postage prepaid. Any permittee aggrieved by the decision of the Chief of Police in suspending or revoking an Employee Permit shall have no appeal rights and the Chief of Police decision shall be final, subject to judicial review as set forth in this section.

E. Immediate Suspension. The Chief of Police may immediately suspend or revoke a Regulatory Permit and an Employee Permit without notice or a hearing, subject to the appeal rights set forth herein, under either of the following circumstances:

1. The Business Owner or Operator is convicted of a public offense in any court for the violation of any law which relates to the Cannabis Operation, or in the case of an

Employee Permit, the employee is convicted of a public offense in any court for the violation of any law which relates to the permit.

2. The Chief of Police determines that immediate suspension is necessary to protect the public health, safety, and welfare of the community. The Chief of Police shall articulate the grounds for the immediate suspension in writing and the suspension shall only be for as long as necessary to address the circumstances which led to the immediate suspension.

#### **5.96.140 Effect of Denial or Revocation.**

When the City Council shall have denied a Regulatory Permit or revoked a Regulatory Permit, or the Chief of Police shall have denied or revoked an Employee Permit, no new application for a Regulatory Permit and no new application for an Employee Permit shall be accepted and no Regulatory Permit or Employee Permit shall be issued to such person or to any corporation in which he or she shall have any beneficial interest for a period of one (1) year after denying or revoking the Regulatory Permit or Employee Permit.

#### **5.96.150 Abandonment.**

In addition to the suspension or revocation of a Regulatory Permit, a Regulatory Permit shall be deemed abandoned if *Cannabis Business* ceases for a period of more than ninety (90) consecutive days. Before restarting operations, a new Regulatory Permit shall be secured. The 90-day period shall be tolled during periods of force majeure, which shall be defined as follows: war; insurrection; strikes; lock-outs; riots; floods; earthquakes; fires; casualties; supernatural causes; acts of the "public enemy"; epidemics; quarantine restrictions; freight embargoes; lack of transportation; unusually severe weather; inability to secure necessary labor, materials or tools; delays of any contractor, subcontractor or supplier; or any other causes beyond the reasonable control of the permittee.

#### **5.96.160 Water Availability.**

As a condition of opening for business, the Premises Owner, Business Owner, Operator, and all Responsible Parties shall be deemed to have acknowledged and agreed to the following if the Cannabis Operation is connected to the City's water system.

The City cannot provide any guarantees that City water will be available for operations. Under circumstance where the City cannot or elects to not provide water, the Cannabis Operation may be required to find alternative sources of water supply. The Premises Owner, Business Owner, and Operator assume all risk associated with water supply to the Site, including all costs associated therewith.

The Premises Owner, Business Owner, Operator, and all Responsible Parties shall hold harmless, release, indemnify, and defend the City, its officers, employees, and agents, from any

liability associated with the curtailment of water because of the foregoing. This release includes any damages to the Premises Owner, Business Owner, Operator, and all Responsible Parties, its employees and contractors, and third parties, and includes the risk of lost revenue, profits and consequential damages.

If the Premises Owner, Business Owner, Operator, or Responsible Party procures their own source of water they must comply with all State and Federal water reporting laws and procedures.

**5.96.170 Other Licenses, Permits, Taxes, Fees, or Charges.**

Except as expressly provided in this Chapter, nothing contained in this Chapter shall be deemed to repeal, amend, be in lieu of, replace or in any way affect any requirements for any permit or license required by, under or by virtue of any provision of any other title or Chapter of this Code or any other ordinance or resolution of the City, nor be deemed to repeal, amend, be in lieu of, replace or in any way affect any tax, fee or other charge imposed, assessed or required by, under or by virtue of any other title or Chapter of this Code or any other ordinance or resolution of the City. Any references made or contained in any other title or Chapter of this Code to any permits, licenses, taxes, fees, or charges, or to any schedule of license fees, shall be deemed to refer to the permits, licenses, taxes, fees or charges, or schedule of license fees, provided for in other titles or Chapters of the Tulare City Code unless otherwise expressly provided.

**5.96.180 Violation Deemed Misdemeanor.**

Any person who violates any provision of this Chapter or who other than by a sworn statement, knowingly or intentionally misrepresents to any officer or employee of the City any material fact herein required to be provided is guilty of a misdemeanor punishable as provided in Section 5.04.610 of this Code. A person who on a sworn statement states as true a material fact that he or she knows to be false is guilty of perjury. **5.96.190 Actions to Collect.**

The amount of any tax, fee, penalty and/or interest imposed pursuant to this Chapter shall be deemed a debt owed to the City. An action may be commenced in the name of the City in any court of competent jurisdiction, for the amount of any delinquent tax, fees, penalties and interest thereon.

**5.96.200 Severability.**

If any provision of this Chapter, or its application to any person or circumstance, is determined by a court of competent jurisdiction to be unlawful, unenforceable or otherwise void, that determination shall have no effect on any other provision of this Chapter or the application of this Chapter to any other person or circumstance and, to that end, the provisions hereof are severable.

**5.96.210 Remedies Cumulative.**

All remedies prescribed under this Chapter shall be cumulative and the use of one or more remedies by the City shall not bar the use of any other remedy for the purpose of enforcing the provisions hereof.

#### **5.96.220 Amendment or Repeal.**

This Chapter may be repealed or amended by ordinance of the Tulare City Council.

#### **5.96.230 Penalties.**

Any entity that fails to pay the fees required by this chapter within fifteen (15) days after the due date shall pay in addition to the taxes a penalty for nonpayment in the sum equal to twenty-five percent (25%) of the total amount due. Additional penalties will be assessed in the following manner: ten percent (10%) shall be added on the first day of each calendar month following the month of the imposition of the twenty-five percent (25%) penalty if the fee remains unpaid – up to a maximum of one hundred percent (100%) of the fee payable on the due date. Receipt of the fee payment by the City shall govern the determination of whether the fee is delinquent. Postmarks will not be accepted as adequate proof of a timely payment.

#### **5.96.240 Definitions**

The following definitions apply to this Chapter:

"Applicant" means a person who is required to file an application for a permit under this section.

"Business Owner" means the owner(s) of the Cannabis Business. For publicly traded companies, owner means the chief executive officer or any person or entity with an aggregate ownership interest of 5% or more. For all other businesses, other than publicly traded companies, an owner is an individual that has an aggregate ownership of interest other than a lien or encumbrance, of 20% or more in the commercial cannabis business.

"Cannabis" means all parts of the plant *Cannabis sativa* Linnaeus, *Cannabis indica*, or *Cannabis ruderalis*, or any other strain or varietal of the genus *Cannabis* that may exist or hereafter be discovered or developed that has psychoactive or medicinal properties, whether growing or not, including the seeds thereof. *"Cannabis" also means 1) cannabis as defined by Section 11018 of the Health and Safety Code as enacted by Chapter 1407 of the Statutes of 1972, and amended by the California Control, Regulate and Tax Adult Use of Cannabis Initiative, 2) industrial hemp as defined by Section 11018.5 of the Health and Safety Code, 3) cannabidiol ("CBD") in any form, and 4) as defined by other applicable State law.*

"Cannabis business" or "cannabis industry" means any business activity in the City relating to cannabis, including but not limited to cultivation (including nurseries), transportation, distribution, manufacture, compounding, conversion, processing, preparation, testing, storage, packaging, delivery and sales (wholesale and/or retail sales) of cannabis or cannabis products, whether or not carried on for gain or profit. A cannabis business does not include any business

whose only relationship to cannabis or cannabis products is the production or sale of cannabis accessories.

“Cannabis cultivation area” means the total aggregate area(s) of cannabis cultivation by a cannabis business as measured around the outermost perimeter of each separate and discrete area of cannabis cultivation at the dripline of the canopy expected at maturity and includes, but is not limited to, the space between plants within the cultivation area, the exterior dimensions of garden beds, garden plots, hoop houses, green houses, and each room or area where cannabis plants are grown, excluding non-production areas, as determined by the City Manager or his or her designee.

"Cannabis product" means any product containing cannabis, including, but not limited to, flowers, buds, oils, tinctures, concentrates, extractions, edibles and those products described in Section 11018.1 of the Health and Safety Code.

"Canopy" means all areas occupied by any portion of a cannabis plant, inclusive of all vertical planes, whether the areas are contiguous or noncontiguous. The plant canopy need not be contained to a single parcel of land in determining the total square footage that will be subject to tax under this Chapter. If mature plants are being cultivated using a shelving system, the surface area of each level shall be included in the total canopy calculation.

“Chief of Police” means the Chief of the Tulare Police Department or his or her designee.

“City” means the City of Tulare, either the entity or its territorial limits, as the context requires.

“City Council” or “Council” means the City Council of the City of Tulare.

"Collector" means the City's Director of Finance or Chief Financial Officer or his or her designee.

"Commercial cannabis cultivation" means cultivation conducted by, for, or as part of a cannabis business. Commercial cannabis cultivation does not include personal medical cannabis cultivation, or cultivation for personal recreational use as authorized under the "Control, Regulate and Tax Adult Use of Marijuana Act" approved by the State's voters on November 8, 2016, for which the individual receives no compensation whatsoever.

“Commercial Cannabis Business” or “Cannabis Business” or “Cannabis Operation” means any commercial cannabis activity allowed under State Law and the implementing regulations, as State Law and the implementing regulations may be amended from time to time, and all uses permitted under any subsequently enacted State law pertaining to the same or similar uses for recreational cannabis.

“Cannabis Operator” means the person or persons responsible for the Commercial Cannabis Business regardless of the type of entity; e.g. partnership, corporation, etc.

“Cannabis production” means the processes associated with the processing, extraction, manufacturing, testing, distribution and transportation of medical and non-medical cannabis products.

"Commercial Cannabis Regulatory Permit" or "Regulatory Permit" means the permit required under this section to have a Cannabis Business.

"Commingling" means the physical aggregation of harvest batches or nonmanufactured cannabis products by a licensee.

"Cultivation" means any activity involving the planting, growing, harvesting, drying, curing, grading, or trimming of cannabis. "Cultivation" also includes nurseries. In addition, and without limiting the foregoing, "cultivation" includes "cultivation" as defined in California Business and Professions Code section 19300.5 and any successor statute, as may be adopted and amended from time to time.

"Delivery" means the commercial transfer of marijuana cannabis or marijuana cannabis products to a customer. "Delivery" also includes the use by a retailer of any technology platform owned and controlled by the retailer, or independently licensed under this division, that enables customers to arrange for or facilitate the commercial transfer by a licensed retailer of marijuana or marijuana products.

"Delivery employee" means an individual employed by a licensed dispensary who delivers cannabis goods from the licensed dispensary premises to a physical address.

"Dispensary" means a facility where cannabis or cannabis products, are offered, either individually or in combination, for retail sale, including an establishment that engages in delivery of cannabis or cannabis products as part of a retail sale. In addition, and without limiting the foregoing, "dispensary" includes "dispensary" as defined in California Business and Professions Code section 19300.5 and any successor statute, as may be adopted or amended from time to time.

"Distributor" means a person engaged in procuring cannabis from a cultivator, and/or procuring cannabis products from a manufacturer, for sale to a licensed commercial cannabis business. In addition, and without limiting the foregoing, "distributor" includes "distributor" as defined in California Business and Professions Code section 19300.5 and any successor statute, as may be adopted or amended from time to time.

"Distribution" means the procurement, sale, and transport of cannabis or cannabis products between licensees.

"Employee" means each and every person engaged in the operation or conduct of any cannabis business, whether as owner, member of the owner's family, partner, associate, agent, manager or solicitor, and each and every other person employed or working in such cannabis business for a wage, salary, commission, barter or any other form of compensation.

"Gross Receipts" means the total amount of revenue a Cannabis Operation received from all sources during its accounting period, without subtracting any costs or expenses.

"Indoor cultivation" means the cultivation of cannabis within a structure using artificial light, at a rate greater than 25 watts per square foot.

"Manufacturer" means a person who conducts the production, preparation, propagation, or compounding of cannabis or cannabis products either directly or indirectly or by extraction methods, or independently by means of chemical synthesis, or by a combination of extraction and chemical synthesis, or that packages or repackages cannabis or cannabis products or labels or re-labels its container. In addition, and without limiting the foregoing, "manufacturer" includes "manufacturer" as defined in California Business and Professions Code section 19300.5 and any successor statute, as may be adopted or amended from time to time.

"Mixed-light cultivation" means the cultivation of cannabis using light deprivation and/or artificial lighting below a rate of 25 watts per square foot."

"Nursery" means a person who produces cannabis clones, immature plants, and/or seeds for wholesale distribution, used specifically for the planting, propagation, and cultivation of cannabis. In addition, and without limiting the foregoing, "nursery" includes "nursery" as defined in California Business and Professions Code section 19300.5 and any successor statute, as may be adopted or amended from time to time.

"Operator" means the Business Owner and any other person designated by the Business Owner as responsible for the day to day Cannabis business operation.

"Personal medical cannabis cultivation" means cultivation, by either a qualified patient who cultivates cannabis exclusively for his or her personal medical use or by a caregiver who cultivates cannabis exclusively for medical use by qualified patients and who is exempt from State licensing requirements under the State Medical Cannabis Regulation and Safety Act.

"Premises" means the designated structure or structures and land specified in the application that is owned, leased, or otherwise held under the control of the applicant or licensee where the commercial cannabis activity will be or is conducted. The premises shall be a contiguous area and shall only be occupied by one licensee.

"Regulatory Permit" means a permit issued by the City of Tulare that is required to be obtained prior to any operation of a Commercial Cannabis Business.

"Responsible Party" shall mean the Business Owner, Operator, manager(s), and any employee having significant control over the cannabis businesses operations.

"Retail License" means a storefront retailer (Type 10) licensee, issued by the California Bureau of Cannabis Control, which sells cannabis goods to customers at its premises or by delivery. A storefront retailer must have a licensed physical location (premises), including address, where commercial cannabis activities are conducted.

"State" means the State of California.

"State Law" means all regulations and laws in the State of California.

"State license," means a State license issued pursuant to California Business & Professions Code Sections 19300, et seq. or other applicable State law.

"Testing means a laboratory, facility, or entity in the State, that offers or performs tests of cannabis or cannabis products and that is both of the following:

- 1) Accredited by an accrediting body that is independent from all other persons involved in commercial marijuana cannabis activity in the State.
- 2) Registered and Licensed by the State Department of Public Health.

“Transport” means the transfer of cannabis or cannabis products from the permitted business location of one licensee to the permitted business location of another licensee, for the purposes of conducting commercial cannabis activity authorized pursuant to this chapter.

**Section 3. CEQA REVIEW.** The City Council hereby finds that this ordinance is not subject to review under the California Environmental Quality Act (CEQA) pursuant to CEQA Guidelines section 15061(b)(3) [there is no possibility the activity in question may have a significant effect on the environment]. In addition to the foregoing general exemption, the City Council further finds that the ordinance is categorically exempt from review under CEQA under the Class 8 categorical exemption [regulatory activity to assure the protection of the environment]. The City Manager is hereby directed to ensure that a *Notice of Exemption* is filed pursuant to CEQA Guidelines section 15062 [14 C.C.R. § 15062].

**Section 4. NO LIABILITY.** The provisions of this ordinance shall not in any way be construed as imposing any duty of care, liability or responsibility for damage to person or property upon the City of Tulare, or any official, employee or agent thereof.

**Section 5. PENDING ACTIONS.** Nothing in this ordinance or in the codes hereby adopted shall be construed to affect any suit or proceeding pending or impending in any court, or any rights acquired, or liability incurred, or any cause or causes of action acquired or existing, under any act or ordinance or code repealed by this ordinance, nor shall any just or legal right or remedy of any character be lost, impaired or affected by this ordinance.

**Section 6. SEVERABILITY.** If any section, subsection, subdivision, paragraph, sentence, clause or phrase of this ordinance, or its application to any person or circumstance, is for any reason held to be invalid or unenforceable, such invalidity or unenforceability shall not affect the validity or enforceability of the remaining sections, subsections, subdivisions, paragraphs, sentences, clauses or phrases of this ordinance, or its application to any other person or circumstance. The City Council of the City of Tulare hereby declares that it would have adopted each section, subsection, subdivision, paragraph, sentence, clause or phrase hereof, irrespective of the fact that any one or more other sections, subsections, subdivisions, paragraphs, sentences, clauses or phrases hereof be declared invalid or unenforceable.

**Section 7. CONSTRUCTION.** The City Council intends this ordinance to supplement, not to duplicate or contradict, applicable state and federal law and this ordinance shall be construed in light of that intent. To the extent the provisions of the Tulare Municipal Code as amended by this ordinance are substantially the same as provisions in the Tulare Municipal Code existing prior to the effectiveness of this ordinance, then those amended provisions shall be construed as continuations of the earlier provisions and not as new enactments.

**Section 8. EFFECTIVE DATE.** The foregoing ordinance shall take effect thirty (30) days from the date of the second reading and passage hereof, on February 26, 2019. Prior to the expiration of fifteen (15) days from the enactment hereof a certified copy of this ordinance shall be posted



in the office of the City Clerk pursuant to Government Code section 36933(c)(1) and a summary shall be published once in the Visalia Times Delta/Tulare Advance-Register a newspaper printed and published in the City of Visalia, State of California, together with the names of the Council members voting for and against the same.

PASSED, ADOPTED AND APPROVED THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 2020

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

ATTEST:

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

**AGENDA ITEM:**

**CITY OF TULARE  
AGENDA ITEM TRANSMITTAL SHEET**

**Submitting Department:** Engineering / Project Management

**For Council Meeting of:** February 4, 2020

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

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**AGENDA ITEM:**

Authorize the City Manager to complete and execute the documents necessary to purchase property located as a portion of APN: 149-380-031 & 149-390-022 in the amount of \$101,850 for the use of public right-of-way for Project EN0073 – Cartmill Avenue Improvements project, subject only to minor conforming and clarifying changes acceptable to the City Attorney and City Manager.

**IS PUBLIC HEARING REQUIRED:**  Yes  No

**BACKGROUND/EXPLANATION:**

Capital Improvement Project EN0073 addresses pavement and utility infrastructure improvements along Cartmill Avenue between the Cartmill Avenue Interchange at Highway 99 and Mooney Boulevard. The project modifies the existing traffic signals at the intersections of Cartmill Avenue and Akers Street along with Cartmill Avenue and Hillman Street to provide additional thru lanes and protected left-turn movements for eastbound and westbound traffic, and will install a new traffic signal at the intersection of Cartmill Avenue and Retherford Street. The project also includes installation of new water, sewer and storm drainage facilities needed to facilitate the development of properties along this segment of Cartmill Avenue, including the northeast and southeast quadrants of the Cartmill Avenue interchange. Finally, the additional paved width and construction of median improvements will provide additional operational capacity and addresses traffic safety concerns. These improvements are also expected to reduce the Fire Department’s response time from Fire Station 63 to the Del Lago area.

At the April 18, 2017 regular City Council Meeting, direction was given to staff commence the design and right-of-way acquisition phases for Project EN0073. At the June 6, 2017 City Council Meeting, a contract for engineering services was awarded to Peters Engineering group to identify the master planned improvements along Cartmill Avenue, create plans, and coordinate the necessary interim street and utility improvements necessary for development to occur in the area adjacent to the Cartmill Interchange. Additionally, facilitation of the right-of-way acquisitions needed for the ultimate improvements of Cartmill Avenue was included in their scope of work for the project. To date, the properties west of De La Vina needed for the portion of the project currently under construction have been acquired. At the May 14, 2019 City Council Meeting, direction was given and a contract amendment was approved for the engineering design and property acquisition needed to extend the project limits east to Mooney Boulevard. There are additional properties affected by these improvements. Peters Engineering Group prepared exhibits and performed appraisals of the portions of property needed for the extension of the project.

The subject property is located on the southwest corner of Cartmill Avenue and Mooney Boulevard. The property owner, Del Lago Development Company, a California limited partnership, has worked diligently with City Staff through the design, appraisal, and acquisition process, and has agreed to sell the additional needed property for the amount of \$101,850, according to the terms previously authorized by the City Council. This property currently encompasses a combination of 0.25 acres of existing right-of-way easement, along with 0.72 acres of property. The property currently does not have any structures or existing improvements.

**STAFF RECOMMENDATION:**

Authorize the City Manager to complete and execute the documents necessary to purchase property located as a portion of APN: 149-380-031 & 149-390-022 in the amount of \$101,850 for the use of public right-of-way for Project EN0073 – Cartmill Avenue Improvements project, subject only to minor conforming and clarifying changes acceptable to the City Attorney and City Manager.

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

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

**FUNDING SOURCE/ACCOUNT NUMBER:**

EN0073-030-0601

**Submitted by:** Nick Bartsch

**Title:** Senior Project Manager

**Date:** January 21, 2020

**City Manager Approval:** \_\_\_\_\_

Cartmill Avenue and Hillman Street Intersection Project  
APN: 149-380-031 (portion of)

Recorded at the Request of and:  
When Recorded Return To:

City of Tulare  
Attn: Steve Bonville  
411 E. Kern Avenue  
Tulare, CA 93724

The undersigned grantor(s) declare(s):  
Documentary transfer tax is \$ None  
R&T Code 11922, Conveyance to  
Government Agency

Exempt from recording fees pursuant  
to Gov't Code § 6103

**GRANT DEED**

For value received

Del Lago Development Company, a California limited partnership

GRANT(s) to the Charter CITY OF TULARE,  
a California municipal corporation of the State of California

All that real property situate in the unincorporated area of the City of Tulare, State of California,  
described as follows:

Legal Description (Exhibit A) and Exhibit Plat (Exhibit B)  
attached hereto and made a part hereof by this reference for Right-of-Way purposes

Dated this \_\_\_\_\_ day of \_\_\_\_\_, 2020,

GRANTOR  
Del Lago Development Company,  
A California limited partnership

By: \_\_\_\_\_

Its: \_\_\_\_\_

\_\_\_\_\_  
(Print name and title)

**ACKNOWLEDGMENTS**

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

STATE OF CALIFORNIA )  
COUNTY OF \_\_\_\_\_ )

On \_\_\_\_\_, 2020 before me, \_\_\_\_\_, Notary Public, personally appeared \_\_\_\_\_, who proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

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

WITNESS my hand and official seal.

Signature: \_\_\_\_\_ (seal)



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Office of the City Clerk

## CERTIFICATE OF ACCEPTANCE

THIS IS TO CERTIFY, that the interest in real property conveyed by the **Grant Deed** dated \_\_\_\_\_, from **Del Lago Development Company, a California limited partnership**, was duly accepted by the City Council of the City of Tulare on **January 21, 2020**, and by the same order of the City Council of the City of Tulare, the City Manager was authorized to execute this Certificate of Acceptance to be recorded with the **Grant Deed**.

CITY OF TULARE

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

ATTEST:

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

PROJECT: City of Tulare – Cartmill Avenue and Hillman Street Intersection Project  
APN # 149-380-031 (portion of)

PURCHASE AND SALE AGREEMENT

This Agreement is made between the Charter City of Tulare, a California municipal corporation of the State of California (“City”), and:

**Del Lago Development Company, a California limited partnership**  
(hereinafter collectively referred to as “Owner”)

for a portion of certain property interests located in the City of Tulare, California for a public project consisting of improvements to Cartmill Avenue and Hillman Street Intersection (“the Project”).

**1. AGREEMENT TO SELL AND PURCHASE**

Owner agrees to sell and convey to City, and City agrees to purchase from Owner, pursuant to the terms and conditions set forth in this Agreement, the following:

**SEE EXHIBITS “A” & “B” ATTACHED**

**2. PURCHASE PRICE**

City shall pay Owner the sum of **One Hundred and One Thousand, Eight Hundred and Fifty Dollars (\$101,850.00)** (“Purchase Price”) for the needed property rights, including all improvements, damages, and severance, if any, as follows:

APN: Portion of 149-380-031

Encumbered Fee Acquisition 0.25 acres	<b>\$1.00 (Nominal Value)</b>
Fee Acquisition 0.72 acres	<b><u>\$101,849.00</u></b>
<b>TOTAL</b>	<b>\$101,850.00</b>

**3. CONDITION OF TITLE**

Owner warrants that:

- A. They are the owners of the property rights to be transferred by this Agreement and are empowered to execute the conveyance documents and this Agreement.
- B. The portion of the parcel needed is not encumbered by any mortgage, deed of trust, or other encumbrance evidencing indebtedness except as may be shown on the Preliminary Title Report - Exhibit C.
- C. The portion of the parcel needed is not encumbered by any lease or rental agreement.

**4. OWNER'S INDEMNIFICATION**

Owner covenants and agrees to indemnify, defend, and hold City harmless from any and all claims, excepting those that arise out of the gross negligence or willful misconduct of City, that third parties may make or assert with respect to the fee title.

**5. DELIVERY OF DOCUMENTS**

The Agreement and the Grant Deed shall be executed and delivered by Owner to City. City shall not be deemed to have accepted delivery of the Grant Deed until such time as the Grant Deed is recorded in the Official Records of the County of Tulare, California.

**6. POSSESSION**

Notwithstanding any other provision in this Agreement, the parties agree that the City will obtain the right of possession and use of the Subject Property described in Exhibit A and B of this Agreement, including, but not limited to, the right to remove and dispose of improvements at the time the Grant Deed is fully executed by Owner and City. The parties further agree that the Purchase Price includes full payment for such possession and use from the date the City provides written notice of its intent to exercise such right. If the City desires to obtain possession and use of the Subject Property, City will provide 30-day written notice to Owner stating the effective date of such right of possession and use of the Subject Property.

**7. NOTIFICATION TO ASSESSOR**

City shall provide the County Assessor with a copy of this Agreement once it is executed and recorded so that the County Assessor may determine whether apportionment and cancellation of any taxes resulting for the sale of the portion of the parcel needed is appropriate.

**8. ENVIRONMENTAL ASSESSMENT PRIOR TO CLOSE OF ESCROW**

Owner agrees that City may wish to perform an environmental assessment of the property. Such an assessment includes what is commonly referred to as a Phase I



analysis, and, if necessary thereafter, a Phase II analysis. A Phase II analysis may require test borings to determine the existence and extent of any toxic substances or hazardous materials on the Property. City shall return the Property to its pre-existing condition if test borings are done and if the City does not purchase the portion of the property used by the City for the test borings.

**9. PURCHASE CONTINGENT ON PROPERTY BEING FREE OF TOXICS**

Owner understands and agrees that City has no obligation to purchase the portion of the parcel if it is determined during an environmental assessment that the required property rights contains toxic and/or hazardous materials, which will require remediation under applicable State and/or federal law.

City will provide to Owner all test results obtained during any environmental assessment.

**10. CITY'S LIABILITY**

City covenants and agrees to defend, indemnify, and hold harmless Owner from liability arising out of construction of the Project, excepting any liability resulting from the gross negligence or willful misconduct of Owner.

Further, City agrees that should damage occur outside of the purchase area, the City will return the surface, to the extent reasonably practicable, to the same condition as existed prior to construction of the Project.

**11. SEVERABILITY**

If any provision in this Agreement is held by a court of competent jurisdiction to be invalid, void, or unenforceable, the remaining provisions shall continue in full force without being impaired.

**12. GOVERNING LAW/VENUE**

This Agreement shall be governed by and construed in accordance with the laws of the State of California. Any legal action concerning this Agreement shall be venued in the Superior Court of Tulare County.

**13. SALE UNDER THREAT OF EMINENT DOMAIN**

City acknowledges that Owner is selling the required property to City for the Project under threat of eminent domain. If a dispute arises based on the terms of this agreement and/or the performance of any duties related to the agreement, the prevailing party shall recover all reasonable costs and attorneys' fees.

**14. HEIRS, SUCCESSORS AND ASSIGNS**

This Agreement shall bind the respective heirs, personal representatives, successors, and assigns of the parties to this Agreement. Any assignments of this Agreement must be approved in writing by both parties.

**15. ENTIRE AGREEMENT**

This Agreement shall be deemed effective on the date this Agreement is executed by the City.

IN WITNESS WHEREOF, the parties have executed this Agreement as set forth below:

**GRANTOR(S):**

**Del Lago Development Company, a  
California limited partnership**

Date: \_\_\_\_\_

\_\_\_\_\_  
By:

\_\_\_\_\_  
Its:

**GRANTEE:**

**The Charter City of Tulare, a California  
municipal corporation of the State of  
California**

Date: \_\_\_\_\_

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

# EXHIBIT 'A'

That portion of Lot 12 of Del Lago Northeast Subdivision recorded in Volume 41 of Maps at page 13, Tulare County Records lying in Northeast Quarter of Section 36, Township 19 South, Range 24 East, Mount Diablo Base and Meridian, according to the official plat thereof described as follows:

BEGINNING at the Northeast Corner of said Lot 12, said Northeast Corner lying on the North Line of said Section 36, a distance of 79.84 feet from the Northeast Corner of said Section 36; thence South  $89^{\circ}36'00''$  West along said North Line, a distance of 731.46 feet to the Northwest Corner of said Lot 12; thence South  $0^{\circ}27'18''$  East along the West Line of said Lot 12, a distance of 57.00 feet; thence North  $89^{\circ}36'00''$  East parallel with the North Line of said Section 36, a distance of 746.70 feet; thence South  $44^{\circ}35'07''$  East, a distance of 13.80 feet to a point on the East Line of said Lot 12, said point lying on a curve concave to the East having a radius of 15000 feet, and from which point a radial line bears South  $89^{\circ}20'24''$  West; thence Northerly along said East Line the following courses:  
along said curve to the right having a radius of 15000 feet, a central angle of  $0^{\circ}06'05''$  and an arc length of 26.25 feet;  
North  $63^{\circ}51'59''$  West, a distance of 27.90 feet;  
North  $0^{\circ}24'00''$  West, a distance of 27.77 feet to the Point of Beginning.

Containing 0.97 acres more or less



September 4, 2019  
Katrina M. Olsen, LS 7058  
McPheeters & Associates  
1486 Tollhouse Rd, Suite 107  
Clovis, CA 93611  
(559) 299-9098  
[www.mcpheeters.com](http://www.mcpheeters.com)

Job No. 119129

# CITY OF TULARE - ENGINEERING

PREPARED BY:  
 MCPHEETERS & ASSOCIATES  
 1486 TOLLHOUSE ROAD, #107  
 CLOVIS, CA 93611  
 (559) 299-9098

## CARTMILL AVENUE

A PORTION OF THE SOUTHEAST QUARTER OF  
 SECTION 25, TOWNSHIP 19 SOUTH, RANGE 24  
 EAST, MOUNT DIABLO BASE AND MERIDIAN.

DATE: 09-04-2019  
 DRAWN BY: KMO  
 PLAT: 119129 PLAT N.pdf



NUM	BEARING	DISTANCE
L1	S45°24'52"E	13.80'
L2	N63°51'59"W	27.90'
L3	N 0°24'00"W	27.77'

NUM	DELTA	ARC	RADIUS
C1	0°06'05"	26.52'	15000.00'

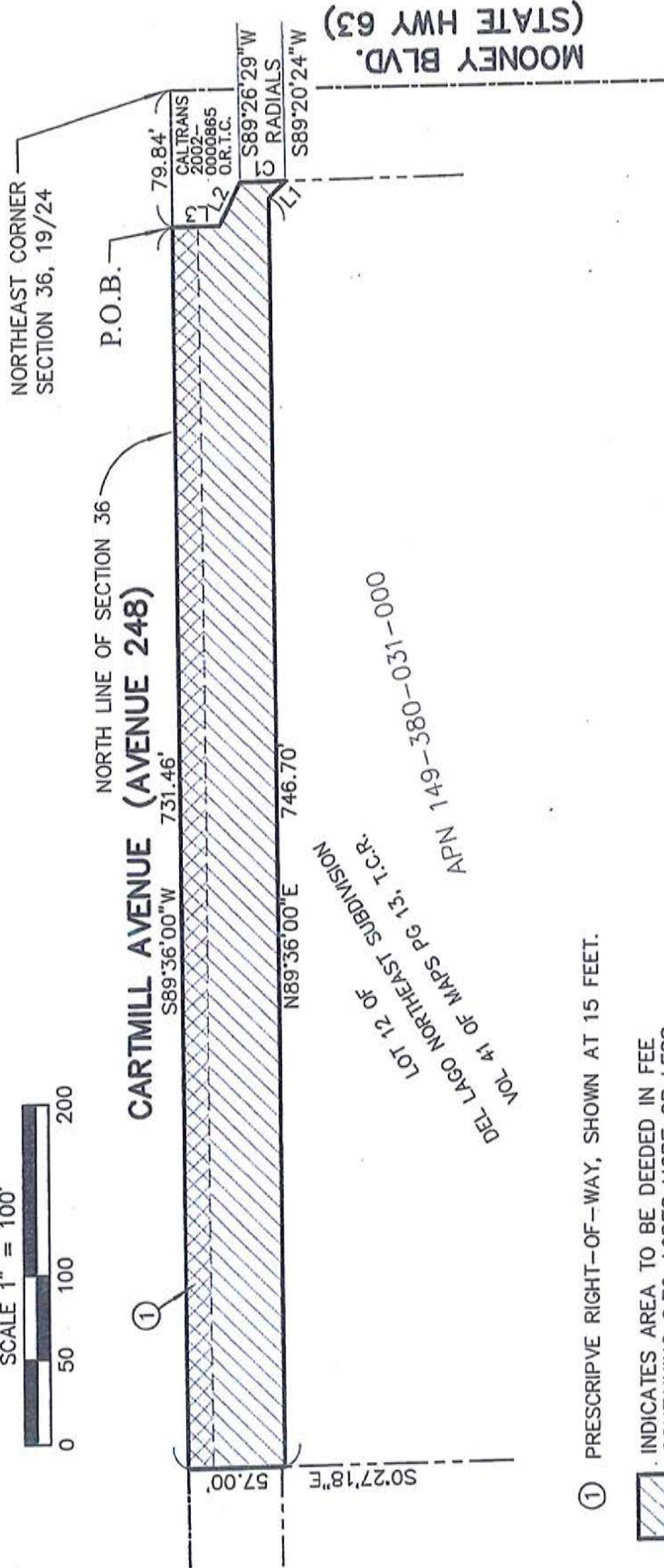


Exhibit B

DEL LAGO NORTHEAST SUBDIVISION  
 LOT 12 OF  
 APN 149-380-031-000

MOONEY BLVD.  
 (STATE HWY 63)

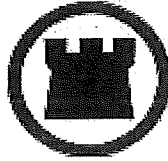
① PRESCRIPVE RIGHT-OF-WAY, SHOWN AT 15 FEET.

INDICATES AREA TO BE DEEDED IN FEE  
 CONTAINING 0.72 ACRES MORE OR LESS.

INDICATES AREA TO BE DEEDED IN FEE WITH  
 EXISTING ROAD EASEMENTS AS REFERENCED  
 CONTAINING 0.25 ACRES MORE OR LESS.



Exhibit C



CHICAGO TITLE COMPANY

PRELIMINARY REPORT

In response to the application for a policy of title insurance referenced herein, **Chicago Title Company** hereby reports that it is prepared to issue, or cause to be issued, as of the date hereof, a policy or policies of title insurance describing the land and the estate or interest therein hereinafter set forth, insuring against loss which may be sustained by reason of any defect, lien or encumbrance not shown or referred to as an exception herein or not excluded from coverage pursuant to the printed Schedules, Conditions and Stipulations or Conditions of said policy forms.

The printed Exceptions and Exclusions from the coverage and Limitations on Covered Risks of said policy or policies are set forth in Attachment One. The policy to be issued may contain an arbitration clause. When the Amount of Insurance is less than that set forth in the arbitration clause, all arbitrable matters shall be arbitrated at the option of either the Company or the Insured as the exclusive remedy of the parties. Limitations on Covered Risks applicable to the CLTA and ALTA Homeowner's Policies of Title Insurance which establish a Deductible Amount and a Maximum Dollar Limit of Liability for certain coverages are also set forth in Attachment One. Copies of the policy forms should be read. They are available from the office which issued this report.

This report (and any supplements or amendments hereto) is issued solely for the purpose of facilitating the issuance of a policy of title insurance and no liability is assumed hereby. If it is desired that liability be assumed prior to the issuance of a policy of title insurance, a Binder or Commitment should be requested.

The policy(ies) of title insurance to be issued hereunder will be policy(ies) of Chicago Title Insurance Company, a Florida corporation.

**Please read the exceptions shown or referred to herein and the exceptions and exclusions set forth in Attachment One of this report carefully. The exceptions and exclusions are meant to provide you with notice of matters which are not covered under the terms of the title insurance policy and should be carefully considered.**

**It is important to note that this preliminary report is not a written representation as to the condition of title and may not list all liens, defects and encumbrances affecting title to the land.**

Chicago Title Insurance Company

By:

\_\_\_\_\_  
President

Attest:

\_\_\_\_\_  
Secretary

Countersigned By:

\_\_\_\_\_  
Authorized Officer or Agent



Visit Us on our Website: [www.ctic.com](http://www.ctic.com)



**ISSUING OFFICE:** 2540 West Shaw Lane, #112, Fresno, CA 93711

**FOR SETTLEMENT INQUIRIES, CONTACT:**

Chicago Title Company  
7330 N. Palm Avenue, Suite 101 • Fresno, CA 93711  
(559)451-3700 • FAX (559)451-8920

***Another Prompt Delivery From Chicago Title Company Title Department  
Where Local Experience And Expertise Make A Difference***

**PRELIMINARY REPORT**

Title Officer: Laura Marquez  
Email: [lm Marquez@fnf.com](mailto:lm Marquez@fnf.com)  
Title No.: FWVI-TO19001036-LM

Escrow Officer: Vikki Shelton  
Email: [sheltonv@ctt.com](mailto:sheltonv@ctt.com)  
Escrow No.: FWFM-4501902779

TO: Peters Engineering Group  
952 Pollasky Avenue  
Clovis, CA 93612  
Attn: Will Washburn

**PROPERTY ADDRESS(ES):** APN: 149-380-031 AND 149-390-022, Tulare, CA

**EFFECTIVE DATE:** June 7, 2019 at 07:30 AM

The form of policy or policies of title insurance contemplated by this report is:

CLTA Standard Coverage Policy 1990 (04-08-14)

1. THE ESTATE OR INTEREST IN THE LAND HEREINAFTER DESCRIBED OR REFERRED TO COVERED BY THIS REPORT IS:

A Fee

2. TITLE TO SAID ESTATE OR INTEREST AT THE DATE HEREOF IS VESTED IN:

Del Lago Development Company, a California limited partnership

3. THE LAND REFERRED TO IN THIS REPORT IS DESCRIBED AS FOLLOWS:

SEE EXHIBIT "A" ATTACHED HERETO AND MADE A PART HEREOF

**EXHIBIT "A"**  
Legal Description

**For APN/Parcel ID(s): 149-380-031 and 149-390-022**

---

THE LAND REFERRED TO HEREIN BELOW IS SITUATED IN THE CITY OF TULARE, COUNTY OF TULARE, STATE OF CALIFORNIA AND IS DESCRIBED AS FOLLOWS:

LOT 12 OF DEL LAGO NORTHEAST SUBDIVISION, RECORDED IN VOLUME 41 OF MAPS, AT PAGE 13 OF TULARE COUNTY RECORDS, LOCATED IN SECTION 36, TOWNSHIP 19 SOUTH, RANGE 24 EAST, MOUNT DIABLO BASE AND MERIDIAN, IN THE CITY OF TULARE, COUNTY OF TULARE, STATE OF CALIFORNIA.

EXCEPTING THEREFROM ALL THAT PORTION AS CONVEYED TO THE STATE OF CALIFORNIA AND PARTICULARLY DESCRIBED IN GRANT DEED RECORDED APRIL 7, 2009 AS DOCUMENT NO. 2009-0020358 OF OFFICIAL RECORDS.

ALSO EXCEPTING THEREFROM ONE-HALF OF ALL OIL, GAS AND OTHER HYDROCARBON SUBSTANCES AND ALL MINERALS, WHETHER METALLIC OR NON-METALLIC, IN, UNDER OR ON SAID LAND OR ANY PART OR PARTS THEREOF, OR WHICH MAY BE PRODUCED, EXTRACTED OR REMOVED THEREFROM, TOGETHER WITH INCIDENTAL RIGHTS, AS EXCEPTED AND RESERVED BY PETRI WINE COMPANY, A CORPORATION, IN DEED DATED MARCH 6, 1950, RECORDED MAY 29, 1950, IN BOOK 1448 PAGE 218 OF OFFICIAL RECORDS, AS DOCUMENT NO. 14964.

**AT THE DATE HEREOF, EXCEPTIONS TO COVERAGE IN ADDITION TO THE PRINTED EXCEPTIONS AND EXCLUSIONS IN SAID POLICY FORM WOULD BE AS FOLLOWS:**

1. Property taxes, which are a lien not yet due and payable, including any assessments collected with taxes to be levied for the fiscal year 2019-2020.
2. Prior to close of escrow, please contact the Tax Collector's Office to confirm all amounts owing, including current fiscal year taxes, supplemental taxes, escaped assessments and any delinquencies.
3. The lien of supplemental or escaped assessments of property taxes, if any, made pursuant to the provisions of Chapter 3.5 (commencing with Section 75) or Part 2, Chapter 3, Articles 3 and 4, respectively, of the Revenue and Taxation Code of the State of California as a result of the transfer of title to the vestee named in Schedule A or as a result of changes in ownership or new construction occurring prior to Date of Policy.
4. The fact that there are poles and pole lines along the North line of said land.
5. Waiver of any claims for damages to said property by reason of the location, construction, landscaping or maintenance of the freeway adjoining said property, as contained in the deed to the State of California, recorded January 4, 2002, Instrument No. 2002-0000865, of Official Records.
6. Recitals as shown on that certain map recorded February 4, 2005, Instrument No. 2005-0013023, Book 41, Page 13, of Maps, which, among other things states:

"Right to Farm".

Reference is made to said map for full particulars.

7. Easement(s) for the purpose(s) shown below and rights incidental thereto as delineated or as offered for dedication, on the map of Del Lago Northeast Subdivision, recorded in Book 41 Page 13 of Maps.

Purpose: Irrevocable Offer for Dedication of Street Right-of-Way in favor of the City of Tulare  
Affects: The Northerly 55 feet of said land

8. Easement(s) for the purpose(s) shown below and rights incidental thereto as granted in a document.

Granted to: The City of Tulare  
Purpose: Public street purposes  
Recorded: June 27, 2007, Instrument No. 2007-0059661, of Official Records  
Affects: A 20 foot strip along a portion of the Southerly boundary of said Lot 12 as more fully described therein and as shown on the map attached thereto

Reference is made to said document for full particulars.



**EXCEPTIONS**  
(continued)

9. Covenants, conditions and restrictions but omitting any covenants or restrictions, if any, including but not limited to those based upon race, color, religion, sex, sexual orientation, familial status, marital status, disability, handicap, national origin, ancestry, source of income, gender, gender identity, gender expression, medical condition or genetic information, as set forth in applicable state or federal laws, except to the extent that said covenant or restriction is permitted by applicable law, as set forth in the document

Recording Date: February 13, 2008  
Recording No.: 2008-0010988 of Official Records

10. Waiver of any claims for damages to said Land by reason of the location, construction, landscaping or maintenance of the street or highway adjoining said Land, as contained in the deed to

County/City/State: Tulare, California  
Name of Street or Highway: Ribolla Avenue and Mooney Boulevard (SR 63)  
Recording Date: April 7, 2009  
Recording No.: 2009-0020358 of Official Records

Affects: a portion of said land

11. Easement(s) for the purpose(s) shown below and rights incidental thereto, as granted in a document:

Granted to: The City of Tulare, a municipal corporation  
Purpose: Public Street, Utilities and Drainage  
Recording Date: May 7, 2009  
Recording No.: 2009-0027937 of Official Records  
Affects: a portion of said land, as more fully described in said document

12. Easement(s) for the purpose(s) shown below and rights incidental thereto, as granted in a document:

Granted to: The City of Tulare, a municipal corporation  
Purpose: Water Line  
Recording Date: April 4, 2019  
Recording No.: 2019-0016669 of Official Records  
Affects: a portion of said land, as more fully described in said document

13. Before issuing its policy of title insurance, the Company will require the following for the below-named limited partnership:

Name: Del Lago Development Company, a California limited partnership

- a. Certificate of Limited Partnership filed with the Secretary of State, in compliance with the provision of the California Revised Limited Partnership Act, Section 15611 et. seq., Corporations Code.
- b. Certified Copy of the Certificate of Limited Partnership certified by the Secretary of State filed with the County Recorder.

The Company reserves the right to add additional items or make further requirements after review of the requested documentation

**EXCEPTIONS**  
(continued)

14. The search did not disclose any open mortgages or deeds of trust of record, therefore the Company reserves the right to require further evidence to confirm that the property is unencumbered, and further reserves the right to make additional requirements or add additional items or exceptions upon receipt of the requested evidence.

**END OF EXCEPTIONS**

## NOTES

- Note 1.** Notice: Please be aware that due to the conflict between federal and state laws concerning the cultivation, distribution, manufacture or sale of marijuana, the Company is not able to close or insure any transaction involving Land that is associated with these activities.
- Note 2.** Pursuant to Government Code Section 27388.1, as amended and effective as of 1-1-2018, a Documentary Transfer Tax (DTT) Affidavit may be required to be completed and submitted with each document when DTT is being paid or when an exemption is being claimed from paying the tax. If a governmental agency is a party to the document, the form will not be required. DTT Affidavits may be available at a Tax Assessor-County Clerk-Recorder.
- Note 3.** Due to the special requirements of SB 50 (California Public Resources Code Section 8560 et seq.), any transaction that includes the conveyance of title by an agency of the United States must be approved in advance by the Company's State Counsel, Regional Counsel, or one of their designees.
- Note 4.** Note: The name(s) of the proposed insured(s) furnished with this application for title insurance is/are:  
 Name(s) furnished: City of Tulare  
 If these name(s) are incorrect, incomplete or misspelled, please notify the Company.
- Note 5.** Note: The charge for a policy of title insurance, when issued through this title order, will be based on the Basic Title Insurance Rate.
- Note 6.** Note: There are NO conveyances affecting said Land recorded within 24 months of the date of this report.
- Note 7.** Note: Property taxes for the fiscal year shown below are PAID. For proration purposes the amounts were:  
 Tax Identification No.: 149-380-031 (Portion of said land)  
 Fiscal Year: 2018-2019  
 1st Installment: \$1,181.77  
 2nd Installment: \$1,181.77  
 Exemption: \$0.00  
 Land: \$199,246.00  
 Improvements: \$0.00  
 Personal Property: \$0.00  
 Code Area: 005-081
- Note 8.** Note: Property taxes for the fiscal year shown below are PAID. For proration purposes the amounts were:  
 Tax Identification No.: 149-390-022 (Portion of said land)  
 Fiscal Year: 2018-2019  
 1st Installment: \$392.55  
 2nd Installment: \$392.55  
 Exemption: \$0.00  
 Land: \$66,189.00  
 Improvements: \$0.00  
 Personal Property: \$0.00  
 Code Area: 005-081

**NOTES**  
(continued)

**Note 9. \*\*\*IMPORTANT RECORDING NOTE\*\*\***

For Kings County, please send all original documents for recording to the following office:

Chicago Title Company  
1460 W. 7th Street, Ste 102  
Hanford, CA 93230  
Attn: Recording Desk  
Phone: (559) 584-3381

For Tulare County, please send all original documents for recording to the following office:

Chicago Title Company  
1750 W. Walnut Ave, Ste A  
Visalia, CA 93277  
Attn: Recording Desk  
Phone: (559) 636-4300

Please direct all other title communication and copies of documents, including recording release instructions, policy write-up instructions, lenders instructions and settlement statements, to the Title Only Department of the issuing office.

PLEASE NOTE: TULARE AND KINGS COUNTIES, THERE IS AN EXTRA CHARGE OF \$14.00 FOR RECORDING SERVICE FEES.

**Note 10.** If a county recorder, title insurance company, escrow company, real estate broker, real estate agent or association provides a copy of a declaration, governing document or deed to any person, California law requires that the document provided shall include a statement regarding any unlawful restrictions. Said statement is to be in at least 14-point bold face type and may be stamped on the first page of any document provided or included as a cover page attached to the requested document. Should a party to this transaction request a copy of any document reported herein that fits this category, the statement is to be included in the manner described.

**Note 11.** Any documents being executed in conjunction with this transaction must be signed in the presence of an authorized Company employee, an authorized employee of an agent, an authorized employee of the insured lender, or by using Bancserv or other approved third-party service. If the above requirements cannot be met, please call the company at the number provided in this report.

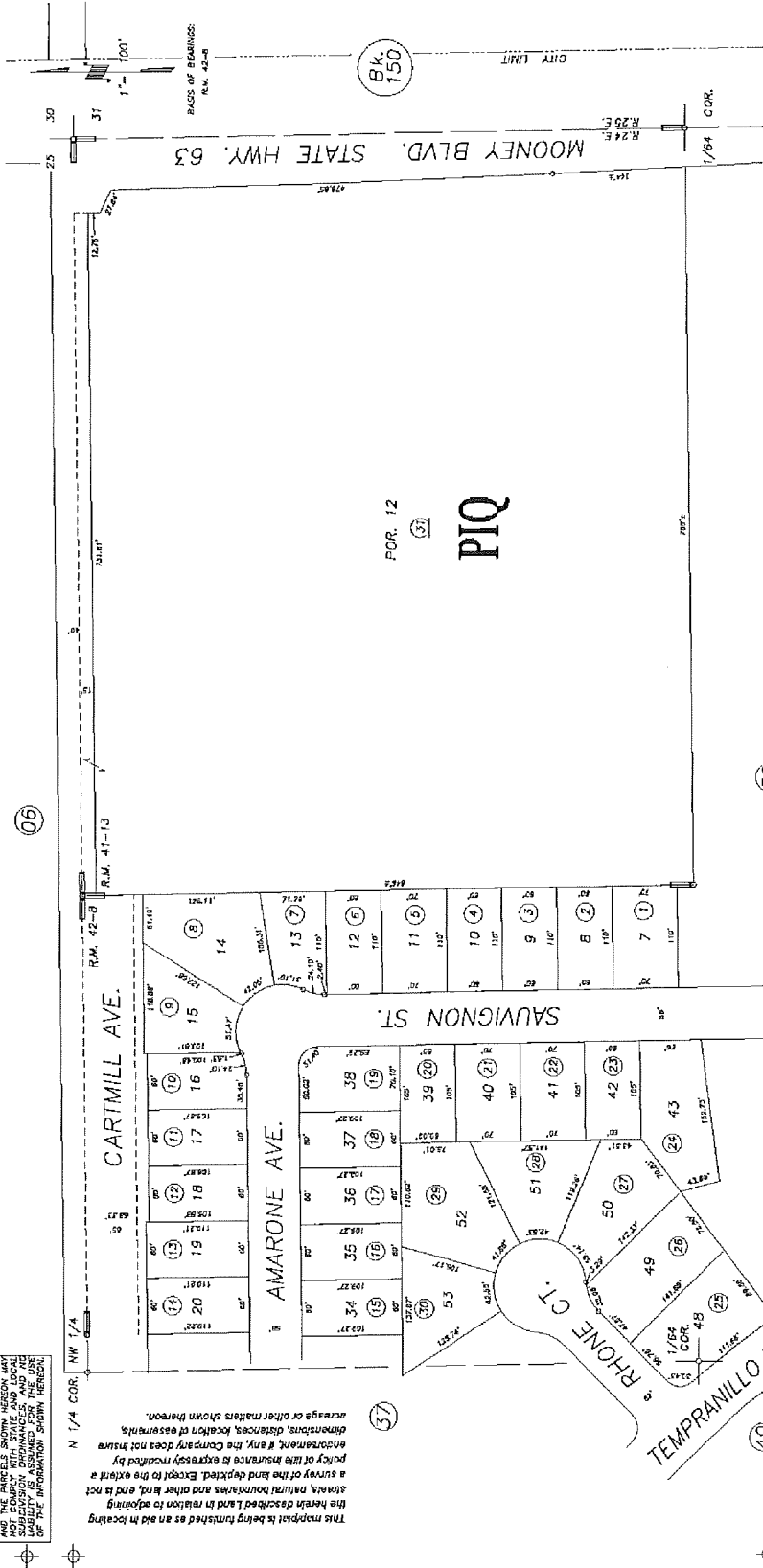
**Note 12.** Your application for title insurance was placed by reference to only a street address or tax identification number. Based on our records, we believe that the legal description in this report covers the parcel(s) of Land that you requested. If the legal description is incorrect, the seller/borrower must notify the Company and/or the settlement company in order to prevent errors and to be certain that the correct parcel(s) of Land will appear on any documents to be recorded in connection with this transaction and on the policy of title insurance.

**END OF NOTES**

N1/2 OF NE1/4 OF NW 1/4 SEC.36, T.19S., R.24E., M.D.B.&M. Tax Area Codes 149-38  
005-081

**DISCLAIMER**  
THIS MAP WAS PREPARED FOR LOCAL PROPERTY ASSESSMENT PURPOSES ONLY AND IS NOT TO BE USED FOR ANY OTHER PURPOSE. THE CITY OF TULARE DOES NOT WARRANT THE ACCURACY OF THIS MAP. THE CITY OF TULARE ASSUMES NO LIABILITY FOR THE USE OF THIS INFORMATION SHOWN HEREON.

This map is being furnished as an aid in locating the herein described land in relation to adjoining streets, natural boundaries and other land, and is not a survey of the land depicted. Except to the extent a policy of the insurer to expressly recited by endorsement, if any, the Company does not insure dimensions, distances, location of easements, acreage or other matters shown thereon.



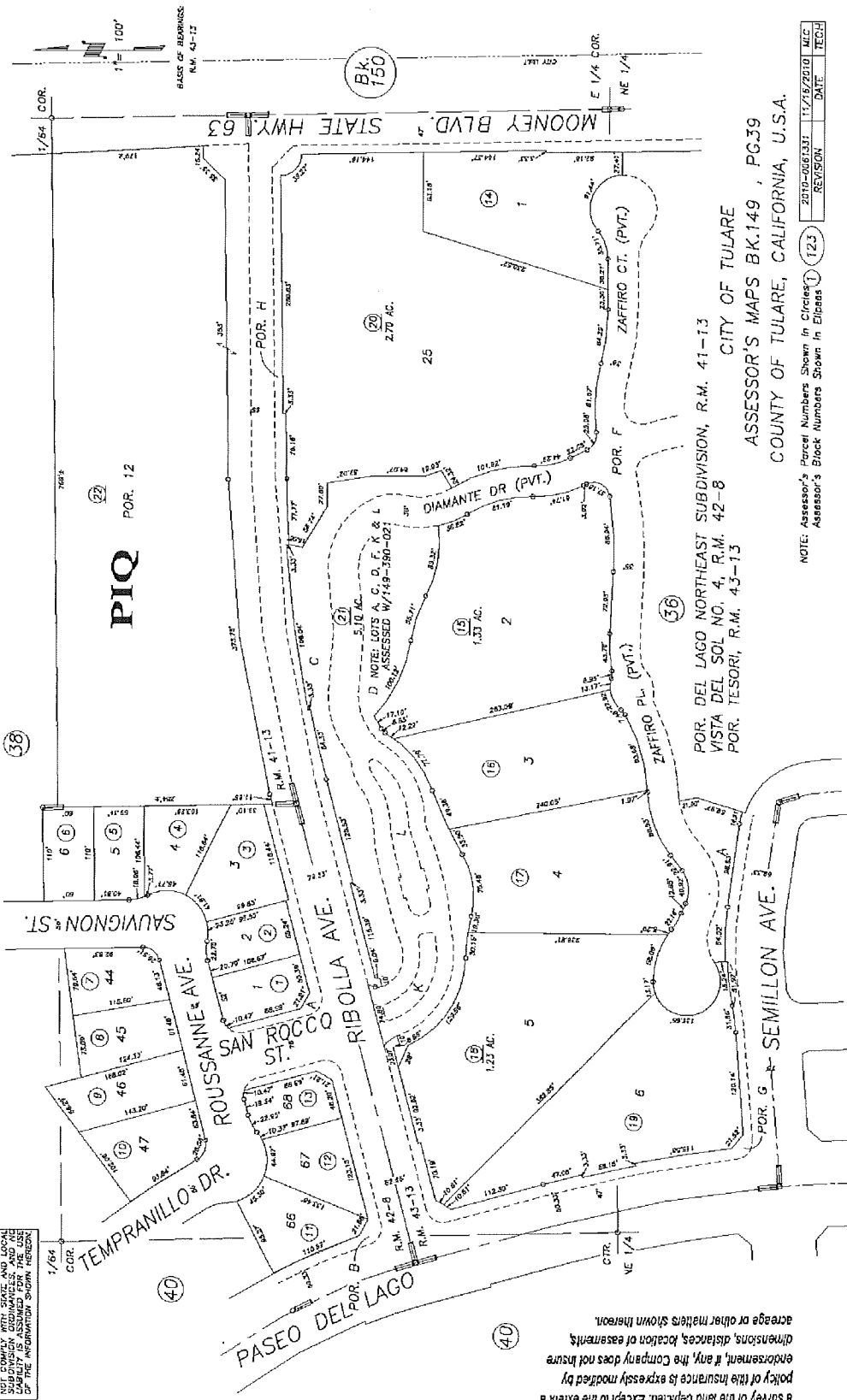
CITY OF TULARE  
ASSESSOR'S MAPS BK.149 , PG.38  
COUNTY OF TULARE, CALIFORNIA, U.S.A.

NOTE: Assessor's Parcel Numbers Shown in Circles (1) 123  
Assessor's Block Numbers Shown in Ellipses (1) 123

POR. DEL LAGO NORTHEAST SUBDIVISION, R.M. 41-13  
POR. VISTA DEL SOL NO. 4, R.M. 42-8

S1/2 OF NE1/4 OF NW1/4 SEC.36, T.19S., R.24E., M.D.B.&M. Tax Area Code 149-39  
 005-081

**DISCLAIMER**  
 THIS MAP IS FOR EACH PARCEL AND IS NOT TO BE USED FOR ANY OTHER PURPOSE. THE PROPERTY ASSESSMENT DISTRICTS, LOCALITY, AND THE PARCELS SHOWN HEREON MAY NOT BE ACCURATE. THE CITY OF TULARE COUNTY OFFICE OF THE ASSESSOR'S OFFICE HAS CONDUCTED VISUAL INSPECTIONS OF THE INFORMATION SHOWN HEREON.



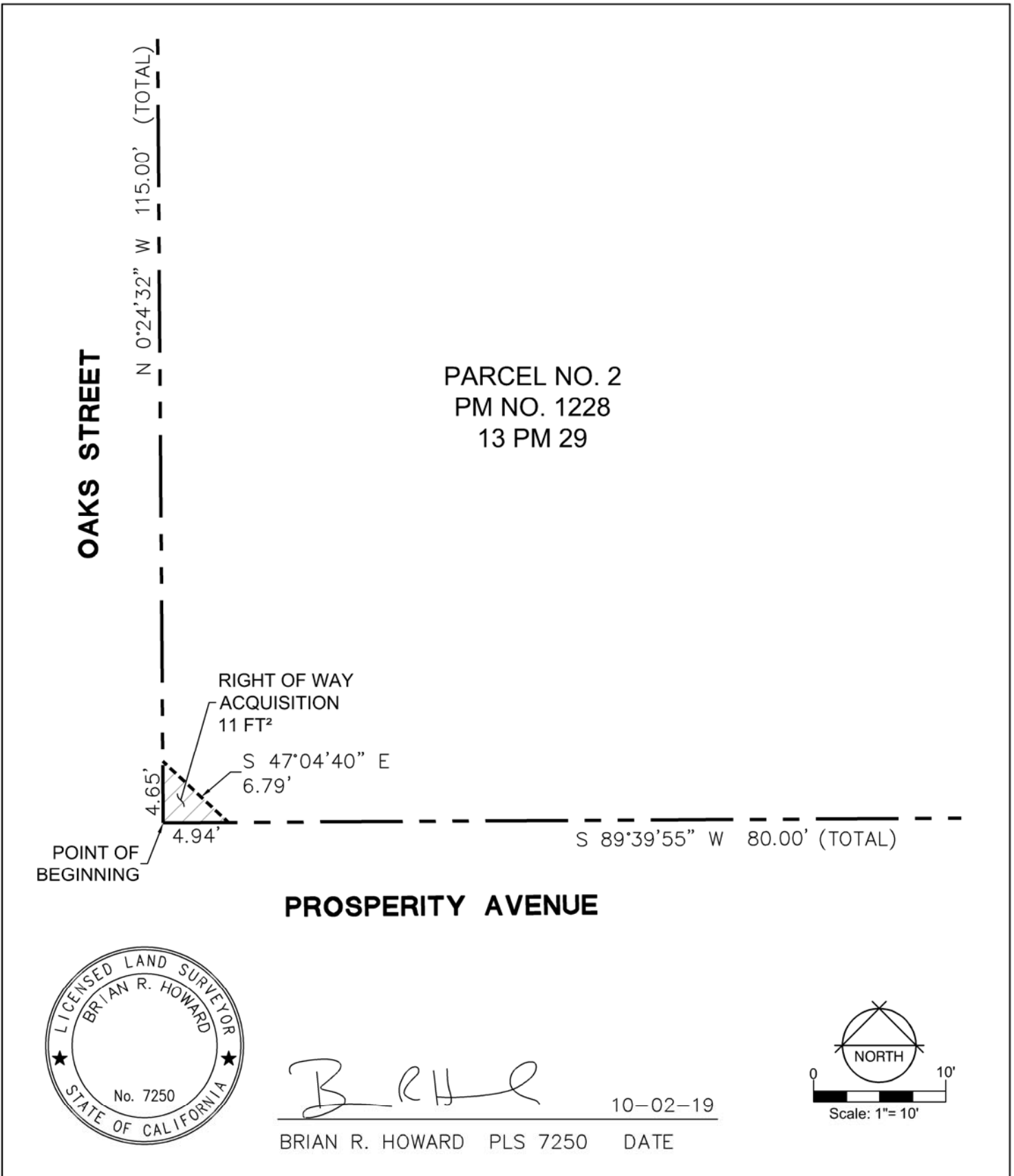
This map is being furnished as an aid in locating streets, natural boundaries and other land, and is not a survey of the land depicted. Except to the extent of endorsement, if any, the Company does not insure dimensions, distances, location of easements or other matters shown thereon.

PIQ POR. 12  
 PIQ POR. 13  
 D. NO. 105, C. O. F. K. & L. SUBDIVISION, R.M. 41-13  
 DIAMANTE DR (PVT.)  
 ZAFFIRO CT. (PVT.)  
 ZAFFIRO PL. (PVT.)  
 POR. DEL LAGO NORTHEAST SUBDIVISION, R.M. 41-13  
 VISTA DEL SOL NO. 4, R.M. 42-8  
 POR. TESORI, R.M. 43-13  
 CITY OF TULARE  
 ASSESSOR'S MAPS BK.149 , PG.39  
 COUNTY OF TULARE, CALIFORNIA, U.S.A.

NOTE: Assessor's Parcel Numbers Shown in Circles (1) (2) (3) (4) (5) (6) (7) (8) (9) (10) (11) (12) (13) (14) (15) (16) (17) (18) (19) (20) (21) (22) (23) (24) (25) (26) (27) (28) (29) (30) (31) (32) (33) (34) (35) (36) (37) (38) (39) (40)

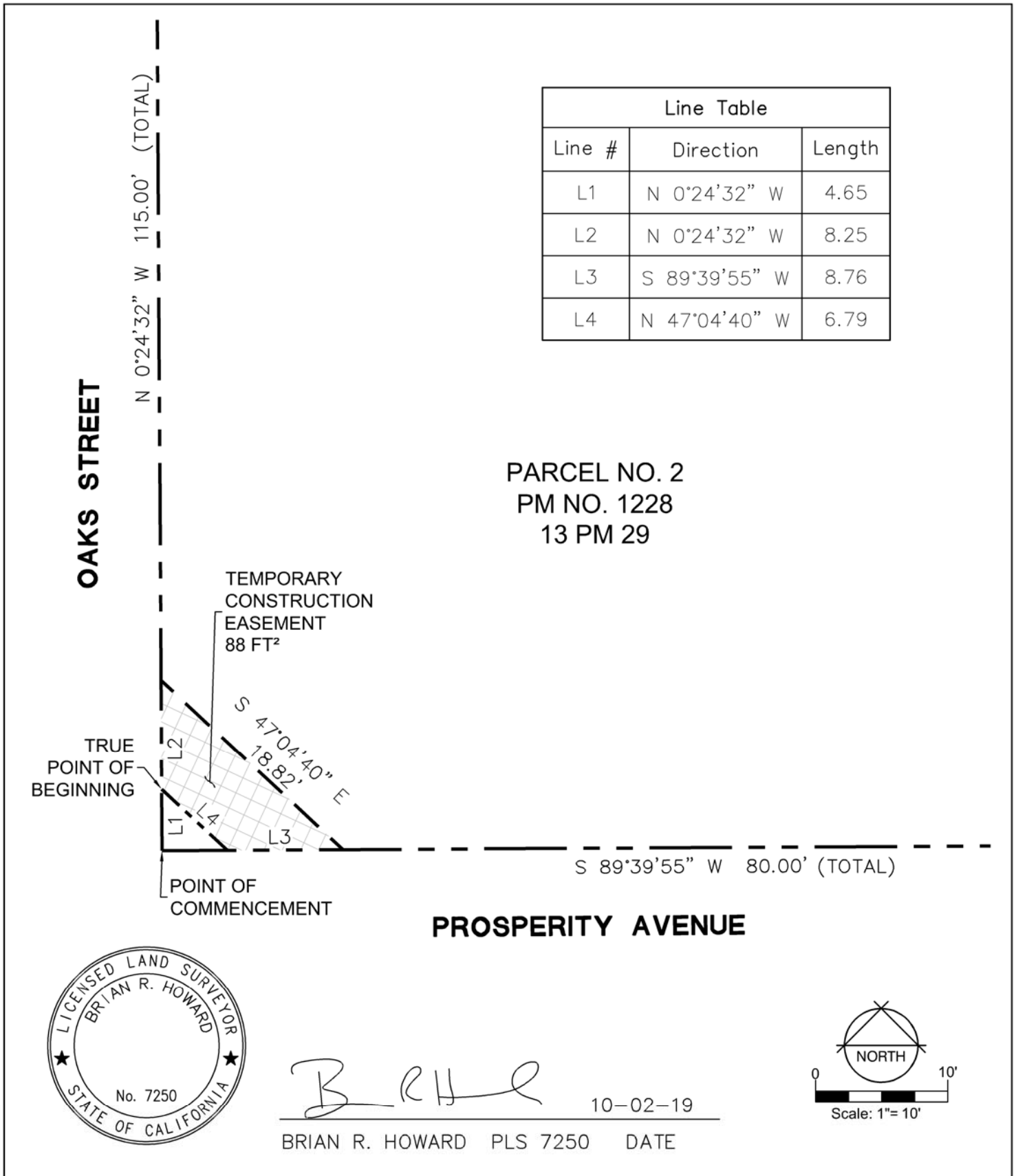
REVISION	DATE	MIC	TECH
2010-06-13	11/15/2010		

# EXHIBIT B



## RIGHT OF WAY ACQUISITION CITY OF TULARE, CALIFORNIA

# EXHIBIT B



**TEMP CONSTRUCTION EASEMENT**

**CITY OF TULARE, CALIFORNIA**

**GHD** 330 Hartnell Avenue, Suite B  
 Redding, CA 96002 USA  
 T 1 530 242 1700 W www.ghd.com

GHD Inc. October 2, 2019  
 1850LG003.dwg



<b>AGENDA ITEM:</b>
---------------------

**CITY OF TULARE  
AGENDA ITEM TRANSMITTAL SHEET**

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

**For Council Meeting of:** February 4, 2020

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

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***AGENDA ITEM:***

Authorize the City Manager to complete and execute the documents necessary to purchase a portion of property located at the northeast corner of Oaks Street and Prosperity Avenue (APN 166-094-021) in the amount of \$2,300.00 for the use of public right-of-way for Project EN0072 – Oaks Street and Prosperity Avenue Traffic Signal Project, subject only to minor conforming and clarifying changes acceptable to the City Attorney and City Manager.

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

***BACKGROUND/EXPLANATION:***

A portion of Capital Improvement Project EN0072 upgrades the intersection of Prosperity Avenue and Oaks Street from an all-way stop to a signalized intersection. For eastbound and westbound traffic on Prosperity Avenue, the project will provide a single thru lane, a dedicated right-turn lane, and a protected left-turn movement. For northbound and southbound traffic on Oaks Street, a single lane will be provided in each direction. The project also includes installation of storm drainage facilities (pipes and drop inlets) to address street runoff in the area of the intersection.

The Prosperity Avenue and Oaks Street traffic signal project impacts two properties - the southeast and northeast corners of the intersection, requiring acquisition of additional property around the corner returns for right-of-way to construct proposed ADA improvements. Additionally, a temporary construction easement is needed at the northeast corner to allow the contractor room to construct improvements related to the intersection signalization.

At the December 3, 2019 City Council meeting's closed session, Council authorized staff (and Universal Field Services – our right-of-way consultant) to proceed with negotiations with the property owners at the two corners. An effort to purchase the portion of the northeast corner was started in 2016, at which time the property owner (Mr. Rivera) agreed to sell the portion necessary for the project. The earlier effort was ultimately terminated in 2017 when Mr. Rivera took exception to the conditions of sale.

Most recently, an offer based on the current appraised value plus compensation for the loss of a mature tree, plus the value of a temporary construction easement (TCE) was presented to Mr. Rivera. Recently, Mr. Rivera accepted the City's offer. An exhibit showing the proposed acquisition with TCE is attached for reference.

Council approved the purchase of the needed right-of-way at the southeast corner from Mr. Jones at its January 21, 2020 meeting.

**STAFF RECOMMENDATION:**

Authorize the City Manager to complete and execute the documents necessary to purchase a portion of property located at the northeast corner of Oaks Street and Prosperity Avenue (APN 166-094-021) in the amount of \$2,300.00 for the use of public right-of-way for Project EN0072 – Oaks Street and Prosperity Avenue Traffic Signal Project, subject only to minor conforming and clarifying changes acceptable to the City Attorney and City Manager.

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

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

**FUNDING SOURCE/ACCOUNT NUMBER:**

EN0072-050-0601

**Submitted by:** James L. Funk

**Title:** Project Manager

**Date:** January 21, 2020

**City Manager Approval:** \_\_\_\_\_

**CITY OF TULARE**  
**SUMMARY TREASURER'S REPORT**  
**SUMMARY OF ALL INVESTMENTS**  
**DECEMBER 31, 2019**

TYPE OF INVESTMENT	BOOK VALUE	MARKET VALUE	CURRENT YIELD	BOOK VALUE % OF TOTAL
UNRESTRICTED INVESTMENTS - SEE PAGE 2	128,223,897	128,169,470	2.030%	90.71%
RESTRICTED INVESTMENTS - SEE PAGE 4	13,128,892	13,128,892	N/A	9.29%
<b>TOTAL INVESTMENTS</b>	<b>141,352,789</b>	<b>141,298,362</b>	<b>N/A</b>	<b>100.00%</b>

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

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

Presented to the City Council on January 22, 2020. Presented to the Board of Public Utility Commissioners on January 22, 2020.

Respectfully submitted, Darlene J. Thompson, CPA, Finance Director/Treasurer Darlene J. Thompson 1-22-2020  
Date

**CITY OF TULARE**  
**SUMMARY TREASURER'S REPORT, CONTINUED**  
**SUMMARY OF UNRESTRICTED INVESTMENTS**  
**DECEMBER 31, 2019**

TYPE OF INVESTMENT	ISSUER OF INVESTMENT	DATES:		INTEREST RATES:		PAR VALUE	BOOK VALUE		UNREALIZED GAIN/(LOSS):		ESTIMATED EARNINGS:		BOOK VALUE % OF U/I ~
		ACQUISITION	MATURITY	STATED	CURRENT YIELD		MARKET VALUE	THIS MONTH	LAST MONTH	ANNUAL	THIS MONTH		
Petty Cash	N/A	N/A	N/A	N/A	None	N/A	6,825	6,825	N/A	N/A	N/A	N/A	0.01%
Checking Account - City	Wells Fargo Bank	N/A	N/A	N/A	None	N/A	6,569,685	6,569,685	N/A	N/A	N/A	N/A	5.12%
			On Demand				Balance per bank is \$7,964,187						
Local Agency Investment Fund (LAIF)	State of California	Various	On Demand	N/A	2.043%	N/A	36,500,000	36,564,616	64,616	71,275	745,695	62,141	28.47%
<b>Sub-Total</b>				N/A	1.729%	N/A	43,076,510	43,141,126	64,616	71,275	745,695	62,141	33.59%
Fixed Income Investments	Various (See page 5-9)			N/A		N/A	Per BNY WTC						
Investments in Safekeeping With BNY Western Trust Company				N/A	1.790%	N/A	77,247,387	77,128,344	(119,043)	(168,444)	1,381,510	115,126	60.24%
Commerical Paper				N/A	6.000%	N/A	7,900,000	7,900,000	0	0	474,000	38,959	6.16%
Investments in Safekeeping With City Clerk				N/A	6.000%	N/A	7,900,000	7,900,000	0	0	474,000	38,959	6.16%
<b>TOTAL UNRESTRICTED INVESTMENTS</b>				N/A	2.030%	N/A	128,223,897	128,169,470	(54,427)	(97,169)	2,601,205	216,226	100.00%

\* LAIF market values are based on the most currently available amortized cost information - December, 2019; ~ U/I = Unrestricted Investments

1.001770298

**CITY OF TULARE**  
**SUMMARY TREASURER'S REPORT, CONTINUED**  
**SUMMARY OF RESTRICTED INVESTMENTS**  
**DECEMBER 31, 2019**

TYPE OF INVESTMENT	ISSUER OF INVESTMENT	ACQUISITION DATE	MATURITY DATE	STATED INTEREST RATE	PAR VALUE	BOOK VALUE	MARKET VALUE	BALANCES	
								AS-OF DATE	DATE
<b>Bond Funds (All are Managed by U.S. Bank Trust Except LAIF):</b>									
2018 Lease Revenue and Refunding Bonds (Account No. 244938000)	U.S. Bank Trust	Various	On Demand	Various Reserve Fund	N/A	1,696,425	1,696,425	1,696,425	12-31-19
2012 Sewer Revenue Refunding Bonds (Account No. 162033000)	U.S. Bank Trust	Various	On Demand	Various Reserve Fund	N/A	77,084	77,084	77,084	12-31-19
U S Bk Mmkt	U.S. Bank Trust	Various	On Demand	Various Reserve Fund	N/A	927,428	927,428	927,428	12-31-19
2013 Sewer Revenue Refunding Bonds (Account No. 203701000)	U.S. Bank Trust	Various	On Demand	Various	N/A	184	184	184	12-31-19
First American Govt Fd	U.S. Bank Trust	08-01-13	11-15-22	2.310%	N/A	2,745,126	2,745,126	2,745,126	12-31-19
Guarantee Invest. Cont.	Bayerische Landesbank					2,745,310	2,745,310	2,745,310	
2015 Sewer Revenue Refunding Bonds (Account No. 2615940000)	U.S. Bank Trust	Various	On Demand	Various Reserve Fund	N/A	195,389	195,389	195,389	12-31-19
First American Govt Fd	U.S. Bank Trust	11-15-15	11-15-25	1.960%	N/A	6,668,140	6,668,140	6,668,140	12-31-19
Investment Repurchase GIC	Bayerische Landesbank					6,863,529	6,863,529	6,863,529	
2016 Sewer Revenue Refunding Bonds (Account No. 260)	U.S. Bank Trust	Various	On Demand	Various	N/A	768,569	768,569	768,569	12-31-19
U S Bk Mmkt	U.S. Bank Trust					35	35	35	12-31-19
2017 Water Revenue Bonds (Account No. 219189000)	U.S. Bank Trust	Various	On Demand	Various	N/A	35	35	35	12-31-19
U S Bk Mmkt	U.S. Bank Trust					35	35	35	

- CONTINUED ON PAGE 4 -

**CITY OF TULARE**  
**SUMMARY TREASURER'S REPORT, CONTINUED**  
**SUMMARY OF RESTRICTED INVESTMENTS**  
**DECEMBER 31, 2019**

TYPE OF INVESTMENT	ISSUER OF INVESTMENT	ACQUISITION DATE	MATURITY DATE	STATED INTEREST RATE	PAR VALUE	BOOK VALUE	MARKET VALUE	BALANCES	
								AS-OF DATE	DATE
<b>Bond Funds (All are Managed by U.S. Bank Trust Except LAIF):</b>									
	2017 Successor Agency Tax Allocation Bonds - Series A & B (Account No. 24534600)	Various	On Demand	Various	N/A	70	70	12-31-19	
	U S Bk Mmkt					70	70		
<b>TOTAL BOND FUNDS</b>						<u>13,078,450</u>	<u>13,078,450</u>		
<b>Restricted Insurance Deposits Managed by Fiscal Agents:</b>									
	Employee Welfare Fund (60)	N/A	N/A	Various	N/A	5,917	5,917	12-31-19	
	Workers' Comp. Fund (61)	N/A	N/A	Various	N/A	0	0	06-30-19	*
	General Insurance Fund (62)	N/A	N/A	Various	N/A	44,525	44,525	06-30-19	*
						<u>50,442</u>	<u>50,442</u>		
									* Adjusted annually.
<b>TOTAL RESTRICTED INVESTMENTS</b>				<b>9.29%</b>		<u>13,128,892</u>	<u>13,128,892</u>		
									<i>Book Value % of Total Investments =</i>

\* NOTE: Reported as information is made available.

**CITY OF TULARE**  
**SUMMARY TREASURER'S REPORT, CONTINUED**  
**FIXED INCOME INVESTMENTS**  
**DECEMBER 31, 2019**

TYPE OF FIXED INCOME INVESTMENT	CUSIP NUMBER	DATES:		INTEREST RATES:		PAR VALUE	BOOK VALUE	UNREALIZED GAIN/(LOSS):	ESTIMATED EARNINGS:
		ACQUISITION		STATED					
		MATURITY	CURRENT YIELD	CURRENT YIELD	THIS MONTH				
<b>U.S. GOVERNMENT AGENCY OBLIGATIONS</b>									
							Per BNY WTC		
Federal Home Ln Bks	3130A8MP5	07-13-16	1.375%	1.375%	1,500,000	1,500,000		(3,195)	20,625
		10-13-20	C	1.380%		1,496,805		(6,180)	1,719
Federal Home Ln Bks	3130A6MH7	10-28-15		1.720%	2,000,000	2,000,000		0	34,400
		10-28-20	C	1.720%		2,000,000		(1,180)	2,867
Federal Nat'l Mortgage Assoc	3136G4AB9	09-30-16		1.500%	1,500,000	1,500,000		(2,865)	22,500
		12-30-20	C	1.500%		1,497,135		(4,140)	1,875
Federal Farm Credit Banks	3133EGMP7	07-19-16		1.440%	1,000,000	999,250		(4,450)	14,400
		01-19-21	C	1.450%		994,800		(5,340)	1,200
Federal Farm Credit Banks	3133EJAW9	01-29-18		2.250%	1,500,000	1,497,825		13,065	33,750
		01-29-21	C	2.230%		1,510,890		13,320	2,813
Federal Farm Credit Banks	3133EGKA2	07-06-16		1.500%	2,500,000	2,500,000		(4,350)	37,500
		07-06-21	C	1.500%		2,495,650		(7,850)	3,125
Federal Nat'l Mortgage Assoc	3136G3A70	07-27-16		1.500%	1,000,000	998,750		(5,020)	15,000
		07-27-21	C	1.510%		993,730		(6,050)	1,250
Federal Nat'l Mortgage Assoc	3136G3G90	07-27-16		1.550%	1,000,000	999,500		(1,320)	15,500
		07-27-21	C	1.550%		998,180		(2,140)	1,292
Federal Nat'l Mortgage Assoc	3136G3C78	07-28-16		1.550%	1,000,000	999,250		(1,810)	15,500
		07-28-21	C	1.550%		997,440		(2,670)	1,292
Federal Nat'l Mortgage Assoc	3136G3130	07-28-16		1.600%	2,000,000	2,000,000		(2,400)	32,000
		07-28-21	C	1.600%		1,997,600		(3,980)	2,667
Federal Nat'l Mortgage Assoc	3136G3R72	07-28-16		1.650%	2,000,000	2,000,000		(480)	33,000
		07-28-21	C	1.650%		1,999,520		(1,980)	2,750
Federal Nat'l Mortgage Assoc	3136G4EF6	10-28-16		1.500%	1,500,000	1,500,000		(3,855)	22,500
		07-28-21	C	1.500%		1,496,145		(5,145)	1,875

- CONTINUED ON PAGE 6 -

**CITY OF TULARE**  
**SUMMARY TREASURER'S REPORT, CONTINUED**  
**FIXED INCOME INVESTMENTS, CONTINUED**  
**DECEMBER 31, 2019**

TYPE OF FIXED INCOME INVESTMENT	CUSIP NUMBER	DATES:		INTEREST RATES:		PAR VALUE	BOOK VALUE	MARKET VALUE	UNREALIZED		ESTIMATED	
		ACQUISITION	MATURITY	STATED	CURRENT YIELD				THIS MONTH	LAST MONTH	ANNUAL	THIS MONTH
<b>U.S. GOVERNMENT AGENCY OBLIGATIONS, CONTINUED</b>												
Federal Home Loan Mtg Corp	3134G94T1	08-24-16	08-24-21	1.509%	1.560%	2,000,000	2,000,000	2,000,000	(9,920)	31,000		
								1,990,080	(11,900)	2,583		
Federal Nat'l Mortgage Assoc	3136G3X26	08-24-16	08-24-21	1.500%	1.500%	1,500,000	1,500,000	1,500,000	(3,705)	22,500		
								1,496,295	(5,025)	1,875		
Federal Home Loan Mtg Corp	3134G9X44	08-25-16	08-25-21	1.625%	1.630%	3,000,000	3,000,000	3,000,000	(7,590)	48,750		
								2,992,410	(10,230)	4,063		
Federal Nat'l Mortgage Assoc	3136G3Y25	08-25-16	08-25-21	1.500%	1.510%	1,500,000	1,500,000	1,500,000	(8,550)	22,500		
								1,491,450	(10,095)	1,875		
Federal Home Loan Mtg Corp	3134GAEF7	09-29-16	09-29-21	1.650%	1.650%	2,000,000	2,000,000	2,000,000	(3,880)	33,000		
								1,996,120	(5,660)	2,750		
Federal Home Ln Bks	3130A9F89	09-30-16	09-30-21	1.625%	1.630%	2,000,000	2,000,000	2,000,000	(1,240)	32,500		
								1,997,960	(2,940)	2,708		
Federal Nat'l Mortgage Assoc	3136G4AH6	09-30-16	09-30-21	1.625%	1.630%	2,000,000	2,000,000	2,000,000	(2,740)	32,500		
								1,997,260	(4,460)	2,708		
Federal Nat'l Mortgage Assoc	3136G4CY7	09-30-16	09-30-21	1.500%	1.510%	1,500,000	1,500,000	1,499,775	(7,650)	22,500		
								1,492,125	(9,210)	1,875		
Federal Home Ln Banks	3130A9GS4	10-12-16	10-12-21	1.700%	1.700%	1,500,000	1,500,000	1,500,000	(1,695)	25,500		
								1,498,305	(3,000)	2,125		
Federal Home Ln Banks	3130A9KH3	10-12-16	10-12-21	1.580%	1.580%	1,500,000	1,500,000	1,500,000	(4,575)	23,700		
								1,495,425	(6,000)	1,975		
Federal Nat'l Mortgage Assoc	3136G4AS2	10-13-16	10-13-21	1.650%	1.650%	2,255,000	2,255,000	2,255,000	(1,533)	37,208		
								2,253,467	(3,450)	3,101		
Federal Nat'l Mortgage Assoc	3136G4ED1	10-25-16	10-25-21	1.550%	1.560%	1,500,000	1,500,000	1,500,000	(5,325)	23,250		
								1,494,675	(6,795)	1,938		

Per BNY WTC

- CONTINUED ON PAGE 7 -



**CITY OF TULARE  
SUMMARY TREASURER'S REPORT, CONTINUED  
FIXED INCOME INVESTMENTS, CONTINUED  
DECEMBER 31, 2019**

TYPE OF FIXED INCOME INVESTMENT	CUSIP NUMBER	DATES:		INTEREST RATES:		PAR VALUE	BOOK VALUE	UNREALIZED GAIN/(LOSS):	ESTIMATED EARNINGS:
		ACQUISITION		STATED					
		MATURITY	CURRENT YIELD	THIS MONTH	ANNUAL				
<b>U.S. GOVERNMENT AGENCY OBLIGATIONS, CONTINUED</b>									
							Per-BNY WTC		
Federal Home Ln Mtg Corp	3134GATC8	11-10-16	1.700%	2,500,000	2,500,000	(2,850)	42,500		
		11-10-21	C 1.700%		2,497,150	(5,100)	3,542		
Federal Home Ln Mtg Corp	3134GAUB8	11-22-16	1.650%	2,000,000	2,000,000	(4,080)	33,000		
		11-22-21	C 1.650%		1,995,920	(5,980)	2,750		
Federal Nat'l Mtg Corp	3136G4GM9	11-23-16	1.600%	2,000,000	2,000,000	(3,720)	32,000		
		11-23-21	C 1.600%		1,996,280	(5,620)	2,667		
Federal Farm Credit Bks	3133EHYQ0	09-14-17	1.950%	1,500,000	1,500,000	30	29,250		
		03-14-22	C 1.950%		1,500,030	15	2,438		
Federal Nat'l Mtg Assoc.	3136G4NQ2	08-23-17	2.000%	1,500,000	1,498,500	1,650	30,000		
		08-23-22	C 2.000%		1,500,150	1,725	2,500		
Federal Farm Credit Bks	3133EHXZ1	09-12-17	2.000%	1,500,000	1,500,000	(6,330)	30,000		
		09-12-22	C 2.010%		1,493,670	0	2,500		
Federal Home Ln Mtg Corp	3134GUPB0	11-14-19	2.020%	1,500,000	1,500,000	0	30,300		
		08-14-23	C 2.020%		1,500,000	0	2,525		
Federal Farm Credit Bks Funding Corp	3133EK5N2	11-06-19	2.020%	1,500,000	1,500,000	(7,140)	30,150		
		11-06-23	C 2.020%		1,492,860	(4,305)	2,513		
Federal Farm Credit Bks	3133EKV94	10-02-19	2.120%	2,000,000	2,000,000	(11,100)	42,400		
		04-02-24	C 2.130%		1,988,900	(6,960)	3,533		
Federal Farm Credit Bks	3133EKN28	10-11-19	2.060%	1,500,000	1,500,000	(10,515)	30,900		
		06-11-24	C 2.070%		1,489,485	(7,290)	2,575		
Federal Home Loan Mtg Corp	3134GTRM7	06-11-19	2.520%	1,500,000	1,500,000	1,710	37,800		
		06-11-24	C 2.520%		1,501,710	2,460	3,150		
Federal Home Loan Bks	3130AQQE8	07-22-19	2.270%	2,000,000	2,000,000	1,860	45,400		
		07-22-24	C 2.270%		2,001,860	2,780	3,783		

- CONTINUED ON PAGE 8 -

**CITY OF TULARE**  
**SUMMARY TREASURER'S REPORT, CONTINUED**  
**FIXED INCOME INVESTMENTS, CONTINUED**  
**DECEMBER 31, 2019**

TYPE OF FIXED INCOME INVESTMENT	CUSIP NUMBER	DATES:		INTEREST RATES:		PAR VALUE	BOOK VALUE MARKET VALUE	UNREALIZED GAIN/(LOSS):		ESTIMATED EARNINGS: ANNUAL THIS MONTH
		ACQUISITION	MATURITY	STATED	CURRENT YIELD			THIS MONTH	LAST MONTH	
<b><u>U.S. GOVERNMENT AGENCY OBLIGATIONS, CONTINUED</u></b>										
Federal Home Loan Mfg Corp	3134GUFX3	10-07-19		2.000%		1,500,000	1,500,000	75		30,000
		10-07-24	C	2.000%			1,500,075	(16,620)		2,500
Federal Farm Credit Bks Funding Corp	3133GEK5L6	11-05-19		2.500%		2,000,000	2,000,000	40		41,800
		11-05-24	C	2.500%			2,000,040	280		3,483
Federal Home Loan Mfg Corp	3134GUPL8	11-08-19		2.050%		2,000,000	2,000,000	500		41,000
		11-08-24	C	2.050%			2,000,500	(2,860)		3,417
Federal Home Loan Mfg Corp	3134GUPK0	11-12-19		2.000%		2,000,000	2,000,000	160		40,000
		11-12-24	C	2.000%			2,000,160	(8,860)		3,333
Federal Home Loan Banks	3130AHMR1	12-02-19		2.100%		2,000,000	2,000,000	80		42,000
		11-27-24	C	2.100%			2,000,080	0		3,500
Federal Home Loan Mfg Corp	3134GUWU0	12-12-19		2.000%		2,000,000	2,000,000	220		40,000
		12-12-24	C	2.000%			2,000,220	0		3,333
Federal Home Loan Banks	3130AHPM9	12-16-19		2.050%		2,000,000	2,000,000	(2,640)		41,000
		12-16-24	C	2.050%			1,997,360	0		3,417
Federal Home Loan Mfg Corp	3134GUYS3	12-23-19		2.020%		2,000,000	2,000,000	(1,900)		40,400
		12-23-24	C	2.020%			1,998,100	0		3,367
Government National Mortgage Association II Pool		01-24-94		8.500%		N/A	337	(10)		27
	36202AHH3	09-20-22		8.210%			327	(9)		2
<b>TOTAL FIXED INCOME INVESTMENTS</b>										
All are in safekeeping with BNY Western Trust Company						N/A	N/A	(119,043)		1,381,510
						1.790%	77,128,344	(168,444)		115,126

CITY OF TULARE  
SUMMARY TREASURER'S REPORT, CONTINUED  
COMMERICAL PAPER  
DECEMBER 31, 2019

INSTITUTION	CUSIP NUMBER	INTEREST RATES:		DATES:		BOOK VALUE	UNREALIZED GAIN/(LOSS)	ESTIMATED EARNING:
		STATED	CURRENT YIELD	ACQUISITION	INVESTED			
Tulare Local Healthcare District		6.000%	6.000%	02/19/2019	02/19/2024	7,900,000	0	474,000
						7,900,000	0	40,258
<b>TOTAL COMMERICAL PAPER</b>		6.000%				<u>7,900,000</u>	<u>0</u>	<u>474,000</u> <u>40,258</u>

Safekeeping with City Clerk's Office



**CITY OF TULARE  
INVESTMENTS BALANCE AND YIELD HISTORY FOR EIGHT MONTHS  
DECEMBER 31, 2019**

**BOOK VALUE  
MARKET VALUE  
DIFFERENCE**

**BALANCES:**

<b>CATEGORY</b>	<b>NOVEMBER 2019</b>	<b>OCTOBER 2019</b>	<b>SEPTEMBER 2019</b>	<b>AUGUST 2019</b>	<b>JULY 2019</b>	<b>JUNE 2019</b>	<b>MAY 2019</b>	<b>APRIL 2019</b>
Total Investments	135,290,877	200,196,836	198,549,496	199,257,600	203,446,076	204,630,982	205,759,445	212,297,188
	<i>135,171,807</i>	<i>200,188,033</i>	<i>198,463,927</i>	<i>199,203,100</i>	<i>202,864,953</i>	<i>204,220,075</i>	<i>205,077,706</i>	<i>210,942,702</i>
	(119,070)	(8,803)	(85,569)	(54,500)	(581,123)	(410,907)	(681,739)	(1,354,486)
Unrestricted Investments	118,073,289	127,377,929	125,294,929	126,660,644	129,776,082	132,423,622	130,835,925	135,620,674
	<i>117,954,219</i>	<i>127,392,178</i>	<i>125,220,886</i>	<i>126,720,815</i>	<i>129,419,971</i>	<i>132,237,727</i>	<i>130,467,398</i>	<i>134,649,059</i>
	(119,070)	14,249	(74,043)	60,171	(356,111)	(185,895)	(368,527)	(971,615)
Restricted Investments	17,217,588	72,818,907	73,254,567	72,596,956	73,669,994	72,207,360	74,923,520	76,676,514
	<i>17,217,588</i>	<i>72,795,855</i>	<i>73,243,041</i>	<i>72,482,195</i>	<i>73,444,982</i>	<i>71,982,348</i>	<i>74,610,308</i>	<i>76,293,643</i>
	0	(23,052)	(11,526)	(114,761)	(225,012)	(225,012)	(313,212)	(382,871)
Local Agency Investment Fund (LAIF)	31,500,000	43,385,698	35,000,000	33,000,000	27,500,000	33,500,000	35,500,000	39,500,000
	<i>31,551,749</i>	<i>43,456,973</i>	<i>35,059,913</i>	<i>33,056,489</i>	<i>27,547,074</i>	<i>33,504,923</i>	<i>35,505,217</i>	<i>39,505,805</i>
	51,749	71,275	59,913	56,489	47,074	4,923	5,217	5,805
Fixed Income Investments (Total)	76,245,149	76,244,862	80,244,874	86,294,100	95,794,112	92,294,124	89,293,610	84,293,623
	<i>76,074,330</i>	<i>76,187,836</i>	<i>80,110,918</i>	<i>86,297,782</i>	<i>95,390,927</i>	<i>92,103,306</i>	<i>88,919,866</i>	<i>83,316,203</i>
	(170,819)	(57,026)	(133,956)	3,682	(403,185)	(190,818)	(373,744)	(977,420)
Commerical Paper	7,900,000	7,650,000	7,050,000	6,550,000	5,800,000	5,800,000	5,800,000	6,450,000
	<i>7,900,000</i>	<i>7,650,000</i>	<i>7,050,000</i>	<i>6,550,000</i>	<i>5,800,000</i>	<i>5,800,000</i>	<i>5,800,000</i>	<i>6,450,000</i>
	0	0	0	0	0	0	0	0

**AVERAGE STATED YIELDS:**

Unrestricted Investments	2.130%	2.215%	2.191%	2.256%	2.281%	2.308%	2.312%	2.238%
Restricted Investments	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A
Local Agency Investment Fund (LAIF)	2.103%	2.190%	2.280%	2.341%	2.379%	2.480%	2.449%	2.445%
Fixed Income Investments (Total)	1.800%	1.850%	1.900%	1.960%	2.030%	2.030%	2.020%	1.990%
Commerical Paper	6.000%	6.000%	6.000%	6.000%	6.000%	6.000%	6.000%	6.000%

**AGENDA ITEM:**

**CITY OF TULARE  
AGENDA ITEM TRANSMITTAL SHEET**

**Submitting Department:** Police Department

**For Council Meeting of:** February 4, 2020

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

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**AGENDA ITEM:**

Accept the Police Department Citizen Complaint Review Board’s annual report for calendar year 2019.

**IS PUBLIC HEARING REQUIRED:**  Yes  No

**BACKGROUND/EXPLANATION:**

On January 18, 1994, the City Council adopted Ordinance No. 1722 establishing a Police Department Citizen Complaint Review Board. The ordinance requires an annual reporting to the City Council.

The Board is charged with the responsibility to review the Police Department’s investigation of citizen complaints and provide an independent review to the Police Chief. The intention is to ensure continued and ongoing public confidence in the Police Department personnel and Police Department operations.

Together, the Police Department and the City Clerk’s office received eleven complaint forms during the year. Attached for your review is the annual report for calendar year 2019.

**STAFF RECOMMENDATION:**

Accept the Police Department Citizen Complaint Review Board’s annual report for calendar year 2019.

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

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

**FUNDING SOURCE/ACCOUNT NUMBER:**

**Submitted by:** Wes Hensley

**Title:** Policy Chief

**Date:** January 15, 2020

**City Manager Approval:** \_\_\_\_\_

## 2019 Citizen Complaint Review Board Annual Report

On January 18, 1994, the Council of the City of Tulare adopted Ordinance No. 0722 establishing a Police Department Citizen Complaint Review Board. The ordinance requires annual reporting to the Council of the City of Tulare.

The purpose of the Citizen Complaint Review Board is to promote the best interest of the City of Tulare and its citizens. The Board is charged with the responsibility to review the Police Department's investigation of citizen complaints and provide an independent review to the Police Chief. The Board is not intended to review disciplinary action, if any, proposed and/or imposed upon police personnel as a result of the investigation of the citizen's complaints. The creation of this Board is intended to ensure continued and ongoing public confidence in the Police Department personnel and Police Department operations. The current Citizen Complaint Review Board Members are as follows:

John Avila	Appointed January 28, 1997
Gene Chavez	Appointed January 16, 2001
Maria Grijalva	Appointed December 16, 2014
Duane Goree	Appointed June 6, 2016
Jesse Salcido	Appointed October 17, 2017
Xavier Avila	Appointed July 24, 2018
Karen Present	Appointed December, 18, 2018

The scope of authority of the Board is to receive citizen complaints alleged police officer misconduct in the form of misuse of force, false arrest, criminal conduct, discrimination, use of racial or ethnic slurs, abuse of authority, extreme discourtesy and/or serious misconduct. The Board shall also review the Police Department investigation of all allegations of police officer misconduct. The entire Board reviews all citizen complaints and determines, by majority approval, which complaints are within the authority of the Board to review. Eleven complaint forms were submitted during the year. The complaints were classified as follows:

Misuse of force	5
False arrest	6
Discrimination	3
Criminal conduct	2
Use of racial/ethnic slurs	2
Abuse of authority	7
Extreme discourtesy	2
Serious misconduct	2
Other (not specified)	6

Note: Of the eleven claims, eight were filed under multiple categories.

Ten of the complaints were found to not be within the Board's scope of authority. One of the complaints exceeded the 60 day time limit to file a complaint.

**AGENDA ITEM:**

**CITY OF TULARE  
AGENDA ITEM TRANSMITTAL SHEET**

**Submitting Department:** Finance

**For Council Meeting of:** February 4, 2020

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

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**AGENDA ITEM:**

Authorize the Mayor to sign the consent letter regarding Tulare Local Healthcare District 2020 General Obligation Refunding Bonds.

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

**BACKGROUND/EXPLANATION:**

Tulare Local Healthcare District is presently in the process of issuing its 2020 General Obligation Refunding Bonds to refund its previously issued Tulare Local Health Care District General Obligation Bonds Election of 2005, Series A, General Obligation Bonds, Election of 2005, Series B-1 and Tulare Local Health Care District General Obligations, Election 2005, Series B-2 (Federally Taxable – Direct Payment Build America Bonds). The District’s efforts in this regard will result in an aggregate debt service savings of approximately \$20,000,000 benefitting the taxpayers living within the District boundaries.

This refunding is not requesting any new debt, but to only refund the existing debt. City’s line of credit will not be affected by this refunding. Our support is necessary for the District to continue their effort to refinance their existing bonds with lower interest rate bonds.

**STAFF RECOMMENDATION:**

Authorize the Mayor to sign the consent letter for the Tulare Local Healthcare District 2020 General Obligation Refunding Bonds.

**CITY ATTORNEY REVIEW:** ☐ Yes £ No £ N/A

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

**Submitted by:** Darlene Thompson      **Title:** Finance Director

**Date:** January 30, 2020      **City Manager Approval:** \_\_\_\_\_





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BARSTOW LLP**  
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January 30, 2020

**VIA E-MAIL AND U.S. MAIL**

Jose Sigala  
Mayor  
City of Tulare  
411 East Kern Avenue  
Tulare, California 93274  
jsigala@tulare.ca.gov

Mario U. Zamora, Esq.  
City Attorney  
Griswold, LaSalle, Cobb, Dowd & Gin LLP  
111 East Seventh Street  
Hanford, California 93230  
zamora@griswoldlasalle.com

**Re: Notice and Request for Consent re District's 2020 General Obligation Refunding Bonds ("Notice and Request")**  
**[Our File No.: 036894-000000]**

Dear Mr. Mayor:

As you know, this firm represents Tulare Local Healthcare District ("District") as Interim General Counsel. As you also are aware, the District entered into a Debtor-in-Possession Credit Agreement ("Credit Agreement") with the City of Tulare (the "City"), as amended, whereby the City agreed to extend a line of credit to the District.

Section 6.3 of the Credit Agreement requires the District to seek the City's written consent prior to incurring or assuming:

... any indebtedness or liabilities resulting from borrowings, loans or advances, whether secured or unsecured, matured or unmatured, liquidated or unliquidated, joint or several, except (a) the liabilities of the Borrower to Lender, (b) obligations relating to the Existing Bonds; (c) any other liabilities of such Borrower existing as of, and disclosed to Lender in writing prior to, the Effective Date, and (d) equipment purchase money debt owed to a lender other than Lender and secured by the purchased equipment, provided the amount of such debt incurred in any fiscal year does not exceed the value of such purchased equipment (as measured separately for each equipment purchase and not in the aggregate) . . . .

The District is presently in the process of issuing its 2020 General Obligation Refunding Bonds (the "Indebtedness"), and refunding its previously issued Tulare Local Health Care District (Tulare County, California) General Obligation Bonds, Election of 2005, Series A (2007), General Obligation Bonds, Election of 2005, Series B-1 (2009) (Tax-Exempt), and Tulare Local Health Care District (Tulare County, California) General Obligation Bonds, Election of 2005, Series B-2 (2009) (Federally Taxable – Direct Payment Build America Bonds).

Jose Sigala  
Mario U. Zamora, Esq.  
January 30, 2020  
Page 2

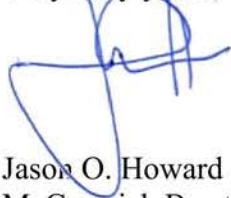
The District's efforts in this regard will result in an aggregate debt service savings of approximately \$20,000,000 benefiting the taxpayers living within the District's boundaries.<sup>1</sup>

In our capacity as Interim General Counsel for the District, we submit on behalf of the District, in accordance with Section 6.3 of the Credit Agreement, this written notice of the District's desire to incur the Indebtedness and its request that the City consent to the District's incurrence of said Indebtedness as required by Section 6.3.

The District hereby acknowledges that should the City execute where indicated below and provide the consent as requested herein, such consent shall apply and be effective and relate solely to the provision of the Credit Agreement noted above with regard only to the incurrence of the Indebtedness by the District, and shall not operate as a waiver of, or preclude the City from, exercising any other right, power or remedy granted to it under the Credit Agreement.

I am available at any time to discuss this Notice and Request.

Very truly yours,



Jason O. Howard  
McCormick Barstow LLP

Acknowledged and Consented to by:

THE CITY OF TULARE, CALIFORNIA,  
an unincorporated City in Tulare County, California

By: \_\_\_\_\_  
\_\_\_\_\_

It's: \_\_\_\_\_

036894-000006 6614553.1

<sup>1</sup> This is only an estimate. The actual sum saved will vary according to the applicable interest rates in effect when these bonds are actually issued.



February 4, 2020

Ms. Cathryn Rivera-Hernandez  
Appointments Secretary  
Governor's Office – Appointments Unit  
State Capitol, Suite 1173  
Sacramento, CA 95814

RE: Paul Van Konynenburg's Reappointment to the California Transportation Commission

Dear Ms. Rivera-Hernandez;

On behalf of the City of Tulare I am writing to urge the immediate reappointment of Paul Van Konynenburg (registered without party preference) to the California Transportation Commission. Since his appointment to the commission by Governor Brown in the Fall of 2017, Paul has been an engaged and conscientious member of the commission. He has quickly won the respect of all the transportation stakeholders in the state as well as his fellow commissioners, who elected him to be Vice Chair of the commission in January of 2019.

Paul operates a Global GAP certified sustainable farm in Modesto that grows almonds, apples, cherries and peaches. It is with this background that, as a Commissioner, he has been a champion for addressing the needs in California's most rural and disadvantaged areas. He has provided a strong voice for equitable transportation investments that comprehensively provide for increased housing production, efficient connections between housing and transportation, environmental and social justice, and mobility and safety for all.

Paul has also earned a reputation as a pragmatic leader, consensus builder and advocate for investments to make safe routes to schools. He is diligent in his oversight responsibilities – making sure that transportation funding is spent wisely. He understands the importance of making long-term investments in highways, rail and transit in ways that will help California achieve the state's 2030 greenhouse gas emissions reduction target and other statewide goals while maintaining the state's economic vitality.

Paul is worthy of the Governor's swift reappointment. Thank you.

Respectfully,

Jose Sigala, Mayor

<b>AGENDA ITEM:</b>
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**CITY OF TULARE  
AGENDA ITEM TRANSMITTAL SHEET**

**Submitting Department:** Community and Economic Development

**For Council Meeting of:** February 4, 2020

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

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***AGENDA ITEM:***

Public Hearing to adopt Resolution 2020-04 adopting a Mitigated Negative Declaration prepared for Tentative Subdivision Map 2019-15 (Farrar), General Plan Amendment No. 2019-02, Zone Amendment No. 735 and Conditional Use Permit No. 2019-19 and to adopt Resolution 2020-05 approving General Plan Amendment No. 2019-02 changing the General Plan land use designation on approximately 76.5-acres to Low Density Residential, and pass-to-print Ordinance 2020-02 approving Zone Amendment No. 735, to change the existing zoning designation on approximately 76.5-acres to the R-1-6 (Single Family Residential, 6,000 sq. ft. minimum lot area) and R-1-4 (Small-lot Residential) zoning designation on property located on the west side of Morrison Street between Tulare Avenue and the Seminole Avenue alignment.

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

***BACKGROUND/EXPLANATION:***

This is a request by Woodside Homes to subdivide approximately 76.5 acres into a 360-lot single-family residential subdivision. The applicant is proposing to change the existing General Plan land use and zoning designations on the project site in order to construct the subdivision as proposed. The proposed project is located on the west side of Morrison Street between Tulare Avenue and the Seminole Avenue alignment.

The existing General Plan designation for the site is Low Density Residential, Residential Estate and Rural Residential within the City of Tulare's adopted 2035 General Plan. The applicant proposes to amend the General Plan land use designation to designate the entire site as Low Density Residential. The City of Tulare's 2035 General Plan density standard for Low Density Residential ranges from 3.1 to 7.0 dwelling units per acre. The proposed Tentative Subdivision Map illustrates a density of approximately 4.70 dwelling units per acre, which is within the required density range for the Low-Density Residential land use designation.

The current zoning designation for the site is RA (Rural Residential), R-1-7 (Single-family Residential, 7,000 sq. ft. minimum lot area), R-1-12.5 (Single-family Residential, 12,500 sq. ft. minimum lot area) and, R-1-20 (Single-family Residential, 20,000 sq. ft. minimum lot area). The applicant proposes to amend the zoning designation to allow for the proposed single-family residential development. The applicant proposes to change

the existing zoning designation to R-1-4 (Small-lot Residential) and R-1-6 (Single-family Residential, 6,000 sq. ft. minimum lot area). The proposed R-1-4 and R-1-6 zone districts are consistent with the existing/proposed Low Density Residential land use designation.

An Initial Study/Mitigated Negative Declaration was prepared for this project for public review pursuant to provisions of the Public Resources Code, State of California, Section 21000 to 21177 of the California Environmental Quality Act (CEQA). The City of Tulare was the lead agency on the preparation of the Initial Study/Mitigated Negative Declaration. A notice of Public Hearing for the project, and the Notice of Intent to Adopt the Mitigated Negative Declaration was published on November 22, 2019. Comments were received during the public comment period for the project from the California Department of Transportation (Caltrans), the Department of Toxic Substances Control, the San Joaquin Valley Air Pollution Control District (SJVAPCD), and five residents who live on the County side of Morrison Street. Caltrans comments centered around required improvements to Caltrans right-of-way along Tulare Avenue and Mooney Blvd. Comments from the Department of Toxic Substances Control focused on the Hazardous Materials section of the IS/MND and responses that were provided. Comments from SJVAPCD related to air district rules and requirements that are standard for the development of a single-family subdivision. Comments from the local residents were in opposition to the project.

During the public review comment period on the CEQA document, the applicant noticed an informational meeting to approximately 150 residents in and around the proposed project site. The meeting was held at Mission Oak High School on December 7, 2019. Out of approximately 150 notices mailed, an estimated 20 residents from both the County and the adjacent Greens Subdivision attended.

The Planning Commission reviewed the proposed project on December 23, 2019. The Commission voted 3-2 to approve the proposed Tentative Subdivision Map and to recommend that the City Council approval of General Plan Amendment No. 2019-02 and Zone Amendment No.735.

**STAFF RECOMMENDATION:**

1. Adopt Resolution 2020-04 adopting the Initial Study/Mitigated Negative Declaration prepared for General Plan Amendment No. 2019-02, Zone Amendment No. 735, Conditional Use Permit No. 2019-19 and the Farrar Tentative Subdivision Map.
2. Adopt Resolution 2020-05 approving General Plan Amendment No. 2019-02 to change the existing General Plan land use designation from Low Density Residential, Residential Estate and Rural Residential to Low Density Residential on approximately 76.5 acres.
3. Pass-to-Print Ordinance 2020-02 approving Zone Amendment No. 735, changing the zoning designation on approximately 76.5 acres from the RA (Rural

Residential), R-1-7 (Single-family Residential, 7,000 sq. ft. minimum lot area), R-1-12.5 (Single-family Residential, 12,500 sq. ft. minimum lot area) and, R-1-20 (Single-family Residential, 20,000 sq. ft. minimum lot area) to the R-1-4 (Small-lot Residential) and R-1-6 (Single-family Residential, 6,000 sq. ft. minimum lot area) zoning designations.

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

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

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

**Submitted by:** Traci Myers

**Title:** Community & Economic  
Development Director

**Date:** January 21, 2020

**City Manager Approval:** \_\_\_\_\_

CITY OF TULARE PLANNING COMMISSION  
STAFF REPORT

Agenda Item No.

December 23, 2019

FARRAR – TENTATIVE SUBDIVISION MAP  
GENERAL PLAN AMENDMENT NO. 2019-02  
ZONE AMENDMENT NO. 735  
CONDITIONAL USE PERMIT NO. 2019-19

**PROJECT PLANNER:** Steven Sopp, Senior Planner

**APPLICANT:** Woodside Homes

**ENGINEER:** Land Design Consulting

**LOCATION:** Property is approximately 76.5 acres located on the west side of Morrison Street between Tulare Avenue and the Seminole Avenue alignment.

**APN:** 172-130-020, 172-090-029, 172-110-002, and 172-070-005

**ZONING CLASSIFICATION:** RA (Rural Residential)  
R-1-7 (Single Family Residential, 7,000 sq. ft. minimum lot area)  
R-1-12.5 (Single Family Residential, 12,500 sq. ft. minimum lot area)  
R-1-20 (Single Family Residential, 20,000 sq. ft. minimum lot area)  
*Project proposes a Zone Change to R-1-4 (Small Lot Residential), and R-1-6 (Single Family Residential, 6,000 sq. ft. minimum lot area).*

**GENERAL PLAN DESIGNATION:** Low Density Residential, Residential Estate, and Rural Residential  
*(Project proposes General Plan Amendment to Low Density Residential)*

**SURROUNDING LAND USES AND ZONING:**

<b>North:</b> Vacant	<b>R-1-6/R-1-20</b>
<b>South:</b> Residential	<b>R-1-7</b>
<b>West:</b> Residential	<b>R-1-7</b>
<b>East:</b> Residential	<b>County</b>

## REQUEST

The following items are requested:

- Farrar Tentative Subdivision Map – A request to establish a 360-lot single family residential subdivision on approximately 76.5 acres.
- General Plan Amendment 2019-02 – request to change the existing land use designation from Low Density Residential, Residential Estate and Rural Residential to Low Density Residential on an approximately 76.5-acre parcel.
- Zone Amendment 735 – request to change the existing zoning designation from RA (Rural Residential), R-1-7 (Single-family Residential, 7,000 sq. ft. minimum lot area), R-1-12.5 (Single-family Residential, 12,500 sq. ft. minimum lot area) and, R-1-20 (Single-family Residential, 20,000 sq. ft. minimum lot area) to the R-1-4 (Small-lot Residential) and R-1-6 (Single-family Residential, 6,000 sq. ft. minimum lot area) zoning designation.
- Conditional Use Permit 2019-19 – the applicant has filed a Conditional Use Permit Application in conformance with Chapter 10.33.030 of the City of Tulare Municipal Code which requires a CUP application must be included when filing for establishment of an R-1-4 zone.

## STAFF RECOMMENDATION:

Staff recommends that the Planning Commission approve the Farrar Tentative Subdivision Map and Conditional Use Permit No. 2019-19 subject to the findings and conditions in Resolution No. 5355. Staff also recommends that the Planning Commission recommend to the City Council approval of General Plan Amendment No. 2019-02 and Zone Amendment No. 735 and recommend approval of the Mitigated Negative Declaration prepared for the Farrar Tentative Subdivision map subject to the findings and conditions in Resolution No. 5354. Staff's recommendation is based on the findings and the project's consistency with the policies and intent of the City's General Plan and Municipal Code.

## RELATED PREVIOUS PROJECTS:

Farrar Tentative Subdivision Map – Request to subdivide approximately 76.5 acres into 139 lots for single family residential development. *Planning Commission approval 01/22/2007.*

Conditional Use Permit No. 2006-20 - Request to provide for phases 1 & 2 of the Farrar Tentative Subdivision Map to be a gated community with private streets and a private park. *Planning Commission approved 01/22/2007.*



Zone Amendment No. 633 – Request to pre-zone subject property from the existing County zoning designation to the RA (Rural Residential), R-1-20 (Single-Family Residential, 20,000 sq. ft. minimum lot area), R-1-12.5 (Single-Family Residential, 12,500 sq. ft. minimum lot area), and R-1-7 (Single-Family Residential, 7,000 sq. ft. minimum lot area). *City Council approval 2/20/2007.*

#### **DETAILS OF THE PROPOSAL:**

This is a request by Woodside Homes to subdivide approximately 76.5 acres into a 360-lot single-family residential subdivision to be zoned R-1-4 (Small-lot Residential) and R-1-6 (Single Family Residential – 6,000 square foot minimum lot area) to be developed in four phases.

The project is proposed on a site consisting of multiple parcels for a total of approximately 76.5-acres (APNs 172-130-020, 172-090-029, 172-110-002, and 172-070-005) located on the west side of Morrison Street between Tulare Avenue and the Seminole Avenue alignment. Entry access to the development will be established through several access points. Two access points will be established off of Morrison Street, one access point each will be established through the extension of Sand Hills Avenue and Muirfield Avenue to the project site.

#### **STAFF COMMENTS:**

##### **General Plan Amendment / Zone Amendment**

The existing General Plan designation for the site is Low Density Residential, Residential Estate and Rural Residential within the City of Tulare adopted 2035 General Plan. The applicant proposes to amend the General Plan land use designation to designate the entire site as Low Density Residential.

The current zoning designation for the site is RA (Rural Residential), R-1-7 (Single-family Residential, 7,000 sq. ft. minimum lot area), R-1-12.5 (Single-family Residential, 12,500 sq. ft. minimum lot area) and, R-1-20 (Single-family Residential, 20,000 sq. ft. minimum lot area). The applicant proposes to amend the zoning designation to allow for the proposed single-family residential development. The Zone Amendment is a request to change the existing zoning designation to R-1-4 (Small-lot Residential) and R-1-6 (Single-family Residential, 6,000 sq. ft. minimum lot area).

The City of Tulare General Plan (2035) density standard for Low Density Residential ranges from 3.1 to 7.0 dwelling units per acre. The proposed Tentative Subdivision Map illustrates a density of approximately 4.71 dwelling units per acre, which is within the required density range for the Low-Density Residential land use designation. The proposed R-1-4 and R-1-6 zone districts are consistent with the existing/proposed Low Density Residential land use designation.

## Tentative Subdivision Map

The proposed Tentative Subdivision Map has been reviewed for consistency with § 8.24 – Subdivision Regulations of the City of Tulare Municipal Code. In addition, staff has determined that the proposed Tentative Subdivision Map is in compliance with the Subdivision Map Act.

The development standards of the R-1-4 and R-1-6 zoning designations will apply to the Tentative Subdivision Map as well as the design standards of the Subdivision Regulations. The minimum lot size for the R-1-4 zoning designation is 3,200 sq. ft. Setbacks are to be consistent with the adopted small lot residential guidelines. The minimum front yard setback can be established at 7-feet. In general, a minimum of 8 feet of separation is required to be provided between buildings as a side yard setback. An additional 2 feet is required for each additional story.

The minimum lot size for the R-1-6 zoning designation is 6,000 square feet. Front yard setbacks are 20-foot minimum and side and rear yard setbacks are five feet, with the exception of corner lots, which have a 10-foot side yard minimum on the street side. The minimum required lot dimensions for each zone are as follows:

<i>District</i>	<i>Interior Lot Width</i>	<i>Corner Lot Width</i>	<i>All Lots Depth</i>
R-1-4	40 feet	40 feet	65 feet
R-1-6	60 feet	70 feet	100 feet

For parcel with an R-1-6 zoning designation, cul-de-sac lots shall have minimum street frontage of 40-feet, and shall have a minimum width as depicted in the table above, at a point along both side property lines, midway between the front and rear property lines.

A 7-foot tall block wall with backing-lot treatment will be required along Tulare Avenue, Morrison Street and the Seminole Avenue boundaries of the proposed development. An assessment district in conformance with the Landscaping and Lighting Act of 1972 would be required to be formed to provide funding for the maintenance and servicing of landscaping improvements, sidewalks, and fences/block walls within common lot areas (including areas of backing lot treatment), and for street maintenance on local streets within the project boundaries.

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

The water distribution system within the project site would be provided and maintained by the City. Existing water and sewer mains are located within Sandhills Avenue on the west side of the proposed development. The proposed development will provide connections to the existing water and sewer lines. Storm water collection from the

subdivision will be provided on-site. Temporary storm water basins will be provided within each phase of the project and move northward with each succeeding phase. At full build out of the subdivision an existing basin located adjacent to the northwest corner of the project site will be enlarged and all storm water will be directed to this permanent facility. The applicant will be responsible for the construction of storm drain facilities subject to the approval of the City of Tulare Engineering Division.

The Site Plan Review Committee consisting of representatives from Public Works, Engineering, Planning, Community Services, Fire and Solid Waste reviewed this project with the applicant several times with the most recent site plan committee review occurring on November 21, 2018.

As part of the analysis of the impacts of the project, a Traffic Impact Study (TIS) was completed by JLB Traffic Engineering and reviewed by City staff. The purpose of the TIS was to evaluate the potential onsite and offsite traffic impacts of the proposed project and identify potential mitigation measures and to identify any critical traffic issues that should be addressed in the ongoing planning process. As a result of the TIS mitigation measures were identified and have been included within the Mitigation Monitoring and Reporting program required for the project within the Initial Study/Mitigated Negative Declaration prepared for the project.

#### **ENVIRONMENTAL:**

A Mitigated Negative Declaration was prepared for this project for public review pursuant to provisions of the Public Resources Code, State of California, Section 21000 to 21177 of the California Environmental Quality Act (CEQA). The City of Tulare was the lead agency on the preparation of the Mitigated Negative Declaration. A notice of Public Hearing for Zone Amendment 735, General Plan Amendment No. 2019-02, Farrar Tentative Subdivision Map and the Notice of Intent to Adopt the Mitigated Negative Declaration was published on November 22, 2019.

Three comment letters were received during the public review period for the Initial Study/ Mitigated Negative Declaration (IS/MND). Comments were received from the California Department of Transportation (Caltrans), the Department of Toxic Substances Control and a resident who lives on the County side of Morrison Street. Caltrans comments centered around required improvements to Caltrans right-of-way along Tulare Avenue and Mooney Blvd. Comments from the Department of Toxic Substances Control focused on the Hazardous Materials section of the IS/MND and responses that were provided. Comments from the local resident were in opposition to the project.

Staff has prepared responses for each of the comment letters received and have provided them to each of the commenting parties. Staff's responses have been incorporated into the final IS/MND attached. Each of the comment letters have also been included within appendix C of the IS/MND.

On July 2, 2019, pursuant to Public Resources Code Section 21080.3.1, a request for review to determine if formal consultation is appropriate was sent to tribes that were

identified by the Native American Heritage Commission. No requests for tribal consultation were received from the notified tribes in response.

**FINDINGS:**

Staff recommends that the Planning Commission make the following findings with regards to Farrar Tentative Subdivision Map:

**Environmental:**

- 1) That a Mitigated Negative Declaration has been prepared in accordance with the California Environmental Quality Act.
- 2) That the Planning Commission has considered the proposed Mitigated Negative Declaration and finds that there is no substantial evidence that the project will have a significant effect on the environment with the incorporation of the proposed mitigation measures.
- 3) The Planning Commission finds that the proposed Mitigated Negative Declaration reflects the independent judgment of the lead agency.

**Tentative Subdivision Map:**

- 1) That the proposed subdivision map is consistent with applicable Tulare General Plan.
- 2) That the design or improvements of the proposed subdivision are consistent with the Tulare General Plan.
- 3) That the site is physically suitable for the type of development proposed.
- 4) That the site is physically suitable for the density of the development.
- 5) That the design of the subdivision or the type of improvements are not likely to cause substantial environmental damage or substantial and avoidable injury to fish or wildlife or their habitat.
- 6) That the design of the subdivision or the type of improvements will not conflict with easements, acquired by the public at large, for access through or use of property within the proposed subdivision.
- 7) That a Mitigated Negative Declaration was prepared pursuant to the California Environmental Quality Act of 1970 and State CEQA Guidelines.
- 8) That the proposed subdivision map is consistent with the Tulare City Municipal Code.

**General Plan Amendment No. 2019-02:**

- 1) That the proposed amendment is in the public interest.
- 2) That the proposed amendment is consistent and compatible with the general plan and implementation programs which may be affected.
- 3) That the proposed amendment impacts have been adequately assessed and have not been determined to be detrimental to public health.
- 4) That the proposed amendment has been processed in accordance with the applicable provisions of the California Government Code and the California Environmental Quality Act (CEQA).

**Zone Amendment No. 735:**

- 1) The proposed amendment is consistent with the Tulare General Plan.
- 2) That the proposed request will not be detrimental to the public health, safety, welfare or be materially injurious to properties or improvements in the vicinity.
- 3) That the expected environmental impacts resulting from the proposed amendment will not have a significant impact on the environment.

**Conditional Use Permit No. 2019-19:**

- 1) That the proposed location of the project is in accordance with the objectives of the Zoning Title and the purposes of the District in which the site is located.
- 2) That the proposed location of the use and the conditions under which it would operate or be maintained will not be detrimental to the public health, safety, welfare or be materially injurious to properties or improvements in the vicinity.
- 3) That the proposed conditional use will comply with each of the provisions of the Zoning Title.
- 4) That the proposed use is consistent with the Tulare General Plan.
- 5) That the request will not have a significant effect on surrounding properties and improvements in the vicinity of the project site.

**CONDITIONS:**

- A. Recommend to the City Council adoption of the Mitigated Negative Declaration prepared for the Farrar Estates Tentative Subdivision Map, General Plan Amendment No. 2019-02, Zone Amendment No. 735 and Conditional Use Permit No. 2019-19. (Resolution 5354).

- B. Recommend to City Council approval of General Plan Amendment No. 2019-02 changing the General Plan Land Use Designation on approximately 76.5 acres from Low Density Residential, Residential Estate and Rural Residential to Low Density Residential (Resolution 5354).
- C. Recommend to City Council approval of Zone Amendment No. 735 changing the zoning designation on approximately 76.5 acres from RA (Rural Residential), R-1-7 (Single-family Residential, 7,000 sq. ft. minimum lot area), R-1-12.5 (Single-family Residential, 12,500 sq. ft. minimum lot area) and, R-1-20 (Single-family Residential, 20,000 sq. ft. minimum lot area) to the R-1-4 (Small-lot Residential) and R-1-6 (Single-family Residential, 6,000 sq. ft. minimum lot area) zoning designation.(Resolution 5354).
- D. Based on the approved findings, staff recommends that the Farrar Tentative Subdivision Map, be approved subject to the following conditions:
- 1) Final subdivision map proposed to be recorded shall be in substantial conformance with the approved tentative map.
  - 2) Applicant to comply with all mitigation measures within the Initial Study/Mitigated Negative Declaration prepared for the project, which are hereby incorporated as Conditions of Approval.
  - 3) Applicant shall comply with Engineering, Fire Department, Parks and Solid Waste Division comments/conditions (Attachments V, VI, VII, VIII).
  - 4) An existing oak tree is located on the northern boundary of the proposed development. The oak tree shall be located within a proposed out-lot and preserved in place and maintained in the future by the established Landscape Maintenance District.
  - 5) Adequate permanent or temporary fire protection facilities as approved by the Fire Chief, shall be installed prior to the issuance of any building permits and prior to the storage of combustible materials on site.
  - 6) Final acceptance of the tract shall be contingent upon the subdividers' providing within and/or outside the tract, drainage disposal facilities, as required to receive drainage and dispose for drainage and storm waters from this tract. Said facilities shall be subject to the approval of the Public Works/Engineering Department.
  - 7) Applicant shall establish a landscape maintenance district prior to the recordation of the final map. All landscape plans within the landscape maintenance district shall be consistent with city standards and approved by the Community and Economic Development Director and/or the City Engineer.

- 8) Applicant shall record a note on final map indicating that all residential lots are subject to a landscape maintenance district pursuant to the Landscape and Lighting Act.
- 9) Applicant shall record a document notifying homeowners that the subject property is within a landscape maintenance district.
- 10) Applicant shall submit four copies of a landscape and irrigation plan consistent with the City's landscape ordinance.
- 11) Six-foot public utility easements shall be granted along all front yards as required for public utilities.
- 12) Final subdivision map shall depict all easements.
- 13) The applicant shall comply with the requirements of the Public Works Director and City Engineer regarding sewage disposal and water supply facilities.
- 14) All lots shall meet the provisions of the applicable zoning district.
- 15) Street names shall be consistent with street names approved by the Street Naming Committee, and approved by the Community & Economic Development Director.
- 16) Applicant to record a "Right to Farm" notice on final map.
- 17) A 7-foot block wall with backing lot treatment is required along Tulare Avenue, Morrison Street and Seminole Avenue. Final block wall design is subject to the Community & Economic Development Director's approval.
- 18) Applicant to comply with San Joaquin Valley Air Pollution Control District regulations regarding dust control during construction.
- 19) Applicant to comply with San Joaquin Valley Air Pollution Control District Rule 9510 for the final map.
- 20) Recording of the final map is subject to City Council approval of General Plan Amendment No. 2019-02 and Zone Amendment No. 735.
- 21) Applicant to provide and locate mailbox clusters as approved by the U.S. Postmaster, Tulare.
- 22) The conditions of project approval set forth herein include certain fees, dedication requirements, reservation requirements, and other exactions. Pursuant to Government Code Section 66020(d)(a), these conditions constitute a written notice of the amount of such fees, and a description of

the dedications, reservations, and other exactions. The Owner/Developer is hereby notified that the 90-day protest period, commencing from the date of approval of the project, beings as of the date of Planning Commission's conditional approval of the project. If the Owner/Developer fails to file a protest regarding any of the fees, dedication requirements, reservation requirements, or other exactions contained in this notice, complying with all the requirements of Government Code Section 66020, the Owner/Developer will be legally barred from later changing such exactions.

- 23) Applicant to provide a retaining wall wherever adjacent lot grades exceed six inches.

**APPEAL INFORMATION:**

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

**Attachments:**

- I. Project Vicinity Map
- II. Tentative Subdivision Map
- III. General Plan Amendment No. 2019-02 Exhibit Map
- IV. Zone Amendment No. 735 Exhibit Map
- V. Engineering Comments
- VI. Fire Comments
- VII. Parks Comments
- VIII. Solid Waste
- IX. IS/MND Farrar Tentative Subdivision Map
- X. Resolution 5354
- XI. Resolution 5355



# Farrar Tentative Subdivision Map

General Plan Amendment No. 2019-02  
Zone Amendment No. 795  
Conditional Use Permit No. 2019-19

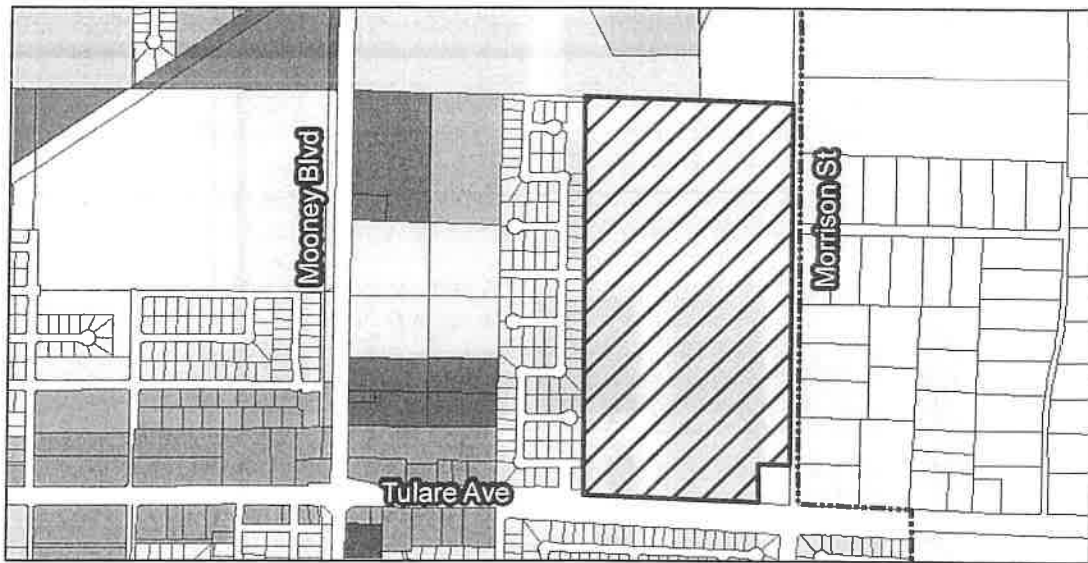
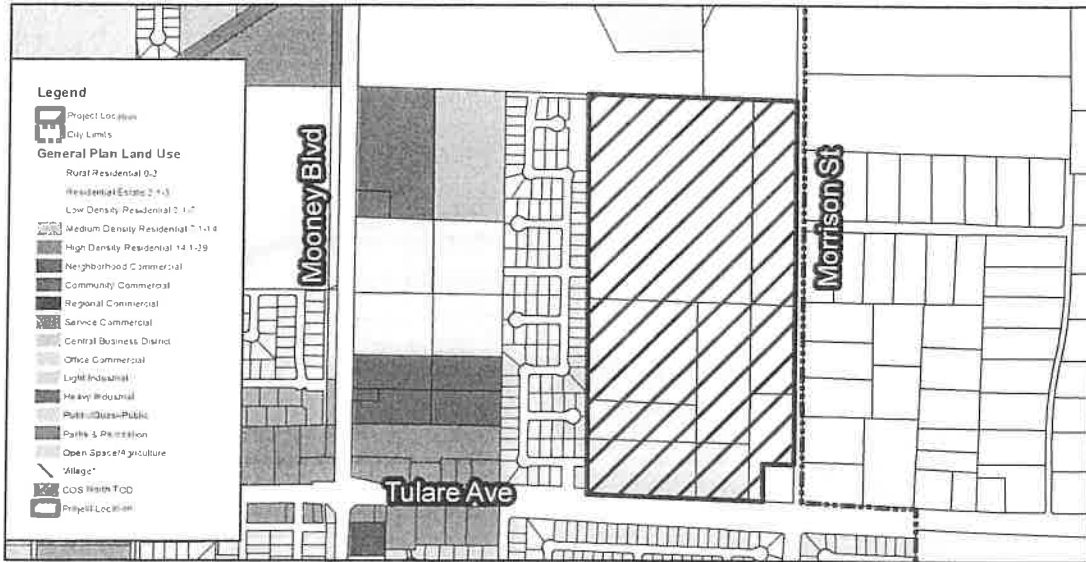
Legend  
Project Area



1000 ft

Google Earth





TOTAL AREA: 76.5 AC

APN: 172-070-005  
 172-090-029  
 172-0110-001  
 172-130-020

GENERAL PLAN AMENDMENT  
 FROM: RESIDENTIAL ESTATE, RURAL RESIDENTIAL  
 TO: LOW DENSITY RESIDENTIAL

## FARRAR ESTATES TSM

GENERAL PLAN AMENDMENT 2019-02



# TENTATIVE SUBDIVISION MAP FARRAR ESTATES

APN 172-070-005, 172-080-029, 177-110-001, 172-140-020  
 A VESTING MAP  
 A PHASED MAP

TOTAL AREA = 76.5 ACRES

### REFERENCES TO JURISDICTION

1. STREETS - PUBLIC - CITY OF LOS ANGELES
2. STREETS - PRIVATE - CITY OF LOS ANGELES
3. WATER - CITY OF LOS ANGELES
4. CUBA R. CANAL - CITY OF LOS ANGELES
5. STREET LIGHTS - CITY OF LOS ANGELES
6. RECORDS - CITY OF LOS ANGELES
7. LAND - SO. CAL. CO.
8. LAND - CAL. CO.
9. LAND - CAL. CO.
10. LAND - CAL. CO.
11. LAND - CAL. CO.

### NOTES

1. EXISTING ZONING - R-1, R-2, R-3
2. EXISTING ZONING - AGRICULTURAL, R-1, R-2
3. EXISTING ZONING - R-1, R-2, R-3
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99. EXISTING ZONING - R-1, R-2, R-3
100. EXISTING ZONING - R-1, R-2, R-3

### ACRES BY PHASE

PHASE 1	210
PHASE 2	150
PHASE 3	150
PHASE 4	150
TOTAL	76.5

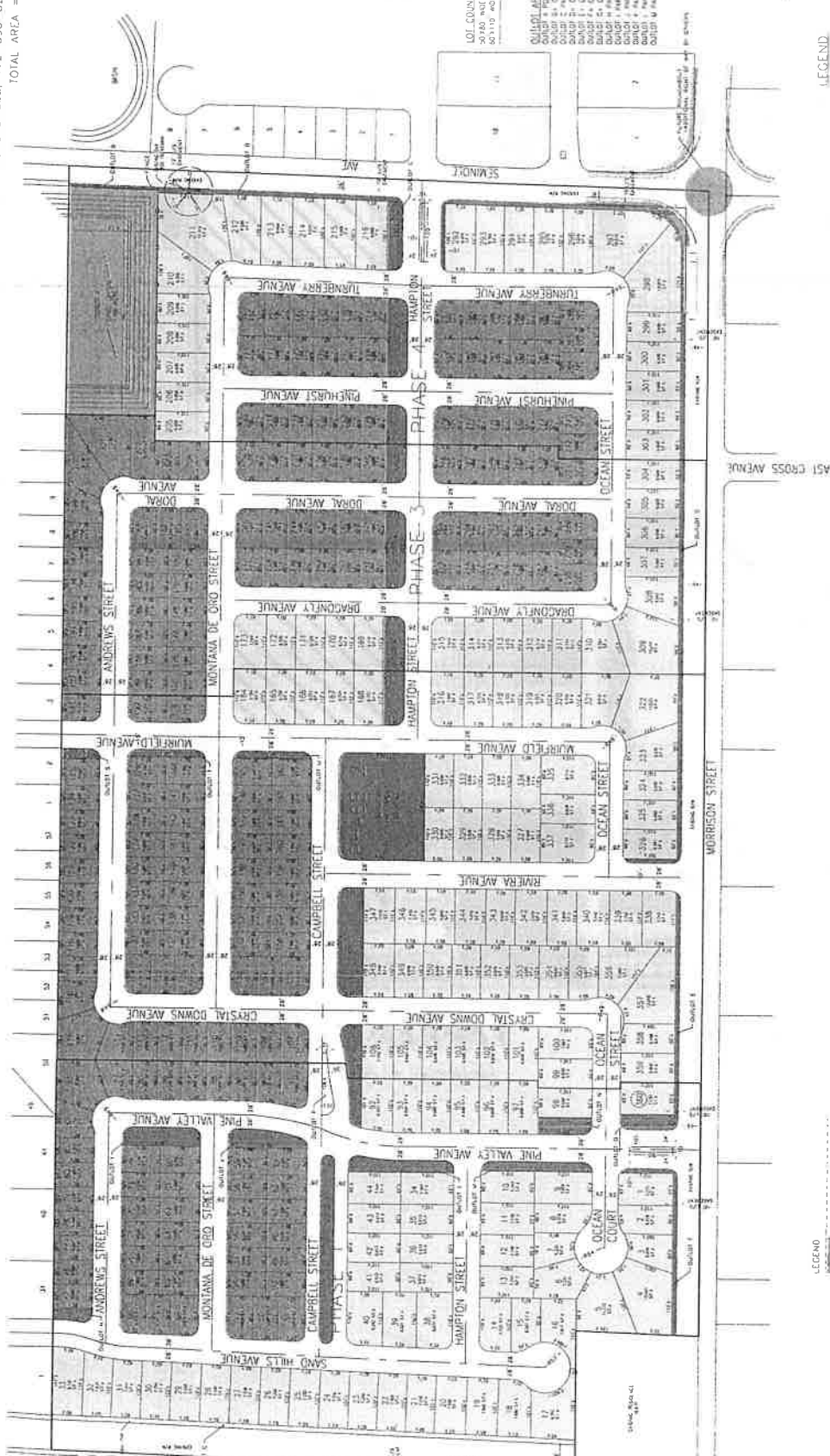
### LOI COURTS

LOI COURT 1	210
LOI COURT 2	150
LOI COURT 3	150
LOI COURT 4	150
TOTAL	76.5

### LEGEND

- R-1-5 (50' x 80') = 210 LOTS
- R-1-6 (60' x 110') = 150 LOTS
- GREENSPACE BULBOLS
- STREETSCAPE
- BASIN

**LAND DESIGN**  
 LAND DESIGN ARCHITECTS  
 1000 W. 10TH STREET  
 LOS ANGELES, CA 90057  
 TEL: 213.475.1234  
 FAX: 213.475.1235  
 WWW.LANDDESIGN.COM



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SCALE 1" = 100'



# SITE PLAN REVIEW COMMENTS

Engineering Services Department

Michael W. Miller, City Engineer

TO: Planning Division

FROM: Engineering Division

MEETING DATE: 12/23/2019

PROJECT: Tentative Subdivision Map – Farrar, SP 1869

PROJECT LOCATION: Corner of Tulare Avenue and Morrison Street.

OWNER/DEVELOPER: Bill & Nancy Farrar

The Engineering Division recommends the following Site Plan Review Status for the subject project:

- Resubmit:  Additional Information Required,  Redesign Required  
 Revise and Proceed, comply with comments checked below

## STANDARD CONDITIONS OF APPROVAL:

### SOILS:

The Subdivider shall submit a preliminary soils report for structural foundation, which shall be prepared by a Registered Civil Engineer based upon adequate soil test borings. Said report shall be submitted to the City Engineer or Chief Building Official.

The Subdivider shall have the soils investigated and make recommendations as to the correct method of trench backfill for the soils encountered in the subdivision so as to assure 90% relative compaction between the select bedding around the pipe to within 2 feet of the subbase. The top 2 feet shall be compacted to 95% relative compaction. Compaction tests are required on all trenches. All soils testing shall be performed at the sole cost of the Subdivider. The Subdivider shall establish an account with a licensed and certified soil-testing firm acceptable to the City Engineer prior to the start of construction for compaction testing of trench backfill and fills. The City shall order and direct all compaction tests.

In addition to the requirements stated above, the soils report investigation will also test for environmentally persistent pesticides, in coordination with DTSC, and in accordance with DTSC's 2008 Interim Guidance for Sampling Agricultural Properties (Third Revision).

### STREETS:

Street design shall conform to City of Tulare Design Guidelines and Public Improvement Standards. Street widths and design traffic indices shall be as noted in Attachment "A."

The structural section of all streets shall be not less than the minimums requirements of the City of Tulare Design Guidelines and Public Improvement Standards. A greater thickness may be required by soils test results and engineered structural section calculations. The design of the pavement structural section for streets shall be asphalt concrete over aggregate base materials.

R-Value tests shall be taken for the design of all pavement areas to be constructed by this project. The spacing of said R-Value tests shall not be more than 400 feet apart, per linear foot of paving.

All streets shall have the City standard cross section with curb, gutter and sidewalk.

All utility services shall be placed in the streets prior to paving.

Compaction tests are required on all street subgrades. All soil testing shall be performed at the sole cost of the Subdivider.

Local street corner bulb connections, 90 degree non-bulb connections, and residential cul-de-sacs shall match curb face radii shown on City Standard Drawings No. 7120, 7121, and 7130 respectively. Radii at proposed right-of-way line shall be consistent with proposed sidewalk configuration.

The centerlines of all streets shall be the continuations of the centerlines of existing streets, or shall be offset at least two hundred (200) feet.

The centerline curve radius for roadway design shall be a minimum of 250 feet for local streets, 600 feet for collector streets, and 1,200 feet for arterial streets. Provision for a smaller radius shall be subject to the approval of the City Engineer.

Street monuments shall be installed at locations as required by the City Engineer.

Driveway widths and spacing shall conform to requirements of City Code and the City of Tulare Design Guidelines and Public Improvement Standards.

Side lines of all lots wherever practicable shall be at right angles or radials to the centerline of the street.

Property line chamfers or radii are required at all street intersections per the requirements of the City of Tulare Design Guidelines and Public Improvement Standards.

The maximum slope adjacent to the back of any public sidewalk shall not exceed 5:1 for the first 5 feet. For Landscape and Lighting Act District parcels, the maximum slope between the back of the sidewalk and the wall or fence shall not exceed 10:1.

Turnarounds are required at all dead end streets, except where refuse pickup on lot frontages does not require the refuse collection vehicle to back up.

A barricade and a 2" x 8" rough redwood header shall be provided at dead end streets. As an option, an additional 1-foot of paving beyond the required limits of paving may be installed in lieu of a redwood header.

In conformance with Section 8.24.450 (A) 10 of the City of Tulare Municipal Code, "each street intersection shall be as near to a right angle as practicable."

If work by the Subdivider or his contractors render any existing City street to be in a condition unacceptable to the City Engineer, or his authorized representatives, said street must be restored to a condition as good as or better than before the development's construction activities began. Said repair work must be completed within 2 weeks of the damage having occurred, or in accordance with a schedule authorized by the City Engineer. Thenceforth, the Subdivider shall maintain the street in its repaired state for the duration of the development's construction activities.

The City shall reimburse the Subdivider for oversize costs for any facilities designated "masterplan facilities" by the City Engineer, subject to review and approval of costs prior to installation. All work identified as "oversize improvements" must be performed at prevailing wage rates to be eligible for reimbursement. Within 90 days following the notice of completion of the project, the Subdivider shall file with the City Engineer a financial statement, in the form specified by the City Engineer, stating and supporting the cost of constructing the oversize improvements. If the financial statement is not filed within this time period, the Subdivider shall not be eligible for any reimbursements. Oversize payments will be made in accordance with a separate oversize reimbursement agreement to be executed after completion of all subdivision improvements. Payment will be subject to the availability of funds. The City reserves the right to reduce the reimbursable cost if deemed excessive by the City Engineer.

#### UTILITY RELOCATIONS AND UNDERGROUNDING REQUIREMENTS:

The Subdivider shall be responsible for all costs associated with the removal, relocation and undergrounding of utilities as necessary to accommodate installation of the required public improvements. All utility lines, including but not limited to electric, communications, street lighting and cable television, shall be required to be placed underground in accordance with Section 8.24.500 (M) of the City of Tulare Municipal Code. The cost of such relocations and undergrounding shall be included in the subdivision bonds.

#### SANITARY SEWERS:

Sanitary sewers shall be designed and constructed in accordance with the City of Tulare Design Guidelines and Public Improvement Standards.

Sewer laterals shall be installed to the property lines of all lots before the streets are surfaced. Laterals shall be located in accordance with the City of Tulare Design Guidelines, unless otherwise approved to accommodate driveway approach locations.

All sewer lines shall pass both mandrel and air pressure tests, and shall be subject to video inspection by the City. The cost of one video inspection of the Development's entire sewer line improvements shall be paid prior to recordation of the final map at the rate established at the time of recordation of the final map. The cost of any additional video inspections required shall be paid at the rate established at the time of inspection.

The City shall reimburse the Subdivider for oversize costs for any facilities designated "masterplan facilities" by the City Engineer, subject to review and approval of costs prior to installation. All work identified as "oversize improvements" must be performed at prevailing wage rates to be eligible for reimbursement. Within 90 days following the notice of completion of the project, the Subdivider shall file with the City Engineer a financial statement, in the form specified by the City Engineer, stating and supporting the cost of constructing the oversize improvements. If the financial statement is not filed within this time period, the Subdivider shall not be eligible for any reimbursements. Oversize payments will be made in accordance with a separate oversize reimbursement agreement to be executed after completion of all subdivision improvements. Payment will be subject to the availability of funds. The City reserves the right to reduce the reimbursable cost if deemed excessive by the City Engineer.

#### STORM DRAINAGE:

The storm drain system shall be designed and constructed in accordance with the City of Tulare Design Guidelines and Public Improvement Standards.

All pipe sizes where necessary shall be adjusted to carry the design flow at the final design slope.

All gutter runs shall be limited to 1000 feet by installing pipe and storm water inlets.

The minimum slope around curb returns shall be 0.64%.

All storm drain lines shall be subject to video inspection by the City. The cost of one video inspection of the Development's entire storm drain line improvements shall be paid prior to recordation of the final map at the rate established at the time of recordation of the final map. The cost of any additional video inspections required shall be paid at the rate established at the time of inspection.

The City shall reimburse the Subdivider for oversize costs for any facilities designated "masterplan facilities" by the City Engineer, subject to review and approval of costs prior to installation. All work identified as "oversize improvements" must be performed at prevailing wage rates to be eligible for reimbursement. Within 90 days following the notice of completion of the project, the Subdivider shall file with the City Engineer a financial statement, in the form specified by the City Engineer, stating and supporting the cost of constructing the oversize improvements. If the financial statement is not filed within this time period, the Subdivider shall not be eligible for any reimbursements. Oversize payments will be made in accordance with a separate oversize reimbursement agreement to be executed after completion of all subdivision improvements. Payment will be subject to the availability of funds. The City reserves the right to reduce the reimbursable cost if deemed excessive by the City Engineer.

#### FIRE HYDRANTS:

Fire hydrants are to be located as required by the Fire Chief and City Engineer.

#### EASEMENTS:

Easements will be required for all utilities outside of dedicated rights-of-way. Six-foot Public Utility Easements will be required along all street frontages.

The Subdivider shall submit to the City of Tulare a title report for areas outside of the parcel to be developed where easements are to be dedicated for City utilities.

#### WATER SUPPLY:

Water mains shall be designed and constructed in accordance with the City of Tulare Design Guidelines and Public Improvement Standards.

Water services shall be installed to the property line of all lots before the streets are surfaced. Services shall be located- in accordance with the City of Tulare Design Guidelines. The minimum horizontal distance between outside of pipe to outside of pipe for water services and sewer laterals shall be 10 feet.

The Engineer shall propose locations for water services that will accommodate ultimate driveway approach locations.

Individual 1" polyethylene water services with meter boxes and meter idlers per City standards shall be installed to all single-family residential lots.

The City shall reimburse the Subdivider for oversize costs for any facilities designated "masterplan facilities" by the City Engineer, subject to review and approval of costs prior to installation. All work identified as "oversize improvements" must be performed at prevailing wage rates to be eligible for reimbursement. Within 90 days following the notice of completion of the project, the Subdivider shall file with the City Engineer a financial statement, in the form specified by the City Engineer, stating and supporting the cost of constructing the oversize improvements. If the financial statement is not filed within this time period, the Subdivider shall not be eligible for any reimbursements. Oversize payments will be made in accordance with a separate oversize reimbursement agreement to be executed after completion of all subdivision improvements. Payment will be subject to the availability of funds. The City reserves the right to reduce the reimbursable cost if deemed excessive by the City Engineer.

Pressure, leakage, and purity tests are required on all City water system installations at the sole cost of the Subdivider.

#### STREET NAMES:

Street names shall be approved by the Planning Director.

Street name sign posts shall be installed at each intersection as required by the City Traffic Engineer, and the Subdivider shall pay for the new street name signs and mounting hardware prior to recordation of the final map, at the rate established at the time of recordation of the final map. Actual installation of the street name signs shall be completed by City personnel at such time that the development reaches a sufficient state of completion.

#### TRAFFIC SIGNS:

Types, sizes and locations of traffic signs shall be as required by the City Traffic Engineer and City standards.

#### PAVEMENT DELINEATION:

The Subdivider shall install and/or replace traffic striping, pavement markers, and pavement markings as required by the City Traffic Engineer.

#### STREET LIGHTS AND ELECTRICAL SERVICE:

The Subdivider must make provisions for the underground installation of electrical services and street lighting. Pole type shall be marbelite. Fixture type shall be LED unless otherwise approved by City Engineer. Design of the street lighting system shall comply with the City of Tulare Design Guidelines and Public Improvement Standards, and shall be subject to the approval of the City Engineer. The cost of the systems shall be included in the subdivision bonds.

#### GAS SERVICE:

The Subdivider must make provisions for the installation of a gas distribution system in all streets and at the sizes determined by the Southern California Gas Company.

#### PRIVATE IRRIGATION PIPELINES:

Existing private irrigation pipelines will need to be removed within street right of ways.



#### IRRIGATION CANALS:

Other than TID's Main Canal, if any portion of an existing irrigation canal (including ditch banks and maintenance access roads) falls within the development, said ditch shall be piped, relocated, or abandoned in accordance with Section 8.24.500 (H) of the City of Tulare Municipal Code and shall be so designated on the plan drawings. The proposed method of piping shall be shown on one of the master plans, if full piping does not occur within the first phase. The TID Main Canal can be left open, with the installation of fencing and an adjacent 25' wide alley or multi-use trail, as approved by the City and TID.

#### TELEPHONE/CABLE:

The Subdivider must make provisions for the installation of underground telephone and cable service.

#### EXISTING STRUCTURES:

Any existing structures within the subdivision boundary shall be removed.

#### WELLS:

Any existing wells on the site shall be abandoned and sealed in accordance with City standards.

#### ELEVATIONS:

Any elevations shall be based on the official City of Tulare datum.

#### GENERAL CONDITIONS:

All design and construction shall be in accordance with all applicable City Standards, Specifications, Ordinances, and Standard Operating Procedures, unless specifically modified elsewhere in these conditions. These engineering considerations are intended to deal with major issues apparent to this office while reviewing this tentative map. Nothing in these conditions precludes our office from applying other conditions/modifications necessary for good design, operation, and maintenance of existing and future City facilities, as might become apparent during design review and/or construction.

A City encroachment permit is required for any work to be performed within existing City rights-of-way or easements. A traffic control plan subject to the approval of the City Engineer is required for any work that will impact existing roadways. Encroachment permits may also be required by the State, Tulare Irrigation District and/or Union Pacific Railroad for any work impacting their rights-of-way, easements or facilities.

#### ADDITIONAL REQUIREMENTS:

Submit closures and tabulation of areas (square feet) of all lots within the subdivision. A blue line area shall also be submitted.

Provide the City of Tulare with three (3) prints of the final map of the subdivision, and three (3) prints of the improvement drawings for final checking.

Following approval of the final map, provide the City of Tulare with an electronic copy.

Following approval of the improvement drawings, provide the City of Tulare with one reproducible copy, four (4) prints and an electronic copy. This shall be done prior to scheduling any pre-construction conferences or commencing any improvements.

Submit to the City of Tulare a title report for the parcel(s) to be developed.

The Subdivider's engineer will be required to certify in writing that all lot grading has been performed in accordance with the approved lot-grading plan prior to issuance of any building permits.

Prior to the start of construction, a meeting will be called by the City Engineer with the Subdivider, Contractor and all concerned including utility companies to coordinate and schedule work in order to avoid all possible delays due to conflicts of operation and to guarantee that all City requirements are met. The Contractor shall perform no construction in the field until after this meeting.

This project involves construction activity including clearing, grading and excavation which may require the filing a Notice of Intent with the State Water Resources Control Board under the General Permit to discharge storm water

associated with construction activity, the preparation of a storm water pollution prevention plan, and monitoring program.

Prepared By: Jan Bowen, Senior Engineer

Approved By: Michael W. Miller, City Engineer

**ATTACHMENT "A"**

The engineering considerations checked below shall be made a condition of approval of the subject subdivision.

- 1) A master plan for street layout for the entire development shall be submitted for approval prior to approval of any portion thereof.
- 2) Roadway design criteria shall be as indicated below. Structural section design shall be based upon the indicated traffic index, but shall not be less than the minimum requirements of the City of Tulare Design Guidelines and Public Improvement Standards:

	Roadway	Classification	Traffic Index	Sidewalk Width	Sidewalk Configuration
a)	Seminole Ave.	72 ft Collector	6.5	5 ft	Parkway
b)	Morrison St.	72 ft Collector	6.5	10 ft	Class 1 Bike Path
c)	Interior Local Streets	56 ft Local	5.0	5 ft	Parkway (typical), meandering for linear park spaces
d)	Cul-de-sacs	52 ft Cul-de-sac	4.5	5 ft	Parkway
e)	Tulare Ave. (SR-137)	Per Caltrans Requirements		6 ft	Parkway

■ The Subdivider shall be responsible for the following minimum improvements to existing Arterial streets:

- Full paveout from lip of gutter to the existing edge of pavement: Tulare Avenue (State Route 137)
- Provide a pavement transition from the existing roadway cross-section to the new roadway cross-section, of a width and length as approved by the City Traffic Engineer
- Other: Additional as required by Caltrans (SR-137).

■ The Subdivider shall be responsible for the following minimum improvements along existing non-arterial streets adjacent to this development:

- Full paveout, from lip of gutter to the existing edge of pavement: Morrison Street.
- Reconstruction of the following portions of existing pavement: Full depth reconstruction of the west half of Morrison Street.
- Rehabilitation of the following portions of existing pavement, by methods approved by the City Engineer: 2-inch grind and overlay of the remaining east side of Morrison Street.

- 3) Backing lot treatment with common area landscaping, irrigation and block wall improvements shall apply to the following frontages: Seminole Avenue, Morrison Street and Tulare Avenue (State Route 137).
- 4) Waiver of direct access rights shall be provided as follows: Seminole Avenue, Morrison Street, Tulare Avenue (State Route 137).
- 6) The development shall incorporate the following bicycle/pedestrian facilities: Class 1 Bike Path along Morrison Street. Class 1 Bike Path shall be consistent with City Standard Drawing No. 7080.
- 7) As the project develops, each phase of the development shall incorporate the Transportation Mitigation Measures identified in the Mitigated Negative Declaration
- 8) The proposed development is included in Landscape & Lighting Assessment District No. 2005-06. The district was established for the maintenance of common area landscaping, common area irrigation systems, common area block walls, street trees, street lights and local streets. Dedication to the City is required for all landscape and common area lots to be maintained by the Landscape & Lighting District. A new landscape and lighting assessment district shall be established for maintenance of the project drainage basin, park areas, and Class 1 trail along the project's Morrison Street frontage.

- 9) A landscape & irrigation master plan for all phases of the subdivision shall be submitted with the initial phase to assist City staff in the formation of the Landscape & Lighting District. The landscape & irrigation master plan shall be approved by the Director of Parks and Community Services a minimum 75 days before approval of the final map or approval of the improvement plans (whichever comes first).
- 10) A master plan for sanitary sewer for the entire development shall be submitted for approval prior to approval of any portion of the system.
- 11) The sanitary sewer alignments shall be 6 feet north and/or east of street centerline, unless other alignments are approved by the City Engineer.
- 12) A master plan for storm drainage for the entire development shall be submitted for approval prior to approval of any portion of the system.
- 13) A grading/drainage plan prepared by a Registered Civil Engineer or Licensed Architect and subject to approval by the City Engineer shall be submitted. The plan shall include existing and proposed contours, and detail the means of collection and disposal of storm water runoff from the site and adjacent road frontages in such a manner that runoff is not diverted to adjacent property. On-site retention of storm water runoff is  required  not required.

A letter verifying that lot grading was completed in accordance with the approved grading/ drainage plan shall be prepared by a Registered Civil Engineer or Licensed Architect and submitted to the City Engineer prior to the issuance of a notice of completion. The Engineer or Architect shall affix their stamp and seal to the letter.

- 14) The storm drain alignments shall be 11 feet south and/or west of centerline unless other alignments are approved by the City Engineer.
- 15) A master plan for water for the entire development shall be submitted for approval prior to approval of any portion of the system.
- 16) The water main alignments shall be 6 feet south and/or west of street centerline, unless other alignments are approved by the City Engineer.
- 17) A water sampling station shall be installed as follows: One location to be determined by the City Water Superintendent.
- 18) Miscellaneous Comments:
  - a) The developer shall provide an irrevocable offer of dedication of right-of-way for a future roundabout at the intersection of Seminole Avenue and Morrison Street with the development of Phase 4. The exact design, approach radii, and dimensions will be subject to engineering review during the design review period. The developer shall provide 30% design plans for the future roundabout as justification for the proposed irrevocable offer of dedication of right-of-way.
  - b) Seminole Avenue to transition from existing 64' ROW to 72' ROW beginning at west end of project boundary.
  - c) Developer shall provide a minimum of 34 feet of asphalt paving width along Seminole Avenue, plus room for a 5 foot drainage swale on the undeveloped side.
  - d) Developer shall extend the existing 10" sewer line from the adjacent subdivision to the west along Sand Hills Avenue to Morrison Street. The oversizing from an 8" to 10" sewer line is eligible for reimbursement through the City's oversize construction reimbursement policies.

ATTACHMENT "B"

The Subdivider shall pay to the City at the time of approval of the final map all applicable fees, including, but not limited to, those checked below:

**Benefit Districts**

- 1) Sewer front foot charges: \$ TBD per front foot for frontages on Tulare Avenue.
- 2) Sewer Lift Station Fee of \$ \_\_\_\_\_ per acre.
- 3) Water front foot charges: \$ 17.50 per front foot for frontages on Tulare Avenue.
- 4) Street front foot charges: \$ \_\_\_\_\_ per front foot for frontages on \_\_\_\_\_.
- 5) Benefit District Creation Fee (if applicable): \$ 1,008.19 per district.
- 6) Other: \_\_\_\_\_

**Special In-Lieu Fees**

- 6) Traffic Signals Fee: \$ \_\_\_\_\_.
- 7) TID Ditch Piping Fee: \$ \_\_\_\_\_.
- 8) Sewer Main Fee: \$ \_\_\_\_\_.
- 9) Water Main Fee: \$ \_\_\_\_\_.
- 10) Street Fee: \$ \_\_\_\_\_.
- 11) Other Fees: \$ \_\_\_\_\_.

**Plan Check, Inspection, and Impact Fees**

- 12) Engineering Inspection Fee to be based on a percentage of the estimated cost of construction.
- 13) Development Impact Fees to be paid with Building Permit.
- 14) Engineering Plan Review Fee to be paid at time of submittal.
- 15) Final Map Plan Check Fee to be paid at time of submittal.

**All fees shall be based on the current fee schedule in effect at the time of recordation of the final map.**

**TULARE FIRE DEPARTMENT  
FIRE PREVENTION BUREAU**

The Fire Prevention Bureau conveys the following site plan comments for SP 1869 (Farrar Subdivision):

1. The project must comply with all of the latest applicable codes.
2. Additional fire hydrants shall be required. Fire hydrant spacing shall be as follows:
  - a. **Residential development**, one hydrant shall be installed at **500-foot** intervals.
  - b. **Divided Highway**, one hydrant shall be installed at alternating **500-foot** intervals.
3. An approved water supply for fire protection *shall* be made available prior to combustible materials arriving on the site.
4. An approved fire apparatus access roads shall be provided for every facility, building or portion of a building constructed or moved into or within the City of Tulare. It shall extend to within 150 feet of all portions of the facility and all portions on the exterior walls of the first story of the buildings as measured by an approved route around the exterior of the building or facility. The road shall be a minimum of 20' wide and have a minimum height clearance of 13'6"
5. All roads shall be designed and maintained to support the imposed loads of fire apparatus and shall be surfaced so as to provide all-weather driving capabilities.
6. The Fire Code Official is authorized to require more than one fire apparatus access road based on the potential for impairment of a single road by vehicle congestion, condition of terrain, climatic conditions or other factors that could limit access. Areas identified as "Fire Lanes" must be identified as such per requirements set forth in the California Vehicle Code.
7. All dead-end access roads in excess of 150 feet must be provided with an approved turn-around complying with City standards.

Ryan Leonardo  
Fire Inspector III  
May 22, 2019



# SITE PLAN REVIEW COMMENTS

Community Services Department – Parks Division

Rob A. Hunt, Director, Community Services

TO: Planning Division

FROM: Community Services Department – Parks Division

MEETING DATE: Draft received 9/16/2019

PROJECT: Tentative Subdivision Map Farrar Estates 286 Lot SF Subdivision

PROJECT LOCATION: West side of Morrison, between State Hwy 137 and Seminole Alignment  
(APNs 172-070-005, 172-090-029, 172-110-001, 172-130-020)

OWNER/DEVELOPER: Farrar/Woodside Homes

The Parks Division recommends the following Site Plan Review Status for the subject project:

- Resubmit:  Additional Information Required,  Redesign Required  
 Revise and Proceed, comply with comments below  
 Proceed, comply with comments below

The main objectives of the City of Tulare's Landscaping Ordinance include conserving water through the selection of plants consistent with Tulare's Mediterranean climate; design of water efficient landscapes; and to enhance the aesthetic appearance of the city by promoting development that is well landscaped, properly irrigated and effectively maintained.

All projects that require a landscaping and irrigation plan pursuant to Chapter 10.196 of MC shall comply with the following development standards:

## **GENERAL STANDARDS:**

All landscape development over 500 square feet (new) or 2,500 square feet (rehabilitated) that requires a permit, plan check or design review shall meet the water efficiency and site design requirements detailed in other sections of the Landscape Ordinance Chapter 10.196 of the Municipal Code. The project applicant, and owner (if different) shall sign the Landscape Documentation Package as required in § 10.196.060(B)(1)(i).

### *Elements of the Landscape Documentation Package:*

(A) Projects 2,500 square feet and less: Projects 2,500 square feet and less may comply with the requirements of this chapter by conforming to the prescriptive measures. Compliance with all of the items is mandatory and must be documented on a landscape plan in order to use the prescriptive compliance option.

(B) Any project including all projects over 2,500 square feet: The Landscape Documentation Package shall include the following six elements:

- (1) Project information;
  - (a) Date;
  - (b) Project applicant;

- (c) Project address (if available, parcel and/or lot number(s));
  - (d) Total landscape area (square feet);
  - (e) Project type (e.g., new, rehabilitated, public, private, cemetery, homeowner-installed);
  - (f) Water supply type (e.g., potable, recycled, well) and identify the local retail water purveyor;
  - (g) Checklist of all documents in Landscape Documentation Package;
  - (h) Project contacts to include contact information for the project applicant and property owner;
  - (i) Applicant signature and date with statement, "I agree to comply with the requirements of the water efficient landscape ordinance and submit a complete Landscape Documentation Package."
- (2) Water Efficient Landscape Worksheet;
    - (a) Hydrozone information table.
    - (b) Water budget calculations.
      - 1. Maximum applied water allowance (MAWA).
      - 2. Estimated total water use (ETWU).
  - (3) Soil management report;
  - (4) Landscape design plan;
  - (5) Irrigation design plan; and
  - (6) Grading design plan.

Landscape and irrigation plans for individual residential lots are to be submitted to the Building Department along with building permit submittals for review and approval. Attachment "A" are copies of the landscape prescriptive compliance and sample landscape plan and water calculation sheets. A complete copy of the City's landscape standards may be viewed on-line at [www.tulare.ca.gov](http://www.tulare.ca.gov).

**ADDITIONAL REQUIREMENTS:**

Landscape and irrigation plans for all common area landscape out lots shall be master planned (including size and points of water service connection, booster pump location, mainline size and sleeve locations) and shall be submitted as part of the subdivision Master Utility and Street Plan submittal.

1. All landscaping on city-owned property shall conform to City landscaping and irrigation standards including the City of Tulare Community Services Department (Parks, Recreation and Library Division) Improvements Standards; area specific plans and other applicable documents.
2. The maintenance and upkeep of all proposed Outlots and Pocket Park are to be part of the Landscape and Lighting District that shall be formed in conjunction with this subdivision.
3. It is recommended that the proposed park area be developed as at-grade open space with an ADA compliant walking path around the perimeter of Outlot V.
4. Proposed Pocket Park and proposed Outlots shall be separated from adjacent residential lots (1, 9, 10, 34, 44, 45, 59, 60, 74, 75, 92, 97, 98, 106, 125, 126, 144, 145, 163, 168, 169, 216, 217, 228, 229, 240, 241, 252, 292, 326, 330, 331, 347, 348, and 360) by a block wall, subject to applicable zoning height restrictions.
5. Proposed Pocket Park is not eligible for Park Development Impact Fee credits and shall be constructed as part of the proposed subdivision.
6. Proposed Pocket Park amenities shall include but not limited to turf, trees and landscape plantings, 6 ft. wide ADA compliant walking path with low level lighting, and multiple benches and trash receptacles.
7. All Outlot landscape and irrigation improvement plans shall be reviewed and approved by the Community Services Director and City Engineer.
8. Prior to the start of construction of landscape and irrigation improvements on all Outlots, a meeting will be held by the Community Services Director with the Subdivider and Contractor to coordinate and schedule work in order to avoid all possible delays due to conflicts of operation and to guarantee that all City landscape and irrigation requirements are met. The Contractor shall perform no construction in the field until after this meeting.



9. All common area landscaping and irrigation areas, Outlots and Pocket Park shall be subject to a 12 month maintenance period after the Notice of Completion has been issued.
10. Existing Valley Oak Tree (located adjacent to lot #142, south of Seminole Alignment) shall be protected in place and subject to an inspection by a Certified Arborist to ascertain the health and overall condition of the tree. Upon recommendation of the Certified Arborist, subject tree shall be pruned in conformance with City MC Section 8.32.130 Preservation of Heritage Trees. A pruning permit shall be obtained from the Parks Division before any work may begin.

If there are questions regarding the above requirements or how they impact the specific project, please contact the City of Tulare, Community Services Department at 559-684-4310.

Prepared By: Craig Miller

Date: December 2019

**Solid Waste Division**  
 Site Plan Refuse & Recycling Service  
 Frank Rodriguez, Solid Waste Manager  
 Office: 559-684-4328 Fax: 559-685-2378  
 frodriguez@tulare.ca.gov



Location: Morrison Street and Tulare Avenue  
 Name: Farrar Subdivision  
 Date: 5/22/2019  
 Plan #: GPA 2019-02, ZA 735, TSM 2019-15 CUP 2019-19

**TYPE OF SERVICE**

Commercial     Residential     Roll Off     Mandatory Recycling / Composting

Revisions required prior to submitting final plans. See comments below.

Customer responsible for setting can's out for service by 6:00 am and removing can's from curb, gutter, or alley on the same day after serviced. Customer is responsible for any violations.

Mandatory Commercial Recycling AB 341. All Commercial Businesses and Multi Family customers must have a blue recycle Bin, Roll Off, or Can for clean paper, cardboard, cans, bottles etc.

Customer is required to flatten, breakdown all cardboard and other bulky recyclables in blue containers  
 Customer is responsible for any contamination in containers and all fines and charges resulting from contaminated recyclables.

Mandatory Food Waste and Compost Recycling AB 1826. Green 96 gallon containers for yard waste/food scraps required.  
 Additional storage area attached to enclosure to store up to 3-96 gallon cans as option shown on enclosure specs is required.

A concrete slab/apron is required in front of enclosure as shown in enclosure specifications. The apron shall be the width of the enclosure by 10 feet in front and be a minimum of eight inches thick to withstand truck weight..

All refuse enclosures must be Double Wide by City Standards

Location of bin enclosure not acceptable. See comments below.

Bin enclosure is not to city standards double.

Inadequate number of Trash/Recycling containers to provide sufficient service. See comments below.

All containers are to be stored in fenced area on property on non service days.

Area not adequate for allowing refuse truck turning radius of :  
 Commercial ( ) 50 ft. outside 36 ft. inside; Residential ( ) 50 ft. outside, 36 ft. inside.

Paved areas should be engineered to withstand a 60,000 lb. refuse truck.

Enclosure gates are ( ) required (X) optional. ( ) Lockable  
 (Gates and poles to be constructed as shown in City of Tulare enclosure specifications.)

Gates shall be equipped with heavy duty hinges and cane bolts/sleeves attached to hold the gate in the open and closed positions. Gate shall shall open 180 degrees from closed position.

Mandatory turnarounds in each phase for refuse trucks. Hammerhead turnaround must be built per city standards.

All bin enclosures are for city refuse containers only. Grease drums or any other items or equipment are not allowed to be stored inside any trash/recycling/compost enclosures.

Area in front of refuse enclosure must be marked off indicating "No Parking"

Enclosure will have to be designed and located for a STAB service (Direct Access)

Customer will be required to roll container out to curb/alley for service.

**Section 7.16.040 of the Tulare Municipal Code prohibits private companies/haulers from providing refuse services without authorization. Roll Off services for construction and demolition, recycling, compost or greenwaste and metal are to be provide by the City of Tulare Solid Waste Division. Any Private Roll Off companies/haulers used must be listed on the Board of Public Utilities City Resolution Approved Authorized Haulers List, Resolution No. 07-04. Commercial Front Load Bin service in the City of Tulare is provided exclusively by the City of Tulare Solid Waste Division only as per Municipal Code ( No Exceptions).**

Comments:  
 \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_

**RESOLUTION NO. 5354**

**A RESOLUTION OF THE CITY OF TULARE PLANNING COMMISSION  
RECOMMENDING APPROVAL OF GENERAL PLAN AMENDMENT NO. 2019-02  
AND ZONE AMENDMENT NO. 735 TO THE CITY COUNCIL FOR ADOPTION**

**WHEREAS**, the City of Tulare Planning Commission at a regular meeting on December 23, 2019, held a public hearing, received public testimony and considered a request by Woodside Homes to amend the General Plan to change the existing land use designations on the affected parcels from Low Density Residential, Residential Estate and Rural Residential to Low Density Residential. The request also included amendment of the existing zoning designation for the affected parcels from RA (Rural Residential), R-1-7 (Single-family Residential, 7,000 sq. ft. minimum lot area), R-1-12.5 (Single-family Residential, 12,500 sq. ft. minimum lot area) and, R-1-20 (Single-family Residential, 20,000 sq. ft. minimum lot area) to the R-1-4 (Small-lot Residential) and R-1-6 (Single-family Residential, 6,000 sq. ft. minimum lot area) zoning designation. The subject parcels are approximately 76.5-acres and are located on the west side of Morrison Street between Tulare Avenue and the Seminole Avenue alignment (APNs 172-130-020, 172-090-029, 172-110-002, and 172-070-005); and

**WHEREAS**, the City of Tulare Planning Commission determined that the proposed amendments are in the public interest; and,

**WHEREAS**, the City of Tulare Planning Commission determined that the proposed amendments are consistent and compatible with the general plan and implementation programs which may be affected; and

**WHEREAS**, the City of Tulare Planning Commission determined the proposed action will promote the goals and objectives of the Zoning Title as prescribed in Section 10.04.020 of the Tulare City Code; and,

**WHEREAS**, the City of Tulare Planning Commission determined that the proposed request will not be detrimental to the public health, safety, and welfare or be materially injurious to properties or improvements in the vicinity; and,

**WHEREAS**, an Initial Study was prepared and found that although the proposed project could have a significant effect on the environment, there will not be a significant environmental impact with the incorporation of mitigation measures; and

**NOW, THEREFORE, BE IT RESOLVED** by the City of Tulare Planning Commission that the Mitigated Negative Declaration prepared for General Plan Amendment No. 2019-02, Zone Amendment No. 735, Conditional Use Permit No. 2019-19 and Tentative Subdivision No. 2019-15 – Farrar is hereby recommended to the City Council for adoption.

**NOW, THEREFORE, BE IT FURTHER RESOLVED** by the City of Tulare Planning Commission that General Plan Amendment No. 2019-02 is hereby recommended to the City Council for adoption.

**BE IT FURTHER RESOLVED** by the City of Tulare Planning Commission that Zone Amendment Application No. 735 is hereby recommended to the City Council for adoption.

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

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

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

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

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

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

ATTEST:

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

RESOLUTION NO. 5355

**A RESOLUTION OF THE CITY OF TULARE PLANNING COMMISSION  
APPROVING TENTATIVE SUBDIVISION MAP 2019-15- FARRAR AND  
CONDITIONAL USE PERMIT 2019-19**

**WHEREAS**, the City of Tulare Planning Commission held a regular meeting on December 23, 2019 to consider a request by Woodside Homes to subdivide approximately 76.5 acres into a 360-lot single family residential subdivision on property located on the west side of Morrison Street between Tulare Avenue and the Seminole Avenue alignment (APNs 172-130-020, 172-090-029, 172-110-002, and 172-070-005); and,

**WHEREAS**, the City of Tulare Planning Commission determined that the proposed subdivision map is consistent with applicable Tulare General Plan; and,

**WHEREAS**, the City of Tulare Planning Commission determined that the design or improvements of the proposed subdivision are consistent with the Tulare General Plan; and,

**WHEREAS**, the City of Tulare Planning Commission determined that the site is physically suitable for the type of development proposed; and,

**WHEREAS**, the City of Tulare Planning Commission determined that the site is physically suitable for the proposed density of the development; and

**WHEREAS**, the City of Tulare Planning Commission determined that the design of the subdivision or the type of improvements are not likely to cause substantial environmental damage or substantial and avoidable injury to fish or wildlife or their habitat; and,

**WHEREAS**, the City of Tulare Planning Commission determined that the design of the proposed subdivision or the type of improvements will not conflict with easements, acquired by the public at large, for access through or use of the property within the proposed subdivision; and,

**WHEREAS**, an Initial Study was prepared and found that although the proposed project could have a significant effect on the environment, there will not be a significant environmental impact with the incorporation of mitigation measures; and,

**WHEREAS**, the City of Tulare Planning Commission determined that a Mitigated Negative Declaration has been prepared in accordance with the California Environmental Quality Act; and,

**WHEREAS**, the City of Tulare Planning Commission considered the proposed Mitigated Negative Declaration and finds that there is no substantial evidence that the project will have a significant effect on the environment with mitigation measures incorporated; and,

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

1. That the proposed location of the Tentative Subdivision Map is consistent with the policies and intent of the General Plan, Zoning Ordinance, and Subdivision Ordinance.
2. That the proposed location of the Tentative Subdivision Map and the conditions under which it would be built or maintained will not be detrimental to the public health, or welfare, or materially injurious to properties or improvements in the vicinity.
3. That the proposed Tentative Subdivision Map will be in keeping with existing and future land uses on the site.

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

- 1) That the proposed location of the project is in accordance with the objectives of the Zoning Title and the purposes of the District in which the site is located.
- 2) That the proposed location of the use and the conditions under which it would operate or be maintained will not be detrimental to the public health, safety, welfare or be materially injurious to properties or improvements in the vicinity.
- 3) That the proposed conditional use will comply with each of the provisions of the Zoning Title;
- 4) That the proposed use is consistent with the Tulare General Plan;
- 5) That the site for the proposed use is adequate in size, shape and location to accommodate the use the district for which it is proposed;

**BE IT FURTHER RESOLVED**, that the Planning Commission hereby approves Tentative Subdivision Map 2019-15 (Farrar) and Conditional Use Permit No. 2019-19, subject to the following:

- 1) Final subdivision map proposed to be recorded shall be in substantial conformance with the approved tentative map.
- 2) Applicant to comply with all mitigation measures within the Initial Study/Mitigated Negative Declaration prepared for the project, which are hereby incorporated as Conditions of Approval.
- 3) Applicant shall comply with Engineering, Fire Department, Parks, and Solid Waste Division comments/conditions (Attachments V, VI, VII, VIII).
- 4) An existing oak tree is located on the northern boundary of the proposed development. The oak tree shall be located within a proposed out-lot and preserved in place and maintained in the future by the established Landscape Maintenance District.
- 5) Adequate permanent or temporary fire protection facilities as approved by the Fire Chief, shall be installed prior to the issuance of any building permits and prior to the storage of combustible materials on site.
- 6) Final acceptance of the tract shall be contingent upon the subdividers' providing within and/or outside the tract, drainage disposal facilities, as required to receive drainage and dispose for drainage and storm waters from this tract. Said facilities shall be subject to the approval of the Public Works/Engineering Department.
- 7) Applicant shall establish a landscape maintenance district prior to the recordation of the final map. All landscape plans within the landscape maintenance district shall be consistent with city standards and approved by the Community and Economic Development Director and/or the City Engineer.
- 8) Applicant shall record a note on final map indicating that all residential lots are subject to a landscape maintenance district pursuant to the Landscape and Lighting Act.
- 9) Applicant shall record a document notifying homeowners that the subject property is within a landscape maintenance district.
- 10) Applicant shall submit four copies of a landscape and irrigation plan consistent with the City's landscape ordinance.
- 11) Six-foot public utility easements shall be granted along all front yards as required for public utilities.
- 12) Final subdivision map shall depict all easements.

- 13) The applicant shall comply with the requirements of the Public Works Director and City Engineer regarding sewage disposal and water supply facilities.
- 14) All lots shall meet the provisions of the applicable zoning district.
- 15) Street names shall be consistent with street names approved by the Street Naming Committee, and approved by the Community & Economic Development Director.
- 16) Applicant to record a "Right to Farm" notice on final map.
- 17) A 7-foot block wall with backing lot treatment is required along Tulare Avenue, Morrison Street and Seminole Avenue. Final block wall design is subject to the Community & Economic Development Director's approval.
- 18) Applicant to comply with San Joaquin Valley Air Pollution Control District regulations regarding dust control during construction.
- 19) Applicant to comply with San Joaquin Valley Air Pollution Control District Rule 9510 for the final map.
- 20) Recording of the final map is subject to City Council approval of General Plan Amendment No. 2019-02 and Zone Amendment No. 735.
- 21) Applicant to provide and locate mailbox clusters as approved by the U.S. Postmaster, Tulare.
- 22) The conditions of project approval set forth herein include certain fees, dedication requirements, reservation requirements, and other exactions. Pursuant to Government Code Section 66020(d)(a), these conditions constitute a written notice of the amount of such fees, and a description of the dedications, reservations, and other exactions. The Owner/Developer is hereby notified that the 90-day protest period, commencing from the date of approval of the project, beings as of the date of Planning Commission's conditional approval of the project. If the Owner/Developer fails to file a protest regarding any of the fees, dedication requirements, reservation requirements, or other exactions contained in this notice, complying with all the requirements of Government Code Section 66020, the Owner/Developer will be legally barred from later changing such exactions.
- 23) Applicant to provide a retaining wall wherever adjacent lot grades exceed six inches.



Engineering:

**STANDARD CONDITIONS OF APPROVAL:**

SOILS:

The Subdivider shall submit a preliminary soils report for structural foundation, which shall be prepared by a Registered Civil Engineer based upon adequate soil test borings. Said report shall be submitted to the City Engineer or Chief Building Official.

The Subdivider shall have the soils investigated and make recommendations as to the correct method of trench backfill for the soils encountered in the subdivision so as to assure 90% relative compaction between the select bedding around the pipe to within 2 feet of the subbase. The top 2 feet shall be compacted to 95% relative compaction. Compaction tests are required on all trenches. All soils testing shall be performed at the sole cost of the Subdivider. The Subdivider shall establish an account with a licensed and certified soil-testing firm acceptable to the City Engineer prior to the start of construction for compaction testing of trench backfill and fills. The City shall order and direct all compaction tests.

In addition to the requirements stated above, the soils report investigation will also test for environmentally persistent pesticides, in coordination with DTSC, and in accordance with DTSC's 2008 Interim Guidance for Sampling Agricultural Properties (Third Revision).

STREETS:

Street design shall conform to City of Tulare Design Guidelines and Public Improvement Standards. Street widths and design traffic indices shall be as noted in Attachment "A." The structural section of all streets shall be not less than the minimums requirements of the City of Tulare Design Guidelines and Public Improvement Standards. A greater thickness may be required by soils test results and engineered structural section calculations. The design of the pavement structural section for streets shall be asphalt concrete over aggregate base materials.

R-Value tests shall be taken for the design of all pavement areas to be constructed by this project. The spacing of said R-Value tests shall not be more than 400 feet apart, per linear foot of paving.

All streets shall have the City standard cross section with curb, gutter and sidewalk.

All utility services shall be placed in the streets prior to paving.

Compaction tests are required on all street subgrades. All soil testing shall be performed at the sole cost of the Subdivider.

Local street corner bulb connections, 90 degree non-bulb connections, and residential cul-de-sacs shall match curb face radii shown on City Standard Drawings No. 7120, 7121, and 7130 respectively. Radii at proposed right-of-way line shall be consistent with proposed sidewalk configuration.

The centerlines of all streets shall be the continuations of the centerlines of existing streets, or shall be offset at least two hundred (200) feet.

The centerline curve radius for roadway design shall be a minimum of 250 feet for local streets, 600 feet for collector streets, and 1,200 feet for arterial streets. Provision for a smaller radius shall be subject to the approval of the City Engineer.

Street monuments shall be installed at locations as required by the City Engineer.

Driveway widths and spacing shall conform to requirements of City Code and the City of Tulare Design Guidelines and Public Improvement Standards.

Side lines of all lots wherever practicable shall be at right angles or radials to the centerline of the street.

Property line chamfers or radii are required at all street intersections per the requirements of the City of Tulare Design Guidelines and Public Improvement Standards.

The maximum slope adjacent to the back of any public sidewalk shall not exceed 5:1 for the first 5 feet. For Landscape and Lighting Act District parcels, the maximum slope between the back of the sidewalk and the wall or fence shall not exceed 10:1.

Turnarounds are required at all dead end streets, except where refuse pickup on lot frontages does not require the refuse collection vehicle to back up.

A barricade and a 2" x 8" rough redwood header shall be provided at dead end streets. As an option, an additional 1-foot of paving beyond the required limits of paving may be installed in lieu of a redwood header.

In conformance with Section 8.24.450 (A) 10 of the City of Tulare Municipal Code, "each street intersection shall be as near to a right angle as practicable."

If work by the Subdivider or his contractors render any existing City street to be in a condition unacceptable to the City Engineer, or his authorized representatives, said street must be restored to a condition as good as or better than before the development's construction activities began. Said repair work must be completed within 2 weeks of the damage having occurred, or in accordance with a schedule authorized by the City Engineer. Thenceforth, the Subdivider shall maintain the street in its repaired state for the duration of the development's construction activities.

The City shall reimburse the Subdivider for oversize costs for any facilities designated “masterplan facilities” by the City Engineer, subject to review and approval of costs prior to installation. All work identified as “oversize improvements” must be performed at prevailing wage rates to be eligible for reimbursement. Within 90 days following the notice of completion of the project, the Subdivider shall file with the City Engineer a financial statement, in the form specified by the City Engineer, stating and supporting the cost of constructing the oversize improvements. If the financial statement is not filed within this time period, the Subdivider shall not be eligible for any reimbursements. Oversize payments will be made in accordance with a separate oversize reimbursement agreement to be executed after completion of all subdivision improvements. Payment will be subject to the availability of funds. The City reserves the right to reduce the reimbursable cost if deemed excessive by the City Engineer.

#### UTILITY RELOCATIONS AND UNDERGROUNDING REQUIREMENTS:

The Subdivider shall be responsible for all costs associated with the removal, relocation and undergrounding of utilities as necessary to accommodate installation of the required public improvements. All utility lines, including but not limited to electric, communications, street lighting and cable television, shall be required to be placed underground in accordance with Section 8.24.500 (M) of the City of Tulare Municipal Code. The cost of such relocations and undergrounding shall be included in the subdivision bonds.

#### SANITARY SEWERS:

Sanitary sewers shall be designed and constructed in accordance with the City of Tulare Design Guidelines and Public Improvement Standards.

Sewer laterals shall be installed to the property lines of all lots before the streets are surfaced. Laterals shall be located in accordance with the City of Tulare Design Guidelines, unless otherwise approved to accommodate driveway approach locations.

All sewer lines shall pass both mandrel and air pressure tests, and shall be subject to video inspection by the City. The cost of one video inspection of the Development’s entire sewer line improvements shall be paid prior to recordation of the final map at the rate established at the time of recordation of the final map. The cost of any additional video inspections required shall be paid at the rate established at the time of inspection.

The City shall reimburse the Subdivider for oversize costs for any facilities designated “masterplan facilities” by the City Engineer, subject to review and approval of costs prior to installation. All work identified as “oversize improvements” must be performed at prevailing wage rates to be eligible for reimbursement. Within 90 days following the notice of completion of the project, the Subdivider shall file with the City Engineer a financial statement, in the form specified by the City Engineer, stating and supporting the cost of constructing the oversize improvements. If the financial statement is not filed within this time period, the Subdivider shall not be eligible for any reimbursements.

Oversize payments will be made in accordance with a separate oversize reimbursement agreement to be executed after completion of all subdivision improvements. Payment will be subject to the availability of funds. The City reserves the right to reduce the reimbursable cost if deemed excessive by the City Engineer.

#### STORM DRAINAGE:

The storm drain system shall be designed and constructed in accordance with the City of Tulare Design Guidelines and Public Improvement Standards.

All pipe sizes where necessary shall be adjusted to carry the design flow at the final design slope.

All gutter runs shall be limited to 1000 feet by installing pipe and storm water inlets.

The minimum slope around curb returns shall be 0.64%.

All storm drain lines shall be subject to video inspection by the City. The cost of one video inspection of the Development's entire storm drain line improvements shall be paid prior to recordation of the final map at the rate established at the time of recordation of the final map. The cost of any additional video inspections required shall be paid at the rate established at the time of inspection.

The City shall reimburse the Subdivider for oversize costs for any facilities designated "masterplan facilities" by the City Engineer, subject to review and approval of costs prior to installation. All work identified as "oversize improvements" must be performed at prevailing wage rates to be eligible for reimbursement. Within 90 days following the notice of completion of the project, the Subdivider shall file with the City Engineer a financial statement, in the form specified by the City Engineer, stating and supporting the cost of constructing the oversize improvements. If the financial statement is not filed within this time period, the Subdivider shall not be eligible for any reimbursements. Oversize payments will be made in accordance with a separate oversize reimbursement agreement to be executed after completion of all subdivision improvements. Payment will be subject to the availability of funds. The City reserves the right to reduce the reimbursable cost if deemed excessive by the City Engineer.

#### FIRE HYDRANTS:

Fire hydrants are to be located as required by the Fire Chief and City Engineer.

#### EASEMENTS:

Easements will be required for all utilities outside of dedicated rights-of-way. Six-foot Public Utility Easements will be required along all street frontages.

The Subdivider shall submit to the City of Tulare a title report for areas outside of the parcel to be developed where easements are to be dedicated for City utilities.

### WATER SUPPLY:

Water mains shall be designed and constructed in accordance with the City of Tulare Design Guidelines and Public Improvement Standards.

Water services shall be installed to the property line of all lots before the streets are surfaced. Services shall be located— in accordance with the City of Tulare Design Guidelines. The minimum horizontal distance between outside of pipe to outside or pipe for water services and sewer laterals shall be 10 feet.

The Engineer shall propose locations for water services that will accommodate ultimate driveway approach locations.

Individual 1" polyethylene water services with meter boxes and meter idlers per City standards shall be installed to all single-family residential lots.

The City shall reimburse the Subdivider for oversize costs for any facilities designated “masterplan facilities” by the City Engineer, subject to review and approval of costs prior to installation. All work identified as “oversize improvements” must be performed at prevailing wage rates to be eligible for reimbursement. Within 90 days following the notice of completion of the project, the Subdivider shall file with the City Engineer a financial statement, in the form specified by the City Engineer, stating and supporting the cost of constructing the oversize improvements. If the financial statement is not filed within this time period, the Subdivider shall not be eligible for any reimbursements. Oversize payments will be made in accordance with a separate oversize reimbursement agreement to be executed after completion of all subdivision improvements. Payment will be subject to the availability of funds. The City reserves the right to reduce the reimbursable cost if deemed excessive by the City Engineer.

Pressure, leakage, and purity tests are required on all City water system installations at the sole cost of the Subdivider.

### STREET NAMES:

Street names shall be approved by the Planning Director.

Street name sign posts shall be installed at each intersection as required by the City Traffic Engineer, and the Subdivider shall pay for the new street name signs and mounting hardware prior to recordation of the final map, at the rate established at the time of recordation of the final map. Actual installation of the street name signs shall be completed by City personnel at such time that the development reaches a sufficient state of completion.

### TRAFFIC SIGNS:

Types, sizes and locations of traffic signs shall be as required by the City Traffic Engineer and City standards.

#### PAVEMENT DELINEATION:

The Subdivider shall install and/or replace traffic striping, pavement markers, and pavement markings as required by the City Traffic Engineer.

#### STREET LIGHTS AND ELECTRICAL SERVICE:

The Subdivider must make provisions for the underground installation of electrical services and street lighting. Pole type shall be marbelite. Fixture type shall be LED unless otherwise approved by City Engineer. Design of the street lighting system shall comply with the City of Tulare Design Guidelines and Public Improvement Standards, and shall be subject to the approval of the City Engineer. The cost of the systems shall be included in the subdivision bonds.

#### GAS SERVICE:

The Subdivider must make provisions for the installation of a gas distribution system in all streets and at the sizes determined by the Southern California Gas Company.

#### PRIVATE IRRIGATION PIPELINES:

Existing private irrigation pipelines will need to be removed within street right of ways.

#### IRRIGATION CANALS:

Other than TID's Main Canal, if any portion of an existing irrigation canal (including ditch banks and maintenance access roads) falls within the development, said ditch shall be piped, relocated, or abandoned in accordance with Section 8.24.500 (H) of the City of Tulare Municipal Code and shall be so designated on the plan drawings. The proposed method of piping shall be shown on one of the master plans, if full piping does not occur within the first phase. The TID Main Canal can be left open, with the installation of fencing and an adjacent 25' wide alley or multi-use trail, as approved by the City and TID.

#### TELEPHONE/CABLE:

The Subdivider must make provisions for the installation of underground telephone and cable service.

#### EXISTING STRUCTURES:

Any existing structures within the subdivision boundary shall be removed.

#### WELLS:

Any existing wells on the site shall be abandoned and sealed in accordance with City standards.

ELEVATIONS:

Any elevations shall be based on the official City of Tulare datum.

GENERAL CONDITIONS:

All design and construction shall be in accordance with all applicable City Standards, Specifications, Ordinances, and Standard Operating Procedures, unless specifically modified elsewhere in these conditions. These engineering considerations are intended to deal with major issues apparent to this office while reviewing this tentative map. Nothing in these conditions precludes our office from applying other conditions/modifications necessary for good design, operation, and maintenance of existing and future City facilities, as might become apparent during design review and/or construction.

A City encroachment permit is required for any work to be performed within existing City rights-of-way or easements. A traffic control plan subject to the approval of the City Engineer is required for any work that will impact existing roadways. Encroachment permits may also be required by the State, Tulare Irrigation District and/or Union Pacific Railroad for any work impacting their rights-of-way, easements or facilities.

ADDITIONAL REQUIREMENTS:

Submit closures and tabulation of areas (square feet) of all lots within the subdivision. A blue line area shall also be submitted.

Provide the City of Tulare with three (3) prints of the final map of the subdivision, and three (3) prints of the improvement drawings for final checking.

Following approval of the final map, provide the City of Tulare with an electronic copy.

Following approval of the improvement drawings, provide the City of Tulare with one reproducible copy, four (4) prints and an electronic copy. This shall be done prior to scheduling any pre-construction conferences or commencing any improvements.

Submit to the City of Tulare a title report for the parcel(s) to be developed.

The Subdivider's engineer will be required to certify in writing that all lot grading has been performed in accordance with the approved lot-grading plan prior to issuance of any building permits.

Prior to the start of construction, a meeting will be called by the City Engineer with the Subdivider, Contractor and all concerned including utility companies to coordinate and schedule work in order to avoid all possible delays due to conflicts of operation and to

guarantee that all City requirements are met. The Contractor shall perform no construction in the field until after this meeting.

This project involves construction activity including clearing, grading and excavation which may require the filing a Notice of Intent with the State Water Resources Control Board under the General Permit to discharge storm water associated with construction activity, the preparation of a storm water pollution prevention plan, and monitoring program.

Prepared By: Jan Bowen, Senior Engineer

Approved

By:

Michael W. Miller, City Engineer



## ATTACHMENT "A"

The engineering considerations checked below shall be made a condition of approval of the subject subdivision.

- 1) A master plan for street layout for the entire development shall be submitted for approval prior to approval of any portion thereof.
- 2) Roadway design criteria shall be as indicated below. Structural section design shall be based upon the indicated traffic index, but shall not be less than the minimum requirements of the City of Tulare Design Guidelines and Public Improvement Standards:

	Roadway	Classification	Traffic Index	Sidewalk Width	Sidewalk Configuration
a)	Seminole Ave.	72 ft Collector	6.5	5 ft	Parkway
b)	Morrison St.	72 ft Collector	6.5	10 ft	Class 1 Bike Path
c)	Interior Local Streets	56 ft Local	5.0	5 ft	Parkway (typical), meandering for linear park spaces
d)	Cul-de-sacs	52 ft Cul-de-sac	4.5	5 ft	Parkway
e)	Tulare Ave. (SR-137)	Per Caltrans Requirements		6 ft	Parkway

■ The Subdivider shall be responsible for the following minimum improvements to existing Arterial streets:

■ Full paveout from lip of gutter to the existing edge of pavement: Tulare Avenue (State Route 137)

■ Provide a pavement transition from the existing roadway cross-section to the new roadway cross-section, of a width and length as approved by the City Traffic Engineer

■ Other: Additional as required by Caltrans (SR-137).

■ The Subdivider shall be responsible for the following minimum improvements along existing non-arterial streets adjacent to this development:

■ Full paveout, from lip of gutter to the existing edge of pavement: Morrison Street.

- Reconstruction of the following portions of existing pavement:  
Full depth reconstruction of the west half of Morrison Street.
  - Rehabilitation of the following portions of existing pavement, by methods approved by the City Engineer: 2-inch grind and overlay of the remaining east side of Morrison Street.
- 3) Backing lot treatment with common area landscaping, irrigation and block wall improvements shall apply to the following frontages: Seminole Avenue, Morrison Street and Tulare Avenue (State Route 137).
  - 4) Waiver of direct access rights shall be provided as follows: Seminole Avenue, Morrison Street, Tulare Avenue (State Route 137).
  - 6) The development shall incorporate the following bicycle/pedestrian facilities: Class 1 Bike Path along Morrison Street. Class 1 Bike Path shall be consistent with City Standard Drawing No. 7080.
  - 7) As the project develops, each phase of the development shall incorporate the Transportation Mitigation Measures identified in the Mitigated Negative Declaration
  - 8) The proposed development is included in Landscape & Lighting Assessment District No. 2005-06. The district was established for the maintenance of common area landscaping, common area irrigation systems, common area block walls, street trees, street lights and local streets. Dedication to the City is required for all landscape and common area lots to be maintained by the Landscape & Lighting District. A new landscape and lighting assessment district shall be established for maintenance of the project drainage basin, park areas, and Class 1 trail along the project's Morrison Street frontage.
  - 9) A landscape & irrigation master plan for all phases of the subdivision shall be submitted with the initial phase to assist City staff in the formation of the Landscape & Lighting District. The landscape & irrigation master plan shall be approved by the Director of Parks and Community Services a minimum 75 days before approval of the final map or approval of the improvement plans (whichever comes first).
  - 10) A master plan for sanitary sewer for the entire development shall be submitted for approval prior to approval of any portion of the system.
  - 11) The sanitary sewer alignments shall be 6 feet north and/or east of street centerline, unless other alignments are approved by the City Engineer.
  - 12) A master plan for storm drainage for the entire development shall be submitted for approval prior to approval of any portion of the system.
  - 13) A grading/drainage plan prepared by a Registered Civil Engineer or Licensed Architect and subject to approval by the City Engineer shall be submitted. The plan shall include existing and proposed contours, and detail the means of collection and disposal of storm water runoff from the site and adjacent road frontages in such a manner that runoff is not diverted

to adjacent property. On-site retention of storm water runoff is  required  
 not required.

A letter verifying that lot grading was completed in accordance with the approved grading/ drainage plan shall be prepared by a Registered Civil Engineer or Licensed Architect and submitted to the City Engineer prior to the issuance of a notice of completion. The Engineer or Architect shall affix their stamp and seal to the letter.

- 14) The storm drain alignments shall be 11 feet south and/or west of centerline unless other alignments are approved by the City Engineer.
- 15) A master plan for water for the entire development shall be submitted for approval prior to approval of any portion of the system.
- 16) The water main alignments shall be 6 feet south and/or west of street centerline, unless other alignments are approved by the City Engineer.
- 17) A water sampling station shall be installed as follows: One location to be determined by the City Water Superintendent.
- 18) Miscellaneous Comments:
  - a) The developer shall provide an irrevocable offer of dedication of right-of-way for a future roundabout at the intersection of Seminole Avenue and Morrison Street with the development of Phase 4. The exact design, approach radii, and dimensions will be subject to engineering review during the design review period. The developer shall provide 30% design plans for the future roundabout as justification for the proposed irrevocable offer of dedication of right-of-way.
  - b) Seminole Avenue to transition from existing 64' ROW to 72' ROW beginning at west end of project boundary.
  - c) Developer shall provide a minimum of 30 feet of asphalt paving width along Seminole Avenue, plus room for a 5 foot drainage swale on the undeveloped side (47' minimum right-of-way).
  - d) Developer shall extend the existing 10" sewer line from the adjacent subdivision to the west along Sand Hills Avenue to Morrison Street. The oversizing from an 8" to 10" sewer line is eligible for reimbursement through the City's oversize construction reimbursement policies.

## ATTACHMENT "B"

The Subdivider shall pay to the City at the time of approval of the final map all applicable fees, including, but not limited to, those checked below:

### Benefit Districts

- 1) Sewer front foot charges: \$ TBD per front foot for frontages on Tulare Avenue.
- 2) Sewer Lift Station Fee of \$ \_\_\_\_\_ per acre.
- 3) Water front foot charges: \$ 17.50 per front foot for frontages on Tulare Avenue.
- 4) Street front foot charges: \$ \_\_\_\_\_ per front foot for frontages on \_\_\_\_\_.
- 5) Benefit District Creation Fee (if applicable): \$ 1,008.19 per district.
- 6) Other: \_\_\_\_\_

### Special In-Lieu Fees

- 6) Traffic Signals Fee: \$ \_\_\_\_\_.
- 7) TID Ditch Piping Fee: \$ \_\_\_\_\_.
- 8) Sewer Main Fee: \$ \_\_\_\_\_.
- 9) Water Main Fee: \$ \_\_\_\_\_.
- 10) Street Fee: \$ \_\_\_\_\_.
- 11) Other Fees: \$ \_\_\_\_\_.

### Plan Check, Inspection, and Impact Fees

- 12) Engineering Inspection Fee to be based on a percentage of the estimated cost of construction.
- 13) Development Impact Fees to be paid with Building Permit.
- 14) Engineering Plan Review Fee to be paid at time of submittal.
- 15) Final Map Plan Check Fee to be paid at time of submittal.

**All fees shall be based on the current fee schedule in effect at the time of recordation of the final map.**

**Fire:**

1. The project must comply with all of the latest applicable codes.
2. Additional fire hydrants shall be required. Fire hydrant spacing shall be as follows:
  - a. **Residential development**, one hydrant shall be installed at **500-foot** intervals.
  - b. **Divided Highway**, one hydrant shall be installed at alternating **500-foot** intervals.
3. An approved water supply for fire protection *shall* be made available prior to combustible materials arriving on the site.
4. An approved fire apparatus access roads shall be provided for every facility, building or portion of a building constructed or moved into or within the City of Tulare. It shall extend to within 150 feet of all portions of the facility and all portions on the exterior walls of the first story of the buildings as measured by an approved route around the exterior of the building or facility. The road shall be a minimum of 20' wide and have a minimum height clearance of 13'6"
5. All roads shall be designed and maintained to support the imposed loads of fire apparatus and shall be surfaced so as to provide all-weather driving capabilities.
6. The Fire Code Official is authorized to require more than one fire apparatus access road based on the potential for impairment of a single road by vehicle congestion, condition of terrain, climatic conditions or other factors that could limit access. Areas identified as "Fire Lanes" must be identified as such per requirements set forth in the California Vehicle Code.
7. All dead-end access roads in excess of 150 feet must be provided with an approved turn-around complying with City standards.

**Solid Waste:**

1. Customer responsible for setting cans out for service by 6:00 am and removing cans from curb, gutter, or alley on the same day after serviced. Customer is responsible for any violations.
2. Mandatory Commercial Recycling AB 341. All Commercial Businesses, Multi Family and Residential customers must have a blue recycle Bin, Roll Off, or Can for clean paper, cardboard, cans, bottles etc.
3. Customer is required to flatten, breakdown all cardboard and other bulky recyclables in blue containers. Customer is responsible for any contamination in containers and all fines and charges resulting from contaminated recyclables.

4. Mandatory Organics/Compost Recycling AB 1826. Green 96-gallon containers for yard waste/food scraps required. Additional storage area attached to enclosure to store up to 3 96-gallon cans as option shown on enclosure specs is required.
5. Paved areas should be engineered to withstand a 60,000 lb. refuse truck.
6. Standard residential can service. Trash, green waste/organics and blue recycling cans serviced once a week.
7. Section 7.16.040 of the Tulare Municipal Code prohibits private companies/haulers from providing refuse services without authorization. Roll Off services for construction and demolition, recycling, compost or green waste and metal are to be provided by the City of Tulare Solid Waste Division. Any Private Roll Off companies/haulers used must be listed on the Board of Public Utilities City Resolution Approved Authorized Haulers List, Resolution No. 07-04. Commercial Front Load Bin service in the City of Tulare is provided exclusively by the City of Tulare Solid Waste Division only as per Municipal Code (No Exceptions).

### **Parks**

The main objectives of the City of Tulare's Landscaping Ordinance include conserving water through the selection of plants consistent with Tulare's Mediterranean climate; design of water efficient landscapes; and to enhance the aesthetic appearance of the city by promoting development that is well landscaped, properly irrigated and effectively maintained.

All projects that require a landscaping and irrigation plan pursuant to Chapter 10.196 of MC shall comply with the following development standards:

#### **GENERAL STANDARDS:**

All landscape development over 500 square feet (new) or 2,500 square feet (rehabilitated) that requires a permit, plan check or design review shall meet the water efficiency and site design requirements detailed in other sections of the Landscape Ordinance Chapter 10.196 of the Municipal Code. The project applicant, and owner (if different) shall sign the Landscape Documentation Package as required in § 10.196.060(B)(1)(i).

Elements of the Landscape Documentation Package:

(A) Projects 2,500 square feet and less: Projects 2,500 square feet and less may comply with the requirements of this chapter by conforming to the prescriptive measures. Compliance with all of the items is mandatory and must be documented on a landscape plan in order to use the prescriptive compliance option.

(B) Any project including all projects over 2,500 square feet: The Landscape Documentation Package shall include the following six elements:

- (1) Project information;
  - (a) Date;
  - (b) Project applicant;
  - (c) Project address (if available, parcel and/or lot number(s));
  - (d) Total landscape area (square feet);
  - (e) Project type (e.g., new, rehabilitated, public, private, cemetery, homeowner-installed);
  - (f) Water supply type (e.g., potable, recycled, well) and identify the local retail water purveyor;
  - (g) Checklist of all documents in Landscape Documentation Package;
  - (h) Project contacts to include contact information for the project applicant and property owner;
  - (i) Applicant signature and date with statement, "I agree to comply with the requirements of the water efficient landscape ordinance and submit a complete Landscape Documentation Package."
- (2) Water Efficient Landscape Worksheet;
  - (a) Hydro zone information table.
  - (b) Water budget calculations.
    1. Maximum applied water allowance (MAWA).
    2. Estimated total water use (ETWU).
- (3) Soil management report;
- (4) Landscape design plan;
- (5) Irrigation design plan; and
- (6) Grading design plan.

Landscape and irrigation plans for individual residential lots are to be submitted to the Building Department along with building permit submittals for review and approval. Attachment "A" are copies of the landscape prescriptive compliance and sample landscape plan and water calculation sheets. A complete copy of the City's landscape standards may be viewed on-line at [www.tulare.ca.gov](http://www.tulare.ca.gov).

#### **ADDITIONAL REQUIREMENTS:**

Landscape and irrigation plans for all common area landscape out lots shall be master planned (including size and points of water service connection, booster pump location, mainline size and sleeve locations) and shall be submitted as part of the subdivision Master Utility and Street Plan submittal.

- I. All landscaping on city-owned property shall conform to City landscaping and irrigation standards including the City of Tulare Community Services Department

(Parks, Recreation and Library Division) Improvements Standards; area specific plans and other applicable documents.

2. The maintenance and upkeep of all proposed Outlots and Pocket Park are to be part of the Landscape and Lighting District that shall be formed in conjunction with this subdivision.
3. It is recommended that the proposed park area be developed as at-grade open space with an ADA compliant walking path around the perimeter of Outlot V.
4. Proposed Pocket Park and proposed Outlots shall be separated from adjacent residential lots (1, 9, 10, 34, 44, 45, 59, 60, 74, 75, 92, 97, 98, 106, 125, 126, 144, 145, 163, 168, 169, 216, 217, 228, 229, 240, 241, 252, 292, 326, 330, 331, 347, 348, and 360) by a block wall, subject to applicable zoning height restrictions.
5. Proposed Pocket Park is not eligible for Park Development Impact Fee credits and shall be constructed as part of the proposed subdivision.
6. Proposed Pocket Park amenities shall include but not limited to turf, trees and landscape plantings, 6 ft. wide ADA compliant walking path with low level lighting, and multiple benches and trash receptacles.
7. All Outlot landscape and irrigation improvement plans shall be reviewed and approved by the Community Services Director and City Engineer.
8. Prior to the start of construction of landscape and irrigation improvements on all Outlots, a meeting will be held by the Community Services Director with the Subdivider and Contractor to coordinate and schedule work in order to avoid all possible delays due to conflicts of operation and to guarantee that all City landscape and irrigation requirements are met. The Contractor shall perform no construction in the field until after this meeting.
9. All common area landscaping and irrigation areas, Outlots and Pocket Park shall be subject to a 12 month maintenance period after the Notice of Completion has been issued.
10. Existing Valley Oak Tree (located adjacent to lot #142, south of Seminole Alignment) shall be protected in place and subject to an inspection by a Certified Arborist to ascertain the health and overall condition of the tree. Upon recommendation of the Certified Arborist, subject tree shall be pruned in conformance with City MC Section 8.32.130 Preservation of Heritage Trees. A pruning permit shall be obtained from the Parks Division before any work may begin.



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

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

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

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

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

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

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



## Letters received by property owners asking for Continuance of the Farrar Estates project

- Gary and Becky Farley
- Kary Mancebo-Ingram
- Gary & Diana Warnock
- Leatha White
- Dawn Miller

## Mario Anaya

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**From:** GARY FARLEY <bedfordia@sbcglobal.net>  
**Sent:** Saturday, December 21, 2019 8:48 AM  
**To:** Mario Anaya  
**Cc:** aleathaw@gmail.com  
**Subject:** Farrar estates

To the planning commission of Tulare

Our names are Gary and Becky Farley. We have lived at 3036 e Tulare ave since June 2012. Our property is slated to be surrounded on the north and west sides by the proposed Farrar Estates project.

I would like to ask the commission to delay voting on the project until the end of January 2020 for the following reasons.

Before we purchased our property we were shown a map of the zoning in the field around us which were large lots. Also the lots to the north of us were all 1 acre lots zoned residential agricultural. We knew that we were in the city limits and someday houses would be built around us but the proposed map seemed to be a good fit because of the size of the properties. I doubt that we would have bought the property based on the new proposed project.

We also just found out at a meeting with the builder on Dec. 17 that Morrison ave. that sits on our east side will have to be widened to support increased traffic flow from the new houses. I am sure that we will lose some of our land on the east and possibly on the south side of our property along with our fence and possibly 8 mature (50+ year old) shade trees. The builders were not able to provide us with any information others than saying it would happen and we need to contact the city.

This is why we are asking you to delay the vote. Because of the holidays, we are short on time to get our ducks in order. This whole project is going to effect our lives here probably more than anyone else in this neighborhood. We need more time to gather information about how this will effect our life here. There many important decisions to be made and we are just asking for a little more time.

Thank you for your consideration  
Gary and Becky Farley

## Mario Anaya

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**From:** Kary Mancebo-Ingram <ingramk@comcast.net>  
**Sent:** Monday, December 23, 2019 10:27 AM  
**To:** Mario Anaya  
**Subject:** Farrar Estates

Good morning Mr. Anaya,

My name is Kary Mancebo-Ingram and my family and I live within the beautiful, peaceful community just east of Morrison in Tulare County. Our neighborhood is very worried and upset about this Farrar Estates development and the rezoning being proposed to the west of Morrison and north of Tulare Avenue. We have already been faced with increased traffic and unsafe speeds/speeding since Morrison has been expanded to the south, crossing Tulare Avenue. The damage to our road is undeniable and our safety is in jeopardy as people now use Morrison as a highway thoroughfare to get from Prosperity to Tulare Avenue. We've also been faced with property theft, which we never had to worry about in our private, peaceful neighborhood, when the track homes were being built across from us on Tulare Avenue and to the west of us, just behind the waterslides. I can just imagine what we will face once the building begins so much closer to our neighborhood.

We realize change and growth may be inevitable, however, to see this proposed rezoning is most disturbing. We have asked for, and received, a compromise in the past with help from Supervisor Pete Vanderpool, that allowed large residential lots closest to Morrison and then lot size decreased as development moved west. These large lots would allow those who are interested in building custom homes with some land an in-town option, and help those of us to the east (Morrison/Cross Ave/Ranch Acres) preserve our quiet, way-of-life community.

It is most important that our voices are heard, therefore, I am respectfully asking the Planning Commission to please delay this decision until the end of January. There is so much to consider and timing could not be worse. Our neighbors have gotten together to begin our response to this proposed project, however, with the Holidays, illnesses, and some of us out of town because of the Holidays, we have not had adequate time to review everything this project will do to our lives. We do know that this project, as proposed, is not welcomed and respectfully ask the Commission to enforce the zoning that has already been approved.

Please consider delaying this review until the end of January so our neighborhood can be adequately prepared.

Sincerely,  
Kary Mancebo-Ingram  
3169 East Cross Avenue

**Mario Anaya**

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**From:** dwarn38017@aol.com  
**Sent:** Monday, December 23, 2019 12:02 PM  
**To:** Mario Anaya  
**Subject:** Farrar Estate Project

Dear Mr. Mario Anaya,

Please extend the Farrar Estate project review until the end of January, 2020

With the approaching Christmas holiday my husband and I feel those involved need more time to review the plan and information regarding the above said project. Please consider as well those who will not be able to attend the meeting on December 23, 2019 due to holiday travel plans. Thank you for your consideration.

Sincerely,

Gary Warnock  
Diana Warnock

## Lucie Brown

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**From:** Mario Anaya  
**Sent:** Monday, December 23, 2019 2:55 PM  
**To:** Lucie Brown; Steven Sopp; Traci Myers  
**Subject:** FW: Farrara Estates

Mario A. Anaya  
Principal Planner  
City of Tulare  
559-684-4223  
[manaya@tulare.ca.gov](mailto:manaya@tulare.ca.gov)

**From:** Leatha White [mailto:[aleathaw@gmail.com](mailto:aleathaw@gmail.com)]  
**Sent:** Monday, December 23, 2019 2:30 PM  
**To:** Mario Anaya <[manaya@tulare.ca.gov](mailto:manaya@tulare.ca.gov)>  
**Subject:** Farrara Estates

Good Morning Mr. Anaya,

My name is Leatha White and I live on the East side of Morrison and to the North of Tulare Ave. in Tulare County, I have concerns regarding the new development that has been requested to be built across the street from me on the west side of Morrison.

Recently I attended a meeting where a spoke person for the developer Matt Smith stated: "all the logistics have not been worked out yet, they will be worked as we go".

What logistics??

He also stated that "this is going to happen no matter what and if tried to fight it we wouldn't win". In a private conversation, he said it would be built with no compromise.

The annexation of the Eastside of Morrison was mentioned by a member of the city staff that was at the meeting, yet I have not heard anything from the county about this matter. I also talked to The Tulare County office. I spoke to a staff member and was told they were not aware of any permits requested. is this one of those logistics?

I know growth and change may come, however many times it also comes with compromise and people working together.

Due to the holiday season, it is very hard for many people to review this project and/or attend the meeting and speak their opinion and concerns.

I am asking the planning committee to extend the decision on this project until the end of January 2020. this way people of this neighborhood have time to review the project and adequately be prepared to speak. Thank you for consideration.

Sincerely,  
Leatha White  
210 N. Morrison St.

## Lucie Brown

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**From:** Mario Anaya  
**Sent:** Monday, December 23, 2019 3:22 PM  
**To:** Lucie Brown; Steven Sopp; Traci Myers  
**Subject:** FW: Planning meeting tonight

Mario A. Anaya  
Principal Planner  
City of Tulare  
559-684-4223  
manaya@tulare.ca.gov

-----Original Message-----

From: Dawn Miller [mailto:dmillertime04@gmail.com]  
Sent: Monday, December 23, 2019 3:14 PM  
To: Mario Anaya <manaya@tulare.ca.gov>  
Subject: Planning meeting tonight

To whom it may concern:

I am respectfully requesting that the meeting that is set for tonight, in regards to the Woodside Homes re-zoning at Morrison/Tulare, be rescheduled. I feel that having this important meeting right before the Christmas Holidays is meant to not allow the public that it will effect, have a say. There are quite a few residents that will be out of town. I did also go to the informational meeting that Woodside Homes had for this development and the way they made it sound was that they had everything already set, there would be nothing that could be said or done to change anything, and that this project was a go. I think that is wrong to not hear out the residents that this development will effect. I hope the city will considering postponing this until after the 1st of the year.

Thank you,  
Dawn Miller

Sent from my iPhone



**RESOLUTION 2020-04**

**A RESOLUTION OF THE TULARE CITY COUNCIL ADOPTING A MITIGATED NEGATIVE DECLARATION FOR GENERAL PLAN AMENDMENT NO. 2019-02, ZONING AMENDMENT NO. 735, TSM 2019-15 – FARRAR, AND CONDITIONAL USE PERMIT NO. 2019-19**

**WHEREAS**, the Tulare City Council held a regular meeting on January 21, 2020 to consider a Mitigated Negative Declaration prepared for General Plan Amendment No. 2019-02, Zoning Amendment No. 735, TSM 2019-15 – Farrar, and Conditional Use Permit No. 2019-19; and,

**WHEREAS**, the Tulare City Council determined that a Mitigated Negative Declaration has been prepared in accordance with the California Environmental Quality Act; and,

**WHEREAS**, the Tulare City Council considered the proposed Mitigated Negative Declaration and finds that there is no substantial evidence that the project will have a significant effect on the environment; and,

**WHEREAS**, the Tulare City Council determined that the proposed Mitigated Negative Declaration reflects the lead agency’s independent judgment and analysis.

**NOW, THEREFORE, BE IT RESOLVED** that the Mitigated Negative Declaration and associated Mitigation Monitoring Plan prepared for General Plan Amendment No. 2019-02, Zoning Amendment No. 735, TSM 2019-15 – Farrar, and Conditional Use Permit No. 2019-19; and, is hereby adopted by the Tulare City Council.

**PASSED, APPROVED, AND ADOPTED** this 4<sup>th</sup> day of January 2020.

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

ATTEST:

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

I, Rob A. Hunt, City Clerk of the City of Tulare, certify the foregoing is the full and true Resolution 20-04 passed and adopted by the Council of the City of Tulare at a regular meeting held on February 4, 2020, by the following vote:

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

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

Dated: Rob Hunt, CITY CLERK

By Roxanne Yoder, Chief Deputy City Clerk



**ORDINANCE 2020-02**

**AN ORDINANCE OF THE CITY OF TULARE AMENDING THE ZONING MAP OF THE CITY BEING A PART OF THE SECTION 10.04.04 OF SAID CODE ZONE AMENDMENT NO. 735**

**WHEREAS**, the Tulare City Council finds that this application is necessary to achieve the objectives of the Zoning Title prescribed in Section 10.04.02 of the Tulare City Code; and

**WHEREAS**, the Tulare City Council finds that this zone change is in conformance with the adopted General Plan for the City of Tulare; and,

**WHEREAS**, the Tulare City Council finds that the request will not be detrimental to the public interest, health, safety, convenience or welfare of the City; and,

**WHEREAS**, the Council of the City of Tulare finds that a Mitigated Negative Declaration has been prepared in accordance with the California Environmental Quality Act;

**NOW, THEREFORE, BE IT ORDAINED BY THE TULARE CITY COUNCIL AS FOLLOWS**, to wit:

**SECTION 1:** The Zoning Map of the City of Tulare as referred to in Section 10.24.05 of the City Code of the City of Tulare, and as enacted, being made a part of the Zoning title of said Code in Section 10.04.04; thereof, a property portion of said map, being attached hereto, is hereby amended as follows:

**REZONING** approximately 76.5 acres of property from the existing RA (Rural Residential), R-1-7 (Single-family Residential, 7,000 sq. ft. minimum lot area), R-1-12.5 (Single-family Residential, 12,500 sq. ft. minimum lot area) and, R-1-20 (Single-family Residential, 20,000 sq. ft. minimum lot area) to the R-1-4 (Small-lot Residential) and R-1-6 (Single-family Residential, 6,000 sq. ft. minimum lot area) zoning designation (APNs 172-130-020, 172-090-029, 172-110-002, and 172-070-005) located on the west side of Morrison Street between Tulare Avenue and the Seminole Avenue alignment, as set forth more specifically on said map.

**SECTION 2:** All ordinances and parts of ordinances in conflict herewith are hereby repealed.

**SECTION 3:** This Ordinance shall be in full force and effect thirty (30) days from and after its passage, adoption, and approval.

**PASSED, APPROVED, AND ADOPTED** this \_\_\_\_\_ day of February 2020.

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

**ATTEST:**

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

**AGENDA ITEM:**

**CITY OF TULARE  
AGENDA ITEM TRANSMITTAL SHEET**

**Submitting Department: Community and Economic Development**

**For Council Meeting of: February 4, 2020**

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

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**AGENDA ITEM:**

Public Hearing to Pass-to-Print Ordinance 2020-\_\_\_, adding Chapter 10.162 to the City of Tulare Municipal Code, the Farmland Mitigation Ordinance.

**IS PUBLIC HEARING REQUIRED:**  Yes  No

**BACKGROUND/EXPLANATION:**

Policy COS-P3.12 of the City of Tulare General Plan 2035 requires the City of Tulare to create and adopt a mitigation program to address the conversion of Prime Farmland and Farmland of Statewide Importance within the City’s urban development boundary (UDB), and outside the city limits, to non-agricultural uses. The preservation of farmland against the increasing pressures of urban development was a key issue of concern during preparation of the Tulare General Plan 2035, and a factor in establishing the City’s UDB for growth of development beyond the City limits. As the City’s growth continues to reduce the vacant land available for development within the City’s limits, the next areas of development growth would take place within the City’s UDB, just outside the City’s limits. Therefore, the potential for the conversion of agricultural lands to non-agricultural uses will increase over time, and the City is obligated to implement the mitigation requirement legally mandated in the City’s 2035 General Plan. By having a codified agricultural mitigation ordinance, the City will remain in compliance with its’ 2035 General Plan, and the ordinance also provides a clear process and protocol for potential developers to use in obtaining entitlement approvals, while avoiding uncertain delays when proposing to convert critical agricultural land to non-agricultural use.

The objectives of the proposed Farmland Mitigation Ordinance are the following:

- (1) Protect agriculture as a crucial component of Tulare’s economy and cultural heritage;
- (2) Protect and preserve agricultural lands from the effects of urban encroachment;
- (3) Balance the need for agricultural land conservation with other public goals in Tulare, including the need for housing, commercial, industrial, and infrastructure development; and
- (4) Foster coordination and cooperation by the City of Tulare with the County of Tulare, Local Agency Formation Commission, and neighboring cities, including the City of Visalia, to facilitate an integrated and comprehensive regional approach to agricultural land conservation.

The proposed ordinance text is provided, attached to this staff report.

**ENVIRONMENTAL:**

The proposed Zoning Ordinance Amendment is exempt from Environmental Review under the California Environmental Quality Act (CEQA), pursuant to Sections 15317 and 15325(b).

**STAFF RECOMMENDATION:**

Pass-to-Print Ordinance 2020-\_\_ for a zoning text amendment, adding Chapter 10.162, the Farmland Mitigation Ordinance, to the Tulare Municipal Code.

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

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

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

**Submitted by:** Mario A. Anaya

**Title:** Principal Planner

**Date:** February 4, 2020

**City Manager Approval:** \_\_\_\_\_

**ORDINANCE 2020-\_\_**

**AN ORDINANCE OF THE COUNCIL OF THE CITY OF TULARE ADDING CHAPTER 10.162 TO TITLE 10 (ZONING) OF THE MUNICIPAL CODE TO CODIFY THE REQUIREMENTS FOR THE MITIGATION OF CRITICAL FARMLAND WHEN CONVERTED TO NON-AGRICULTURAL USES**

The City Council of the City of Tulare, State of California, ordains as follows:

**WHEREAS**, To protect agriculture and agricultural lands as crucial components of Tulare's economy and cultural heritage, it is the desire of the City Council of the City of Tulare to add Zoning Ordinance Chapter 10.162, creating and adopting a mitigation program to address the conversion of Critical Farmland within the City's urban development boundary and outside the city limits; and

**WHEREAS**, The City Council of the City of Tulare determined that the proposed amendment is in the public interest; and

**WHEREAS**, The City Council of the City of Tulare determined the proposed action will promote the goals and objectives of the Zoning Title as prescribed in Chapter 10.162 of the Tulare City Code; and

**WHEREAS**, The City Council of the City of Tulare determined that the proposed request will not be detrimental to the public health, safety, and welfare or be materially injurious to properties or improvements in the vicinity; and

**WHEREAS**, At a duly noticed public hearing on December 23, 2019, the Planning Commission of the City of Tulare reviewed and recommended that the City Council add Chapter 10.162 to Title 10 (Zoning) of the Tulare Municipal Code; and

**WHEREAS**, The Zoning Ordinance Amendment is exempt from Environmental Review under the California Environmental Quality Act (CEQA), pursuant to Sections 15317 and 15325(b).

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

**SECTION I:** Chapter 10.162 of Title 10 (Zoning) of the Tulare Municipal Code is added to read as follows:

## CHAPTER 10.162: FARMLAND MITIGATION

### Section

10.162.010	Title.
10.162.020	Purpose and Intent.
10.162.030	Objectives.
10.162.040	Definitions.
10.162.050	Mitigation Obligation.
10.162.060	Optional Mitigation Alternatives
10.162.070	Requirements for Mitigation Land and Agricultural Conservation Easements.
10.162.080	Requirements for Qualified Entities.
10.162.090	Approval and Completion.
10.162.100	Miscellaneous

### **§ 10.162.010 Title.**

This Chapter may be cited as the “Farmland Mitigation Ordinance” of the City of Tulare.

### **§ 10.162.020 Purpose and Intent.**

The purpose of this Chapter is to set forth the specific criteria and guidelines, consistent with the City of Tulare (Tulare) General Plan policies for the mitigation of agricultural land converted to non-agricultural uses, within the City’s urban development boundary (UDB) and outside the City limits. The intent of this Chapter is to protect the City of Tulare’s agricultural lands from conversion to non-agricultural uses.

### **§ 10.162.030 Objectives.**

The objectives of this Chapter are as follows:

- (A) Protect agriculture as a crucial component of Tulare’s economy and cultural heritage;
- (B) Protect and preserve agricultural lands from the effects of urban encroachment;
- (C) Balance the need for agricultural land conservation with other public goals in Tulare, including the need for housing, commercial, industrial, and infrastructure development; and

- (D) Foster coordination and cooperation by the City of Tulare with the County of Tulare, Local Agency Formation Commission, and neighboring cities, including the City of Visalia, to facilitate an integrated and comprehensive regional approach to agricultural land conservation.

#### **§ 10.162.040 Definitions.**

Except where the context of this Chapter otherwise expressly requires, the following definitions shall govern the construction of this article. Furthermore, the definition of a word or phrase applies to any of that word's or phrase's variants. For the purpose of this Chapter, the following definitions shall apply:

**ADJUSTMENT FOR INFLATION.** For costs other than the purchase price of agricultural conservation easements, adjustment for inflation refers to adjustments to reflect increases in the Consumer Price Index applicable to Tulare. For the purchase price of agricultural conservation easements, adjustment for inflation refers to adjustment to reflect increases in the House Price Index applicable to Tulare, as compiled by the Office of Federal Housing Enterprise Oversight.

**AGRICULTURAL DESIGNATION.** Land that is within the City of Tulare or within the City of Tulare's Urban Development Boundary and is labeled as Open Space/Agriculture per the latest City of Tulare General Plan Land Use Map, or land within the County of Tulare designated for agricultural use in the latest Tulare County General Plan Land Use Map.

**AGRICULTURAL CONSERVATION EASEMENT.** A perpetual easement or servitude, comparable to a conservation easement, as provided for in sections 815 to 816 of the Civil Code, or an open space easement, provided for in sections 51070 to 51097 of the Government Code, limiting the use of the encumbered land to agricultural and accessory uses, which easement or servitude is used to satisfy the mitigation obligation imposed by this Chapter.

**AGRICULTURAL LAND.** Land, residing within the UDB of the City of Tulare, but outside the City's incorporated limits, which is either currently in agricultural use or substantially undeveloped and capable of agricultural use.

**AGRICULTURAL USE.** Use of land to produce food, fiber, or livestock for commercial purposes.

**AGRICULTURAL ZONE.** Land that is within the City of Tulare and is labeled as Open Space/Agriculture per the latest City of Tulare Zoning Map, or land within the County of Tulare zoned for agricultural use in the latest Tulare County Zoning Map.



**APPLICANT.** Any natural person, joint venture, joint stock company, partnership, association, club, company, corporation, business, trust, or organization seeking approval or authorization from the City of Tulare on an application or permit for property which is outside the Tulare city limits at the time the ordinance codified in this Chapter becomes effective.

**CHAPTER.** Chapter includes all sections and provision within this Farmland Mitigation Ordinance.

**CITY COUNCIL.** The City Council of the City of Tulare.

**CONVERSION.** Those conversions of land requiring mitigation as identified in §10.162.040.

**LEGAL PARCEL.** A parcel of land lawfully subdivided in accordance with the Subdivision Map Act, whether or not a Certificate of Compliance has been issued for the parcel. The existence of a distinct Assessor's Parcel Number for a parcel does not, by itself, demonstrate that it is a legal parcel.

**LEGISLATIVE BODY.** A jurisdiction's decision-making body.

**MITIGATION LAND.** Land encumbered by an agricultural conservation easement or under an alternative mitigation option approved by the legislative body pursuant to §10.162.060 to satisfy the mitigation obligation imposed by this Chapter.

**CRITICAL FARMLAND.** Land designated "Prime," "Farmland of Statewide Importance," "Unique Farmland," or "Grazing Land" by the California Department of Conservation as shown on their latest Important Farmland Map.

**QUALIFIED ENTITY.** An entity qualified and approved to hold agricultural conservation easements in compliance with §10.162.080 of this Chapter.

#### **§ 10.162.050 Mitigation Obligation.**

This Chapter and the following mitigation obligations shall apply to the conversion to a non-agricultural use of one or more acres of Critical Farmland, as defined in this Chapter, regardless of the General Plan land use designation or zoning applicable to the land.

- (A) As mitigation for the conversion of Critical Farmland, the applicant shall arrange for the imposition of an agricultural conservation easement on no less than one acre of mitigation land for each acre of land proposed for conversion. The applicant shall convey, or arrange for the conveyance of,

such agricultural conservation easement to a qualified entity. The mitigation land shall be comparable to the land proposed for conversion, as provided in §10.162.070 of this Chapter.

- (B) For the purposes of calculating the mitigation obligation under §10.162.050(A), the area requiring mitigation shall be the full area of the legal parcel affected by conversion and not merely any lesser portion of the parcel that may be sought to be developed or converted to another use at the time conversion is proposed.
- (C) The applicant shall pay to the qualified entity an administrative fee sufficient to compensate for all administrative costs reasonably necessary for the qualified entity to acquire and hold the agricultural conservation easement and implement this Chapter, including all of the following:
  - (1) Establishment of an endowment to provide for monitoring, administration, enforcement, and all other services necessary to ensure that the conservation purposes of the agricultural conservation easement are maintained in perpetuity; and
  - (2) The qualified entity's administrative costs in evaluating the mitigation land and reviewing and accepting the agricultural conservation easement.
- (D) It is the applicant's responsibility to identify, propose for approval mitigation land, and arrange for imposition of an agricultural conservation easement that satisfies the requirements in §10.162.070 of this Chapter.
- (E) Nothing in this Chapter shall be construed to compel an applicant for conversion to convey to the City of Tulare or to a qualified entity an agricultural conservation easement in property owned by the applicant.
- (F) The mitigation obligation set forth in this Chapter shall not apply to a legal parcel that is less than one (1) acres in area. However, this exemption shall not apply to a parcel that is one phase or portion of a larger project. The City of Tulare may disallow the use of this exemption if it finds that the subject property has been subdivided into one-acre or smaller parcels in whole or in part to avoid the mitigation obligation.
- (G) The following public uses are exempt from the mitigation obligation imposed by this Chapter: public parks or public recreational facilities, permanent natural open space, and trails and developed open space that are open to the public.

- (H) Projects designed solely to preserve, create, or enhance wildlife habitat on agricultural land shall be exempt from the mitigation obligation in this Chapter.
- (I) At its sole option, an applicant may choose to arrange for the imposition of an agricultural conservation easement on a larger area of land than the area of land proposed for conversion and thereby generate a mitigation credit equal to the excess net acreage encumbered with the easement.
- (J) Any excess area encumbered with the agricultural conservation easement shall fully comply with all requirements of this Chapter and shall be comparable to the land proposed for conversion to the same degree as the portion of the land offered to satisfy the mitigation obligation in this Chapter, including, but not limited to, the requirements for mitigation land in §10.162.070 and the review and approval process in §10.162.090.
- (K) The administrative fee paid by an applicant choosing to create mitigation credits shall include the acreage covered by the mitigation credits. The applicant may pass that fee through to a later purchaser of the credits.
- (L) Mitigation credits created under this Chapter may be conveyed and used as provided in §10.162.060.
- (M) The qualified entity shall maintain a ledger indicating:
  - (1) The amount of credits created under this section;
  - (2) The holder of those credits;
  - (3) The administrative fees paid by the creator of the credits attributable to the mitigation land covered by the credits; and
  - (4) Any subsequent transactions involving those credits.

#### **§ 10.162.060 Optional Mitigation Alternatives.**

As an alternative to providing the mitigation required by this Chapter, the applicant may choose to seek approval to implement one of the following alternative mitigation options.

- (A) As authorized by the City of Tulare, an applicant for conversion of Critical Farmland may satisfy the mitigation obligation set forth in this Chapter by paying to a qualified entity a fee in lieu (“in-lieu fee”) of conveying an agricultural conservation easement.
- (B) Payment of an in-lieu fee is available only for conversion of legal parcels that are smaller than 20 acres.

- (C) To obtain authorization to pay an in-lieu fee, the applicant must also demonstrate one of the following:
- (1) No qualified entity exists;
  - (2) The applicant has met with all qualified entities and all such entities have certified in writing to the City of Tulare that they are unable or unwilling to assist with the acquisition of an agricultural conservation easement; or
  - (3) Working with a qualified entity, the applicant has made at least one good faith offer to purchase an agricultural conservation easement, but all such offers have been declined by the potential seller or sellers.
- (D) Any in-lieu fee shall include each of the following components:
- (1) The purchase price of an agricultural conservation easement in mitigation land that complies with all of the requirements in §10.162.070. This component shall be adjusted for inflation based on estimate of the time required to acquire mitigation land following payment of the fee.
  - (2) All transaction costs associated with acquisition of the agricultural conservation easement.
  - (3) An amount sufficient to endow the cost of monitoring, administering, and enforcing the agricultural conservation easement in perpetuity.
  - (4) The applicant's pro rata share of the qualified entity's administrative costs in implementing the in-lieu fee program.
  - (5) A reasonable amount to cover additional contingencies.
- (E) In no event shall the in-lieu fee established pursuant to this section exceed a reasonable estimate of the total of:
- (1) The cost of acquiring and managing the agricultural conservation easement that the applicant would otherwise be required to create to satisfy its mitigation obligation under this Chapter, and
  - (2) The cost of administering the in-lieu fee.

- (F) In-lieu fees received by the qualified entity shall be expended solely for the purpose of acquiring and managing agricultural conservation easements in mitigation land that meets the criteria set forth in §10.162.070, and funding the qualified entity's cost of implementing the in-lieu fee program.
- (G) If authorized by the City of Tulare, an applicant for conversion of Critical Farmland may satisfy the mitigation obligation set forth in this Chapter by acquiring mitigation credits created under §10.162.050(I)(J)(K), which are permitted to be passed through to another purchaser.
- (H) The City, in conjunction with a qualified entity, shall make available to any applicant who requests it, the ledger of mitigation credits provided for in §10.162.050(M). The City of Tulare shall have no further responsibility for facilitating any private transaction involving mitigation credits.
- (I) Mitigation credits may be used to satisfy the mitigation obligation created by this Chapter only after the City Council has made the findings required by §10.162.070 with respect to the land proposed for conversion and the mitigation land covered by the mitigation credits.
- (J) An applicant choosing to use mitigation credits to comply with this Chapter shall pay the qualified entity administering the credits a fee in the amount equivalent to the inflation adjustment on the administrative fee that the creator of the mitigation credits originally paid pursuant to §10.162.050(K), if in fact the creator of the mitigation credits passed through the administrative fee for the creation of the credits to a future purchaser of those credits.
- (K) An applicant proposing conversion of Critical Farmland may propose an alternative method of mitigation for review and approval by the City Council subject to satisfying all of the following criteria:
  - (1) The proposed mitigation must result in permanent protection of mitigation land;
  - (2) The applicant must bear all costs of reviewing, approving, managing, and enforcing the mitigation;
  - (3) The proposed mitigation must be in substantial compliance with the requirements for mitigation land and agricultural conservation easements set forth in §10.162.070; and
  - (4) The proposed mitigation must be in all respects at least as protective of agricultural land as the mitigation required by this Chapter.

- (L) The mitigation obligation imposed by this Chapter is that set forth in §10.162.050. Each alternative mitigation option in this section (§10.162.060) is wholly optional and made available solely for the applicant's convenience. Under no circumstances shall the City of Tulare require any applicant to implement any such alternative mitigation option, if applicant is willing to implement the mitigation obligations imposed in §10.162.050.

**§ 10.162.070 Requirements for Mitigation Land and Agricultural Conservation Easements.**

- (A) Agricultural conservation easements in mitigation land shall be held in perpetuity by a qualified entity as defined in §10.162.080.
- (B) Mitigation land shall be comparable in nature to the agricultural land proposed for conversion. A mitigation land is deemed comparable in nature if it complies with the below requirement under § 10.162.070 (C).
- (C) The City Council shall not approve proposed mitigation for conversion of Critical Farmland unless it finds that the mitigation land complies with each of the following requirements:
  - (1) The mitigation land is located in the San Joaquin Valley, outside of any city's limits or sphere of influence, with preference given to mitigation land within 10 miles of the City of Tulare limits.
  - (2) The legislative body having jurisdiction where the mitigation land is located has adopted a resolution approving the use of the land as mitigation.
  - (3) The mitigation land is subject to an agricultural designation in the General Plan and zoned for agricultural use. Any legal nonconforming use of the mitigation land has been or will be abandoned prior to execution of the agricultural conservation easement, or if maintained, will not interfere with agricultural use of the mitigation land.
  - (4) The mitigation land consists of one or more legal parcels of at least 10 net acres in size, exclusive of the area occupied by any existing home and the area of any road or right-of-way easement, unless the land proposed for conversion is smaller than 10 acres.
  - (5) An appraisal shows that the value of the agricultural conservation easement in the mitigation land is at least as high as that of an

agricultural conservation easement in the land proposed for conversion. Appraisal shall be prepared by a licensed appraiser with experience in agricultural land appraisal.

- (6) The soil quality of the mitigation land has the agricultural productive capacity at least equal to that of the Critical Farmland proposed for conversion.
  - (7) The available water supply for the mitigation land is at least equal to that of the land proposed for conversion in terms of quantity, quality, and security.
  - (8) The mitigation land is not already subject to an encumbrance or interest that would legally or practicably prevent converting the land, in whole or in part, to a nonagricultural use, such as a conservation easement, open space easement, flowage easement, avigation easement, long term agricultural lease, profit, or an interest in the subsurface estate that would preclude development of the surface estate. A contract entered pursuant to the Land Conservation Act, Government Code section 51200 et seq (Williamson Act) shall not constitute an encumbrance for purposes of this section.
  - (9) There are no physical conditions or contamination on the mitigation land that would legally or practicably prevent converting the land, in whole or in part, to a nonagricultural use.
  - (10) The mitigation land has no existing home, unless the land proposed for conversion includes an existing home.
  - (11) The mitigation land is not owned by any public agency.
- (D) The City Council shall not approve proposed mitigation unless it finds that the agricultural conservation easement complies with each of the following requirements:
- (1) The type of agricultural related activity allowed on the mitigation land is specified in the easement and is at least as restrictive as the requirements of the City of Tulare's Open Space/Agriculture (A) Zoning District.
  - (2) The agricultural conservation easement prohibits all residential, commercial, or industrial development and any other land uses or activities that substantially impair or diminish the agricultural productive

capacity of the mitigation land or that are otherwise inconsistent with the conservation purposes of this Chapter.

- (3) The agricultural conservation easement prohibits the landowner from entering into any additional easement, servitude, or other encumbrance that could prevent or impair the potential agricultural use of the mitigation land.
- (4) The agricultural conservation easement limits the construction of structures to those designed to facilitate agricultural use of the property, except that this subsection shall not prohibit replacement of an existing home allowed by §10.162.070(C)(10).
- (5) The easement provides that the mitigation land will retain water rights at least equal to that of the land proposed for conversion in terms of quantity, quality, and security.
- (6) The agricultural conservation easement will be either obtained from a willing seller or voluntarily conveyed by the applicant.
- (7) Any existing easement, other than a right of way easement, deed of trust, or other servitude or encumbrance on the mitigation land shall be subordinated to the agricultural conservation easement.
- (8) The agricultural conservation easement shall be approved by the qualified entity that will hold the easement and executed by all parties with an interest in the mitigation land.
- (9) The agricultural conservation easement is in recordable form and contains an accurate legal description of the mitigation land.
- (10) The agricultural conservation easement names the qualified entity as an intended beneficiary and authorizes it to enforce all terms of the easement.
- (11) The agricultural conservation easement recites that it is intended to satisfy the mitigation obligation imposed by this Chapter and that it is subject to the requirements set forth in this Chapter.
- (12) If the agricultural conservation easement is an instrument other than a conservation easement created under sections 815 to 816 of the Civil Code or an open space easement created under sections 51070 to 51097 of the Government Code, both the qualified entity and the City



of Tulare have certified that the easement will run with the land and bind successor owners of the mitigation land in perpetuity.

- (13) The agricultural conservation easement provides that if the qualified entity holding the easement ceases to exist, ownership of the easement shall pass to another qualified entity.
- (14) The agricultural conservation easement has been approved as to form by the City of Tulare.
- (E) Section §10.162.070(D) does not prevent inclusion in an agricultural conservation easement of requirements that are more protective of agricultural use than the requirements set forth in that section.
- (F) Before approving any alternative mitigation option, the City Council shall determine that such option is consistent with the requirements in §10.162.070(C) and §10.162.070(D).
- (G) After the City Council has approved an agricultural conservation easement, the easement shall not be amended without further approval by the City Council and compliance with any approval requirements imposed by the Attorney General of the State of California for the amendment.
- (H) If a court issues a judgement declaring that the purposes of this Chapter and of an agricultural conservation easement can no longer be fulfilled by enforcement of that easement, the qualified entity holding that easement may extinguish the easement by selling it to the fee owner of the mitigation land, if the following requirements are met:
  - (1) Either the action was contested and the judgement was not entered pursuant to stipulation, or the City of Tulare was a party to the action and stipulated to the judgement; and
  - (2) The qualified entity shall use the proceeds of sale to acquire an agricultural conservation easement in other mitigation land in compliance with this Chapter.

**§ 10.162.080 Requirements for Qualified Entities.**

- (A) To be considered a qualified entity, an entity must be a nonprofit public benefit corporation, operating within the state of California, that is qualified to hold conservation easements under section 815.3 of the Civil Code and in compliance with the requirements of section 65965 et seq. of the Government

Code, and be approved by the City Council for the purpose of holding and managing agricultural conservation easements.

- (B) In considering whether to approve an entity as a qualified entity, the City Council shall consider the following criteria:
  - (1) Whether the entity's principal purpose includes holding and administering easements for the purposes of conserving and maintaining lands in agricultural production;
  - (2) Whether the entity has an established record of holding and administering easements for the purposes of conserving and maintaining lands in agricultural production;
  - (3) The extent and duration of the entity's involvement in agricultural land conservation within the San Joaquin Valley, specifically Tulare County;
  - (4) Whether the entity has been accredited by the Land Trust Accreditation Commission; and
  - (5) Whether the entity is a member in good standing of an established and widely recognized California statewide association of land trusts.
  - (6) Any other information or requirements the City finds relevant under given circumstances.
- (C) No qualified entity shall sell, lease, hypothecate, or encumber any interest in any mitigation land without the prior approval of the City Council.
- (D) A qualified entity shall use fees provided by an applicant solely for purposes of acquiring, administering, monitoring, and enforcing agricultural conservation easements acquired pursuant to this Chapter.
- (E) If a qualified entity intends or reasonably expects to cease operations, it shall assign any agricultural conservation easements it holds to another qualified entity.
- (F) The qualified entity shall monitor the use of all mitigation land subject to agricultural conservation easements held by the entity and enforce compliance with the terms of those agricultural conservation easements.
- (G) On or before December 31 of each year after a qualified entity is approved by the City Council, the entity shall provide to the City of Tulare Planning Division

an annual report describing the activities undertaken by the entity under this chapter. That report shall describe the status of the mitigation land and/or agricultural conservation easements held by the entity, including a summary of all action taken to enforce its agricultural conservation easements, and an accounting of the use of administrative and in-lieu fees remitted to it by applicants.

**§ 10.162.090 Approval and Completion.**

- (A) All mitigation proposed by an applicant to comply with this Chapter, including any alternative mitigation option proposed by the applicant, shall be reviewed by the Planning Commission for consistency with the terms and purposes of this Chapter. The Planning Commission shall recommend approval, conditional approval, or disapproval to the City Council. The Planning Commission shall not recommend approval of the proposed mitigation unless it finds that mitigation to be consistent with the requirements for mitigation land and agricultural conservation easements set forth in §10.162.070.
- (B) The City Council shall consider the Planning Commission's recommendation and shall either approve, conditionally approve, or disapprove the proposed mitigation.
- (C) The City of Tulare shall not issue any permit or other approval for any project involving a conversion subject to the mitigation obligation under this Chapter unless the City Council has previously approved proposed mitigation in compliance with this Chapter. Issuance of any such permit or approval shall be conditioned on the applicant's completion of mitigation in compliance with §10.162.090(D)(E).
- (D) The applicant for conversion must complete all required mitigation prior to the earliest of either:
  - (1) Approval of any parcel map or final subdivision map; or
  - (2) Issuance of any building, grading, or encroachment permit.
- (E) Mitigation shall be deemed complete when the approved agricultural conservation easement has been recorded and the applicant has paid the required administrative fee. However, if the applicant elects to seek approval of an alternative mitigation option, mitigation shall be deemed complete when the City of Tulare provides the applicant with a letter indicating that mitigation is complete.

**§ 10.162.100 Miscellaneous.**

- (A) The provisions of this Chapter shall only apply to the extent that their application would not violate the constitution or laws of the United States, or of the State of California. The City Council shall apply the Chapter to avoid such unconstitutionality or illegality.
- (B) If any portion of this Chapter is held to be unconstitutional, such decision shall not affect the validity of the remaining portions of this Chapter. The City Council declares that it would have enacted this Chapter and each section, subsection, paragraph, sentence, clause, or phrase thereof even if a portion of the Chapter were declared unconstitutional.
- (C) Nothing in this Chapter shall be construed to abridge or narrow the City of Tulare's police powers. The City Council retains its full power and discretion its' ability to deny a proposed conversion on the basis that the proposed conversion is inconsistent with the public health, safety, or welfare because of the loss of agricultural land or otherwise, which the City is tasked with safeguarding.

**SECTION II:** This ordinance shall be in full force and effect at 12:01 a.m. on the thirty first day (31) from and after its final passage, adoption and approval.

**PASSED, ADOPTED AND APPROVED** this fourth day of February, 2020.

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

ATTEST:

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

**AGENDA ITEM:**

**CITY OF TULARE  
AGENDA ITEM TRANSMITTAL SHEET**

**Submitting Department:** Engineering

**For Council Meeting of:** February 4, 2020

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

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**AGENDA ITEM:**

Approve a short-term deferred improvement agreement with Presidio JJR Kensington 111, LLC, a Delaware Limited Liability Company, to defer the required completion of segments of decorative block wall for Phase 1 of the Kensington Estates subdivision located at the northwest corner of Cartmill Avenue and Devenshire Street, accept all other required public works improvements for the subdivision as complete, authorize the City Engineer to sign a Notice of Completion, and direct the City Clerk to file the Notice of Completion with the Tulare County Recorder's Office.

**IS PUBLIC HEARING REQUIRED:**  Yes  No

**BACKGROUND/EXPLANATION:**

On April 16, 2019, City Council conditionally approved the final map for Phase 1 of the Kensington Estates subdivision, which created 73 single family residential lots along the north side of Cartmill Avenue, west of Devenshire Street. The overall Kensington Estates subdivision comprises approximately 28.6 acres consisting of 134 single-family residential lots. The subdivision is being developed in phases.

The Subdivider, Presidio JJR Kensington 111, LLC, a Delaware Limited Liability Company, has completed construction of all required public works improvements in accordance with the approved plans and specifications for this subdivision with the exception of segments of decorative block wall along the Devenshire Street and Logan Avenue frontages of Lots 1, 2 and 3. These segments of block wall have intentionally been left a few courses of block low to allow for better visibility into the subdivision for the purpose of promoting home sales. The Subdivider is requesting that they be allowed to enter into a short-term deferred improvement agreement for completion of these decorative block wall segments so that a notice of completion can be filed for the remainder of the required public improvements for the subdivision. A copy of the short-term deferred improvement agreement is attached for reference. The Subdivider will post security in the estimated value of the remaining block wall improvements to guarantee their completion per the requirements of the short-term deferred improvement agreement.

Staff has determined that the uncompleted segments of decorative block wall do not pose a hazard or risk to the public, and that they are being maintained in a condition that is visually appealing and does not detract from the aesthetics of the overall subdivision improvements. Staff is also satisfied that the terms of the proposed short-term deferred improvement agreement, along with the required security, sufficiently ensure completion of the improvements within a reasonable timeframe. Therefore, no objections are raised to the proposed short-term deferred improvement agreement for completion of the decorative block wall along Lots 1, 2 and 3 of the subdivision, or subsequent approval of a notice of completion for all other public improvements required of the subdivision.

**STAFF RECOMMENDATION:**

Approve a short-term deferred improvement agreement with Presidio JJR Kensington 111, LLC, a Delaware Limited Liability Company, to defer the required completion of segments of decorative block wall for Phase 1 of the Kensington Estates subdivision located at the northwest corner of Cartmill Avenue and Devenshire Street, accept all other required public works improvements for the subdivision as complete, authorize the City Engineer to sign a Notice of Completion, and direct the City Clerk to file the Notice of Completion with the Tulare County Recorder's Office.

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

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

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

**Submitted by:** Michael Miller

**Title:** City Engineer

**Date:** February 4, 2020

**City Manager Approval:**\_\_\_\_\_

**RECORDING REQUESTED BY:**

City of Tulare

**WHEN RECORDED MAIL TO:**

City Clerk  
City of Tulare  
411 East Kern Avenue  
Tulare, CA 93274-4257

**PURSUANT TO GOVERNMENT CODE SECTION 6103,  
NO RECORDING FEE REQUIRED.**

**NOTICE OF COMPLETION**

**NOTICE IS HEREBY GIVEN THAT:**

1. **The City of Tulare, a Municipal Corporation, whose address is 411 East Kern Avenue, Tulare, California, 93274, is the owner of the real property, public works or structure hereinafter described.**
2. **The nature of the title of the stated owner is: In Fee.**
3. **On the 7<sup>th</sup> day of January, 2020, a work of improvement on real property hereinafter described was completed by Presidio JJR Kensington 111, LLC, the Subdivider of record, whose address is 5607 Avenida De Los Robles, Visalia, CA 93291**
4. **The name of the surety for the work of improvements is SureTec Insurance Company, 1330 Post Oak Blvd., Suite 1100, Houston, TX 77056.**
5. **The real property or public work or structure is described as follows:**  
  
**Public Works Improvements for Phase 1 of the Kensington Estates subdivision, with the exception of block wall along the Devonshire Street and Logan Avenue frontages of Lots 1, 2 and 3.**
6. **The public works improvements were accepted as complete by the City Council of the City of Tulare on February 4, 2020.**

**Dated:** \_\_\_\_\_

**CITY OF TULARE  
A Municipal Corporation,**

**By:** \_\_\_\_\_  
**Michael W. Miller, City Engineer**

**VERIFICATION:**

**I am the City Engineer of the City of Tulare and am authorized to make this verification on behalf of the City. I have read the foregoing Notice of Completion, know the contents thereof, and believe it to be true and correct to the best of my knowledge.**

**I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.**

**Executed on \_\_\_\_\_, 2020 at Tulare, California.**

**By:** \_\_\_\_\_  
**Michael W. Miller, City Engineer**

DOCUMENT FOR BENEFIT  
OF DEVELOPER. ALL  
RECORDING FEES APPLY.  
WHEN RECORDED MAIL TO:

CITY OF TULARE  
CITY CLERK  
411 E. KERN AVE.  
TULARE, CA 93274

SPACE ABOVE THIS LINE FOR RECORDER'S USE

**SHORT TERM DEFERRED  
IMPROVEMENT AGREEMENT**

This Agreement, made and entered into as of this 14 day of January, **2020** by and between **Presidio JJR Kensington 111, LLC, A Delaware Limited Liability Company** hereinafter referred to as the "Developer", and the **City Of Tulare**, hereinafter referred to as the "City";

WITNESSETH:

WHEREAS, the Developer entered into a subdivision improvement agreement with the City of Tulare for the installation and construction of required subdivision improvements for the Kensington Estates No. 1 subdivision, which included construction of decorative block wall along the subdivision's frontages of Cartmill Avenue, De La Vina Street, Devenshire Street and portions of Logan Avenue and Greyhound Avenue; and

WHEREAS, all required decorative block wall has been completed with the exception of those segments along the Devenshire Street and Logan Avenue frontages of Lots 1, 2 and 3, which were intentionally left low (see Exhibit A) so as to improve the visibility into the subdivision for home sales purposes; and

WHEREAS, all other public improvements required for Kensington Estates No. 1 have been completed to the satisfaction of the City Engineer; and

WHEREAS, the Developer is requesting that completion of the aforementioned segments of decorative block wall be deferred by agreement until the time of sale or



issuance of building permit, whichever comes first, of any of Lots 1, 2 or 3, thereby allowing for a Notice of Completion to be filed for the Kensington Estates No. 1 subdivision prior to completion the remaining decorative block wall improvements; and

WHEREAS, the City Engineer has determined that the uncompleted segments of decorative block wall do not pose a hazard or risk to the public, and that they are being maintained in a condition that is visually appealing and does not detract from the aesthetics of the overall subdivision improvements.

NOW, THEREFORE, PARTIES AGREE as follows:

1. Construction of Improvements. The Developer hereby agrees to complete or cause to be completed the Improvements consisting of the construction of the decorative block wall to its finished height along the Devenshire Street and Logan Avenue frontages of Lots 1, 2 and 3. Said Improvements shall be completed in accordance with the following, whichever comes first:
  - a) prior to the sale of any of Lots 1, 2 or 3, or
  - b) prior to the issuance of building permits for any of Lots 1, 2 or 3, or
  - c) within two years of the recordation date of this Agreement.

Said Improvements shall be constructed in compliance with all applicable City Standards and Specifications, the approved improvement plans for Kensington Estates No. 1 subdivision, and any applicable building permit plans approved for the decorative block wall construction. Said Improvements shall be subject to the approval of the City Engineer. The Developer and/or his contract forces shall not commence any construction activities related to said Improvements without first having obtained all required building and encroachment permits from the City for construction of the same.

2. Security. The Developer shall provide security in the form of a Cash Deposit or Letter of Credit in the amount of \$26,146.29 for faithful performance of the Improvements prior to execution of this agreement and subject to approval of the City Attorney. Failure of the Owner to complete the Improvements within the time limits set forth in Paragraph 1, above, shall entitle the City to make its own arrangements for construction of the Improvements. The cost thereof, including the reasonable costs incurred by the City Engineer in causing the Improvements to be constructed and supervising construction, shall be deducted from the security provided by the Developer. Should the Developer complete the Improvements in accordance with the terms of this agreement, the provided security shall be released upon City Council acceptance of the Improvements as complete.
3. Term of Agreement. The term of this Agreement shall be the earliest of (i) completion of improvements by the Developer, (ii) two years from the date of its recordation or (iii) completion of the improvements by the City. In either event

Section 2 shall survive the term of this Agreement, until such time as the conditions of this section have also been met.

4. Notices. All notices or written demands to be given pursuant to this Agreement by either party shall be mailed by certified mail, return receipt requested, addressed as follows:

Developer: Presidio JJR Kensington 111, LLC  
5607 Avenida de Los Robles  
Visalia, CA 93291  
(559) 732-2660

City: City of Tulare  
Engineering Department  
411 East Kern Avenue  
Tulare, CA 93274  
(559) 684-4207

Each party shall promptly notify the other in writing of any change in that party's mailing address.

5. Recordation of Agreement. Upon execution of this Agreement by the City and the Developer, this Agreement shall be recorded in the Office of the Tulare County Recorder. From and after the date of recordation, the terms and conditions of said Agreement shall be binding upon the heirs, executors, administrators, grantees, successors and assigns of the Developer until termination by recordation of a Notice of Completion issued by the City Engineer.

IN WITNESS WHEREOF, this Agreement has been executed by the parties hereto as of the date first above written.

"City"

**City of Tulare, California**

\_\_\_\_\_  
Rob Hunt,  
City Manager

"Developer"

**Presidio JJR Kensington 111, LLC**

By: \_\_\_\_\_

  
JOSEPH A. LEAL, OPERATIONS MANAGER  
Title

Approved as to form:

\_\_\_\_\_  
City Attorney

# ACKNOWLEDGMENT

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

State of California  
County of Tulare

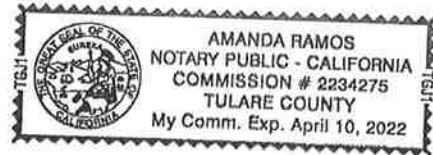
On January 14, 2020 before me, Amanda Ramos, Notary Public  
(insert name and title of the officer)

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

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

WITNESS my hand and official seal.

Signature Amanda Ramos (Seal)

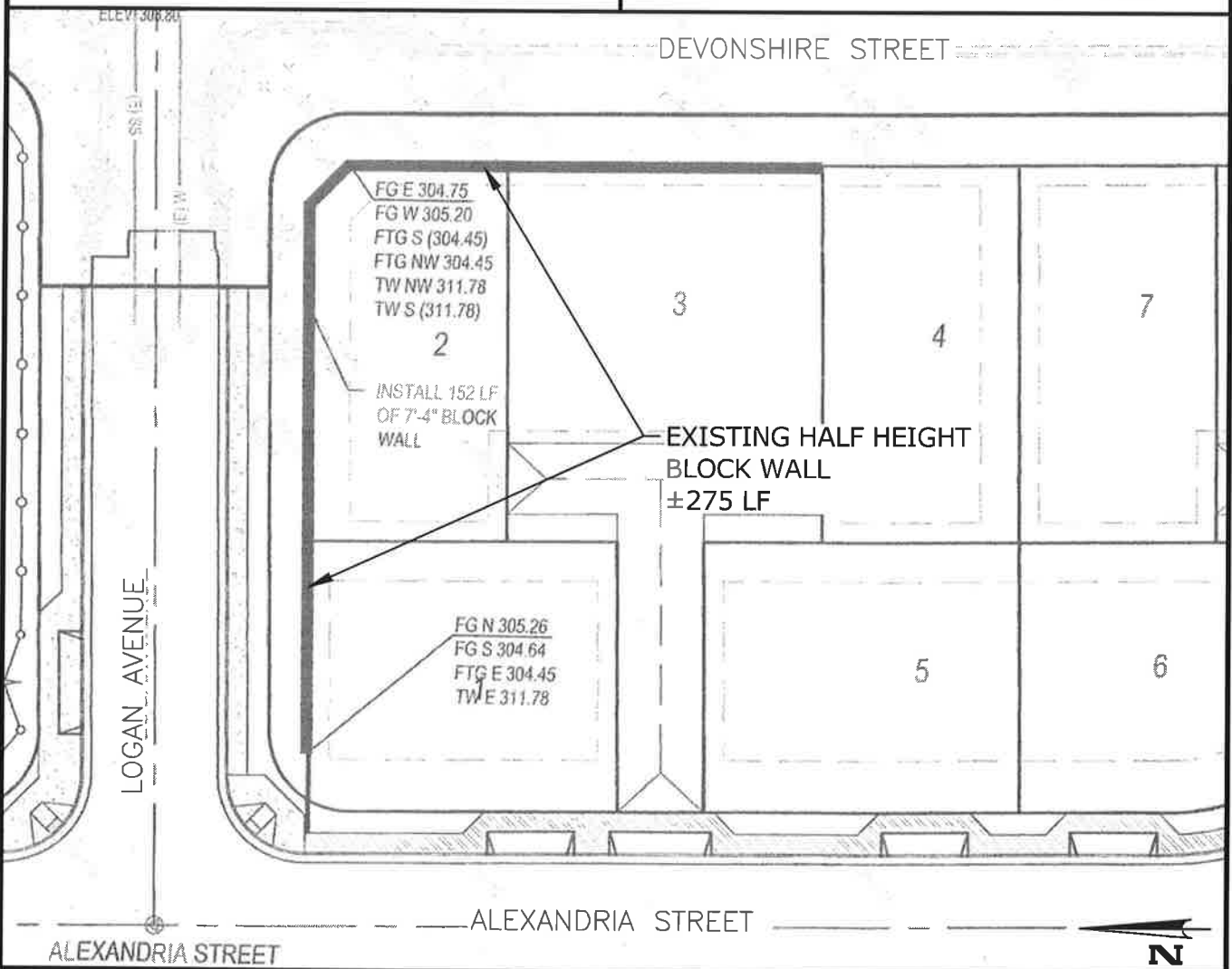




DEVONSHIRE STREET  
HALF HEIGHT BLOCK WALL



LOGAN AVENUE  
HALF HEIGHT BLOCK WALL



**OWNERSHIP OF DOCUMENTS**  
 This document, the plans and designs incorporated herein, are the property of the City of Tulare and are not to be used, in whole or in part, for any other project without written authorization.

DESIGNED BY: \_\_\_\_\_  
 CHECKED BY: \_\_\_\_\_

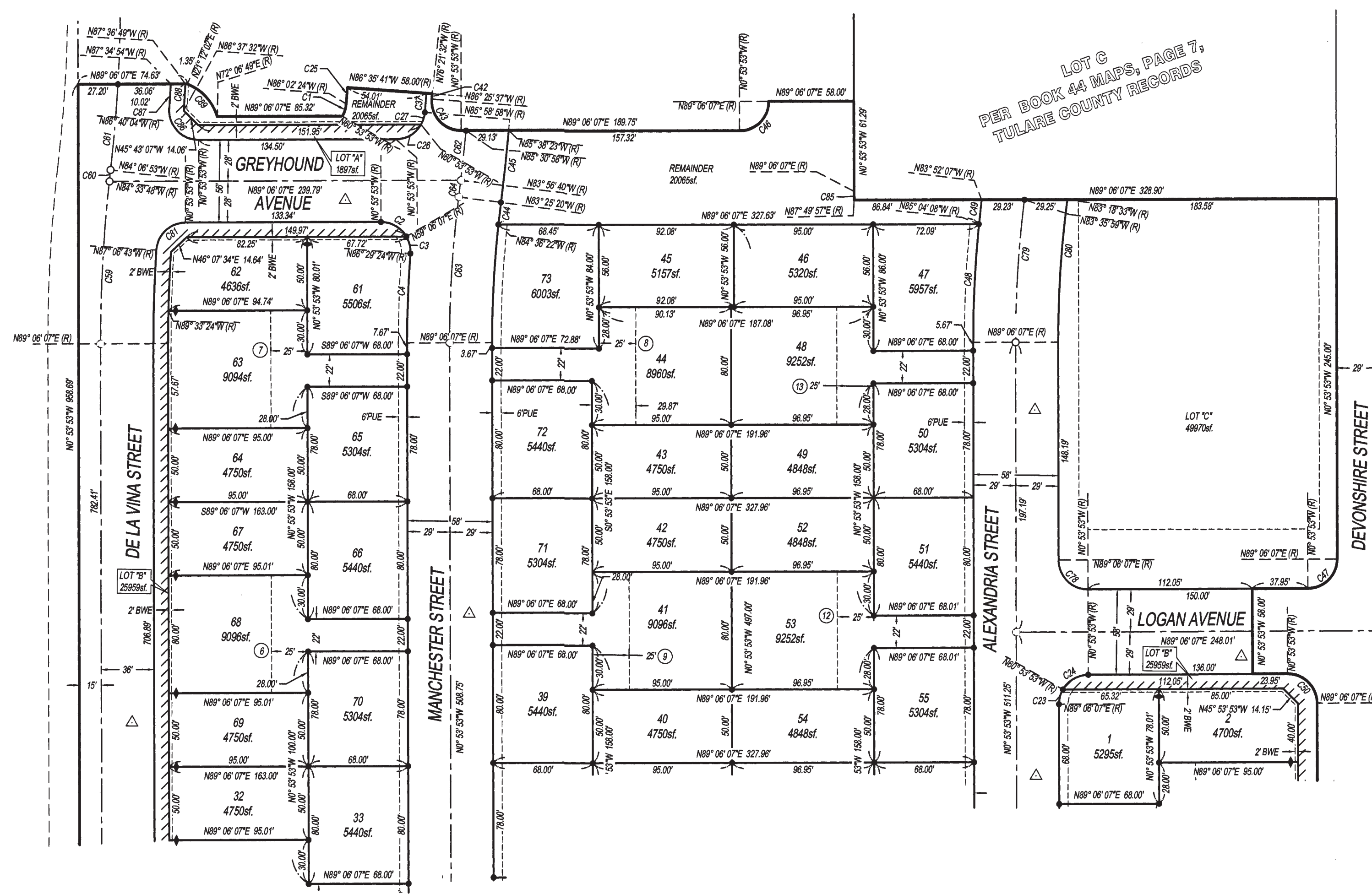
**DRAWING TITLE:**  
 EXHIBIT A – KENSINGTON HALF HEIGHT BLOCK WALL

**DATE:**  
 12-26-19

# KENSINGTON ESTATES SUBDIVISION

## LEGEND

- ▲ FOUND MONUMENT AS DESCRIBED
- ◆ SET 3/4" IRON PIPE TAGGED PLS 8163 AS 5' WITNESS CORNER (DISTANCE IS TO TRUE CORNER)
- SET 3/4" IRON PIPE TAGGED PLS 8163, IN CONCRETE AND AS INDICATED ON THIS MAP
- SET 3/4" IRON PIPE TAGGED PLS 8163 AT ALL LOT CORNERS AND AS INDICATED ON THIS MAP
- SET BRASS CAP IN CONC. STAMPED PLS 8163 FLUSH PER CITY STANDARD M-2C
- △ STREETS DEDICATED IN FEE TO CITY OF TULARE PER THIS MAP
- //// RELINQUISHED ACCESS RIGHTS ACROSS LOT B
- PUE PUBLIC UTILITY EASEMENT
- PAE PRIVATE UTILITY AND ACCESS EASEMENT (AS NOTED)
- SUBDIVISION BOUNDARY
- ( ) RECORD DATA PER WILLOW GLEN PHASE 1, RECORDED IN BK. 44 OF MAPS AT PAGE 07, T.C.R., OR CALCULATED THEREFROM
- C CURVE (SEE TABLE SHEET 3 OF 3)
- (R) RADIAL
- BWE BLOCK WALL EASEMENT
- ALL DISTANCES ARE IN FEET AND DECIMALS THEREOF.

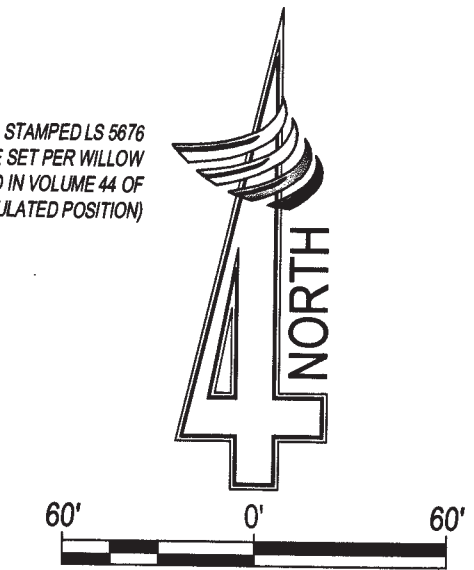


LOT C  
PER BOOK 44 MAPS, PAGE 7,  
TULARE COUNTY RECORDS

- ① PRIVATE UTILITY EASEMENT IN FAVOR OF LOTS 2 AND 4, AND PUBLIC ACCESS EASEMENT
- ② PRIVATE UTILITY EASEMENT IN FAVOR OF LOTS 7 THRU 13, AND PUBLIC ACCESS EASEMENT
- ③ PRIVATE UTILITY EASEMENT IN FAVOR OF LOTS 15 AND 17, AND A PUBLIC ACCESS EASEMENT
- ④ PRIVATE UTILITY EASEMENT IN FAVOR OF LOTS 20, 21, 22, 24, 26, 27 AND 28, AND A PUBLIC ACCESS EASEMENT
- ⑤ PRIVATE UTILITY EASEMENT IN FAVOR OF LOTS 30 AND 32, AND A PUBLIC ACCESS EASEMENT
- ⑥ PRIVATE UTILITY EASEMENT IN FAVOR OF LOTS 67 AND 69, AND A PUBLIC ACCESS EASEMENT
- ⑦ PRIVATE UTILITY EASEMENT IN FAVOR OF LOTS 62 AND 64, AND A PUBLIC ACCESS EASEMENT
- ⑧ PRIVATE UTILITY EASEMENT IN FAVOR OF LOTS 43 AND 45, AND A PUBLIC ACCESS EASEMENT
- ⑨ PRIVATE UTILITY EASEMENT IN FAVOR OF LOTS 40 AND 42, AND A PUBLIC ACCESS EASEMENT
- ⑩ PRIVATE UTILITY EASEMENT IN FAVOR OF LOT 37, AND A PUBLIC ACCESS EASEMENT
- ⑪ PRIVATE UTILITY EASEMENT IN FAVOR OF LOT 57, AND A PUBLIC ACCESS EASEMENT
- ⑫ PRIVATE UTILITY EASEMENT IN FAVOR OF LOTS 52 AND 54, AND A PUBLIC ACCESS EASEMENT
- ⑬ PRIVATE UTILITY EASEMENT IN FAVOR OF LOTS 46 AND 48, AND A PUBLIC ACCESS EASEMENT

## BASIS OF BEARINGS

THE NORTH LINE OF THE SOUTHEAST QUARTER OF SECTION 25, TOWNSHIP 19 SOUTH, RANGE 24 EAST PER WILLOW GLEN PHASE 1, RECORDED IN VOLUME 44, PAGE 07, OF TULARE COUNTY RECORDS.  
TAKEN AS: N89°00'31"E



BRASS DISC STAMPED LS 5676  
FLUSH IN CONCRETE TO BE SET PER WILLOW  
GLEN PHASE 1, RECORDED IN VOLUME 44 OF  
MAPS AT PAGE 07 (CALCULATED POSITION)

SEE SHEET 3 OF 3

PREPARED BY:



324 S. SANTA FE ST., STE. A  
P.O. BOX 7593  
VISALIA, CA 93292  
TEL: 559.802.3052  
FAX: 559.802.3215  
SHEET 2 OF 3

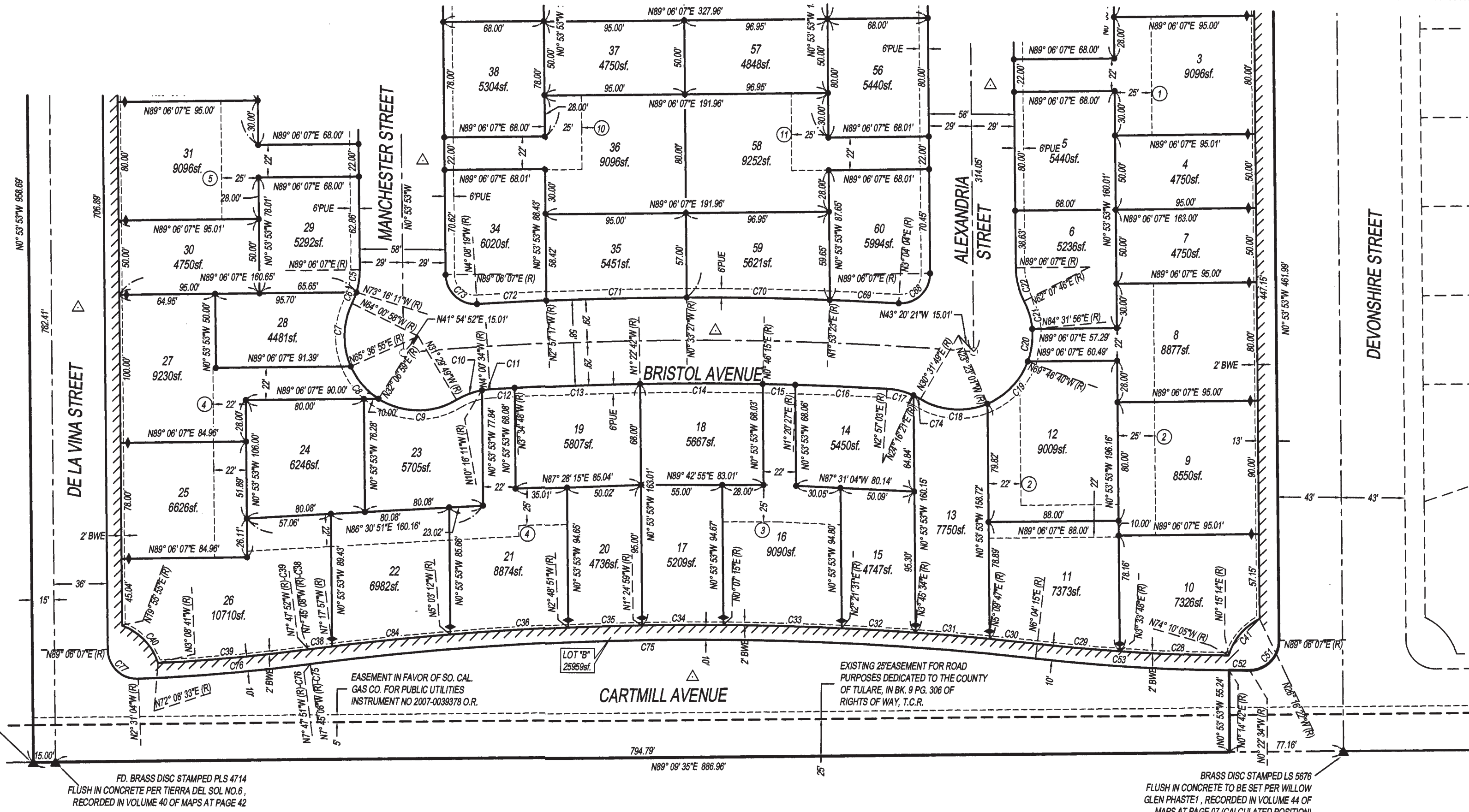
S-19

# KENSINGTON ESTATES SUBDIVISION

SEE SHEET 2 OF 3

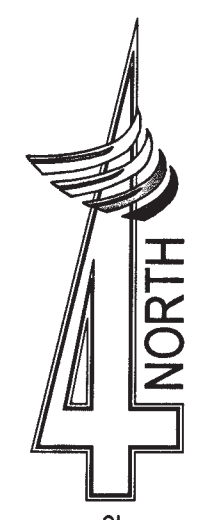
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- SET BRASS CAP IN CONC. STAMPED PLS 8163 FLUSH PER CITY STANDARD M-2C
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- C- CURVE (SEE TABLE SHEET 3 OF 3)
- (R) RADIAL
- ALL DISTANCES ARE IN FEET AND DECIMALS THEREOF.



- ① PRIVATE UTILITY EASEMENT IN FAVOR OF LOTS 2 AND 4, AND PUBLIC ACCESS EASEMENT
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- ⑫ PRIVATE UTILITY EASEMENT IN FAVOR OF LOTS 52 AND 54, AND A PUBLIC ACCESS EASEMENT
- ⑬ PRIVATE UTILITY EASEMENT IN FAVOR OF LOTS 46 AND 49, AND A PUBLIC ACCESS EASEMENT

**BASIS OF BEARINGS**  
 THE NORTH LINE OF THE SOUTHEAST QUARTER OF SECTION 25, TOWNSHIP 19 SOUTH, RANGE 24 EAST PER WILLOW GLEN PHASE 1, RECORDED IN VOLUME 44, PAGE 07, OF TULARE COUNTY RECORDS.  
 TAKEN AS: N89°00'31"E



S 1/4 COR. SEC 25-19/24  
 FD. BRASS DISC STAMPED PLS 4714  
 FLUSH IN CONCRETE PER TIERRA DEL SOL NO. 6, RECORDED IN VOLUME 40 OF MAPS AT PAGE 42

FD. BRASS DISC STAMPED PLS 4714  
 FLUSH IN CONCRETE PER TIERRA DEL SOL NO. 6, RECORDED IN VOLUME 40 OF MAPS AT PAGE 42

EXISTING 25' EASEMENT FOR ROAD PURPOSES DEDICATED TO THE COUNTY OF TULARE, IN BK. 9 PG. 306 OF RIGHTS OF WAY, T.C.R.

BRASS DISC STAMPED LS 5676  
 FLUSH IN CONCRETE TO BE SET PER WILLOW GLEN PHASE 1, RECORDED IN VOLUME 44 OF MAPS AT PAGE 07 (CALCULATED POSITION)

Curve #	Length	Radius	Delta	Tangent
C1	8.78	20.00	25°08'31"	4.46
C2	20.95	20.00	60°00'00"	11.55
C3	12.02	20.00	34°24'29"	6.19
C4	60.86	791.00	4°24'29"	30.44
C5	15.39	50.00	17°37'42"	7.75
C6	8.08	50.00	9°15'13"	4.05
C7	43.96	50.00	50°22'07"	23.51
C8	29.24	50.00	33°29'57"	15.05
C9	55.52	50.00	63°36'48"	31.01
C10	18.53	50.00	21°13'37"	9.37
C11	5.47	50.00	6°15'37"	2.73
C12	16.80	2213.00	0°25'47"	8.30

Curve #	Length	Radius	Delta	Tangent
C13	85.04	2213.00	2°12'06"	42.52
C14	83.01	2213.00	2°08'57"	41.51
C15	22.02	2213.00	0°34'12"	11.01
C16	62.19	2213.00	1°36'36"	31.09
C17	18.61	50.00	21°19'19"	9.41
C18	47.05	50.00	53°54'50"	25.43
C19	40.49	50.00	46°23'39"	21.43
C20	22.42	50.00	25°41'24"	11.40
C21	19.55	50.00	22°24'09"	9.90
C22	23.54	50.00	26°58'21"	11.99
C23	10.48	20.00	30°00'00"	5.36
C24	20.95	20.00	60°00'00"	11.55

Curve #	Length	Radius	Delta	Tangent
C25	11.19	1155.00	0°33'17"	5.59
C26	20.95	20.00	60°00'00"	11.55
C27	8.76	20.00	25°05'05"	4.45
C28	73.94	1280.00	3°18'34"	36.98
C29	56.02	1280.00	2°30'26"	28.01
C30	32.48	2050.00	0°54'28"	16.24
C31	50.23	2050.00	1°24'13"	25.11
C32	50.17	2050.00	1°24'03"	25.06
C33	80.03	2050.00	2°14'15"	40.04
C34	55.01	2050.00	1°32'14"	27.50
C35	50.02	2050.00	1°23'52"	25.01
C36	80.12	2050.00	2°14'21"	40.06

Curve #	Length	Radius	Delta	Tangent
C37	12.92	1209.00	0°36'44"	6.46
C38	16.23	2050.00	0°27'12"	8.11
C39	102.16	1257.96	4°39'11"	51.11
C40	36.45	40.00	52°12'38"	19.80
C41	33.44	40.00	47°53'43"	17.77
C42	3.86	1213.00	0°10'04"	1.78
C43	32.98	20.00	94°28'16"	21.62
C44	15.15	733.00	1°11'01"	7.57
C45	49.04	1267.00	2°13'02"	24.52
C46	31.42	20.00	90°00'00"	20.00
C47	31.42	20.00	90°00'00"	20.00
C48	80.48	791.00	5°49'45"	40.27

Curve #	Length	Radius	Delta	Tangent
C49	16.58	791.00	1°12'01"	8.29
C50	31.42	20.00	90°00'00"	20.00
C51	31.60	20.00	90°31'19"	20.18
C52	13.99	1290.00	0°37'16"	6.99
C53	131.17	1290.00	5°49'33"	65.64
C54	110.56	1000.00	6°20'05"	55.34
C55	7.82	1000.00	0°26'51"	3.91
C56	58.43	1000.00	3°20'51"	29.22
C57	33.96	1238.00	1°34'16"	16.98
C58	99.43	782.00	7°28'33"	49.78
C59	11.29	1238.00	0°31'20"	5.64
C60	32.81	20.00	93°57'57"	21.43

Curve #	Length	Radius	Delta	Tangent
C61	46.70	2271.00	1°10'41"	23.35
C62	97.00	2271.00	2°26'50"	48.51
C63	95.02	2271.00	2°23'50"	47.52
C64	46.93	2271.00	1°11'02"	23.46
C65	32.55	20.00	93°14'26"	21.16
C66	5.47	50.00	6°15'28"	2.73
C67	492.17	2040.00	13°49'23"	247.28
C68	116.84	1267.96	5°16'46"	58.46
C69	31.99	20.00	91°37'11"	20.57
C70	31.42	20.00	90°00'00"	20.00
C71	97.07	782.00	7°17'54"	48.60
C72	97.09	733.00	7°35'20"	48.61

Curve #	Length	Radius	Delta	Tangent
C73	30.10	20.00	86°12'50"	18.72
C74	40.07	954.00	2°24'23"	20.04
C75	22.34	954.00	1°20'29"	11.17
C76	80.35	2050.00	2°14'44"	40.18
C77	6.01	271.00	1°16'10"	3.00
C78	32.90	20.00	94°13'49"	21.53
C79	16.53	1036.00	0°54'50"	8.26
C80	18.04	1046.00	0°59'16"	9.02
C81	31.11	35.00	50°54'47"	16.68

PREPARED BY:  
  
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 P.O. BOX 7593  
 VISALIA, CA 93292  
 TEL: 559.802.3052  
 FAX: 559.802.3215  
 SHEET 3 OF 3

<b>AGENDA ITEM:</b>
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**CITY OF TULARE, CA  
AGENDA ITEM TRANSMITTAL SHEET**

**Submitting Department:** Community & Economic Development

**For Council Meeting of:** February 4, 2020

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

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***AGENDA ITEM:***

Adopt Resolution 2020-\_\_\_ establishing the formation of a Strategic Action Committee on Homelessness pursuant to the County of Tulare's Pathway Home Strategic Plan, set goals and objectives for said Committee and appoint voting and advisory members to same, to sunset in five years, unless otherwise extended by the Council.

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

***BACKGROUND/EXPLANATION:***

On January 16, 2020 the Tulare City Council directed staff to draft a Resolution that sets forth the formation of a Strategic Action Committee on Homelessness pursuant to the County of Tulare's Pathway Home Strategic Plan endorsed by the Council at the December 17, 2019, City Council Meeting, to sunset in five years, unless otherwise extended by the Council. The Resolution sets forth goals, objections and purpose, and the duration of same.

In anticipation of the approval of the Committee formation and to expedite the process, a number of the City's applications to serve on boards and commissions were distributed at the January 21, 2020 Council meeting, at the Project Homeless Connect event held on January 23, 2020 and through various social services organizations. The Council also authorized a subcommittee to review applications for this newly proposed Committee. The subcommittee consisted of Council Member Sayre, a City staff member and a community member who have provided their recommendation to Council to be approved by way of the attached resolution.

The recommended committee consists of nine voting members and two alternates made up of a Council Member (Council Member Sayre has expressed in interest in serving) and those who have previously participated on the City's Ad Hoc Committee on Homelessness, but also include those who have a passion to serve others, experience in working with socioeconomically disadvantaged individuals, background in mental health and/or addiction services and/or treatment, etc. It is recommended that a minimum of two City staff members, or other pertinent subject matter expert staff members serve on the Committee in an advisory capacity, as needed (i.e. Parks, Public Works, Finance, Police, Community Development) and not limited to those referenced.

The Committee will be tasked with working with City staff to develop recommendations on budget, etc. to be considered by the City Council

**STAFF RECOMMENDATION:**

Adopt Resolution 2020-\_\_\_ establishing the formation of a Strategic Action Committee on Homelessness pursuant to the County of Tulare’s Pathway Home Strategic Plan, set goals and objectives for said Committee and appoint voting and advisory members to same, to sunset in five years, unless otherwise extended by the Council.

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

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

**Submitted by:** Traci Myers      **Title:** Community & Economic Development Director

**Date:** 1/28/2020      **City Manager Approval:** \_\_\_\_\_



**RESOLUTION 2020-\_\_\_\_\_**

**A RESOLUTION OF THE COUNCIL OF THE CITY OF TULARE ESTABLISHING THE FORMATION OF A STRATEGIC ACTION COMMITTEE ON HOMELESSNESS PURSUANT TO THE COUNTY OF TULARE'S PATHWAY HOME STRATEGIC PLAN, WHICH SETS FORTH GOALS, OBJECTIVES AND PURPOSE, TOTAL MEMBERSHIP, THE DURATION OF SAME, AND APPOINT VOTING AND ADVISORY MEMBERS TO SAME.**

WHEREAS, the Council of the City of Tulare seeks to establish a Strategic Action Committee on Homelessness (Committee), to sunset in five years, unless otherwise extended by the Council, pursuant to the recommendations set forth in the County of Tulare's Pathway Home Strategic Plan endorsed at the December 17, 2019, Tulare City Council meeting; and,

WHEREAS, the goals, objectives and purpose of the Committee are as follows:

- Assist individuals out of homelessness
- Access to permanent housing
- Expansion of services
- Prevention of at-risk becoming homeless
- Strengthen public engagement and partnerships
- Work with City staff to develop recommendations on budget, etc. to be considered by the City Council

WHEREAS, at the January 16, 2020, Special City Council meeting regarding homelessness, the Council authorized a subcommittee to review the applications and make a recommendation to Council for appointment; and,

WHEREAS, the Committee consists of, but is not limited to, those who have previously participated on the City's Ad Hoc Committee on Homelessness, but may also include those who have a passion to serve others, experience in working with socioeconomically disadvantaged individuals, background in mental health and/or addiction services and/or treatment, etc.; and,

WHEREAS, the Council of the City of Tulare seeks to appoint the nine voting members, including one Council Member. Two alternates will be appointed to serve as a voting member only in the absence of the nine appointed members; and,

WHEREAS, a minimum of two staff advisory members or other pertinent subject matter expert staff members will serve as needed as referenced in Attachment B of this Resolution and incorporated herein by reference; and,

WHEREAS, the members of the Committee shall serve a five-year term, which spans the duration of the County of Tulare's Strategic Plan, *Pathway Home: Responding to Homelessness in Tulare County* commissioned by the Tulare County Homeless Task Force.

NOW THEREFORE BE IT RESOLVED, by the Council of the City of Tulare as follows, to wit:

SECTION 1: The Council of the City of Tulare establishes a Strategic Action Committee on Homelessness, to sunset in five years, unless otherwise extended by the Council.

SECTION 2: The Council of the City of Tulare approves the Committee terms as determined above and rules related thereto as noted in Attachment A.

SECTION 3: The Council of the City of Tulare appoints nine voting members, including one Council Member. Two alternate will be appointed to serve as a voting member only in the absence of the nine appointed members.

SECTION 4: A minimum of two staff advisory members or other pertinent subject matter expert staff members will serve as needed as referenced in Attachment B of this Resolution and incorporated herein by reference.

SECTION 5: Community Resource Members are those individuals or organizations that may assist the Committee in a resource capacity and may consist of applicants that were not selected in the random draw, or live outside of the City of Tulare and are not limited to those as noted in Attachment B, but listed for reference only.

PASSED, ADOPTED AND APPROVED this \_\_\_\_\_ day of February, 2020.

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

ATTEST:

STATE OF CALIFORNIA )  
COUNTY OF TULARE )  
CITY OF TULARE )

I, Rob A. Hunt, City Clerk of the City of Tulare, certify the foregoing is the full and true Resolution 2020-\_\_\_ passed and adopted by the City Council of the City of Tulare at a regular meeting held on February \_\_\_\_\_, 2020, by the following vote:

Ayes(s) \_\_\_\_\_

Noes(s) \_\_\_\_\_ Abstention(s) \_\_\_\_\_

Dated: ROB A. HUNT, CITY CLERK

By: Roxanne Yoder, Chief Deputy

## ATTACHMENT A

### 1. Terms of Office:

Each member of the Strategic Action Committee on Homelessness (Committee) shall be appointed to serve a five (5) year term, which spans the duration of the County of Tulare's Strategic Plan, *Pathway Home: Responding to Homelessness in Tulare County* commissioned by the Tulare County Homeless Task Force.

### 2. Officers and Elections:

Officers shall consist of Chairperson and Vice-Chairperson. The Chairperson and Vice-Chairperson shall be members of the Committee, elected by its membership.

Election of the Chairperson and Vice-Chairperson shall be held annually at the first regular meeting in February. A secret ballot shall be taken if so requested by any member of the Commission.

### 3. Meetings:

The Committee may hold two regular meetings beginning at 7:00 p.m. each month, subject to cancellation. Said meetings are to be scheduled the 2<sup>nd</sup> and 4<sup>th</sup> Tuesday of each month, unless conflicting with a holiday recognized by the City. Notwithstanding the above, the Committee may by formal action at any regular meeting, substitute another date for the regular meeting of the ensuing month in accordance with the provisions set forth in the Brown Act.

In the event of a lack of a quorum at a regular meeting, the Chairperson, the Vice-Chairperson or meeting clerk, in that order, shall adjourn the meeting to another date. The meeting clerk or designee shall endeavor to notify all members of such meetings.

### 4. Voting:

A majority of the voting members shall constitute a quorum for the conduct of business except where a larger number is specifically required.

The Chairperson shall conduct all meetings in a manner deemed most appropriate utilizing basic parliamentary procedures.

Alternates do not have voting privilege, unless they are seated in the absence of a voting member.

5. Attendance/Absences:

Each voting member and alternate has a duty to attend scheduled meetings. Any member who is absent from either three consecutive regular meetings or fifty percent or more of all meetings within any consecutive 12-month period of time shall automatically be removed, unless the City Council shall find and determine that there was good cause to excuse the absences, which include, but are not limited to: illness, injury, hospitalization, other medical emergencies or temporary requirements and obligations of employment or family matters.

Members must notify the Committee Chair or meeting clerk or designee in the event of any absence.

If a member is absent from a meeting, they are encouraged to apprise themselves of prior meeting minutes to stay current on subject matters and may vote to approve same upon review.

6. Records:

The meeting clerk or designee of the Committee shall keep the minutes and all other records of all official meetings of the Committee.

7. Minute Records:

The meeting clerk or designee shall submit copies of the Committee minutes to the City Manager and City Council Members to keep them apprised of matters scheduled before them.

8. Recommendations and/or Annual Reports to City Council:

The Committee Chair or designee may present recommendations and/or annual reports to the City Council by scheduling same with the meeting clerk or designee.

9. Board, Commission, Committee Handbook:

The Board, Commission, Committee Handbook (Handbook) last revised December 17, 2019, is incorporated herein by reference. Any omission, if it exists in this attachment, the Committee is to refer to said Handbook for direction.

## ATTACHMENT B

### Membership

No.	Voting Members - *Council approval required	Alternates (2) non- voting unless seated in the absence of a voting member - *Council approval required	City Staff Advisory Members - or other pertinent subject matter expert staff members as needed (i.e. Parks, Public Works, Finance, Police, Community Development) not limited to those listed	Community Resources - subject matter experts that either don't live in Tulare or were not selected in random draw and not limited to those listed, noted for reference only
1	Terry Sayre		Traci Myers	Karen Nichols
2	Susan Henard		Wes Hensley	Randy Dodd
3	Adrienne Hillman			Heather Christenson
4	Rev. Rosemary Wade			Dave Clevenger
5	Felicia Espinoza			Ella Murphy
6	Frank Sepda, Jr.			Darcy Phillips
7	Julian Grijalva			
8	James Pidgeon			
9	Brandon Price			
10	è	Paul Joe Frietas		
11	è	Sara Souza		

<b>AGENDA ITEM:</b>
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**CITY OF TULARE, CA  
AGENDA ITEM TRANSMITTAL SHEET**

**Submitting Department: Community & Economic Development**

**For Council Meeting of: February 4, 2020**

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

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***AGENDA ITEM:***

Council consideration and direction to staff on the issuance of a Notice of Funding Availability and Request for Proposals for use of the City's Housing Successor Asset Funds in the approximate amount of \$1.5 million.

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

***BACKGROUND/EXPLANATION:***

The City of Tulare has approximately \$1.5million of Housing Asset Funds available to fund affordable housing development. State law sets limits on how the funds may be used. For example, at least 30% of the Housing Asset Funds must be spent assisting extremely low income rental units within a five-year compliance period. Additionally, State law permits the City to spend up to \$250,000 of Housing Asset Funds per year on rapid rehousing solutions for homelessness and homelessness prevention.

According to Health and Safety Code Section 34176.1, Housing Asset Funds may be spent on:

- Administrative activities (up to annual maximum that varies each year);
- Homeless prevention and rapid rehousing services (up to \$250,000 per year); and
- Affordable housing development (subject to income and age targets).

Although homeless prevention and rapid rehousing expenditures are capped at \$250,000 annually, affordable housing development could include permanent support housing that is not subject to the annual limit.

The following depict the Housing Asset Fund Spending Restrictions per the HSC Section 34176.1:

***Administration & Compliance Monitoring allowable uses:***

- Professional services (consultant fees, auditor fees, etc.)

- Staff Salaries, benefits and overhead time spent on Housing Successor administration
- Compliance monitoring

***Homeless Prevention and Rapid Rehousing Solutions allowable uses:***

(Services for individuals and families who are homeless or would be homeless but for this assistance)

- Contributions toward the construction of local and regional homeless shelters
- Housing relocation and stabilization services
- Short-term or medium term rental assistance
- Utility payments
- Case management

***Affordable Housing Development allowable uses:***

(Subject to State law limits)

- New Construction
- Acquisition and rehabilitation
- Substantial rehabilitation of existing structure
- Acquisition of long-term affordability covenants on multifamily units
- Preservation of at-risk units whose affordable rent restrictions would otherwise expire over the next five years.

It is important to note that the City's approximate \$1.5million in Housing Asset Funds is not enough to fund affordable housing development on its own. Nor is the \$250,000 annual spending limit on homelessness enough to fund the start-up and operational costs of a shelter.

Therefore, the City is issuing this NOFA and RFP to solicit proposals from experienced developers on how the City's Housing Asset Funds may be leveraged to construct affordable housing by securing other gap financing sources. Additionally, how the Housing Asset funds may also be used by local homeless service providers to subsidize their efforts.

Staff has attached a memo from the City's housing consultants, RSG, which recommends the City reserve at least \$1million in Housing Asset Funds to issue a NOFA for affordable housing development in order to make a meaningful contribution to the total development cost. The NOFA may give preference to projects that provide permanent supportive housing if desired.

Staff is seeking Council direction on the parameters of the NOFA and RFP:

1. Should the NOFA solicit projects leveraging the City's **total** \$1.5million in Housing Asset Funds for an affordable housing project; or,

2. Should the NOFA solicit projects leveraging \$250,000 per year (or \$500,000 total) towards homeless prevention and rapid rehousing and the remainder (approximate \$500,000) towards an affordable housing project?

**STAFF RECOMMENDATION:**

Council consideration and direction to staff on the issuance of a Notice of Funding Availability and Request for Proposals for use of the City's Housing Successor Asset Funds in the approximate amount of \$1.5 million.

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

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

**Submitted by:** Traci Myers      **Title:** Community & Economic Development Director

**Date:** 1/27/2020

**City Manager Approval:** \_\_\_\_\_





17872 GILLETTE AVE.  
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IRVINE, CA 92614

714 541 4585  
INFO@WEBRSG.COM  
WEBRSG.COM

**Date:** October 1, 2019

**To:** Traci Myers, Community & Economic Development Deputy Director  
CITY OF TULARE

**From:** Tara Matthews, Principal  
Suzy Kim, Senior Associate  
RSG, INC.

**Subject:** **Eligible Use of Housing Successor Funds to Address Homelessness**

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The City of Tulare (“City”) has a growing homeless population. According to the 2019 Point in Time count conducted by the Kings/Tulare Homeless Alliance, the City had a homeless count of 146 persons, a 27 percent increase from 2018. City leaders are committed to creating a comprehensive solution to homelessness for the entire community. An Ad Hoc Homelessness Committee brought together residents, non-profits, mental health providers, public safety officers, and other concerned citizens to make recommendations to City Council in October 2019.

This memo details how the City may spend approximately \$1.5 million of Housing Successor Low and Moderate Income Housing Asset Funds (“Housing Asset Funds”) to address homelessness and create affordable housing. The City must balance both legal requirements on how the funds may be spent, and other funding needs such as administrative costs. This memo details the types of projects that can be assisted with Housing Asset Funds based on State requirements. It also describes County and State programs that could potentially be a resource to leverage Housing Asset Funds to address homelessness in Tulare.

### **Allowable Uses of Housing Asset Funds**

According to Health and Safety Code (“HSC”) Section 34176.1, Housing Asset Funds may be spent on:

- administrative activities (*up to annual maximum that varies each year*),
- homeless prevention and rapid rehousing services (*up to \$250,000 per year*), and
- affordable housing development (*subject to income and age targets*).

Table 1 summarizes the requirements in more detail. Although homeless prevention and rapid rehousing expenditures are capped at \$250,000 annually, affordable housing development could include permanent supportive housing that is not subject to the annual limit. Permanent supportive housing provides affordable rental housing combined with supportive services to help

people who are homeless and/or have serious disabilities such as mental illness and substance abuse. Housing Asset Funds could also be spent on traditional affordable housing to house families in need by providing stable, affordable housing – which ultimately prevents homelessness.

<b>Table 1</b> <b>Housing Asset Fund Spending Restrictions</b> <i>Health and Safety Code Section 34176.1</i>		
Expense Category	Limits	Allowable Uses
Administration and Compliance Monitoring	<b>Approx. \$450,000 maximum</b> per fiscal year (limit varies each year)	Administrative activities such as: <ul style="list-style-type: none"> <li>• Professional services (consultant fees, auditor fees, etc.)</li> <li>• Staff salaries, benefits, and overhead for time spent on Housing Successor administration</li> <li>• Compliance monitoring to ensure compliance with affordable housing and loan agreements</li> <li>• Property maintenance at Housing Successor-owned properties</li> </ul>
Homeless Prevention and Rapid Rehousing Solutions	<b>\$250,000 maximum</b> per fiscal year	Services for individuals and families who are homeless or would be homeless but for this assistance, including: <ul style="list-style-type: none"> <li>• Contributions toward the construction of local or regional homeless shelters</li> <li>• Housing relocation and stabilization services including housing search, mediation, or outreach to property owners</li> <li>• Short-term or medium-term rental assistance</li> <li>• Security or utility deposits</li> <li>• Utility payments</li> <li>• Moving cost assistance</li> <li>• Credit repair</li> <li>• Case management</li> <li>• Other appropriate activities for homelessness prevention and rapid rehousing of persons who have become homeless.</li> </ul> <p>Emergency shelters and transitional housing could qualify under this category, however they are not explicitly identified in the law.</p>

<b>Table 1</b> <b>Housing Asset Fund Spending Restrictions</b> <i>Health and Safety Code Section 34176.1</i>		
Expense Category	Limits	Allowable Uses
Affordable Housing Development	No spending limit, but must comply with income and age targets	“Development” includes: <ul style="list-style-type: none"> <li>• New construction</li> <li>• Acquisition and rehabilitation</li> <li>• Substantial rehabilitation</li> <li>• Acquisition of long-term affordability covenants on multifamily units</li> <li>• Preservation of at-risk units whose affordable rent restrictions would otherwise expire over the next five years</li> </ul>
	<b><i>Income Targets</i></b>	Every five years (currently FYE 2020-2024), Housing Asset Funds must meet income targets: <ul style="list-style-type: none"> <li>• At least 30% on extremely low income rental households (up to 30% AMI or “Area Median Income”)</li> <li>• No more than 20% on low income households (60-80% AMI)</li> </ul> Moderate and above moderate income households may not be assisted (above 80% AMI).
	<b><i>Age Targets</i></b>	For the prior ten years (resets every year), a maximum of 50% of housing units assisted by the City or Housing Successor may be restricted to seniors.  Tulare has assisted 126 non-age restricted units over the last ten years, so Housing Asset Funds may assist up to 126 units restricted to seniors if desired.

**Available Housing Asset Funds**

As of June 30, 2019, the City had \$1,572,554 in Housing Asset Funds. It is important to note that the City does not have a significant source of ongoing funding for the Housing Asset Fund. An average of \$40,000 has been deposited into the Housing Asset Fund annually over the last five years from loan repayments, rents, and interest. These revenue streams are not on fixed payments; they fluctuate each year based on sales and rental activity.

## **State Funding Programs**

The following State funding sources may be available to the City and developers to leverage Housing Asset Funds for permanent supportive housing and affordable housing in general. Funding for many of these programs are administered by the California Department of Housing and Community Development (“HCD”). HCD’s website has a Notice of Funding Availability (“NOFA”) [calendar](#) with helpful information on when NOFAs will be released and the total amount of money available for each funding source.

### [SB 2 Grants](#)

- HCD will issue NOFAs for local jurisdictions to apply for affordable housing development and homeless services funding implemented by Senate Bill 2 in 2017. Eligible activities include, but are not limited to, rapid rehousing, rental assistance, navigation centers, emergency shelters, and permanent and transitional housing.
- The first NOFA is expected to be released in March 2020 for applications due in May 2020.

### [Veterans Housing and Homeless Prevention Program \(VHHP\)](#)

- Developers of affordable projects housing veterans may apply for VHHP funds. Projects are required to have at least 45% of assisted units available to Extremely Low Income Veterans, with rents not exceeding 30% of the extremely low income limit. Occupants are eligible veterans that are either individuals with disabilities or recently homeless. Supportive services are provided for issues such as drug addiction and mental illness.
- A sample project funded by VHHP is the Mather Veterans Village in Rancho Cordova. The Department of Veterans Affairs provides clinical services to residents including counseling and medical care. The Veterans Resource Center screens tenants, who submits applications to the Developer.

### [Mental Health Services Act \(MHSA\)](#)

- Developers may apply for MHSA special needs housing program loans from the California Housing Finance Agency (“CalHFA”). CalHFA administers the program and provides underwriting, construction monitoring, and asset management services.
- Developments must serve: (a) homeless or chronically homeless individuals with a mental illness, or (b) homeless or chronically homeless individuals with a mental illness and their families. Developments may not discriminate against or exclude individuals who have barriers to housing including a history of poor credit, limited housing history, evictions, substance use, and criminal backgrounds.

- Developments must serve Department of Mental Health MHSA-eligible consumers with incomes that are lower than 30% AMI. Tenants will pay 30% of their income toward the rent.

#### [Affordable Housing and Sustainable Communities Program \(AHSC\)](#)

- The State's AHSC program is a sought-after source for affordable housing financing but not all projects will be eligible for this competitive program. The AHSC program funds land-use, housing, transportation, and land preservation projects to support infill and compact development that reduce greenhouse gas ("GHG") emissions. Both municipalities and developers may apply for funding.
- This source of funding is very complex. Half of the points are based on a development's GHG reduction. An applicant would need to hire an engineer that specializes in GHG reduction to calculate this.
- Projects with less than 50 units may not be able to rely on AHSC financing.
- The AHSC program is not specifically for housing the homeless, but it may be coupled with other gap financing sources to make a project feasible.

#### [SB 3 / Proposition 1 Funding](#)

- SB 3 (Beall) placed a \$4 billion general obligation bond on the November 2018 general election ballot as Proposition 1, which won voter approval. It allocates \$3 billion in bond proceeds among programs that assist affordable multifamily developments, housing for farmworkers, transit-oriented development, infrastructure for infill development, and homeownership. It also funds matching grants for Local Housing Trust Funds and homeownership programs.
- The remaining \$1 billion in bond proceeds is dedicated to CalVet for home and farm purchase assistance for veterans.
- HCD has not released information on the availability of SB 3 / Proposition 1 funding.
- This program is not specifically for housing the homeless, but it may be coupled with other gap financing sources to make a project feasible.

#### 4% Tax Credits

- Using tax exempt bonds, 4% tax credits are non-competitive and generally do not offer nearly the same level of subsidy as the 9% tax credit program. Tax credits are utilized on affordable housing projects to help finance new construction and rehabilitate existing affordable housing. The source is typically combined with several gap financing resources by developers to leverage public dollars.
- Housing Asset Funds have a more restrictive affordability requirement than a typical 4% tax credit-financed project. The typical 4% tax credit project designates 90% of the units at 60% of AMI and the remaining 10% of the units at 50% of AMI. The extremely low income units required by Housing Asset Funds would not receive additional tax credit equity; other funding sources would need to provide gap financing.
- This program is not specifically for housing the homeless, but it may be coupled with other gap financing sources to make a project feasible.

#### HOME Funds

- The goal of the HOME program is to provide funds to expand the supply of affordable housing for very low and low income persons. Projects utilizing HOME funds must remain affordable for 55-years.
- The minimum HOME subsidy is \$1,000 times the number of HOME-assisted units. The maximum HOME subsidy limit varies each year based on the number of bedrooms.
- This program is not specifically for housing the homeless, but it may be coupled with other gap financing sources to make a project feasible.

#### **County Programs**

##### Pool for Homeless Initiatives Locally (PHIL)

- The Kings/Tulare Homeless Alliance issued a NOFA in July 2019 to apply for funds from the California Emergency Solutions and Housing program (CESH) and the HUD Continuum of Care program (COC).
- Applications were due in August 2019, however this program should be monitored for available funding in the future.

### [No Place Like Home \(NPLH\)](#)

- Counties, or their development sponsors, may apply for funding from NPLH to develop permanent supportive housing projects throughout their jurisdiction.
- The City could refer developers to the County to coordinate a NPLH funding application to HCD.

### [Project Based Vouchers \(PBVs\)](#)

- Section 8 PBVs subsidize rents for qualifying tenants and are administered by the County Housing Authority. PBVs remain with the property as compared to tenant based vouchers that remain with the tenant.
- The PBV rent amount is based on comparable properties in the local market. Assistance will be the difference between 30% of the family's monthly-adjusted income and the lower of either the gross rent or the applicable payment standard.
- While Tulare County issues individual Section 8 vouchers, it is unclear if PBVs are available. A developer could contact the County to inquire about the possibility of obtaining PBVs for their project.

### **Recommended Use of Housing Asset Funds**

Tulare's \$1.5 million in Housing Asset Funds is not enough to fund affordable housing development on its own. Nor is the \$250,000 annual spending limit on homelessness enough to fund the start-up and operational costs of a shelter. However, \$1.5 million is a significant amount of money that can be leveraged by experienced developers to construct affordable housing by securing other gap financing sources. Housing Asset Funds could also be used by local homeless service providers to subsidize their efforts.

Table 2 displays construction costs for three multifamily residential developments in Tulare that applied for tax credits from the California Tax Credit Allocation Committee in the last few years. The average development cost per unit is approximately \$250,000, with total costs ranging from \$9 million to \$20 million for a 40 to 75 unit development. The majority of costs were funded with gap financing sources such as tax credits, federal and county housing programs, and solar energy tax credits. It is important to consider that operational costs for permanent supportive housing are higher due to the social services provided.

<b>Table 2</b> <b>Comparable Multifamily Residential Development Costs</b> <i>California Tax Credit Allocation Committee Applications</i>				
	<b>Comp 1</b>	<b>Comp 2</b>	<b>Comp 3</b>	<b>Average</b>
Project	Westside Palm Apartments	Parkwood Manor	Mission Court Apartments	
City	Tulare	Tulare	Tulare	
Developer	Cordes Development 2, LLC	DBR Development LLC	Pacific West Communities, Inc.	
Application Year	2016	2017	2018	
Category	At-Risk Acq/Rehab	Large Family Acq/Rehab	Large Family New Construction	
Units	<b>40</b>	<b>75</b>	<b>65</b>	<b>60</b>
2BR	40	45	24	36
3BR	0	30	33	21
4BR	0	0	8	3
Units by Income Level	4-30% 8-40% 16-50% 11-60%	8-30% 8-35% 8-40% 19-50% 31-60%	7-30% 10-40% 26-50% 21-60%	
<b>Total Construction Cost</b> <i>Total Cost Per Unit</i>	<b>\$7,317,006</b> 182,925	<b>\$12,068,051</b> 160,907	<b>\$15,462,141</b> 237,879	<b>\$11,615,733</b> 193,904
Land and Acquisition	1,883,048	7,834,000	555,000	3,424,016
<b>Total Development Cost</b> <i>Total Cost Per Unit</i>	<b>\$9,200,054</b> 230,001	<b>\$19,902,051</b> 265,361	<b>\$16,017,141</b> 246,418	<b>\$15,039,749</b> 247,260
<b>Gap Financing</b> <i>Gap Finance Per Unit</i>	<b>\$9,200,054</b> 230,001 100%	<b>\$19,872,461</b> 264,966 99.9%	<b>\$14,067,141</b> 216,418 88%	<b>\$14,379,885</b> 237,128 96%



RSG recommends reserving at least \$1 million of Housing Asset Funds to issue a NOFA for affordable housing development in order to make a meaningful contribution to the total development cost. The NOFA can give preference to projects that provide permanent supportive housing if desired. However, the NOFA should not exclude other types of development in order to maximize the number of NOFA responses.

If Housing Asset Funds are spent on homeless prevention and rapid rehousing, RSG recommends setting aside no more than \$500,000 for this purpose. Since the City does not have a significant ongoing source of revenues for affordable housing, if Housing Asset Funds are spent on homeless services the funds would be depleted in six to seven years. Setting aside the bulk of Housing Asset Funds for affordable housing production will maximize the City's investment by leveraging outside resources to provide a permanent housing solution. It will also help meet Tulare's Regional Housing Needs Allocation need for 877 very low and 581 low income units.