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# **Appendix A**

## Notice of Preparation



# NOTICE OF PREPARATION

**To:** Office of Planning and Research  
Responsible and Trustee Agencies  
Other Interested Parties

**From:** Mario Anaya, City Planner  
City of Tulare  
411 East Kern Ave.  
Tulare, CA 93274  
(559) 684-4223

**Subject:** Notice of Preparation of an Environmental Impact Report (EIR) and Scoping Meeting for the Chandler Grove Master Plan and Annexation Project

**Date:** September 9, 2022

**City/County Location:** City of Tulare, Tulare County

**Applicant:** Toor Capital, LLC

Pursuant to Section 15082(a) of the California Environmental Quality Act (1970), the City of Tulare (City) will be the lead agency and will require preparation of an environmental impact report for the project described below. Consistent with your agency's statutory authority, the City requests input regarding the scope and content of the EIR. The City has concluded that the project could result in potentially significant environmental impacts and therefore an EIR is required. The project description and location are included herein.

The proposed Project consists of a mixed-use development on approximately 231 acres of active agricultural land in Tulare County, CA (see Figure 1, Location Map and Figure 2, Project Site). Approximately 10.3 acres of perimeter right-of-way would be dedicated as part of the project, leaving approximately 220 acres for development. Once developed, proposed project site would include approximately 1,197 total units of low, medium, and high-density residential (163.1 acres), a central park (14.1 acres), a neighborhood commercial center (10.8 acres), a school (4.9 acres), and a community center (0.78 acres). Parks would act as natural areas, provide stormwater detention, and include playgrounds, plazas and shelters, open turf areas for field sports, as well as trails for recreation. Trails throughout the site would connect to schools, parks, the community center and the commercial center. An open irrigation canal currently passes through the property from the north to the south and would be piped underground within the same general alignment during project development and flow through the channel would not be changed. The housing would include approximately 364 units of low-density single-family units, 281 units of medium density single family units and townhomes, and 552 high density apartments.

The project site is currently located within unincorporated Tulare County (County) but is planned to be annexed to the City of Tulare (City) as part of the project. The project site is comprised of four separate parcels and includes Assessor's Parcel Numbers [APNs] 184-050-007, 184-050-034, 184-050-035, and 184-050-010. The project site is bound by South Oakmore Street (Road 124) to the west, the East Tulare Villa community to the east, Avenue 228 to the north, and E Bardsley Ave to the south. The site is currently within the County's Exclusive Agricultural Zone – 40 Acre Minimum (AE-40), Ag Preserve Number 0002326, and under Ag Preserve Contract Number 06925. The project site is located within the College of the Sequoias (COS) North Transit Oriented Development Plan Area that is outlined in the Tulare Transit-Oriented Development (TOD) Plan for the City of Tulare. The proposed project would be generally consistent with the TOD plan in its design.

The project would annex approximately 489.26-acres of land owned by the College of Sequoias (COS) and which is the existing location of the COS Tulare Campus. The project would also annex approximately 142.41-acres located south of Bardsley Avenue which is currently being utilized as a groundwater recharge basin and is owned by the Kaweah-Delta Water Conservation District (KDWCD). The intent of the annexation is to facilitate development of the approximately 226-acre 'Chandler Grove' area consistent with the City of Tulare adopted Transit Oriented Development Plan. The COS and KDWCD areas are being included in the annexation, but no changes in existing development plans are proposed for these areas. Rather, these areas are being included in order to ensure an orderly manner of growth of the City, as these properties will be complimentary and supportive of the Chandler Grove proposed development plan area.

Discretionary actions for this project would include approval of a zone amendment (pre-zoning for anticipated annexation), general plan amendment, exclusion from Agricultural Preserve Number 0002326, cancellation of Agricultural Preserve Contract 06925, and annexation of the property from the County of Tulare to the City of Tulare. As shown in Figure 5, Proposed Annexation, the annexation would also include properties adjacent to the project site that is owned by the College of the Sequoias - Tulare College Center and the Kaweah Delta Water Conservation District. Upon completion of the annexation of the project site into City limits, a parcel map detailing site development per the approved land use and zoning designations would be submitted to the City for review and approval prior to the start of construction.

Pursuant to CEQA Section 15060(d) of the CEQA Guidelines, the project may potentially result in significant impacts related to: Aesthetics, Agricultural Resources, Air Quality, Biological Resources, Cultural Resources, Energy, Geology/Soils, Greenhouse Gas Emissions, Hydrology/Water Quality, Land Use/Planning, Noise, Population/Housing, Public Services, Recreation, Transportation, Tribal Cultural Resources, and Utilities/Service Systems. An EIR will be prepared to evaluate the proposed project's potential impacts on the environment, outline mitigation measures, and analyze potential project alternatives.

## **PUBLIC SCOPING**

The EIR will consider potential environmental effects of the proposed project to determine the level of significance of the environmental effect and will analyze these potential effects to the detail necessary to make a determination on the level of significance. Those environmental issues that have been determined to be less than significant will have a discussion that is limited to a brief explanation of why those effects are not considered potentially significant. In addition, the EIR may also consider those environmental issues which are raised by responsible agencies, trustee agencies, and members of the public or related agencies during the NOP process. Comments that are provided during the NOP scoping period will be included as part of the administrative record for the project and will be appropriately addressed in the EIR.

We need to know the views of your agency or organization as to the scope and content of the environmental information germane to your agency's statutory responsibilities or of interest to your organization in connection with the proposed project. Specifically, we are requesting the following:

1. If you are a public agency, state whether your agency will be a responsible or trustee agency for the proposed project and list the permits or approvals from your agency that will be required for the project and its future actions;
2. Identify significant environmental effects and mitigation measures that you believe need to be explored in the EIR with supporting discussion of why you believe these effects may be significant;
3. Describe special studies and other information that you believe are necessary for the City of Tulare to analyze the significant environmental effects, alternatives, and mitigation measures you have identified;
4. For public agencies that provide infrastructure and public services, identify any facilities that must be provided (both on- and off-site) to provide services to the proposed project;
5. Indicate whether a member(s) from your agency would like to attend a scoping workshop/meeting for public agencies to discuss the scope and content of the EIR's environmental information;
6. Provide the name, title, and telephone number of the contact person from your agency or organization that we can contact regarding your comments.

Due to the limits mandated by State law, your response must be sent and received by the City of Tulare by the following deadlines:

- For responsible agencies, not later than 30 days after you receive this notice.

- For all other agencies and organizations, not later than 30 days following the publication of this Notice of Preparation. The 30-day review period ends October 10, 2022

If we do not receive a response from your agency or organization, we will presume that your agency or organization has no response to make.

A responsible agency, trustee agency, or other public agency may request a meeting with the City of Tulare or its representatives in accordance with Section 15082(c) of the CEQA Guidelines. A public scoping meeting will be held during the public review period as follows:

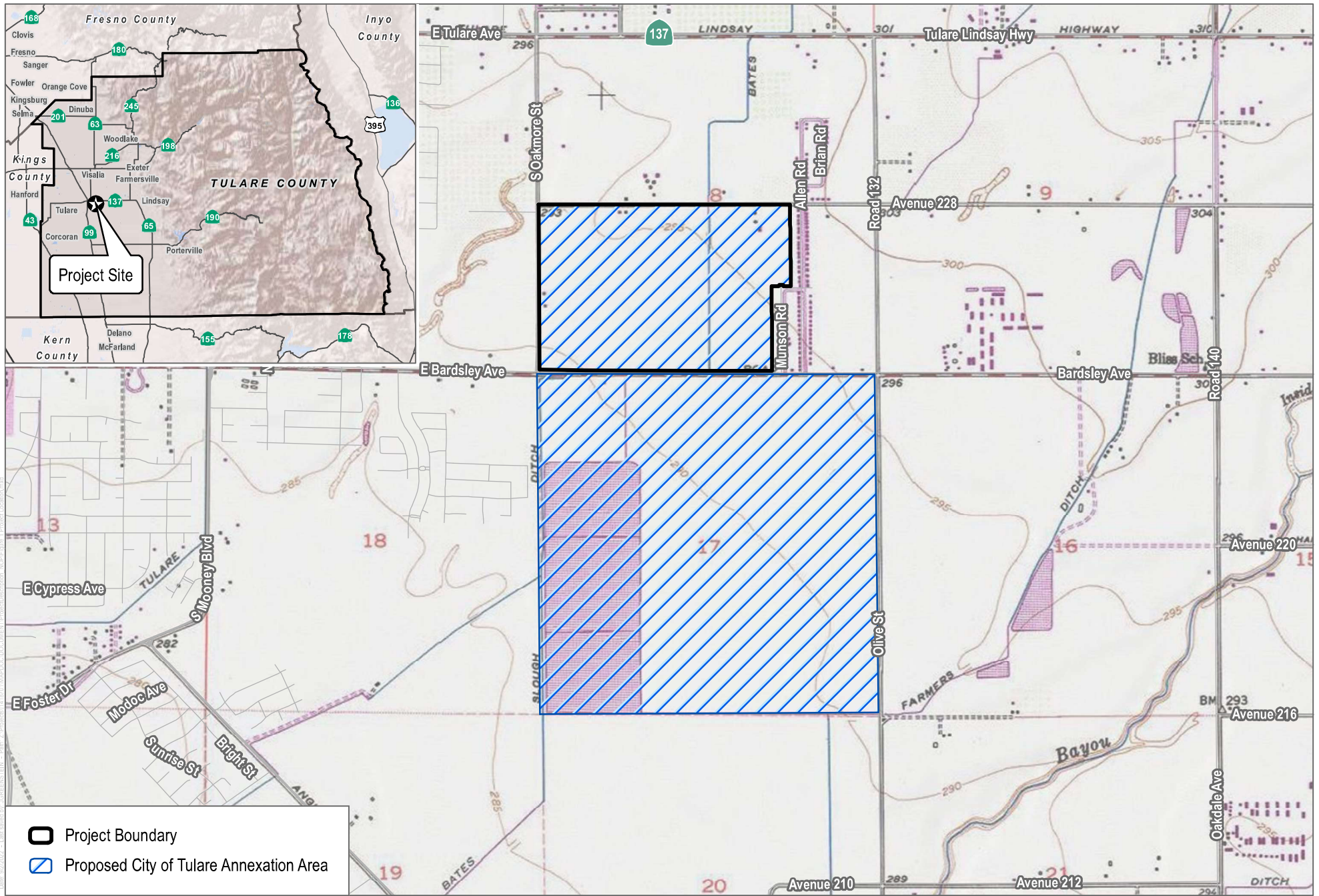
- **Thursday, September 29, 2022 from 4:00 pm to 7:00 pm**  
*Olympic Room*  
Tulare Public Library  
475 North 'M' Street  
Tulare, CA 93274

Please send your responses to Mario Anaya, City Planner at the City of Tulare, 411 East Kern Ave. Tulare, CA 93274; or via email at [manaya@tulare.ca.gov](mailto:manaya@tulare.ca.gov). If you have any questions, please contact Mario Anaya at (559) 684-4223 or [manaya@tulare.ca.gov](mailto:manaya@tulare.ca.gov).

**Signature:**   
Mario Anaya, City Planner

**Date:** September 9, 2022

**Attachments:** Figure 1, Location Map  
Figure 2, Project Site



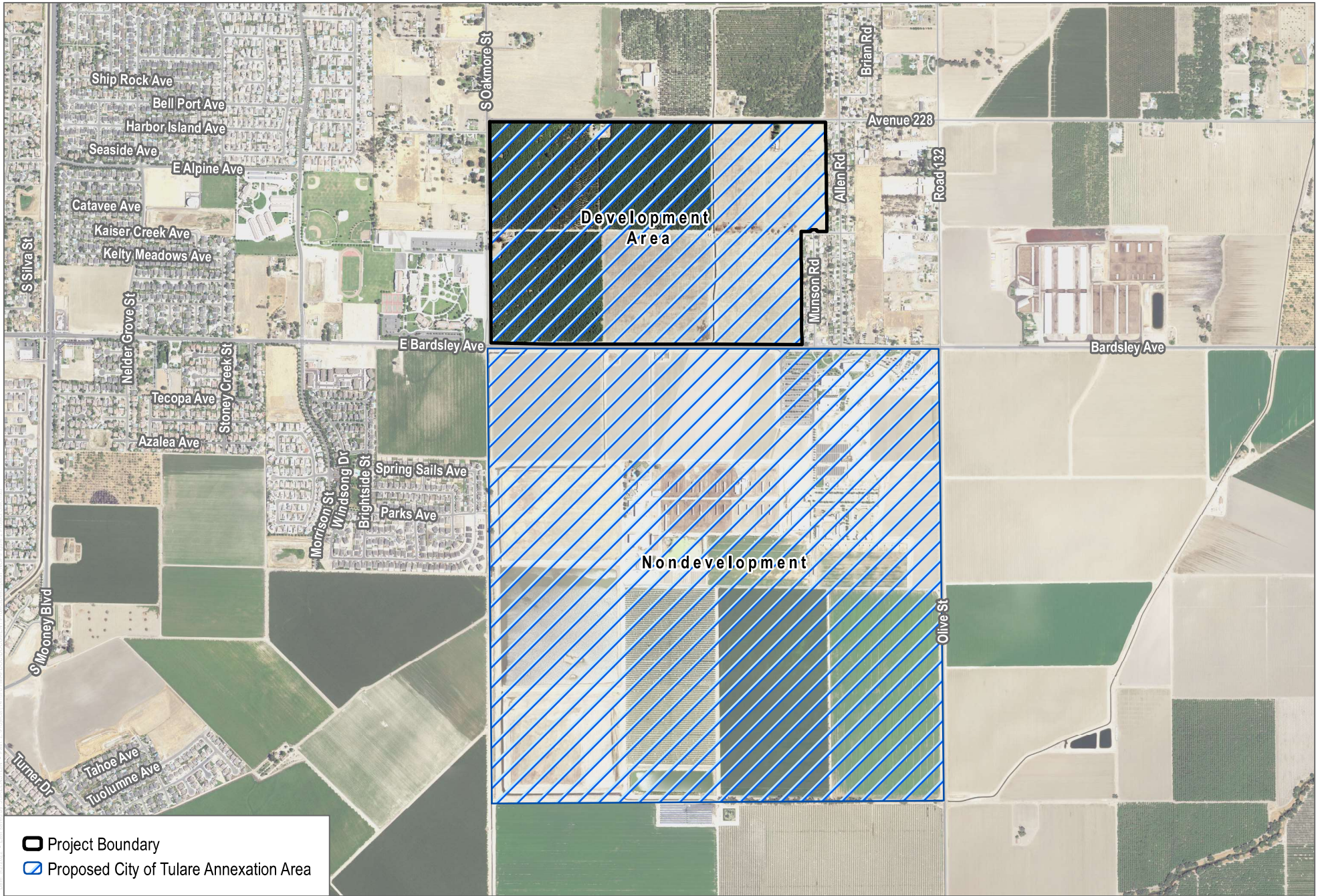
SOURCE: USGS 7.5-Minute Series Tulare Quadrangle



**FIGURE 1**

**Project Location Map**

Chandler Grove Master Plan and Annexation Project



SOURCE: NAIP 2020

**FIGURE 2**

**Project Site**





## NATIVE AMERICAN HERITAGE COMMISSION

September 9, 2022

Mario Anaya  
City of Tulare  
411 E. Kern Avenue  
Tulare, CA 93274

CHAIRPERSON  
**Laura Miranda**  
Luiseño

VICE CHAIRPERSON  
**Reginald Pagaling**  
Chumash

PARLIAMENTARIAN  
**Russell Attebery**  
Karuk

SECRETARY  
**Sara Dutschke**  
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Paiute/White Mountain  
Apache

COMMISSIONER  
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Ohlone-Costanoan

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COMMISSIONER  
**Stanley Rodriguez**  
Kumeyaay

EXECUTIVE SECRETARY  
**Raymond C.  
Hitchcock**  
Miwok/Nisenan

**NAHC HEADQUARTERS**  
1550 Harbor Boulevard  
Suite 100  
West Sacramento,  
California 95691  
(916) 373-3710  
[nahc@nahc.ca.gov](mailto:nahc@nahc.ca.gov)  
NAHC.ca.gov

**Re: 2022090149, Chandler Grove Master Plan and Annexation Project, Tulare County**

Dear Mr. Anaya:

The Native American Heritage Commission (NAHC) has received the Notice of Preparation (NOP), Draft Environmental Impact Report (DEIR) or Early Consultation for the project referenced above. The California Environmental Quality Act (CEQA) (Pub. Resources Code §21000 et seq.), specifically Public Resources Code §21084.1, states that a project that may cause a substantial adverse change in the significance of a historical resource, is a project that may have a significant effect on the environment. (Pub. Resources Code § 21084.1; Cal. Code Regs., tit.14, §15064.5 (b) (CEQA Guidelines §15064.5 (b))). If there is substantial evidence, in light of the whole record before a lead agency, that a project may have a significant effect on the environment, an Environmental Impact Report (EIR) shall be prepared. (Pub. Resources Code §21080 (d); Cal. Code Regs., tit. 14, § 5064 subd.(a)(1) (CEQA Guidelines §15064 (a)(1))). In order to determine whether a project will cause a substantial adverse change in the significance of a historical resource, a lead agency will need to determine whether there are historical resources within the area of potential effect (APE).

CEQA was amended significantly in 2014. Assembly Bill 52 (Gatto, Chapter 532, Statutes of 2014) (AB 52) amended CEQA to create a separate category of cultural resources, "tribal cultural resources" (Pub. Resources Code §21074) and provides that a project with an effect that may cause a substantial adverse change in the significance of a tribal cultural resource is a project that may have a significant effect on the environment. (Pub. Resources Code §21084.2). Public agencies shall, when feasible, avoid damaging effects to any tribal cultural resource. (Pub. Resources Code §21084.3 (a)). **AB 52 applies to any project for which a notice of preparation, a notice of negative declaration, or a mitigated negative declaration is filed on or after July 1, 2015.** If your project involves the adoption of or amendment to a general plan or a specific plan, or the designation or proposed designation of open space, on or after March 1, 2005, it may also be subject to Senate Bill 18 (Burton, Chapter 905, Statutes of 2004) (SB 18). **Both SB 18 and AB 52 have tribal consultation requirements.** If your project is also subject to the federal National Environmental Policy Act (42 U.S.C. § 4321 et seq.) (NEPA), the tribal consultation requirements of Section 106 of the National Historic Preservation Act of 1966 (154 U.S.C. 300101, 36 C.F.R. §800 et seq.) may also apply.

The NAHC recommends consultation with California Native American tribes that are traditionally and culturally affiliated with the geographic area of your proposed project as early as possible in order to avoid inadvertent discoveries of Native American human remains and best protect tribal cultural resources. Below is a brief summary of portions of AB 52 and SB 18 as well as the NAHC's recommendations for conducting cultural resources assessments.

**Consult your legal counsel about compliance with AB 52 and SB 18 as well as compliance with any other applicable laws.**

AB 52 has added to CEQA the additional requirements listed below, along with many other requirements:

- 1. Fourteen Day Period to Provide Notice of Completion of an Application/Decision to Undertake a Project:** Within fourteen (14) days of determining that an application for a project is complete or of a decision by a public agency to undertake a project, a lead agency shall provide formal notification to a designated contact of, or tribal representative of, traditionally and culturally affiliated California Native American tribes that have requested notice, to be accomplished by at least one written notice that includes:

  - a. A brief description of the project.
  - b. The lead agency contact information.
  - c. Notification that the California Native American tribe has 30 days to request consultation. (Pub. Resources Code §21080.3.1 (d)).
  - d. A "California Native American tribe" is defined as a Native American tribe located in California that is on the contact list maintained by the NAHC for the purposes of Chapter 905 of Statutes of 2004 (SB 18). (Pub. Resources Code §21073).
- 2. Begin Consultation Within 30 Days of Receiving a Tribe's Request for Consultation and Before Releasing a Negative Declaration, Mitigated Negative Declaration, or Environmental Impact Report:** A lead agency shall begin the consultation process within 30 days of receiving a request for consultation from a California Native American tribe that is traditionally and culturally affiliated with the geographic area of the proposed project. (Pub. Resources Code §21080.3.1, subds. (d) and (e)) and prior to the release of a negative declaration, mitigated negative declaration or Environmental Impact Report. (Pub. Resources Code §21080.3.1(b)).

  - a. For purposes of AB 52, "consultation shall have the same meaning as provided in Gov. Code §65352.4 (SB 18). (Pub. Resources Code §21080.3.1 (b)).
- 3. Mandatory Topics of Consultation If Requested by a Tribe:** The following topics of consultation, if a tribe requests to discuss them, are mandatory topics of consultation:

  - a. Alternatives to the project.
  - b. Recommended mitigation measures.
  - c. Significant effects. (Pub. Resources Code §21080.3.2 (a)).
- 4. Discretionary Topics of Consultation:** The following topics are discretionary topics of consultation:

  - a. Type of environmental review necessary.
  - b. Significance of the tribal cultural resources.
  - c. Significance of the project's impacts on tribal cultural resources.
  - d. If necessary, project alternatives or appropriate measures for preservation or mitigation that the tribe may recommend to the lead agency. (Pub. Resources Code §21080.3.2 (a)).
- 5. Confidentiality of Information Submitted by a Tribe During the Environmental Review Process:** With some exceptions, any information, including but not limited to, the location, description, and use of tribal cultural resources submitted by a California Native American tribe during the environmental review process shall not be included in the environmental document or otherwise disclosed by the lead agency or any other public agency to the public, consistent with Government Code §6254 (r) and §6254.10. Any information submitted by a California Native American tribe during the consultation or environmental review process shall be published in a confidential appendix to the environmental document unless the tribe that provided the information consents, in writing, to the disclosure of some or all of the information to the public. (Pub. Resources Code §21082.3 (c)(1)).
- 6. Discussion of Impacts to Tribal Cultural Resources in the Environmental Document:** If a project may have a significant impact on a tribal cultural resource, the lead agency's environmental document shall discuss both of the following:

  - a. Whether the proposed project has a significant impact on an identified tribal cultural resource.
  - b. Whether feasible alternatives or mitigation measures, including those measures that may be agreed to pursuant to Public Resources Code §21082.3, subdivision (a), avoid or substantially lessen the impact on the identified tribal cultural resource. (Pub. Resources Code §21082.3 (b)).

- 7. Conclusion of Consultation:** Consultation with a tribe shall be considered concluded when either of the following occurs:
- a. The parties agree to measures to mitigate or avoid a significant effect, if a significant effect exists, on a tribal cultural resource; or
  - b. A party, acting in good faith and after reasonable effort, concludes that mutual agreement cannot be reached. (Pub. Resources Code §21080.3.2 (b)).

**8. Recommending Mitigation Measures Agreed Upon in Consultation in the Environmental Document:** Any mitigation measures agreed upon in the consultation conducted pursuant to Public Resources Code §21080.3.2 shall be recommended for inclusion in the environmental document and in an adopted mitigation monitoring and reporting program, if determined to avoid or lessen the impact pursuant to Public Resources Code §21082.3, subdivision (b), paragraph 2, and shall be fully enforceable. (Pub. Resources Code §21082.3 (a)).

**9. Required Consideration of Feasible Mitigation:** If mitigation measures recommended by the staff of the lead agency as a result of the consultation process are not included in the environmental document or if there are no agreed upon mitigation measures at the conclusion of consultation, or if consultation does not occur, and if substantial evidence demonstrates that a project will cause a significant effect to a tribal cultural resource, the lead agency shall consider feasible mitigation pursuant to Public Resources Code §21084.3 (b). (Pub. Resources Code §21082.3 (e)).

**10. Examples of Mitigation Measures That, If Feasible, May Be Considered to Avoid or Minimize Significant Adverse Impacts to Tribal Cultural Resources:**

- a. Avoidance and preservation of the resources in place, including, but not limited to:
  - i. Planning and construction to avoid the resources and protect the cultural and natural context.
  - ii. Planning greenspace, parks, or other open space, to incorporate the resources with culturally appropriate protection and management criteria.
- b. Treating the resource with culturally appropriate dignity, taking into account the tribal cultural values and meaning of the resource, including, but not limited to, the following:
  - i. Protecting the cultural character and integrity of the resource.
  - ii. Protecting the traditional use of the resource.
  - iii. Protecting the confidentiality of the resource.
- c. Permanent conservation easements or other interests in real property, with culturally appropriate management criteria for the purposes of preserving or utilizing the resources or places.
- d. Protecting the resource. (Pub. Resource Code §21084.3 (b)).
- e. Please note that a federally recognized California Native American tribe or a non-federally recognized California Native American tribe that is on the contact list maintained by the NAHC to protect a California prehistoric, archaeological, cultural, spiritual, or ceremonial place may acquire and hold conservation easements if the conservation easement is voluntarily conveyed. (Civ. Code §815.3 (c)).
- f. Please note that it is the policy of the state that Native American remains and associated grave artifacts shall be repatriated. (Pub. Resources Code §5097.991).

**11. Prerequisites for Certifying an Environmental Impact Report or Adopting a Mitigated Negative Declaration or Negative Declaration with a Significant Impact on an Identified Tribal Cultural Resource:** An Environmental Impact Report may not be certified, nor may a mitigated negative declaration or a negative declaration be adopted unless one of the following occurs:

- a. The consultation process between the tribes and the lead agency has occurred as provided in Public Resources Code §21080.3.1 and §21080.3.2 and concluded pursuant to Public Resources Code §21080.3.2.
- b. The tribe that requested consultation failed to provide comments to the lead agency or otherwise failed to engage in the consultation process.
- c. The lead agency provided notice of the project to the tribe in compliance with Public Resources Code §21080.3.1 (d) and the tribe failed to request consultation within 30 days. (Pub. Resources Code §21082.3 (d)).

The NAHC's PowerPoint presentation titled, "Tribal Consultation Under AB 52: Requirements and Best Practices" may be found online at: [http://nahc.ca.gov/wp-content/uploads/2015/10/AB52TribalConsultation\\_CalEPAPDF.pdf](http://nahc.ca.gov/wp-content/uploads/2015/10/AB52TribalConsultation_CalEPAPDF.pdf)

## SB 18

SB 18 applies to local governments and requires local governments to contact, provide notice to, refer plans to, and consult with tribes prior to the adoption or amendment of a general plan or a specific plan, or the designation of open space. (Gov. Code §65352.3). Local governments should consult the Governor's Office of Planning and Research's "Tribal Consultation Guidelines," which can be found online at: [https://www.opr.ca.gov/docs/09\\_14\\_05\\_Updated\\_Guidelines\\_922.pdf](https://www.opr.ca.gov/docs/09_14_05_Updated_Guidelines_922.pdf).

Some of SB 18's provisions include:

1. **Tribal Consultation:** If a local government considers a proposal to adopt or amend a general plan or a specific plan, or to designate open space it is required to contact the appropriate tribes identified by the NAHC by requesting a "Tribal Consultation List." If a tribe, once contacted, requests consultation the local government must consult with the tribe on the plan proposal. **A tribe has 90 days from the date of receipt of notification to request consultation unless a shorter timeframe has been agreed to by the tribe.** (Gov. Code §65352.3 (a)(2)).
2. **No Statutory Time Limit on SB 18 Tribal Consultation.** There is no statutory time limit on SB 18 tribal consultation.
3. **Confidentiality:** Consistent with the guidelines developed and adopted by the Office of Planning and Research pursuant to Gov. Code §65040.2, the city or county shall protect the confidentiality of the information concerning the specific identity, location, character, and use of places, features and objects described in Public Resources Code §5097.9 and §5097.993 that are within the city's or county's jurisdiction. (Gov. Code §65352.3 (b)).
4. **Conclusion of SB 18 Tribal Consultation:** Consultation should be concluded at the point in which:
  - a. The parties to the consultation come to a mutual agreement concerning the appropriate measures for preservation or mitigation; or
  - b. Either the local government or the tribe, acting in good faith and after reasonable effort, concludes that mutual agreement cannot be reached concerning the appropriate measures of preservation or mitigation. (Tribal Consultation Guidelines, Governor's Office of Planning and Research (2005) at p. 18).

Agencies should be aware that neither AB 52 nor SB 18 precludes agencies from initiating tribal consultation with tribes that are traditionally and culturally affiliated with their jurisdictions before the timeframes provided in AB 52 and SB 18. For that reason, we urge you to continue to request Native American Tribal Contact Lists and "Sacred Lands File" searches from the NAHC. The request forms can be found online at: <http://nahc.ca.gov/resources/forms/>.

### NAHC Recommendations for Cultural Resources Assessments

To adequately assess the existence and significance of tribal cultural resources and plan for avoidance, preservation in place, or barring both, mitigation of project-related impacts to tribal cultural resources, the NAHC recommends the following actions:

1. Contact the appropriate regional California Historical Research Information System (CHRIS) Center ([https://ohp.parks.ca.gov/?page\\_id=30331](https://ohp.parks.ca.gov/?page_id=30331)) for an archaeological records search. The records search will determine:
  - a. If part or all of the APE has been previously surveyed for cultural resources.
  - b. If any known cultural resources have already been recorded on or adjacent to the APE.
  - c. If the probability is low, moderate, or high that cultural resources are located in the APE.
  - d. If a survey is required to determine whether previously unrecorded cultural resources are present.
2. If an archaeological inventory survey is required, the final stage is the preparation of a professional report detailing the findings and recommendations of the records search and field survey.
  - a. The final report containing site forms, site significance, and mitigation measures should be submitted immediately to the planning department. All information regarding site locations, Native American human remains, and associated funerary objects should be in a separate confidential addendum and not be made available for public disclosure.
  - b. The final written report should be submitted within 3 months after work has been completed to the appropriate regional CHRIS center.

3. Contact the NAHC for:
  - a. A Sacred Lands File search. Remember that tribes do not always record their sacred sites in the Sacred Lands File, nor are they required to do so. A Sacred Lands File search is not a substitute for consultation with tribes that are traditionally and culturally affiliated with the geographic area of the project's APE.
  - b. A Native American Tribal Consultation List of appropriate tribes for consultation concerning the project site and to assist in planning for avoidance, preservation in place, or, failing both, mitigation measures.
  
4. Remember that the lack of surface evidence of archaeological resources (including tribal cultural resources) does not preclude their subsurface existence.
  - a. Lead agencies should include in their mitigation and monitoring reporting program plan provisions for the identification and evaluation of inadvertently discovered archaeological resources per Cal. Code Regs., tit. 14, § 15064.5(f) (CEQA Guidelines § 15064.5(f)). In areas of identified archaeological sensitivity, a certified archaeologist and a culturally affiliated Native American with knowledge of cultural resources should monitor all ground-disturbing activities.
  - b. Lead agencies should include in their mitigation and monitoring reporting program plans provisions for the disposition of recovered cultural items that are not burial associated in consultation with culturally affiliated Native Americans.
  - c. Lead agencies should include in their mitigation and monitoring reporting program plans provisions for the treatment and disposition of inadvertently discovered Native American human remains. Health and Safety Code § 7050.5, Public Resources Code § 5097.98, and Cal. Code Regs., tit. 14, § 15064.5, subdivisions (d) and (e) (CEQA Guidelines § 15064.5, subds. (d) and (e)) address the processes to be followed in the event of an inadvertent discovery of any Native American human remains and associated grave goods in a location other than a dedicated cemetery.

If you have any questions or need additional information, please contact me at my email address:  
[Cameron.Vela@nahc.ca.gov](mailto:Cameron.Vela@nahc.ca.gov).

Sincerely,

*Cameron Vela*

Cameron Vela  
Cultural Resources Analyst

cc: State Clearinghouse



**Yana Garcia**  
Secretary for  
Environmental Protection



## Department of Toxic Substances Control

Meredith Williams, Ph.D.  
Director  
8800 Cal Center Drive  
Sacramento, California 95826-3200



**Gavin Newsom**  
Governor

### SENT VIA ELECTRONIC MAIL

September 21, 2022

Mr. Mario Anaya  
City of Tulare  
411 E. Kern Avenue  
Tulare, CA 93274  
[Manaya@tulare.ca.gov](mailto:Manaya@tulare.ca.gov)

NOTICE OF PREPARATION OF AN ENVIRONMENTAL IMPACT REPORT FOR CHANDLER GROVE MASTER PLAN AND ANNEXATION PROJECT – DATED SEPTEMBER 9, 2022 (STATE CLEARINGHOUSE NUMBER: 2022090149)

Dear Mr. Anaya:

The Department of Toxic Substances Control (DTSC) received a Notice of Preparation of an Environmental Impact Report (EIR) for the Chandler Grove Master Plan and Annexation Project (Project). The Lead Agency is receiving this notice from DTSC because the Project includes one or more of the following: groundbreaking activities, presence of site buildings that may require demolition or modifications, importation of backfill soil, and/or work on or in close proximity to an agricultural or former agricultural site.

DTSC recommends that the following issues be evaluated in the Hazards and Hazardous Materials section of the EIR:

1. A State of California environmental regulatory agency such as DTSC or Regional Water Quality Control Board (RWQCB), or a qualified local agency that meets the requirements of [Assembly Bill 304 \(AB304\)](#) should provide regulatory concurrence that the site is safe for construction and the proposed use.
2. The EIR should acknowledge the potential for historic or future activities on or near the project site to result in the release of hazardous wastes/substances on the project site. In instances in which releases have occurred or may occur, further studies should be carried out to delineate the nature and extent of the contamination, and the potential threat to public health and/or the environment

should be evaluated. The EIR should also identify the mechanism(s) to initiate any required investigation and/or remediation and the government agency who will be responsible for providing appropriate regulatory oversight.

3. If buildings or other structures are to be demolished on any project sites included in the proposed project, surveys should be conducted for the presence of lead based paints or products, mercury, asbestos containing materials, and polychlorinated biphenyl caulk. Removal, demolition, and disposal of any of the above-mentioned chemicals should be conducted in compliance with California environmental regulations and policies. In addition, sampling near current and/or former buildings should be conducted in accordance with DTSC's 2006 [Interim Guidance Evaluation of School Sites with Potential Contamination from Lead Based Paint, Termiticides, and Electrical Transformers](#).
4. If any projects initiated as part of the proposed project require the importation of soil to backfill any excavated areas, proper sampling should be conducted to ensure that the imported soil is free of contamination. DTSC recommends the imported materials be characterized according to DTSC's 2001 [Information Advisory Clean Imported Fill Material](#).
5. If any sites included as part of the proposed project have been used for agricultural, weed abatement or related activities, proper investigation for organochlorinated pesticides should be discussed in the EIR. DTSC recommends the current and former agricultural lands be evaluated in accordance with DTSC's 2008 [Interim Guidance for Sampling Agricultural Properties \(Third Revision\)](#).

DTSC appreciates the opportunity to comment on the EIR. Should you choose DTSC to provide oversight for any environmental investigations, please visit DTSC's [Site Mitigation and Restoration Program](#) page to apply for lead agency oversight. Additional information regarding voluntary agreements with DTSC can be found at [DTSC's Brownfield website](#).

Mr. Mario Anaya  
September 21, 2022  
Page 3

If you have any questions, please contact me at (916) 255-3710 or via email at [Gavin.McCreary@dtsc.ca.gov](mailto:Gavin.McCreary@dtsc.ca.gov).

Sincerely,

A handwritten signature in blue ink that reads "Gavin McCreary". The signature is fluid and cursive, with the first name "Gavin" being more prominent than the last name "McCreary".

Gavin McCreary  
Project Manager  
Site Evaluation and Remediation Unit  
Site Mitigation and Restoration Program  
Department of Toxic Substances Control

cc: (via email)

Governor's Office of Planning and Research  
State Clearinghouse  
[State.Clearinghouse@opr.ca.gov](mailto:State.Clearinghouse@opr.ca.gov)

Mr. Dave Kereazis  
Office of Planning & Environmental Analysis  
Department of Toxic Substances Control  
[Dave.Kereazis@dtsc.ca.gov](mailto:Dave.Kereazis@dtsc.ca.gov)





09/28/2022

Mario Anaya  
411 E. Kern Avenue, Tulare, CA 93274, USA  
manaya@tulare.ca.gov

Construction Site Well Review (CSWR) ID: 1012607

Assessor Parcel Number(s): 184050004, 184050034, 184050035, 184050010, 184080005, 184080006, 184080007, 184090012, 184090011

Property Owner(s): Toor Capital LLC

Project Location Address: Northeast corner of Bardsley Avenue and Oakmore Street, Tulare, California 93274

Project Title: SCH # 2022090149: Chandler Grove Maser Plan and Annexation Project

Public Resources Code (PRC) § 3208.1 establishes well reabandonment responsibility when a previously plugged and abandoned well will be impacted by planned property development or construction activities. Local permitting agencies, property owners, and/or developers should be aware of, and fully understand, that significant and potentially dangerous issues may be associated with development near oil, gas, and geothermal wells.

The California Geologic Energy Management Division (CalGEM) has received and reviewed the above referenced project dated 9/19/2022. To assist local permitting agencies, property owners, and developers in making wise land use decisions regarding potential development near oil, gas, or geothermal wells, the Division provides the following well evaluation.

The project is located in Tulare County, within the boundaries of the following fields:

N/A


Our records indicate there are no known oil or gas wells located within the project boundary as identified in the application.

- Number of wells Not Abandoned to Current Division Requirements as Prescribed by Law and Projected to Be Built Over or Have Future Access Impeded by this project: 0
- Number of wells Not Abandoned to Current Division Requirements as Prescribed by Law and Not Projected to Be Built Over or Have Future Access Impeded by this project: 0
- Number of wells Abandoned to Current Division Requirements as Prescribed by Law and Projected to Be Built Over or Have Future Access Impeded by this project: 0
- Number of wells Abandoned to Current Division Requirements as Prescribed by Law and Not Projected to Be Built Over or Have Future Access Impeded by this project: 0

As indicated in PRC § 3106, the Division has statutory authority over the drilling, operation, maintenance, and abandonment of oil, gas, and geothermal wells, and attendant facilities, to prevent, as far as possible, damage to life, health, property, and natural resources; damage to underground oil, gas, and geothermal deposits; and damage to underground and surface waters suitable for irrigation or domestic purposes. In addition to the Division's authority to order work on wells pursuant to PRC §§ 3208.1 and 3224, it has authority to issue civil and criminal penalties under PRC §§ 3236, 3236.5, and 3359 for violations within the Division's jurisdictional authority. The Division does not regulate grading, excavations, or other land use issues.

If during development activities, any wells are encountered that were not part of this review, the property owner is expected to immediately notify the Division's construction site well review engineer in the Inland district office, and file for Division review an amended site plan with well casing diagrams. The District office will send a follow-up well evaluation letter to the property owner and local permitting agency.

Should you have any questions, please contact me at (661) 201-8607 or via email at [Victor.Medrano@conservation.ca.gov](mailto:Victor.Medrano@conservation.ca.gov).

Sincerely, 

William Long  
Acting District Deputy

cc: Mario Anaya - Submitter



OCTOBER 6, 2022

VIA EMAIL: [MANAYA@TULARE.CA.GOV](mailto:MANAYA@TULARE.CA.GOV)

Mario Anaya, City Planner  
City of Tulare  
411 East Kern Avenue  
Tulare, CA 93274

Dear Mr. Anaya:

NOTICE OF PREPARATION OF AN ENVIRONMENTAL IMPACT REPORT (EIR) AND SCOPING MEETING FOR THE CHANDLER GROVE MASTER PLAN AND ANNEXATION PROJECT, SCH#2022090149

The Department of Conservation's (Department) Division of Land Resource Protection (Division) has reviewed the Notice of Preparation of an Environmental Impact Report and Scoping Meeting for the Chandler Grove Master Plan and Annexation Project (Project). The Division monitors farmland conversion on a statewide basis, provides technical assistance regarding the Williamson Act, and administers various agricultural land conservation programs. We offer the following comments and recommendations with respect to the project's potential impacts on agricultural land and resources.

#### Project Description

The proposed Project consists of a mixed-use development on approximately 231 acres of active agricultural land in Tulare County, CA. Approximately 10.3 acres of perimeter right-of-way would be dedicated as part of the project, leaving approximately 220 acres for development. Once developed, the proposed project site would include approximately 1,197 total units of low, medium, and high-density residential (163.1 acres), a central park (14.1 acres), a neighborhood commercial center (10.8 acres), a school (4.9 acres), and a community center (0.78 acres). The housing would include approximately 364 units of low-density single-family units, 281 units of medium density single family units and townhomes, and 552 high density apartments.

The project site is currently located within unincorporated Tulare County (County) but is planned to be annexed to the City of Tulare (City) as part of the project. The project site is comprised of four separate parcels and includes Assessor's Parcel Numbers [APNs] 184-050-007, 184-050-034, 184-050-035, and 184-050-010. The project site is bound by South Oakmore Street (Road 124) to the west, the East Tulare Villa community to the east, Avenue 228 to the north, and E Bardsley Ave to the south.

## Department Comments

The conversion of agricultural land represents a permanent reduction and significant impact to California's agricultural land resources. CEQA requires that all feasible and reasonable mitigation be reviewed and applied to projects. Under CEQA, a lead agency should not approve a project if there are feasible alternatives or feasible mitigation measures available that would lessen the significant effects of the project.

All mitigation measures that are potentially feasible should be included in the project's environmental review. A measure brought to the attention of the lead agency should not be left out unless it is infeasible based on its elements.

Consistent with CEQA Guidelines, the Department recommends the County consider agricultural conservation easements, among other measures, as potential mitigation. (See Cal. Code Regs., tit. 14, § 15370 [mitigation includes "compensating for the impact by replacing or providing substitute resources or environments, including through permanent protection of such resources in the form of conservation easements."])

Mitigation through agricultural easements can take at least two forms: the outright purchase of easements or the donation of mitigation fees to a local, regional, or statewide organization or agency whose purpose includes the acquisition and stewardship of agricultural easements. The conversion of agricultural land should be deemed an impact of at least regional significance. Hence, the search for replacement lands should not be limited strictly to lands within the project's surrounding area.

A helpful source for regional and statewide agricultural mitigation banks is the California Council of Land Trusts. They provide helpful insight into farmland mitigation policies and implementation strategies, including a guidebook with model policies and a model local ordinance. The guidebook can be found at:

[California Council of Land Trusts](#)

Of course, the use of conservation easements is only one form of mitigation that should be considered. Any other feasible mitigation measures should also be considered. Indeed, the recent judicial opinion in *King and Gardiner Farms, LLC v. County of Kern* (2020) 45 Cal.App.5th 814 ("KG Farms") holds that agricultural conservation easements on a 1 to 1 ratio are not alone sufficient to adequately mitigate a project's conversion of agricultural land. KG Farms does not stand for the proposition that agricultural conservation easements are irrelevant as mitigation. Rather, the holding suggests that to the extent they are considered, they may need to be applied at a greater than 1 to 1 ratio, or combined with other forms of mitigation (such as restoration of some land not currently used as farmland).

## Conclusion

The Department recommends further discussion of the following issues:

- Type, amount, and location of farmland conversion resulting directly and indirectly from implementation of the proposed project.
- Impacts on any current and future agricultural operations in the vicinity, e.g., land-use conflicts, increases in land values and taxes, loss of agricultural support infrastructure such as processing facilities, etc.
- Incremental impacts leading to cumulative impacts on agricultural land. This would include impacts from the proposed project, as well as impacts from past, current, and likely future projects.
- Proposed mitigation measures for all impacted agricultural lands within the proposed project area.
- Projects compatibility with lands within an agricultural preserve and/or enrolled in a Williamson Act contract.

Thank you for giving us the opportunity to comment on the Notice of Preparation of an Environmental Impact Report and Scoping Meeting for the Chandler Grove Master Plan and Annexation Project. Please provide this Department with notices of any future hearing dates as well as any staff reports pertaining to this project. If you have any questions regarding our comments, please contact Farl Grundy, Associate Environmental Planner via email at [Farl.Grundy@conservation.ca.gov](mailto:Farl.Grundy@conservation.ca.gov).

Sincerely,

*Monique Wilber*

Monique Wilber  
Conservation Program Support Supervisor

October 10, 2022

Mario Anaya  
City of Tulare  
Department of Planning  
411 East Kern Ave  
Tulare, CA 93274

**Project: Notice of Preparation of a Draft Environmental Impact Report for the  
Chandler Grove Master Plan and Annexation Project**

**District CEQA Reference No: 20221272**

Dear Mr. Anaya:

The San Joaquin Valley Air Pollution Control District (District) has reviewed the Notice of Preparation (NOP) of a Draft Environmental Impact Report (DEIR) for the project referenced above from the City of Tulare (City). Per the NOP, the project consists of the construction of a mixed-use development that includes approximately 1,197 total units of low, medium, and high-density residential units (163.1 acres), a central park (14.1 acres), a neighborhood commercial center (10.8 acres), a school (4.9 acres), and a community center (0.78 acres) on 231 acres (Project). The Project is located bound by South Oakmore Street (Road 124) to the west, the East Tulare Villa community to the east, Avenue 228 to the north, and E Bardsley Avenue to the south in Tulare County (APN: 184-050-007, 184-050-034, 184-050-035, and 184-050-010).

The District offers the following comments regarding the Project:

**1) Project Related Emissions**

At the federal level under the National Ambient Air Quality Standards (NAAQS), the District is designated as extreme nonattainment for the 8-hour ozone standards and serious nonattainment for the particulate matter less than 2.5 microns in size (PM2.5) standards. At the state level under California Ambient Air Quality Standards (CAAQS), the District is designated as nonattainment for the 8-hour ozone, PM10, PM2.5 standards.

**Samir Sheikh**  
Executive Director/Air Pollution Control Officer

---

**Northern Region**  
4800 Enterprise Way  
Modesto, CA 95356-8718  
Tel: (209) 557-6400 FAX: (209) 557-6475

**Central Region (Main Office)**  
1990 E. Gettysburg Avenue  
Fresno, CA 93726-0244  
Tel: (559) 230-6000 FAX: (559) 230-6061

**Southern Region**  
34946 Flyover Court  
Bakersfield, CA 93308-9725  
Tel: (661) 392-5500 FAX: (661) 392-5585

The District's initial review of the Project concludes that emissions resulting from construction and/or operation of the Project may exceed any of the following significance thresholds as identified in the District's Guidance for Assessing and Mitigating Air Quality Impacts: <https://www.valleyair.org/transportation/GAMAQI.pdf>. The District recommends that a more detailed preliminary review of the Project be conducted for the Project's construction and operational emissions.

### **1a) Construction Emissions**

The District recommends, to reduce impacts from construction-related diesel exhaust emissions, the Project should utilize the cleanest available off-road construction equipment, including the latest tier equipment.

### **1b) Operational Emissions**

Operational (ongoing) air emissions from mobile sources and stationary sources should be analyzed separately. For reference, the District's significance thresholds are identified in the District's Guidance for Assessing and Mitigating Air Quality Impacts: <https://www.valleyair.org/transportation/GAMAQI.pdf>.

*Recommended Mitigation Measure:* At a minimum, project related impacts on air quality should be reduced to levels of significance through incorporation of design elements such as the use of cleaner Heavy Heavy-Duty (HHD) trucks and vehicles, measures that reduce Vehicle Miles Traveled (VMTs), and measures that increase energy efficiency. More information on transportation mitigation measures can be found at: <http://www.valleyair.org/transportation/Mitigation-Measures.pdf>.

### **1c) Recommended Model for Quantifying Air Emissions**

Project-related criteria pollutant emissions from construction and operational sources should be identified and quantified. Emissions analysis should be performed using the California Emission Estimator Model (CalEEMod), which uses the most recent CARB-approved version of relevant emissions models and emission factors. CalEEMod is available to the public and can be downloaded from the CalEEMod website at: [www.caleemod.com](http://www.caleemod.com).

## **2) Health Risk Screening/Assessment**

The City should evaluate the risk associated with the Project for sensitive receptors (residences, businesses, hospitals, day-care facilities, health care facilities, etc.) in the area and mitigate any potentially significant risk to help limit exposure of sensitive receptors to emissions.

To determine potential health impacts on surrounding receptors (residences, businesses, hospitals, day-care facilities, health care facilities, etc.) a Prioritization and/or a Health Risk Assessment (HRA) should be performed for the Project. These health risk determinations should quantify and characterize potential Toxic Air Contaminants (TACs) identified by the Office of Environmental Health Hazard Assessment/California Air Resources Board (OEHHA/CARB) that pose a present or potential hazard to human health.

Health risk analyses should include all potential air emissions from the project, which include emissions from construction of the project, including multi-year construction, as well as ongoing operational activities of the project. Note, two common sources of TACs can be attributed to diesel exhaust emitted from heavy-duty off-road earth moving equipment during construction, and from ongoing operation of heavy-duty on-road trucks.

### Prioritization (Screening Health Risk Assessment):

A "Prioritization" is the recommended method for a conservative screening-level health risk assessment. The Prioritization should be performed using the California Air Pollution Control Officers Association's (CAPCOA) methodology.

The District recommends that a more refined analysis, in the form of an HRA, be performed for any project resulting in a Prioritization score of 10 or greater. This is because the prioritization results are a conservative health risk representation, while the detailed HRA provides a more accurate health risk evaluation.

To assist land use agencies and project proponents with Prioritization analyses, the District has created a prioritization calculator based on the aforementioned CAPCOA guidelines, which can be found here:

[http://www.valleyair.org/busind/pto/emission\\_factors/Criteria/Toxics/Utilities/PRIORITIZATION-CALCULATOR.xls](http://www.valleyair.org/busind/pto/emission_factors/Criteria/Toxics/Utilities/PRIORITIZATION-CALCULATOR.xls)

### Health Risk Assessment:

Prior to performing an HRA, it is strongly recommended that land use agencies/project proponents develop and submit for District review a health risk modeling protocol that outlines the sources and methodologies that will be used to perform the HRA. This step will ensure all components are addressed when performing the HRA.



A development project would be considered to have a potentially significant health risk if the HRA demonstrates that the project-related health impacts would exceed the District's significance threshold of 20 in a million for carcinogenic risk, or 1.0 for either the Acute or Chronic Hazard Indices.

A project with a significant health risk would trigger all feasible mitigation measures. The District strongly recommends that development projects that result in a significant health risk not be approved by the land use agency.

The District is available to review HRA protocols and analyses. For HRA submittals please provide the following information electronically to the District for review:

- HRA (AERMOD) modeling files
- HARP2 files
- Summary of emissions source locations, emissions rates, and emission factor calculations and methodologies.

For assistance, please contact the District's Technical Services Department by:

- E-Mailing inquiries to: [hramodeler@valleyair.org](mailto:hramodeler@valleyair.org)
- Calling (559) 230-5900

*Recommended Measure:* Development projects resulting in TAC emissions should be located an adequate distance from residential areas and other sensitive receptors in accordance to CARB's Air Quality and Land Use Handbook: A Community Health Perspective located at <https://ww3.arb.ca.gov/ch/handbook.pdf>.

### **3) Ambient Air Quality Analysis**

An Ambient Air Quality Analysis (AAQA) uses air dispersion modeling to determine if emissions increases from a project will cause or contribute to a violation of State or National Ambient Air Quality Standards. The District recommends an AAQA be performed for the Project if emissions exceed 100 pounds per day of any pollutant.

An acceptable analysis would include emissions from both project-specific permitted and non-permitted equipment and activities. The District recommends consultation with District staff to determine the appropriate model and input data to use in the analysis.

Specific information for assessing significance, including screening tools and modeling guidance, is available online at the District's website: [www.valleyair.org/ceqa](http://www.valleyair.org/ceqa).

#### **4) Voluntary Emission Reduction Agreement**

Criteria pollutant emissions may result in emissions exceeding the District's significance thresholds, potentially resulting in a significant impact on air quality. When a project is expected to have a significant impact, the District recommends the DEIR also include a discussion on the feasibility of implementing a Voluntary Emission Reduction Agreement (VERA) for this Project.

A VERA is a mitigation measure by which the project proponent provides pound-for-pound mitigation of emissions increases through a process that develops, funds, and implements emission reduction projects, with the District serving a role of administrator of the emissions reduction projects and verifier of the successful mitigation effort. To implement a VERA, the project proponent and the District enter into a contractual agreement in which the project proponent agrees to mitigate project specific emissions by providing funds for the District's incentives programs. The funds are disbursed by the District in the form of grants for projects that achieve emission reductions. Thus, project-related impacts on air quality can be mitigated. Types of emission reduction projects that have been funded in the past include electrification of stationary internal combustion engines (such as agricultural irrigation pumps), replacing old heavy-duty trucks with new, cleaner, more efficient heavy-duty trucks, and replacement of old farm tractors.

In implementing a VERA, the District verifies the actual emission reductions that have been achieved as a result of completed grant contracts, monitors the emission reduction projects, and ensures the enforceability of achieved reductions. After the project is mitigated, the District certifies to the Lead Agency that the mitigation is completed, providing the Lead Agency with an enforceable mitigation measure demonstrating that project-related emissions have been mitigated. To assist the Lead Agency and project proponent in ensuring that the environmental document is compliant with CEQA, the District recommends the environmental document includes an assessment of the feasibility of implementing a VERA.

#### **5) Vegetative Barriers and Urban Greening**

The District suggests the City consider the feasibility of incorporating vegetative barriers and urban greening as a measure to further reduce air pollution exposure on sensitive receptors (e.g., residential units).

While various emission control techniques and programs exist to reduce air quality emissions from mobile and stationary sources, vegetative barriers have been shown to be an additional measure to potentially reduce a population's exposure to air pollution through the interception of airborne particles and the uptake of gaseous pollutants. Examples of vegetative barriers include, but are not limited to the following: trees, bushes, shrubs, or a mix of these. Generally, a higher and thicker vegetative barrier with full coverage will result in greater reductions in downwind

pollutant concentrations. In the same manner, urban greening is also a way to help improve air quality and public health in addition to enhancing the overall beautification of a community with drought tolerant, low-maintenance greenery.

## **6) Clean Lawn and Garden Equipment in the Community**

Since the Project consists of residential and commercial development, gas-powered residential and commercial lawn and garden equipment have the potential to result in an increase of NOx and PM2.5 emissions. Utilizing electric lawn care equipment can provide residents with immediate economic, environmental, and health benefits. The District recommends the Project proponent consider the District's Clean Green Yard Machines (CGYM) program which provides incentive funding for replacement of existing gas powered lawn and garden equipment. More information on the District CGYM program and funding can be found at:

<http://www.valleyair.org/grants/cgym.htm>  
and <http://valleyair.org/grants/cgym-commercial.htm>.

## **7) On-Site Solar Deployment**

It is the policy of the State of California that renewable energy resources and zero-carbon resources supply 100% of retail sales of electricity to California end-use customers by December 31, 2045. While various emission control techniques and programs exist to reduce air quality emissions from mobile and stationary sources, the production of solar energy is contributing to improving air quality and public health. The District suggests that the City consider incorporating solar power systems as an emission reduction strategy for the Project.

## **8) Electric Vehicle Chargers**

To support and accelerate the installation of electric vehicle charging equipment and development of required infrastructure, the District offers incentives to public agencies, businesses, and property owners of multi-unit dwellings to install electric charging infrastructure (Level 2 and 3 chargers). The purpose of the District's Charge Up! Incentive program is to promote clean air alternative-fuel technologies and the use of low or zero-emission vehicles. The District recommends that the City and project proponents install electric vehicle chargers at project sites, and at strategic locations.

Please visit [www.valleyair.org/grants/chargeup.htm](http://www.valleyair.org/grants/chargeup.htm) for more information.

## **9) District's Bikeway Incentive Program**

Incorporating design elements (e.g., installing bikeways) within the Project that enhance walkability and connectivity can result in an overall reduction of vehicles miles traveled (VMT) and improve air quality within the area. The Project is expected

to result in an overall reduction in VMT by installing bikeways, and may be eligible for funding through the District's Bikeway Incentive Program. The Bikeway Incentive Program provides funding for eligible Class 1 (Bicycle Path Construction), Class II (Bicycle Lane Striping), or Class III (Bicycle Route) projects. These incentives are designed to support the construction of new bikeway projects to promote clean air through the development of a widespread, interconnected network of bike paths, lanes, or routes and improving the general safety conditions for commuter bicyclists. Only municipalities, government agencies, or public educational institutions are eligible to apply. More information on the grant program can be found at: <http://valleyair.org/grants/bikepaths.htm>

Guidelines and Project Eligibility for the grant program can be found at: [http://valleyair.org/grants/documents/bikepaths/2015\\_Bikeway\\_Guidelines.pdf](http://valleyair.org/grants/documents/bikepaths/2015_Bikeway_Guidelines.pdf)

## **10) District Rules and Regulations**

The District issues permits for many types of air pollution sources, and regulates some activities that do not require permits. A project subject to District rules and regulations would reduce its impacts on air quality through compliance with the District's regulatory framework. In general, a regulation is a collection of individual rules, each of which deals with a specific topic. As an example, Regulation II (Permits) includes District Rule 2010 (Permits Required), Rule 2201 (New and Modified Stationary Source Review), Rule 2520 (Federally Mandated Operating Permits), and several other rules pertaining to District permitting requirements and processes.

The list of rules below is neither exhaustive nor exclusive. Current District rules can be found online at: [www.valleyair.org/rules/1ruleslist.htm](http://www.valleyair.org/rules/1ruleslist.htm). To identify other District rules or regulations that apply to future projects, or to obtain information about District permit requirements, the project proponents are strongly encouraged to contact the District's Small Business Assistance (SBA) Office at (661) 392-5665.

### **10a) District Rules 2010 and 2201 - Air Quality Permitting for Stationary Sources**

Stationary Source emissions include any building, structure, facility, or installation which emits or may emit any affected pollutant directly or as a fugitive emission. District Rule 2010 (Permits Required) requires operators of emission sources to obtain an Authority to Construct (ATC) and Permit to Operate (PTO) from the District. District Rule 2201 (New and Modified Stationary Source Review) requires that new and modified stationary sources of emissions mitigate their emissions using Best Available Control Technology (BACT).

This Project may be subject to District Rule 2010 (Permits Required) and Rule 2201 (New and Modified Stationary Source Review) and may require District permits. Prior to construction, the Project proponent should submit to the District an application for an ATC. For further information or assistance, the project proponent may contact the District's SBA Office at (661) 392-5665.

### **10b) District Rule 9510 - Indirect Source Review (ISR)**

The Project is subject to District Rule 9510 because it will receive a project-level discretionary approval from a public agency and will equal or exceed 50 units of residential development.

The purpose of District Rule 9510 is to reduce the growth in both NO<sub>x</sub> and PM emissions associated with development and transportation projects from mobile and area sources; specifically, the emissions associated with the construction and subsequent operation of development projects. The ISR Rule requires developers to mitigate their NO<sub>x</sub> and PM emissions by incorporating clean air design elements into their projects. Should the proposed development project clean air design elements be insufficient to meet the required emission reductions, developers must pay a fee that ultimately funds incentive projects to achieve off-site emissions reductions.

Per Section 5.0 of the ISR Rule, an Air Impact Assessment (AIA) application is required to be submitted no later than applying for project-level approval from a public agency. As of the date of this letter, the District has not received an AIA application for this Project. Please inform the project proponent to immediately submit an AIA application to the District to comply with District Rule 9510. One AIA application should be submitted for the entire Project. It is preferable for the applicant to submit an AIA application as early as possible in the City's approval process so that proper mitigation and clean air design under ISR can be incorporated into the City's analysis.

Information about how to comply with District Rule 9510 can be found online at: <http://www.valleyair.org/ISR/ISRHome.htm>.

The AIA application form can be found online at: <http://www.valleyair.org/ISR/ISRFormsAndApplications.htm>.

District staff is available to provide assistance and can be reached by phone at (559) 230-5900 or by email at [ISR@valleyair.org](mailto:ISR@valleyair.org).

### **10c) District Rule 9410 (Employer Based Trip Reduction)**

The Project may be subject to District Rule 9410 (Employer Based Trip Reduction) if the project would result in employment of 100 or more "eligible"

employees. District Rule 9410 requires employers with 100 or more “eligible” employees at a worksite to establish an Employer Trip Reduction Implementation Plan (eTRIP) that encourages employees to reduce single-occupancy vehicle trips, thus reducing pollutant emissions associated with work commutes. Under an eTRIP plan, employers have the flexibility to select the options that work best for their worksites and their employees.

Information about District Rule 9410 can be found online at:  
[www.valleyair.org/tripreduction.htm](http://www.valleyair.org/tripreduction.htm).

For additional information, you can contact the District by phone at 559-230-6000 or by e-mail at [etrip@valleyair.org](mailto:etrip@valleyair.org)

#### **10d) District Rule 4002 (National Emissions Standards for Hazardous Air Pollutants)**

In the event an existing building will be renovated, partially demolished or removed, the Project may be subject to District Rule 4002. This rule requires a thorough inspection for asbestos to be conducted before any regulated facility is demolished or renovated. Information on how to comply with District Rule 4002 can be found online at:

<http://www.valleyair.org/busind/comply/asbestosbultn.htm>.

#### **10e) District Rule 4601 (Architectural Coatings)**

The Project will be subject to District Rule 4601 since it is expected to utilize architectural coatings. Architectural coatings are paints, varnishes, sealers, or stains that are applied to structures, portable buildings, pavements or curbs. The purpose of this rule is to limit VOC emissions from architectural coatings. In addition, this rule specifies architectural coatings storage, cleanup and labeling requirements. Additional information on how to comply with District Rule 4601 requirements can be found online at:

<http://www.valleyair.org/rules/currnrules/r4601.pdf>

#### **10f) District Regulation VIII (Fugitive PM10 Prohibitions)**

The project proponent may be required to submit a Construction Notification Form or submit and receive approval of a Dust Control Plan prior to commencing any earthmoving activities as described in Regulation VIII, specifically Rule 8021 – *Construction, Demolition, Excavation, Extraction, and Other Earthmoving Activities*.

Should the project result in at least 1-acre in size, the project proponent shall provide written notification to the District at least 48 hours prior to the project proponents intent to commence any earthmoving activities pursuant to District

Rule 8021 (Construction, Demolition, Excavation, Extraction, and Other Earthmoving Activities). Also, should the project result in the disturbance of 5-acres or more, or will include moving, depositing, or relocating more than 2,500 cubic yards per day of bulk materials, the project proponent shall submit to the District a Dust Control Plan pursuant to District Rule 8021 (Construction, Demolition, Excavation, Extraction, and Other Earthmoving Activities). For additional information regarding the written notification or Dust Control Plan requirements, please contact District Compliance staff at (559) 230-5950.

The application for both the Construction Notification and Dust Control Plan can be found online at:

<https://www.valleyair.org/busind/comply/PM10/forms/DCP-Form.docx>

Information about District Regulation VIII can be found online at:

[http://www.valleyair.org/busind/comply/pm10/compliance\\_pm10.htm](http://www.valleyair.org/busind/comply/pm10/compliance_pm10.htm)

#### **10g) District Rule 4901 - Wood Burning Fireplaces and Heaters**

The purpose of this rule is to limit emissions of carbon monoxide and particulate matter from wood burning fireplaces, wood burning heaters, and outdoor wood burning devices. This rule establishes limitations on the installation of new wood burning fireplaces and wood burning heaters. Specifically, at elevations below 3,000 feet in areas with natural gas service, no person shall install a wood burning fireplace, low mass fireplace, masonry heater, or wood burning heater.

Information about District Rule 4901 can be found online at:

<http://valleyair.org/rule4901/>

#### **10h) Other District Rules and Regulations**

The Project may also be subject to the following District rules: Rule 4102 (Nuisance) and Rule 4641 (Cutback, Slow Cure, and Emulsified Asphalt, Paving and Maintenance Operations).

## **11) District Comment Letter**

The District recommends that a copy of the District's comments be provided to the Project proponent.

If you have any questions or require further information, please contact Patrick Chimienti by e-mail at [patrick.chimienti@valleyair.org](mailto:patrick.chimienti@valleyair.org) or by phone at (559) 230-6139.

Sincerely,

Brian Clements  
Director of Permit Services

A handwritten signature in black ink, appearing to read 'Seth Lane', with a stylized, cursive script.

Seth Lane  
Program Manager



## California Department of Transportation

DISTRICT 6 OFFICE  
1352 WEST OLIVE AVENUE | P.O. BOX 12616 | FRESNO, CA 93778-2616  
(559) 840-6066 | FAX (559) 488-4195 | TTY 711  
[www.dot.ca.gov](http://www.dot.ca.gov)



November 7, 2022

TUL-137-18.71  
NOP/EIR  
CHANDLER GROVE  
MASTER PLAN/ANNEXATION  
GTS #: [38885](#)

### **SENT VIA EMAIL**

Mr. Mario Anaya, City Planner  
City of Tulare – Planning Division  
411 East Kern Avenue  
Tulare, CA 93274

Dear Mr. Anaya:

Caltrans has reviewed the Notice of Preparation of an Environmental Impact Report (EIR) for the Chandler Grove Master Plan and Annexation (Project). The proposed Project consists of a mixed-use development on an approximately 231-acre site of active agricultural land. Project information indicates development includes approximately 1,197 total units of low, medium, and high-density residential (163.1 acres), a central park (14.1 acres), a neighborhood commercial center (10.8 acres), a school (4.9 acres), and a community center (0.78 acres).

Residential development will include approximately 364 units of low-density single-family units, 281 units of medium density single family units and townhomes, and 552 high density apartments. Trails throughout the site would connect to schools, parks, the community center and the commercial center.

The Project site is located at the northeast corner of Bardsley Avenue (Avenue 224) and Road 124 (Oakmore Street), approximately 1 mile east of the State Route (SR) 99 and Bardsley Avenue Interchange, and approximately 1 mile south of the SR 137 and Road 124 (Oakmore Street) at-grade intersection, Tulare County.

The Project site is situated within the College of the Sequoias (COS) North Transit Oriented Development Plan Area which is outlined in the Tulare Transit-Oriented Development (TOD) Plan for the City of Tulare and is generally consistent with the TOD plan design. The project would annex approximately 489.26-acres of land owned by the College of Sequoias (COS) which is the existing location of the COS Tulare Campus. The project would also annex approximately 142.41-acres located south of Bardsley Avenue which is currently being utilized as a groundwater recharge basin

and is owned by the Kaweah-Delta Water Conservation District (KDWCD). The intent of the annexation is to facilitate development of the approximately 226-acre 'Chandler Grove' area consistent with the City of Tulare adopted Transit Oriented Development Plan. The COS and KDWCD areas are being included in the annexation, but no changes in existing development plans are proposed for these areas. Rather, these areas are being included in order to ensure an orderly manner of growth of the City, as these properties will be complimentary and supportive of the Chandler Grove proposed development plan area.

The mission of Caltrans is to provide a safe and reliable transportation network that serves all people and respects the environment. Caltrans provides the following comments consistent with the State's smart mobility goals that support a vibrant economy and sustainable communities:

1. State Route 137, north of the Project, is a 2-lane conventional highway. The SR 137 at-grade intersection with Road 124 (Oakmore Street) is a four-leg intersection with a two-way stop control on Road 124 (Oakmore Street).
2. The SR 137 at-grade intersection with Road 132, on the Project's eastern boundary, is stop controlled on the northbound approach. The north leg of Road 132 appears to be a private road that is offset from the south leg centerline.
3. The posted speed limit is 55 mph along SR 137 with in the vicinity of the Project.
4. A Transportation Impact Study (TIS)/Vehicle Miles Traveled (VMT) analysis should be completed for the Project.
5. The SR 137 at-grade intersections with Avenue 124 (Oakmore Street) and Road 132 should be analyzed in the TIS. The analysis should identify safety objectives and focus on design elements (e.g., queuing, turn lanes, etc.) that would provide a reduction in the potential for vehicles collisions.
6. As a point of information, Caltrans has an improvement project at the SR 137 / SR 99 interchange that is in construction to improve the northbound on-ramp and to signalize the northbound and southbound ramps. For further information please contact the Project Manager - Mike Day at (559) 383-5247.
7. Alternative transportation policies should be applied to the development. An assessment of multi-modal facilities should be conducted to develop an integrated multi-modal transportation system to serve and help alleviate traffic congestion caused by the project and related development in this area of the City or County. The assessment should include the following:

- a. Pedestrian walkways should link this Project to transit facilities, bicycle pathways and other walkways in the surrounding area.
  - b. Coordinating connections to local and regional bicycle pathways to further encourage the use of bicycles for commuter and recreational purposes.
  - c. Transit service and bus stop accommodations should be extended to within ¼-mile of the Project site.
8. Caltrans recommends the Project implement “smart growth” principles regarding parking solutions and providing alternative transportation choices that may include but are not limited to parking for carpools/vanpools, car-share and/or ride-share programs.
9. Based on Caltrans Vehicle Miles Traveled (VMT)-Focused Transportation Impact Study Guide, dated May 20, 2020, and effective as of July 1, 2020, Caltrans seeks to reduce single occupancy vehicle trips, provide a safe transportation system, reduce per capita VMT, increase accessibility to destinations via cycling, walking, carpooling, transit and reduce greenhouse gas (GHG) emissions. Caltrans recommends that the Project proponent continue to work with the City and/or County to further implement improvements to reduce VMT and offer a variety of transportation modes.
10. The County should consider requiring the Project to provide charging stations for alternative fuel vehicles as part of the statewide efforts to reduce greenhouse gas emissions.

If you have any other questions, please call David Deel, Associate Transportation Planner at (559) 981-1041.

Sincerely,



Ms. Lorena Mendibles, Branch Chief,  
Transportation Planning – South

