

**CITY OF TULARE PLANNING COMMISSION
STAFF REPORT**

Agenda Item No.

January 9, 2017

CONDITIONAL USE PERMIT No. 2016-22

PROJECT PLANNER:	Traci Myers, Community Development Deputy Director	
APPLICANT:	Kings Rehabilitation Center, Inc.	
LOCATION:	388 East Cross Avenue	
APN:	170-271-024	
ZONING CLASSIFICATION:	C-4 (Service Commercial)	
GENERAL PLAN DESIGNATION:	Service Commercial	
SURROUNDING LAND USES AND ZONING:	North: Multiple Family	R-M-2
	South: Retail Commercial	C-3
	West: Service Commercial	C-4
	East: Service Commercial	C-4

REQUEST:

Request by Kings Rehabilitation Center, Inc. to construct a 12,473 sf adult day care facility and associated parking lot and landscaping on a vacant lot adjacent to their current facility located at 388 East Cross Avenue.

DETAILS OF THE PROPOSAL:

The proposed adult day care facility will accommodate up to 60 adults with various intellectual disabilities from the hours of 8:30am to 3:30pm, Monday through Friday. The current 11,520 sf adult day care facility operated by Applicant has met its capacity, therefore, Applicant is requesting to construct this new facility. Both the existing and proposed new facility will situate on one 58,808 sf parcel.

Clients are brought to the site by van transportation and will be unloaded at the entrance to each building. Clients participate in activities of daily living, educational and vocational training.

The proposed new facility and the existing facility each employ 15 full-time staff members. The site plan depicts nine employee-only parking stalls to the north of the existing building with gated, exit-only access onto M Street. An additional 19 parking stalls are proposed to be added to the existing 23 currently onsite.

Two wrought-iron, rolling gates are depicted at the main entrance to each facility off of Cross Avenue. The gates will be locked after hours to secure van storage.

The site plan details a setback of 20' along Cross Avenue and L Street, which is consistent with the Service Commercial design guidelines. (*Zoning Ordinance Chapter 10.56*)

STAFF COMMENTS:

Adult day care programs are subject to a conditional use permit (*Zoning Ordinance Section 10.40(F)*) While the Zoning Code does not call out a specific parking requirement for the adult day care use, the Planning and Building Director, within his discretion, determined the use is similar to that of a nursery/preschool (where attendees do not transport his/herself to the site). Therefore, this project's parking requirements are based upon parking standards for nursery/preschools as provided for in *Zoning Ordinance 10.192.040(2)(a)* and calculated as follows:

1 per staff member: 15 proposed new facility + 15 existing facility = 30

1:10 clients: 60 proposed new facility + 60 existing facility = 12

Total parking required for both facilities: 42

The proposed site plan depicts a total of 51 parking stalls including 8 accessible stalls. Parking requirements imposed are less stringent than that which is associated with the various service commercial uses due to the specific nature of the existing and proposed uses. Applicant has been informed and is aware should site be converted to a more intensified use, parking requirements will be re-analyzed, which may result in a reconfiguration of the site.

No comments have been received by staff during the public comment period.

ENVIRONMENTAL:

This project is exempt pursuant to Section 15332 (*infill development*) of the California Environmental Quality Act of 1970, as amended.

FINDINGS:

Staff recommends that the Planning Commission make the following findings with regards to Conditional Use Permit No. 2016-22:

- 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.
- 6) The project is exempt pursuant to Section 15332 (*infill development*) of the California Environmental Quality Act of 1970, as amended.

RECOMMENDATIONS:

Based on the approved findings, staff recommends that Conditional Use Permit No. 2016-22, be approved subject to the following conditions:

- 1) All requirements of Title 10 shall be met.
- 2) The conceptual site plan and elevations for the proposed Kings Rehabilitation Center, Inc. adult day care facility and its associated parking and landscaping are approved as shown in shown in the attachments hereto, with the exception of City standard trash enclosure.
- 3) In accordance with Zoning Ordinance Section 10.116.080, this Conditional Use Permit approval shall lapse and become void (3) years from the effective date of approval, unless a building permit is issued by the City and construction is being diligently pursued.
- 4) All roof mounted equipment shall be screen from public view by materials similar to those used in overall structure and approved by the Community Development Director at time of Building Permit review.
- 5) Applicant shall comply with the attached Engineering, Fire Department, Parks Division and Solid Waste comments/conditions.
- 6) Full compliance with all conditions of approval stated in this document shall be achieved prior to the issuance of any Certificates of Occupancy or as modified by the Community Development Director. Any minor modifications shall be submitted to the Director to review and determine compliance with the original Conditions of Approval.
- 7) Applicant shall submit four copies of a landscape and irrigation plan consistent with the City's landscape ordinance.
- 8) Approval does not authorize any deviation from Fire and Building Codes.
- 9) Applicant to maintain all licenses and/or permits required by the State.

- 10) Should the existing use (adult day care) be changed to a use that requires additional parking, additional parking shall be provided in accordance with Chapter 10.192 (Parking and Loading) of Title 10 of the Tulare Municipal Code.
- 11) Trash enclosure shall be City standard double-wide, gated in a location approved by the City Engineer and Public Works department.
- 12) All onsite lighting shall be directed downward and shielded to minimize lighting impacts to adjacent residences.
- 13) 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 begins 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 challenging such exactions.

Attachments:

- I. Project Vicinity Map
- II. Site Plan/Elevations
- III. Engineering Comments
- IV. Fire Comments
- V. Parks Comments
- VI. Solid Waste Comments
- VII. Resolution

CUP 2016-22

KINGS REHABILITATION CENTER, INC



TULARE LEARNING WORKSHOP CENTER #2



388 E. CROSS AVE.

TULARE COUNTY

APN: 170-271-024-00

ORGANIZATION

THE ORGANIZATION OF THESE DRAWINGS IS SUBJECT TO THE FOLLOWING CONDITIONS:

- NO CHANGES, ADDITIONS OR OMISSIONS SHALL BE MADE TO THESE DRAWINGS WITHOUT THE WRITTEN CONSENT OF THE ARCHITECT.
- THE ARCHITECT'S RESPONSIBILITY IS LIMITED TO THE DESIGN AND CONSTRUCTION OF THE WORK SHOWN ON THESE DRAWINGS.
- THE ARCHITECT IS NOT RESPONSIBLE FOR THE DESIGN OR CONSTRUCTION OF ANY OTHER WORK NOT SHOWN ON THESE DRAWINGS.
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SITE NOTES:

- NO CHANGES, ADDITIONS OR OMISSIONS SHALL BE MADE TO THESE DRAWINGS WITHOUT THE WRITTEN CONSENT OF THE ARCHITECT.
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CONSULTANTS LIST

CONTRACTOR: ALEXANDER W. HORVATH
388 E. CROSS AVE.
TULARE, CA 95321
PHONE: (805) 340-4121

ENGINEER: HJS ENGINEERING
11077 COLLEGE AVE.
SUITE 100
TULARE, CA 95321
PHONE: (805) 934-8300

MECHANICAL / ELECTRICAL: EVER CAL SOLUTIONS
11077 COLLEGE AVE.
SUITE 100
TULARE, CA 95321
PHONE: (805) 934-8300

TITLE 24: INTERSTATE ENGINEERING INC
11077 COLLEGE AVE.
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TULARE, CA 95321
PHONE: (805) 934-8300

ELECTRICAL: JES B. GOLDEN VALLEY WAY
TULARE, CA 95321
PHONE: (805) 288-7800

PREPARED BY: JOSE SANCHEZ
DRAFTING SERVICES
388 E. CROSS AVE.
TULARE, CA 95321
PHONE: (805) 934-8300

VICINITY MAP



PROJECT DATA

OWNER: REHABILITATION FACILITIES
388 E. CROSS AVE.
TULARE, CALIFORNIA

A.P.N.: 170-271-024-000

LOT AREA: 13,547 SF

LOT AREA: 86,972 SF

LAND DIVISION: ZONE C-4

T-24 CLIMATE ZONE: 13

CONSTRUCTION TYPE: V-B

NO. OF STORIES: ONE

OCCUPANCY USE: I-4, S-1

NOTE:

REHABILITATION FACILITIES
SUPERVISION AND PERSONAL SERVICES

SQ. FT. BREAKDOWN

PROPOSED 70782' BUILDING AREA	52475 SF
EXISTING BUILDING 80'-0" X 231'	18200 SF
	34275 SF
	34275 SF
TOTAL BASE:	68570 SF

AUTOMATIC FIRE SPRINKLER SYSTEM

1. SHOWN FIRE SPRINKLER PLAN FOR APPROVAL AND OBTAIN PERMITS FROM TULARE COUNTY FIRE DEPARTMENT.

2. PERMITS TO BE OBTAINED FROM TULARE COUNTY FIRE DEPARTMENT.

3. ALL ATTACHED APPROVALS AND PERMITS TO BE OBTAINED BEFORE CONSTRUCTION.

4. THE PERMIT FOR THIS PROJECT REQUIRES FIRE SPRINKLERS.

SHEET INDEX

- C1 COVER SHEET
- ADA-1 ACCESSIBLE SITE PARKING
- ADA-2 DOOR ACCESSIBLE DETAILS
- ADA-3 RESTROOM ACCESSIBLE DETAILS
- ADA-4 RAMP ACCESSIBLE DETAILS
- ADA-5 SUSPENDED CEILING DETAILS
- ADA-6 SIGNAGE AND FLOOR PLAN
- A-1 EXISTING SITE PLAN
- A-2 PROPOSED SITE PLAN
- A-3 FLOOR PLAN
- A-4 CEILING ELEVATION
- A-5 REFLECTED CEILING PLAN
- A-6 SECTION PLAN
- A-7 ROOF PLAN
- A-8 STRUCTURAL GENERAL NOTES
- S1.01 TYPICAL FOUNDATION DETAILS
- S2.01 TYPICAL SHEAR WALL DETAILS
- S2.02 TYPICAL DETAILS
- S3.01 FOUNDATION PLAN
- S3.02 ROOF PLAN
- S5.01 STRUCTURAL DETAILS
- M-1 MECHANICAL PLAN
- M-2 TITLE 24 COMPLIANCE
- M-3 CALIFORNIA GREEN CODE
- P-1 PLUMBING WASTE PLAN
- P-2 PLUMBING GAS PLAN
- E-0 SITE ELECTRICAL PLAN
- E-1 POWER ELECTRICAL PLAN
- E-2 ROOF ELECTRICAL PLAN
- E-3 FIBER SPRINKLER PLAN

COVER SHEET

SANCHEZ DESIGNS & DRAFTING SERVICES
JOSE SANCHEZ
P.O. BOX 2084, TULARE, CALIFORNIA 95321
PHONE: (805) 934-8300
WWW.SANCHEZDESIGNS.COM

HJS ENGINEERING
STRUCTURAL DESIGN & DRAFTING
11077 COLLEGE AVE., SUITE 100
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ALEXANDER W. HORVATH
CUSTOM BUILT HOMES
388 E. CROSS AVE.
TULARE, CA 95321
PHONE: (805) 340-4121

Tulare Learning Workshop Center #2
388 E. CROSS AVE.
TULARE, CA 95321
APN: 170-271-024-000

C-1



SANCHEZ DESIGNS & DRAFTING SERVICES
 P.O. BOX 9841, PUEBLO, CALIFORNIA 92090
 PHONE (951) 216-6879
 FAX (951) 216-6878
 WWW.SANCHEZDESIGNS.COM
 JOSE SANCHEZ

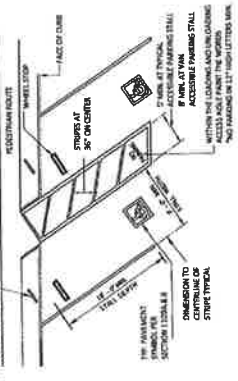
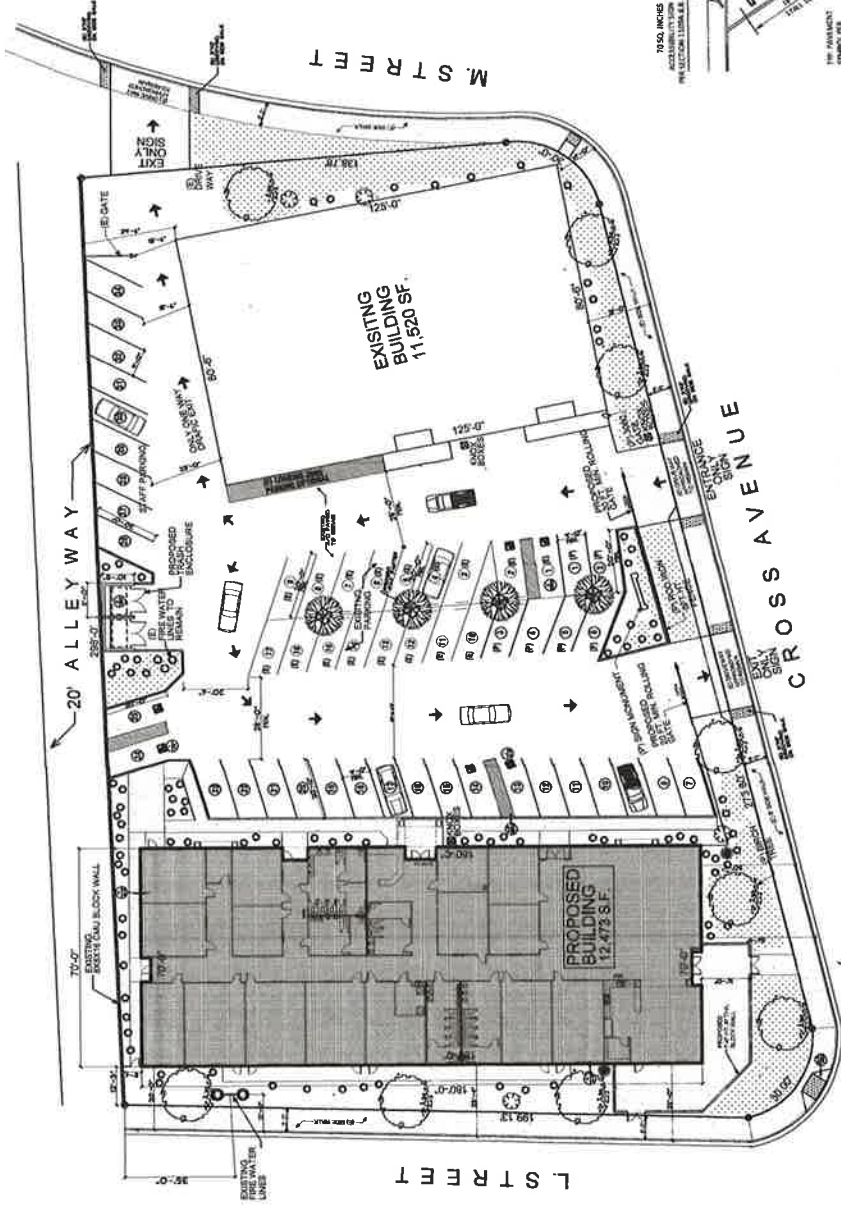
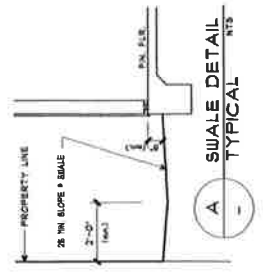
HIS ENGINEERING
 STRUCTURAL DESIGN & DRAFTING
 11011 Orange Ave., Fresno, CA 93728
 TEL: (559) 834-8130
 FRESNO@HISENGINEERING.COM

ALEXANDER W. HORVATH
 Custom Built Homes
 5383 N. McCALL AVE.
 CHICO, CA 95919
 PHONE: (530) 962-2427
 FAX: (530) 962-2427

Tulare Learning Center #2
 Proposed New Building For
 388 E. Cross Ave.
 Tulare, CA 93278

DATE	12/14/17
PLANT DATE	12/14/17
REV.	
1	ISSUE FOR PERMITS
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A-2



PROPOSED SITE PLAN
 SCALE: 1/8" = 1'-0"

PARKING REQUIREMENTS	
23,993 SF / 500 = 47.986	
51 PROPOSED PARKING STALLS	
17 SPACES RESERVED FOR DISABILITY	
GENERAL OFFICE = 80 SPACES	
NUMBER OF EMPLOYEES = 30 SPACES	
51 PARKING STALLS	
(INCLUDING 8 ACCESSIBLE STALLS)	
8-4 HOURS OF OPERATION MONDAY - FRIDAY	
NUMBER OF EMPLOYEES TO BE 15 TO 17 MAX	

1 DIAGONAL PARKING DETAIL
 SCALE: 1/8" = 1'-0"

PROPOSED SITE PLAN
 SCALE: 1/8" = 1'-0"

LEGEND

- EXISTING 3/4" BEARING WALLS TO REMAIN
- DEMOS WALLS
- 2" D.P. #3 STUDS @ 16" O.C. (NEW WALLS)
- SHRINKING MEMBRANE OR BLOCKING
- 1" HOLE FREE BALL CONSTRUCTION
- 2" D.P. #3 STUDS @ 16" O.C. (NEW WALLS)
- AT EACH JOINT
- NOT IN CONTRACT
- NOT TO SCALE
- USERS NOTED OTHERWISE
- N.T.B.
- N.T.O.
- N.C.
- D.J.F.
- P.F.P.
- POLE FACED FRINGELASS
- ABOVE FINISHED FLOOR
- BASELINE AND POLE
- B.P.

DOOR SCHEDULE

NO.	TYPE	STYLE	REMARKS
1	WOOD	SWING	WOOD GRAB
2	WOOD	SLIDE	WOOD GRAB
3	WOOD	SLIDE	WOOD GRAB
4	WOOD	SLIDE	WOOD GRAB

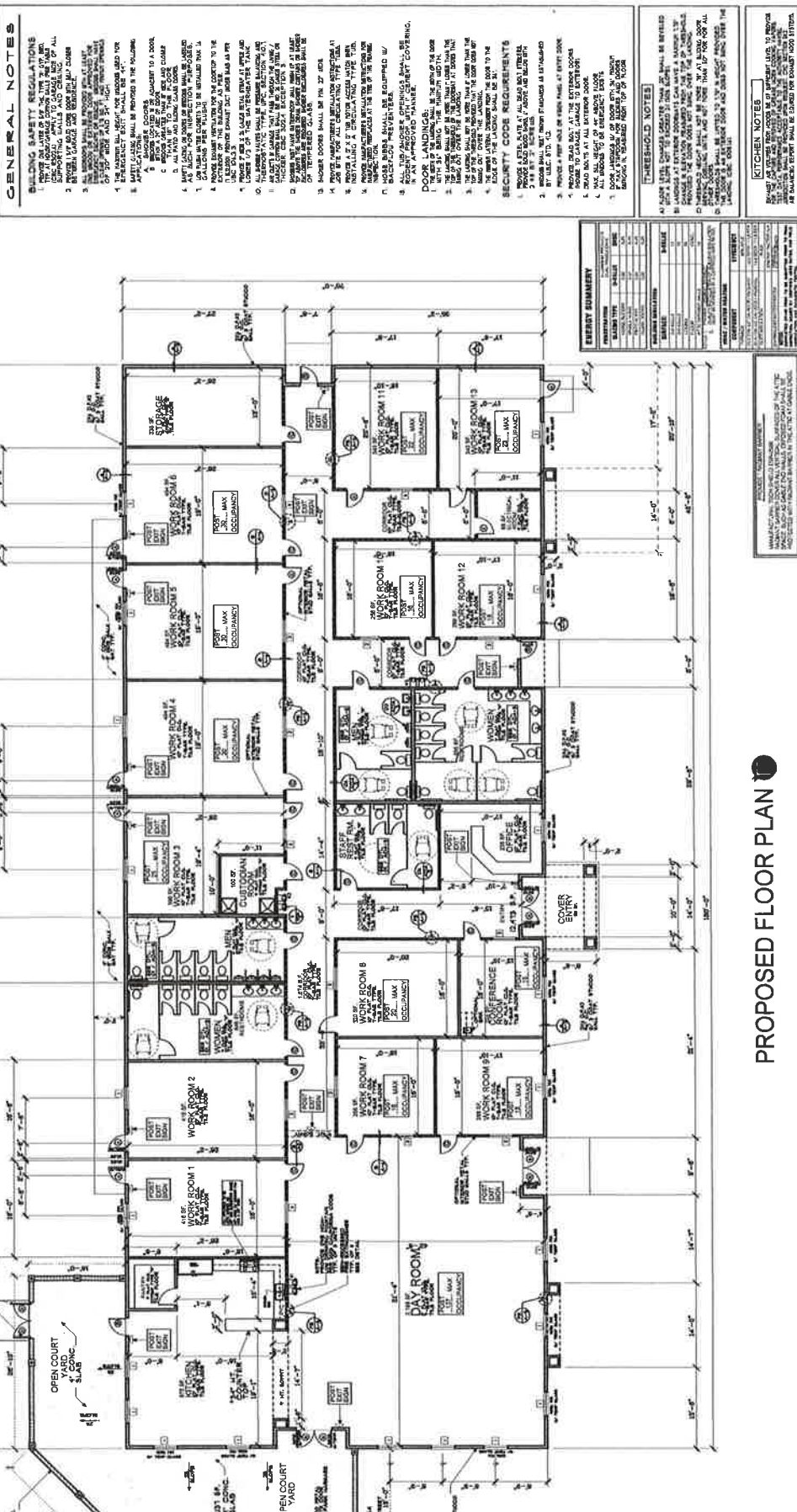
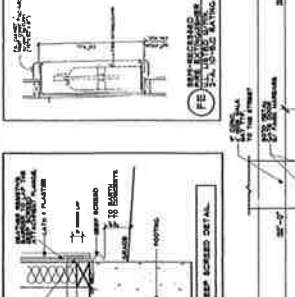
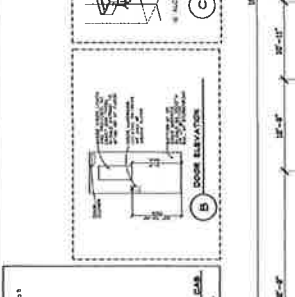
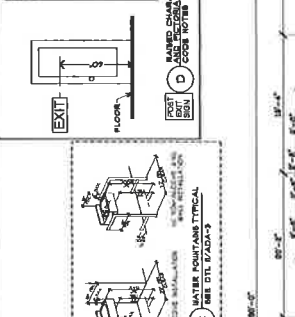
GLASS SCHEDULE

NO.	TYPE	STYLE	REMARKS
1	WOOD	SWING	WOOD GRAB
2	WOOD	SLIDE	WOOD GRAB
3	WOOD	SLIDE	WOOD GRAB
4	WOOD	SLIDE	WOOD GRAB

ALL WINDOWS TO BE AT 4" RISE

GENERAL NOTES

1. REVIEW ALL CODES AND REGULATIONS FOR ALL APPLICABLE TO THIS PROJECT.
2. PROVIDE ALL CODES AND REGULATIONS FOR ALL APPLICABLE TO THIS PROJECT.
3. ALL WORK SHALL BE ACCORDING TO THE LATEST EDITIONS OF THE INTERNATIONAL BUILDING CODE (IBC) AND THE CALIFORNIA BUILDING CODE (CBC).
4. ALL WORK SHALL BE ACCORDING TO THE LATEST EDITIONS OF THE INTERNATIONAL BUILDING CODE (IBC) AND THE CALIFORNIA BUILDING CODE (CBC).
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10. ALL WORK SHALL BE ACCORDING TO THE LATEST EDITIONS OF THE INTERNATIONAL BUILDING CODE (IBC) AND THE CALIFORNIA BUILDING CODE (CBC).



PROPOSED FLOOR PLAN

FLOOR AREA: 12,473 S.F.
 SCALE: 1/8"=1'-0"



SANCHEZ DESIGNS & DRAFTING SERVICES
 JOSE SANCHEZ
 1000 N. COLLEGE AVE., SUITE 200
 P.O. BOX 999, PLEASANT CAUYHOCA 95009

HIS ENGINEERING
 STRUCTURAL DESIGN & DRAFTING
 1000 N. COLLEGE AVE., SUITE 200
 PLEASANT CAUYHOCA, CA 95009
 PHONE: (569) 260-2427

ALEXANDER W. HORVATH
 Custom Built Homes
 3863 N. McCall Ave.
 Clovis, Ca 93219

Tulare Learning Center #2
 Proposed New Building Part
 3863 N. McCall Ave.
 Clovis, Ca 93219

DATE: 11/12/14
 DRAWN BY: J.S.
 CHECKED BY: J.S.
 PROJECT NO: 14-013

GENERAL NOTES:

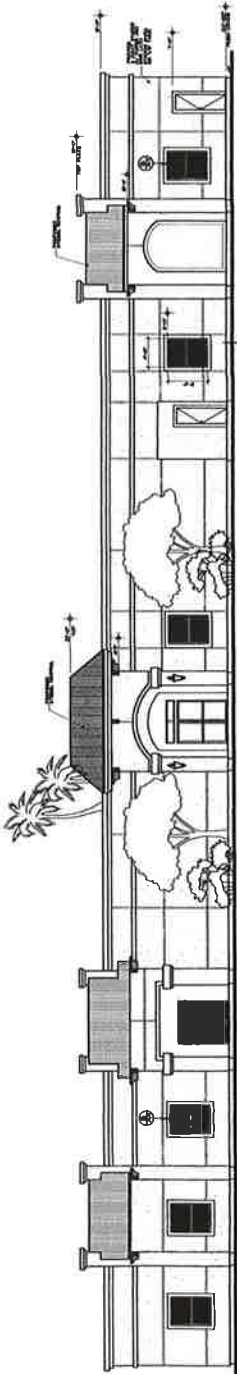
1. PROVIDE FINISHES OR FINISH SCHEDULES UNLESS OTHERWISE SPECIFIED.
2. PROVIDE 1/2" MIN. 1/2" SLAB AT THE BALCONY.
3. PROVIDE 1/2" MIN. 1/2" SLAB AT THE BALCONY.
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- EXTERIOR FINISHES:**
1. PROVIDE 3 COAT FINISHES OF PAINT.
 2. PROVIDE 1/2" MIN. 1/2" SLAB AT THE BALCONY.
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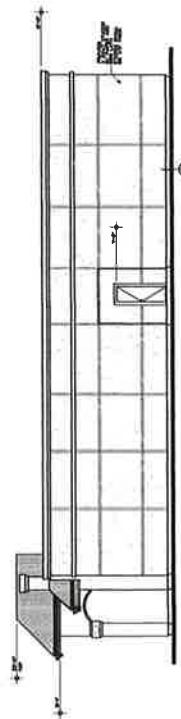
ENERGY SUMMARY

ITEM	DESCRIPTION	UNIT	QUANTITY	UNIT PRICE	TOTAL PRICE
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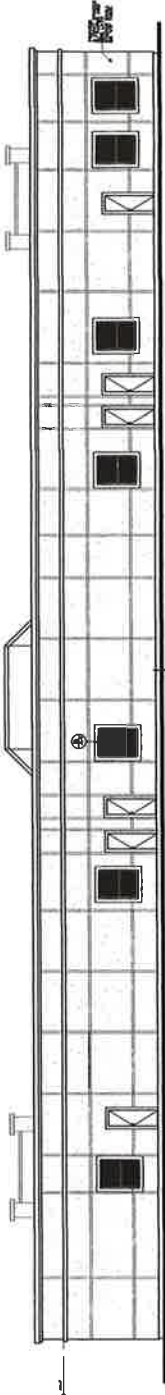
ENERGY SUMMARY



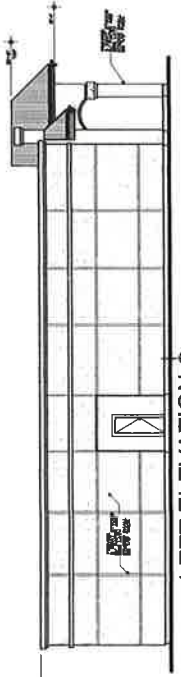
FRONT ELEVATION



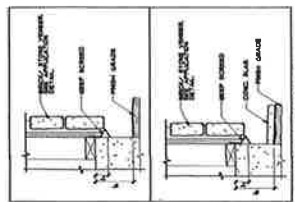
RIGHT ELEVATION



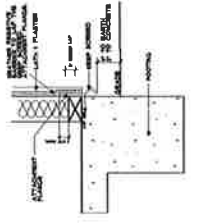
REAR ELEVATION



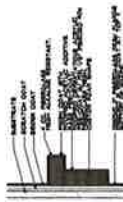
LEFT ELEVATION



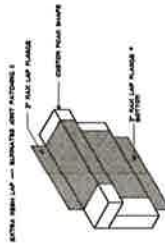
STONE VENEER @ WEEP SCREEN



MESH OF FOAM SHAPE DETAIL



TYPICAL WEEP SCREEN DETAIL



MESH OF FOAM SHAPE DETAIL



INTEROFFICE MEMORANDUM

Engineering Department

Michael W. Miller, City Engineer

TO: Planning and Building

FROM: Engineering

SUBJECT: Conditional Use Permit No.: 2016-22

LOCATION: North east corner Cross Avenue and "L" Street

OWNER/DEVELOPER: Tulare Learning Center

DATE: 12/8/16

1. All required engineering plans and calculations shall be prepared by a registered civil engineer. Any elevations shown on plans required for the subject development shall be based on the official City of Tulare datum. The Engineer shall provide three (3) copies of each improvement plan set submitted to the City of Tulare for checking. All public improvements shall be on 24" x 36" sheets, in a plan/profile format at a scale of 1"=50' or larger. Private on-site improvements may be plan-view only format, and may be on sheet sizes consistent with the rest of the on-site construction plans. Following approval of the improvement plans, the Engineer shall provide the City of Tulare with two reproducible plan sets. This shall be done prior to scheduling any pre-construction conferences or commencing any improvements.
2. Any work to be done within the City street rights-of-way requires an encroachment permit issued by the Engineering Department, and shall be done under the inspection of the City Public Works Inspector. All contractors working within City street rights-of-way shall possess a valid City of Tulare business license.
3. All design and construction of public improvements shall be in accordance with applicable City Standards, Specifications, Ordinances, and Standard Operating Procedures, unless specifically modified elsewhere in these conditions. These engineering conditions are intended to deal with major issues apparent to the Engineering Department while reviewing this development proposal. Nothing in these conditions precludes the City Engineer 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.
4. Easements will be required for all utilities to be located outside of dedicated rights-of-way.
5. Any unused depressed curb along project frontages shall be replaced with City standard barrier curb or, subject to City Engineer approval, a full City standard drive approach.
6. Existing curb and gutter along project frontage(s) that has been determined to be defective shall be replaced in accordance with current City standards.
7. Existing alley ramp shall be replaced in accordance with current city standards.

8. New City standard sidewalk shall be constructed as indicated below. The maximum slope adjacent to the back of any public sidewalk shall not exceed 5:1 for the first 5 feet. For areas located within a Landscape and Lighting District, the maximum slope between the back of the sidewalk and the wall or fence shall not exceed 10:1.

<u>Location</u>	<u>Configuration</u>	<u>Width</u>
Cross Avenue	Adjacent to curb	8-ft
"L" Street	Adjacent to curb	6-ft

9. New City standard ramped curb returns and/or pedestrian ramps shall be installed at Cross Avenue and "L" Street.
10. On-site A.C. pavement design shall be based upon the results of "R" Value tests at locations approved by the City Engineer, and the following traffic index requirements: 4.0 for parking areas, 4.5 for travel lanes, and 6.5 for truck routes (including solid waste collection vehicles).
11. Street name signs, traffic control signs, pavement delineation and/or pavement markings shall be installed as required by the City Engineer.
12. The following right-of-way dedications are required for street/alley purposes:
- a. Chamfer property corner: Cross Avenue and "L" Street to accommodate ramp return
13. The Owner/Developer 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 8.24.160 (B) 3 of the City of Tulare Municipal Code. The cost of such relocations and undergrounding shall be included in the bonding provided for the project.
14. Fire hydrants and fire suppression systems shall be provided as required by the City of Tulare Fire Marshall. The proposed development shall demonstrate that sufficient flows are available to support the required improvements. All points of connection to the City water system are subject to the approval of the City Engineer.
15. The proposed development shall install water services with back flow devices, as approved by Planning and Building. Water sizing calculations shall be provided at time of building permit application. Domestic and landscaping services shall be metered services using the make and model of meter specified by the City of Tulare Public Works Department. No substitutions are allowed.
16. Existing water wells shall be abandoned, filled and sealed in accordance with applicable City, County of Tulare, and State of California standards.
17. The proposed development shall connect to City sewer. If service from an existing lateral is proposed, said lateral shall be exposed for inspection by the Public Works Inspector and upgraded to current City standards if found to be broken or substandard.
18. Existing septic tanks shall be abandoned, filled and sealed in accordance with applicable City, County of Tulare, and State of California standards.
19. 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 certifying that construction was completed according to 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 final occupancy permits. The Engineer or Architect shall affix their stamp and seal to the letter.

20. A trash enclosure is required and shall be shown on the improvement drawings. The type, location and orientation of the enclosure shall be subject to the approval of the Solid Waste Division Manager. For doublewide enclosures, separate bins are required for solid and recyclable waste, and identification signing shall be posted adjacent to all points of direct access. The wording of the signing shall be clear and concise, and shall identify all materials accepted in the recycling bin.
21. A Public Works Inspection Fee is required prior to the construction of improvements.
22. A landscaping plan subject to the review and approval of the Director of Parks and Community Services shall be provided. Approval of the landscaping plan is required prior to approval of engineering improvement plans by the City Engineer. All existing trees that conflict with proposed improvements shall be removed to a depth of two (2) feet below proposed finish grade.
23. 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, begins 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 challenging such exactions.
24. All applicable City fees shall apply unless specifically waived or modified elsewhere in these conditions. All fees shall be based on the current fee schedule in effect at the time of recordation of the final map. These fees include, but are not limited to:
 - Sewer front foot charges of \$ TBD per front foot for frontages on Cross Avenue across undeveloped frontage.
 - Water front foot charges of \$ 17.50 per front foot for frontages on Cross Avenue across undeveloped frontage.
 - Engineering inspection fee based on a percentage of the estimated cost of construction.
 - Development impact fees to be paid with building permit.
 - Engineering plan check fee to be paid at time of plan submittal.



Prepared By: Steve Allen, Engineering Assistant

**TULARE FIRE DEPARTMENT
FIRE PREVENTION BUREAU**

The Fire Prevention Bureau conveys the following comments for CUP 2016-22:

Project Name: Tulare Learning Workshop Center #2
Contractor: Alexander Horvath

Date: 12/6/16

1. The project must comply with all of the latest applicable codes and standards.
2. Based on the occupancy classification (I-4) and square footage of this building a fire alarm and an automatic fire sprinkler system shall be required.
3. The system is required to have all of the valves controlling the water supply, for the automatic sprinkler system, and the water-flow switches shall be electronically monitored where the number of sprinkler heads exceeds 20.
4. For automatic fire sprinkler systems, underground plans must be submitted along with the above ground plans. **A fire hydrant will be required within 50 feet of the Fire Department Connection.** The project must meet the minimum fire flow requirements per the table in Appendix B & C of the California Fire Code.
5. The existing fire hydrant(s) location is approved for this project.
6. 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 commercial 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"
7. 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 and comply with engineering standards.
8. 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 recognized as "Fire Lanes" must be identified as such per the requirements set forth in the California Vehicle Code.
9. Where access to or within a structure or an area is restricted because of secured openings or where immediate access is necessary for life-saving or fire-fighting purposes, the fire code official is authorized to require a key box to be installed in an approved location. The key box shall be of an approved type and shall contain keys to gain necessary access as required by the Fire Code Official. An application is available at www.knoxbox.com using the department search, *Tulare Cit.*

Ryan Leonardo
Fire Inspector III

INTEROFFICE MEMORANDUM

TO: Development Services Division
FROM: Parks Division
SUBJECT: CUP 2016-22 (Kings Rehab)
DATE: January 4, 2017

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 this chapter shall comply with the following development standards.

(A) *General standards.*

(1) 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 this chapter. The project applicant, and owner (if different) shall sign the Landscape Documentation Package as required in § 10.196.060(B)(1)(i).

(2) All exterior areas not devoted to parking, storage, driveways, walkways or loading areas shall be landscaped. A minimum of 5% of the gross lot area shall be landscaped, unless the district in which the project is located does not require yard areas in which case only street trees are required.

(3) Landscaping shall be used to screen storage areas, trash enclosures, parking, public utilities and other similar elements. The landscaping shall screen these elements within three years of installation.

(4) Planting and irrigation shall conform to the water use efficiency sections of this code in such a manner that the site-wide estimated total water use (ETWU) will be less than the maximum applied water allowance (MAWA). Landscape plans shall document compliance with the ordinance by submitting a Landscape Documentation Package and providing supporting documentation as required in the ordinance.

(5) All landscaping on city-owned property shall conform to city landscaping and irrigation standards including the City of Tulare Recreation, Parks and Library Department Improvements Standards; City of Tulare Parking Lot Tree Shading Design and Maintenance Guidelines; area specific plans and other applicable documents, as may be updated from time to time.

(6) Certain landscapes (see § 10.196.040) are exempt from the water efficiency documentation requirements of this section. These landscapes must still comply with the development standards in § 10.196.070 as much as is practical.

(B) *Trees.*

(1) Fifteen-gallon street trees shall be planted in the right-of-way along all public streets. The number of street trees required shall be determined by dividing the total street frontage measured at the property line by 30. Round

up to whole trees. Actual spacing of trees can vary to accommodate driveways, buried and overhead utilities and other obstructions. Trees shall be spaced at reasonable mature canopy width.

(2) Street tree location can be in the landscape parkway between the curb and sidewalk, in tree wells if approved in the site plan, or on the property-side of the sidewalk as appropriate for the particular situation. The species selection shall respect the available root area in the planting zone.

(3) The front, rear and side setbacks facing public streets shall be planted with trees and shrubs to provide an attractive buffer between the building and/or parking and the adjacent roadways and shade for walks and parking lots.

(4) Trees in the setback area, yards and around the parking lot shall be 15 gallon or larger.

(5) Trees planted near sidewalks, curbs or other hardscape shall be appropriately sized for the root area of the trees and shall be irrigated on a dedicated irrigation valve. If the center of the trunk of the tree is within eight feet of a curb, sidewalk, building, trash enclosure or other hardscape improvement the tree shall be installed with an 18-inch by 10-foot root barrier installed in a linear fashion adjacent to the concrete improvement.

(6) Trees shall be planted in locations where they do not interfere with service lines, basic property rights of adjacent owners, or the right of solar access.

(C) *Shrubs.*

(1) Shrubs and living ground covers shall be used in the city right-of-way in lieu of turf. Spacing of shrubs shall not exceed 120% of the mature size stated for the shrubs in the current edition of the Sunset Western Garden Book.

(2) Front, side and rear setback areas that abut public streets shall be planted with a combination of shrubs, groundcovers and mulches in such a manner that the landscape meets the water efficiency requirements elsewhere in this section.

(3) Shrubs and ground covers in setbacks shall be spaced at no more than 120% of the mature size stated in the current edition of the Sunset Western Garden Book.

(4) Unplanted mulch areas may comprise no more than 30% of the planter area. Tree canopy over unplanted mulch areas is encouraged.

(5) Fifty of the shrubs and ground covers shall from be five-gallon containers or larger, the remainder shall be from one-gallon containers.

(6) Vines that self-cling shall be planted on all frontage masonry walls for graffiti control.

(D) *Turf.*

(1) Turf (as defined in § 10.196.030) is only allowable in cases where the water budget will demonstrate that adequate irrigation water is available.

(2) Concrete mow strips shall separate all turf areas from planter beds on city-owned property.

(3) Turf beds shall be a minimum of ten feet in width unless irrigated with subsurface irrigation; turf may not be used in storm drainage ponds with slopes steeper than 1:6 or on mounds or berms with slopes steeper than 1:8, except as provided for by the Recreation and Parks Department.

(4) Use of artificial turf on city-owned property may be used subject to approval by the Recreation and Parks Director.

(E) *Irrigation.*

(1) All components of the irrigation system and the irrigation design must meet the water efficiency requirements elsewhere in this section, including:

(a) Low-volume systems (drip, low volume sprays, or individual bubblers) shall be used whenever feasible. In city-owned shrub areas low-volume irrigation shall be installed using hard pipe underground with low volume sprays or bubblers above grade.

(b) Irrigation for sports turf and recreational turf may use overhead irrigation subject to the restrictions elsewhere in this chapter.

(c) All irrigation systems shall be equipped with an automatic Smart-controller with ET sensing, weather-sensing and with multiple cycle capabilities and a flexible calendar program.

(d) Plants shall be grouped into hydro zones of like water requirements.

(e) Sprinkler heads must have matched application rates within each control valve.

(f) Sprinkler head spacing shall be designed for head-to-head coverage and placed at a maximum of 50% of the diameter of throw for square spacing and 60% for triangular spacing.

(g) Overhead sprays shall not throw water onto hardscape, bare ground areas, or other non-planted areas, including sidewalks between landscaped areas. Irrigation water must stay in landscape areas and not drain off to storm drains or gutters.

(h) Pop-up sprinklers must have a six-inch pop-up height and must clear all plant material and obstacles in their throw zone.

(i) Automatic rain shut-off devices shall be required on all irrigation systems.

(j) One valve shall be dedicated to tree irrigation and shall be able to run independently of any other irrigation valve.

(F) *Mulch.*

(1) As required elsewhere in this chapter, a minimum of three inches of mulch is required in all non-turf planters.

(2) Mulch may be organic (such as bark, compost or straw) or mineral (such as cobble or decomposed granite).

(3) Mulch on city-owned property must be course ground cedar or redwood bark product. Dyed products are prohibited.

(4) Plastic or other non-porous sheeting is prohibited in city-owned and landscape and lighting District planters and discouraged elsewhere.

(G) *Mounding.*

(1) Mounds that contain turf or groundcover shall be no steeper than 1:8 and 1:5, respectively. Slopes steeper than 1:8 may contain shrubs if this material is irrigated with a drip or other low-volume system.

(2) Incorporate compost into the mounds prior to compaction per § 10.196.063(A)(3). Mounds shall be compacted prior to planting.

(H) *Corner lots.* Landscape and irrigations plans for any development involving corner lots at project entries shall include additional special design requirements, including but not limited to the following:

(1) Incorporate significant landscape or hardscape feature, including specimen trees; wall breaks, angled walls or walls with different material treatment; special signing or lighting or statue.

(2) Specimen trees.

(3) Corner landscape and irrigation plans shall be designed so that proper sight lines across the corner are maintained consistent with the Traffic Safety Sight Area as defined in § 10.212.030 (Definitions).

(I) *Walls*. Plans for development project walls facing public streets should include the following special design requirements, including but not limited to the following:

(1) Wall material should vary. Caps, pilasters or corner segments of the wall should vary in appearance from the primary portion of the wall.

(2) Masonry walls shall be planted with vines in order to soften the appearance of the wall and discourage graffiti.

(3) Non-masonry fences facing public streets or property shall be set back from the back of walk a minimum of three feet and planted with shrubs or other plant materials.

(J) *Parking lots*. Parking lot plans for nonresidential developments serving 20 parking stalls or greater should include the following design requirements. These requirements will promote an attractive visual environment, promote a transition between land uses, reduce energy consumption in buildings adjacent to parking lots, and decrease glare and high summer temperatures community-wide by reducing the amount of exposed pavement.

(1) A combination of landscaping and/or low walls and/or mounding shall be installed between the parking lot and the street to screen the parking lot from view from the public right-of-way.

(2) All parking lots with a capacity of 20 cars or more shall contain shade trees, which within ten years from installation, shall shade 50% of the parking lot. All surfacing on which a vehicle can drive is subject to shade calculation, including parking stalls, drive aisles, and all maneuvering areas. Guidelines for shade calculations and a list of approved parking lot trees are contained in the Parking Lot Tree Shading Design Manual.

(3) For each ten parking spaces, a minimum of one 15-gallon or larger shade tree shall be installed, but more may be required to meet the 50% shading requirement. Trees shall be contained in tree wells or planters with an outside measurement of not less than five feet by five feet that are enclosed with a concrete curb not less than six inches high. Continuous planting islands between rows of cars are encouraged to allow for multiple tree plantings and increased soil volume for tree roots.

(4) Shade trees planted within a parking lot should be evenly distributed throughout the lot.

(5) Shrubs and trees shall be planted in locations that do not conflict with the front of cars that extend into a planter area. If within eight feet of the curb, trees shall be located aligned with parking lot stripes and shall be provided with root barriers as in division (B)(5) above.

A complete copy of the City's landscape standards may be viewed on-line at www.ci.tulare.ca.us. If there are questions regarding the above requirements or how they impact the specific project, please contact the City of Tulare, Recreation and Parks Department at 559-684-4310.

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: **388 East Cross**
 Name: **Tulare Learning Workshop Center #2**
 Date: **12/6/2016**
 Plan #: **CUP2016-22**

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 2618. 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.

- Drive approach too narrow for refuse truck access. See comments below.

- 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 55,000 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.

- 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: Enclosure to be relocated to provide a stab/direct service with refuse truck. Gates are optional, additional service fees apply with gated service.

RESOLUTION NO. 5207

**A RESOLUTION OF THE CITY OF TULARE PLANNING
COMMISSION APPROVING CONDITIONAL USE PERMIT NO. 2016-22**

WHEREAS, the City of Tulare Planning Commission at a regular meeting held on January 9, 2017, to consider a request by Kings Rehabilitation Center, Inc. to construct a 12,473 sf. adult day care facility and associated parking lot and landscaping on a vacant lot adjacent to their current facility located at 388 East Cross Avenue; and,

WHEREAS, the City of Tulare Planning Commission determined that the proposed location of the conditional use is in accordance with the objectives of the Zoning Title and the purposes of the District in which the site is located; and,

WHEREAS, the City of Tulare Planning Commission determined that the proposed location of the conditional use and the conditions under which it would operate or be maintained will not be detrimental to the public health, safety, welfare or be materially injurious to properties or improvements in the vicinity; and,

WHEREAS, the City of Tulare Planning Commission determined that the request is in conformance with the goals and objectives of the Zoning Ordinance and General Plan and,

WHEREAS, the City of Tulare Planning Commission determined that the request will not have a significant effect on surrounding properties and improvements in the vicinity of the project site; and,

WHEREAS, the City of Tulare Planning Commission determined that this project is exempt pursuant to Sections 15332 of the California Environmental Quality Act of 1970, as amended; and,

NOW, THEREFORE, BE IT RESOLVED by the City of Tulare Planning Commission that Conditional Use Permit Application No. 2016-22 is hereby approved subject to the following conditions:

Planning Conditions:

- 1) All requirements of Title 10 shall be met.
- 2) The conceptual site plan and elevations for the proposed Kings Rehabilitation Center, Inc. adult day care facility and its associated parking and landscaping are approved as shown in shown in the attachments hereto, with the exception of City standard trash enclosure.
- 3) In accordance with Zoning Ordinance Section 10.116.080, this Conditional Use Permit approval shall lapse and become void (3) years from the effective date of approval, unless a building permit is issued by the City and construction is being diligently pursued.

- 4) All roof mounted equipment shall be screen from public view by materials similar to those used in overall structure and approved by the Community Development Director at time of Building Permit review.
- 5) Applicant shall comply with the attached Engineering, Fire Department, Parks Division and Solid Waste comments/conditions.
- 6) Full compliance with all conditions of approval stated in this document shall be achieved prior to the issuance of any Certificates of Occupancy or as modified by the Community Development Director. Any minor modifications shall be submitted to the Director to review and determine compliance with the original Conditions of Approval.
- 7) Applicant shall submit four copies of a landscape and irrigation plan consistent with the City's landscape ordinance.
- 8) Approval does not authorize any deviation from Fire and Building Codes.
- 9) Applicant to maintain all licenses and/or permits required by the State.
- 10) Should the existing use (adult day care) be changed to a use that requires additional parking, additional parking shall be provided in accordance with Chapter 10.192 (Parking and Loading) of Title 10 of the Tulare Municipal Code.
- 11) Trash enclosure shall be City standard double-wide, gated in a location approved by the City Engineer and Public Works department.
- 12) All onsite lighting shall be directed downward and shielded to minimize lighting impacts to adjacent residences.
- 13) 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 begins 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 challenging such exactions.

Engineering Conditions: Attached hereto and incorporated herein as though fully set forth.

Fire Conditions: Attached hereto and incorporated herein as though fully set forth.

Parks Conditions: Attached hereto and incorporated herein as though fully set forth.

Solid Waste Conditions: Attached hereto and incorporated herein as though fully set forth.

PASSED, APPROVED AND ADOPTED this 9th day of **January, 2017** by the following recorded vote:

AYES: _____

NOES: _____

ABSENT: _____

ABSTAIN: _____

JEFF KILLION, CHAIRMAN
City of Tulare Planning Commission

ATTEST:

ROB HUNT, SECRETARY
City of Tulare Planning Commission



INTEROFFICE MEMORANDUM

Engineering Department

Michael W. Miller, City Engineer

TO: Planning and Building

FROM: Engineering

SUBJECT: Conditional Use Permit No.: 2016-22

LOCATION: North east corner Cross Avenue and "L" Street

OWNER/DEVELOPER: Tulare Learning Center

DATE: 12/8/16

1. All required engineering plans and calculations shall be prepared by a registered civil engineer. Any elevations shown on plans required for the subject development shall be based on the official City of Tulare datum. The Engineer shall provide three (3) copies of each improvement plan set submitted to the City of Tulare for checking. All public improvements shall be on 24" x 36" sheets, in a plan/profile format at a scale of 1"=50' or larger. Private on-site improvements may be plan-view only format, and may be on sheet sizes consistent with the rest of the on-site construction plans. Following approval of the improvement plans, the Engineer shall provide the City of Tulare with two reproducible plan sets. This shall be done prior to scheduling any pre-construction conferences or commencing any improvements.
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5. Any unused depressed curb along project frontages shall be replaced with City standard barrier curb or, subject to City Engineer approval, a full City standard drive approach.
6. Existing curb and gutter along project frontage(s) that has been determined to be defective shall be replaced in accordance with current City standards
7. Existing alley ramp shall be replaced in accordance with current city standards.

8. New City standard sidewalk shall be constructed as indicated below. The maximum slope adjacent to the back of any public sidewalk shall not exceed 5:1 for the first 5 feet. For areas located within a Landscape and Lighting District, the maximum slope between the back of the sidewalk and the wall or fence shall not exceed 10:1.

<u>Location</u>	<u>Configuration</u>	<u>Width</u>
Cross Avenue	Adjacent to curb	8-ft
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15. The proposed development shall install water services with back flow devices, as approved by Planning and Building. Water sizing calculations shall be provided at time of building permit application. Domestic and landscaping services shall be metered services using the make and model of meter specified by the City of Tulare Public Works Department. No substitutions are allowed.
16. Existing water wells shall be abandoned, filled and sealed in accordance with applicable City, County of Tulare, and State of California standards.
17. The proposed development shall connect to City sewer. If service from an existing lateral is proposed, said lateral shall be exposed for inspection by the Public Works Inspector and upgraded to current City standards if found to be broken or substandard.
18. Existing septic tanks shall be abandoned, filled and sealed in accordance with applicable City, County of Tulare, and State of California standards.
19. 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 certifying that construction was completed according to 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 final occupancy permits. The Engineer or Architect shall affix their stamp and seal to the letter.

20. A trash enclosure is required and shall be shown on the improvement drawings. The type, location and orientation of the enclosure shall be subject to the approval of the Solid Waste Division Manager. For doublewide enclosures, separate bins are required for solid and recyclable waste, and identification signing shall be posted adjacent to all points of direct access. The wording of the signing shall be clear and concise, and shall identify all materials accepted in the recycling bin.
21. A Public Works Inspection Fee is required prior to the construction of improvements.
22. A landscaping plan subject to the review and approval of the Director of Parks and Community Services shall be provided. Approval of the landscaping plan is required prior to approval of engineering improvement plans by the City Engineer. All existing trees that conflict with proposed improvements shall be removed to a depth of two (2) feet below proposed finish grade.
23. 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, begins 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 challenging such exactions.
24. All applicable City fees shall apply unless specifically waived or modified elsewhere in these conditions. All fees shall be based on the current fee schedule in effect at the time of recordation of the final map. These fees include, but are not limited to:
 - Sewer front foot charges of \$ TBD per front foot for frontages on Cross Avenue across undeveloped frontage.
 - Water front foot charges of \$ 17.50 per front foot for frontages on Cross Avenue across undeveloped frontage.
 - Engineering inspection fee based on a percentage of the estimated cost of construction.
 - Development impact fees to be paid with building permit.
 - Engineering plan check fee to be paid at time of plan submittal.


Prepared By: Steve Allen, Engineering Assistant

**TULARE FIRE DEPARTMENT
FIRE PREVENTION BUREAU**

The Fire Prevention Bureau conveys the following comments for CUP 2016-22:

Project Name: Tulare Learning Workshop Center #2
Contractor: Alexander Horvath

Date: 12/6/16

1. The project must comply with all of the latest applicable codes and standards.
2. Based on the occupancy classification (I-4) and square footage of this building a fire alarm and an automatic fire sprinkler system shall be required.
3. The system is required to have all of the valves controlling the water supply, for the automatic sprinkler system, and the water-flow switches shall be electronically monitored where the number of sprinkler heads exceeds 20.
4. For automatic fire sprinkler systems, underground plans must be submitted along with the above ground plans. **A fire hydrant will be required within 50 feet of the Fire Department Connection.** The project must meet the minimum fire flow requirements per the table in Appendix B & C of the California Fire Code.
5. The existing fire hydrant(s) location is approved for this project.
6. 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 commercial 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"
7. 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 and comply with engineering standards.
8. 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 recognized as "Fire Lanes" must be identified as such per the requirements set forth in the California Vehicle Code.
9. Where access to or within a structure or an area is restricted because of secured openings or where immediate access is necessary for life-saving or fire-fighting purposes, the fire code official is authorized to require a key box to be installed in an approved location. The key box shall be of an approved type and shall contain keys to gain necessary access as required by the Fire Code Official. An application is available at www.knoxbox.com using the department search, *Tulare Cit.*

Ryan Leonardo
Fire Inspector III

INTEROFFICE MEMORANDUM

TO: Development Services Division
FROM: Parks Division
SUBJECT: CUP 2016-22 (Kings Rehab)
DATE: January 4, 2017

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 this chapter shall comply with the following development standards.

(A) *General standards.*

(1) 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 this chapter. The project applicant, and owner (if different) shall sign the Landscape Documentation Package as required in § 10.196.060(B)(1)(i).

(2) All exterior areas not devoted to parking, storage, driveways, walkways or loading areas shall be landscaped. A minimum of 5% of the gross lot area shall be landscaped, unless the district in which the project is located does not require yard areas in which case only street trees are required.

(3) Landscaping shall be used to screen storage areas, trash enclosures, parking, public utilities and other similar elements. The landscaping shall screen these elements within three years of installation.

(4) Planting and irrigation shall conform to the water use efficiency sections of this code in such a manner that the site-wide estimated total water use (ETWU) will be less than the maximum applied water allowance (MAWA). Landscape plans shall document compliance with the ordinance by submitting a Landscape Documentation Package and providing supporting documentation as required in the ordinance.

(5) All landscaping on city-owned property shall conform to city landscaping and irrigation standards including the City of Tulare Recreation, Parks and Library Department Improvements Standards; City of Tulare Parking Lot Tree Shading Design and Maintenance Guidelines; area specific plans and other applicable documents, as may be updated from time to time.

(6) Certain landscapes (see § 10.196.040) are exempt from the water efficiency documentation requirements of this section. These landscapes must still comply with the development standards in § 10.196.070 as much as is practical.

(B) *Trees.*

(1) Fifteen-gallon street trees shall be planted in the right-of-way along all public streets. The number of street trees required shall be determined by dividing the total street frontage measured at the property line by 30. Round

up to whole trees. Actual spacing of trees can vary to accommodate driveways, buried and overhead utilities and other obstructions. Trees shall be spaced at reasonable mature canopy width.

(2) Street tree location can be in the landscape parkway between the curb and sidewalk, in tree wells if approved in the site plan, or on the property-side of the sidewalk as appropriate for the particular situation. The species selection shall respect the available root area in the planting zone.

(3) The front, rear and side setbacks facing public streets shall be planted with trees and shrubs to provide an attractive buffer between the building and/or parking and the adjacent roadways and shade for walks and parking lots.

(4) Trees in the setback area, yards and around the parking lot shall be 15 gallon or larger.

(5) Trees planted near sidewalks, curbs or other hardscape shall be appropriately sized for the root area of the trees and shall be irrigated on a dedicated irrigation valve. If the center of the trunk of the tree is within eight feet of a curb, sidewalk, building, trash enclosure or other hardscape improvement the tree shall be installed with an 18-inch by 10-foot root barrier installed in a linear fashion adjacent to the concrete improvement.

(6) Trees shall be planted in locations where they do not interfere with service lines, basic property rights of adjacent owners, or the right of solar access.

(C) *Shrubs.*

(1) Shrubs and living ground covers shall be used in the city right-of-way in lieu of turf. Spacing of shrubs shall not exceed 120% of the mature size stated for the shrubs in the current edition of the Sunset Western Garden Book.

(2) Front, side and rear setback areas that abut public streets shall be planted with a combination of shrubs, groundcovers and mulches in such a manner that the landscape meets the water efficiency requirements elsewhere in this section.

(3) Shrubs and ground covers in setbacks shall be spaced at no more than 120% of the mature size stated in the current edition of the Sunset Western Garden Book.

(4) Unplanted mulch areas may comprise no more than 30% of the planter area. Tree canopy over unplanted mulch areas is encouraged.

(5) Fifty of the shrubs and ground covers shall from be five-gallon containers or larger, the remainder shall be from one-gallon containers.

(6) Vines that self-cling shall be planted on all frontage masonry walls for graffiti control.

(D) *Turf.*

(1) Turf (as defined in § 10.196.030) is only allowable in cases where the water budget will demonstrate that adequate irrigation water is available.

(2) Concrete mow strips shall separate all turf areas from planter beds on city-owned property.

(3) Turf beds shall be a minimum of ten feet in width unless irrigated with subsurface irrigation; turf may not be used in storm drainage ponds with slopes steeper than 1:6 or on mounds or berms with slopes steeper than 1:8, except as provided for by the Recreation and Parks Department.

(4) Use of artificial turf on city-owned property may be used subject to approval by the Recreation and Parks Director.

(E) *Irrigation.*

(1) All components of the irrigation system and the irrigation design must meet the water efficiency requirements elsewhere in this section, including:

(a) Low-volume systems (drip, low volume sprays, or individual bubblers) shall be used whenever feasible. In city-owned shrub areas low-volume irrigation shall be installed using hard pipe underground with low volume sprays or bubblers above grade.

(b) Irrigation for sports turf and recreational turf may use overhead irrigation subject to the restrictions elsewhere in this chapter.

(c) All irrigation systems shall be equipped with an automatic Smart-controller with ET sensing, weather-sensing and with multiple cycle capabilities and a flexible calendar program.

(d) Plants shall be grouped into hydro zones of like water requirements.

(e) Sprinkler heads must have matched application rates within each control valve.

(f) Sprinkler head spacing shall be designed for head-to-head coverage and placed at a maximum of 50% of the diameter of throw for square spacing and 60% for triangular spacing.

(g) Overhead sprays shall not throw water onto hardscape, bare ground areas, or other non-planted areas, including sidewalks between landscaped areas. Irrigation water must stay in landscape areas and not drain off to storm drains or gutters.

(h) Pop-up sprinklers must have a six-inch pop-up height and must clear all plant material and obstacles in their throw zone.

(i) Automatic rain shut-off devices shall be required on all irrigation systems.

(j) One valve shall be dedicated to tree irrigation and shall be able to run independently of any other irrigation valve.

(F) *Mulch.*

(1) As required elsewhere in this chapter, a minimum of three inches of mulch is required in all non-turf planters.

(2) Mulch may be organic (such as bark, compost or straw) or mineral (such as cobble or decomposed granite).

(3) Mulch on city-owned property must be course ground cedar or redwood bark product. Dyed products are prohibited.

(4) Plastic or other non-porous sheeting is prohibited in city-owned and landscape and lighting District planters and discouraged elsewhere.

(G) *Mounding.*

(1) Mounds that contain turf or groundcover shall be no steeper than 1:8 and 1:5, respectively. Slopes steeper than 1:8 may contain shrubs if this material is irrigated with a drip or other low-volume system.

(2) Incorporate compost into the mounds prior to compaction per § 10.196.063(A)(3). Mounds shall be compacted prior to planting.

(H) *Corner lots.* Landscape and irrigations plans for any development involving corner lots at project entries shall include additional special design requirements, including but not limited to the following:

(1) Incorporate significant landscape or hardscape feature, including specimen trees; wall breaks, angled walls or walls with different material treatment; special signing or lighting or statue.

(2) Specimen trees.

(3) Corner landscape and irrigation plans shall be designed so that proper sight lines across the corner are maintained consistent with the Traffic Safety Sight Area as defined in § 10.212.030 (Definitions).

(I) *Walls*. Plans for development project walls facing public streets should include the following special design requirements, including but not limited to the following:

(1) Wall material should vary. Caps, pilasters or corner segments of the wall should vary in appearance from the primary portion of the wall.

(2) Masonry walls shall be planted with vines in order to soften the appearance of the wall and discourage graffiti.

(3) Non-masonry fences facing public streets or property shall be set back from the back of walk a minimum of three feet and planted with shrubs or other plant materials.

(J) *Parking lots*. Parking lot plans for nonresidential developments serving 20 parking stalls or greater should include the following design requirements. These requirements will promote an attractive visual environment, promote a transition between land uses, reduce energy consumption in buildings adjacent to parking lots, and decrease glare and high summer temperatures community-wide by reducing the amount of exposed pavement.

(1) A combination of landscaping and/or low walls and/or mounding shall be installed between the parking lot and the street to screen the parking lot from view from the public right-of-way.

(2) All parking lots with a capacity of 20 cars or more shall contain shade trees, which within ten years from installation, shall shade 50% of the parking lot. All surfacing on which a vehicle can drive is subject to shade calculation, including parking stalls, drive aisles, and all maneuvering areas. Guidelines for shade calculations and a list of approved parking lot trees are contained in the Parking Lot Tree Shading Design Manual.

(3) For each ten parking spaces, a minimum of one 15-gallon or larger shade tree shall be installed, but more may be required to meet the 50% shading requirement. Trees shall be contained in tree wells or planters with an outside measurement of not less than five feet by five feet that are enclosed with a concrete curb not less than six inches high. Continuous planting islands between rows of cars are encouraged to allow for multiple tree plantings and increased soil volume for tree roots.

(4) Shade trees planted within a parking lot should be evenly distributed throughout the lot.

(5) Shrubs and trees shall be planted in locations that do not conflict with the front of cars that extend into a planter area. If within eight feet of the curb, trees shall be located aligned with parking lot stripes and shall be provided with root barriers as in division (B)(5) above.

A complete copy of the City's landscape standards may be viewed on-line at www.ci.tulare.ca.us. If there are questions regarding the above requirements or how they impact the specific project, please contact the City of Tulare, Recreation and Parks Department at 559-684-4310.

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: **388 East Cross**
 Name: **Tulare Learning Workshop Center #2**
 Date: **12/6/2016**
 Plan #: **CUP2016-22**

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 2618. 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.

- Drive approach too narrow for refuse truck access. See comments below.

- 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 55,000 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.

- 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: Enclosure to be relocated to provide a stab/direct service with refuse truck. Gates are optional, additional service fees apply with gated service.

**CITY OF TULARE PLANNING COMMISSION
STAFF REPORT**

Agenda Item No.

January 9, 2017

CONDITIONAL USE PERMIT No. 2016-25

PROJECT PLANNER:	Aaron Carpenter, Assistant Contract City Planner	
APPLICANT:	Luigi Cristallo	
LOCATION:	210 East Tulare Avenue	
APN:	176-090-015	
ZONING CLASSIFICATION:	C-3 (Retail Commercial)	
GENERAL PLAN DESIGNATION:	Central Business District	
SURROUNDING LAND USES AND ZONING:	North: Retail Commercial	C-3
	South: Retail Commercial	C-3
	West: Retail Commercial	C-3
	East: Retail Commercial	C-3

REQUEST:

Request by Luigi Cristallo of *Rosa's Italian Restaurant* to obtain a conditional use permit for an ABC license (Type 41: On Sale Beer & Wine—Eating Place) to sell beer and wine on-site at 210 East Tulare Avenue in association with the restaurant.

DETAILS OF THE PROPOSAL:

The applicant proposes to operate an Italian restaurant in an existing 4,018 square foot building (formerly *Fred's BBQ*) during the hours of 11:00AM-9:00PM Mondays through Thursdays, 11:00AM-10:00PM on Fridays, 4:00PM-10:00PM on Saturdays and 4:00PM-9:00PM on Sundays.

The restaurant will employ 15 full-time staff members per shift, with 2 shift per day of operation.

STAFF COMMENTS:

The zoning ordinance requires that businesses engaged in on-sale alcoholic beverages are subject to a conditional use permit (*Zoning Ordinance Section 10.168.04*). This application is for an ABC Type 41 On Sale Beer & Wine in conjunction with a restaurant.

No comments have been received by staff during the public comment period.

ENVIRONMENTAL FINDINGS:

This project is exempt pursuant to Section 15268 and 15301 (*existing facilities*) of the California Environmental Quality Act of 1970, as amended.

FINDINGS:

Staff recommends that the Planning Commission make the following findings with regards to Conditional Use Permit No. 2016-25:

- 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.
- 6) The project is exempt pursuant to Section 15268 and 15301 (*existing facilities*) of the California Environmental Quality Act of 1970, as amended.
- 7) That public convenience and necessity would be served by the issuance of an “on-sale beer and wine — eating place” Type 41.

RECOMMENDATIONS:

Based on the approved findings, staff recommends that Conditional Use Permit No. 2016-25, be approved subject to the following conditions:

- 1) All requirements of Title 10 shall be met.
- 2) This permit is limited to on-sale beer and wine in conjunction with a restaurant.

- 3) Any upgrading of the alcoholic beverage license issued by Alcoholic Beverage Control will be subject to approval by the Planning Commission.
- 4) Any significant changes to the floor plan layout shall be subject to review and approval by the Planning Commission.
- 5) Applicant to maintain all licenses and/or permits required by the State.


Attachments:

- I. Project Vicinity Map
- II. Resolution

CUP 2016-25

Rosa's Italian Restaurant
APN: 176-092-015
Zoning: Retail Commercial (C-3)
GP: Central Business District

Legend

 Rosa's Italian Restaurant



RESOLUTION NO. 5208

**A RESOLUTION OF THE CITY OF TULARE PLANNING
COMMISSION APPROVING CONDITIONAL USE PERMIT NO. 2016-25**

WHEREAS, the City of Tulare Planning Commission at a regular meeting held on January 9, 2017 to consider a request by Luigi Cristallo (Rosa's Italian Restaurant) for an ABC license (Type 41: On Sale Beer and Wine—Eating Place) to sell beer and wine on-site at 210 East Tulare Avenue.; and,

WHEREAS, the City of Tulare Planning Commission determined that the proposed location of the conditional use is in accordance with the objectives of the Zoning Title and the purposes of the District in which the site is located; and,

WHEREAS, the City of Tulare Planning Commission determined that the proposed location of the conditional use and the conditions under which it would operate or be maintained will not be detrimental to the public health, safety, welfare or be materially injurious to properties or improvements in the vicinity; and,

WHEREAS, the City of Tulare Planning Commission determined that the proposed conditional use will comply with each of the provisions of the Zoning Title; and,

WHEREAS, the City of Tulare Planning Commission determined that the proposed use is consistent with the Tulare General Plan; and,

WHEREAS, the City of Tulare Planning Commission determined that the proposed request will not have a significant effect on surrounding properties and improvements in the vicinity of the project site; and,

WHEREAS, the City of Tulare Planning Commission determined that the proposed project is exempt pursuant to Section 15268 and 15301 (*existing facilities*) of the California Environmental Quality Act of 1970, as amended.

WHEREAS, the City of Tulare Planning Commission determined that the public convenience and necessity would be served by the issuance of an “on-sale beer and wine—eating place” (Type 41); and,

NOW, THEREFORE, BE IT RESOLVED by the City of Tulare Planning Commission that Conditional Use Permit Application No. 2016-25 is hereby approved subject to the following conditions:

Planning Conditions:

- 1) All requirements of Title 10 shall be met.
- 2) This permit is limited to on-sale beer and wine in conjunction with a restaurant.

- 3) Any upgrading of the alcoholic beverage license issued by Alcoholic Beverage Control will be subject to approval by the Planning Commission.
- 4) Any significant changes to the floor plan layout shall be subject to review and approval by the Planning Commission.
- 5) Applicant to maintain all licenses and/or permits required by the State.

PASSED, APPROVED AND ADOPTED this ninth day of January, 2017 by the following recorded vote:

AYES: _____

NOES: _____

ABSENT: _____

ABSTAIN: _____

JEFF KILLION, CHAIRMAN
City of Tulare Planning Commission

ATTEST:

ROB HUNT, SECRETARY
City of Tulare Planning Commission

**CITY OF TULARE PLANNING COMMISSION
STAFF REPORT**

Agenda Item No.

January 9, 2017

DESIGN REVIEW 1087

PROJECT PLANNER:	Traci Myers, Community Development Deputy Director
APPLICANT:	City of Tulare
LOCATION:	1258 North J Street
APN:	169-090-042
ZONING CLASSIFICATION:	C-4 (Service Commercial)
GENERAL PLAN DESIGNATION:	Service Commercial
SURROUNDING LAND USES AND ZONING:	North: Dollar General C-4 South: Service Commercial C-4 West: UPRR East: Single Family Residential R-1-12.5

REQUEST:

Request by City of Tulare – Public Works Department - to construct a new water well, 2.0 million gallon concrete water storage tank and associated appurtenances on a City-owned, vacant lot immediately south of Dollar General on North J Street. (APN: 169-090-042)

DETAILS OF THE PROPOSAL:

Given the current state of the City’s water infrastructure system, recent drought conditions and concerns regarding capacity following water connections to Matheny Tract, staff contracted with Carollo Engineering to evaluate the water system and identify with greater specificity the necessary improvements to the system to provide sufficient capacity for all of the City’s upcoming water delivery needs. Staff worked with Carollo to update the hydraulic model to reflect recent well updates, develop short-term improvements to the existing system and develop a technical memorandum with recommendations for capacity and supply improvements.

In February, 2016 the Board of Public Utilities authorized staff to proceed with a plan as set out in the Carollo memo, which consists of the construction of 7 new wells and 3 new storage tanks over the course of the next 5-7 years.

The general location of the area around the city-owned property on North J Street was identified as an area most favorable for construction of a new well and/or tank based upon a report prepared by Kenneth Schmidt, Hydrogeologist.

On September 15, 2016, the Board of Public Utilities authorized the purchase of real property located at 1258 North J Street for the future development of a city well and storage tank.

The attached site plan depicts a 2.0 million gallon concrete water tank, 100' in diameter and 33' tall with associated appurtenances situated on the vacant lot. Coastal redwood trees will provide a rear landscape screening along the existing block wall between the residential and commercial zones. A 6' chain link fence with slats will surround the remaining sides of the lot. A 10' sidewalk and 20' landscape setback are shown on the J Street frontage and are consistent with the design standards in the Service Commercial zone. The project will be secured by a 20' rolling access gate from J Street.

STAFF COMMENTS:

City water wells are a permitted use in commercially-zoned areas, subject to the Design Review process. (*Tulare Municipal Code Chapter 10.40 (11)*)

Service Commercial design guidelines dictate structure height up to 30 feet. Proposed height is 33 feet, which is within the 10% administrative adjustment allowable by code. (*Tulare Municipal Code Chapter 10.132.10*).

The City Engineering department has reviewed the site plan and prepared the attached comments associated with project.

ENVIRONMENTAL FINDINGS:

On June 13, 2016, the Environmental Impact Review Committee determined from the initial study completed by Planning Staff and the Environmental Information Form submitted by the applicant, that the project will not have a significant effect on the environment with mitigation incorporated. A Mitigated Negative Declaration was prepared for public review pursuant to provisions of the California Public Resources Code, Sections 21000 to 21176, California Environmental Quality Act (CEQA).

On June 30, 2016, a Notice of Availability of a Mitigated Negative Declaration on the proposed construction and operation of water wells and water storage tanks was published. The review period for the Mitigated Negative Declaration was from June 30, 2016 to July 19, 2016. No comments were received by staff.

On December 20, 2016 a Notice of Availability and Intention to Adopt a Recirculated Mitigated Negative Declaration was published.

This notice was recirculated due to minor changes in the project. The project description in the previous Mitigated Negative Declaration described the addition of three new water storage tanks with capacities of up to 1.0 million gallons each. Instead of three new water storage tanks, the project has been updated to include only two water storage tanks but with increased capacities of 2.0 million gallons each. All other project components remain the same.

No written comments to this Recirculated Mitigated Negative Declaration have been received by staff.

ENVIRONMENTAL FINDINGS:

Staff recommends that the Planning Commission make the following findings with respect to the Recirculated Mitigated Negative Declaration:

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

FINDINGS:

Staff recommends that the Planning Commission make the following findings with regards to Design Review No. 1087:

- 1) That the proposed project is consistent with the purpose and objectives of this chapter and the zone district in which the project is located.
- 2) That the proposed project will not be detrimental to the public interest, health, safety, convenience or welfare or materially injurious to properties or improvements in the vicinity.
- 3) That the proposed project is consistent with the Tulare General Plan.

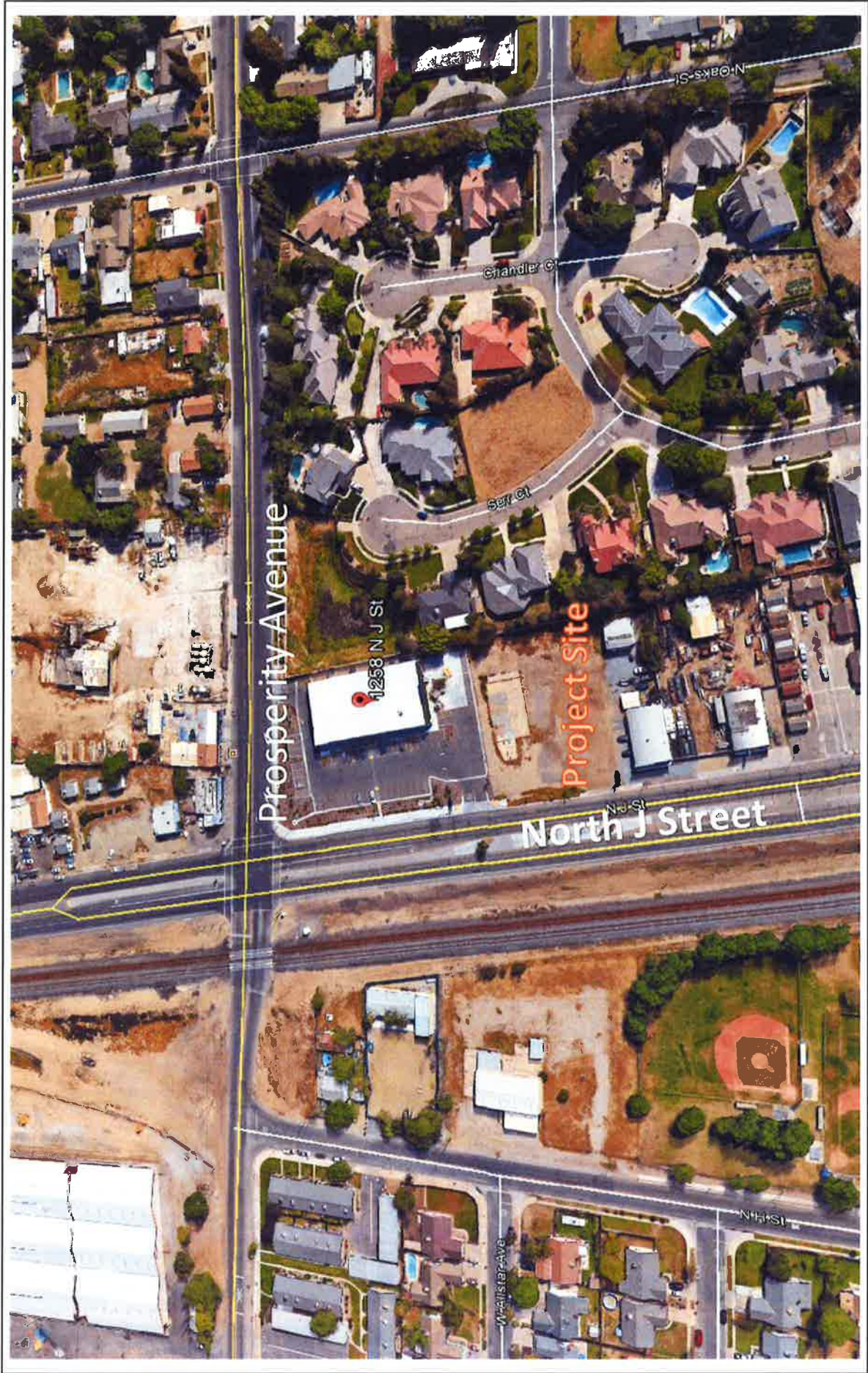
RECOMMENDATIONS:

- A) Adopt a Recirculated Mitigated Negative Declaration for Design Review 1087; and
- B) Based on the above findings, staff recommends that Design Review 1087 be approved subject to the following conditions:
 - 1) All requirements of Title 10 shall be met.
 - 2) The conceptual site plan and elevations for the proposed building are approved as shown in the attachments hereto.
 - 3) The project shall comply with Tulare Municipal Code Chapter 10.56 (*Service Commercial District*) and Chapter 10.60 (*Commercial District Design*) guidelines.
 - 4) Noise associated with the site shall not be at a level that exceeds the standards established in the City of Tulare Noise Ordinance.
 - 5) Lighting shall be shielded, as necessary, to prevent the direct or indirect glare of light from falling into adjacent residential uses.
 - 6) In accordance with Section 10.120.130, this Design Review approval shall lapse and become void (3) years from the effective date of approval, unless a building permit is issued by the City and construction is being diligently pursued.
 - 7) Landscape and irrigation plans shall be prepared by a licensed Landscape Architect and approved prior to building permits being issued. At time of building permit, applicant shall submit four copies of a Landscape/Irrigation plan consistent with the City Landscape Ordinance.
 - 8) Applicant shall comply with the Engineering comments attached.
 - 9) Applicant to obtain administrative approval for 10% adjustment in height.

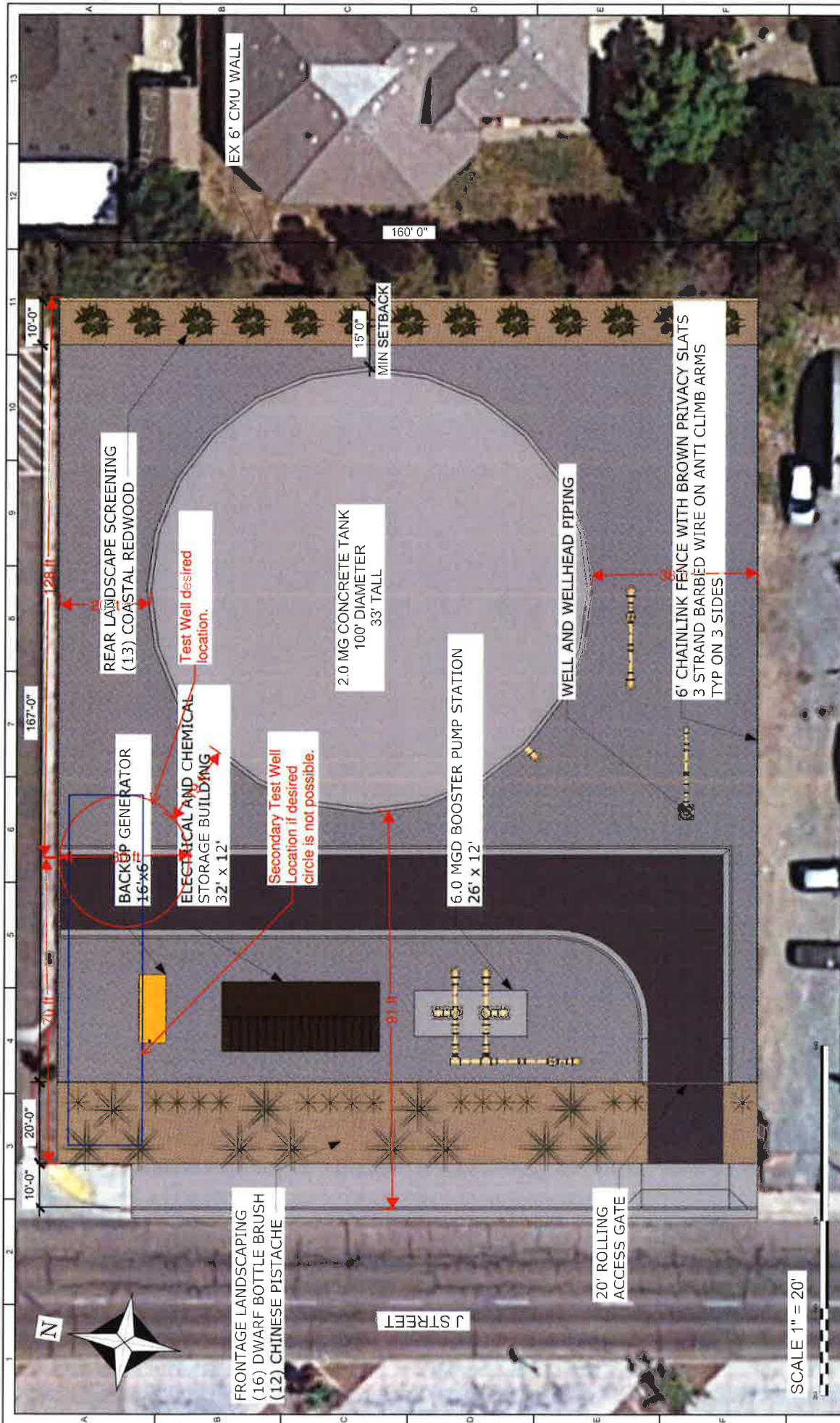
Attachments:

- I. Project Vicinity Map
- II. Site Plan
- III. Engineering Comments
- IV. Recirculated Mitigated Negative Declaration – December 2016
- V. Resolution

DESIGN REVIEW 1087
Proposed City Water Well/Tank



NORTH
↑




J STREET

SCALE 1" = 20'

DESIGNED	DRAWN	CHECKED	DATE

30% DESIGN SUBMITTAL NOT FOR CONSTRUCTION

REV	DATE	BY	DESCRIPTION



Carolin
Engineers... Working Wonders With Water®

CITY OF TULARE
WATER TANK DESIGN PROJECT
GENERAL

J ST SITE PLAN - 2.0 MG

JOB NO.
10326A.10

DRAWING NO.
1

SHEET NO.
28 OF 30

VERIFY SCALES
USUAL OR UNUSUAL
ORIGINAL DRAWING

1" = 20'
IF NOT ONE INCH ON
SHEET, ACCORDINGLY

1

2

3

4

5

6

A

B

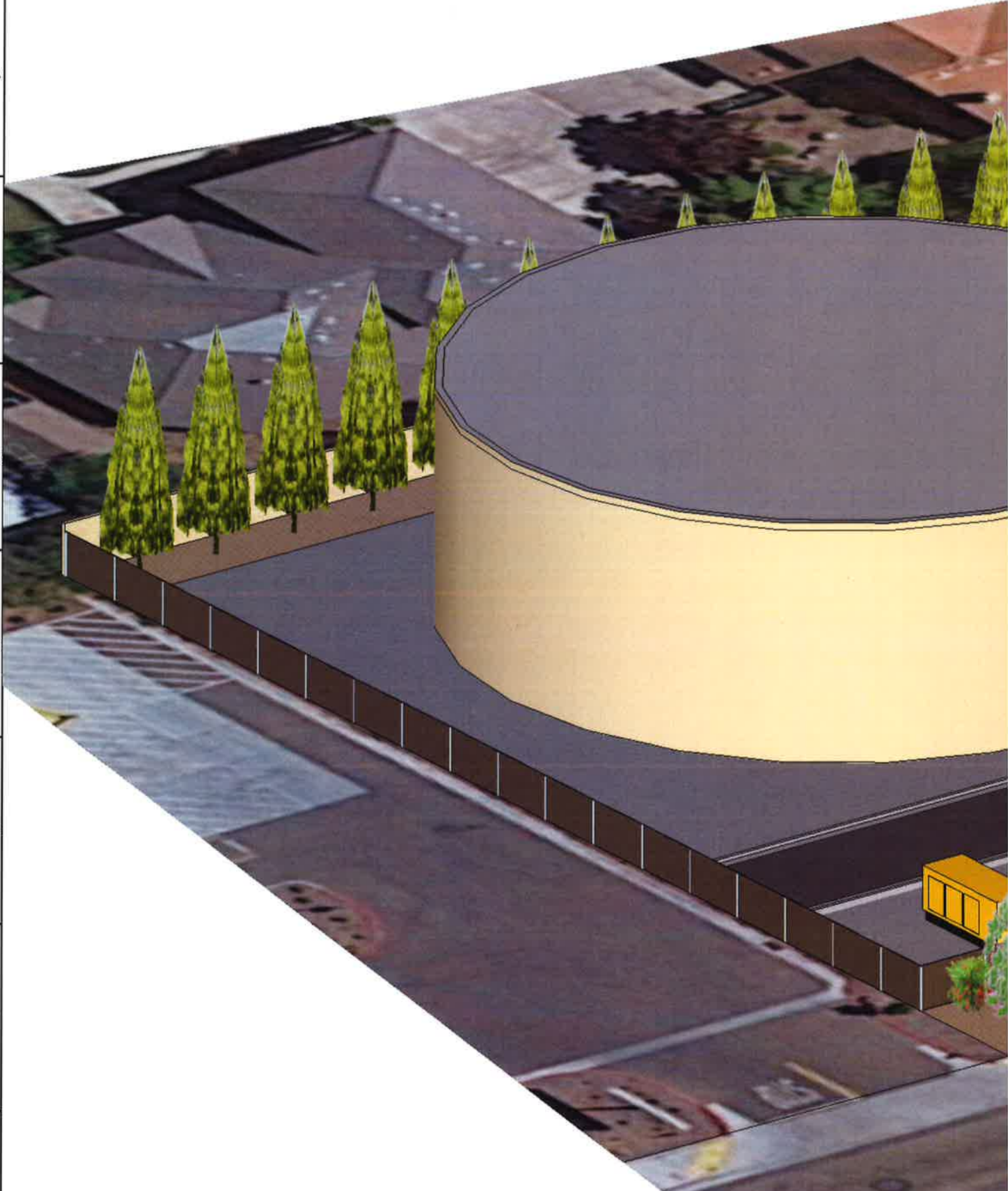
C

D

E

F

G



30% DESIGN
SUBMITTAL
NOT FOR CONSTRUCTION

DESIGNED
DRAWN
CHECKED
DATE



REV	DATE	BY	DESCRIPTION

1

2

3

4

5

6



INTEROFFICE MEMORANDUM

Engineering Department

Michael W. Miller, City Engineer

TO: Planning and Building

FROM: Engineering

SUBJECT: Design Review Application No.: 1087

LOCATION: East side of J Street south of Prosperity Avenue

OWNER/DEVELOPER: City of Tulare

DATE: December 29, 2016

1. All required engineering plans and calculations shall be prepared by a registered civil engineer. Any elevations shown on plans required for the subject development shall be based on the official City of Tulare datum. The Engineer shall provide three (3) copies of each improvement plan set submitted to the City of Tulare for checking. All public improvements shall be on 24" x 36" sheets, in a plan/profile format at a scale of 1"=50' or larger. Private on-site improvements may be plan-view only format, and may be on sheet sizes consistent with the rest of the on-site construction plans. Following approval of the improvement plans, the Engineer shall provide the City of Tulare with two reproducible plan sets. This shall be done prior to scheduling any pre-construction conferences or commencing any improvements.
2. Any work to be done within the City street rights-of-way requires an encroachment permit issued by the Engineering Department, and shall be done under the inspection of the City Public Works Inspector. All contractors working within City street rights-of-way shall possess a valid City of Tulare business license.
3. All design and construction of public improvements shall be in accordance with applicable City Standards, Specifications, Ordinances, and Standard Operating Procedures, unless specifically modified elsewhere in these conditions. These engineering conditions are intended to deal with major issues apparent to the Engineering Department while reviewing this development proposal. Nothing in these conditions precludes the City Engineer 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.
4. Easements will be required for all utilities to be located outside of dedicated rights-of-way or City owned property.
5. Any unused depressed curb along project frontages shall be replaced with City standard barrier curb or, subject to City Engineer approval, a full City standard drive approach.

6. New City standard sidewalk shall be constructed as indicated below. The maximum slope adjacent to the back of any public sidewalk shall not exceed 5:1 for the first 5 feet. For areas located within a Landscape and Lighting District, the maximum slope between the back of the sidewalk and the wall or fence shall not exceed 10:1.

<u>Location</u>	<u>Configuration</u>	<u>Width</u>
"J" Street frontage	adjacent to curb	10-ft

7. Existing sidewalk has been inspected by the City Public Works Inspector. The following section(s) has been determined to be defective and need of replacement in accordance with current City standards:

<u>Location</u>	<u>Length</u>
"J" Street frontage	Remove any existing that conflicts with installation of new.

8. New City standard driveway approach shall be constructed at "J" Street site entrance.
9. On-site A.C. pavement design shall be based upon the results of "R" Value tests at locations approved by the City Engineer, and the following traffic index requirements: 4.0 for parking areas, 4.5 for travel lanes, and 6.5 for truck routes (including solid waste collection vehicles).
10. The Owner/Developer 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 8.24.160 (B) 3 of the City of Tulare Municipal Code.
11. Fire hydrants and fire suppression systems shall be provided as required by the City of Tulare Fire Marshall. The proposed development shall demonstrate that sufficient flows are available to support the required improvements. All points of connection to the City water system are subject to the approval of the City Engineer.
12. The proposed development shall install water services with back flow devices, as approved by Planning and Building. Water sizing calculations shall be provided at time of building permit application. Domestic and landscaping services shall be metered services using the make and model of meter specified by the City of Tulare Public Works Department. No substitutions are allowed.
13. If applicable, existing septic tanks shall be abandoned, filled and sealed in accordance with applicable City, County of Tulare, and State of California standards.
14. 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 certifying that construction was completed according to 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 final occupancy permits. The Engineer or Architect shall affix their stamp and seal to the letter.
15. A landscaping plan subject to the review and approval of the Director of Parks and Community Services shall be provided. Approval of the landscaping plan is required prior to approval of engineering improvement plans by the City Engineer. All existing trees that conflict with proposed improvements shall be removed to a depth of two (2) feet below proposed finish grade.

Prepared By: Michael W. Miller, City Engineer



City of Tulare

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

Recirculated Initial Study/Mitigated Negative Declaration

Project Title: Replacement Water Wells, Storage Tanks and Related Improvements

This document is the Initial Study/Mitigated Negative Declaration on the proposed construction and operation of six (6) replacement water wells, one (1) new water well, two (2) new water storage tanks, and associated pipelines to connect to the City's existing water system. The City of Tulare will act as the Lead Agency for this project pursuant to the California Environmental Quality Act (CEQA) and the CEQA Guidelines.

Document Recirculation

This document is being recirculated due to minor changes in the project pursuant to CEQA Guidelines Section 15073.5. The project description in the previous Mitigated Negative Declaration described the addition of three new water storage tanks with capacities of up to 1.0 million gallons each. Instead of three new water storage tanks, the project has been updated to include only two water storage tanks, but with increased capacities of 2.0 million gallons each. All other project components remain the same. The modified project will not result in any changes to previous environmental impact determinations. All impacts remain less than significant. Changes to the project description are shown in this recirculated document using ~~strikethrough~~ and underline.

PURPOSE

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

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

This Initial Study of environmental impacts has been prepared to conform to the requirements of the California Environmental Quality Act (CEQA) (Public Resources Code

Section 21000 et seq.) and the State CEQA Guidelines (California Code of Regulations Section 15000 et seq.).

According to Section 15070(a), a Negative Declaration is appropriate if it is determined that:

- (1) The initial study shows that there is no substantial evidence, in light of the whole record before the agency, that the project may have a significant effect on the environment.

INITIAL STUDY/MITIGATED NEGATIVE DECLARATION

- 1. Project Title:** City of Tulare Replacement Water Wells, Water Storage Tanks and Related Improvements
- 2. Lead Agency:** City of Tulare
411 E. Kern Avenue
Tulare, Ca 93274
(559) 684-4029
- 3. Applicant:** City of Tulare
411 E. Kern Avenue
Tulare, Ca 93274
(559) 684-4029
- 4. Contact Person:** Trisha Whitfield
City of Tulare
411 E. Kern Avenue
Tulare, CA 93274
(559) 684-4219
- 5. Project Location:**
The proposed project is located at various sites within the Tulare City limits along the City's existing water distribution system. See Figure 1 for potential locations of the proposed activities. Final locations of the project components will be determined based on a number of factors including avoidance of environmental impacts, costs of acquiring property, and proximity to existing infrastructure. Figure 1 is intended to show potential and/or general locations of the proposed improvements.
- 6. General Plan Designation:**
N/A – Various, public road/right-of-way
- 7. Zoning Designation:**
N/A – Various, public road/right-of-way

8. **Surrounding Land Uses and Settings:**

The proposed replacement wells (6), new well (1) and storage tanks (~~2~~3) are proposed to be located throughout the City including areas designated as neighborhood commercial, public lands, multiple family and single family residential neighborhoods, and parks (See Figure 1). The sites and surrounding areas are generally fully developed with typical urban uses.

9. **Project Description**

Project components

The proposed project will include the following improvements and additions to the City's water system:

- Replacement of six (6) water wells that are failing / have failed and/or are otherwise in need of replacement. The capacity of these six replacement wells will be the same as the existing wells. The location of these wells will be in the same general vicinity of the wells that are being replaced (see text below for a description of potential sites). Each well will include an electric motor that will be enclosed in a metal building to limit outside noise and vandalism.
- Addition of one (1) new water well with an estimated capacity of 1,200 gallons per minute. The specific location of this well will be determined by the City at a later date.
- Addition of ~~three~~ two (2) new water storage tanks (above-ground). Each tank will have a capacity of approximately ~~0.83~~ 1.02 million gallons. The storage tanks are being constructed to improve the City's ability to serve the City during peak water usage and to maintain required pressure for fire suppression. The tanks will be approximately ~~3360~~ feet tall by ~~9270~~ feet in diameter. Color will be neutral such as a tan or beige to match surrounding buildings.
- Construction of new and replacement water pipelines to serve the six replacement water wells, one new water well and ~~two~~ three new water storage tanks. The location of the pipelines will be in the general vicinity of the tank/well that is being constructed.
- Addition and/or replacement of pipeline throughout the system to maintain a looped system and bring existing infrastructure into fire flow and pressure compliance.

The proposed project is in response to continued growth outlined in the City's General Plan and as evaluated in the City's General Plan EIR (SCH# 2012071064). Specifically, the project will implement Land Use Policy 11.4 which states: "The City shall require that water supply systems be adequate to serve the size and configuration of land developments. Standards as set forth in the subdivision ordinance shall be maintained and improved as necessary." Any growth inducing impacts related to build-out of the General Plan (including infrastructure improvements such as those proposed by this project) were addressed in the General Plan EIR.

In some cases, the City may be required to acquire additional property that is not already within City right-of-way. The City may also be required to obtain appropriate permitting in order to construct and operate a well and/or water storage tank. Final locations of the project components will be determined based on a number of factors including avoidance of significant environmental impacts, costs of acquiring property, and proximity to existing infrastructure. This CEQA document is intended to analyze potential environmental impacts occurring as a result of construction and operation all of the project components described herein.

Project Schedule

The City will begin to implement portions of the project in ~~2017~~2016, however, the full project will be built out over several years as funds are available and as necessary to meet the water distribution needs of the City.

Project Mitigation

Although specific sites have not yet been determined for the replacement wells, new well or storage tanks, the City has identified potential areas within the City for such improvements (See Figure 1). The City has reviewed potential sites and has determined that there are no significant environmental impacts that may occur with buildout of the individual projects. However, to ensure that no future environmental impacts will occur, the City will implement the following mitigation measure(s) prior to selecting a final site and constructing the individual project components. The mitigation measures are based on standard CEQA Categorical and Statutory Exemptions. The mitigation measures are as follows:

General Mitigation Measure #1 Pertaining to construction and operation of Water Wells and Water Storage Tanks:

Prior to final siting and construction activities of the water wells and/or storage tanks, the City shall ensure the following:

- a. The project site has no value as habitat for endangered, rare or threatened species.
- b. The project site contains no cultural/historical resources on site or adjacent to the site that will be impacted by the project.
- c. The project will not result in any significant effects relating to traffic, noise, air quality or water quality.
- d. The project site is consistent with the applicable general plan designation and all applicable general plan policies as well as with applicable zoning designation and regulations.

General Mitigation Measure #2 Pertaining to construction and operation of pipelines:

Prior to final siting and construction activities for pipelines, the City shall apply Mitigation Measure #1 and/or ensure that the pipeline project would be able to qualify for CEQA Statutory Exemption 15282(k) which states:

- The installation of a new pipeline or maintenance, repair, restoration, removal or demolition of an existing pipeline as set forth in Section 21080.21 of the Public Resources Code, as long as the project does not exceed one mile in length.

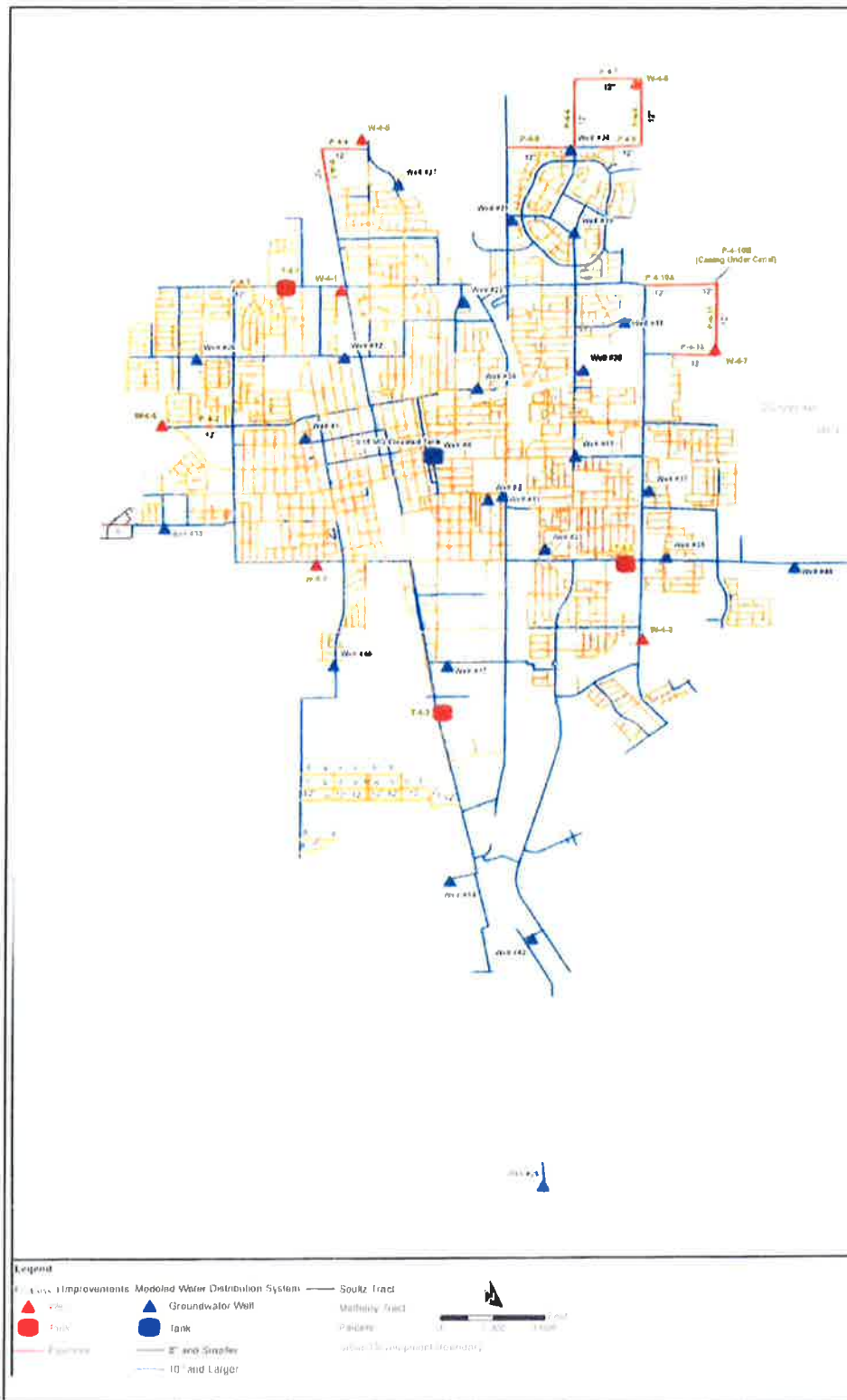
Implementation of these mitigation measures will ensure that the proposed project impacts remain less than significant. The City shall maintain records of such evaluation for each project site.

10. **Parking and access:** Road access will continue throughout the project (with appropriate construction signage) with the exception of partial closures that may occur during pipeline construction.
11. **Landscaping and Design:** The project does not include any landscaping components other than replacement of landscaping that may be removed as a part of construction and new landscaping around the water tanks and wells as appropriate.
12. **Utilities and Electrical Services:** The project includes improvements to the City's water system and does not include any other electrical or utility component.

Acronyms

BMP	Best Management Practices
CAA	Clean Air Act
CCR	California Code of Regulation
CDFG	California Department of Fish and Game
CEQA	California Environmental Quality Act
CWA	California Water Act
DHS	Department of Health Services
FEIR	Final Environmental Impact Report
FPPA	Farmland Protection Policy Act
ISMND	Initial Study Mitigated Negative Declaration
MCL	Maximum Contaminant Level
ND	Negative Declaration
NAC	Noise Abatement Criteria
RCRA	Resource Conservation and Recovery Act of 1976
RWQCB	Regional Water Quality Control Board
SHPO	State Historic Preservation Office
SJVAPCD	San Joaquin Valley Air Pollution Control District
SWPPP	Storm Water Pollution Prevention Plan

Figure 1: Potential Locations of Proposed Water Wells, Storage Tanks and Pipelines



EVALUATION OF ENVIRONMENTAL IMPACTS

1. A brief explanation is required for all answers except “no Impact” answers that are adequately support by the information sources a lead agency cites, in the parentheses following each question. A “No Impact” answer is adequately supported if the reference information sources show that the impact simply does not apply to projects like the one involved (e.g., the project falls outside a fault rupture zone). A “No Impact” answer should be explained where it is based on project-specific factors as well as general standards (e.g., the project will not expose sensitive receptors to pollutants, based on a project-specific screening analysis).
2. All answers must take account of the whole action involved, including off-site as well as on-site, cumulative as well as project-level, indirect as well as direct, and construction as well as operational impacts.
3. Once the lead agency has determined that a particular physical impact may occur, then the checklist answers must indicate whether the impact is potentially significant, less than significant with mitigation, or less than significant. “Potentially Significant Impact” is appropriate if there is substantial evidence that an effect may be significant. If there are one or more “Potentially Significant Impact” entries when the determination is made, an EIR is required.
4. “Negative Declaration: Less Than Significant With Mitigation Incorporated” applies where the incorporation of mitigation measures has reduced an effect from “Potentially Significant Impact” to a “Less Than Significant Impact.” The lead agency must describe the mitigation measures, and briefly explain how they reduce the effect to a less than significant level (mitigation measures from “Earlier Analyses,” as described in (5) below, may be cross-referenced).
5. Earlier analyses may be used where, pursuant to the tiering, program EIR, or other CEQA process, an effect has been adequately analyzed in an earlier EIR or negative declaration. Section 15063(c) (3)(D). In this case, a brief discussion should identify the following.
 - a) Earlier Analysis Used. Identify and state where they are available for review.
 - b) Impacts Adequately Addressed. Identify which effects from the above checklist were within the scope of and adequately analyzed in an earlier document pursuant to applicable legal standards, and state whether such effects were addressed by mitigation measures based on the earlier analysis.
 - c) Mitigation Measures. For effects that are “Less than Significant with Mitigation Measures Incorporated.” Describe and mitigation measures which were incorporated or refined from the earlier document and the extent to which they address site-specific conditions for the project.
6. Lead agencies are encouraged to incorporate into the checklist references to information sources for potential impacts (e.g., general plans, zoning ordinances). Reference to a previously prepared or outside document should, where appropriate, include a reference to the page or pages where the statement is substantiated.

ENVIRONMENTAL FACTORS POTENTIALLY AFFECTED

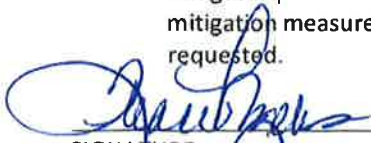
The environmental factors checked below would be potentially affected by this project, involving at least one impact that is a "Potentially Significant Impact" as indicated by the checklist on the following pages.

- | | | |
|---|--|---|
| <input type="checkbox"/> Aesthetics | <input type="checkbox"/> Greenhouse Gas Emissions | <input type="checkbox"/> Population |
| <input type="checkbox"/> Agriculture and Forest Resources | <input type="checkbox"/> Hazards and Hazardous Materials | <input type="checkbox"/> Public Services |
| <input type="checkbox"/> Air Quality | <input type="checkbox"/> Hydrology and Water Quality | <input type="checkbox"/> Recreation |
| <input type="checkbox"/> Biological Resources | <input type="checkbox"/> Land Use and Planning | <input type="checkbox"/> Transportation/Traffic |
| <input type="checkbox"/> Cultural Resources | <input type="checkbox"/> Mineral Resources | <input type="checkbox"/> Utilities and Service System |
| <input type="checkbox"/> Geology and soils | <input type="checkbox"/> Noise | <input type="checkbox"/> Mandatory Findings of Significance |

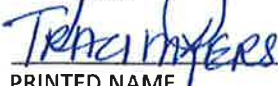
DETERMINATION: (To be completed by the Lead Agency) Where potential impacts are anticipated to be significant, mitigation measures will be required, so that impacts may be avoided or reduced to insignificant levels.

On the basis of this initial evaluation:

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



 SIGNATURE



 PRINTED NAME

12/12/16

 DATE

City of Tulare

 Agency

ENVIRONMENTAL ANALYSIS

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

I. AESTHETICS

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

Environmental Setting

The locations of the replacement wells, new well and storage tanks are located throughout the City including areas designated as neighborhood commercial, public lands, multiple family and single family residential neighborhoods, and parks (See Figure 1).

Discussion:

- a) **Less Than Significant Impact:** A scenic vista is defined as a viewpoint that provides expansive views of highly valued landscape for the benefit of the general public. The Sierra Nevada Mountains are the only natural and visual resource in the project area. Views of these distant mountains are afforded only during clear conditions. Due to poor air quality in the valley, this mountain range is not visible on the majority days. Distant views of the Sierra Nevada Mountains would largely be unaffected by the development of the project because of the distance and limited visibility of these features. The City of Tulare does not identify views of these features as required to be “protected.” The project consists of water wells, above-ground water storage tanks, and underground pipelines. The project components will be located in areas that have similar urban uses and the project will not introduce uses that are not consistent with existing land uses. Based upon this, and the lack of view of the features on a majority of days in the year both on and off site, the impact is *less than significant*.

- b) **Less Than Significant Impact:** None of the proposed sites contain any rock outcropping or historic buildings. Additionally, there are no highways within the planning area that

are designated by State or local agencies as “Scenic highways.” Therefore, the proposed project would have *less than significant impacts* to any scenic resources.

- c) **Less Than Significant Impact:** The project consists of water wells, above-ground water storage tanks, and underground pipelines. The City will evaluate each specific site for suitability (See Mitigation Measure #1 and #2). The project components will be located in areas that have similar urban uses and the project will not introduce uses that are not consistent with existing land uses. Therefore, the proposed project would have *less than significant impacts* on the visual character of the area.

- d) **Less Than Significant Impact:** Nighttime lighting is necessary to provide and maintain safe, secure, and attractive environments; however, these lights have the potential to produce spillover light and glare and waste energy, and if designed incorrectly, could be considered unattractive. Light that falls beyond the intended area is referred to as “light trespass.” Types of light trespass include spillover light and glare. Minimizing all these forms of obtrusive light is an important environmental consideration. A less obtrusive and well-designed energy efficient fixture would face downward, emit the correct intensity of light for the use, and incorporate energy timers.

Spillover light is light emitted by a lighting installation that falls outside the boundaries of the property on which the installation is sited. Spillover light can adversely affect light-sensitive uses, such as residential neighborhoods at nighttime. Because light dissipates as it travels from the source, the intensity of a light fixture is often increased at the source to compensate for the dissipated light. This can further increase the amount of light that illuminates adjacent uses. Spillover light can be minimized by using only the level of light necessary, and by using cutoff type fixtures or shielded light fixtures, or a combination of fixture types.

Glare results when a light source directly in the field of vision is brighter than the eye can comfortably accept. Squinting or turning away from a light source is an indication of glare. The presence of a bright light in an otherwise dark setting may be distracting or annoying, referred to as discomfort glare, or it may diminish the ability to see other objects in the darkened environment, referred to as disability glare. Glare can be reduced by design features that block direct line of sight to the light source and that direct light downward, with little or no light emitted at high (near horizontal) angles, since this light would travel long distances. Cutoff-type light fixtures minimize glare because they emit relatively low-intensity light at these angles.

Currently the sources of light in the proposed Project area are from street lights, vehicles traveling along adjacent roads, residential and commercial units and other security lighting. The Project would include nighttime lighting for security. Such lighting

would be subject to General Plan Policies LU-P13.24 and LU-P13.25, which ensure that lighting in residential areas, roadways and all future development be designed to prevent light spillover. Lighting fixtures for security would be designed with “cutoff” type fixtures or shielded light fixtures, or a combination of fixture types to cast light downward, thereby providing lighting at the ground level for safety while reducing glare to adjacent properties. Accordingly, the proposed Project would not create substantial new sources of light or glare. Potential impacts are *less than significant*.

II. AGRICULTURE AND FOREST RESOURCES:

In determining whether impacts to agricultural resources are significant environmental effects, lead agencies may refer to the California Agricultural Land Evaluation and Site Assessment Model (1997) prepared by the California Department of Conservation as an optional model to use in assessing impacts on agriculture and farmland. In determining whether impacts to forest resources, including timberland, are significant environmental effects, lead agencies may refer to information compiled by the California Department of Forestry and Fire Protection regarding the state's inventory of forest land, including the Forest and Range Assessment Project and the Forest Legacy Assessment project; and forest carbon measurement methodology provided in Forest Protocols adopted by the California air Resources Board. - -Would the project:	Potentially Significant Impact	Less Than Significant With Mitigation Incorporation	Less than Significant Impact	No Impact
a) Convert Prime Farmland, Unique Farmland, or Farmland of Statewide Importance (Farmland), as shown on the maps prepared pursuant to the Farmland Mapping and Monitoring Program of the California Resources Agency, to non-agricultural use?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b) Conflict with existing zoning for agricultural use, or a Williamson Act Contract?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
c) Conflict with existing zoning for, or cause rezoning of, forest land (as defined in Public Resources Code section 12220(g)), timberland (as defined by Public Resources Code section 4526), or timberland zoned timberland Production	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

(as defined by Government Code section 51104(g))?				
d) Result in the loss of forestland or conversion of forest land to non-forest use?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
e) Involve other changes in the existing environment, which, due to their location or nature, could result in conversion of Farmland, to non-agricultural use or conversion of forestland to non-forest use?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

Discussion:

- a) **No Impact:** The proposed project sites are located in areas of the City considered Vacant/Disturbed Land by the State Farmland Mapping and Monitoring Program (FMMP). No Prime Farmland, Unique Farmland, or Farmland of Statewide Importance or land under Williamson Act contracts occurs in the project area. Therefore, the project has *no impacts*.
- b) **No Impact:** The project site is not under Williamson Act contract and therefore would create *no impacts*.
- c) **No Impact:** The project site is not zoned for agriculture use and there is no zone change proposed for the site, therefore *no impacts* would occur.
- d) **No Impact:** No conversion of forestland, as defined under Public Resource Code or General Code, will occur as a result of the project and would create *no impacts*.
- e) **No Impact:** The site is within an urban area and the City's General Plan designation for the area is community commercial, residential, and parks and recreation. Therefore, the project has *no impacts*.

III. AIR QUALITY

Where available, the significance criteria established by the applicable air quality management or air pollution control district may be relied upon to make the following determinations. Would the project:	Potentially Significant Impact	Less Than Significant With Mitigation Incorporation	Less than Significant Impact	No Impact
a) Conflict with or obstruct implementation of the applicable air quality plan?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b) Violate any air quality standard or contribute substantially to an existing or projected air quality violation?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

c) Result in a cumulatively considerable net increase of any criteria pollutant for which the project region is non-attainment under an applicable federal or state ambient air quality standard (including releasing emissions, which exceed quantitative thresholds for ozone precursors)?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
d) Expose sensitive receptors to substantial pollutant concentrations?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
e) Create objectionable odors affecting a substantial number of people?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

CURRENT POLICIES AND REGULATIONS

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

California Clean Air Act - California Air Resources Board coordinates and oversees both state and federal air pollution control programs in California. As part of this responsibility, California Air Resources Board monitors existing air quality, establishes California Ambient Air Quality Standards, and limits allowable emissions from vehicular sources. Regulatory authority within established air basins is provided by air pollution control and management districts, which control stationary-source and most categories of area-source emissions and develop regional air quality plans. The project is located within the jurisdiction of the San Joaquin Valley Air Pollution Control District.

The state and federal standards for the criteria pollutants are presented in (see Table 1, page 14). These standards are designed to protect public health and welfare. The “primary” standards have been established to protect the public health. The “secondary” standards are intended to protect the nation’s welfare and account for air pollutant effects on soils, water, visibility, materials, vegetation and other aspects of general welfare. The U.S. EPA revoked the national 1-hour ozone standard on June 15, 2005, and the annual PM₁₀ standard on September 21, 2006, when a new PM_{2.5} 24-hour standard was established.

Table 1

Ambient Air Quality Standards				
Pollutant	Averaging Time	California Standards	National Standards	
			Primary	Secondary
Ozone (O ₃)	1-hour	0.09 ppm 180 ug/m ³		Same as Primary Standard
	8-hour			
Respirable Particulate Matter (PM ₁₀)	Annual Geometric Mean	20 ug/m ³	-	Same as Primary Standard
	24-Hour	50 ug/m ³	150 ug/m ³	
	Annual Arithmetic Mean	-	50 ug/m ³	
Fine Particulate Matter (PM _{2.5})	24-Hour	No Separate State Standard 12 ug/m ³	65 ug/m ³	
	Annual Arithmetic Mean		15 ug/m ³	
Carbon Monoxide (CO)	8-hour	9.0 ppm (10 mg/m ³)	9 ppm (10 mg/m ³)	None
	1-Hour	20 ppm (23 mg/m ³)	35 ppm (40 mg/m ³)	
	8-Hour (Lake Tahoe)	6 ppm (7 mg/m ³)	-	
Nitrogen Dioxide (NO ₂)	Annual Arithmetic Mean	0.030 ppm (57 ug/m ³)	0.053ppm ^f (100ug/m ³)	Same as Primary Standard
	1-hour	0.18 ppm (339 ug/m ³)	0.1 ppm ^f (188 ug/m ³)	-
	24-Hour	0.04 ppm (105 ug/m ³)	0.14 ppm (365ug/m ³)	-
Sulfur Dioxide (SO ₂)	3-Hour	-	-	0.5 ppm (1300 ug/m ³)
	1-Hour	0.25 ppm (655 ug/m ³)	75 ppb ^g (196 ug/m ³)	-
	30-day Average	-	-	-
Lead ^h	Calendar Quarter	(1.5 ug/m ³)	(1.5ug/m ³)	Same as Primary Standard
	Rolling 3-month Average ⁱ	-	(0.15ug/m ³)	
	24-Hour	25 ug/m ³		
Sulfates	24-Hour	25 ug/m ³		National Standard
Hydrogen Sulfide	1-Hour	0.03 ppm (42 ug/m ³)		
Vinyl Chloride	24-Hour	0.01 ppm (26 ug/m ³)		
Visibility-Reducing Particle Matter	8-Hour	Extinction coefficient of 0.23 per kilometer –visibility of 10 miles or more because of particles when the relative humidity is less than 70%.		

Notes:

Ambient Air Quality Standards				
Pollutant	Averaging Time	California Standards	National Standards	
			Primary	Secondary
<ol style="list-style-type: none"> California standards for ozone, carbon monoxide (except Lake Tahoe), sulfur dioxide (1 and 24 hour), nitrogen dioxide, suspended particulate matter –PM 10, PM2.5, and visibility reducing particles, are values that are not to be exceeded. All others are not to be equaled. California ambient air quality standards are listed in the Table of Standards in Section 70200 of Title 17 of the California Code of Regulations, National standards (other than ozone, particulate matter, and those based on annual averages or annual arithmetic mean) are not to be exceeded more than once a year. The ozone standard is attained when the fourth highest eight-hour concentration in a year, averaged over three years, is equal to or less than the standard. For PM10, the 24-hour standard is attained when the expected number of days per calendar year with a 24-hour average concentration above 150ug/m3 is equal to or less than one. For PM2.5, the 24 hour standard is attained when 98 percent of the daily concentrations, averaged over three years, equal to or less than the standard. Contact U.S. EPA for further clarification and current federal policies. Concentration expressed first in units in which it was promulgated. Equivalent units given in parentheses are based upon a reference temperature of 25° C and a reference pressure of 760 torr. Most measurements of air quality are to be corrected to a reference temperature of 25° C and a reference pressure of 760 torr; ppm in this table refers to ppm by volume, or micromoles of pollutant per mole of gas. Any equivalent procedure which can be shown to the satisfaction of the ARB to give equivalent results at or near the level of the air quality standard may be used. National Primary Standards: The levels of air quality necessary, with an adequate margin of safety to protect the public health. National Primary Standards: The levels of air quality necessary to protect the public welfare from protect the public welfare from any known or anticipate adverse effects of a pollutant. Reference method as described by the EPA. An "Equivalent method" of measurement may be used but must have a "consistent relationship to the reference method" and must be approved by the EPA. To attain the standard, the 3-year average of the 98th percentile of the daily maximum 1-hour average at each monitor within an area must not exceed 0.100 ppm (effective January 22, 2010). Note that the EPA standards are in units of parts per billion (PPB). California standards are in units of parts per million (PPM). To directly compare the national standards to the California standards are in units of parts per million from ppb to ppm. In this case, the national standards of 53 ppb and 100 ppb are identical to 0.053 ppm and 0.100 ppm, respectively. On June 2, 2010, the U. S. EPA established a new 1-hour SO₂ standard, effective August 23, 2010, which is based on the 3-year average of the annual 99th percentile of 1-hour daily maximum concentrations. EPA also proposed a new automated Federal Reference Method (FRM) have adequately permeated Stat-monitoring networks. The EPA also revoked both the existing 24-hour SO₂ standard of 0.030 ppm effective August 23, 2010. The secondary SO₂ standard was not revised at that time; however, the secondary standard is undergoing a separate review by EPA. Not that the new standard is in units of parts per billion (ppb). California standards are in units of parts per million (ppm). To directly compare the new primary national standard to the California standard of 75 ppb is identical to 0.075 ppm. The ARB has identified lead and vinyl chloride as 'toxic air contaminants' with no thresholds level of exposure for adverse health effects determined. These actions allow for the implementation of control measures at levels below the ambient concentrations specified for these pollutants. National lead standard, rolling 3-month average; final rule signed October 15, 2008. <p>Source: ARB 2010; EPA 2010</p>				

Air quality is described in terms of emissions rate and concentration of emissions. An emissions rate is the amount of pollutant released into the atmosphere by a given source over a specified time period. Emissions rates are generally expressed in units such as pounds per hour (1lbs/hr) or tons per year. Concentrations of emissions, on the other hand, represent the amount of pollutant in a given space at any time. Concentration is usually expressed in units such as micrograms per cubic meter, kilograms per metric ton, or parts per million. There are

4 primary sources of air pollution within the SJVAB: motor vehicles, stationary sources, agricultural activities, and construction activities.

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

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

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

- Lowering the limits on hydrochloric acid and nitrogen oxides (NO_x) emissions, requiring the increased use of alternative-fuel cars, on-board canisters to capture vapors during refueling, and extending emission-control warranties.
- Reducing airborne toxins by requiring factories to install “maximum achievable control technology” and installing urban pollution control programs.
- Reduction Acid rain production by cutting sulfur dioxide emissions for coal-burning power plants.

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

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

- Rule 4002 – National Emission Standards for Hazardous Air Pollutants

There are no existing structures located on the proposed site.

- Rule 4102 – Nuisance
This rule applies to any source operation that emits or may emit air contaminants or other materials. In the event that the project or construction of the project creates a public nuisance, it could be in violation and be subject to district enforcement action.
- Rule 4601 – Architectural coatings.
The purpose of this rule is to limit volatile organic compound (VOC) emissions from architectural coatings. Emissions are reduced by limits on VOC content and providing requirements on coatings storage, cleanup, and labeling
- Rule 4641- Cutback, slow cure, and emulsified asphalt, paving and maintenance operations. The purpose of this rule is to limit VOC emissions from asphalt paving and maintenance operations. If asphalt paving will be used, then the paving operations will be subject to Rule 4641.
- Rule 9510 – Indirect Source Review (ISR)
This rule reduces the impact of PM₁₀ and NO_x emissions from growth on the SJVB. This rule places application and emission reduction requirements on applicable development projects in order to reduce emissions through onsite mitigation, offsite SJVAPCD-administered projects, or a combination of the two. This project will submit an Air Impact Assessment (AIA) application in accordance with Rule 9510's requirements.
- Compliance with SJVAPCD Rule 9510 (ISR) reduces the emissions impact of the project through incorporation of onsite measures as well as payment of an offsite fee that funds emissions reduction projects in the SJVAB. A number of "optional"/Above and Beyond" mitigation measures included in this project can be created as Rule 9510 – onsite mitigation measures.
- Regulation VIII – fugitive PM₁₀ Prohibitions
Rules 8011 – 8081 are designed to reduce PM₁₀ emissions (predominantly dust/dirt) generated by human activity, including construction and demolition activities, road construction, bulk materials storage, paved and unpaved roads, carryout and track-out etc. Among the Regulation VIII Rules applicable to the project are the following:
 1. Rule 8011 – Fugitive Dust Administrative Requirements for Control of Fine Particulate Matter (PM₁₀)
 2. Rule 8021 – Fugitive Dust Requirements for Control of fine Particulate Matter (PM₁₀) from Construction, Excavation, and Extraction Activities

3. Rule 8030 – Fugitive dust Requirements for Control of Fine Particulate Matter (PM₁₀) from Handling and Storage of Fine Bulk Materials.
4. Rule 8060 – Fugitive dust Requirements for Control of fine Particulate Matter (PM₁₀) from Paved and Unpaved Roads.
5. Rule 8070 - Fugitive Dust Requirements for Control of Fine Particulate Matter P₁₀) from Vehicle and/or Equipment Parking, Shipping, Receiving, Transfer, Fueling, and Service Areas.
6. Rule 8071 – Unpaved vehicle/equipment traffic areas. The purpose of this rule is to limit dust emissions from travel on unpaved parking areas. If the project exceeds the applicability threshold of 25 daily vehicle trips by vehicles and three or more axles, control requirements listed in the rule must be met.

Discussion:

- a) **Less-Than-Significant-Impact:** The proposed project is located within the boundaries of the San Joaquin Valley Air Pollution Control District (SJVAPCD). The SJVAPCD is responsible for bringing air quality in the City into compliance with federal and state air quality standards. The proposed project does not include land use changes that would conflict with the long-range air quality projects of the San Joaquin Valley Air Pollution Control District. The project is being constructed to support and account for existing and projected water demand identified in the City's General Plan. The project does not have any component that would cause an increase in vehicle miles traveled unaccounted for in regional emissions inventories. Therefore, the project would not conflict with or obstruct implementation of any SJVAPCD plans or guidelines and impacts would be *less than significant*.
- b) **Less-than-significant-Impact:** Construction of the proposed project involves demolition, excavation, and use of construction equipment. Project construction would result in short-term air pollutant emissions from use of construction equipment, earth-moving activities (grading), construction workers' commutes, materials deliveries and short-distance earth and debris hauling.

To aid in evaluating potentially significant construction and/or operational impacts of a project, SJVAPCD has prepared an advisory document, the Guide for Assessing and Mitigating Air Quality Impacts (GAMAQI), which contains standard procedures for addressing air quality in CEQA documents (SJVAPCD, 2002), which was updated in March of 2015.

GAMAQI presents a three-tiered approach to air quality analysis. The Small Project Analysis Level (SPAL) is first used to screen the project for potentially significant impacts. A project that meets the screening criteria at this level requires no further analysis and

air quality impacts of the project may be deemed less than significant. If a project does not meet all the criteria at this screening level, additional screening is recommended at the Cursory Analysis Level and, if warranted, the Full Analysis Level.

GAMAQI 5-3(b) (Table 2), which SJVAPCD recommends using as part of the initial screening process, shows the maximum trips per day to be considered a SPAL project. The project would not generate any additional trips, therefore, the project meets the SPAL criterion for project type and is excluded from quantifying criteria pollutant emissions for CEQA purposes.

SJVAPCD Regulation VIII mandates requirements, as seen in Table 2, for any type of ground moving activity and would be adhered to during the construction; however, during construction, air quality impacts would be less than SJVAPCD thresholds for non-attainment pollutants and operation of the project would not result in impacts to air quality standards for criteria pollutants. As such, any impacts would be *less than significant*.

Table 2
Regulation VIII Control Measures for Construction Emissions of PM-10

<p>The following controls are required to be implemented at all construction sites in the San Joaquin Valley Air Basin</p> <ul style="list-style-type: none">• All disturbed areas, including storage piles, which are not being actively utilized for construction purposes, shall be effectively stabilized of dust emissions using water, chemical stabilizer/suppressant, covered with a tarp or other suitable cover or vegetative ground cover.• All on-site unpaved roads and off-site unpaved access roads shall be effectively stabilized of dust emissions using water or chemical stabilizer/suppressant.• All land clearing, grubbing, scraping, excavation, land leveling, grading, cut & fill, and demolition activities shall be effectively controlled of fugitive dust emissions utilizing application of water or by presoaking.• With the demolition of buildings up to six stories in height, all exterior surfaces of the building shall be wetted during demolition.• When materials are transported off-site, all materials shall be covered, or effectively wetted to limit visible dust emissions, and at least six inches of freeboard space from the top of the container shall be maintained.• All operations shall limit or expeditiously remove the accumulation of mud or dirt from adjacent public streets at the end of each workday. (The use of dry rotary brushes is expressly prohibited except where preceded or accompanied by sufficient wetting to limit the visible dust emissions). (Use of blower devices is expressly forbidden).• Following the addition of materials to, or the removal of materials from, the surface of outdoor storage piles, said piles shall be effectively stabilized of fugitive dust emissions utilizing sufficient water or chemical stabilizer/suppressant.• Within urban areas, trackout shall be immediately removed when it extends 50 or more feet from the site and at the end of each workday.• Any site with 150 or more vehicle trips per day shall prevent carryout and trackout.

- c) **Less-Than-Significant-Impact:** The SJVAPCD accounts for cumulative impacts to air quality in its "Guide for Assessing and Mitigating Air Quality Impacts" Technical Document Information for Preparing Air Quality Sections in EIRs" and its "Guide for Assessing and Mitigating Air Quality Impacts". The SJVAPCD considered basin-wide cumulative impacts to air quality when developing its significance thresholds (SJVAPCD, 2002b). Since the project does not produce any vehicle trips, the cumulative impacts to air quality from construction/operation of the proposed project are considered to be *less than significant*.

- d) **Less-Than-Significant-Impact:** The project does not include any project components identified by the California Air Resources Board that could potentially impact any sensitive receptors. These include heavily traveled roads, distribution centers, fueling stations and dry cleaning operations. The proposed project would not expose sensitive receptors to substantial pollutant concentrations and therefore there will be *less than significant impacts*.

- e) **Less-Than-Significant-Impact:** The project will create temporary typical construction odors as the project develops. The proposed project will not introduce a conflicting land use (surrounding land includes residential neighborhoods, open space, commercial uses, and public roads) to the area and will does not have any component that would typically emit odors. The project would not create objectionable odors affecting a substantial number of people and therefore there will be *less than significant impacts*.

IV. BIOLOGICAL RESOURCES

Would the project:	Potentially Significant Impact	Less Than Significant With Mitigation Incorporation	Less than Significant Impact	No Impact
a) Have a substantial adverse effect, either directly or through habitat modifications, on any species identified as a candidate, sensitive, or special status species in local or regional plans, policies, or regulations, or by the California Department of Fish & Game or U.S. fish and Wildlife Service?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
b) Have a substantial adverse effect on any riparian habitat or other sensitive natural community identified in local or regional plans, policies, regulations or by the California Department of Fish and Game or US Fish and Wildlife Service?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

c) Have a substantial adverse effect on federally protected wet-lands as defined by Section 404 of the Clean Water Act (including, but not limited to, marsh, vernal pool, coastal, etc.) through director removal, filling, hydrological interruption, or other means?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
d) Interfere substantially with the movement of any native resident or migratory fish or wildlife species or with established native resident or migratory wildlife corridors, or impede the use of native wildlife nursery sites?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
e) Conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
f) Conflict with the provisions of an adopted Habitat Conservation Plan, Natural Community Conservation Plan, or other approved local, regional, or state habitat conservation plan?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

Federal, State, and local laws, regulations and policies.

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

Clean Water Act - Section 404 of the Clean Water Act of (1972) is to maintain, restore, and enhance the physical, chemical, and biological integrity of the nation’s waters. Under Section 404 of the Clean Water Act, the US Army Corps of Engineers (USACE) regulates discharges of dredged and fill materials into “waters of the United States” (jurisdictional waters). Waters of the US including navigable waters of the United States, interstate waters, tidally influenced waters, and all other waters where the use, degradation, or destruction of the waters could affect interstate or foreign commerce, tributaries to any of these waters, and wetlands that meet any of these criteria or that are adjacent to any of these waters or their tributaries.

California Endangered Species Act (CESA) – prohibits the take of any state-listed threatened and endangered species. CESA defines *take* as “any action or attempt to hunt, pursue, catch, capture, or kill any listed species.” If the proposed project results in a take of a listed species, a permit pursuant to Section 2080 of CESA is required from the CDFG.

Discussion:

- a) **Less than Significant Impact With Mitigation:** The project consists of construction and operation of replacement wells, new well and storage tanks are located throughout the City including areas designated as neighborhood commercial, public lands, multiple family and single family residential neighborhoods, and parks. The project areas contain no known suitable habitat for any protected state or federal species. However, in order to ensure that no significant impacts occur, the City will implement Mitigation Measure #1 and #2. Therefore, the project will have *a less than significant impact after mitigation* on any protected species.
- b) **No Impact:** As identified in the City’s General Plan EIR, the project site is not located within or adjacent to an identified sensitive riparian habitat or other natural community. Therefore, the proposed project would have *no impact* to riparian habitat.
- c) **No Impact:** As identified in the City’s General Plan EIR, there are no known wetlands located in or around the project site as reviewed on the U.S. Fish and Wildlife Service National Wetlands Inventory map. Therefore, the project will have *no impact* on federally protected wetlands as defined in Section 404 of the Clean Water Act.
- d) **No Impact:** As identified in the City’s General Plan EIR, there are no identified migratory corridors on or near the site. Therefore, the proposed project would have *no impacts*.
- e) **Less Than Significant Impact:** The City of Tulare has an oak tree preservation policy according to Tulare Municipal Code 8.52.100 (Preservation of Heritage Trees). It is not anticipated that the project will require removal of oak trees. However, if oak trees are removed, replacement and/or replanting shall be done in accordance with the City’s municipal code. Any impacts would be *less than significant*.
- f) **No Impact:** There are no local or regional habitat conservation plans for the area and *no impacts* would occur.

V. CULTURAL RESOURCES

Would the project:	Potentially Significant Impact	Less Than Significant With Mitigation Incorporation	Less than Significant Impact	No Impact
a) Cause a substantial adverse change in the significance of a historical resource as defined in Section 15064.5?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

b) Cause a substantial adverse change in the significance of an archaeological resource pursuant to Section 15064.5?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
c) Directly or indirectly destroy a unique paleontological resource or site or unique geologic feature?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
d) Disturb any human remains, including those interred outside of formal cemeteries?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Discussion:

- a) **Less Than Significant Impact With Mitigation:** A cultural records search was conducted for the project by the Southern San Joaquin Valley Information Center (See Appendix A). According to the records search, there are no recorded cultural resources within the project area and there are no resources that are listed in the National Register of Historic Places, the California Register of Historical Resources, the California Points of Historical Interest, California Inventory of Historical Resources, or the California State Historic Landmarks. There are no known historical resources located within the project area; however, it is impossible to know if undiscovered underground historical resources are present. Implementation of Mitigation Measure CUL-1 will ensure that impacts to this checklist item will be *less than significant with mitigation* incorporation.

Mitigation Measure CUL-1: Pursuant to CEQA Guidelines 15064.5 (f), provisions for historical or unique archaeological resources accidentally discovered during construction should be instituted. Therefore, in the event that any prehistoric or historic subsurface cultural resources are discovered during ground disturbing activities, all work within 50 feet of the resources shall be halted and a qualified archaeologist or paleontologist shall be contacted to assess the significance of the find. If any find is determined to be significant, project proponents and the qualified archaeologist and/or paleontologist would meet to determine the appropriate avoidance measures or other appropriate mitigation. All significant cultural materials recovered shall be subject to scientific analysis, professional museum curation, and a report prepared by the qualified archaeologist according to current professional standards. If the discovery includes human remains, CEQA Guidelines 15064.5 (e)(1) shall be followed.

- b) **Less Than Significant Impact With Mitigation:** There are no known archaeological resources located within the project area. Implementation of Mitigation Measure CUL-1 will ensure that potential impact will be *less than significant with mitigation* incorporation.
- c) **Less Than Significant Impact With Mitigation:** There are no known paleontological resources located within the project area. However, implementation of Mitigation

Measure CUL-1 will ensure that any impacts resulting from project implementation remain *less than significant with mitigation* incorporation.

- d) **Less Than Significant Impact With Mitigation:** There are no known human remains buried in the project vicinity. If human remains are unearthed during development, there is a potential for a significant impact. As such, implementation of Mitigation Measure CUL-1 will ensure that impacts remain *less than significant with mitigation* incorporation.

VI. GEOLOGY AND SOILS

Would the project:	Potentially Significant Impact	Less Than Significant With Mitigation Incorporation	Less than Significant Impact	No Impact
a) Expose people or structures to potential substantial adverse effects, including the risk of loss, injury, or death involving: i) Rupture of a known earthquake fault, as delineated on the most recent Alquist-Priolo Earthquake Fault Zoning Map issued by the State Geologist for the area or based on other substantial evidence of a know fault? Refer to Division of Mines and Geology Special Publication 42.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
ii) Strong seismic ground shaking?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
iii) Seismic-related ground failure, including liquefaction?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
iv) Landslides?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b) Result in substantial soil erosion or the loss of topsoil?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c) Be located on a geologic unit or soil that is unstable, or that would become unstable as a result of the project, and potentially result in on- or off-site landslide, lateral spreading, subsidence, liquefaction or collapse?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
d) Be located on expansive soil, as defined in Table 18- 1-B of the Uniform Building Code (1994), creating substantial risks to life or property?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
e) Have soils incapable of adequately supporting the use of septic tanks or alternative waste water disposal systems where sewers are not available for the disposal of waste water?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

Discussion:

- a-i and ii) **Less Than Significant Impact:** According to the City of Tulare General Plan EIR, no active faults underlay the project site. Although the project is located in an area of low seismic activity, the project could be affected by groundshaking from nearby faults. The potential for strong seismic ground shaking on the project site is not a significant environmental concern due to the infrequent seismic activity of the area and distance to the faults. Furthermore, the proposed project would not expose people to seismic ground shaking beyond the conditions that currently exist throughout the project area. The project would be constructed to the standards of the most recent seismic Uniform Building and Safety Code (UBSC). Compliance with these design standards will ensure potential impacts related to strong seismic ground shaking would be *less than significant*.
- a-iii) **Less-Than-Significant-Impact:** Liquefaction is a phenomenon whereby unconsolidated and/or near-saturated soils lose cohesion and are converted to a fluid state as a result of severe vibratory motion. The relatively rapid loss of soil shear strength during strong earthquake shaking results in temporary, fluid-like behavior of the soil. The project area does not contain soils suitable for liquefaction. Furthermore, soil conditions on the site are not prone to soil instability due to their low shrink-swell behavior. The impact would be *less than significant*.
- a-iv) **No Impact:** The project site is generally flat and previously disturbed. There are no hill slopes in the area and no potential for landslides. No geologic landforms exist on or near the site that would result in a landslide event. There would be *no impact*.
- b) **Less-Than-Significant-Impact:** The project will not result in loss of top soil as it includes installation of an underground pipe and repair/replacement of existing sidewalk and asphalt. Implementation of adopted management practices and compliance with the SJVAPCD standard measures will ensure that these impacts remain *less than significant*.
- c) **Less-Than-Significant-Impact:** Substantial grade change would not occur in the topography to the point where the project would expose people or structures to potential adverse effects on, or offsite, such as landslides, lateral spreading, subsidence, liquefaction or collapse. The impact would be *less than significant*.
- d) **No Impact:** No subsidence-prone soils, oil or gas production exists at the project site. The soils within the area are described as sandy loam soils which are not prone to soil instability due to their moderate shrink-swell. There would be no impact.
- e) **No Impact:** The project does not include installation of any sewer or septic components. There would be no impact.

VII. GREENHOUSE GAS EMISSIONS

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

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

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

Greenhouse Effect - is the warming of the earth’s atmosphere attributed to a buildup of carbon dioxide (CO₂) or other gases; some scientists think that this build-up allows the sun’s rays to heat the earth, while making the infrared radiation atmosphere opaque to infrared radiation, thereby preventing a counterbalancing loss of heat.

Greenhouse Gases - are those that absorb infrared radiation in the atmosphere. GHG include water vapor, CO₂, methane, nitrous oxide (N₂O), halogenated fluorocarbons, ozone, per fluorinated carbons PFCs), and hydrofluorocarbons.

Discussion:

a) **Less-Than-Significant-Impact:**

Construction: Greenhouse gas emissions, generated during construction, would include activities such as site preparation, excavation, installation of sidewalk/ramps, paving, etc.

The District does not have a recommendation for assessing the significance to construction-related emissions. Construction activities occurring before 2020, the year when the State is required to reduce its GHG emissions to 1990 levels, are therefore considered *less than significant*.

Operation: The project does not include any long-term emissions (usually associated with vehicle trips, etc.). As such, operational GHG emissions are considered *less than significant*.

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

VIII. HAZARDS AND HAZARDOUS MATERIALS

Would the project:	Potentially Significant Impact	Less Than Significant With Mitigation Incorporation	Less than Significant Impact	No Impact
a) Create a significant hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b) Create a significant hazard to the public or the environment through reasonably foreseeable upset and accident conditions involving the release of hazardous materials into the environment?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
c) Emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste within one-quarter mile of an existing or proposed school?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
d) Be located on a site which is included on a list of hazardous materials sites compiled pursuant to Government Code Section 65962.5 and, as a result, would it create a significant hazard to the public or the environment?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
e) For a project located within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project result in a safety hazard for	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

people residing or working in the project area?				
f) For a project within the vicinity of a private airstrip, would the project result in a safety hazard for people residing or working in the project area?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
g) Impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
h) Expose people or structures to significant risk of loss, injury or death involving wildland fires, including where wildlands are adjacent to urbanized areas or where residences are intermixed with wildlands?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

Discussion:

- a) **Less-Than-Significant-Impact:** Project construction activities may involve the use and transport of hazardous materials. The use of such materials would be considered minimal and would not require these materials to be stored in bulk form. The construction contractor will be responsible for proper storage and use of any hazardous substances. The project must adhere to applicable zoning and fire regulations regarding the use and storage of any hazardous substances. Further, there is no evidence that the site has been used for underground storage of hazardous materials. Therefore, the proposed project will have *less than significant impacts* to hazardous materials.
- b) **No Impact:** There is no reasonably foreseeable condition or incident involving the project that could result in release of hazardous materials into the environment. There are *no impacts*.
- c) **Less Than Significant Impact:** The project will be located at various locations throughout the City. However, there is no reasonably foreseeable condition or incident involving the project that could affect any existing school sites. Any impacts would be *less than significant*.
- d) **No Impact:** The project site is not listed as a hazardous materials site pursuant to Government Code Section 65962.5 and is not included on a list compiled by the Department of Toxic Substances Control. There would be *no impact*.
- e) **No Impact:** The proposed project is not located within two miles of a public airport or private airstrip. There would be *no impact*.
- f) **No Impact:** There are no private airstrips in the vicinity of the proposed project. Based on the absence of any private airstrips, there would be *no impact* from private airstrips.

- g) **No Impact:** The City's design and environmental review procedures shall ensure compliance with emergency response and evacuation plans. In addition, the site plan will be reviewed by the Fire Department per standard City procedure to ensure consistency with emergency response and evacuation needs. Therefore, the proposed project would have *no impact* on emergency evacuation.
- h) **No Impact:** The land surrounding the project sites are heavily developed with urban uses. The site is currently disturbed and weedy vegetation is absent. Therefore, the proposed project would have *no impact* to wildland fires.

IX. HYDROLOGY AND WATER QUALITY

Would the project:	Potentially Significant Impact	Less Than Significant With Mitigation Incorporation	Less than Significant Impact	No Impact
a) Violate any water quality standards or waste discharge requirements?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b) Substantially deplete groundwater supplies or interfere substantially with groundwater recharge such that there would be a net deficit in aquifer volume or a lowering of the local groundwater table level (e.g. the production rate of preexisting nearby wells would drop to a level which would not support existing land use or planned uses for which permits have been granted)?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c) Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river, in a manner, which would result in substantial erosion or siltation on- or off-site?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
d) Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river, or substantially increase the rate or amount of surface runoff in a manner which would result in flooding on or off-site?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
e) Create or contribute runoff water, which would exceed the capacity of existing or planned stormwater drainage systems or provide substantial additional sources of polluted runoff?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
f) Otherwise substantially degrade water quality?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

g) Place housing within a 100-year flood hazard area as mapped on a federal Flood Hazard Boundary or Flood Insurance Rate Map or other flood hazard delineation map?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
h) Place within a 100-year flood hazard area structures, which would impede or redirect flood flows?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
i) Expose people or structures to a significant risk of loss, injury or death involving flooding, including flooding as a result of the failure of a levee or dam?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
j) Inundation by seiche, tsunami, or mudflow?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

Discussion:

- a) **Less-Than-Significant-Impact:** During construction, the project will have minimal impacts on the water quality and waste discharge requirements and will be subject to City and State standards for water discharge. Once constructed, the project will not have an ongoing water discharge component. Therefore there will be a *less than significant impact*.
- b) **Less-Than-Significant-Impact:** The project is in response to continued growth outlined in the City's General Plan and as evaluated in the City's General Plan EIR (SCH# 2012071064). Specifically, implementation of Land Use Policy 11.4 which states: "The City shall require that water supply systems be adequate to serve the size and configuration of land developments. Standards as set forth in the subdivision ordinance shall be maintained and improved as necessary." The project will replace six (6) existing wells with wells of similar capacity. The new well and water storage tanks are being constructed to maintain adequate water pressure within the City. The project itself will not substantially deplete groundwater as it will not increase water use beyond what was previously planned for and analyzed in the City's General Plan and Urban Water Management Plan. During construction, minimal amounts of water will be used. Therefore, the proposed project would not substantially deplete ground water supplies or interfere substantially with groundwater recharge. The project will result in *less than significant impacts*.
- c) **Less-Than-Significant-Impact:** The proposed project will not alter the existing drainage pattern of the street. There are no rivers, streams, or other water courses that will be impacted with the development of this project, and therefore there will be *less than significant impacts*.
- d) **Less-Than-Significant-Impact:**
(See discussion IX.c) above for discussion of project-related changes to site drainage and runoff. The project does not include alteration of the existing drainage pattern. As such,

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

- e) **Less-Than-Significant-Impact:** The proposed project does not include any impacts to the City's storm water collection system. Implementation of adopted management practices and compliance with the provisions of the National Pollutant Discharge Elimination System (NPDES) permit will ensure that these impacts remain *less than significant*.
- f) **Less-Than-Significant-Impact:** The project is not a source which would otherwise create substantial degradation of water quality and would be considered a *less than significant impact*.
- g,h) **No Impact:** The site is not within a 100-year flood hazard zone (City General Plan EIR). There is *no impact*.
- i) **No Impact:** The proposed project is located in a relatively flat area and is not located near any levees or dams. The two closest dams that could cause flooding are Terminus Dam and Success Dam, both of which are located more than 20 miles away. Although there are numerous Tulare Irrigation District Canals located throughout the City of Tulare, the canals do not include storage of large amounts of aboveground water that could be released suddenly due to a structural failure. Therefore, the proposed project would not expose people or structures to a significant risk of loss, injury, or death involving flooding, including flooding as a result of the failure of a levee or dam. *No impact* would occur.
- j) **No Impact:** The proposed project is located inland and not near an ocean or large body of water, therefore, would not be affected by a tsunami. The proposed project is located in a relatively flat area and would not be impacted by inundation related to mudflow. Therefore, the proposed project would have *no impact* to seiche, tsunami, or mudflow.

X. LAND USE AND PLANNING

Would the project:	Potentially Significant Impact	Less Than Significant With Mitigation Incorporation	Less than Significant Impact	No Impact
a) Physically divide an established community?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b) Conflict with any applicable land use plan, policy, or regulation of an agency with jurisdiction over the project (including, but not limited to the general plan, specific plan, local coastal program, or zoning	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

ordinance) adopted for the purpose of avoiding or mitigating an environmental effect?				
c) Conflict with any applicable habitat conservation plan or natural community conservation plan?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

Discussion:

- a) **No Impact:** The proposed project will not physically divide an established community and there will be *no impacts*.
- b) **No Impact:** The locations of the replacement wells, new well and storage tanks are located throughout the City including areas designated as neighborhood commercial, public lands, multiple family and single family residential neighborhoods, and parks/open-space (See Figure 1). The project does not conflict with any applicable land use plan or General Plan policies and therefore would create *no impacts*.
- c) **No Impact:** A review of the City’s General Plan indicates the project sites are not within an adopted or proposed conservation plan area. There would be *no impact* to an adopted or proposed conservation plan area.

XI. MINERAL RESOURCES

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

Discussion:

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

impede the mining of regionally or locally important mineral resources and less than significant impact would result. There is *no impact*.

XII. NOISE

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

The City of Tulare's Noise Element was adopted in 1988 to protect the citizens of the City of Tulare from harmful effects of exposure to excessive noise and to protect the economic base of the City by preventing the encroachment of incompatible land uses near known noise-producing industries, railroads, airports and other sources. Noise is defined as unwanted or excessive sound. Sound is a variation in air pressure that the human ear can detect. This pressure is measured within the human hearing range as decibels on the A scale (dBA). As the pressure of sound waves increases, the sound appears louder and the dBA level increases logarithmically. A noise level of 120 dB represents a million fold increases in sound pressure above the 0 dB level.

Discussion:

- a) **Less-than-Significant-Impact:** The sources of noise associated with the proposed project include diesel-fueled engines (pumps) and generators associated with the water well pumps and storage tanks. These engines will be placed in enclosed areas at each site in areas that either already have/had a previous well, or in areas that aren't directly adjacent to sensitive noise receptors. In addition, the proposed project will not result in a significant increase in vehicle or other operational noise sources. Therefore, exposure of persons to or generation of noise levels in excess of standards established in the General Plan would be *less-than-significant*.
- b) **Less-Than-Significant-Impact:** Operation of the proposed project will not result in excessive ground-borne vibration. Therefore, there would be a *less-than-significant* impact.
- c) **Less-Than-Significant-Impact:** The proposed project will not result in an increase in vehicle or other operational noise sources. Therefore, the potential impacts from ambient noise would be *less than significant*.
- d) **Less-Than-Significant-Impact:** Construction activities associated with implementation of the proposed project could temporarily increase ambient noise levels. Typical construction equipment would include scrapers, backhoes, drilling rigs and miscellaneous equipment (i.e. pneumatic tools, generators and portable air compressors). Typical noise levels generated by this type of construction equipment at various distances from the noise source are scraper, dump truck, water, truck, backhoe, and generator. High noise levels resulting from construction activities generally would be limited to daytime hours. The City's Ordinance requires noise-producing equipment used during construction shall be restricted to the hours of 6:00 a.m. to 10:00 p.m. These noise levels would be intermittent and short term, and would be considered *less than significant*.
- e) **No Impact:** There are no private or public airstrips in the vicinity of the proposed project. Based on the absence of any airstrips, there would be *no impact*.
- f) **No Impact:** There are no private or public airstrips in the vicinity of the proposed project. Based on the absence of any airstrips, there would be *no impact*.

XIII. POPULATION AND HOUSING

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

Discussion:

a,b,c) **No Impact:** The proposed project is in response to existing and proposed growth as identified in the City's General Plan. The project itself will not induce population growth and there are no new homes or businesses associated with the project. Therefore, there is *no impact*.

XIV. PUBLIC SERVICES

Would the project:	Potentially Significant Impact	Less Than Significant With Mitigation Incorporation	Less than Significant Impact	No Impact
a) Would the project result in substantial adverse physical impacts associated with the provision of new or physically altered governmental facilities, need for new or physically altered governmental facilities, the construction of which could cause significant environmental impacts, in order to maintain acceptable serve ratios, response times of other performance objectives for any of the public services:				
a. Fire protection?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b. Police protection?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
c. Schools?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
d. Parks?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
e. Other public facilities?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

Discussion:

- a. **No Impact:** The City of Tulare will provide fire protection services to the project site. The project does not include any increase in population. Therefore, there is *no impact*.
- b. **No Impact:** The City of Tulare will provide police protection services to the project site. The project does not include any increase in population. Therefore, there is *no impact*.
- c. **No Impact:** The potentially affected school districts are the Tulare Joint Union High School District and Tulare City Elementary School District. The project does not include any increase in population and/or students. Therefore, there is *no impact*.
- d. **No Impact:** There are no parkland or recreational facilities associated with the project. The project does not include any increase in population. Therefore, there is *no impact*.
- e. **No Impact:** The project does not include any increase in population. Therefore, there is *no impact*.

XV. PARKS AND RECREATION

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

Discussion:

- a) **No Impact:** The project does not include any component that would cause an increase to, or impact to any parks. Therefore, there is *no impact*.
- b) **No Impact:** No recreational facilities will be altered as a result of this project. Therefore, there is *no impact*.

XVI. TRANSPORTATION/TRAFFIC

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

Discussion:

- a) **No Impact:** The proposed project does not include any component that would result in additional vehicular traffic. Therefore, there is *no impact*.
- b) **No Impact:** The project will not conflict with an applicable congestion management program. As stated in (a) the project will have *no impact* based on trips and current operation Level of Service.

- c) **No Impact:** The project will have *no impact* on air traffic patterns.
- d) **No Impact:** The proposed project would not include any sharp curves or hazardous roadway design elements. The project will have *no impact*.
- e) **No Impact:** Emergency access to the site will be maintained throughout construction. Long term access along surrounding roads is not expected to be impacted by the proposed project. The project would not result in inadequate emergency access and there would be *no impacts*.
- f) **No Impact:** The project would not conflict with any other travel policies plans or programs regarding public transit, bicycle, or pedestrian facilities. There would be *no impact*.

XVII. UTILITIES AND SERVICE SYSTEMS

Would the project:	Potentially Significant Impact	Less Than Significant With Mitigation Incorporation	Less than Significant Impact	No Impact
a) Exceed wastewater treatment requirements of the applicable Regional Water Quality Control Board?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b) Require or result in the construction of new water or waste-water treatment facilities or expansion of existing facilities, the construction of which could cause significant environmental effects?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c) Require or result in the construction of new storm water drainage facilities or expansion of existing facilities, the construction of which could cause significant environmental effects:	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
d) Have sufficient water supplies available to serve the project from existing entitlements and resources, or are new or expanded entitlements needed?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
e) Result in a determination by the wastewater treatment provider which serves or may serve the project that it has adequate capacity to serve the project's projected demand in addition to the provider's existing commitments?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

f) Be serve by a landfill with sufficient permitted capacity to accommodate the project's solid waste disposal needs?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
g) Comply with federal, state, and local statutes and regulations related to solid waste?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

Discussion:

- a,b) **Less Than Significant Impact:** During construction, the project will utilize portable restroom facilities that will be provided by the construction contractor for the construction workers. The wastewater would be contained within the portable unit and disposed of at an approved site according to regulations. The project itself will not violate any water quality standards of waste discharge requirements. Once constructed, the project will not require any additional wastewater facilities. This project will have minimal impacts on the water quality and waste discharge requirements and therefore there will be a *less than significant impact*.
- c) **Less Than Significant Impact:** The proposed project will not alter the existing drainage pattern within the project area. There are no rivers, streams, or other water courses that will be impacted with the development of this project, and therefore there will be *less than significant impacts*.
- d) **Less Than Significant Impact:** The project is in response to continued growth outlined in the City's General Plan and as evaluated in the City's General Plan EIR (SCH# 2012071064). Specifically, implementation of Land Use Policy 11.4 which states: "The City shall require that water supply systems be adequate to serve the size and configuration of land developments. Standards as set forth in the subdivision ordinance shall be maintained and improved as necessary." The project will replace six (6) existing wells with wells of similar capacity. The new well and water storage tanks are being constructed to maintain adequate water pressure within the City. The project itself will not substantially deplete groundwater as it will not increase water use beyond what was previously planned for and analyzed in the City's General Plan and Urban Water Management Plan. Minimal amounts of water will be used during construction. Once constructed, the project will not require water. Therefore, the proposed project would not substantially deplete water supply. The project will result in *less than significant impacts*.
- e) **Less Than Significant Impact:** During construction, the project will utilize portable restroom facilities that will be provided by the construction contractor for the construction workers. The wastewater would be contained within the portable unit and disposed of at an approved site according to regulations. The project itself will not violate any water quality standards of waste discharge requirements. Once constructed, the project will not require any additional wastewater facilities. This project will have minimal impacts on the water quality and waste discharge requirements and therefore there will be a *less than significant impact*.

- f) **Less Than Significant Impact:** The City of Tulare disposes of its solid waste at the Woodville Disposal Site, 10 miles southeast of the City. The landfill has sufficient permitted capacity to accommodate the project's solid waste disposal needs (construction only). Any impacts would be *less than significant*.
- g) **Less Than Significant Impact:** The proposed project (construction only) would be serviced by an existing waste handling service, provided by the City of Tulare. The Woodville Landfill that would serve the proposed project also conforms to all applicable statutes and regulations. The proposed project would comply with the adopted policies related to solid waste, and would comply with all applicable federal, state, and local statutes and regulations pertaining to disposal of solid waste, including recycling. Therefore, the proposed project would result in *less than significant impact* to solid waste regulations.

XVIII. MANDATORY FINDINGS OF SIGNIFICANCE

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

Discussion:

- a) **Less-Than-Significant-Impact:** This initial study/mitigated negative declaration found the project would not have the potential to degrade the quality of the environment or have significant adverse impacts to fish and wild life or plant species including special status species are not anticipated or reduce the number or restrict the range of a rare or endangered plant or animal. Impacts would be *less than significant*.
- b) **Less-Than-Significant-Impact:** CEQA Guidelines Section 15064(i) states that a Lead Agency shall consider whether the cumulative impact of a project is significant and whether the effects of the project are cumulatively considerable. The assessment of the significance of the cumulative effects of a project must, therefore, be conducted in connection with the effects of past projects, other current projects, and probable future projects. Due to the nature of the project and consistency with environmental policies, incremental contributions to impacts are considered less than cumulatively considerable. The proposed project would not contribute substantially to adverse cumulative conditions, or create any substantial indirect impacts (i.e., increase in population could lead to an increase need for housing, increase in traffic, air pollutants, etc). Impacts would be *less than significant*.
- c) **Less-Than-Significant-Impact:** The analyses of environmental issues contained in this Initial Study indicate that the project is not expected to have substantial impact on human beings, either directly or indirectly. Mitigation measures have been incorporated in the project design to reduce all potentially significant impacts to less than significant, which results in a *less than significant* impact to this checklist item.

Supporting Information and Sources

- 1) Tulare General Plan, Land Use Element (1993)
- 2) City of Tulare Zoning Ordinance
- 3) Final Program EIR Land Use and Circulation Element Update (SCH 89062606)
- 4) SJVAPCD Regulations and Guidelines
- 5) Tulare General Plan, Housing Element (December 2003)
- 6) Tulare General Plan Seismic-Safety Element
- 7) Tulare County Seismic Element, Volume I and II
- 8) Flood Insurance Rate Maps
- 9) Tulare General Plan, Circulation Element
- 10) Tulare General Plan, Noise Element
- 11) City of Tulare Sewer Systems Master Plan (June 1991)
- 12) (Draft) City of Tulare Sewer Systems Master Plan (2008)
- 13) Engineering Standards, City of Tulare
- 14) City of Tulare's Municipal Code
- 15) Tulare Heritage Tree Ordinance
- 16) Tulare County Environmental Resources Management Element

- 17) *Source Reduction and Recycling Element*
- 18) *City of Tulare Urban Water Management Plan (December 2007)*
- 19) *City of Tulare Water System Master Plan) (2008)*
- 20) *CalTrans, encroachment permit*
- 21) *City of Tulare Emergency Response Plan*
- 22) *Tulare Municipal Airport-Mefford Field Master Plan, (February 2005)*
- 23) *Tulare County Airport Land Use Compatibility Plan*
- 25) *California Air Resources Board's (CARB's) Air Quality and Land Use Handbook*
- 26) *2014 (California Environmental Quality Act CEQA Guidelines*
- 27) *The Five County Seismic Safety Element*
- 28) *California Building Code*
- 30) *California Stormwater Pollution Prevention Program (SWPPP)*
- 31) *Government Code Section 65962.5*
- 32) *California Environmental Protection Agency (CEPA)*

RESOLUTION NO. 5209

**A RESOLUTION OF THE CITY OF TULARE PLANNING COMMISSION
ADOPTING A RECIRCULATED MITIGATED NEGATIVE DECLARATION FOR
DESIGN REVIEW NO. 1087**

WHEREAS, the City of Tulare Planning Commission at a regular meeting held on January 9, 2017 to consider a request by City of Tulare to construct a new water well, 2.0 million gallon concrete water storage tank and associated appurtenances on a City owned vacant lot immediately south of Dollar General at 1258 North J Street (APN 169-090-042); and,

WHEREAS, the City of Tulare Planning Commission determined that a Recirculated 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 Recirculated 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 City of Tulare Planning Commission determined that the proposed Recirculated Mitigated Negative Declaration reflects the independent judgment of the lead agency.

NOW, THEREFORE, BE IT RESOLVED that the City of Tulare Planning Commission adopts a Recirculated Mitigated Negative Declaration for Design Review No. 1087.

Recirculated Initial Study/Mitigated Negative Declaration is attached hereto as Exhibit "A" and incorporated herein as though fully set forth

PASSED, APPROVED AND ADOPTED on the ninth day of January, 2017 by the following recorded vote:

AYES: _____

NOES: _____

ABSENT: _____

ABSTAIN: _____

JEFF KILLION, CHAIRMAN
City of Tulare Planning Commission

ROB HUNT, SECRETARY
City of Tulare Planning Commission

RESOLUTION NO. 5210

**A RESOLUTION OF THE CITY OF TULARE
PLANNING COMMISSION APPROVING
DESIGN REVIEW NO. 1087**

WHEREAS, the City of Tulare Planning Commission at a regular meeting held on January 9, 2017 to consider a request by the City of Tulare to construct a new water well, 2.0 million gallon tank and associated appurtenances on a City owned vacant lot immediately south of Dollar General at 1258 North J Street (APN 169-090-042); and,

WHEREAS, the City of Tulare Planning Commission determined that the proposed location of the project is consistent with the purpose and objectives of this chapter and the zone district in which the project is located; and,

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

WHEREAS, the City of Tulare Planning Commission determined that the proposed project is consistent with the Tulare General Plan; and,

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

NOW, THEREFORE, BE IT RESOLVED by the City of Tulare Planning Commission that Design Review Application No. 1087 is hereby approved subject to the following conditions:

Planning:

- 1) All requirements of Title 10 shall be met.
- 2) The conceptual site plan and elevations for the proposed building are approved as shown in the attachments hereto.
- 3) The project shall comply with Tulare Municipal Code Chapter 10.56 (*Service Commercial District*) and Chapter 10.60 (*Commercial District Design*) guidelines.
- 4) Noise associated with the site shall not be at a level that exceeds the standards established in the City of Tulare Noise Ordinance.
- 5) Lighting shall be shielded, as necessary, to prevent the direct or indirect glare of light from falling into adjacent residential uses.

- 6) In accordance with Section 10.120.130, this Design Review approval shall lapse and become void (3) years from the effective date of approval, unless a building permit is issued by the City and construction is being diligently pursued.
- 7) Landscape and irrigation plans shall be prepared by a licensed Landscape Architect and approved prior to building permits being issued. At time of building permit, applicant shall submit four copies of a Landscape/Irrigation plan consistent with the City Landscape Ordinance.
- 8) Applicant shall comply with the Engineering comments attached.
- 9) Applicant to obtain administrative approval for 10% adjustment in height.

Engineering: Attached hereto and incorporated herein as though fully set forth.

PASSED, APPROVED AND ADOPTED this ninth day of January, 2017 by the following recorded vote:

AYES: _____

NOES: _____

ABSENT: _____

ABSTAIN: _____

JEFF KILLION, CHAIRMAN
City of Tulare Planning Commission

ROB HUNT, SECRETARY
City of Tulare Planning Commission