

**MISSION CREEK SUBDIVISION
INITIAL STUDY/MITIGATED NEGATIVE DECLARATION**

Prepared for:

City of Tulare

411 E Kern Avenue

Tulare CA 93274

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Introduction

The Initial Study has been prepared on behalf of the City of Tulare to address environmental effects of the proposed project, the Mission Creek Subdivision. The project includes Annexation No. 2023-01, East Tulare No. 37-Mission Creek, Zone Amendment (Pre-Zone) ZA 751, Conditional Use Permit No. 2023-16, Tentative Subdivision Map TSM 23-25 and potentially a future parcel map. This document has been prepared in accordance with the California Environmental Quality Act (CEQA) Public Resources Code 21000 et. Seq. The City of Tulare will act as the Lead Agency for processing the Initial Study/Mitigated Negative Declaration pursuant to the CEQA Guidelines.

Project Background & Purpose

The proposed project involves the development of a 255-lot single family residential subdivision at the southwest corner of Bardsley Avenue and Oakmore Street. The project site is currently in the County and will require annexation into the City of Tulare. The project includes the pre-zoning to the R-1-4 zone. Also included is a 1.15 acre park. A three parcel tentative parcel map will also be processed to establish the phasing of the development. The proposed project would result in on-site infrastructure improvements, including improvement of Bardsley and new city streets within the subdivision. Construction is proposed to begin in September 2024 and continue for 24-36 months. See Exhibit 2 for site layout.

Project Location

The project is located on the southwest corner of Bardley Avenue and Oakmore Street. (APN 184-110-027). The site is approximately 39.26 acres and is adjacent to existing residential to the south and west, an existing high school to the north and agricultural use to the east.

Other Permits and Approvals

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

- Tulare County Local Agency Formation Commission (LAFCO) Approval of Annexation into Tulare City limits
- City of Tulare Pre-zone
- City of Tulare Tentative Parcel Map
- City of Tulare Tentative Subdivision Map
- San Joaquin Valley Air Pollution Control District (SJVAPCD)
- Central Valley Regional Water Quality Control Board, SWPPP

INITIAL STUDY/MITIGATED NEGATIVE DECLARATION

1. **Project Title:** Mission Creek Subdivision
2. **Lead Agency:** City of Tulare
411 East Kern Avenue
Tulare, CA 93274
(559) 684-4210
3. **Applicant:** N & M Tulare LLC
1878 N. Mooney Blvd. **Ste J**
Tulare, CA 93274
(559) 799-6993
4. **Project Location:** The project is located on the southwest corner of Bardsley Avenue and Oakmore Street. APN 184-110-027. See Exhibit 1: Vicinity Map and Exhibit 2: Project Location
5. **General Plan Designation** The site is designated in the Tulare General Plan as Low Density Residential
6. **Zoning Designation:** The site is currently in the County and zoned AE-20. The application includes annexation of the subject site into the City of Tulare with a Pre-zone of R-1-4.
7. **Project Description:** The proposed project site is currently in the County of Tulare, but within the City of Tulare Sphere of Influence and Urban Development Boundary. The proposed project is the development of 255 single family residential units and a public park. The project has access to Bardley Avenue and future Oakmore Street. The proposed project includes on-site infrastructure, including an extension of existing streets and expansion of Bardsley Ave. and Oakmore Street, and new City and other utilities. Construction is estimated to be from September 2024 through July 2026. See Exhibit 3 for Project Layout.
8. **Surrounding Land Use Designations and Settings:**
North: Public/Quasi Public (City of Tulare 2035 General Plan), existing High School
South: Low Density Residential (City of Tulare 2035 General Plan), existing single family homes
East: Community Commercial/Medium Density Residential (City of Tulare 2035 General Plan), Agriculture
West: Low Density Residential (City of Tulare 2035 General Plan), existing single family residential
9. **Required Approvals:** The following discretionary approvals are required from The City of Tulare for the proposed project:
 - City of Tulare Annexation
 - City of Tulare Pre-zone
 - City of Tulare Tentative Parcel Map

- City of Tulare Tentative Subdivision Map
 - City of Tulare Conditional Use Permit
10. **Native American Consultation:** The Santa Rosa Rancheria Tachi Yokut Tribe has requested notification in accordance with AB52. The Santa Rosa Rancheria Tachi Yokut Tribe was notified on September 8, 2023. No response was received from the tribe.
11. **Parking and access:** Vehicular Access to the project will be from Bardsley Avenue and future Oakmore Street. Each single family residence will provide a two car garage in order to meet parking standards in the City Zoning Ordinance.
12. **Landscaping and Design:** The landscape and design plans will be required at the time the project submits for the final maps and building permits and will be subject to the City of Tulare's Water Efficient Landscape Ordinance (WELO).
13. **Utilities and Electrical Services:** City services (water, sewer, storm drain, law enforcement, fire protection etc.) will be extended to the proposed Project area upon development. Electrical service will be provided by Southern California Edison, gas service will be provided by Southern California Gas, and cable will be provided by comcast. These utilities will also be extended to the proposed Project area upon development.

Exhibit 1
VICINITY MAP

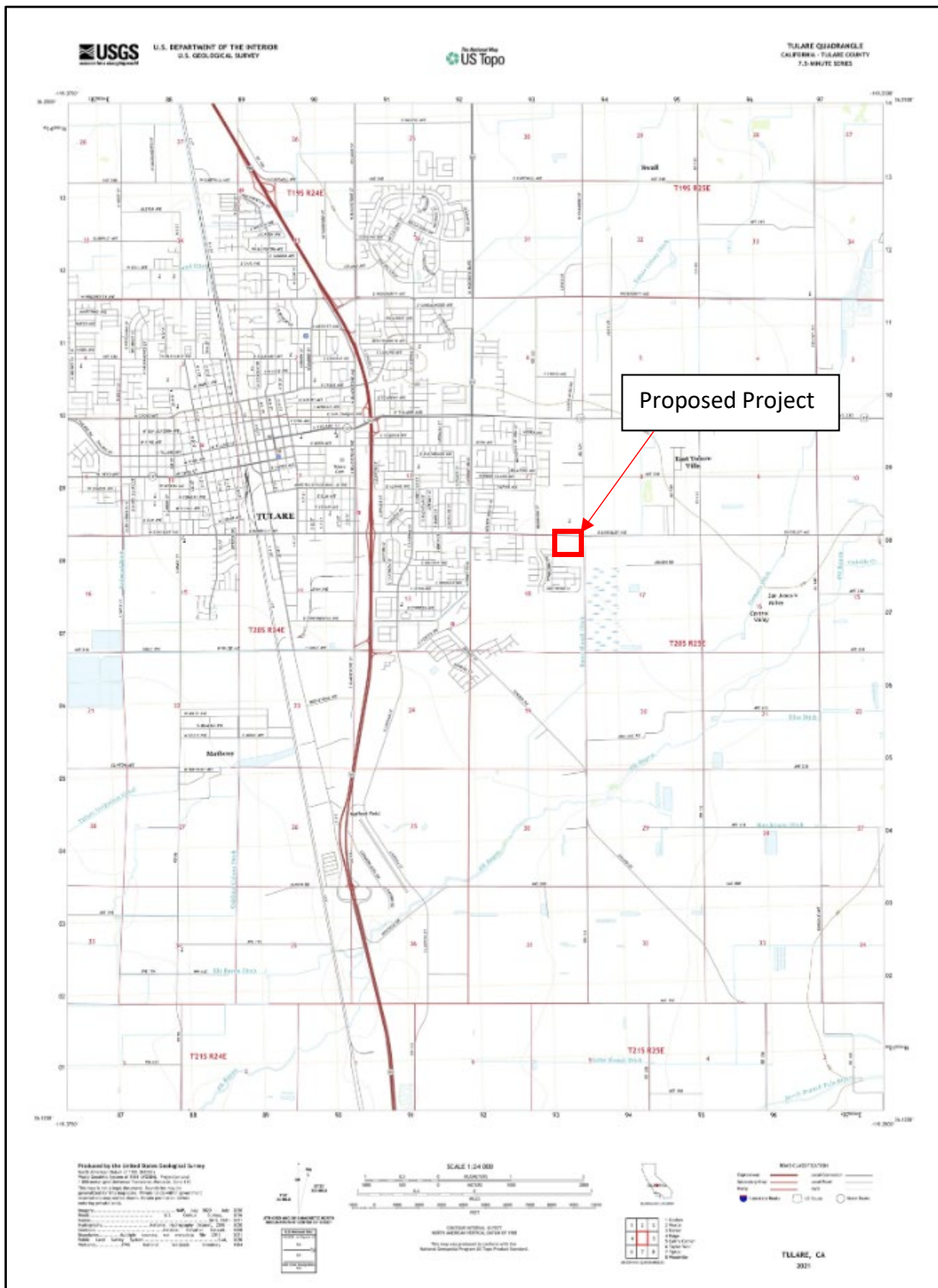


Exhibit 2
PROJECT LOCATION



Exhibit 3
TENTATIVE SUBDIVISION MAP

NO.	DATE	DESCRIPTION	BY
1			
2			
3			
4			



415 WEST AZULAN AVENUE
TULARE, CA 95324
AWEngineering.com



PROPOSED DEVELOPMENT FOR
MISSION CREEK
TULARE, CALIFORNIA

SITE

TENTATIVE SUBDIVISION FOR
MISSION CREEK
TULARE, CALIFORNIA

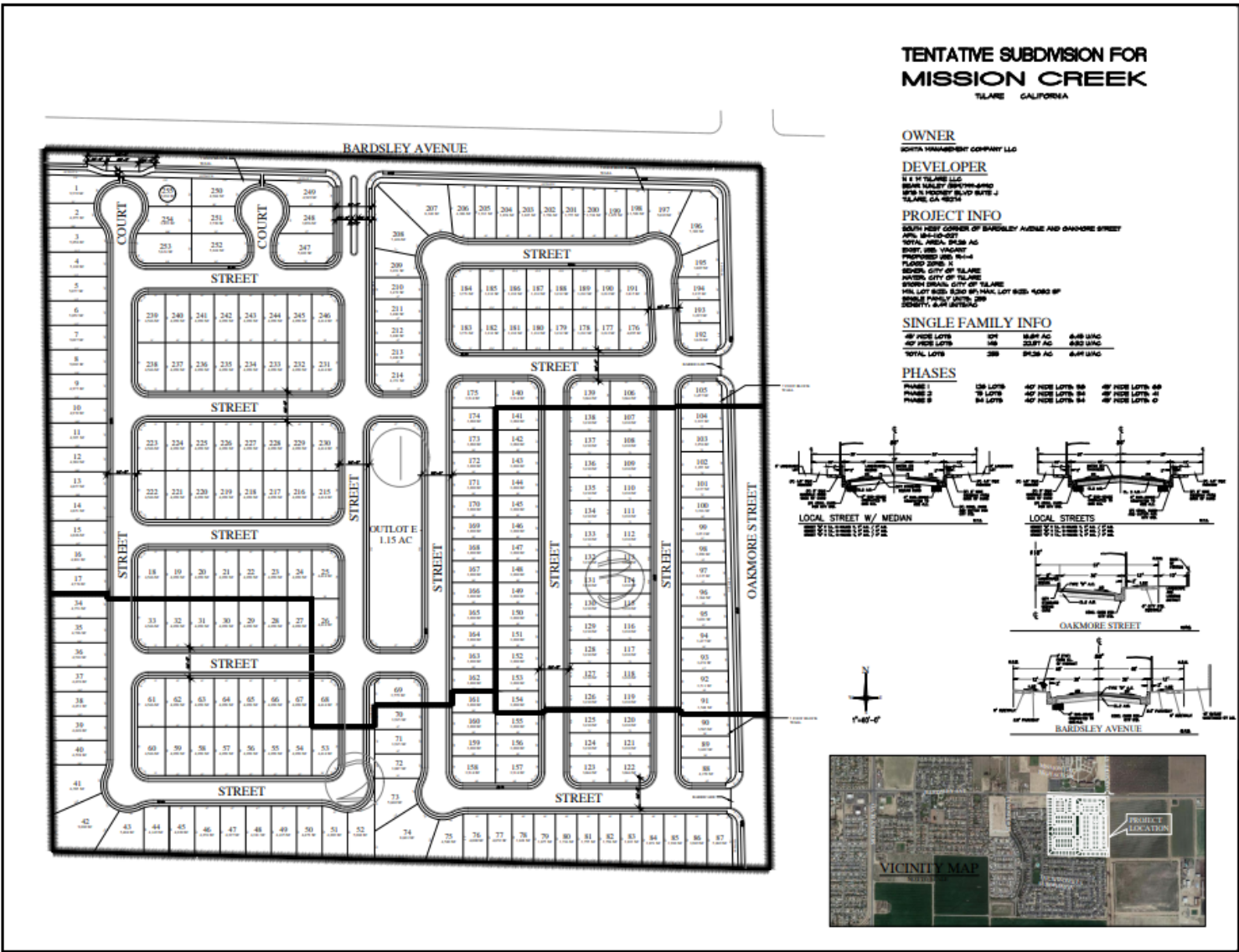
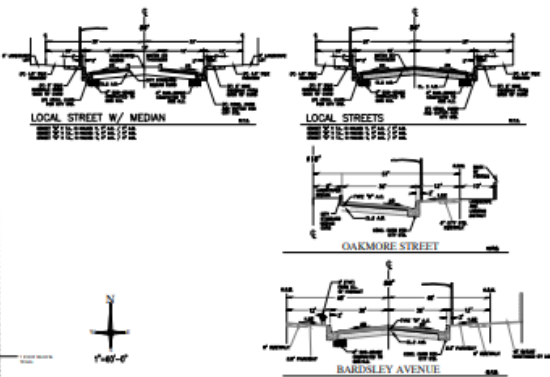
OWNER
SOUTH MANAGEMENT COMPANY LLC

DEVELOPER
S E W TULARE LLC
8000 VALLEY AVENUE, SUITE 200
1515 N HODNEY BLVD, SUITE J
TULARE, CA 95324

PROJECT INFO
SOUTH WEST CORNER OF BARDSELY AVENUE AND OAKMORE STREET
APN: 184-10-007
TOTAL AREA: 94.38 AC
SOUTH 1/2, VACANT
PROPOSED 2016 PERM
PLANNED ZONE: R
SEVERAL CITY OF TULARE
GENERAL ORDINANCE CITY OF TULARE
HILL LOT 8225, 8226 OF TRACT, LOT 8225, 14082 SF
SINGLE FAMILY LOTS, 2ND
SINGLE, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, 21, 22, 23, 24, 25, 26, 27, 28, 29, 30, 31, 32, 33, 34, 35, 36, 37, 38, 39, 40, 41, 42, 43, 44, 45, 46, 47, 48, 49, 50, 51, 52, 53, 54, 55, 56, 57, 58, 59, 60, 61, 62, 63, 64, 65, 66, 67, 68, 69, 70, 71, 72, 73, 74, 75, 76, 77, 78, 79, 80, 81, 82, 83, 84, 85, 86, 87, 88, 89, 90, 91, 92, 93, 94, 95, 96, 97, 98, 99, 100, 101, 102, 103, 104, 105, 106, 107, 108, 109, 110, 111, 112, 113, 114, 115, 116, 117, 118, 119, 120, 121, 122, 123, 124, 125, 126, 127, 128, 129, 130, 131, 132, 133, 134, 135, 136, 137, 138, 139, 140, 141, 142, 143, 144, 145, 146, 147, 148, 149, 150, 151, 152, 153, 154, 155, 156, 157, 158, 159, 160, 161, 162, 163, 164, 165, 166, 167, 168, 169, 170, 171, 172, 173, 174, 175, 176, 177, 178, 179, 180, 181, 182, 183, 184, 185, 186, 187, 188, 189, 190, 191, 192, 193, 194, 195, 196, 197, 198, 199, 200, 201, 202, 203, 204, 205, 206, 207, 208, 209, 210, 211, 212, 213, 214, 215, 216, 217, 218, 219, 220, 221, 222, 223, 224, 225, 226, 227, 228, 229, 230, 231, 232, 233, 234, 235, 236, 237, 238, 239, 240, 241, 242, 243, 244, 245, 246, 247, 248, 249, 250, 251, 252, 253, 254, 255, 256, 257, 258, 259, 260, 261, 262, 263, 264, 265, 266, 267, 268, 269, 270, 271, 272, 273, 274, 275, 276, 277, 278, 279, 280, 281, 282, 283, 284, 285, 286, 287, 288, 289, 290, 291, 292, 293, 294, 295, 296, 297, 298, 299, 300, 301, 302, 303, 304, 305, 306, 307, 308, 309, 310, 311, 312, 313, 314, 315, 316, 317, 318, 319, 320, 321, 322, 323, 324, 325, 326, 327, 328, 329, 330, 331, 332, 333, 334, 335, 336, 337, 338, 339, 340, 341, 342, 343, 344, 345, 346, 347, 348, 349, 350, 351, 352, 353, 354, 355, 356, 357, 358, 359, 360, 361, 362, 363, 364, 365, 366, 367, 368, 369, 370, 371, 372, 373, 374, 375, 376, 377, 378, 379, 380, 381, 382, 383, 384, 385, 386, 387, 388, 389, 390, 391, 392, 393, 394, 395, 396, 397, 398, 399, 400, 401, 402, 403, 404, 405, 406, 407, 408, 409, 410, 411, 412, 413, 414, 415, 416, 417, 418, 419, 420, 421, 422, 423, 424, 425, 426, 427, 428, 429, 430, 431, 432, 433, 434, 435, 436, 437, 438, 439, 440, 441, 442, 443, 444, 445, 446, 447, 448, 449, 450, 451, 452, 453, 454, 455, 456, 457, 458, 459, 460, 461, 462, 463, 464, 465, 466, 467, 468, 469, 470, 471, 472, 473, 474, 475, 476, 477, 478, 479, 480, 481, 482, 483, 484, 485, 486, 487, 488, 489, 490, 491, 492, 493, 494, 495, 496, 497, 498, 499, 500, 501, 502, 503, 504, 505, 506, 507, 508, 509, 510, 511, 512, 513, 514, 515, 516, 517, 518, 519, 520, 521, 522, 523, 524, 525, 526, 527, 528, 529, 530, 531, 532, 533, 534, 535, 536, 537, 538, 539, 540, 541, 542, 543, 544, 545, 546, 547, 548, 549, 550, 551, 552, 553, 554, 555, 556, 557, 558, 559, 560, 561, 562, 563, 564, 565, 566, 567, 568, 569, 570, 571, 572, 573, 574, 575, 576, 577, 578, 579, 580, 581, 582, 583, 584, 585, 586, 587, 588, 589, 590, 591, 592, 593, 594, 595, 596, 597, 598, 599, 600, 601, 602, 603, 604, 605, 606, 607, 608, 609, 610, 611, 612, 613, 614, 615, 616, 617, 618, 619, 620, 621, 622, 623, 624, 625, 626, 627, 628, 629, 630, 631, 632, 633, 634, 635, 636, 637, 638, 639, 640, 641, 642, 643, 644, 645, 646, 647, 648, 649, 650, 651, 652, 653, 654, 655, 656, 657, 658, 659, 660, 661, 662, 663, 664, 665, 666, 667, 668, 669, 670, 671, 672, 673, 674, 675, 676, 677, 678, 679, 680, 681, 682, 683, 684, 685, 686, 687, 688, 689, 690, 691, 692, 693, 694, 695, 696, 697, 698, 699, 700, 701, 702, 703, 704, 705, 706, 707, 708, 709, 710, 711, 712, 713, 714, 715, 716, 717, 718, 719, 720, 721, 722, 723, 724, 725, 726, 727, 728, 729, 730, 731, 732, 733, 734, 735, 736, 737, 738, 739, 740, 741, 742, 743, 744, 745, 746, 747, 748, 749, 750, 751, 752, 753, 754, 755, 756, 757, 758, 759, 760, 761, 762, 763, 764, 765, 766, 767, 768, 769, 770, 771, 772, 773, 774, 775, 776, 777, 778, 779, 780, 781, 782, 783, 784, 785, 786, 787, 788, 789, 790, 791, 792, 793, 794, 795, 796, 797, 798, 799, 800, 801, 802, 803, 804, 805, 806, 807, 808, 809, 810, 811, 812, 813, 814, 815, 816, 817, 818, 819, 820, 821, 822, 823, 824, 825, 826, 827, 828, 829, 830, 831, 832, 833, 834, 835, 836, 837, 838, 839, 840, 841, 842, 843, 844, 845, 846, 847, 848, 849, 850, 851, 852, 853, 854, 855, 856, 857, 858, 859, 860, 861, 862, 863, 864, 865, 866, 867, 868, 869, 870, 871, 872, 873, 874, 875, 876, 877, 878, 879, 880, 881, 882, 883, 884, 885, 886, 887, 888, 889, 890, 891, 892, 893, 894, 895, 896, 897, 898, 899, 900, 901, 902, 903, 904, 905, 906, 907, 908, 909, 910, 911, 912, 913, 914, 915, 916, 917, 918, 919, 920, 921, 922, 923, 924, 925, 926, 927, 928, 929, 930, 931, 932, 933, 934, 935, 936, 937, 938, 939, 940, 941, 942, 943, 944, 945, 946, 947, 948, 949, 950, 951, 952, 953, 954, 955, 956, 957, 958, 959, 960, 961, 962, 963, 964, 965, 966, 967, 968, 969, 970, 971, 972, 973, 974, 975, 976, 977, 978, 979, 980, 981, 982, 983, 984, 985, 986, 987, 988, 989, 990, 991, 992, 993, 994, 995, 996, 997, 998, 999, 1000

PHASES

PHASE 1	126 LOTS	47 HOE LOTS	56 HOE LOTS	60 HOE LOTS
PHASE 2	75 LOTS	47 HOE LOTS	56 HOE LOTS	60 HOE LOTS
PHASE 3	34 LOTS	47 HOE LOTS	56 HOE LOTS	60 HOE LOTS



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"/> Public Services |
| <input checked="" type="checkbox"/> Agriculture and Forest Resources | <input type="checkbox"/> Hazards and Hazardous Materials | <input type="checkbox"/> Recreation |
| <input type="checkbox"/> Air Quality | <input type="checkbox"/> Hydrology and Water Quality | <input type="checkbox"/> Transportation |
| <input checked="" type="checkbox"/> Biological Resources | <input type="checkbox"/> Land Use and Planning | <input checked="" type="checkbox"/> Tribal Cultural Resources |
| <input checked="" type="checkbox"/> Cultural Resources | <input type="checkbox"/> Mineral Resources | <input type="checkbox"/> Utilities and Service Systems |
| <input type="checkbox"/> Energy | <input type="checkbox"/> Noise | <input type="checkbox"/> Wildfire |
| <input type="checkbox"/> Population | <input checked="" 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 IMPACT 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.

Steven Sopp, Principal Planner, City of Tulare

Date

EVALUATION OF ENVIRONMENTAL IMPACTS

1. A brief explanation is required for all answers except “No Impact” answers that are adequately supported by the information sources a lead agency cites in the parentheses following each question. A “No Impact” answer is adequately supported if the referenced 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 would 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.
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 Analyses 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 the 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.
7. Supporting Information Sources: A source list should be attached, and other sources used or individuals contacted should be cited in the discussion.
8. This is only a suggested form, and lead agencies are free to use different formats; however, lead agencies should normally address the questions from this checklist that are relevant to a project’s environmental effects in whatever format is selected.
9. The explanation of each issue should identify:
 - a) the significance criteria or threshold, if any, used to evaluate each question; and the mitigation measure identified, if any, to reduce the impact to less than significance

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

Except as provided in Public Resource Code Section 210999, 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 type="checkbox"/>	<input checked="" 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 type="checkbox"/>	<input checked="" type="checkbox"/>
c) In non-urbanized areas, substantially degrade the existing visual character or quality of public views of the site and its surroundings? (Public views are those that are experienced from a publicly accessible vantage point). If the project is in an urbanized area, would the project conflict with applicable zoning and other regulations governing scenic quality?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" 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

There are no aesthetic resources identified in the City of Tulare General Plan. As shown in the following photos, the proposed project will not impact any scenic vista from the project site.

Photo 1: Photo from northwest corner of subject property.



Photo 2: Photo from northeast corner of subject property.



Photo 3: Photo from southwest corner of subject property.



Discussion

a) Would the project have a substantial adverse effect on a scenic vista?

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 primary scenic vista within this region and the Land Use Element of the City's General Plan states that view corridors to the mountains should be preserved. The proposed project will not impede on adjacent properties' view of the Sierra Nevada Mountains, given that the poor air quality in the area obscures the views of the mountains most days, and the project would construct homes that would be compliant with the height limit in the City's zoning code. The proposed project would not be substantially altering the existing views in the area which are already dominated by homes or development on three sides of the project site. Therefore, there is no impact.

b) Would the project substantially damage scenic resources, including, but not limited to, trees, rock outcroppings, and historic buildings within state scenic highway?

There are no Officially Designated State Scenic Highways within the City of Tulare, therefore there is no impact.

c) In non-urbanized areas, would the project substantially degrade the existing visual character or quality of the site and its surroundings? (Public views are those that are experienced from a publicly accessible vantage point). If the project is in an urbanized

area, would the project conflict with applicable zoning and other regulations governing scenic quality?

The proposed project is not currently developed and is adjacent to a non-urbanized area to the east. The proposed project would not degrade the visual character or quality of the site and surroundings, therefore there is no impact.

d) Would the project create a new source of substantial light or glare which would adversely affect day or nighttime views in the area?

The proposed project would result in new lighting sources on the project site consistent with adjacent residential development. New lighting sources would include interior lighting from residences and street lighting. All street lighting will be consistent with the City's lighting standards, which are developed to minimize impacts related to excessive light and glare. Although the project will introduce new light sources to the area, all lighting will be consistent with adjacent residential land uses and the City's lighting standards. Therefore, impacts are considered less than significant.

Mitigation Measures: None Required

II. AGRICULTURE AND FOREST RESOURCES:

<p>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 the Forest Protocols adopted by the California Air Resources Board. Would the project:</p>	<p>Potentially Significant Impact</p>	<p>Less Than Significant With Mitigation Incorporation</p>	<p>Less than Significant Impact</p>	<p>No Impact</p>
<p>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?</p>	<p><input type="checkbox"/></p>	<p><input checked="" type="checkbox"/></p>	<p><input type="checkbox"/></p>	<p><input type="checkbox"/></p>
<p>b) Conflict with existing zoning for agricultural use, or a Williamson Act Contract?</p>	<p><input type="checkbox"/></p>	<p><input type="checkbox"/></p>	<p><input checked="" type="checkbox"/></p>	<p><input checked="" type="checkbox"/></p>
<p>c) Conflict with existing zoning for, or cause rezoning of, forest land (as defined in Public Resources Code section 12220(g)), timberland (as defined by Public Resources Code section 4526), or timberland zoned Timberland Production (as defined by Government Code section 51104(g))?</p>	<p><input type="checkbox"/></p>	<p><input type="checkbox"/></p>	<p><input type="checkbox"/></p>	<p><input checked="" type="checkbox"/></p>
<p>d) Result in the loss of forestland or conversion of forest land to non-forest use?</p>	<p><input type="checkbox"/></p>	<p><input type="checkbox"/></p>	<p><input type="checkbox"/></p>	<p><input checked="" type="checkbox"/></p>
<p>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?</p>	<p><input type="checkbox"/></p>	<p><input type="checkbox"/></p>	<p><input checked="" type="checkbox"/></p>	<p><input type="checkbox"/></p>

Environmental Setting

The proposed project site is not under Williamson Act Contract, but is designated as Prime Farmland as shown by the Farmland Mapping and Monitoring Program (FMMP), Exhibit 4. The soil is Colpien

Loam (0 to 2 percent slope) and Nord Fine Sandy Loam (0 to 2 percent slope). The project site is currently farmed in seasonal row crops and utilizes surface water for irrigation. The site is adjacent to urban development to the west, north and south, and row crops to the east.

Regulatory Setting

California Farmland Mapping and Monitoring Program (FMMP): The FMMP is implemented by the California Department of Conservation (DOC) to conserve and protect agricultural lands within the State. Land is included in this program based on soil type, annual crop yields, and other factors that influence the quality of farmland. The FMMP mapping categories for the most important statewide farmland are as follows:

- **Prime Farmland** has the ideal physical and chemical composition for crop production. It has been used for irrigated production in the four years prior to classification and is capable of producing sustained yields.
- **Farmland of Statewide Importance** has also been used for irrigated production in the four years prior to classification and is only slightly poorer quality than Prime Farmland.
- **Unique Farmland** has been cropped in the four years prior to classification and does not meet the criteria for Prime Farmland or Farmland of Statewide Importance but has produced specific crops with high economic value.
- **Farmland of Local Importance** encompasses farmland that does not meet the criteria for the previous three categories. These may lack irrigation, produce major crops, be zoned as agricultural, and/or support dairy.

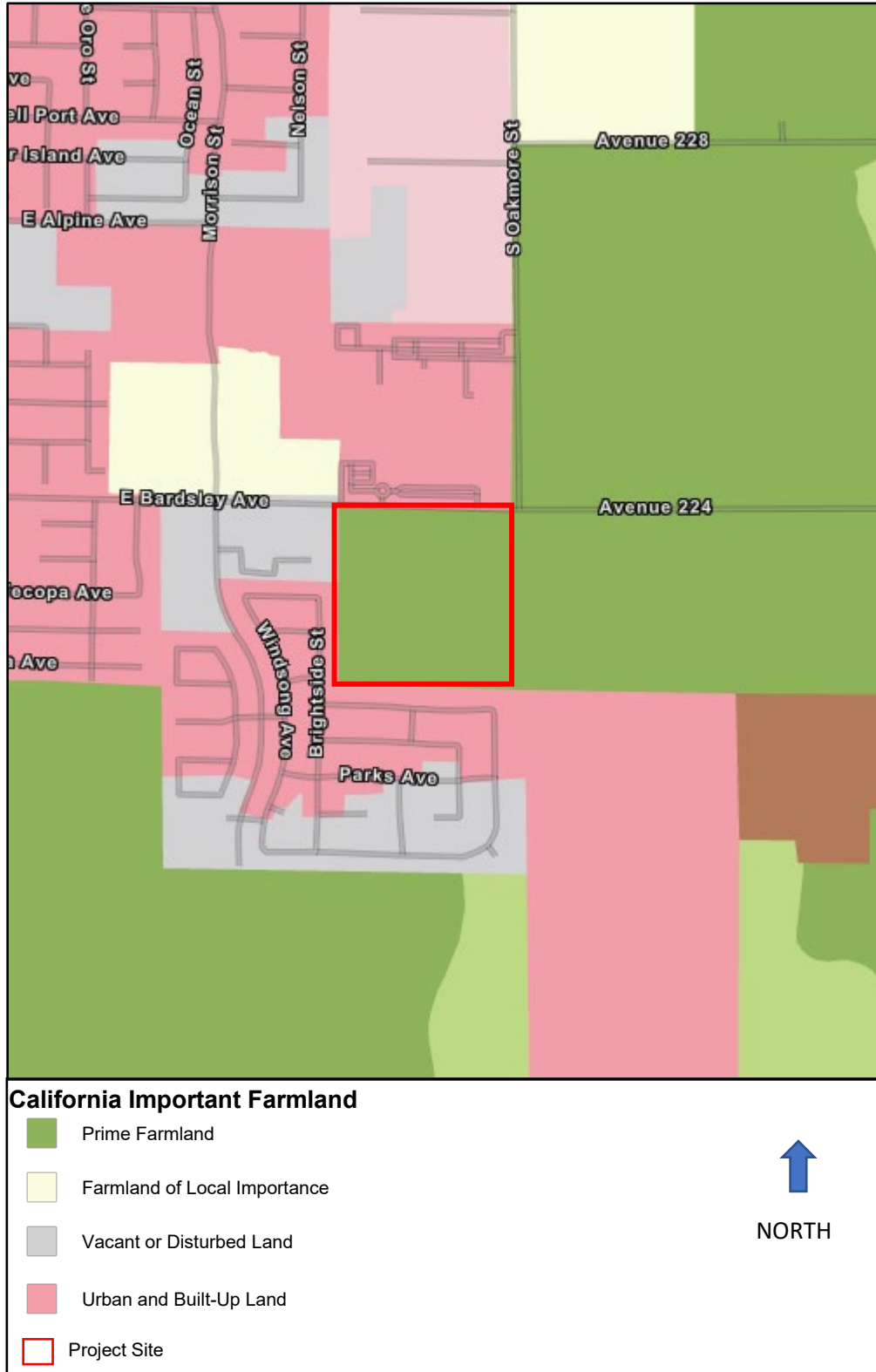
City of Tulare General Plan: The Conservation and Open Space Element of the City's General Plan includes the following agricultural resource goals and policies that are potentially applicable to the proposed project:

- COS-P3.1 Protect Interim Agricultural Activity. The City shall protect the viability of existing interim agricultural activity in the UDB to the extent possible.
- COS-P3.2 Agricultural Buffers. The City shall require that agricultural land uses designated for long-term protection (in a Williamson Act contract or under a conservation easement located outside the City's UDB) shall be buffered from urban land uses through the use of techniques including, but not limited to, spatial separations (e.g. greenbelts, open space setbacks, etc.), transitions in density, soundwalls, fencing, and/or berming.
- COS-P3.3 Agricultural Disclosures. The City shall require that developers of residential projects, which are within general proximity of agricultural operations in the city, to provide notification to new homeowners within their deeds of the City's right to farm ordinance.
- COS-P3.4 Discourage Leapfrog Development. The City shall discourage leapfrog development (defined as urban development more than 1/2 mile from existing urban development) and development of peninsulas extending into agricultural lands to avoid adverse effects on agricultural operations and contribute to premature conversion.
- COS-P3.9 Williamson Act Contracts. The City shall encourage the use of Williamson Act

contracts on parcels located outside the UDB.

- COS-P3.10 Williamson Act Contracts near City Limits. The City shall protest the formation of new Williamson Act or Super Williamson Act contracts within the UDB.
- COS-P3.11 Williamson Act Non-Renewal in UDB. The City shall support non-renewal or cancellation processes for Williamson Act designated lands within the City of Tulare UDB.
- COS-P3.12 Mitigation for Agricultural Land Conversion. The City shall create and adopt a mitigation program to address the conversion of Prime Farmland & Farmland of Statewide Importance within the UDB and outside the city limits to non-agricultural uses. This mitigation program shall:
 - Require a 1:1 ratio of agricultural land preserved for every acre of land converted.
 - Require land to be preserved be equivalent to the land converted, e.g. Prime Farmland, and further require that the land to be preserved has adequate existing water supply to support agricultural use, is designated and zoned for agriculture, is located outside of a city UDB, and is within the southern San Joaquin Valley.
 - Require mitigation prior to or at time of impact.
 - Allow mitigation to be provided either by purchase of agricultural easements or by payment of agricultural mitigation fees, but state that purchase of conservation easements is the preferred form of mitigation. Both purchase of easements and payment of mitigation fees should cover not only the cost of an agricultural easement, but additional costs of transactional fees and administering, monitoring, and enforcing the easement.
 - Require easements to be held by and/or mitigation fees to be transferred to a qualifying entity, such as a local land trust with demonstrated experience administering, monitoring and enforcing agricultural easements.
 - Require the qualifying entity to submit annual status and monitoring reports to the City and to Tulare County.
 - Allow stacking of conservation and agricultural easements if habitat needs of species on conservation easement are compatible with agricultural activities/use on agricultural easement.
 - Allow exemptions for conversion of land to agricultural tourism uses, agricultural processing uses, agricultural buffers, public facilities, and roadways.
- COS-P3.13 Farmland Trust and Funding Sources. The City shall encourage the trust or other qualifying entity to pursue a variety of funding sources (grants, donations, taxes, or other funds) to fund further implementation of mitigation for agricultural land conversion.

Exhibit 4 Important Farmland Map



Discussion

- a) Would the project 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?**

The proposed project site is classified as Prime Farmland by the California Department of Conservation (DOC) farmland mapping and monitoring program dated 2018, Exhibit 4. The project will result in the conversion of Prime Farmland to a non-agricultural use. The City of Tulare adopted a Statement of Overriding Considerations related to the significant impacts resulting from the General Plan and the loss of Farmland. The City's General Plan Policy COS-P3.12 requires mitigation for the conversion of Prime Farmland and other Critical Farmland to non-agricultural uses. However, with implementation of the Mitigation Measures AG-1, impacts will be less than significant with the mitigation incorporation.

Mitigation Measure AG-1: In accordance with the City of Tulare General Plan Policy COS-P3.12, agricultural land equivalent to that of the project site will be preserved at a 1:1 ratio for every acre of land converted. Prior to project development, the developer shall submit verification of compliance with City of Tulare Municipal Code Chapter 10-222 "Farmland Mitigation Ordinance".

- b) Would the project conflict with existing zoning for agricultural use, or a Williamson Act Contract?**

The proposed project site is zoned as AE-20 in the County of Tulare, however the site is designated for residential use in the City of Tulare General Plan. Although the proposed use conflicts with the current County designation, it is consistent with the City of Tulare General Plan, subject to the proposed applications. Annexation of the project site and pre-zone will eliminate the conflict with County or City zoning. The project site is not in a Williamson Act Contract, therefore impacts are considered less than significant.

- c) Would the project conflict with existing zoning for, or cause rezoning of, forest land (as defined in Public Resources Code section 12220(g)), timberland (as defined by Public Resources Code section 4526), or timberland zoned Timberland Production (as defined by Government Code section 51104(g))?**

The project site is not zoned for forest or timberland production and is not adjacent to any forest land, therefore, there is no impact.

- d) Would the project result in the loss of forestland or conversion of forest land to non-forest use?**

The site does not contain forestland and is not adjacent or in proximity to any forestland or use, therefore there is no impact.

- e) Would the project 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?**

The proposed project does not include changes to the environment that would result in the conversion of adjacent Farmland to non-agricultural use, but does expand the City Limits of Tulare, therefore the impact is considered less than significant.

Mitigation Measures:

AG-1: In accordance with the City of Tulare General Plan Policy COS-P3.12, agricultural land equivalent to that of the project site will be preserved at a 1:1 ratio for every acre of land converted. Prior to project development, the developer shall submit verification of compliance with City of Tulare Municipal Code Chapter 10-222 "Farmland Mitigation Ordinance".

III. AIR QUALITY

Where available, the significance criteria established by the applicable air quality management district 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 type="checkbox"/>	<input checked="" type="checkbox"/>
b) Result in a cumulatively considerable net increase of any criteria pollutant for which the project region is non-attainment under an applicable federal or state ambient air quality standard?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c) Expose sensitive receptors to substantial pollutant concentrations?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
d) Result in other emissions (such as those leading to odors) adversely affecting a substantial number of people?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

Environmental Setting

This section describes existing air quality within the San Joaquin Valley Air Basin (SJVAB) and in Tulare County. The SJVAB is comprised of eight counties: Fresno, Kern, Kings, Madera, Merced, San Joaquin, Stanislaus, and Tulare. The air basin is bordered by the Sierra Nevada Mountains to the east, Coastal Range to the west and the Tehachapi Mountains to the south. These topographical features directly relate to air quality within the SJVAB. Air quality is described in relation to air quality standards for criteria pollutants such as, ozone, carbon monoxide, and particulate matter. Air quality can be directly affected by the type and density of land use change and population growth.

Tulare County is located in one of the most polluted air basins in the Country. Wind patterns contribute to air quality by restricting access from the west by the Coastal Range and the Sierra Nevada Mountain Range to the east. Southerly airflow is restricted by the Tehachapi Mountains in the south. The result of restricted air flow is an accumulation of air pollutants as they are “trapped” in the basin.

The resulting accumulation of pollutants has resulted in the SJVAB being in nonattainment for several pollutant standards, as described in Table 3-1.

Table 3-1 San Joaquin Valley Attainment Status		
Pollutant	Designation/Classification	
	Federal Standards	State Standards
Ozone – One hour	No Federal Standard	Nonattainment/Severe
Ozone – Eight hour	Nonattainment/Extreme	Nonattainment
PM 10	Attainment	Nonattainment
PM 2.5	Nonattainment	Nonattainment
Carbon Monoxide	Attainment/Unclassified	Attainment/Unclassified
Nitrogen Dioxide	Attainment/Unclassified	Attainment
Sulfur Dioxide	Attainment/Unclassified	Attainment
Lead (Particulate)	No Designation/Classification	Attainment
Hydrogen Sulfide	No Federal Standard	Unclassified
Sulfates	No Federal Standard	Attainment
Visibility Reducing Particles	No Federal Standard	Unclassified
Vinyl Chloride	No Federal Standard	Attainment

Source: SJVAPCD

Regulatory Setting

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 functions 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. The project is located within the jurisdiction of the San Joaquin Valley Air Pollution Control District (SJVAPCD).

The state and federal standards for the criteria pollutants are presented in Section 8.4 of The San Joaquin Valley Unified Air Pollution Control District’s 2015 “Guidance for Assessing and Mitigating Air Quality Impacts”. 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.

San Joaquin Valley Air Pollution Control District (SJVAPCD) – The SJVAPCD is responsible for enforcing air quality standards in the project area. To meet state and federal air quality objectives, the SJVAPCD adopted the following thresholds of significance for projects:

Pollutant/Precursor	Construction Emissions	Operational Emissions	
		Permitted Equipment and Activities	Non-Permitted Equipment and Activities
	Emissions (tpy)	Emissions (tpy)	Emissions (tpy)
CO	100	100	100
Nox	10	10	10
ROG	10	10	10
SOx	27	27	27
PM10	15	15	15
PM2.5	15	15	15

Source: SJVAPCD

The following SJVAPCD rules and regulations may apply to the proposed project:

- **Rule 3135:** Dust Control Plan Fee. All projects which include construction, demolition, excavation, extraction, and/or other earth moving activities as defined by Regulation VIII(Described below) are required to submit a Dust Control Plan and required fees to mitigate impacts related to dust.
- **Rule 4101:** Visible Emissions. District Rule 4101 prohibits visible emissions of air contaminants that are dark in color and/or have the potential to obstruct visibility.
- **Rule 9510:** Indirect Source Review (ISR). This rule reduces the impact PM10 and NOX emissions from growth on the SJVB. This rule places application and emission reduction requirements on applicable development projects in order to reduce emissions through onsite mitigation, offsite SJVAPCD administered projects, or a combination of the two. This project will submit an Air Impact Assessment (AIA) application in accordance with Rule 9510’s requirements.
- **Regulation VIII:** Fugitive PM10 Prohibitions. Regulation VIII is composed of eight rules which together aim to limit PM10 emissions by reducing fugitive dust. These rules contain required management practices to limit PM10 emissions during construction, demolition, excavation, extraction, and/or other earth moving activities.

Discussion

a) Would the project conflict with or obstruct implementation of the applicable air quality plan?

Construction Phase. Project construction would generate pollutant emissions from the following construction activities: site preparation, grading, building construction, application of architectural coatings, and paving. The construction related emissions from these activities were calculated using CalEEMod, the full CalEEMod Report can be found in Appendix A. As shown in Table 3-3 below, project construction related emissions do not exceed the thresholds established by the SJVAPCD.

Table 3-3 Project Construction Emissions						
	CO (tpy)	ROG (tpy)	SOx (tpy)*	Nox (tpy)	PM10 (tpy)	PM2.5 (tpy)
Emissions Generated from Project Construction	2.29	1.59	< 0.005	1.78	0.46	0.21
SJVAPCD Air Quality Thresholds of Significance	100	10	27	10	15	15

*Threshold established by SJVAPCD for SOx, however emissions are reported as SO2 by CalEEMod.

Operational Phase. Implementation of the proposed project would result in long-term emissions associated with area sources, such as natural gas consumption, landscaping, applications of architectural coatings, and consumer products, as well as mobile emissions. Operational emissions from these factors were calculated using CalEEMod. The Full CalEEMod Report can be found in Appendix A. As shown in Table 3-4 below, the project’s operational emissions do not exceed the thresholds established by the SJVAPCD.

Table 3-4 Project Operations Emissions						
	CO (tpy)	ROG (tpy)	SOx (tpy)*	Nox (tpy)	PM10 (tpy)	PM2.5 (tpy)
Emissions Generated from Project Operations	16.1	4.08	0.04	2.79	2.98	.81
SJVAPCD Air Quality Thresholds of Significance	100	10	27	10	15	15

*Threshold established by SJVAPCD for SOx, however emissions are reported as SO2 by CalEEMod.

Because the emissions from both construction and operation of the proposed project would be below the thresholds of significance established by the SJVAPCD, the project would not conflict with or obstruct implementation of an applicable air quality plan and there is no impact.

b) Would the project 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?

The SJVAPCD accounts for cumulative impacts to air quality in Section 1.8 “Thresholds of Significance – Cumulative Impacts” in its 2015 Guide for Assessing and Mitigating Air Quality Impacts. The SJVAPCD considered basin-wide cumulative impacts to air quality when developing its significance thresholds. Because construction and operational emissions are below the significance thresholds adopted by the Air District, and compliance with SJVAPCD rules will address any cumulative impacts regarding operational emissions, impacts regarding cumulative emissions would be less than significant.

c) Would the project expose sensitive receptors to substantial pollutant concentrations?

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 nearest sensitive receptor is the existing public school located to the north of the project site. The project does not expose sensitive receptors to substantial pollutant concentrations, therefore there would be no impact.

d) Result in other emissions (such as those leading to odors) adversely affecting a substantial number of people?

The project will create temporary localized odors during project construction. The proposed project will not introduce a conflicting land use (surrounding land includes residential and public facility (School) to the area and will not have any component that would typically emit odors. The project would not create objectionable odors affecting a substantial number of people. Therefore, there would be no impact.

Mitigation Measures: None Required

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 Wildlife 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 state or federally protected wetlands (including, but not limited to, marsh, vernal pool, coastal, etc.) through direct 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"/>

Environmental Setting

The Project Site is currently being farmed with row crops. The site has been highly disturbed as a result of periodic grading and discing as part of normal agricultural practices. The project site was recently disced and planted when the site was evaluated on January 30, 2024. The site will continue to be farmed through 2024 until development occurs. If farming ceases prior to development, it will be disced for weed and fire control to meet county and city requirements.

The California Natural Diversity Data Base (CNDDB) Quick View tool was used to evaluate special status species that may occur in the Tulare Quadrant, species list attached as Appendix B. The Quick View tool indicated ten federally listed, state listed, or special-status wildlife and plant species and their status as shown in Table 4.1 below. The table also includes a brief description of the species habitat and whether the species could occur on the site based on the field review.

Table 4.1 Species List

Species	Status	Habitat	Potential to Occur
Swainsons Hawk (<i>Buteo swainsoni</i>)	ST	Large, open grasslands with abundant prey in association with suitable nest trees. Suitable foraging areas include native grasslands or lightly grazed pastures, alfalfa and other hay crops, and certain grain and row croplands..	Low , The project site does not include native grassland or pastures. There are row crops that are actively farmed, which could be foraging area.
Loggerhead Shrike (<i>Lanius ludovicianus</i>)	SSC	Open areas with short vegetation and well spaced shrubs or low trees for nesting.	None . Habitat lacking; the Project site lacked well-spaced shrubs or low trees.
Burrowing Owl (<i>Athene cunicularia</i>)	SSC	Grassland and upland scrub with friable soil; agricultural or other developed and disturbed upland areas with ground squirrel burrows.	None . Habitat lacking; the Project site supported disturbed, active agricultural fields that lacked ground squirrel burrows.
An andrenid bee (<i>Andrena macswaini</i>)	None	Specific flowers or nesting in sandy or dry dirt areas with little vegetation, including barren places in old fields or grasslands, dirt roads.	None . Habitat lacking, the project site is disturbed active agricultural land.
San Joaquin Kit Fox (<i>Vulpes macrotis mutica</i>)	ST, FE	Grassland, upland scrub, and fallowed agricultural lands adjacent to grassland or upland scrub.	None . The Project site Contains active agricultural lands. The site lacked mammal burrows and proximity to natural grasslands or upland scrub.
Tipton Kangaroo Rat (<i>Dipodomys nitratoides nitratoides</i>)	SE, FE	Grassland and upland scrub	None , Habitat lacking; the project site consisting of active agricultural land
Alkali-sink goldfields (<i>Lasthenia chrysantha</i>)	1B	Occurs in valley grassland, alkali sink, wetland riparian areas less than 330 ft. in elevation in the southern Sacramento Valley and San Joaquin Valley. Blooms February – June.	None . Habitat lacking, the project site consists of active agricultural lands

San Joaquin Adobe Sunburst (<i>Pseudobahia peirsonii</i>)	SE, FT, 1B	Grassland and bare dark clay	None. Habitat lacking and lacked clay soils.
California Jewelflower (<i>Caulanthus californicus</i>)	FE, CE, 1B	Valley saltbush scrub and juniper woodland.	None. Habitat lacking, scrub or woodland are not present.
<p>STATUS</p> <p>FE – Federally list Endangered FT – Federally listed Threatened FCE – Federal Candidate for Endangered listing under the FESA SE – State listed Endangered ST – State listed Threatened SSC – Species of Special Concern (CDFW) 1B.1 – Rare Plant</p> <p>POTENTIAL TO OCCUR</p> <p>None: Species not observed, conditions unsuitable for occurrence Low: Neither species no sign observed, conditions marginal for occurrence</p>			

The project site is adjacent to urban developed areas to the north, south and west and agriculture use to the east. Based on the literature reviewed and the field visit, none of the above listed species are anticipated to occur within the disturbance limits of the project based on the lack of local occurrence records, ongoing site disturbances, and the lack of suitable habitat.

A site inspection was completed on January 30, 2024, which involved a grid walk through the property. The site had recently been plowed and either planted with row crop or awaiting planting. No Swainson Hawks or other special status species were observed on or near the site.

No wetlands were observed on the site and a query of the U.S. Fish and Wildlife Services National Wetland Inventory shows no wetlands, ponds or rivers on or adjacent to the Site. A single Valley Oak tree is located on the site. The tree was inspected on March 13, 2024 and no nests were found. Adjacent to the site to the west and south are typical residential trees, to the northeast is a walnut orchard, to the east bare fields devoid of trees.

Regulatory Setting

Tulare General Plan Environmental Impact Report

The Tulare General Plan Environmental Impact Report (EIR) was certified in 2014 and included mitigation measures to reduce impacts to biological resources to less than significant which included the following:

BIO – 2 Ground-disturbing and vegetation removal activities associated with construction of projects implemented under the Draft General Plan, Draft TOD or CAP shall be performed outside the breeding season for birds, which is generally from February 1 through August 31. If these activities cannot be implemented outside of the breeding period, the project applicant shall retain a qualified biologist to conduct pre-construction nest surveys to identify active nests within and adjacent to (up to 500 feet) of the study area. Any active nests identified within and adjacent to the projects shall be avoided by

construction activities to prevent failure of the nest(s).

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

The Federal Migratory Bird Treaty Act (FMBTA: 16 USC 703-712): FMBTA prohibits killing, possessing, or trading in any bird species covered in one of four international conventions to which the United States is a party, except in accordance with regulations prescribed by the Secretary of the Interior. The name of the act is misleading, as it actually covers almost all birds native to the United States, even those that are non-migratory. The FMBTA encompasses whole birds, parts of birds, and bird nests and eggs.

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

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

Discussion

- a) **Would the project 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 & Wildlife or U.S. Fish and Wildlife Service?**

The highly disturbed nature resulting from agricultural practices, ongoing discing and development surrounding the subject project site have resulted in the removal of potentially suitable native habitat for sensitive species. A review of the California Natural Diversity Database (CNDDDB) and City of Tulare General Plan were completed for the proposed project, as well as a field review of the project site and a 50 foot buffer where visible from public streets. A local list of potential special-status species was compiled from the CNDDDB list as shown in Table 4-1 above. Species for which the project site does not provide habitat were eliminated from further consideration. Satellite imagery from Good Earth (Google 2023) and other sources, USGS topographic maps, Web Soil Survey (NRCS 2023) and the National Wetlands Inventory (USFWS 2023) were also reviewed.

The site was also observed for the potential of nesting sites for special status raptors or other nesting migratory birds, none were observed on the site at the time of the inspection.

The CNDDDB species list for the Project included nine species listed as threatened, endangered, or candidate under the Federal Endangered Species Act (FESA) or California Endangered Species Act (CESA), Appendix B. Of those nine species, none are expected to occur on or near the Project site due to either (1) the lack of habitat, (2) the Project site being outside the current range of the

species, or (3) the presence of development that would otherwise preclude occurrence (Table 4-1). As identified in the species list, the Project site does not occur in USFWS-designated or proposed critical habitat for any species.

The walking survey of the subject site on January 30, 2024 did not result in the identification of habitat or sensitive species on site. The subject property is substantially surrounded by development and a major transportation corridor, except to the east and northeast where it is active agricultural land currently featuring row crops and a walnut orchard. The project site is primarily devoid of trees and shrubs. One valley oak tree and all trees within a radius of 50 feet were observed, however no nests were observed. Other trees within the adjacent residential areas and school site were observed, but would not be considered viable nesting sites due to proximity to human activity. No nests were observed within 50 feet as viewed from the adjacent public street, Bardsley Avenue. Although no nests were observed, the Tulare General Plan Identified mitigation measures to ensure impacts to biological resources were less than significant, therefore the following mitigation measures are being included:

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

Mitigation Measure BIO-1b: If project activities must occur during the nesting season (February 1-August 31), a qualified biologist will conduct preconstruction surveys for active raptor and migratory bird nests within 14 days prior to the start of these activities. The survey will include the proposed work area(s) and surrounding lands within 500 feet, where accessible, for all nesting raptors and migratory birds save Swainson's hawk; the Swainson's hawk survey will extend to 0.5 miles outside of work area boundaries. If no nesting pairs are found within the survey area, no further action is required.

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

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

Mitigation Measure BIO-2b: Burrowing Owl. If project activities are undertaken during the breeding season (February 1-August 31) and active nest burrows are identified within or near project impact areas, a 200-meter disturbance-free buffer shall be established around these burrows, unless a qualified biologist approved by CDFW verifies through noninvasive methods either that the birds have not begun egg laying and incubation or that juveniles from the occupied burrows are foraging independently and are capable of independent survival. Owls present on site after February 1 will be assumed to be nesting unless evidence indicates otherwise. The protected exclusion zone established

for the breeding season shall remain in effect until August 31 or, as determined based on monitoring evidence, until the young owl(s) is foraging independently or the nest is no longer active.

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

Mitigation Measure BIO-3a: Preconstruction surveys for the San Joaquin kit fox shall be conducted on and within 200 feet of the project site, no more than 30 days prior to the start of ground disturbance activities on the site. The primary objective is to identify kit fox habitat features (e.g., potential dens and refugia) on and adjacent to the site and evaluate their use by kit foxes.

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

Mitigation Measure BIO-3c: Construction activities shall be carried out in a manner that minimizes disturbance to kit foxes in accordance with the USFWS Standardized Recommendations. The applicant shall implement all minimization measures presented in the Construction and On-going Operational Requirements section of the USFWS Standardized Recommendations.

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

b) Would the project 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 Wildlife or US Fish and Wildlife Service?

During the walking survey on January 30, 2024, no riparian habitat was observed on the site. Development of the proposed project would not impact any riparian habitat or other sensitive natural community identified in local or regional plans, policies, regulations, or by the California Department of Fish and

Wildlife (CDFW). Therefore, there is no impact.

- c) **Would the project have a substantial adverse effect on state or federally protected wetlands (including, but not limited to, marsh, vernal pool, coastal, etc.) through direct removal, filling, hydrological interruption, or other means?**

No water or other hydrologic features occur within the project site. There are no jurisdictional water features. Therefore, no impacts to state or federally protected wetlands would occur. There is no impact.

- 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?**

The project does not contain streams or other waterways that could be used by migratory fish or as a wildlife corridor for other wildlife species. To the east the project is bordered by agriculture use to the east. To the west and south it is bordered by existing residential; and to the north, an existing school. As such, the project would not interfere substantially with the movement of any resident or migratory fish, wildlife species or with established resident or migratory wildlife corridors, or impede the use of wildlife nursery sites, therefore there is no impact.

- e) **Conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance?**

The City of Tulare General Plan contains a requirement to preserve and maintain Oak (*Quercus* sp.) species and associated habitats. The walking survey conducted on January 30, 2024 did not reveal any protected oak trees or associated habitat located on-site, therefore there is no impact.

- f) **Conflict with the provisions of an adopted Habitat Conservation Plan, Natural Community Conservation Plan, or other approved local, regional, or state habitat conservation plan?**

The proposed project is not located within the boundaries of an adopted Habitat Conservation Plan, Natural Communities Conservation Plan, or other approved local, regional or state habitat conservation plan. There is no impact.

Mitigation Measures:

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

Mitigation Measure BIO-1b: If project activities must occur during the nesting season (February 1-August 31), a qualified biologist will conduct preconstruction surveys for active raptor and migratory bird nests within 14 days prior to the start of these activities. The survey will include the proposed work area(s) and surrounding lands within 500 feet, where accessible, for all nesting raptors and migratory birds save Swainson's hawk; the Swainson's hawk survey will extend to 0.5 miles outside of

work area boundaries. If no nesting pairs are found within the survey area, no further action is required.

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

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

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

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

Mitigation Measure BIO-3a: Preconstruction surveys for the San Joaquin kit fox shall be conducted on and within 200 feet of the project site, no more than 30 days prior to the start of ground disturbance activities on the site. The primary objective is to identify kit fox habitat features (e.g., potential dens and refugia) on and adjacent to the site and evaluate their use by kit foxes.

Mitigation Measure BIO-3b: Should active kit fox dens be detected during preconstruction surveys, the Sacramento Field Office of the USFWS and the Fresno Field Office of CDFW shall be notified. A disturbance-free buffer shall be established around the burrows in consultation with the USFWS and CDFW, to prevent access to the occupied den by construction equipment and personnel who are not

biologists, and to be maintained until an agency-approved biologist has determined that the burrows have been abandoned. After construction activities would no longer affect the den, all fencing and flagging shall be removed to avoid attracting attention to the den by other animals or humans. All onsite flagging and buffer delineations shall be kept in good working order for the duration of activity near the den or until the den is determined to be unoccupied, whichever occurs first.

Mitigation Measure BIO-3c: Construction activities shall be carried out in a manner that minimizes disturbance to kit foxes in accordance with the USFWS Standardized Recommendations. The applicant shall implement all minimization measures presented in the Construction and On-going Operational Requirements section of the USFWS Standardized Recommendations.

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 pursuant to Section 15064.5?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" 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) Disturb any human remains, including those interred outside of formal cemeteries?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Environmental Setting

Generally, the term cultural resources describes property types such as prehistoric and historical archaeological sites, building, bridges, roadways and tribal cultural resources. As defined by CEQA, historical resources includes sites, structures, objects or districts that may have historical, prehistoric, architectural, archaeological, cultural, or scientific importance. Such resources are eligible for listing in the California Register of Historic Resources by the State Historical Resources Commission. The City of Tulare has one site listed on the National Register of Historic Places: Tulare High School Auditorium and Administration Building.

To assess potential impacts to cultural resources, a Phase 1 Cultural Resources Study was completed by Taylore Archaeology, Appendix C. The study included a record search by the Southern San Joaquin Information Center (SSJVIC) of the California Historical Resources Information System (CHRIS) on November 14, 2022. The SSJVIC reported that it did not identify any previously recorded cultural resources and investigations within the Project area. Only one cultural resources investigation report was documented within a 0.5-mile radius from the Project site, but no cultural resources were previously recorded. The Phase 1 Study also included a sacred lands file search, archival search and a pedestrian survey.

The Native American Heritage Commission (NAHC) stated a search of its Sacred Lands File was negative. The intensive pedestrian survey of the Project site did not identify any prehistoric or historic resources on the ground surface.

The Santa Rosa Rancheria Tachi Yokut Tribe has requested notification from the City of Tulare in accordance with AB52. The Santa Rosa Rancheria Tachi Yokut Tribe was notified on September 8, 2023 and no response was received by the City of Tulare.

Regulatory Setting

National Historic Preservation Act: The National Historic Preservation Act was adopted in 1966 to preserve historic and archeological sites in the United States. The Act created the National Register of Historic Places, the list of National Historic Landmarks, and the State Historic Preservation offices.

California Historic Register: The California Historic Register was developed as a program to identify, evaluate, register, and protect Historical Resources in California. California Historical Landmarks are sites, buildings,

features, or events that are of statewide significance and have anthropological, cultural, military, political, architectural, economic, scientific, religious, experimental, or other value. In order for a resource to be designated as a historical landmark, it must meet the following criteria:

- The first, last, only, or most significant of its type in the state or within a large geographic region (Northern, Central, or Southern California).
- Associated with an individual or group having a profound influence on the history of California.
- A prototype of, or an outstanding example of, a period, style, architectural movement or construction or is one of the more notable works or the best surviving work in a region of a pioneer architect, designer or master builder.

City of Tulare General Plan: The City of Tulare General Plan includes the following goals and policies pertaining to cultural and historic resources:

Land Use Element

LU-P13.15 Architectural Heritage. The City shall encourage expressions of its cultural and historic heritage in key central area architectural and other physical design elements (such as murals and/or community art), as well as through encouragement of related cultural events and celebrations.

Conservation and Open Space Element

Goal COS-5 To manage and protect sites of cultural and archaeological importance for the benefit of present and future generations.

COS-P5.1 Archaeological Resources. The City shall support efforts to protect and/or recover archaeological resources.

COS-P5.2 Evaluation of Historic Resources. The City shall use appropriate State and Federal standards in evaluating the significance of historical resources that are identified in the city.

COS-P5.3 Historic Preservation. The City shall encourage the preservation of historic residences and neighborhoods wherever appropriate.

COS-P5.4 Historic Buildings. The City shall encourage the preservation and adaptive use of historic buildings, particularly in the downtown.

COS-P5.5 Historic Structures and Sites. The City shall support public and private efforts to preserve, rehabilitate, and continue the use of historic structures, sites, and districts. Where applicable, preservation efforts shall conform to the current Secretary of the Interior's Standards for the Treatment of Historic Properties and Guidelines for Preserving, Rehabilitating, Restoring, and Reconstructing Historic Building.

COS-P5.6 Protection of Resources with Potential State or Federal Designations. The City shall encourage the protection of cultural and archaeological sites with potential for placement on the National Register of Historic Places and/or inclusion in the California State Office of Historic Preservation's California Points of Interest and California Inventory of Historic Resources. Such sites may be of statewide or local significance and have anthropological, cultural, military, political, architectural, economic, scientific, religious, or other values.

COS-P5.7 State Historic Building Code. The City shall utilize the State Historic Building Code for designated properties.

COS-P5.8 Design Compatibility with Historic Structures. The City shall ensure design compatibility of new development within close proximity to designated historic structures and neighborhoods.

COS-P5.9 Discovery of Archaeological Resources. In the event that archaeological/ paleontological resources are discovered during site excavation, grading, or construction, the City shall require that work on the site be suspended within 100 feet of the resource until the significance of the features can be determined by a qualified archaeologist/ paleontologist. If significant resources are determined to exist, an archaeologist shall make recommendations for protection or recovery of the resource. City staff shall consider such recommendations and implement them where they are feasible in light of project design as previously approved by the City.

COS-P5.10 Discovery of Human Remains. Consistent with Section 7050.5 of the California Health and Safety Code and CEQA Guidelines (Section 15064.5), if human remains of Native American origin are discovered during project construction, it is necessary to comply with State laws relating to the disposition of Native American burials, which fall within the jurisdiction of the Native American Heritage Commission (Public Resources Code Sec. 5097). If any human remains are discovered or recognized in any location on the project site, there shall be no further excavation or disturbance of the site, or any nearby area reasonably suspected to overlie adjacent human remains until:

- The Tulare County Coroner/Sheriff has been informed and has determined that no investigation of the cause of death is required; and
- If the remains are of Native American origin, The descendants of the deceased Native Americans have made a timely recommendation to the landowner or the person responsible for the excavation work, for means of treating or disposing of, with appropriate dignity, the human remains, and any associated grave goods as provided in Public Resources Code Section 5097.98. The Native American Heritage Commission was unable to identify a descendant, or the descendant failed to make a recommendation within 24 hours after being notified by the commission, or
- The landowner or his or her authorized representative rejects any timely recommendations of the descendant, and mediation conducted by the Native American Heritage Commission has failed to provide measures acceptable to the landowner.

COS-P5.11 Impact Mitigation. If preservation of cultural/historical resources is not feasible, the City shall make every effort to mitigate impacts, including relocation of structures, adaptive reuse, preservation of facades, and thorough documentation and archival of records.

COS-P5.12 Mitigation Monitoring for Historical Resources. The City shall develop standards for monitoring mitigation measures established for the protection of historical resources prior to development.

COS-P5.13 Alteration of Sites with Identified Cultural Resources. When planning any development or alteration of a site with identified cultural or archaeological resources, consideration should be given to ways of protecting the resources. The City shall permit development in these areas only after a site-specific investigation has been conducted pursuant to CEQA to define the extent and value of resource, and mitigation measures proposed for any impacts the development may have on the resource.

COS-P5.14 Education Program Support. The City shall support local, state, and national education programs on cultural and archaeological resources.

COS-P5.15 Solicit Input from Local Native Americans. The City shall solicit input from the local Native American communities in cases where development may result in disturbance to sites containing evidence of Native American activity and/or to sites of cultural importance.

COS-P5.16 Confidentiality of Archaeological Sites. The City shall, within its power, maintain confidentiality regarding the locations of archaeological sites in order to preserve and protect resources that are determined to exist. An archaeologist/paleontologist shall make recommendations for protection or recovery of the resource. City staff shall consider such recommendations and implement them where they are feasible in light of project design as previously approved by the City.

COS-P5.17 Cooperation of Property Owners. The City shall encourage the cooperation of property owners to treat cultural resources as assets rather than liabilities and encourage public support for the preservation of these resources.

COS-P5.18 Archaeological Resource Surveys. Prior to project approval, the City shall require project applicant to have a qualified archaeologist conduct the following activities: (1) conduct a record search at the Regional Archaeological Information Center located at California State University Bakersfield and other appropriate historical repositories, (2) conduct field surveys where appropriate, and (3) prepare technical reports, where appropriate, meeting California Office of Historic Preservation Standards (Archaeological Resource Management Reports).

Discussion

a) Would the project cause a substantial adverse change in the significance of a historical resource pursuant to in Section 15064.5?

There are no known historical resources on or near the subject property that would be impacted by the proposed project, therefore there is no impact.

b) Would the project cause a substantial adverse change in the significance of an archaeological resource pursuant to Section 15064.5?

There are no known archaeological resources located within the project area, however Taylored Archaeology recommends the following mitigation measures:

CUL 1: In the event that previously unidentified archaeological remains are encountered during development or ground-moving activities in the Project area, all work should be halted until a qualified archaeologist can identify the discovery and assess its significance.

CUL 2: If human remains are uncovered during construction, the Tulare County Coroner is to be notified to investigate the remains and arrange proper treatment and disposition. If the remains are identified on the basis of archaeological context, age, cultural associations, or biological traits to be those of a Native American, California Health and Safety Code 7050.5 and PRC 5097.98 require that the coroner notify the NAHC within 24 hours of discovery. The NAHC will then identify the Most Likely Descendent who will be afforded an opportunity to make recommendations regarding the treatment and disposition of the remains.

Implementation of Mitigation Measures CUL-1 and CUL-2 will ensure that potential impacts will be less than significant with mitigation incorporation.

c) Would the project disturb any human remains, including those interred outside of formal cemeteries?

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-2 will ensure that impacts remain less than significant with mitigation incorporation.

Mitigation Measures:

CUL 1: In the event that previously unidentified archaeological remains are encountered during development or ground-moving activities in the Project area, all work should be halted until a qualified archaeologist can identify the discovery and assess its significance.

CUL 2: If human remains are uncovered during construction, the Tulare County Coroner is to be notified to investigate the remains and arrange proper treatment and disposition. If the remains are identified on the basis of archaeological context, age, cultural associations, or biological traits to be those of a Native American, California Health and Safety Code 7050.5 and PRC 5097.98 require that the coroner notify the NAHC within 24 hours of discovery. The NAHC will then identify the Most Likely Descendent who will be afforded an opportunity to make recommendations regarding the treatment and disposition of the remains.

VI. ENERGY

Would the project:	Potentially Significant Impact	Less Than Significant With Mitigation Incorporation	Less than Significant Impact	No Impact
a) Result in potentially significant environmental impact due to wasteful, inefficient, or unnecessary consumption of energy resources, during project construction or operation?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b) Conflict with or obstruct a state or local plan for renewable energy or energy efficiency?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

Environmental Setting

Energy conservation requires consideration of energy implications in project decisions, including a discussion of the potential energy impacts with emphasis on avoiding or reducing inefficient, wasteful and unnecessary consumption of energy resources. A project would be considered inefficient wasteful and unnecessary if it violated existing energy standards, had a negative effect on local and regional energy supplies and requirement for additional capacity, or had a negative effect on peak and base period demands for electricity and other energy forms.

The California Energy Commission updates the Building Energy Efficiency Standards (Title 24, Parts 6 and 11) every three years as part of the California Code of Regulations. The standards were established in 1978 in effort to reduce the state’s energy consumption. The standards apply to new construction, and additions and alteration to residential and nonresidential buildings and related to various energy efficiencies including but not limited to ventilation, air conditioning, and lighting.

Southern California Edison provides electrical service to the City of Tulare and Southern California Gas (SoCalGas) Company provides natural gas services to the project area.

Regulatory Setting

California Code of Regulations, Title 20: Title 20 of the California Code of Regulations establishes standards and requirements for appliance energy efficiency. The standards apply to a broad range of appliances sold in California.

California Code of Regulations, Title 24: Title 24 of the California Code of Regulations is a broad set of standards designed to address the energy efficiency of new and altered homes and commercial buildings. These standards regulate energy consumed for heating, cooling, ventilation, water heating, and lighting. Title 24 requirements are enforced locally by the City of Tulare Building Department.

California Green Building Standards Code (CALGreen): CalGreen is a mandatory green building code that sets minimum environmental standards for new buildings. It includes standards for volatile organic compound (VOC) emitting materials, water conservation, and construction waste recycling

City of Tulare Climate Action Plan (2011): The City of Tulare Climate Action Plan establishes the following Goals and Policies related to energy efficiency and conservation:

Goal 1: Increase energy efficiency and conservation.

- 1.1 Increase energy efficiency in existing City buildings and facilities through Facility Improvement Measures and by retrofitting Edison-owned streetlights. (City measure)
- 1.2 Design new City buildings and facilities to exceed California Energy Code requirements by 15%. (City measure)
- 1.3 Increase energy efficiency in new commercial and residential development and require new residential and commercial development to achieve enhanced energy efficiency and exceed California Energy Code requirements by 15%.
- 1.4 Reduce the urban heat island effect to cool the local climate and reduce energy consumption by maintaining current rates of public tree planting and increased shading on private property, high albedo surfaces, and cool surfaces.
- 1.5 Achieve a 20% reduction in water use by 2020 (20X2020) to reduce energy consumed for groundwater pumping.
- 1.6 Facilitate energy efficiency improvements within the residential building stock.
- 1.7 Support commercial and industrial profitability and energy efficiency through programs and partnerships.
- 1.8 Promote voluntary energy efficiency retrofits in the commercial and industrial sectors through financing and incentive programs.
- 1.9 Require stationary equipment in new industrial development to comply with best practice energy efficiency standards.
- 1.10 Continue to partner in regional initiatives that encourage achievement of regional energy efficiency targets.

Discussion**a) Would the project result in potentially significant environmental impact due to wasteful, inefficient, or unnecessary consumption of energy resources, during project construction or operation?**

The project proposes the construction of 255 residential units which will result in additional energy consumption, however this energy use is not unnecessary or inefficient as evaluated below.

Construction

During project construction there would be an increase in energy consumption related to worker trips and operation of construction equipment. This energy consumption will be short-term and temporary. There are not unusual project characteristics or construction processes that would require use of equipment that will be more energy intensive than used for comparable activities. Construction will include site preparation, building construction, paving and architectural coatings. The primary source of energy for construction will be diesel and gasoline.

All equipment shall conform to current emission standards and related fuel efficiencies including applicable California Air Resources Board (CARB) regulations, California Code of Regulations (Title 13, Motor Vehicles) and Title 24 standards. Compliance with these regulations would ensure that short-term, temporary construction activities do not result in wasteful, inefficient or unnecessary consumption of energy resources.

Operations

Project operation involves the heating, cooling, use of equipment, and vehicle trips. Energy consumption for operations will involve natural gas, electricity and fuel. Energy and natural gas were estimated using CalEEMod

(Appendix A) and vehicle trips were estimated through and Vehicle Miles Traveled (VMT) analysis (Appendix D). This energy use is justified by the energy-efficient nature of the proposed project and would be limited to the greatest extent possible through compliance with local, state, and federal regulations.

Because the proposed project will comply with all energy efficiency standards required under Title 24, Section 6, and these standards were specifically developed to achieve net zero energy for residential projects, it can be presumed that the project will achieve net zero energy. The impact is less than significant.

b) Conflict with or obstruct a state or local plan for renewable energy or energy efficiency?

The proposed project will not conflict with or obstruct any state or local plans for renewable energy or energy efficiency. The project will be designed to meet Title 24 and CALGreen requirements. Compliance with these standards will be enforced by the City of Tulare Building Division, therefore there is no impact

Mitigation Measures: None Required.

VII. GEOLOGY AND SOILS

Would the project:	Potentially Significant Impact	Less Than Significant With Mitigation Incorporation	Less than Significant Impact	No Impact
a) Directly or indirectly cause potential substantial adverse effects, including the risk of loss, injury, or death involving:				
i) Rupture of a known earthquake fault, as delineated on the most recent Alquist-Priolo Earthquake Fault Zoning Map issued by the State Geologist for the area or based on other substantial evidence of a known fault? Refer to Division of Mines and Geology Special Publication 42.	<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 type="checkbox"/>	<input checked="" type="checkbox"/>
iii) Seismic-related ground failure, including liquefaction?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" 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 type="checkbox"/>	<input checked="" type="checkbox"/>
d) Be located on expansive soil, as defined in Table 18-1-B of the Uniform Building Code (1994), creating substantial direct and indirect 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"/>
f) Directly or indirectly destroy a unique paleontological resource or site or unique geologic feature?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

Environmental Setting

Geologic Stability and Seismic Activity

- Seismicity:** Tulare County is considered to be a low to moderate earthquake hazard area. The San Andreas Fault is the longest and most significant fault zone in California and is approximately 40 miles west of the Tulare County Boundary. Owens Valley fault zone is the only active fault located within Tulare County. Section 5 of the 2017 Tulare Multi-Jurisdictional Local Hazard Mitigation Plan identifies the project site as likely to experience low to moderate shaking from earthquakes and may experience higher levels if an earthquake were to occur in or near the County. Ground shaking can result in other geological impacts, including liquefaction, landslides, lateral spreading, subsidence, or collapse.

- **Liquefaction:** 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, which can result in landslides and lateral spreading. No specific countywide assessment of liquefaction has been performed; however, the 2017 Tulare Multi-Jurisdictional Local Hazard Mitigation Plan identifies the risk of liquefaction within the county as low because the soil types in the area either too coarse or too high in clay content to be suitable for liquefaction.
- **Landslides:** Landslides refer to a wide variety of processes that result in the downward and outward movement of soil, rock, and vegetation under gravitational influence. Landslides can be caused by both natural and human-induced changes in slope stability and often accompany other natural hazard events, such as floods, wildfire, or earthquake. Eastern portions of the County are considered to be at a higher risk of landslides where steep slopes are present. However, the majority of the County, including the proposed project site, is considered to be at low risk of landslides and mudslides because of its flat topography. The 2017 Tulare Multi-Jurisdictional Local Hazard Mitigation Plan states that occurrence of landslide events within populated areas of Tulare County is unlikely.
- **Subsidence:** Land Subsidence refers to the vertical sinking of land as a result of either manmade or natural underground voids. Subsidence has occurred throughout the Central Valley at differing rates since the 1920's as a result of groundwater, oil, and gas withdrawal. During drought years, Tulare County is prone to accelerated subsidence, with some areas sinking up to 28 feet. Although western portions of the County show signs of deep and shallow subsidence, the majority of the County, including the proposed project site, is not considered to be at risk of subsidence related hazards.

Soils Involved in Project: According to the United States Department of Agriculture, Natural Resources Conservation Service the proposed project involves construction on one soil type, Nord Fine Sandy Loam, 0-2 percent slope. The Nord series consists of very deep, well drained soils formed primarily from granitic and sedimentary rocks. The Nord series is a member of a coarse-loamy, mixed, superactive, thermic cumulic Haploxerolls taxonomic class and are found in flood plains and alluvial fans.

Regulatory Setting

California Building Code: The California Building Code (CBC) contains general building design and construction requirements relating to fire and life safety, structural safety, and access compliance. CBC provisions provide minimum standards to safeguard life or limb, health, property and public welfare by regulating and controlling the design, construction, quality of materials, use and occupancy, location and maintenance of all buildings and structures and certain equipment.

City of Tulare General Plan: The Safety Element of the City of Tulare General Plan includes the following goals and policies regarding soils and geology.

SAF-P1.4 Building and Codes. Except as otherwise allowed by State law, the City shall ensure that all new buildings intended for human habitation are designed in compliance with the latest edition of the California Building Code, California Fire Code, and other adopted standards based on risk (e.g., seismic hazards, flooding), type of occupancy, and location (e.g., floodplain, fault).

SAF-P1-7 Site Investigations. The City shall require applicants to conduct site investigations in area planned for new development to determine susceptibility to landslides, subsidence/settlement, contamination and/or flooding.

Goal SAF-4 To protect people and property from seismic and geotechnical hazards.

SAF-P4.4 Alquist-Priolo Act Compliance. The City shall not permit any structure for human occupancy to be placed within designated Earthquake Fault Zones (pursuant to and as determined by the Alquist-Priolo Earthquake Fault Zoning Act; Public Resources Code, Chapter 7.5) unless the specific provisions of the Act and Title 14 of the California Code of Regulations have been satisfied.

SAF-P4.5 Subsidence. The City shall confirm that development is not located in any known areas of active subsidence. If urban development may be located in such an area, a special safety study will be prepared and needed safety measures implemented.

Discussion

a) Would the project directly or indirectly cause potential substantial adverse effects, including the risk of loss, injury, or death involving:

i. Rupture of a known earthquake fault, as delineated on the most recent Alquist-Priolo Earthquake Fault Zoning Map issued by the State Geologist for the area or based on other substantial evidence of a known fault? Refer to Division of Mines and Geology Special Publication 42.

There are no active faults mapped in the project area according to the Tulare County Multi-Hazard Mitigation Plan. Further the project is not located in an Alquist Priolo Earthquake Fault Zone. Although the project is located in an area of relatively low seismic activity, the project could be affected by ground shaking 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. The project has no potential to indirectly or directly cause the rupture of an earthquake fault, therefore, the risk of loss, injury or death involving a rupture of a known earthquake fault would be less than significant.

ii. Strong seismic ground shaking?

According to the Tulare County Multi-Jurisdictional Local Hazard Mitigation Plan, the project site is located in an area of relatively low seismic activity. The proposed project does not include any activities or components which could feasibly cause strong seismic ground shaking, either directly or indirectly, therefore there is no impact.

iii. Seismic-related ground failure, including liquefaction?

No specific countywide assessment of liquefaction has been performed; however, the Tulare County Multi-Hazard Mitigation Plan identifies the risk of liquefaction within the county as low because the soil types are unsuitable for liquefaction. According to state soils maps, the project site consists mostly of Nord fine sandy loam and does not contain soils suitable for liquefaction, therefore there is no impact.

iv. Landslides?

The proposed project site is generally flat and there are no hill slopes in the area. As such, there is

almost no potential for landslides, therefore there is no impact.

b) Would the project result in substantial soil erosion or the loss of topsoil?

Development of the project will require typical site preparation activities such as grading and trenching which may result in the potential for short term soil disturbance or erosion impacts. Construction would also involve the use of water which may cause further soil disturbance. Such impacts will be addressed through compliance with the State Water Resources Control Board (SWRCB) which requires new development to implement measures to minimize soil erosion related to construction.

Construction-related impacts related to erosion will be temporary and subject to best management practices (BMPs) required by SWPPP, which are developed to prevent significant impacts related to erosion from construction. Because impacts related to erosion would be temporary and limited to construction, and because required BMP's would prevent significant impacts related to erosion the impacts from the proposed project will be less than significant.

c) Would the project 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?

The soils associated with the project site, Nord Fine Sandy Loam and , are considered stable and have a low capacity for landslides, lateral spreading, subsidence, liquefaction or collapse. The project does not involve a substantial grade change to the topography to the point that it would increase the risk of landslides, lateral spreading, subsidence, liquefaction or collapse, therefore there is no impact.

d) Would the project be located on expansive soils, as defined in Table 18-1-B of the Uniform Building Code (1994), creating substantial direct or indirect risks to life or property?

The soils of the project site consist of Nord Fine Sandy Loam and Colpien Loam. The Nord and Colpien soils consists of very deep, well drained soils, which are not considered expansive soil. Expansive soils contain large amounts of clay, which absorb water and cause the soil to increase in volume. Conversely, the soil of the project site are granular, well- draining, and therefore have a limited ability to absorb water or exhibit expansive behavior, therefore there is no impact.

e) Would the project have soils incapable of adequately supporting the use of septic tanks or alternative wastewater disposal systems where sewers are not available for the disposal of wastewater?

The proposed project will become part of the existing City wastewater infrastructure and would not require the use of septic tanks or alternative wastewater disposal systems, therefore there is no impact.

f) Would the project directly or indirectly destroy a unique paleontological resource or site or unique geologic feature?

As discussed in the Cultural Resources Section, there are no unique geologic features and no known paleontological resources located within the project area, therefore there is no impact.

Mitigation Measures: None Required.

VIII. 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"/>
a) 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"/>

Environmental Setting

The SJVPCD had adopted the following documents and policies applicable to projects within the San Joaquin Valley:

- Guidance for Valley Land Use Agencies in Addressing GHG Emission Impacts for new Projects under CEQA, and,
- District Policy: Addressing GHG Emission Impacts for Stationary Source Projects Under CEQA when Serving as the Lead Agency.

This guidance and policy are the reference documents in the SJVAPCD’s Guidance for Assessing and Mitigating Air Quality Impacts adopted in March of 2015. Consistent with the District Guidance and District Policy above, SJVAPCD acknowledges the current absence of numerical thresholds, and recommends a tiered approach to establish the significance of the GHG impacts on the environment.

- If a project complies with an approved GHG emission reduction plan or GHG mitigation program which avoids or substantially reduces GHG emission with the geographic area in which the project is located, then the project would be determined to have a less than significant individual and cumulative impact for GHG emissions.
- If a project does not comply with an approved GHG emission reduction plan or mitigation program, then it would be required to implement Best Performance Standards (BPS); and,
- If a project is not implementing BPS, then it should demonstrate that it’s GHG emissions would be reduced or mitigated by at least 29 percent compared to Business as Usual.

In the event that a local air district’s guidance for addressing GHG impacts does not use numerical GHG emissions threshold, at the lead agency’s discretion, a neighboring air district’s GHG threshold may be used to determine impacts. In December 2008, the South Coast Air Quality Management District (SCAQMD) adopted an interim GHG significance threshold for project where the SCAQMD is the lead agency. The SCAQMD adopted a threshold of 10,000 MT CO2 eq/year for construction emissions amortized over a 30-year project lifetime, plus annual operations emissions. Table 8-1 shows the years GHG emissions generated by the project for construction, which would be amortized over 30 years and the annual operations emissions of 4,498 MT/year, which is substantially lower than the 10,000 MT/year established by the SCAQMD.

TABLE 8-1 PROJECT CONSTRUCTION GREENHOUSE GAS EMISSIONS	
EMISSIONS	MT/year
SCAQMD GHG THRESHOLD	10,0000
PROJECT CONSTRUCTION	434

Source : CalEEMod, Appendix A

Regulatory Setting

City of Tulare Climate Action Plan: The City of Tulare Climate Action Plan identifies the following goals and policies to reduce GHG emissions related to new development:

Measure 1.3: Energy Efficiency in New Development: Increase energy efficiency in new commercial and residential development and require new residential and commercial development to achieve enhanced energy efficiency and exceed California Energy Code requirements by 15%.

- 1.3.1 Implement the minimum CALGreen standards for energy efficiency contained in 2008 Title 24 standards, effective January 1, 2010.
- 1.3.2 By 2015, amend the building code and other codes as applicable to require new construction to meet CALGreen measures (A4.203.1 and A.5.203.1.1), as applicable.
- 1.3.3 Work with Southern California Edison to implement smart grid technology in new development.

Discussion

a) **Would the project generate greenhouse gas emissions, either directly or indirectly, that may have a significant impact on the environment.**

Greenhouse gas emissions for the construction and operation of the proposed project were modeled using the California Emissions Estimator Model (CalEEMod). The CalEEMod report can be found in Appendix A.

Construction: Greenhouse gasses would be generated during construction from activities including site demolition, site preparation, grading, building construction, application of architectural coatings, and paving. The CalEEMod Emissions report predicts that this project will create a maximum of 434 MT of CO2e emissions per year during construction. Because the SJVAPCD does not have numeric thresholds for assessing the significance of construction-related GHG emissions, predicted emissions from project construction were compared to SCAQMD thresholds for construction related GHG emissions. The SCAQMD currently has a threshold of 10,000 metric tons of CO2e per year for construction emissions amortized over a 30-year project lifetime. Because project construction would generate far less GHG emissions than this threshold, impacts related to GHG emissions during project construction would be less than significant.

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

Project GHG emissions were calculated using CalEEMod. The project is estimated to produce 4,498 MT of CO₂e per year. The Tulare Climate Action Plan identifies a baseline (2006) of 820,291 metric tons of carbon dioxide equivalent. The project operations emissions are less than 0.55% of the total GHG emissions for Tulare. Based on the above assessment, project emissions impacts are considered less than significant.

b) Would the project conflict with an applicable plan, policy or regulation adopted for the purpose of reducing the emissions of greenhouse gases?

The proposed project will comply with all Federal, State, and Local rules pertaining to the regulation of greenhouse gas emissions. The project will not conflict with any plan, policy, or regulation developed to reduce GHG emissions. There is no impact.

Mitigation Measures: None Required

IX. 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 checked="" type="checkbox"/>	<input 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 or excessive noise 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 people residing or working in the project area?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
f) 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"/>
g) Expose people or structures, either directly or indirectly, to significant risk of loss, injury or death involving wildland fires?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

Environmental Setting

The project site is not located within two miles of a public airport, but is within one-half a mile from the nearest schools of the nearest school, Mission Oak High School, which is directly adjacent to the north.

The Department of Toxic Substances Control’s (DTSC’s) Envirostor database was used to identify any sites known to be associated with releases of hazardous materials or wastes within the project area, in accordance with Government Code Section 65962.5. No sites were identified in the DTSC research on the subject project.

Regulatory Setting

Toxic Substances Control Act of 1976 (15 U.S.C. §2601 et seq.). The Toxic Substance Control Act was enacted by Congress in 1976 and authorizes the EPA to regulate any chemical substances determined to cause an unreasonable risk to public health or the environment.

Hazardous Waste Control Law, Title 26. The Hazardous Waste Control Law creates hazardous waste management program requirements. The law is implemented by regulations contained in Title 26 of the California Code of Regulations (CCR), which contains requirements for the following aspects of hazardous waste management:

- Identification and classification;
- Generation and transportation;
- Design and permitting of recycling, treatment, storage, and disposal facilities;
- Treatment standards;
- Operation of facilities and staff training; and
- Closure of facilities and liability requirements.

California Code of Regulations, Title 22, Chapter 11. Title 22 of the California Code of Regulations contains regulations for the identification and classification of hazardous wastes. The CCR defines a waste as hazardous if it has any of the following characteristics: ignitability, corrosivity, reactivity, and/or toxicity.

Hazardous Materials Release Response Plans and Inventory Law of 1985. Pursuant to the Hazardous Materials Release Response Plans and Inventory Law of 1985, local agencies are required to develop “area plans” for response to releases of hazardous materials and wastes. Tulare County maintains a Hazardous Material Incident Response Plan to coordinate emergency response agencies for incidents and requires the submittal of business plans by persons who handle hazardous materials.

City of Tulare General Plan: The City of Tulare General Plan includes the following goals and policies pertaining to hazards and hazardous materials:

- LU-P11.19 Recycling of Hazardous Materials. The City shall require the proper disposal and recycling of hazardous materials.

Goal SAF-1 To regulate future development to ensure the protection of public health and safety from hazards and hazardous materials and the adequate provision of emergency services.

Goal SAF-5 To protect people from the harmful effects of exposure to hazardous materials.

- SAF-P5.2 Hazardous Materials Studies. The City shall ensure that the proponents of new development projects address hazardous materials concerns through the preparation of Phase I or Phase II hazardous materials studies for each identified site as part of the design phase for each project. Recommendations required to satisfy Federal or State cleanup standards outlined in the studies will be implemented as part of the construction phase for each project.
- SAF-P5.3 Transporting Hazardous Materials. The City shall strive to ensure hazardous materials are used, stored, transported, and disposed of in a safe manner, in compliance with local, State, and Federal safety standards.

Discussion

a) Would the project create a significant hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials?

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. As a primarily residential use, the project does not involve the use or storage of hazardous substances other than the small amounts of pesticides, fertilizers, and cleaning agents required for normal maintenance of residential structures and landscaping. The commercial use is not anticipated to include the storage or use of hazardous materials, however any use will be subject to current City, State and Federal regulations for the storage of hazardous materials. Therefore, the proposed project will have a less than significant impact.

b) Would the project 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?

The proposed project is a residential subdivision, as such there is no reasonably foreseeable condition or incident involving the project that could result in release of hazardous materials into the environment, other than any potential accidental releases of standard fuels, solvents, or chemicals encountered during typical construction of a residential subdivision. Should an accidental hazardous release occur or should the project encounter hazardous soils, existing regulations for handling hazardous materials require coordination with the California Department of Toxic Substances Control for an appropriate plan of action. Therefore, impacts are considered to be less than significant.

c) Would the project emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste within one-quarter mile of an existing or proposed school?

The project is a residential subdivision that is not anticipated to include a use that will involve the use or storage of hazardous substances other than small amounts of pesticides, fertilizers, and cleaning agents required for normal maintenance of residential structures and landscaping. The project would not emit hazardous emissions or involve the handling of acutely hazardous materials or waste, therefore, impacts would be less than significant.

d) Would the project 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?

The project site is not listed as a hazardous materials site pursuant to Government Code Section 65962.5. The site is not included on a list compiled by the Department of Toxic Substances Control (DTSC), therefore there is no impact.

e) For a project located within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project result in a safety hazard or excessive noise for people residing or working in the project area?

The proposed project is not located within an airport land use plan and is not within two miles of a public airport. The proposed project would not result in a safety hazard or excessive noise for people residing or working in the project area, therefore there is no impact.

f) Would the project impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan?

The City's site plan review procedures ensure compliance with emergency response and evacuation plans, therefore there is no impact.

g) Would the project expose people or structures, either directly or indirectly, to significant risk of loss, injury or death involving wildland fires?

The land surrounding the project site is developed with urban uses and agricultural uses and are not considered to be wildlands. The proposed project would not expose people or structures to significant risk of loss, injury or death involving wildland fires, therefore there is no impact.

Mitigation Measures: None Required

X. 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 or otherwise sustainably degrade surface or ground water quality?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b) Substantially decrease groundwater supplies or interfere substantially with groundwater recharge such that the project may impede sustainable groundwater management of the basin?	<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 or through the addition of impervious surfaces, in a manner, which would:	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
(i) result in substantial erosion or siltation on- or off-site?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
(ii) substantially increase the rate or amount of surface runoff in a manner which would result in flooding on- or offsite?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
(iii) create or contribute runoff water which would exceed the capacity of existing or planned stormwater drainage systems or provide substantial additional sources of polluted runoff; or	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
(iv) impede or redirect flood flows?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
d) In flood hazard, tsunami, or seiche zones risk the release of pollutants due to project inundation?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
e) Conflict with or obstruct implementation of a water quality control plan or sustainable groundwater movement plan?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

Environmental Setting

The project site is within the Tulare City Limits and as such, will be required to connect to water and stormwater services. The City has reviewed the project to determine adequate capacity in these systems and to ensure compliance with any applicable connection or discharge requirements. The review of the project resulted in a determination that the project would not require or result in the location or construction of new or expanded facilities and as such, would not cause significant effects. The City water supply is from groundwater. The City is located within the Tulare Lake Hydrologic Region and is within the Kaweah Subbasin.

Groundwater: The City of Tulare water system consists of 23 active wells, a 125,000 gallon water storage tower, two - 2 million gallon concrete storage tanks, one - 1.5 million gallon concrete storage tank, 7 well sites with granulated activated carbon (GAC) treatment filters, 277 miles of water transmission and distribution mains, and over 2,500 fire hydrants. The City’s water supply comes from a series of deep groundwater wells scattered throughout the city and pumped into an interconnected water system. Additionally, the City of Tulare, City of Visalia, and the Tulare Irrigation District have joined a Joint Power Authority (JPA) Agreement to form the Mid-Kaweah Groundwater Sustainability Agency (GSA). The JPA states

the Board of Directors is responsible for the development, adoption, and implementation of a Groundwater Sustainability Plan as required by the Sustainable Groundwater Management Act of 2014.

Surface Waters: None of the City's potable water is supplied through surface water. However, the City of Tulare does purchase surface water from the Tulare Irrigation District to be used for groundwater recharge.

Regulatory Setting

Clean Water Act: The Clean Water Act (CWA) is enforced by the U.S. EPA and was developed in 1972 to regulate discharges of pollutants into the waters of the United States. The Act made it unlawful to discharge any pollutant from a point source into navigable waters unless a National Pollution Discharge Elimination System (NPDES) Permit is obtained.

Central Valley RWQCB: The proposed project site is within the jurisdiction of the Central Valley Regional Water Quality Control Board (RWQCB). The Central Valley RWQCB requires a National Pollution Discharge Elimination System (NPDES) Permit and Stormwater Pollution Prevention Plan (SWPPP) for projects disturbing more than one acre of total land area. Because the project is greater than one acre, a NPDES Permit and SWPPP will be required.

City of Tulare General Plan: The City of Tulare General Plan contains the following goals and policies related to water resources:

- LU-P11.3 System Expansion. The City shall require new development be responsible for expansion of existing facilities such as water systems, sewer systems, storm drainage systems, parks and other capital facilities made necessary to serve the new development.
- LU-P11.4 Water Supply System. 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.
- LU-P11.5 Water Supply for New Development. For all new development, prior to the approval of any subdivision applications, the developers shall assure that there is sufficient available water supply to meet projected buildout.
- LU-P11.6 Adequate System Maintenance. The City shall require maintenance funding for streets, storm drainage, and ponding basins for new development.
- LU-P11.7 Adequate Infrastructure Capacity. The City shall only approve new development when it can be demonstrated by the applicant that adequate system capacity in the service area is or will be available to handle increases related to the project.
- LU-P11.9 Adequate City Service Capacity. The City shall only approve new development when it can be demonstrated by the applicant that adequate public service capacity in the area is or will be available to handle increases related to the project. School capacity will be discussed in the review of each development, and the City will ensure early coordination with the school districts serving the site. School capacity will be addressed as allowed under State law.
- LU-P11.17 Fair Share Improvements. The City shall ensure new development is required to participate on a fair-share basis in the completion of improvements to the existing sewer system, and/or the construction of new sewer trunk lines as described in the City's adopted Sewer MasterPlan.

- COS-P1.1 Regional Groundwater Protection. The City shall work with Tulare County and special districts to help protect groundwater resources from overdraft by promoting water conservation and groundwater recharge efforts.
- COS-P1.8 Water Conservation. The City shall promote efficient water use and reduced water demand by:
 - a. Requiring water-conserving design and equipment in new construction.
 - b. Encouraging water-conserving landscaping and other conservation measures.
 - c. Encourage retrofitting existing development with water conserving devices.
 - d. Providing public education programs.
 - e. Distributing outdoor lawn watering guidelines.
 - f. Promoting water audit and leak detection programs.
 - g. Enforcing water conservation programs.
- COS-P1.11 Water for Irrigation. Whenever possible, the City shall require new development to use recycled or non-potable water for irrigation in landscaped areas.

Discussion

a) Would the project violate any water quality standards or waste discharge requirements or otherwise substantially degrade surface or ground water quality?

Because the project site is greater than one acre in size, the developer will be required to prepare a Stormwater Pollution Prevention Plan (SWPPP) in compliance with the General Permit for Discharges of Storm Water Associated with Construction activity. The SWPPP will estimate the sediment risk associated with construction activities and include best management practices (BMP) to control erosion. BMP's specific to erosion control, sediment, tracking and waste management controls. Implementation of the SWPPP minimizes the potential for the project to result in substantial erosion or loss of topsoil. These provisions minimize the potential for the project to violate any waste discharge requirements or otherwise substantially degrade surface or ground water quality. Further runoff resulting from the project would be managed by the City in compliance with the Storm Drain Master Plan in addition to approved grading and drainage plans. Compliance with existing regulation including the General Construction Permit, BMP's and Storm Drain Master Plan will result in impacts to water quality and waste discharge to be less than significant.

b) Would the project substantially decrease groundwater supplies or interfere substantially with groundwater recharge such that the project may impede sustainable groundwater management of the basin?

Water services will be provided by the City of Tulare upon development. The City of Tulare long term water resource planning is addressed in the City 2020 Urban Water Management Plan. Because the project has been previously accounted for and analyzed with the General Plan as residential use, it can be presumed that the existing and planned water system and supply should be adequate to serve the project and the project would not interfere substantially with groundwater recharge or impede sustainable groundwater management of the basin. The proposed project would be proposing smaller lots, which tend to use less water due to less outdoor irrigation needs, and a portion which will be developed as retail commercial with a net reduction in outdoor irrigation needs compared to the large lot residential assumed at this location in the General Plan. In addition, the project will be required to comply with the California Plumbing Code, efficient appliances, efficient landscape etc.

The Project would result in a reduction in percolation to the groundwater basin, because the project would create an increase in the amount of paved and impervious surfaces. However, the project has been reviewed by the City of Tulare Public Works Director and Engineer who have determined that the Project will not have a significant impact on the existing water system, and would tie into the existing water infrastructure for this part of the City. For example, there is an existing regional basin that this project would tie into and divert stormwater flows to for percolation back into the ground to replenish groundwater supplies.

Therefore, since the proposed project would not substantially decrease water supplies or interfere with groundwater recharge, the Project would have a less than significant impact on groundwater resources.

c) Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river or through the addition of impervious surfaces, in a manner, which would:

i. Result in substantial erosion or siltation on- or off-site?

The proposed project includes the construction and operation of residential homes and a commercial development on formerly agricultural land. During construction, and in compliance with the project's SWPPP, construction related erosion controls and BMP's would be implemented to reduce potential impact related to erosion and siltation. The BMP's would include, but are not limited to, covering and/or binding the soil surfaces to prevent soil from being detached and transported by water or wind and the use of barriers such as straw bales and sandbags to control sediment. The project will increase impervious surface with the installation of paving of streets and parking lot, concrete pads for homes and commercial buildings and sidewalks. In order to adequately capture and discharge stormwater runoff, the project will be conditioned to be constructed to City standards. Improvement plans will be reviewed by City staff for approval prior to construction. This review and approval will result in impacts that are less than significant.

ii. Substantially increase the rate or amount of surface runoff in a manner which would result in flooding on- or offsite?

The project would result in an increase of impervious surfaces within the project site, which may result in an increase in surface runoff. However, the project will connect to an existing stormwater retention basin which has been determined by City staff to contain capacity to hold all stormwater runoff, therefore impacts will be less than significant.

iii. Create or contribute runoff water which would exceed the capacity of existing or planned stormwater drainage systems or provide substantial additional sources of polluted runoff?

The proposed project would include the construction and operation of 255 low-density residential units and a 1.15 acre park site. New impervious surfaces, such as the roads and driveways, collect automobile derived pollutants such as oils, greases, rubber and heavy metals. During storms, pollutants would be transported into the drainage systems by surface runoff. Due to the increase in population and impervious surfaces within the site, there would be an increase in pollutants in surface runoff. As a result, an increase in point source and non-point source pollution may result from increases in urban development. The project, as a residential project, is not a source which would otherwise create substantial degradation of water quality. Upon compliance with the City's SWMP, Engineering

Standards, General Plan, and City Ordinance requirements, impacts related to water quality would be less than significant.

iv. Impede or redirect flood flows?

Although the project would result in an increase to impervious surfaces, the project will not alter the drainage patterns, as the site is relatively flat. Because project specific grading and drainage plans are required to be reviewed by the City before construction, it will be required to comply with all City standards by connecting to an existing stormwater basin. The project would not redirect flood flows, therefore there is no impact.

d) Would the project, in flood hazard, tsunami, or seiche zones, risk the release of pollutants due to project inundation?

The proposed project is not located in a flood hazard, tsunami or seiche zone. There are no rivers, reservoirs, ponds or lakes within the site. Since the project is not located in an area that is susceptible to inundation, the project would not risk release of pollutants due to project inundation. As such, there is no impact.

e) Would the project conflict with or obstruct implementation of a water quality control plan or sustainable groundwater management plan?

The proposed project site is within the jurisdiction of the Mid-Kaweah Groundwater Sustainability Agency (GSA). The Groundwater Sustainability Plan (GSP) was adopted by the Mid-Kaweah GSA in December 2019. The plan was reviewed for consistency with the proposed project, and it was determined that the proposed project does not conflict with and would not obstruct implementation of the GSP. There is no impact.

Mitigation Measures: None Required

XI. 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) Cause a significant environmental impact due to a conflict with any land use plan, policy, or regulation adopted for the purpose of avoiding or mitigating an environmental effect?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

Environmental Setting

The proposed project site is located just outside, but adjacent to the city limits of Tulare. The site is currently designated Low Density Residential in the Tulare General Plan. The proposed project includes a pre-zone application to designate the property R1-4, Single Family Residential (4,000 square feet minimum).

Regulatory Setting

City of Tulare General Plan

The following goals and policies in the City of Tulare General Plan are applicable to the project site’s residential land use designation:

Goal LU-3 To designate, protect, and provide land to ensure sufficient residential development capacity and variety to meet community needs and projected population growth.

- LU-P3.1 Neighborhood Housing Mix. The City shall encourage mixed use neighborhoods to have a variety of housing types and densities to help create an overall healthy, balanced community.
- LU-P3.4 Jobs-Housing Balance. The City shall consider the effects of city land use proposals and decisions on the Tulare County area and the efforts to maintain a regional jobs housing balance.
- LU-P3.5 Future Residential Development. The City shall direct future residential development to areas adjacent or in close proximity to existing and future neighborhoods and neighborhood commercial areas to further Tulare as a self-sufficient, full-service city.
- LU-P3.9 Planned Development. The City shall encourage the use of planned development provisions in residential developments to provide flexibility, to meet various socio-economic needs, and to address environmental and site design constraints.
- LU-P3.10 Affordable Housing. The City shall encourage the development of affordable housing to ensure that a variety of housing options are available to all income, age, and cultural groups.

Discussion

a) Would the project physically divide an established community?

The project proposes the development of 255 low-density residential units and a 1.15 acre park on approximately 39.26 acres within the City of Tulare. The project would not act as a physical barrier within a community, therefore there is no impact.

b) Would the project cause a significant environmental impact due to a conflict with any land use plan, policy, or regulation adopted for the purpose of avoiding or mitigating an environmental effect?

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

Mitigation Measures: None Required

XII. 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"/>

Environmental Setting

There are no mineral resource zones in Tulare County and there is no mineral extraction occurring on or adjacent to the proposed project site.

Regulatory Setting

California State Surface Mining and Reclamation Act: The California State Surface Mining and Reclamation Act was adopted in 1975 to regulate surface mining to prevent adverse environmental impacts and to preserve the State’s mineral resources. The Act is enforced by the California Department of Conservation’s Division of Mine Reclamation.

City of Tulare General Plan: The following mineral resource goals and policies in the Conservation and Open Space Element of the Tulare General Plan are potentially applicable to the proposed project:

Goal COS-8 To protect the current and future extraction of mineral resources that are important to the City’s economy while minimizing impacts of this use on the public and the environment.

- **COS-P8.3** Future Resource Development. Provide for the conservation of identified and/or potential mineral deposits within the UDB as areas for future resource development.
- **COS-P8.5** Incompatible Development. Proposed incompatible land uses shall not be on lands containing, or adjacent to, identified mineral deposits or along key access roads, unless adequate mitigation measures are adopted or a statement of overriding considerations stating public benefits and overriding reasons for permitting the proposed use are adopted.
- **COS-P8.10** Resources Development. The City will promote the responsible development of identified and/or potential mineral deposits.

Discussion

a) Would the project 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?

The project site has no known mineral resources that would be of value to the region and the residents of the state, therefore the proposed project would not result in the loss of regionally or locally important mineral resources. Therefore, there is no impact.

b) Would the project 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?

There are no known mineral resources of importance to the region and the project site is not designated under the City's or County's General Plan as an important mineral resource recovery site, therefore there is no impact.

Mitigation Measures: None Required

XIII. NOISE

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

Environmental Setting

Noise is often described as unwanted sound. Sound is the variation in air pressure that the human ear can detect. If the pressure variations occur at least 20 times per second, they can be detected by the human ear. The number of pressure variations per second is called the frequency of sound, and is expressed as cycles per second, called Hertz (Hz).

Ambient noise is the “background” noise of an environment. Ambient noise levels on the proposed projectsite are primarily due to traffic and construction occurring near the site. Construction activities usually result in an increase in sound above ambient noise levels.

The closest noise sensitive receptors are the residents of the single family residential properties to the west, north and south.

Regulatory Setting

City of Tulare General Plan: The Noise Element of the City of Tulare General Plan is responsible for establishing noise standards within the City and includes the following goals and policies related to noise that may be applicable to the project.

Goal NOI-1 Protect the citizens of Tulare County from the harmful effects of exposure to excessive noise.

- **NOI-P1.5 Construction Noise.** Reduce noise associated with construction activities by requiring properly maintained mufflers on construction vehicles, requiring the placement of stationary construction equipment as far as possible from developed areas, and requiring temporary acoustical barriers/shielding to minimize construction noise impacts at adjacent receptors. Special attention

should be paid to noise-sensitive receptors (including residential, hospital, school, and religious land uses).

- **NOI-P1.6** Limiting Construction Activities. The City shall limit construction activities to the hours of 6 am to 10 pm, Monday through Saturday.
- **NOI-P1.18** Construction-related Vibration. Evaluate individual projects that use vibration- intensive construction activities, such as pile drivers, jack hammers, and vibratory rollers, near sensitive receptors for potential vibration impacts. If construction-related vibration is determined to be perceptible at vibration-sensitive uses, additional requirements, such as use of less- vibration-intensive equipment or construction techniques, should be implemented during construction (e.g., drilled piles to eliminate use of vibration-intensive pile driver).

Discussion

a) Would the project result in generation of a substantial temporary or permeant increase in ambient noise levels in the vicinity of the project in excess of standards established in the local general plan or noise ordinance, or applicable standards of other agencies?

Project construction is anticipated to last approximately 24-36 months and will involve temporary noise sources.

The City of Tulare General Plan and Noise Ordinance does not identify noise thresholds for noise sources related to construction, however the General Plan does require the implementation of noise reduction measures for all construction equipment and limits noise generating activities related to construction to daytime hours Monday through Saturday between 6:00 AM and 10:00PM.

Long term noise levels resulting from the project would include single-family homes, which are not normally associated with high operational noise levels.

Because noise generated from construction would be temporary, construction activities would comply with all measures established by the City to limit construction related noise impacts, and operational noise would be consistent with adjacent land uses, therefore the impact is less than significant.

b) Would the project result in generation of excessive ground-borne vibration or groundborne noise levels?

The City of Tulare General Plan states that projects that use vibration-intensive construction activities, such as pile drivers, jack hammers, and vibratory rollers, near sensitive receptors must be evaluated for potential vibration. Construction vibration impacts include human annoyance and building structural damage. Human annoyance occurs when construction vibration rises significantly above the threshold of perception. Building damage can take the form of cosmetic or structural. Table 13-1, below, shows the typical vibration levels produced by construction equipment.

Type of Equipment	Peak Particle Velocity @ 25 feet (inches/second)	Peak Particle Velocity @ 100 feet (inches/second)
Large Bulldozer	0.089	0.011
Loaded Trucks	0.076	0.010
Pile Driving (Impact)	1.518	0.190
Pile Driving (Sonic)	0.734	0.092
Small Bulldozer	0.003	0.000
Auger/drill Rigs	0.089	0.011

Jackhammer	0.035	0.004
Vibratory Hammer	0.070	0.009
Vibratory Compactor/roller	0.210	0.026

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

The most significant source of groundborne vibrations during the project’s construction would occur from the use of vibratory compactors. Table 13.1 above, indicates that vibratory compactors would generate typical vibration levels of 0.210 inches per second at a distance of 25 feet. The threshold for architectural damage to buildings is 0.20 inches per second. While there are existing residences adjacent to the proposed project, vibratory compactors/rollers would be used only on a limited and interval basis during compaction, and would be moving throughout the site, instead of stationary or operated long-term in the same location to the extent it would damage buildings due to longer-term extended use. Therefore, this would be considered a less than significant impact.

- c) **For a project located within the vicinity of a private airstrip or, an airport land use plan or, where such a plan has not been adopted, within two miles of public airport or public use airport, would the project expose people residing or working in the project area to excessive noise levels?**

The project site is not located in an airport land use plan and is not located within two miles of a public airport or public use airport., therefore there is no impact.

Mitigation Measures: None Required

XIV. POPULATION AND HOUSING

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

Environmental Setting

The United States Census Bureau estimated the population in the City of Tulare to be 69,200 in 2020. This is an increase from the 2010 census, which counted the population in the City of Tulare to be 59,469. The Tulare General Plan projects that the population in 2035 to be 90,028.

Discussion

- a) Would the project induce substantial unplanned population growth in an area, either directly (for example by new homes and businesses) or indirectly (for example, through extension of roads or other infrastructure)?**

The United States Census Bureau estimated the population in the City of Tulare to be 69,200 persons in 2020. The project proposes to construct 255 new low-density residential units. The City of Tulare General Plan states that the City’s average household size is 3.35 persons. Based on this average household size, the anticipated population increase as a result of the proposed project is 855 persons. This would be an increase of approximately one percent beyond existing conditions. The construction of housing at this location would not be unplanned, as the City’s General Plan designated the proposed project site for residential development, and anticipated a total population of 90,028 residents in 2035. Therefore, this project would be consistent and supportive of the residential growth planned for in the City’s General Plan, and impacts to population growth are considered less than significant.

- b) Would the project displace substantial numbers of existing people or housing, necessitating the construction of replacement housing elsewhere?**

The proposed project does not involve the removal of any housing and will not displace substantial numbers of people or necessitate the construction of replacement housing , therefore there is no impact.

Mitigation Measures: None Required

XV. 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 checked="" type="checkbox"/>	<input type="checkbox"/>
b. Police protection?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c. Schools?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
d. Parks?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
e. Other public facilities?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

Environmental Setting

Fire: Once annexed, the project site will be served by the City of Tulare Fire Department.

Police: The City of Tulare Police Department will provide law enforcement services to the proposed project site upon annexation and development.

Schools: The proposed project site is located within the Tulare City School District and Tulare Joint Union High School District. Students living at the project site will attend Alpine Vista Elementary School, Live Oak Middle School and Mission Oak High School. The closest schools are Alpine Vista Elementary and Mission Oak High School, both campuses located just under one-half mile north of the project site. Funding for schools is outlined in Education Code Section 17620 and Government Code Section 65995 et. Seq., which governs the amount of fees that can be levied against new development. These fees are used to construct new or expanded school facilities. Payment of fees authorized by the statute is deemed “full and complete mitigation.”

Parks: According to the City General Plan EIR, the City maintains a total of 363 acres of land within its Parks Division, including 295.65 acres of park land, 35 acres of Landscape and Lighting Districts, and approximately 32 acres of green belts, medians, tree-lined streets, and building landscapes. The proposed project includes a .97 acre park to meet the requirement for a neighborhood park within the subdivision. The project will also pay Quimby Fees and Park and Recreation Impact Fees to meet the requirements of providing actual parkland.

Regulatory Setting

Objectives and Policies relating to Law Enforcement, Fire Protection, Parkland, and School Facilities are included in the Land Use Element and Conservation and Open Space Element of the Tulare’s General Plan. The Goals and Policies potentially applicable to the proposed project are as follows:

- COS-P4.1 Parkland/Open Space Standards: The City’s goal is to provide 4 acres of developed parkland per 1,000 residents. New residential or mixed use developments containing a residential component may be required to provide parkland, or pay in-lieu fees, in this ratio as directed by the City.
- LU-P11.3 System Expansion: The City shall require new development be responsible for expansion of existing facilities such as water systems, sewer systems, storm drainage systems, parks, and other capital facilities made necessary to serve the new development.
- LU-P11.9: Adequate City Service Capacity: The City shall only approve new development when it can be demonstrated by the applicant that adequate public service capacity in the area is or will be available to handle increases related to the project. School capacity will be discussed in the review of each development, and the City will ensure early coordination with the school districts serving the site. School capacity will be addressed as allowed under State law.
- LU-P11.26 Evaluate Fiscal Impacts: The City shall evaluate the fiscal impacts of new development and encourage a pattern of development that allows the City to provide and maintain a high level of urban services (including, but not limited to, water, sewer, transportation, fire stations, police stations, libraries, administrative, and parks), and community facilities and utility infrastructure, as well as attract targeted businesses and a stable labor force.

Discussion

a) Would the project result in substantial adverse physical impacts associated with the provision of new or physically altered governmental facilities, need for new or physically altered governmental facilities, the construction of which could cause significant environmental impacts, in order to maintain acceptable service ratios, response times of other performance objectives for any of the public services:

a. Fire protection?

The City of Tulare Fire Department will provide fire protection services to the proposed development. The closest fire station is Tulare Fire Department Station 61, located at 800 S. Blackstone Street, approximately 1 ½ miles northwest from the project site. The addition of 255 residential units will increase the demand for fire protection services. However, as analyzed in the City’s General Plan EIR, the need for new fire service facilities is assessed as the City continues to grow and develop within the growth boundary in the City’s General Plan. The development of 255 single-family residential units alone will not require the alteration of existing or construction of new fire services facilities, but would contribute to the cumulative need for increased fire protection services. The increase in service demand will be compensated by the development impact fee of \$246 per dwelling unit, which is consistent with City Resolution Number 03-4988. Therefore, the total development fee would be \$62,730. The development impact fees are the proposed project’s fair share contribution towards cumulative increases in demand for fire protection services.

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

b. Police protection?

The Tulare Police Department will provide services to the proposed development. The Tulare Police Department is located at 260 South M Street, approximately 2 miles northhwest from the project site. The addition of 255 single-family residential units will increase the demand for police protection services. However, as analyzed in the City’s General Plan EIR, the need for new police service facilities is assessed as the City continues to grow and develop within the growth boundary in the City’s latest General Plan. The development of 255 single-family residential units alone will not require the alteration of existing or construction of new police service facilities, but would contribute to the cumulative need for increased police protection services. The increase in service demand will be compensated by the development impact fee of \$202 per dwelling unit, which is consistent with City Resolution Number 03-4988. Therefore, the total development fee would be \$51,520. The development impact fees are the proposed project’s fair share contribution towards cumulative increases in demand for police protection services.

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

c. Schools?

The proposed project is within the Tulare City Elementary School District and Tulare Joint Union High School District. Since the proposed project includes the addition of 255 single-family residential units, the number of students in the school district will increase. The project will pay school development impact fees to the school districts at the time of building permit issuance in compliance with Education Code Section 17620 and Government Code Section 65995 et. Seq.. These fees are used to construct new or expanded school facilities. Payment of fees authorized by the statute is deemed “full and complete mitigation” therefore impact are considered less than significant.

d. Parks?

The addition of 255 new residential units would result in more use at existing parks. The City’s 2035 General Plan Policy states that new residential development may be required to provide additional parkland or pay in-lieu fees. The project is providing a 1.15 acre pocket park to meet a portion of the requirement of three acres per 1,000 persons that are required by the City’s Quimby Ordinance. The remaining unmet requirements will be met by the payment of Quimby In-lieu fees. The development will also pay the development impact fee of \$2,718 per dwelling unit, which is consistent with Policy COS-P4.1 of the General Plan. Since the project would contribute its fair share to parks facilities through payment of in-lieu fees and providing a park to meet the need for neighborhood park, the impact is less than significant.

e. Other public facilities?

Water and wastewater services for the proposed development would be serviced by the City of Tulare. The additional 255 residential units will increase the demand for water and wastewater facilities. According to Tulare’s 2035 General Plan Land Use Element, the City states that new development must be responsible for expanding existing water and sewage systems. Therefore, the developer shall pay the required development impact fees to accommodate the expansion of existing systems. The development impact fees for water facilities (\$3,392 per unit), groundwater recharge (\$2,163 per acre), sewer facilities (\$2,125 per unit), and storm water facilities (\$1,796). general city facilities fees of \$375 per dwelling unit will also

compensate for the increased demand for public facilities and services. Therefore, the impact is less than significant.

Mitigation Measures: None Required

XVI. 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 checked="" type="checkbox"/>	<input 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 checked="" type="checkbox"/>	<input type="checkbox"/>

Environmental Setting

According to the recently adopted Park and Recreation Master Plan, the City has 282 acres of park land or 3.29 acres per 1,000 residents. The closest existing parks are pocket parks; Sayre and Palm Ranch Oak Park to the north. The project is providing a 1.15 acre pocket park as part of the project.

Regulatory Setting

City of Tulare General Plan: The Conservation and Open Space Element of the City of Tulare General Plan contains the following recreational resource goals and policies potentially applicable to the project.

Goal COS-4 To provide parks and recreation facilities and services that adequately meet the existing and future needs of all Tulare residents.

- COS-P4.1 Parkland/Open Space Standards. The City’s goal is to provide 4 acres of developed parkland per 1,000 residents. New residential or mixed use developments containing a residential component may be required to provide parkland, or pay in-lieu fees, in this ratio as directed by the City.
- COS-P4.5 Fair Share Responsibilities. The City shall ensure all future residential development is responsible for its fair share of the City’s cumulative park and recreational service and facilities maintenance needs.
- COS-P4.6 Land Dedication. The City shall continue its practice of requiring the dedication of community and neighborhood park lands as a condition of approval for large residential development projects (50 or more lots), if applicable.
- COS-P4.7 Fees In Lieu of Parkland Dedication. The City shall allow the payment of fees in lieu of parkland dedication, especially in areas where dedication is not feasible, as provided under the Quimby Act.

Quimby Act

The City of Tulare adopted a Quimby Ordinance in August of 2023. The Quimby Ordinance established a standard of three acres per 1,000 persons of parkland that must either be dedicated with subdivision or an in-lieu fee paid if adequate park space is not required.

Discussion

- 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?**

Implementation of the proposed project would result in increased use of existing parks and other recreational facilities, however the project would contribute its fair share to parks facilities by providing a 1.15 acre park within the subdivision, payment of a Quimby In Lieu Fee for a portion and payment of park development impact fees, in the amount of \$2,718. The City will utilize Quimby and Park and Recreation Impact Fees to provide additional parkland in the City to maintain an adequate ratio of four acres per 1,000 therefore the impact is less than significant.

- 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?**

The project includes a 1.15 acre pocket park, which is not anticipated to have a physical effect on the environment beyond the scope of this document. The construction of these recreational facilities as part of the proposed project would not have a significant impact on the environment due to soil compaction, damage to vegetation and wildlife, or decreased water quality, due to the disturbed state of the site and lack of biological resources. For more information regarding these specific impacts, refer to the Agriculture and Forestry Resources, Biological Resources, and Geology, Soils, and Seismicity sections of this IS-MND document. Therefore, impacts would be less than significant.

Mitigation Measures: None Required

XVII. TRANSPORTATION

Would the project:	Potentially Significant Impact	Less than Significant With Mitigation Incorporation	Less than Significant Impact	No Impact
a) Conflict with a program plan, ordinance or policy addressing the circulation system, including transit, roadway, bicycle and pedestrian facilities?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b) Conflict or be inconsistent with the CEQA guidelines Section 15064.3, Subdivision (B)?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c) Substantially increase hazards due to a geometric 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 checked="" type="checkbox"/>
d) Result in inadequate emergency access?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

Environmental Setting

City of Tulare adopted guidelines, and screening criteria and thresholds for evaluating projects in accordance with CEQA Guidelines Section 15064.3, Subdivision (B). The City criteria is to use map-based screening for residential and office/industrial projects, with travel forecasting data from Tulare County Association of Governments (TCAG), and apply the recommendations for VMT thresholds as shown in Table 2 in the Traffic Evaluation and Vehicle Miles Traveled Assessment, Appendix D.

Vehicular Access: Vehicular access to the project is available from Bardsley Avenue and future Oakmore Street as well as interior streets to the development. Bardsley Avenue is identified in the City General Plan as a minor arterial street, Oakmore is identified as a major arterial street.

Pedestrian and Cyclist Connectivity: The project will install sidewalks along the north and east side of the project and within the project itself on the local streets.

Regulatory Setting

City of Tulare Improvement Standards: The City of Tulare’s Improvement Standards are developed and enforced by the City of Tulare’s Engineering Division to guide the development and maintenance of City Roads. The City Improvement standards contain cross section drawings that will dictate the development of roads within the City.

Tulare City General Plan: The Transportation and Circulation Element of the City of Tulare General Plan contains the acceptable Level of Service (LOS) for roadways.

- TR-P2.3 Level of Service Standard. The City shall maintain Level of Service “D,” as defined in the Highway Capacity Manual (published by the Transportation Research Board of the National Research Council), as the minimum desirable service level at which freeways, arterial streets, collector streets, and their intersections should operate.
- TR-P2.6 Highway Right-of-Way. The City shall work with Caltrans to ensure that new development projects

include the dedication of land to match the ultimate right-of-way as delineated in the Caltrans Transportation Concept Reports.

- TR-P2.10 Roadway Improvements. The City shall improve existing roadway links and intersections which are identified as operating below Level of Service “D” standard or have other significant existing safety or operational deficiencies.
- TR-P2.14 Driveway/Curb Cut Consolidation. The City shall encourage the consolidation of driveways, access points, and curb cuts along existing developed major arterials or arterials when new development or a change in the intensity of existing development or land uses occurs or when traffic operation or safety warrants.
- TR-P2.27 Orientation of Subdivision Away from Arterials. The City shall require residential development to be oriented away (side-on or rear-on) from major arterials and arterials, and properly buffered from these roadway types to preserve the carrying capacity on the street and protect the residential environment. No single family residence driveways are allowed on collector streets.
- TR-P6.2 Provision of Sidewalks for new Development. The City shall require all new development to provide sidewalks or other suitable pedestrian facilities. Whenever feasible, pedestrian paths should be developed to allow for unobstructed pedestrian flow to major destinations such as bus stops, schools, parks, and shopping centers.

Discussion

a) Would the project conflict with a program plan, ordinance or policy addressing the circulation system, including transit, roadway, bicycle and pedestrian facilities?

The project consists of the construction of 255 low-density residential units, as well as on-site circulation-related infrastructure improvements, including new local residential streets. The proposed project would include frontage improvements, including sidewalks, which would be an improvement to pedestrian accessibility over existing conditions. Any congestion during construction would be temporary. Vehicular access to the project site would be available primarily on Bardsley Avenue. Oakmore Street will be constructed in the future and will provide additional access to the neighborhood. All improvements, including those related to transit, roadway, bicycle, and pedestrian facilities, are subject to City review and approval to ensure compliance with all plans, ordinances, and policies related to circulation. The proposed project will not conflict with the City’s circulation plan and standards. Therefore, there is no impact.

b) Would the project conflict or be inconsistent with CEQA Guidelines Section 15064.3, Subdivision(b)?

Senate Bill (SB) 743 requires that relevant CEQA analysis of transportation impacts be conducted using a metric known as vehicle miles traveled (VMT) instead of Level of Service (LOS). VMT measures how much actual auto travel (additional miles driven) a proposed project would create on California roads. If the project adds excessive car travel onto our roads, the project may cause a significant transportation impact.

The State of California Governor’s Office of Planning and Research document entitled Technical Advisory on Evaluating Transportation Impacts in CEQA dated December 2018 (OPR Guidelines) provides guidance for determining a project’s transportation impacts based on vehicle miles traveled (VMT). For residential projects, the OPR Guidelines indicate: “A proposed project exceeding a level of 15 percent below existing VMT per capita may indicate a significant transportation impact. Existing VMT per capita may be measured as regional VMT per capita or as city VMT per capita.”

The proposed project was evaluated in accordance with the CEQA Guidelines Section 15064.3, in the report “Traffic Study and Vehicle Miles Traveled Assessment for the Mission Creek Project”, attached as Appendix D. The following discussion summarizes the conclusions from the full report.

The following table summarizes the results of the traffic model runs for each component. It should be noted that at the time TCAG prepared the VMT evaluation the Mission Creek Project proposed 252 residential units. The revised Project description includes 255 residential units. The results below would not be substantially different with the increase of three units. The residential per capita VMT should be approximately the same.

Table 17-1

Mission Creek Project Assessment by Land Use					
Land Use	Regional Average Trip Length or Regional VMT	85% Threshold VMT Target	Project VMT	Over Threshold or Net Increase (yes or no)	Significant (yes/no)
Residential (per capita)	14.50	12.32	12.93	Yes	Yes

Based on the TCAG assessment, the project VMT is slightly higher than the 85% threshold, therefore impacts would be significant unless mitigated.

The following items are incorporated into the project, as described in the VMT assessment:

- Increase housing closer to the Tulare/Visalia employment centers. Increasing housing supply closer to regional employment will reduce overall commute distances.
- Increase access to common goods and services. Although not a part of the subject project, a commercial site is proposed to be constructed at the northeast corner of Bardsley at Oakmore. The commercial site will assist in balancing of trip lengths and assist in the reduction of the VMT from the project site.
- Locate the project near transit. The project is located near adjacent to Bardsley Avenue and routes C40 and T6 provided by the Tulare County Regional Transit Agency (TCRTA). As part of the project development, a new bus stop will be constructed to support this effort and bring a new bus stop closer to Mission Oak High School.
- Improve pedestrian or bicycle networks. The proposed project will construct pedestrian facilities along both Bardsley Avenue and Oakmore Street. These facilities will provide better connection to Mission Oak High School and Alpine Vista School.

With the above items incorporated into the project , the project will meet the intent of SB743 for reducing vehicle miles traveled and will result in impacts that are less than significant.

c) Would the project substantially increase hazards due to a geometric design feature (e.g., sharp curves or dangerous intersections) or incompatible uses (e.g., farm equipment)?

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

d) Would the project result in inadequate emergency access?

The proposed project will not result in inadequate emergency access. Emergency access to the site will be from Bardsley Avenue initially, and Oakmore Street in the future. A temporary emergency road from the development to Oakmore will be provided with Phase 1 of the project. The City Engineer and Fire Department have determined that this provides adequate emergency access, therefore, there is no impact.

Mitigation Measures: None Required

XVIII. TRIBAL CULTURAL RESOURCES

Would the project: Would the project cause a substantial adverse change in the significance of a tribal cultural resource, defined in Public Resources Code section 21074 as either a site, feature, place, cultural landscape that is geographically defined in terms of the size and scope of the landscape, sacred place, or object with cultural value to a California Native American tribe, and that is:	Potentially Significant Impact	Less Than Significant With Mitigation Incorporation	Less than Significant Impact	No Impact
a) Listed or eligible for listing in the California Register of Historical Resources, or in a local register of historical resources as defined in Public Resources Code section 5020.1(k), or	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
b) A resource determined by the lead agency, in its discretion and supported by substantial evidence, to be significant pursuant to criteria set forth in subdivision (c) of Public Resources Code Section 5024.1. In applying the criteria set forth in subdivision (c) of Public Resource Code Section 5024.1, the lead agency shall consider the significance of the resource to a California Native American tribe.	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Environmental Setting

Of the main groups inhabiting the Tulare County area, the Southern Valley Yokuts occupied the largest territory. The Yokuts numbered about 25,000 and were clustered into about fifty independent local sub-tribes. Historians believe approximately 22 villages stretched from Stockton northerly to the Tehachapi Mountains southerly, although most were concentrated around Tulare Lake, Kaweah River and it’s tributaries. As a result, numerous cultural resource sites have been identified in Tulare County.

Cultural Resources Record Search and Native American Consultation: A records search was conducted on behalf of the Applicant at the Southern San Joaquin Valley Archaeological Information Center (SSVAIC), to determine if historical or archaeological sites had previously been recorded within the study area, as well as a physical evaluation of the site by a qualified biologist.

The Santa Rosa Rancheria Tachi Yokut Tribe had requested notification in accordance with AB52. The Santa Rosa Rancheria Tachi Yokut Tribe was notified on September 8, 2023, no response was received.

Definitions

- Historical Resources:** Historical resources are defined by CEQA as resources that are listed in or eligible for the California Register of Historical Resources, resources that are listed in a local historical resource register, or resources that are otherwise determined to be historical under California Public Resources Code Section 21084.1 or California Code of Regulations Section 15064.5. Under these definitions Historical Resources can include archaeological resources, Tribal cultural resources, and Paleontological Resources.

- **Archaeological Resources:** As stated above, archaeological resources may be considered historical resources. If they do not meet the qualifications under the California Public Resources Code 21084.1 or California Code of Regulations Section 15064.5, they are instead determined to be “unique” as defined by the CEQA Statute Section 21083.2. A unique archaeological resource is an artifact, object, or site that: (1) contains information (for which there is a demonstrable public interest) needed to answer important scientific research questions; (2) has a special and particular quality, such as being the oldest of its type or the best available example of its type; or (3) is directly associated with a scientifically recognized important prehistoric or historic event or person.
- **Tribal Cultural Resource (TCR):** Tribal Cultural Resources can include site features, places, cultural landscapes, sacred places, or objects, which are of cultural value to a Tribe. It is either listed on or eligible for the CA Historic Register or a local historic register, or determined by the lead agency to be treated as TCR.
- **Paleontological Resources:** For the purposes of this section, “paleontological resources” refers to the fossilized plant and animal remains of prehistoric species. Paleontological Resources are a limited scientific and educational resource and are valued for the information they yield about the history of the earth and its ecology. Fossilized remains, such as bones, teeth, shells, and leaves, are found in geologic deposits (i.e., rock formations). Paleontological resources generally include the geologic formations and localities in which the fossils are collected.

Regulatory Setting

National Historic Preservation Act: The National Historic Preservation Act was adopted in 1966 to preserve historic and archeological sites in the United States. The Act created the National Register of Historic Places, the list of National Historic Landmarks, and the State Historic Preservation offices.

California Historic Register: The California Historic Register was developed as a program to identify, evaluate, register, and protect Historical Resources in California. California Historical Landmarks are sites, buildings, features, or events that are of statewide significance and have anthropological, cultural, military, political, architectural, economic, scientific, religious, experimental, or other value. In order for a resource to be designated as a historical landmark, it must meet the following criteria:

- The first, last, only, or most significant of its type in the state or within a large geographic region (Northern, Central, or Southern California).
- Associated with an individual or group having a profound influence on the history of California.
- A prototype of, or an outstanding example of, a period, style, architectural movement or construction or is one of the more notable works or the best surviving work in a region of a pioneer architect, designer or master builder.

City of Tulare General Plan: The City of Tulare General Plan includes the following goals and policies pertaining to tribal cultural resources:

Goal COS-5 To manage and protect sites of cultural and archaeological importance for the benefit of present and future generations.

- COS-P5.1 Archaeological Resources. The City shall support efforts to protect and/or recover

archaeological resources.

- COS-P5.6 Protection of Resources with Potential State or Federal Designations. The City shall encourage the protection of cultural and archaeological sites with potential for placement on the National Register of Historic Places and/or inclusion in the California State Office of Historic Preservation’s California Points of Interest and California Inventory of Historic Resources. Such sites may be of statewide or local significance and have anthropological, cultural, military, political, architectural, economic, scientific, religious, or other values.
- COS-P5.9 Discovery of Archaeological Resources. In the event that archaeological/ paleontological resources are discovered during site excavation, grading, or construction, the City shall require that work on the site be suspended within 100 feet of the resource until the significance of the features can be determined by a qualified archaeologist/ paleontologist. If significant resources are determined to exist, an archaeologist shall make recommendations for protection or recovery of the resource. City staff shall consider such recommendations and implement them where they are feasible in light of project design as previously approved by the City.
- COS-P5.10 Discovery of Human Remains. Consistent with Section 7050.5 of the California Health and Safety Code and CEQA Guidelines (Section 15064.5), if human remains of Native American origin are discovered during project construction, it is necessary to comply with State laws relating to the disposition of Native American burials, which fall within the jurisdiction of the Native American Heritage Commission (Public Resources Code Sec. 5097). If any human remains are discovered or recognized in any location on the project site, there shall be no further excavation or disturbance of the site or any nearby area reasonably suspected to overlie adjacent human remains until:
 - The Tulare County Coroner/Sheriff has been informed and has determined that no investigation of the cause of death is required; and
 - If the remains are of Native American origin,
 - The descendants of the deceased Native Americans have made a timely recommendation to the landowner or the person responsible for the excavation work, for means of treating or disposing of, with appropriate dignity, the human remains, and any associated grave goods as provided in Public Resources Code Section 5097.98.
 - The Native American Heritage Commission was unable to identify a descendant, or the descendant failed to make a recommendation within 24 hours after being notified by the commission, or
 - The landowner or his or her authorized representative rejects any timely recommendations of the descendent, and mediation conducted by the Native American Heritage Commission has failed to provide measures acceptable to the landowner.
- COS-P5.11 Impact Mitigation. If preservation of cultural/historical resources is not feasible, the City shall make every effort to mitigate impacts, including relocation of structures, adaptive reuse, preservation of facades, and thorough documentation and archival of records.
- COS-P5.12 Mitigation Monitoring for Historical Resources. The City shall develop standards for monitoring mitigation measures established for the protection of historical resources prior to development.
- COS-P5.13 Alteration of Sites with Identified Cultural Resources. When planning any development

or alteration of a site with identified cultural or archaeological resources, consideration should be given to ways of protecting the resources. The City shall permit development in these areas only after a site-specific investigation has been conducted pursuant to CEQA to define the extent and value of resource, and mitigation measures proposed for any impacts the development may have on the resource.

- COS-P5.14 Education Program Support. The City shall support local, state, and national education programs on cultural and archaeological resources.
- COS-P5.15 Solicit Input from Local Native Americans. The City shall solicit input from the local Native American communities in cases where development may result in disturbance to sites containing evidence of Native American activity and/or to sites of cultural importance.
- COS-P5.16 Confidentiality of Archaeological Sites. The City shall, within its power, maintain confidentiality regarding the locations of archaeological sites in order to preserve and protect resources that are determined to exist. An archaeologist/paleontologist shall make recommendations for protection or recovery of the resource. City staff shall consider such recommendations and implement them where they are feasible in light of project design as previously approved by the City.
- COS-P5.17 Cooperation of Property Owners. The City shall encourage the cooperation of property owners to treat cultural resources as assets rather than liabilities, and encourage public support for the preservation of these resources.
- COS-P5.18 Archaeological Resource Surveys. Prior to project approval, the City shall require project applicant to have a qualified archaeologist conduct the following activities: (1) conduct a record search at the Regional Archaeological Information Center located at California State University Bakersfield and other appropriate historical repositories, (2) conduct field surveys where appropriate, and (3) prepare technical reports, where appropriate, meeting California Office of Historic Preservation Standards (Archaeological Resource Management Reports).

Discussion

Would the project cause a substantial adverse change in the significance of a tribal cultural resource, defined in Public Resources Code section 21074 as either a site, feature, place, cultural landscape that is geographically defined in terms of the size and scope of the landscape, sacred place, or object with cultural value to a California Native American tribe, and that is:

- a) Listed or eligible for listing in the California Register of Historical Resources, or in a local register of historical resources as defined in Public Resources Code section 5020.1(k), or**

The project would not cause a substantial adverse change in the significance of a tribal cultural resource, nor is it listed or eligible for listing in the California Register of Historical Resources, or in a local register of historical resources. Based on the results of the records search, no previously recorded tribal cultural resources are located within the project site. Although no historical resources were identified, the presence of remains or unanticipated cultural resources under the ground surface is possible. Implementation of Mitigation Measures CUL 1, and CUL 2 will ensure that impacts will be less than significant with mitigation incorporation.

- b) A resource determined by the lead agency, in its discretion and supported by substantial evidence, to be significant pursuant to criteria set forth in subdivision (c) of Public Resources Code Section 5024.1.**

In applying the criteria set forth in subdivision (c) of Public Resource Code Section 5024.1, the lead agency shall consider the significance of the resource to a California Native American tribe.

The lead agency has not determined there to be any known cultural resource on the project site that would meet the criteria in subdivision (c) of Public Resources Code Section 5024.1 therefore there is no impact. If a resource is discovered, the implementation of Mitigation Measures CUL 1 and CUL 2 previously listed under Cultural Resources will ensure that any impacts will be less than significant with mitigation incorporation.

Mitigation Measures:

See CUL 1, CUL 2

XIX. UTILITIES AND SERVICE SYSTEMS

Would the project:	Potentially Significant Impact	Less Than Significant With Mitigation Incorporation	Less than Significant Impact	No Impact
a) Require or result in the relocation or construction of new or expanded water, wastewater treatment or stormwater drainage, electric power, natural gas, or telecommunications facilities, the construction or relation of which could cause significant environmental effects?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b) Have sufficient water supplies available to serve the project and reasonably foreseeable future development during normal, dry and multiple dry years?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c) Result in a determination by the wastewater treatment provider which serves or may serve the project that it has adequate capacity to serve the project's projected demand in addition to the provider's existing commitments?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
d) Generate solid waste in excess of State or local standards, or in excess of the capacity of local infrastructure, or otherwise impair the attainment of solid waste reduction goals?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
e) Comply with federal, state, and local management and reduction statutes and regulations related to solid waste?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

Environmental Setting

The City of Tulare utilities and service systems include wastewater treatment, storm water drainage facilities, water supply, landfill capacity, and solid waste disposal.

Wastewater: Wastewater will be collected and treated at the City's wastewater treatment facility, which is located at the intersection Paige Ave. and West St.

Solid Waste: Solid waste collection service is provided by the City of Tulare Solid Waste Division. Solid waste disposal will be provided by the Tulare County Solid Waste Department, which operates two landfills and six transfer stations within the county. Combined, these landfills receive approximately 300,000 tons of solid waste per day.

Water: Water for the proposed development will be provided by the City of Tulare. The City's primary water source is groundwater. In the review of the project, the City of Tulare has stated that they can provide water to the proposed project.

Storm Drainage: Storm water from the project site is disposed and detained in storm drainage detention and

retention basins throughout the City. Storm water will be directed to a regional basin located southwest of the project site. Infrastructure to convey stormwater from the project to the basin will be constructed as part of the project.

Regulatory Setting

CalRecycle: California Code of Regulations, Title 14, Natural Resources – Division 7 contains all current CalRecycle regulations regarding nonhazardous waste management in the state. These regulations include standards for the handling of solid waste, standards for the handling of compostable materials, design standards for disposal facilities, and disposal standards for specific types of waste.

Central Valley RWQCB: The Central Valley RWQCB requires a Stormwater Pollution Prevention Plan (SWPPP) for projects disturbing more than one acre of total land area. Because the project is greater than one acre, a SWPPP to manage stormwater generated during project construction will be required.

The Central Valley RWQCB regulates Wastewater Discharges to Land by establishing thresholds for discharged pollutants and implementing monitoring programs to evaluate program compliance. This program regulates approximately 1500 dischargers in the region.

The Central Valley RWQCB is also responsible for implementing the federal program, the National Pollutant Discharge Elimination System (NPDES). The NPDES Program is the federal permitting program that regulates discharges of pollutants to surface waters of the U.S. Under this program, a NPDES permit is required to discharge pollutants into Waters of the U.S. There are 350 permitted facilities within the Central Valley Region.

Discussion

- a) Would the project require or result in the relocation or construction of new or expanded water, wastewater treatment or stormwater drainage, electric power, natural gas, or telecommunications facilities, the construction or relation of which could cause significant environmental effects?**

The proposed project will require the extension of existing utility services into the project area. This is not anticipated to cause a significant environmental effect because extension/relocation would occur within the right-of-way prior to street construction or expansion. The proposed project was analyzed for consistency with adopted City Utility Master Plans and was found to be consistent by City staff, therefore impacts are considered less than significant.

- b) Would the project have sufficient water supplies available to serve the project and reasonably foreseeable future development during normal, dry and multiple dry years?**

Construction

The City currently uses groundwater pumped from the Tulare Lake Basin to meet all of its water demand. Like any activity in Tulare, groundwater would be used for construction. Water would be used for purposes of dust control during grading and construction as well as for minor activities such as washing of construction equipment and vehicles. Water demands generated by the Project during the construction phase would be temporary and not substantial. It is anticipated that groundwater supplies would be adequate to meet construction water demands generated by the Project without depleting the underlying aquifer or lowering the local groundwater table. Therefore, Project construction would not deplete groundwater supplies and impacts would be less than significant.

Operation

The City of Tulare 2020 Urban Water Management Plan (UWMP) describes that the City would have available water supply for normal year, single-year, and multi-dry year scenarios to accommodate development growth within the City limits and within the City's urban development boundary, including the proposed project site. The proposed Project consists of 255 dwelling units and the average household size in Tulare is 3.35 as stated in the Tulare General Plan, therefore the Project will house approximately 855 people. According to the City's 2020 UWMP, the actual water used in 2020 was 219 gallons per capita per day (gpcd) (City of Tulare, 2021). Therefore, the proposed Project would result in an estimated water demand of 187,245 gallons per day (855 people x 219 gallons/day = 187,245 gallons/day) or approximately .57 acre-feet per year).

The proposed project would generate an annual water demand that would be well within the limits of the water demand, as described in the UWMP. In addition, the proposed project would be proposing smaller lots, which tends to use less water due to less outdoor irrigation needs, with a net reduction in outdoor irrigation needs compared to the large lot residential assumed at this location in the General Plan. In addition, the project will be required to comply with the California Plumbing Code, efficient appliances, efficient landscape etc.

While the Mid-Kaweah Sub basin is one of many in the San Joaquin Valley that is critically over-drafted, the City has developed strategies to assure that this source of supply remains available and viable in future years. For example, the City maintains the Water Conservation Ordinance to eliminate waste of water and will continue to periodically drill new supply wells in the future. Additionally, the City has joined the City of Visalia and the TID to form the Mid-Kaweah Joint Powers Authority (MKJPA) in an attempt to create a coordinated plan for the Sub basin. The Project will follow requirements as applicable in the Mid-Kaweah Groundwater Sustainability Plan. Given that the water needed for the Project's construction and operations are nominal, the Project's construction and operations would not substantially deplete groundwater supplies or conflict with any future adopted groundwater management plan.

The City has also invested significantly in their detention basins to increase their recharge capacity. The project would change uses on the site from active agricultural land to a single-family 255 lot residential subdivision, which would result in a reduction in percolation to the groundwater basin, because the project would create an increase in the amount of paved and impervious surfaces. However, this impact would be greatly reduced by the stormwater infrastructure which will drain water flows on the site and direct those flows to the existing regional stormwater basin located Levin and Morrison. The Project has been reviewed by the City of Tulare Engineer who has determined that the Project will not have a significant impact on the existing water system, and would tie into the existing water infrastructure for this part of the City. Therefore, the Project would have a less than significant impact on groundwater resources.

- c) **Would the project 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?**

Wastewater generated by the project would be collected and treated at the City's domestic Wastewater Treatment Facilities (WWTF). Although the proposed project will result in a increase in wastewater generation due to the addition of 255 residential units, the wastewater produced would not exceed the

City's WWTF capacity of 6.0 MGD. The impact is less than significant.

d) Would the project generate solid waste in excess of State or local standards, or in excess of the capacity of local infrastructure, or otherwise impair the attainment of solid waste reduction goals?

Solid waste collection service will be provided by the City of Tulare and waste disposal will be provided by the County. Additional solid waste is anticipated as a result of project implementation; however, the project does not include any components that would generate excessive waste and the existing landfills have sufficient permitted capacity to accommodate the project's solid waste disposal needs, therefore the impact is less than significant.

e) Would the project comply with federal, state, and local management and reduction statutes and regulations related to solid waste?

This proposed project conforms to all applicable management and reduction statutes and regulations related to solid waste disposal. The development will comply with the adopted policies related to solid waste, and will comply with all applicable federal, state, and local statutes and regulations pertaining to disposal of solid waste, including recycling, therefore there is no impact.

Mitigation Measures: None Required

XX. WILDFIRE

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

Regulatory Setting

a), b), c), d): The project site is not within or near a state responsibility area or area classified as very high fire hazard severity zone, therefore there is no impact to an adopted emergency plan or emergency evacuation plan, would not exacerbate wildfire risks, or require the installation of infrastructure that would exacerbate fire risk. In addition, the project will not expose people or structures to significant risk of flooding, landslides as a result of runoff, post-fire slope instability or drainage changes.

Mitigation Measures: None Required

XXI. MANDATORY FINDINGS OF SIGNIFICANCE

Would the project:	Potentially Significant Impact	Less Than Significant With Mitigation Incorporation	Less than Significant Impact	No Impact
b) Does the project have the potential substantially 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, substantially reduce the number or restrict the range of a rare or endangered plant or animal or eliminate important examples of the major periods of California history or prehistory?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input 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 checked="" type="checkbox"/>	<input 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 checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Discussion

- 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?**

This initial study/mitigated negative declaration found the project could have significant impacts on Agricultural, Biological, Cultural, and Tribal cultural resources. However, implementation of the identified mitigation measures for each respective section would ensure that impacts are less than significant with mitigation incorporation.

- 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)?**

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. All planned projects in the vicinity of the proposed Project would be subject to review in separate environmental documents and required to conform to the 2035 City of Tulare General Plan and the Tulare Municipal Code. The Project would also be required to mitigate for Project-specific impacts and provide appropriate engineering to ensure the Project meets all applicable federal, State and local regulations and codes. Recently, the City of Tulare certified an environmental impact report (EIR) for the Chandler Grove Master Plan project, which is located to the northeast of the project site. Although the Chandler Grove project proponents have not submitted any tentative maps or development plans at this time, the cumulative impacts from the project should be considered. The Chandler Grove EIR fully evaluated the impacts from the project and the subject development in the Chandler Grove EIR and found that impacts were significant to Air Quality, Agricultural Resources, Greenhouse Gas Emission and Transportation. The cumulative analysis for Chandler Grove included the project however at a much higher density. The Chandler EIR identified mitigation measures and included the adoption of the statement of overriding considerations for Agriculture Resources, Air Quality, Greenhouse Gases and Traffic. Although the project has impacts that are cumulatively considerable if Chandler Grove is built, the EIR for Chandler Grove included the subject property and the City adopted a Statement of Overriding Considerations for the project as well as mitigation measures to reduce impacts to less than significant.

Thus, with incorporation of the proposed mitigation measures, the cumulative impacts of past, present, and reasonably foreseeable future projects would be less than cumulatively considerable with the adopted mitigation measures, proposed mitigation measures for the subject property and statement of overriding considerations.

c) Does the project have environmental effects, which will cause substantial adverse effects on human beings, either directly or indirectly?

The ways in which people can be subject to substantial adverse effects from projects include: potential exposure to significant levels of local air pollutants; potential exposure to seismic and flooding hazards; potential exposure to hazardous materials; potential exposure to contamination from hazardous materials; potential exposure to traffic hazards; and potential exposure to excessive noise levels. The risks from these potential hazards would be avoided or reduced to less than significant levels through compliance with existing laws, regulations, or requirements. All of the Project's impacts, both direct and indirect, that are attributable to the Project were identified and mitigated to a less than significant level. As shown in the Mitigation Monitoring and Reporting Program, the Project proponent has agreed to implement mitigation substantially reducing or eliminating impacts of the Project.

Therefore, the proposed Project would not either directly or indirectly cause substantial adverse effects on human beings because all potentially adverse direct impacts of the proposed Project are identified as having no impact, less than significant impact, or less than significant impact with mitigation incorporated.

MITIGATION MONITORING AND REPORTING PROGRAM

As required by Public Resources Code Section 21081.6, subd. (a)(1), a Mitigation Monitoring and Reporting Program (MMRP) has been prepared for the project in order to monitor the implementation of the mitigation measures that have been adopted for the project. This Mitigation Monitoring and Reporting Program (MMRP) has been created based upon the findings of the Initial Study/Mitigated Negative Declaration (IS/MND) for the Fulton Estates Mixed-Use Project proposed by Quest Equity in the City of Tulare.

The first column of the table identifies the mitigation measure. The second column names the party responsible for carrying out the required action. The third column, "Timing of Mitigation Measure" identifies the time the mitigation measure should be initiated. The fourth column, "Responsible Party for Monitoring," names the party ensuring that the mitigation measure is implemented. The last column will be used by the City of Tulare to ensure that the individual mitigation measures have been monitored.

Plan checking and verification of mitigation compliance shall be the responsibility of the City of Tulare.

MITIGATION MEASURE	RESPONSIBLE PARTY FOR IMPLEMENTATION	IMPLEMENTATION TIMING	RESPONSIBLE PARTY FOR MONITORING	VERIFICATION
Biological Resources				
Mitigation Measure BIO-1a: In order to avoid impacts to nesting raptors and migratory birds, the project shall be constructed, if feasible, outside the nesting season, or between September 1st and January 31st.	Applicant/Developer/Builder	Prior to start of construction	City of Tulare	
Mitigation Measure BIO-1b: If project activities must occur during the nesting season (February 1-August 31), a qualified biologist will conduct preconstruction surveys for active raptor and migratory bird nests within 14 days prior to the start of these activities. The survey will include the proposed work area(s) and surrounding lands within 500 feet, where accessible, for all nesting raptors and migratory birds save Swainson’s hawk; the Swainson’s hawk survey	Applicant/Developer/Builder	Prior to start of construction	City of Tulare	

<p>will extend to 0.5 miles outside of work area boundaries. If no nesting pairs are found within the survey area, no further action is required.</p>				
<p>Mitigation Measure BIO-1c: Should any active nests be discovered near proposed work areas, Swainson’s hawk nests shall be avoided by 0.5 miles unless this avoidance buffer is reduced through consultation with the CDFW and/or USFWS. If a construction area falls within this nesting site, construction-free buffers shall be identified on the ground with flagging, fencing, or by other easily visible means, and shall be maintained until the biologist has determined that the young have fledged.</p>	<p>Applicant/Developer/Builder</p>	<p>Prior to start of construction</p>	<p>City of Tulare</p>	
<p>Mitigation Measure BIO-2a: Burrowing Owl. A take avoidance survey for burrowing owls shall be conducted by a qualified biologist knowledgeable of the species within 14 days prior to the start of construction. This take avoidance survey shall be conducted according to methods described in the Staff Report on Burrowing Owl Mitigation (CDFG 2012). The survey area shall include all suitable habitat on and within 200 meters of project impact areas, where accessible.</p>	<p>Applicant/Developer/Builder</p>	<p>Prior to start of construction</p>	<p>City of Tulare</p>	
<p>Mitigation Measure BIO-2b: Burrowing Owl. If project activities are undertaken during the breeding season (February 1-August 31) and active nest burrows are identified within or near project impact areas, a 200-meter disturbance-free buffer shall be established around these burrows, unless a qualified biologist approved by CDFW verifies through noninvasive methods either that the birds have not begun egg laying and incubation or that juveniles from the occupied burrows are foraging independently and are capable of independent</p>	<p>Applicant/Developer/Builder</p>	<p>Prior to start of construction</p>	<p>City of Tulare</p>	

<p>survival. Owls present on site after February 1 will be assumed to be nesting unless evidence indicates otherwise. The protected exclusion zone established for the breeding season shall remain in effect until August 31 or, as determined based on monitoring evidence, until the young owl(s) is foraging independently or the nest is no longer active.</p>				
<p>Mitigation Measure BIO-2c: Burrowing Owl. During the nonbreeding season (September 1-January 31), resident owls occupying burrows in project impact areas may be passively relocated to alternative habitat after consulting with the CDFW. Prior to passively relocating burrowing owls, a Burrowing Owl Exclusion Plan shall be prepared by a qualified biologist in accordance with Appendix E of the Staff Report on Burrowing Owl Mitigation (CDFW, 2012). The Burrowing Owl Exclusion Plan shall be submitted to the CDFW for review prior to implementation. Relocation of any owls during the nonbreeding season shall be performed by a qualified biologist using one-way doors, which shall be installed in all burrows in the impact area and left in place for at least two nights. The doors shall be removed and the burrows backfilled immediately before the initiation of grading or, if no grading would occur, left in place until the end of construction. To avoid the potential for owls evicted from a burrow to occupy other burrows in the project site, one-way doors shall be placed in all potentially suitable burrows within the impact area when eviction occurs.</p>	<p>Applicant/Developer/Builder</p>	<p>Prior to start of construction</p>	<p>City of Tulare</p>	
<p>Mitigation Measure BIO-3a: Preconstruction surveys for the San Joaquin kit fox shall be conducted on and within 200 feet of the project site, no more than 30 days prior to the start of ground disturbance</p>	<p>Applicant/Developer/Builder</p>	<p>Prior to start of construction</p>	<p>City of Tulare</p>	

activities on the site. The primary objective is to identify kit fox habitat features (e.g., potential dens and refugia) on and adjacent to the site and evaluate their use by kit foxes.				
Mitigation Measure BIO-3b: Should active kit fox dens be detected during preconstruction surveys, the Sacramento Field Office of the USFWS and the Fresno Field Office of CDFW shall be notified. A disturbance-free buffer shall be established around the burrows in consultation with the USFWS and CDFW, to prevent access to the occupied den by construction equipment and personnel who are not biologists, and to be maintained until an agency-approved biologist has determined that the burrows have been abandoned. After construction activities would no longer affect the den, all fencing and flagging shall be removed to avoid attracting attention to the den by other animals or humans. All onsite flagging and buffer delineations shall be kept in good working order for the duration of activity near the den or until the den is determined to be unoccupied, whichever occurs first.	Applicant/Developer/Builder	Prior to start of construction	City of Tulare	
Mitigation Measure BIO-3c: Construction activities shall be carried out in a manner that minimizes disturbance to kit foxes in accordance with the USFWS Standardized Recommendations. The applicant shall implement all minimization measures presented in the Construction and On-going Operational Requirements section of the USFWS Standardized Recommendations.	Applicant/Developer/Builder	Prior to start of construction	City of Tulare	
Agriculture and Forest Resources				
AG-1: In accordance with the City of Tulare General Plan Policy COS-P3.12, agricultural land equivalent to	Applicant/Developer/Builder	Prior to start of construction	City of Tulare	

<p>that of the project site will be preserved at a 1:1 ratio for every acre of land converted. Prior to project development, the developer shall submit verification of compliance with City of Tulare Municipal Code Chapter 10-222 "Farmland Mitigation Ordinance".</p>				
<p>Cultural Resources</p>				
<p>CUL 1: In the event that previously unidentified archaeological remains are encountered during development or ground-moving activities in the Project area, all work should be halted until a qualified archaeologist can identify the discovery and assess its significance.</p>	<p>Applicant and construction contractor</p>	<p>Ongoing during construction</p>	<p>City of Tulare</p>	
<p>CUL 2: If human remains are uncovered during construction, the Tulare County Coroner is to be notified to investigate the remains and arrange proper treatment and disposition. If the remains are identified on the basis of archaeological context, age, cultural associations, or biological traits to be those of a Native American, California Health and Safety Code 7050.5 and PRC 5097.98 require that the coroner notify the NAHC within 24 hours of discovery. The NAHC will then identify the Most Likely Descendent who will be afforded an opportunity to make recommendations regarding the treatment and disposition of the remains.</p>	<p>Applicant and construction contractor</p>	<p>Ongoing during construction</p>	<p>City of Tulare</p>	

Supporting Information and Sources

- 1.** City of Tulare General Plan
- 2.** City of Tulare General Plan EIR
- 3.** City of Tulare Climate Action Plan
- 4.** City of Tulare Draft 2020 Urban Water Management Plan
- 5.** City of Tulare Municipal Code
- 6.** City of Tulare Sewer System Master Plan
- 7.** Engineering Standards, City of Tulare
- 8.** California Farmland Mapping and Monitoring Program
- 9.** California Natural Diversity Database (CNDDDB)
- 10.** United States Fish and Wildlife
- 11.** SJVAPCD Regulations and Guidelines
- 12.** Flood Insurance Rate Maps
- 13.** California Air Resources Board's (CARB's) Air Quality and Land Use Handbook
- 14.** 2021 California Environmental Quality Act CEQA Guidelines
- 15.** California Building Code
- 16.** Guidance for Land Use Agencies in Addressing Greenhouse Gas Emission Impacts for New Projects Under CEQA
- 17.** Southcoast Air Quality Management District (SCAQMD)
- 18.** California Energy Commission. 2019 Building Energy Efficiency Standards.
- 19.** Department of Toxic Substance Control Envirostar
- 20.** California Stormwater Pollution Prevention Program (SWPPP)
- 21.** Tulare County Association of Governments
- 22.** US Census (2020).