



**CITY COUNCIL AGENDA
CITY HALL, 291 N. MAIN STREET
PORTERVILLE, CALIFORNIA
OCTOBER 2, 2018, 5:30 PM**

Call to Order

Roll Call

ORAL COMMUNICATIONS

This is the opportunity to address the City Council on any matter scheduled for Closed Session. Unless additional time is authorized by the Council, all commentary shall be limited to three minutes.

CITY COUNCIL CLOSED SESSION:

A. Closed Session Pursuant to:

- 1** - Government Code Section 54956.8 – Conference with Real Property Negotiators/Property: APNs: 261-122-004; 261-122-005; 261-122-006; and 261-122-007. Agency Negotiator: John Lollis. Negotiating Parties: City of Porterville and Cornerstone Main Partners LP. Under Negotiation: Terms and Price.
- 2** -Government Code Section 54956.8 -- Conference with Real Property Negotiators/Property: APNs: 252-195-006, 252-195-007, and 252-195-008. Agency Negotiator: John Lollis. Negotiating Parties: City of Porterville and Peters Loyd Funeral Services, Inc. Under Negotiation: Terms and Price.
- 3** - Government Code Section 54957.6 – Conference with Labor Negotiator. Agency Negotiator: John Lollis and Patrice Hildreth. Employee Organizations: Unrepresented Management Employees.
- 4** - Government Code Section 54956.9(d) (3) – Conference with Legal Counsel – Anticipated Litigation – Significant Exposure to Litigation: Two cases in which facts are not yet known to potential plaintiff.
- 5** - Government Code Section 54956.9(d)(4) – Conference with Legal Counsel – Anticipated Litigation – Initiation of Litigation: Two cases.

**6:30 P.M. RECONVENE OPEN SESSION AND REPORT ON
REPORTABLE ACTION TAKEN IN CLOSED SESSION**

Pledge of Allegiance Led by Council Member Martha A. Flores

Invocation

PRESENTATIONS

Employee of the Month - Larry Segovia

AB 1234 REPORTS

This is the time for all AB 1234 reports required pursuant to Government Code § 53232.3.

1. Tulare County Economic Development Corp. (TCEDC) - September 27, 2018
2. Joint City/School Committee - September 24, 2018
3. Council of Cities - September 19, 2018
4. Tulare County Task Force on Homelessness - September 19, 2018
5. San Joaquin Valley Air Pollution Control District (SJVAPCD) - September 19-20, 2018

REPORTS

This is the time for staff informational items.

ORAL COMMUNICATIONS

This is the opportunity to address the Council on any matter of interest, whether on the agenda or not. Please address all items not scheduled for public hearing at this time. Unless additional time is authorized by the Council, all commentary shall be limited to three minutes.

CONSENT CALENDAR

All Consent Calendar Items are considered routine and will be enacted in one motion. There will be no separate discussion of these matters unless a request is made, in which event the item will be removed from the Consent Calendar. All items removed from the Consent Calendar for further discussion will be heard at the end of Scheduled Matters.

1. **City Council Minutes of July 17, 2018**
Re: Considering approval of the draft minutes of July 17, 2018.
2. **Authorization to Purchase Specialized Equipment - Submersible Mixers**
Re: Considering approval to purchase one (1) submersible mixer from Flo-Line Technology for an amount not to exceed \$8,066.82.
3. **Authorization to Advertise for Bids - Two (2) Compressed Natural Gas (CNG) Refuse Vehicles**
Re: Considering approval to advertise for the purchase of two (2) CNG refuse vehicles.
4. **Sublet Airport Hangar Lot 6**
Re: Considering approval to sublet the Lot 6 hangar at the Porterville Municipal Airport to GreenPower Motor Company, Inc., for a period of one year.

5. **Annual Library Food For Fines Campaign**
Re: Considering approval of the Annual Food for Fines Campaign to run October 3 through December 31, 2018.
6. **Request for Proclamation - Relay for Life Days - October 6-7, 2018**
Re: Considering approval of a request to proclaim October 6th and 7th as "Relay for Life Days."
7. **Request for Proclamation - Friends of Libraries Week - October 21-27, 2018**
Re: Considering approval of a request to proclaim October 21 through 27, 2018, as "Friends of Libraries Week."
8. **Status and Review of Declaration of Local Emergency**
Re: Considering approval of the continuance of the Declaration of Local Emergency.

A Council Meeting Recess Will Occur at 8:30 p.m., or as Close to That Time as Possible

PUBLIC HEARINGS

9. **General Plan Amendment and Zone Change for the proposed Sequoia Circle Multi-Family Residential Project**
Re: Considering approval of a Mitigated Negative Declaration of environmental impact, General Plan Amendment, and Zone Change to accommodate the development of multi-family residential units on the 2.13± acre site located west of North G Street and north of Henderson Avenue.

ORAL COMMUNICATIONS

OTHER MATTERS

CLOSED SESSION

Any Closed Session Items not completed prior to 6:30 p.m. will be considered at this time.

ADJOURNMENT - to the meeting of October 16, 2018.

In compliance with the Americans with Disabilities Act and the California Ralph M. Brown Act, if you need special assistance to participate in this meeting, or to be able to access this agenda and documents in the agenda packet, please contact the Office of City Clerk at (559) 782-7464. Notification 48 hours prior to the meeting will enable the City to make reasonable arrangements to ensure accessibility to this meeting and/or provision of an appropriate alternative format of the agenda and documents in the agenda packet.

Materials related to an item on this Agenda submitted to the City Council after distribution of the Agenda packet are available for public inspection during normal business hours at the Office of City Clerk, 291 North Main Street, Porterville, CA 93257, and on the City's website at www.ci.porterville.ca.us.



CITY COUNCIL AGENDA – OCTOBER 2, 2018

SUBJECT: City Council Minutes of July 17, 2018

SOURCE: Administrative Services

COMMENT: Staff has prepared the draft Minutes of July 17, 2018, for the Council's review and consideration.

RECOMMENDATION: That the Council approve the draft Minutes of July 17, 2018.

ATTACHMENTS: 1. 2018-07-17 Draft Minutes

Appropriated/Funded:

Review By:

Department Director:

Patrice Hildreth, Administrative Services Dir

Final Approver: Patrice Hildreth, Administrative Services Dir

**CITY COUNCIL MINUTES
CITY HALL, 291 N. MAIN STREET
PORTERVILLE, CALIFORNIA
JULY 17, 2018, 5:30 PM**

Called to Order at 5:31 p.m.

Roll Call: Council Member Monte Reyes, Council Member Martha A. Flores, Council Member Cameron Hamilton, Vice Mayor Brian Ward, Mayor Milt Stowe

ORAL COMMUNICATIONS

None

CITY COUNCIL CLOSED SESSION:

A. Closed Session Pursuant to:

- 1** - Government Code Section 54957.6 – Conference with Labor Negotiator. Agency Negotiator: John Lollis and Patrice Hildreth. Employee Organizations: Management & Confidential Series; Porterville City Employees Association; Public Safety Support Unit; and all Unrepresented Management Employees.
- 2** - Government Code Section 54956.9(d)(1) – Conference with Legal Counsel – Existing Litigation: City of Porterville v. Greg L. Woodard and Cinda D. Woodard, Trustees of the Woodard Family Revocable Trust of August 10, 2006, Tulare County Superior Court Case No. 273165.
- 3** - Government Code Section 54956.9(d) (3) – Conference with Legal Counsel – Anticipated Litigation – Significant Exposure to Litigation: One case in which facts are not yet known to potential plaintiff.
- 4** - Government Code Section 54956.9(d)(4) – Conference with Legal Counsel – Anticipated Litigation – Initiation of Litigation: Three cases.

6:49 P.M. RECONVENE OPEN SESSION AND REPORT ON REPORTABLE ACTION TAKEN IN CLOSED SESSION

City Attorney Lew reported that no reportable action had taken place in Closed Session.

The Pledge of Allegiance was led by Council Member Cameron Hamilton.
Invocation - a moment of silence was observed.

PROCLAMATIONS

Parks Make Life Better! Month - July 2018

PRESENTATIONS

Employee of the Month - Trisha Whiteley
Employee Recognition - Liliana Reyes & Clay Sharp

AB 1234 REPORTS

This is the time for all AB 1234 reports required pursuant to Government Code § 53232.3.

1. Tulare County Task Force on Homelessness - June 20, 2018

City Manager Lollis spoke of the introduction of a consultant who has been brought on to develop a strategic plan for Tulare County over the next several months; and reported that the next meeting would take place in August

2. SJVAPCD Governing Board - June 21, 2018

Council Member Reyes reported on action pertaining to, but not limited to the following: adoption of the 2018/2019 Budget, amendments to District Rules 4692 and 4905, approval of contract for marketing services, and a changing of the guard.

3. Tulare County Economic Development Corp. (TCEDC) - June 28, 2018

Council Member Reyes reported on action pertaining to the approval of employment agreements for the President and Chief Executive Officer, the election of officers, and appointments.

4. Eastern Tule Groundwater Sustainability Agency (GSA) - July 11, 2018

Council Member Hamilton spoke of discussion pertaining to the Groundwater Sustainability Plan policy.

5. Local Agency Formation Commission (LAFCO) - July 11, 2018

Council Member Hamilton reported that he was unable to attend due to a conflict with the Easter Tule GSA meeting.

REPORTS

I. City Commission and Committee Meetings

1. Parks & Leisure Services Commission - Summer Hiatus
2. Library & Literacy Commission - Summer Hiatus
3. Arts Commission - July 11, 2018

Commissioner Serna reported on discussion pertaining to the Chalk Art Contest event, future projects, and its next meeting on July 25th.

4. Animal Control Commission
5. Youth Commission - Summer Hiatus
6. Transactions and Use Tax Oversight Committee (TUTOC)

II. Staff Informational Reports

1. Water Conservation Phase III Status Update

ORAL COMMUNICATIONS

- Edith LaVonne, Porterville, welcomed back Mayor Stowe; stated that the victims of shopping cart theft should not be punished; spoke of the importance of partnerships within the library system; and stated that to charge County residents as proposed would be against the law.
- Sarah Gershon stated that libraries and parks should be free.
- Dirk Holkeboer, Executive Director of Habitat for Humanity, requested approval of Item No. 8; and thanked City staff for its recommendation.
- Nikki Edwards, self-proclaimed library junkie, spoke of the value of the San Joaquin Valley Library System and in favor of keeping things as is.

- Richard Eckhoff, Springville, stated that he would like the library to remain free for all.
- Mariann Sanders, Sherry Meyers and Jodi Holstrom, Helping Hands, stated that their stove was down and the organization was in need of \$2,700 to \$3,000 to repair; and spoke of the 30th anniversary of Helping Hands.
- Miles Barker, The Porterville Recorder, announced that the evening's meeting would be his last as he had gotten a job elsewhere; and stated that it had been a pleasure working staff and the Council.
- Susan Janoco stated that library fees were not a good source of revenue.

CONSENT CALENDAR

The following conflicts pertaining to real property were noted: Council Member Flores, Item No. 10; Vice Mayor Ward, Item No. 6; and Council Member Reyes, Item No. 5.

COUNCIL ACTION: MOVED by Council Member Cameron Hamilton, SECONDED by Vice Mayor Brian Ward that the City Council approve Items Nos. 1-15 with the noted abstentions. The motion carried unanimously.

1. AUTHORIZATION TO PURCHASE BY NEGOTIATION EQUIPMENT SCHEDULED FOR REPLACEMENT

Recommendation: That the City Council authorize the purchase by negotiation of the equipment listed and authorize payment for said equipment upon satisfactory delivery.

Documentation: M.O. 01-071718

Disposition: Approved.

2. AUTHORIZATION TO PURCHASE WATER SHARES OR SURFACE WATER FOR GROUNDWATER RECHARGE

Recommendation: That City Council authorizes the Public Works Director to purchase water shares or surface water during the 2018/2019 fiscal year up to \$500,000.

Documentation: M.O. 02-071718

Disposition: Approved.

3. AUTHORIZATION TO MAKE REPAIRS TO CITY WELL NO. 3

Recommendation: That the City Council:

1. Direct the Finance Director to initiate a Purchase Order to Valley Pump & Dairy Systems in an amount not to exceed \$23,900.92 for the repair of City Well No. 3; and
2. Direct the Finance Director to make payment to Valley Pump & Dairy Systems upon receipt of invoice approved by the Public Works Director.

Documentation: M.O. 03-071718

Disposition: Approved.

4. AUTHORIZATION TO ADVERTISE FOR BIDS - REMOVAL OF THE HOUSEHOLD WATER TANKS PROJECT

Recommendation: That City Council:

1. Approve staff's recommended Plans and Project Manual;
2. Authorize staff to advertise for bids on the project; and
3. Authorize the City Engineer to negotiate construction surveying services with one of the firms as approved by Council MO #02-100714.

Documentation: M.O. 04-071718

Disposition: Approved

5. AUTHORIZATION TO ADVERTISE FOR BIDS - HENDERSON AVENUE RECONSTRUCTION BETWEEN INDIANA STREET AND JAYE STREET

Recommendation: That City Council:

1. Approve staff's recommended Plans and Project Manual;
2. Authorize staff to advertise for bids on the project;
3. Authorize the City Engineer to negotiate construction surveying services with one of the firms as approved by Council MO #02-100714;
4. Authorize the Finance Director to appropriate \$721,718.50 from Local Transportation Funds to fully fund this project; and
5. Authorize the Finance Director to appropriate \$220,952.30 from the Water Replacement Fund to fully fund this project.

AYES: Flores, Hamilton, Ward, Stowe

NOES: None

ABSTAIN: Reyes

ABSENT: None

Documentation: M.O. 05-071718

Disposition: Approved.

6. AREAS 458, 455A AND 459A & C SEWER UTILITY DISTRICT ANNUAL ASSESSMENTS

Recommendation: That the City Council adopt the resolutions ordering the continued assessments for Districts 458, 455A and 459A and C for the 2018/2019 tax years.

AYES: Reyes, Flores, Hamilton, Stowe

NOES: None

ABSTAIN: Ward

ABSENT: None

Documentation: Resolution No. 46-2018; Resolution No. 47-2018; and Resolution No. 48-2018

Disposition: Approved.

7. ACCEPTANCE OF PROJECT - 87 SOUTH G STREET DEMOLITION PROJECT

Recommendation: That City Council:

1. Accept the project as complete; and
2. Authorize the filing of the Notice of Completion.

Documentation: M.O. 06-071718

Disposition: Approved.

8. AWARD OF PROPOSAL FOR DONATION OF LAND AT 87 SOUTH G STREET FOR DEVELOPMENT OF AFFORDABLE HOUSING

Recommendation: That the City Council adopt a resolution donating Assessor Parcel Number 260-193-006, situs address of 87 S. G Street to Habitat for Humanity of Tulare/Kings Counties for the development of affordable housing, authorize the City Manager to make any minor modifications, additions or revisions as needed, and authorize the Mayor to sign all necessary documents to complete the donation of the property.

Documentation: Resolution No. 49-2018

Disposition: Approved.

9. APPROVAL OF RESOLUTION AUTHORIZING THE FILING OF RSTP EXCHANGE PROGRAM FUND CLAIM FOR THE FISCAL YEAR 2017-2018

Recommendation: That the City Council authorize and direct the Finance Director to sign and submit the FY2017-2018 RSTP Exchange Program fund claim to the Tulare County Association of Governments on behalf of the City of Porterville in the amount of \$637,219.

Documentation: Resolution No. 50-2018

Disposition: Approved.

10. INTENT TO SET A PUBLIC HEARING TO CONSIDER THE FORMATION OF A SEWER UTILITY DISTRICT FOR AREA 456 A, B, C & E. HENDERSON AVENUE

Recommendation: That City Council:

1. Set a Public Hearing for August 21, 2018, pursuant to Proposition 218 Guidelines, for consideration to form Sewer Utility District Area 456 A, B, C & E. Henderson Avenue; and
2. Approve the Engineer's Report for Sewer Utility District Area 456 A, B, C & E. Henderson Avenue.

AYES: Reyes, Hamilton, Ward, Stowe

NOES: None

ABSTAIN: Flores
ABSENT: None

Documentation: Resolution No. 51-2018; and Resolution No. 52-2018
Disposition: Approved.

11. AUTHORIZATION TO ROLL WEED ABATEMENT BALANCES, UNPAID UTILITY ACCOUNTS AND DELINQUENT LOAN AGREEMENTS TO THE PROPERTY TAX ROLLS

Recommendation: That the City Council adopt the attached resolution authorizing the County Auditor to place the weed abatement balances, unpaid utility accounts and delinquent loan agreements on the 2018-2019 property tax rolls for collection.

Documentation: Resolution No. 53-2018
Disposition: Approved.

12. SELECTIVE TRAFFIC ENFORCEMENT PROGRAM GRANT AWARD

Recommendation: That the City Council:

1. Accept the STEP Grant funding from the California Office of Traffic Safety in the amount of \$85,000; and
2. Authorize a budget adjustment for the Police Department in the Special Safety Grants Fund for FY2018/2019 in the amount of \$85,000 when grant is signed.

Documentation: M.O. 07-071718
Disposition: Approved.

13. APPROVAL FOR COMMUNITY CIVIC EVENT - VICTORY OUTREACH PORTERVILLE - "TAKE YOUR CITY" CHILDREN'S OUTREACH - JULY 21, 2018

Recommendation: That the City Council approve the Community Civic Event Application and Agreement from the Victory Outreach Porterville Church, subject to the restrictions and requirements contained in the Application and Agreement, Exhibit A and Exhibit B of the Community Civic Event Application.

Documentation: M.O. 08-071718
Disposition: Approved.

14. REQUEST FOR PROCLAMATION - CHERI TAYLOR

Recommendation: That the City Council consider approval of a proclamation in recognition of Cheri Taylor.

Documentation: M.O. 09-071718

Disposition: Approved.

15. STATUS AND REVIEW OF DECLARATION OF LOCAL EMERGENCY

Recommendation: That the City Council receive the report of status and review of the Declaration of Local Emergency and determine the need exists to continue said Declaration.

Documentation: M.O. 10-071718

Disposition: Approved.

PUBLIC HEARINGS

16. LANDSCAPE AND LIGHTING DISTRICT ANNUAL ASSESSMENTS

Recommendation: That the City Council:

1. Conduct a public hearing on the 2018-2019 assessments for the Landscape and Lighting Maintenance Districts to take comments or receive protests on the proposed assessments; and
2. Adopt the Resolution ordering the continued maintenance of Landscape and Lighting Maintenance Districts and confirming the Engineer's Report and Assessments for the 2018-2019 Fiscal Year.

City Manager Lollis introduced the item and presented the staff report.

The Public Hearing was opened at 7:35 p.m. When no one came forward, the Public Hearing was closed at 7:36 p.m.

COUNCIL ACTION: MOVED by Council Member Cameron Hamilton, SECONDED by Council Member Martha Flores that the City Council adopt the resolution ordering the continued maintenance of Landscape and Lighting Maintenance Districts and confirming the Engineer's Report and Assessments for the 2018-2019 Fiscal Year. The motion carried unanimously.

Documentation: Resolution No. 54-2018

Disposition: Approved.

17. CONSIDERATION OF AN ORDINANCE ADDING ARTICLE X TO CHAPTER 18 OF THE PORTERVILLE MUNICIPAL CODE REGARDING NUISANCES RELATED TO SHOPPING CARTS

Recommendation: That the City Council:

1. Conduct a public hearing on the proposed draft Ordinance;
2. Consider approval of draft Ordinance; and
3. Give first reading, and order the Ordinance to print.

City Manager Lollis introduced the item, and Fire Chief Dave LaPere presented the staff report. Following the report, Chief LaPere addressed questions from the Council regarding the number of retailers with carts, the number being collected by staff, and the proposed citation process.

Discussion ensued regarding difficulties with enforcement, the increase in abandoned carts, safety hazards associated with their presence, and provisions of the Business and Professions Code.

The Public Hearing was opened at 7:59 p.m.

- Edith LaVonne stated that abandoned carts were typically no fixable; spoke against action being taken against retailers; and stated that abandoned carts were a health hazard.
- Sarah Gershon suggested that retailers check out carts to those who do not have cars to transport their items.
- Dick Eckhoff spoke of Smart and Final's practice of scanning carts at check out.
- Daniel Penaloza stated that retailers were key; and spoke of coin vended shopping carts.

The Public Hearing was closed at 8:05 p.m.

COUNCIL ACTION: MOVED by Vice Mayor Brian Ward, SECONDED by Council Member Martha Flores that the City Council approve first reading of the ordinance being, AN ORDINANCE OF THE COUNCIL OF THE CITY OF PORTERVILLE ADDING ARTICLE X TO CHAPTER 18 OF THE PORTERVILLE MUNICIPAL CODE REGARDING NUISANCES RELATED TO SHOPPING CARTS, waive further reading, and order the ordinance to print; and approve a six month review. The motion carried unanimously.

The ordinance was read by title only.

Documentation: Ordinance No. 1848

Disposition: Approved.

SCHEDULED MATTERS

18. ADOPTION OF ANNUAL APPROPRIATION LIMIT

Recommendation: That the City Council approve the attached resolution adopting the appropriation limit of \$71,127,375 for the 2018-2019 fiscal year.

City Manager Lollis introduced the item, and Finance Director Maria Bemis presented the staff report.

COUNCIL ACTION: MOVED by Council Member Cameron Hamilton, SECONDED by Vice Mayor Brian Ward that the City Council approve the resolution adopting the appropriation limit of \$71,127,375 for the 2018-2019 fiscal year. The motion carried unanimously.

Documentation: Resolution No. 55-2018

Disposition: Approved.

19. CONSIDERATION OF APPOINTMENT TO ANIMAL CONTROL COMMISSION

Recommendation: That the City Council consider the appointment requests of Valerie Simonich and Jerry Hall to serve on the Animal Control Commission for term expiring in September of 2022.

City Manager Lollis introduced the item and presented the staff report.

COUNCIL ACTION: MOVED by Vice Mayor Brian Ward, SECONDED by Council Member Martha Flores that the City Council approve the appointments of Valerie Simonich and Jerry Hall to serve on the Animal Control Commission for terms expiring in September of 2022. The motion carried unanimously.

Documentation: M.O. 12-071718

Disposition: Approved.

20. DESIGNATION OF VOTING DELEGATES AND ALTERNATE FOR LEAGUE OF CALIFORNIA CITIES 2018 ANNUAL CONFERENCE

Recommendation: That the City Council designate one City Council Member to serve as a voting delegate, and up to two City Council Members to serve as alternate voting delegates, at the League of California Cities Annual Business Meeting.

City Manager Lollis introduced the item and presented the staff report.

COUNCIL ACTION: MOVED by Council Member Cameron Hamilton, SECONDED by Mayor Milt Stowe that the City Council designate Council Member Reyes as the voting member and Council Member Hamilton as alternate voting member for the League of California Cities Annual Business Meeting to take place at the Annual Conference in Long Beach on September 14, 2018. The motion carried unanimously.

Documentation: M.O. 13-071718

Disposition: Approved.

21. REQUEST FOR COUNCIL DIRECTION CONCERNING THE COVERING OF WINDOWS IN EXISTING COMMERCIAL BUILDINGS

Recommendation: That the City Council consider the options presented, and if action is deemed necessary, direct staff to amend the Development Code accordingly.

City Manager Lollis introduced the item, and Community Development Manager Julie Philips presented the staff report.

The Council discussed the options presented by staff, and issues that existed in town. Council Member Reyes and Mayor Stowe expressed concerns with the aesthetic of the exterior being compromised for the sake of the interior.

- Karen Johns, Webb & Son, spoke of her client's lease of the old Starbucks location on Henderson Avenue, and of her client's need to close off the windows to accommodate security and office space. She requested direction from the Council.

Staff clarified that the Municipal Code was silent on situations where applicants are wanting to permanently cover windows internally; and requested direction from the Council on how to move forward with the two building permits.

The Council concurred that the permits being processed should move forward because there was nothing in the Code prohibiting the proposed tenant improvements; and indicated that they would be supportive of tinting the glass windows as Ms. Johns proposed. The Council then directed staff to draft an ordinance to deal with inadequacies within the Code as it pertained to the covering of windows for the Council's consideration.

Documentation: None
Disposition: Direction given

22. CONSIDER CHARGING NON-CITY RESIDENTS FOR A CITY LIBRARY CARD

Recommendation: That the City Council consider charging non-city residents for a City Library Card.

City Manager Lollis introduced the item and presented the staff report.

Vice Mayor Ward stated that he appreciated the information presented, and had no interest in the City leaving the San Joaquin Valley Library System. He stated that his issue was with Tulare County, and its lack of financial support of the City's library which serves a significant number of County residents.

Discussion followed regarding the importance of the library and the services provided to City and non-city residents, and restriction of materials. City Librarian Vikki Cervantes addressed questions regarding borrowing privileges and materials purchased with Measure H funds.

Documentation: None
Disposition: No action taken.

ORAL COMMUNICATIONS

- Dick Eckhoff inquired about the proposed library fees.
- Greg Shelton, Porterville, stated that the County was shirking its responsibility to provide library services to its residents; suggested that the use of computers at the library for video games be monitored; and requested the Council's consideration of a ballot measure regarding marijuana sales.

- Dick Eckhoff asked if County residents would be charged to drive down City streets, sit at City parks, etc.

OTHER MATTERS

- Council Member Flores thanked Fire for responding to recent fires; spoke of her attendance at the Police Department Promotion Ceremony and the State Route 190 Rehab Project Groundbreaking Ceremony; and congratulated the Police Department staff who received promotions.
- Council Member Hamilton stated that he too had attended the groundbreaking.
- Council Member Reyes stated that he had attended the promotion ceremony; thanked staff for communications; and extended congratulations on promotions.
- Vice Mayor Ward also congratulated staff on promotions; and inquired about the opening of the police shooting range to the public, and more shade at the pool to prevent heat related illness.
- Mayor Stowe gave kudos to the Police Department's Junior Academy.
- City Manager Lollis spoke of the upcoming ribbon cutting event at Jaye Street Bridge.

CLOSED SESSION

The Council took a five minute recess and reconvened in Closed Session at 9:25 p.m.

ADJOURNMENT

The Council adjourned at 10:30 p.m. to the meeting of August 7, 2018.

SEAL

Luisa M. Zavala, Deputy City Clerk

Milt Stowe, Mayor



CITY COUNCIL AGENDA – OCTOBER 2, 2018

SUBJECT: Authorization to Purchase Specialized Equipment - Submersible Mixers

SOURCE: Public Works

COMMENT: The Wastewater Treatment Facility (WWTF) is requesting authorization to replace one (1) submersible mixer which was installed in 1994. The submersible mixer provides an “anoxic” or unaerated zone in the aeration basins where beneficial floc forming bacteria are allowed to adsorb the soluble organics, leaving minimal amounts of easily converted substrate for filamentous organisms.

Filamentous organisms are adverse bacteria which can upset the secondary treatment process. Filamentous bacteria in large populations display poor settling characteristics, causing sludge in the secondary clarifiers to settle poorly and ultimately leading to high suspended solids content in the final effluent.

WWTF contacted three (3) vendors for quotes to replace the mixer. The quotes are as follows:

Flo-Line Technology Incorporated - \$6,312.67

Shape Incorporate - \$12,985.00

PAC Machine Company - \$13,669.00

Flo-Line Technology Incorporated has been identified as the lowest bidder, therefore securing the bid to replace the submersible mixer. The expenditure for the repair, in the amount not to exceed \$8,066.82, which includes tax, shipping and a 10% contingency, to be funded from the Wastewater Operating Fund.

RECOMMENDATION: That City Council:

1. Award the purchase of one (1) submersible mixer to Flo-Line Technology for a not to exceed amount of \$8,066.82, which includes tax, shipping and 10% contingency;
2. Direct the Finance Director to initiate a Purchase Order for one (1) submersible mixer to Flo-Line Technology for a not to exceed amount of \$8,066.82, which includes tax, shipping and 10% contingency; and
3. Direct the Finance Director to make payment to Flo-Line Technology upon receipt of invoice approved by the Public Works Director.

ATTACHMENTS:

1. Flow-Line Quote
2. Shape Inc Quote
3. Pac Machine Quote

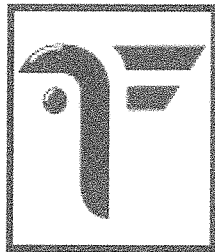
Appropriated/Funded: MB

Review By:

Department Director:

Mike Reed, Acting Public Works Director

Final Approver: John Lollis, City Manager



Flo-Line Technology, Inc.

11822 Kemper Rd, Auburn, CA 95603

Ph 530-887-2240, Fax 530-887-2243

Toll Free 800-255-2933

www.flolinepumps.com

ATTENTION	ROBERT ALVAREZ
COMPANY	CITY OF PORTERVILLE
EMAIL	ralvarez@ci.porterville.ca.us
PHONE	559-782-7581
FAX	
CELL	
QUOTE NO	9433
DATE	8/30/18

PREPARED BY	Ray DeLeon	LEAD TIME	1-2 WEEK LEAD TIME
CELL	530-887-2240	FREIGHT	PP&ADD
E-MAIL	ray@flolinepumps.com	SHIP VIA	BEST WAY
SUBJECT	FLYGT REPLACEMENTS	TERMS	NET 30 O.A.C.
REFERENCE	PER FLYGT PUMPS BELOW	VALIDITY	30 DAYS

Qty	Part No	Description	Unit Price	Ext'd
2	MX1261811211A21	ABS XRW 2131 - PA 18/4 EC. TRIPLE SEAL SYSTEM, 1.4021 SS SHAFT, 1.4460 SS PROPELLER, THERMOSWITCHES AND 3X DI PROBES. 1.4404 (AISI 316L) MOTOR HOUSING - 460/3/60. CLASS H INSULATION, 32 FEET OF CABLE, NBR SEALS AND GASKETS INTERGRAL 2" SQUARE GUIDE RAIL BRACKET, LIFTING BAND WITH SHACKLE. (4 IN STOCK AT THE FACTORY)	\$4,208.00	\$8,416.00
1	MX3281811211A21	XRW 3022 - PA 35/6 EC. TRIPLE SEAL SYSTEM, 1.4021 SS SHAFT, 1.4460 SS PROPELLER, THERMOSWITCHES AND 3X DI PROBES. 1.4404 (AISI 316L) MOTOR HOUSING - 460/3/60. CLASS H INSULATION, 32 FEET OF CABLE, NBR SEALS AND GASKETS INTERGRAL 2" SQUARE GUIDE RAIL BRACKET, LIFTING BAND WITH SHACKLE. (1 IN STOCK IN STOCK AT THE FACTORY)	\$6,312.67	\$6,312.67
3	16907006	CA 462 RELAY MODULES 110-230V-AC SULZER SEAL LEAK DETECTION AND OVERTEMP RELAY	\$241.33	\$724.00

THANK YOU VERY MUCH FOR THE OPPORTUNITY TO QUOTE THE ABOVE PRODUCTS

Total

\$15,452.67



QUOTATION

PLEASANTON

5115-A Johnson Drive
Pleasanton, CA 94588
Phone (925) 485-9720
Fax (925) 485-6085

STOCKTON

119-2 Val Dervin Parkway
Stockton, CA 95206
Phone (209) 234-5909
Fax (209) 234-5913

TO: **City of Porterville**
Aeration Basin Mixer

BID DATE: **7/17/18**
QUOTE #: **097731Rev1**
JOB: **4640 Rebuild/Replacement**
LOCATION: **Soquel, CA**

ATTN: **Terry Mendez**

PHONE: **(559) 782-7501**
FAX:

Email: **tmendez@ci.porterville.ca.us**

WE ARE PLEASED TO QUOTE
SUBJECT TO CONDITIONS PRINTED ON THE BACK HEREOF,
THESE CONDITIONS MAY BE CHANGED ONLY BY A WRITTEN
STATEMENT SIGNED BY AN OFFICER OF SHAPE, INCORPORATED.

☐ F.O.B. DESTINATION
☐ F.F.A.

QTY	ITEM	UNIT PRICE	TOTAL
	Rebuild Mixer 4640.410-0151 4/460/3 NO FLS 30' SN: 9370039 Inspection found impeller bolt stripped. Stator meggered weak. Found water in the oil and stator housing, causing weak megger. Rotor is grooved on output side of shaft from bad bearing. Oil in stator housing caused by seal failure.		
1	Parts needed: repair kit (includes seals, bearing and o-rings), propeller kit, various washers, various retaining rings, rotor and stator.		
1	Estimated Labor 10 hours @ \$100.00/hr		
	Parts Total:		\$4,754.10
	Labor, Haz Mat and Prep:		\$1,061.50
	Rebuild Total:		\$5,815.60 Plus Tax
1	Replacement Mixer Option: 4640.412 4HP-460-3-60 Non-FM motor, jet ring, 50' power cable. Lead time – 10 weeks.		\$12,985.00 Plus Tax
	NOTES: 1 Price includes freight. 2. Price does not include taxes. 3. Price does not include: installation, equipment unloading, guide bars, pipe, valves, conduit, anchor bolts, or any other items not listed. 4. Estimated delivery of rebuild equipment: 3 weeks. 5. See 2nd page for SHAPE, Inc. Terms and Conditions of Sale.	Accepted As Purchase Order	
	Authorized Signature/Printed Name		Date

SHAPE INC.

Jessica Tabch jtabch@shapecal.com

Company Name

PO/Job#

QUOTATION DOES NOT INCLUDE ANY SALES OR USE TAX PAYABLE UNDER ANY STATE OR FEDERAL STATUTE. THIS QUOTATION PRICE IS FOR MATERIAL LISTED ABOVE. ANY ADDITIONS OR MODIFICATIONS THAT BECOME NECESSARY FOR APPROVED SUBMITTALS, UPON AWARDING OF THIS CONTRACT, MAY RESULT IN NECESSARY PRICE CHANGES.

NOTE: ITEMS NOT SPECIFIED ON THIS QUOTATION ARE NOT INCLUDED IN OUR PRICE AND ARE TO BE SUPPLIED BY OTHERS. PRICES ARE FOR IMMEDIATE ACCEPTANCE AND SUBJECT TO CHANGE WITHOUT NOTICE.

Rev. 08/03

SALE SUBJECT TO MANUFACTURERS STANDARD TERMS AND CONDITIONS.



QUOTATION

PLEASANTON

5115-A Johnson Drive
Pleasanton, CA 94588
Phone (925) 485-9720
Fax (925) 485-6085

STOCKTON

119-2 Val Dervin Parkway
Stockton, CA 95206
Phone (209) 234-5909
Fax (209) 234-5913

TO: City of Porterville
Aeration Basin Mixer

BID DATE: 7/18/18
QUOTE #: 097735Rev1
JOB: 4630 Rebuild/Replacement
LOCATION: Porterville, CA

ATTN: Terry Mendez

PHONE: (559) 782-7501
FAX:

Email:
tmendez@ci.porterville.ca.us

WE ARE PLEASED TO QUOTE
SUBJECT TO CONDITIONS PRINTED ON THE BACK HEREOF,
THESE CONDITIONS MAY BE CHANGED ONLY BY A WRITTEN
STATEMENT SIGNED BY AN OFFICER OF SHAPE, INCORPORATED.

☐ F.O.B. DESTINATION
☐ F.F.A.

QTY	ITEM	UNIT PRICE	TOTAL
	Rebuild Mixer 4630.410 2.5/460/3 NO FLS 30' SN: 9370060 Inspection found water in the oil, indicating seal failure. One bolt was stripped on termination cover. Bearing failure on output end of shaft, causing seal to fail.		
1	Parts needed: repair kit (includes seals, bearing and o-rings), propeller kit, various washers, various retaining rings, rotor and stator.		
1	Estimated Labor 10 hours @ \$100.00/hr		
	Parts Total:		\$5,100.60
	Labor, Haz Mat and Prep:		\$1,061.50
	Rebuild Total:		\$6,162.10 Plus Tax
	Replacement Mixer Option:		
1	4630.412 2.5HP-460-3-60 Non-FM Motor, Jet Ring, 50' power cable Lead time – 10 weeks.		\$11,240.00 Plus Tax
	NOTES: 1 Price includes freight. 2. Price does not include taxes. 3. Price does not include: installation, equipment unloading, guide bars, pipe, valves, conduit, anchor bolts, or any other items not listed. 4. Estimated delivery of rebuild equipment: 3 weeks. 5. See 2nd page for SHAPE, Inc. Terms and Conditions of Sale.		

Authorized Signature/Printed Name Date

SHAPE INC.

Jessica Tabch jtabch@shapecal.com

Company Name

PO/Job#

QUOTATION DOES NOT INCLUDE ANY SALES OR USE TAX PAYABLE UNDER ANY STATE OR FEDERAL STATUTE. THIS QUOTATION PRICE IS FOR MATERIAL LISTED ABOVE. ANY ADDITIONS OR MODIFICATIONS THAT BECOME NECESSARY FOR APPROVED SUBMITTALS, UPON AWARDING OF THIS CONTRACT, MAY RESULT IN NECESSARY PRICE CHANGES.

NOTE: ITEMS NOT SPECIFIED ON THIS QUOTATION ARE NOT INCLUDED IN OUR PRICE AND ARE TO BE SUPPLIED BY OTHERS. PRICES ARE FOR IMMEDIATE ACCEPTANCE AND SUBJECT TO CHANGE WITHOUT NOTICE.

Rev. 08/03

SALE SUBJECT TO MANUFACTURERS STANDARD TERMS AND CONDITIONS.



QUOTATION

PLEASANTON

5115-A Johnson Drive
Pleasanton, CA 94588
Phone (925) 485-9720
Fax (925) 201-1107

STOCKTON

119-2 Val Dervin Parkway
Stockton, CA 95206
Phone (209) 234-5909
Fax (209) 234-5913

TO: City of Porterville

BID DATE: 7/18/18

QUOTE #: 098074Rev1

JOB: Flygt Model 4630 Rebuild

LOCATION: Porterville, CA

ATTN: Terry Mendez

PHONE: (559) 782-7501

Email: tmendez@ci.porterville.ca.us

WE ARE PLEASED TO QUOTE ON THE FOLLOWING EQUIPMENT
SUBJECT TO CONDITIONS PRINTED ON THE BACK HEREOF,
THESE CONDITIONS MAY BE CHANGED ONLY BY A WRITTEN
STATEMENT SIGNED BY AN OFFICER OF SHAPE, INCORPORATED.

- ☐ F.O.B. DESTINATION
☐ F.F.A.

QTY	ITEM	TOTAL
	Rebuild Flygt Mixer 4630.410-0161 SN:9370031, 2.5hp 460V/3ph 30ft cable Inspection found that the seal was damaged which allowed water to enter the oil and stator housing. The stator is damaged and will need to be rewound. The rotor shaft was damaged by the bearing which broke apart inside the housing. A section of the power cable is damaged and will need to be replaced. A crack was found on the oil hosing which will be replaced as part of the upgrade to the new style oil housing and propeller that is required to accept the new style seal for this model.	
1	Parts needed: repair kit (includes seal, bearings, and o-rings), rewound stator, rotor, power cable and grommets, oil housing/propeller upgrade kit.	
1	Estimated Labor 9 hours @ \$100.00/hr	
	Parts Total:	\$5,432.00
	Labor, Haz Mat, Prep:	\$961.50
	Rebuild Total:	\$6,393.50 Plus Tax
	<u>New Mixer Option:</u>	
1	Flygt Mixer 4630.412, 2.5hp 460V/3ph, 50ft cable, FM (ex proof), FLS (leakage sensor), 316SS, 5 degree propeller Availability: 9-11 weeks standard factory lead time	
	<u>Total For New Mixer Option:</u>	\$13,090.00 plus tax
	<u>NOTES:</u> 1 Price includes freight. 2. Price does not include taxes. 3. Price does not include: installation, equipment unloading, guide bars, pipe, valves, conduit, anchor bolts, or any other items not listed. 4. Estimated delivery of equipment: 3 weeks depending on availability of parts.	
	Accepted As Purchase Order	

Page 1 of 2 Authorized Signature/Printed Name Date

SHAPE INC.

Ricardo Garcia rgarcia@shapecal.com

Company Name

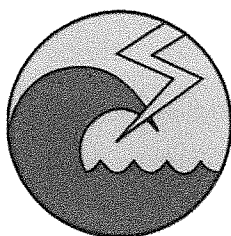
PO/Job#

QUOTATION DOES NOT INCLUDE ANY SALES OR USE TAX PAYABLE UNDER ANY STATE OR FEDERAL STATUTE. THIS QUOTATION PRICE IS FOR MATERIAL LISTED ABOVE. ANY ADDITIONS OR MODIFICATIONS THAT BECOME NECESSARY FOR APPROVED SUBMITTALS, UPON AWARDED OF THIS CONTRACT, MAY RESULT IN NECESSARY PRICE CHANGES.

NOTE: ITEMS NOT SPECIFIED ON THIS QUOTATION ARE NOT INCLUDED IN OUR PRICE AND ARE TO BE SUPPLIED BY OTHERS. PRICES ARE FOR IMMEDIATE ACCEPTANCE AND SUBJECT TO CHANGE WITHOUT NOTICE.

Rev. 08/03

SALE SUBJECT TO MANUFACTURERS STANDARD TERMS AND CONDITIONS.



Pac Machine Company

SACRAMENTO, BENICIA, CA
SPARKS, NV

From: Dylan Gonsalves/ David Kesich
Pac Machine Company
5326 Gateway Plaza Dr
Benicia, CA 94510
Phone: (707) 746-4940
Fax: (707) 746-1845
Quote #: 1785.1

To: Robert Alvarez
Of: City of Porterville
E-mail: ralvarez@ci.porterville.ca.us
Phone: (559) 782-7505
Re: Flygt Submersible Mixers Replacements
Date: August 30, 2018

Per your request we're pleased to quote the following Flygt Submersible Mixer Replacements:

Qty	Description	Price Each	Amount
2	Flygt 4630.412-0010 Submersible Mixer, 2.5HP, 460V, 50' Power Cable, 304SS, Jet Ring, 5 Deg Propeller	\$8,650.00	\$17,300.00
1	4640.412-0104 Submersible Mixer, 4HP, 460V, 50' Power Cable, 316SS, Jet Ring, 8 Deg Propeller	\$13,669.00	\$13,669.00
1	Estimated Freight	\$650.00	\$650.00

Delivery: 8-9 Weeks
FOB: Factory
Prices are good for 30 days.
Taxes and freight not included.

Total: \$31,619.00

Please Call with any questions.

Regards,
Dylan Gonsalves



CITY COUNCIL AGENDA – OCTOBER 2, 2018

SUBJECT: Authorization to Advertise for Bids - Two (2) Compressed Natural Gas (CNG) Refuse Vehicles

SOURCE: Public Works

COMMENT: Caltrans has authorized the City to advertise for the purchase of two (2) CNG refuse vehicles. The project is funded by a Congestion Mitigation & Air Quality (CMAQ) grant and programmed for this fiscal year, however, the funding is not available at this time. Caltrans has approved the construction phase of the project as advanced construction; this means that the City of Porterville will utilize local funds in lieu of federal funds to finance the cost of the work until such time that federal funds become available for obligation towards the beginning of Caltrans' next fiscal year (approximately November 2018).

The CMAQ grant, in the amount of \$553,000, is a federal grant that must be matched with local funds. The federal share is \$489,000. The Engineer's estimate of probable cost for the two (2) CNG refuse vehicles is \$553,000.

Funding for the project was approved in the 2018/2019 annual budget. Funding in the amount of \$64,000 will come from the Solid Waste Reserve Fund.

RECOMMENDATION: That the City Council:

1. Approve Staff's recommended vehicle specifications; and
2. Authorize Staff to advertise for two (2) CNG refuse vehicles.

ATTACHMENTS: 1. CNG Refuse Vehicle Specifications

Appropriated/Funded:

Review By:

Department Director:

Mike Reed, Acting Public Works Director

Final Approver: John Lollis, City Manager

**CITY OF PORTERVILLE
STATE OF CALIFORNIA
NOTICE INVITING SEALED BIDS
BID NO. 17/18-EQXXXX**

The City of Porterville, CA, will receive sealed bids in the Office of the Purchasing Agent, 291 N. Main St., Porterville, CA 93257, until **TBD**, at which time said bids will be opened and read aloud for providing:

CNG POWERED SIDE LOAD REFUSE COLLECTION TRUCKS

Instructions to bidder, specifications and proposal forms may be inspected and obtained in the Office of the Purchasing Agent, 291 N. Main Street, Porterville, CA, 93257. No bid will be received unless it is made on a proposal form furnished by the Purchasing Agent.

Any bidder is welcome to discuss their products and/or exceptions to the City's written specifications prior to the opening date; **however**, all bid proposals must be in written form and include the specifications of those items offered. Should it be more favorable to the City, the right is retained by the City to waive any part of its own written specifications and/or those alternate specifications submitted as a bid.

Bids will be evaluated on the suitability to required use, and price of equipment. The City retains the right to reject any or all bids, to waive any informality or irregularity and to sit and act as sole judge of the merit and qualifications of each product offered, and to award in any manner which is more favorable to the City. The City reserves the right to award contract to one vendor only or to make individual contract awards based on equipment type, as best serves the interest of the City.

The City hereby affirmatively ensures that minority business enterprises will be afforded full opportunity to submit bids in response to this notice and will not be discriminated against on the basis of race, color, national origin, ancestry, disability, gender, age, sexual orientation, or religion in any consideration leading to the award of contract.

Dated at Porterville, California, this **TBD**.

By _____
Maria Bemis, Purchasing Agent
City of Porterville, California

First Publication: **TBD**
Second Publication: **TBD**

INSTRUCTIONS TO BIDDERS
CNG POWERED REFUSE COLLECTION TRUCKS
BID NO. 17/18-EQXXXX

1. All information requested of the contractor shall be entered in the appropriate space(s) on the form. Failure to do so may disqualify your offer.
2. All information shall be typewritten or entered in ink. Mistakes may be crossed out and corrections inserted before submission of your bid. Corrections shall be initialed in ink by the person signing the bid.
3. Corrections and/or modifications received after the closing time specified will not be accepted.
4. Bids will not be accepted unless signed in ink (not typed) in the appropriate space (s) by an authorized officer or employee of the bidder.
5. Bids must be submitted by the closing date, or prior to the time specified, to be considered. Telephone or facsimile bids will not be accepted.
6. It is the sole responsibility of the bidder to see that their bid is submitted at the proper time. Postal delivery to Porterville may take one week or longer. Any bids received after the closing date shall be returned, unopened, to the bidder.
7. Submit bid only in a sealed envelope with the bid number and closing date on the outside of the envelope.
8. Prices submitted by contractor are considered accurate and cannot be withdrawn after the bid is closed.
9. Upon submission of bid documents, all such documents shall become the property of the City of Porterville.
10. Provide any other information not specifically requested which may be considered by the Purchasing Agent; however, the Purchasing Agent is not obligated to consider any information not specifically requested in this solicitation.
11. The City shall not be responsible for any error or omission in the bid proposal.
12. The words "Bidder," "Vendor," "Supplier," and "Contractor" are used interchangeably throughout this solicitation, and are used in place of the person, firm, or corporation submitting a bid on these specifications, or any part thereof.

**GENERAL CONDITIONS
CNG POWERED REFUSE COLLECTION TRUCKS
BID NO. 17/18-EQXXXX**

The City of Porterville is requesting sealed bids for providing **two (2) Side Load CNG Refuse Trucks**. Proposals are to be submitted on the form provided, and returned to the Purchasing Agent, 291 N. Main St., Porterville, CA 93257, **on or before TBD**.

INFORMATION

This request for bids is being issued by the City of Porterville Purchasing Division. Unless otherwise directed, all communications regarding this bid should be referred to the Purchasing Division at (559) 782-7451.

Any revisions to the bid will be issued and distributed as Addenda. Bidders are specifically directed not to contact any other City personnel for meetings, conferences or technical discussions related to the bid.

Successful bidder will be encouraged to extend the terms, conditions and pricing and provide all services of the resulting contract to other governmental entities upon request. Such participation by governmental entities other than the City of Porterville will be directly with the vendor and all purchases shall be made in the participating entity's name, making payments directly to the vendor.

LICENSING

Successful bidder may be required to possess a current City of Porterville business license. Fee is based on gross receipts for all business transactions in the City of Porterville. For additional information, contact the business license clerk at (559) 782-7457.

EVALUATION AND AWARD

The City of Porterville reserves the right to reject any or all bids; to waive any irregularities or informalities in any bid or the bidding process. The City retains the right to combine various bid items; to purchase separate items from any bid when price and terms quoted are more favorable to the City; and to make a final selection and award for any other reason deemed to be in the best interests of the City of Porterville. The Purchasing Agent shall, in all instances, be the final judge in evaluation and award of any contracts resulting from this solicitation.

Award of contract, if it be awarded, will be to the lowest responsible bidder whose bid best complies with all the requirements described. The award, if made, will be made within sixty (60) days after the opening of the bids. Bidder agrees and so stipulates in submitting this bid, as though stated therein, and in any subsequent award of contract, that:

- A. Contractor is an independent contractor, not an employee, agent or officer of the City.
- B. Contract, should it be awarded, shall be interpreted, construed and given effect in all respects according to the laws of the State of California.
- C. Should Contractor be awarded contract, Contractor shall not assign contract, or any part thereof, or any monies due or to become due there under without prior consent of the City.
- D. Contractor shall indemnify and hold harmless the City, its officers, officials, employees and agents from and against all claims, damages, losses, and expenses caused in whole or in part by any negligent act or omission of the Contractor, its consultants, subcontractors, anyone directly or indirectly employed by any of them, or anyone for whose acts any of them may be liable, except where caused by the active negligence, sole negligence, or willful misconduct of the City.
- E. Contractor shall hold the City harmless from liability of any nature or kind including cost and expenses for infringement or use of any copyrighted composition, secret process, patented or unpatented invention, article or appliance furnished or used in connection with the contract.
- F. Contractor warrants that no gratuities in any form, were offered or given by the Contractor, or any agent or representative of the Contractor, to any officer or employee of the City with a view toward securing favorable treatment with respect to any determination concerning the performance of the contract. For breach or violation of this warranty, the City shall have the right to terminate the contract, either in whole or in part, and any loss or damage sustained by the City in procuring in open market any items which the vendor agreed to supply shall be borne and paid for by the Contractor. The rights and remedies of the City provided in this clause shall not be exclusive and are in addition to any other rights and remedies provided by law or under the contract.
- G. Contract shall be in the form of a City of Porterville Purchase Order and attachments of Notice to Bidders, General Conditions, Instructions to Bidders, Specifications, and Bid Proposal, shall be a part thereof as though set forth therein.

TAXES, DELIVERY AND APPLICABLE CHARGES

Required taxes, delivery cost and any and all other applicable charges must be included in the bid. The City **is not exempt** from California Sales Tax. The City **is exempt** from paying Federal Excise Taxes. Federal taxes are not to be included in the prices quoted in the bid.

COMPLIANCE AND EXCEPTIONS

Failure on the part of the bidder to comply with all requirements and conditions of the Invitation for Bid and this specification may subject the bid to rejection. No exceptions to or deviations from this specification will be considered unless each exception or deviation is specifically stated by the bidder as an exception with a detailed statement completely defining the exception(s). The manufacturer's name, product brand name, and catalog or part number must be shown on the bid in the designated places. However, that information in itself is not sufficient evidence that the bidder is making an exception. If no exceptions or deviations are shown, the bidder will be required to furnish equipment exactly as specified herein. The burden of compliance with this specification will be the responsibility of the bidder. Any bid exceptions or additional conditions requested after the bid closing, which are not detailed within the bid response, will automatically be denied.

INSPECTION

The City will have ten (10) days to inspect equipment for workmanship, appearance, proper functioning of all equipment and systems, and conformance to all other requirements of this specification. If deficiencies are detected, the equipment will be rejected and the vendor will be required to make necessary repairs, adjustments, or replacements. Payment and/or commencement of a discount period, if applicable, will not be made until the defects are corrected and the equipment re-inspected and accepted.

LEGAL REQUIREMENTS

The equipment in all respects shall meet or exceed any and all applicable requirements of Federal Government Safety Standards, the California Administrative Code, the Health and Safety Code, the San Joaquin Valley Air Pollution Control District and the California Air Resources Board.

EQUIPMENT LICENSING

The dealer will either register the vehicles for the City of Porterville with California exempt fee license plates, or provide the City with a Statement of Origin or other documents necessary to enable the Purchasing Agent to register the vehicles.

EQUIPMENT DEMONSTRATION AND TESTING

The City reserves the right to have equipment demonstration and testing at City site prior to award of contract. Demonstration and testing, if required, are to be at bidder's expense.

MANUFACTURER'S SPECIFICATIONS

Bidder shall submit specification literature with bid proposal.

QUANTITIES

The City anticipates purchasing **two (2) trucks**, total, as requested in the Bid Proposal form included in this solicitation document; however, the City reserves the right to increase or decrease quantities based on circumstances and availability of funds.

PARTS AVAILABILITY & PRICING

Bidder shall guarantee that parts not available in the after market will be available from the dealer over the estimated five (5) year life of the equipment offered. Bidder/dealer will also provide price list(s) for commonly purchased parts and state dealer cost plus percentage to the City on Bid Proposal Form. Cost plus percentage to remain the same for the estimated five (5) year life of the equipment. It is understood by City and dealer that future parts purchased are not limited to the list(s) provided, and that Manufacturer's price increases shall be passed on to City.

PAYMENT & DISCOUNT

The City of Porterville issues Accounts Payable checks three (3) times each month: on the 10th, the last business day of the month, and one check run between the two dates. Trade discounts, if given, that allow for due dates ten (10) days or greater after acceptance of equipment will be considered in price evaluations.

SPECIFICATIONS
CNG POWERED REFUSE COLLECTION TRUCKS
BID NO. 17/18-EQ XXXX

GENERAL SPECIFICATIONS

The following Detailed Specifications are the City of Porterville's minimum requirements for CNG refuse trucks. The City anticipates purchasing **two (2) CNG powered side load refuse trucks** with this solicitation. The specifications are not intended to be restrictive but descriptive of the type and quality the City of Porterville desires to purchase. Bids for similar items of like quality will be considered if the bid is fully noted with the manufacturer's brand name and model including a detailed listing of its specifications.

The equipment shall be new, unused, **2018 or current model year** production commercial refuse collection trucks. It is the intent of these specifications to describe a commercial **side load refuse collection body** and truck chassis to make a complete working truck. All parts not specification mentioned herein, which are necessary to provide a complete unit shall be included and shall conform in strength and quality of material and workmanship according to the industry standard and not less than these specifications.

Exceptions to the specifications, if taken and fully explained to the satisfaction of the City of Porterville's Shop Superintendent, will not be cause for rejection if it is felt to be in the best interest of the City. Failure to mention any deviation to these specifications will under no circumstances relieve the manufacturer from conforming to said specifications.

LITERATURE

Manufacturer's descriptive literature/specifications are to be included with the bid.

DELIVERY

Bidders shall state delivery as the number of calendar days after receipt of order (ARO).

WARRANTY

Bidders shall state warranty terms and conditions of both the truck chassis and collection body in the space provided, and provide a copy of the manufacturers' warranties with the bid.

TRAINING

Upon delivery, or within one (1) week after delivery of one (1) of the **side load refuse trucks** to the City, the successful bidder shall, at the City's option, provide training for Shop Maintenance and Solid Waste Division personnel pertaining to the use, maintenance and repair of these refuse

collection trucks. The training shall be provided at the City's Corporation Yard and Maintenance Shop facility. This training shall be coordinated with the City's Shop Superintendent at least two (2) weeks prior to delivery of the equipment. There shall be no additional charges for providing this training.

MANUALS

One (1) set of all relevant manuals shall be delivered to the City, including but not necessarily limited to, chassis and drive train operator's manual, collection body operator's manual, chassis parts manual and collection body parts manual.

BID PROPOSAL

Each bidder's proposal shall clearly state the total price, make and model, and terms of payment. All bids must remain firm for sixty (60) days and must be signed by a duly authorized representative of the bidding company.

ACCEPTANCE OF BIDS

The City of Porterville reserves the right to reject any or all bids and to accept the bid or bids that in its opinion best meets the requirements outlined herein.

BID SUBMISSION INSTRUCTIONS

Prior to the bid submittal time, bidders shall complete and return, as instructed herein, the **DETAILED SPECIFICATIONS** and **BID PROPOSAL**, together with all other requirements, in a sealed envelope clearly marked "**BID NO. 17/18-EQXXXX CNG POWERED SIDE LOAD REFUSE COLLECTION TRUCKS.**" A duplicate set of Detailed Specifications and Bid Proposal is included for bidders' convenience.

DETAILED SPECIFICATIONS, Cont. CNG POWERED SIDE LOAD REFUSE TRUCK

The following are the City of Porterville's minimum specifications for Compressed Natural Gas (CNG) powered side load refuse collection trucks. The City anticipates purchasing **two (2) trucks** with this solicitation. **Bidders must complete and return these specifications with their bid.**

Specification	Specify
1. General specifications: Truck shall be cab-over engine design, 3-axle configuration, automated side loader refuse collection truck.	_____
2. Frame/Cross Members: The frame shall be heavy duty, designed and built for severe service application. Minimum RBM of 1,890,000 lbs/inch per rail. Cross members shall be of sufficient number, location, and material composition to prevent detrimental frame twisting.	_____
3. Cab Exterior: Shall be cab-over engine design that tilts forward for engine access.	_____
4. Cab Tilt: Shall be electrical-powered hydraulic pump or air assist to tilt the cab as well as manually operable.	_____
5. Bumper: Front bumper shall be painted steel	_____
6. Tow hooks: Two (2) tow hooks shall be frame mounted, (front).	_____
7. Windows: Factory tint on front and side glass. Rear glass to be clear. Shall include sun visors for both sides of cab interior.	_____
8. Doors: Cab shall be equipped with standard one piece, front hinged doors with electric powered roll up windows	_____
9. Assist handles: Grab handles shall be provided on both sides of cab to assist entry and exit.	_____

Specification	Specify
10. Dome lights: Shall be activated from switches on both doors.	_____
11. Mirrors: Two stainless steel, West-Coast type, one on each side, two 8 inch convex, one each side	_____
12. Seats: Two person configuration, with air suspension seat for driver and standard seat for front passenger.	_____
13. Gauges: Minimum to include road speed, engine speed, hour meter, oil pressure, engine coolant temp., transmission temperature, voltmeter, dual air pressure, fuel level.	_____
14. Air Conditioning: Factory-equipped heating/air conditioning system.	_____
15. Windshield wipers: Dual electric or air-operated, intermittent/variable speed windshield wipers with washer function.	_____
16. Radio: AM/FM radio	_____
17. Seat belts: 3-point driver's and passenger's seat belts with retractors for all seats.	_____
18. Emergency supplies: One (1), twenty (20) lb. ABC approved fire extinguisher and mounting bracket installed on the operator's side, outside of the cab. One (1) set of triangle reflectors.	_____
19. Spill kit: To be mounted on curb side of refuse body, and include absorbent sock/tube.	_____

Specification

Specify

20A. **Engine:** Minimum shall be Cummins ISL-G, spark-ignited, natural gas engine rated at a minimum of 320 horsepower and 1000 ft lbs torque with compressed natural gas fuel system installed. System shall include a minimum 70 diesel gallon equivalent of CNG storage, electronic control unit, fuel regulators, and all parts required for a complete installation. The completed system shall be CARB-certified.

20B. The engine shall have a road-speed limit set for a maximum 58 mph. The City requires that a methane detection system shall provide warning to the operator if methane gas is present within the cab or engine compartment area. The system shall meet or exceed all applicable governmental standards for such systems when installed on refuse collection vehicles.

20C. **Engine Protection:** Shall be equipped with an on-board, electronic, diagnostic and operational monitoring system. The system shall, at minimum, provide engine protection, operator notification, and shutdown in the event of loss of oil pressure, low coolant level, and high coolant temperature.

21A. **CNG storage tanks:** Shall have a minimum service life of 15 years, and shall be protected from damage. All components used to modify the power train and fuel systems shall conform to the current applicable National Fire Protection Association (NFPA) standards and shall be engineered and certified for the specific fuel type. The CNG system will be designed to the regulations, safety, reliability and longevity of FMVSS-304, ANSI NGV3.1 (NGV-2) and NFPA-52 regulations/codes.

Specification

Specify

- 21B. System shall have two NGV-1 fill valves rated at 3,600 psi. OPW LB-36 fill valves or equal. One fill receptacle will be mounted on the fuel management module and a second on the left front bumper. Both receptacles shall be equipped with ignition interrupt circuits. An auxiliary fuel gauge shall be mounted in the dash area of the driver's side driven by a transducer located on the high pressure side of the fuel system. **Vehicle shall be equipped with defueling capability.** _____
22. **Cooling system:** Shall be capable of sufficiently cooling engine with vehicle fully loaded at an ambient temperature of 115 degrees F. Shall also include an automatic fan clutch, silicone radiator coolant and heater hoses, or approved equal, and extended life coolant. Radiator shall be equipped with an opening for a PTO shaft. _____
23. **Electrical system:** Shall have a 12 volt electrical system, with 12 volt starting and charging systems. _____
24. **Charging system:** Shall be equipped with a 12 volt, minimum 130 amp rated size alternator. _____
25. **Batteries:** Shall be Group 31 maintenance free and of sufficient number to have a minimum CCA rating as required by the engine mfr. to start the furnished engine at 10 degrees F, and include a battery shut-off switch installed in the ground circuit. _____
26. **Electrical wiring:** Shall be multi-stranded, low voltage insulated automotive type, and routed in protective harnesses. Where harnesses pass through metal structures, rubber or silicone grommets shall be used to protect the integrity of the harnesses. _____

Specification	Specify
27. Starter: Shall be 12 volt rated, electric type, properly sized to crank and start the engine furnished in temperatures down to 10 deg. F.	
28. Back-up alarm: Shall have a back-up alarm with a reverse motion sensor.	
29A. Lighting: Shall be equipped with all necessary lights for compliance with all State and Federal regulations, including red rear lights for stop/turn, 2 clear lights for back up, and flashing rear amber warning lights. The rear amber flashing lights shall comply with Vehicle Code 25280.	
29B. Lighting cont'd: Shall be equipped with solid state flashers, and LED rear stop/turn lights. Shall also include side mounted, mid-ship turn signal warning lights. Shall include front mounted fog lamps.	
30. Cab: Shall be equipped for RIGHT-HAND DRIVE and operation.	
31. Transmission: Shall be Allison RDS 6-speed 4500 or approved equal.	
32. Transmission cooling: Shall be in accordance with Allison Transmission recommendations for ambient temperatures from 20 degrees F to 115 degrees F. A transmission oil temperature gauge with warning light and buzzer shall be installed.	
33. Wheelbase: Minimum length necessary to be determined by the refuse body manufacturer.	
34. Front axle: Shall have a minimum rated capacity of 20,000 lbs.	

Specification

Specify

35. **Front suspension:** Front springs shall be taper or multi-leaf type and have a minimum capacity of 18,000 lbs, less any unsprung weight. Front axle shall be equipped with premium, long-life shock absorbers rated for the axle provided.
36. **Brake drums:** Front & rear brake drums shall be cast iron.
37. **Front brakes:** Shall be air-operated drum type. Shall be minimum 16.5" x 6" size, Meritor Q-plus, or Eaton, or approved equal, S-cam type with non-asbestos brake lining and automatic slack adjusters.
38. **Steering:** Shall be equipped with right-hand driving position, full time power steering. Steering shall be set to the maximum wheel cut available to provide the minimum possible turning radius for the chassis provided.
39. **Drive Shaft:** The drive shafts and all their components shall be adequate for the torque rating of the engine and transmission provided. If the vehicles require a two-section drive shaft due to wheelbase requirements, then an intermediate support bearing shall be provided.
40. **Rear axles:** Shall be a Meritor RT-40-145, or Dana DSP41 or approved equal, with a minimum combined load capacity of 40,000 lbs. The rear axles shall be single speed and geared to a 5.86-6.60 to 1 ratio. Shall include axle locks with switch inside cab accessible by operator.
41. **Rear suspension:** Shall be a Hendrickson Haulmaax HMX400 or approved equal with a minimum 40,000 lb rating at 60 mph. Axle spacing to be 54 inches.
42. **Rear brakes:** Shall be Meritor Q-plus, Eaton or approved equal. Minimum 16.5" x 7" size brake shoes, with automatic slack adjusters.

Specification	Specify
43. Brake air compressor: Shall be minimum 18 CFM rated capacity, liquid cooled design that is gear driven off of the engine. The discharge line shall be DOT approved compressor discharge.	_____
44. ABS: Vehicle shall be equipped with a WABCO, four channel anti-lock braking system, or approved equal.	_____
45. Air tanks/lines: Vehicle air lines shall be nylon, and air reservoirs shall be constructed of steel. There shall be sufficient air tanks to meet or exceed all Federal and State regulations that apply. All air reservoirs shall be equipped with pull cord drain valves or remote drain valves such that operator may easily drain the air daily without the need to crawl under the vehicle.	_____
46. Air dryer: Shall be equipped with an air dryer installed in an easily serviceable location.	_____
47. Air brake system: Shall conform to all current Federal and State regulations at the date of manufacture.	_____
48. Front wheels/tires: Front wheels shall be hub-pilot aluminum Alcoa with 3.12 inset or approved equal. Tires shall be 315/80R22.5, 20 ply	_____
49. Rear wheels/tires: Rear wheels shall be hub-pilot steel, white in color. Tires shall be 11R22.5, 16 ply.	_____
50. Paint: Manufacturer's standard white	_____
51. Refuse collection body: Automated, side loading compaction type, residential refuse collection body.	_____
52. Container capacity: Shall be able to lift and dump any of the City of Porterville's 35-95 gallon capacity residential refuse containers, without changing clamps.	_____

Specification	Specify
53. Body weight: Manufacturer's published empty weight shall not exceed 15,000 lbs.	
54. Body capacity: Shall have a minimum capacity of 32 cubic yards.	
55. Hopper capacity: Shall have a minimum static capacity of 3 cubic yards.	
56. Original frame: Shall not be altered, lengthened, or modified in any way in order to install the refuse body and/or lifting device.	
57. Controls: Container clamp and lifting controls shall be electric over hydraulic, or air over hydraulic joystick control. All controls shall be mounted to the left of the operator and easily accessible when occupying the right-hand driver's station.	
58. Additional controls: A second set of controls shall be provided and mounted in a location to be accessible by service personnel while standing on the ground outside the truck, on the right-hand side of the truck. The additional controls are for service/diagnosis of container related operations only.	
59. Welding: All welding procedures used throughout the construction of the entire vehicle, including materials, qualifications, and training of personnel, shall be within all applicable guidelines and Standards of both the American Society for Testing and Materials (ASTM) and the American Welding Society (AWS).	
60. The interior and exterior surfaces of the roof, side walls, and the rear door shall have continuous welds.	

Specification

Specify

61A. **Refuse body:** Shall be capable of compacting, containing, and transporting refuse to a landfill without refuse loss from the body or hopper onto any public or private road. The body shall be a **dump body design** that allows for smooth discharge of material with body fully raised without rocking to release the load.

61B. The refuse body shall be of all-welded, framed steel section construction. The interior shall be smooth and free of all obstructions to allow easy flow of refuse material. The body sides, roof, floor, rear door, and hopper floor shall be designed and structurally reinforced so as to withstand continuous operation at maximum imposed loads without harmful deformation or excessive wear.

62. **Body floor:** Shall be 3/16" AR plate, heat treated to pass a brinnell hardness test of 400 minimum. The plate is supported by C channel cross members that interlace with two (2) trapezoid shaped full length long members.

63. **Hopper floor:** Floor shall be formed from 3/8" T-1, ASTM A 514, Grade B, plate. A hopper clean out trough shall be located at the front of body for safety reasons and to expedite clean out from behind packer. Gasketed clean out doors shall be provided on both sides of trough.

64. **Tailgate Construction:** Shall be one piece, bubble-style, top hinged design, capable of opening approximately 30 degrees above horizontal. The door must be secured in the closed position by means of a self locking feature.

65. **Tailgate main section:** Shall be 10 GA AR-235 plate, reinforced with C channel or square tubing.

Specification

Specify

66. **Tailgate seal:** Shall be a heavy duty rubber seal, installed the full length of the bottom and a minimum of 14” up the sides to prevent leakage.
67. **Tailgate operation:** Shall be hydraulically and mechanically raised and lowered with a self-locking mechanism. The tailgate mechanism shall provide for the complete closure of the tailgate without sliding the tailgate gasket seal over the sill area. The tailgate seal shall be mounted in such a way as to not have any mounting brackets, or mounting fasteners exposed to abrasion from compaction of material inside the body.
68. **Tailgate hinge:** Tailgate shall be secured by two (2) hinges with minimum two (2) inch pins at the roof line.
69. **Tailgate open warning:** A switch shall be installed and a warning light and/or buzzer mounted in the cab to alert the driver when the tailgate is unsecured.
70. **Body saddles:** The body shall be mounted to the chassis with saddles on the outside to keep the body from walking.
71. **Fenders:** The body shall have fenders which cover the rear tires to prevent mud, etc. from contacting the refuse body.
72. **Packer:** Refuse body shall be equipped with a hydraulically actuated packer mechanism that automatically traverses the hopper floor, clearing the hopper floor of material, and returns to the front head. Maximum cycle time shall be ten (10) seconds.

Specification

Specify

73. **Packer construction:** Packer face and top shall be constructed of 3/8 T-1 AR-500, minimum, and shall be reinforced with a combination of structural members for maximum rigidity.

74. **Packer cylinder(s):** Packer shall be actuated by double acting, minimum 5 inch bore, single stage cylinder(s).

75. **Cylinder force:** Cylinder compaction for packer cylinder(s) shall be a minimum 90,000 lbs.

76. **Compaction cycle:** Shall be automatically continuous or manually operated at the operator's option. Manual controls shall be furnished to give operator full control of packer panel movements.

77. **Hydraulic system:** Shall be designed to operate at a specified engine idle speed not to exceed 900 RPM, without compromise to any body function. The hydraulic system shall be a continuous operating design hydraulic pump that utilizing a front mounted pump driven by the crankshaft and resulting in the greatest reduction in fuel consumption and maintenance. The hydraulic pump shall be installed so as to be protected from damage while traveling on-road and off-road at the landfill.

78. **Hydraulic controls:** Shall be air over hydraulic or electric over hydraulic. The hydraulic system shall be sized and have capacity sufficient to serve the lifting arm and packer mechanism simultaneously with the engine speed not exceeding 900 RPM in neutral.

Specification

Specify

79. **Hydraulic reservoir:** Shall be designed specifically to match the hydraulic fluid needs of the refuse body furnished. The reservoir shall have a visual oil level indicator readily visible from ground level, and be mounted to insure vibration dampening and crack prevention.

80. **Hydraulic components:** Shall be of adequate size to minimize restrictions which could cause undue fluid temperatures. The hydraulic system and components shall be designed to perform normal daily operations with ambient temperatures of 115 degrees F without the need for auxiliary coolers.

81. **Hydraulic fittings/hoses:** Hoses shall be wire reinforced, multi-strand hose, rated at a minimum of 4000 psi working pressure. Fittings shall be factory crimped 37 degree JIC or split flange type. The use of steel hydraulic tubing with split flange connections in place of hose is encouraged as much as possible. All steel hydraulic tubing shall be attached to chassis frame rails using Hydrozorb style clamps or equal.

82. The hydraulic system shall be equipped with a lever handle, ball type, suction line shut-off valve that can be operated by the driver while standing at the side of the truck; drain valve; a replaceable 10 micron filter in the return line; a 100 mesh strainer in the suction line; and a relief valve set for no more that 20 PSI.

83A. **Hydraulic pump:** Shall be tandem hydraulic pump design mounted at front of truck, and driven by the crankshaft. Shall be engaged/disengaged by a switch reachable by operator while in the driver's seat. Shall produce not less than 40 GPM for both pump segments at 800 rpm. The pump shall be rated for a minimum working pressure of 3,500 psi.

Specification	Specify
83B. BIDDERS SHALL SPECIFY: Minimum Rated Pressure: Normal Operating Pressure:	
84. Service/Dump hoist: Refuse body shall be equipped with hydraulic cylinders designed, manufactured, and capable of lifting the body loaded to its maximum legal refuse payload capacity, to an angle sufficient to allow access to components on the underside of body, as well as components on and around the frame rails of the chassis. This body lifting system shall be so designed and manufactured as to be able to withstand repeated raising of the body, when fully loaded, without deformation or excessive wear to any of the components.	
85. The body lift system shall have flow control check valves to prevent the sudden drop of the body if pressure is lost.	
86. Body props: Vehicle shall be equipped with two (2) steel safety props capable of supporting the fully loaded refuse body at an upward angle of not less than 8 degrees from horizontal.	
87. Safety interlocks: Interlocks shall be provided to prevent the opening of the grabbers while the lift arm is in the dump position, and to prevent raising of the lift arm with the grabbers open.	
88. Mechanical lifting device: The lifting device shall be hydraulically articulating and retractable. <u>Container lifting devices which utilize chains to lift are not acceptable.</u>	

Specification

Specify

89. The side loading device shall be fully operational and installed on and/or with the other equipment set forth in these specifications. Shall be capable of extending, clamping, raising, dumping, and returning from any position without the need to fully retract.

90. The device shall have maximum cycle time for a complete reach, grab, dump and return the the cart, and retract (stow position to stow position), of 11 seconds.

91. **Container clamp:** Shall be steel clamp arms with rubber, grommet type grippers, capable of handling any automated container ranging in size from 35-95 gallons without deformation of the container.

92. The side loading device shall be capable of lifting and holding a minimum of 800 lbs. at any extension. Shall also have a minimum reach of 84 inches, measured from the outside of right hand tires, to the centerline of a 95 gallon container.

93. The lift arm shall be powered by a maximum of four (4) hydraulic cylinders. No part of the powered arm shall extend beyond the legal vehicle width of ninety-six (96) inches when the arm is in the stowed position.

94. The side loading device shall be equipped with a positive securing device that functions to support and prevent the lifting arm from drifting outward during transport over rough roads, to and from the landfill.

95. All body hinges, cylinder rod ends, and pivot points shall be supplied with grease fitting.

Specification

Specify

96. Any grease fittings not easily accessible shall have a grease manifold mounted in a easily accessible location on the body or arm assembly.

97. The recommended warning decals shall be furnished and installed on the unit after it is painted.

98. **Camera system:** A two (2) camera system shall be provided, with one camera mounted on rear of truck for visibility when backing up, and one for the hopper area, mounted to provide visibility of refuse material when dumping container. Shall include a monitor inside the cab which switches automatically to the rear view camera when truck is shifted to reverse.

99. **Utility flood lights:** Two (2) utility flood lamps shall be provided, one to illuminate the hopper area, and one to illuminate the container clamp area when operating the lift arm.

100. Desired body is **Bridgeport Model ASL32**, or approved equal.

101. **Paint:** Shall be white in color, to match the factory white on the cab.

END OF DETAILED SPECIFICATIONS

BID PROPOSAL
CNG POWERED REFUSE COLLECTION TRUCKS
BID NO. 17/18-EQXXXX

The undersigned bidder, having carefully examined the requirements and provisions for providing **two (2) CNG Powered Side Load Refuse Trucks**, hereby agrees to sell and deliver said equipment to the City of Porterville, strictly in accordance with the terms and specifications heretofore described.

The undersigned further declares that he/she has not directly or indirectly entered into any agreement, participated in any collusion, or otherwise taken any action in restraint of free competitive bidding in connection with said bid.

BIDDER HEREBY PROPOSES TO FURNISH TO THE CITY OF PORTERVILLE, FOR THE TOTAL PRICE LISTED, INCLUDING ALL APPLICABLE TAXES AND CHARGES, THE FOLLOWING EQUIPMENT:

	QTY	UNIT PRICE	EXTENSION
CNG Side Load Refuse Truck	2	\$_____	\$_____
		8.25% Sales Tax :	\$_____
		Delivery:	\$_____
		Doc Fee:	\$_____
		TOTAL PRICE:	\$_____

MANUFACTURER, MODEL, AND DESCRIPTION: (Truck Chassis and Collection Body. Enclose manufacturers' literature)

PARTS: Percentage rate of mark-up to City over dealer cost _____% (Provide published parts price lists).

BID PROPOSAL (CONT.)
CNG POWERED REFUSE COLLECTION TRUCKS
BID NO. 17/18-EQXXXX

WARRANTY: Bidders shall list all standard warranties applicable. Warranty start date shall be the date the complete unit(s) is put in service and not the date of delivery to the City of Porterville.

ESTIMATED DELIVERY: _____ days ARO

TERMS (Payment Discounts/Quantity Discounts):

Bidder to indicate here how long (in months) price will remain in effect for possible additional purchase: _____

Date Signed: _____

Name of Firm

Authorized Signature

Business Address

Name (in Print)

Title

City

State

Zip

Telephone



CITY COUNCIL AGENDA – OCTOBER 2, 2018

SUBJECT: Sublet Airport Hangar Lot 6

SOURCE: Finance

COMMENT: Tule River Aero Industries, Inc. is the current leaseholder of Lot 6 at the Porterville Municipal Airport. They recently submitted a letter dated August 31, 2018 requesting the City's consent to sublet their hangar located on Lot 6 to GreenPower Motor Company, Inc., for a period of one year. The hangar will be utilized for hangar and charter services, for the temporary storage of buses and for office space.

RECOMMENDATION: That the City Council authorize the Lessee, Tule River Aero Industries, Inc., to sublet airport hangar Lot 6 at the Porterville Municipal Airport to GreenPower Motor Company, Inc. for a period of one year; and authorize the Mayor to sign the Lessor's Consent to Sublet Airport Hangar Lot No. 6 on behalf of the City.

ATTACHMENTS:

1. Locator Map Lot 6
2. Letter of request to sublet
3. City's CONSENT to Sublet Lot 6 2018

Appropriated/Funded:

Review By:

Department Director:

Maria Bemis, Finance Director

Final Approver: John Lollis, City Manager

AIRPORT LEASE SITES



The Gas Company

THUNDERBOLT DR.

CORSAIR WY.

HOPE ROAD

SUBJECT
LOCATION

FUTURE
PUBLIC
PARKING

FBO TAXIWAY

WILDCAT ROAD

STREET

NEWCOMB

TAXIWAY

FBO TAXIWAY

U. S. F. S.

August 31, 2018

Tule River Aero Industries
2780 Yowlumne Ave.
Porterville, CA 93257

City of Porterville
Attn: Maria Bemis,
Finance Director
291 N. Main Street
Porterville, CA 93257

Mrs. Bemis,

I am requesting that you and the City of Porterville provide Tule River Aero Industries a letter of consent to sublet the Hangar located at 2011 Wildcat Way, Porterville, CA 93257. This hangar will be sublet for a term of one (1) year to Green Power Bus Company to temporarily store buses, as well as for them to utilize the office space for their business operations.

It is also our intent that Hangar 2 located at 2021 S. Wildcat Way, Porterville, CA 93257 to also be sublet. We do not have a lessee at this time, and the hangar is currently vacant. We will update this information if/ when a lease agreement is made.

Please contact me if you require clarification or have any questions regarding this information.

Regards,

A handwritten signature in blue ink, appearing to read 'Johnny Nieto', with a stylized, flowing script.

Johnny Nieto
Interim CEO
Tule River Economic Development Corporation
559-781-4271 x1045
johnny@tuleriver.com

**LESSOR'S CONSENT TO SUBLET
AIRPORT HANGAR LOT NO. 6
AT THE PORTERVILLE MUNICIPAL AIRPORT**

The City of Porterville, a municipal corporation of the State of California, being the Landlord under the Master Lease for Airport Hangar Lot No. 6, hereby consents to the request dated August 31, 2018, made by the Lessee, Tule River Aero Industries, Inc., to sublet said airport hangar lot to GreenPower Motor Company, Inc., for a period of one year, for hangar and charter services, for temporary storage of buses and for office space. Provided however, that there shall be no further subletting without the prior written consent of the Landlord.

Dated this 2nd day of October, 2018.

CITY OF PORTERVILLE
"LESSOR"

BY: _____
Milt Stowe
MAYOR, CITY OF PORTERVILLE

ATTEST: _____
John D. Lollis, CITY CLERK

APPROVED AS TO FORM:

BY: _____
Julia Lew, City Attorney



CITY COUNCIL AGENDA – OCTOBER 2, 2018

SUBJECT: Annual Library Food For Fines Campaign

SOURCE: Parks and Leisure Services

COMMENT: The Library and Literacy Commission and staff propose to conduct the Annual Food for Fines Campaign from October 3 through December 31, 2018. The library benefits from this program by recovering lost library materials and from the clearing of fines on patron accounts.

During the implementation of this campaign last year the library collected 4,150 non-perishable food items and waived \$1,409.75 in fines. Staff will once again coordinate with the local Kiwanis Club who annually distribute food through their family food basket program.

Program Outline:

1. For every can of food submitted during the drive, \$1 of overdue fees will be waived, up to \$10 per account.
2. The cans of food and other non-perishables must not be damaged or expired.
3. Staff will track transactions by how many food items were collected and the total fines waived.

RECOMMENDATION: That the City Council authorize the Annual Food for Fines Campaign to run October 3 through December 31, 2018.

ATTACHMENTS:

Appropriated/Funded:

Review By:

Department Director:

Donnie Moore, Parks and Leisure Services Director

Final Approver: John Lollis, City Manager



CITY COUNCIL AGENDA – OCTOBER 2, 2018

SUBJECT: Request for Proclamation - Relay for Life Days - October 6-7, 2018

SOURCE: Administrative Services

COMMENT: At its meeting of October 1, 2013, the Council amended the process by which proclamations are approved, and affirmed the process at its meeting on February 21, 2017. The process requires that all proclamations must be sponsored by one Council Member, after which the request is then placed on the Council's agenda for consideration and approval by a majority of the Council.

Patrick Braddock, on behalf of Relay for Life Porterville, has requested that the Council consider approval of a proclamation to proclaim October 6th and 7th as "Relay for Life Days." Council Member Flores is sponsoring this proclamation request. If approved, the applicant requests that the proclamation be presented at the City Council Meeting following approval of the item.

RECOMMENDATION: That the City Council consider approval of the request to proclaim October 6th and 7th as "Relay for Life Days."

ATTACHMENTS: 1. Proclamation Request

Appropriated/Funded: N/A

Review By:

Department Director:

Patrice Hildreth, Administrative Services Dir

Final Approver: John Lollis, City Manager



City of Porterville
REQUEST FOR PROCLAMATION



SEP 11 2018

CITY OF PORTERVILLE
CITY CLERK OFFICE

Date of Request: 9/7/2018

Name of Event/Individual: Relay for Life, Porterville
i.e. "Porterville Tourism Week", "Mr. John Doe"

Name of Sponsoring Organization: American Cancer Society

Name of Contact Person: Patrick Braddock

Address: 129 N. Anthony Visalia, CA 93291

Phone: 559-920-1677 FAX: 559-535-6089

E-mail: pbraddock@settonfarms.com

I would like the proclamation: ☒ presented at a Council Mtg. ☐ mailed ☒ call for pick-up

Date(s) of Event: October 6-7, 2018

Date of Council Meeting to be presented, if applicable: Sept 18th, 2018
(Council meets 1st and 3rd Tuesdays of each month.)

Individual or representative attending Council Meeting to receive proclamation:

Please attach a sample of your proclamation, or the pertinent information needed to formulate your proclamation. If assistance is needed, or if you need a sample provided, or to return this form, contact:

Office of City Clerk
291 North Main Street
Porterville, CA 93257
(559) 782-7464 / Fax (559) 782-7452

All requests require a sponsorship by a member of the Council prior to being placed on a City Council Agenda for consideration, and are subject to approval by a majority of the Council. Please see the attached language regarding the process and timelines for submittal.

City Clerk's Section

Request Received: 9/11/18 Sponsored by: Flores Date: 9/11/18

Approved by Council: yes ☐ no ☐ Date: _____

Notification to Contact person done (date): _____ in writing ☐ by phone ☐

Items (s) ☐ mailed _____ ☐ faxed _____ ☐ picked up _____

Comment: _____

Mayor's Proclamation

City of Porterville

- WHEREAS: The American Cancer Society is a voluntary community based coalition of citizens dedicated to eliminating cancer as a major health problem through financial support and education awareness; and
- WHEREAS: Relay for Life is the signature activity of the American Cancer Society and honors cancer survivors (the individuals who have ever been diagnosed with cancer), remembers those lost their fight to the disease, provides opportunities to fight back against cancer, and assists in funding more than 4.6 billion in cancer research each year, funding 744 research grants nationwide which include 113 research grants in Western Region, and services provided to 491 patients and caregivers in Tulare County in 2017. This includes 50 women served through the Look Food Feel Better program, 5 participants served through the Reach to Recovery support program, 873 one-way trips through the Road to Recovery program, and 20 nights of free or reduced cost lodging; and
- WHEREAS: Purple is the signature color of the American Cancer Society's Relay for events signifying the passion that cancer survivors, their families, and loved ones feel for the eradications of this disease; and
- WHEREAS: The American Cancer Society Relay for Life of Porterville is a community event that encourages the opportunity to network with businesses, associates, families, and friends with the same goal of making a difference in the battle against cancer; and
- WHEREAS: Money raised during the American Cancer Society Relay for Life of Porterville helps support research, education, advocacy, and patient services for treating cancer, thereby increasing cancer survival rates.

NOW, THEREFORE, I, MILT STOWE, Mayor of the City of Porterville, on behalf of the Porterville City Council, do hereby proclaim October 6-7, 2018, as,

"RELAY FOR LIFE DAYS"

In Porterville; and encourage citizens to recognize and participate in the Relay for Life of Porterville event at the Summit Charter Collegiate Academy on October 6 through 7, 2018, in support and celebration of those living with cancer, and in remembrance of those who have lost their lives to the disease.



CITY COUNCIL AGENDA – OCTOBER 2, 2018

SUBJECT: Request for Proclamation - Friends of Libraries Week - October 21-27, 2018

SOURCE: Administrative Services

COMMENT: At its meeting of October 1, 2013, the Council amended the process by which proclamations are approved, and affirmed the process at its meeting on February 21, 2017. The process requires that all proclamations must be sponsored by one Council Member, after which the request is then placed on the Council's agenda for consideration and approval by a majority of the Council.

The Parks and Leisure Services Library Division has requested that the Council consider approval of a proclamation to proclaim October 21 through 27, 2018, as "Friends of Libraries Week." Vice Mayor Ward is sponsoring this proclamation request. If approved, the proclamation will be presented at the meeting of October 16, 2018.

RECOMMENDATION: That the City Council consider approval of the request to proclaim October 21 through 27, 2018, as "Friends of Libraries Week."

ATTACHMENTS: 1. Proclamation Request

Appropriated/Funded: N/A

Review By:

Department Director:

Patrice Hildreth, Administrative Services Dir

Final Approver: John Lollis, City Manager



City of Porterville
REQUEST FOR PROCLAMATION

Date of Request: 9-11-18

Name of Event/Individual: National Friends of Libraries Week
i.e. "Porterville Tourism Week", "Mr. John Doe"

Name of Sponsoring Organization: Porterville Friends of the Library

Name of Contact Person: Vikki Cervantes

Address: _____

Phone: Ext 7495 FAX: _____

E-mail: _____

I would like the proclamation: ☒ presented at a Council Mtg. ☐ mailed ☐ call for pick-up

Date(s) of Event: October 21-27, 2018

Date of Council Meeting to be presented, if applicable: October 16
(Council meets 1st and 3rd Tuesdays of each month.)

Individual or representative attending Council Meeting to receive proclamation:

Friends of the library board members

Please attach a sample of your proclamation, or the pertinent information needed to formulate your proclamation. If assistance is needed, or if you need a sample provided, or to return this form, contact:

Office of City Clerk
291 North Main Street
Porterville, CA 93257
(559) 782-7464 / Fax (559) 782-7452

All requests require a sponsorship by a member of the Council prior to being placed on a City Council Agenda for consideration, and are subject to approval by a majority of the Council. Please see the attached language regarding the process and timelines for submittal.

City Clerk's Section

Request Received: 9/13/18 Sponsored by: Ward Date: 9/17/18

Approved by Council: yes ☐ no ☐ Date: _____

Notification to Contact person done (date): _____ in writing ☐ by phone ☐

Items (s) ☐ mailed _____ ☐ faxed _____ ☐ picked up _____

Comment: _____

National Friends of Libraries Week

Whereas, Friends of the Porterville Public Library have been raising money since 1971 that enables our library to move from good to great -- providing the resources for program support, equipment, annual summer reading, and special events throughout the year;

Whereas, the work of the Friends advocate on an on-going basis the fact that our City Library is the cornerstone of the community providing opportunities for all to engage in the joy of life-long learning and connect with the thoughts and ideas of others from ages past to the present;

Whereas, the Friends understand the critical importance of well-funded libraries and through their organizational mission work to ensure that our library gets the resources it needs to provide a wide variety of services to all ages including access to print and electronic materials, along with expert assistance in research, adult literacy, and children's services;

Whereas, the Friends' gift of their time and commitment to the library sets an example for all in how volunteerism leads to positive civic engagement and the betterment of our community;

NOW, THEREFORE, I, MILT STOWE, Mayor of the City of Porterville, on behalf of the Porterville City Council, do hereby proclaim October 21-27, 2018, as Friends of Libraries week in the City of Porterville; and urge everyone to join the Friends of the Library and thank them for all they do to make our library and community so much better.



CITY COUNCIL AGENDA – OCTOBER 2, 2018

SUBJECT: Status and Review of Declaration of Local Emergency

SOURCE: City Manager's Office

COMMENT: Governor Brown issued Executive Order B-29-15 on Wednesday, April 1, 2015, which established drought-related mandates and restrictions in addition to those already stipulated in previous Executive Orders B-26-14 and B-28-14. Of significance, the Governor directed the State Water Resources Control Board to impose restrictions to achieve a statewide 25% reduction in potable urban water usage through February 28, 2016, in comparison to the amount used in 2013, and with consideration given to per capita usage as a basis. The Governor further directed the Board to impose additional restrictions on commercial, industrial, and institutional properties with significant landscaping (cemeteries, golf courses, parks, schools, etc.), to also achieve a 25% reduction in potable water usage. Also of significance, the Board was directed to prohibit irrigation with potable water outside of newly constructed homes and buildings that is not delivered by drip or micro-spray systems.

On November 13, 2015, Governor Brown issued Executive Order B-36-15, which extends emergency conservation regulations through October 2016, if drought conditions persist through January 2016. On February 2, 2016, the State Water Resources Control Board adopted extended emergency water conservation regulations, to be in effect March 1 through October 31, 2016. The City of Porterville benefited somewhat from the extended regulations as the City's water conservation rate has been reduced from 32% to 26%, due to new water connections that have been made and population served (4%), as well as a new climate adjustment factor that was considered (2%).

On May 9, 2016, Governor Brown issued Executive Order B-37-16 ("Making Water Conservation a California Way of Life"), which directs the State Water Resources Control Board to establish new regulations making permanent the emergency conservation regulations. On May 18, 2016, the State Water Resources Control Board adopted a statewide water conservation approach that replaces the percentage reduction-based water conservation standard with a localized "stress test" approach that mandates urban water suppliers act immediately to ensure at least a three-year supply of water to their customers under continued drought conditions.

On April 7, 2017, Governor Brown issued Executive Order B-40-17, which ended the drought state of emergency in most of California, with the exception of Fresno, Kings, Tulare and Tuolumne counties where emergency water supply

and reliability projects are continuing toward addressing diminishing groundwater supplies. The Order maintains monthly reporting requirements and prohibitions on wasteful practices. It is anticipated that the Governor will end the drought state of emergency in the four remaining counties in the near future.

On May 31, 2018, Governor Brown signed both AB 1668 (Friedman) and SB 606 (Hertzberg), which set permanent overall targets for indoor and outdoor water consumption. The legislation sets an initial limit for indoor water use of 55 gallons per-person per-day in 2022, reducing to 52.5 gallons per-person per-day in 2025, and finally to 50 gallons per-person per-day in 2030. The amount of residential outdoor use is yet-to-be determined, but will allow for varying regional climates. In addition, a standard for water loss due to leak rates in water system pipes will be established. As an urban water provider, the City of Porterville will need to submit its plan for compliance for approval by the State Water Resources Control Board.

At its last meeting on September 18, 2018, the City Council took action in the continued affirmation of the adoption of a Resolution of Declaration of Local Emergency due to local residences within the city having been identified as having wells that are now dry as a result of the drought. Twenty-six (26) residences within the city have been determined to have dry wells, for which City staff submitted a Mutual Aid Request to Tulare County OES to initiate the household tank program for identified properties within the city where wells are dry and challenged for permanent connection. City, County, State and non-profit partner representatives have continued to discuss solutions toward addressing these challenged residences given the State is expected to end its drought emergency funding. The State had committed funding through June 30, 2018 for non-profit agencies to continue drought-related activities, which Self-Help Enterprises has continued the household tank program locally. Although a new appropriation of State funding has not yet been made, there are sufficient residual funds from the original appropriation to fund the continuance of the program through September 30, 2018. Assemblyman Joaquin Arambula (Fresno) had requested of the Assembly Budget Committee the appropriation of \$3.5 million in the State's 2018-2019 fiscal year budget to continue to support the approximate 300 residences in the Central Valley that still have dry wells and receive temporary water deliveries, however, that appropriation request has not been granted. Should continued funding not be appropriated by the State, representatives for the State Water Resources Control Board have indicated that they will attempt to secure continued funding through Cleanup and Abatement Account (CAA) emergency funds. City staff remains concerned about the lack of continued support for the affected City residences while the extension of water mains and permanent connections will likely not be completed for approximately one year. The authorization to advertise for bids for the water connection project was approved by the Council at its July 17th meeting, and DWR is currently reviewing the bids for compliance prior to authorizing Council to award the construction contract.

Representatives for the City, County, State (CalOES, DDW, DWR, and SWB) and non-profit partners have continued to meet in support of the long-term

permanent water connection project for the entire East Porterville area and the estimated 1,800 expected future connections. DWR identified 423 residential units in the East Porterville area (381 of which are in the City's Urban Development Boundary), that were served by the County's Household Tank Program and desired by the State to be connected to the City's water distribution system as soon as possible. DWR has completed a significant City waterline extension project to permanently connect those 423 residential units to the City's water system (considered Phase I of the project). To provide source water for the DWR extension project, CalOES desired to expeditiously connect the new well on Olive Avenue to the City's water system instead of being first equipped as a filling station. Given the new well has an estimated water production value of 800 gallons per minute, as well as a SWB assumed 1.5 gallons per minute per residence, the new well could effectively serve up to 500 single-family residential units. The City indicated its significant interest that the E. Vandalia Avenue area and its 80 residential units be included in the water connection project, to which the State was agreeable.

Given CalOES has paid for the development of the new well, and its connection to the City's water system, the City will be required under "Drought Redundancy and Resiliency Provisions" to make available to the State up to three million gallons of water per month without charge for emergency purposes.

To proceed with the connection of the new well to the City's water system and the 500 East Porterville and E. Vandalia Avenue residential units, the City Council approved modifications to the Draft Agreement between the City and County at its meeting on April 5, 2016, which the County Board of Supervisors subsequently approved at their meeting on May 10, 2016.

A Memorandum of Understanding between the State, County, and City on the East Porterville permanent water connection project was approved by the Council during a Special Meeting on Tuesday, June 21, 2016, and approved by the Board of Supervisors on Tuesday, June 28, 2016. With the approval of the MOU, the State began the permanent connection of approximately 40 homes that are located along existing City water mains. Subsequently, the State officially requested that the City approve the connection of an additional 30 residences as part of the first immediate connections, for up to a total of 70, which the Council approved at its meeting on August 2, 2016.

In regards to the new well's development and connection to the City's water distribution system, the Board of Supervisors awarded the contract for equipping and connecting the new well at their meeting of Tuesday, August 16, 2016, and construction activities commenced the week of October 10, 2016. County staff had previously indicated that the well would be in service and connected to the City's system no later than December 2016, however, the well was operational and connected to the City's water distribution as of Friday, February 17, 2017. Given the delay in the well's completion and connection, DWR requested that the City Council consider allowing the connection of residences as they become prepared for connection, to which the Council was

receptive, and a Draft MOU Amendment was approved by the Council at its meeting on December 6, 2016, and subsequently approved by the Board of Supervisors at its meeting on December 20, 2016. City staff is currently working with County staff toward the transfer of the well's ownership from the County to the City.

As of Friday, March 31, 2017, the date the State established as the final day for property owners to complete the registration process to participate in the State-funded connection program opportunity, of the 1,017 eligible developed residential properties identified by the State for connection, 722 completed the required Extra-Territorial Services Agreement, leaving 295 developed residential properties non-responsive to this unique connection program, 23 of which were reported as having either dry or diminishing capacity wells. On February 6, 2018, the final residential connection was made of the approximate eligible 800 residences in East Porterville to the City's water system.

County OES and the State Division of Drinking Water (DDW) have reported to the City that the Central Mutual Water Company, located south of the city and south of Gibbons Avenue, has had its well run dry and desires an immediate emergency connection to the City's water system to serve the 41 connections currently without water. DDW is wishing to support a financial application to upgrade the small water system to City standards (new water lines, meters, etc.), and to sponsor an Urban Development Boundary (UDB) Amendment application to Tulare County Local Agency Formation Commission (LAFCO), given this area is currently outside the City's UDB but within the City's Urban Area Boundary (UAB). Given several private wells have run dry in this area, DDW is also attempting to sponsor their connection to the City's water system. For source water capacity for the connections, DWR will include these new connections within the East Porterville water connection capacity development projects. At its Special meeting on August 30th, the City Council directed staff to proceed with the immediate emergency connection of the Central water system, with the permanent connection of the system contingent upon an Agreement with DDW to the sponsorship conditions they have offered.

State Division of Drinking Water (DDW) has also reported to the City that the Del Oro East Plano water system, located on Paul Street (southeast of the intersection of Plano Street and Worth Avenue), is experiencing problems with its existing well and have implemented severe water restrictions. The East Plano water system serves 14 residences and approximately 45 people. DDW is wishing to provide financial support to upgrade the small water system to City standards (new water lines, meters, etc.), and for source water capacity for the connections, DDW would need to either pay appropriate fees and/or develop a capacity development project. The Council is aware that the Del Oro Grandview Gardens water system (north of W. North Grand Avenue) is also experiencing significant issues, and DDW may seek their future consolidation with the City's water system as well.

City staff continues to coordinate with Self-Help Enterprises and State representatives toward the extension of water mains to serve all residential

properties within City limits and the city's periphery that are currently participating in the County's Household Tank Program. The two main areas of focus are N. Cobb Street (northwest of State Route 65 and Pioneer Avenue), and S. Cloverleaf Street (southeast of State Route 65 and Olive Avenue). The State has maintained its commitment to grant-fund the necessary infrastructure and connection fees, providing an official funding letter to the City on January 18, 2018, which commits up to \$2.81 million in funding until December 31, 2019.

RECOMMENDATION: That the City Council receive the report of status and review of the Declaration of Local Emergency and determine the need exists to continue said Declaration.

ATTACHMENTS:

1. Resolution 49-2015 - Declaration of Local Emergency
2. City-County Well Agreement
3. Memorandum of Understanding
4. Memorandum of Understanding Draft Amendment
5. SWRCB Letter Dated November 29, 2017
6. DWR Letter Dated January 18, 2018
7. Governor Brown Executive Order

Appropriated/Funded:

Review By:

Department Director:

Final Approver: John Lollis, City Manager

RESOLUTION NO. 49-2015

A RESOLUTION OF THE CITY COUNCIL OF
THE CITY OF PORTERVILLE DECLARING A DROUGHT EMERGENCY
WITHIN THE CITY OF PORTERVILLE

WHEREAS: in response to the ongoing severe drought, the State Water Resources Control Board approved an emergency regulation to ensure water agencies, their customers, and state residents increase water conservation in urban settings or face possible fines or other enforcement; and

WHEREAS: as we enter the fourth year of severe drought, long-term forecasts indicate no relief of the current drought conditions, and suggest a warmer-than-average summer, resulting in increased domestic demand for water; and

WHEREAS: public and private potable water supplies continue to be threatened due to decreasing supplies of groundwater caused by the precipitation deficit and an extended state of groundwater overdraft; and

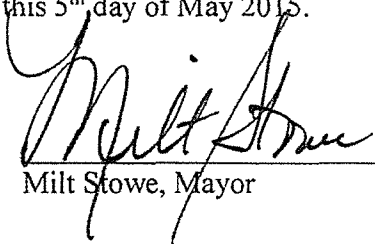
WHEREAS: the long-term ramifications of the current drought will have a significant impact on the city of Porterville and potentially pose a danger to the health and welfare of its residents; and

NOW, THEREFORE, BE IT RESOLVED: that the City Council of the City of Porterville does hereby proclaim that, due to drought conditions, a Local Emergency now exists in the city of Porterville and shall remain in effect for the duration of the emergency; and

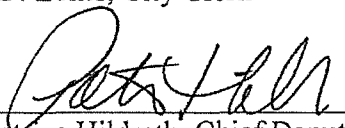
BE IT FURTHER RESOLVED: that the City Council of the City of Porterville requests the Governor and California Department of Water Resources make available California Disaster Assistance Act funding for the State of Local Emergency proclaimed on May 5, 2015, and seek all available forms of Federal assistance, to include a Presidential Declaration of Emergency and Individual Assistance and Public Assistance programs as applicable; and

BE IT FURTHER RESOLVED: that a copy of this resolution be forwarded to the State Director of the Office of Emergency Services.

PASSED, APPROVED, AND ADOPTED this 5th day of May 2015.


Milt Stowe, Mayor

ATTEST:
John D. Lollis, City Clerk


By: Patrice Hildreth, Chief Deputy City Clerk

TULARE COUNTY – CITY OF PORTERVILLE WELL AGREEMENT

THIS AGREEMENT is entered into this day of, May 10, 2016, between the COUNTY OF TULARE, referred to as COUNTY, and the CITY OF PORTERVILLE, referred to as CITY, with reference to the following:

- A. WHEREAS, East Porterville/Doyle Colony area properties within the COUNTY's jurisdiction and within the CITY's Urban Development Boundary are experiencing serious water shortages due to the historical drought conditions. Attached hereto as Exhibit 'A' is a map defining the East Porterville/Doyle Colony and Vandalia areas; and
- B. WHEREAS, CITY and COUNTY have been and are collaborating to jointly develop a new municipal water well; and
- C. WHEREAS, COUNTY shall secure complete funding for a new well to be solely owned, operated and maintained by the CITY for the purpose of providing long-term capacity to enable permanent water connections to properties that comply with CITY'S Annexation and Extension of Municipal Services policy, with certain exceptions for specific properties in excess of the maximum lot size. These procedures are defined by two Resolutions, 74-2014 and 19-2016, which are attached hereto as Exhibit 'B'; and
- D. WHEREAS, the COUNTY owns a parcel at the southeast corner of the Tule River and Olive Avenue (APN 240-120-017), represented in Exhibit 'C', and has drilled a municipal supply well, and will equip said well utilizing CITY standards, after which the COUNTY shall convey the land to CITY at a cost of \$1; and
- E. WHEREAS, CITY operates an existing municipal water system, with limited infrastructure already established in the East Porterville/Doyle Colony and Vandalia areas, and has experience and qualifications necessary to provide such services; and
- F. WHEREAS, CITY and COUNTY mutually agree that a regional, collaborative solution to leverage and expand CITY'S municipal water system into the East Porterville/Doyle Colony and Vandalia areas is the most feasible means to address the area's water needs; and
- G. WHEREAS, CITY is willing to enter into this Agreement with COUNTY upon terms and conditions set forth herein; and
- H. WHEREAS, CITY and COUNTY mutually understand that due to the limited resources of the CITY's municipal water system, all future connections must comply with the CITY's Annexation and Extension of Municipal Services policies, with certain exceptions for specific properties in excess of the maximum lot size, attached hereto and made a part thereof as Exhibit 'B'.

ACCORDINGLY, IT IS AGREED:

- 1. **TERM:** This agreement shall become effective as of the date the agreement is fully executed by both agencies.
- 2. **SERVICES TO BE PERFORMED & PAYMENT FOR SERVICES – EQUIPPING MUNICIPAL WELL FACILITY:** Refer to attached Exhibit 'D'.

TULARE COUNTY AGREEMENT NO. 27596

3. **SERVICE TO BE PERFORMED IN PERPETUITY:** The services described below shall be performed in perpetuity upon completion of all tasks enumerated in Exhibit 'D' and upon COUNTY securing the funds for equipping the well to CITY standards and requirements:
- A. CITY shall provide to STATE and/or COUNTY, upon STATE and COUNTY's request, a maximum of three million (3,000,000) gallons of water per month upon integration of the well provided under this Agreement, for the purposes of meeting emergency water needs in COUNTY's jurisdiction. CITY shall not charge COUNTY or STATE for said water.
 - B. CITY shall utilize water produced by the well provided under this Agreement as source capacity for new service connections and agreements in East Porterville/Doyle Colony and Vandalia areas. CITY agrees to provide source water for up to four hundred twenty-three (423) new connections in the East Porterville/Doyle Colony area subject to the CITY'S Annexation and Extension of Municipal Services policies, with certain exceptions for specific properties in excess of the maximum lot size, and up to 80 new connections in the Vandalia area. The 423 new connections noted above are inclusive of those properties immediately adjacent to an existing water main, estimated at 40 parcels, which can be connected to the City's water system immediately upon execution of this agreement and the Memorandum(a) of Understanding between CITY, COUNTY, and STATE. Upon connection to CITY services, the listed properties will be exempt from payment of CITY water impact fees, but will be subject to standard fees, such as, but not limited to, water service and meter installation, unless otherwise financed by STATE or other funding sources, and associated monthly fees. This section shall not be construed to limit additional connections beyond the above referenced 503 properties provided for herein, where CITY provides consumption documentation that determines additional source capacity is available as a result of the connection of this well to CITY's system.
 - C. CITY expressly agrees to own, operate, maintain, repair and otherwise care for the well provided under this Agreement, in order to maintain it in proper working order and to the highest standard, for the duration of the well's useful life.
 - D. COUNTY shall grant the parcel on which the well is located to the CITY by Grant Deed at a cost of \$1 upon formal acceptance of the project. A 50-foot control zone around the well site is a requirement of the State Water Resources Control Board, Drinking Water Program, therefore establishing the minimum parcel size to be conveyed to the CITY. Existing COUNTY infrastructure may encroach through or conflict with the subject parcel and if so, ownership, maintenance, repair and replacement of these facilities shall transition to the City's responsibility by separate maintenance agreement upon acceptance of the project.
 - E. CITY shall not be entitled to compensation by COUNTY, or any State or Federal agency providing funding for the activities enumerated in Exhibit 'D', for any ongoing costs related to owning, operating, maintaining, repairing, or replacing this well. CITY and COUNTY expressly agree that CITY's ongoing compensation for such ongoing costs shall be the use of the well for CITY's use within its water system, unrestricted except as noted in "A"

above. No part of this paragraph shall be construed to limit or restrict in any way CITY's ability to seek any grant funding or collect rates and fees from users of CITY's water system.

- F. All recipients of water are subject to CITY water policies, such as, but not limited to, water conservation and watering schedules. Connections made as noted in "B" above may be subject to further water conservation thresholds as required by the STATE.

4. This Agreement represents the entire agreement between CITY and COUNTY as to its subject matter and no prior oral or written understanding shall be of any force or effect. No part of this Agreement may be modified without the written consent of both parties.

5. Except as may be otherwise required by law, any notice to be given shall be written and shall be either personally delivered, sent by facsimile transmission or sent by first class mail, postage prepaid and addressed as follows:

COUNTY: County Administrative Officer/Clerk of the Board
of Supervisors of the County of Tulare
Administrative Building
2800 W. Burrel Avenue
Visalia, CA 93291

(Fax No.: (559) 733-6318 / Phone No. (559) 636-5005)

CITY: City Manager
291 N. Main St.
Porterville, CA 93257

(Fax No.: (559) 715-4013/ Phone No. (559) 782-7466)

Notice delivered personally or sent by facsimile transmission is deemed to be received upon receipt. Notice sent by first class mail shall be deemed received on the fourth day after the date of mailing. Either party may change the above address by giving written notice pursuant to this paragraph.

6. This Agreement reflects the contributions of both parties and accordingly the provisions of Civil Code section 1654 shall not apply to address and interpret any uncertainty.
7. Unless specifically set forth, the parties to this Agreement do not intend to provide any other party with any benefit or enforceable legal or equitable right or remedy.
8. This Agreement shall be interpreted and governed under the laws of the State of California without reference to California conflicts of law principles. This Agreement is entered into and shall be performed in Tulare County, California. CITY waives the removal provisions of California Code of Civil Procedure Section 394.
9. The failure of either party to insist on strict compliance with any provision of this Agreement shall not be considered a waiver of any right to do so, whether for that breach or any subsequent breach. The acceptance by either party or either performance or payment shall not be considered to be a waiver of any preceding breach of the Agreement by the other party.
10. The Recitals and the Exhibits to this Agreement are fully incorporated into and are integral parts of this Agreement.

11. This Agreement is subject to all applicable laws and regulations. If any provision of this Agreement is found by any court of other legal authority, or is agreed by the parties, to be in conflict with any code or regulation governing its subject, the conflicting provision shall be considered null and void. If the effect of nullifying any conflicting provision is such that a material benefit of the Agreement to either party is lost, the Agreement may be terminated at the option of the affected party. In all other cases the remainder of the Agreement shall continue in full force and effect.
12. Each party agrees to execute any additional documents and to perform any further acts which may be reasonably required to affect the purposes of this Agreement.
13. CITY expressly agrees that it will not discriminate in employment or in the provision of services on the basis of any characteristic or condition upon which discrimination is prohibited by state or federal law or regulation.
14. Insurance
15. Permit
16. Dispute Resolution: If a dispute arises out of or relating to this Agreement, or the breach thereof, and if said dispute cannot be settled through negotiation, the parties agree first to try in good faith to settle the dispute by non-binding mediation before resorting to litigation or some other dispute resolution procedure, unless the parties mutually agree otherwise. The mediator shall be mutually selected by the parties, but in case of disagreement, the mediator shall be selected by lot from among two nominations provided by each party. All costs and fees required by the mediator shall be split equally by the parties, otherwise each party shall bear its own costs of mediation. If mediation fails to resolve the dispute within 30 days, either party may pursue litigation to resolve the dispute.
17. Indemnification: CITY shall hold harmless, defend and indemnify COUNTY, its agents, officers and employees from and against any liability, claims, actions, costs, damages or losses of any kind, including death or injury to any person and/or damage to property, including COUNTY property, arising from, or in connection with, the performance by CITY or its agents, officers and employees under this Agreement. This indemnification specifically includes any claims that may be made against COUNTY by any taxing authority asserting that an employer-employee relationship exists by reason of this Agreement, and any claims made against COUNTY alleging civil rights violations by CITY under Government Code sections 12920 et seq. (California Fair Employment and Housing Act), and any fines or penalties imposed on COUNTY for CITY's failure to provide form DE-542, when applicable. This indemnification obligation shall continue beyond the term of this Agreement as to any acts or omissions occurring under this Agreement or any extension of this Agreement.

///

///

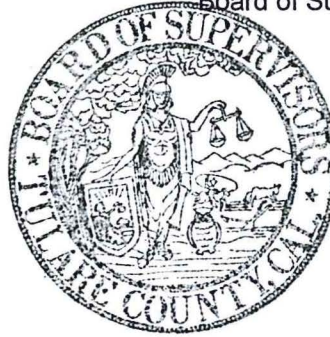
///

///

THE PARTIES, having read and considered the above provisions, indicate their agreement by their authorized signatures below.

COUNTY OF TULARE

BY Mike Ennis
Mike Ennis Chairman,
Board of Supervisors



ATTEST: Michael C. Spata,
County Administrative Officer/Clerk of the Board
of Supervisors of the County of Tulare

By Danisa A. Ybana
Deputy Clerk

Approved as to Form
County Counsel

By M. G. Ennis for LMT
Deputy 20151902

CITY OF PORTERVILLE

BY Milt Stowe
Milt Stowe, Mayor

ATTEST:
City Clerk of the City of Porterville

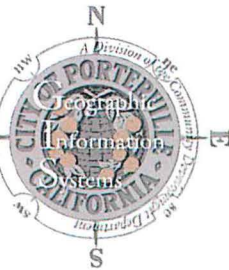
BY John Lollis
John Lollis, City Manager

Approved as to Form

BY John Lollis
City Attorney

EXHIBIT 'A'

East Porterville Project Boundary



Legend

-  East Porterville Project Boundary
 Parcels Within Project Boundary Area (1,776)
 CityLimits
 UDB

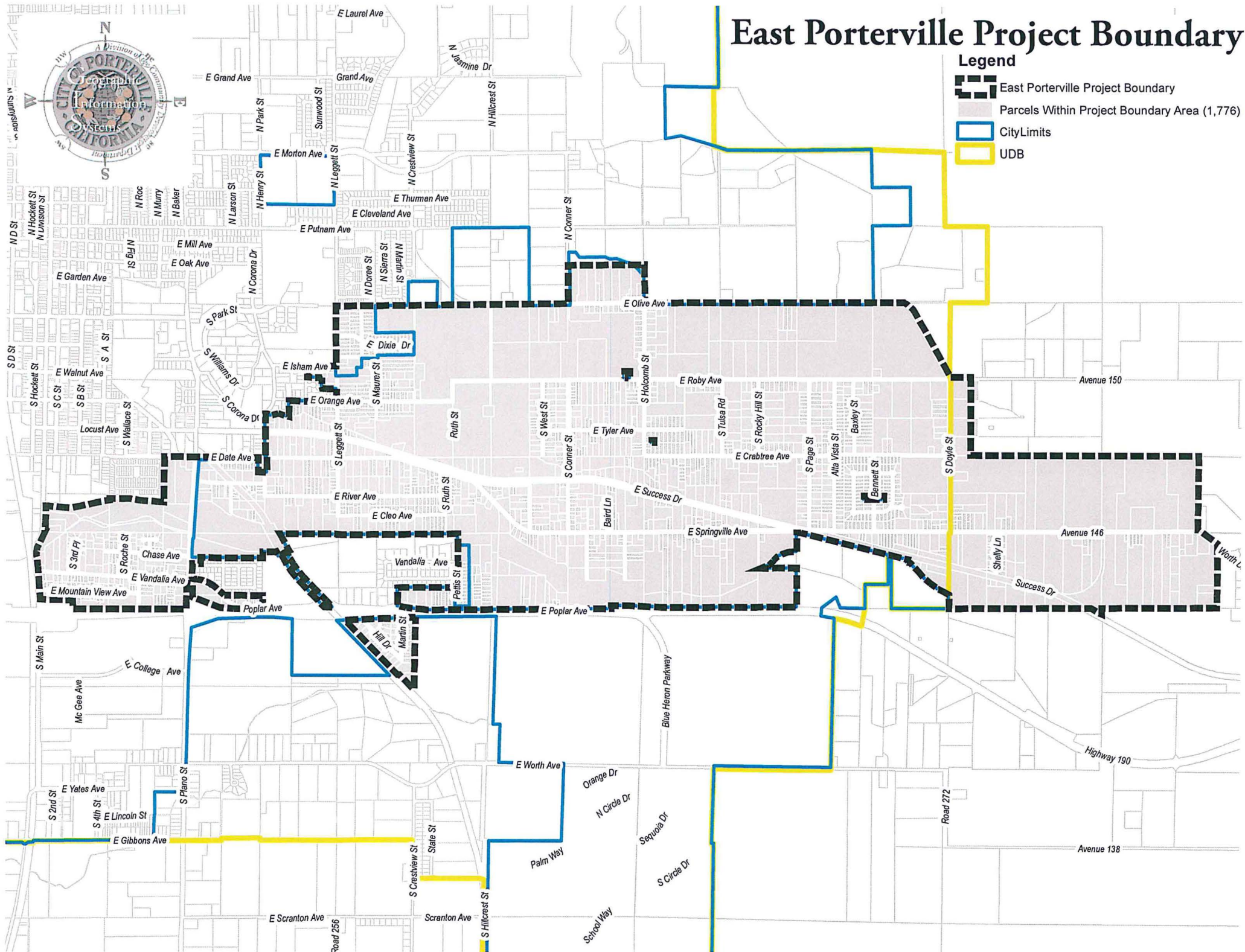


EXHIBIT 'B'

RESOLUTION NO. 74 -2014

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PORTERVILLE DEFINING OBJECTIVES AND POLICIES FOR ANNEXATIONS AND MUNICIPAL SERVICES

WHEREAS: The City of Porterville established a policy concerning annexation and provision of municipal services in 1986, noting that “the City, in order to grow for reasons of economies of scale and quality of services must expand its boundaries within reason, generally encourages the owners of properties contiguous to the city of Porterville to annex to said City of Porterville”; and

WHEREAS: Since 1990, the population of the city of Porterville has increased 53% according to the California Department of Finance, and the land area of the city proper has increased by 38% according to City annexation records; and

WHEREAS: The City of Porterville accepts its responsibility to provide municipal services to those residents, businesses, and other land uses within the limits of the city. The City of Porterville has taken the position that the costs of all physical improvements within the city have been paid by property owners, and other taxes derived in the city, and, therefore, these same people should not be required to bear the expense of additional physical improvements needed to serve newly annexed areas.

NOW, THEREFORE, BE IT RESOLVED, that the City Council of the City of Porterville does hereby define the following objectives related to annexations and municipal services:

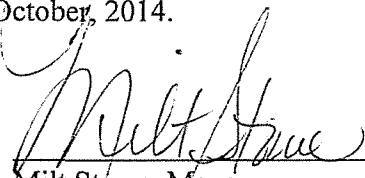
1. To promote orderly development while discouraging urban sprawl, preserving open space and prime agricultural lands, and efficiently extending government services.
2. To honor the City’s fundamental responsibility to provide efficient and sustainable public services to the inhabitants of the city, and where appropriate, to provide those services beyond the limits of the city within the Urban Development Boundary, and only in extreme cases to those properties beyond the Urban Development Boundary within the Urban Area Boundary.
3. To provide for land development and growth in a manner consistent with the General Plan, particularly as it relates to land use and circulation.
4. To consider an application upon its own merits, and identify what benefits would accrue to the City as an agency and service provider, to the residents of the city of Porterville, and to the applicant.
5. To identify the problems involved in any proposal considered for annexation or request for extra-territorial services and resolve them in the manner most beneficial to the properties within the city of Porterville.
6. To develop factual information to permit informed discussion between City representatives and property owners/residents of unincorporated territories.

BE IT FURTHER RESOLVED, that the City Council of the City of Porterville does hereby establish the following policies for consideration of annexations and municipal services:

1. It shall be the policy of the City of Porterville to consider annexation proposals only within the Urban Development Boundary, which is defined as the City of Porterville Annexation Boundary, as adopted by Tulare County Local Area Formation Commission (LAFCo).

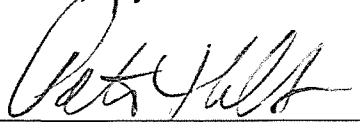
2. It shall be the policy of the City of Porterville to consider extra-territorial service requests primarily within the Urban Development Boundary, which is defined as the City of Porterville Annexation Boundary, as adopted by Tulare County LAFCo.
3. It shall be the policy of the City of Porterville, only where necessary in order to respond to an existing or impending threat to public health or safety of affected residents, to consider extra-territorial service requests within the Urban Area Boundary, as adopted by City Council and identified on the City of Porterville Zoning Map.
4. It shall be the policy of the City of Porterville to consider annexation proposals and extra-territorial service requests in a manner consistent with the policies and regulations adopted by the Tulare County LAFCo and the State of California, as applicable.
5. It shall be the policy of the City of Porterville to discourage single-family one (1) lot annexation proposals that may have an adverse fiscal impact on the City of Porterville.
6. It shall be the policy of the City Council that territory shall not be annexed to the city of Porterville, which as a result of such annexation, unincorporated territory is completely surrounded, or substantially surrounded by the city of Porterville.
7. It shall be the policy of the City of Porterville that annexation proposals shall be in conformance with the Cortese-Knox-Hertzberg Act of 2000, as amended.
8. It shall be the policy of the City Council to consider each petition/consent for annexation upon its relationship to what economic benefits will accrue to the City of Porterville, and to the area residents/property owners.
9. It shall be the policy of the City Council that the costs of all physical improvements will be borne by the property owners/resident or developer.
10. It shall be the policy of the City of Porterville to maintain the viability of agricultural productivity; i.e. protecting and conserving as much agricultural land as possible in the area surrounding the Porterville community.
11. It shall be the policy of the City of Porterville that the applicant for annexation present proposals to the Project Review Committee and explain the particulars of the area under consideration for possible annexation, including a plan for services.
12. It shall be the policy of the City of Porterville to consider any requests for annexation or extra-territorial services in a manner consistent with the procedures adopted by resolution of the City Council.

PASSED, APPROVED AND ADOPTED this 21st day of October, 2014.


Milt Stowe, Mayor

ATTEST:

John D. Lollis, City Clerk

By: 
Patrice Hildreth, Chief Deputy City Clerk

STATE OF CALIFORNIA)
CITY OF PORTERVILLE) SS
COUNTY OF TULARE)

I, JOHN D. LOLLIS, the duly appointed City Clerk of the City of Porterville do hereby certify and declare that the foregoing is a full, true and correct copy of the resolution passed and adopted by the Council of the City of Porterville at regular meeting of the Porterville City Council duly called and held on the 21st day of October, 2014.

THAT said resolution was duly passed, approved, and adopted by the following vote:

Council:	REYES	WARD	STOWE	HAMILTON	GURROLA
AYES:	X		X	X	X
NOES:		X			
ABSTAIN:					
ABSENT:					

JOHN D. LOLLIS, City Clerk


By: Luisa M. Zavala, Deputy City Clerk

RESOLUTION 19-2016

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PORTERVILLE
ESTABLISHING PROCEDURES FOR ANNEXATIONS AND EXTENSION OF
MUNICIPAL SERVICES

WHEREAS: On October 21, 2014, the City Council of the City of Porterville adopted two resolutions that defined objectives and policies, and established procedures for annexations and municipal services, respectively; and

WHEREAS: The on-going, severe drought of the past few years has created a situation where hundreds of parcels in the East Porterville area are experiencing dry wells, or wells of substandard water quality. State and regional agencies have come together with the City to identify and develop a long-term solution to this crisis, which will involve a significant infrastructure project to allow extension of municipal water services to the area. Not all parcels within the subject area meet the mandatory findings for extra-territorial service agreements as identified in the City's current procedures.

NOW, THEREFORE, BE IT RESOLVED, that the City Council of the City of Porterville does hereby amend existing procedures to submit application for municipal services, and to have said application(s) processed as outlined in Exhibit "A", attached. The exemption identified for the East Porterville Feasibility Study Project Area will apply to the area represented in Exhibit "B".

PASSED, APPROVED AND ADOPTED this 19th day of April, 2016.



Milt Stowe, Mayor

ATTEST:

John D. Lollis, City Clerk

BY 

Luisa Zavala, Deputy City Clerk

All properties requesting annexation or extraterritorial services are subject to the procedures established below unless otherwise stated. Compliance with City of Porterville procedures does not guarantee approval by LAFCo of annexations or extra-territorial service agreements. Upon request for an annexation or extraterritorial services request, staff will evaluate whether the applicant's property is within the City's Urban Development Boundary or Urban Area Boundary and explain the process.

ANNEXATION APPLICATION PROCEDURE

1. A complete annexation application packet includes: fees, an Irrevocable Agreement to Annex, information as needed to define a deed restriction specific to land use and zoning, Application for Annexation, and other materials as required with those applications respectively.
2. On receipt of an application as outlined above, all materials will be considered by the Project Review Committee, who will coordinate in a pre-consultation process with LAFCO staff and the County Public Works Department for review and recommendation.
3. During review by the Project Review Committee of the necessary application and data, staff will prepare a report and findings on all aspects of the proposed action(s).
4. An environmental document will be prepared pursuant to the California Environmental Quality Act (CEQA), reviewing the potential environmental effect of the proposed activities. The Zoning Administrator will make an initial determination of the level of environmental review required.
5. After proper noticing, a public hearing will be held for the City Council to hear comments related to the project at a regularly scheduled meeting. The Council will authorize staff to initiate the application with LAFCo. Documents will be filed in accordance with the Cortese-Knox-Hertzberg Act of 2000, as amended, and submitted to the Local Agency Formation Commission for its review, recommendation and action.
6. On consummation by the City Council, the City Clerk shall submit the necessary materials to the State Board of Equalization with the appropriate acreage fees, which are paid by the Applicant.
7. In the event the annexation fails, either by dissenting votes of the City Council or at hearing at LAFCo, the City Council may approve an extraterritorial service agreement within the Urban Development Boundary, subject to conditions identified in the deed restriction.

ANNEXATION EXEMPTION PROCEDURE

Where a certain property meets all of the following criteria, they may proceed with an Extraterritorial Service Agreement for water or storm-water drainage without first attempting annexation, subject to the conditions of Extraterritorial Service Agreements as defined below.

1. Previously developed single family residences on parcels 24,999 square feet or smaller, OR a school developed by a State funded school district.
2. The parcel requesting services must be immediately adjacent to a municipal main providing the requested service, or the property owner shall provide for the extension of the main line to City standards at their expense.

EXTRATERRITORIAL SERVICES APPLICATION PROCEDURE

Extraterritorial Service connections may be made subject to the following conditions. Note specific parameters and the required findings for connections in the Urban Development Boundary and the Urban Area Boundary.

1. Application: A complete extraterritorial services application packet includes: fees, an Irrevocable Agreement to Annex, information as needed to define a deed restriction specific to land use and zoning, and other materials as required with those applications respectively.
2. General Plan Consistency:
 - a. Proposed Uses and Improvements: Service connections are to be withheld from proposed uses and improvements that would not be consistent with the adopted Land Use Element of the Porterville Area General Plan and the City of Porterville General Plan.
 - b. Existing Uses and Improvements: Service connections to existing uses and improvements which are not consistent with the adopted Land Use Element of the Porterville Area General Plan and the City of Porterville General Plan shall be considered at the discretion of the City Council, and may be subject to other restrictions.
3. Agreements and covenants:
 - a. A deed restriction specific to land use and zoning must be approved by the property owner and the City Council, and recorded with the County of Tulare upon the property, at the applicant's cost.
 - b. An irrevocable agreement to annex must be signed by the property owner and recorded with the County of Tulare upon the property, at the applicant's cost.
4. Time limitations: The City Manager or his designee, or the City Council may condition the approval of applications for service connections by establishing a time frame within which connections must be made to avoid re-application.
5. Improvement Plans: Applications for service connections, which necessitate the extension of one or more municipal facilities to property in order to make such connections, shall be conditioned by the City Manager or his designee, or the City Council to require that Construction Drawings of the intended public improvements be submitted to the City Engineer for plan check and approval. Costs incurred for the preparation of improvement plans, and certain off-site construction and/or installation costs related to extending facilities, shall be the responsibility of the applicant.
6. Fees: Prior to the issuance of a Connection Permit, payment must be made to the City of Porterville of all fees pertinent to the respective service connection, or connections, approved by the City Manager or his designee, or the City Council.

Within the Urban Development Boundary:

For connection of water or storm-water facilities, the requesting party must fully fund the extension of infrastructure if it does not already exist in order to connect. The City of Porterville Wastewater Facility is a regional facility and as such, an extraterritorial service request cannot be denied; however, the requesting party must fund a fair share of the extension of infrastructure if it does not already exist in order to connect. Contract services for police, fire, or building inspection services shall be approved by resolution of the City Council.

For connection of water or storm-water facilities, the following findings must be made in order for the Council approve an extraterritorial service connection:

- That the subject property is a previously developed single family residence on a parcel 24,999 square feet or smaller, OR a school developed by a State funded school district.
- That failure to connect to municipal services would result in a threat to public health or safety of affected residents.
- That connection of the subject property would not result in a negative impact to the City of Porterville water and/or storm-water system.
- That the subject property is not within an island as defined by Tulare LAFCo.
- That an attempt to annex the subject site is not realistic given current city limit boundaries. Specifically, the parcel is too far removed from the city limit, and/or the number and valuation of adjacent parcels would result in a failed annexation effort.

Within the Urban Area Boundary:

For connection of water or storm-water facilities, the requesting party must fully fund the extension of infrastructure if it does not already exist in order to connect. The City of Porterville Wastewater Facility is a regional facility and as such, an extraterritorial service request cannot be denied; however, the requesting party must fund a fair share of the extension of infrastructure if it does not already exist in order to connect. Contract services for police, fire, or building inspection services shall be approved by resolution of the City Council.

For connection of water or storm-water facilities, the following findings must be made in order for the Council approve an extraterritorial service connection:

- That the subject property is a previously developed single family residence on a parcel 24,999 square feet or smaller, OR a school developed by a State funded school district.
- That failure to connect to municipal services would result in a threat to public health or safety of affected residents.
- That connection of the subject property would not result in a negative impact to the City of Porterville water and/or storm-water system.

EXEMPTIONS AND EXCEPTIONS

1. PVPUD: Connections to Porterville Regional Sewage Treatment Facilities serving uses and improvements to property within the boundaries and jurisdiction of the Porter Vista Public Utility District (PVPUD) are exempted from application to the City of Porterville. Interested parties should contact the PVPUD for information on connection requirements and fees pertaining

to sewer services. This exemption does not apply to requests for connection to Municipal Water and/or Master Storm Drain Facilities.

2. PRIOR APPROVALS: Porterville City Council approval of requests for connection to Regional Sewage Treatment, Municipal Water and/or Master Storm Drain Facilities as authorized prior to the adoption and effective date of the respective policies set forth herein shall remain valid and in force according to the terms and conditions initially specified at the time of approval, and re-application will not be required.

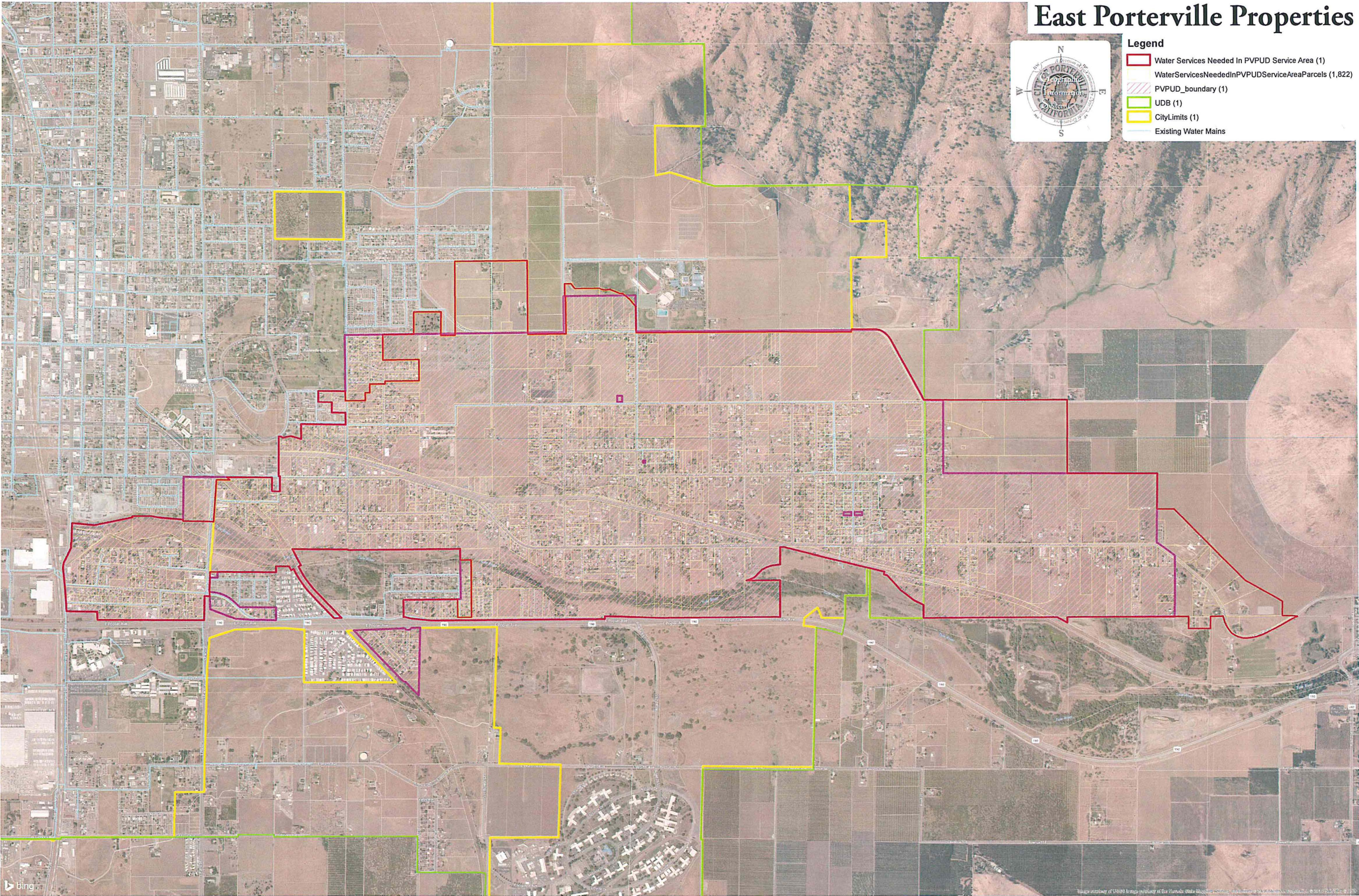
3. PROPERTIES WITHIN THE EAST PORTERVILLE FEASIBILITY STUDY PROJECT AREA: The California State Water Resources Control Board, in coordination with the Department of Water Resources Drought Task Force, is charged with preparing a feasibility study to define a long-term solution to the water related issues in East Porterville. Properties within that boundary would be permitted to apply for connection, whether in association with DWR, SWRCB, or at a later date, on their own. Such connections would be subject to the mandatory findings as outlined in this procedure, with the following exceptions:

- Rather than require that the subject property be a developed single-family residence on a parcel 24,999 square feet or smaller, neither the land use nor the parcel size would be restricted neither the land use nor the parcel size would be restricted for legal and legal non-conforming structures and land uses existing as of April 29, 2016.
- Further, properties within certain islands in the EPFS Project Area would not be required to annex prior to connection. This exception does not limit the City of Porterville's authority to pursue annexation in the future, but rather waives the requirement that annexation must be approved prior to connection.

East Porterville Properties



- Legend**
- Water Services Needed In PVPUD Service Area (1)
 - WaterServicesNeededInPVPUDServiceAreaParcels (1,822)
 - PVPUD_boundary (1)
 - UDB (1)
 - CityLimits (1)
 - Existing Water Mains



STATE OF CALIFORNIA)
CITY OF PORTERVILLE) SS
COUNTY OF TULARE)

I, JOHN D. LOLLIS, the duly appointed City Clerk of the City of Porterville do hereby certify and declare that the foregoing is a full, true and correct copy of the resolution passed and adopted by the Council of the City of Porterville at regular meeting of the Porterville City Council duly called and held on the 19th day of April, 2016.

THAT said resolution was duly passed, approved, and adopted by the following vote:

Council:	REYES	WARD	STOWE	HAMILTON	GURROLA
AYES:	X	X	X	X	
NOES:					
ABSTAIN:					
ABSENT:					X

JOHN D. LOLLIS, City Clerk

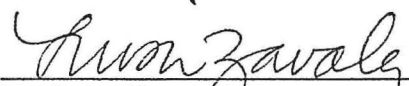

By: Luisa Zavala, Deputy City Clerk

EXHIBIT 'C'



EXHIBIT 'D'

Scope of Work

Task	Description	Cost
1.2	Prepare Well Drilling Plans, Specifications, and Estimates	\$468.00
3.2	Prepare Well Equipping Plans, Specifications, and Estimates	\$1,526.00
5	Ph. 1 Preconstruction Meeting	\$1,357.43
Total:		\$3,351.43

Consulting Engineering work will be reimbursed directly to Dee Jaspar & Associates under Tulare County Agreement No. 1276, including the following Tasks:

Task 4.1	Project Evaluations and Field Surveying	\$58,326.00
Task 4.2	Prepare Well Equipping Plans, Specifications, and Estimates	\$30,000.00
Task 4.3	Prepare and Assist with SCE Application & Telephone Service	\$5,000.00
Task 4.4	SCE Costs	\$15,000.00
Total:		\$108,326.00

Discussion Draft

Subject to Additional Review and Modification by the Parties

Porterville MOU
Draft 2
June 15, 2016
PortervilleEmergencyMOU061516



Memorandum of Understanding (MOU)

Regarding the Provisions of Emergency Water Supplies to East Porterville

by the California Department of Water Resources (DWR), California Office of Emergency

Service (OES), the State Water Resources Control Board (SWRCB),

the County of Tulare (County), and City of Porterville (Porterville),

which are collectively known as the “Parties”

Recitals

Whereas, some residents living in an unincorporated area of Tulare County, commonly known as “East Porterville,” have experienced loss of adequate water supply to their homes and properties as a result of severe drought conditions, which has caused significant hardship for the residents;

Whereas, Governor Edmund G. Brown Junior has directed all State agencies to assist these residents who are in need of water supplies with emergency and long-term assistance;

Whereas, Governor Edmund G. Brown Junior signed Assembly Bill 685 in 2012, adding Water Code section 106.3, which recognizes that every human being has the right to safe, clean, affordable, and accessible water adequate for human consumption, cooking, and sanitary purposes, and which requires all relevant state agencies to consider this right when revising, adopting, or establishing pertinent policies, regulations, and grant criteria;

Whereas, the Parties have provided emergency water supplies to some residents of East Porterville that are without an adequate household water supply;

Whereas, the Parties to this MOU seek an emergency and long-term solution to the lack of adequate household water supply by developing and providing continuous water supplies to these residents;

Whereas, East Porterville is located east and adjacent to Porterville, which has an existing municipal water system that serves residents within the incorporated area of Porterville;

Whereas, some of the residents of East Porterville without an adequate household water supply could be connected to Porterville's municipal water system provided certain arrangements and projects are carried out by the Parties;

Whereas, Vandalia is a neighborhood located within Porterville, and some Vandalia residents lack adequate household water supply and these households could be connected to Porterville's municipal water system;

Whereas, the Parties have met and have discussed alternative plans and projects that would provide an emergency water supply from Porterville to some residents of East Porterville and Vandalia in an expeditious manner;

Whereas, to advance these projects, DWR has provided funding, as reflected in the agreement between DWR and Tulare attached as Exhibit 1, for a municipal well designated as "Well C1" located in Tulare County that ultimately could be used to supply water to these residents of East Porterville;

Whereas, the SWRCB has also provided funding for Well C1, as reflected in the agreement between the SWRCB and the County attached as Exhibit 2;

Whereas, the County and Porterville intend to execute an agreement, a draft of which is attached as Exhibit 3, that will connect Well C1 to Porterville's municipal water system and that will provide for an adequate household water supply for some residents of East Porterville; and

Whereas, the Parties have reached an understanding on how best to implement the project alternative that will provide an adequate household water supply to some residents of East Porterville and Vandalia, and alleviate the hardships in an expeditious, cost-effective manner.

Understanding

A. Description of Emergency Project and Long-Term Plan

1. The purpose of this MOU is to set forth in writing the intentions of the Parties of how best to move forward with plans to complete an emergency water supply project (Project) to some residents in the East Porterville and Vandalia areas, which are represented in Exhibit 4. (Map showing East Porterville and Porterville). The goal of the Project is to provide an adequate household water supply to some of the residents and properties in these areas that do not have one presently, and to end the need of the Parties to provide temporary water supplies to those residents through tanks and bottles.

2. The Parties intend to develop the Project in two phases. Phase 1 will make municipal water connections to the properties in East Porterville that have dry wells and are adjacent to Porterville's existing municipal water distribution system. It is estimated that this phase will serve 40 properties with dry wells that are currently receiving temporary household water supplies.

3. The Parties intend that Phase 2 of the Project will provide municipal water supply to approximately 500 properties in East Porterville and in Vandalia that have dry wells or otherwise lack an adequate source of water and have not been connected by Phase 1. In order to complete Phase 2, the residents of these properties will likewise need to connect to Porterville's municipal water system.

4. As soon as possible, Porterville and DWR will undertake Phase 1 of the Project and connect the properties in East Porterville that are adjacent to Porterville's existing municipal water distribution system. These connections will be accomplished as described in Water Installation Diagram attached as Exhibit 5 and based on the cost estimate, which is attached as Exhibit 6. In order to make these connections, a property owner desiring to receive public water supply will need to execute the Extraterritorial Service Agreement, a sample of which is attached as Exhibit 7, and the SWRCB's Water Connection Agreement, a sample of which is attached as Exhibit 8. Necessary signatures and agreements with property owners will be sought through SWRCB's outreach carried out with the assistance of all Parties to this MOU.

5. The Parties intend that Well C1 will be used to provide the emergency water supply in Phase 2 to about 500 properties without adequate household water supplies. The Parties presently understand that there are about 423 properties in East Porterville and approximately 80 properties in Vandalia where connections may be needed to provide emergency water supplies.

6. The Parties have created a Technical Workgroup consisting of engineers and planners, which work cooperatively on the technical issues described in this MOU. Based on recommendations of the Technical Workgroup, the Parties intend to provide the emergency water supply contemplated by this MOU.

7. The Parties intend to develop a Long-Term Water System Plan (Long-Term Plan) for the East Porterville area, which will serve other residents in the area besides those served by the Project. The Parties intend that the Project will be designed consistent with the Long-Term Plan to ensure that all water facilities constructed as part of the Project will be incorporated into the facilities ultimately developed through the Long-Term Plan. The first work product produced by the Technical Workgroup will be a Feasibility Study for the Long-Term Plan. The outline of the Feasibility Study is attached as Exhibit 9.

8. The Parties intend to use best efforts to complete both phases of the Project by December 31, 2016. The completion date of the Long-Term Plan is dependent on the completion of the Feasibility Study carried out by Technical Workgroup and on Porterville and/or the County applying for and securing sufficient funding from the SWRCB or from other sources. The Parties desire to complete the Long-Term Plan as expeditiously as possible.

B. Project Contributions of the Parties

9. Working in cooperation with the other Parties and the Technical Workgroup, DWR will prepare all environmental compliance for the Project, and design and construct the Project, both Phases 1 and 2. DWR will provide funding for Phases 1 and 2 of the Project through Emergency Drought Funding. DWR intends to serve as California Environmental Quality Act (CEQA) lead agency for the Long-Term Plan and will prepare any necessary CEQA documentation and any other necessary environmental review documents, unless the Feasibility Study recommends another lead agency.

10. SWRCB will provide the community outreach to assist in obtaining necessary property owner acceptance before proceeding with Project. SWRCB will also work with Porterville and/or County to secure funding of the Long-Term Plan. SWRCB will provide certain reviews and approvals for the permitting of the Project and the Long-Term Plan.

11. OES will coordinate all of the State's efforts under the Governor's Drought Task Force in the Project area and will be provided at no cost by Porterville up to 3,000,000 gallons of emergency water per month as needed as a result of this MOU and the agreement that Porterville and the County are in the process of considering for execution, a draft of which is attached as Exhibit 3, with regard to the Well C1.

12. Porterville will provide the needed water service to the residents of East Porterville without an adequate household water supply after they are connected to Porterville's municipal water system as described in the Project. The water service will be accomplished per the Extraterritorial Service Agreement, which requires that property owners served pay the monthly water bill. DWR is funding the residents' connection to the Project, and as a result, some of the normal connection fees will be waived provided that connection is made during Phase 1 or Phase 2. Porterville will install the water meters for each connection, which will be paid for by DWR.

13. The County intends to execute an agreement with Porterville that is consistent with this MOU and Exhibit 3, which will allow Well C1 to serve as a water supply for the Project. The County will inspect the work of the Project and the property connections at no cost to the residents.

14. The Parties to the MOU will cause the removal of all temporary water tanks from the properties upon completion of the Project and the appurtenances necessary for the receipt of municipal water service. The work for removing the water tanks will be carried out by the County under an agreement between the County and OES.

C. General Provisions

15. The Parties intend to use their best efforts to carry out this MOU. This MOU is not a binding agreement, and is not intended to create contractual rights and remedies among the Parties. However, the Parties have entered into and intend to enter into certain binding agreements in the future necessary to develop and complete the Project and the Long-Term Plan.

16. This MOU will become effective upon the signature of the all Parties. The MOU will terminate on December 31, 2016, unless extended by all of the Parties in writing.

[Signatures on following page]

This MOU has been executed by:

California Department of Water Resources

State Water Resources Control Board

California Office of Emergency Services

County of Tulare

City of Porterville

List of Exhibits

1. DWR and Tulare County Executed Well C1 Agreement
2. SWRCB and County Executed Well C1 Agreement (Water Board Grant #D-15-11-902)
3. County and Porterville Draft Well Agreement
4. Map of East Porterville
5. Household Water Service Installation Diagram
6. Household Water Service Cost Estimate
7. Sample Extraterritorial Service Agreement
8. Sample SWRCB Water Connection Agreement
9. Draft Emergency Project Feasibility Study



Amendment No. 1

To the East Porterville Water Supply Project

Memorandum of Understanding (MOU)

Regarding the Provisions of Emergency Water Supplies to East Porterville
by the California Department of Water Resources (DWR), California Office of
Emergency Service (OES), the State Water Resources Control Board (SWRCB),
the County of Tulare (County), and City of Porterville (Porterville),
which are collectively known as the "Parties"

This Amendment No.1 to the MOU is made this 7th day of November, 2016. As described below, this Amendment No.1 recognizes the MOU is still in effect, modifies certain sections of this MOU, and adds new sections to the MOU.

Recitals

Whereas, some residents living in an unincorporated area of Tulare County, commonly known as "East Porterville," have experienced loss of adequate water supply to their homes and properties as a result of severe drought conditions, which has caused significant hardship for the residents;

Whereas, Governor Edmund G. Brown Junior has directed all State agencies to assist these residents who are in need of water supplies with emergency and long-term assistance;

Whereas, the Parties to this MOU seek an emergency and long-term solution to the lack of adequate household water supply by developing and providing continuous water supplies to these residents;

Whereas, to advance these projects, DWR and the SWRCB have provided funding, as reflected in Exhibits 1 and 2, for a municipal well designated as "Well C1" located in Tulare County that ultimately could be used to supply water to these residents of East Porterville;

Whereas, the Parties have reached an understanding on how best to implement the project alternative that will provide an adequate household water supply to some residents of East Porterville and Vandalia, and alleviate the hardships in an expeditious, cost-effective manner:

Whereas, the purpose of this amendment is to clarify some sections of the MOU and to add several new sections.

NOW THEREFORE, IT IS MUTUALLY AGREED that the following changes are hereby made to the MOU:

1. Section A (2) is amended to read as follows:

The Parties intend to develop the Project in two phases. Phase 1 will make municipal water connections to the properties in East Porterville and Vandalia that have dry wells and/or water tanks. It is estimated that this phase will serve approximately 300 properties.

2. Section A (3) is amended to read as follows:

The Parties intend that Phase 2 of the Project will provide municipal water supply to approximately 800 properties in East Porterville by connecting them to the City of Porterville's water system. The total number of homes eligible for this Project is approximately 1,100.

3. Section A (5) is amended to read as follows:

The Parties intend that Well C1 will be used to provide the initial water supply. The Parties acknowledge the delay in Well C1 completion. To mitigate the effects of this on the residents of East Porterville, the City of Porterville will allow connections of homes as they become prepared for connection. These early connections will be beyond the initial 70 connections (previously 40 connections) agreed to, given the availability of capacity during the winter months. However, these additional connections to the City's water system will cease on March 1, 2017, if Well C1's connection to the City's water system is not completed by then.

4. Sections A (7) b-f shall be added and made part of this MOU:

7 (a). The Parties intend to develop a Long-Term Water System Plan (Long-Term Plan) for the East Porterville area, which will serve other residents in the area besides those served by the Project. The Parties intend that the Project will be designed consistent with the Long-Term Plan to ensure that all water facilities constructed as part of the Project will be incorporated into the facilities ultimately developed through the Long-Term Plan. The first work product produced by the Technical Workgroup will be a Feasibility Study for the Long-Term Plan. The outline of the Feasibility Study is attached as Exhibit 9.

(b). The East Porterville Water Supply Project Hydraulic Analysis Report ("Hydraulic Analysis Report," which is attached as Exhibit 10) determined that the water supply capacity required to serve all eligible residents of East Porterville is 1,435 gallons per minute (gpm). This capacity shall be based on the sustainable yield of the wells which is defined as 75 percent of the initial design capacity. Since Well C1 has a sustainable yield of 600 gpm, the Parties agree that the State will fund the construction and equipping of additional wells to provide the 835 gpm shortfall.

(c). Based on the Hydraulic Analysis, a 700,000 gallon water storage tank is required to serve the residents of East Porterville. However, based on Porterville's master plan recommendations, a 1.2 million-gallon storage tank is required for the City's buildout. The Parties therefore intend to construct a 1.2 million-gallon storage tank with cost sharing between the State and the City. The State will fund the cost of a 700,000 gallon tank required for the Project and the City of Porterville will fund the cost of the additional 500,000 gallons of storage required for the City's future use as contained in its master plan. The cost-sharing shall be proportional to the tank capacity being funded.

(d). The Parties intend to upgrade the existing Henderson-Plano Booster Pump Station and the Granite Hills Intertie which would facilitate water supply to the East Pressure Zone which serves East Porterville. The State will fund the construction of one booster pump rated at 2,100

gpm along with a variable frequency drive and the Granite Hills Intertie. The City will fund the replacement of its two existing pumps along with associated variable frequency drives as part of Phase 2 of the Project. These two pumps are more than 30-years old and their replacement will enable the City's water system to operate more efficiently and in a cost-saving manner.

(e). The Parties further agree that a booster pump station of capacity 1,670 gpm is required to convey water from the West Pressure Zone, where the new wells will be located, to the Central Pressure Zone for onward conveyance to East Porterville. The State will fund the construction of this booster pump station.

(f). Given that Well C1 has an estimated sustainable yield of 600 gpm, as well as a unit demand of 0.833 gpm per home connection based on the Hydraulic Analysis , Well C1 could effectively serve up to 720 households . The Parties agree that home connections for Phase 2 of the Project can begin as soon as Well C1 is connected to the City's water system, and the Henderson-Plano Booster Pump Station upgrade and the Granite Hills Intertie are completed. These home connections shall cease when the capacity of Well C1 is exceeded. Thereafter, additional home connections will be made after the construction of additional wells or if City staff determines that the water system can support additional home connections.

5. Section (C) 16 is amended to read as follows:

16. This MOU will become effective upon the signature of the all Parties. The MOU will terminate on June 30, 2018, unless extended by all Parties in writing.

6. The list of the Exhibits at the end of MOU is amended to read as follows:

1. DWR and Tulare County Executed Well C1 Agreement
2. SWRCB and County Executed Well C1 Agreement (Water Board Grant #D-15-11-902)
3. County and Porterville Draft Well Agreement
4. Map of East Porterville
5. Household Water Service Installation Diagram
6. Household Water Service Cost Estimate
7. Sample Extraterritorial Service Agreement
8. Sample SWRCB Water Connection Agreement
9. Draft Feasibility Study for the Long-Term Plan
10. East Porterville Water Supply Project Hydraulic Analysis Report

This MOU has been executed by:

California Department of Water Resources

State Water Resources Control Board

California Office of Emergency Services

County of Tulare

City of Porterville



EDMUND G. BROWN JR.
GOVERNOR



MATTHEW RODRIGUEZ
SECRETARY FOR
ENVIRONMENTAL PROTECTION

State Water Resources Control Board

NOV 29 2017

The Honorable Milt Stowe
Mayor of City of Porterville
291 North Main Street
Porterville, CA 93257

RECEIVED

DEC 04

CITY OF PORTERVILLE
CITY MANAGER

Dear Mayor Stowe:

The Department of Water Resources and the State Water Resources Control Board are requesting an increase to the number of household connections from 720 to 800 to the City of Porterville (City) water system, prior to the completion of the East Porterville Emergency Water Supply Project – Phase 2 (Project). The construction of all facilities is estimated to be completed by June 2019.

According to Section A(7)(f) of Amendment No. 1 to the Project's Memorandum of Understanding (MOU), the estimated sustainable yield of Well C1 is 600 gallons per minute (gpm) and therefore will serve up to 720 households. Our current projections show that approximately 800 households will need to be connected by the end of 2017.

Our current plans are to drill two additional wells which would add more than 835 gpm of sustainable yield to the City's water supply, pending land acquisition by the City. Further, our calculations indicate that Well C1 is currently capable of producing 800 gpm in the interim, which can support a total of 960 households in the short term. It is our hope that the City will complete acquisition of the properties needed to drill the two additional wells in a timely manner to ensure that the City's water supply does not become stressed.

We look forward to hearing favorably from you and thank you for your continued support in providing safe drinking water to the residents of East Porterville.

Sincerely,



James Maughan, Assistant Deputy Director
Division of Financial Assistance

cc: See next page

DEPARTMENT OF WATER RESOURCES

SOUTH CENTRAL REGION OFFICE
3374 EAST SHIELDS AVENUE, ROOM 3
FRESNO, CA 93726-6913



January 18, 2018

Mr. Michael K. Reed
Public Works Director
City of Porterville
291 North Main Street
Porterville, California 93257

RECEIVED

JAN 22 2018

City of Porterville
Public Works Dept

Approval of Funding from Local Assistance Funds to the City of Porterville for the
County Areas Water Supply Project

Dear Mr. Reed:

Your request for funds to accomplish the city of Porterville's scope of work to connect drought-impacted households in seven Tulare County areas bounded by the city has been approved. The approved funding is not to exceed the amount of \$2,812,946.00. The term of the funding is from January 18, 2018, to December 31, 2019.

The purpose of this funding is for the city of Porterville to effectuate the connection of the drought-impacted homes in seven county areas to the city's water distribution system. The project comprises water main extensions, home connections, and well destructions. These homes have been identified as having private residential wells, and the homeowners have voluntarily elected to join the project. As part of their election to participate in the project, the homeowners have consented to having their groundwater wells destroyed.

A grant agreement is being developed and will be sent to you for approval. You are allowed to start incurring costs from January 18, 2018. No reimbursement will be issued until the contract agreement is executed.

If you have any questions or need additional information regarding the agreement, please contact Steve Doe by email at Steve.Doe@water.ca.gov or by phone at (559) 230-3348.

Sincerely,

Kevin Faulkenberry, Chief
South Central Region Office

Executive Department

State of California

EXECUTIVE ORDER B-40-17

WHEREAS California has endured a severe multi-year drought that has threatened the water supplies of communities and residents, devastated agricultural production in many areas, and harmed fish, animals and their environmental habitats; and

WHEREAS Californians responded to the drought by conserving water at unprecedented levels, reducing water use in communities by more than 22% between June 2015 and January 2017; and

WHEREAS the State Water Resources Control Board, the Department of Water Resources, the Department of Fish and Wildlife, the Office of Emergency Services, and many other state agencies worked cooperatively to manage and mitigate the effects of the drought on our communities, businesses, and the environment; and

WHEREAS the State provided 66,344,584 gallons of water to fill water tanks for communities suffering through drought-related water shortages, outages, or contamination, and provided emergency assistance to drill wells and connect communities to more robust water systems; and

WHEREAS the State took a number of important actions to preserve and protect fish and wildlife resources, including stream and species population monitoring, fish rescues and relocations, infrastructure improvements at trout and salmon hatcheries, and infrastructure to provide critical habitat for waterfowl and terrestrial animals; and

WHEREAS the State established a Statewide Water Efficiency and Enhancement Program for agricultural operations that provides financial assistance for the implementation of irrigation systems that save water; and

WHEREAS water content in California's mountain snowpack is 164 percent of the season average; and

WHEREAS Lake Oroville, the State Water Project's principal reservoir, is 101 percent of average, Lake Shasta, the federal Central Valley Project's largest reservoir, is at 110 percent of average, and the great majority of California's other major reservoirs are above normal storage levels; and

WHEREAS despite winter precipitation, the effects of the drought persist in areas of the Central Valley, including groundwater depletion and subsidence; and

WHEREAS our changing climate requires California to continue to adopt and adhere to permanent changes to use water more wisely and to prepare for more frequent and persistent periods of limited water supply; and

WHEREAS increasing long-term water conservation among Californians, improving water use efficiency within the State's communities and agricultural production, and strengthening local and regional drought planning are critical to California's resilience to drought and climate change.

NOW, THEREFORE, I, EDMUND G. BROWN JR., Governor of the State of California, in accordance with the authority vested in me by the Constitution and statutes of the State of California, do hereby **TERMINATE THE JANUARY 17, 2014 DROUGHT STATE OF EMERGENCY** for all counties in California except the Counties of Fresno, Kings, Tulare, and Tuolumne.

I FURTHER ORDER THAT:

1. The orders and provisions contained in my April 25, 2014 Emergency Proclamation, as well as Executive Orders B-26-14, B-28-14, B-29-15, and B-36-15 are rescinded.
2. The orders and provisions contained in Executive Order B-37-16, **Making Water Conservation a California Way of Life**, remain in full force and effect except as modified by this Executive Order.
3. As required by the State Emergency Plan and Government Code section 8607(f), the Office of Emergency Services, in coordination with other state agencies, shall produce an after-action report detailing the State's response to the drought and any lessons learned in carrying out that response.

MAINTAINING CONSERVATION AS A WAY OF LIFE

4. The State Water Resources Control Board (Water Board) shall continue development of permanent prohibitions on wasteful water use and requirements for reporting water use by urban water agencies, and to provide a bridge to those permanent requirements, shall maintain the existing emergency regulations until they expire as provided by the Water Code. Permanent restrictions shall prohibit wasteful practices such as:
 - Hosing off sidewalks, driveways and other hardscapes;
 - Washing automobiles with hoses not equipped with a shut-off nozzle;
 - Using non-recirculated water in a fountain or other decorative water feature;
 - Watering lawns in a manner that causes runoff, or within 48 hours after measurable precipitation; and
 - Irrigating ornamental turf on public street medians.
5. The Water Board shall rescind those portions of its existing emergency regulations that require a water supply stress test or mandatory conservation standard for urban water agencies.

6. The Department of Water Resources (Department) shall continue work with the Water Board to develop standards that urban water suppliers will use to set new urban water use efficiency targets as directed by Executive Order B-37-16. Upon enactment of legislation, the Water Board shall adopt urban water use efficiency standards that include indoor use, outdoor use, and leaks as well as performance measures for commercial, industrial, and institutional water use. The Department shall provide technical assistance and urban landscape area data to urban water suppliers for determining efficient outdoor use.
7. The Water Board and the Department shall continue to direct actions to minimize water system leaks that waste large amounts of water. The Water Board, after funding projects to address health and safety, shall use loans from the Drinking Water State Revolving Fund to prioritize local projects that reduce leaks and other water system losses.
8. The Water Board and the Department shall continue to take actions to direct urban and agricultural water suppliers to accelerate their data collection, improve water system management, and prioritize capital projects to reduce water waste. The California Public Utilities Commission is requested to work with investor-owned water utilities to accelerate work to minimize leaks.
9. The Water Board is further directed to work with state agencies and water suppliers to identify mechanisms that would encourage and facilitate the adoption of rate structures and other pricing mechanisms that promote water conservation.
10. All state agencies shall continue response activities that may be needed to manage the lingering drought impacts to people and wildlife. State agencies shall increase efforts at building drought resiliency for the future, including evaluating lessons learned from this current drought, completing efforts to modernize our infrastructure for drought and water supply reliability, and shall take actions to improve monitoring of native fish and wildlife populations using innovative science and technology.

CONTINUED DROUGHT RESPONSE IN FRESNO, KINGS, TULARE, AND TUOLUMNE COUNTIES

11. The Water Board will continue to prioritize new and amended safe drinking water permits that enhance water supply and reliability for community water systems facing water shortages or that expand service connections to include existing residences facing water shortages.
12. The Department and the Water Board will accelerate funding for local water supply enhancement projects and will continue to explore if any existing unspent funds can be repurposed to enable near-term water conservation projects.
13. The Water Board will continue to work with local agencies to identify communities that may run out of drinking water, and will provide technical and financial assistance to help these communities address drinking water

shortages. It will also identify emergency interconnections that exist among the State's public water systems that can help these threatened communities. The Department, the Water Board, the Office of Emergency Services, and the Office of Planning and Research will work with local agencies in implementing solutions to those water shortages.

14. For actions taken in the Counties of Fresno, Kings, Tulare, and Tuolumne pursuant to directives 11–13, the provisions of the Government Code and the Public Contract Code applicable to state contracts, including, but not limited to, advertising and competitive bidding requirements, as well as Division 13 (commencing with section 21000) of the Public Resources Code and regulations adopted pursuant to that Division, are hereby suspended. These suspensions apply to any actions taken by state agencies, and for actions taken by local agencies where the state agency with primary responsibility for implementing the directive concurs that local action is required, as well as for any necessary permits or approvals required to complete these actions.
15. California Disaster Assistance Act Funding is authorized until June 30, 2017 to provide emergency water to individuals and households who are currently enrolled in the emergency water tank program.
16. State departments shall commence all drought remediation projects in Fresno, Kings, Tulare, and Tuolumne Counties within one year of the date of this Executive Order.

This Executive Order is not intended to, and does not, create any rights or benefits, substantive or procedural, enforceable at law or in equity, against the State of California, its agencies, departments, entities, officers, employees, or any other person.

I FURTHER DIRECT that as soon as hereafter possible, this Order be filed in the Office of the Secretary of State and that widespread publicity and notice be given of this Order.

IN WITNESS WHEREOF I have hereunto set my hand and caused the Great Seal of the State of California to be affixed this 7th day of April 2017.


EDMUND G. BROWN JR.
Governor of California

ATTEST:

ALEX PADILLA
Secretary of State





CITY COUNCIL AGENDA – OCTOBER 2, 2018

SUBJECT: General Plan Amendment and Zone Change for the proposed Sequoia Circle Multi-Family Residential Project

SOURCE: Community Development

BACKGROUND:

The Project Review Committee reviewed a proposed multi-family residential development on Sequoia Circle, west of North G Street and north of Henderson Avenue (PRC 2017-046), at its meeting on September 27, 2017. The project would include the development of 48-unit, one and two story apartment complex on a 2.13± acre site (Attachment 2). The current General Plan land use designation and zoning for the subject (Medium Density and CG, respectively) could not accommodate the residential density proposed.

COMMENT: The applicant is requesting a Zone Change from CG (General and Service Commercial) to RM-3 (High Density Residential), and a General Plan Amendment from Medium Density Residential to High Density Residential for the five vacant parcels (Assessor Parcel Numbers 247-160-037, 047, 048, 049 and 050) to accommodate the proposed development of multi-family residential units on the 2.13± acre site. The final configuration of the existing parcels has yet to be determined. Prior to building permit submittal, a lot line adjustment may need to be recorded and a reciprocal ingress/egress agreement shall be recorded wherever shared parking is proposed.

Land uses surrounding the project area are mixed with commercial to the south; high- and medium-density residential to the north and west of the project and vacant commercially zoned land to the east. The proposed project consists of the development of a 48-unit, multi-family residential development

The project would be constructed in one phase, beginning soon after entitlements are approved, and the applicant expects construction would be completed in approximately one year. Utilities required to serve the proposed project would include: water, sanitary sewer, storm drainage, electricity, and telecommunications infrastructure. Water service, sewage disposal and refuse collection would be provided by the City of Porterville. On-site drainage would be conducted by surface flow and on-site retention. Existing City services (water, sewer and storm water) are located along North G Street and the applicant will be required to tie into these existing facilities. The existing storm water basin will be filled once connection to the City's storm water is made.

The proposed project would require gas, telephone, cable, and electrical

improvements. Natural gas would be provided by The Gas Company; telephone services would be provided by AT&T; electric power would be provided by Southern California Edison Company; and cable television would be provided by Charter Communications. The extent of work required for utilities and gas would be determined during final project design.

ANALYSIS: Based on review of the application materials and requested entitlements, the proposed project serves to fulfill the goals and policies of the General Plan as adopted. The General Plan promotes a mix of residential densities and compact neighborhood design. The Land Use Element of the General Plan includes Guiding Policies which include guiding new development into compact neighborhoods and providing sufficient land with appropriate parcel sizes to support a full range of housing types. High Density Residential is intended to accommodate attached homes, two- to four-plexes, and apartment buildings. The maximum residential density is 24.0 units per gross.

The Porterville Development Ordinance requires additional regulations and standards for multi-family residential developments which include transitional standards where sites are adjacent to less intense residential development. Section 201.04(b) also includes standards for parking frontage, orientation of building entrances and architectural articulation (Attachment 3). The project would be required to conform to the standards of the Porterville Development Ordinance.

Surrounding Land Uses and Zoning:

NORTH: RM-2; developed with multi-family residential
SOUTH: CG; Developed with mix of retail and general service commercial
EAST: CG; NW corner of Sequoia Circle and N. G Street
developed with commercial/industrial building; East side of N. G Street is vacant land
WEST: RM-2; developed with multi-family residential

Development of the site as proposed will provide needed housing in conformance with the City's General Plan, Housing Element, Porterville Development Ordinance and requirements of the California Subdivision Map Act and local ordinances.

ENVIRONMENTAL REVIEW:

On September 6, 2018, the Environmental Coordinator made a preliminary determination that a Mitigated Negative Declaration would be appropriate for the Project in light of the studies prepared and with implementation of defined mitigation measures related to Biological Resources, Cultural Resources, Greenhouse Gas, and Noise. The Initial Study has been transmitted to interested agencies, groups and individuals for review and comment. The review period ran for twenty (20) days from September 8, 2018 through September 27, 2018. As of the submittal of this staff report, no comments were received.

RECOMMENDATION: That the City Council:

1. Adopt the draft resolution approving a Mitigated Negative Declaration of environmental impact;
2. Adopt the draft resolution approving a General Plan Amendment to change Assessor Parcel Numbers 247-160-037, 047, 048, 049 and 050 from Medium Density Residential to High Density Residential;
3. Approve the draft ordinance approving zone change for Assessor Parcel Numbers 247-160-037, 047, 048, 049 and 050 from CG (General and Service Commercial) to RM-3 (High Density Residential), contingent upon adoption of the General Plan Amendment; and
4. Waive further reading of the draft ordinance, approving the Zone Change and order it to print.

ATTACHMENTS:

1. Locator Map
2. Site Plan
3. Apartment Rendering
4. Draft CEQA Resolution
5. Draft General Plan Amendment Resolution
6. Draft Zone Change Ordinance

Appropriated/Funded:

Review By:

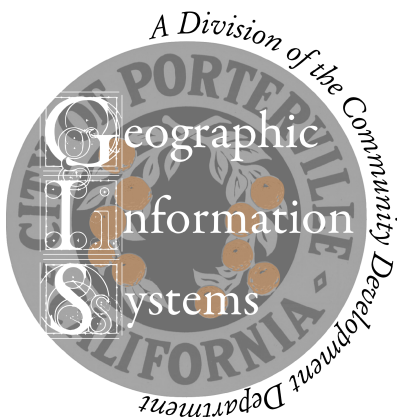
Department Director:

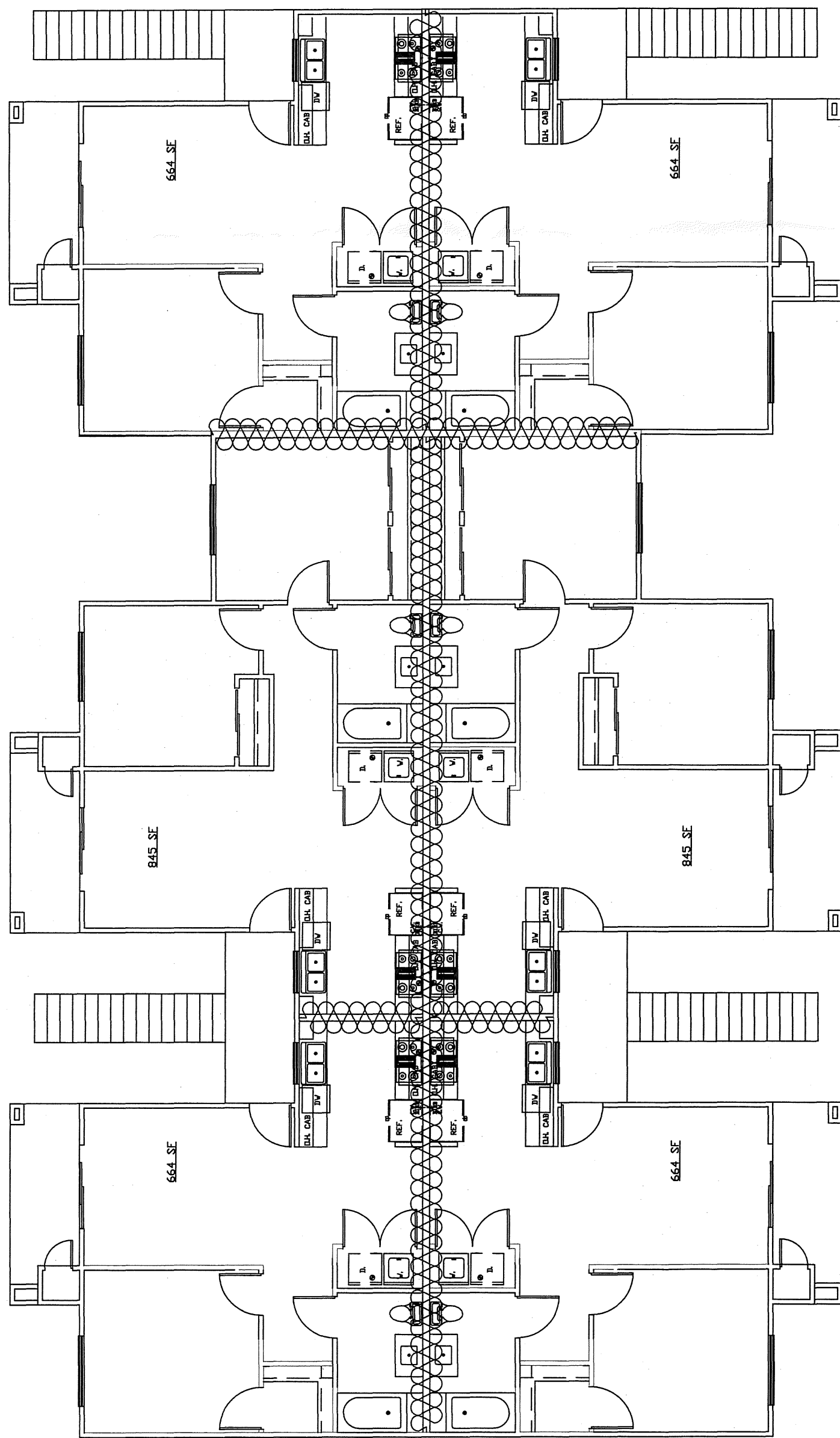
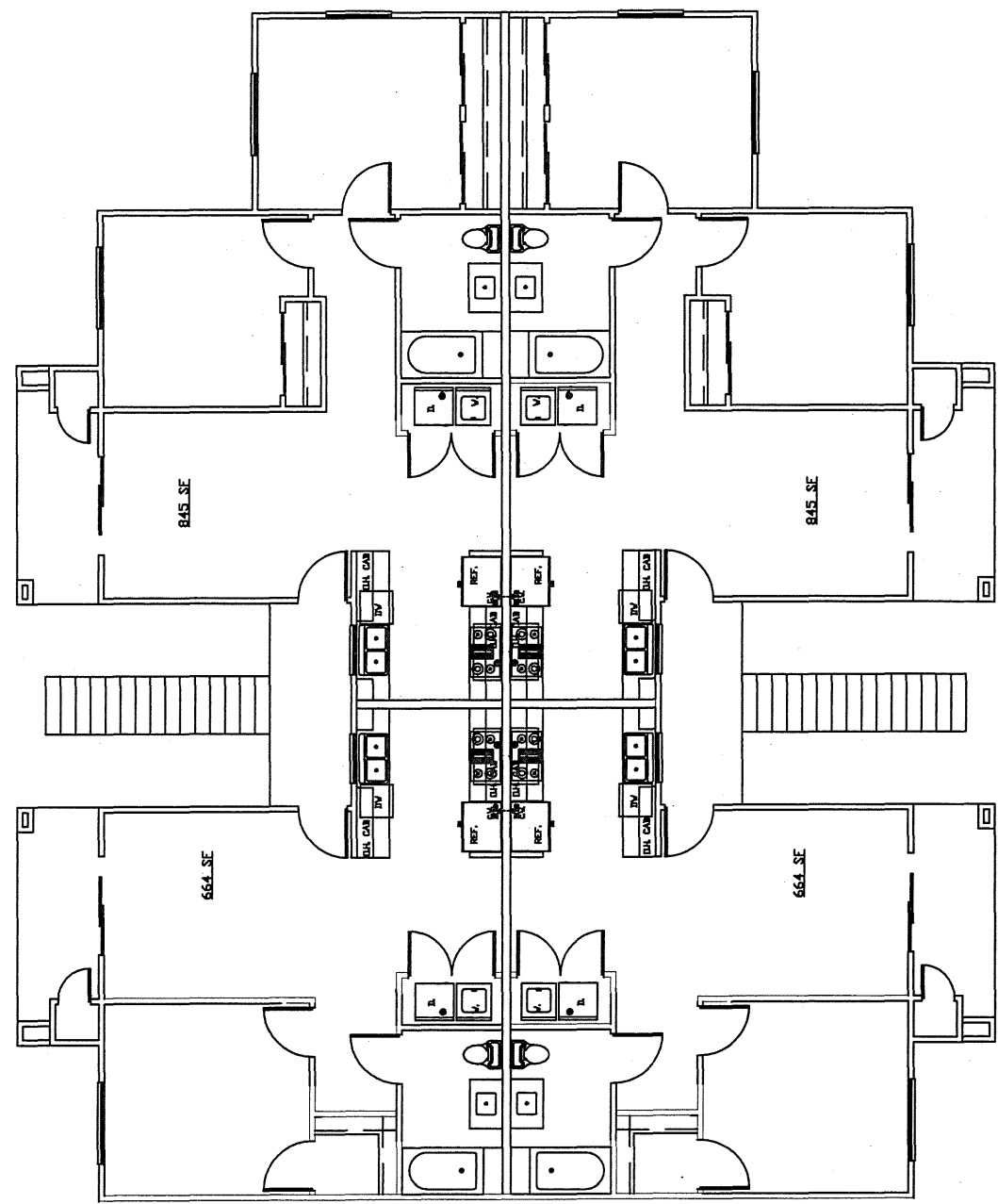
Jenni Byers, Community Development Director

Final Approver: John Lollis, City Manager

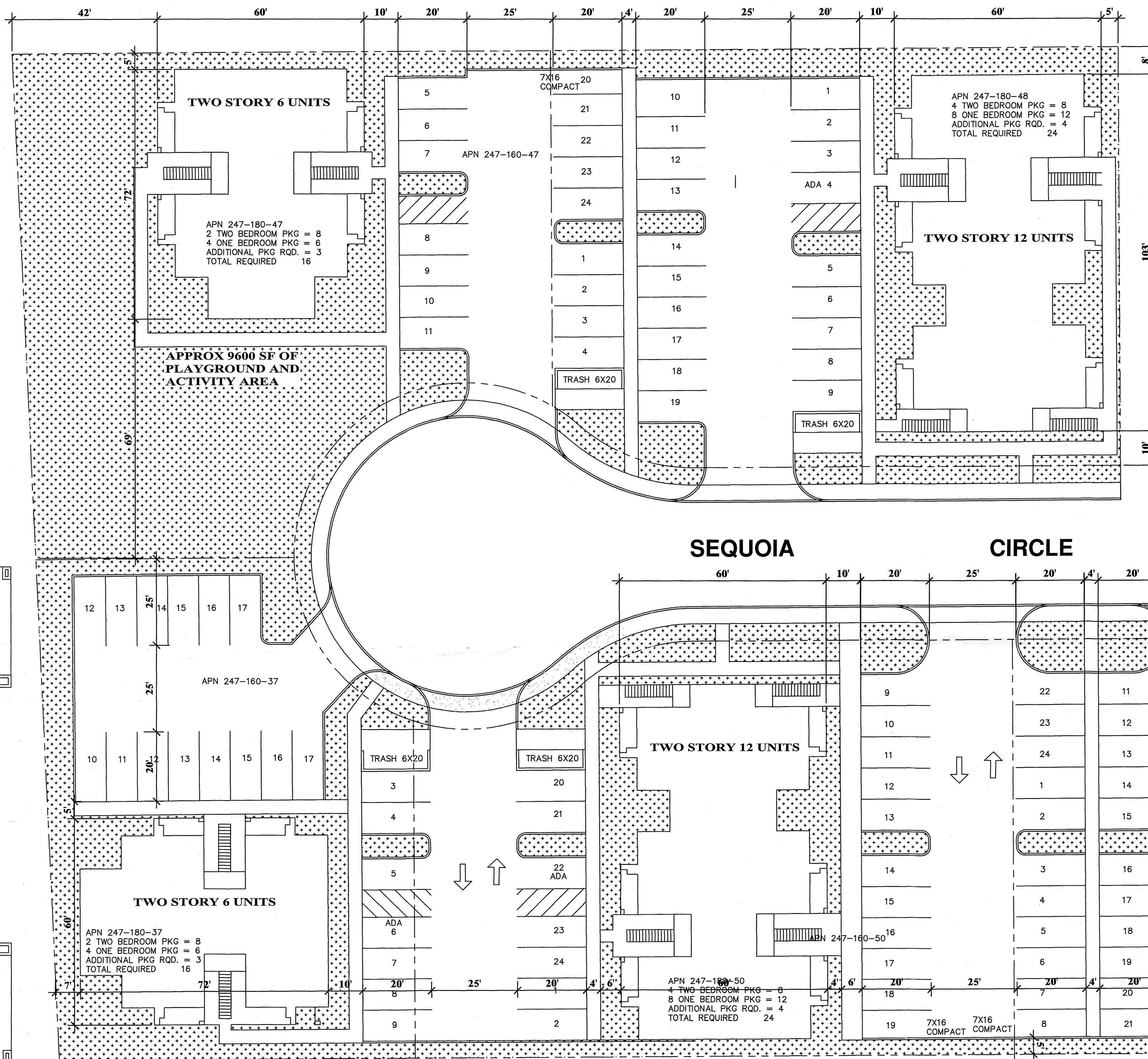


PRC 2017-046 - G - Z
Sequoia Circle Development Project
Project Locator Map
1" = 400ft





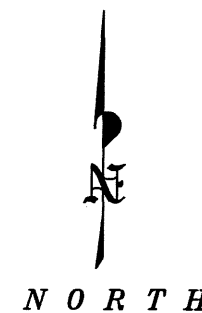
CONCEPTUAL FLOOR PLANS



CONCEPTUAL EXTERIOR

CONCEPTUAL SITE PLAN

APN: 247-160-49, 50, 30, 47, 48 IN THE CITY OF PORTERVILLE
COUNTY OF TULARE, STATE OF CALIFORNIA



SITE STATISTICS

PROPOSED ZONE	RM-3
PROPERTY SIZE	19,106 SF
APN 247-160-47	.44 AC./30=14
UNITS ALLOWED	19,691 SF
APN 247-160-48	.45 AC./30=14
UNITS ALLOWED	10,151 SF
APN 247-160-37	.24 AC./30=8
UNITS ALLOWED	19,807 SF
APN 247-160-49	.45 AC./30=14
UNITS ALLOWED	19,866 SF
APN 247-160-50	.46 AC./30=14

REVISIONS	BY

HILLMAN BUILDING DESIGNERS
SPECIALIZING IN CUSTOM DESIGNS
SINCE 1970
34583 Hwy. 190 Springville, CA 93265
Tel (559) 781-1538
Email hillmandesigns@ocsnet.net

PROPOSED DEVELOPMENT FOR:

WESTWOOD PLAZA LLC

"G" STREET & SEQUOIA CIRCLE

DATE ---
SCALE 1"=20'
DRAWN MH
JOB 17028
SHEET

PRE

PL07 07-30-18



RESOLUTION NO. ____-2018

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PORTERVILLE
CONTAINING FINDINGS IN SUPPORT OF APPROVAL OF A NEGATIVE
DECLARATION OF ENVIRONMENTAL IMPACT FOR THE GENERAL PLAN
AMENDMENT, AND ZONE CHANGE FOR THE PROPOSED SEQUOIA CIRCLE
DEVELOPMENT PROJECT

WHEREAS: The City Council of the City of Porterville at its regularly scheduled meeting of October 2, 2018, conducted a public meeting to consider approval of a Mitigated Negative Declaration which evaluates the environmental impacts of a General Plan Amendment from Medium Density Residential to High Density Residential, and a Zone Change from CG (General and Service Commercial) to RM-3 (High Density Residential), for the 2.13± acres located on Sequoia Circle, west of North G Street and north of Henderson Avenue (Assessor Parcel Numbers 247-160-037, 047, 048, 049 and 050); and

WHEREAS: General Plan Amendment (PRC 2017-046-G) proposes to change the land use designation on the General Plan Land Use Diagram for the subject parcels (APNs 240-050-033 and 034) from Medium Density Residential to High Density Residential; and

WHEREAS: Zone Change (PRC 2017-046-Z) proposes to change the present zoning classification of the subject parcels from CG (General and Service Commercial) to RM-3 (High Density Residential), contingent upon approval of the General Plan Amendment; and

WHEREAS: Approval of the aforementioned entitlements would further the goals and objectives of the General Plan by providing a compact neighborhood design that provides for efficient use of available land resources and maintains a compact form that is less intrusive, as well as assisting with a mix of housing types to serve the needs of all Porterville residents; and

WHEREAS: On September 6, 2018, the Environmental Coordinator made a preliminary determination that a Mitigated Negative Declaration would be appropriate for the General Plan Amendment, Zone Change, and subsequent development of the Sequoia Circle Residential Development in a manner consistent with City codes and plans; and

WHEREAS: The City Council considered the following findings in its review of the environmental circumstances for this project:

1. That a Mitigated Negative Declaration was prepared in accordance with the California Environmental Quality Act.
2. The General Plan Amendment, Zone Change, and development of the project will not create adverse environmental impacts on biological resources or adjacent neighborhoods when mitigation measures are implemented and standards of the Development Ordinance and General Plan are applied to the subsequent development project.
3. That the City Council is the decision making body for the project.

4. On September 6, 2018, the Environmental Coordinator made a preliminary determination that a Mitigated Negative Declaration would be appropriate for the proposed project in light of the studies prepared and with implementation of defined mitigation measures related to Biological Resources, Cultural Resources, Greenhouse Gas, and Noise. The Initial Study has been transmitted to interested agencies, groups and individuals for review and comment. The review period ran for twenty (20) days from September 8, 2018 through September 27, 2018. No comments were received.
5. That review of the environmental circumstances regarding this project indicates that no adverse impacts would occur to biological resources, cultural resources, greenhouse gas and noise when the mitigation measures are implemented and standards of the Development Ordinance and General Plan are applied. Mitigation measures to reduce impacts to less than significant were defined and have been incorporated in the Mitigation Monitoring Program which is attached as Chapter 4 to the Mitigated Negative Declaration (Exhibit A). In addition to these mitigation measures, any further mitigation measures recommended by a responsible or trustee agency shall be upheld at the expense of the applicant with the oversight of the City and said responsible or trustee agency.
6. That the environmental assessment and analysis prepared for this project supporting the Mitigation Negative Declaration reflects the independent judgement of the City of Porterville.
7. The developer/applicant shall comply with all mitigation measures adopted as a component of the approval of the Mitigated Negative Declaration for this project. The developer/applicant will be required to sign a document committing to comply with the adopted mitigation measures prior to any construction on the site.

NOW, THEREFORE, BE IT RESOLVED that the City Council of the City of Porterville does hereby approve the Mitigated Negative Declaration prepared for the General Plan Amendment, Zone Change, and the subsequent development of the Sequoia Circle Residential Development in a manner consistent with City codes and plans, and that the mitigation measures defined in Exhibit A shall be implemented by the developer/applicant or his/her partners and successors with project implementation.

PASSED, APPROVED AND ADOPTED this 2nd day of October, 2018.

By: _____
Milt Stowe, Mayor

ATTEST:
John D. Lollis, City Clerk

By: _____
Patrice Hildreth, Chief Deputy City Clerk

MITIGATED NEGATIVE DECLARATION

Sequoia Circle Development Project

August 2018

PREPARED FOR:



City of Porterville
291 N. Main Street
Porterville, CA 93257

PREPARED BY:



Crawford & Bowen Planning, Inc.
113 N. Church Street, Suite 302
Visalia, CA 93291

Initial Study/Mitigated Negative Declaration
Sequoia Circle Development Project

Prepared for:



City of Porterville
291 North Main Street
Porterville, California 93257
(559) 782-7460
Contact: Julie Phillips, AICP

Prepared by:



Crawford & Bowen Planning, Inc.
113 N. Church Street, Suite 302
Visalia, CA 93291
(559) 840-4414
Contact: Emily Bowen, LEED AP

August 2018



Project Reference No. 013-1802

TABLE OF CONTENTS

CHAPTER ONE - INTRODUCTION	1-1
1.1 Project Summary	1-1
1.2 Document Format	1-1
CHAPTER TWO – PROJECT DESCRIPTION	2-1
2.1 Location	2-1
2.2 Setting and Surrounding Land Use	2-1
2.3 Project Description	2-2
2.5 Other Required Approvals	2-6
CHAPTER THREE – INITIAL STUDY CHECKLIST	3-1
CHAPTER FOUR - MMRP	4-1
CHAPTER FIVE – PREPARERS	5-1
LIST OF FIGURES	
1 – Regional Map	2-4
2 – Location Map	2-5
3 – Site Plan	2-7
LIST OF TABLES	
1 – Standards and Attainment Status for Listed Pollutants in the Air District	3-16
2 – SJVAPCD Regulation VIII Control Measures	3-18
3 – Screening Levels for Potential Odor Sources	3-23
4 – Annual Water Use (Million Gallons)	3-65
5 – Existing Land Use, General Plan Designation and Zoning	3-72
6 – Existing Land Use: City of Porterville Planning Area (2005)	3-72
7 – Land Use Compatibility for Community Noise Environments	3-80
8 – Typical Construction Noise Levels	3-82
9 – Typical Construction Vibration Levels	3-83
APPENDICES	
A- Biological Database Results	

Chapter 1

INTRODUCTION

INTRODUCTION

1.1 Project Summary

This document is the Initial Study/Mitigated Negative Declaration on the potential environmental effects of the City of Porterville's (City) Sequoia Circle Development (Project). The Project Applicant intends to construct a housing development that includes 48-multi family residences over approximately two acres of land. The site is on the east side of N. G Street between W. Mulberry Ave. and W. Henderson Ave., and is located on APNs 247-160-037, 247-160-047, 247-160-048, and 247-160-050.

The proposed Project will require a General Plan Amendment and a Zone Change and is more fully described in Chapter Two – Project Description.

The City of Porterville will act as the Lead Agency for this project pursuant to the *California Environmental Quality Act (CEQA)* and the *CEQA Guidelines*.

1.2 Document Format

This IS/MND contains five chapters, and appendices. Section 1, Introduction, provides an overview of the project and the CEQA environmental documentation process. Chapter 2, Project Description, provides a detailed description of project objectives and components. Chapter 3, Initial Study Checklist, presents the CEQA checklist and environmental analysis for all impact areas, mandatory findings of significance, and feasible mitigation measures. If the proposed project does not have the potential to significantly impact a given issue area, the relevant section provides a brief discussion of the reasons why no impacts are expected. If the project could have a potentially significant impact on a resource, the issue area discussion provides a description of potential impacts, and appropriate mitigation measures and/or permit requirements that would reduce those impacts to a less than significant level. Chapter 4, Mitigation Monitoring and Reporting Program, provides the proposed mitigation measures, completion timeline, and person/agency responsible for implementation and Chapter 5, List of Preparers, provides a list of key personnel involved in the preparation of the IS/MND.

Environmental impacts are separated into the following categories:

Potentially Significant Impact. This category is applicable if there is substantial evidence that an effect may be significant, and no feasible mitigation measures can be identified to reduce impacts to a less than significant level. If there are one or more "Potentially Significant Impact" entries when the determination is made, an EIR is required.

Less Than Significant After Mitigation Incorporated. This category applies where the incorporation of mitigation measures would reduce an effect from a “Potentially Significant Impact” to a “Less Than Significant Impact.” The lead agency must describe the mitigation measure(s), and briefly explain how they would reduce the effect to a less than significant level (mitigation measures from earlier analyses may be cross-referenced).

Less Than Significant Impact. This category is identified when the project would result in impacts below the threshold of significance, and no mitigation measures are required.

No Impact. This category applies when a project would not create an impact in the specific environmental issue area. “No Impact” answers do not require a detailed explanation if they are adequately supported by the information sources cited by the lead agency, which show that the impact does not apply to the specific project (e.g., the project falls outside a fault rupture zone). A “No Impact” answer should be explained where it is based on project-specific factors as well as general standards (e.g., the project will not expose sensitive receptors to pollutants, based on a project-specific screening analysis.)

Regardless of the type of CEQA document that must be prepared, the basic purpose of the CEQA process as set forth in the CEQA Guidelines Section 15002(a) is to:

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

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

- (1) Revisions in the project plans or proposals made by or agreed to by the applicant before a proposed mitigated negative declaration and initial study are released for public review would avoid the effects or mitigate the effects to a point where clearly no significant effects would occur, and
- (2) There is no substantial evidence, in light of the whole record before the agency, that the project as revised may have a significant effect on the environment.

The Initial Study contained in Section Three of this document has determined that with mitigation measures and features incorporated into the project design and operation, the environmental impacts are less than significant and therefore a Mitigated Negative Declaration will be adopted.

Chapter 2

PROJECT DESCRIPTION

Project Description

2.1 Location

The proposed Project is in the City of Porterville (City), approximately 237 miles southeast of Sacramento and approximately 52 miles north of Bakersfield. The proposed Project is in the north eastern portion of the City and is located on APNs 247-160-037, 247-160-047, 247-160-048, and 247-160-050. The site is on the east side of N. G Street between W. Mulberry Ave. and W. Henderson Ave., and covers approximately 2.13 acres. The site is approximately three miles west of State Route (SR) 65. See Figures 1 and 2– Regional Map and Vicinity Map, respectively.

2.2 Setting and Surrounding Land Use

The proposed Project site is located in the north eastern part of the City and has previously been fallowed. A temporary stormwater basin, constructed at the time the street was built, is located in the southwest portion of the site. The proposed Project site is bounded by medium density single family residences and W. Mulberry Avenue on the north, Spivey’s Mini-Storage, undeveloped commercial property, and Stewart’s Title Company to the East, O’Reilly’s Auto Parts, a vacant commercial site, and W. Henderson Ave. to the South, and medium density single family residences to the West.

The site is currently zoned for General and Service Commercial (GC) development and has a Medium Density Residential (RM-2) General Plan designation. General Plan Designation, land use, and zoning surrounding the site are identified in the Table as follows:

Existing Land Use and Zoning

Location	Existing Land Use	Current Zoning Classification	General Plan Designation
North	Single Family Residences	Medium Density Residential (RM-2)	Medium Density Residential
South	Commercial Development	General and Service Commercial (CG)	General and Service Commercial

Location	Existing Land Use	Current Zoning Classification	General Plan Designation
West	Single Family Residences	Medium Density Residential (RM-2)	Medium Density Residential
East	Commercial Development	General and Service Commercial (CG)	Medium Density Residential

2.3 Project Description

The proposed Project consists of the development of a multi-family residential development (see Figure 4 – Site Plan). The Project would include the following components:

- Construct a 48-unit two-story apartment complex with one and two bedroom units.
- Construct 106 parking spaces that will be screened from public streets by plants three feet in height.
- Construct a 6-foot block wall along the east property line on the north side of Sequoia Circle and the southern property development line.
- Development of a Landscape plan, in accordance with Chapter 303 of the Porterville Development Ordinance and Chapter 26, Article I, Division 6 of the Porterville Municipal Code.

The site is currently zoned CG (General and Service Construction) with a General Plan land use (GPLU) designation of Medium Density Residential. As part of the proposed Project, the site would be rezoned as RM-3 (High Density Residential) with a corresponding GPLU of High Density residential.

The proposed Project will be constructed in one phase and is anticipated to begin October of 2018. Construction is anticipated to last approximately one year. Existing City services (water, sewer and storm water) are located along North G Street and the applicant will be required to tie into these existing facilities. The existing stormwater basin will be filled as soon as the stormwater connection is made.

The proposed Project would require gas, telephone, cable, and electrical improvements. Natural Gas would be provided by The Gas Company; telephone services would be provided by AT&T; electric power would be provided by Southern California Edison Company; and cable television

would be provided by Charter Communication. The extent of work required for utilities and gas would be determined during final project design.

Figure 1
Regional Map

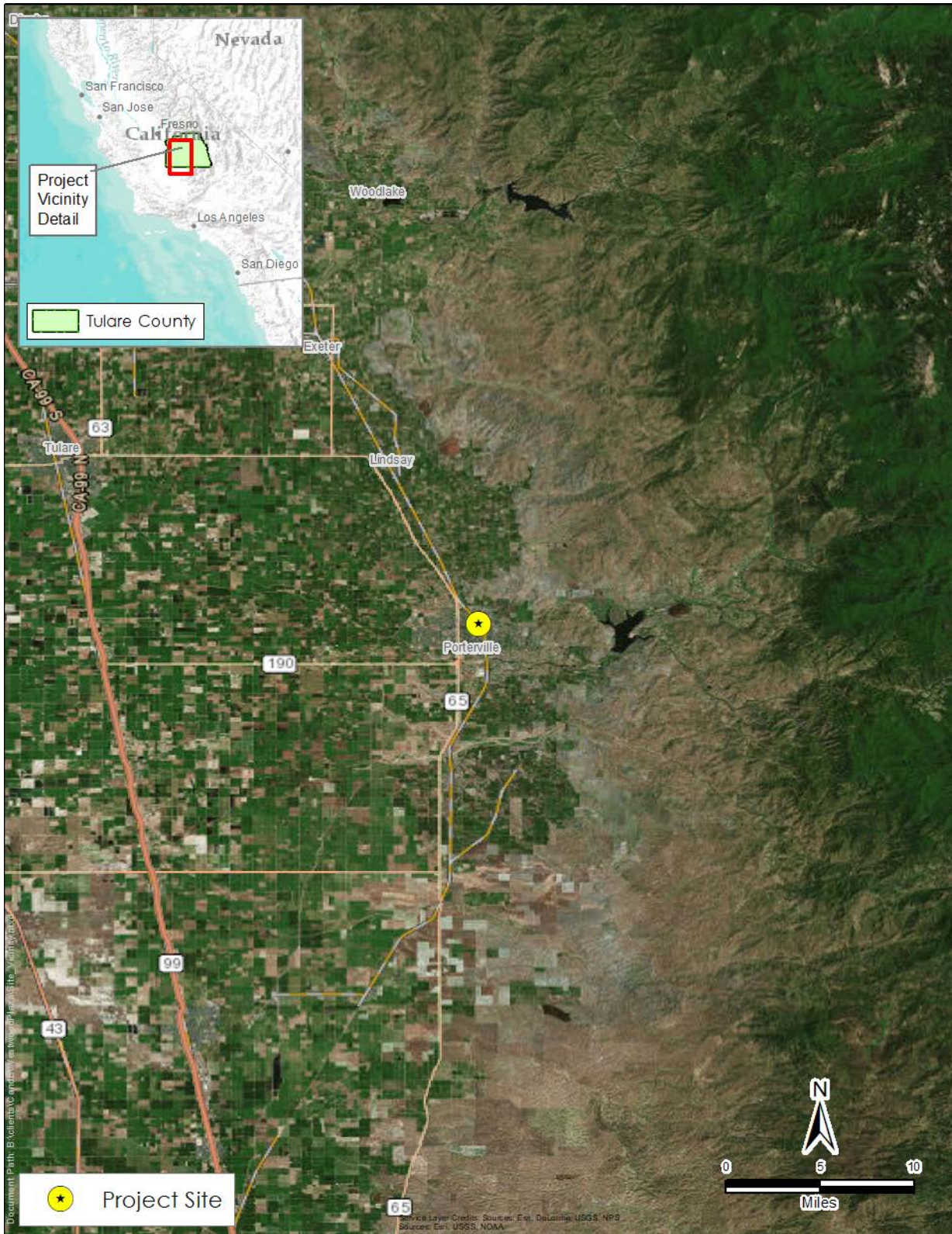
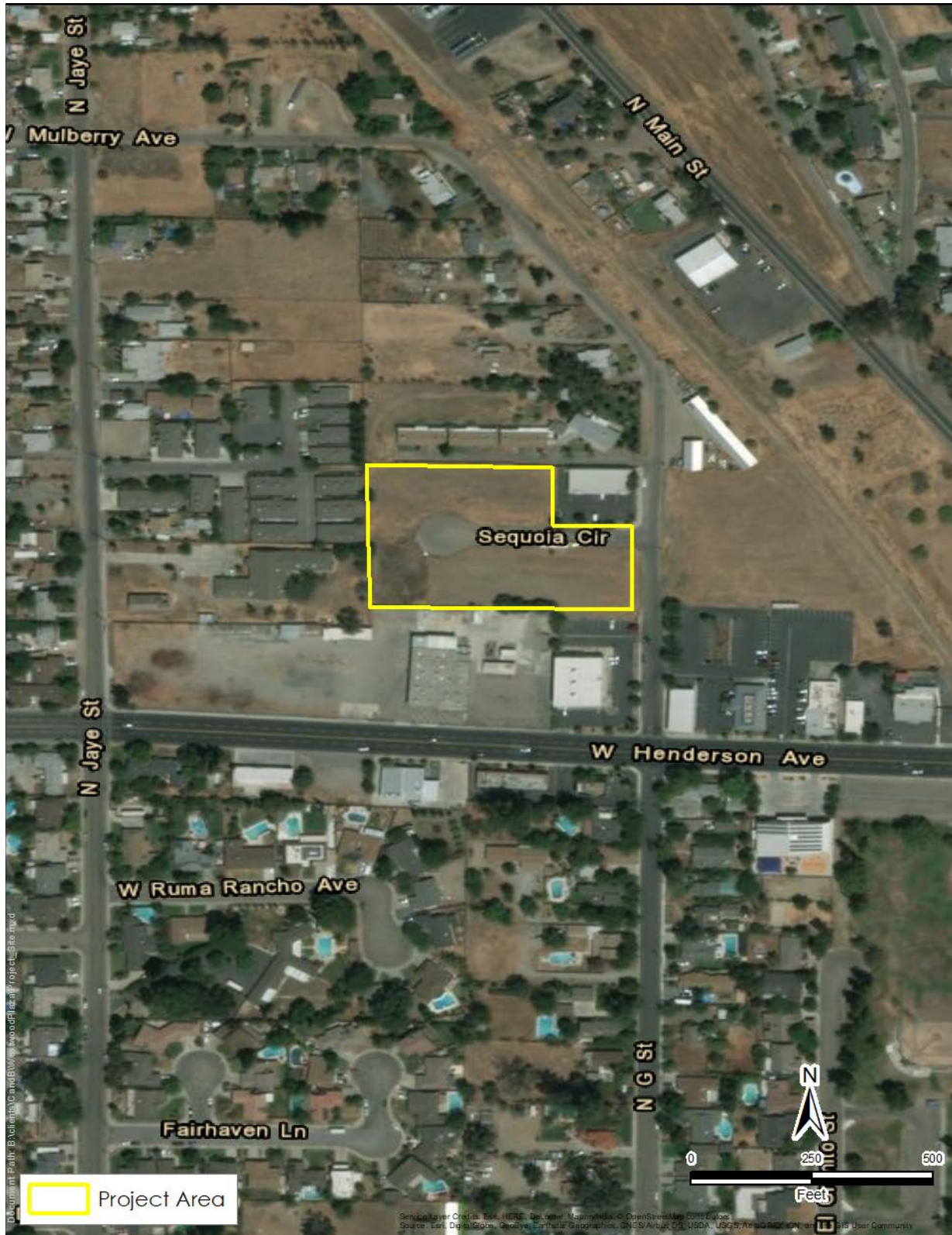


Figure 2
Location Map

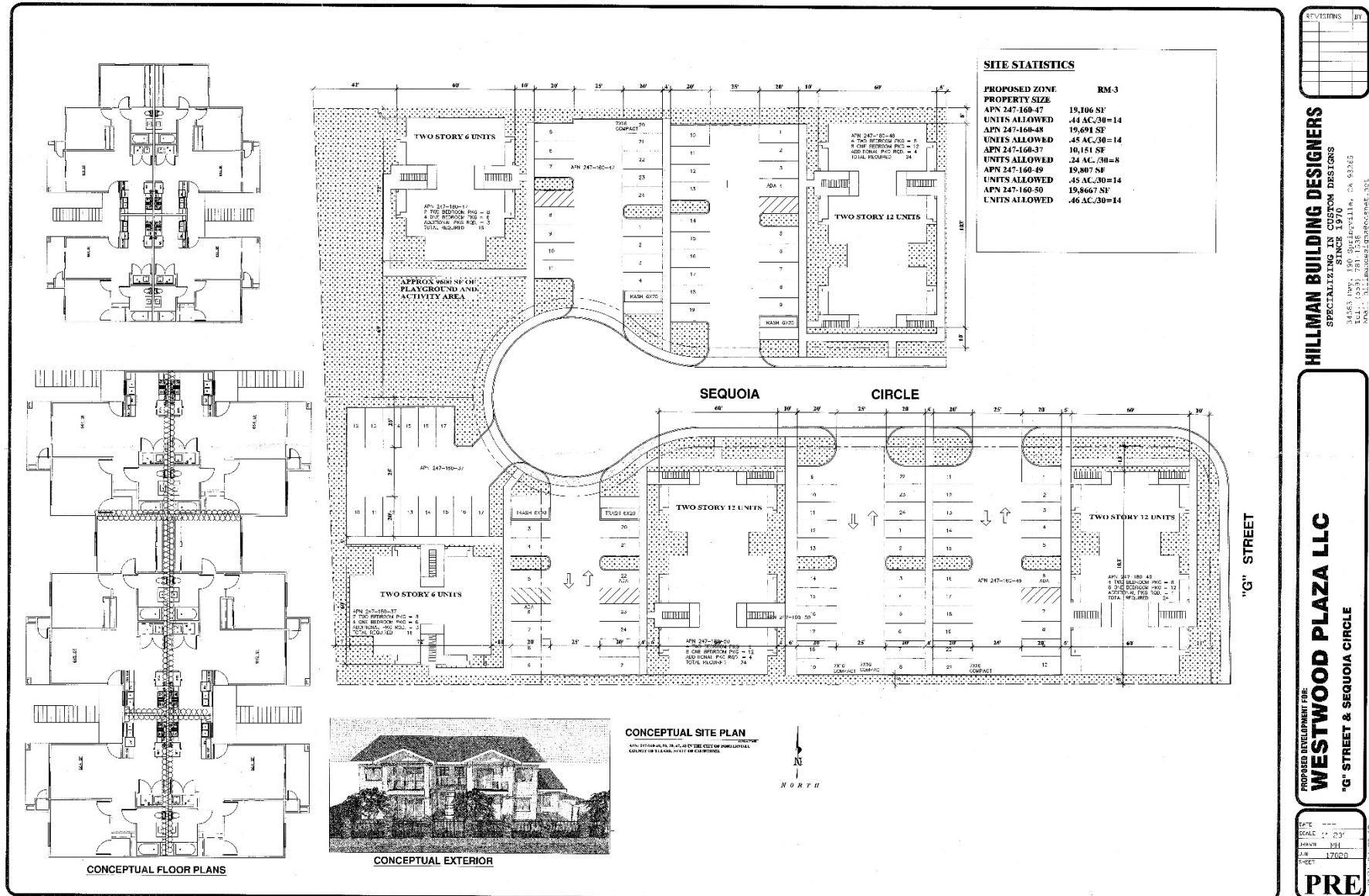


2.4 Other Required Approvals

The proposed Project would include, but not be limited to, the following regulatory requirements:

- The adoption of a Mitigated Negative Declaration by the City of Porterville
- Approval of a General Plan Amendment by the City of Porterville
- Approval of a Zone Change by the City of Porterville
- Approval of Building Permits by the City of Porterville
- Approval of a Stormwater Pollution Prevention Plan by the Central Valley Regional Water Quality Control Board
- Dust Control Plan Approval letter from the San Joaquin Valley Air Pollution Control District
- Compliance with Rule 9510 – Indirect Source Review, from the San Joaquin Valley Air Pollution Control District
- Compliance with other federal, state and local requirements.

Figure 3 Site Plan



Chapter 3

IMPACT ANALYSIS

Initial Study Checklist

3.1 Environmental Checklist Form

Project title:

City of Porterville Sequoia Circle Development Project

Lead agency name and address:

City of Porterville
291 North Main Street
Porterville, CA 93257

Contact person and phone number:

Julie Phillips, AICP, Community Dev. Manager
City of Porterville
(559) 782-7460

Project location:

The proposed Project is located east of North G. Street between W. Mulberry Ave. and W. Henderson Ave. at Sequoia Circle, on APNs 247-160-037, 247-160-047, 247-160-048, and 247-160-050. It is in the north eastern portion of the City and is situated three miles east of State Route (SR) 65.

Project sponsor's name/address:

Sunny Basra
Westwood Plaza, LLC
134 N. Main Street, Ste. B
Porterville, CA 93257

General plan designation:

Medium Density Residential

Zoning:

CG (General and Service Construction

Description of project:

See Section Two – Project Description.

Surrounding land uses/setting:

See Section Two – Project Description.

Other public agencies whose approval or consultation is required (e.g., permits, financing approval, participation agreements):

- State of California Native American Heritage Commission
- San Joaquin Valley Air Pollution Control District
- Central Valley Regional Water Quality Control Board

Have California Native American tribes traditionally and culturally affiliated with the project area requested consultation pursuant to Public Resources Code section 21080.3.1? If so, has consultation begun?

The City of Porterville has not received any project-specific requests from any Tribes in the geographic area with which it is traditionally and culturally affiliated with or otherwise to be notified about projects in the City of Porterville.

3.2 Environmental Factors Potentially Affected

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

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

3.3 Determination

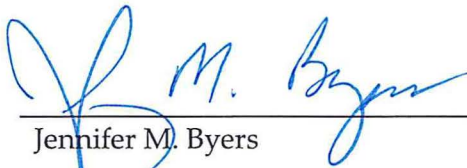
On the basis of this initial evaluation:

- ☐ 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. An ENVIRONMENTAL IMPACT REPORT 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 required.



Jennifer M. Byers

Community Development Director

City of Porterville



Date

I. AESTHETICS

Would the project:

	Potentially Significant Impact	Less than Significant with Mitigation Incorporation	Less than Significant Impact	No Impact
a. Have a substantial adverse effect on a scenic vista?	☐	☐	☒	☐
b. Substantially damage scenic resources, including, but not limited to, trees, rock outcroppings, and historic buildings within a state scenic highway?	☐	☐	☒	☐
c. Substantially degrade the existing visual character or quality of the site and its surroundings?	☐	☐	☒	☐
d. Create a new source of substantial light or glare which would adversely affect day or nighttime views in the area?	☐	☐	☒	☐

SETTING

Environmental Setting

The proposed Project site is located on the San Joaquin Valley floor in the north eastern portion of the City of Porterville, California. The proposed Project site is bounded by medium density single family residences and W. Mulberry Avenue on the north, Spivey's Mini-Storage, undeveloped commercial property, and Stewart's Title Company to the East, O'Reilly's Auto Parts, a vacant commercial site, and W. Henderson Ave. to the South, and medium density single family residences to the West. There are no scenic resources or scenic vistas in the area. State Routes (SR) in the proposed Project vicinity include 99, 65, 190, 137.

Regulatory Setting

Federal

Aesthetic resources are protected by several federal regulations, none of which are relevant to the proposed Project because it will not be located on lands administered by a federal agency, and the proposed Project applicant is not requesting federal funding or a federal permit.

State

Nighttime Sky – Title 24 Outdoor Lighting Standards

The Energy Commission adopted changes to Title 24, Parts 1 and 6, Building Energy Efficiency Standards (Standards), on April 23, 2008. These new Standards became effective on January 1, 2010. Requirements for outdoor lighting remained consistent with past Standards and the requirements vary according to which “Lighting Zone” the equipment is in. The Standards contain lighting power allowances for newly installed equipment and specific alterations that are dependent on which Lighting Zone the Project is located in. Existing outdoor lighting systems are not required to meet these lighting power allowances. However, alterations that increase the connected load, or replace more than 50% of the existing luminaires, for each outdoor lighting application that is regulated by the Standards, must meet the lighting power allowances for newly installed equipment.

An important part of the Standards is to base the lighting power that is allowed on how bright the surrounding conditions are. The eyes adapt to darker surrounding conditions, and less light is needed to properly see; when the surrounding conditions get brighter, more light is needed to see. The least power is allowed in Lighting Zone 1 and increasingly more power is allowed in Lighting Zones 2, 3, and 4.

The Energy Commission defines the boundaries of Lighting Zones based on U.S. Census Bureau boundaries for urban and rural areas as well as the legal boundaries of wilderness and park areas. By default, government designated parks, recreation areas and wildlife preserves are Lighting Zone 1; rural areas are Lighting Zone 2; and urban areas are Lighting Zone 3. Lighting Zone 4 is a special use district that may be adopted by a local government.

California Scenic Highway Program

The Scenic Highway Program allows county and city governments to apply to the California Department of Transportation (Caltrans) to establish a scenic corridor protection program which was created by the Legislature in 1963. Its purpose is to protect and enhance the natural scenic beauty of California highways and adjacent corridors, through special conservation treatment. The state laws governing the Scenic Highway Program are found in the Streets and Highways Code, Sections 260

through 263. While not Designated State Scenic Highways, two Eligible State Scenic Highways occur in Tulare County, SR 198 and SR 190.

Local

Porterville General Plan Policies

- LU-I-14: Allow residential developments to employ creative site design, landscaping, and architectural quality that blend with the characteristics of each location and its surroundings and offer superior design solutions.
- LU-I-18: Protect existing residential neighborhoods from the encroachment of incompatible activities and land uses, and environmental hazards.
- L-I-20: Establish standards for pedestrian-oriented design in neighborhood centers. Pedestrian orientation design standards may include, but would not be limited to:

Limitations on maximum block length

Minimum sidewalk width

Required streetscape improvements, including street trees

Building height and articulation

Building setbacks

Location of entries

Parking location and required landscaping

- LU-I-25: Establish buffering requirements and performance standards intended to minimize harmful effects of excessive noise, light, glare, and other adverse environmental impacts.

RESPONSES

a. Have a substantial adverse effect on a scenic vista?

Less than Significant Impact. The proposed Project includes the construction of 48 multi-family residences and the improvements associated with a new residential development, including lighting and site landscaping. The structures will be single to double story in height and will conform to design standards set forth by the City's General Plan and Zoning Ordinance. The proposed Project site is located in an area that is substantially surrounded by urban uses and will not result in a use that is visually incompatible with the surrounding area.

The City of Porterville General Plan does not identify any scenic vistas within the proposed Project area. A scenic vista is generally considered a view of an area that has remarkable scenery or a resource that is indigenous to the area. The Project is located in an area of minimal topographic relief, and views of the site are easily obscured by buildings, other structures and trees. Neither the Project area nor any surrounding land use contains features typically associated with scenic vistas (e.g., ridgelines, peaks, overlooks).

Construction activities will be visible from the adjacent roadsides; however, the construction activities will be temporary in nature and will not affect a scenic vista. The impact will be *less than significant*.

Mitigation Measures: None are required.

b. Substantially damage scenic resources, including, but not limited to, trees, rock outcroppings, and historic buildings within a state scenic highway?

Less than Significant Impact. There are no state designated scenic highways within the immediate proximity to the Project site. California Department of Transportation Scenic Highway Mapping System identifies SR 190 east of SR 65 as an Eligible State Scenic Highway. The Project site is located approximately 3 miles north of SR 190 and is physically and visually separated from the highway by intervening land uses. In addition, no scenic highways or roadways are listed within the Project area in the City of Porterville's General Plan or Tulare County's General Plan. Based on the National Register of Historic Places (NRHP) and the City's General Plan, no historic buildings exist on the Project site. The Zalud House is located one mile south of the Project site and is the closest historic building to the site (NRHP). The construction associated with this Project would not have any impacts on the Zalud House. The Project site is currently fallow, but trees, shrubs, and hedges will be planted in accordance to the standards set forth by the General Landscaping Standards outlined in Chapter 25 of the City of Porterville's General Plan. The proposed Project would not cause damage to rock outcroppings or historic buildings within a State scenic highway corridor. There is *no impact*.

Mitigation Measures: None are required.

c. Substantially degrade the existing visual character or quality of the site and its surroundings?

Less than Significant Impact. Site construction will include residences, internal access roads and parking, lighting and site landscaping. The residences consist of 48 multi-family one and two-story dwelling units and will conform to design standards set forth by the City's General Plan and the Porterville Development Ordinance (PDO) with specific regards, but not limited to, Sections: 201.04 (b), 300.07, 300.10(c), 3003.03 (c), and 303.05(a). The Project has a pedestrian-oriented design in which residence entrances relate directly to the adjacent street, have pedestrian scaled entries, a parking

frontage that will not exceed 30 percent of the total lot, and exhibits an overall welcoming residential character. The proposed Project site is located in an area that is substantially surrounded by urban uses and will not result in a use that is visually incompatible with the surrounding area. Any impacts will be *less than significant*.

Mitigation Measures: None are required.

d. Create a new source of substantial light or glare which would adversely affect day or nighttime views in the area?

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

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

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

Currently the sources of light in the Project area are from street lights, the vehicles traveling along Henderson Avenue, and security lighting at the neighboring meeting facility and retirement home. The Project would street lighting. Such lighting would be subject to the requirements of the Porterville Development Ordinance 300.07, which ensures that outdoor lighting does not produce obtrusive glare

onto the public right-of-way or adjoining properties. Accordingly, the Project would not create substantial new sources of light or glare. Potential impacts are *less than significant*.

Mitigation Measures: None are required.

II. AGRICULTURE AND FOREST RESOURCES

Would the project:

	Potentially Significant Impact	Less than Significant with Mitigation Incorporation	Less than Significant Impact	No Impact
a. Convert Prime Farmland, Unique Farmland, or Farmland of Statewide Importance (Farmland), as shown on the maps prepared pursuant to the Farmland Mapping and Monitoring Program of the California Resources Agency, to non-agricultural use?	☐	☐	☐	☒
b. Conflict with existing zoning for agricultural use, or a Williamson Act contract?	☐	☐	☐	☒
c. Conflict with existing zoning for, or cause rezoning of, forest land (as defined in Public Resources Code section 12220(g)), timberland (as defined by Public Resources Code section 4526), or timberland zoned Timberland Production (as defined by Government Code section 51104(g))?	☐	☐	☐	☒
d. Result in the loss of forest land or conversion of forest land to non-forest use?	☐	☐	☐	☒
e. Involve other changes in the existing environment which, due to their location or nature, could result in conversion of Farmland, to non-agricultural use or conversion of forest land to non-forest use?	☐	☐	☐	☒

SETTING

Environmental Setting

The proposed Project site is located in an area of the City considered urban, built up land by the State Farmland Mapping and Monitoring Program, and considered Developed Land in 2030 by the City of Porterville.¹ No *Prime Farmland, Unique Farmland, or Farmland of Statewide Importance* or land under the Williamson Act contracts occurs in the Project area.

Regulatory Setting

Federal

Federal regulations for agriculture and forest resources are not relevant to the proposed Project because it is not a federal undertaking (the Project site is not located on lands administered by a federal agency, and the Project applicant is not requesting federal funding or a federal permit).

State

State regulations for agriculture and forest resources are not relevant to the proposed Project because no agricultural resources exist on the site.

Local

Porterville General Plan Policies

Porterville General Plan Policies for agriculture and forest resources are not relevant to the proposed Project because no agricultural resources exist on the site and no agricultural or forest resources will be impacted by the Project.

RESPONSES

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?

No Impact. The Project site is located in an area of the City considered urban, built up land by the State Farmland Mapping and Monitoring Program. No *Prime Farmland, Unique Farmland, or Farmland of Statewide Importance* or land under the Williamson Act contracts occurs in the Project area. Therefore, no

¹ City of Porterville General Plan. Figure 6-2.

land conversion from Farmland would occur for the Project. Surrounding land uses include residential, commercial, and agricultural uses, as the proposed Project is on the north eastern portion of the City. The proposed site is planned for development and as such, the proposed Project does not have the potential to result in the conversion of Farmland to non-agricultural uses or forestland uses to non-forestland. There is *no impact*.

Mitigation Measures: None are required.

b. Conflict with existing zoning for agricultural use, or a Williamson Act contract?

No Impact. The Project site is not zoned for agriculture nor is the site covered by a Williamson Act contract; no impacts would occur. The Project is not zoned for forestland and does not propose any zone changes related to forest or timberland. There is *no impact*.

Mitigation Measures: None are required.

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))?

No Impact. The Project is not zoned for forestland and does not propose any zone changes related to forest or timberland. There is *no impact*.

Mitigation Measures: None are required.

d. Result in the loss of forest land or conversion of forest land to non-forest use?

No Impact. No conversion of forestland, as defined under Public Resource Code or General Code, as referenced above, would occur as a result of the Project. There is *no impact*.

Mitigation Measures: None are required.

e. Involve other changes in the existing environment which, due to their location or nature, could result in conversion of Farmland, to non-agricultural use or conversion of forest land to non-forest use?

No Impact. No land conversion from Farmland would occur for the Project. Surrounding land uses include residential, commercial, and agricultural uses. The site is currently zoned for General and Service Commercial (GC) development and has a Medium Density Residential (RM-2) General Plan designation. As such, the proposed project does not have the potential to result in the conversion of Farmland to non-agricultural uses or forestland uses to non-forestland. There is *no impact*.

Mitigation Measures: None are required.

III. AIR QUALITY

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?	☐	☐	☒	☐
b. Violate any air quality standard or contribute substantially to an existing or projected air quality violation?	☐	☐	☒	☐
c. Result in a cumulatively considerable net increase of any criteria pollutant for which the project region is non-attainment under an applicable federal or state ambient air quality standard (including releasing emissions which exceed quantitative thresholds for ozone precursors)?	☐	☐	☒	☐
d. Expose sensitive receptors to substantial pollutant concentrations?	☐	☐	☒	☐
e. Create objectionable odors affecting a substantial number of people?	☐	☐	☒	☐

SETTING

Environmental Setting

The climate of the San Joaquin Valley is characterized by long, hot summers and stagnant, foggy, winters. Precipitation is low and temperature inversions are common. These characteristics are conducive to the formation and retention of air pollutants and are in part influenced by the surrounding mountains which intercept precipitation and act as a barrier to the passage of cold air and air pollutants.

The proposed Project lies within the San Joaquin Valley Air Basin, which is managed by the San Joaquin Valley Air Pollution Control District (SJVAPCD or Air District). National Ambient Air Quality Standards

(NAAQS) and California Ambient Air Quality Standards (CAAQS) have been established for the following criteria pollutants: carbon monoxide (CO), ozone (O₃), sulfur dioxide (SO₂), nitrogen dioxide (NO₂), particulate matter (PM₁₀ and PM_{2.5}), and lead (Pb). The CAAQS also set standards for sulfates, hydrogen sulfide, and visibility.

Air quality plans or attainment plans are used to bring the applicable air basin into attainment with all state and federal ambient air quality standards designed to protect the health and safety of residents within that air basin. Areas are classified under the Federal Clean Air Act as either “attainment”, “non-attainment”, or “extreme non-attainment” areas for each criteria pollutant based on whether the NAAQS have been achieved or not. Attainment relative to the State standards is determined by the California Air Resources Board (CARB). The San Joaquin Valley is designated as a State and Federal extreme non-attainment area for O₃, a State and Federal non-attainment area for PM_{2.5}, a State non-attainment area for PM₁₀, and Federal and State attainment area for CO, SO₂, NO₂, and Pb.²

Regulatory Setting

Federal

Clean Air Act

The federal Clean Air Act of 1970 (as amended in 1990) required the U.S. Environmental Protection Agency (EPA) to develop standards for pollutants considered harmful to public health or the environment. Two types of National Ambient Air Quality Standards (NAAQS) were established. Primary standards protect public health, while secondary standards protect public welfare, by including protection against decreased visibility, and damage to animals, crops, landscaping and vegetation, or buildings. NAAQS have been established for six “criteria” pollutants: carbon monoxide (CO), nitrogen dioxide (NO₂), sulfur dioxide (SO₂), ozone (O₃), particulate matter (PM₁₀ and PM_{2.5}), and lead (Pb).

State

California Air Resources Board

The California Air Resources Board (CARB) is the state agency responsible for implementing the federal and state Clean Air Acts. CARB has established California Ambient Air Quality Standards (CAAQS),

² San Joaquin Valley Air Pollution Control District. Ambient Air Quality Standards & Valley Attainment Status. <http://www.valleyair.org/aqinfo/attainment.htm>. Accessed May 2018.

which include all criteria pollutants established by the NAAQS, but with additional regulations for Visibility Reducing Particles, sulfates, hydrogen Sulfide (H₂S), and vinyl chloride.

The proposed Project is located within the San Joaquin Valley Air Basin, which includes San Joaquin, Stanislaus, Merced, Madera, Fresno, Kings, Tulare, and parts of Kern counties and is managed by the SJVAPCD.

Air basins are classified as attainment, nonattainment, or unclassified. Attainment is achieved when monitored ambient air quality data is in compliance with the standards for a specified pollutant. Non-compliance with an established standard will result in a nonattainment designation and an unclassified designation indicates insufficient data is available to determine compliance for that pollutant.

Standards and attainment status for listed pollutants in the Air District can be found in Table 1. Note that both state and federal standards are presented.

Table 1
Standards and Attainment Status for Listed Pollutants in the Air District³

	Federal Standard	California Standard
Ozone	0.075 ppm (8-hr avg)	0.07 ppm (8-hr avg) 0.09 ppm (1-hr avg)
Carbon Monoxide	9.0 ppm (8-hr avg) 35.0 ppm (1-hr avg)	9.0 ppm (8-hr avg) 20.0 ppm (1-hr avg)
Nitrogen Dioxide	0.053 ppm (annual avg)	0.30 ppm (annual avg) 0.18 ppm (1-hr avg)
Sulfur Dioxide	0.03 ppm (annual avg) 0.14 ppm (24-hr avg) 0.5 ppm (3-hr avg)	0.04 ppm (24-hr avg) 0.25 ppm (1hr avg)
Lead	1.5 µg/m ³ (calendar quarter) 0.15 µg/m ³ (rolling 3-month avg)	1.5 µg/m ³ (30-day avg)
Particulate Matter (PM ₁₀)	150 µg/m ³ (24-hr avg)	20 µg/m ³ (annual avg) 50 µg/m ³ (24-hr avg)
Particulate Matter (PM _{2.5})	15 µg/m ³ (annual avg)	35 µg/m ³ (24-hr avg) 12 µg/m ³ (annual avg)

µg/m³ = micrograms per cubic meter

³ San Joaquin Valley Air Pollution Control District. Ambient Air Quality Standards & Valley Attainment Status. <http://www.valleyair.org/aqinfo/attainment.htm>. Accessed May 2018.

Additional State regulations include:

CARB Portable Equipment Registration Program – This program was designed to allow owners and operators of portable engines and other common construction or farming equipment to register their equipment under a statewide program, so they may operate it statewide without the need to obtain a permit from the local air district.

U.S. EPA/CARB Off-Road Mobile Sources Emission Reduction Program – The California Clean Air Act (CCAA) requires CARB to achieve a maximum degree of emissions reductions from off-road mobile sources to attain State Ambient Air Quality Standards (SAAQS); off-road mobile sources include most construction equipment. Tier 1 standards for large compression-ignition engines used in off-road mobile sources went into effect in California in 1996. These standards, along with ongoing rulemaking, address emissions of nitrogen oxides (NOX) and toxic particulate matter from diesel engines. CARB is currently developing a control measure to reduce diesel PM and NOX emissions from existing off-road diesel equipment throughout the state.

California Global Warming Solutions Act – Established in 2006, Assembly Bill 32 (AB 32) requires that California's GHG emissions be reduced to 1990 levels by the year 2020. This will be implemented through a statewide cap on GHG emissions, which will be phased in beginning in 2012. AB 32 requires CARB to develop regulations and a mandatory reporting system to monitor global warming emissions levels.

In addition, the proposed Project is being evaluated pursuant to CEQA.

Local

San Joaquin Valley Air Pollution Control District

The San Joaquin Valley Air Pollution Control District (SJVAPCD) is the local agency charged with preparing, adopting, and implementing mobile, stationary, and area air emission control measures and standards. The SJVAPCD has several rules and regulations that may apply to the Project:

Rule 3135 (Dust Control Plan Fees) – This rule requires the project applicant to submit a fee in addition to a Dust Control Plan. The purpose of this rule is to recover the SJVAPCD's cost for reviewing these plans and conducting compliance inspections.

Rules 4101 (Visible Emissions) and 4102 (Nuisance) – These rules apply to any source of air contaminants and prohibits the visible emissions of air contaminants or any activity which creates a public nuisance.

Rule 4641 (Cutback, Slow Cure, and Emulsified Asphalt, Paving and Maintenance Operations) – This rule applies to use of asphalt for paving new roadways or restoring existing roadways disturbed by project activities.

Regulation VIII (Fugitive PM₁₀ Prohibitions) – This regulation, a series of eight regulations, is designed to reduce PM₁₀ emissions by reducing fugitive dust. Regulation VIII requires implementation of control measures to ensure that visible dust emissions are substantially reduced. The control measures are summarized in Table 2.

Table 2
San Joaquin Valley Air Pollution Control District
Regulation VIII Control Measures for Construction Related Emissions of PM₁₀⁴

The following are required to be implemented at all construction sites:
All disturbed areas, including storage piles, which are not actively utilized for construction purposes, shall be effectively stabilized of dust emissions using water, chemical stabilizers/suppressants, covered with a tarp or other similar cover, or vegetative
All on-site unpaved roads and off-site unpaved access roads shall be effectively stabilized of dust emissions during construction using water or chemical stabilizer
All land clearing, grubbing, scraping, excavation, land leveling, grading cut and fill, and demolition activities during construction shall be effectively controlled of fugitive dust emissions utilizing application of water or pre-soaking.
When materials are transported off-site, all material shall be covered, or effectively wetted to limit visible dust emissions, and at least six inches of freeboard space from top of container shall be maintained.
All operations shall limit, or expeditiously remove the accumulation of mud or dirt from adjacent public streets at the end of each workday. The use of dry rotary brushes is expressly prohibited except where preceded or accompanied by sufficient wetting to limit the visible dust emissions. Use of
Following the addition of materials to, or the removal of materials from, the surface of outdoor storage piles, said piles shall be effectively stabilized of fugitive dust emissions utilizing sufficient water or chemical stabilizer/suppressant.
Within urban areas, track out shall be immediately removed when it extends 50 or more feet from the site at the end of each workday.
Any site with 150 or more vehicle trips per day shall prevent carryout and track out.

Porterville General Plan Policies

- OSC-G-9: Improve and protect Porterville’s air quality by making air quality a priority in land use and transportation planning and in development review.

⁴ San Joaquin Valley Air Pollution Control District. Current District Rules and Regulations. <http://www.valleyair.org/rules/1ruleslist.htm#reg8>. Accessed May 2018.

- OSC-I-59: Require preparation of a Health Risk Assessment for any development subject to the Air Toxics “Hot Spots” Act.
- OSC-I-61: Coordinate air quality planning efforts with other local, regional and State agencies.
- OSC-I-63: Notify local and regional jurisdictions of proposed projects that may affect regional air quality.
- OSC-G-10: Reduce and conserve energy use in existing and new commercial, industrial, and public structures.

RESPONSES

a. Conflict with or obstruct implementation of the applicable air quality plan?

Less than Significant Impact. The San Joaquin Valley Air Basin (SJVAB) is designated nonattainment of state and federal health-based air quality standards for ozone and PM_{2.5}. The SJVAB is designated nonattainment of state PM₁₀. To meet Federal Clean Air Act (CAA) requirements, the SJVAPCD has multiple air quality attainment plan (AQAP) documents, including:

- Extreme Ozone Attainment Demonstration Plan (EOADP) for attainment of the 1-hour ozone standard (2004);
- 2007 Ozone Plan for attainment of the 8-hour ozone standard;
- 2007 PM₁₀ Maintenance Plan and Request for Re-designation; and
- 2008 PM_{2.5} Plan.

Because of the region’s non-attainment status for ozone, PM_{2.5}, and PM₁₀, if the project-generated emissions of either of the ozone precursor pollutants (ROG or NO_x), PM₁₀, or PM_{2.5} were to exceed the SJVAPCD’s significance thresholds, then the project uses would be considered to conflict with the attainment plans. In addition, if the project uses were to result in a change in land use and corresponding increases in vehicle miles traveled, they may result in an increase in vehicle miles traveled that is unaccounted for in regional emissions inventories contained in regional air quality control plans.

As discussed in Impact c), below, predicted construction and operational emissions would not exceed the SJVAPCD’s significance thresholds for ROG, NO_x, PM₁₀, and PM_{2.5}. As a result, the Project uses would not conflict with emissions inventories contained in regional air quality attainment plans and would not result in a significant contribution to the region’s air quality non-attainment status. Additionally, the Project would comply with all applicable rules and regulations. Therefore, this impact is *less than significant*.

Mitigation Measures: None are required.

b. Violate any air quality standard or contribute substantially to an existing or projected air quality violation?

Less than Significant Impact. Because ozone is a regional pollutant⁵, the pollutants of concern for localized impacts are CO and fugitive PM₁₀ dust from construction. Ozone and PM₁₀ exhaust impacts are addressed under Impact c), below. The proposed Project would not result in localized CO hotspots or PM₁₀ impacts, as discussed below. Therefore, the proposed Project would not violate an air quality standard or contribute to a violation of an air quality standard in the Project area.

Localized PM₁₀

Localized PM₁₀ would be generated by proposed Project construction activities, which would include earth-disturbing activities. The SJVAPCD indicates that all control measures in Regulation VIII are required for all construction sites by regulation. The SJVAPCD's Guide for Assessing and Mitigating Air Quality Impacts (GAMAQI) lists additional measures that may be required of very large projects or projects close to sensitive receptors.⁶ If all appropriate "enhanced control measures" in the GAMAQI are not implemented for very large projects or those close to sensitive receptors, then construction impacts would be considered significant (unless the Lead Agency provides a satisfactory detailed explanation as to why a specific measure is unnecessary). The GAMAQI also lists additional control measures (Optional Measures) that may be implemented if further emission reductions are deemed necessary by the Lead Agency. The SJVAPCD's Regulation VIII (Fugitive PM₁₀ Prohibitions) has been updated and expanded since the GAMAQI guidance was written in 2002. Regulation VIII now includes the "enhanced control measures" contained in the GAMAQI.

The proposed Project would comply with the SJVAPCD's Regulation VIII dust control requirements during any proposed construction (including Rules 8011, 8031, 8041, and 8071). Compliance with this regulation would reduce the potential for significant localized PM₁₀ impacts to *less than significant* levels.

⁵ San Joaquin Valley Air Pollution Control District. Air Quality Plans. Ozone Plans, 8-hour ozone standard. https://www.valleyair.org/Air_Quality_Plans/Ozone_Plans.htm. Accessed May 2018.

⁶ San Joaquin Valley Air Pollution Control District. Guidance for Assessing and Mitigating Air Quality Impacts. March 19, 2015. http://www.valleyair.org/transportation/GAMAQI_3-19-15.pdf. Accessed May 2018.

CO Hotspot

Localized high levels of CO are associated with traffic congestion and idling or slow-moving vehicles. The SJVAPCD provides screening criteria to determine when to quantify local CO concentrations based on impacts to the level of service (LOS) of roadways in the Project vicinity.

As further discussed in the Transportation/Traffic checklist evaluation, the Project would not generate, or substantially contribute to, additional traffic that would reduce the level of service on local roadways. Therefore, the Project would not significantly contribute to an exceedance that would exceed state or federal CO standards. Impacts are considered *less than significant*.

Mitigation Measures: None are required.

- c. Result in a cumulatively considerable net increase of any criteria pollutant for which the project region is non-attainment under an applicable federal or state ambient air quality standard (including releasing emissions which exceed quantitative thresholds for ozone precursors)?

Less than Significant Impact. The nonattainment pollutants for the SJVAPCD are ozone, PM₁₀ and PM_{2.5}. Therefore, the pollutants of concern for this impact are ozone precursors, regional PM₁₀, and PM_{2.5}. Ozone is a regional pollutant formed by chemical reaction in the atmosphere, and the Project's incremental increase in ozone precursor generation is used to determine the potential air quality impacts, as set forth in the GAMAQI.

Construction of the proposed project involves the development of a 48-unit one and two-story apartment complex with the accompanying appurtenances- curb and gutter, sidewalks, parking, and the extension of underground public infrastructure. Project construction would result in short-term air pollutant emissions from use of construction equipment, earth-moving activities (grading), construction workers' commutes, materials deliveries and short-distance earth and debris hauling.

To aid in evaluating potentially significant construction and/or operational impacts of a project, SJVAPCD has prepared an advisory document, the Guide for Assessing and Mitigating Air Quality Impacts (GAMAQI), which contains standard procedures for addressing air quality in CEQA documents.⁷

GAMAQI presents a three-tiered approach to air quality analysis. The Small Project Analysis Level (SPAL) is first used to screen the project for potentially significant impacts. A project that meets the

⁷ SJVAPCD. Guidance for Assessing and Mitigating Air Quality Impacts. Adopted March 19, 2015.
http://www.valleyair.org/transportation/GAMAQI_3-19-15.pdf. Accessed May 2018.

screening criteria at this level requires no further analysis and air quality impacts of the project may be deemed less than significant. If a project does not meet all the criteria at this screening level, additional screening is recommended at the Cursory Analysis Level and, if warranted, the Full Analysis Level.

GAMAQI 5-3(a), which SJVAPCD recommends using as part of the initial screening process, shows the low-rise apartment project size of 220 units or less to be considered a SPAL project.⁸ As this project includes the development of 48 low rise apartment units, square feet of general light industry, the project meets the SPAL criterion for project type and is excluded from quantifying criteria pollutant emissions for CEQA purposes.

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

The SJVAPCD accounts for cumulative impacts to air quality in its GAMAQI. The SJVAPCD considered basin-wide cumulative impacts to air quality when developing its significance thresholds. Since the project does not produce significant vehicle trips, the cumulative impacts to air quality from construction/operation of the proposed project are considered to be less than significant.

Any impacts would be considered *less than significant*.

Mitigation Measures: None are required.

d. Expose sensitive receptors to substantial pollutant concentrations?

Less than Significant Impact. As described in Impact III (b), above, the proposed Project would not significantly increase long-term emissions within the Project area. Construction may expose surrounding sensitive receptors to airborne particulates, as well as a small quantity of construction equipment pollutants (i.e., usually diesel-fueled vehicles and equipment). However, construction contractors would be required to implement measures to reduce or eliminate emissions by following the Regulation VIII, Fugitive PM10 Prohibitions. Both Project construction and operational emissions would be well below the SJVAPCD's significance thresholds. Therefore, sensitive receptors are not expected to be exposed to substantial pollutant concentrations during project construction or operation, and potential impacts would be considered *less than significant*.

⁸ San Joaquin Valley Air Pollution Control District. Small Project Analysis Level (SPAL). <https://www.valleyair.org/transportation/CEQA%20Rules/SPALTables61912.pdf>. Accessed May 2018.

Mitigation Measures: None are required.

e. Create objectionable odors affecting a substantial number of people?

Less than Significant Impact. If the proposed Project were to result in a sensitive odor receptor being located in the vicinity of an undesirable odor generator, the impact would be considered significant. The SJVAPCD regulates odor sources through its nuisance rule, Rule 4102, but has no quantitative standards for odors. The SJVAPCD presents a list of project screening trigger levels for potential odor sources in its GAMAQI, which is displayed in Table 4. If the project were to result in sensitive receptors being located closer to an odor generator in the list in Table 4 than the recommended distances, a more detailed analysis including a review of SJVAPCD odor complaint records is recommended.

Table 3
Screening Levels for Potential Odor Sources⁹

Odor Generator	Distance (Miles)
Wastewater Treatment Facilities	2
Sanitary Landfill	1
Transfer Station	1
Composting Facility	1
Petroleum Refinery	2
Asphalt Batch Plant	1
Chemical Manufacturing	1
Fiberglass Manufacturing	1
Painting/Coating Operations (e.g., auto body shop)	1
Food Processing Facility	1
Feed Lot/Dairy	1
Rendering Plant	1

Significant odor problems are defined as:

- More than one confirmed complaint per year averaged over a three-year period; or
- Three unconfirmed complaints per year averaged over a three-year period.

The proposed Project would allow for the residential development within the Project area. These land uses are not considered sources of objectionable odors. Therefore, objectionable odors are not expected

⁹ San Joaquin Valley Air Pollution Control District. Current District Rules and Regulations. <http://www.valleyair.org/rules/1ruleslist.htm#reg8>. Accessed May 2018.

to be a significant concern during either proposed Project construction related or operational emissions. As such, any impacts would be considered *less than significant*.

Mitigation Measures: None are 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 and Game or U.S. Fish and Wildlife Service?	☐	☒	☐	☐
b. Have a substantial adverse effect on any riparian habitat or other sensitive natural community identified in local or regional plans, policies, regulations, or by the California Department of Fish and Game or U.S. Fish and Wildlife Service?	☐	☐	☐	☒
c. Have a substantial adverse effect on federally protected wetlands as defined by Section 404 of the Clean Water Act (including, but not limited to, marsh, vernal pool, coastal, etc.) through direct removal, filling, hydrological interruption, or other means?	☐	☐	☐	☒
d. Interfere substantially with the movement of any native resident or migratory fish or wildlife species or with established native resident or migratory wildlife corridors, or impede the use of native wildlife nursery sites?	☐	☐	☒	☐

- e. Conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance? ☐ ☐ ☒ ☐
- f. Conflict with the provisions of an adopted Habitat Conservation Plan, Natural Community Conservation Plan, or other approved local, regional, or state habitat conservation plan? ☐ ☐ ☒ ☐

SETTING

Environmental Setting

The proposed Project site is located in a portion of the central San Joaquin Valley that has, for decades, experienced intensive agricultural and urban disturbances. Current agricultural endeavors in the region include dairies, groves, and row crops.

Like most of California, the Central San Joaquin Valley experiences a Mediterranean climate. Warm dry summers are followed by cool moist winters. Summer temperatures usually exceed 90 degrees Fahrenheit, and the relative humidity is generally very low. Winter temperatures rarely raise much above 70 degrees Fahrenheit, with daytime highs often below 60 degrees Fahrenheit. Annual precipitation within the proposed Project site is about 10 inches, almost 85% of which falls between the months of October and March. Nearly all precipitation falls in the form of rain and storm-water readily infiltrates the soils of the surrounding the sites.

Native plant and animal species once abundant in the region have become locally extirpated or have experienced large reductions in their populations due to conversion of upland, riparian, and aquatic habitats to agricultural and urban uses. Remaining native habitats are particularly valuable to native wildlife species including special status species that still persist in the region.

The site currently consists of fallowed land and is routinely disked for weed control. The Tule River, runs approximately two miles south of the Project site. Surrounding lands consist of streets, neighborhood commercial, residential development and agriculture.

No aquatic or wetland features occur on the proposed Project site; therefore, jurisdictional waters are considered absent from the site.

Regulatory Setting

Federal

Endangered Species Act

The Federal Endangered Species Act (FESA) protects plants and wildlife that are listed as endangered or threatened by the USFWS and National Oceanic and Atmospheric Administration (NOAA) Fisheries. Section 9 of the FESA prohibits the taking of listed wildlife, where taking is defined as “harass, harm, pursue, hunt, shoot, wound, kill, trap, capture, collect, or attempt to engage in such conduct” (50 CFR 17.3). For plants, this statute governs removing, possessing, maliciously damaging, or destroying any listed plant on federal land and removing, cutting, digging-up, damaging, or destroying any listed plant on non-federal land in knowing violation of state law (16USC1538). Pursuant to Section 7 of the FESA, federal agencies are required to consult with the USFWS if their actions, including permit approvals or funding, could adversely affect a listed plant or wildlife species or its critical habitat. Through consultation and the issuance of a biological opinion, the USFWS may issue an incidental take statement allowing take of the species that is incidental to another authorized activity, provided the action will not jeopardize the continued existence of the species. Section 10 of the FESA provides for issuance of incidental take permits to private parties, provided a Habitat Conservation Plan (HCP) is developed.

Migratory Bird Treaty Act

The MBTA implements international treaties devised to protect migratory birds and any of their parts, eggs, and nests from activities such as hunting, pursuing, capturing, killing, selling, and shipping, unless expressly authorized in the regulations or by permit. As authorized by the MBTA, the USFWS issues permits to qualified applicants for the following types of activities: falconry, raptor propagation, scientific collecting, special purposes (rehabilitation, education, migratory game bird propagation, and salvage), take of depredating birds, taxidermy, and waterfowl sale and disposal. The regulations governing migratory bird permits are in 50 CFR part 13 General Permit Procedures and 50 CFR part 21 Migratory Bird Permits. The State of California has incorporated the protection of birds of prey in Sections 3800, 3513, and 3503.5 of the CDFG Code.

Federal Clean Water Act

The federal Clean Water Act’s (CWA’s) purpose is to “restore and maintain the chemical, physical, and biological integrity of the nation’s waters.” Section 404 of the CWA prohibits the discharge of dredged or fill material into waters of the United States without a permit from the U.S. Army Corps of Engineers (ACOE). The definition of waters of the United States includes rivers, streams, estuaries, the territorial seas, ponds, lakes, and wetlands. Wetlands are defined as those areas “that are inundated or saturated

by surface or groundwater at a frequency and duration sufficient to support, and that under normal circumstances do support, a prevalence of vegetation typically adapted for life in saturated soil conditions (33 CFR 328.3 7b).” The USEPA also has authority over wetlands and may override an ACOE permit. Substantial impacts to wetlands may require an individual permit. Projects that only minimally affect wetlands may meet the conditions of one of the existing Nationwide Permits. A Water Quality Certification or Waiver pursuant to Section 401 of the CWA is required for Section 404 permit actions; this certification or waiver is issued by the RWQCB.

State

California Endangered Species Act

The California Endangered Species Act (CESA) generally parallels the main provisions of the FESA, but unlike its federal counterpart, the CESA applies the take prohibitions to species proposed for listing (called candidates by the state). Section 2080 of the CDFG Code prohibits the taking, possession, purchase, sale, and import or export of endangered, threatened, or candidate species, unless otherwise authorized by permit or in the regulations. Take is defined in Section 86 of the CDFG Code as to “hunt, pursue, catch, capture, or kill, or attempt to hunt, pursue, catch, capture, or kill.” The CESA allows for take incidental to otherwise lawful development projects. State lead agencies are required to consult with the CDFG to ensure that any action they undertake is not likely to jeopardize the continued existence of any endangered, threatened, or candidate species or result in destruction or adverse modification of essential habitat. The CDFG administers the act and authorizes take through Section 2081 agreements (except for designated fully protected species).

Fully Protected Species

The State of California first began to designate species as fully protected prior to the creation of the CESA and FESA. Lists of fully protected species were initially developed to provide protection to those animals that were rare or faced possible extinction, and included fish, amphibians, reptiles, birds, and mammals. Most fully protected species have since been listed as threatened or endangered pursuant to the CESA and/or FESA. The regulations that implement the Fully Protected Species Statute (CDFG Code Section 4700) provide that fully protected species may not be taken or possessed at any time. Furthermore, the CDFG prohibits any state agency from issuing incidental take permits for fully protected species, except for necessary scientific research.

Native Plant Protection Act

Regarding listed rare and endangered plant species, the CESA defers to the California Native Plant Protection Act (NPPA) of 1977 (CDFG Code Sections 1900 to 1913), which prohibits importing of rare

and endangered plants into California, and the taking and selling of rare and endangered plants. The CESA includes an additional listing category for threatened plants that are not protected pursuant to NPPA. In this case, plants listed as rare or endangered pursuant to the NPPA are not protected pursuant to CESA but can be protected pursuant to the CEQA. In addition, plants that are not state listed, but that meet the standards for listing, are also protected pursuant to CEQA (Guidelines, Section 15380). In practice, this is generally interpreted to mean that all species on lists 1B and 2 of the CNPS Inventory potentially qualify for protection pursuant to CEQA, and some species on lists 3 and 4 of the CNPS Inventory may qualify for protection pursuant to CEQA. List 3 includes plants for which more information is needed on taxonomy or distribution. Some of these are rare and endangered enough to qualify for protection pursuant to CEQA. List 4 includes plants of limited distribution that may qualify for protection if their abundance and distribution characteristics are found to meet the standards for listing.

California Lake and Streambed Alteration Agreement

Sections 1600 through 1616 of the CDFG Code require that a Lake and Streambed Alteration Program Notification Package be submitted to the CDFG for “any activity that may substantially divert or obstruct the natural flow or substantially change the bed, channel, or bank of any river, stream, or lake.” The CDFG reviews the proposed actions and, if necessary, submits to the applicant a proposal for measures to protect affected fish and wildlife resources. The final proposal on which the CDFG and the applicant agree is the Lake and Streambed Alteration Agreement. Often, projects that require a Lake and Streambed Alteration Agreement also require a permit from the ACOE pursuant to Section 404 of the CWA. In these instances, the conditions of the Section 404 permit and the Lake and Streambed Alteration Agreement may overlap.

In addition, the proposed Project is being evaluated pursuant to CEQA.

Local

Porterville General Plan Policies

- OSC-G-7: Protect habitat for special status species, designated under State and federal law.

RESPONSES

- 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 and Game or U.S. Fish and Wildlife Service?

Less than Significant Impact with Mitigation. A desktop review of literature resources was conducted to determine if the Project area is located within the range of sensitive biological resources such as state and/or federally-listed threatened and/or endangered species. A list of special-status species that could potentially occur in the Project area and a 9-quadrant search of the Project area was compiled (see Appendix A) by accessing the California Natural Diversity Database (CNDDB) for the USGS 7.5-minute quadrangle of Porterville in which the Project area is located as well as the eight surrounding quads of Fountain Springs, Ducor, Sausalito School, Frazier Valley, Success Dam, Lindsay, Cairn's Corner, and Woodville. A total of 18 special-status animals were identified as potentially occurring in the proposed Project vicinity (see Appendix A). Two of the 18 special status animal species listed in Appendix A could potentially occur within the proposed Project area; these species are the Swainson's hawk (*Buteo swainsoni*) and tricolored blackbird (*Agelaius tricolor*).

Additionally, according to Figure 6-4, Special Status Species & Sensitive Vegetation, of the Porterville 2030 General Plan Update, no sensitive species are mapped to be on-site; however, the San Joaquin Kit Fox is mapped to be immediately east of the site. The frequent site disturbance and the fact that the site is surrounded by urban uses (buildings, roads, etc.) precludes the likelihood of any sensitive mammals being on the site.

Swainson's hawk

Swainson's hawk is not expected to nest within or adjacent to the proposed Project area; therefore, the Project does not have the potential to result in injury or mortality of nesting Swainson's hawks, or disturbance leading to nest abandonment. In the unlikely event that Swainson's hawks are foraging within the Project area at the time of construction, individual hawks may be disturbed, possibly to the point of shifting their use to habitats outside of the Project area. Swainson's hawks would not be vulnerable to construction-related injury or mortality while foraging because they are highly mobile and would be expected to simply fly away from construction-related disturbance. Given the highly disturbed nature of the proposed Project site and the relatively low probability of Swainson's hawk occurrence within the Project area, Swainson's hawk individuals and populations would not be significantly impacted from Project related loss of foraging habitat.

Tricolored Blackbird

In the event that tricolored blackbirds are nesting within or adjacent to the proposed Project area at the time of construction, individuals of this species may be vulnerable to construction-related injury or mortality, or to construction-related disturbance leading to nest abandonment. Tricolored blackbirds would not be vulnerable to construction-related injury or mortality while foraging because they are highly mobile foragers and would be expected to simply fly away from construction-related disturbance.

Implementation of **BIO-1**, **BIO-2** and **BIO-3** will ensure that any impacts to Tricolored Blackbird, remain less than significant.

Nesting Birds

In the event that avian species are nesting within or adjacent to the proposed Project area at the time of construction, construction activities could result in nest abandonment and/or direct mortality to individual birds. Project activities that injure or kill native birds or lead to nest abandonment would violate the California Fish and Game Code. As such, implementation of **BIO-4**, **BIO-5** and **BIO-6** will ensure that potential impacts would remain less than significant.

As such, impacts to sensitive species will be *less than significant*.

Mitigation Measures:

- BIO-1:** *Avoidance.* If feasible, Project construction will occur outside of the avian nesting season, typically defined as February 1st through August 31st. If construction takes place entirely outside of the nesting season, impacts to nesting tricolored blackbirds will be absent and no other action is necessary.
- BIO-2:** *Pre-construction Surveys.* If Project construction must occur during the nesting season, a pre-construction survey shall be conducted by a qualified biologist for nesting tricolored blackbirds within 15 days of the onset of construction.
- BIO-3:** *Establish Buffers.* If active nests are identified within or near construction zones, an appropriate construction-free buffer will be established around the nests (as determined by a qualified biologist) and maintained until the nesting season is over, or until the biologist determines the nests are no longer active.
- BIO-4:** *Avoidance.* In order to avoid impacts to nesting birds, Project construction will take place between September 1 and January 31, outside of the typical avian nesting season.
- BIO-5:** *Pre-construction Surveys.* If Project construction must occur between February 1 and August 31, a qualified biologist will conduct pre-construction surveys for active bird nests within 15 days of the onset of these activities.
- BIO-6:** *Establish Buffers.* Should any active nests be discovered in or near proposed construction zones, the biologist will identify a suitable construction-free buffer around the nest. This buffer will be identified on the ground with flagging or fencing and will be maintained until the biologist has determined that the young have fledged.

- b. Have a substantial adverse effect on any riparian habitat or other sensitive natural community identified in local or regional plans, policies, regulations, or by the California Department of Fish and Game or U.S. Fish and Wildlife Service?

No Impact. As the proposed Project is completely surrounded by urban uses and there is no riparian or sensitive natural community in the vicinity, there would be *no impact* to this analysis area.

Mitigation Measures: None are required.

- c. Have a substantial adverse effect on federally protected wetlands as defined by Section 404 of the Clean Water Act (including, but not limited to, marsh, vernal pool, coastal, etc.) through direct removal, filling, hydrological interruption, or other means?

Less than Significant Impact. According to the National Wetlands Inventory¹⁰, no wetlands occur in or near the Project site. There is *no impact*.

Mitigation Measures: None are required.

- 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?

Less than Significant Impact. The proposed Project area consists of an actively maintained vacant field. The site is surrounded by urban uses (buildings, roads, etc.) which limits any native wildlife movement. As such, any impacts to this analysis area would be *less than significant*.

Mitigation Measures: None are required.

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

Less than Significant Impact. The City of Porterville's General Plan includes various policies for the protection of biological resources. The proposed Project would not conflict with any of the adopted policies and any impacts would be considered *less than significant*.

Mitigation Measures: None are required.

¹⁰ US Department of Fish and Wildlife. National Wetlands Inventory. <https://www.fws.gov/wetlands/data/Mapper.html>. Accessed May 2018.

- 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?

Less than Significant Impact. Several conservation and recovery plans apply to land in the City, including the Recovery Plan for Upland Species of the San Joaquin Valley and the Valley Elderberry Longhorn Beetle Habitat Conservation Plan. A review of Figure 6-4 (Special Status Species and Sensitive Vegetation) in the City of Porterville's General Plan indicates the Project site is not within an area set aside for the conservation of habitat or sensitive plant or animal species pursuant to such plans. The nearest such areas are the Valley Elderberry Longhorn Beetle Conservation Area located southwest of the Project site along the Tule River within the Yaudanchi Ecological Reserve. As such, any impacts would be *less than significant*.

Mitigation Measures: None are required.

V. CULTURAL RESOURCES

Would the project:

	Potentially Significant Impact	Less than Significant with Mitigation Incorporation	Less than Significant Impact	No Impact
a. Cause a substantial adverse change in the significance of a historical resource as defined in §15064.5?	☐	☒	☐	☐
b. Cause a substantial adverse change in the significance of an archaeological resource pursuant to §15064.5?	☐	☒	☐	☐
c. Directly or indirectly destroy a unique paleontological resource or site or unique geologic feature?	☐	☒	☐	☐
d. Disturb any human remains, including those interred outside of formal cemeteries?	☐	☐	☒	☐

SETTING

Environmental Setting

Archaeological resources are places where human activity has measurably altered the earth or left deposits of physical remains. Archaeological resources may be either prehistoric (before the introduction of writing in a particular area) or historic (after the introduction of writing). The majority of such places in this region are associated with either Native American or Euromerican occupation of the area. The most frequently encountered prehistoric and early historic Native American archaeological sites are village settlements with residential areas and sometimes cemeteries; temporary camps where food and raw materials were collected; smaller, briefly occupied sites where tools were manufactured or repaired; and special-use areas like caves, rock shelters, and sites of rock art. Historic archaeological sites may include foundations or features such as privies, corrals, and trash dumps.

The City of Porterville and Tulare County was inhabited by indigenous California Native American groups consisting of the Southern Valley Yokuts, Foothill Yokuts, Monache, and Tubatulabal. Most

information regarding these groups is based on Spanish government and Franciscan mission records of the 18th and 19th centuries, and in studies conducted during the 1900s to 1930s by American and British ethnographers. The ethnographic setting presented below is derived from the early works, compiled by W. J. Wallace, Robert F.G. Spier, and Charles R. Smith, with statistical information provided by the California Native American Heritage Commission.

Of the four main groups inhabiting the Tulare County area, the Southern Valley Yokuts occupied the largest territory, which is defined roughly by the crest of the Diablo Range on the west and the foothills of the Sierra Nevada on the east, and from the Kings River on the north, to the Tehachapi Mountains on the south. The Foothill Yokuts inhabited the western slopes of the Sierra Nevada, between the Fresno River and Kern River, with settlements generally occurring between the 2,000 to 4,000-foot elevations. The Tubatulabal inhabited the Sierra Nevada Mountains, at the higher elevations, near Mt. Whitney in the east, extending westward along the drainages of the Kern River, and the Kern River-South Fork. The Monache were comprised of six small groups that lived in the Sierras east of the Foothill Yokuts, in locations ranging between 3,000 to 7,000-foot elevations.

An intensive Class III cultural resources inventory/Phase I survey was conducted for the proposed Project by ASM Affiliates, Inc. A records search of the site files and maps was conducted at the Southern San Joaquin Valley Archaeological Information Center, California State University, Bakersfield. A Sacred Lands File Request was also submitted to the Native American Heritage Commission. These investigations determined that the proposed Project had not been previously surveyed and that no sites or tribal cultural resources were known to exist within it. Fieldwork was conducted in April 2018 with parallel transects spaced at 15-meter intervals walked along the approximately 2-acre Project site. No historical resources or properties of any kind were discovered within the Project area.

Regulatory Setting

Federal

Cultural resources are protected by several federal regulations, none of which are relevant to this proposed Project because it will not be located on lands administered by a federal agency and the Project applicant is not requesting federal funding.

State

The proposed Project is subject to CEQA which requires public or private projects financed or approved by public agencies to assess their effects on historical resources. CEQA uses the term “historical resources” to include buildings, sites, structures, objects or districts, each of which may have historical, prehistoric, architectural, archaeological, cultural, or scientific importance. CEQA states that if

implementation of a project results in significant effects on historical resources, then alternative plans or mitigation measures must be considered; however, only significant historical resources need to be addressed (CCR 15064.5, 15126.4). For the purposes of this CEQA document, a significant impact would occur if project implementation:

- Causes a substantial change in the significance of a historical resource
- Causes a substantial adverse change in the significance of an archaeological resource
- Disturbs any human remains, including those interred outside of formal cemeteries

Therefore, before impacts and mitigation measures can be identified, the significance of historical resources must be determined. CEQA guidelines define three ways that a property may qualify as a historical resource for the purposes of CEQA review:

- If the resource is listed in or determined eligible for listing in the California Register of Historical Resources (CRHR)
- If the resource is included in a local register of historical resources, as defined in Section 5020.1(k) of the PRC or identified as significant in an historical resource survey meeting the requirements of Section 5024.1(g) of the PRC unless the preponderance of evidence demonstrates that it is not historically or culturally significant
- The lead agency determines the resource to be significant as supported by substantial evidence in light of the whole record (CCR, Title 14, Division 6, Chapter 3, Section 15064.5(a))

Each of these ways of qualifying as a historical resource for the purpose of CEQA is related to the eligibility criteria for inclusion in the CRHR (PRC 5020.1(k), 5024.1, 5024.1(g)).

A historical resource may be eligible for inclusion in the CRHR if it:

- Is associated with events that have made a significant contribution to the broad patterns of California's history and cultural heritage
 - Is associated with the lives of persons important in our past
 - Embodies the distinctive characteristics of a type, period, region, or method of construction, or represents the work of an important creative individual, or possesses high artistic values
 - Has yielded, or may be likely to yield, information important in prehistory or history
- Properties that are listed in or eligible for listing in the National Register of Historic Places

are considered eligible for listing in the CRHR, and thus are significant historical resources for the purpose of CEQA (PRC Section 5024.1(d)(1)).

Public Resources Code §5097.5

California Public Resources Code §5097.5 prohibits excavation or removal of any “vertebrate paleontological site...or any other archaeological, paleontological or historical feature, situated on public lands, except with express permission of the public agency having jurisdiction over such lands.” Public lands are defined to include lands owned by or under the jurisdiction of the state or any city, county, district, authority or public corporation, or any agency thereof. Section 5097.5 states that any unauthorized disturbance or removal of archaeological, historical, or paleontological materials or sites located on public lands is a misdemeanor.

Senate Bill 18

SB 18 requires cities and counties to contact and consult with California Native American tribes prior to amending or adopting any general plan or specific plan or designating land as open space.

Human Remains

Section 7050.5 of the California Health and Safety Code states that in the event of discovery or recognition of any human remains in any location other than a dedicated cemetery, there shall be no further excavation or disturbance of the site or any nearby area reasonably suspected to overlie adjacent remains until the coroner of the county in which the remains are discovered has determined whether or not the remains are subject to the coroner’s authority. If the human remains are of Native American origin, the coroner must notify the Native American Heritage Commission within 24 hours of this identification. The Native American Heritage Commission will identify a Native American Most Likely Descendant (MLD) to inspect the site and provide recommendations for the proper and dignified treatment of the remains and associated grave artifacts.

Paleontological Resources

Paleontological resources are the fossilized remains of plants and animals and associated deposits. The Society of Vertebrate Paleontology has identified vertebrate fossils, their taphonomic and associated environmental indicators, and fossiliferous deposits as significant nonrenewable paleontological resources. Botanical and invertebrate fossils and assemblages may also be considered significant resources.

CEQA requires that a determination be made as to whether a project would directly or indirectly destroy a unique paleontological resource or site or unique geological feature (CEQA Appendix G(v)(c)). If an impact is significant, CEQA requires feasible measures to minimize the impact (CCR Title 14(3) §15126.4 (a)(1)). California Public Resources Code §5097.5 (see above) also applies to paleontological resources.

Local

Porterville General Plan Policies

- OSC-G-11: Identify and protect archaeological, paleontological, and historic resources.
- OSC-I-72: Develop an agreement with Native American representatives for consultation in the cases where new development may result in disturbance to Native American sites.
- OSC-I-73: Require that new development analyze and avoid any potential impacts to archaeological, paleontological, and historic resources by:
 - o Requiring a records review for development proposed in areas that are considered archaeologically sensitive, including hillsides and near the Tule River;
 - o Studying the potential effects of development and construction (as required by CEQA);
 - o Developing, where appropriate, mitigation measures to minimize potential impacts; and Implementing appropriate measures to avoid the identified impacts.

RESPONSES

a. Cause a substantial adverse change in the significance of a historical resource as defined in §15064.5?

Less than Significant Impact with Mitigation. The records search conducted at the SSJVIC indicated that there are no recorded cultural resources within the Project area. There are no recorded cultural resources within the Project area that are listed in the National Register of Historic Places, the California Register of Historical Resources, the California Points of Historical Interest, California Inventory of Historic Resources, or the California State Historic Landmarks.

Subsurface construction activities associated with the proposed Project could potentially damage or destroy previously undiscovered historic resources. This is considered a potentially significant impact; however, implementation of Mitigation Measure CUL1 will ensure that significant impacts remain *less than significant with mitigation incorporation*.

CUL-1 The following measures shall be implemented:

- Before initiation of construction or ground-disturbing activities associated with the Project, the City shall require all construction personnel to be alerted to the possibility of buried cultural resources, including historic, archeological and paleontological resources;
- The general contractor and its supervisory staff shall be responsible for monitoring the construction Project for disturbance of cultural resources; and
- If a potentially significant historical, archaeological, or paleontological resource, such as structural features, unusual amounts of bone or shell, artifacts, human remains, or architectural remains or trash deposits are encountered during subsurface construction activities (i.e., trenching, grading), all construction activities within a 100-foot radius of the identified potential resource shall cease until a qualified archaeologist evaluates the item for its significance and records the item on the appropriate State Department of Parks and Recreation (DPR) forms. The archaeologist shall determine whether the item requires further study. If, after the qualified archaeologist conducts appropriate technical analyses, the item is determined to be significant under California Environmental Quality Act, the archaeologist shall recommend feasible mitigation measures, which may include avoidance, preservation in place or other appropriate measure, as outlined in Public Resources Code section 21083.2. The City of Porterville shall implement said measures.

b. Cause a substantial adverse change in the significance of an archaeological resource pursuant to §15064.5?

Less than Significant Impact with Mitigation. The possibility exists that subsurface construction activities may encounter undiscovered archaeological resources. This would be a potentially significant impact. Implementation of Mitigation Measure CUL-1 would require inadvertently discovery practices to be implemented should previously undiscovered archeological resources be located. As such, impacts to undiscovered archeological resources would be *less than significant with mitigation incorporation*.

c. Directly or indirectly destroy a unique paleontological resource or site or unique geologic feature?

Less than Significant Impact with Mitigation. There are no unique geological features or known fossil-bearing sediments in the vicinity of the proposed Project site. However, there remains the possibility for previously unknown, buried paleontological resources or unique geological sites to be uncovered during subsurface construction activities. Therefore, this would be a potentially significant impact. Mitigation is proposed requiring standard inadvertent discovery procedures to be implemented to reduce this impact to a level of *less than significant with mitigation incorporation*.

CUL - 2 The City of Porterville will incorporate into the construction contract(s) a provision that in the event a fossil or fossil formations are discovered during any subsurface construction activities for the proposed Project (i.e., trenching, grading), all excavations within 100 feet of the find shall be temporarily halted until the find is examined by a qualified paleontologist, in accordance with Society of Vertebrate Paleontology standards. The paleontologist shall notify the appropriate representative at the City of Porterville, who shall coordinate with the paleontologist as to any necessary investigation of the find. If the find is determined to be significant under CEQA, the City shall implement those measures, which may include avoidance, preservation in place, or other appropriate measures, as outlined in Public Resources Code section 21083.2.

d. Disturb any human remains, including those interred outside of formal cemeteries?

Less than Significant Impact. Although unlikely given the highly disturbed nature of the site and the records search did not indicate the presence of such resources, subsurface construction activities associated with the proposed Project could potentially disturb previously undiscovered human burial sites. Accordingly, this is a potentially significant impact. The California Health and Safety Code Section 7050.5 states that if human remains are discovered on-site, no further disturbance shall occur until the County Coroner has made a determination of origin and disposition. If the Coroner determines that the remains are not subject to his or her authority and if the Coroner recognizes the human remains to be those of a Native American or has reason to believe that they are those of a Native American, he or she shall contact, by telephone within 24 hours, the NAHC. The NAHC shall identify the person or persons it believes to be the “most likely descendant” (MLD) of the deceased Native American. The MLD may make recommendations 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 Resource Code Section 5097.98.

Although considered unlikely subsurface construction activities could cause a potentially significant impact to previously undiscovered human burial sites, however compliance with regulations would reduce this impact to *less than significant*.

Mitigation Measures: None are required.

VI. GEOLOGY AND SOILS

Would the project:

a. Expose people or structures to potential substantial adverse effects, including the risk of loss, injury, or death involving:

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

Potentially Significant Impact	Less than Significant with Mitigation Incorporation	Less than Significant Impact	No Impact
--------------------------------------	---	------------------------------------	--------------

☐☐☐☒

ii. Strong seismic ground shaking?

☐☐☒☐

iii. Seismic-related ground failure, including liquefaction?

☐☐☒☐

iv. Landslides?

☐☐☒☐

b. Result in substantial soil erosion or the loss of topsoil?

☐☐☒☐

c. Be located on a geologic unit or soil that is unstable, or that would become unstable as a result of the project, and potentially result in on- or off-site

☐☐☐☒

landslide, lateral spreading, subsidence,
liquefaction or collapse?

- d. Be located on expansive soil, as defined
in Table 18-1-B of the most recently
adopted Uniform Building Code
creating substantial risks to life or
property?

☐☐☒☐

- e. Have soils incapable of adequately
supporting the use of septic tanks or
alternative waste water disposal systems
where sewers are not available for the
disposal of waste water?

☐☐☐☒

SETTING

Environmental Setting

The City of Porterville is situated along the western slope of a northwest-trending belt of rocks comprising the Sierra Nevada and within the southern portion of the Cascade Range. The Sierra Nevada geomorphic province is primarily composed of cretaceous granitic plutons and remnants of Paleozoic and Mesozoic metavolcanic and metasedimentary rocks, and Cenozoic volcano and sedimentary rocks. The majority of Porterville has elevations ranging from 400 to 800 feet. However, the eastern portion of the City is in the Sierra Nevada foothills where elevations reach almost 1,800 feet above sea level.

Faulting and Seismicity

There are no known active earthquake faults in the City of Porterville. The proposed Project site is not located within an Alquist-Priolo Earthquake Fault Zone and no known faults cut through the local soil at the site. There are several faults located within a 70-mile radius of the proposed Project site. An unnamed fault is approximately seven miles south of the City, Poso Creek Fault is 30 miles southwest of the City, White Wolf Fault Zone is 60 miles south of the City, and the San Andreas and Cholame-Carrizo Fault sections are approximately 69 miles southwest of the City. These faults are small and have exhibited activity in the last 1.6 million years, but not in the last 200 years. It is possible, but unlikely, that previously unknown faults could become active in the area. No Alquist-Priolo Earthquake Fault Zones are in or near Porterville. Porterville is located in a Seismic Zone 3 of the 1994 Uniform Building Code

(UBC). This zone is expected to experience moderate effects from earthquake ground shaking. This seismic zone is expected to experience moderate effects from earthquake ground shaking activity.

Soils

According to the City's General Plan, much of the Project area has soils with moderate to high erosion potential. Generally, areas most susceptible to soil erosion are hilly or have slopes greater than 15 percent. Lower flatlands, such as the subject site, are usually less likely to erode than those located on slopes.

Regulatory Setting

Federal

Federal regulations for geology and soils are not relevant to the proposed Project because it is not a federal undertaking (the Project site is not located on lands administered by a federal agency, and the Project applicant is not requesting federal funding or a federal permit).

State

Uniform Building Code

The California Code of Regulations (CCR) Title 24 is assigned to the California Building Standards Commission, which, by law, is responsible for coordinating all building standards. The California Building Code incorporates by reference the Uniform Building Code with necessary California amendments. The Uniform Building Code is a widely adopted model building code in the United States published by the International Conference of Building Officials. About one-third of the text within the California Building Code has been tailored for California earthquake conditions.

In addition, the proposed Project is being evaluated pursuant to CEQA.

Local

Porterville General Plan Policies

- OSC-G-5: Preserve soil resources to minimize damage to people, property, and the environment resulting from potential hazards.
- OSC-G-6: Protect significant mineral resources.
- OSC-I-21: Adopt soil conservation regulations to reduce erosion caused by overgrazing, plowing, mining, new roadways and paths, construction, and off-road vehicles.

- OSC-I-23: Require adequate grading and replanting to minimize erosion and prevent slippage of manmade slopes.
- PHS-G-4: Protect soils, surface water, and groundwater from contamination from hazardous materials.
- PHS-I-17: Require remediation and cleanup of sites contaminated with hazardous substances.

RESPONSES

a-i. Expose people or structures to potential substantial adverse effects, including the risk of loss, injury, or death involving 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.

No Impact. The proposed Project site is not located within a currently designated Alquist-Priolo Earthquake Fault Zone. Since no known surface expression of active faults is believed to cross the site, fault rupture through the site is not anticipated. *No impacts* would occur.

Mitigation Measures: None are required.

a-ii. Expose people or structures to potential substantial adverse effects, including the risk of loss, injury, or death involving strong seismic ground shaking?

Less than Significant Impact. The City of Porterville’s 2030 General Plan identified the City as being within the Uniform Building Code Seismic Zone 3. The California Geological Survey maintains a web-based computer model that estimates probabilistic seismic ground motions for any location with California. The computer model estimates the “Design Basis Earthquake” ground motion, which is defined as the peak ground acceleration with a 10-percent chance of exceedance in 50 years (475-year return period). For an alluvium soil type, the Project site’s estimated peak ground acceleration is approximately 0.22g.

Project related building construction will conform to the latest standards for seismic design as adopted by the Uniform Building Code. Therefore, the impact is *less than significant*.

Mitigation Measures: None are required.

a-iii. Expose people or structures to potential substantial adverse effects, including the risk of loss, injury, or death involving seismic-related ground failure, including liquefaction?

Less than Significant Impact. See Response a-ii. According to the City of Porterville General Plan, Public Health and Safety Element the Project site is in the Seismic -3 zone, the site has a moderate to high risk of damaging ground motion; however, the Project's Valley location has a low risk of liquefaction. No Subsidence prone soils or oil or gas production is involved with the proposed Project. Therefore, the impact is *less than significant*.

Mitigation Measures: None are required.

a-iv. Expose people or structures to potential substantial adverse effects, including the risk of loss, injury, or death involving landslides?

Less than Significant Impact. The City of Porterville's 2030 General Plan, Figure 7-1 (Geological and Soil Hazards) indicates that the proposed Project site is located on relatively flat topography and is not located adjacent to any steep slopes or areas that would otherwise be subject to landslides. Therefore, the impact is *less than significant*.

Mitigation Measures: None are required.

b. Result in substantial soil erosion or the loss of topsoil?

Less than Significant Impact. The City of Porterville sits on top of the alluvial fans of the Tule River and its distributaries. The bedrock is present at relatively shallow depths beneath the eastern end of Porterville. The soil in the proposed Project area is characterized as moderately deep, well-drained, sandy loam underlain by hardpan. The Project site has a generally flat topography, is in an established urban area and does not include any Project features that would result in soil erosion or loss of topsoil. Therefore, the impact is *less than significant*.

Mitigation Measures: None are required.

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?

No Impact. The City of Porterville sits on top of the alluvial fans of the Tule River and its distributaries. The bedrock is present at relatively shallow depths beneath the eastern end of Porterville. The soil in the proposed Project area is characterized as moderately deep, well-drained, sandy loam underlain by hardpan. See also Response a-ii. There is *no impact*.

Mitigation Measures: None are required.

- d. Be located on expansive soil, as defined in Table 18-1-B of the most recently adopted Uniform Building Code creating substantial risks to life or property?

Less than Significant Impact. See Responses c and a-ii. The impact is *less than significant*.

Mitigation Measures: None are required.

- 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?

No Impact. The project will tie into the City's existing wastewater system and will not require installation of a septic tank or alternate wastewater disposal system. There is *no impact*.

Mitigation Measures: None are required.

VII. GREENHOUSE GAS EMISSIONS

Would the project:

a. Generate greenhouse gas emissions, either directly or indirectly, that may have a significant impact on the environment?

Potentially Significant Impact	Less than Significant with Mitigation Incorporation	Less than Significant Impact	No Impact
--------------------------------	---	------------------------------	-----------

☐☒☐☐

b. Conflict with an applicable plan, policy or regulation adopted for the purpose of reducing the emissions of greenhouse gases?

☐☐☒☐

SETTING

Environmental Setting

Various gases in the earth's atmosphere play an important role in moderating the earth's surface temperature. Solar radiation enters earth's atmosphere from space and a portion of the radiation is absorbed by the earth's surface. The earth emits this radiation back toward space, but the properties of the radiation change from high-frequency solar radiation to lower-frequency infrared radiation. GHGs are transparent to solar radiation but are effective in absorbing infrared radiation. Consequently, radiation that would otherwise escape back into space is retained, resulting in a warming of the earth's atmosphere. This phenomenon is known as the greenhouse effect. Scientific research to date indicates that some of the observed climate change is a result of increased GHG emissions associated with human activity. Among the GHGs contributing to the greenhouse effect are water vapor, carbon dioxide (CO₂), methane (CH₄), ozone, Nitrous Oxide (NO_x), and chlorofluorocarbons. Human-caused emissions of these GHGs in excess of natural ambient concentrations are considered responsible for enhancing the greenhouse effect. GHG emissions contributing to global climate change are attributable, in large part, to human activities associated with the industrial/manufacturing, utility, transportation, residential, and agricultural sectors. In California, the transportation sector is the largest emitter of GHGs, followed by electricity generation. Global climate change is, indeed, a global issue. GHGs are global pollutants, unlike criteria pollutants and TACs (which are pollutants of regional and/or local concern). Global climate change, if it occurs, could potentially affect water resources in California. Rising temperatures could be anticipated to result in sea-level rise (as polar ice caps melt) and possibly change the timing and amount

of precipitation, which could alter water quality. According to some, climate change could result in more extreme weather patterns; both heavier precipitation that could lead to flooding, as well as more extended drought periods. There is uncertainty regarding the timing, magnitude, and nature of the potential changes to water resources as a result of climate change; however, several trends are evident.

Snowpack and snowmelt may also be affected by climate change. Much of California's precipitation falls as snow in the Sierra Nevada and southern Cascades, and snowpack represents approximately 35 percent of the state's useable annual water supply. The snowmelt typically occurs from April through July; it provides natural water flow to streams and reservoirs after the annual rainy season has ended. As air temperatures increase due to climate change, the water stored in California's snowpack could be affected by increasing temperatures resulting in: (1) decreased snowfall, and (2) earlier snowmelt.

Regulatory Setting

Federal

The USEPA Mandatory Reporting Rule (40 CFR Part 98), which became effective December 29, 2009, requires that all facilities that emit more than 25,000 metric tons CO₂-equivalent per year beginning in 2010, report their emissions on an annual basis. On May 13, 2010, the USEPA issued a final rule that established an approach to addressing GHG emissions from stationary sources under the CAA permitting programs. The final rule set thresholds for GHG emissions that define when permits under the New Source Review Prevention of Significant Deterioration and title V Operating Permit programs are required for new and existing industrial facilities.

In addition, the Supreme Court decision in *Massachusetts v. EPA* (Supreme Court Case 05-1120) found that the USEPA has the authority to list GHGs as pollutants and to regulate emissions of GHGs under the CAA. On April 17, 2009, the USEPA found that CO₂, CH₄, NO_x, hydrofluorocarbons, perfluorocarbons, and sulfur hexafluoride may contribute to air pollution and may endanger public health and welfare. This finding may result in the USEPA regulating GHG emissions; however, to date the USEPA has not proposed regulations based on this finding.

State

California is taking action to reduce GHG emissions. In June 2005, Governor Schwarzenegger signed Executive Order S-3-05 to address climate change and GHG emissions in California. This order sets the following goals for statewide GHG emissions:

- Reduce to 2000 levels by 2010
- Reduce to 1990 levels by 2020
- Reduce to 80 percent below 1990 levels by 2050

In addition, the proposed Project is being evaluated pursuant to CEQA.

Local

San Joaquin Valley Air Pollution Control District (SJVAPCD)

In August 2008, the SJVAPCD adopted the Climate Change Action Plan, which directed the SJVAPCD to develop guidance to assist lead agencies, project proponents, permit applicants, and interested parties in assessing and reducing the impacts of project specific greenhouse gas emissions on global climate change.

In 2009, the SJVAPCD adopted the guidance document: Guidance for Valley Land-Use Agencies in Addressing GHG Emission Impacts for New Projects Under CEQA. This document recommends the usage of performance-based standards, otherwise known as Best Performance Standards (BPS), to assess significance of project-specific greenhouse gas emissions on global climate change during the environmental review process. Projects implementing BPS in accordance with SJVAPCD's guidance would be determined to have a less than significant individual and cumulative impact on greenhouse gas emissions and would not require project specific quantification of greenhouse gas emissions.¹¹

RESPONSES

- a. Generate greenhouse gas emissions, either directly or indirectly, that may have a significant impact on the environment?

Less than Significant Impact with Mitigation. Greenhouse gas emissions would generate from long-term area and mobile sources as well as indirectly from energy consumption. Mobile sources would include residential vehicle trips and area source emissions would result from consumption of natural gas and electricity. As discussed above, projects implementing BPS would not require quantification of specific greenhouse gas emissions and such projects would be determined to have a less than significant individual and cumulative impact for greenhouse gas emissions. As such, the proposed Project's greenhouse gas emissions would not be considered a significant impact if the Project would implement BPS strategies, in accordance with SJVAPCD recommendations. Exact project feature details are not yet available, therefore, the implementation of **GHG-1** would ensure that any impacts remain *less than significant*.

¹¹ SJVAPCD. Guidance for Assessing and Mitigating Air Quality Impacts. March 19, 2015.
http://www.valleyair.org/transportation/GAMAQI_3-19-15.pdf. Page 112. Accessed May 2018.

Mitigation Measures

GHG-1: The project applicant shall demonstrate compliance with the applicable BPS strategies to the Planning Division prior to the issuance of a building permit. The following PBS strategies are considered to be applicable, feasible, and effective in reducing greenhouse gas emissions generated by the project:

- The project applicant shall provide a pedestrian access network that internally links all residential units and connects to the existing surrounding external streets and pedestrian facilities.
- The project applicant shall ensure site design and building placement minimize barriers to pedestrian access and interconnectivity. Physical barriers such as wells, berms, landscaping, and slopes between residential uses that impede bicycle or pedestrian circulation shall be eliminated. In addition, barriers to pedestrian access of neighboring facilities and sites shall be minimized.
- Any transit stops associated with the project shall be provided with safe and convenient bicycle/pedestrian access and provide essential transit stop improvements (i.e., shelters, route information, benches, and lighting).
- The project applicant shall install energy efficient roofing materials.
- The project applicant shall incorporate bike lanes and routes into the street system.
- The project applicant shall plant trees to provide shade.
- The project applicant shall install only natural gas or electric stoves in residences. The project applicant shall install energy efficient heating and cooling systems, appliances and equipment, and control systems.

b. Conflict with an applicable plan, policy, or regulation adopted for the purpose of reducing the emissions of greenhouse gasses?

Less Than Significant. As discussed above, the SJVAPCD adopted guidance that relies on the use of BPS strategies to assess significance of project-specific greenhouse gas emissions impacts. Project implementing BPS strategies in accordance with SJVAPCD's guidance would be determined to have a less than significant impact on greenhouse gas emissions and would not require project specific quantification of greenhouse gas emissions. With implementation of GHG-1, the proposed Project would implement BPS strategies as discussed in the SJVAPCD's Guidance for Valley Land-use Agencies in Addressing GHG Emission Impacts for New Projects under CEQA. Therefore, the proposed Project would not conflict with policies or regulations adopted for the purpose of reducing the emissions of greenhouse gases. Any impacts would be *less than significant*.

Mitigation Measures: None are required.

VIII. HAZARDS AND HAZARDOUS MATERIALS

Would the project:

	Potentially Significant Impact	Less than Significant with Mitigation Incorporation	Less than Significant Impact	No Impact
a. Create a significant hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials?	☐	☐	☒	☐
b. Create a significant hazard to the public or the environment through reasonably foreseeable upset and accident conditions involving the release of hazardous materials into the environment?	☐	☐	☒	☐
c. Emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste within one-quarter mile of an existing or proposed school?	☐	☐	☒	☐
d. Be located on a site which is included on a list of hazardous materials sites compiled pursuant to Government Code Section 65962.5 and, as a result, would it create a significant hazard to the public or the environment?	☐	☐	☐	☒
e. For a project located within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project result in a safety hazard for people residing or working in the project area?	☐	☐	☐	☒
f. For a project within the vicinity of a private airstrip, would the project result in	☐	☐	☐	☒

a safety hazard for people residing or working in the project area?

- g. Impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan?

☐☐☐☒

- h. Expose people or structures to a

significant risk of loss, injury or death involving wildland fires, including where wildlands are adjacent to urbanized areas or where residences are intermixed with wildlands

☐☐☐☒

SETTING

Environmental Setting

The proposed Project site is located in the north eastern portion of the City adjacent to residential and commercial land uses. The site is fallowed but actively disked for weed control.

The nearest residences are immediately north and west of the Project site. The Project site is approximately five miles northeast of the Porterville Municipal Airport. Fresno-Yosemite International Airport is the closest regional airport to the proposed Project site, approximately 74 miles northeast.

The Teapot Dome Landfill plant is approximately five miles southwest of the City limits, while the Porterville Wastewater Treatment Plant is located approximately two miles southwest of the site. Bellevue Elementary School is 0.7 miles southeast and Bartlett Middle School is 0.8 miles southwest of the proposed Project site.

Regulatory Setting

Federal

The primary federal agencies with responsibility for hazardous materials management include the EPA, U.S. Department of Labor Occupational Safety and Health Administration (OSHA), and the U.S. Department of Transportation (DOT). The Environmental Protection Agency (EPA) was created to

protect human health and to safeguard the natural environment – air, water and land – and works closely with other federal agencies, and state and local governments to develop and enforce regulations under existing environmental laws. Where national standards are not met, EPA can issue sanctions and take other steps to assist the states in reaching the desired levels of environmental quality. EPA also works with industries and all levels of government in a wide variety of voluntary pollution prevention programs and energy conservation efforts.

State

The California Department of Industrial Relations, Division of Occupational Safety and Health is the administering agency designed to protect worker health and general facility safety. The California Department of Forestry and Fire Protection has designated the area that includes the, proposed Project site as a Local Responsibility Area, defined as an area where the local fire jurisdiction is responsible for emergency fire response.

In addition, the proposed Project is being evaluated pursuant to CEQA.

Local

City of Porterville Fire Department

The City of Porterville Fire Department, Fire Prevention Division provides limited oversight of hazardous materials. The Fire Department is responsible for conducting inspections for code compliance and fire-safe practices, permitting of certain hazardous materials, and for investigation of fire and hazardous materials incidents. The Fire Department regulates explosive and hazardous materials under the Uniform Fire Code, and permits the handling, storage and use of any explosive or other hazardous material.

Tulare County Environmental Health Division

The Tulare County Environmental Health Division (TCEHD) is the Certified Unified Program Agency (CUPA) for all cities and unincorporated areas within Tulare County. The CUPA was created by the California Legislature to minimize the number of inspections and different fees for businesses. The TCEHD provides the management and record keeping of hazardous materials and underground storage tank (UST) sites for Tulare County, including the City of Porterville.

Porterville General Plan Policies

- PHS-G-1: Minimize risks of property damage and personal injury posed by geologic and seismic hazards.

- PHS-I-2: Maintain and enforce appropriate building standards and codes to avoid and/or reduce risks associated with geologic constraints and to ensure that all new construction is designed to meet current safety regulations.
- PHS-I-17: Require remediation and cleanup of sites contaminated with hazardous substances.
- PHS-I-18: Adopt a Household Hazardous Waste Program and support the proper disposal of hazardous household waste and waste oil; encourage citizens and crime watch organizations to report unlawful dumping of hazardous materials.
- PHS-I-19: Ensure that all specified hazardous facilities conform to the Tulare County Hazardous Waste Management Plan.
- PHS-I-21: Coordinate enforcement of the Hazardous Material Disclosure Law and the implementation of the Hazardous Material Emergency Response Plan with the Tulare County Health and Human Service Agency.

RESPONSES

- a. Create a significant hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials?

Less than Significant Impact. The proposed Project would include the construction of up to 48 multi-family one and two-bedroom residential homes. Proposed Project construction activities may involve the use and transport of hazardous materials. These materials may include fuels, oils, mechanical fluids, and other chemicals used during construction. Transportation, storage, use, and disposal of hazardous materials during construction activities would be required to comply with applicable federal, state, and local statutes and regulations. Compliance would ensure that human health and the environment are not exposed to hazardous materials. In addition, the Project would be required to comply with the National Pollutant Discharge Elimination System (NPDES) permit program through the submission and implementation of a Stormwater Pollution Prevention Plan during construction activities to prevent contaminated runoff from leaving the project site. Therefore, no significant impacts would occur during construction activities.

The operational phase of the proposed Project would occur after construction is completed and residents move in to occupy the structures on a day-to-day basis. The proposed Project includes land uses that are considered compatible with the surrounding uses. None of these land uses routinely transport, use, or dispose of hazardous materials, or present a reasonably foreseeable release of hazardous materials, with the exception of common residential grade hazardous materials such as household and commercial cleaners, paint, etc. The proposed Project would not create a significant hazard through the routine transport, use, or disposal of hazardous materials, nor would a significant hazard to the public or to the environment through the

reasonably foreseeable upset and accidental conditions involving the likely release of hazardous materials into the environment occur. Therefore, the proposed Project will not create a significant hazard to the public or the environment and any impacts would be *less than significant*.

Mitigation Measures: None are required.

- 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?

Less than Significant Impact. See Response a. above. Any accumulated hazardous construction or operational wastes will be collected and transported away from the site in compliance with all federal, state and local regulations. Any impacts would be *less than significant*.

Mitigation Measures: None are required.

- c. Emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste within one-quarter mile of an existing or proposed school?

Less Than Significant Impact. Bellevue Elementary School is 0.7 miles southeast and Bartlett Middle School is 0.8 miles southwest of the proposed Project site. As the proposed Project includes the development of multifamily residences, it is not reasonably foreseeable that the proposed Project will cause a significant impact by emitting hazardous waste or bringing hazardous materials within one-quarter mile of an existing or proposed school. Residential land uses do not generate, store, or dispose of significant quantities of hazardous materials. Such uses also do not normally involve dangerous activities that could expose persons onsite or in the surrounding areas to large quantities of hazardous materials. See also Responses a. and b. regarding hazardous material handling. The impact is *less than significant*.

Any impacts would be *less than significant*.

Mitigation Measures: None are required.

- d. Be located on a site which is included on a list of hazardous materials sites compiled pursuant to Government Code Section 65962.5 and, as a result, would it create a significant hazard to the public or the environment?

No Impact. The proposed Project site is not located on a list of hazardous materials sites compiled pursuant to Government Code Section 65962.5 (Geotracker and DTSC Envirostor databases – accessed in May 2018). The nearest Department of Toxic Substances Control listed site (as an evaluation) is a single-family residence located on North Villa Street and Dexter Avenue, located 0.6 miles south west of the proposed Project site.

There are no hazardous materials sites that impact the Project. As such, *no impacts* would occur that would create a significant hazard to the public or the environment.

Mitigation Measures: None are required.

- 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?

No Impact. Based on review of the 2030 General Plan, the proposed Project site is approximately five miles northeast of the Porterville Municipal Airport. Land use controls for this area are provided by the City of Porterville General Plan and Development Ordinance, and the Tulare County General Plan and Zoning Ordinance, Part 77.21. The City of Porterville has also prepared an airport master plan for the Porterville Municipal Airport. The Project site is outside the height and safety restriction zones imposed by these plans. There is *no impact*.

Mitigation Measures: None are required.

- f. For a project within the vicinity of a private airstrip, would the project result in a safety hazard for people residing or working in the project area?

No Impact. There are no private airstrips in the Project vicinity and as such, there is *no impact*.

Mitigation Measures: None are required.

- g. Impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan?

No Impact. The City of Porterville lists California State Routes 65 and 190 and Olive Avenue as evacuation routes. The proposed Project would include new internal access roads to the future residential development and does not include any changes to any other public or private roadways that would interfere with the established evacuation routes or shelters identified by the City's General Plan. There is *no impact*.

Mitigation Measures: None are required.

- h. Expose people or structures to a significant risk of loss, injury or death involving wildland fires, including where wildlands are adjacent to urbanized areas or where residences are intermixed with wildlands?

No Impact. The proposed Project is located in a suburban area considered to be of high wildland fire risk¹²; however, the site is fallowed and actively disked for weed control. Additionally, the site is surrounded by urban uses (buildings, roads, etc.) which would preclude the risk of a wildland fire. As such, there is *no impact*.

Mitigation Measures: None are required.

¹² City of Porterville General Plan, Figure 7-4.

<http://www.ci.porterville.ca.us/depts/CommunityDevelopment/documents/WildlandFireHazards.pdf>. Accessed May 2018.

IX. HYDROLOGY AND WATER QUALITY

Would the project:

	Potentially Significant Impact	Less than Significant with Mitigation Incorporation	Less than Significant Impact	No Impact
a. Violate any water quality standards or waste discharge requirements?	☐	☐	☒	☐
b. Substantially deplete groundwater supplies or interfere substantially with groundwater recharge such that there would be a net deficit in aquifer volume or a lowering of the local groundwater table level (e.g., the production rate of pre-existing nearby wells would drop to a level which would not support existing land uses or planned uses for which permits have been granted)?	☐	☐	☒	☐
c. Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river, in a manner which would result in substantial erosion or siltation on- or off-site?	☐	☐	☒	☐
d. Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river, or substantially increase the rate or amount of surface runoff in a manner which would result in flooding on- or off-site?	☐	☐	☒	☐
e. Create or contribute runoff water which would exceed the capacity of existing or planned stormwater drainage systems or	☐	☐	☒	☐

IX. HYDROLOGY AND WATER QUALITY

Would the project:

	Potentially Significant Impact	Less than Significant with Mitigation Incorporation	Less than Significant Impact	No Impact
provide substantial additional sources of polluted runoff?				
f. Otherwise substantially degrade water quality?	☐	☐	☒	☐
g. Place housing within a 100-year flood hazard area as mapped on a federal Flood Hazard Boundary or Flood Insurance Rate Map or other flood hazard delineation map?	☐	☐	☐	☒
h. Place within a 100-year flood hazard area structures which would impede or redirect flood flows?	☐	☐	☐	☒
i. Expose people or structures to a significant risk of loss, injury or death involving flooding, including flooding as a result of the failure of a levee or dam?	☐	☐	☒	☐
j. Inundation by seiche, tsunami, or mudflow?	☐	☐	☐	☒

SETTING

Environmental Setting

The City of Porterville has a dry climate with evaporation rates that exceed rainfall. The local climate is considered warm desert with annual precipitation between approximately seven to nine inches, and rainfall rates are highly variable. The majority of precipitation (roughly 84%) falls during the months of November through April.

The Porterville area is underlain by an unconfined aquifer that is part of the Tule Sub-basin of the San Joaquin Valley Groundwater Basin.

Regulatory Setting

Federal

Clean Water Act

The Clean Water Act (CWA) is intended to restore and maintain the chemical, physical, and biological integrity of the nation's waters (33 CFR 1251). The regulations implementing the CWA protect waters of the U.S. including streams and wetlands (33 CFR 328.3). The CWA requires states to set standards to protect, maintain, and restore water quality by regulating point source and some non-point source discharges. Under Section 402 of the CWA, the National Pollutant Discharge Elimination System (NPDES) permit process was established to regulate these discharges.

The National Flood Insurance Act (1968) makes available federally subsidized flood insurance to owners of flood-prone properties. To facilitate identifying areas with flood potential, Federal Emergency Management Agency (FEMA) has developed Flood Insurance Rate Maps (FIRM) that can be used for planning purposes.

State

State Water Resources Control Board

The State Water Resources Control Board (SWRCB), located in Sacramento, is the agency with jurisdiction over water quality issues in the State of California. The SWRCB is governed by the Porter-Cologne Water Quality Act (Division 7 of the California Water Code), which establishes the legal framework for water quality control activities by the SWRCB. The intent of the Porter-Cologne Act is to regulate factors which may affect the quality of waters of the State to attain the highest quality which is reasonable, considering a full range of demands and values. Much of the implementation of the SWRCB's responsibilities is delegated to its nine Regional Boards. The proposed Project site is located within the Central Valley Region.

Regional Water Quality Board

The Regional Water Quality Control Board (RWQCB) administers the NPDES storm water-permitting program in the Central Valley region. Construction activities on one acre or more are subject to the permitting requirements of the NPDES General Permit for Discharges of Storm Water Runoff Associated with Construction Activity (General Construction Permit). The General Construction Permit requires the

preparation and implementation of a Storm Water Pollution Prevention Plan (SWPPP). The plan will include specifications for Best Management Practices (BMPs) that will be implemented during proposed Project construction to control degradation of surface water by preventing the potential erosion of sediments or discharge of pollutants from the construction area. The General Construction Permit program was established by the RWQCB for the specific purpose of reducing impacts to surface waters that may occur due to construction activities. BMPs have been established by the RWQCB in the California Storm Water Best Management Practice Handbook (2003) and are recognized as effectively reducing degradation of surface waters to an acceptable level. Additionally, the SWPPP will describe measures to prevent or control runoff degradation after construction is complete and identify a plan to inspect and maintain these facilities or project elements.

In addition, the proposed Project is being evaluated pursuant to CEQA.

Local

Porterville General Plan Policies

- OSC-I-43: Work with agricultural and industrial uses to ensure that water contamination and waste products are handled in a manner that protects the long-term viability of water resources.
- OSC-I-44: Work with the Regional Water Quality Control Board to ensure that all point source pollutants are adequately mitigated (as part of the CEQA review and project approval process) and monitored to ensure long-term compliance.
- OSC-I-45: Continue to require use of feasible and practical best management practices (BMPs) and other mitigation measures designed to protect surface water and groundwater from the adverse effects of construction activities and urban runoff in coordination with the Regional Water Quality Control Board.
- OSC-I-51: Prior to the approval of individual projects, require the City Engineer and/or Building Official to verify that the provisions of applicable point source pollution programs have been satisfied.
- PHS-G-2: Protect the community from risks to life and property posed by flooding and stormwater runoff.

RESPONSES

- a. Violate any water quality standards or waste discharge requirements?

Less than Significant Impact. The State Water Resources Control Board requires any new construction project over an acre to complete a Stormwater Pollution Prevention Plan (SWPPP). A SWPPP involves site planning and scheduling, limiting disturbed soil areas, and determining best management practices to minimize the risk of pollution and sediments being discharged from construction sites. Implementation of the SWPPP will minimize the potential for impacts associated with erosion or siltation onsite or offsite.

The proposed Project will result in wastewater from residential units that will be discharged into the City's existing wastewater treatment system. The wastewater will be typical of other urban/residential developments consisting of bathrooms, kitchen drains and other similar features. The project will not discharge any unusual or atypical wastewater.

Additionally, there will be no discharge to any surface or groundwater source. As such, the proposed Project will not violate any water quality standards and will not impact waste discharge requirements. The impact will be *less than significant*.

Mitigation Measures: None are required.

- b. Substantially deplete groundwater supplies or interfere substantially with groundwater recharge such that there would be a net deficit in aquifer volume or a lowering of the local groundwater table level (e.g., the production rate of pre-existing nearby wells would drop to a level which would not support existing land uses or planned uses for which permits have been granted)?

Background and Existing Conditions

The City of Porterville (and proposed Project site) is located in the Tulare Lake Basin, an area significantly affected by overdraft. The Department of Water Resources (DWR) has estimated the groundwater by hydrologic region and for the Tulare Lake Basin; the total overdraft is estimated at 820,000 acre-feet per year, the greatest overdraft projected in the state, and 56 percent of the statewide total overdraft. The proposed Project site is located within the Tule Sub-basin portion of the greater San Joaquin Valley Groundwater Basin. According to the City's General Plan EIR, wells in and around the city have shown a moderate groundwater level decline of about 0.75 feet per year over the past 20 years. The City's municipal wells are generally scattered west of Plano Avenue and south of Westfield Avenue and the distribution system is operated under pressure.

The City of Porterville receives all of its municipal water from groundwater.¹³ The current source capacity from the system's wells is 11,965 gallons per minute (gpm). The City's current water demands are estimated to be:¹⁴

Average Day Demand = 7,388 gpm

Maximum Day Demand = 12,250 gpm

Peak Hour Demand = 26,882 gpm

The system maintains 10.1 million gallons of above-ground storage which is allowing it to sufficiently meet the peak hour demand. Current well production is at approximately 51% of the original well design capacity. Due to drought conditions and aging wells, the capacities of the wells have declined over recent years.

The City's peak hour demand is being adequately met through storage and source water supplies.¹⁵ The City's source water supply appears to be just adequate to meet current maximum day demand, however there is no room for failure of any sources. The well capacity is necessary to refill the storage tanks after they are depleted during peak hour periods. During months of peak water use and with an increase in demand, the current well production may be insufficient for filling the tanks prior to the next day. Additional water sources are recommended in anticipation of water levels continuing to decline and to add a factor of safety to the system.¹⁶

Planned Improvements

Well 32 was recently constructed which provides an additional 400 gpm into the central zone. Continuous pumping of this well could provide an additional 400,000 to 500,000 gallons of water per day.¹⁷ The City also has a number of projects planned to increase water availability within the City limits over the coming decades. These projects include the Beverly Grand and Akin Water Consolidation Projects. The City also does its own groundwater recharge through a system of ponding basins and waterways. Other potential projects include construction of a surface water treatment plant, water distribution system improvements and ongoing water conservation efforts. It is estimated that these improvements, along with continued groundwater pumping, will allow the City to provide adequate water supplies through Year 2030 and beyond.

¹³ City of Porterville – Hydraulic Analysis, page 1. Dee Jaspar & Associates, Inc. (May 2015).

¹⁴ Ibid. Page 1.

¹⁵ Ibid. Page 7.

¹⁶ City of Porterville – Hydraulic Analysis, page 7. Dee Jaspar & Associates, Inc. (May 2015).

¹⁷ Ibid.

Estimated Water Use (City-wide)

The City's Master Water Study had information regarding total water demand through the mid 1990's. Water production records from the past 5 years were provided by Dee Jaspar & Associates Inc. in May 2015. As shown in Table 5, it appears that water production¹⁸ has not increased significantly since 1997. The table shows the historical water use of the City.

Table 4
Annual Water Use (Million Gallons)

Year	Water Use
1993	3,027
1994	3,203
1995	3,426
1996	3,444
1997	4,150
2010	4,037
2011	3,958
2012	4,243
2013	4,290
2014	3,883

Similar estimates are provided in the City's General Plan EIR. For example, according to Table 5 above, Year 2010 had a production of approximately 4,037 million gallons/year, which converts to roughly 12,500 acre/feet/year. The City's General Plan EIR estimated that Year 2010 had a consumption of approximately 13,000 acre/feet/year. According to Porterville's General Plan EIR (Table 3.10-3) the City's water demand was and/or is projected as follows:

- Year 2005	12,700 ac/ft/yr
- Year 2010 (projected)	13,000 ac/ft/yr
- Year 2015 (projected)	15,100 ac/ft/yr
- Year 2020 (projected)	16,580 ac/ft/yr
- Year 2030 (projected)	30,000 ac/ft/yr

It should be noted that because of recent water restrictions, the actual water use by the City has decreased yearly since 2013 even though the City's General Plan (2007) anticipated an increase in water use based on an increasing population.

¹⁸ Ibid. Page 4.

Using more recently updated information from the City's Urban Water Management Plan update (October 2017), the City produced/used approximately 3,117 MG (9,565 ac/ft/yr) of water from groundwater supplies to serve a population of 65,702 in 2015. Of that, approximately 1,786 MG were for single family residential.¹⁹ This was approximately 37% less than what the General Plan projected for water use for Year 2015.

Water Conservation

The City began implementing Phase IV of its Drought Response Plan on December 1, 2017. As part of the Phase IV Plan, the City has restricted watering days to one day per week, based on address. This and other mandatory water conservation measures are being enforced with fines of up to \$500 for non-compliance.²⁰

Anticipated Water Use (Project Specific)

To determine the estimated water use by the proposed Project, this analysis uses the same calculation methods as the City's most recent Urban Water Management Plan (UWMP), which was updated in October 2017. According to the City's UWMP, the City has a Year 2020 water usage goal of 179 gallons per capita per day (gpcpd).²¹ To determine the number of persons (water users) that would result from the proposed Project, this analysis uses the City's 2015-2023 Housing Element (September 2015) which shows an average household size of 3.39 persons per household in Porterville.²²

The proposed Project would include the construction of up to 48 multi-family residences. Applying the City's average of 3.39 persons per household, this equates to approximately 156 persons. At 179 gallons per day per capita, the project would require approximately 10.2 MG per year of potable water (156 residents X 179 gpcpd X 365 days = 10,192,260 gallons of potable water per year). For purposes of comparison, in 2015, the City used approximately 356 MG for multi-family residential. The proposed Project, at 10.2 MG per year would be 2.87% of that total.

The site associated with this Project was previously planned for medium density residential (12 units/acre), and thus was included in the City's Urban Water Management Plan and General Plan. If the site was built out under the existing medium density residential designation (using 2.13 acres at 12 units/acre), this would result in approximately 25 units. At 3.39 persons X 25 units = approximately 85

¹⁹ Porterville 2015 Urban Water Management Plan (October 2017), page 14.

²⁰ City of Porterville. Public Works. Water Conservation. <http://www.ci.porterville.ca.us/depts/PublicWorks/waterconservation.cfm> Accessed May 2018.

²¹ Porterville 2015 Urban Water Management Plan (October 2017), page 15.

²² Porterville Housing Element 2015-2023 (Sept 2015), page 30.

persons. At 179 gallons per day per capita, that project would require approximately 5,553,475 gallons (5.5 MG) of potable water per year ($85 \text{ residents} \times 179 \text{ gpcpd} \times 365 \text{ days} = 5,553,475 \text{ gallons of potable water per year}$). This is equivalent to approximately 1.6% of the City's water use in 2015 for multi-family residential. As part of the Project, the site will be redesignated to high density residential (24 units/acre), which would potentially demand approximately 4.7 MG of water more than what as was planned for in the City's Urban Water Management Plan and General Plan. However, as demonstrated above, the proposed Project represents a relatively small percent of the total water use compared to City-wide water use (and only 1.27% greater water use compared to the existing medium density residential designation); and will be subject to the City Ordinance 1830 Sections 25-54 and other water restricting regulations. As such, the impact to water supply is determined to be *less than significant*.

Water Availability

The proposed Project is anticipated to utilize City groundwater to support the residential development. The City has historically used groundwater to meet all of their water demands. Although the City's aquifer is in a state of overdraft, they could still meet their water demands for several more years solely with groundwater.²³ However, the City recognizes that continued overdraft of the City's groundwater is not sustainable. As such, the City has and/or is planning to implement several mechanisms to address this shortfall. These include reliance on surface water, increased groundwater recharge projects, and consolidated water projects. The City's General Plan EIR indicates that by 2030, total water demand by the City will be 30,000-acre feet per year, which will exceed the groundwater availability. The Urban Water Management Plan (UWMP) indicates that future demand can be met with continued groundwater pumping, surface water purchases and conservation measures.

The Project site was included in the both the UWMP and the City's General Plan land use / water use projections as a medium density residential site, accommodating a maximum of 12 units per acre. Since there are no land use changes proposed (other than a change in density), the project will not result in significant additional use of groundwater that was not already accounted for in the City's infrastructure planning documents (and subsequently analyzed in their respective CEQA documents). As such, there is *a less than significant impact* to this impact area.

Mitigation Measures: None are required.

²³ Porterville UWMP, page 42. (2010)

- c. Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river, in a manner which would result in substantial erosion or siltation on- or off-site?

Less than Significant Impact. The site is presently vacant ground. The site will be designed so that storm water is collected and deposited in the City's existing storm drain system, which has adequate capacity. The storm water collection system design will be subject to review and approval by the City Public Works Department. Storm water during construction will be managed as part of the Storm Water Pollution Prevention Plan (SWPPP). A copy of the SWPPP is retained on-site during construction. As a result, impacts would be *less than significant*.

Mitigation Measures: None are required.

- d. Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river, or substantially increase the rate or amount of surface runoff in a manner which would result in flooding on- or off-site?

Less than Significant Impact. Impacts regarding the alteration of drainage patterns to increase runoff that will potentially induce flooding have been discussed in the impact analysis for Response IX-c. Storm water during construction will be managed as part of the Storm Water Pollution Prevention Plan (SWPPP). A copy of the SWPPP is retained on-site during construction. All other on-site drainage will be collected and deposited in the City's storm drain system. As a result, impacts are *less than significant*.

Mitigation Measures: None are required.

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

Less than Significant Impact. See Responses a, c and d. Implementation of the proposed Project will not require expansion of the City's existing stormwater system (other than the onsite collection system), nor will it result in additional sources of polluted runoff. The impact is *less than significant*.

Mitigation Measures: None are required.

- f. Otherwise substantially degrade water quality?

Less than Significant Impact. See Responses a, c and d. The Project would not otherwise degrade water quality and therefore the impact is *less than significant*.

Mitigation Measures: None are required.

- g. Place housing within a 100-year flood hazard area as mapped on a federal Flood Hazard Boundary or Flood Insurance Rate Map or other flood hazard delineation map?

No Impact. The Project site is not within a 100-year or 500-year flood zone, as shown on Figure 7-3 of the 2030 General Plan. Therefore, there is *no impact*.

Mitigation Measures: None are required.

- h. Place within a 100-year flood hazard area structures which would impede or redirect flood flows?

No Impact. The Project site is not within a 100 or 500-year flood zone, as shown on Figure 7-3 of the 2030 General Plan. Therefore, there is *no impact*.

Mitigation Measures: None are required.

- i. Expose people or structures to a significant risk of loss, injury or death involving flooding, including flooding as a result of the failure of a levee or dam?

Less than Significant Impact. Flows into the Tule River (located approximately two miles south of the Project site) are controlled by the Success Dam located approximately five miles upstream from the City. A dam failure is usually the result of neglect, poor design, or structural damage caused by a major event such as an earthquake. Dams must be operated and maintained in a safe manner, which is ensured through inspections for safety deficiencies, analyses using current technologies and designs, and taking corrective actions as needed based on current engineering practices.

The Project site is located within the Success Dam inundation area, as shown on Figure 7-3 of the 2030 General Plan. This inundation area runs through Porterville, to a location downstream of Corcoran, a distance of approximately 35 miles. In May of 2017, the Army Corp Of Engineers (ACOE) issued an environmental impact statement, Success Lake Water Control Manual Deviation, for the purposes of reinforcing the strength of the dam in the event of seismically induced failure. The Project site is within the 0.5-hour to 1-hour inundation zone of Success Dam. In the event of a dam failure, most of the City would be flooded within one hour.

The Porterville Emergency Operations Plan (EOP), adopted in 2004, includes planning and response scenarios for seismic hazards, extreme weather conditions, landslides, dam failure and other flooding. The City has designated several evacuation routes through Porterville to be used in case of catastrophic emergencies. In the unlikely event that the dam fails before the ACOE's proposed dam reinforcement completion date of 2014–2015, the dam owner would follow the emergency action plan (EAP) developed for Success Dam. The EAP includes a notification flowchart, early detection systems, notification for warning and evacuation by state and local emergency management officials, steps to moderate or

alleviate the effects of a dam failure, and inundation maps. No impervious surfaces are being proposed. As such, impacts related to exposure of people or structures to a risk of loss, injury, or death involving flooding as a result of the failure of a levee or dam would be *less than significant*.

Mitigation Measures: None are required.

j. Inundation by seiche, tsunami, or mudflow?

No Impact. There are no inland water bodies that could be potentially susceptible to a seiche in the Project vicinity. This precludes the possibility of a seiche inundating the Project site. The Project site is more than 100 miles from the Pacific Ocean, a condition that precludes the possibility of inundation by tsunami. There are no steep slopes that would be susceptible to a mudflow in the Project vicinity, nor are there any volcanically active features that could produce a mudflow in the City of Porterville. This precludes the possibility of a mudflow inundating the Project site. *No impacts* would occur.

Mitigation Measures: None are required.

X. LAND USE AND PLANNING

Would the project:

	Potentially Significant Impact	Less than Significant with Mitigation Incorporation	Less than Significant Impact	No Impact
a. Physically divide an established community?	☐	☐	☐	☒
b. Conflict with any applicable land use plan, policy, or regulation of an agency with jurisdiction over the project (including, but not limited to the General Plan, specific plan, local coastal program, or zoning ordinance) adopted for the purpose of avoiding or mitigating an environmental effect?	☐	☐	☒	☐
c. Conflict with any applicable habitat conservation plan or natural community conservation plan?	☐	☐	☐	☒

SETTING

Environmental Setting

The proposed Project site is located in the north eastern portion of the City and is surrounded by medium density residences and W. Mulberry Avenue to the north, Spivey's Mini-Storage, undeveloped commercial property, and Stewart's Title Company to the East, O'Reilly's Auto Parts, a vacant commercial site, and W. Henderson Ave. to the South, and medium density single family residences to the West.

The site is currently zoned CG (General and Service Construction). General Plan Designation, land use and zoning surrounding the site are identified in Table 6.

Table 5
Existing Land Use, General Plan Designation and Zoning

Location	Existing Land Use	Current Zoning Classification	General Plan Designation
North	Single Family Residences	Medium Density Residential (RM-2)	Medium Density Residential
South	Commercial Development	General and Service Commercial (CG)	General and Service Commercial
West	Single Family Residences	Medium Density Residential (RM-2)	Medium Density Residential
East	Commercial Development	General and Service Commercial (CG)	Medium Density Residential

Existing land uses in City of Porterville have been organized into generalized categories that are summarized below on Table 7. City of Porterville has a 2030 General Plan planned build-out of approximately 36,341 acres in size, equivalent to approximately 56.6 square-miles.

Table 6
Existing Land Use: City of Porterville Planning Area (2005)²⁴

Generalized Land Use Category	Total	Percentage
Agriculture/Rural/Conservation	21,270	59%
Single Family Residential	4,760	13%
Multi-Family Residential	240	1%
Retail Shopping	80	0%
Commercial	760	2%
Industrial	350	1%
Public/Quasi-Public	2,630	7%
Vacant	3,590	10%
Unclassified (Roads, water, etc.)	2,661	7%
Total Area	36,341	100%

²⁴ City of Porterville Land Use Element

Regulatory Setting

Federal

Federal regulations for land use are not relevant to the proposed Project because it is not a federal undertaking (the proposed Project site is not located on lands administered by a federal agency, and the Project applicant is not requesting federal funding or a federal permit).

State

The proposed Project is being evaluated pursuant to CEQA; however, there are no state regulations, plans, programs, or guidelines associated with land use and planning that are applicable to the proposed Project.

Local

Porterville General Plan Policies

- LU-I-20: Establish standards for pedestrian-oriented design in neighborhood centers.
- LU-I-21: Prohibit new strip commercial developments.
- LU-I-22: Promote and support the revitalization and infill development in existing retail shopping centers.
- LUI-23: Establish an incentive program that will provide for density and FAR bonuses for mixed-use development that includes amenities for public benefit, such as workforce housing, pedestrian-oriented facilities (outdoor seating, plazas, weather protection, transit waiting areas), historic preservation, cultural facilities, public art and water features, and open space preservation.
- LU-I-24: Allow supporting retail, business services and other complementary uses in Professional Office districts.

RESPONSES

a. Physically divide an established community?

No Impact. The proposed Project is located in the north eastern region of the City of Porterville, in an area of suburban residential and commercial land uses. The proposed Project site is currently fallowed and has a residential land use designation and is zoned Commercial and General Service. The construction and operation of the Project would not cause any land use changes in the surrounding

vicinity nor would it divide an established community. *No impacts* would occur as a result of this Project.

Mitigation Measures: None are required.

- b. Conflict with any applicable land use plan, policy, or regulation of an agency with jurisdiction over the project (including, but not limited to the General Plan, specific plan, local coastal program, or zoning ordinance) adopted for the purpose of avoiding or mitigating an environmental effect?

Less than Significant Impact. As part of the proposed Project, the General Plan Land Use would change from Medium Residential to High Density Residential and the site would be rezoned from CG (Commercial and General Service) to a high density residential zone district to accommodate the proposed density.

The Project is consistent with the requirements of a high-density zoning and General Plan designation. Any impacts will be *less than significant*.

- c. Conflict with any applicable habitat conservation plan or natural community conservation plan?

No Impact. A review of the 2030 General Plan, Figure 6-4 (Special Status Species and Sensitive Vegetation) indicates the Project site is not within an adopted or proposed conservation plan area. The nearest such plan area is the Valley Elderberry Longhorn Beetle Conservation Area, located along the Tule River within the Yaudanchi Ecological Reserve. There would be *no impact* to an adopted or proposed conservation plan area.

Mitigation Measures: None are required.

XI. MINERAL RESOURCES

Would the project:

	Potentially Significant Impact	Less than Significant with Mitigation Incorporation	Less than Significant Impact	No Impact
a. Result in the loss of availability of a known mineral resource that would be of value to the region and the residents of the state?	☐	☐	☐	☒
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 land use plan?	☐	☐	☐	☒

SETTING

Environmental Setting

The City of Porterville is situated along the western slope of a northwest-trending belt of rocks comprising the Sierra Nevada and within the southern portion of the Cascade Range. The Sierra Nevada geomorphic province is primarily composed of Cretaceous granitic plutons and remnants of Paleozoic and Mesozoic metavolcanic and metasedimentary rocks, and Cenozoic volcanic and sedimentary rocks. The majority of the Planning Area has elevations ranging between 400 and 800 feet; however, the eastern portion is in the Sierra Nevada foothills where elevations reach almost 1,800 feet above sea level.

Historically, the quarrying of magnesite was a significant industry in the City of Porterville. Currently, the most economically significant mineral resources in Tulare County are sand, gravel, and crushed stone, used as sources for aggregate (road materials and other construction). The two major sources of aggregate are alluvial deposits (river beds, and floodplains), and hard rock quarries. Consequently, most Tulare County mines are located along rivers at the base of the Sierra foothills.

Tule River contains various State-classified mineral resource zones (MRZ-2a, MRZ-2b, and MRZ-3a). While this area was once suitable for mining operations, it is now surrounded by urban development. Approximately 890 acres along the Tule River, or 2.5 percent of all lands within the Planning Area, are within mineral resource zones. Tule River contains various State-classified mineral resource zones (MRZ-2a, MRZ-2b, and MRZ-3a). While this area was once suitable for mining operations, it is now surrounded

by urban development. Approximately 890 acres along the Tule River, or 2.5 percent of all lands within the Project Area, are within mineral resource zones.

Regulatory Setting

Federal

There are no federal or local regulations pertaining to mineral resources relevant to the proposed Project.

State

California Surface Mining and Reclamation Act of 1975

Enacted by the State Legislature in 1975, the Surface Mining and Reclamation Act (SMARA), Public Resources Code Section 2710 et seq., ensures a continuing supply of mineral resources for the State.

In addition, the proposed Project is being evaluated pursuant to CEQA.

Local

Porterville General Plan Policies

- OSC-I-21: Adopt soil conservation regulations to reduce erosion caused by overgrazing, plowing, mining, new roadways and paths, construction, and off-road vehicles.
- OSC-I-23: Require adequate grading and replanting to minimize erosion and prevent slippage of manmade slopes.
- PHS-G-4: Protect soils, surface water, and groundwater from contamination from hazardous materials.
- PHS-I-17: Require remediation and cleanup of sites contaminated with hazardous substances.

RESPONSES

- 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?

No Impact. As shown in Figure 6-3 of the 2030 General Plan, the proposed Project area is not included in a State classified mineral resource zones. Therefore, there is *no impact*.

Mitigation Measures: None are required.

- 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 land use plan?

No Impact. As shown in Figure 6-3 of the 2030 General Plan, the proposed Project area is not included in a State classified mineral resource zones. Soil disturbance for the proposed Project would be limited site ground work such as grading, foundations, and installation of infrastructure. Therefore, there is ***no impact***.

Mitigation Measures: None are required.

XII. NOISE

Would the project:

	Potentially Significant Impact	Less than Significant with Mitigation Incorporation	Less than Significant Impact	No Impact
a. Exposure of persons to or generation of noise levels in excess of standards established in the local general plan or noise ordinance, or applicable standards of other agencies?	☐	☒	☐	☐
b. Exposure of persons to or generation of excessive groundborne vibration or groundborne noise levels?	☐	☐	☒	☐
c. A substantial permanent increase in ambient noise levels in the project vicinity above levels existing without the project?	☐	☐	☒	☐
d. A substantial temporary or periodic increase in ambient noise levels in the project vicinity above levels existing without the project?	☐	☐	☒	☐
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 expose people residing or working in the project area to excessive noise levels?	☐	☐	☐	☒
f. For a project within the vicinity of a private airstrip, would the project expose people residing or working in the project area to excessive noise levels?	☐	☐	☐	☒

SETTING

Environmental Setting

The Project site is located in the north eastern part of the City of Porterville and is currently a fallowed site that is routinely disked for weed removal. The site is located in an established area that provides a mix of land uses, including residential and commercial.

The primary existing noise sources contributing to ambient noise in the proposed Project area are traffic noises from Henderson Avenue.

Regulatory Setting

Federal

The Federal Railway Administration (FRA) and the Federal Transit Administration (FTA) have published guidance relative to vibration impacts. According to the FRA, fragile buildings can be exposed to ground-borne vibration levels of 0.5 PPV without experiencing structural damage³². The FTA has identified the human annoyance response to vibration levels as 80 RMS.

State

The California Noise Control Act was enacted in 1973 (Health and Safety Code § 46010 et seq.), and states that the Office of Noise Control (ONC) should provide assistance to local communities in developing local noise control programs. It also indicates that ONC staff will work with the OPR to provide guidance for the preparation of the required noise elements in city and county General Plans, pursuant to Government Code § 65302(f). California Government Code § 65302(f) requires city and county general plans to include a noise element. The purpose of a noise element is to guide future development to enhance future land use compatibility.

In addition, this proposed Project is being evaluated pursuant to CEQA.

Local

Measuring and reporting noise levels involves accounting for variations in sensitivity to noise during the daytime versus nighttime hours. Noise descriptors used for analysis need to factor in human sensitivity to nighttime noise when background noise levels are generally lower than in the daytime and outside noise intrusions are more noticeable. Common descriptors include the Community Noise Equivalent Level (CNEL) and the Day-Night Average Level (Ldn). Both reflect noise exposure over an average day with weighting to reflect the increased sensitivity to noise during the evening and night. The two descriptors are roughly equivalent. The CNEL descriptor is used in relation to major continuous noise

sources, such as aircraft or traffic, and is the reference level for the Noise Element under State planning law. The Noise Element included in the 2030 City of Porterville General Plan (2008) includes noise and land use compatibility standards for various land uses. These are shown in Table 8 below.

Table 7
Land Use Compatibility for Community Noise Environment

Land Use Category	Community Noise Exposure, L_{dn} or CNEL dB			
	Normally Acceptable	Conditionally Acceptable	Normally Unacceptable	Clearly Unacceptable
Residential – Low density single family, duplex,	<65 (<45 Interior)	65 to 70	70 to 75	>75 (>45 Interior)
Residential – Multiple family	<65 (<45 Interior)	65 to 70	70 to 75	>75 (>45 Interior)
Schools, libraries, churches, hospitals, nursing	<70	60 to 75	70 to 80	>80
Industrial, manufacturing, utilities, agriculture	<75	70 to 80	75 to 85	No levels identified

Normally acceptable – Specified land use is satisfactory, based upon the assumption that any buildings involved are of normal conventional construction, without any special noise insulation requirements.

Conditionally acceptable – New construction or development should be undertaken only after a detailed analysis of the noise reduction requirements is made and needed noise insulation features included in the design. Conventional construction, but with closed windows and fresh air supply systems or air conditioning will normally suffice.

Normally unacceptable – New construction or development should generally be discouraged. If new construction or development does proceed, a detailed analysis of the noise reduction requirements must be made and needed noise insulation features included in the design.

Clearly unacceptable – New construction or development should generally not be undertaken.

Porterville General Plan Policies

- N-G-1: Minimize vehicular and stationary noise levels and noise from temporary activities.
- N-G-2: Ensure that new development is compatible with the noise environment.

- N-G-5: Reduce noise intrusion generated by miscellaneous noise sources through conditions of approval to control noise-generating activities.
- N-I-7: Require noise from existing mechanical equipment to be reduced by soundproofing materials and sound-deadening installation.

RESPONSES

- a. Exposure of persons to or generation of noise levels in excess of standards established in the local general plan or noise ordinance, or applicable standards of other agencies?

Less than Significant Impact with Mitigation. According to the City's General Plan EIR, the major noise sources in Porterville are related to roadways and vehicle traffic. Much of the Project area, along with the area adjacent to the Project site is in an established noise contour (Henderson Avenue) for noise levels greater than 55 dB and 60 dB as shown in Figure 9-2 of the City's General Plan Noise Element.

The site itself is located in an urban area adjacent to roadways that are heavily travelled. Noise from the proposed Project will be similar to existing conditions and will generally include noise from vehicles, air conditioner units and other similar equipment. Because of its location at a heavily used arterial and its location in a noise contour, it is not expected that the proposed Project will result in a discernable increase in noise to surrounding land uses.

In addition, Section 300.10(e) of the Porterville Development Ordinance requires that a six-foot block wall be provided on the interior lot lines where any non-residential use abuts a residential district to visually screen as well as dampen noise from adjacent land uses. This requirement will be in effect along the east property line on the north side of Sequoia Circle and the southern property line of the development.

Proposed Project construction related activities will involve temporary noise sources and are anticipated to last approximately four months. Typical construction related equipment include graders, trenchers, small tractors and excavators. During the proposed Project construction, noise from construction related activities will contribute to the noise environment in the immediate vicinity. Activities involved in construction will generate maximum noise levels, as indicated in Table 9, ranging from 79 to 91 dBA at a distance of 50 feet, without feasible noise control (e.g., mufflers) and ranging from 75 to 80 dBA at a distance of 50 feet, with feasible noise controls.

Table 8
Typical Construction Noise Levels

Type of Equipment	dBA at 50 ft	
	Without Feasible Noise Control	With Feasible Noise
Dozer or Tractor	80	75
Excavator	88	80
Scraper	88	80
Front End Loader	79	75
Backhoe	85	75
Grader	85	75
Truck	91	75

The City of Porterville's General Plan Noise Element (2008) sets the standard noise threshold of 60 dBA at the exterior of nearby residences; however, it does not identify a short-term, construction-noise-level threshold. The distinction between short-term construction noise impacts and long-term operational noise impacts is a typical one in both CEQA documents and local noise ordinances, which generally recognize the reality that short-term noise from construction is inevitable and cannot be mitigated beyond a certain level. Thus, local agencies frequently tolerate short-term noise at levels that they would not accept for permanent noise sources. A more severe approach would be impractical and might preclude the kind of construction activities that are to be expected from time to time in urban environments. Most residents of urban areas recognize this reality and expect to hear construction activities on occasion.

Although impacts are considered less than significant, implementation of Mitigation Measure NO-1 through NO-3 will ensure that impacts remain *less than significant with mitigation incorporation*.

NO-1 During the construction period, delivery trucks serving the Project shall be limited to between 6:00 A.M. and 9:00 P.M. Monday through Friday and between 7:00 A.M. and 5:00 PM on Saturday or Sunday to avoid noise-sensitive hours of the day.

NO-2 Construction activities shall be limited to between 6:00 A.M. and 9:00 P.M. Monday through Friday and between 7:00 A.M. and 5:00 PM on Saturday or Sunday to avoid noise-sensitive hours of the day. Construction activities shall be prohibited on holidays (President's Day, Memorial Day, Fourth of July, Labor Day, Thanksgiving, Day after Thanksgiving, Christmas Day, and New Year's Day).

NO-3 The construction contract shall require the construction contractor to ensure that construction equipment noise is minimized by muffling and shielding intakes and exhaust on construction

equipment (in accordance with the manufacturer's specifications) and by shrouding or shielding impact tools.

b. Exposure of persons to or generation of excessive groundborne vibration or groundborne noise levels?

Less than Significant Impact. Typical outdoor sources of perceptible ground borne vibration are construction equipment, steel-wheeled trains, and traffic on rough roads. Construction vibrations can be transient, random, or continuous. Construction associated with the proposed Project includes the construction of residences and roadways.

The approximate threshold of vibration perception is 65 VdB, while 85 VdB is the vibration acceptable only if there are an infrequent number of events per day. Table 10 describes the typical construction equipment vibration levels.

Table 9
Typical Construction Vibration Levels

Equipment	VdB at 25 ft
Small Bulldozer	58
Jackhammer	79

Vibration from construction activities will be temporary and not exceed the FTA threshold for the nearest residences which are located immediately west of the development. The impact will be *less than significant*.

Mitigation Measures: None are required.

c. A substantial permanent increase in ambient noise levels in the project vicinity above levels existing without the project?

Less than Significant Impact. See Response a. There will be no substantial permanent increase in ambient noise levels and therefore the impact is *less than significant*.

Mitigation Measures: None are required.

d. A substantial temporary or periodic increase in ambient noise levels in the project vicinity above levels existing without the project?

Less than significant impact. See Impact XII (a). There will be little substantial temporary increase in ambient noise levels and implementation of NO-1 through NO-3 will ensure impacts remain less than significant. Therefore, the impact is *less than significant*.

Mitigation measures: None are required.

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 expose people residing or working in the project area to excessive noise levels?

No Impact. The nearest airport to the proposed Project site is the Porterville Municipal Airport, which is located approximately five miles southeast of the site. Due to the distance between the proposed Project and the Porterville Municipal Airport, the proposed Project would not expose workers, staff or residents to excessive airport noise. There would be *no impact*.

Mitigation measures: None are required.

f. For a project within the vicinity of a private airstrip, would the project expose people residing or working in the project to excessive noise levels?

No Impact. There are no private airstrips in the vicinity of the Project. See response e. for discussion pertaining to airport noise. There is *no impact*.

Mitigation measures: None are required.

XIII. POPULATION AND HOUSING

Would the project:

	Potentially Significant Impact	Less than Significant with Mitigation Incorporati on	Less than Significant Impact	No Impact
a. Induce substantial population growth in an area, either directly (for example, by proposing new homes and businesses) or indirectly (for example, through extension of roads or other infrastructure)?	☐	☐	☒	☐
b. Displace substantial numbers of existing housing, necessitating the construction of replacement housing elsewhere?	☐	☐	☒	☐
c. Displace substantial numbers of people, necessitating the construction of replacement housing elsewhere?	☐	☐	☐	☒

SETTING

Environmental Setting

Over the past 30 years, the City of Porterville's population has grown at an average annual rate of 3.7 percent. However, the City's population growth slowed to an average annual rate of 2.8 percent over the most recent 15 years. In 2006, the California Department of Finance (DOF) estimated the City with a population of 45,220 residents. In 2010, the City had an estimated population of 54,165 residents. In 2011 the City grew to 54,676 residents, while the City recorded an approximate population of 55,490 in 2012. According to the most recent California DOF report, the City currently is at approximately 55,490 residents, a 0.5 percent increase from 2012. Build-out of the 2030 General Plan will accommodate a population of approximately 107,300 in Porterville, which represents an annual population growth rate of 3.7 percent.

Regulatory Setting

The proposed Project is being evaluated pursuant to CEQA; however, there are no federal, state or local regulations, plans, programs, and guidelines associated with population or housing that are applicable to the proposed Project.

RESPONSES

- a. Induce substantial population growth in an area, either directly (for example, by proposing new homes and businesses) or indirectly (for example, through extension of roads or other infrastructure)?

Less than Significant Impact. The proposed Project would include the construction of up to 48 multi-family residences, which would result in approximately 156 additional residents based on the estimated 3.39 persons per household²⁵ for the City of Porterville. The proposed Project site is currently designated as Medium Density Residential, which allows for a maximum of 12 units (or 41 people) per acre, according to the General Plan. As a part of the Project, the site will be re-designated to High Density residential, which can accommodate a buildout of 24 units (or 82 people) per acre. This re-designation will potentially result in 41 more people than what was originally planned for and evaluated in the Porterville 2030 General Plan EIR. An increase of 41 people is approximately 0.07% of the current population and approximately 0.04% of the anticipated population at General Plan buildout. As demonstrated, this increase in population is minor and as such, any impacts are *less than significant*.

Mitigation Measures: None are required.

- b. Displace substantial numbers of existing housing, necessitating the construction of replacement housing elsewhere?

Less than Significant. There are no residential structures currently onsite. The Project will not displace any housing and therefore there is *less than significant*.

Mitigation Measures: None are required.

- c. Displace substantial numbers of people, necessitating the construction of replacement housing elsewhere?

No Impact. The Project will not displace any people and therefore there is *no impact*.

Mitigation Measures: None are required.

²⁵ Porterville Housing Element 2015-2023 (Sept 2015), page 30.

XIV. PUBLIC SERVICES

Would the project:

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

Potentially Significant Impact	Less than Significant with Mitigation Incorporation	Less than Significa nt Impact	No Impact
--------------------------------------	---	-------------------------------------	--------------

☐	☐	☒	☐
--------------------------	--------------------------	-------------------------------------	--------------------------

Fire protection?

☐	☐	☒	☐
--------------------------	--------------------------	-------------------------------------	--------------------------

Police protection?

☐	☐	☒	☐
--------------------------	--------------------------	-------------------------------------	--------------------------

Schools?

☐	☐	☒	☐
--------------------------	--------------------------	-------------------------------------	--------------------------

Parks?

☐	☐	☒	☐
--------------------------	--------------------------	-------------------------------------	--------------------------

Other public facilities?

☐	☐	☒	☐
--------------------------	--------------------------	-------------------------------------	--------------------------

SETTING

Environmental Setting

The proposed Project site is in an area already served by public service systems. The nearest fire station is the City of Porterville Fire Station, which is located at the Public Works complex that is approximately 1.1 miles to the southeast of the proposed Project site. The physical address of the fire station is 40 W Cleveland. The Porterville Police Department is located approximately 1 mile southeast of the proposed Project site at 350 N D Street.

The Teapot Dome Landfill plant is approximately five miles southwest of the City limits, while the Porterville Wastewater Treatment Plant is located approximately two miles southwest of the site. Belleview Elementary School is 0.7 miles southeast and Bartlett Middle School is 0.8 miles southwest of the proposed Project site.

Regulatory Setting

Federal

National Fire Protection Association

The National Fire Protection Association (NFPA) is an international nonprofit organization that provides consensus codes and standards, research, training, and education on fire prevention and public safety. The NFPA develops, publishes, and disseminates more than 300 such codes and standards intended to minimize the possibility and effects of fire and other risks. The NFPA publishes the NFPA 1, Uniform Fire Code, which provides requirements to establish a reasonable level of fire safety and property protection in new and existing buildings.

State

California Fire Code and Building Code

The 2007 California Fire Code (Title 24, Part 9 of the California Code of Regulations) establishes regulations to safeguard against hazards of fire, explosion, or dangerous conditions in new and existing buildings, structures, and premises. The Fire Code also establishes requirements intended to provide safety and assistance to fire fighters and emergency responders during emergency operations. The provision of the Fire Code includes regulations regarding fire-resistance rated construction, fire protection systems such as alarm and sprinkler systems, fire service features such as fire apparatus access roads, fire safety during construction and demolition, and wildland urban interface areas.

In addition, the proposed Project is being evaluated pursuant to CEQA.

Local

Porterville General Plan Policies

- LU-G-5: Promote sustainability in the design and development of public and private
- PHS-I-28: Ensure that new development incorporates safety concerns into the site, circulation, building design and landscaping plans.

RESPONSES

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

Fire protection?

Less than Significant Impact. The proposed Project site will continue to be served by the Porterville Fire Station, which is approximately 1.1 miles southeast of the proposed Project site. The Project applicant would be required to submit plans to the City Fire Department for review and approval prior to the issuance of building permits to ensure the Project would conform to applicable building codes and would provide an on-site fire hydrant system in the event of an on-site fire. As such, any impacts would be *less than significant*.

Police Protection?

Less than Significant Impact. The proposed Project will continue to be served by the City of Porterville police department. Implementation of the proposed Project would result in an increase in demand for police services; however, this increase would be minimal compared to the number of officers currently employed by the Porterville Police Department and would not trigger the need for new or physically altered police facilities. Additionally, the proposed Project site is in an area of the City planned for residential development and is currently designated as Medium Density Residential. As a part of the Project, the General Plan will be amended to designate the site as High Density residential. No additional police personnel or equipment is anticipated. The impact is *less than significant*.

Schools?

Less than Significant Impact. The proposed Project site is located within the Burton Elementary School District for elementary and middle school and Porterville Unified School District for high school. The Project site is within the Monte Vista Elementary School Boundary, Sequoia Middle School Boundary, and Granite Hills High School Boundary. Based on school district generation rates for new housing units

(0.4 elementary, 0.1 middle school and 0.2 high school students per residential unit²⁶), the proposed Project would generate approximately 19 elementary school students, five middle school students and ten high school students. Pursuant to California Education Code Section 17620(a)(1), the governing board of any school district is authorized to levy a fee, charge, dedication, or other requirement against any construction within the boundaries of the district for the purpose of funding the construction or reconstruction of school facilities. The project applicant would be required to pay such fees to reduce any impacts of new residential development of school services. Payment of the developer fees will offset the addition of school-age children within the district. As such, any impacts would be *less than significant*.

Parks?

Less than Significant Impact. The nearest City parks to the proposed Project are Zalud Park, approximately half a mile south of North G. Street and Hayes Field which is located 1.2 miles northeast of the proposed Project site. To ensure sufficient recreational opportunities, the City has established a Park Impact Fee, implemented by Chapter 19, Parks, Article III, Park Impact Fee, of the Municipal Code. The Municipal Code states that parks must be constructed or expanded commensurate with growth of the City. The City Council determined that a park impact fee is required to assist in the financing of these public park improvements and to pay for new development's fair share of the acquisition and development costs of these improvements. The project applicant would be required to comply with Article III of the Municipal Code. As such, any impacts would remain *less than significant*.

Other public facilities?

Less than Significant Impact. The proposed Project is within the land use and growth projections identified in the City's General Plan and other infrastructure studies. As part of the project, the land use will be re-designated to High Density, which demonstrates a higher residential density than the current designation of Medium Density; however, as described in Impact XIII(a), the change in residential density could potentially cause a 0.07% increase in population. As such, the Project would not result in a significant increase in demand on other public facilities such as library services that has not already been planned for. Any impacts would be *less than significant*.

Mitigation Measures: None are required.

²⁶ Porterville 2030 General Plan EIR. SCH 2006011033. Page 234.

XV. 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?	☐	☐	☒	☐
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?	☐	☐	☒	☐

SETTING

Environmental Setting

The City of Porterville provides its residents several types of parks and recreational facilities. Parks are defined as land owned or leased by the City and used for public recreational purposes. The City classifies parks and recreational facilities in five categories: Pocket Parks, Neighborhood Parks, Community Parks, Specialized Recreation, and Trail/Parkways. Currently, the City of Porterville has 15 parks for a total of approximately 295 acres of parkland. Immediately north of the proposed Project site is the Porter Creek trail, which extends from Westwood Street west to the westernmost boundary of the Project.

These facilities range in size from the 0.1-acre North Park pocket park up to the 95-acre Sports Complex facility. With a 2006 population of 45,220 residents, the City has a ratio of 5.1 acres of parkland per 1,000 residents. The park ratio is based on Neighborhood Parks, Community Parks, and Specialized Recreation areas only. Trails, Community Facilities and Pocket Parks do not contribute to the ratio.

Regulatory Setting

The proposed Project is being evaluated pursuant to CEQA; however, there are no additional federal, state or local regulations, plans, programs, and guidelines associated with recreation that are applicable to the proposed Project.

RESPONSES

- 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?

Less than Significant Impact. As described in Impact XIV(a), the City has established a Park Impact Fee through the Municipal Code, which states that parks must be constructed or expanded commensurate with growth of the City. The project applicant will be required to comply with that Municipal Code and as such, any impacts will be *less than significant*.

Mitigation Measures: None are required.

- 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?

Less than Significant Impact. The proposed Project does not include the construction of recreation facilities, rather, it includes the payment of a Park Impact Fee as directed by the Municipal Code. *Less than significant impacts* would occur.

Mitigation Measures: None are required.

XVI. TRANSPORTATION/ TRAFFIC

Would the project:

- a. Conflict with an applicable plan, ordinance or policy establishing measures of effectiveness for the performance of the circulation system, taking into account all modes of transportation including mass transit and non-motorized travel and relevant components of the circulation system, including but not limited to intersections, streets, highways and freeways, pedestrian and bicycle paths, and mass transit?
- b. Conflict with an applicable congestion management program, including, but not limited to level of service standards and travel demand measures, or other standards established by the county congestion management agency for designated roads or highways?
- c. Result in a change in air traffic patterns, including either an increase in traffic levels or a change in location that result in substantial safety risks?
- d. Substantially increase hazards due to a design feature (e.g., sharp curves or dangerous intersections) or incompatible uses (e.g., farm equipment)?
- e. Result in inadequate emergency access?

Potentially Significant Impact	Less than Significant with Mitigation Incorporation	Less than Significant Impact	No Impact
--------------------------------------	---	------------------------------------	--------------

☐	☐	☒	☐
--------------------------	--------------------------	-------------------------------------	--------------------------

☐	☐	☒	☐
--------------------------	--------------------------	-------------------------------------	--------------------------

☐	☐	☐	☒
--------------------------	--------------------------	--------------------------	-------------------------------------

☐	☐	☐	☒
--------------------------	--------------------------	--------------------------	-------------------------------------

☐	☐	☐	☒
--------------------------	--------------------------	--------------------------	-------------------------------------

- f. Conflict with adopted policies, plans, or programs regarding public transit, bicycle, or pedestrian facilities, or otherwise decrease the performance or safety of such facilities?

☐☐☐☒

SETTING

Environmental Setting

The proposed Project is located on the east side of N. G Street between W. Mulberry Ave. and W. Henderson Ave., on APNs 247-160-037, 247-160-047, 247-160-048, and 247-160-050. It is in the north eastern portion of the City and is situated three miles east of State Route (SR) 65.

See Figures 1 and 2– Regional Map and Vicinity Map, respectively.

The nearest airport to the proposed Project site is the Porterville Municipal Airport, which is located approximately five miles southeast of the site.

Henderson Avenue is classified as a four-lane arterial between the Friant-Kern Canal and Plano Street. It provides east-west access for Porterville residents and has an interchange at SR65. Henderson Avenue bisects North Main Street and provides access to businesses and residences to the east.

Regulatory Setting

Federal

Several federal regulations govern transportation issues. They include:

- Title 49, CFR, Sections 171-177 (49 CFR 171-177), governs the transportation of hazardous materials, the types of materials defined as hazardous, and the marking of the transportation vehicles.
- 49 CFR 350-399, and Appendices A-G, Federal Motor Carrier Safety Regulations, address safety considerations for the transport of goods, materials, and substances over public highways.
- 49 CFR 397.9, the Hazardous Materials Transportation Act of 1974, directs the U.S. Department of Transportation to establish criteria and regulations for the safe transportation of hazardous materials.

State

State of California Transportation Department Transportation Concept Reports

Each District of the State of California Transportation Department (Caltrans) prepares a Transportation Concept Report (TCR) for every state highway or portion thereof in its jurisdiction. The TCR usually represents the first step in Caltrans' long-range corridor planning process. The purpose of the TCR is to determine how a highway will be developed and managed so that it delivers the targeted LOS and quality of operations that are feasible to attain over a 20-year period, otherwise known as the "route concept" or beyond 20 years, for what is known as the "ultimate concept".

The segment of SR 190 in the proposed project vicinity is designated as Segment 3. SR 190 is classified by Caltrans as rural except for the portion in Porterville which is designated urban. The route is also predominately indicated as a Minor Arterial and Major Collector. Therefore, the Route Concept LOS of D has been assigned to the entire route. Segment 3 is a 4-lane expressway and there are no changes expected to this segment.

SR 65 is designated as Segment 7 in the vicinity of the proposed Project site and has a LOS of C. The route concept for Segment 7 of Route 65 is described by Caltrans as a two-lane expressway, with improvements potentially being a four-lane expressway over the next 10 years.

In addition, the proposed Project is being evaluated pursuant to CEQA.

Local

The City of Porterville and the Tulare County Regional Transportation Plan designate level of service "D" as the minimum acceptable intersection peak hour level of service standard.

Porterville General Plan Policies

- C-G-6: Maintain acceptable levels of service and ensure that future development and the circulation system are in balance.
- C-G-7: Ensure that new development pays its fair share of the costs of transportation facilities.
- C-I-12: Continue to require that new development pay a fair share of the costs of street and other traffic and local transportation improvements based on traffic generated and impacts on traffic service levels.

RESPONSES

a. Conflict with an applicable plan, ordinance or policy establishing measures of effectiveness for the performance of the circulation system, taking into account all modes of transportation including mass transit and non-motorized travel and relevant components of the circulation system, including but not limited to intersections, streets, highways and freeways, pedestrian and bicycle paths, and mass transit?

Less than Significant Impact. The Project Applicant intends to construct a 48-unit, one and two-story residential development. Project components include interior access roads and parking, street lighting and landscaping.

According to the Institute of Transportation Engineer's (ITE) Trip Generation Manual, 9th Edition, the proposed Project of 48 residential units are estimated to generate 152 daily vehicle trips and 18 peak PM trips. These estimated trips are well below the City's standard of 2,500 average daily vehicle trips on local residential streets as identified in General Plan Policy C-I-9. Any impacts would be considered *less than significant*.

Mitigation Measures: None are required.

b. Conflict with an applicable congestion management program, including, but not limited to level of service standards and travel demand measures, or other standards established by the county congestion management agency for designated roads or highways?

Less than Significant Impact. As shown in Response a., the proposed Project will have a *less than significant* impact on any existing level of service or other travel demand measures. The Project will not conflict with any congestion management programs, as none are applicable to the Project.

Mitigation Measures: None are required.

c. Result in a change in air traffic patterns, including either an increase in traffic levels or a change in location that result in substantial safety risks?

No Impact. The Project site is approximately five miles northeast of the Porterville Municipal Airport. There are no characteristics of the Project that would have any impact on air traffic patterns. There is *no impact*.

Mitigation Measures: None are required.

d. Substantially increase hazards due to a design feature (e.g., sharp curves or dangerous intersections) or incompatible uses (e.g., farm equipment)?

No Impact. No roadway design features associated with this proposed Project would result in an increase in hazards due to a design feature or be an incompatible use. See also Response XVI-a. There is *no impact*.

Mitigation Measures: None are required.

e. Result in inadequate emergency access?

No Impact. No roadway design features associated with this proposed Project would result in an increase in hazards due to a design feature or be an incompatible use. See also Response XVI-a. There is *no impact*.

Mitigation Measures: None are required.

f. Conflict with adopted policies, plans, or programs regarding public transit, bicycle, or pedestrian facilities, or otherwise decrease the performance or safety of such facilities?

No Impact. No roadway design features associated with this proposed Project would result in an increase in hazards due to a design feature or be an incompatible use. See also Response XVI-a. There is *no impact*.

Mitigation Measures: None are required.

XVII. TRIBAL CULTURAL RESOURCES

Would the project:

- a. 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:
- 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
 - 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 the Public Resources Code section 5024.1, the lead agency shall consider the significance of the resource to a California Native American tribe.

Potentially Significant Impact	Less than Significant with Mitigation Incorporation	Less than Significant Impact	No Impact
--------------------------------------	---	------------------------------------	--------------

☐☐☒☐☐☐☒☐

SETTING

Federal

The National Historic Preservation Act

The National Historic Preservation Act of 1966 (NHPA) established federal regulations for the purpose of protecting significant cultural resources. The legislation established the National Register of Historic Places and the National Historic Landmarks Program. It mandated the establishment of the State Historic Preservation Office (SHPO), responsible for implementing statewide historic preservation programs in each state. A key aspect of SHPO responsibilities include surveying, evaluating and nominating significant historic buildings, sites, structures, districts and objects to the National Register. The NHPA also established requirements for federal agencies to consider the effects of proposed federal Projects on historic properties (Section 106, NHPA). Federal agencies and recipients of federal funding are required to initiate consultation with the SHPO as part of the Section 106 review process.²⁷

State

California State Office of Historic Preservation (OHP)

The California State Office of Historic Preservation (OHP) is responsible for administering federally and state mandated historic preservation programs to further the identification, evaluation, registration and protection of California's irreplaceable archaeological and historical resources under the direction of the State Historic Preservation Officer (SHPO), appointed by the governor, and the State Historical Resources Commission, a nine-member state review board appointed by the governor.

Among OHP's responsibilities are identifying, evaluating, and registering historic properties; and ensuring compliance with federal and state regulations. The OHP administers the State Register of Historical Resources and maintains the California Historical Resources Information System (CHRIS) database. The CHRIS database includes statewide Historical Resources Inventory (HRI) database. The records are maintained and managed under contract by eleven independent regional Information Centers. Tulare, Fresno, Kern, Kings and Madera counties are served by the Southern San Joaquin Valley Information Center (Center), located in Bakersfield, CA. The Center provides information on known historic and cultural resources to governments, institutions and individuals.²⁸

²⁷ Advisory Council on Historic Preservation, National Historic Preservation Program: Overview, <http://www.achp.gov/overview.html>, Accessed May 2018.

²⁸ California Office of Historic Preservation, Mission and Responsibilities, http://ohp.parks.ca.gov/?page_id=1066, Accessed May 2018.

A historical resource may be eligible for inclusion in the California Register of Historical Resources (CRHR) if it:

- Is associated with events that have made a significant contribution to the broad patterns of California's history and cultural heritage;
- Is associated with the lives of persons important to our past;
- Embodies the distinctive characteristics of a type, period, region, or method of construction, or represents the work of an important creative individual, or possesses high artistic values; or
- Has yielded, or may be likely to yield, information important in prehistory or history.²⁹

Tribal Consultation Requirements: SB 18 (Burton, 2004)³⁰

On September 29, 2004, Governor Schwarzenegger signed Senate Bill 18, Tribal Consultation Guidelines, into law. This bill amended Section 815.3 of the Civil Code, to amend Sections 65040.2, 65092, 65351, 65352, and 65560 of, and to add Sections 65352.3, 65352.4, and 65562.2 to, the Government Code, relating to traditional tribal cultural Places. SB 18, enacted March 1, 2005, creates a mechanism for California Native American Tribes to identify culturally significant sites that are located within public or private lands within the city or county's jurisdiction. SB 18 requires cities and counties to contact, and offer to consult with, California Native American Tribes before adopting or amending a General Plan, a Specific Plan, or when designating land as Open Space, for the purpose of protecting Native American Cultural Places (PRC 5097.9 and 5097.993). The Native American Heritage Commission (NAHC) provides local governments with a consultation list of tribal governments with traditional lands or cultural places located within the Project Area of Potential Effect. Tribes have 90 days from the date on which they receive notification to request consultation unless a shorter timeframe has been agreed to by the tribe.

Tribal Consultation Requirements: AB 52 (Gatto, 2014)³¹

This bill was approved by Governor Brown on September 25, 2014 and became effective July 1, 2015. This bill amended Section 5097.94 of, and to add Sections 21073, 21074, 21080.3.1, 21080.3.2, 21082.3, 21083.09, 21084.2, and 21084.3 to, the Public Resources Code, relating to Native Americans. The bill specifies that a project with an effect that may cause a substantial adverse change in the significance of a tribal cultural resource, as defined, is a project that may have a significant effect on the environment. This bill requires a lead agency to begin consultation with a California Native American tribe that is traditionally and

²⁹ California Office of Historic Preservation, California Register: Criteria for Designation, http://www.ohp.parks.ca.gov/?page_id=21238. Accessed May 2018.

³⁰ Senate Bill No. 18, Chapter 905, http://leginfo.legislature.ca.gov/faces/billNavClient.xhtml?bill_id=200320040SB18, Accessed May 2018.

³¹ Assembly Bill No. 52, Chapter 532, http://leginfo.legislature.ca.gov/faces/billNavClient.xhtml?bill_id=201320140AB52, Accessed May 2018.

culturally affiliated (can be a tribe anywhere within the State of California) with the geographic area of the proposed project, if the tribe requested to the lead agency, in writing, to be informed by the lead agency of proposed projects in that geographic area and the tribe requests consultation, prior to determining whether a negative declaration, mitigated negative declaration, or environmental impact report is required for a project.

Existing law establishes the Native American Heritage Commission (NAHC) and vests the commission with specified powers and duties. This bill required the NAHC to provide each California Native American tribe, as defined, on or before July 1, 2016, with a list of all public agencies that may be a lead agency within the geographic area in which the tribe is traditionally and culturally affiliated, the contact information of those agencies, and information on how the tribe may request those public agencies to notify the tribe of projects within the jurisdiction of those public agencies for the purposes of requesting consultation.

The NAHC provides protection to Native American burials from vandalism and inadvertent destruction, provides a procedure for the notification of most likely descendants regarding the discovery of Native American human remains and associated grave goods, brings legal action to prevent severe and irreparable damage to sacred shrines, ceremonial sites, sanctified cemeteries and place of worship on public property, and maintains an inventory of sacred places.³²

The NAHC performs a Sacred Lands File search for sites located on or near the Project site upon request. The NAHC also provides local governments with a consultation list of tribal governments with traditional lands or cultural places located within the Project Area of Potential Effect. As indicated on the NAHC's letter dated April 27, 2018, a Sacred Lands File check indicated negative results (that is, Sacred Lands were not identified) for the Project location. An opportunity has been provided to Native American tribes listed by the Native American Heritage Commission during the CEQA process as required by AB 52. No Project-specific responses were received by the City in response to the consultation request within the mandatory response time-frames; therefore, this Initial Study has been completed consistent and compliant with AB 52.

RESPONSES

- a-i, a-ii. 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 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

³² Native American Heritage Commission, About the Native American Heritage Commission, <http://nahc.ca.gov/about/>, Accessed May 2018.

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

Less than Significant Impact. A Tribal Cultural Resource (TCR) is defined under Public Resources Code section 21074 as a site, feature, place, cultural landscape that is geographically defined in terms of size and scope, sacred place, and object with cultural value to a California Native American tribe that are either included and that is listed or eligible for inclusion in the California Register of Historic Resources or in a local register of historical resources, or if the City of Porterville, acting as the Lead Agency, supported by substantial evidence, chooses at its discretion to treat the resource as a TCR. As discussed above, under Section V, Cultural Resources, criteria (b) and (d), no known archeological resources, ethnographic sites or Native American remains are located on the proposed Project site. As discussed under criterion (b) implementation of Mitigation Measure CULT-1 would reduce impacts to unknown archaeological deposits, including TCRs, to a less than significant level. As discussed under criterion (d), compliance with California Health and Safety Code Section 7050.5 would reduce the likelihood of disturbing or discovering human remains, including those of Native Americans. Any impacts to TCR would be considered *less than significant*.

Mitigation Measures: No additional measures are required.

XVIII. UTILITIES AND SERVICE SYSTEMS

Would the project:

	Potentially Significant Impact	Less than Significant with Mitigation Incorporation	Less than Significant Impact	No Impact
a. Exceed wastewater treatment requirements of the applicable Regional Water Quality Control Board?	☐	☐	☒	☐
b. Require or result in the construction of new water or wastewater treatment facilities or expansion of existing facilities, the construction of which could cause significant environmental effects?	☐	☐	☒	☐
c. Require or result in the construction of new storm water drainage facilities or expansion of existing facilities, the construction of which could cause significant environmental effects?	☐	☐	☒	☐
d. Have sufficient water supplies available to serve the project from existing entitlements and resources, or are new or expanded entitlements needed?	☐	☐	☒	☐
e. Result in a determination by the wastewater treatment provider which serves or may serve the project that it has adequate capacity to serve the project's projected demand in addition to the provider's existing commitments?	☐	☐	☒	☐
f. Be served by a landfill with sufficient permitted capacity to accommodate the project's solid waste disposal needs?	☐	☐	☒	☐

- g. Comply with federal, state, and local statutes and regulations related to solid waste?

☐☐☒☐

SETTING

Environmental Setting

Utilities required to serve the proposed Project would include: water, sanitary sewer, storm drainage, electricity, and telecommunications infrastructure. Water service, sewage disposal and refuse collection would be provided by the City of Porterville.

Regulatory Setting

State

State Water Resources Control Board (SWRCB)

Waste Discharge Requirements Program. State regulations pertaining to the treatment, storage, processing, or disposal of solid waste are found in Title 27, CCR, Section 20005 et seq. (hereafter Title 27). In general, the Waste Discharge Requirements (WDRs) Program (sometimes also referred to as the "Non-Chapter 15 (Non-15) Program") regulates point discharges that are exempt pursuant to Subsection 20090 of Title 27 and not subject to the Federal Water Pollution Control Act. Exemptions from Title 27 may be granted for nine categories of discharges (e.g., sewage, wastewater, etc.) that meet, and continue to meet, the preconditions listed for each specific exemption. The scope of the WDRs Program also includes the discharge of wastes classified as inert, pursuant to section 20230 of Title 2744. Several SWRCB programs are administered under the WDR Program, including the Sanitary Sewer Order and recycled water programs.

National Pollutant Discharge Elimination System (NPDES) Permit

As authorized by the Clean Water Act (CWA), the National Pollutant Discharge Elimination System (NPDES) Permit Program controls water pollution by regulating point sources that discharge pollutants into waters of the United States. In California, it is the responsibility of Regional Water Quality Control Boards (RWQCB) to preserve and enhance the quality of the state's waters through the development of water quality control plans and the issuance of waste discharge requirements (WDRs). WDRs for discharges to surface waters also serve as NPDES permits. Tulare County is within the Central Valley RWQCB's jurisdiction.

In addition, the proposed Project is being evaluated pursuant to CEQA.

Local

Porterville General Plan Policies

- OSC-G-10: Reduce and conserve energy use in existing and new commercial, industrial, and public structures.
- OSC-I-41: Work with agricultural and industrial uses to ensure that water contamination and waste products are handled in a manner that protects the long-term viability of water resources.
- OSC-I-44: Work with the Regional Water Quality Control Board to ensure that all point source pollutants are adequately mitigated (as part of the CEQA review and project approval process) and monitored to ensure long-term compliance.
- OSC-I-51: Prior to the approval of individual projects, require the City Engineer and/or Building Official to verify that the provisions of applicable point source pollution programs have been satisfied.

RESPONSES

a. Exceed wastewater treatment requirements of the applicable Regional Water Quality Control Board?

Less than Significant Impact. Implementation of the proposed Project would include up to 48 residential units on the project site. The project site is located within the service territory of the Porterville Wastewater Treatment Facility (WWTF). Since the WWTF is considered a publicly owned treatment works, operational discharge flows treated at the WWTF would be required to comply with applicable water discharge requirements issued by the Central Valley Regional Water Quality Control Board (RWQCB). Compliance with conditions or permit requirements established by the City as well as water discharge requirements outlined by the Central Valley RWQCB would ensure that wastewater discharges coming from the proposed Project site and treated by the WWTF system would not exceed applicable Central Valley RWQCB wastewater treatment requirements. The impact will be *less than significant*.

Mitigation Measures: None are required.

b. Require or result in the construction of new water or wastewater treatment facilities or expansion of existing facilities, the construction of which could cause significant environmental effects?

Less than Significant Impact. As discussed in Section XVIII(a), implementation of the proposed Project would result in the need for additional wastewater treatment service; however, as acknowledged in the General Plan, the City will begin planning for additional WWTF capacity to accommodate growth and development allowed under the General Plan when the influent flow reaches 6.4 million gallons per day. Additionally, the Project applicant would be required to comply with any applicable City and WWTF regulations and would be subject to applicable development impact fees and wastewater connection charges. Therefore, with compliance to applicable standards and payment of required fees and connection charges, the Project would not result in a significant impact related to construction or expansions of existing wastewater treatment facilities. Therefore, the impact is *less than significant*.

Mitigation Measures: None are required.

- c. Require or result in the construction of new storm water drainage facilities or expansion of existing facilities, the construction of which could cause significant environmental effects?

Less than Significant Impact. As discussed in Section IX, Hydrology and Water Quality, with an increase in the amount of impervious surfaces on the Project site an increase in the amount of storm water runoff is anticipated. The site will be designed so that storm water is collected and deposited in the City's existing storm drain system, which has adequate capacity. The storm water collection system design will be subject to review and approval by the City Public Works Department. Storm water during construction will be managed as part of the Storm Water Pollution Prevention Plan (SWPPP). A copy of the SWPPP is retained on-site during construction. As a result, impacts would be *less than significant*.

Mitigation Measures: None are required.

- d. Have sufficient water supplies available to serve the project from existing entitlements and resources, or are new or expanded entitlements needed?

Less Than Significant Impact. The City of Porterville (and proposed Project site) is located in the Tulare Lake Basin, an area significantly affected by overdraft. The Department of Water Resources (DWR) has estimated the groundwater by hydrologic region and for the Tulare Lake Basin; the total overdraft is estimated at 820,000 acre-feet per year, the greatest overdraft projected in the state, and 56 percent of the statewide total overdraft. The proposed Project site is located within the Tule Sub-basin portion of the greater San Joaquin Valley Groundwater Basin. According to the City's General Plan EIR, wells in and around the city have shown a moderate groundwater level decline of about 0.75 feet per year over the past 20 years. The City's municipal wells are generally scattered west of Plano Avenue and south of Westfield Avenue and the distribution system is operated under pressure.

The site associated with this Project was previously planned for medium density residential, and thus was included in the City's Urban Water Management Plan and General Plan. However, with a change from medium to high density residential, the proposed project will result in approximately 21 more residential units than what would be allowed under the existing medium density designation. As demonstrated in Impact IX(b), the proposed Project represents a relatively small percent of the total water use compared to City-wide water use (and only 1.27% greater water use compared to the existing medium density residential designation); and will be subject to the City Ordinance 1830 Sections 25-54 and other water restricting regulations. As such, the impact to water supply is determined to be *less than significant*.

Mitigation Measures: None are required.

- e. Result in a determination by the wastewater treatment provider which serves or may serve the project that it has adequate capacity to serve the project's projected demand in addition to the provider's existing commitments?

Less than Significant Impact. See response (b), above. Any impacts will be *less than significant*.

Mitigation Measures: None are required.

- f. Be served by a landfill with sufficient permitted capacity to accommodate the project's solid waste disposal needs?

Less than Significant Impact. Disposal services in the City are provided by the City of Porterville. As of 2004, the City's solid waste was disposed at Teapot Dome landfill, located approximately five miles southwest of the City limits. Teapot Dome is a County-operated Class III landfill permitted to discharge up to 600 tons per day. As of 2004, the landfill was at 84.7 percent capacity with a remaining capacity of 998,468 cubic yards. According to the City's General Plan, once Teapot Dome landfill reaches capacity, the City anticipates using its transfer facility to divert waste to the Visalia landfill.

The Visalia Disposal Site, located approximately 35 miles northwest of the City limits, is a County-operated Class III landfill permitted to discharge up to 2,000 tons a day. As of 2006, the landfill was at 13.3 percent capacity with a remaining capacity of 16,145,600 cubic yards and an anticipated closure date of 2024. The estimated closure date is considered to be worst case scenario, where diversion goals are not met.

Pena Disposal accepts all the recyclables for the City. This processing and transfer facility is approximately 35 miles from City limits and is permitted for unlimited recycling, 2,000 tons per day of mixed solid waste, 100 tons per day of yard waste and 175 tons per day of construction and demolition

waste. Most household hazardous wastes, including e-waste, must be taken to various sites in Visalia, except on the biannual clean-up days when the County sets up a drop-off site in Porterville.

According to the General Plan, solid waste generation rates in Porterville are approximately 2.0 pounds per day per resident. Therefore, the proposed Project would include the development of 48 residential units resulting in a population increase of approximately 156 persons, generation approximately 312 pounds per day of solid waste.

Implementation of the proposed Project would result in an increase in solid waste disposal needs; however, this increase would be minimal and, as indicated in the General Plan, the County anticipates the available landfill capacity will be sufficient through 2030. The proposed Project would result in *less than significant* impacts to solid waste and landfill facilities.

Mitigation Measures: None are required.

g. Comply with federal, state, and local statutes and regulations related to solid waste?

Less than Significant Impact. See Response f, above. The proposed Project would be required to comply with all federal, State, and local regulations related to solid waste. Furthermore, the proposed Project would be required to comply with all standards related to solid waste diversion, reduction, and recycling during project construction and operation. The proposed Project will comply with all federal, state and local statutes and regulations related to solid waste. As such, any impacts would be *less than significant*.

Mitigation Measures: None are required.

XIX. MANDATORY FINDINGS OF SIGNIFICANCE

Would the project:

- 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?
- b. Does the project have impacts that are individually limited, but cumulatively considerable? ("Cumulatively considerable" means that the incremental effects of a project are considerable when viewed in connection with the effects of past projects, the effects of other current projects, and the effects of probable future projects)?
- c. Does the project have environmental effects which will cause substantial adverse effects on human beings, either directly or indirectly?

Potentially Significant Impact	Less than Significant with Mitigation Incorporation	Less than Significant Impact	No Impact
--------------------------------------	---	------------------------------------	--------------

☐☒☐☐☐☐☒☐☐☒☐☐

RESPONSES

- 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?

Less than Significant Impact with Mitigation. The analyses of environmental issues contained in this Initial Study indicate that the proposed Project is not expected to have substantial impact on the environment or on any resources identified in the Initial Study. Mitigation measures have been incorporated in the project design to reduce all potentially significant impacts to *less than significant*.

- 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)?

Less than Significant Impact. CEQA Guidelines Section 15064(i) states that a Lead Agency shall consider whether the cumulative impact of a project is significant and whether the effects of the project are cumulatively considerable. The assessment of the significance of the cumulative effects of a project must, therefore, be conducted in connection with the effects of past projects, other current projects, and probable future projects. Due to the nature of the Project and consistency with environmental policies, incremental contributions to impacts are considered less than cumulatively considerable. The proposed Project would not contribute substantially to adverse cumulative conditions, or create any substantial indirect impacts (i.e., increase in population could lead to an increase need for housing, increase in traffic, air pollutants, etc.). The impact is *less than significant*.

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

Less than Significant Impact with Mitigation. The analyses of environmental issues contained in this Initial Study indicate that the project is not expected to have substantial impact on human beings, either directly or indirectly. Mitigation measures have been incorporated in the Project design to reduce all potentially significant impacts to *less than significant*.

Chapter 4

MMRP

MITIGATION MONITORING AND REPORTING PROGRAM

This Mitigation Monitoring and Reporting Program (MMRP) has been formulated based upon the findings of the Initial Study/Mitigated Negative Declaration (IS/MND) for the City of Porterville's Sequoia Circle Development Project (proposed Project). The MMRP lists mitigation measures recommended in the IS/MND for the proposed Project and identifies monitoring and reporting requirements as well as conditions recommended by responsible agencies who commented on the project.

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

Mitigation Measure	Party responsible for Implementing Mitigation	Implementation Timing	Party responsible for Monitoring	Verification (name/date)
BIO-1 <i>Avoidance.</i> If feasible, Project construction will occur outside of the avian nesting season, typically defined as February 1 st through August 31 st . If construction takes place entirely outside of the nesting season, impacts to nesting tricolored blackbirds will be absent and no other action is necessary.	Project Applicant	Prior to and during construction	Project Applicant	
BIO-2 <i>Pre-construction Surveys.</i> If Project construction must occur during the nesting season, a pre-construction survey shall be conducted by a qualified biologist for nesting tricolored blackbirds within 15 days of the onset of construction. All suitable habitats of the BSA will be covered during this survey.	Project Applicant	Prior to and during construction	Project Applicant	
BIO-3 <i>Establish Buffers.</i> If active nests are identified within or near construction zones, an appropriate construction-free buffer will be established around the nests (as determined by a qualified biologist) and maintained until the nesting season is over, or until the biologist determines the nests are no longer active.	Project Applicant	Prior to and during construction	Project Applicant	
BIO-4 <i>Avoidance.</i> In order to avoid impacts to nesting birds, Project construction will take place between September 1 and January 31, outside of the typical avian nesting season.	Project Applicant	Prior to and during construction	Project Applicant	

Mitigation Measure	Party responsible for Implementing Mitigation	Implementation Timing	Party responsible for Monitoring	Verification (name/date)
BIO-5 <i>Pre-construction Surveys.</i> If Project construction must occur between February 1 and August 31, a qualified biologist will conduct pre-construction surveys for active bird nests within 15 days of the onset of these activities.	Project Applicant	Prior to and during construction	Project Applicant	
BIO-6 <i>Establish Buffers.</i> Should any active nests be discovered in or near proposed construction zones, the biologist will identify a suitable construction-free buffer around the nest. This buffer will be identified on the ground with flagging or fencing, and will be maintained until the biologist has determined that the young have fledged.	Project Applicant	Prior to and during construction	Project Applicant	
CUL-1 - Before initiation of construction or ground-disturbing activities associated with the Project, the Project proponent for all Project phases shall require all construction personnel to be alerted to the possibility of buried cultural resources, including historic, archeological and paleontological resources; - The general contractor and its supervisory staff shall be responsible for monitoring the construction Project for disturbance of cultural resources; and - If a potentially significant historical, archaeological, or paleontological resource, such as structural features, unusual amounts of bone or shell, artifacts,	Project Applicant	Prior to and during construction	Project Applicant	

Mitigation Measure	Party responsible for Implementing Mitigation	Implementation Timing	Party responsible for Monitoring	Verification (name/date)
human remains, or architectural remains or trash deposits are encountered during subsurface construction activities (i.e., trenching, grading), all construction activities within a 100-foot radius of the identified potential resource shall cease until a qualified archaeologist evaluates the item for its significance and records the item on the appropriate State Department of Parks and Recreation (DPR) forms. The archaeologist shall determine whether the item requires further study. If, after the qualified archaeologist conducts appropriate technical analyses, the item is determined to be significant under California Environmental Quality Act, the archaeologist shall recommend feasible mitigation measures, which may include avoidance, preservation in place or other appropriate measure, as outlined in Public Resources Code section 21083.2. The City of Porterville shall implement said measures.				
CUL-2 The Project applicant will incorporate into the construction contract(s) a provision that in the event a fossil or fossil formations are discovered during any subsurface construction activities for the proposed Project (i.e., trenching, grading), all excavations within 100 feet of the find shall be temporarily halted until the find is examined by a qualified paleontologist, in accordance with Society of Vertebrate Paleontology standards. The	Project Applicant	During construction	Project Applicant	

Mitigation Measure	Party responsible for Implementing Mitigation	Implementation Timing	Party responsible for Monitoring	Verification (name/date)
paleontologist shall notify the appropriate representative at the City of Porterville, who shall coordinate with the paleontologist as to any necessary investigation of the find. If the find is determined to be significant under CEQA, the City shall implement those measures, which may include avoidance, preservation in place, or other appropriate measures, as outlined in Public Resources Code section 21083.2.				
GHG-1 The project applicant shall demonstrate compliance with the applicable BPS strategies to the Planning Division prior to the issuance of a building permit. The following PBS strategies are considered to be applicable, feasible, and effective in reducing greenhouse gas emissions generated by the project: • The project applicant shall provide a pedestrian access network that internally links all residential units and connects to the existing surrounding external streets and pedestrian facilities. • The project applicant shall ensure site design and building placement minimize barriers to pedestrian access and interconnectivity. Physical barriers such as wells, berms, landscaping, and	Project Applicant	During project design and construction	Project Applicant	

Mitigation Measure	Party responsible for Implementing Mitigation	Implementation Timing	Party responsible for Monitoring	Verification (name/date)
slopes between residential uses that impede bicycle or pedestrian circulation shall be eliminated. In addition, barriers to pedestrian access of neighboring facilities and sites shall be minimized. - Any transit stops associated with the project shall be provided with safe and convenient bicycle/pedestrian access and provide essential transit stop improvements (i.e., shelters, route information, benches, and lighting). - The project applicant shall install energy efficient roofing materials. - The project applicant shall incorporate bike lanes and routes into the street system. - The project applicant shall plant trees to provide shade. - The project applicant shall install only natural gas or electric stoves in residences. The project applicant shall install energy efficient heating and cooling systems, appliances and equipment, and control systems.				

Mitigation Measure	Party responsible for Implementing Mitigation	Implementation Timing	Party responsible for Monitoring	Verification (name/date)
NO-1 During construction activities, delivery trucks serving the Project shall be limited to between 6:00 A.M. and 9:00 P.M. Monday through Friday and between 7:00 A.M. and 5:00 PM on Saturday or Sunday to avoid noise-sensitive hours of the day.	Project Applicant	During construction and operation	Project Applicant	
NO- 2 Construction activities shall be limited to between 6:00 A.M. and 9:00 P.M. Monday through Friday and between 7:00 A.M. and 5:00 PM on Saturday or Sunday to avoid noise-sensitive hours of the day. Construction activities shall be prohibited on holidays (President's Day, Memorial Day, Fourth of July, Labor Day, Thanksgiving, Day after Thanksgiving, Christmas Day, and New Year's Day).	Project Applicant	During construction and operation	Project Applicant	
NO-3 The construction contract shall require the construction contractor to ensure that construction equipment noise is minimized by muffling and shielding intakes and exhaust on construction equipment (in accordance with the manufacturer's specifications) and by shrouding or shielding impact tools.	Project Applicant	During construction	Project Applicant	

Chapter 5

Preparers

LIST OF PREPARERS

List of Preparers

Crawford & Bowen Planning, Inc.

- Travis Crawford, AICP, Principal Environmental Planner
- Emily Bowen, LEED AP, Principal Environmental Planner

ASM Affiliates

- David S. Whitley, Ph.D., Director

Persons and Agencies Consulted

City of Porterville

- Julie Phillips, AICP, Community Development Manager
- Jenni Byers, Community Development Director

California Historic Resources Information System

- Celeste Thomson, Coordinator

Native American Heritage Commission

- Sharaya Souza, Staff Services Analyst

Appendices

Appendix A

Biological Database Files



Summary Table Report

California Department of Fish and Wildlife

California Natural Diversity Database



Query Criteria: Quad IS (Porterville (3611911) OR Cairns Corner (3611922) OR Lindsay (3611921) OR Frazier Valley (3611828) OR Woodville (3611912) OR Success Dam (3611818) OR Sausalito School (3511982) OR Ducor (3511981) OR Fountain Springs (3511888))

Name (Scientific/Common)	CNDDB Ranks	Listing Status (Fed/State)	Other Lists	Elev. Range (ft.)	Total EO's	Element Occ. Ranks						Population Status		Presence		
						A	B	C	D	X	U	Historic > 20 yr	Recent <= 20 yr	Extant	Poss. Extirp.	Extirp.
<i>Agelaius tricolor</i> tricolored blackbird	G2G3 S1S2	None Candidate Endangered	BLM_S-Sensitive CDFW_SSC-Species of Special Concern IUCN_EN-Endangered NABCI_RWL-Red Watch List USFWS_BCC-Birds of Conservation Concern	271 655	951 S:3	0	0	0	0	1	2	2	1	2	1	0
<i>Anniella pulchra</i> northern California legless lizard	G3 S3	None None	CDFW_SSC-Species of Special Concern USFS_S-Sensitive	460 550	333 S:4	1	0	0	0	0	3	1	3	4	0	0
<i>Antrozous pallidus</i> pallid bat	G5 S3	None None	BLM_S-Sensitive CDFW_SSC-Species of Special Concern IUCN_LC-Least Concern USFS_S-Sensitive WBWG_H-High Priority	900 900	411 S:1	0	0	0	0	0	1	1	0	1	0	0
<i>Atriplex cordulata</i> var. <i>erecticaulis</i> Earlimart orache	G3T1 S1	None None	Rare Plant Rank - 1B.2 BLM_S-Sensitive	275 305	21 S:2	0	0	0	0	0	2	1	1	2	0	0
<i>Atriplex coronata</i> var. <i>vallicola</i> Lost Hills crownscale	G4T2 S2	None None	Rare Plant Rank - 1B.2 BLM_S-Sensitive	275 275	78 S:1	0	0	0	0	0	1	1	0	1	0	0
<i>Atriplex depressa</i> brittlescale	G2 S2	None None	Rare Plant Rank - 1B.2	320 320	61 S:1	0	0	0	0	0	1	1	0	1	0	0
<i>Atriplex minuscula</i> lesser saltscale	G2 S2	None None	Rare Plant Rank - 1B.1	305 305	37 S:1	1	0	0	0	0	0	0	1	1	0	0
<i>Atriplex persistens</i> vernal pool smallscale	G2 S2	None None	Rare Plant Rank - 1B.2	370 370	41 S:1	0	0	0	0	0	1	1	0	1	0	0
<i>Atriplex subtilis</i> subtle orache	G1 S1	None None	Rare Plant Rank - 1B.2 BLM_S-Sensitive	305 325	24 S:3	1	0	0	0	0	2	2	1	3	0	0



Summary Table Report

California Department of Fish and Wildlife

California Natural Diversity Database



Name (Scientific/Common)	CNDDB Ranks	Listing Status (Fed/State)	Other Lists	Elev. Range (ft.)	Total EO's	Element Occ. Ranks						Population Status		Presence		
						A	B	C	D	X	U	Historic > 20 yr	Recent <= 20 yr	Extant	Poss. Extirp.	Extirp.
<i>Bombus crotchii</i> Crotch bumble bee	G3G4 S1S2	None None		500 600	234 S:2	0	0	0	0	0	2	2	0	2	0	0
<i>Branchinecta lynchi</i> vernal pool fairy shrimp	G3 S3	Threatened None	IUCN_VU-Vulnerable	320 500	765 S:7	0	2	0	4	0	1	1	6	7	0	0
<i>Buteo swainsoni</i> Swainson's hawk	G5 S3	None Threatened	BLM_S-Sensitive IUCN_LC-Least Concern USFWS_BCC-Birds of Conservation Concern	310 320	2460 S:2	0	1	1	0	0	0	0	2	2	0	0
<i>Caulanthus californicus</i> California jewelflower	G1 S1	Endangered Endangered	Rare Plant Rank - 1B.1	325 325	63 S:1	0	0	0	0	1	0	1	0	0	1	0
<i>Clarkia springvillensis</i> Springville clarkia	G2 S2	Threatened Endangered	Rare Plant Rank - 1B.2	700 815	28 S:3	0	1	1	0	0	1	0	3	3	0	0
<i>Corynorhinus townsendii</i> Townsend's big-eared bat	G3G4 S2	None None	BLM_S-Sensitive CDFW_SSC-Species of Special Concern IUCN_LC-Least Concern USFS_S-Sensitive WBWG_H-High Priority	900 1,760	626 S:2	0	0	0	0	0	2	2	0	2	0	0
<i>Delphinium recurvatum</i> recurved larkspur	G2? S2?	None None	Rare Plant Rank - 1B.2 BLM_S-Sensitive	305 320	100 S:4	0	1	0	0	2	1	3	1	2	0	2
<i>Desmocerus californicus dimorphus</i> valley elderberry longhorn beetle	G3T2 S2	Threatened None		490 550	271 S:4	0	2	1	1	0	0	4	0	4	0	0
<i>Diplacus pictus</i> calico monkeyflower	G2 S2	None None	Rare Plant Rank - 1B.2 BLM_S-Sensitive SB_RSABG-Rancho Santa Ana Botanic Garden	600 1,440	63 S:3	0	0	0	0	0	3	3	0	3	0	0
<i>Dipodomys nitratoides nitratoides</i> Tipton kangaroo rat	G3T1T2 S1S2	Endangered Endangered	IUCN_VU-Vulnerable	320 320	78 S:1	0	0	0	0	0	1	1	0	1	0	0
<i>Eryngium spinosepalum</i> spiny-sepaled button-celery	G2 S2	None None	Rare Plant Rank - 1B.2	686 800	90 S:2	0	0	0	0	1	1	1	1	1	1	0



Summary Table Report

California Department of Fish and Wildlife

California Natural Diversity Database



Name (Scientific/Common)	CNDDB Ranks	Listing Status (Fed/State)	Other Lists	Elev. Range (ft.)	Total EO's	Element Occ. Ranks						Population Status		Presence		
						A	B	C	D	X	U	Historic > 20 yr	Recent <= 20 yr	Extant	Poss. Extirp.	Extirp.
<i>Eumops perotis californicus</i> western mastiff bat	G5T4 S3S4	None None	BLM_S-Sensitive CDFW_SSC-Species of Special Concern WBWG_H-High Priority		294 S:1	0	0	0	0	0	1	1	0	1	0	0
<i>Fritillaria striata</i> striped adobe-lily	G2? S2?	None Threatened	Rare Plant Rank - 1B.1 BLM_S-Sensitive SB_RSABG-Rancho Santa Ana Botanic Garden SB_USDA-US Dept of Agriculture USFS_S-Sensitive	450 1,700	23 S:7	0	1	1	1	2	2	6	1	5	0	2
<i>Gymnogyps californianus</i> California condor	G1 S1	Endangered Endangered	CDF_S-Sensitive CDFW_FP-Fully Protected IUCN_CR-Critically Endangered NABCI_RWL-Red Watch List	1,000 1,000	13 S:1	0	0	0	0	0	1	1	0	1	0	0
<i>Lasiurus cinereus</i> hoary bat	G5 S4	None None	IUCN_LC-Least Concern WBWG_M-Medium Priority		236 S:1	0	0	0	0	0	1	1	0	1	0	0
<i>Leptosiphon serrulatus</i> Madera leptosiphon	G3 S3	None None	Rare Plant Rank - 1B.2 USFS_S-Sensitive	1,000 1,000	27 S:1	0	0	0	0	0	1	1	0	1	0	0
<i>Lytta hoppingi</i> Hopping's blister beetle	G1G2 S1S2	None None			5 S:1	0	0	0	0	0	1	1	0	1	0	0
<i>Lytta molesta</i> molestan blister beetle	G2 S2	None None		480 480	17 S:1	0	0	0	0	0	1	1	0	1	0	0
<i>Lytta morrisoni</i> Morrison's blister beetle	G1G2 S1S2	None None			10 S:1	0	0	0	0	0	1	1	0	1	0	0
<i>Monolopia congdonii</i> San Joaquin woollythreads	G2 S2	Endangered None	Rare Plant Rank - 1B.2 SB_UCBBG-UC Berkeley Botanical Garden		100 S:1	0	0	0	0	0	1	1	0	1	0	0
<i>Northern Claypan Vernal Pool</i> Northern Claypan Vernal Pool	G1 S1.1	None None		325 510	21 S:2	0	0	0	0	0	2	2	0	2	0	0



Summary Table Report

California Department of Fish and Wildlife

California Natural Diversity Database



Name (Scientific/Common)	CNDDB Ranks	Listing Status (Fed/State)	Other Lists	Elev. Range (ft.)	Total EO's	Element Occ. Ranks						Population Status		Presence		
						A	B	C	D	X	U	Historic > 20 yr	Recent <= 20 yr	Extant	Poss. Extirp.	Extirp.
<i>Perognathus inornatus</i> San Joaquin Pocket Mouse	G2G3 S2S3	None None	BLM_S-Sensitive IUCN_LC-Least Concern		122 S:1	0	0	0	0	0	1	1	0	1	0	0
<i>Pseudobahia peirsonii</i> San Joaquin adobe sunburst	G1 S1	Threatened Endangered	Rare Plant Rank - 1B.1 SB_RSABG-Rancho Santa Ana Botanic Garden	490 1,700	51 S:20	0	3	4	6	5	2	12	8	15	2	3
<i>Puccinellia simplex</i> California alkali grass	G3 S2	None None	Rare Plant Rank - 1B.2	305 305	71 S:1	0	0	0	0	0	1	1	0	1	0	0
<i>Rana boylei</i> foothill yellow-legged frog	G3 S3	None Candidate Threatened	BLM_S-Sensitive CDFW_SSC-Species of Special Concern IUCN_NT-Near Threatened USFS_S-Sensitive	1,100 1,100	1693 S:1	0	0	0	0	0	1	1	0	1	0	0
<i>Senecio aphanactis</i> chaparral ragwort	G3 S2	None None	Rare Plant Rank - 2B.2	1,200 1,200	82 S:1	0	0	0	0	0	1	1	0	1	0	0
<i>Sidalcea keckii</i> Keck's checkerbloom	G2 S2	Endangered None	Rare Plant Rank - 1B.1 SB_RSABG-Rancho Santa Ana Botanic Garden	750 750	16 S:1	0	0	0	0	1	0	1	0	0	0	1
<i>Spea hammondi</i> western spadefoot	G3 S3	None None	BLM_S-Sensitive CDFW_SSC-Species of Special Concern IUCN_NT-Near Threatened	325 325	462 S:1	0	0	0	0	0	1	1	0	1	0	0
<i>Sycamore Alluvial Woodland</i> Sycamore Alluvial Woodland	G1 S1.1	None None		610 610	17 S:1	0	0	1	0	0	0	1	0	1	0	0
<i>Taxidea taxus</i> American badger	G5 S3	None None	CDFW_SSC-Species of Special Concern IUCN_LC-Least Concern	430 430	544 S:1	0	0	0	0	0	1	1	0	1	0	0
<i>Vulpes macrotis mutica</i> San Joaquin kit fox	G4T2 S2	Endangered Threatened		300 970	1017 S:28	0	0	1	1	0	26	27	1	28	0	0

RESOLUTION NO. ____-2018

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PORTERVILLE
CONTAINING FINDINGS IN SUPPORT OF APPROVAL OF A GENERAL PLAN
AMENDMENT (2017-046-G) FOR THE PROPOSED SEQUOIA CIRCLE
DEVELOPMENT PROJECT

WHEREAS: The City Council of the City of Porterville at its regularly scheduled meeting of October 2, 2018, conducted a public meeting to consider approval of a Mitigated Negative Declaration which evaluates the environmental impacts of a General Plan Amendment from Medium Density Residential to High Density Residential, and a Zone Change from CG (General and Service Commercial) to RM-3 (High Density Residential), for the 2.13± acres located on Sequoia Circle, west of North G Street and north of Henderson Avenue (Assessor Parcel Numbers 247-160-037, 047, 048, 049 and 050); and

WHEREAS: Zone Change 2017-046-Z proposes to change the present zoning classification of the subject parcels from CG (General and Service Commercial) to RM-3 (High Density Residential), contingent upon approval of the General Plan Amendment; and

WHEREAS: Approval of the aforementioned entitlements would further the goals and objectives of the General Plan by providing a compact neighborhood design that provides for efficient use of available land resources and maintains a compact form that is less intrusive, as well as assisting with a mix of housing types to serve the needs of all Porterville residents; and

WHEREAS: On October 2, 2018, the City Council adopted a resolution approving a Mitigated Negative Declaration for the General Plan Amendment, Zone Change, and subsequent multi-family residential development in a manner consistent with City codes and plans.

NOW, THEREFORE, BE IT RESOLVED that the City Council of the City of Porterville does hereby make the following findings:

1. The project supports and complies with the following General Plan policies:

- | | |
|--------|--|
| LU-G-1 | Provide for residential development with strong community identities, appropriate and compatible scales of development, identifiable centers and edges and well-defined public spaces for recreation and civic activities. |
| LU-G-2 | Guide new development into compact neighborhoods with a defined, mixed-use center including public open space, a school or other community facilities, and neighborhood commercial. |
| LU-G-4 | Provide sufficient land with appropriate parcel sizes to support a full range of housing types and prices. |

2. The proposed project serves to fulfill the goals of the General Plan as adopted, and the amendment of the land use designation on the subject parcels (Assessor Parcel Numbers 247-160-037, 047, 048, 049 and 050) does not infringe on the goals of the General Plan to provide sites that relate well to adjacent neighborhood centers and parks.

3. That a Mitigated Negative Declaration was prepared for the project in accordance with the California Environmental Quality Act and was transmitted to interested agencies and made available for public review and comment. The review period ran for twenty (20) days, from September 8, 2018, to September 27, 2018.
4. The City Council is the decision-making body for the project.

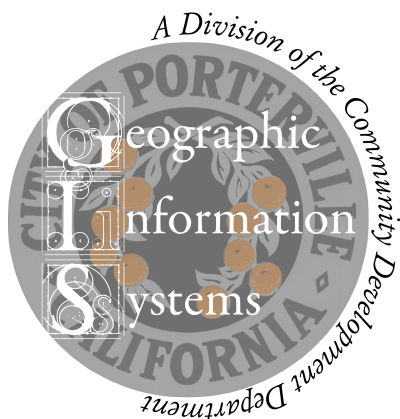
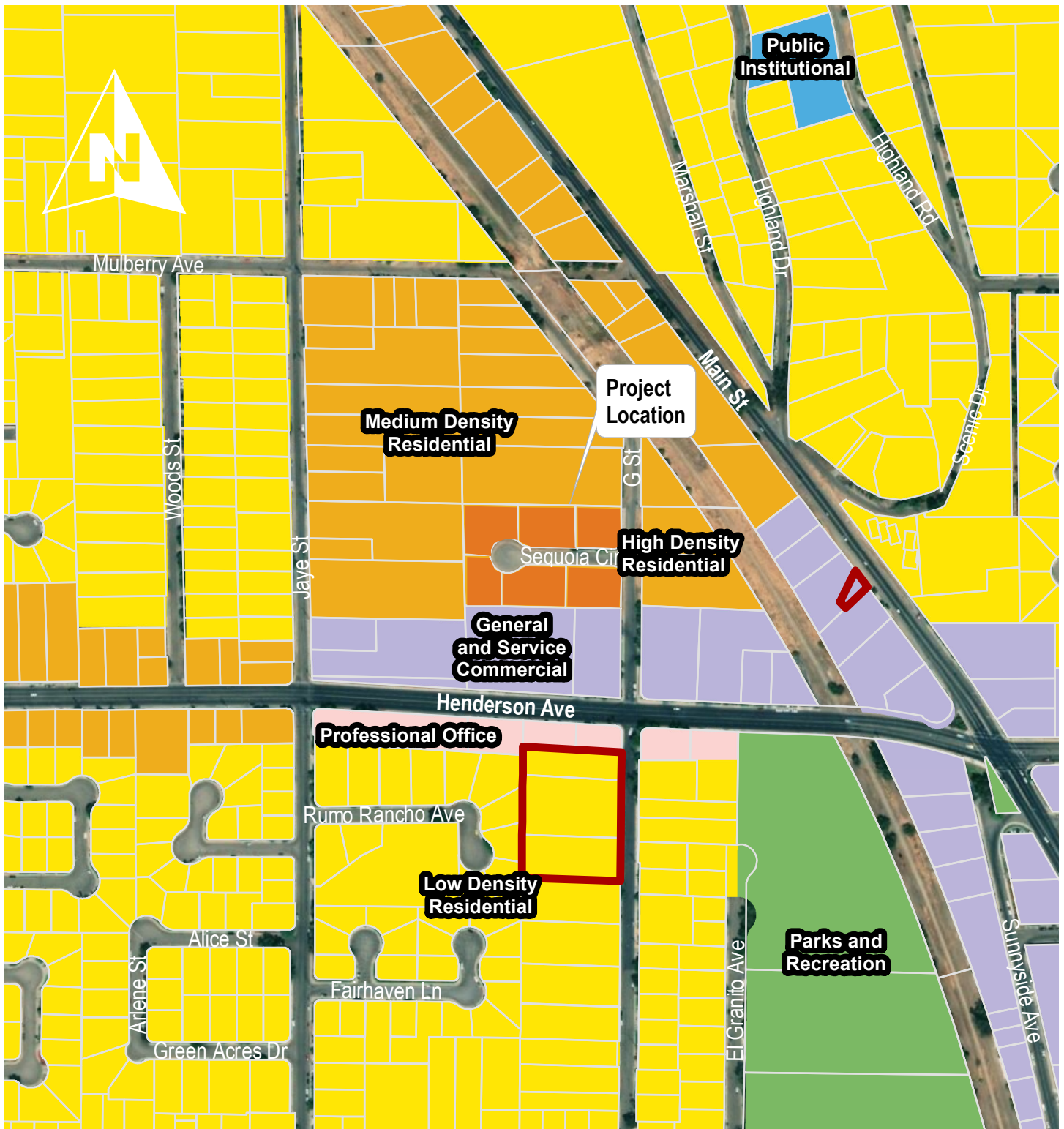
BE IT FURTHER RESOLVED: That the City Council does hereby approve the General Plan Amendment from Medium Density Residential to High Density Residential on Assessor Parcel Numbers 247-160-037, 047, 048, 049 and 050 for the Sequoia Circle Development Project (PRC 2017-046-G), more particularly shown on the attached map as Exhibit "A".

PASSED, APPROVED AND ADOPTED this 2nd day of October, 2018.

By: Milt Stowe, Mayor

ATTEST:
John D. Lollis, City Clerk

By: _____
Patrice Hildreth, Chief Deputy City Clerk



PRC 2017-046-G-Z
 Sequoia Circle Development Project
 General Plan Land Use Map
 1" = 400 ft.

ORDINANCE NO. ____-2018

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF PORTERVILLE
APPROVING ZONE CHANGE (PRC 2017-046-Z) FROM CG (GENERAL AND SERVICE
COMMERCIAL) TO RM-3 (HIGH DENSITY RESIDENTIAL) FOR THE SEQUOIA CIRCLE
DEVELOPMENT PROJECT

WHEREAS: The City Council of the City of Porterville at its regularly scheduled meeting of October 2, 2018, conducted a public meeting to consider approval of a Mitigated Negative Declaration which evaluates the environmental impacts of a General Plan Amendment from Medium Density Residential to High Density Residential, and a Zone Change from CG (General and Service Commercial) to RM-3 (High Density Residential), for the 2.13± acres located on Sequoia Circle, west of North G Street and north of Henderson Avenue (Assessor Parcel Numbers 247-160-037, 047, 048, 049 and 050); and

WHEREAS: The City Council of the City of Porterville determined that the proposed Zone Change (PRC 2018-046) is consistent with the guiding and implementation policies of the adopted 2030 General Plan; and

WHEREAS: On October 2, 2018, the City Council adopted a resolution approving a Mitigated Negative Declaration for the General Plan Amendment, Zone Change and subsequent development in a manner consistent with City codes and plans; and

WHEREAS: On October 2, 2018, the City Council adopted a resolution approving General Plan Amendment 2017-046-G to change the General Plan Land Use of Medium Density Residential to High Density Residential; and

WHEREAS: The City Council made the following findings that the proposed project will advance the goals and objectives of and is consistent with the policies of the General Plan and any other applicable plan that the City has adopted.

1. The project supports and complies with the following General Plan policies:

LU-G-1	Provide for residential development with strong community identities, appropriate and compatible scales of development, identifiable centers and edges and well-defined public spaces for recreation and civic activities.
LU-G-2	Guide new development into compact neighborhoods with a defined, mixed-use center including public open space, a school or other community facilities, and neighborhood commercial.
LU-G-4	Provide sufficient land with appropriate parcel sizes to support a full range of housing types and prices.
2. That a Mitigated Negative Declaration was prepared for the project in accordance with the California Environmental Quality Act and was transmitted to interested agencies and made available for public review and comment. The review period ran for 20 days, from September 8, 2018, to September 27, 2018.

3. The General Plan designation for the subject area was approved by the City Council on October 2, 2018 modifying the General Plan designation of the subject parcel from Medium Density Residential to High Density Residential.
4. The subsequent development of the project would be required to conform to the standards of the Porterville Development Ordinance.

NOW, THEREFORE, BE IT ORDAINED: That the City Council of the City of Porterville does ordain as follows:

Section 1: That the following described property in the City of Porterville, County of Tulare, State of California, known as Zone Change PRC 2017-046-Z, is hereby rezoned from CG (General and Service Commercial) to RM-3 (High Density Residential), pursuant to Section 2 below, for the parcel described herein as Assessor Parcel Numbers 247-160-037, 047, 048, 049 and 050 located generally on Sequoia Circle, west of North G Street and north of Henderson Avenue; and

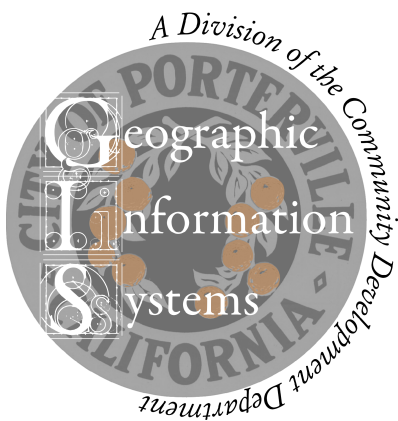
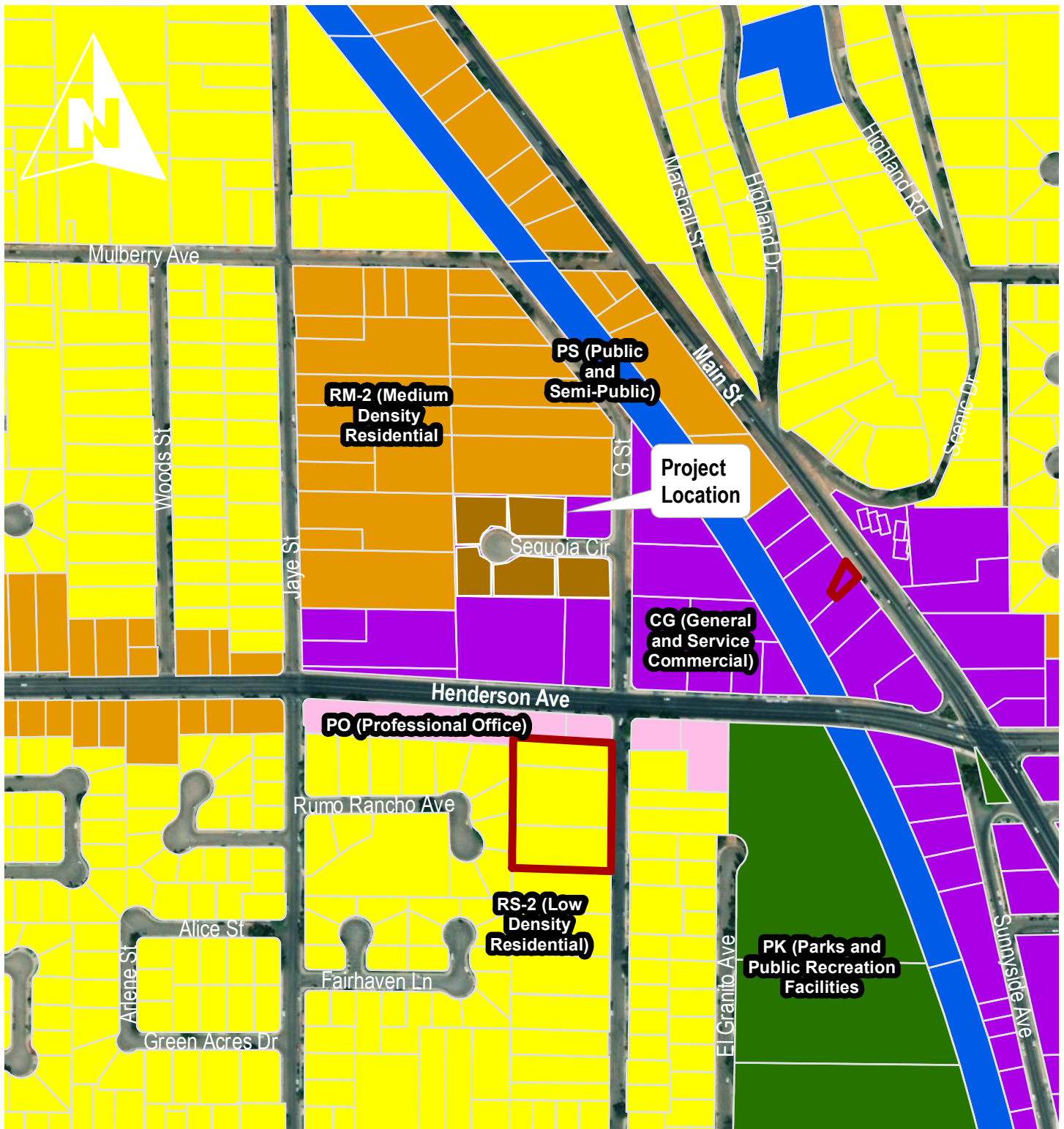
Section 2: It is further ordained that all records of the City of Porterville, together with the official zoning map of the City of Porterville, shall be changed to show the above described real property is rezoned from CG (General and Service Commercial to RM-3 (High Density Residential) for the parcels described above, more particularly shown on the attached map as Exhibit "A".

PASSED, APPROVED AND ADOPTED this 2nd day of October, 2018.

By: _____
Milt Stowe, Mayor

ATTEST:
John D. Lollis, City Clerk

By: _____
Patrice Hildreth, Chief Deputy City Clerk



PRC 2017-046-G-Z
 Sequoia Circle Development Project
 Zoning Land Use Map
 1" = 400 ft.