Call to Order
Roll Call

ORAL COMMUNICATIONS
This is the opportunity to address the Council on any matter scheduled for Closed Session.

CLOSED SESSION:
A. Closed Session Pursuant to:
   1- Government Code Section 54956.9(b) - Conference with Legal Counsel - Anticipated Litigation: One Case.

7:00 P.M. RECONVENE OPEN SESSION
REPORT ON ANY ACTION TAKEN IN CLOSED SESSION

Pledge of Allegiance Led by Mayor Cameron Hamilton
Invocation

PROCLAMATION
Kelly Morgan

PRESENTATION
Leadership Porterville Class of 2006

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.

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.

1. Approval of the City Council Minutes of July 5, 2006

2. Transit Account Budget Adjustment
   Re: Adjustment of Transit Budget to reflect changes in operational costs due to modifications adopted by Council for the Demand Response System.
3. Purchase of Live Scan Fingerprint System  
Re: Purchase of Identix Live Scan Fingerprint System for $24,500 plus tax, with reimbursement from the Tulare County RAN Board.

4. Purchase of Specialized Equipment  
Re: Approval to begin negotiations for the purchase of a SCADA System Upgrade, Chlorine Generation Equipment Upgrade, Sewer Camera Van and Vactor Truck.

5. Authorization to Advertise for Bids - Singer Building Demolition Project  
Re: Approval of plans and project manual, and authorization to advertise for bids, for the demolition of the building at 35 W. Oak Street.

6. Award of Contract - Indiana Street Reconstruction Project (Putnam Avenue to Olive Avenue)  
Re: Award of contract to Mitch Brown Construction, Inc., in the amount of $850,001.73, for completing Indiana Street through to Olive Avenue.

7. Award of Contract for Administrative Subcontractor for Home Investment Partnership Program (HOME) Grant for the Sequoia Village at River’s Edge Project  
Re: Approval to negotiate a contract with M. E. Shay & Co. to administer technical federal requirements associated with federal grant funding.

8. Home Investment Partnership Program (HOME) Application  
Re: Approval to apply for $800,000 HOME funding for the $600,000 for the First Time Homebuyer Program, $100,000 for Owner Occupied Housing Rehabilitation Program and $100,000 for Tenant Based Rental Assistance Program.

9. Intent to set a Public Hearing for Reimbursement Agreements for Concrete Improvement Construction by the City - Henderson Avenue Reconstruction Project  
Re: Setting a public hearing for August 15, 2006, to establish a concrete reimbursement fee for residents and property owners along Henderson Avenue, from Westwood to Newcomb, for the new concrete improvements.

10. Approval for Community Civic Event - American Cancer Society - Relay for Life Banner Signing  
Re: Approval to hold a public banner signing at Centennial Plaza on August 2, 2006, from 5:30 p.m. to 7:30 p.m.

Re: Approval to hold a car and motorcycle show, with beer garden, kid’s fun zone, live entertainment, street vendors and sidewalk sale on Main Street from 7 a.m to 4 p.m. on September 30.

12. Adoption of Annual Appropriation Limit  
Re: Approving the appropriation limit of $36,981,571 for the 2006/2007 Fiscal Year.

13. Parks and Leisure Services Department Reorganization Plan and Staffing Allocation  
Re: Approving the reorganization plan for the Parks and Leisure Services Department.

14. Resolution Adjusting Sports Complex Seasonal Parking Permit Fees and General Fund Budget Revenue Estimate  
Re: Adoption of the resolution adjusting parking permit fees and General Fund Budget Revenue Estimates as approved at the July 18 Council meeting.
15. This Item has been pulled.

16. **Response to Grand Jury Report**  
   Re: City’s letter of response regarding the complaint about the City’s Farming Operation.

   Re: City’s letter of response regarding the complaint about the City’s Vicious Animal policies.

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

**PUBLIC HEARINGS**

18. **Consideration of Ordinance Disestablishing the Business Improvement Area of the City of Porterville, Proposing to Dispose of Any Assets Acquired with the Revenues of Assessments Levied Within the Business Improvement District, and Repealing Chapter 15, Article IV, “Business Improvement Area,” Sections 15-31 Through 15-39**  
   Re: Consideration of BID membership’s vote regarding disestablishment, and acceptance of any late ballots, and determination of proceeding with the Ordinance Disestablishing the Business Improvement Area of the City of Porterville.

19. **Conditional Use Permit 3-2006 (Doug Ryan & David Maksoudian)**  
   Re: Considering approval of a C.U.P. to allow for the development of ten two-story fourplexes on a vacant 2.67 acre site on two parcels, generally located east of Highway 65, between Tomah Avenue and Olive Avenue.

20. **Royal Oaks View Vesting Tentative Subdivision Map (Ennis Homes, Pacific Holt Corporation, Landmark)**  
   Re: Consideration of approving the Negative Declaration and Tentative Subdivision Map for Royal Oaks View Vesting, a 40.39± acre parcel on the east side of Indiana Street between Brown Avenue and Poplar Ditch.

21. **Riverwalk Marketplace Commercial Center Project; Certification of a Final Environmental Impact Report**  
   Re: Certification of the Final EIR which evaluates the impacts of the development of an approximately 360,000 sf. commercial shopping center on a 40-acre site within the Viejo Robles Planned Development; and, continuation of the public hearing to August 15, 2006, to consider the approval of Conditional Use Permit 4-2006 amending the Specific Plan for Viejo Robles Planned Development.

22. **Environmental Review of the City of Porterville Bus Maintenance Facility Expansion Project**  
   Re: Consideration of the adoption of the resolution approving the Mitigated Negative Declaration for the Porterville Bus Maintenance Facility Expansion Project located generally south at the southeast corner of the Corporation Yard.

**SCHEDULED MATTERS**

23. **Consideration of Donating Automobiles Replaced by Grant Funded Hybrids to La Barca, Mexico (Porterville’s Sister City)**  
   Re: Donation of vehicles required to be removed from public roadways by grant requirements.

24. **Consideration of Quarterly Improvement Awards**  
   Re: Discussion of a quarterly program which would recognize property owners which have significantly improved, or very well maintained, their property, with the selections being made by the Parks and Leisure Services Commission.
25. **Quarterly Portfolio Summary**
   Re: Accepting Quarterly Portfolio Summary in accordance with SB 564; and, reviewing the Grant Status Summary.

26. **Interim Financial Status Reports**

**ORAL COMMUNICATIONS**

**OTHER MATTERS**

**CLOSLED SESSION**
   Any Closed Session Items not completed prior to 7:00 p.m. will be considered at this time.

**ADJOURNMENT** - to the meeting of August 8, 2006

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 Chief Deputy City Clerk at (559) 782-7442. 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.
Call to Order at 6:00 p.m.
Roll Call: Council Member McCracken, Council Member Pete Martinez, Mayor Pro Tem Felipe Martinez, Council Member Stadtherr, Mayor Hamilton

ORAL COMMUNICATIONS
None

CLOSED SESSION:
A. Closed Session Pursuant to:
   1- Government Code Section 54956.9(c) - Conference with Legal Counsel - Anticipated Litigation: One Case.
   2- Government Code Section 54956.9(a) - Conference with Legal Counsel - Existing Litigation: Porterville Citizens for Responsible Hillside Development v. City of Porterville.

7:00 P.M. RECONVENE OPEN SESSION
REPORT ON ANY ACTION TAKEN IN CLOSED SESSION
   The City Attorney reported that no action had been taken.

Pledge of Allegiance Led by Council Member McCracken
Invocation - a moment of silence was observed.

PRESENTATION
   Employee of the Month - Debbie Salter

ORAL COMMUNICATIONS
   • Greg Shelton, 888 N. Williford Drive, requested the opportunity to address the Council during the discussion on Item No. 10.
   • Boyd K. Leavitt, 457 E. Oak Avenue, spoke of a problem of dog feces along the Tule River Parkway and requested that the City require dog walkers to pick up after their dogs and to consider the installation of baggie dispensers. Mr. Leavitt suggested that the Tule River Parkway Association might agree to keeping the proposed dispensers stocked.
   • Lance Gobel, owner of the “old Porterville Hospital” invited everyone to a ribbon cutting ceremony to be held at 10:00 a.m. on Thursday, July 6, 2006 at the newly renovated building located at 263 N. 3rd Street.
   • Kevin Pruitt, 1493 N. Plano Street, requested that he be allowed the opportunity to speak on Item 7. Mayor Hamilton clarified that the item was set for public hearing.
   • Dot Broome, 863 S. Crystal Street, requested clarification as to the ribbon cutting ceremony previously mentioned. Mr. Gobel indicated that the location was now an office building.
   • Shirley Gemmell, Heritage Realty, 368 N. Hockett Street, spoke on Item 11, and requested that the Council pursue a white background for the advertising portion of the banner.
CONSENT CALENDAR

Item No. 1 was removed for further discussion.

2. AUTHORIZATION TO DISPOSE OF SURPLUS VEHICLES

Recommendation: That the City Council authorize the surplus of the above equipment under the City’s surplus property policy and procedures.

Documentation: M.O. 01-070506
Disposition: Approved.

3. AWARD OF CONTRACT - PERCOLATION POND EXPANSION AND EFFLUENT PIPELINE EXTENSION PROJECT

Recommendation: That the City Council:
1. Award the Percolation Pond Expansion and Effluent Pipeline Extension Project to Nicholas Construction in the amount of $1,301,198;
2. Authorize progress payments up to 90% of the contract amount; and
3. Authorize a 10% contingency to cover unforeseen construction costs.

Documentation: M.O. 02-070506
Disposition: Approved.

4. ACCEPTANCE OF PROJECT - DEMOLITION PROJECT - TWO DATE AVENUE RESIDENTIAL UNITS

Recommendation: That the City Council:
1. Accept the project as complete;
2. Authorize the filing of the Notice of Completion; and
3. Authorize the release of the 10% retention thirty-five (35) days after recordation, provided no stop notices have been filed.

Documentation: M.O. 03-070506
Disposition: Approved.

5. JOINT FUNDING AGREEMENT WITH TULARE COUNTY FOR THUNDERBOLT PROBATION OFFICER

Recommendation: That the City Council:
1. Extend the current Agreement for joint funding of the Thunderbolt Probation Officer for the period of July 1, 2006 to June 30, 2007 in the amount of $30,708; and
2. Authorize the Mayor to execute the Agreement on behalf of the City of Porterville.

Documentation: M.O. 04-070506
Disposition: Approved.
6. CHARTER COMMUNICATIONS NON-DISCLOSURE AGREEMENT

Recommendation:  That the City Council:
1. Approve the Non-Disclosure Agreement presented with the staff report; and
2. Authorize the Mayor to sign same.

Documentation:  M.O. 05-070506
Disposition:  Approved.

COUNCIL ACTION:  MOVED by Council Member Stadtherr, SECONDED by Mayor Pro Tem Felipe Martinez that the City Council approve Item Nos. 2 through 6. The motion carried unanimously.


Council Member Pete Martinez noted that Council Member Irish had not been present during the Proclamation portion of the meeting, and requested that the June 6th Minutes be corrected to reflect that.

COUNCIL ACTION:  MOVED by Council Member Martinez, SECONDED by Council Member Stadtherr that the Council approve Item No. 1, as amended.

AYES:  P. Martinez, Stadtherr, Hamilton
NOES:  None
ABSTAIN:  McCracken, F. Martinez
ABSENT:  None

Documentation:  M.O. 06-070506
Disposition:  Approved.

PUBLIC HEARINGS

7. ZONE CHANGE 4-2006 AND ANNEXATION 464 (LIME STREET & MULBERRY AVENUE)

Recommendation:  That the City Council:
1. Adopt the draft resolution approving the Negative Declaration for Zone Change 4-2006 and Annexation 464;
2. Adopt the draft resolution authorizing initiation of preliminary proceedings and filing of the necessary application with LAFCo; and
3. Approve the draft ordinance approving Zone Change 4-2006, waive further reading, and order the ordinance to print.

Council Member Pete Martinez noted a conflict of interest, recused himself from the discussion, and left the Council Chambers.
City Attorney Nancy Jenner also recused herself and left the Council Chambers due to a conflict of interest.

City Manager John Longley presented the item, and Senior Planner Julie Boyle presented the staff report.

The public hearing re-opened at 7:19 p.m.

- Jim Winton, business address of 150 W. Morton Avenue, came forward on behalf of the applicant and spoke of comments made at the previous public hearing with regard to water/sewer lines currently in place. He indicated that he had misspoken, in that the water lines actually only ran to the railroad tracks and not all the way between Mulberry and Reid Avenue, as he previously stated. Mr. Winton then spoke in favor of approval, noting the proposed annexation and zone change were consistent with the City’s General Plan. He then addressed each of the issues previously raised by concerns citizens at the previous public hearing.

- Cecil Salas, a Madera resident and applicant, spoke of the hurdles he has had to overcome to date in the process, and requested that the Council make a decision either way that evening. He spoke in favor of the annexation and noted that the annexation should stand separately, rather than in conjunction with the proposed project.

- Kevin Puitt, 1493 North Plano Street, suggested that the Council split the annexation and the zone change vote. He spoke in favor of the annexation and against the zone change. Mr. Puitt objected to the density of the proposed project and suggested limiting the number of houses allowed on each acre. He then voiced concerns with the retention basin and with plans for future development of the area by the City.

- Paul Puitt, 1561 North Plano Street, voiced concerns with the density of the proposed project and spoke against the annexation, asserting that it would create more County islands. He then noted that some residents who were not in favor were out of town and therefore not present that evening. Mr. Puitt then suggested that some residents might sue the City.

- Kirsha Clark, 1501 North Lime Street, voiced concern that she, and some of her neighbors as well, had not been contacted regarding the June 12th meeting. She then voiced concern that perhaps other residents had not been noticed and spoke of a development on the other side of Reid that she indicated was already underway. It was stated that the area to which Ms. Clark referred was in the County.

The public hearing closed at 7:41 p.m.

Mayor Pro Tem Felipe Martinez commented that he had spoken to many residents in the subject area and that most were in favor of the annexation, yet many voiced the same concerns raised in the public hearing, specifically pertaining to density, environmental concerns, and traffic issues.

A discussion ensued as to the effects of the proposed annexation on the response time for fire protection, during which it was stated that no change in response times would occur.

Council Member Stadtherr spoke of the need to accommodate growth and voiced hesitation in being overly regulative on property owners.
Council Member McCracken commented that he had served on the previous General Plan Committee and that annexation should move forward based on the desired growth patterns for the City, and not based on the physical characteristics of a project. He then agreed with Council Member Stadtherr’s comments and voiced understanding with regard to the concerns raised by residents.

A discussion ensued next as to the development north of Reid of which Ms. Clark spoke during the public hearing. It was stated that the grove had been removed, but that no plans had been made to development housing.

Mayor Hamilton clarified that a project was not before the Council that evening, despite the focus of most of the commentary. He pointed out that the Council was deciding whether or not to annex the subject property, not to approve any development.

COUNCIL ACTION: MOVED by Council Member Stadtherr, SECONDED by Mayor Pro Tem Felipe Martinez that the City Council adopt the draft resolution approving the Resolution 87-2006 Negative Declaration for Zone Change 4-2006 and Annexation 464.

AYES: McCracken, F. Martinez, Stadtherr, Hamilton
NOES: None
ABSTAIN: P. Martinez
ABSENT: None

Resolution 88-2006 MOVED by Council Member Stadtherr, SECONDED by Council Member McCracken that the Council adopt the draft resolution authorizing the initiation of preliminary proceedings and filing of the necessary application with LAFCo.

AYES: McCracken, F. Martinez, Stadtherr, Hamilton
NOES: None
ABSTAIN: P. Martinez
ABSENT: None

Council Member McCracken confirmed that the zone change was to R-1, which he clarified allowed a minimum density of 2 units per acre and a maximum density of 7 units per acre. He suggested that the average density was typically 4 to 4.8 units per acre. He then noted the change in housing trends towards larger units, and commented that this would also likely affect density.

Ordinance 1701 MOVED by Council Member Stadtherr, SECONDED by Council Member McCracken that the Council approve the draft ordinance approving 4-2006, waive further reading, and order the ordinance to print, being AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF PORTERVILLE APPROVING ZONE CHANGE 4-2006 (PRE-ZONING) CONSISTING OF 215± ACRES AND ANNEXATION 464 IN NORTHERN PORTERVILLE, GENERALLY SOUTH OF REID AVENUE, NORTH OF MULBERRY AVENUE, EAST OF SCENIC DRIVE, AND WEST OF PLANO STREET.
AYES: McCracken, F. Martinez, Stadtherr, Hamilton
NOES: None
ABSTAIN: P. Martinez
ABSENT: None

Disposition: Approved.

SECOND READING
8. ORDINANCE NO. 1700, REGULATING WIRELESS COMMUNICATIONS TOWERS

Recommendation: That the City Council give Second Reading to Ordinance No. 1700, waive further reading, and adopt said ordinance.

City Manager John Longley presented the item and the staff report.

COUNCIL ACTION: MOVED by Council Member Martinez, SECONDED by Mayor Pro Tem Felipe Martinez that the City Council give Second Reading to Ordinance No. 1700, waive further reading, and adopt said ordinance, being AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF PORTERVILLE APPROVING ORDINANCE TO REGULATE CONSTRUCTION, OPERATION AND MAINTENANCE OF WIRELESS COMMUNICATIONS TOWERS. The motion carried unanimously.

Disposition: Approved.

SCHEDULED MATTERS
9. CITY COUNCIL APPOINTMENTS

Recommendation: That the City Council appoint Council Members to fill any existing vacancies, or change appointments, at the discretion of the Council.

City Manager John Longley presented the item and the staff report.

COUNCIL ACTION: MOVED by Council Member Pete Martinez, SECONDED by Mayor Pro Tem Felipe Martinez that the Council appoint Council Member Stadtherr to serve as Alternate on the Tulare County Association of Governments/Transportation Planning Agency. The motion carried unanimously.

M.O. 07-070506

M.O. 08-070506 MOVED by Council Member Pete Martinez, SECONDED by Mayor Hamilton that the Council appoint Mayor Pro Tem Felipe Martinez to serve as Member on the Tulare County E.D.C. The motion carried unanimously.

M.O. 09-070506 MOVED by Council Member Pete Martinez, SECONDED by Council Member McCracken that the Council appoint Mayor Pro Tem Felipe Martinez as a Member on the Business Incentive Zone Council. The motion carried unanimously.
M.O. 10-070506 MOVED by Council Member Pete Martinez, SECONDED by Mayor Pro Tem Felipe Martinez that the Council appoint John Longley to serve as Alternate on the Business Incentive Zone Council. The motion carried unanimously.

M.O. 11-070506 MOVED by Council Member Pete Martinez, SECONDED by Mayor Pro Tem Felipe Martinez that the Council appoint Mayor Hamilton to serve as Member on the Tule River Improvement JPA. The motion carried unanimously.

M.O. 12-070506 MOVED by Council Member Pete Martinez, SECONDED by Mayor Hamilton that the Council appoint Council Member McCracken to serve as Member on the Subdivision Review Committee. The motion carried unanimously.

M.O. 13-070506 MOVED by Council Member Stadtherr, SECONDED by Council Member Pete Martinez that the Council reappoint Council Member Stadtherr to serve as Member, and Council Member Pete Martinez to serve as Alternate on the Consolidated Waste Management Authority. The motion carried unanimously.

With regard to the Professional Services Selection Committee, the Council chose to take no action until the services of the Committee were needed.

M.O. 14-070506 MOVED by Council Member Pete Martinez, SECONDED by Council Member Stadtherr that the Council appoint Council Member McCracken to serve as Member on the Hillside Development Ordinance Committee. The motion carried unanimously.

M.O. 15-070506 MOVED by Council Member Pete Martinez, SECONDED by Mayor Pro Tem Felipe Martinez that the Council appoint Council Member Stadtherr to serve as Member on the Hillside Development Ordinance Committee. The motion carried unanimously.

M.O. 16-070506 MOVED by Council Member Pete Martinez, SECONDED by Council Member Stadtherr that the Council appoint Mayor Pro Tem Felipe Martinez to serve as Member on the Southeastern Tulare County Intergovernmental Coordinating Committee. The motion carried unanimously.

M.O. 17-070506 MOVED by Mayor Pro Tem Felipe Martinez, SECONDED by Council Member Stadtherr that the Council reappoint Mayor Hamilton to serve as Member on the Southeastern Tulare County Intergovernmental Coordinating Committee. The motion carried unanimously.

M.O. 18-070506 MOVED by Mayor Pro Tem Felipe Martinez, SECONDED by Council Member Pete Martinez that the Council reappoint Mayor Hamilton to serve as Member on the Indian Gaming Local Community Benefit Committee. The motion carried unanimously.
M.O. 19-070506 MOVED by Council Member Pete Martinez, SECONDED by Mayor Pro Tem Felipe Martinez that the Council maintain the status quo with the Mayor and the Mayor Pro Tem serving as Members on the Joint City/School Committee. The motion carried unanimously.

M.O. 20-070506 MOVED by Council Member Pete Martinez, SECONDED by Council Member McCracken that the Council reappoint Mr. Longley as Member, and the Mayor as Alternate, to serve on the Porterville Developmental Center Advisory Board. The motion carried unanimously.

With regard to the Tulare County City Selection Committee, the Council chose to take no action and maintain the status quo with the Mayor serving as City Member, and the Mayor Pro Tem serving as Alternate.

Disposition: Members appointed to various Committees.

The Council recessed for ten minutes.

10. CONSIDERATION OF RATIFICATION OF THE CITY BUDGET

Recommendation: That the City Council ratify the FY 2006/2007 Budget as presented and schedule a quarterly review of the Budget for the regular meeting of October 17, 2006.

City Manager John Longley presented the item and the staff report.

Council Member Pete Martinez inquired as to the proposed Budget’s effects on the Putnam Community Center. Parks & Leisure Services Director Jim Perrine indicated that the proposed Budget provided minimal funding for the Community Center for vandalism repairs and no funding for upkeep or maintenance of the facility. He added that all maintenance on the facility ceased that week. A discussion ensued, during which Council Member Pete Martinez voiced concern with allowing the deterioration of that asset.

Council Member McCracken agreed with the concerns raised by Council Member Pete Martinez. He then voiced an interest in looking at ways to maintain the facility, in both a “useable” state and a “mothballed” state, so as to avoid further deterioration.

Council Member Pete Martinez spoke of the benefits to the Community in allowing local organizations use of the facility. He stated that many local organizations would like to use the facility, and spoke in favor of renting out the building to generate some revenue.

Mayor Pro Tem Felipe Martinez voiced support for locating funds to maintain the facility so as to allow it to be rented out to local organizations.

City Manager John Longley requested that the Council consider ratification of the Budget and suggested that the disposition of the Putnam Community Center could be brought back to the Council, with a complete staff report with estimates. He stated that if the Council decided to appropriate funds at that time, an amendment to the Budget could be made.
Mayor Hamilton stated that if the Council desired to take action on the Putnam Community Center that evening, an appropriation would need to be made that evening. He suggested that money would need to be borrowed from something else to move forward.

Council Member McCracken commented that he was not in a position that evening to give specific direction to staff as to appropriations, and noted the importance of reaffirming the Budget. He then reiterated his interest in finding a solution to maintain the facility. Council Member McCracken requested that the Council be provided, on a more frequent basis, information pertaining to the Budget for the Farming Operation. A discussion ensued as to the Budget for the Farming Operation, during which it was stated that the Year End figures would likely be completed by the end of July. Council Member McCracken indicated that he would first like to review a Quarterly Financial Report, before determining which type of report he would prefer.

City Manager John Longley indicated that Farm Management Operation Binders would be provided to Council Member McCracken and Mayor Pro Tem Felipe Martinez.

Council Member Stadtherr moved that the Council ratify the Budget as presented, and schedule a quarterly review of the Budget for the regular Meeting of October 17, 2006.

Council Member McCracken seconded the motion.

Mayor Hamilton noted that Mr. Shelton had requested the opportunity to speak on the item, and invited him to come forward.

Greg Shelton, 888 N. Williford Drive, commented that he believed some of the estimates previously provided by staff to rehabilitate the Putnam Community Center were bloated, and that the needed repairs could be achieved at a lesser cost for utilization of the facility. He suggested that the item be referred to the Parks & Leisure Services Commission for review. As to the Farming Operating, Mr. Shelton reviewed the Grand Jury Report and provided copies of same to the Council, along with a memo from the City’s Consultant. He voiced concern with the Farming Operation Budget projections and with what he perceived was a discrepancy in staff’s estimated time for preparing the RFP for Farm Management and that provided by the consultant. Mr. Shelton then spoke in favor of proceeding immediately with the RFP process, asserting that significant money could be saved.

Council Member McCracken questioned whether the motion needed to be amended to include the Council’s direction with regard to the Putnam Community Center and the Farming Operation.

The City Manager clarified that he understood staff’s direction was to bring a report back on the Putnam Community Center. He stated that if the Council chose to first refer the item to the Parks & Leisure Services Commission, the item would likely be delayed approximately 6 weeks. Mr. Longley then indicated that at the first meeting in August, staff would bring the Grand Jury Report with the proposed response before the Council.

Council Member Pete Martinez commented that he did not feel comfortable passing the Budget without appropriating some money for the Community Center. He stated that the facility would continue to deteriorate if the Council deferred the matter. He spoke of the building’s heritage and
suggested that if the City participated in rehabilitating that structure, the citizens would also likely contribute to the effort. Council Member Pete Martinez suggested that $200,000 could be appropriated for the facility from the lock box.

Council Member Stadtherr agreed that the facility should be maintained, yet spoke against holding up the entire City Budget for one building. He commented that the Council needed to give the City the assurance and stability that an approved Budget would provide.

City Manager John Longley stated that the lock box was to be used only in the event of an emergency. He stated that appropriating funds from the lock box would be breaking the discipline of the Budget.

Council Member McCracken voiced concern with making a decision that evening without the benefit of having all of the information. He suggested that staff provide the Council with a figure to maintain the facility until August or September, which would allow time to look at the matter. He stated that the Budget could be passed with assurances by staff that something would be done with the Community Center. A discussion ensued as to the current condition of the facility and whether or not it would pass an inspection for occupancy. Council Member McCracken then voiced concern that if the Budget was passed without addressing the issue, it might fall through the cracks.

In response to a question posed by Council Member Martinez, Parks & Leisure Services Director Jim Perrine estimated that a significant amount of work could be accomplished with $200,000 to maintain the facility and to perform minimal repairs to bring the building up to a useable state. He then spoke of the substantial need for repairs to make the facility habitable, adding that currently approximately $80,000 per year was spent on minimal maintenance, which had not been enough to keep the facility from deteriorating. He surmised that at least $100,000 per year, or more, would be necessary for the upkeep of the building, with the remainder going towards fixing the holes in the floor, replacing the air conditioning units which no longer functioned, and replacing the electrical circuits that no longer worked.

Council Member McCracken reiterated his contention that the community was in need of a facility such as the Putnam Community Center, and commented that he believed $200,000 would go a long way in remedying the situation.

City Manager John Longley stated that the lock box was intended to be a “rainy day” reserve for the City, and was only to be used in the event of a flood, or any type of disaster. He commented that there were many pressing needs in the City and warned of a slippery slope if the lock box was used for something other than an emergency. He strongly recommended against using the lock box funds.

City Council Member McCracken moved to amend the resolution to approve the Budget by appropriating $200,000 for the maintenance of the Putnam Community Center, with direction to staff to find the $200,000 from the best source. The motion died for a lack of a second.

Mayor Hamilton noted that the City would be receiving a higher amount of property tax revenue, and questioned whether or not staff had an estimate as to how much that might be. Mr. Longley indicated that he did not have an estimate that evening, but the information could be provided by the next meeting. A brief discussion ensued as to the frequency and approximate dates of the anticipated payments.
Council Member McCracken moved that the Council continue the item until the first meeting in August. The motion died for lack of a second.

Council Member Pete Martinez moved that the Council ratify the Budget, amended to appropriate $200,000 from the lock box for use on the Putnam Community Center.

Council Member McCracken seconded the motion.

A discussion ensued as to the proper parliamentary procedure for proceeding with two motions on the table.

Council Member Pete Martinez clarified his motion was to amend Council Member Stadtherr’s motion to include the appropriation of $200,000 from the lock box for use on the Putnam Community Center.

COUNCIL ACTION: MOVED by Council Member Pete Martinez, SECONDED by Council Member McCracken that the Council approve an amendment to Council Member Stadtherr’s motion to include an appropriation of $200,000 from the lock box for use on the Putnam Community Center.

AYES: McCracken, P. Martinez, F. Martinez, Hamilton
NOES: Stadtherr
ABSTAIN: None
ABSENT: None

M.O. 22-070506 MOVED by Council Member Stadtherr, SECONDED by Council Member McCracken that the Council ratify the Budget, as amended, and schedule a quarterly review of the Budget for the regular meeting of October 17, 2006. The motion carried unanimously.

Disposition: Approved, as amended.

11. CGI COMMUNICATIONS, INC. - COMMUNITY VIDEO & STREET BANNER BRANDING PROGRAM

Recommendation: That the City Council:
1. Approve the banner design for the City of Porterville, or appoint an ad hoc committee comprised of two Council Members to design a new banner; and
2. Approve the banner locations proposed by CGI Communications, Inc.

City Manager John Longley presented the item and Deputy City Manager Frank Guyton presented the staff report, along with a sample city profile video clip.

Council Member McCracken suggested that the Council proceed with an ad hoc committee.
COUNCIL ACTION: MOVED by Council Member Pete Martinez, SECONDED by Mayor Pro Tem Felipe Martinez that the City Council appoint an ad hoc committee comprised of Council Members McCracken and Stadtherr to meet with the consultant, discuss design issues and locations, and bring recommendations back to the City Council. The motion carried unanimously.

Council Member McCracken, with Council Member Stadtherr’s concurrence, indicated that the ad hoc committee’s recommendation would be brought back at the next regular meeting.

Disposition: Committee appointed, to be brought back July 18, 2006.

12. REVIEW OF LIMITS FOR CITY EXPENDITURES, INDEBTEDNESS, AND REVOLVING CASH FUND

Recommendation: That the City Council consider the limits, and if changes are approved, direct staff to prepare an ordinance amending Chapter II, Article VII in accordance with Section 48 of the City’s Charter.

City Manager John Longley presented the item and the staff report.

COUNCIL ACTION: MOVED by Mayor Pro Tem Felipe Martinez, SECONDED by Council Member Stadtherr that the City Council maintain the status quo and not make changes to the limits for City Expenditures, Indebtedness and Revolving Cash Fund. The motion carried unanimously.

Disposition: Approved.

13. CONSIDERATION OF HALF-CENT SALES TAX COUNTY TRANSPORTATION MEASURE

Recommendation: That the City Council determine whether the City of Porterville should support placing a one-half cent Transportation Sales Tax on the Ballot in November 2006.

City Manager John Longley presented the item and the staff report.

Council Member McCracken voiced concern with the population figures provided for Porterville in the proposed Expenditure Plan.

Mayor Hamilton indicated that the Expenditure Plan was based on percentages, and that once Porterville’s population officially increased, Porterville’s percentage would also increase. It was stated that the figures would be updated annually. Mayor Hamilton then spoke briefly on the proposed measure, and of the need for local governments to find ways to fund local projects due to the state’s pillaging of local funds. He stated that while the problems would not completely be solved by the proposed tax measure, they would be addressed. He then indicated that pursuant to preliminary polling done by TCAG, 70% to 73% of those polled approved of the measure, yet he noted opposition in Visalia. It was estimated that the election would cost the City approximately $30,000 or less.
Council Member McCracken noted the need for street improvements, yet voiced concern with supporting the placement of a tax measure on the ballot, in that by inference it might appear that the Council supported the measure. A discussion ensued, during which it was stated that the Council was not supporting the measure itself, but rather supporting the right of the people to decide.

Council Member Pete Martinez moved that the Council approve the draft Expenditure Plan as presented, and support placing a one-half cent Transportation Sales Tax on the Ballot in November, 2006.

Council Member McCracken seconded the motion.

Council Member Stadtherr questioned whether the design standards for streets could be changed to maximize the amount of funding the City received from the measure. Staff indicated that design standards could be looked at.

COUNCIL ACTION: MOVED by Council Member Pete Martinez, SECONDED by Council Member McCracken that the City Council approve the draft Expenditure Plan as presented, and support placing a one-half cent Transportation Sales Tax on the Ballot in November, 2006.

AYES: McCracken, P. Martinez, Stadtherr, Hamilton
NOES: F. Martinez
ABSTAIN: None
ABSENT: None

Disposition: Approved.

14. DISCUSSION ON WATER CONSERVATION PRACTICES

Recommendation: That the City Council:
1. Appoint two members of the Council to open roundtable discussions with the development community to investigate ways to reduce water demand; and
2. Request that they bring a list of recommendations back to the full Council.

City Manager John Longley presented the item, and Baldo Rodriguez, Public Works Director, presented the staff report.

Mayor Pro Tem Felipe Martinez voiced support for proceeding with a proactive approach, indicated his willingness to serve on the committee, and moved that the Council approve staff’s recommendation.

Council Member McCracken also noted his desire to serve on the Committee, and seconded the motion. He then offered an amendment to require the Committee to report back to the Council by the second meeting in August. A discussion ensued as to whether that time frame would be sufficient, and whether an amendment was necessary.
Mayor Hamilton voiced concern with utilizing staff resources to implement the round table discussions, during which it was stated that staff time would likely be used to obtain the list of developers, scheduling of the meeting rooms, and send out materials for the meetings.

COUNCIL ACTION: MOVED by Mayor Pro Tem Felipe Martinez, SECONDED by Council Member McCracken that the Council appoint two members of the Council to open round table discussions with the development community to investigate ways to reduce water demand; and request that they bring a list of recommendations back to the full Council.

AYES: McCracken, P. Martinez, F. Martinez, Stadtherr
NOES: Hamilton
ABSTAIN: None
ABSENT: None

Disposition: Approved.

15. CONSIDERATION OF GOAL AND PRIORITY SETTING

Recommendation: That the City Council consider setting Council goals and priorities, and authorize the Mayor to appoint an ad hoc subcommittee to review the date, structure and facilitator for the activity and to suggest a budget for the Council’s consideration and action.

City Manager John Longley presented the item and the staff report.

COUNCIL ACTION: MOVED by Council Member Pete Martinez, SECONDED by Council Member Stadtherr that the Council appoint Mayor Hamilton and Mayor Pro Tem Felipe Martinez to serve on an ad hoc subcommittee to review the date, structure and facilitator for goal setting sessions, and to suggest a budget for the Council’s consideration and action. The motion carried unanimously.

Disposition: Approved.

16. CONSIDERATION OF THE CITY COUNCIL PROCEDURAL HANDBOOK

Recommendation: That the City Council set a date and time to review the modifications to the City Council Procedural Handbook.

City Manager John Longley presented the item and the staff report.

COUNCIL ACTION: MOVED by Council Member McCracken, SECONDED by Mayor Pro Tem Felipe Martinez that the City Council set August 8, 2006 at 6:00 p.m. as the date and time to review the modifications to the City Council Procedural Handbook. The motion carried unanimously.

Disposition: Approved.
17. POTENTIAL BALLOT MEASURE

Recommendation: That the City Council provide direction to staff.

City Manager John Longley presented the item and the staff report.

Council Member Stadtherr indicated that he had requested the item be placed on the Agenda, and spoke of the recent concerns of residents regarding traffic enforcement at intersections. He stated that he sought to receive the opinions of the electorate on whether or not the City should pursue photographic enforcement of traffic.

Council Member McCracken commented that if the electorate felt strongly about the issue, an initiative could be pursued. He then stated that he did not believe the Council had sufficient time to discuss the issue and formulate a reasonable advisory question for the ballot for the electorate’s consideration.

Mayor Hamilton questioned whether an advisory measure on the ballot would accomplish any more than a public hearing would. He stated that the admired what Council Member Stadtherr was trying to accomplish by getting the electorate involved, but suggested that a public hearing would be a better way to go. The Council concurred with setting the matter for a public hearing.

Council Member Stadtherr indicated that he would conduct some research on various systems for video surveillance and report back to the Council.

Disposition: Direction provided to staff.

The City Council adjourned at 9:40 p.m. to a Meeting of the Porterville Redevelopment Agency

PORTERVILLE REDEVELOPMENT AGENCY AGENDA
July 5, 2006

Roll Call: Agency Member McCracken, Agency Member Pete Martinez, Vice-Chairman Felipe Martinez, Agency Member Stadtherr, Chairman Hamilton

WRITTEN COMMUNICATIONS

ORAL COMMUNICATIONS
None

SCHEDULED MATTERS

PRA-1. REDEVELOPMENT AGENCY 2006-2007 BUDGET

Recommendation: That the Porterville Redevelopment Agency ratify the June 20, 2006 approval of the FY 2006/2007 Redevelopment Agency Budget.

City Manager/Agency Secretary John Longley presented the item, and Project Manager Susan Duke presented the staff report.
AGENCY ACTION: MOVED by Agency Member Stadtherr, SECONDED by Vice-Chairman Felipe Martinez that the Porterville Redevelopment Agency ratify the June 20, 2006 approval of the FY 2006/2007 Redevelopment Agency Budget. The motion carried unanimously.

Disposition: Approved.

The Redevelopment Agency adjourned at 9:42 p.m. to a meeting of the City Council.

ORAL COMMUNICATIONS
- Greg Shelton, address on record, suggested that if the City proceeded with an RFP for the farm management agreement, extra funds could be saved and therefore utilized at the Community Center for repairs and maintenance. City Manager John Longley clarified that any monies saved in the Sewer Fund could not be utilized in another fund.
- Dick Eckhoff, 197 N. Main Street, spoke on Item 11 and suggested that the color of the bottom panel for advertising should not be limited to only green or white.

OTHER MATTERS
- Council Member P. Martinez - 1) requested that staff look into lighting the basketball courts at Monache High School with the City’s surplus inventory; 2) requested that staff research converting the BMX track into a quad track; and 3) recognized audience member Angelica Velasquez and congratulated her on her recent graduation.
- Council Member Stadtherr - 1) proposed that staff look into softening regulations to include allowing grass parking lots as utilized at the Orange Bowl in Miami, information on which had been distributed to the Council (the consensus of the Council was to bring the item back on an Agenda for discussion); 2) spoke in favor of pursuing subdivision design changes in the future to promote more walkable communities; and 3) spoke of utilizing “bulb-outs” as traffic calming devises, suggesting St. Anne’s location as a trial basis. Mayor Hamilton requested that Mayor Pro Tem F. Martinez and Council Member Stadtherr first meet with Father Scott to discuss the interest of St. Anne’s.

ADJOURNMENT
The Council adjourned at 10:02 p.m. to the meeting of July 18, 2006.

Patrice Hildreth, Deputy City Clerk

ATTEST:

Cameron J. Hamilton, Mayor
COUNCIL AGENDA: August 1, 2006

SUBJECT: TRANSIT ACCOUNT BUDGET ADJUSTMENT

SOURCE: Administration (Transit)

COMMENT: At the time of the preparation of the Fiscal Year 2006/07 budget, rising operating costs were impacting the Fixed Route farebox ratio required by the Federal Transit Administration (FTA). Shortly after the preliminary budget numbers were needed for preparation of the budget, staff was completing its analysis of the transit system and making recommendations outlined in the Short Range Transit Plan presented to the City Council on May 16, 2006. City Council adopted the recommendations of the Short Range Transit Plan on July 18, 2006, at which time the Transit Agreement with Sierra Management was also adopted.

Now that the system recommendations are going into effect, and Demand-Response will be modified effective August 1, 2006, actual operating costs should be allocated to the adopted Fiscal Year 2006/07 budget. Staff is recommending the following adjustments be made to the Transit Budget for Fiscal Year 2006/07. These adjustments reflect the actual contracting costs for each service and are those operating costs approved by the City Council on July 18, 2006.

Demand Response:
20-1180-25 Decrease from $560,000 to $410,549

Fixed Route:
20-1190-25 Increase from $400,000 to $524,694

RECOMMENDATION: That the City Council approve the following budget adjustments:

1. Decrease Acct. No. 20-1180-25 from $560,000 to $410,549; and
2. Increase Acct. No. 20-1190-25 from $400,000 to $524,694.

Dir. Appropriated/Funded C/M

Item No. 2
SUBJECT: PURCHASE OF LIVESCAN FINGERPRINT SYSTEM

SOURCE: Police Department

COMMENT: The Police Department has a ten-year-old Identix Live Scan Fingerprint System that is outdated and has required increased maintenance, repairs, and upgrades in the past year. The Live Scan Fingerprint System is provided to law enforcement agencies through a countywide program that involves the collection of a special surcharge. These monies are appropriated to fund the replacement of fingerprint systems for police agencies in Tulare County.

The Police Department is in need of replacing its current equipment and has explored equipment options provided by the two vendors that offer fingerprint capturing equipment. Staff believes the best option is to procure an Identix Live Scan Fingerprint System to replace the current system. The Tulare County Remote Access Network (RAN) Board has given reimbursement approval to the City of Porterville for the purchase of the Identix Live Scan Fingerprint System. The RAN Board has approved the Identix Live Scan Fingerprint System as the fingerprint equipment that will meet the future needs of Tulare County Law Enforcement. The Police Department would make the purchase of the fingerprint system from the Federal Asset Forfeiture Account (070-2243) and submit invoices and other documents to the RAN Board. Upon completion of the installation and training, Tulare County would reimburse the City of Porterville for the costs of the equipment, accessories and training. The cost for this system has been quoted at $41,876, plus tax.

The Identix Live Scan Fingerprint System is a digital fingerprinting machine housed in the Police Department. Staff relies on this equipment to fingerprint criminal offenders and/or applicants that require special background checks. The fingerprints are submitted electronically to the Department of Justice and FBI for comparison with files in these databases. This system provides for a more timely and efficient return of results.

RECOMMENDATION: That City Council

1) Authorize the purchasing agent to procure an Identix Live Scan Fingerprint System for use in the Police Department;

2) Authorize staff to submit invoices to Tulare County RAN Board to request reimbursement of funds;

3) Authorize that when reimbursement is received from the RAN Board, the funds be credited back to the Federal Asset Forfeiture Account (07-2243).

ATTACHMENT: Brochure

Item No. ___3___
December 15, 2005

Lt. Chris Dempsie
Porterville Police Department
350 North D Street
Porterville, CA  93257

Lt. Dempsie:

Thank you for your inquiry concerning a new live-scan system for your agency. We have several models available ranging from small desktop or transportable units to full-hand capture systems.

Depending on the requirements for Porterville PD in complying with the Proposition 69 requirements for hand prints on certain felons and registrants there are several models of live-scan offered. That new requirement may affect the way your department has to operate. Thus, I am providing information on our new full-hand capture system as well as the other models we offer plus some financing options for you.

Our new Enhanced Definition model optics capture over 3½ times as much data as standard definition products. The image quality measurements exceed the FBI standards by as much as 300%, thus guaranteeing high definition images for the life of the system.

I have provided budgetary pricing and brochures for the TP3800XCH-ED (full hand) and TP3800XD-ED (upgradeable) systems and the TP3500XC-ED (booking) — all with Enhanced Definition optics. I will provide a detailed quote on whichever model(s) you select when you are ready to proceed.

Identix also has a Technology Refresh program which is a plan where you can spread payment for the new systems over several years. A more detailed explanation is provided later in this letter.

This newly released series of systems offers several significant advancements in live-scan technology:

- **Enhanced Definition Optics** This new series provides images that significantly exceed the Appendix "F" image quality requirements, thus eliminating much of the person-to-person and operator-to-operator variations and producing the highest quality images available.

- **Moisture Discriminating Optics™** — This technology ignores moisture on the platen or the fingers thus producing clear high quality fingerprint images even with sweaty
or moist fingers. The advantage to the user is faster fingerprinting even with problem fingers or hands.

- **Clear-Trace Imaging™** - This feature ignores any 'latent' images or smudges on the platen from previous fingers. While cleaning the platen surface between individuals for hygiene reasons is still recommended, this is still a time saving feature as no cleaning between fingers is required.

- **Dual-Beam Illumination™** - This technology produce extremely high quality images that exceed the FBI requirements of the NIST Appendix ‘F’ certification.

In addition to the new Identix live-scan features described above, these new generation live-scan systems include the following:

- **Fully FBI/NIST and DOJ Certified** The systems are certified to the Appendix ‘F’ level required by the FBI and National Institute of Standards and Technology for capture and processing of fingerprint images. The CA DOJ has also certified the systems for use in California.

- **Non-coated optical glass platen** There is no coating on the platen to degrade with use or need replacement. High quality digital images are captured on the smooth optical glass surface.

- **One-Contact Warranty Support** Identix warranties all components of the systems it provides. Other vendors may offer service plans that require you to use the original manufacturer warranty, which means dealing with multiple service organizations.

- **On-Site Service and Responsive Support** Perhaps one of the most important factors in selecting a live-scan system is the level of support provided by the vendor. Identix prides itself on the quality and level of support provided to its customers. Our trained technicians will be there to keep you on schedule and provide the timely support you need in your operation.

**Budgetary Pricing**

System budgetary pricing includes installation, on-site training, shipping, and a one-year warranty at the level specified. Tax must be added at the time of purchase. A detailed quote will be provided that lists the taxable and non-taxable items.

**TP3800XCH-ED FULL-HAND CAPTURE LIVE-SCAN STATION** $42,000 plus tax

- Roll/Slap and Full-Hand Optics Integrated into standalone cabinet with adjustable height
- Pentium Tower PC with Windows XP
- Slap-to-Roll Matching software
- DOJ transmission software
- Full-Hand Printer (Double Side with extra tray & memory)
- One-Year 24/7 Warranty with On-Site Support
- Annual Maintenance after the 1-year warranty is approx. $6,700 for 24/7 support
TP3800XC-ED  UPGRADEABLE LIVE-SCAN STATION  $29,000 plus tax
- Roll/Slap Optics Integrated into cabinet with adjustable height. The optics desk can accommodate an upgrade to full-hand capture
- Pentium Tower PC with Windows XP
- Slap-to-Roll Matching software
- DOJ transmission software
- Duplex Printer
- One-Year 24/7 Warranty with On-Site Support
- Annual Maintenance after the 1-year warranty is approx. $4,200 for 24/7 support

TP3500XC-ED  BOOKING STATION with PRINTER  $24,500 plus tax
- Enhanced Definition Roll/Slap Optics integrated into rugged cabinet with adjustable height. This optics deck cannot be upgraded to full-hand capture
- Pentium Tower PC with Windows XP
- DOJ transmission software
- Slap-to-Roll Matching software
- Duplex printer
- One-Year 24/7 Warranty with On-Site Support
- Annual Maintenance after the 1-year warranty is approx. $2,850 for 24/7 support

Technology Refresh

Identix offers a Technology Refresh program which allows your agency to allocate funds currently being spent on maintenance of the existing equipment to purchase of new systems. This is essentially a lease/purchase agreement, so if your agency can utilize lease agreements, there are a number of advantages to this approach:

- **Use Money Currently Allocated for Maintenance** – Money already budgeted for maintenance on the existing equipment can be used to assist in paying for the lease/purchase of the new equipment.

- **Non-Allocation Clause in Contract** – There is a clause in the lease agreement that allows the County out of the lease agreement if money for the program is not allocated in future years.

- **New State-of-the-Art Equipment** – Your department would have new state-of-the-art equipment now instead of waiting until end-of-life for the old system. Operators would have the advantages of the new technology with easier and faster capture of fingerprints plus the increase in image quality resulting in better AFIS hits.

- **Credit for Current Maintenance Contract Funds** – Unused funds under a current maintenance agreement with Identix for the TP600 will be credited back to the department.

- **Reduced Maintenance Costs at End of Lease** – The ongoing maintenance costs for the new systems are typically much lower than for the existing equipment. This results in faster payback on the new equipment.

- **Maintain Same Vendor** – Maintain the same vendor and relationships you currently have. Operation of the equipment will be the same to operators familiar with the current system.
If the lease/purchase plan is feasible for your County, the program would be set up for 3, 4, or 5 years. Maintenance coverage is included in the pricing for any years past the one-year warranty, and financing fees apply from the leasing company.

As an example, the budgetary purchase price for the TP3500XC-ED system is $24,500 plus tax. If the entire system purchase amount were to be amortized, the estimated payments would be as shown below. Annual payments shown below are rounded estimates as the leasing company may change rates or payment requirements.

- 3 Year Agreement (Includes 2 additional years 24/7 Maintenance) $12,000 + tax
- 4 Year Agreement (Includes 3 additional years 24/7 Maintenance) $10,900 + tax
- 5 Year Agreement (Includes 4 additional years 24/7 Maintenance) $9,800 + tax

In case you are interested in this plan, I have provided a sample lease agreement and credit application form for you to complete to start the process.

As we discussed on the telephone, if we have a purchase order in December, you will be allowed to continue your monthly maintenance agreement until the new system is installed. If we have a purchase order in early January, you will be on a Time and Materials basis, but we will work to credit any maintenance invoice and charge a prorated monthly maintenance rate.

Identix live-scan systems bring high value to the user with patented features and high quality images which reduce the fingerprinting time and lower the reject rate. If you need additional information or have any questions, please contact me at (909) 605-7737 x6422. You can also obtain information on our products at: www.identix.com.

Thank you,

Allen D. Sypherd
Regional Sales Manager

Enclosures
Boost your crime solving capabilities with...

The TouchPrint™
Enhanced Definition 3800
Live Scan with Integrated
Full Hand Scanner

Choose the system that provides
- Better data
- Maximum reliability
- Reduced variability

And get the high quality, full hand images you need to ID more subjects — faster!

identix
Empowering Identification
SUBJECT: PURCHASE OF SPECIALIZED EQUIPMENT

SOURCE: Administrative Services Department/Purchasing

COMMENT: In accordance with the City's Purchasing Policy and Procedure Manual, as amended by Resolution No. 122-87 adopted by Council on October 10, 1987, Staff hereby requests approval to begin negotiations for the purchase of the following specialized equipment for the various departments:

<table>
<thead>
<tr>
<th>DEPARTMENT</th>
<th>DESCRIPTION</th>
</tr>
</thead>
<tbody>
<tr>
<td>FS/Water Distribution</td>
<td>SCADA System Upgrade</td>
</tr>
<tr>
<td>FS/Water Quality</td>
<td>Chlorine Generation Equipment Upgrade</td>
</tr>
<tr>
<td>FS/Sewer</td>
<td>Sewer Camera Van Vactor Truck</td>
</tr>
</tbody>
</table>

Funds for the purchase of this equipment are available in the Equipment Replacement Funds, Grants and Capital Outlay Budgets.

RECOMMENDATION: That Council authorize purchase by negotiation of the specialized equipment listed and authorize payment for said equipment upon satisfactory delivery.
SUBJECT: AUTHORIZATION TO ADVERTISE FOR BIDS – SINGER BUILDING DEMOLITION PROJECT

SOURCE: Public Works Department - Engineering Division

COMMENT: The Plans and Project Manual have been prepared for the demolition of the old Singer Building located at 35 W. Oak Avenue. The City purchased the building and surrounding property for the purpose of enhancing the downtown parking and for the development of the Transit Center Complex. The building is in conflict with the second phase (remaining parking area) of the parking lot constructed during the summer of 2004.

The Plans and Project Manual are available for review in the Public Works Department - Engineering Division.

The Engineer’s Estimate for the demolition of the project is $25,300. A total of $30,000 is required for Project Management, construction, inspection and quality control.

Federal Grants will finance the project and approval was obtained by the adoption of the 06/07 fiscal year budget.

RECOMMENDATION: That City Council:

1. Approve the Plans and Project Manual; and
2. Authorize staff to advertise for bids.

ATTACHMENTS: Locator Map
Engineer’s Estimate
# Engineer's Estimate

**Singer Building Demolition Project**

**July 21, 2006**

<table>
<thead>
<tr>
<th>Item No.</th>
<th>Quantity</th>
<th>Unit</th>
<th>Description</th>
<th>Unit Price</th>
<th>Extension Price</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td>1</td>
<td>L.S.</td>
<td>Mobilization, demolition, removal, disposal, security fencing and other incidental items of work related to the demolition of the Singer building as set forth in these specifications</td>
<td>$16,000.00</td>
<td>$16,000.00</td>
</tr>
<tr>
<td>2</td>
<td>1</td>
<td>L.S.</td>
<td>Asbestos removal and disposal per the guidelines set forth in these specifications</td>
<td>$3,000.00</td>
<td>$3,000.00</td>
</tr>
<tr>
<td>3</td>
<td>1</td>
<td>L.S.</td>
<td>Traffic and pedestrian control</td>
<td>$1,000.00</td>
<td>$1,000.00</td>
</tr>
<tr>
<td>4</td>
<td>1</td>
<td>L.S.</td>
<td>Demobilization, cleanup, fill material, site grading and all other appurtenant items of work as set forth in these specifications</td>
<td>$3,000.00</td>
<td>$3,000.00</td>
</tr>
</tbody>
</table>

**Total**  

$23,000.00

10% Estimating Contingency  

$2,300.00

**Total**  

$25,300.00

---

*Estimate Certified*

*Project Manager*  

*Date*

*Public Works Director*  

*Date*

*City Engineer*  

*Date*

*City Manager*  

*Date*
Subject: Award of Contract – Indiana Street Reconstruction Project (Putnam Avenue to Olive Avenue)

Source: Public Works Department - Engineering Division

Comment: On July 25, 2006, staff received two (2) bids for the Indiana Street Reconstruction Project (Putnam Avenue to Olive Avenue). The project consists of the reconstruction of Indiana Street to arterial standards (84' wide right-of-way), two lanes of traffic in each direction, sewer, water, storm drain, street lighting and a new traffic signal at Olive Avenue. Curb, gutter and sidewalk will be installed along the commercial properties at Olive Avenue due to elevation differences of adjacent properties and for the purpose of controlling access near the Olive Avenue/Indiana Street intersection. Curb returns will be installed at the Tomah Avenue and Putnam Avenue intersections for controlling asphalt elevations. The remainder of the concrete improvements will be installed in fiscal year 2007/2008 through a CMAQ grant.

The Engineer's Estimate for construction is $924,388.30. The low bid is 8% below the Engineer's Estimate.

Funding for this project is approved in the 2006/2007 annual budget as follows: $304,025 LTF, $700,000 re-appropriated LTF, $34,375 COP refinance, $2,000 Storm Drain Developer Fees, $33,000 re-appropriated Storm Drain Developer Fees, $1,000 Sewer Revolving Fund, $26,000 re-appropriated Sewer Revolving Fund, $1,500 Water Revolving Fund and $16,500 re-appropriated Water Revolving Fund.

The bids are as follows:

<table>
<thead>
<tr>
<th>Contractor</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>1.  Mitch Brown Construction, Inc. Bakersfield, CA</td>
<td>$ 850,001.73</td>
</tr>
<tr>
<td>2.  Lee's Paving, Inc. Visalia, CA</td>
<td>$1,349,434.05</td>
</tr>
</tbody>
</table>

Staff has found the low bid acceptable.
RECOMMENDATION: That City Council:

1. Award the Indiana Street Reconstruction Project, Putnam Avenue to Olive Avenue, to Mitch Brown Construction, Inc in the amount of $850,001.73;

2. Authorize progress payments up to 90% of the contract amount; and

3. Authorize a 10% contingency to cover unforeseen construction costs.

ATTACHMENT: Locator Map

P:\pub\works\Engineering\Council Items\Award of Contract - Indiana Street Reconstruction Project, Putnam Avenue to Olive Avenue 8-1-06.doc
SUBJECT: AWARD CONTRACT FOR ADMINISTRATIVE SUBCONTRACTOR FOR HOME INVESTMENT PARTNERSHIP PROGRAM (HOME) GRANT FOR THE SEQUOIA VILLAGE AT RIVER’S EDGE PROJECT

SOURCE: COMMUNITY DEVELOPMENT DEPARTMENT

COMMENT: In November 2005, the City received an award of a HOME Project grant for $1,000,000 for the Sequoia Village at River’s Edge 64 unit apartment complex to be located at 424 So.“E” Street. This project has also received an allocation of 9% federal tax credits which will provide the bulk of the construction financing. Using the federal funds from the HOME program triggers a myriad of technical requirements that must be fulfilled for the successful completion of the project. The HOME program allows cities and counties, as the recipients of a grant, to contract with an Administrative Subcontractor to assist in the administration of the grant. The City has previously utilized an Administrative Subcontractor for this type of service. The funds to pay for the Administrative Subcontractor are available from the allowed administration funds and the percentage of activity delivery costs included in the grant itself. The City will utilize the remaining administrative and activity delivery costs available to cover additional staff time and materials for the project.

Since staff does not currently have the capacity or the technical expertise to complete the required submissions for the administration of this project in the required time frames, a Request for Proposal (RFP) following the competitive proposal method of procurement required by the HOME program was sent out for an Administrative Subcontractor. On July 14, 2006, staff received two (2) Proposals for Administrative Subcontractor Services. Both responses were determined to be qualified to perform the requested services. The proposals were rated as follows:

<table>
<thead>
<tr>
<th>Company</th>
<th>Score</th>
<th>Ranking</th>
</tr>
</thead>
<tbody>
<tr>
<td>M. E. Shay &amp; Co.</td>
<td>55</td>
<td>1</td>
</tr>
<tr>
<td>Real Estate Associates</td>
<td>45</td>
<td>2</td>
</tr>
</tbody>
</table>

D.D. Appropriated/Funded  C.M.  ITEM NO. 7
RECOMMENDATION: That City Council:

1. Authorize staff to negotiate a contract with M.E. Shay & Co., the highest rated company, for Administrative Subcontractor services for the 2005 HOME grant for Sequoia Village at River’s Edge; and if an agreement can not be negotiated, to allow staff to negotiate with Real Estate Associates for a contract for those services;

2. Authorize the Mayor to sign said contract and any future amendments to the contract;

3. Authorize staff to make payments, upon satisfactory completion of the contracted work, up to 100%.
SUBJECT: HOME INVESTMENT PARTNERSHIP PROGRAM (HOME) APPLICATION

SOURCE: COMMUNITY DEVELOPMENT DEPARTMENT

COMMENT: The City has received notice from the California Department of Housing and Community Development (HCD) for funding availability under the HOME Investment Partnership Program (HOME), with funding authorized by the Cranston-Gonzales National Affordable Housing Act of 1990. Under HOME, the Department provides federal funding through specified recipients to conduct the following activities: (1) New Home Construction (2) Acquisition of Existing Residential Units (3) Rehabilitation of Existing Residential Units and (4) Tenant-based rental assistance.

City staff is preparing an application for the maximum amount allowed of $800,000 divided between eligible activities as follows: $600,000 for the First Time Low Income Homebuyer Program (FTHB), $100,000 for the Owner Occupied Housing Rehabilitation Program (HRLP), and $100,000 to initiate a Tenant Based Rental Assistance Program (TBRA). These programs are all offered on a city-wide basis. Since conditions and issues in the administration of the programs can change and effect the ability to expend the HOME funds, HCD now allows funds to be moved between programs upon request from the City.

The FTHB Program is currently funded with limited Community Development Block Grant (CDBG) funds, program income from previously funded HOME, HOME/BEGIN and CDBG loans, a 2004 HOME grant of $1,200,000, and the new 2005 state CalHome grant for $500,000. Since the area is experiencing a dramatic increase in home prices, the City has found it necessary to raise the assistance level per household for the FTHB Program to a maximum of $60,000, which in turn requires that the City apply for additional grant resources to be able to continue to have funds available for assistance to potential homebuyers.

The HRLP Program is currently funded with limited CDBG funds and program income from HOME and CDBG. The maximum assistance per household under this program is $25,000 with the guidelines having been recently revised to include lead based paint inspection and mitigation. Even though there is a great need for these funds, the expenditure of the funds depends on the active involvement of the owner and the availability of contractors to do the work, both of which can be problematic. Therefore, it is hard to predict the rate of expenditure for this program, so only a small percentage of the application funds are being requested.

This is the first year that City staff is proposing to also apply for Tenant Based Rental Assistance funds. This program is very similar to the Section 8 Program administered by the Housing Authority of Tulare County, and can help low income families in being able to afford safe and decent housing. City staff would like to include this program in the application in order to have another financial assistance tool at the City’s disposal, but with the knowledge that these monies could also be moved into the other programs if necessary.

D.D. Appropriated/Funded C.M.  ITEM NO. 8
If the City decides to implement the TBRA Program, it might be possible to contract with the Housing Authority to administer the Program.

The City is able to apply in this funding application cycle since the typical twenty five percent (25%) match requirement is again being waived.

These funds will assist approximately twenty to twenty five low income households in acquiring, renovating, or renting housing within the city limits of Porterville.

Since 1993, the City has used over $2 million in HOME funds and $437,000 in HOME/BEGIN funds for the First Time Low Income Homebuyer Program and Owner Occupied Housing Rehabilitation Program. Over 300 families have been assisted in purchasing their home through these programs. In fiscal year 2004/05, the City assisted 51 families in acquiring their first home. Currently, the City is administering a HOME 2004 grant for $1,200,000 for First Time Low Income Homebuyer Program and a 2005 HOME grant for $1,000,000 for the Sequoia Village at River’s Edge apartment complex which also recently received an allocation of tax credits.

In applying for these HOME funds, the City is once again taking measures to implement programs outlined in the City’s certified Housing Element, the 2005 Five Year Consolidated Plan, and the Redevelopment Implementation Plan.

RECOMMENDATION: That the City Council:

1. Approve the submittal of a HOME Investment Partnership Program (HOME) funding application for an amount not to exceed $800,000.00 ($600,000 for the First Time Homebuyer Program, $100,000 for the Owner Occupied Housing Rehabilitation Program, and $100,000 for Tenant Based Rental Assistance Program) to the California Department of Housing and Community Development;

2. Authorize the Mayor or his designee to execute all documents pertaining to the HOME program; and

3. Authorize the Community Development Director or his designee, to execute, in the name of the City of Porterville, project drawdown requests, and all other administrative documents required by the California Department of Housing and Community Development or the U. S. Department of Housing and Urban Development for administration of the HOME program.

Attachment: Draft Resolution
RESOLUTION NO.________

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PORTERVILLE
AUTHORIZING THE SUBMITTAL OF A HOME INVESTMENT PARTNERSHIPS
PROGRAM (HOME) FUNDING APPLICATION TO THE CALIFORNIA STATE
DEPARTMENT OF HOUSING AND COMMUNITY DEVELOPMENT; AND IF SELECTED,
THE EXECUTION OF A STANDARD AGREEMENT, ANY AMENDMENTS THERETO,
AND OF ANY RELATED DOCUMENTS NECESSARY TO PARTICIPATE IN THE HOME
INVESTMENT PARTNERSHIPS PROGRAM

WHEREAS: The City of Porterville has adopted a Housing Element and prepared its Five Year Community Development Block Grant (CDBG) Consolidated Plan (2005), CDBG Action Plan (2006), and the Redevelopment Implementation Plan (2004), that identify goals, policies, and programs to help in the provision and maintenance of affordable housing within the City; and

WHEREAS: Pursuing state and federal funding to assist in meeting the housing needs of low and moderate income households is one of the implementation strategies identified; and

WHEREAS: The California Department of Housing and Community Development (hereinafter referred to as the “Department”) is authorized to allocate HOME Investment Partnerships Program (“HOME”) funds made available from the U.S. Department of Housing and Urban Development (HUD) to be used for the purposes set forth in Title II of the Cranston-Gonzalez National Affordable Housing Act of 1990, the federal implementing regulations set forth in Title 24 of the code of Federal Regulations, part 92, and Title 25 of the California Code of Regulations commencing with Section 8200; and

WHEREAS: On June 1, 2006 the Department issued a 2006 Notice of Funding Availability announcing the availability of funds under the HOME program (the “NOFA”); and

WHEREAS: In response to the 2006 NOFA, the City of Porterville wishes to apply to the Department for, and receive an allocation of, HOME funds; and

WHEREAS: There is no match requirement for this funding application.

NOW, THEREFORE BE IT RESOLVED: That the City Council of the City of Porterville, State of California, hereby approve the submittal to the Department of Housing and Community Development of an application to participate in the HOME program for an amount not to exceed $800,000 ($600,000 for the First Time Homebuyer Program, $100,000 for the Owner Occupied Housing Rehabilitation Program, and $100,000 for the Tenant Based Rental Assistance Program). If the application for funding is approved, the City of Porterville hereby agrees to use the HOME funds for the eligible activities described in the application as approved by the Department and in accordance with regulations cited above, unless otherwise approved by Department.
BE IT FURTHER RESOLVED: The City of Porterville authorizes the Mayor or his/her designee to execute in the name of the City of Porterville, the application, the Standard Agreement and all other documents required by the Department or HUD for participation in the HOME program, and any amendments thereto. That the City of Porterville authorizes the Community Development Director or his/her designee to execute in the name of the City of Porterville project drawdown requests, and all other administrative documents required by the California Department of Housing and Community Development or HUD for administration of the HOME program.

____________________________
Cameron Hamilton, Mayor

ATTEST:
John Longley, City Clerk

By____________________________________
Georgia Hawley, Deputy
SUBJECT: INTENT TO SET A PUBLIC HEARING FOR REIMBURSEMENT AGREEMENTS FOR CONCRETE IMPROVEMENT CONSTRUCTION BY THE CITY - HENDERSON AVENUE RECONSTRUCTION PROJECT

SOURCE: Public Works Department - Engineering Division

COMMENT: The concrete improvements for the Henderson Avenue Reconstruction Project are complete. City Council accepted the Henderson Avenue Project during the July 18, 2006 Council meeting. Section 20-40.1 of the Municipal Code stipulates that these improvements, once constructed, shall be reimbursed to the City of Porterville upon the issuance of a new building permit. Section 20-40.2 of the Municipal Code also stipulates that remodeling permits exceeding a $15,000 valuation will also trigger the reimbursement.

The City has complied with Section 20-40.8 of the Municipal Code on the Henderson Avenue Reconstruction Project by notifying affected property owners and holding Public Hearings addressing the City's intentions to seek reimbursement for the concrete improvements constructed as a part of this project. Section 20-40.8 requires that City Council hold at least one additional Public Hearing prior to the establishment of a fee. Once the fee is established, the City will record a general notice of "reimbursement fee" with the office of the Tulare County Recorder. The recorded document will officially notify the current owner and potential buyers that the property is subject to a concrete reimbursement fee.

Staff has calculated the cost of the concrete improvements constructed along the frontages of undeveloped properties and/or developed properties that lacked these public improvements for the Henderson Avenue Reconstruction Project. The calculations are based on actual costs incurred by the City. A map of the affected property owners and the associated concrete reimbursement fee is attached for Council's reference.

RECOMMENDATION: That the City Council:

1. Set a Public Hearing for August 15, 2006 according to the Mitigation Fee Act, for the establishment of the concrete reimbursement fee; and

2. Authorize staff to notify all affected property owners of the Public Hearing, via certified mail, including the concrete reimbursement amount.

ATTACHMENTS: Locator Map
Fee Spreadsheet
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<tr>
<th>APN</th>
<th>OWNER</th>
<th>Owner Address</th>
<th>Curb/Gutter</th>
<th>Sidewalk</th>
<th>Driveway</th>
<th>Total</th>
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<td>245-040-004</td>
<td>Kenneth R. &amp; Barbara L. Gibbs</td>
<td>2236 W. Henderson Ave., Porterville, Ca. 93257</td>
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<td>Ralph M. &amp; Janet Hovannisian</td>
<td>611 N. Golf Links, Fresno, Ca. 93727</td>
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<td>Willard Bennett</td>
<td>2260 W. Henderson Ave., Porterville, Ca. 93257</td>
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<td>2278 W. Henderson Ave., Porterville, Ca. 93257</td>
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<td>Frances Oparuchuck</td>
<td>5506 Otto St., Long Beach, Ca. 90815</td>
<td>$2,584.84</td>
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<td>John &amp; Karen Hovannisian</td>
<td>27009 S. Mooney Blvd., Visalia, Ca. 93277</td>
<td>$172.60</td>
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<td>2312 W. Henderson Ave., Porterville, Ca. 93257</td>
<td>$2,461.97</td>
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<td>843 N. Westwood St., Porterville, CA 93257</td>
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<td>245-020-027</td>
<td>Guido Lombardi</td>
<td>825 Mathew St., Porterville, Ca. 93257</td>
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<td>1810 W. Henderson Ave., Porterville, Ca. 93257</td>
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<td>Pamela Santos</td>
<td>1440 W. Westfield Ave., Porterville, Ca. 93257</td>
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<td>245-060-023</td>
<td>Bill A. &amp; Evelyn M. Wiggins</td>
<td>1012 E. Vandalia Ave., Porterville, Ca. 93257</td>
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<td>Valley Oak Community Church</td>
<td>P.O. Box 1507, Porterville, Ca. 93257</td>
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<td>Zenz &amp; O'Sullivan</td>
<td>P.O. Box 1927, Porterville, Ca. 93258</td>
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<td>Mtn View Congreg of Jehovah's Witnesses Pville</td>
<td>338 No York St., Porterville, Ca. 93257</td>
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<td>245-410-032</td>
<td>Church of Christ</td>
<td>811 Gerry Lane, Porterville, Ca. 93257</td>
<td>$9,803.68</td>
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<td>245-390-007</td>
<td>Steve D. &amp; Melissa Krigbaum</td>
<td>2169 W. Henderson Ave., Porterville, Ca. 93257</td>
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<td>Reba R. Romeri &amp; Nenna Rae Kirschener</td>
<td>2153 W. Henderson Ave., Porterville, Ca. 93257</td>
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<td>Kneeland &amp; Besigie Eldridge</td>
<td>2133 W. Henderson Ave., Porterville, Ca. 93257</td>
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<td>Scott Beuller</td>
<td>2127 W. Henderson Ave., Porterville, Ca. 93257</td>
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<td>245-390-011</td>
<td>Genaro V. Martinez &amp; Magencio V. Vazquez</td>
<td>2121 W Henderson Ave., Porterville, Ca. 93257</td>
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<td>245-040-025</td>
<td>James Dahl</td>
<td>P.O. Box 6218, Ketchikan, AK 99901</td>
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**Totals** $188,797.50
SUBJECT: APPROVAL FOR COMMUNITY CIVIC EVENT
AMERICAN CANCER SOCIETY – RELAY FOR LIFE BANNER SIGNING

SOURCE: Administrative Services - Finance Division

COMMENT: The American Cancer Society is requesting approval to hold a public banner signing event at Centennial Plaza on Wednesday, August 2, 2006, from 5:30 p.m. to 7:30 p.m. This application is submitted in accordance with the Community Civic Events Ordinance No. 1326, as amended.

The application has been routed according to the ordinance regulations and reviewed by all the departments involved. All requirements are listed on the attached copy of the Application, Agreement and Exhibit "A."

RECOMMENDATION: That the Council approve the Community Civic Event Application and Agreement from the American Cancer Society, subject to the Restrictions and Requirements contained in the Application, Agreement and Exhibit "A" of the Community Civic Event Application.

ATTACHMENT: Community Civic Event Application and Agreement, Exhibit "A".

D.D. Appropriated/Funded C.M. Item No. 10
CITY OF PORTERVILLE
APPLICATION AND AGREEMENT FOR A PERMIT TO HOLD A
COMMUNITY CIVIC EVENT OR OTHER ACTIVITY TO BE HELD ON PUBLIC PROPERTY

Application date: 7/24/06       Event date: 8/21/06 5:30-7:30 p.m

Event: Relay for Life Banner Signing

Sponsoring organization: American Cancer Society
Address: 300 n willis Visalia 734-1392

Authorized representative: Marty Conner
Address: *Sheila Seaman 784-5000 WK 782-8430

Event chairperson: Marty Conner
PHONE # 756-3250

Location of event (location map must be attached):
Centennial Park

Type of event/method of operation:
Inviting public to sign banner that will be taken to Dr. for the Wall of Hope Event 9/20/06

Nonprofit status determination:

City services requested (an fees associated with these services will be billed separately)

Barricades (quantity):

Police protection Yes ____ No ____

Other: _______________________________

Street sweeping Yes ____ No ____
Refuse pickup Yes ____ No ____

Parks facility application required: Yes ____ No ____
Assembly permit required: Yes ____ No ____

STAFF COMMENTS (list special requirements or conditions for event):

Approve Deny
_______  ____ Bus Lic Spvr
_______  ____ Pub Works Dir
_______  ____ Comm Dev Dir
_______  ____ Field Svcs Mgr
_______  ____ Chief Fire Oper.
_______  ____ Parks Dir
_______  ____ Police Chief
_______  ____ Deputy City Mgr

1 of 4
CITY OF PORTERVILLE

APPLICATION AND AGREEMENT FOR A PERMIT TO HOLD A COMMUNITY CIVIC EVENT OR OTHER ACTIVITY TO BE HELD ON PUBLIC PROPERTY

Authorization: This permit must be submitted 30 days PRIOR to the date of the event in order to obtain City Council approval.

City Code requirements:
- At least 48" must remain clear on sidewalks for pedestrian traffic.
- Do not block any entrance to or exit from buildings.
- Area must be accessible to emergency and safety personnel and vehicles.
- Electrical cords must be approved and installation checked by the Fire Department.

Liability insurance: The sponsoring organization/applicant agrees to provide and keep in force during the term of this permit a policy of liability and property damage insurance against liability for personal injury, including accidental death, as well as liability for property damage which may arise in any way during the term of this permit. The City of Porterville shall be named as additional insured. The amounts of such insurance and any additional requirements are listed in Exhibit "A."

Alcohol liability insurance: Organization/Applicant will obtain an alcohol permit if any alcoholic beverages are to be served. The insurance policy shall be endorsed to include full liquor liability in an amount not less than one million dollars ($1,000,000) per occurrence. The City of Porterville shall be named as additional insured against all claims arising out of or in connection with the issuance of this permit or the operation of the permittee, his/her agents or representatives pursuant the permit. Claims-made policies are not acceptable.

Health permit: Organization/Applicant will obtain or ensure that all participants obtain a health permit(s) from the County of Tulare Department of Health if any food is to be served in connection with this Community Civic Event.

First aid station: Organization/Applicant will establish a first aid station to provide basic emergency care, such as ice/hot packs, bandages, and compresses.

Agreement: The sponsoring organization/applicant agrees to comply with all provisions of the Community Civic Event Ordinance 1326, as amended, and the terms and conditions set forth by City Council and stated in Exhibit "A." The sponsoring organization/applicant agrees, during the term of this permit, to secure and hold the City free and harmless from all loss, liability, and claims for damages, costs and charges of any kind or character arising out of, relating to, or in any way connected with his/her performance of this permit. Said agreement to hold harmless shall include and extend to any injury to any person or persons, or property of any kind whatsoever and to whomever belonging, including, but not limited to, said organization/applicant, and shall not be liable to the City for any injury to persons or property which may result solely or primarily from the action or non-action of the City or its directors, officers, or employees.

ACS Belenec for Life

Sheileal Shearn 7/24/16

(Name of organization) (Signature) (Date)
CITY OF PORTERVILLE

VENDOR/PARTICIPANT LIST IN CONNECTION WITH THE APPLICATION AND AGREEMENT FOR A PERMIT TO HOLD A COMMUNITY CIVIC EVENT OR OTHER ACTIVITY TO BE HELD ON PUBLIC PROPERTY

Name of event: Relay For Life Banner Signing

Sponsoring organization: American Cancer Society

Location: Centennial Park  Event date: 8/2/06 5:30-7:30

List all firms, individuals, organizations, etc., that will engage in selling at or participate in the above-named event. **NO PERMIT WILL ISSUED WITHOUT THIS INFORMATION.** This form should be completed at the time of application, but must be submitted one week prior to the event.

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<tr>
<th>Vendor name</th>
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<th>Telephone</th>
<th>Type of Activity</th>
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3 of 4
CITY OF PORTERVILLE

REQUEST FOR STREET CLOSURES AND PUBLIC PROPERTY USAGE IN CONNECTION WITH THE APPLICATION AND AGREEMENT FOR A PERMIT TO HOLD A COMMUNITY CIVIC EVENT OR OTHER ACTIVITY TO BE HELD ON PUBLIC PROPERTY

Name of event: ________________________________

Sponsoring organization: ________________________________

Event date: ___________________________ Hours: ________________________________

ATTACH MAP MARKING AREAS TO BE CLOSED OR USED

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<th>Sidewalks</th>
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<th>Parking lots and spaces</th>
<th>Location</th>
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4 of 4
## REQUIREMENTS FOR COMMUNITY CIVIC EVENT

**AMERICAN CANCER SOCIETY**  
**RELAY FOR LIFE BANNER SIGNING**  
**AUGUST 2, 2006**

<table>
<thead>
<tr>
<th>Role</th>
<th>Requirement</th>
</tr>
</thead>
<tbody>
<tr>
<td>Business License Supervisor:</td>
<td>No requirements.</td>
</tr>
<tr>
<td>S. Perkins</td>
<td></td>
</tr>
<tr>
<td>Public Works Director:</td>
<td>No comments.</td>
</tr>
<tr>
<td>B. Rodriguez</td>
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<tr>
<td>Community Development Director:</td>
<td>No comments.</td>
</tr>
<tr>
<td>B. Dunlap</td>
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<tr>
<td>Field Services Manager:</td>
<td>No comments.</td>
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<td>B. Styles</td>
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<tr>
<td>Chief of Fire Operations:</td>
<td>No comments.</td>
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<tr>
<td>M. G. Garcia</td>
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<tr>
<td>Parks and Leisure Services Director:</td>
<td>Pavilion reservation and fee required unless event is co sponsored.</td>
</tr>
<tr>
<td>J. Perrine</td>
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<tr>
<td>Police Chief:</td>
<td>No comments.</td>
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<tr>
<td>C. McMilian</td>
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<tr>
<td>Deputy City Manager:</td>
<td>No comments.</td>
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<tr>
<td>F. Guyton</td>
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</table>

**EXHIBIT “A,” Page 1**
REQUIREMENTS FOR COMMUNITY CIVIC EVENT

Sponsor:  American Cancer Society
Event:  Relay for Life Banner Signing
Event Chairman:  Sheila Seaman
Location:  Centennial Plaza
Date of Event:  August 2, 2006
Time of Event:  5:30 pm to 7:30 pm

RISK MANAGEMENT:  Conditions of Approval

That the American Cancer Society provide a Certificate of Commercial General Liability Insurance Coverage evidencing coverage of not less than $1,000,000 per occurrence, and having the appropriate Endorsement naming the City of Porterville, its Officers, Employees, Agents and Volunteers as “Additional Insured” against all claims arising from, or in connection with, the Permittee’s operation and sponsorship of the aforementioned Community Civic Event.

A. Said Certificate of Insurance shall be an original (fax and xerographic copies not acceptable), the Certificate shall be signed by an agent authorized to bind insurance coverage with the carrier, and the deductible, if any, shall not be greater than $1,000.

A. Said insurance shall be primary to the insurance held by the City of Porterville, be with a company having an A.M. Best Rating of no less that A:VII, and the insurance company must be an “admitted” insurer in the State of California.
SUBJECT: APPROVAL FOR COMMUNITY CIVIC EVENT
DOWNTOWN PORTERVILLE ASSOCIATION – PORTERVILLE MAIN EVENT –
RIDES & WHEELS AND SIDEWALK SALE – SEPTEMBER 30, 2006

SOURCE: Administrative Services Department, Finance Division

COMMENT: Downtown Porterville Association is requesting approval to hold a car and
motorcycle show with beer garden, kid’s fun zone, live entertainment, street
vendors and sidewalk sale on Main Street, Saturday, September 30, 2006, from
7:00 a.m. to 4:00 p.m. The following is the list of requested street and parking lot
closures and sidewalk use:

STREETS:
Main Street from Olive Avenue to Thurman Avenue;
Garden Avenue from Main Street to the alley east of Main Street;
Oak Avenue from Division Street to the alleles east and west of Main Street;
Mill Avenue from Division Street to the alleles east and west of Main Street;
Putnam Avenue from Division Street to the alleles east and west of Main Street;
and Cleveland Avenue, east of Main Street to Second Street.

PARK:
Centennial Park and Bandstand.

SIDEWALKS:
All sidewalks in the Business Improvement District, Olive Avenue to Morton
Avenue and Second Street to D Street.

This request is made under the Community Civic Events Ordinance No. 1326, as
amended. The application has been routed according to the ordinance
regulations and reviewed by all departments involved. The requirements are
listed on the attached copy of the application, agreement and Exhibit "A," and a
map indicating the desired closures is included.

RECOMMENDATION: That the Council approve the attached Community Civic Event
Application and Agreement submitted by the Downtown Porterville
Association, subject to the stated requirements contained in
Application, Agreement and Exhibit "A."

ATTACHMENT: Community Civic Event Application and Agreement, Exhibit "A,
vendor list, closure requests and map, outside amplifier permit,
daily license application/authorization, event flyer.
CITY OF PORTERVILLE
APPLICATION AND AGREEMENT FOR A PERMIT TO HOLD A
COMMUNITY CIVIC EVENT OR OTHER ACTIVITY TO BE HELD ON PUBLIC PROPERTY

Application date: May 31, 2006       Event date: Sept. 30, 2006
Name of Event: Porterville Main Event - Rides & Wheels

Sponsoring organization: Downtown Porterville Assoc PHONE # 781-0880
Address: P.O. Box 1595, Porterville, 93257
Authorized representative: J.E. Givens PHONE # 736-2559
Address: 772 No. G St, Porterville 93257
Event chairperson: Kenay Sprague PHONE # 782-1955

Location of event (location map must be attached): Downtown, Main St,
Centennial Park to Olive Ave - 1/2 Bk of Side streets. (see attached)

Type of event/method of operation: Car & Motorcycle Show - Display,
Vendors - Food & Crafts - Beer Garden

Nonprofit status determination: On File

City services requested (an (fees associated with these services will be billed separately)

Barricades (quantity): 30       Street sweeping Yes X No __
Police protection Yes ___ No X Refuse pickup Yes ___ No __
Other: _______________________

Parks facility application required: Yes X No __
Assembly permit required: Yes ___ No X

STAFF COMMENTS (list special requirements or conditions for event):

Approve Deny
Bus Lic Spvr
Pub Works Dir
Comm Dev Dir
Field Svcs Mgr
Chief Fire Oper.
Parks Dir
Police Chief
Deputy City Mgr
CITY OF PORTERVILLE

APPLICATION AND AGREEMENT FOR A PERMIT TO HOLD A COMMUNITY CIVIC EVENT OR OTHER ACTIVITY TO BE HELD ON PUBLIC PROPERTY

Authorization: This permit must be submitted 30 days PRIOR to the date of the event in order to obtain City Council approval.

City Code requirements:

- At least 48" must remain clear on sidewalks for pedestrian traffic.
- Do not block any entrance to or exit from buildings.
- Area must be accessible to emergency and safety personnel and vehicles.
- Electrical cords must be approved and installation checked by the Fire Department.

Liability insurance: The sponsoring organization/applicant agrees to provide and keep in force during the term of this permit a policy of liability and property damage insurance against liability for personal injury, including accidental death, as well as liability for property damage which may arise in any way during the term of this permit. The City of Porterville shall be named as additional insured. The amounts of such insurance and any additional requirements are listed in Exhibit "A."

Alcohol liability insurance: Organization/Applicant will obtain an alcohol permit if any alcoholic beverages are to be served. The insurance policy shall be endorsed to include full liquor liability in an amount not less than one million dollars ($1,000,000) per occurrence. The City of Porterville shall be named as additional insured against all claims arising out of or in connection with the issuance of this permit or the operation of the permittee, his/her agents or representatives pursuant the permit. Claims-made policies are not acceptable.

Health permit: Organization/Applicant will obtain or ensure that all participants obtain a health permit(s) from the County of Tulare Department of Health if any food is to be served in connection with this Community Civic Event.

First aid station: Organization/Applicant will establish a first aid station to provide basic emergency care, such as ice/hot packs, bandages, and compresses.

Agreement: The sponsoring organization/applicant agrees to comply with all provisions of the Community Civic Event Ordinance 1326, as amended, and the terms and conditions set forth by City Council and stated in Exhibit "A." The sponsoring organization/applicant agrees, during the term of this permit, to secure and hold the City free and harmless from all loss, liability, and claims for damages, costs and charges of any kind or character arising out of, relating to, or in any way connected with his/her performance of this permit. Said agreement to hold harmless shall include and extend to any injury to any person or persons, or property of any kind whatsoever and to whomever belonging, including, but not limited to, said organization/applicant, and shall not be liable to the City for any injury to persons or property which may result solely or primarily from the action or non-action of the City or its directors, officers, or employees.

Downtown Porterville Assoc.  J.R. Owens  5/31/04
(Name of organization) (Signature) (Date)
CITY OF PORTERVILLE

VENDOR/PARTICIPANT LIST IN CONNECTION WITH THE APPLICATION AND AGREEMENT FOR A PERMIT TO HOLD A COMMUNITY CIVIC EVENT OR OTHER ACTIVITY TO BE HELD ON PUBLIC PROPERTY

Name of event: **Porterville Main Event - Rides & Wheels**

Sponsoring organization: **Downtown Porterville Assoc**

Location: **Main St & 1/2 blk of side st** Event date: **Sept. 30, 2006**

List all firms, individuals, organizations, etc., that will engage in selling at or participate in the above-named event. **NO PERMIT WILL ISSUED WITHOUT THIS INFORMATION.** This form should be completed at the time of application, but must be submitted one week prior to the event.

<table>
<thead>
<tr>
<th>Vendor name</th>
<th>Address</th>
<th>Telephone</th>
<th>Type of Activity</th>
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3 of 4
CITY OF PORTERVILLE

REQUEST FOR STREET CLOSURES AND PUBLIC PROPERTY USAGE IN CONNECTION WITH THE APPLICATION AND AGREEMENT FOR A PERMIT TO HOLD A COMMUNITY CIVIC EVENT OR OTHER ACTIVITY TO BE HELD ON PUBLIC PROPERTY

Name of event: **Rides & Wheels - Car & Motorcycle Show**

Sponsoring organization: **Downtown Porterville Assoc**

Event date: **Sept 30, 2016** Hours: **7am - 4pm**

ATTACH MAP MARKING AREAS TO BE CLOSED OR USED

<table>
<thead>
<tr>
<th>Street Name</th>
<th>From</th>
<th>To</th>
<th>Activity</th>
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<tbody>
<tr>
<td>Main St</td>
<td>Thurman</td>
<td>Olive</td>
<td>Vehicle Display</td>
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<tr>
<td>Cleveland</td>
<td>Behind City Hall</td>
<td>Alley behind park – Kids Fun Zone</td>
<td></td>
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<tr>
<td>Putnam</td>
<td>Alley to Alley</td>
<td>Alley to Alley</td>
<td>Off Main E&amp;W Vendors</td>
</tr>
<tr>
<td>Mill St</td>
<td>Alley to Alley</td>
<td>Alley to Alley</td>
<td>Off Main E&amp;W Band &amp; Beer Garden</td>
</tr>
<tr>
<td>Oak Garden</td>
<td>Main E.</td>
<td>Alley</td>
<td>Off Main E&amp;W Vendor</td>
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<thead>
<tr>
<th>Sidewalks</th>
<th>From</th>
<th>To</th>
<th>Activity</th>
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<tbody>
<tr>
<td>Downtown</td>
<td>Porterville area of car show</td>
<td>See attached map</td>
<td></td>
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Parking lots and spaces

<table>
<thead>
<tr>
<th>Location</th>
<th>Activity</th>
</tr>
</thead>
<tbody>
<tr>
<td>Centennial Park</td>
<td>Entertainment - Kids Zone</td>
</tr>
</tbody>
</table>
REQUIREMENTS FOR COMMUNITY CIVIC EVENT
DOWNTOWN PORTERVILLE ASSOCIATION
PORTERVILLE MAIN EVENT – RIDES & WHEELS AND SIDEWALK SALE

SEPTEMBER 30, 2006

Business License Supervisor:  S. Perkins  Vendor list required prior to event.

Public Works Director:  B. Rodriguez  Provide general clean-up after event.

Community Development Director:  B. Dunlap  No comment.

Field Services Manager:  B. Styles  No comment.

Chief of Fire Operations:  M. G. Garcia  No comment.

Parks and Leisure Services Director:  J. Perrine  Facility reservation request and fee required, no vehicles on the park grass, restroom and trash facilities needed.

Police Chief:  C. McMillian, Interim  Alcohol contained to beer garden.

Deputy City Manager:  F. Guyton  Copy of insurance required before event.  Council must approve the beer garden request and the Police Chief must issue a permit per P.M.C 18-6.1(l)
REQUIREMENTS FOR COMMUNITY CIVIC EVENT

Sponsor: Downtown Porterville Association
Event: Porterville Main Event – Rides & Wheels and Sidewalk Sale
Event Chairman: J.R. Givens, 559-736-2559
Location: Car and Motorcycle show:
Main Street, Cleveland Avenue to Olive
Selected side streets
Sidewalk sale:
Sidewalks within the Business Improvement District
Date of Event: September 30, 2006
Time of Event: 7:00 a.m. to 4:00 p.m.

RISK MANAGEMENT: Conditions of Approval

1. That the Downtown Porterville Association provide a Certificate of Commercial General Liability Insurance Coverage evidencing coverage of not less than $1,000,000 per occurrence, and having the appropriate Endorsement naming the City of Porterville, its Officers, Employees, Agents and Volunteers as “Additional Insured” against all claims arising from, or in connection with, the Permittee’s operation and sponsorship of the aforementioned Community Civic Event.
   a. Said Certificate of Insurance shall be an original (fax and xerographic copies not acceptable), the Certificate shall be signed by an agent authorized to bind insurance coverage with the carrier, and the deductible, if any, shall not be greater than $1,000.
   b. Said insurance shall be primary to the insurance held by the City of Porterville, be with a company having an A.M. Best Rating of no less that A:VII, and the insurance company must be an “admitted” insurer in the State of California.

2. Sidewalk sales shall:
   a. Exclude sidewalks adjacent to the Porterville Police Station, Fire Station, Library, and the U.S. Post Office.
   b. Exclude the use of sidewalks for any purpose, other than normal pedestrian traffic, within a ten (10) foot radius of all walk-up Versa-Teller operations.
CITY OF PORTERVILLE

OUTSIDE AMPLIFIER PERMIT
(City Ordinances #18-14 & 18-9)

This application must be submitted 10 days prior to the date of the event. A copy of this permit must be at the operating premises of the amplifying equipment for which this registration is issued.

1. Name and home address of the applicant:

   J.R. Givens
   772 N. G St, Porterville
   Phone # 782-1517

2. Address where amplification equipment is to be used:

   Mill & Main - on street
   Phone #

3. Names and addresses of all persons who will use or operate the amplification equipment:

   Tom Zarate - Stingrays

4. Type of event for which amplification equipment will be used:

   Car & Motorcycle show

5. Dates and hours of operation of amplification equipment:

   Sept 30th 11am - 3pm

6. A general description of the sound amplifying equipment to be used:

   Microphone & speakers for live band
I hereby certify that all statements and answers on this registration form are true and correct.

Applicant

Date

Chief of Police

Date

Section 18-14 City Ordinance Outside Amplifiers; permit required.
It shall be unlawful for any person to maintain, operate, connect, or suffer or permit to be maintained, operated, or connected any loud-speaker or sound amplifier in such a manner as to cause any sound to be projected outside of any building or out of doors in any part of the city, without having first procured a permit from the Chief of Police.

Section 18-9 City Ordinance, Radios, record players, etc.
It shall be unlawful for any person within the city to use or operate or cause to be operated or to play any radio, phonograph, juke box, record player, loudspeaker musical instrument, mechanical device, machine, apparatus, or instrument for intensification or amplification of the human voice or any sound or noise in a manner so loud as to be calculated to disturb the peace and good order of the neighborhood or sleep of ordinary persons in nearby residences or so loud as to unreasonably disturb and interfere with the peace and comfort of the occupants of nearby residences.

California Penal Code Section 415
Any person who maliciously and willfully disturbs another person by loud and unreasonable noise, is guilty of a misdemeanor.

THIS OUTSIDE AMPLIFIER PERMIT HAS BEEN APPROVED. HOWEVER, WE URGE YOU TO REMAIN CONSIDERATE OF THE GENERAL PEACE AND ORDER OF THE NEIGHBORS IN THE AREA. FAILURE TO ABIDE BY THESE REGULATIONS CAN RESULT IN REVOCATION OF THE PERMIT.

cc: ____________

___________

___________

3/27/01
DAILY LICENSE APPLICATION/AUTHORIZATION - Non Transferable

Instructions: Complete all items. Submit with required fee (Cashier's Check or Money Order) payable to ABC. Once license is issued, fee cannot be refunded.

Pursuant to the authority granted by the organization named below, the undersigned hereby applies for the license(s) described below.

1. ORGANIZATION'S NAME
   Downtown Porterville Assn

2. LICENSE TYPE (Check appropriate license type AND organization type)
   a. Daily General ($25.00) (Includes beer, wine and distilled spirits)
       - Political Party/Elite Candidate for Public Office or Ballot Measure
       - Organization Formed for Specific Charitable or Civic Purpose
       - Other:
       - Fraternal Organization in Existence Over Five Years with Regular Membership
       - Religious Organization
       - Vessel per Section 24045.10 B&P ($50.00)

   b. Special Daily Beer ($15.00)
       - Charitable
       - Fraternal
       - Social
       - Civic
       - Religious
       - Cultural
       - Amateur Sports Organization

   c. Special Daily Beer & Wine ($30.00)
       - Fraternal
       - Charitable
       - Social
       - Civic
       - Cultural
       - Religious
       - Amateur Sports Organization

   d. Special Daily Wine ($15.00)

   e. Special Temporary License ($100.00) (Different privileges depending on statute)
       - Television Station per Section 24045.2 or 24045.9 B&P
       - Nonprofit Corporation per Sections 24045.4 and 24045.6 B&P
       - Person conducting Estate Wine Sale per Section 24045.8 B&P
       - Women's Educational and Charitable Organization per Section 24045.3 B&P

   f. Other Special Temporary Licenses, per Section

3. EVENT TYPE
   - Dinner
   - Sports Event

4. TOTAL # OF DAYS
   1

5. ESTIMATED ATTENDANCE
   1500

6. HOURS OF ALCOHOLIC BEVERAGE SALES, SERVICE AND/OR CONSUMPTION
   From 11 AM To 3 PM

7. EVENT DATE(S)
   Sept 30, 2006

8. EVENT IS OPEN TO THE PUBLIC
   Yes

9. EVENT LOCATION (Give facility name, if any, street number and name, and city)
   Main St between Thurman & Olive Av - Downtown Porterville

10. LOCATION IS WITHIN THE CITY LIMITS
    Yes

11. TYPE OF ENTERTAINMENT
    Live Band

12. SECURITY GUARDS
    Yes

13. AUTHORIZED REPRESENTATIVE/NAME
    J.R. Cowens

14. REPRESENTATIVE'S TELEPHONE NUMBER
    (559) 783-9647

15. ORGANIZATION'S MAILING ADDRESS (If different from #15 above)
    772 No. "G" St / DPA - PO Box 1595, Porterville (CA 93257)

16. AUTHORIZED REPRESENTATIVE'S SIGNATURE
    J.R. Cowens

17. PROPERTY OWNER APPROVAL BY (Name), REQUIRED
    J.R. Cowens

18. DATE SIGNED
    7/10/06

The above-named organization is hereby licensed, pursuant to the California Business and Professions Code Division 9 and California Code of Regulations, to engage in the temporary sale of alcoholic beverages for consumption at the above named location for the period authorized above. This license does not include off-sale (to-go) privileges.

This license may be revoked summarily by the Department if, in the opinion of the Department and/or the local law enforcement agency, it is necessary to protect the safety, welfare, health, peace and morals of the people of the State.

ABC-221 (7/04) SIGNATURES PENDING CITY COUNCIL'S APPROVAL FOR BEER GARDEN ON CITY STREETS.
CAR & MOTORCYCLE SHOW
BIGGER and BETTER than EVER
Wheels of All Kinds – If It Rolls, It Shows!

Saturday, September 30, 2006
Registration 7 a.m. – Show 9 a.m. – 3 p.m.

Fun for the whole family:
• Kid’s Fun Zone
• Live Music
• Food Booths
• Vendor Booths
• Beer Garden

Fun for the participants:
• Free “Goodie Bags”
• Free Coffee & Donuts
• Raffles & Prizes
• Meet & Greet
• Participation Awards

For Information call (559) 736-2559 or (559) 726-3149
E-mail: rides_wheels@downtownporterville.com

Downtown Porterville Association
PO Box 1595, Porterville, CA 93257
559-781-0880
SUBJECT: ADOPTION OF ANNUAL APPROPRIATION LIMIT

SOURCE: Department of Finance - Administration

COMMENT: Article XIII - B of the California Constitution requires that each governmental agency must adopt an appropriation limit each fiscal year. This limit represents the maximum amount of tax revenue that can be appropriated during the fiscal year.

The State Department of Finance has provided the percentage change in population for the City of Porterville and the percentage change in per capita personal income for the 2006/07 fiscal year calculation. Based on this information and the guidelines established by the State, the appropriation limit for 2006/07 is $36,981,571. Budgeted tax proceeds subject to limitation are $19,248,704. The City continues to appropriate well below the maximum limit allowed by law.

RECOMMENDATION: That the City Council approve the attached resolution adopting the appropriation limit of $36,981,571 for the 2006/07 fiscal year.

ATTACHMENTS: Draft Resolution
Worksheets

DD [Signature] Appropriated/Funded CM [Signature] Item No. 12
RESOLUTION NO. _______ - 2006

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PORTERVILLE SETTING THE APPROPRIATION LIMIT FOR THE 2006/07 FISCAL YEAR

WHEREAS, Article XIII - B of the California Constitution requires that each governmental agency adopt an appropriation limit each fiscal year, and

WHEREAS, the State of California has presented the guidelines for the consumer price index, the per capita personal income, and the population data for local governments to compute the appropriation limit;

NOW, THEREFORE, be it resolved by the City Council of the City of Porterville the appropriation limit for the 2006/07 fiscal year is $36,981,571 as computed on the attached worksheet.

Adopted and approved this 1st day of August, 2006.

________________________________________
Cameron Hamilton, Mayor

ATTEST:

________________________________________
John R. Longley, Jr., City Clerk
CITY OF PORTERVILLE
APPROPRIATION LIMIT DOCUMENTATION
FISCAL YEAR 2006-2007

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PROCEEDS OF TAXES CALCULATION | 19,248,704

PROCEEDS OF TAXES UNDER APPROPRIATION LIMIT | 17,732,867

[2] Per State Department of Finance (per capita personal income).
[3] Per State Department of Finance (population growth of City or County, whichever is greater).
CITY OF PORTERVILLE
APPROPRIATION LIMIT DOCUMENTATION
FISCAL YEAR 2006-2007

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* Source: City of Porterville 2006-2007 Annual Budget.
SUBJECT: PARKS AND LEISURE SERVICES DEPARTMENT REORGANIZATION PLAN AND STAFFING ALLOCATION

SOURCE: PARKS AND LEISURE SERVICES DEPARTMENT

COMMENT: It is proposed that the staff allocation for the Chief of Parks & Leisure Services Operations position, and two Leisure Services Supervisor positions be re-allocated to the position of Leisure Services Superintendent, a second Leisure Services Coordinator position, and an Administrative Analyst position for the Parks and Leisure Services Department.

This proposal follows a review of the department organization and staffing needs within the currently established budgetary limitations. Staff vacancies within the Leisure Services division of the department were particularly assessed to ensure that the department objectives for both the current and intermediate-future term would be met. These objectives include: the provision and marketing of a variety of youth and family leisure programs; operations of the Youth Center, golf course, OHV Park and Zalud House; provision of library and literacy programs and resources; maintenance of various City building, facilities, landscaping and park lands; management of landscape maintenance districts; and the planning, fund development, design and implementation of new park, trailway and open space projects.

The conclusions of these reviews identified two primary organizational capacity impediments that could be addressed through a reorganization plan and staffing changes. First, the need to provide a management position to lead the leisure services division. Second, the need to replace administrative capacity lost through the departure of the Chief of Operations. The organization of similar departments within other jurisdictions, together with the history of the Porterville Parks and Leisure Services Department were all considered. The result is a recommended organizational structure similar to which existed in Porterville for many years prior to 2003.

Filling the currently un-allocated Leisure Services Superintendent position would provide a management position to head the leisure services division. Leaving the Chief of Operations position vacant will provide for filling the Leisure Services Superintendent. An Administrative Analyst position will provide department administrative capacity. This can be accommodated within the budget by maintaining the current vacancy in the position in Leisure Services Supervisor. It is also proposed to allocate a second Leisure Services Coordinator position when the second Leisure Services Supervisor position becomes vacant. In addition, the current vacancy in one of the Clerical Assistant positions will currently be left unfilled, with part-time assistance utilized as needed.
RECOMMENDATION: Approve the Parks and Leisure Services Department Reorganization Plan and authorize the following position allocation adjustments for the department:

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<th>change in allocation</th>
<th>Total Allocation</th>
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ATTACHMENTS: Proposed Organization Plan
Current Organization Plan
Pre-2003 Organization Plan
PARKS AND LEISURE SERVICES DEPARTMENT
reorganization

Director

Admin. Analyst
(replaces 1 Leisure Supervisor)

Secretary

City Librarian

Parks Superintendent

Leisure Services Superintendent
(replaces Chief of Ops.)

Head Golf Professional

Zalud House Curators

Library Supervisor I

Library Supervisor II

Parks clerical

Leisure & admin clerical

Leisure & admin. clerical
vacant

use part-time worker

Parks Supervisor

Leisure Coordinator

Special Programs Staff
(part time)

Leisure Coordinator
(replaces 1 Supervisor)

Library staff

Parks & Facilities staff

Leisure Staff
(part time)

Parks Maint. Worker I
vacant

use part-time custodial
SUBJECT: RESOLUTION ADJUSTING SPORTS COMPLEX SEASONAL PARKING PERMIT FEES AND GENERAL FUND BUDGET REVENUE ESTIMATE

SOURCE: PARKS AND LEISURE SERVICES DEPARTMENT

COMMENT: At the July 18, 2006 City Council meeting direction was given to prepare a Resolution to adjust the Sports Complex seasonal parking permit fees. The attached Resolution provides for the immediate adjustment in the permit fees to the same level as paid in prior years, and establishes automatic increases in the parking permit fee over the next two years.

Staff has reviewed the one and one-half years of parking fee accounting and determined that the current budget revenue projection is overstated, particularly in light of the rollback in parking permit fees. The total of parking fees at the Sports Complex appears to have been $15,668 during fiscal year 2005-2006. This compares to $20,861 for the fiscal year 2004-2005, when several large tournaments were held at the Sports Complex.

The revenue projection provided during budget preparation was for $24,000 of Sports Complex parking fees. It is staff's belief that a more realistic revenue estimate would now be $21,000. The $3,000 revenue reduction would equate to the increment of revenue rollback for 1,000 seasonal parking passes averaging 6 games per season.

RECOMMENDATION: Adopt the Resolution adjusting Sports Complex Seasonal Parking Permit fees and General Fund Budget Revenue Estimate.

ATTACHMENT: Resolution
RESOLUTION NO.

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PORTERVILLE
ADJUSTING SPORTS COMPLEX SEASONAL PARKING PERMIT FEES
AND GENERAL FUND BUDGET REVENUE ESTIMATE

BE IT HEREBY RESOLVED, by the City Council of the City of Porterville, that the Sports Complex Seasonal Parking Permit fees be as follows:

- Effective August 2, 2006 $1.00 per season game
- Effective July 1, 2007 $1.25 per season game
- Effective July 1, 2008 $1.50 per season game

BE IT FURTHER RESOLVED, by the City Council of the City of Porterville, that the General Fund 2006-2007 budget revenue estimate for Recreation Programs be reduced by $3,000 to the amount of $840,000.

Dated this 1st day of August 2006

__________________________
Cameron J. Hamilton, Mayor

ATTEST:
John Longley, City Clerk

By: _______________________
Georgia Hawley, Chief Deputy City Clerk
CITY COUNCIL AGENDA - AUGUST 1, 2006

THIS ITEM HAS BEEN REMOVED FROM THE AGENDA.

Item No. 15
SUBJECT: RESPONSE TO GRAND JURY REPORT

SOURCE: Public Works Department - Engineering Division

COMMENT: In response to a citizen’s complaint, the 2005-2006 Tulare County Grand Jury investigated the City of Porterville’s Farming Operation. The City received the Grand Jury’s findings June 19, 2006. The Grand Jury asked that the City provide a response to each of their findings and recommendations by September 23, 2006.

The City’s response to each of the Grand Jury’s findings and recommendations is provided herein as an attachment.

RECOMMENDATION: That the City Council:

1. Review and approve staff’s response to each of the Grand Jury’s findings and recommendations; and

2. Direct the City Manager to sign and transmit the City’s response to each of the Grand Jury’s findings and recommendations.

ATTACHMENT: City’s Letter of Response
July 24, 2006

Margie Ewen, Foreman
Tulare County Grand Jury
5963 South Mooney Blvd.
Visalia, CA 93277

Subject: City of Porterville Response To Grand Jury Report - Wastewater Treatment/Farming Operation.

Dear Madam Foreman Ewen:

The City is in receipt of the Tulare County Grand Jury report investigating the City of Porterville’s Farming Operation. The City would like to thank the Grand Jury for its efforts in reviewing the City’s “farming operation” service agreement and for providing the opportunity to respond to the Grand Jury’s findings.

Before responding to each of the findings, the City respectfully asks that the second sentence under “Background” be modified to read “The Waste Discharge Requirements and the Cease and Desist Order from the RWQCB limited the City to 5.3 million gallons per day disposed...” The unit “per day” makes it clear that the 5.3 millions gallons is a daily discharge and not an annual discharge.

Please be advised that the City agrees with findings 1 through 4, 6 through 11 and findings 13 through 15.

Regarding Finding #5, the three entries shown for FY 2004-2005 is incorrectly stated. The “Farming operation loss” should read $20,678 not $20,000. The “Additional losses” entry should read $215,765, not $16,400 and the “total losses” entry should read $236,443, not $36,400.

Regarding Finding #12, the revenue for alfalfa for FY 2003-2004 should read $113,525, not $27,553.

In accordance with Section 933.05(b), as to each grand jury recommendation, the City of Porterville reiterates each recommendation herein and provides a response thereto:

Recommendation #1 - That the City of Porterville modify and/or adjust the current Farm Management Agreement.
City’s Response to Recommendation #1 - The Porterville City Council at its December 20, 2005 meeting directed staff to modify the existing farm management agreement. Please be aware that the farm management agreement has been modified and that the modified agreement is now in effect.

Recommendation #1(a) - That the City segregate total operations into “farming vs. non-farming” categories along with their respective costs.

City Response to Recommendation #1(a) - The City of Porterville’s budget for FY 2006/2007 incorporates this recommendation. Farming and non-farming activities are segregated and their respective costs will be tracked separately.

Recommendation #1(b) - That the City prepare and distribute “Request for Proposals” for a new contract to manage the farming operations after modifications/adjustments have been made to the present agreement.

City Response to Recommendation #1(b) - Senior City staff were directed by City Council to prepare a “Request for Proposals” for a new Farm Management Agreement contract. Staff will ask City Council to approve a professional services agreement for agricultural consulting services at the August 15, 2006 Council meeting. The agricultural consultant will assist in the drafting of an RFP with a targeted completion date of January 2007. If a farmland lease agreement is necessary, staff anticipates that the City Attorney will prepare said agreement by February 9, 2007.

Recommendation #1(c) - That the City prepare and distribute the “Request for Proposals” to lease the land under an alternative farm agreement that removes the City’s managerial controls.

City Response to Recommendation #1(c) - Prior to finalizing the “Request for Proposals” noted in Recommendation #1(b), senior staff will provide the City Council all pertinent information that will allow the City Council to properly choose between implementing a new farm management agreement or, leasing City owned property under an alternative farm agreement.

Senior staff cannot support nor recommend to the City Council that managerial controls be removed from any farming contract. Waste Discharge Requirements (WDR) Order 5-01-103 and Cease & Desist Order (CDO) 5-01-104 places responsibility on the City and on the farmer to comply with the requirements set forth in these two documents. These responsibilities cannot be waived or assigned to any party other than the City of Porterville and the farmer of record. Specifically, the City must control the strength of treated effluent, limit the rate of irrigation on each crop and, must have final approval on the choice of all crops. The farmer of record must agree and comply with these requirements.
Recommendation #2 - That the City eliminate the current agreement and hire a City employee to manage the farming operations.

City Response to Recommendation #2 - Prior to finalizing the RFP noted in Recommendation #1(b), senior staff will present the pros and cons of employing a staff member to manage the Farming operation.

If Council chooses to move in this direction, the City will have to hire a person with the requisite experience and will either lease or purchase farm equipment at significant cost to the City. Senior staff will provide the City Council all pertinent information that will allow the City Council to select and distribute the RFP of their choosing, i.e., a new farm management agreement or a farmland lease agreement.

Recommendation #3 – That the City convert the farming operation financials to an accrual basis of accounting.

City Response to Recommendation #3 – The City has converted the farming operation financials to an accrual basis of accounting.

In closing, the City of Porterville is hopeful that the comments provided herein satisfy the questions and recommendations presented by the Grand Jury. As always, senior staff are available to answer any further questions or provide additional information to clarify a particular task or operation related to the farming operation.

Sincerely,

John R. Longley
City Manager

cc: Baldo Rodriguez
    Bryan Styles
COUNCIL AGENDA: AUGUST 1, 2006

SUBJECT: RESPONSE TO GRAND JURY REPORT – VICIOUS ANIMAL POLICIES

SOURCE: Police Department

COMMENT: In response to a citizen's complaint, the 2005-2006 Tulare County Grand Jury investigated the City of Porterville's Vicious Animal Policies. The City received the Grand Jury's findings June 19, 2006. The Grand Jury asked that the City provide a response to each of their findings and recommendations by September 23, 2006.

The City's response to each of the Grand Jury's findings and recommendations is provided herein as an attachment.

RECOMMENDATION: That the City Council:

1. Review and approve staff's response to each of the Grand Jury's findings and recommendations; and

2. Direct the City Manager to sign and transmit the City's response to each of the Grand Jury's findings and recommendations.

ATTACHMENTS: City's Letter of Response

Dir. Appropriated/Funded

CM

Item No. 17
July 25, 2006

Margie Ewen, Foreman
Tulare County Grand Jury
5963 South Mooney Blvd.
Visalia, CA 93277

Subject: City of Porterville Response To Grand Jury Report – Vicious Animal Policies

The 2005-2006 Tulare County Grand Jury made several findings regarding an incident that occurred in the City of Porterville on February 5, 2006. This memorandum is in response to the twelve specific findings, addresses the three Tulare County Grand Jury conclusions, and determines the feasibility of the two recommendations given. We have formulated a proposed modification to Porterville Police Department General Order: 97-03/A-3 to establish formal policy to deal with incidents involving vicious animals in the future.

Tulare County Grand Jury Findings:

1. On Sunday, February 5, 2006, a report was made to the Porterville Police Department concerning two Pit Bull dogs running loose in a neighborhood.

   February 5, 2006, at 2:19 p.m., a call was received at PPD Communications Center from an address in the 1900 block of W. Pamela stating that two Pit Bulls killed another dog;
   February 5, 2006, at 2:20 p.m., owner has dogs on a leash;
   February 5, 2006, at 2:22 p.m., owner is leaving, lives on Pioneer;
   February 5, 2006, at 2:24 p.m., owner is at W. Pamela address, talking to neighbors;
   February 5, 2006, at 2:26 p.m., Officer Cornwall arrives on W. Pamela;
   February 5, 2006, at 3:05 p.m., Officer Cornwall closes the call.

2. There were six 911 calls recorded within a 46-minute period.

   The PPD Communications Center received zero 911 calls regarding this incident; four (4) calls were received via the 782-7400 non-emergency business line.
3. *The two Pit Bulls had killed one little dog tethered to a tree in its owner’s front yard.*

Officer Cornwall determined this to be factual, based on interviews with witnesses.

4. *Two young girls had been chased earlier by the Pit Bulls and were frightened, but not harmed.*

Officer Cornwall was unaware of this claim and there is no mention of this occurring in the notes for this call. One of the callers advised there were kids outside, but does not mention the dogs chasing the kids. A review of Animal Control calls from February 2, 2005, through May 23, 2006, for the area surrounding this incident and the address of the Pit Bull’s owner, did not reveal any other calls regarding Pit Bulls chasing kids.

5. *By the time the police officer responded to the scene, the owner had collected the animals and left the scene. He had the dogs tied in the back of his pick-up truck.*

The Incident Inquiry time log shows:
2:22 p.m., the owner is leaving with his dogs;
2:24 p.m., the owner is talking to a witness at 1857 W. Pamela;
2:32 p.m., Officer Cornwall arrives.

Officer Cornwall spoke with the owner of the dogs in the area of the 1857 W. Pamela address and the dogs were secured in the back of the owner’s pick-up truck.

6. *The officer called the dispatch communication center and spoke to the Officer in Charge; the owner had the dogs secured and the OIC deemed it not necessary to contact Lindsay Animal Control. The owner was advised that LAC would contact him; the officer did not accompany the owner to his home to insure the dogs were secured.*

There is no record of Officer Cornwall discussing this incident with the OIC, nor did he remember having this discussion. Officer Cornwall decided to have dispatch leave this call for LAC to handle on their next scheduled work day (Tuesday, February 7, 2006) since the owner took possession and responsibility for the dogs. Officer Cornwall felt the owner was very responsible and realized the consequences regarding his dogs’ actions and liability for any future actions. The owner was confident the dogs would be secure in his backyard until LAC responded.

7. *Neighbors told the officer that these dogs have been out before, and they offered to keep the dead dog until the owner returned home.*

Officer Cornwall does not believe he was told the history of the dogs and he also was confident the owner would be able to maintain control of his dogs until LAC arrived. The neighbors did maintain custody of the dead dog until the owner returned home.
8. As of Tuesday, February 7, 2006, LAC had not yet been contacted. The Responding Officer notified LAC on Wednesday, February 8, 2006 (his day off).

The LAC officer assigned to the city of Porterville works Tuesday through Saturday, 8:00 a.m. to 5:00 p.m. There are no records at Porterville Police Department showing that the assigned LAC officer was or was not working on Tuesday, February 7, 2006. A check of the LAC calls for service for February 7, 2006, shows no activity and no calls for service. I requested information from our assigned LAC officer regarding calls for service, his schedule, and specific information on this call. I have not received this information as of the date and time of this memorandum.

There are no notes at the bottom of the Incident Inquiry for this call to be forwarded to the LAC officer, although that is our usual custom and practice in the Porterville Police Communications Center. Officer Cornwall did respond on his day off to ensure that LAC was notified of this situation.

9. LAC contacted the owner of the Pit Bull dogs. He was cited at that time, and both the dogs were ultimately “put down.”

On February 10, 2006, at 3:47 p.m., LAC responded to 1934 W. Pioneer Avenue, incident number 6PV0006626; the dogs were removed from the location by LAC. There is no mention of a citation issued in the notes of the call.

10. The jury determined that there is no policy and procedure in the Porterville Police Department’s daily operations manual that deals with vicious animals. The last update to the manual was January 2004. The OIC has discretion over the matter to call LAC or not on any case any day of the week. The Responding Officer on the scene must call the OIC for what action to take.

The Porterville Police Department’s daily operations manual, adopted in January 2004, does not have a policy dealing with vicious animals. The OIC, Sergeant, or Watch Commander has discretion over requesting animal control. However, this discretion is used only during the hours the LAC is not providing service to the City of Porterville, and is in place only to insure the validity of the request and as a component of checks and balances within our chain of command supervisory structure, not for monetary limitations.

11. The City of Porterville contracts with LAC for services 8 hours each day, Tuesday through Saturday. If Porterville Police need to call on LAC’s days off, there would be an additional cost.

None of the Watch Commanders, Sergeants, OIC’s, or Officers knows what the cost is, nor have they been counseled to take the financial factor into account when determining the need to request LAC on off days or after hours. Furthermore, the signed AGREEMENT FOR ANIMAL CONTROL SERVICES between the City of Lindsay and the City of Porterville, dated July 1, 2003, fails to delineate an hourly wage, a call-out wage, or an hourly call-out minimum.
12. Different City officials have conflicting understandings of the costs involved in animal control.

This is most likely an accurate statement. However, the costs involved are not part of the customs and practices of the Porterville Police Department when determining the need for LAC services.

Tulare County Grand Jury Conclusions:

1. The jury determined that the cost is often a factor in the Porterville Police not calling LAC on Sunday or Monday.

As stated above, the exact costs involved are not clearly established in the AGREEMENT FOR ANIMAL CONTROL SERVICES and, per custom and practice, costs are not an integral part of the decision-making process for contacting LAC.

2. The Responding Officer should have cited the owner of the dogs and insured they were in a secure area until LAC responded. Porterville has a leash law that should have been imposed. The officer did not make sure that the dogs were secured. The Responding Officer should have cited the owner for leaving the scene as well as violation of the leash law.

Due to the vicious nature of the dogs involved in this incident, LAC should have been called immediately. Officer Cornwall’s line of reasoning was that he was dealing with a cooperative dog owner, the dogs were secured at the scene, and this seemed to be a controlled situation until LAC would be able to respond. There is no proof that the Pit Bulls’ owner left the scene prior to Officer Cornwall’s arrival.

3. The Porterville Police Department has no policy that an officer can refer to, but the jury believes certain cautions would be common sense. The jury cannot help but consider what would have happened if the dogs would have harmed the young girls.

The lack of a formal policy for such incidents has been rectified.

The concern of dogs harassing, attacking, and/or injuring people and other animals is a very serious matter and treated as such by the men and women of the Porterville Police Department, with or without a formal policy.
Tulare County Grand Jury Recommendations:

1. **Porterville Police Department should establish a policy concerning the use of Lindsay Animal Control and see that it is enforced.** The Tulare County Grand Jury believes this policy should require all Responding Officers to call Lindsay Animal Control on cases involving a vicious animal.

   A Porterville Police Department policy has been established to deal with future incidents.

2. **Porterville Police Officers should enforce laws already on the books.**

   This is the custom and practice of the men and women of the Porterville Police Department.

Sincerely,

John R. Longley
City Manager
CONTINUED PUBLIC HEARING


SOURCE: CITY ATTORNEY

COMMENT: At the June 20, 2006, City Council Meeting, the City Council adopted Resolution No. 84-2006, setting forth its intent to disestablish the Business Improvement Area of the City and proposing to dispose of the assets acquired with the revenues of the assessments levied within the District. The Resolution scheduled the public hearing and consideration of an ordinance disestablishing the District for the July 18, 2006, City Council Meeting. Public Notice of the procedures and the hearing was given in accordance with the Resolution of Intent, consistent with applicable law. On July 18, 2006, the City Council opened the public hearing and took public testimony concerning whether the District should be disestablished. After deliberating the issues, the Council requested that the City conduct an advisory election, via ballots mailed to the business owners within the District, in order to obtain additional information from those who pay the District assessment. Consequently, on July 20, 2006, the City Clerk mailed out ballots to each business owner in the District. The business owners were instructed to either mail or personally deliver the ballots to City Hall, so that the ballots would be received no later than the close of the continued public hearing on the matter at this meeting.

Upon holding the continued public hearing at the established time, and receiving any additional ballots, objections, or other testimony, the City Council may thereafter approve and give first reading to the attached ordinance disestablishing the area unless a majority of the assessed business owners protest such disestablishment.

RECOMMENDATION: It is requested that the City Council proceed as follows:

1. Hold the continued public hearing concerning the Ordinance to Disestablish the Business Improvement Area of the City of Porterville.
2. If a majority of the assessed businesses have not protested the disestablishment, the Council may approve and give first reading to the attached Ordinance Disestablishing the Business Improvement Area of the City of Porterville, Proposing to Dispose of Assets Acquired with the Revenues of Assessments Levied within the Business Improvement District, and Repealing Chapter 15, Article IV, “Business Improvement Area,” Sections 15-31 through 15-39, in their Entirety; OR

3. If a majority of the assessed businesses have not protested the disestablishment, notwithstanding this the Council may opt to continue the assessments and keep the District in place or direct that other modifications be initiated, OR

4. If a majority of the assessed businesses do protest the disestablishment, the City Council should take no further action on the proposed disestablishment.

ATTACHMENT:

1. Ordinance No. 1702, An Ordinance Disestablishing the Business Improvement Area of the City of Porterville, Proposing to Dispose of Assets Acquired with the Revenues of Assessments Levied within the Business Improvement District, and Repealing Chapter 15, Article IV, “Business Improvement Area,” Sections 15-31 through 15-39, in their Entirety
ORDINANCE NO. 1702


WHEREAS, the Business Improvement Area of Porterville was established in 1987, in accordance with the Parking and Business Improvement Area Law of 1979, for the purposes of promotion of business activities in the District area, promotion of public events to take place on or in public places in the area, decoration of public places within the area, and the furnishment of music in public places in the area; and

WHEREAS, over the years, various business owners who are located within the District and pay assessments have voiced concerns with regard to the effectiveness of the Business Improvement Area/District; and

WHEREAS, disestablishment of the Business Improvement Area/District is governed by local City regulations and California Streets and Highways Code Sections 36515, 36550, and 36551; and

WHEREAS, in accordance with applicable law, on June 20, 2006, the City Council adopted Resolution No. 84-2006, a Resolution of the City Council of the City of Porterville Resolving the Intent to Disestablish the Business Improvement Area of the City of Porterville and Proposing to Dispose of Assets Acquired with the Revenues of Assessments Levied within the Business Improvement District, and said Resolution set the public hearing for consideration of an ordinance disestablishing the District, to be held during the regularly scheduled City Council Meeting on Tuesday, July 18, 2006, 7:00 p.m. or as soon thereafter as the matter can be heard; and

WHEREAS, the above-referenced public hearing was duly noticed and held, and continued to and concluded on August 1, 2006; and

WHEREAS, at the hearing the City Council heard all protests and received evidence for and against the proposed action and ruled upon all protests, and at the conclusion of the public hearing no majority protest was received opposing the disestablishment of the District;

THE COUNCIL OF THE CITY OF PORTERVILLE DO ORDAIN AS FOLLOWS:

SECTION 1. That the Porterville Business Area and District is hereby disestablished. Any assets that have been acquired with the revenues of the assessments levied within the Business Improvement District Area shall be disposed of in accordance with the City’s surplus property procedures. Any remaining revenues, or proceeds of any sales of the assets shall be refunded to the assessed business owners in the same manner as the assessments are calculated.

SECTION 3. Pursuant to California Streets and Highways Code Section 36551, Notice of disestablishment of the area shall be published once in a newspaper of general circulation in the City, not later than 15 days after the ordinance disestablishing the area is adopted.

SECTION 4. This ordinance shall be in full force and effect thirty (30) days after its passage, adoption and approval.

ADOPTED, SIGNED AND APPROVED this ______ day of __________, 2006.

________________________
Cameron Hamilton, Mayor

ATTEST:
John Longley, City Clerk

By: Georgia Hawley, Chief Deputy City Clerk
ARTICLE IV. BUSINESS IMPROVEMENT AREA

Sec. 15-31. Authority.

This article is adopted pursuant to the “Parking and Business Improvements Area Law of 1979,” being Section 36500 et seq. of the California Streets and Highways Code, and Resolution of Intention No. 51-87, adopted by the city council on May 19, 1987, and titled “A Resolution of the City Council of the City of Porterville, California, Declaring its Intentions To Establish a Business Improvement Area in the Central Business District Area of the City of Porterville, To Provide for the Levying of Assessments and Charges on Specified Business Conducted Within Such Area, Classifying Various Businesses for Such Purposes, Describing the Boundaries of the Proposed Area, the Authorized Uses To Which the Proposed Revenues Shall Be Put, the Rate of Such Charges, Fixing the Time and Place of a Hearing To Be Held by the City Council To Consider the Establishment of Such an Area, and Directing the Giving of Notice of Such Hearing.” Such resolution was published and mailed as provided by law, and hearings thereon were held by the city council at its regular meeting on June 16, 1987, at which time all persons desiring to be heard, and all objections made or filed, were fully heard. The city council duly concluded the hearing on June 16, 1987, and determined that protests objecting to the formation of the area have not been made by a majority of the businesses within the area and that such protests are overruled and denied. The city council hereby finds that the businesses and improvement area, in the opinion of the city council, will be benefitted by the expenditure of the funds raised by the charges proposed to be levied. (Ord. No. 1383, § 1(1), 7-7-87)

Sec. 15-32. Area established; description.

(a) There is hereby established a business improvement area which shall be known as the “Business Improvement Area of the City of Porterville,” herein referred to as the “area” for brevity and convenience. The description of the area is as follows:

All that property within the boundaries of the following described lines:

Beginning at the intersection of the north right-of-way line of Olive Avenue with the east line of the Southern Pacific Railroad property, said line being fifty (50) feet east of the center of the main track; thence northerly along said line parallel to said main track two thousand seven hundred eighty (2,780) feet more or less to its intersection with the south right-of-way line of Morton Avenue; thence easterly along the south right-of-way of Morton one thousand sixty (1,060) feet more or less to its intersection with the west right-of-way line of Second Street; thence southerly nine hundred (900) feet more or less to its intersection with the south right-of-way line of Cleveland Avenue; thence easterly along said south right-of-way line, one hundred seventy (170) feet more or less to the west line of an alley; thence southerly along the west line of the alley one thousand eight hundred ninety (1,890) feet more or less to its intersection with the north right-of-way
line of Olive Avenue; thence west along said right-of-way line, one thousand two hundred thirty (1,230) feet more or less back to the point of beginning.

(b) The businesses located in the area shall be subject to any future amendments to the “Parking and Business Improvement Area Law of 1979” (commencing with Section 36500 of the Streets and Highways Code). (Ord. No. 1383, § 1(2), 7-7-87)

Sec. 15-33. Authorized uses of additional revenue.
The authorized uses to which the additional revenue shall be put are as follows:

1. The general promotion of business activities in the area.
2. Promotion of public events which are to take place on or in public places in the area.
3. Decoration of any public place in the area.
4. Furnishing of music in any public place in the area. (Ord. No. 1383, § 1(3), 7-7-87)

Sec. 15-34. Levy of charge in addition to business license tax.
There is hereby imposed a charge for the purposes authorized in section 15-33, which charge is in addition to the ordinary business license tax as it is imposed upon businesses conducting their activities within the area by chapter 15 of the Porterville City Code. Such additional charge is imposed at the rates set forth in section 15-35 for the specified business classifications regardless of whether the business is taxed upon a flat rate or other basis under the provisions of chapter 15 of the Porterville City Code. (Ord. No. 1383, § 1(4), 7-7-87)

Sec. 15-35. Classification of businesses and charges imposed.
(a) Businesses classified; determination of charge. The businesses conducted in the area are classified as follows so as to promote the equitable imposition of the additional charge hereunder in relation to the relative benefits to be derived. The charge shall be as follows: Charges totaling an amount (not to exceed five hundred dollars ($500.00) semi-annually) equal to one hundred (100) percent of the amount paid to the city for a business license shall be paid by each business having a business license within the area of benefit.

(b) Determination of type or class of business to be made by purchasing agent. The determination of the type or class of business or businesses a charge payer is engaged in or about to engage in shall be an administrative function of the purchasing agent or designee of the city in accordance with chapter 15 of the Code of the city.

(c) Change in classification; investigation. In cases where a charge payer believes he is placed in the wrong business or class of business or businesses, he may apply in writing to the purchasing agent for a change in his classification, setting forth in full his reason for requesting such change. The purchasing agent shall conduct an investigation and shall thereupon render his decision in writing as to the proper classification or classifications.
Appeal to Administrative Services Manager or designee by charge payer. If the charge payer is aggrieved by the purchasing agent's decision, he shall have the right to appeal to the Administrative Services Manager or designee. The appeal shall be filed with the Administrative Services Manager or designee within ten (10) days of the date of the purchasing agent's decision, and shall be heard by the Administrative Services Manager or designee within thirty (30) days thereafter. The charge payer shall be given at least seven (7) days' notice of the hearing by the Administrative Services Manager or designee. (Ord. No. 1383, § 1(5), 7-7-87; Ord. No. 1614, § 1, 9-17-02)

Sec. 15-36. Exemption; voluntary contribution.
Any business, person or institution located in the area, which is exempt from the payment of the ordinary business operations tax of the city by reason of the provisions of the laws of the United States or the city or by reason of the provisions of the United States or California Constitution, is not to be charged under this proceeding but may make a voluntary contribution to the city. Such contribution shall be used for the purposes provided in this article. (Ord. No. 1383, § 1(6), 7-7-87)

Cross reference—Exemptions to license tax, § 15-6.

Sec. 15-37. Modification or disestablishment of area.
(a) Generally; resolution. The city council, by ordinance, may modify the provisions of this article hereby proposed, and may disestablish the area, after adopting a resolution of intention to such effect. Such resolution shall describe the proposed change or changes, or indicate that it is proposed to disestablish the area, and shall state the time and the place of a hearing to be held by the city council to consider the proposed action.

(b) Petition by majority of businesses; filing date. If a majority of the businesses in the area file a petition with the city clerk requesting the council to adopt a resolution of intention to modify or disestablish the area, the council shall adopt such resolution and act upon it as hereinafter provided. Signatures on such petitions shall be those of a duly authorized representative of businesses in the area; and the petition shall be filed with the city clerk within six (6) weeks of the date on which the first signature was affixed.

(c) Publication and mailing of resolution. The city clerk shall cause such resolution to be published at least once in the official newspaper of the city, and shall also mail a complete copy thereof, postage prepaid, to each business in the area, or, if it is proposed to enlarge the boundaries of the area, to each business in the area as it is proposed to be enlarged, such publication and mailing shall be completed at least fifteen (15) days prior to the date of the hearing.

(d) Modification of article provisions, protest by area businesses. In the event the resolution proposes to modify any of the provisions of this article, including changes in the existing charges or in the existing boundaries of the area, such proceedings shall terminate if protest is made by a majority of the businesses in the area, or in the area as it is proposed to be enlarged, provided that the city council may modify the boundaries or charges as specified in Streets and Highways Code Sections 36526 through 36540.

(e) Disestablishment procedures. In the event the resolution proposes disestablishment of the area, the city council shall disestablish the area in accordance with provisions of the Parking and Business Improvement Area Law of 1979, unless at such hearing, protest against disestablishment is made by a majority of the businesses in the area.
(f) **Hearing by council.** At the hearing, the city council shall hear all protests and receive evidence for and against the proposed action and shall rule upon all protests. The council's determination in this regard shall be final. The council may continue the hearing from time to time. (Ord. No. 1383, § 1(7), 7-7-87; Ord. 1537, § B52, 8-6-96)

**Sec. 15-38. Administration.**

The council may provide for the administration of the area's activities by entering into a contract with an entity that, in the opinion of the city council, will have the capability of representing the interests of the businesses in the area, whose general objectives will be consistent with the purposes of this article, and who will provide the resources to effectively achieve those objectives. However, in such event the city council shall reserve unto itself sole discretion as to how the revenue derived from the charges hereunder shall be used within the scope of the authorized purposes. (Ord. No. 1383, § 1(8), 7-7-87)

**Sec. 15-39. Payment of charge; effective date; fund.**

(a) **Generally.** The collection of the charges imposed hereunder shall be at the same time and in the same manner as the general business license tax under chapter 15 of the City's Code commencing January 1, 1988.

(b) **Business improvement area fund created.** A special fund is hereby created, known as the “business improvement area fund,” and the charges imposed by this article shall be deposited in such fund. (Ord. No. 1383, § 1(9), 7-7-87)
PUBLIC HEARING (CONTINUED)

TITLE: CONDIONAL USE PERMIT 3-2006 (DOUG RYAN & DAVID MAKSOUDIAN)

SOURCE: COMMUNITY DEVELOPMENT DEPARTMENT - PLANNING DIVISION

COMMENT: The City Council of the City of Porterville at its regularly scheduled meeting of June 20, 2006, conducted a public hearing to consider Conditional Use Permit 3-2006, being a request to allow for the development of ten (10) 2-story four-plexes on a vacant 2.77 acre site located on the south side of West Tomah Avenue, approximately 190 feet west of State Highway 65 in the R-2 (Four Family Residential) Zone. Since it was not clear as to whether the covered parking would be constructed with metal or wood and the type of color in relation to the proposed residential units, the public hearing was continued (and re-noticed) pending receipt of additional information from the applicant.

As a result of the aforementioned, the applicant has indicated that the covered parking will be constructed with wood. The metal posts will be black and the trim will consist of a rugged brown color to match the color scheme of the proposed apartments. The roof will have fiberglass reinforced asphalt (30 year) shingles with a dark brown color.

Pursuant to Section 301 A-2 (R-2 Zoning) of the Porterville Zoning Ordinance, two (2) to four (4) family units per lot are allowed. Additional units may be allowed subject to the approval of a Conditional Use Permit, provided the maximum number of units do not exceed a ratio of one (1) unit per three thousand (3,000) square feet of lot area. Based on the 2.77 acre site a total of 40.22 units are allowed.

The subject site consists of two (2) parcels. The east side of the site extends south of Tomah Avenue approximately halfway between Tomah Avenue and Olive Avenue. The west side of the subject site extends south of Tomah Avenue to Olive Avenue. An existing single family dwelling is located on the frontage of Olive Avenue for this parcel. A lot line adjustment is being processed to combine the northerly half of this parcel with the easterly half of the aforementioned into one lot on which the proposed apartment complex will be located. The southerly portion of the parcel with the existing single family dwelling, will become one (1) lot. Since the existing single family residence is located in the C-3 Zone, it will remain as a legal non-conforming use. The lot line adjustment will create a property line to the north of the existing dwelling which will align with the C-3 Zoning classification and R-2 Zoning classification thereby eliminating the split zoning of the property.
The subject site will have two (2) entrances/exits onto Tomah Avenue. The access drives will extend south into the complex. The circulation design will provide a looped street with parking off both sides. Dwellings are to be located on both side of the street.

Each four plex will consist of 4,632 square feet. Each unit within the four plex will consist of 1,158 square feet. Each four plex will be identical in floor plans, elevations and colors. The units are designed with an internal stairway leading up to three (3) bedrooms and a bathroom on the top floor. The bottom floor consists of a kitchen, dining area, living room and bathroom. Two (2) enclosed storage rooms are located at each end of each four plex. The exterior of the buildings will have a heavy stucco finish with a sand stone color. The wood trim and doors will consist of a rugged brown color. The roof will have fiberglass reinforced asphalt (30 year) shingles with a dark brown color. At the ratio of 1.5 parking spaces required per unit, 60 parking spaces are required. A total of 60 covered parking spaces are proposed and an additional four (4) handicapped uncovered spaces are proposed. The parking as proposed will be located at the front of the entrances to the units. Section 305 of the Zoning Ordinance requires 750 square feet in the rear 1/3 of the lot. On the southeast corner and southwest corner of the site are two (2) large landscaped areas consisting of 3,200 square feet each. In the middle of complex on the east side and west side separating the units are two (2) additional large landscaped areas consisting of 1,600 square feet each. Additional landscaping and trees will be located at the front, side and rear of all units.

Staff is requesting that the two 3,200 square foot open space areas be landscaped to provide for play areas for children; however, no recreational apparatuses have been requested. If the City Council desires to include additional play areas or recreational apparatuses, an additional condition or modification to this condition could be added to the resolution approving Conditional Use Permit 3-2006.

ENVIRONMENTAL: This project is Categorically Exempt pursuant to Section 15332 of the CEQA Guidelines - construction of in-fill development. Under the Permit Streamlining Act (Section 65950 of the Government Code), the City has 60 days from the date the project was accepted as complete to reach a determination regarding this project.

RECOMMENDATION: That the City Council:

1. Adopt the draft resolution approving Conditional Use Permit 3-2006

ATTACHMENT:

1. Complete Staff Report
CITY COUNCIL AGENDA: AUGUST 1, 2006

PUBLIC HEARING (CONTINUED) - STAFF REPORT

TITLE: Conditional Use Permit 3-3006

APPLICANT: Doug Ryan & David Maksoudian
            3437 Roberto Court, #130
            San Luis Obispo, CA 93401

APPLICANT'S AGENT: Roberts Engineering
                     P.O. Box 908
                     Porterville, CA 93258

PROJECT LOCATION: West Tomah Avenue, approximately 190 feet west of State Highway 65.

COMMENT: The City Council of the City of Porterville at its regularly scheduled meeting
Of June 20, 2006, conducted a public hearing to consider Conditional Use Permit 3-2006, being a
request to allow for the development of ten (10) 2-story four plexes on a vacant 2.77 acre site
Located on the south side of West Tomah Avenue, approximately 190 feet west of State Highway 65
In the R-2 (Four Family Residential) Zone. Since it was not clear as to whether the covered parking
would be constructed with metal or wood and the type of color in relation to the proposed residential
units, the public hearing was continued and re-noticed pending receipt of additional information from
the applicant.

As a result of the aforementioned, the applicant has indicated that the covered parking will be
constructed with wood. The metal posts will be black and the trim will consist of a rugged brown
color to match the color scheme of the proposed apartments. The roof will have fiberglass reinforced
asphalt (30 year) shingles with a dark brown color.

PROJECT DETAILS: Pursuant to Section 301 A-2 (R-2 Zoning) of the Porterville Zoning Ordinance,
two (2) to four (4) family units per lot are allowed. Additional units may be allowed subject to the
approval of a Conditional Use Permit, provided the maximum number of units do not exceed a ratio of
one (1) unit per three thousand (3,000) square feet of lot area. Based on the 2.77 acre site a total of
40.22 units are allowed.

The subject site consists of two (2) parcels. The east side of the site extends south of Tomah Avenue
approximately halfway between Tomah Avenue and Olive Avenue. The west side of the subject site
extends south of Tomah Avenue to Olive Avenue. An existing single family dwelling is located on the
frontage of Olive Avenue for this parcel. A lot line adjustment is being processed to combine the
northerly half of this parcel with the easterly half of the aforementioned into one lot on which the
proposed apartment complex will be located. The southerly portion of the parcel with the existing
single family dwelling, will become one (1) lot. Since the existing single family residence is located in the C-3 Zone, it will remain as a legal non-conforming use. The lot line adjustment will create a property line to the north of the existing dwelling which will align with the C-3 Zoning classification and R-2 Zoning classification thereby eliminating the split zoning of the property.

The subject site will have two (2) entrances/ exits onto Tomah Avenue. The access drives will extend south into the complex. The circulation design will provide a looped street with parking off both sides. Dwellings are to be located on both side of the street.

Each four plex will consist of 4,632 square feet. Each unit within the four plex will consist of 1,158 square feet. Each four plex will be identical in floor plans, elevations and colors. The units are designed with an internal stairway leading up to three (3) bedrooms and a bathroom on the top floor. The bottom floor consists of a kitchen, dining area, living room and bathroom. Two (2) enclosed storage rooms are located at each end of each four plex. The exterior of the buildings will have a heavy stucco finish with a sandstone color. The wood trim and doors will consist of a rugged brown color. The roof will have fiberglass reinforced asphalt (30 year) shingles with a dark brown color. At the ratio of 1.5 parking spaces required per unit, 60 parking spaces are required. A total of 60 covered parking spaces are proposed and an additional four (4) handicapped uncovered spaces are proposed. The parking as proposed will be located at the front of the entrances to the units. Section 305 of the Zoning Ordinance requires 750 square feet in the rear 1/3 of the lot. On the southeast corner and southwest corner of the site are two (2) large landscaped areas consisting of 3,200 square feet each. In the middle of complex on the east side and west side separating the units are two (2) additional large landscaped areas consisting of 1,600 square feet each. Additional landscaping and trees will be located at the front, side and rear of all units.

Staff is requesting that the two 3,200 square foot open space areas be landscaped to provide for play areas for children; however, no recreational apparatuses have been requested. If the City Council desires to include additional play areas or recreational apparatuses, an additional condition or modification to this condition could be added to the resolution approving Conditional Use Permit 3-2006.

STAFF ANALYSIS: Development of the site as proposed will provide needed housing in conformance with the City’s General Plan Land Use and Housing Elements and requirements of the State Subdivision Map Act and local ordinances.

The proposal to develop the site with a multiple family residential uses is consistent with the General Plan’s High Density Residential land use designation and R-2 (Four Family Residential) Zone. Additionally, this will in-fill a site that has been vacant for several years.

The maximum allowed density for R-2 zoned property cannot exceed 40% of lot coverage. As proposed, 32% of the subject site will be covered with garages and residential units.
Staff is requesting that one (1) of the 3,200 square foot areas be landscaped to provide for play areas for children, however, no recreational apparatuses have been requested. If the City Council desires to include additional play areas or recreational apparatuses, an additional condition or modification to this condition could be added to the resolution approving Conditional Use Permit 3-2006.

GENERAL PLAN LAND USE DESIGNATION: Medium Density Residential

EXISTING ZONING: R-2 (Four Family Residential)

SURROUNDING AREA ZONING AND LAND USE:

North: City – Tomah Avenue and apartments.
South: City – Single family dwelling, lube shop, mint mart and Olive Avenue.
East: City – Apartments and State Highway 65.
West: City - Apartments.

ALTERNATIVES TO THE PROJECT AND THEIR EFFECT:

1. Denial of the proposed project would prohibit the use of the site as proposed.

2. Approval of the conditional use permit would allow for the existing vacant site to be developed as proposed.

ENVIRONMENTAL: This project is Categorically Exempt pursuant to Section 15332 of the CEQA Guidelines - construction of in-fill development. Under the Permit Streamlining Act (Section 65950 of the Government Code), the City has 60 days from the date the project was accepted as complete to reach a determination regarding this project.

DATE FILED FOR PROJECT REVIEW COMMITTEE PROCESSING: December 21, 2006.

DATE ACCEPTED AS COMPLETE: May 5, 2006

RECOMMENDATION: That the City Council:

1. Adopt the draft resolution approving Conditional Use Permit 3-2006.
ATTACHMENTS:

1. Land Use, Zoning and General Plan Map
2. Aerial
3. Proposed lot line adjustment
4. Conditional Use Permit Application
5. Notice of Exemption
6. Draft resolution approving Conditional Use Permit 3-2006 to include Exhibit “A”- Site Plan, elevation plans, floor plans and landscaping plan.
LAND USE

- APTS.
- APTS.
- SUBJECT
- SITE
- APTS.
- APTS.
- CR
- CR
- OLIVE AVE.

- • = Single family dwelling
- CR = Commercial retail
- APTS. = APARTMENTS

CONDITIONAL USE PERMIT
NO. #3-2006

ZONING

- SUBJECT
- SITE
- OLIVE AVE.

- = MEDIUM DENSITY RESIDENTIAL
- = HEAVY COMMERCIAL

ATTAHCMENT 1
LOT LINE ADJUSTMENT


OWNERS: DAVID MAKSUDIAN
DOUG RYAN
3427 ROBERTO COURT, #130
SAN LUIS OBISPO, CA. 93401

BY: ROBERTS ENGINEERING
P.O. BOX 908
PORTERVILLE, CA. 93258
MAY 5, 2006
APR 251-210-048 AND
251-210-073

VICINITY MAP

LEGEND

MONUMENT AS DESCRIBED
2 RECORD PER PARCEL MAP FM 3131"
1 LOT NUMBER PER PARCEL MAP 3131"
- RECORDED IN BOOK 32 OF PARCEL MAPS
AT PAGE 32, T.C.R.

LINE TO BE ELIMINATED
EXISTING PARCEL LINE
PROPOSED PARCEL LINE

SCALE: 1" = 100'
ALL DISTANCES ARE IN FEET
AND DECIMALS THEREOF

ATTACHMENT ITEM NO. 3

PROJECT SITE

TULARE COUNTY
APPLICATION FOR CONDITIONAL USE PERMIT
(See Page 3 of this form for information on preparing and filing this application)

The Applicant  ____DOUG RYAN  AND  ____DAVID MAKSOUДIAN____ is the owner of property situated at  ____South side of West Tomah Avenue____ Avenue and between Cobb and Prospect Streets____. Exact legal description of said property being  ____SEE ATTACHED LEGAL DESCRIPTION____

As applicable, a Plot Plan and 300' radius property owners map, and corresponding mailing list are hereto attached and made a part of this application (see detailed instructions on Page 3 of this form).

1. Above described property is owned by  ____Doug Ryan  and  ____David Maksoudian____
   Date acquired  ____February 2005, and August 2004____

2. If applicant is the lessee, give date property was leased:  ____Not applicable____

3. List below the original deed restrictions, if any, that were placed on the property which pertain to the type of improvements permitted.
   Give date said restrictions expire  ____Not applicable____
   (You may attach a copy of the original printed restrictions in answer to this question after properly underlining those features controlling the type and class of uses permitted thereby).

   There are no known deed restrictions.

4. REQUEST:  The applicant requests a Conditional Use Permit to USE the above described property for the following purposes:
   (Use this space ONLY to state exactly what is intended to be done on, or with; the property).

   The applicant is requesting a conditional use permit to allow the construction of approximately 40 dwelling units under the existing R-2 zoning on a single parcel.
NOTE: The basic purpose of the Conditional Use Permit Article of the City Zoning Ordinance is to assure that the design and subsequent operation of a conditional use will be reviewed in order to carry out the purposes of the Ordinance and to protect the public health, safety and welfare, due to the unique and special characteristics of such uses.

1. State how the proposed use will not be materially detrimental to the public welfare or injurious to property or improvements in such vicinity and zone in which the use is proposed to be located.

The proposed use will allow the construction of much needed dwelling units on an unimproved lot in an existing developed area consisting of commercial, single family and multi-family development.

2. Principal requirements of intended use (Please answer the following statements, if applicable):

(a.) Total number of people that the building (or grounds, if the use is not conducted in a building) can accommodate at one time (seating capacity).

Construction will be 10, 4-unit, 2-story buildings to be used for rental purposes to families

(b.) Total number of employees that will work on the property.

None.

(c.) Total number of off-street parking spaces provided or planned.

As required by City Ordinance

(d.) Maximum height of buildings or structures.

25 feet

(e.) If the application is not intended to be a permanent conditional use, state the length of time for which it is requested.

Not applicable. Use will be permanent.
We the undersigned OWNERS OF ADJACENT PROPERTY as shown upon the map attached to the application, hereby certify that we have read the foregoing petition and agree that the facts stated correctly and completely present the conditions surrounding the property involved in the application, and believe the application SHOULD BE GRANTED. (Add additional sheets where necessary. These signatures are desirable but not required).

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**APPLICANT'S DECLARATION**

STATE OF CALIFORNIA

_) ss.

COUNTY OF TULARE

I/we, [Donna Shamley], being duly sworn, declare and say that I am (we are) the owner(s), lessee(s), or agent of property involved in this application and that I (we) have completed this application and all other documents and maps required hereby to the best of my (our) ability and that the statements and information above referred to are, in all respects, true and correct, except, as to the matters stated to be on my information and belief.

I declare under penalty of perjury that the foregoing is true and correct, executed at Porterville, CA this 2nd day of May, 2006.

Signature: [Donna Shamley]

Donna Shamley, agent

Mailing Address: Roberts Engineering

P. O. Box 908, Porterville, CA 93258

Telephone No.: (559) 784-6326

This is to certify that the foregoing application has been inspected by me and has been found to be thorough and complete in every particular and to conform to the rules and regulations of the City of Porterville governing the filing of such application.

By: __________________________________________ Date Received: ____________________________

3 of 4
NOTICE OF EXEMPTION

TO: Office of Planning and Research  Tulare County Clerk
    1400 Tenth Street, Room 121  County Civic Center
    Sacramento, CA 95814  Visalia, CA 93291

FROM: City of Porterville  David Maksoudian & Douglas Ryan
    291 N. Main Street  3427 Roberto Ct. Ste. 130
    Porterville, California 93258  San Luis Obispo, CA 93401

Conditional Use Permit 3-2006
Project Title

South side of West Tomah Avenue approximately 190 feet west of State Route 65.
Project Location (Specific)

City of Porterville  Tulare County
Project Location (City)  Project Location (County)

Conditional Use Permit 3-2006 proposes to allow for the development of ten (10) 2 story four plexes on a vacant 2.76+ acre site to be developed in one (1) phase in the R-2 (Four Family Residential) Zone. Pursuant to Section 301 A (2) of the Porterville Zoning Ordinance, more than four (4) units require approval of a Conditional Use Permit. Description of Nature, Purpose, and Beneficiaries of Project

City of Porterville
Name of Public Agency Approving Project

David Maksoudian & Douglas Ryan, 3427 Roberto Ct. Ste. 130, San Luis Obispo, CA 93201
Person or Agency Carrying Out Project

Exempt Status: (Check One)

   ______ Ministerial (Section 15073)
   ______ Declared Emergency (Section 15071 (a) )
   ______ Emergency Project (Section 15071 (b) and (c) )
   ______ X Categorical Exemption. State type and section number: 15332, Class 32

In-fill development – Less than 5 acres.
Reasons why project is exempt

Bradley D. Dunlap, Community Development Director
Contact Person

If Filed by Applicant:

1. Attached certified document of exemption finding.
2. Has a Notice of Exemption been filed by the public agency approving the project?
   Yes:_______  No:_______

Date Received for filing:__________

Signature

Community Development Director
Title

U/NoticeExemptCUP3-2006
RESOLUTION NO.__________

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PORTERVILLE CONTAINING FINDINGS IN SUPPORT OF CONDITIONAL USE PERMIT 3-2006 TO ALLOW FOR DEVELOPMENT OF TEN (10) 2 STORY FOUR PLEXES ON A VACANT 2.77 ACRE SITE LOCATED ON THE SOUTH SIDE OF TOMAH AVENUE, APPROXIMATELY 190 FEET WEST OF STATE HIGHWAY 65 IN THE R-2 (FOUR FAMILY RESIDENTIAL ZONE)

WHEREAS: The City Council of the City of Porterville at its regularly scheduled meeting of June 20, 2006, conducted a public hearing to consider Conditional Use Permit 3-2006, being a request to allow for the development of ten (10) 2-story fourplexes on a vacant 2.77 acre site located on the south side of West Tomah Avenue, approximately 190 feet west of State Highway 65 in the R-2 (Four Family Residential) Zone; and

WHEREAS: Since it was not clear as to whether the covered parking would be constructed with metal or wood and the type of color in relation to the proposed residential units, the public hearing was continued and re-noticed pending receipt of additional information from the applicant; and

WHEREAS: The City Council of the City of Porterville at its regularly scheduled meeting of July 18, 2006, conducted a continued public hearing to consider Conditional Use Permit 3-2006, being a request to allow for the development of ten (10) 2-story fourplexes on a vacant 2.77 acre site located on the south side of West Tomah Avenue, approximately 190 feet west of State Highway 65 in the R-2 (Four Family Residential) Zone; and

WHEREAS: Pursuant to Section 301 A-2 (R-2 Zoning) of the Porterville Zoning Ordinance, two (2) to four (4) family units per lot are allowed. Additional units may, subject to the approval of a Conditional Use Permit, be constructed, provided the minimum lot area per family does not exceed one family unit per three thousand (3,000) square feet. Based on the 2.77 acre site 40.22 units are allowed; and

WHEREAS: This project is Categorically Exempt pursuant to Section 15332 of the CEQA Guidelines - construction of in-fill development. Under the Permit Streamlining Act (Section 65950 of the Government Code), the City has 60 days from the date the project was accepted as complete to reach a determination regarding this project; and
WHEREAS: The City Council made the following findings with respect to the subject project:

1. The General Plan designates the subject site as Medium Density Residential.

The subject site is zoned R-2 (Four Family Residential) which is supported by the General Plan. The proposed use is allowed pursuant to approval of a Conditional Use Permit.

2. That the site is physically suitable for the type of development proposed.

The generally level site is rectangular in nature with a width of 329± feet and depth of 366± feet. The soil is not highly expansive and therefore will not create any barriers to the project as proposed.

3. That the designs of the project or the proposed improvements are not likely to cause substantial environmental damage.

With the exception to the commercial uses to the south, the subject site is surrounded on three (3) sides with apartments. The design will blend in with the uses in this area. Additionally, Staff conducted an on-site inspection. The subject site is vacant and absent of any vegetation due to weed control. No natural habitat was observed. As such, no endangered, threatened or rare species or habitats exist and no impact will occur.

4. That the proposed location of the project and the conditions under which it will be operated and maintained will not be detrimental to the public health, safety or welfare, or materially injurious to properties or improvements in the vicinity.

The storage of hazardous materials other than what is utilized by residential households will be prohibited. Only those uses allowed in the R-2 Zone will be allowed.

5. That the standard of population density, site area dimensions, site coverage, yard spaces, height of structures, distance between structures, off-street parking facilities, and landscaped areas will produce an environment of stable and desirable character consistent with the objectives of the Zoning Ordinance.

The proposed project meets all of the requirements, to include off-street parking, lot coverage, number of units allowed and landscaping required in the R-2 Zone set forth by Section 300 of the Zoning Ordinance. Additionally, conditions of approval will ensure adequate development standards are met.
NOW, THEREFORE, BE IT RESOLVED: That the City Council of the city of Porterville does hereby approve Conditional use Permit 3-2006, subject to the following conditions:

1. A minimum six (6) foot high masonry block wall shall be installed along the full length of the southern end of the property where existing block walls do not exist. The wall(s) shall match one of the colors in the color palette approved by the City Council and maintained by the Community Development Director.

2. If the applicant decides to build the first four (4) units at the front of the property and the remaining units to the south at a later date, a “Hammer-head” turn around will be required for both sides of the property. Additionally, the fire hydrant required at the rear of the property midway between the east and west property lines could be deferred until such time as proposed development occurs at the rear of the property.


4. The developer/applicant shall pay all applicable fees in accordance with the Municipal Code and State law. Fees are subject to change annually. The developer/applicant is hereby notified that you have the right to pay fees, dedications, reservations or other exactions, under protest, pursuant to Government Code Section 66020(a). You have 90 days from the date fees are paid to file a written protest.

5. The developer/applicant shall comply with Appendix Chapter 33, “Excavation and Grading” of the California Building Code by providing a soils engineering report and a grading and drainage plan signed by a civil engineer or architect. The developer/applicant shall comply with City Retaining Wall Standards (adopted by City Council January 3, 1989) at lot lines where such standards are applicable.

6. The developer/applicant shall construct drainage facilities as required to serve the property (Ord. No. 1306).

7. The developer/applicant shall dedicate right-of-way adequate for a street width that matches the ultimate width in the adopted Land Use and Circulation Element and/or the width established by the City Council and property necessary for disabled ramp(s) (Ord. 1306). Parcel Map No. 3131 illustrates a dedication to the ultimate southerly right of way width.

8. The Lot Line Adjustment shall be approved prior to the issuance of a building permit. Lot Line Adjustments and pertinent easements shall be processed through the City at the same time.
9. The developer/applicant shall construct street paving (half street, if necessary to match existing grades), curb, gutter, sidewalk, wheelchair ramp(s), water, sewer, etc. along the full frontage of the parcel except where they exist and are in good condition in the opinion of the City Engineer. The developer/applicant shall move existing utility structures (For example, poles, splice boxes, vaults, etc.) to a position that provides a minimum of four feet (4') of clear space in the sidewalk area and a minimum of two feet (2') of clear space from the curb face to the structure, unless they are below grade (Title 24 OSA). It appears that the proposed development will require the relocation of one (1) existing power pole to a position behind the new sidewalk.

10. The developer/applicant shall provide streetlights on Marbelite poles complying with Southern California Edison Company specifications, as approved by the City Engineer. Use of wood poles is prohibited without prior written approval of the City Engineer. The installation of one (1) 5800 lumen streetlight at the northerly portion of the property will be required as a part of the proposed development.

11. The developer/applicant shall, under City inspection, remove all existing abandoned and unnecessary items, to the satisfaction of the City Engineer, prior to the issuance of an occupancy permit (e.g., foundations, septic tanks, irrigation pipes, etc.).

12. The developer/applicant shall abandon existing wells, if any, after first obtaining an abandonment permit from the County Department of Environmental Health, and shall provide the City Engineer with proof of compliance with County regulations prior to performing any grading.

13. The developer/applicant shall provide off-site improvements, easements, permits, calculations, etc. if, in the opinion of the City Engineer, they are needed for the proper functioning or phasing of the improvements or an adjacent development (e.g. water, sewer, drainage, etc.). Provide calculations and improvements that will provide adequate fire flow for the apartment complex. There may be a need to install a water main from Olive Avenue through the proposed development to Putnam Avenue in order to obtain fire flow requirements. An easement shall be dedicated to the City of Porterville for this water line, if necessary.

14. The developer/applicant shall design and improve the parking lot in conformance with Section 2206 and 2211 (Exhibit A) of the Zoning Ordinance.

15. The developer/applicant shall construct the pipe connecting to on-site fire hydrants to City water main standards and shall provide easements for maintenance of the fire hydrants.
The developer/applicant shall install all required refuse container enclosures according to City standards. The developer/applicant shall also sign a waiver of liability for refuse truck damage to the parking lot if the refuse container locations require refuse trucks to travel on the parking lot and/or access drive. Trash enclosures shall be located within the southwestern and southeastern portions of the proposed development. Trash enclosure openings shall be oriented to the flow of traffic through the apartment complex.

The developer/applicant shall comply with City standard for “backflow” prevention pursuant to Resolution No. 9615.

Three (3) complete sets of plans, signed by a licensed Architect or Engineer, to include two (2) sets of energy calculations and structural calculations will be required.

Compliance with access laws (both State and Federal) is required.

Compliance with all applicable codes is required.

Plan check fees are required at the time of building permit submittal.

A soils compaction test will be required.

A firewall between the storage rooms and apartments will be required.

School Development fees and all other City fees are due at the time of building permit issuance.

Signs required separate permit. A directory board at the entrance(s) will be required.

When any portion of the building to be protected is in excess of 150 feet from a water supply on a public street, there shall be installed on-site fire hydrants capable of supplying the required flow.

Three (3) additional fire hydrants will be required. Hydrant locations are to be as follows: One (1) hydrant at each driveway located along Tomah Avenue and mid-way between the south drive way on the north side. All hydrants must be in place and accepted by the Fire Department prior to any combustibles being brought onto the site.

The City will test and maintain all fire hydrants in the City whether on private property or not. An "easement" is required from the owner.
29. Access roads shall be provided for every facility, building or portion of a building, when any portion of the facility or portion of an exterior wall is located more than 150 feet from a fire apparatus access as measured by an approved route around the exterior of the building.

30. Project must meet minimum fire flow requirements per table in appendix III-A & III-B of the California Fire Code. Fire flow for this project as proposed is 2,000 GPM.

31. All driveways must be marked as “Fire Lanes”. Areas identified as “Fire Lanes” must be identified as such by red painted curbs and identified per requirements set forth in the Californian Vehicle Code Sec. 22500.1.

32. That the subject site will be developed in accordance with the site plan and elevation plans labeled EXHIBIT “A”, except for construction notes and schedules that will be approved through the building permit plan check process.

33. All landscaping will be required to be on an automated sprinkler/water system.

34. That the two 3,200 square foot areas be landscaped to provide for play areas for children,

35. The developer/applicant shall comply with all requirements of the Porterville Zoning Ordinance, the Porterville Municipal Code, the latest adopted Building Codes, and all other applicable laws and ordinances.

36. The Conditional Use Permit shall become null and void if not under taken and actively and continuously pursued within one (1) year.

____________________________
Cameron Hamilton, Mayor

ATTEST:

John Longley, City Clerk

By ____________________________
Georgia Hawley, Chief Deputy City Clerk
CITY COUNCIL AGENDA: AUGUST 1, 2006

PUBLIC HEARING

SUBJECT: ROYAL OAKS VIEW VESTING TENTATIVE SUBDIVISION MAP (ENNIS HOMES, PACIFIC HOLT CORPORATION, LANDMARK)

SOURCE: COMMUNITY DEVELOPMENT DEPARTMENT - PLANNING DIVISION

COMMENT: A Public Hearing was originally scheduled and noticed for the Royal Oaks View Vesting Tentative Subdivision Map for the July 18, 2006 City Council Meeting. Council opened the public hearing and continued the hearing to the August 1, 2006 Council meeting due to missing information that was not yet received by the City.

The applicants are requesting approval of the Royal Oaks View Vesting Tentative Subdivision Map to divide a 40.39± acre parcel on the east side of Indiana Street between Brown Avenue and Poplar Ditch (a non-jurisdictional water) in southwest Porterville. The City’s General Plan Land Use Map shows that the project area is designated Low Density Residential and is in the R-1 (low-density residential) zone. The property will be divided into approximately 193 lots, 191 of which will be residential lots. Of the two remaining lots, one lot, approximately 1.1 acres in size will be dedicated as a City pocket park. The other lot will be conveyed to the Poplar Irrigation Company and will not be built upon as it is on the south side of the ditch and is not viable for use in the subdivision. Poplar Irrigation Company has not identified a use of the lot. The project will be constructed in two phases.

The average size lot ranges from 6,000 sq. ft. to 6,500 sq. ft. and the project site is generally square. The north portion of the site fronts on Brown Avenue. The south portion front along the north side of the Poplar Ditch, which will be enhanced by a wide pedestrian trail. Indiana Street extends north and south and will provide primary access to the City circulation system. Streets interior to the project are designed on a grid system and range in width from 50 to 60 feet. Brown Avenue, an existing street at the northern boundary of the project site, will be improved to a 30ft eastbound lane and a 13ft westbound lane. This will provide for improved access and circulation to the subdivision.

A six (6) foot high masonry block wall along all common property lines with residential lots will be built adjacent to the pocket park (lot 46) and pedestrian trail (along the northern boundary of the trail). The wall will be reduced in height at front yard setback lines and otherwise fully comply with fence height requirements. The area shall be placed in a Landscape and Lighting Maintenance District. Particular attention shall be directed to provide a graffiti free design through the use of a combination of trees, shrubs and vines to be planted to screen the wall.

DDF干细胞\APPROPRIATED/FUNDED  CM ITEM NO. 20
On June 6, 2006, the Environmental Coordinator made a preliminary determination that a Mitigated Negative Declaration would be appropriate for the proposed project. The Initial Study and proposed Mitigation Measures have been transmitted to interested agencies, groups, and individuals for a twenty (20) day review period from June 12, 2006 to July 2, 2006. Comments have been received from the Lower Tule River Irrigation District and the SJVAPCD. Comments have been noted in the file and addressed as appropriate. Comment letters are attached to the staff report.

It should be noted that the proposed map is a vesting tentative subdivision map, meaning that when the local agency approves or conditionally approves the vesting tentative map, that approval shall confer a vested right to proceed with development in substantial compliance with the ordinances, policies, and standards in effect at the time the vesting tentative map is approved or conditionally approved. A non-vested map is continually subject to the most recent codes at the time permits are issued.

RECOMMENDATION: That the City Council:

(1) Adopt the draft resolution approving the Negative Declaration for Royal Oaks View Vesting Tentative Subdivision Map; and

(2) Adopt the draft resolution approving Royal Oaks View Vesting Tentative Subdivision Map.

ATTACHMENT:

1. Locator map
2. Complete Staff Report
PUBLIC HEARING - STAFF REPORT

TITLE: ROYAL OAKS VIEW VESTING TENTATIVE SUBDIVISION MAP

SOURCE: COMMUNITY DEVELOPMENT DEPARTMENT - PLANNING DIVISION

APPLICANTS: John Gurrola, Pacific Holt Corp.  
P.O. Box 3559  
Merced, CA 95340  

Sue Lafferty, Ennis Homes  
643 N. Westwood  
Porterville, CA 93257

AGENT: Kenneth Valley, Landmark  
3101 N. Sillect Ave., Suite 105  
Bakersfield, CA 93308

PROJECT LOCATION:

Generally on the east side of Indiana Street between Brown Avenue and Poplar Ditch in southwest Porterville.

SPECIFIC REQUEST:

The applicants are requesting approval of the Royal Oaks View Vesting Tentative Subdivision Map to divide a 40.39± acre parcel on the east side of Indiana Street between Brown Avenue and Poplar Ditch (a non-jurisdictional water) in southwest Porterville. The City's General Plan Land Use Map shows that the project area is designated Low Density Residential and is in the R-1 (low-density residential) zone. The property will be divided into approximately 193 lots, 191 of which will be residential lots. Of the two remaining lots, one lot approximately 1.1 acres in size will be dedicated as a City pocket park. The other lot will be conveyed to the Poplar irrigation company and will not be built upon as it is on the south side of the ditch and is not viable for use in the subdivision. Poplar Irrigation Company has no identified proposed use of the lot. The project will be constructed in two phases.

PROJECT DETAILS:

The average size lot ranges from 6,000 sq. ft. to 6,500 sq. ft. and the project site is generally square. The north portion of the site fronts on Brown Avenue. The south portion fronts along the north side of the Poplar Ditch, which will be enhanced by a wide pedestrian trail. Indiana Street extends north and south and will provide primary access to the City circulation system. Pin Oak Avenue provides primary access into the subdivision as it extends east of Indiana Street. Pin Oak Avenue is 60ft in width between Indiana Street and Royal Oak Street, and narrows to 50ft east of Royal Oak Street to South Chess Terrace as does Red Oak Avenue just to the north. The north/south interior streets of the subdivision terminate south of Pin Oak into cul-de-sacs and are built to a standard width of 50ft, except Royal Oak Street and Cottage Street, which are 60ft in width. Willow Oak Avenue, which
runs east/west in the northern part of the subdivision, is a 60ft wide collector street that connects Royal Oak Street to South Chess Terrace Street. Brown Avenue, an existing street at the northern boundary of the project site, will be improved to a 30ft eastbound lane and a 13ft westbound lane.

A six (6) foot high masonry block wall along all common lines with residential lots shall border the pocket park (lot 46) and pedestrian trail (along the northern boundary of the trail). The wall will be reduced in height at front yard setback lines and otherwise fully comply with fence/wall height requirements. The area shall be placed in a Landscape Maintenance District. Particular attention shall be directed to provide a graffiti free design through the use of a combination of trees, shrubs and vines to be planted to screen the wall.

On June 6, 2006, the Environmental Coordinator made a preliminary determination that a Mitigated Negative Declaration would be appropriate for the proposed project. The Initial Study and proposed Mitigation Measures have been transmitted to interested agencies, groups, and individuals for a twenty (20) day review period from June 12, 2006 to July 2, 2006. Comments have been received from the Lower Tule River Irrigation District and the SJVAPCD. Comments have been noted in the file and addressed as appropriate. Comment letters are attached to the staff report.

It should be noted that the proposed map is a vesting tentative subdivision map, meaning that when the local agency approves or conditionally approves the vesting tentative map, that approval shall confer a vested right to proceed with development in substantial compliance with the ordinances, policies, and standards in effect at the time the vesting tentative map is approved or conditionally approved. A non-vested map is continually subject to the most recent codes at the time permits are issued.

GENERAL PLAN DESIGNATION: Low Density Residential.

SURROUNDING ZONING LAND USE:

North: City - Residential developments are located north of Brown Avenue.
South: City - Poplar Ditch trends east to west along southern edge of the site and new residential developments are located south of the Poplar Ditch.
East: City - The adjacent property is vacant land.
West: City - A rural residence, a drainage basin/pond, and vacant land are located on the west side of Indiana Street.

SUBDIVISION REVIEW:

Pursuant to Article 4 of the Subdivision Ordinance, the Initial Study and proposed Mitigation Measures were transmitted to public/private agencies for a 20-day review period from June 12, 2006 to July 2, 2006. Comments have been received from the Lower Tule River Irrigation District and the SJVAPCD. Comments have been noted in the file and addressed as appropriate. Comment letters are attached to the staff report.
The Subdivision Review Committee, on July 19, 2006, discussed concerns and conditions that should be addressed before the City Council. Conditions developed as a result of this meeting and subsequent staff review will be discussed with the applicant's agent and incorporated into the draft resolution of approval.

STAFF ANALYSIS:

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

The proposal to develop the 40.39± acre parcel zoned Single Family Residential (One-Family Zone) into a 193 lot single family residential subdivision to be developed in two (2) phases is consistent with the General Plan's Low Density Residential land use designation and R-1 (One-Family Residential) zoning classification for the site.

The FIRM Flood Insurance Map 065066 0865 B, dated September 29, 1986, indicates that the site is not within a 100-year flood hazard zone, designated as Flood Zone A (areas of 100-year shallow flooding where depths are between one (1) and three (3) feet; average depths of inundation are shown, but no flood hazard factors are determined).

A six (6) foot high masonry block wall along all common lines with residential lots shall border the pocket park (lot 46) and pedestrian trail (along the northern boundary of the trail). The wall will be reduced in height at front yard setback lines and otherwise fully comply with fence/wall height requirements. The area shall be placed in a Landscape Maintenance District. Particular attention shall be directed to provide a graffiti free design through the use of a combination of trees, shrubs and vines to be planted to screen the wall.

ALTERNATIVES TO THE PROJECT AND THEIR EFFECT:

1. No project. The site would remain undeveloped until an amended development plan is approved.

2. Approve the project. Conditional approval of the proposed tentative subdivision map would allow the site to be developed in conformance with its current General Plan land use designation while contributing additional housing units towards the City's Fair Share Regional Housing Goal as identified by the General Plan Housing Element.

ENVIRONMENTAL:

On June 6, 2006, the Environmental Coordinator made a preliminary determination that a Mitigated Negative Declaration would be appropriate for the proposed project. The Initial Study and proposed Mitigation Measures have been transmitted to interested agencies, groups, and individuals for a twenty (20) day review period from June 12, 2006 to July 2, 2006. Comments have been received
from the Lower Tule River Irrigation District and the SJVAPCD. Comments have been noted in the file and addressed as appropriate. Comment letters are attached to the staff report.

DATE FILED FOR SUBDIVISION REVIEW COMMITTEE PROCESSING: June 5, 2006

DATE ACCEPTED AS COMPLETE: July 7, 2006

RECOMMENDATION: That the City Council:

(1) Adopt the draft resolution approving the Mitigated Negative Declaration for Royal Oaks View Vesting Tentative Subdivision Map; and

(2) Adopt the draft resolution approving Royal Oaks View Vesting Tentative Subdivision Map.

ATTACHMENTS:

1. Royal Oaks View Vesting Tentative Subdivision Map
2. Initial Study
3. Mitigation Monitoring Program
4. Draft Environmental Resolution
5. Draft Resolution of Approval
INITIAL STUDY
and
MITIGATED
NEGATIVE DECLARATION
for the
ROYAL OAKS VIEW SUBDIVISION

June 2006

Lead Agency: City of Porterville
c/o Bradley Dunlap, AICP
291 N. Main Street
Porterville, CA, 93257

Consultant: Quad Knopf, Inc.
P. O. Box 3699
Visalia, CA 93278

Contact Person: Julie Boyle
Senior Planner
City of Porterville
Phone: (559) 782-7460
Fax: (559) 781-6437
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B  Royal Oaks View Traffic Impact Study in the City of Porterville
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C  Reconnaissance Level Biological Survey
D  Cultural Resources Records Search
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CHAPTER 1

NOTICE OF INTENT TO ADOPT
MITIGATED NEGATIVE DECLARATION
NOTICE OF INTENT TO ADOPT A MITIGATED NEGATIVE DECLARATION

Project Title: Royal Oaks View Subdivision

Lead Agency: City of Porterville Community Development Department
291 North Main Street
Porterville, CA 93257
Contact: Julie Boyle, AICP

Consulting Firm: Quad Knopf, Inc.
5110 W. Cypress Avenue
Visalia, CA 93277
Contact: Stephen J. Peck, AICP

The City of Porterville is evaluating the potential environmental impacts of a Vesting Tentative Subdivision Map approval for subdivision of a 40.39-acre parcel into approximately 196 lots. The project site is located on the east side of Indiana Street between Brown Avenue and Poplar Ditch in southwest Porterville.

The City of Porterville is the Lead Agency for the project and has determined that the project could have a significant effect on the environment, but through implementation of the mitigation measures as defined, all potentially significant effects have been reduced to less than significant, and the City intends to adopt a Mitigated Negative Declaration for the project.

Details of the project location, description and the potential environmental effects are contained in the attached Initial Study.

Due to the time limits mandated by State law, your response must be sent at the earliest possible date but not later than 20 days after receipt of this notice.

Please send your response to the City of Porterville Community Development Department at the address shown above.

Date: 6/6/06
Signature: [Signature]
Title: Community Development Director
Telephone: [Telephone]
INITIAL STUDY AND MITIGATED NEGATIVE DECLARATION
FURNISHED TO:

Tulare County Clerk - Recorder
221 South Mooney Boulevard
Visalia, CA 93291

City of Porterville
Community Development Department
291 North Main Street
Porterville, CA 93257

Porterville Public Library
41 West Thurman Avenue
Porterville, CA 93257

Porterville Unified School District
600 West Grand Avenue
Porterville, CA 93257

Royal Oaks View Subdivision
Initial Study and Mitigated Negative Declaration

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CHAPTER 2

INTRODUCTION AND PROJECT DESCRIPTION
CHAPTER TWO – INTRODUCTION AND PROJECT DESCRIPTION

Introduction

This document is an Initial Study and a Mitigated Negative Declaration of the potential environmental effects of development of the Royal Oaks View Subdivision in the City of Porterville (Figures 2-1 and 2-2). Pursuant to Section 15003 of the CEQA Guidelines, this Initial Study has been conducted to determine whether the project will have a significant effect on the environment. The Initial Study Checklist, in Section Three, found that while there are potentially significant environmental impacts that may result from the project, they could be mitigated to a less than significant level through implementation of the mitigation measures proposed in this document. Based on this Initial Study it has been determined that a Mitigated Negative Declaration should be prepared.

Project Description

The project consists of the subdivision of a 40.39-acre parcel on the east side of Indiana Street between Brown Avenue and Poplar Ditch (a non-jurisdictional water) in southwest Porterville. The property is currently a vacant, unimproved lot within the City limits of Porterville. The City’s General Plan Land Use Map shows that the project area is designated Low Density Residential and is in the R-1 (low-density residential) zone (Figures 2-3 and 2-4). A Mitigated Negative Declaration was issued for the annexation and pre-zoning for this project area in June 2005 (Annexation No. 460). That document concluded that the annexation of the project areas and surrounding lands had potentially significant impacts in the areas of agricultural resources, air quality, biological resources, cultural resources, land use/planning, population/housing, and transportation/traffic, but that avoidance and other measures mitigated these impacts to a less than significant level. It also concluded that annexation and development of the site was consistent with the Porterville General Plan and the adopted Sphere of Influence.

Figure 2-5 shows the Site Plan for the subdivision, which includes streets internal to the subdivision, and street improvements along Indiana Street such as an eight-foot masonry sound wall. The property will be divided into approximately 193 lots. Lot 46 will be designated as the “Royal Oak Park” and a water well site; lot 193 will be conveyed to the Poplar Irrigation Company; and the remaining 191 lots will be designated as single-family residential lots. Poplar Ditch is located along the south side of the project site. A 48-inch high chain-linked fence along the ditch bank, a 6-foot wide walkway, and public access and landscaping areas will be developed along the south side of the project site between the water channel and the residential development. Masonry walls will also be added along portions of the south and west side of the project site. The proposed project is located in a newly developing area (there are two other subdivisions under construction in this area). The project will be developed on vacant land that has been routinely disked. There are eight residences/dwellings on the project site that are currently unoccupied and will be removed prior to development. Surrounding land uses include residential properties to the north and south, rural residential to the west, and undeveloped land to the east. Two mature Valley oak trees are located on the project site, and will be incorporated into Royal Oak Park, a 0.9-acre park located in the southwest corner of the project area. Three additional Valley oak trees are immediately adjacent to the site south of Poplar Ditch, which
forms the southern boundary of the site. One blue elderberry shrub is located on the site and will also be incorporated into the Royal Oak Park. For a discussion of these biological resources, please refer to Chapter 3, Section IV, and to the Biological Survey (Appendix C).
CHAPTER 3

ENVIRONMENTAL EVALUATION
CHAPTER THREE — ENVIRONMENTAL EVALUATION

Environmental Factors Potentially Affected:

The environmental factors checked below could be potentially affected by this project. However, mitigation measures for each factor as indicated by the narrative within the checklist on the following pages will result in a less than significant impact.

☐ Aesthetics ☐ Agriculture Resources ☒ Air Quality
☒ Biological Resources ☒ Cultural Resources ☐ Geology/Soils
☐ Hazards & Hazardous Materials ☐ Hydrology/Water Quality ☐ Land Use/Planning
☐ Mineral Resources ☒ Noise ☐ Population/Housing
☐ Public Services ☐ Recreation ☒ Transportation/Traffic
☐ Utilities/Service Systems ☒ Mandatory Findings of Significance
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 agree 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.

Bradley Dunlap, AICP
City of Porterville

[Signature]

Date

June 2006
Page 3 - 2
Environmental Checklist

Issues:

I. AESTHETICS Would the project:

a) Have a substantial adverse effect on a scenic vista?
   - Potentially Significant Impact: 
   - Less Than Significant With Mitigation Incorporation: 
   - Less Than Significant Impact: ☒
   - No Impact: 

b) Substantially damage scenic resources, including, but not limited to, trees, rock outcroppings, and historic buildings within a state scenic highway?
   - Potentially Significant Impact: 
   - Less Than Significant With Mitigation Incorporation: 
   - Less Than Significant Impact: ☒
   - No Impact: 

c) Substantially degrade the existing visual character or quality of the site and its surroundings?
   - Potentially Significant Impact: 
   - Less Than Significant With Mitigation Incorporation: 
   - Less Than Significant Impact: ☒
   - No Impact: 

d) Create a new source of substantial light or glare which would adversely affect day or night time views in the area?
   - Potentially Significant Impact: 
   - Less Than Significant With Mitigation Incorporation: 
   - Less Than Significant Impact: ☒
   - No Impact: 

Response:

a) Less Than Significant Impact – The project will develop 40.39 acres of currently vacant land into a 192-lot single-family residential subdivision (which will also include four other non-residential lots). Residential development in the mix of open space and varied densities of residential uses in the project vicinity will not change the overall aesthetic setting or have a substantial adverse effect on a scenic vista (the project is not within a designated scenic vista, as shown in the Land Use Element of the 1995 Porterville General Plan Amendment).

b) No Impact – There are no known scenic resources on the site. State Route 190, which is eligible to become a State Scenic Highway from the interchange of Route 65 to Route 127 at the Death Valley Junction near the Nevada State line, lies about 1,500 feet north of the project site. At this time, State Route 190 has not been nominated by the City of Porterville or Tulare County for official designation and the project, upon buildout, will not be significantly visible from the highway. Residential development will be consistent with surrounding uses and will not negatively affect the view of the area from the highway.

c) No Impact – The proposed residential development will be visually compatible with the existing and future land uses surrounding it, and will not substantially degrade the existing visual character of the site.

d) Less Than Significant Impact – Residential development will include new street and house lighting within the project area. This lighting will be consistent with City standards and current residential developments, and will not adversely affect day or night time views in the area.
II. AGRICULTURE RESOURCES: - Would the project:

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) Involve other changes in the existing environment which, due to their location or nature, could result in conversion of farmland to non-agricultural use?

Response:

a), b), c) Less Than Significant Impact – The site is currently vacant, fallow land located on two soil types: San Emigdio Loam and Tujunga Sand. San Emigdio Loam is a Class I, prime farmland soil according to the USGS Soil Survey of Tulare County Central Part (February 1982). Tujunga Sand is a Class III soil and is not considered prime farmland. The site is not currently being farmed. Mixed residential and agricultural land uses lie to the east and west of the project site. The 1990 General Plan EIR (Page 42-45) identified the potential loss of approximately 2,000 acres of prime agricultural land as a significant unavoidable impact of development planned for in that document. Mitigation measures listed in the 1989 General Plan Amendment (GPA) EIR include:

1. Encourage urban growth on vacant land within the existing city limits and Urban Improvement Area Boundary (UIAB) line prior to expanding onto Project Area lands.

2. Require proposals for new residential development to be located contiguous to existing urban development within the city limits.

3. Establish a policy not to seek immediate “emergency” cancellation of Williamson Act contracts, thereby requiring the normal ten year holding period for contract cancellation.

4. Establish natural boundaries that could serve as buffer zones between agricultural and non-agricultural uses until such time as additional land is needed for urban development. The Tule River west of State Highway 65 is an excellent example of such a boundary.

5. Form public or private farmland conservation districts to permanently protect farmland through the purchase or transfer of the development rights from properties within the...
district. Developers could be asked to purchase development rights from farmers within
the district and transfer them to properties zoned for development.

The project is consistent with these measures. The 1993 GPA EIR reiterated the City's
commitment to these mitigation measures (p. IV-8, Grunwald & Associates, 1993). No
additional impacts will occur beyond those identified in the General Plan EIR. The Initial
Study and Mitigated Negative Declaration for Annexation No. 460 Gibbons and Indiana
(Quad Knopf, June 2005) also found that environmental impacts to agricultural resources
from annexations in this area would be less than significant. The project area is included in
Annexation No. 460, which is now complete.

The parcel that makes up the bulk of the project area was under Williamson Act under Prime
Farmland enrollment (Figure 3-1). However, the City had the option to terminate this
agricultural preserve upon annexation to the City because it successfully protested the
Williamson Act Contract upon formation of the preserve. The City exercised this option upon
annexation of the property on March 1, 2006.
Quad Knopf

WILLIAMSON ACT PARCELS AND OTHER FARMLANDS

Royal Oaks View Subdivision
Initial Study and Mitigated Negative Declaration

June 2006
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**Issues:**

<table>
<thead>
<tr>
<th>Potentially Significant Impact</th>
<th>Less Than Significant With Mitigation Incorporation</th>
<th>Less Than Significant Impact</th>
<th>No Impact</th>
</tr>
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<tbody>
<tr>
<td></td>
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### III. AIR QUALITY: Would the project:

- **a)** Conflict with or obstruct implementation of the applicable air quality plan?
  - [ ] Potentially Significant Impact
  - [X] Less Than Significant With Mitigation Incorporation
  - [ ] Less Than Significant Impact
  - [ ] No Impact

- **b)** Violate any air quality standard or contribute substantially to an existing or projected air quality violation?
  - [ ] Potentially Significant Impact
  - [X] Less Than Significant With Mitigation Incorporation
  - [ ] Less Than Significant Impact
  - [ ] No Impact

- **c)** Result in a cumulatively considerable net increase of any criteria pollutant for which the project region is in non-attainment under an applicable federal or state ambient air quality standard (including releasing emissions which exceed quantitative thresholds for ozone precursors)?
  - [ ] Potentially Significant Impact
  - [X] Less Than Significant With Mitigation Incorporation
  - [ ] Less Than Significant Impact
  - [ ] No Impact

- **d)** Expose sensitive receptors to substantial pollutant concentrations?
  - [ ] Potentially Significant Impact
  - [X] Less Than Significant With Mitigation Incorporation
  - [ ] Less Than Significant Impact
  - [ ] No Impact

- **e)** Create objectionable odors affecting a substantial number of people?
  - [ ] Potentially Significant Impact
  - [ ] Less Than Significant With Mitigation Incorporation
  - [X] Less Than Significant Impact
  - [ ] No Impact

**Response:**

- **a), b), c)** Less Than Significant Impact With Mitigation Incorporation – Air Quality Impacts from this project will come mainly from two sources – particulate (dust) emissions from project construction, and operational emissions from vehicular trips associated with the project. Construction emissions are temporary in nature, and are considered by the San Joaquin Valley Air Pollution Control District (SJVAPCD) to be less than significant if the SJVAPCD’s Regulation VIII mandatory dust control measures (including a Dust Control Plan as described in Table 3-2) are followed. Because the project includes more than 50 residential units, it is also subject to SJVAPCD Rule 9510, or Indirect Source Review rule. Section 1.0 of the rule states that its purpose is to:

1. Fulfill the District’s emission reduction commitments in the PM$_{10}$ and Ozone Attainment Plans.

2. Achieve emission reductions from the construction and use of development projects through design features and on-site measures.

3. Provide a mechanism for reducing emissions from the construction of and use of development projects through off-site measures.

Rule 9510 requires that applicants subject to the rule submit an Air Impact Assessment (AIA) no later than applying for a final discretionary approval with the public agency.
text of all SJVAPCD rules and regulations are available on the SJVAPCD’s website at:


Because these measures are mandatory, and therefore part of the regulatory setting of the project, they do not constitute mitigation. Regulation VIII also contains optional dust control measures that will be followed during project construction and will help further reduce particulate emissions. Because these measures are voluntary, they are considered to be mitigation. Regulation VIII mandatory and optional dust control measures are listed in Tables 3-1 through 3-4.

The project exceeds the 142-unit threshold that the San Joaquin Valley Air Pollution Control District has established in the Guide for Assessing and Mitigating Air Quality Impacts (GAMAQI) for residential developments (Reference: Guide for Assessing and Mitigating Air Quality Impacts, San Joaquin Valley Air Pollution Control District, January 10, 2002). Therefore the project was analyzed at the Cursory Analysis Level (CAL), which requires that an URBEMIS computer emissions model be run for the project.

Operational emissions from the project are almost exclusively a function of automobile trips generated by the project. Based on the estimated number of trips generated by the project, the URBEMIS 2002 8.7 computer program was used to estimate operational project emissions. The results are shown in Table 3-5. A supplemental Air Quality Impact Evaluation done for this project (Appendix A) has concluded that, given these results, project operational air quality impacts will be less than significant with incorporated mitigation.

d) Less Than Significant Impact With Mitigation Incorporation – Significant carbon monoxide pollutant concentrations would be created if there is significant congestion on roadways or at intersections which exceed the standards set forth in the GAMAQI. A Traffic Impact Study (Appendix B) was done for this project by Omni-Means Engineers & Planners. It determined that all of the project area roadways and intersections are projected to operate at level of service (LOS) D or better if the mitigation measures listed in the Traffic Impact Study are implemented. For a list of these mitigation measures, their phasing, and the project’s suggested pro rata share of their cost, please refer to the Traffic Impact Study. If these mitigation measures are implemented, the project’s potential to expose sensitive receptors to substantial pollutant concentrations will be less than significant.

e) No Impact – Development of the site will not generate objectionable odors.
Table 3-1
Regulation VIII Control Measures for Construction Emissions of PM$_{10}$

<table>
<thead>
<tr>
<th>Regulation VIII Control Measures</th>
<th>The following controls are required to be implemented at all construction sites.</th>
</tr>
</thead>
<tbody>
<tr>
<td>•</td>
<td>All disturbed areas, including storage piles, which are not being effectively utilized for construction purposes, shall be effectively stabilized of dust emissions using water, chemical stabilizer/suppressant, covered with a tarp or other suitable cover or vegetative ground cover.</td>
</tr>
<tr>
<td>•</td>
<td>All on-site unpaved roads and off-site unpaved access roads shall be effectively stabilized of dust emissions using water or chemical stabilizer/suppressant.</td>
</tr>
<tr>
<td>•</td>
<td>All land clearing, grubbing, scraping, excavation, land leveling, grading, cut &amp; fill, and demolition activities shall be effectively controlled of fugitive dust emissions using water or by presoaking.</td>
</tr>
<tr>
<td>•</td>
<td>With the demolition of buildings up to six stories in height, all exterior surfaces of the building shall be wetted during demolition.</td>
</tr>
<tr>
<td>•</td>
<td>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 form the top of the container shall be maintained.</td>
</tr>
<tr>
<td>•</td>
<td>All operations shall limit or expeditiously remove the accumulation of mud or dirt from adjacent public streets at the end of each workday. <em>(The use of dry rotary brushes is expressly prohibited except where preceded or accompanied by sufficient wetting to limit the visible dust emissions.)</em> <em>(Use of blower devices is expressly forbidden)</em></td>
</tr>
<tr>
<td>•</td>
<td>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.</td>
</tr>
<tr>
<td>•</td>
<td>Within urban areas, trackout shall be immediately removed when it extends 50 or more feet from the site and at the end of each workday.</td>
</tr>
<tr>
<td>•</td>
<td>Any site with 150 or more vehicle trips per day shall prevent carryout and trackout.</td>
</tr>
<tr>
<td>•</td>
<td>Limit the speed of vehicles traveling on uncontrolled unpaved access/haul roads within construction sites to a maximum of 15 miles per hour.</td>
</tr>
</tbody>
</table>

Source: San Joaquin Valley Unified Air Pollution Control District, Guide for Assessing and Mitigating Air Quality Impacts, January 2002, and SJVAPCD regulation VIII
Table 3-2
Information to be Contained in a Dust Control Plan as Required by Regulation VIII

<table>
<thead>
<tr>
<th>A dust control plan shall contain all of the following information:</th>
</tr>
</thead>
<tbody>
<tr>
<td>• Name(s), address(es), and phone number(s) of person(s) and owner(s)/operator(s) responsible for the preparation, submittal, and implementation of the Dust Control Plan and responsible for the dust generating operation and the application of dust control measures.</td>
</tr>
<tr>
<td>• A plot plan which shows the type and location of each project.</td>
</tr>
<tr>
<td>• The total area of land surface to be disturbed, daily throughput volume of earthmoving in cubic yards, and total area in acres of the entire project site.</td>
</tr>
<tr>
<td>• The expected start and completion dates of dust generating and soil disturbance activities to be performed on the site.</td>
</tr>
<tr>
<td>• The actual and potential sources of fugitive dust emissions on the site and the location of bulk material handling and storage areas, paved and unpaved roads; entrances and exits where carryout/trackout may occur; and traffic areas.</td>
</tr>
<tr>
<td>• Dust suppressants to be applied, including: product specifications; manufacturer's usage instructions (method, frequency, and intensity of application); type, number, and capacity of application equipment; and information on environmental impacts and approvals or certifications related to appropriate and safe use for ground application.</td>
</tr>
<tr>
<td>• Specific surface treatment(s) and/or control measures utilized to control material carryout, trackout, and sedimentation where unpaved and/or access points join paved public access roads.</td>
</tr>
<tr>
<td>• At least one key individual representing the owner/operator or any person who prepares a Dust Control Plan must complete a Dust Control Training Class conducted by the District. The District will conduct Dust Control Training Classes on an as needed basis.</td>
</tr>
</tbody>
</table>

Table 3-3
Enhanced and Additional Control Measures for Construction Emissions of PM_{10}

<table>
<thead>
<tr>
<th>Enhanced Control Measures — The following measure should be implemented at construction sites when required to mitigate significant PM_{10} impacts (note: this measure is to be implemented in addition to Regulation VIII requirements)</th>
</tr>
</thead>
<tbody>
<tr>
<td>• Install sandbags or other erosion control measures to prevent silt runoff to public roadways from sites with a slope greater than one percent.</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Additional Control Measures — The following control measures are strongly encouraged at construction sites that are large in area, located near sensitive receptors, or which for any other reason warrant additional emissions reduction</th>
</tr>
</thead>
<tbody>
<tr>
<td>• Install wheel washers for all exiting trucks, or wash off all trucks and equipment leaving the site</td>
</tr>
<tr>
<td>• Install wind breaks at windward side(s) of construction areas</td>
</tr>
<tr>
<td>• Suspend excavation and grading activity when winds exceed 20 mph*</td>
</tr>
<tr>
<td>• Limit area subject to excavation, grading, and other construction activity at any one time</td>
</tr>
</tbody>
</table>

*Regardless of wind speed, an owner/operator must comply with Regulation VIII’s 30 percent opacity limitation.
Source: San Joaquin Valley Unified Air Pollution Control District, Guide for Assessing and Mitigating Air Quality Impacts, January 2002
### Table 3-4
Construction Equipment Mitigation Measures

<table>
<thead>
<tr>
<th>Emission Source</th>
<th>Mitigation Measure</th>
</tr>
</thead>
</table>
| Heavy duty equipment (scrapers, graders, trenchers, earth movers, etc.) | ▪ Use of alternative fueled or catalyst equipped diesel construction equipment  
▪ Minimize idling time (e.g., 10 minute maximum)  
▪ Limit the hours of operation of heavy duty equipment and/or the amount of equipment in use  
▪ Replace fossil-fueled equipment with electrically driven equivalents (provided they are not run via a portable generator set)  
▪ Curtail construction during periods of high ambient pollutant concentrations; this may include ceasing of construction activity during the peak-hour of vehicular traffic on adjacent roadways  
▪ Implement activity management (e.g. rescheduling activities to reduce short-term impacts) |

Source: San Joaquin Valley Unified Air Pollution Control District, Guide for Assessing and Mitigating Air Quality Impacts, January 2002

### Table 3-5
Project Emissions  
(Tons/Year)

<table>
<thead>
<tr>
<th>Area</th>
<th>ROG</th>
<th>NOx</th>
<th>CO</th>
<th>PM$_{10}$</th>
<th>SO$_2$</th>
</tr>
</thead>
<tbody>
<tr>
<td>Unmitigated</td>
<td>2.68</td>
<td>0.60</td>
<td>8.18</td>
<td>1.20</td>
<td>0.03</td>
</tr>
<tr>
<td>Operational</td>
<td>4.35</td>
<td>6.12</td>
<td>54.52</td>
<td>4.45</td>
<td>0.05</td>
</tr>
<tr>
<td>Total</td>
<td>8.03</td>
<td>6.71</td>
<td>62.69</td>
<td>5.65</td>
<td>0.08</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Significant</th>
<th>ROG</th>
<th>NOx</th>
<th>CO</th>
<th>PM$_{10}$</th>
<th>SO$_2$</th>
</tr>
</thead>
<tbody>
<tr>
<td>Unmitigated</td>
<td>NO</td>
<td>NO</td>
<td>NO</td>
<td>NO</td>
<td>NO</td>
</tr>
</tbody>
</table>

1) "Not significant" result based on conclusion from the Traffic Report that level of service (LOS) will not fall below D, as specified in GAMAQi Guidelines, SJVAPCD, 2002 Section 5.6.3  
2) In compliance, and impacts will not be at a significant level, if lead agency follows Regulation VIII requirements (Heather Ellison, Bakersfield office of SJVAPCD, May 2005)  
3) San Joaquin Valley is in compliance for SO$_2$ (Heather Ellison, Bakersfield office of SJVAPCD, May 2005)
### Issues:

<table>
<thead>
<tr>
<th>Potentially Significant Impact</th>
<th>Less Than Significant With Mitigation Incorporation</th>
<th>Less Than Significant Impact</th>
<th>No Impact</th>
</tr>
</thead>
</table>

### IV. BIOLOGICAL RESOURCES – Would the project:

- 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?

### Response:

a), d) Less Than Significant With Mitigation Incorporation – A reconnaissance-level biological assessment (Appendix C) was prepared for this project to determine the presence or absence of species or habitats of concern and other biological resources. Two mature Valley oak trees and one blue elderberry shrub are located on the project site. These plants may provide habitat for Valley Elderberry Longhorn Beetle and avian predators or other resident or migratory birds. In order to ensure that there will be no significant impact the following
mitigation measures from the biological assessment shall be followed:

**Valley Elderberry Longhorn Beetle**

The US Fish and Wildlife Service (USFWS) considers that complete avoidance (i.e., no adverse effects) may be assumed when a 100-foot (or wider) buffer zone is established and maintained around all elderberry plants containing stems measuring one-inch or greater in diameter at ground level. If a 100-foot buffer zone cannot be maintained around all elderberry plants with at least one stem 1-inch or greater in diameter at ground level, the USFWS must be contacted for guidance on how to proceed. In certain instances the USFWS may approve encroachment on the 100-foot buffer zone, provided a minimum setback of at least 20 feet from the dripline of each elderberry plant can be maintained. In addition, the USFWS will require written verification of protective measures, restoration and maintenance of the 100-foot buffer zone, and other requirements in order to approve the encroachment. These requirements and other important information regarding protection of the valley elderberry longhorn beetle can be found in the Conservation Guidelines for the Valley Elderberry Longhorn Beetle (USFWS 1999) (Attachment C of Appendix C). These guidelines and the mitigation measures contained therein must be followed for this project.

**Avian Predators and other Resident or Migratory Birds**

A pre-construction nest survey for avian predators and other resident and migratory birds should be conducted prior to project construction if any heavy equipment operations are to occur during the breeding season (February 15 through September 15). The survey should include all large trees on the project site and all large trees on adjacent lands. If any occupied nests are observed, heavy equipment operations should be minimized or avoided until the young have fledged and nesting has ceased. If this is not feasible, the USFWS (and CDFG, if State-listed species, e.g., Swainson’s hawk are involved) would need to be contacted for guidance on how to proceed. The USFWS would prescribe specific mitigation dependant upon the particular species involved and the manner in which heavy equipment operations are to be conducted.

**Valley Oak Trees**

The project shall retain all five Valley oak trees located on the project site and land adjacent to the project site. Construction activities within the dripline of these trees should be avoided or minimized. The following measures are recommended to minimize impacts to valley oaks during project construction. These measures are adapted from the Standard Specifications for Building Around Valley Oaks, City of Visalia Urban Forestry Guidelines (2004).

- A protection zone around all Valley oaks should be drawn to scale on plans; this includes accurately locating the trunk and depicting the crown dripline. Earthwork is discouraged around the crown dripline.
- All utility locations should be included in all development plans involving valley oaks.
- Protective tree fencing should be added prior to any earthwork, at least 3 ft. minimum
in height, installed at outer most end of the dripline surrounding the trunk of a valley oak. The temporary fencing should be safety orange color, plastic webbing, temporary construction type fencing (snow fencing). Steel T-bar stakes should support the fencing. This fence should remain until construction is complete. Nothing should be stored inside the protective fence.

- The addition of fill within the crown dripline of a valley oak should be limited to a maximum of 6 inches and no fill should be placed within 10 feet of the trunk. The fill should be of a high quality soil and clean of any debris.

- Trenching within the crown dripline of a valley oak should be avoided. If utilities must be installed within the crown dripline it is recommended that utilities be installed via directional boring at a minimum depth of 36". If this is not feasible, care should be taken to avoid damaging the root system. Larger supportive roots should not be cut. If possible, there should be no soil compaction, paving or structures placed within the crown dripline of a valley oak.

- Valley oak trees should be irrigated before construction starts and through construction during the summer (June through October). This will help ensure that the tree can better withstand the stresses of construction. Irrigation is extremely important during spring and summer when the environment around a mature valley oak is changed by construction. Irrigations should water all of the area under the crown dripline.

- Permanent irrigation systems should be bubbler, drip, flood or sub-surface only. Sprinkler systems should not be used within 6 ft. of the tree.

- Landscaping under valley oaks should consist of drought tolerant plants or California native plants that are drought tolerant in nature. There should be no landscaping within 6 ft. of the trunk. Chipped bark and mulch or similar materials are suitable for this area. No lawns should be planted within 10 ft. of the trunk, and it is recommended that there be no lawn placed within the crown dripline.

b), c) **No Impact** – The site is not within or adjacent to a riparian or federally protected wetlands habitat area.

e), f) **No Impact** – Neither the City nor the County has adopted a habitat conservation plan. The project will not conflict with any other local policies or ordinances protecting biological resources.
Issues:

<table>
<thead>
<tr>
<th>Potentially Significant Impact</th>
<th>Less Than Significant With Mitigation Incorporation</th>
<th>Less Than Significant Impact</th>
<th>No Impact</th>
</tr>
</thead>
</table>

V. CULTURAL RESOURCES -- Would the project:

a) Cause a substantial adverse change in the significance of a historical resource as defined in §15064.5?
   - [ ] Potentially Significant Impact
   - [X] Less Than Significant With Mitigation Incorporation
   - [ ] Less Than Significant Impact
   - [ ] No Impact

b) Cause a substantial adverse change in the significance of an archaeological resource pursuant to §15064.5?
   - [ ] Potentially Significant Impact
   - [ ] Less Than Significant With Mitigation Incorporation
   - [ ] Less Than Significant Impact
   - [X] No Impact

c) Directly or indirectly destroy a unique paleontological resource or site or unique geologic feature?
   - [ ] Potentially Significant Impact
   - [ ] Less Than Significant With Mitigation Incorporation
   - [ ] Less Than Significant Impact
   - [X] No Impact

d) Disturb any human remains, including those interred outside of formal cemeteries?
   - [ ] Potentially Significant Impact
   - [ ] Less Than Significant With Mitigation Incorporation
   - [X] Less Than Significant Impact
   - [ ] No Impact

Response:

a) Less Than Significant With Mitigation Incorporation -- According to a cultural resources record search completed by the Center for Archaeological Research at California State University, Bakersfield (Appendix D) the only recorded historic resource within the general area of the project is Poplar Ditch. As proposed, no impacts to Poplar Ditch are anticipated. A 48-inch high chain link fence, a 6-foot wide walkway, and public access and landscaping areas will be developed along the south side of the project to avoid impacts to Poplar Ditch.

b), c), d) Less Than Significant Impact -- A cultural resources record search was conducted by Rebecca Orfola of CSU Bakersfield for the Project area. Results of the records search indicate that there are no recorded archaeological sites within the Project area. Prior archaeological surveys within the City of Porterville Urban Area Boundary have revealed that Native American activity was confined to locations upstream along the Tule River corridor from Murry Hill (the Chokowisho Village). Because the areas of archaeological importance are to the northeast of the proposed subdivision, no impacts to archaeological resources are anticipated. However, in the event that any as-yet undetected (i.e., buried) cultural resources are encountered on this property at a future time, work shall cease within a 50-foot area of the find, and a qualified archaeologist shall be contacted to evaluate any such discoveries.
VI. GEOLOGY/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.
   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 Uniform Building code (1994), 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?

Response:

a) i), ii), iv) Less Than Significant Impact -- The proposed project site is located in a relatively seismically quiet area of California. Neither the City of Porterville nor Tulare County are affected by Alquist-Priolo Earthquake Fault Zones. No faults are known to exist within the Project area, and all structures will be reinforced in accordance with State and local building codes and ordinances. Thus, the Project will not expose people or structures to the adverse
effects of earthquakes, seismic ground shaking, or seismic ground failure. The topography of the proposed project is relatively flat and not subject to landslides.

a) iii), c), d) **Less Than Significant Impact** – The project site is underlain by two soil types—San Emigdio Loam and Tujunga Sand—that are classified by the USDA’s Soil Survey of Tulare County, California, Central Part, as well-suited to building sites and urban development.

b) **Less Than Significant Impact** – The proposed project will not cause substantial erosion or loss of topsoil. The following mandatory requirements will be followed: San Joaquin Valley Air Pollution Control District (SJVAPCD) Regulation VIII mandatory dust control measures will be followed, and a Stormwater Pollution Prevention Plan (SWPPP) will be filed. Because of these required measures, project impacts with respect to substantial erosion or the loss of topsoil will be less than significant.

e) **No Impact** – The Project does not include the use of septic tanks or alternate wastewater disposal systems.
**Issues:**

<table>
<thead>
<tr>
<th>Potentially Significant Impact</th>
<th>Less Than Significant with Mitigation Incorporation</th>
<th>Less Than Significant Impact</th>
<th>No Impact</th>
</tr>
</thead>
</table>

**VII. HAZARDS/HAZARDOUS MATERIALS – Would the project:**

- **a)** Create a significant hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials?  
  ![Circle](square)

- **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?  
  ![Circle](square)

- **c)** Emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste within one-quarter mile of an existing or proposed school?  
  ![Circle](square)

- **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?  
  ![Circle](square)

- **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?  
  ![Circle](square)

- **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?  
  ![Circle](square)

- **g)** Impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan?  
  ![Circle](square)

- **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?  
  ![Circle](square)

**Response:**

- **a), c), d)** No Impact – Development and operation of a residential subdivision will not result in...
the use or disposal of hazardous materials.

b) Less Than Significant With Mitigation Incorporation – Several vacant residences are located on the project site. If any of these structures need to be demolished or dismantled and were built before 1972, they may contain asbestos-containing material; and if they were built before 1978, they may contain lead-based paint. Any buildings built within these time frames will be inspected for the presence of these materials before they are demolished or dismantled. If they are found to contain asbestos, then the following standard San Joaquin Valley Air Pollution Control District (SJVAPCD) mitigation measures related to asbestos shall be implemented:

- A thorough survey of any building containing regulated asbestos-containing material (RACM) will be conducted by qualified consultant.
- A 10-day working notification of demolition of removal of asbestos will be released.
- After this ten day period, the RACM may be removed but only after being inspected by a representative from the SJVAPCD.

If there are any structures built before 1978 on the site to be demolished or dismantled, then the following mitigation measures shall be implemented:

- Evaluate paint waste independently from the building material to determine whether or not lead-based paint (LBP) is present and to specify its proper management.
- If LBP is found, complete abatement prior to any demolition activities that would create lead dust or fume hazard.
- Perform removal of LBP in accordance with California Code of Regulation Title 8, Section 1532.1, which regulates and specifies exposure limits, exposure monitoring, respiratory protection, and good worker practices by workers exposed to lead.
- Provide evidence by any contractor performing LBP paint removal to the City Building Official and County Environmental Health Department of the contractor’s certified training for lead-related construction work.

(Lead-based paint mitigation measures adapted from Fairfield Corporate Commons Draft EIR, pp.4.11-5 through 4.11-6, City of Fairfield, April 2005)

According to the California Department of Toxic Substances Control (DTSC), if paint is not removed from the building material during demolition (and is not flaking or peeling), the material could be disposed of as construction debris (a non-hazardous waste). The party disposing of such waste shall contact the landfill operator in advance to determine whether the landfill has any specific requirements regarding the disposal of lead-based paint materials.

e), j) No Impact – The Porterville Municipal Airport lies a little over a mile southwest of the project site, but the project area is not within the over-flight area of aircraft or in the City’s Royal Oaks View Subdivision
Initial Study and Mitigated Negative Declaration June 2006 Page 3-19
Airport Safety Zoning designation. The project would not result in a safety hazard for people residing or working in the project area.

g) No Impact – The proposed project will not change or impair emergency access. Therefore no impact has been identified.

h) Less Than Significant Impact – According to the Tulare County Safety Element, natural vegetation in the form of dry grasses pose fire hazards especially to structures located near fields if minor adjacent clearing is not done. Developed residential, agricultural, or disked vacant lands border the project on all sides. Because these adjacent properties are routinely maintained by disk ing, there will not be exposure to a significant risk of wildland fire.
<table>
<thead>
<tr>
<th>Issues:</th>
<th>Potentially Significant Impact</th>
<th>Less Than Significant With Mitigation Incorporation</th>
<th>Less Than Significant Impact</th>
<th>No Impact</th>
</tr>
</thead>
<tbody>
<tr>
<td>VIII. HYDROLOGY/WATER QUALITY – Would the project:</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>a) Violate any water quality standards or waste discharge requirements?</td>
<td>☒</td>
<td>✗</td>
<td>✗</td>
<td>☐</td>
</tr>
<tr>
<td>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)?</td>
<td>☒</td>
<td>☒</td>
<td>✗</td>
<td>☐</td>
</tr>
<tr>
<td>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?</td>
<td>☒</td>
<td>☒</td>
<td>✗</td>
<td>☐</td>
</tr>
<tr>
<td>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?</td>
<td>☒</td>
<td>☒</td>
<td>✗</td>
<td>☐</td>
</tr>
<tr>
<td>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?</td>
<td>☒</td>
<td>☒</td>
<td>✗</td>
<td>☐</td>
</tr>
<tr>
<td>f) Otherwise substantially degrade water quality?</td>
<td>☒</td>
<td>☒</td>
<td>☐</td>
<td>✗</td>
</tr>
<tr>
<td>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?</td>
<td>☒</td>
<td>☒</td>
<td>☐</td>
<td>✗</td>
</tr>
<tr>
<td>h) Place within a 100-year flood hazard area structures which would impede or redirect flood flows?</td>
<td>☒</td>
<td>☒</td>
<td>☐</td>
<td>✗</td>
</tr>
<tr>
<td>i) Expose people or structures to a significant risk of loss, injury or death involving flooding, including</td>
<td>☒</td>
<td>☒</td>
<td>✗</td>
<td>☐</td>
</tr>
</tbody>
</table>
flooding as a result of the failure of a levee or dam?

j) Inundation by seiche, tsunami, or mudflow?

□ □ □ □ □

Response:

a), f) No Impact – The proposed project will not violate any water quality standards or waste discharge requirements. The proposed residential uses, upon annexation to the City, will be on the City’s water and sewer systems. The City’s wastewater treatment plant has a permitted capacity of 5.3 million gallons per day (mgd) and is currently operating at 5.1-mgd. The plant has a rated capacity of 8 mgd, but is limited to the permitted capacity of 5.3 mgd because of a lack of land on which to use the treated effluent as irrigation water. The City is currently in the process of annexing more land for this purpose. The City has a Sewer System Master Plan and Water System Master Plan that include the site.

b) Less Than Significant Impact – The proposed project area is currently fallow agricultural land with a few unoccupied buildings located on the site. Because the project site currently lies fallow, it is expected that the proposed residential development will increase groundwater use to a calculated estimate of 59 acre-feet of water per year.

The project builder will build one water-well on the site that will then be signed over to the City for the purpose of providing water to the area and augmenting Porterville’s water supply system. Estimated groundwater usage by the City of Porterville is 7,890 acre-feet per year (Quad Knopf, September 2005). The Porterville area is underlain by an unconfined aquifer, which is part of the Tule Groundwater sub-basin of the Tulare Lake Groundwater Basin. The source for recharge of the Tule sub-basin is the Tule River which crosses through the City of Porterville and has a runoff of 136,000 acre-feet per year, or 372.60 acre-feet per day. Thus the project’s expected water use equals about .04 percent of the annual runoff of the Tule River. The California Department of Water Resources states in California’s Groundwater: Bulletin 118 (State of California, 2003) that, “on average, the subbasin water level has increased about four feet from 1970 through 2000.” Expected water use by this project therefore would use a very small (.04 percent) portion of the aquifer’s recharge capacity, and would have a less than significant impact on groundwater supply or recharge.

c), d) Less Than Significant Impact – The project will not substantially alter the existing drainage pattern of the site or alter the course of a stream or river in a manner that would result in substantial erosion on or off-site, or substantially increase surface runoff in a way that would result in flooding on- or off-site. The developer shall pay for on-site storm drainage meeting City standards, and for acquisition and construction (if necessary) of an on- or off-site stormwater drainage basin to serve this project. Poplar Ditch, a non-jurisdictional water, borders the south side of the project but will not be disturbed as part of this project (see Project Description). As is required by law for projects of this kind, a Storm Water Pollution Prevention Plan (SWPPP) will be filed detailing measures to prevent pollution of surface runoff. The impacts in these areas will therefore be less than significant.
e) **Less Than Significant Impact** - The developer shall pay for on-site storm drainage meeting City standards, and for acquisition and construction (if necessary) of an on- or off-site stormwater drainage basin to serve this project. Measures listed in the SWPPP will help prevent pollution of stormwater. Therefore, impacts in this regard will be less than significant.

g), h) **No Impact** – The site is not within a 100-year flood hazard zone (FEMA Flood Insurance Rate Map, Panel 065066-0845B).

i) **Less Than Significant Impact** – According to Tulare County’s Geographic Information Systems data, the project area is within the ½ hour to 1-hour inundation area of Success Dam in the event of its failure. Most of Porterville would be flooded in less than an hour if Success Dam failed. In such an event, the City’s Emergency Preparedness Plan outlines evacuation routes (Safety Element of the General Plan, 1998, p. 6-16).

j) **No Impact** – The project is not located near a body of water which could generate seiche or tsunami effects. The site is level and will not be exposed to mudflow events.
**Issues:**

<table>
<thead>
<tr>
<th>Potentially Significant Impact</th>
<th>Less Than Significant With Mitigation Incorporation</th>
<th>Less Than Significant Impact</th>
<th>No Impact</th>
</tr>
</thead>
</table>

**IX. LAND USE/PLANNING – Would the project:**

a) Physically divide an established community?  
   
   [ ] Yes  [ ] No  [ ] Not applicable  [X] Not Applicable

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?  
   
   [ ] Yes  [ ] No  [ ] Not applicable  [X] Not Applicable

c) Conflict with any applicable habitat conservation plan or natural community conservation plan?  
   
   [ ] Yes  [ ] No  [ ] Not applicable  [X] Not Applicable

**Response:**

a) **No Impact** – The project will not physically divide an established community (Project Description).

b) **No Impact** – The proposed project area is planned for future residential growth and is within the City’s Planning Area and Sphere of Influence. The proposed project is within the Porterville City limits and both zoning and land use designation are consistent with the use of the property.

c) **No Impact** – The project site is not covered by a habitat conservation or natural community conservation plan.
X. MINERAL RESOURCES – Would the project:

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?

Response:

a), b) No Impact – There are no known mineral resources in the proposed project area, according to the Porterville General Plan's Conservation Element. Therefore, no impact has been identified.
Issues:

XI. NOISE – would the project result in:

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 ground borne vibration or ground borne 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?

Response:

a), b), c) Less Than Significant With Mitigation Incorporation – A Supplemental Noise Impact Evaluation (Appendix E) was done for this project. It concluded that the only potentially significant source of noise exposure on or from the site would be vehicular traffic along Indiana Street, which runs along the western boundary of the project area, and that noise-related impacts can be reduced to a less than significant level by implementing the following mitigation measures:

1. A minimum 6-foot block wall for lots fronting on Indiana shall be installed. Wall returns shall be installed on the subdivision entry lots on either side of the intersection of Indiana Street and Pin Oak Avenue (the project driveway) and on the northwestern corner of the lot at the intersection of Indiana Street and Brown Avenue as shown on the Vesting

Royal Oaks View Subdivision
Initial Study and Mitigated Negative Declaration

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Tentative Tract Map for the project.

2. Rear yard setbacks shall be at least 34 feet for any two-story residences on lots that back up to Indiana Street. Lot 19, as shown on the Vesting Tentative Tract Map, shall have a 34 foot side yard setback on the side of that lot bordering Indiana Street for any two-story home.

d) Less Than Significant With Mitigation Incorporation — During construction activities there will be a short-term increase in noise associated with construction equipment that may exceed the City’s noise level standards. These activities will be restricted to the hours between 7:00 AM and 5:00 PM Monday through Friday and 9:00 AM and 5:00 PM on Saturday and Sunday, and will be short-term in nature. Therefore the impact will be less than significant.

e), f) No Impact — The Porterville Municipal Airport lies a little over a mile southwest of the project site. The project site is not under or near the flight path of planes taking off from or landing at the airport. Quad Knopf, Inc. took noise measurements at the project site on October 24, 2005 that were consistent with the noise levels used in the Supplemental Noise Impact Evaluation (Appendix E). The Supplemental Noise Impact Evaluation noise levels are consistent with the U.S. Department of Housing and Urban Development (HUD) Noise Guidebook Noise Assessment Guidelines. Traffic levels on Indiana Street, the only arterial or collector street within 1,000 feet of the project site, were used to model noise levels. Because on-site noise measurements were consistent with the model, and because the model does not take into account aircraft noise, aircraft noise is not a significant component of noise at the site.
Issues:

<table>
<thead>
<tr>
<th>Potentially Significant Impact</th>
<th>Less Than Significant With Mitigation Incorporation</th>
<th>Less Than Significant Impact</th>
<th>No Impact</th>
</tr>
</thead>
</table>

XII. POPULATION AND HOUSING – Would the project:

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?

   □ □ ☒ □

Response:

a), b), c) Less Than Significant Impact – The addition of the project will result in a projected increase of 614 persons to the City of Porterville (assuming 3.2 persons per dwelling as reported in the 2000 Census). This development is planned for the area, is consistent with the Porterville General Plan, and is within the growth projections for Porterville contained in the General Plan. The project site is also within the City's adopted Urban Development Boundary, which is a 20-year growth boundary line adopted as part of the General Plan.

The site contains several housing units, but they are not currently occupied, so the project will not displace substantial numbers of housing or people that would necessitate the construction of replacement housing elsewhere.
**Issues:**

**XIII. PUBLIC SERVICES – Would the project:**

a) 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 impact, in order to maintain acceptable service ratios for any of the public services:

- Fire protection?
- Police protection?
- Schools?
- Parks?
- Other public facilities?

**Response:**

a) *Less Than Significant Impact*

*Fire Protection* – The City of Porterville will provide fire protection services to the project site upon annexation to the City. To offset the impact to the City’s Fire Department, the project applicant will be required to pay fire service impact/development fees. The impact will be less than significant.

*Police Protection* – The City of Porterville will also provide police protection services to the project site upon annexation. To offset the impact to the City’s Police Department, the project applicant will be required to pay police service impact/development fees. The impact will be less than significant.

*Schools* – The project site is within the Porterville Unified School District. The district can offset increased student enrollment impacts through developer-financed school impact fees. This impact is less than significant.

*Parks* – The City standard is currently 3.5 acres of parkland per 1,000 population. Applying this ratio to the projected population increase of 614 persons from this project, the project will create a need for approximately 2.15 acres of parkland. It will fill this need by creating 0.9 acres of parks and collecting impact fees from the developer. The impact is therefore less than significant.
Other Public Facilities – Other public facilities are discussed in Sections VIII Hydrology/Water Quality, XIV Recreation, XV Transportation/Traffic, and XVI Utilities/Service Systems.
Issues:

<table>
<thead>
<tr>
<th>Potentially Significant Impact</th>
<th>Less Than Significant With Mitigation Incorporation</th>
<th>Less Than Significant Impact</th>
<th>No Impact</th>
</tr>
</thead>
</table>

XIV. RECREATION – Would the project:

a) 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?

Response:

a), b) Less Than Significant Impact – The project will have the potential to increase demand on recreational facilities in other areas of the City in proportion to on-site population. The proposed project contains 0.9 acres of park area, but will also pay any required impact fees to offset any potential impacts in this regard. The impact of the project to recreational facilities is therefore less than significant.
Issues:

XV. TRANSPORTATION/TRAFFIC – Would the project:

<table>
<thead>
<tr>
<th>Potentially Significant Impact</th>
<th>Less Than Significant With Mitigation Incorporation</th>
<th>Less Than Significant Impact</th>
<th>No Impact</th>
</tr>
</thead>
</table>

a) Cause an increase in traffic which is substantial in relation to the existing traffic load and capacity of the street system (i.e., result in a substantial increase in either the number of vehicle trips, the volume to capacity ratio on roads, or congestion at intersections?)

b) Exceed, either individually or cumulatively, a level of service standard 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?

f) Result in inadequate parking capacity?

g) Conflict with adopted policies, plans, or programs supporting alternative transportation (e.g., bus turnouts, bicycle racks)?

Response:

a), b), e) Less Than Significant Impact With Mitigation Incorporation – A Traffic Impact Study (TIS, Appendix B) was done for this project by Omni-Means Engineers and Planners. It was found that while the project is not anticipated to substantially increase traffic or significantly lower levels of service (LOS) immediately around the project site, the cumulative increase of traffic resulting from the project plus approved and pending projects could potentially reduce levels of service and cause congestion. Implementation of mitigation measures required for existing conditions will sufficiently improve levels of service under the “Existing Plus Project Scenario.” Mitigation measures described in the TIS and listed below are projected to bring all project area roadways and intersections to acceptable LOS. The TIS’s suggested pro rata share of the cost of these improvements to be borne by this project is listed in Tables 3-6 and 3-7. For a more detailed description of the methodology used to arrive at these results, please
refer to the TIS (Appendix B).

**Existing Conditions**

*Springville Avenue/Jaye Street* intersection: Install a traffic signal and widen the eastbound and westbound approaches to accommodate left turn lanes. It is recommended that protective phasing be applied to this traffic signal. Under “Existing” conditions, this intersection is operating at LOS “F” conditions during the AM and PM peak hour periods. With the implementation of the recommended mitigation measures, this intersection is projected to operate at LOS “C” conditions during the AM and PM peak hour periods.

*State Route 190 EB Off Ramp/Main Street* intersection. Install a traffic signal. Under “Existing” conditions, this intersection is operating at LOS “F” conditions during the AM and PM peak hour periods. With the implementation of the recommended mitigation measures, this intersection is projected to operate at LOS “B” conditions during the AM and PM peak hour periods.

It should be noted that long periods of delay were observed for the eastbound left turning movement at the *Poplar Road (s/o State Route 190)/Jaye Street* intersection; in fact, many of these movements were turning right and then making U-turns on Jaye Street to the south. However, because this intersection was analyzed as an isolated intersection and is based upon the outputs of the traffic analysis software, it currently operates at acceptable LOS conditions under all “Existing” scenarios. Although the traffic analysis software shows an acceptable LOS, field surveys by the traffic engineer indicate that there is a need to implement the mitigation measures described in the *Jaye Street/Gibbons Avenue Study*, specifically, relocating this intersection 300 feet south of the State Route 190 intersection.

**Existing Plus Project**

Under “Existing plus Project” conditions, the mitigation measures assumed under “Existing” conditions would result in acceptable operating conditions. Table 3-6 identifies the pro rata share calculations for intersections for this project.

**Existing Plus Approved/Pending Projects Conditions**

Under “Existing plus Approved/Pending Projects” conditions, the following mitigation measures are recommended:

*Springville Avenue/Jaye Street* intersection: In addition to the improvements recommended under the “Existing” conditions scenario, it is recommended that the eastbound lane approach should be widened to accommodate a right turn lane; widen the westbound lane approach to accommodate a dedicated right turn lane; widen the northbound approach to accommodate a dedicated thru lane and a dedicated thru-right lane; widen the southbound approach to accommodate dual dedicated thru lanes. This intersection is projected to operate at LOS “F” conditions during the AM and PM peak hour periods. This is a result of vehicles experiencing long periods of delay on Springville Avenue (minor street) while waiting for a “gap” to enter or cross Jaye Street (major street). This intersection is also projected to meet the MUTCD
Peak-Hour Warrant 3. With the implementation of the recommended mitigation measures, this intersection is projected to operate at LOS “C” during the AM and PM peak hour periods.

**Poplar Road (north of SR 190)/Jaye Street intersection:** The development of the Riverwalk Marketplace and Porterville Commercial Center will lead to the intersection closure of Poplar Road North of State Route 190/Jaye Street.

**State Route 190/Jaye Street intersection:** Widen the southbound approach of this signalized intersection to include dual right turn lanes and dual left turn lanes; widen the eastbound approach to include dual left turn lanes; widen the westbound approach to include dual right turn lanes. In addition to the above mitigation, right turn overlap phasing should be implemented on all approaches. Under “Existing plus Approved/Pending Projects” conditions this intersection is projected to at LOS “F” during the AM and PM peak hour periods. With the implementation of the recommended mitigation measures, this intersection is projected to operate at LOS “D” conditions during the AM and PM peak hour periods.

**Jaye Street from State Route 190 to Springville Avenue:** With construction of Approved/Pending projects it is recommended that this two-lane collector be improved to a four lane arterial per the City’s design standards.

**Existing Plus Approved/Pending Projects Plus Project Conditions**

Under “Existing plus Approved/Pending Projects plus Project” conditions, the mitigation measures assumed under “Existing plus Approved/Pending Projects” would result in acceptable operating conditions. Table 3-7 identifies the pro rata share calculations for roadway sections for this project.

**Year 2030 Base No-Build Conditions**

Under “Year 2030 Base No-Build” conditions, it is assumed that Jaye Street will have been improved to a four lane arterial from State Route 190 to Springville Avenue as called for in the Circulation Element of the City’s current General Plan and that mitigation measures identified through “Existing plus Approved/Pending Projects plus Project” conditions have been implemented. In addition, the following mitigation measures are recommended:

**Springville Avenue/Jaye Street intersection:** Widen the northbound approach to accommodate dual left turn lanes. Under “Year 2030 Base No-Build” conditions this intersection is projected to operate at LOS “E” conditions during the PM peak hour period. Implementation of the recommended mitigation measures will result in LOS “D” conditions during the PM peak hour.

**State Route 190/Jaye Street intersection:** Widen the westbound approach to accommodate three through lanes. This intersection is projected to operate at LOS “E” during the PM peak hour period. Implementation of the recommended mitigation measure will result in LOS “D” conditions during the PM peak hour.
**Gibbons Avenue/Indiana Street** intersection: Install a traffic signal. This intersection is projected to operate at LOS “F” during the AM and PM peak hour periods. Implementation of the recommended mitigation measure will result in LOS “D” conditions during the PM peak hour.

**Scranton Avenue/Indiana Street** intersection: Widen the northbound and southbound approaches to accommodate two thru lanes. This intersection is projected to operate at LOS “F” during the AM and PM peak hour periods. Implementation of the recommended mitigation measure will result in LOS “D” conditions during the PM peak hour.

**Year 2030 Base Plus Project Conditions**

Under “Year 2030 Base plus Project” conditions, it is assumed all intersections except for Poplar Road (south of State Route 190)/Jaye Street will be operating at a LOS “D” or better if all aforementioned mitigation measures are implemented. Therefore, the following improvements are recommended:

**Poplar Road (s/o State Route 190)/Jaye Street** intersection: This intersection is projected to operate at LOS “E” conditions during the AM and PM peak hour periods. The following discusses a recommendation from *Jaye Street Improvement Project Traffic Analysis* (OMNI-MEANS, May 2003):

"**Poplar Road (south of State Route 190)/Jaye Street** intersection: Close this intersection by eliminating access to Jaye Street. Based upon a queuing analysis performed by OMNI-MEANS, inadequate storage between this intersection and the State Route 190/Jaye Street intersection immediately to the north will result if a traffic signal is installed at Poplar Road (south of State Route 190)/Jaye Street. It is projected that substantial queues would be created between the two intersections that would result in unsafe operating conditions. Alternative access is recommended that would be a minimum of 300 feet south of State Route 190."

However, it should be noted that limited access points are located south of this intersection to provide a logical connection to Jaye Street and that right-of-way acquisition may be necessary. Another alternative, which is included as a supplement to this report, would be to reconfigure Poplar Road s/o State Route 190 to a right turn only driveway and to provide for a roundabout on Jaye Street south of State Route 190 that would tie into Montgomery Avenue. However, due to the large percentage of trucks, the design of a traffic circle would have to accommodate the amount of trucks that are traveling to/from the current industrial land uses.
Table 3-6
Pro Rata Share Calculations, Intersections

<table>
<thead>
<tr>
<th>Intersection</th>
<th>Existing</th>
<th>Project Only</th>
<th>Existing + Approved/Pending</th>
<th>2030 General Plan Buildout</th>
<th>Project Only %</th>
<th>Existing + Approved/Pending + Project %</th>
</tr>
</thead>
<tbody>
<tr>
<td>Springville Avenue/Jaye Street</td>
<td>1,229</td>
<td>23</td>
<td>2,202</td>
<td>3,360</td>
<td>1.1%</td>
<td>2.0%</td>
</tr>
<tr>
<td>State Route 190/Jaye Street</td>
<td>2,644</td>
<td>91</td>
<td>4,353</td>
<td>6,497</td>
<td>2.4%</td>
<td>4.2%</td>
</tr>
<tr>
<td>Poplar Avenue (s/o State Route 190)/Jaye Street</td>
<td>684</td>
<td>96</td>
<td>899</td>
<td>1,265</td>
<td>16.5%</td>
<td>26.2%</td>
</tr>
<tr>
<td>State Route 190/Main Street WB On Ramp</td>
<td>1,036</td>
<td>17</td>
<td>1,102</td>
<td>1,748</td>
<td>2.4%</td>
<td>2.6%</td>
</tr>
<tr>
<td>State Route 190/Main Street WB Off Ramp</td>
<td>1,097</td>
<td>18</td>
<td>1,169</td>
<td>1,889</td>
<td>2.3%</td>
<td>2.5%</td>
</tr>
<tr>
<td>Gibbons Avenue/Indiana Street</td>
<td>173</td>
<td>48</td>
<td>214</td>
<td>2,018</td>
<td>2.6%</td>
<td>2.7%</td>
</tr>
<tr>
<td>Scranton Avenue/State Route 65</td>
<td>1,160</td>
<td>13</td>
<td>1,335</td>
<td>3,597</td>
<td>0.5%</td>
<td>0.6%</td>
</tr>
</tbody>
</table>

Table 3-7
Pro Rata Share Calculations, Roadway Sections

<table>
<thead>
<tr>
<th>Roadway Section</th>
<th>Existing</th>
<th>Project Only</th>
<th>Existing + Approved/Pending</th>
<th>2030 General Plan Buildout</th>
<th>Project Only %</th>
<th>Existing + Approved/Pending + Project %</th>
</tr>
</thead>
<tbody>
<tr>
<td>Jaye Street between State Route 190 and Springville Avenue</td>
<td>9,500</td>
<td>340</td>
<td>25,040</td>
<td>30,560</td>
<td>1.6%</td>
<td>6.2%</td>
</tr>
</tbody>
</table>

c) No Impact – The project will not have any affect on air traffic patterns.

d) No Impact – The design of the proposed subdivision meets the standards and guidelines set forth by the City of Porterville.

f) No Impact – Adequate parking will be provided in compliance with the City's ordinance and building code regulations that govern development of single-family residential lots.

g) No Impact – The proposed project will not conflict with any existing alternate transportation programs.
**Issues:**

<table>
<thead>
<tr>
<th>Potentially Significant Impact</th>
<th>Less Than Significant With Mitigation Incorporation</th>
<th>Less Than Significant Impact</th>
<th>No Impact</th>
</tr>
</thead>
</table>

**XVI. UTILITIES/SERVICE SYSTEMS – Would the project:**

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?  
   - ☐ ☐ ☒ ☐

**Response:**

a), b), c), d), e) Less Than Significant Impact – With regards to wastewater, the project will be served by the City of Porterville. Flows generated by this residential development can be accommodated by the Porterville Wastewater treatment plant (see Section VIII), and the project will not exceed the wastewater treatment requirements of the applicable Regional Water Quality Control Board. The impact is less than significant. A new stormwater drainage system will be installed to serve the project area, and the developer shall pay for acquisition and construction (if necessary) of an on- or off-site stormwater drainage basin to serve this project. The project area is included in the City’s Water and Sewer Master Plans. The project builder will build one water-well on the site that will then be dedicated to the City for the purpose of providing water to the area and augmenting Porterville’s water supply system.
The impact is less than significant.

f) Less Than Significant Impact – The City of Porterville disposes of its solid waste at the Teapot Dome landfill, about five miles southwest of the City. The landfill has an anticipated closure date of 2012, according to the Tulare County Resource Management Agency, at which point the County expects that a transfer station will be put in at the existing landfill, meaning that waste would be transferred to another landfill. The project is not, however, expected to significantly accelerate the process of eventual closure of the landfill (Jeff Monaco, Tulare County Resource Management Agency).

g) No Impact – Refuse removed from the project area will conform to County regulations.
XVII. MANDATORY FINDINGS OF SIGNIFICANCE

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?  

Response:

a) Less Than Significant With Mitigation Incorporation – Development of the project will result in the conversion of a 40.39-acre parcel previously used for agriculture, but currently lying fallow, to a 196-lot residential subdivision. This site is not considered to be prime habitat for rare or endangered species, but the presence on the site of one blue elderberry shrub and two mature Valley oak trees necessitates the implementation of the mitigation measures listed in Chapter 3, Section IV, Biological Resources, of this document. With implementation of these mitigation measures, potential impacts in this regard will be less than significant.

b) Less Than Significant Impact With Mitigation Incorporation – The conversion of 40.39 acres of land to residential uses, some of which is on prime farmland soils and has historically been used for agriculture, is a significant and cumulatively considerable adverse impact; the increase of emissions from both construction and operation of the project is a significant and cumulatively considerable adverse impact; increased groundwater use is cumulatively significant; and population growth and an increase in traffic are both cumulatively considerable adverse impacts. However, these impacts have been addressed in the General Plan EIR and its subsequent amendments and the project will not involve
development that will increase the severity of the impacts or create new significant impacts.

Cumulative impacts from increased traffic from the project plus existing conditions plus approved and pending projects are quantified in the Traffic Impact Study (TIS, Appendix B). The mitigation measures that the TIS determined would be necessary to mitigate these impacts to a less than significant level, and the project’s suggested pro rata share of these improvements, are listed in the TIS and Section XV, Transportation/Traffic. Mitigation measures and pro rata shares for cumulative impacts from the project plus projected year 2030 conditions are also listed in the TIS and Section XV.

c) Less Than Significant Impact – This Initial Study has not identified any environmental effects which will cause substantial adverse effects on human beings, either directly or indirectly.
### Table 6-1
Mitigation Reporting/Monitoring Program*

<table>
<thead>
<tr>
<th>Impact III a), b), c) - Air Quality:</th>
<th>Mitigation Measures</th>
<th>Implementation</th>
<th>Monitoring</th>
<th>Time Span</th>
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</thead>
<tbody>
<tr>
<td>a) Conflict with or obstruct implementation of the applicable air quality plan.</td>
<td>Mitigation Measure III a), b), c): Comply with the following optional SJVAPCD Regulation VIII PM$_{10}$ reduction measures:</td>
<td>Mitigation measures shall be incorporated into construction contract between applicant and contractor</td>
<td>City of Porterville and San Joaquin Valley Air Pollution Control District</td>
<td>Project construction</td>
</tr>
<tr>
<td>b) Violate any air quality standard or contribute substantially to an existing or projected air quality violation.</td>
<td>Enhanced Control Measures – The following measure should be implemented at construction sites when required to mitigate significant PM$_{10}$ impacts (note: this measure is to be implemented in addition to Regulation VIII requirements):</td>
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<td></td>
<td>• Install sandbags or other erosion control measures to prevent silt runoff to public roadways from sites with a slope greater than one percent.</td>
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<tr>
<td>c) Result in a cumulatively considerable net increase of any criteria pollutant for which the project region is in non-attainment under an applicable federal or state ambient air quality standard.</td>
<td>Additional Control Measures – The following control measures are strongly encouraged at construction sites that are large in area, located near sensitive receptors, or which for any other reason warrant additional emissions reduction:</td>
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<td>• Install wheel washers for all exiting trucks, or wash off all trucks and equipment leaving the site</td>
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<td>• Install wind breaks at windward side(s) of construction areas</td>
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<td></td>
<td>• Suspend excavation and grading activity when winds exceed 20 mph</td>
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<td></td>
<td>• Limit area subject to excavation, grading, and other construction activity at any one time.</td>
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</table>

* The mitigation measures listed in this table will reduce all environmental impacts to a less than significant level.

Royal Oaks View Subdivision
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<thead>
<tr>
<th>Impact</th>
<th>Mitigation Measures</th>
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<th>Monitoring</th>
<th>Time Span</th>
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<td></td>
<td><strong>Construction Equipment Mitigation Measures:</strong></td>
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<td>- Use alternative fuel or catalyst-equipped diesel construction equipment</td>
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<td>- Minimize idling time (e.g., 10 minute maximum)</td>
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<td>- Limit the hours of operation of heavy duty equipment and/or the amount of equipment in use</td>
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<td>- Replace fossil-fueled equipment with electrically driven equivalents (provided they are not run via a portable generator set)</td>
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<td>- Curtail construction during periods of high ambient pollutant concentrations; this may include ceasing of construction activity during the peak-hour of vehicular traffic on adjacent roadways</td>
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<td>- Implement activity management (e.g. rescheduling activities to reduce short-term impacts)</td>
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<td><strong>Impact IV a), d) - Biological Resources:</strong></td>
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<td></td>
<td>Potentially substantial adverse effects on the following species: Valley oak trees, blue elderberry shrub, Valley Elderberry Longhorn Beetle, and avian predators or other resident migratory birds.</td>
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<td></td>
<td><strong>Mitigation Measure IV a), d):</strong></td>
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<td></td>
<td><strong>Valley Elderberry Longhorn Beetle</strong></td>
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<td></td>
<td>The US Fish and Wildlife Service (USFWS) considers that complete avoidance (i.e., no adverse effects) may be assumed when a 100-foot (or wider) buffer zone is established and maintained around all elderberry plants containing stems measuring one-inch or greater in diameter at ground level. If a 100-foot buffer zone cannot be maintained around all elderberry plants with at least one stem 1-inch or greater in diameter at ground level, the USFWS must be contacted for guidance on how to proceed. In certain instances the USFWS may approve encroachment on the 100-foot buffer zone, provided a minimum setback of at least 20 feet from the dripline of each elderberry plant can be maintained. In addition, the USFWS will require</td>
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*Royal Oaks View Subdivision*

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6 - 3
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<th>Impact</th>
<th>Mitigation Measures</th>
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<td>written verification of protective measures, restoration and maintenance of the 100-foot buffer zone, and other requirements in order to approve the encroachment.</td>
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<td>Avian Predators and other Resident or Migratory Birds</td>
<td>A pre-construction nest survey for avian predators and other resident and migratory birds should be conducted prior to project construction if any heavy equipment operations are to occur during the breeding season (February 15 through September 15). The survey should include all large trees on the project site and all large trees on adjacent lands. If any occupied nests are observed, heavy equipment operations should be minimized or avoided until the young have fledged and nesting has ceased. If this is not feasible, the USFWS (and CDFG, if State-listed species, e.g., Swainson’s hawk are involved) would need to be contacted for guidance on how to proceed. The USFWS would prescribe specific mitigation dependant upon the particular species involved and the manner in which heavy equipment operations are to be conducted.</td>
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<td>Valley Oak Trees</td>
<td>The project shall retain all five Valley oak trees located on the project site and land adjacent to the project site. Construction activities within the dripline of these trees should be avoided or minimized. The following measures are recommended to minimize impacts to valley oaks during project construction. These measures are adapted from the Standard Specifications for Building Around Valley Oaks, City of Visalia Urban Forestry Guidelines (2004).</td>
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<td>• A protection zone around all Valley oaks should be drawn to scale on plans; this includes accurately locating the trunk and depicting the crown dripline.</td>
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<tr>
<td>Earthwork is discouraged around the crown dripline.</td>
<td>- All utility locations should be included in all development plans involving valley oaks.</td>
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<td>- Protective tree fencing should be added prior to any earthwork, at least 3 ft. minimum in height, installed at outer most end of the dripline surrounding the trunk of a valley oak. The temporary fencing should be safety orange color, plastic webbing, temporary construction type fencing (snow fencing). Steel T-bar stakes should support the fencing. This fence should remain until construction is complete. Nothing should be stored inside the protective fence.</td>
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<td>- The addition of fill within the crown dripline of a valley oak should be limited to a maximum of 6 inches and no fill should be placed within 10 feet of the trunk. The fill should be of a high quality soil and clean of any debris.</td>
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<td>- Trenching within the crown dripline of a valley oak should be avoided. If utilities must be installed within the crown dripline it is recommended that utilities be installed via directional boring at a minimum depth of 36&quot;. If this is not feasible, care should be taken to avoid damaging the root system. Larger supportive roots should not be cut. If possible, there should be no soil compaction, paving or structures placed within the crown dripline of a valley oak.</td>
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<td></td>
<td>- Valley oak trees should be irrigated before construction starts and through construction during the summer (June through October). This will help ensure that the tree can better withstand the stresses of construction. Irrigation is extremely important during spring and summer when the environment around a mature valley oak is changed by construction. Irrigations should water all of the area under the crown dripline.</td>
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<tr>
<td>Impact V a) - Cultural Resources: Cause a substantial adverse change in the significance of an historical resource as defined in Section 15064.5.</td>
<td><strong>Mitigation Measure V a):</strong> According to a cultural resources record search completed by the Center for Archaeological Research at California State University, Bakersfield (Appendix D) the only recorded historic resource within the general area of the project is Poplar Ditch. As proposed, no impacts to Poplar Ditch are anticipated. A 48-inch high chain link fence, a 6-foot wide walkway, and public access and landscaping areas will be developed along the south side of the project to avoid impacts to Poplar Ditch.</td>
<td>Developer</td>
<td>City of Porterville</td>
<td>Project construction.</td>
</tr>
</tbody>
</table>
| Impact VII b) - Hazardous Materials Release: Asbestos and Lead | **Mitigation Measure VII b):** Several vacant residences are located on the project site. If any of these structures need to be demolished or dismantled and were built before 1972, they may contain asbestos-containing material and if they were built before 1978 they may contain lead-based paint. Any buildings built within these time frames will be inspected for the presence of these materials before they are demolished or dismantled. If they are found to contain asbestos, then the following standard San Joaquin Valley Air Pollution Control District (SJVAPCD) mitigation measures related to asbestos shall be implemented:  
  - A thorough survey of any building containing regulated asbestos-containing material (RACM) will be | Construction mitigation measures shall be incorporated into contract between applicant and contractor. | City of Porterville | Before and during construction. |
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<tr>
<th>Impact</th>
<th>Mitigation Measures</th>
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<tr>
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<td>conducted by qualified consultant.</td>
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<td></td>
<td>▪ A 10-day working notification of demolition of removal of asbestos will be released.</td>
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<td>▪ After this ten day period, the RACM may be removed but only after being inspected by a representative from the SJVAPCD.</td>
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<td>If there are any structures built before 1978 on the site to be demolished or dismantled, then the following mitigation measures shall be implemented:</td>
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<td>▪ Evaluate paint waste independently from the building material to determine whether or not lead-based paint (LBP) is present and to specify its proper management.</td>
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<td>▪ If LBP is found, complete abatement prior to any demolition activities that would create lead dust or fume hazard.</td>
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<td>▪ Perform removal of LBP in accordance with California Code of Regulation Title 8, Section 1532.1, which regulates and specifies exposure limits, exposure monitoring, respiratory protection, and good worker practices by workers exposed to lead.</td>
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<td>▪ Provide evidence by any contractor performing LBP paint removal to the City Building Official and County Environmental Health Department of the contractor's certified training for lead-related construction work.</td>
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<tr>
<th>Impact</th>
<th>Mitigation Measure XI a), b), c):</th>
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<tbody>
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<td></td>
<td>1. A minimum 6-foot block wall for lots fronting on Indiana shall be installed. Wall returns shall be installed on the subdivision entry lots on either side of the intersection of Indiana Street and Pin Oak Avenue (the project driveway) and on the northwestern corner of the lot at the intersection of Indiana Street and</td>
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<table>
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<tr>
<th>Impact</th>
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<th>Monitoring</th>
<th>Time Span</th>
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<tr>
<td>ambient noise levels.</td>
<td>Brown Avenue as shown on the Vesting Tentative Tract Map for the project.</td>
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<td></td>
<td>2. Rear yard setbacks shall be at least 34 feet for any two-story residences on lots that back up to Indiana Street. Lot 19, as shown on the Vesting Tentative Tract Map, shall have a 34 foot side yard setback on the side of that lot bordering Indiana Street for any two-story home.</td>
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</table>

**Impact XI d) - Noise:**

**Mitigation Measure XI d):** During construction activities there will be a short-term increase in noise associated with construction equipment that may exceed the City’s noise level standards. These activities will be restricted to the hours between 7:00 AM and 5:00 PM Monday through Friday and 9:00 AM and 5:00 PM on Saturday and Sunday, and will be short-term in nature. Therefore the impact will be less than significant.

| Impact XV a), b), e) - Traffic | Mitigation Measure XV a), b), e): Implementation of mitigation measures required for existing conditions will sufficiently improve levels of service under the “Existing Plus Project Scenario.” Mitigation measures described in the TIS and listed below are projected to bring all project area roadways and intersections to acceptable LOS. The TIS’s suggested pro rata share of the cost of these improvements to be borne by this project is listed in Tables 3-6 and 3-7. For a more detailed description of the methodology used to arrive at these results, please refer to the TIS (Appendix B). | City of Porterville | City of Porterville | Continued monitoring during project operation |

**Existing Conditions**

*Springville Avenue/Jaye Street* intersection: Install a traffic signal and widen the eastbound and westbound approaches to accommodate left turn lanes. It is recommended that protective phasing be applied to this traffic signal. Under “Existing” conditions, this intersection is operating at LOS.
<table>
<thead>
<tr>
<th>Impact</th>
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</thead>
<tbody>
<tr>
<td>“F” conditions during the AM and PM peak hour periods. With the implementation of the recommended mitigation measures, this intersection is projected to operate at LOS “C” conditions during the AM and PM peak hour periods.</td>
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<tr>
<td>State Route 190 EB Off Ramp/Main Street intersection. Install a traffic signal. Under “Existing” conditions, this intersection is operating at LOS “F” conditions during the AM and PM peak hour periods. With the implementation of the recommended mitigation measures, this intersection is projected to operate at LOS “B” conditions during the AM and PM peak hour periods.</td>
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<tr>
<td>It should be noted that long periods of delay were observed for the eastbound left turning movement at the Poplar Road (s/o State Route 190)/Jaye Street intersection; in fact, many of these movements were turning right and then making U-turns on Jaye Street to the south. However, because this intersection was analyzed as an isolated intersection and is based upon the outputs of the traffic analysis software, it currently operates at acceptable LOS conditions under all “Existing” scenarios. Although the traffic analysis software shows an acceptable LOS, field surveys by the traffic engineer indicate that there is a need to implement the mitigation measures described in the Jaye Street/Gibbons Avenue Study, specifically, relocating this intersection 300 feet south of the State Route 190 intersection.</td>
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<tr>
<td>Existing Plus Project</td>
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<tr>
<td>Under “Existing plus Project” conditions, the mitigation measures assumed under “Existing” conditions would result in acceptable operating conditions. Table 3-6 identifies the pro rata share intersection calculations for this project.</td>
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<td>Existing Plus Approved/Pending Projects Conditions</td>
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<td>Under “Existing plus Approved/Pending Projects”</td>
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<td>conditions, the following mitigation measures are recommended:</td>
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<td></td>
<td><em>Springville Avenue/Jaye Street</em> intersection: In addition to the improvements recommended under the “Existing” conditions scenario, it is recommended that the eastbound lane approach should be widened to accommodate a right turn lane; widen the westbound lane approach to accommodate a dedicated right turn lane; widen the northbound approach to accommodate a dedicated thru lane and a dedicated thru-right lane; widen the southbound approach to accommodate dual dedicated thru lanes. This intersection is projected to operate at LOS “F” conditions during the AM and PM peak hour periods. This is a result of vehicles experiencing long periods of delay on Springville Avenue (minor street) while waiting for a “gap” to enter or cross Jaye Street (major street). This intersection is also projected to meet the MUTCD Peak Hour Warrant 3. With the implementation of the recommended mitigation measures, this intersection is projected to operate at LOS “C” during the AM and PM peak hour periods.</td>
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<td><em>Poplar Road (north of SR 190)/Jaye Street</em> intersection: The development of the Riverwalk Marketplace and Porterville Commercial Center will lead to the intersection closure of Poplar Road North of State Route 190/Jaye Street.</td>
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<td><em>State Route 190/Jaye Street</em> intersection: Widen the southbound approach of this signalized intersection to include dual right turn lanes and dual left turn lanes; widen the eastbound approach to include dual left turn lanes; widen the westbound approach to include dual right turn lanes. In addition to the above mitigation, right turn overlap phasing should be implemented on all approaches. Under “Existing plus Approved/Pending Projects” conditions this intersection is projected to at LOS “F”</td>
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<td>during the AM and PM peak hour periods. With the implementation of the recommended mitigation measures, this intersection is projected to operate at LOS “D” conditions during the AM and PM peak hour periods.</td>
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**Jaye Street from State Route 190 to Springville Avenue:**
With construction of Approved/Pending projects it is recommended that this two-lane collector be improved to a four lane arterial per the City’s design standards.

**Existing Plus Approved/Pending Projects Plus Project Conditions**

Under “Existing plus Approved/Pending Projects plus Project” conditions, the mitigation measures assumed under “Existing plus Approved/Pending Projects” would result in acceptable operating conditions. Table 3-7 identifies the pro rata roadway share calculations for this project.

**Year 2030 Base No-Build Conditions**

Under “Year 2030 Base No-Build” conditions, it is assumed that Jaye Street will have been improved to a four lane arterial from State Route 190 to Springville Avenue as called for in the Circulation Element of the City’s current General Plan and that mitigation measures identified through “Existing plus Approved/Pending Projects plus Project” conditions have been implemented. In addition, the following mitigation measures are recommended:

**Springville Avenue/Jaye Street intersection:** Widen the northbound approach to accommodate dual left turn lanes. Under “Year 2030 Base No-Build” conditions this intersection is projected to operate at LOS “E” conditions during the PM peak hour period. Implementation of the recommended mitigation measures will result in LOS “D”
<table>
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<tr>
<th>Impact</th>
<th>Mitigation Measures</th>
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<tr>
<td></td>
<td>conditions during the PM peak hour.</td>
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<td><strong>State Route 190/Jaye Street</strong> intersection: Widen the westbound approach to accommodate three through lanes. This intersection is projected to operate at LOS “E” during the PM peak hour period. Implementation of the recommended mitigation measure will result in LOS “D” conditions during the PM peak hour.</td>
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<td><strong>Gibbons Avenue/Indiana Street</strong> intersection: Install a traffic signal. This intersection is projected to operate at LOS “F” during the AM and PM peak hour periods. Implementation of the recommended mitigation measure will result in LOS “D” conditions during the PM peak hour.</td>
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<td><strong>Scranton Avenue/Indiana Street</strong> intersection: Widen the northbound and southbound approaches to accommodate two thru lanes. This intersection is projected to operate at LOS “F” during the AM and PM peak hour periods. Implementation of the recommended mitigation measure will result in LOS “D” conditions during the PM peak hour.</td>
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<td></td>
<td><strong>Year 2030 Base Plus Project Conditions</strong></td>
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<td>Under “Year 2030 Base plus Project” conditions, it is assumed all intersections except for Poplar Road (south of State Route 190)/Jaye Street will be operating at a LOS “D” or better if all aforementioned mitigation measures are implemented. Therefore, the following improvements are recommended:</td>
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<td><strong>Poplar Road (s/o State Route 190)/Jaye Street</strong> intersection: This intersection is projected to operate at LOS “E” conditions during the AM and PM peak hour periods. The following discusses a recommendation from <em>Jaye Street Improvement Project Traffic Analysis</em> (OMNI-MEANS, May 2003):</td>
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"Poplar Road (south of State Route 190)/Jaye Street intersection: Close this intersection by eliminating access to Jaye Street. Based upon a queuing analysis performed by OMNI-MEANS, inadequate storage between this intersection and the State Route 190/Jaye Street intersection immediately to the north will result if a traffic signal is installed at Poplar Road (south of State Route 190)/Jaye Street. It is projected that substantial queues would be created between the two intersections that would result in unsafe operating conditions. Alternative access is recommended that would be a minimum of 300 feet south of State Route 190."

However, it should be noted that limited access points are located south of this intersection to provide a logical connection to Jaye Street and that right-of-way acquisition may be necessary. Another alternative, which is included as a supplement to this report, would be to reconfigure Poplar Road s/o State Route 190 to a right turn only driveway and to provide for a roundabout on Jaye Street south of State Route 190 that would tie into Montgomery Avenue. However, due to the large percentage of trucks, the design of a traffic circle would have to accommodate the amount of trucks that are traveling to/from the current industrial land uses.
<table>
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<tr>
<th>Impact</th>
<th>Mitigation Measures</th>
<th>Implementation</th>
<th>Monitoring</th>
<th>Time Span</th>
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<tbody>
<tr>
<td>Impact XVII a) — Mandatory Findings of Significance: Impacts on wildlife</td>
<td>Mitigation Measure XVII a): See Impact IV a), d)</td>
<td>Developer and Qualified biologist</td>
<td>City of Porterville</td>
<td>Before, during, and after project construction.</td>
</tr>
<tr>
<td>Impact XVII b) — Mandatory Findings of Significance: Cumulative traffic impacts</td>
<td>Mitigation Measure XVII b): See Impact XV a), b), e)</td>
<td>City of Porterville</td>
<td>City of Porterville</td>
<td>Continued monitoring during project operation.</td>
</tr>
</tbody>
</table>
RESOLUTION NO.

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PORTERVILLE
CONTAINING FINDINGS IN SUPPORT OF APPROVAL OF A MITIGATED NEGATIVE
DECLARATION OF ENVIRONMENTAL IMPACT FOR THE ROYAL OAKS VIEW
VESTING TENTATIVE SUBDIVISION MAP FOR THAT 40.39± ACRE SITE
LOCATED GENERALLY ON THE EAST SIDE OF INDIANA BETWEEN BROWN
AVENUE AND POPLAR DITCH IN SOUTHWEST PORTERVILLE

WHEREAS: The City Council of the City of Porterville at its regularly scheduled meeting
of August 1, 2006 conducted a public hearing to consider approval of Royal Oaks View Vesting
Tentative Subdivision Map, being a division of a 40.39± acre parcel zoned Single Family Residential
(One-Family Zone) into a 193 lot single family residential subdivision to be developed in two (2)
phases for that site generally located at the east side of Indiana Street between Brown Avenue and
Poplar Ditch in southwest Porterville; and

WHEREAS: On June 6, 2006, the Environmental Coordinator made a preliminary
determination that a Mitigated Negative Declaration would be appropriate for the proposed project;
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 (Exhibit A) was prepared for the project in
   accordance with the California Environmental Quality Act.

2. That the Mitigated Negative Declaration prepared for this project was made available
   for public review and comment. The 20-day review period was from June 12, 2006 to
   July 2, 2006. Comments have been received from the Lower Tule River Irrigation
   District and the SJVAPCD. Comments have been noted in the file and addressed as
   appropriate. Comment letters are attached to the staff report.

3. That the proposed project could have a significant effect on the environment, but
   through implementation of the Mitigation Monitoring Program as defined (Exhibit B)
   will not create adverse environmental impacts.

   The proposed Mitigated Negative Declaration was evaluated in light of the prepared
   environmental Initial Study, comments from interested parties and the public, as well
   as responses to written comments received during the review period. It was
determined that potential impacts associated with the proposed project could be
mitigated to a less than significant level through the implementation of the attached
mitigation measures.

4. That the City Council is the decision-making body for the project.
5. That the mitigation measures contained in the Negative Declaration were incorporated into a Mitigation Monitoring Program attached hereto as Exhibit B and included as Condition 59 in the proposed resolution of approval for the Royal Oaks View Vesting Tentative Subdivision Map.

6. That review of the environmental circumstances regarding this project indicates that no adverse impacts would accrue to wildlife resources from implementation of the project with the implementation of the Mitigation Monitoring Program.

A reconnaissance-level biological assessment (included in the appendices of the environmental Initial Study and available for review) was conducted on-site. Two mature Valley oak trees and one blue elderberry shrub are located on the project site. These sites may provide habitat for Valley Elderberry Longhorn Beetle and avian predators or other resident or migratory birds. The blue elderberry shrub and the valley oak trees will be preserved and incorporated into the pocket park.

7. That the project may proceed subsequent to approval and/or conditional approval of the State Department of Fish and Game relative to said State Department’s consideration of a “de minimis impact” pursuant to Section 711.2 et. seq. of the Fish and Game Code.

8. That the environmental assessment and analysis prepared for this project supporting the Mitigated Negative Declaration reflects the independent judgment of the City of Porterville.

NOW, THEREFORE, BE IT RESOLVED: That the City Council of the City of Porterville does hereby approve the Mitigated Negative Declaration for Royal Oaks View Vesting Tentative Subdivision Map as described herein.

Cameron Hamilton, Mayor

ATTEST:

John Longley, City Clerk

By ________________________
Georgia Hawley, Chief Deputy City Clerk
Exhibit A, Mitigated Negative Declaration, See Attachment 2
Exhibit B, Mitigation Measures, See Attachment 3
RESOLUTION NO.___________

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PORTERVILLE IN SUPPORT OF APPROVAL OF A VESTING TENTATIVE SUBDIVISION MAP FOR THE ROYAL OAKS VIEW PROJECT FOR THAT 40.39± ACRE SITE LOCATED GENERALLY ON THE EAST SIDE OF INDIANA BETWEEN BROWN AVENUE AND POLAR DITCH IN SOUTHWEST PORTERVILLE

WHEREAS: The City Council of the City of Porterville at its regularly scheduled meeting of August 1, 2006 conducted a public hearing to consider approval of Royal Oaks View Vesting Tentative Subdivision Map, being a division of a 40.39± acre parcel zoned Single Family Residential (One-Family Zone) into a 193 lot single family residential subdivision to be developed in two (2) phases for that site generally located at the east side of Indiana between Brown Avenue and Poplar Ditch in southwest Porterville; and

WHEREAS: On June 6, 2006, the Environmental Coordinator made a preliminary determination that a Mitigated Negative Declaration would be appropriate for the proposed project; and

WHEREAS: The Subdivision Review Committee on June 28, 2006, reviewed and discussed concerns and conditions that should be addressed before the City Council. Conditions developed as a result of this meeting and subsequent staff review have been discussed with the applicant’s agent and incorporated into the draft resolution of approval; and

WHEREAS: The City Council received testimony from all interested parties relative to the proposed vesting tentative subdivision map; and

WHEREAS: The City Council made the following findings:

1. That the design and improvements of the proposed project are consistent with the General Plan, as required by the California government Code Section 66473.5.

   The Land Use Element of the General Plan designates the site for Low Density Residential development (2-7 d.u./acre). The proposed subdivision will be developed to a density of 4.19 d.u./acre.

   The average size lot ranges from 6000 sq. ft. to 6,500 sq. ft. and the project site is generally square. The north portion of the site fronts on Brown Avenue. The south portion fronts along the north side of the Poplar Ditch, which will be enhanced by a pedestrian trail. Indiana Street extends north and south and will provide primary access to the City circulation system. Pin Oak Avenue provides primary access into the subdivision as it extends east of Indiana Street. Pin Oak Avenue is 60ft in width between Indiana Street and Royal Oak Street, and narrows to 50ft east of Royal Oak Street to South Chess Terrace as does Red Oak Avenue just to the north. The north/south interior street of the subdivision terminate south of Pin Oak into cul-de-
sacs and are built to a standard width of 50 ft, except Royal Oak Street and Cottage Street, which are 60 feet in width. Willow Oak Avenue, which runs east/west in the northern part of the subdivision, is a 60 ft wide collector street that connects Royal Oak Street to South Chess terrace Street. Brown Avenue, an existing street at the northern boundary of the project site, will be improved to a 30 ft eastbound lane and a 13 ft westbound lane. This will provide for improved access and circulation to the subdivision.

2. That the site is physically suitable for the type and density of the proposed development.

3. That the design of the project, or proposed improvements could have a significant effect on the environment, but through implementation of the Mitigation Monitoring Program as defined (Exhibit B) will not create adverse environmental impacts. Condition 59 of this resolution requires the developer/applicant to comply with all Mitigation Measures contained in the Mitigation Monitoring Program attached to the resolution.

4. The Initial Study prepared for this project indicates that all potential impacts will be mitigated to less than significant levels. Through the implementation of the mitigation measures contained in the Mitigation Monitoring Program, the result in impacts addressed will be less than significant.

5. That the proposed location of the project and the conditions under which it would be operated or maintained will not be detrimental to the public health, safety or welfare, or materially injurious to properties or improvements in the area.

The General Plan designates the site for Low Density Residential uses. Residential developments are located to the north and south. The adjacent property to the east is vacant land. To the west of the proposed subdivision a rural residence, a drainage basin/pond, and vacant land are located on the west side of Indiana Street.

6. That the standards of population density, site area dimensions, site coverage, yard spaces, height of structures, distance between structures, off-street parking facilities and landscaped areas will produce an environment of stable and desirable character consistent with the objectives of the Zoning Ordinance.

The proposed project complies with all the requirements of the Subdivision Ordinance. The development standards of the R-1 (One Family Residential) Zone including lot sizes, site coverage, parking, etc., will apply to the site.
NOW, THEREFORE, BE IT RESOLVED: That the Porterville City Council does hereby approve Royal Oaks View Tentative Subdivision Map subject to the following conditions:

1. The developer shall designate lot 46 as a pocket park. A portion of the pocket park shall be reserved for a municipal well site. The pocket park will also include the existing oak trees and blue elderberry shrub on site.

2. One tree of minimum #15 specimen size and approved as a city street tree is required in the front yard of each lot. One additional tree is required on corner lots. Root barriers are required for all trees planted within ten feet of public sidewalks.

3. The pocket park, pedestrian trail, and Indiana Streetscape shall comply with Ordinance No. 1483, the Water Efficient Landscape Ordinance. Landscape and irrigation criteria must be approved. Two (2) sets of landscape and irrigation plans are required with a $25.00 plan check fee.

4. The applicant/developer shall dedicate Lot #46 to the City for a pocket park. The park shall be fully landscaped by the applicant/developer with no greater than 35% turf coverage, pedestrian pathways, interspersed tables and benches, and sufficient trees to provide a minimum of 70% shading within seven years. Turfed areas shall be at least 20 feet distant from the Elderberry and Oak Tree. The Elderberry and Oak tree shall be protected through implementation of recommendations prepared by a qualified urban tree preservation arborist. A report on the proposed plant preservation and necessary pruning work shall be supplied by the developer/applicant to the Parks and Leisure Services Director. The Director’s approval of the report must be achieved prior to commencing any construction activity (including the construction or grading of a ditch access roadway), within one hundred feet of the existing Elderberry or Valley Oak tree.

5. The applicant/developer shall construct a 6-foot high PCC or masonry fence along all common lines with residential lots that border the pocket park and pedestrian trail space. The fence shall be reduced in height at front yard setback lines and otherwise fully comply with fence height requirements.

6. The developer/applicant shall dedicate to the City a pedestrian trail space across the southerly portion of the site. The pedestrian trail space shall be a minimum of 18-feet wide, with an 8-foot wide pathway, 2-foot wide shoulders, a landscape area adjacent to the residential lots, and shall be constructed in compliance with the construction plans filed with the Parks and Leisure Services Department on May 23, 2006.

7. A PCC or masonry fence with an articulated alignment shall be constructed by the applicant/developer along the Indiana Street frontage of all lots. A minimum 6-foot wide landscape area shall be provided between the masonry wall and the public sidewalk. The masonry wall shall be located to ensure adequate sight distance at street intersections. A 5-foot wide wall and landscape maintenance easement shall be conveyed to the City of Porterville along the rear and side yards of lots abutting Indiana Street.
8. Prior to the approval of improvement plans, the developer/applicant shall have completed and approved, landscaping and/or lighting improvement plans. The developer/applicant shall petition, on a form provided by the City, to have the development included within a Lighting and Landscape Maintenance District. Submit with the petition the $375.00 fee. The following shall be included and maintained in said district: (1) Lighting, (2) Recreational Open Space, (3) Public landscaping, if any; (4) Public walls/fences, if any; (5) Drainage reservoirs, if any, and (6) any other public improvement.

9. The developer/applicant shall prepare an Engineer’s Report for the establishment of assessments in order to provide for ongoing maintenance of subdivision improvements to be included within the Lighting and Landscape Maintenance District. The Lighting and Landscape Maintenance District shall be established, or the annexation into an existing District shall be concluded, and landscape and lighting improvements shall be completed and accepted concurrently with the other improvements in the project.

10. Exclusive of assessments for a Lighting and Landscape Maintenance District, the developer/applicant shall pay all service fees and maintain all new lighting and landscape improvements in a safe and healthy manner for the greater of a minimum ninety-day plant establishment period following acceptance of the subdivision improvements, or until assessment begins for the Lighting and Landscape Maintenance District.

11. Prior to commencing landscape improvement construction, the developer/applicant shall obtain soil analysis to determine amendments and conditioning of soils to be utilized within the landscape areas. A copy of the soil analysis and recommendations shall be provided to the Parks and Leisure Services Director for approval. The developer/applicant shall fully implement the required amendments and conditioning of landscape soils to ensure an adequate media for healthy and vigorous plant growth.

12. Construction of a masonry block wall, no less than six feet in height and landscaping along the full length of the Indiana Street frontage will be required. Said area to be placed in a Landscape Maintenance District to include the proposed pocket park. Particular attention shall be directed to provide a graffiti free design through the use of a combination of trees, shrubs and vines to be planted to screen the wall. The wall(s) shall meet the following standards:

a. The wall(s) shall match one of the colors in the color palette approved by the City Council and maintained by the Community Development Director.

b. The wall(s) shall include articulation at intervals of approximately 80 feet except where such articulation is precluded by design constraints. In no case shall a wall exceed 160 feet without articulation. Methods of articulation may include the following:
   i. A minimum of 24-inch change of plane.
   ii. A minimum of an 18-inch change in height.
iii. A section of semi-open fence, except where such a feature would interfere with required sound protection.
iv. A change of material.


14. The developer/applicant shall pay all applicable fees in accordance with the Municipal Code and State law, prior to approval of the final map by City Council. Fees are subject to change annually. The developer/applicant is hereby notified that you have the right to pay fees, dedications, reservations or other exactions, under protest, pursuant to Government Code section 66020(a). You have 90 days from the date fees are paid to file a written protest.

15. The developer/applicant shall dedicate right-of-way adequate for a street width that matches the ultimate width in the adopted Land Use and Circulation Element and/or the width established by City Council. The developer/applicant shall dedicate and improve a right-of-way adequate for a minimum of two lanes of traffic and on street parking, on one side, on streets adjacent to the property lines as well as dedication of property required for disabled ramp(s) (C.C. Sec. 21-23). The Indiana Street alignment is non-standard and shall comply with the alignment dedicated by prior developments in the area. The development variance associated with Sierra Meadows Subdivision shifted the construction centerline of Indians Street (collector width) 6ft west of the Section line. The locator of existing high transmission power poles and lines instigated the variance request.

16. The developer/applicant shall cause all unnecessary easements to be vacated prior to or in conjunction with the Final Map processing.

17. The developer/applicant shall relinquish access rights along lots fronting Indiana Street on the Final Map.

18. The developer/applicant shall provide and show all required utility easements on the Final Map.

19. The developer/applicant shall dedicate a one-foot (1') limitation of access strip at locations where, in the opinion of the City Engineer, it is undesirable to allow access.

20. The developer/applicant has complied with Chapter 7, Article XIII of the City Code and Appendix Chapter 33 of the California Building Code and provided a Preliminary Soils Report (C.C. Sec. 7-126 & Res. 4997) including results of "R-Value" tests and recommendations regarding construction of public improvements that address City Standard C-13, satisfactory to the City Engineer. Additional reporting requirements are as indicated below:
a. Final Grading, Drainage and Soils Report, prior to issuance of building permits (C.C. Sec. 7-133);
b. Erosion Control Plan in conformance with the California Storm Water Best Management Practice Handbook for Construction Activity, prior to start of grading (CBC Appendix chapter 33). The provisions of the approved Erosion Control Plan shall be incorporated into the Improvement Plans.

21. The developer/applicant shall comply with City Retaining Wall Standards (adopted by City Council January 3, 1989) at lot lines where such standards are applicable.

22. In accordance with Section 21-51 of the Subdivision Ordinance, the developer/applicant shall enter into an agreement that provides for completion of improvements within twelve (12) months of recording the final map for each phase.

23. Prior to start of grading on any unit, the developer/applicant shall abandon and cap existing wells that are no longer in service. Prior to approval of the improvement plans, the developer/applicant shall obtain an abandonment permit from the County Department of Environmental Health. Prior to acceptance of improvements, the developer/applicant shall provide the City Engineer with proof of completion in compliance with County regulations. Developer/applicant shall comply with City standard for “backflow” prevention pursuant to Resolution No. 9615 for all wells that will remain in service.

24. The developer/applicant shall replace or provide surety for replacement of irrigation pipes in the right-of-way, if, in the opinion of the City Engineer, replacement is warranted. The developer/applicant shall provide easements for irrigation pipes across lots created, if pipes will continue in use. The developer/applicant shall also cure leaks in any irrigation pipe that will continue use.

25. Prior to recording the final map, the developer/applicant shall provide surety for off-site improvements and provide easements, permits, calculations, etc. if, in the opinion of the City Engineer, they are needed for the proper functioning or phasing of the subdivision (e.g. water, sewer, drainage, etc.).

26. The developer/applicant shall coordinate with the U.S. Postal Service regarding the kind of mail facilities that will be utilized. If neighborhood box units (NBUs) are to be used, construct sidewalks in a timely manner to facilitate NBU installation.

27. The developer/applicant shall obtain a City demolition permit prior to approval of the improvement plans and, under City inspection, remove all existing, abandoned and unnecessary items, to the satisfaction of the City Engineer, prior to acceptance of the improvements (e.g. buildings, foundations, septic tanks, irrigation pipes, etc.).

28. The developer/applicant shall assure compliance with applicable San Joaquin Valley Unified Air Pollution Control District Rules (e.g., Numbers 8010, 8020 and 8030), regarding fugitive dust, as well as Section 7-8, Project Site Maintenance of the Standard Specifications. The
developer/applicant shall provide a street sweeper as necessary to comply. During grading operations the "Supervising Civil Engineer" shall be responsible for enforcing the dust control provisions of Section 7-8 or the developer/applicant shall pay inspection fees on the grading cost to compensate the City for dust control inspection. The improvement plans shall show a designated wash out area for concrete trucks, and a sign designating it as such. The developer/applicant shall remove and properly dispose of waste concrete deposited in this area.

29. San Joaquin Valley Air Pollution Control District (District) Adoption of Rules 9510 and 3180 – Indirect Source Rule (ISR) effective March 1, 2006, the District will enforce the Indirect Source Rule. ISR applies to projects that are at least:

- 50 residential units
- 2,000 square feet of commercial space
- 9,000 square feet of educational space
- 10,000 square feet of government space
- 20,000 square feet of medical or recreational space
- 25,000 square feet of light industrial space
- 39,000 square feet of general office space
- 100,000 square feet of heavy industrial space
- Or, 9,000 square feet of any land use not identified above.

Projects that meet the above thresholds but are found through the application process to have mitigated emissions of less than two tons per year each of nitrogen oxides and PM10 (particulate matter 10 microns and smaller) will not be subject to the emission-reduction requirements of the rule.

It is the applicants’ responsibility to file an application (found at http://www.valleyair.org/ISR/ISR.htm) with the District. The application must be filed with the District no later than concurrent with an application for final discretionary approval with a public agency. An application maybe filed with the District prior to applying for a final discretionary permit from the local agency, at the discretion of the applicant. This timing was included in the rule so that applications filed with the District would not interfere with the local agency development approval process and so that local agencies could consider the benefits of the ISR program emission reductions in their environmental documents. The District recognizes the land use authority of local land use agencies and will not impose any design requirements upon ISR projects. The District will provide a letter of rule compliance status to the local agency upon request. The ISR Program does not place any requirements upon the agency.

ISR applicants can take credit for those measures that are required by the local agency or included in the design of the project that have a quantifiable air quality benefit. ISR applicants can also take emission reduction credit for those measures that are not required by the local agency, but have been voluntarily identified by the applicant.
The District will be responsible for enforcing compliance for those measures identified by the applicant that are not required by the local agency and do not affect the design or construction standards. Examples of District enforced measures are operational measures such as businesses offering transit subsidies to employees and transportation demand management programs. The District will enforce those measures through a Monitoring and Reporting Schedule (MRS).

The District will notify the local agency when a project’s application is deemed complete, and when it is approved. The District will send copies of the preliminary and finalized MRS to the local agency for voluntary review for consistency with local regulations and programs. If the local agency, or applicant or district determines that a measure on the MRS is not consistent with local agency regulations and programs, that measure will be removed from the MRS and the project will be re-assessed.

For more information regarding the Indirect Source Rule, please contact the San Joaquin Valley Air Pollution Control District at (559) 230-6000. The Central Region office in Fresno is leading the ISR enforcement.

30. The developer/applicant shall construct or provide surety for construction of curb, gutter, sidewalk, water, sewer, street paving to the center of the street (if necessary), pavement lane transitions (offsite), traffic safety marking and signs, etc. along the full frontage of all proposed subdivision lots except where they exist to City standards and are in good condition in the opinion of the City Engineer. The developer/applicant shall stub improvements to the property line if, in the opinion of the City Engineer, they will be needed for connection to development on the adjacent property.

31. Building or foundation permits shall not be issued until all of the following items are accepted as complete:

a. The storm drain system is functional so that it will accept water from fire hydrant and/or water main flushing;

b. The water system is functional from the source of water past the lots on which permits are being requested (i.e. all services and the sampling station, if required, are installed, valves are functional and accessible, bacteria testing is completed, etc.);

c. Street base rock for accessibility by the public safety officials and building inspectors;

d. Lots are graded in accordance with the approved grading plan. Prior to receipt of the Final Grading, a Drainage and Soils Report, and a letter from the "Supervising Civil Engineer" is required validating that the grading has been done in accordance with the approved grading plan and in accordance with the recommends contained in the Preliminary Soils Report;

e. Lot corners are marked;

f. Fire hydrants are accepted by the Fire Department and the Engineering Division.

32. The developer/applicant has provided a Hydraulic analysis that reflects compliance with City
standards and the Storm Drain Master Plan. The pad grades and top of curb grades have been illustrated as a component of the Hydraulic analysis.

33. The developer/applicant shall install pipe to Drainage Reservoir No. 55 and obtain Caltrans approval to cross State Route 190 or connect to the existing 24” pipe. Alternatives are:

a.) Provide on-site drainage reservoir and convey an easement to City of Porterville. Maintenance of the reservoir shall be a component of the Landscape and Lighting District.

b.) Provide off-site drainage reservoir by obtaining rights to convey storm water to an existing low area west of the proposed development and convey an easement to the City of Porterville.

c.) Initiate a change to the City’s Storm Drain Master Plan, acquire existing low area west of the proposed development for an off-site reservoir and convey to the City of Porterville. The developer/applicant shall construct improvements necessary to comply with City standards. Refer to condition No. 44, which relates to the reimbursement of master plan facility improvements.

d.) City to modify the Storm Drain Master Plan and negotiate for the purchase of the existing low area west of the proposed development for on-site drainage or obtaining rights to convey storm water to a low area west of the proposed development. An easement shall be dedicated to the City for on-site drainage reservoir and the off-site drainage reservoir.

34. The developer/applicant is advised that he is obligated to comply with the National Pollutant Discharge Elimination System (NPDES) General Permit No. CAS000002 for discharge of storm water associated with construction activity will be required (except operations that result in disturbance of less than five acres of total land area and which are not a part of a larger common plan of development or sale). Before construction begins, the proponent must submit a Notice of Intent (NOI) to comply with the permit, a site map, and appropriate fee to the State Water Resources Control Board (SWRCB). The proponent must also prepare a Storm Water Pollution Prevention Plan (SWPPP) for the entire project before construction begins. The SWPPP must contain at a minimum all items listed in Section A of the permit, including descriptions of measures to be taken to prevent or eliminate unauthorized non-storm water discharges and both temporary (e.g., fiber rolls, silt fences, etc.) and permanent (e.g., vegetated swales, detention basins, etc.) best management practices that will be implemented to prevent pollutants from discharging with storm water into water of the United States. If portions of the project area are to be sold off before the entire project is completed, the proponent must submit to the California Regional Water Quality Control Board a change of information form identifying the new owners along with a revised site map clearly depicting those portions that were sold and those that are remaining. The proponent is also responsible for informing each new owner of their responsibility to submit their own NOI, site map, and appropriate fee to the SWRCB and to prepare their own SWPPP.

35. Rear yard setbacks shall be at least 34 feet for any two-story residences on lots along Indiana
Street. Lot 19, as identified on the map, shall have a 34-foot side yard setback if a two-story home is built at that location.

36. A minimum 6-foot block wall along Indiana Avenue must be constructed. Wall returns shall be installed on the subdivision entry lots on either side of the intersection of Indiana Street and Pin Oak Avenue and on the southeastern corner of the intersection of Indiana Street and Brown Avenue as shown on the Vesting Tentative Subdivision map.

37. To accommodate refuse vehicles and street-sweepers, the developer/applicant shall dedicate and improve, to City standards, temporary turn-arounds at the ends of dead-end streets.

38. The developer/applicant shall construct all weather alternative vehicular access road equipped with a double 2.5" pipe security gate with Knox padlock to accommodate emergency service vehicles at such time that phased development of the subdivision results in creation of dead end cul-de-sac streets in excess of 600 feet long. This road shall be designed to avoid and preserve the oak tree near the southwest boundary of the project at the property line.

39. The developer/applicant shall cause all regulatory and street name signs to be installed prior to occupancy of any house located where its occupants will utilize a street that does not have them.

40. The developer/applicant shall construct City standard barricades at the end of all dead end streets.

41. The developer/applicant shall install a forty-eight (48) inch high chain link fence along the north property line, on the north side of Brown Ave, except at Chess Terrace Street. Type "N" signs, three (3) total, shall be placed on the chain link fence at the intersection of Cottage Street and Brown Avenue.

42. The developer/applicant shall connect Chess Terrace Street (north of project area) to Brown Avenue. Street structural section shall comply with City standards and Caltrans Design Manual. Curb, gutter and sidewalk are not required along Chess Terrace.

43. The developer/applicant shall provide a mid lot access street to the adjacent easterly property.

44. The developer/applicant shall construct disabled ramps at all street intersections that comply with American Disability Act (ADA). Compliance with ADA Standards and any changes thereto, is a requirement for the life of the Vesting Tentative Map.

45. The developer/applicant shall cause the sewer system to be completed, tested, and accepted by the City prior to residential occupancy of any house in the subdivision.

46. The developer/applicant shall move existing utility structures (For example, poles, splice boxes, vaults, etc.) to a position that provides a minimum of four feet (4') of clear space in
the sidewalk area and a minimum of two feet (2') of clear space from the curb face to the structure, unless they are below grade (Title 24 DSA) or provide surety in lieu of (Section 2616.1 of the Zoning Ordinance).

47. Prior to acceptance of improvements, the developer/applicant shall provide streetlights on Marbelite poles complying with Southern California Edison Company specifications as required by the City Engineer. Use of wood poles is prohibited without prior written approval of the City Engineer. Street light spacing shall be at 160ft intervals, staggered throughout the proposed subdivision. The following street light luminaries are requirements for this development, e.g.:

<table>
<thead>
<tr>
<th>Street</th>
<th>Lumens</th>
</tr>
</thead>
<tbody>
<tr>
<td>Indiana Street</td>
<td>9500 lumens</td>
</tr>
<tr>
<td>Brown Avenue</td>
<td>5800 lumens</td>
</tr>
<tr>
<td>Internal Streets</td>
<td>5800 lumens</td>
</tr>
</tbody>
</table>

48. The developer/applicant shall construct the water system in a maximum of two sections for each phase of the subdivision. One section for the model homes and one section for the remainder of the phase. The number of model homes shall not exceed one for each 10 lots in the subdivision or four, whichever is greater. The model homes shall be clustered.

49. The developer/applicant shall have a Civil Engineer design a water system that will provide a fire flow at each fire hydrant of 1,000 g.p.m. with 20 p.s.i. residual pressure for a dwelling less than 3,600 square feet and 1,500 g.p.m. with 20 p.s.i. residual pressure for a dwelling unit greater than 3,600 square feet.

50. The developer/applicant shall dedicate property to the Poplar Ditch Company as required for maintenance.

51. The developer/applicant is hereby notified that reimbursement for Master Plan facilities is made when funds are available and is contingent upon the work being done by the approved low bidder of at least two bona fide bidders. The bids must be approved by the City prior to construction.

52. The developer/applicant shall obtain written direction from the Poplar Ditch Company that addresses the improvements required along the Poplar Ditch. The irrigation district shall also address the interest they may or may not have in the land designated as lot 197 on the Vesting Tentative Map.

53. The developer/applicant shall also obtain written direction from the Poplar Ditch Company that address the City’s intention of having a pedestrian trail along the north side of the ditch. The City would anticipate a minimum of a 10ft trail with a chain link fence along or near the top of the ditch bank. The trail shall be confined to the boundaries of the subdivision and eventually continue to Jaye Street. The trail, including the landscaping and irrigation, shall be constructed and dedicated to the City as a part of the development. Pedestrian trail and landscape maintenance shall be included in the landscape and maintenance district.
54. The developer/applicant shall provide access to the trail via cul-de-sac(s) ending at or near the southerly boundary of the subdivision.

55. The developer/applicant has resolved all issues related to improvements adjacent to the Poplar Ditch with the controlling district prior to approval.

56. Signs require a separate permit.

57. Comply with latest applicable codes.

58. When any portion of the building to be protected is in excess of 150ft from a water supply on a public street, there shall be installed on-site fire hydrants capable of supplying the required flow.

59. Additional fire hydrants will be required. All hydrants must be in place and accepted by the Fire Department prior to any combustibles being brought onto the site. An approved detector check valve must be installed per City standards on any hydrant located on private property.

60. The City will test and maintain all fire hydrants in the City whether on private property or not. An “easement” is required from the owner.

61. Access roads shall be provided for every facility, building or portion of a building, when any portion of the facility or portion of an exterior wall is located more that 150 feet from a fire apparatus access as measured by an approved route around the exterior of the building.

62. Fire hydrants spacing shall be as follows: In Residential development, one hydrant shall be installed at every 500 feet intervals.

63. Fire hydrants for the development shall be placed as required per the Fire Department.

64. All dead-end access roads in excess of 150 feet must be provided with an approved turn-around complying with City Standards.

65. All turns on driveways must meet the minimum radius allowed set by City standards.

66. Project must meet minimum fire flow requirements per table in Appendix III-A & III-B of the California Fire Code.

67. Areas identified as “Fire Lanes” must be identified as such by red painted curbs and identified per requirements set forth in the California Vehicle Code Sec. 22500.1.

68. Any gates installed in the project that restrict access must be fitted with a Knox Key.

69. Additional requirements for compliance with the Uniform Fire Code may be added at the
time of building permit review when more information regarding the building type and use are provided.

70. Hydrants will be required along streets that do not have structures facing them at a maximum spacing distance of 1000’ per CFC Appendix III-B Table A-III-B-1 note number 3.

71. The developer/applicant shall comply with all mitigation measures adopted as a component of the approval of the Mitigated Negative Declaration for this project. Prior to recording the final map, the developer/applicant shall submit a signed document committing to comply with the adopted mitigation measures.

72. At all times, the facility shall be operated and maintained to comply with current State Law, the City of Porterville Zoning Ordinance, adopted Building Codes and all other applicable laws and ordinances.

73. The term of the vesting tentative map shall conform to the provisions of Government Code Sections 66452.6(e) and 66498.5.

________________________________________
Cameron Hamilton, Mayor

ATTEST:

John Longley, City Clerk

By ______________________________
Georgia Hawley, Chief Deputy City Clerk
PUBLIC HEARING
STAFF REPORT

TITLE: RIVERWALK MARKETPLACE COMMERCIAL CENTER PROJECT; CERTIFICATION OF A FINAL ENVIRONMENTAL IMPACT REPORT

APPLICANT: ENNIS COMMERCIAL PROPERTIES
643 NORTH WESTWOOD AVENUE
PORTERVILLE, CA 93257

AGENT: CEI ENGINEERING ASSOCIATES, INC.
4237 WEST SWIFT AVENUE
FRESNO, CA 93722

LOCATIONS: The project is generally located at the northwest corner of Jaye Street and State Route 190.

SPECIFIC REQUEST: The applicant is requesting certification of a Final Environmental Impact Report (EIR), which evaluated the impacts of the development of an approximately 360,000 square foot commercial shopping center (Riverwalk Marketplace) on a 40-acre site within the Viejo Robles Planned Development.

Specifically, the project includes development of approximately 40± acres to commercial land uses, and would consist of approximately 360,000± square feet of commercial buildings, primarily retail and restaurant uses anchored by a 139,410± square-foot Lowe's home improvement store. The site plan (Attachment 1) also includes 123,000± square feet of “majors” (B, C, and D), 42,000± square feet of retail (F, G, H, and J), and 54,769± square feet of “pads” (pads 1-12), which would most likely include the restaurant uses.

PROJECT DETAILS: The project consists of a regional commercial center on approximately 40± acres in the southwestern portion of the City. The project area is bounded by State Route 190 on the south, Jaye Street on the east, Springville Avenue on the north and an undeveloped parcel east of Indiana Street on the west. The project site is bordered by residential uses on the north, to the south beyond State Route 190, and to the west beyond the vacant land adjacent to the project area; the project is bordered by industrial land and a building material retailer to the east. The site is located about a quarter of a mile east of State Route 65. Access will be provided to the site from several points. The main access point will be at a signalized entryway at the intersection of Vandalia Avenue and Jaye Street, with a secondary right-in/right-out entrance located to the south of the main entrance on Jaye Street. Additionally, three access points will be provided along Springville Avenue. Vandalia would be constructed from Jaye Street, through the project site to Indiana Street. The proposed project will consist of
approximately 360,000± square feet of commercial buildings, primarily retail and restaurant uses, anchored by a 139,410±-square-foot Lowe’s home improvement store.

GENERAL PLAN LAND USE DESIGNATION: The General Plan designates the site as General Commercial. The subject site is zoned City P-D (Planned Development) and the Viejo Robles Conceptual Development Plan designates the site for commercial uses.

SURROUNDING AREA ZONING AND LAND USE:

The project area is bounded by State Route 190 on the south, Jayce Street on the east, Springville Avenue on the north and an undeveloped parcel east of Indiana Street on the west. The project site is bordered by residential uses on the north, to the south beyond State Route 190, and to the west beyond the vacant land adjacent to the project area; to the east, the project is bordered by industrial land and a building material retailer. The site is located about a quarter of a mile east of State Route 65.

ENVIRONMENTAL:

In September 2004, the Environmental Coordinator made a preliminary determination that an Environmental Impact Report would be required for the proposed project, and an Initial Study was circulated with a Notice of Preparation for a 30-day period. A Draft Environmental Impact Report (DEIR) was then prepared evaluating potential impacts and project alternatives. Detailed studies were also completed as needed to analyze project impacts. The DEIR was transmitted to the State Clearinghouse, interested agencies, groups, and individuals for the forty-five (45) day review period from May 22, 2006 to July 6, 2006. The intent of the environmental review process is to seek information and suggestions from a wide variety of agencies, individuals and groups regarding the issues that were studied in the DEIR. All parties receiving notice of the availability of the DEIR were invited to participate either by returning written comments or by attending a public meeting on Tuesday, June 13, 2006. Invitations to the public information meeting were sent to all property owners and residents within three hundred feet (300') of the project area. In addition, notice of the public meeting was published in the Porterville Recorder and announced by the Porterville Recorder in a news article prior to the meeting. The June 13, 2006 Public Information meeting was attended by only one agency, Caltrans and had a low public attendance. None of those in attendance spoke in opposition of the project. Comments received during the Draft EIR review period have been addressed in the Final EIR, which was publicly circulated from July 21 to July 31, 2006.

Staff and the consulting team reviewed all comments regarding the scope of the environmental studies. Four comments were received from agencies: The San Joaquin Valley Air Pollution Control District, Department of Water Resources, Department of Toxic Substances Control and the Department of Transportation. No other comments were received, and all comments received were addressed in the Final EIR. Findings contained in the Final EIR indicate that all potentially significant environmental impacts, with the exception of certain air quality and noise issues, can be mitigated to a less than significant level through project design and the implementation of mitigation measures.
The unavoidable significant impacts resulting from the project are as follows:

Air Quality:
  Gaseous emissions related to construction activities
  Traffic emissions related to health risks

Noise:
  On-site construction noise
  Operational noise
  Additional project related noise
  Cumulative noise impacts

Mitigation measures have been incorporated into the Mitigation Monitoring Program that reduce these impacts to the greatest extent practicable. Those impacts that could not be fully mitigated or reduced to a less than significant impact must be weighed against the benefits of the project, and if City Council as the decision making body of the City, finds that the benefits outweigh the impacts, they must adopt a Statement of Overriding Considerations. The Statement of Overriding Considerations basically describes the basis for approval.

RECOMMENDATION: That the City Council:

1. Adopt the draft resolution certifying the Final EIR
2. Continue the public hearing to consider adoption of the draft resolution approving CUP 4-2006 to amend the Specific Plan for the Viejo Robles Planned Development as proposed, permit construction of an indoor building materials retailer, and to permit the sale of alcoholic beverages under an on-sale license at a restaurant with separate bar area to the date of August 15, 2006.

ATTACHMENTS:

1. Locator Map and Conceptual Site Plan
2. Final EIR for Riverwalk Marketplace Commercial Center (Mitigation Monitoring Plan included)
3. Draft Resolution certifying EIR for Riverwalk Marketplace Commercial Center
FINAL
ENVIRONMENTAL IMPACT REPORT

PORTERVILLE RIVERWALK MARKETPLACE
COMMERCIAL CENTER PROJECT

CITY OF
PORTERVILLE
CALIFORNIA
The Good Life

July 2006
Quad Knopf
FINAL ENVIRONMENTAL IMPACT REPORT

for the

Riverwalk Marketplace
Commercial Center Project

SCH #2004091116

Quad Knopf
5110 West Cypress Avenue
P.O. Box 3699
Visalia, California 93278
(559) 733-0440

July 2006
SECTION ONE

INTRODUCTION
SECTION ONE – INTRODUCTION

A Notice of Preparation for the subject project was circulated on September 29, 2004. The Notice of Preparation (NOP) informed agencies of the City’s intent to prepare an environmental impact report (EIR) for the subject property. The 30-day review period for the NOP started on September 21, 2004 and ended on October 20, 2004. A scoping meeting for the EIR was duly noticed and held on September 29, 2004.

A Draft EIR was delivered to the State Clearinghouse and mailed to agencies, organizations and interested individuals on May 18, 2006 for a 45-day review period. During the 45-day review period, the City Council held a public hearing on the Draft EIR.

The Final EIR consists of (1) the Draft EIR and appendices; (2) any comments received concerning the Draft EIR; and (3) responses to these comments.

Responses to comments are directed to the disposition of significant environmental issues that are raised in the comments, as set forth in Section 15088(b) of the State CEQA Guidelines. When reviewing the comments and in developing responses thereto, every effort is made to compare the comment to the information contained in the Draft EIR. In most instances, responses are not provided to comments on non-environmental aspects of the proposed project. For comments not directed to significant environmental issues or in which the commentor simply notes agreement with the EIR, the responses indicate that the comment has been “noted”.

CEQA requires that a Final EIR be prepared, certified and independently considered by the decision-making body prior to taking action on the project. The Final EIR provides the opportunity to respond to comments on the Draft EIR and to incorporate any changes necessary to clarify and/or amplify information contained in the Draft EIR. This Final EIR will be available to any commentors for at least ten (10) days prior to its certification.
SECTION TWO

SUMMARY OF DRAFT ENVIRONMENTAL IMPACT REPORT
SECTION TWO – SUMMARY OF DRAFT ENVIRONMENTAL IMPACT REPORT

Project Description

The project consists of a regional commercial center on approximately 40± acres in the southwestern portion of the City. The project area is bounded by State Highway 190 on the south, Jaye Street on the east, Springville Avenue on the north and an undeveloped parcel east of Indiana Street on the west. The project site is bordered by residential uses on the south beyond State Route 190, and to the north, as well as beyond the vacant land to the west, and is bordered by industrial land and building material retailer to the east. The site is located about a quarter of a mile east of State Route 65. Access will be provided to the site from several points. The main access point will be at a signalized entryway at the intersection of Vandalia and Jaye Street, with a secondary right-in/right-out entrance located to the south of the main entrance on Jaye Street. Additionally, three access points will be provided along Springville Avenue. Vandalia would be constructed from from Jaye Street, through the project site to Indiana Street. The proposed project will consist of approximately 360,000± square feet of commercial buildings, primarily retail and restaurant uses, anchored by a 139,410±-square-foot Lowe’s home improvement store which requires a Conditional Use Permit to allow sale of interior building materials. The site plan also includes 123,000± square feet of “majors” (B, C & D), 42,000± square feet of retail (F, G, H, & J), and 54,769 square feet of “pads” (pads 1-12), which would most likely include the restaurant uses (with on-site sale of alcoholic beverages). The project includes an application for a Conditional Use Permit (CUP 4-2006). The Permit would 1) amend the Viejo Robles Specific Plan, 2) permit indoor building materials sales, and 3) permit on-sale of alcohol beverages at a restaurant with a separate bar area.

Project Objective

The objective of the proposed project is to build and operate an economically viable and competitive commercial marketplace within the City of Porterville. The project shall be in compliance with applicable laws and regulations, optimally use available public roads, and mitigate environmental impacts to the extent feasible. Other project objectives include:

1. Create a new mix of retail/commercial uses responsive to City and regional markets, and is a location that has a regional draw and accessibility.

2. Provide convenience retail and grocery shopping opportunities to service the needs of City residents, including the southeast part of the community.

3. Increase economic benefits to the City through job creation; and

4. Augment the City’s economic base by providing a variety of tax generating uses.
Summary of Impacts and Mitigation Measures

Section 15123(b)(1) of the Guidelines for Implementation of the California Environmental Quality Act (State CEQA Guidelines) provides that there shall be a survey of impacts and mitigation measures that such summary shall identify each significant effect with proposed mitigation measures that would reduce or avoid that effect. This information is summarized in Table ES-1, Summary of Potential Impacts, Mitigation Measures, and Mitigation Monitoring Program, at the end of this Executive Summary, and in Table ES-2, Summary of Impacts Which Remain Significant After Mitigation.

Potential Areas of Controversy and Issues to be Resolved

The following issues were identified as likely to produce controversy in reviewing and considering the proposed project:

- Air Quality
- Biological Resources
- Hazards and Hazardous Materials/Health Risks/Vectors
- Water Quality Impacts
- Alternatives Analysis
- Cumulative Impacts

Alternatives to the Proposed Project

Section 15126.6 of the State CEQA Guidelines requires the EIR to describe a reasonable range of alternatives to the project or to the location of the project which would reduce or avoid significant impacts, and which could feasibly accomplish the basic objectives of the project, and to evaluate the comparative merits of the alternatives. Alternatives that would reduce or avoid significant impacts represent environmentally superior alternatives to the proposed project. However, if the environmentally superior alternative is the ‘no project’ alternative, the EIR must also identify an environmentally superior alternative among the other alternatives.

The EIR evaluates the following alternatives:

- No Project - With this alternative, the Project would not be constructed. This alternative does not achieve the basic objective of the project.

- Relocated Sites – Under these alternatives, site relocation elsewhere in Tulare County, elsewhere in the San Joaquin Valley, and outside the Valley are evaluated. No significant impact reductions compared to the project could be identified.
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<td>AESTHETICS Impact #3.1.1: Scenic Vista, Scenic Resources and Visual Character</td>
<td><strong>Mitigation Measure #3.1.1:</strong> The north elevation of the Porterville Riverwalk Marketplace will be landscaped with trees and shrubbery to a density that would screen at least 50 percent of all building surface elevations visible from residences on the north side of the proposed project. The south, east and west elevation shall be screened to 25 percent visibility. A licensed landscape architect will design a landscaping plan to achieve these goals within 5 years of initial planting. Parking lot landscaping shall also be designed to achieve 50 percent shade coverage within 10 years of planting. Outdoor billboards shall be excluded from the site.</td>
<td>City of Porterville</td>
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<td>Completed at time of final building inspection.</td>
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| Impact #3.1.2: Light and Glare | **Mitigation Measure #3.1.2:** A light plan shall be developed by a registered illumination engineer. Lighting will be designed to avoid direct lighting and associated glare, as follows:  
  - All lighting fixtures on the perimeter of the project shall be outfitted with hoods and cut off lenses so that the light source itself is not visible to the naked eye from neighboring properties or to drivers or pedestrians from neighboring streets. The developer shall submit a lighting plan, which demonstrates that the resultant lighting levels conform to this standard before issuance of a Building Use Permit.  
  - Lighting shall be designed so that the 0.25 foot-candle contour occurs no farther than the perimeter of the project. The developer will develop a lighting plan, which demonstrates that the resultant lighting levels conform to this standard.  
  - All yard, security and canopy lighting in excess of 150 watts shall be hooded or shielded so that it is not visible to the naked eye from adjacent properties. | City of Porterville | City of Porterville | Completed at time of final building inspection. |
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| AIR QUALITY Impact #3.3.1: Construction Emissions of Particulate Matter (PM₁₀) and Fine Particulate Matter (PM₂.₅) | Mitigation Measure #3.3.1: The following measures are appropriate additional dust control strategies to be implemented that go beyond the requirements of SJVAPCD Regulation VIII:  
  - Install wheel washers for all exiting trucks, or wash off all trucks and equipment leaving the site.  
  - Suspend excavation and grading activities when winds exceed 20 mph.  
  - Install sandbags or other erosion control measures to prevent silt runoff to public roadways from sites with a slope greater than one percent.  
  - Expeditiously remove the accumulation of mud or dirt from adjacent public streets at least once every 24 hours when operations are occurring. | City of Porterville | City of Porterville | Completed at time of final building inspection. |
| Impact #3.3.2: Construction Activities (Gaseous Emissions) | Mitigation Measure #3.3.2: The following measures from the GAMAQI (January 2002) shall be implemented in order to reduce gaseous construction emissions:  
  - Use alternative fueled or catalyst equipped diesel construction equipment where feasible.  
  - Minimize idling time to a maximum of 10 minutes.  
  - Where feasible, replace fossil-fueled equipment with electrically driven equivalents (provided they are not run via a portable fossil fuel generator set).  
  - Curtail construction during periods of high ambient pollutant concentrations; this may include ceasing of construction activity during the peak-hour of vehicular traffic on adjacent roadways. | City of Porterville | City of Porterville | Completed at time of final building inspection. |
| Impact #3.3.5: Traffic Emissions Health Risks | Mitigation Measure #3.3.5: Require the following design features be implemented:  
  - Use energy efficient design including automated control system for | City of Porterville | City of Porterville | Completed at time of final building inspection. |
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<td>heating/air conditioning and energy efficiency, utilize lighting controls and energy-efficient lighting in buildings and use light colored roof materials to reflect heat.</td>
<td>· Plant deciduous trees on the south and westerly facing sides of buildings.</td>
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<td>inspection.</td>
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<td>· Provide low nitrogen oxide (NOx) emitting and/or high efficiency water heaters.</td>
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<td>· Purchase low-emission, alternatively-fueled or electrical-driven maintenance vehicles and equipment.</td>
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<td>· Promote pedestrian, bicycle and transit modes of travel through informational programs and provision of amenities such as transit shelters, secure bicycle parking and attractive pedestrian pathways.</td>
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<td>· Designate an on-site TSM coordinator.</td>
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<td>· Implement carpool/vanpool program, e.g., carpool ride-matching for employees, assistance with vanpool formation, provision of vanpool vehicles, etc.</td>
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<td>· Coordinate with the local transit operators to extend or expand service to the project area.</td>
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<td>· Provide transit use incentives, provide transit alternatives information such as printed schedules and establish transit information kiosks at appropriate locations.</td>
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<td>· Implement parking cash-out program for employees (non-driving employees receive transportation allowance equivalent to the value of subsidized parking).</td>
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<td>· Provide showers and lockers for employees bicycling or walking to work.</td>
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<td><strong>BIOLOGICAL RESOURCES</strong></td>
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<td>Impact #3.4.1: Special Status Species – Migratory Birds</td>
<td>Mitigation Measure #3.4.1: A preconstruction survey for raptor nests, including burrowing owls will be conducted. If raptor nests are found, construction will not occur within 50 yards of the Valley Oak tree. If Burrow Owls are found, the following measures established by the Staff Report on Burrowing Owl Mitigation (Dept. of Fish and Game, 10/1995) will be implemented:</td>
<td>City of Porterville</td>
<td>City of Porterville</td>
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<td>• A qualified ornithologist will conduct a pre-construction survey for nesting raptors on site within 30 days of the onset of ground disturbance, if ground disturbance is to occur during the breeding season (February 1 to August 31). If possible, the nesting season survey should be conducted during the peak of the breeding season, between April 15 and July 15. If a nesting burrowing owl is detected, an appropriate construction buffer would be needed (up to 250 feet). The actual size of the buffer would depend on topography, timing and type of construction activity that would occur in the vicinity of the nest. Pre-construction surveys for burrowing owls shall be conducted during the winter, non-breeding season, between December 1 and January 31, when wintering owls are most likely to be present.</td>
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<td>• No disturbance should occur within 50 m (approx. 160 ft.) of occupied burrows during the nonbreeding season of September 1 through January 31 or within 75 m (approx. 250 ft.) during the breeding Season of February 1 through August 31. A minimum of 6.5 acres of foraging habitat shall be preserved contiguous with occupied burrow sites for each pair of breeding burrowing owls (with or without dependent young) or single unpaired resident bird.</td>
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<td>• Occupied burrows should not be disturbed during the nesting season, from February 1 through August 31, unless the Department of Fish and Game verifies that the birds have not begun egg-laying and incubation or that the juveniles from those burrows are foraging independently and capable of independent survival at an earlier date.</td>
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<td>• A minimum of 6.5 acres of foraging habitat, calculated on a 100-m (approx. 300 ft.) foraging radius around the natal burrow, should be</td>
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<td>maintained per pair (or unpaired resident single bird) contiguous with burrows occupied within the last three years.</td>
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<td>When destruction of occupied burrows is unavoidable, burrows should be enhanced (enlarged or cleared of debris) or created (by installing artificial burrows) in a ratio of 1:1 in adjacent suitable habitat that is contiguous with the foraging habitat of the affected owls.</td>
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<td>If owls must be moved away from the disturbance area, passive relocation (see below) is preferable to trapping. A time period of at least one week is recommended to allow the owls to move and acclimate to alternate burrows.</td>
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<td>On-site passive relocation should be implemented if the above avoidance requirements cannot be met. Passive relocation is defined as encouraging owls to move from occupied burrows to alternate natural or artificial burrows that are beyond 50 m from the impact zone and that are within or contiguous to a minimum of 6.5 acres of foraging habitat for each pair of relocated owls. Relocation of owls should only be implemented during the non-breeding season.</td>
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<td>Owls should be excluded from burrows in the immediate impact zone and within a 50 m (approx. 160 ft.) buffer zone by installing one-way doors in burrow entrances: One-way doors should be left in place 48 hours to insure owls have left the burrow before excavation. One alternate natural or artificial burrow should be provided for each burrow that will be excavated in the project impact zone. The project area should be monitored daily for one week to confirm owl use of alternate burrows before excavating burrows in the immediate impact zone.</td>
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<td>Whenever possible, burrows should be excavated using hand tools and refilled to prevent reoccupation. Sections of flexible plastic pipe or burlap bags should be inserted into the tunnels.</td>
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<td>The applicant should purchase the appropriate upland habitat credits for significant loss of burrowing owl habitat.</td>
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<td>Impact #3.4.2: Special Status</td>
<td><strong>Mitigation Measure #3.4.2:</strong> The applicant will conduct pre-construction surveys for the San Joaquin kit fox. These pre-construction surveys should be conducted by a qualified biologist no less than 14 days and no more than 30 days prior to any construction-related activities. The primary objective is to identify kit fox habitat features (potential dens and refugia) on the project sites or within a 200-foot buffer zone, and evaluate them sufficiently to ascertain if they are being used by a kit fox. If an active kit fox den is detected within the area of work or the 200-foot buffer zone, the CDFG and USFWS will be contacted immediately to determine the best course of action. If no kit fox activity is detected, the work shall continue as planned and a brief written report will be submitted to the CDFG and USFWS within five days after completion of the surveys. The applicant shall follow the <em>Standardized Recommendations for Protection of the San Joaquin Kit Fox Prior to or During Ground Disturbance</em> developed by the USFWS (1999). The measures that follow have been taken from USFWS (1999) and shall be implemented for this project.</td>
<td>City of Porterville</td>
<td>City of Porterville</td>
<td>Completed at time of final building inspection.</td>
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</tbody>
</table>
| Species - San Joaquin kit fox       | - Project-related vehicles should observe a 20-mpg speed limit in all project areas, except on county roads and State and Federal highways; this is particularly important at night when kit foxes are most active. To the extent possible, nighttime construction should be minimized. Off-road traffic outside of designated project areas should be prohibited.  
- Since Kit foxes are attracted to den-like structures such as pipes and may enter stored pipe becoming trapped or injured, all construction pipes, culverts, or similar structures with a diameter of 4-inches or greater that are stored at a construction site for one or more overnight periods should be thoroughly inspected for kit foxes before the pipe is subsequently buried, capped, or otherwise used or moved in anyway. If a kit fox is discovered inside a pipe, that section of pipe should not be moved until the USFWS has been consulted. If necessary, and under the direct supervision of the biologist, the pipe may be moved once to remove it from the path of construction activity, until the fox has escaped.  
- All food-related trash items such as wrappers, cans, bottles, and food |                      |            |                               |

*Porterville Riverwalk Marketplace  
Final Environmental Impact Report*
<table>
<thead>
<tr>
<th>Impact</th>
<th>Mitigation Measures</th>
<th>Implementation</th>
<th>Monitoring</th>
<th>Time Span</th>
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</thead>
<tbody>
<tr>
<td>scraps should be disposed of in closed containers and removed at least once a week from a construction or project site.</td>
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<td>- A representative shall be appointed by the project proponent who will be the contact source for any employee or contractor who might inadvertently kill or injure a kit fox or who finds a dead, injured or entrapped individual. The representative's name and telephone number shall be provided to the USFWS.</td>
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<td>- In the case of trapped animals, escape ramps or structures should be installed immediately to allow the animal(s) to escape, or the USFWS should be contacted for advice.</td>
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<tr>
<td>- Any contractor or employee(s) who inadvertently kills or injures a San Joaquin kit fox shall immediately report the incident to their representative. This representative shall contact the CDFG immediately in the case of a dead, injured or entrapped kit fox. The CDFG contact for immediate assistance is State Dispatch at (916) 445-0045. They will contact the local warden or biologist.</td>
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<td>- The Sacramento Fish and Wildlife Office and CDFG will be notified in writing within three working days of the accidental death or injury to a San Joaquin kit fox during project related activities. Notification must include the date, time, and location of the incident or of the finding of a dead or injured animal and any other pertinent information. The USFWS contact is the Chief of the Division of Endangered Species, 2800 Cottage Way, Suite W2605, Sacramento, CA 95825-1846, (916) 414-6620. The CDFG contact is Mr. Ron Schlordt at 1416 9th Street, Sacramento, CA 95814, (916) 654-4262.</td>
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<tr>
<td>- If preconstruction surveys indicate presence of kit fox or the project site, the project applicant shall purchase the appropriate amount of upland habitat credits from conservation banks as required by USFWS and CDFG.</td>
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<tr>
<td>CULTURAL RESOURCES</td>
<td>Mitigation Measure #3.5.1: If, in the course of project construction or project operation, any archaeological or historical resources are uncovered, discovered, or otherwise detected or observed, activities within 50 feet of the find area shall cease. A qualified archaeologist shall be contacted and advise the City of the site’s significance. If the findings are deemed significant appropriate mitigation measures shall be required prior to any resumption of work in the affected area of the project. If, in the course of project construction or project operation, any skeletal remains are uncovered, discovered, or otherwise detected or observed, activities in the affected area shall cease. A qualified archaeologist, the City, the County Coroner and local Native American organizations shall be consulted, and appropriate measures shall be required that may include avoidance of the burial site or reburial of the remains. This measure will assure that appropriate procedures are followed with respect to unidentified skeletal remains or Native American burial grounds discovered during project construction or operation. The measure will assure that any Native American burial sites encountered are avoided, treated in accordance with the recommendations of the most likely descendant (for Native American remains), or relocated. This requirement shall be included in the conditions of approval and shall be implemented by the applicant, construction contractors, the County Environmental Assessment Officer, County Coroner, and NAHC or local Native American organizations. Monitoring shall be performed by the City of Porterville during project construction.</td>
<td>City of Porterville</td>
<td>City of Porterville</td>
<td>During construction period</td>
</tr>
<tr>
<td>HAZARDS/HAZARDOUS MATERIALS</td>
<td>Mitigation Measures #3.7.4: A Phase I site assessment shall be submitted prior to ground disturbance to demonstrate that there is no contamination on the affected areas.</td>
<td>City of Porterville</td>
<td>City of Porterville</td>
<td>Completed at time of final building inspection.</td>
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<tr>
<td>NOISE</td>
<td>Mitigation Measure #3.11.1: Noise producing equipment used during construction shall be restricted to the hours from 7:00 a.m. to 7:00 p.m., Monday through Friday, and 9:00 a.m. to 6:00 p.m. on Saturday and</td>
<td>City of Porterville</td>
<td>City of Porterville</td>
<td>During construction</td>
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Porterville Riverwalk Marketplace  
Final Environmental Impact Report  

July 2006  
2 - 13
<table>
<thead>
<tr>
<th>Impact</th>
<th>Mitigation Measures</th>
<th>Implementation</th>
<th>Monitoring</th>
<th>Time Span</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Impact #3.11.2: Operational Noise</strong></td>
<td>Mitigation Measure #3.11.2: A sound barrier (earthen berm, concrete block wall or a combination of the two) of a height that is at least two feet above the delivery truck height shall be constructed along the northern and western perimeters of the project site to mitigate impacts from delivery trucks and loading dock noise. In addition, the following measures should be provided:&lt;br&gt;1. Truck refrigeration units shall be provided with, and use, alternative power source if operating at the loading dock for more than one hour.&lt;br&gt;2. All loading dock operations shall be conducted within the building or truck; that is, loading and unloading operations shall be conducted when the truck physically docked with the building. A rubber “boot” or similar method shall be used to facilitate a physical seal between the truck and the building.&lt;br&gt;3. All mechanical equipment, such as compacters, compressors shall be located inside of the building structure.</td>
<td>City of Porterville</td>
<td>City of Porterville</td>
<td>During construction period</td>
</tr>
<tr>
<td><strong>Impact #3.11.4: Additional Project Related Noise</strong></td>
<td>Mitigation Measure #3.11.4: Along with the noise barrier required in mitigation measure #3.11.2, all rooftop air conditioning/air handling equipment shall be behind a solid parapet wall along the north and west sides of the Project so that the line-of-site from air conditioners/air handling equipment to the apartments north of Springville Avenue and the residences west of Indiana Street is blocked. Alternatively, individual noise barriers around air conditioners, which block line-of-site to the apartments, would be equally effective (Appendix I).</td>
<td>City of Porterville</td>
<td>City of Porterville</td>
<td>During construction period</td>
</tr>
<tr>
<td><strong>Impact #3.11.6: Cumulative Noise Impacts</strong></td>
<td>Mitigation Measure #3.11.6: The project shall incorporate mitigation measures #3.11.1, #3.11.2, and #3.11.4.</td>
<td>City of Porterville</td>
<td>City of Porterville</td>
<td>Completed at time of final building inspection.</td>
</tr>
<tr>
<td>Impact</td>
<td>Mitigation Measures</td>
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<tr>
<td>TRAFFIC AND CIRCULATION</td>
<td>Mitigation Measure #3.15.1:</td>
<td>City of Porterville</td>
<td>City of Porterville</td>
<td>During construction period</td>
</tr>
</tbody>
</table>

**Increase in Traffic and Exceedance of Traffic Thresholds**

The mitigation measures recommended below apply to the project as currently planned. Because of the variability of actual traffic relative to projections, monitoring of the actual traffic generated by the development, existing traffic, and approved City and regional projects is essential to adequate mitigation. Mitigations specific to each phase are as follows:

**Existing Conditions**

Under "Existing" conditions, all of the study intersections and roadways, except for the intersection at Springville Avenue/Jaye Street are operating at an acceptable LOS; therefore, the following mitigation measure is recommended:

*Springville Avenue/Jaye Street* intersection: Install a traffic signal; widen the eastbound and westbound approaches to include a single left turn lane. This intersection is operating at LOS "E" conditions during the PM peak hour period. This is a result of vehicles experiencing long periods of delay on Springville Avenue (minor street) while waiting for a "gap" to enter or cross Jaye Street (major street). Implementation of the recommended mitigation measure will result in LOS "C" conditions during the PM peak hour period.

It should be noted that long periods of delay were observed for the eastbound left turning movement at the Poplar Avenue (s/o State Route 190)/Jaye Street intersection; in fact, many of these movements were turning right and then making U-turns on Jaye Street to the south. However, because this intersection was analyzed as an isolated intersection and is based upon the outputs of the traffic analysis software, it currently operates at acceptable LOS conditions under all "Existing" scenarios. Although the traffic analysis software shows an acceptable LOS, field surveys by the traffic engineer indicate that there is a need to implement the mitigation measures describe in the *Jaye Street/Gibbons Avenue Study*, specifically, relocating this intersection 300 feet south of the State Route 190.
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<th>Impact</th>
<th>Mitigation Measures</th>
<th>Implementation</th>
<th>Monitoring</th>
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Existing Plus Project Conditions

Under "Existing plus Projects" conditions, it is assumed that mitigation measures recommended under "Existing" conditions have been implemented. In addition, improvements to Springville Avenue/Jaye Street, Vandalia Avenue/Jaye Street, and State Route 190/Jaye Street intersections are assumed to be in place by as identified on the site plan. With these improvements in place, these intersections are projected to operate at an acceptable LOS "D" or better conditions for all phases of the project under "Existing plus Project" conditions. Based upon the site plan provided by the client, the following improvements are recommended to be in place with construction of the project:

**Jaye Street from State Route 190 to Springville Avenue:** This two-lane collector is recommended to be improved to a four-lane arterial per the City's design standards. This is based upon review of the site plan and the need for Jaye Street to be widened to accommodate project trips.

**Vandalia Avenue from Indiana Street to Jaye Street:** With construction of the Project and based upon the site plan, it is recommended that this roadway be built to a four lane arterial per the City's design standards. Assessment of future costs associated with maintenance of this roadway will be determined by the City. With the implementation of the recommended mitigation measure, this roadway section is projected to operate at LOS "B" under "Existing plus Approved/Pending Project plus Project" conditions.

**Springville Avenue/Jaye Street intersection:** Widen the northbound and southbound approach to accommodate dual thru lanes. The lane geometrics from the *Traffic Signal Plan for Springville Avenue and Jaye Street* (OMNI-MEANS, January 2002) were applied and are shown on Figure 14.

**Vandalia Avenue/Jaye Street intersection:** Signalize this intersection as shown on the site plan. In addition, Jaye Street will need to be widened to accommodate duel left turn lanes on the northbound approach.

**State Route 190/Jaye Street intersection:** Widen the southbound approach to...
<table>
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<tr>
<th>Impact</th>
<th>Mitigation Measures</th>
<th>Implementation</th>
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<td>provide dual left turn lanes; widen the westbound approach to provide dual right turn lanes; and widen the eastbound approach to accommodate dual left turns.</td>
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**Project Driveways:** It is recommended that the project driveways along Springville Avenue contain shared movements as shown in Figure 7. The project driveway on Jaye Street between State Route 190 and Vandalia.

Avenue is recommended to be a "right turn only" driveway and should provide for a deceleration lane no less than 100 feet in length. The eastbound right acceleration lane exiting the project should provide for maximum distance to accelerate. Based upon the site plan, this project driveway is approximately 240 feet north of State Route 190. Due to the number of trips project to make eastbound right turns, it is recommended that during the design of Jaye Street, consideration be made whereas this acceleration lane transition into the far southbound right turn lane at the State Route 190/Jaye Street intersection.

In addition to the improvements identified on the site plan, the following mitigation measures are also recommended:

**Orange Avenue/Jaye Street intersections:** Install a traffic signal and provide for left turn channelization on all approaches. This all-way stop-controlled intersection is projected to operate at LOS "F" conditions during the PM peak hour period. This intersection is also projected to meet the Caltrans' Peak-Hour Volume Warrant 11 for urban areas. Implementation of the recommended mitigation measures will result in LOS "C" conditions during the PM peak hour period.

**Existing Plus Approved/Pending Projects Conditions**

Under "Existing plus Approved/Pending Projects" conditions, the following mitigation measures are recommended:

**Orange Avenue/Jaye Street intersections:** Widen the westbound approach to include a dedicated left turn lane. This all-way stop-controlled intersection is projected to operate at LOS "E" conditions during the PM peak hour period. Implementation of the recommended mitigation measures will
<table>
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<th>Impact</th>
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<th>Monitoring</th>
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<td>result in LOS &quot;D&quot; conditions during the AM and PM peak hour periods.</td>
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<td><em>Springville Avenue/Jaye Street</em> intersection: Install a traffic signal; widen the eastbound and westbound approaches to include a single left turn lane. This intersection is operating at LOS &quot;F&quot; conditions during the AM and PM peak hour periods. This is a result of vehicles experiencing long periods of delay on Springville Avenue (minor street) while waiting for a &quot;gap&quot; to enter or cross Jaye Street (major street). Implementation of the recommended mitigation measure will result in LOS &quot;C&quot; or better conditions during the AM and PM peak hour periods.</td>
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<td><em>Vandalia Avenue/Jaye Street</em> intersection: Install a traffic signal; widen the southbound approach to accommodate a dedicated left turn lane; widen the northbound approach to include a dedicated right turn lane. This two-way stop-controlled intersection, which currently provides access to a home improvement store and garden center, is projected to operate at LOS &quot;F&quot; conditions during the AM and PM peak hour periods under this scenario. This intersection is also projected to meet the MUTCD Peak-Hour Warrant 3. Implementation of the recommended mitigation measure will result in LOS &quot;C&quot; or better conditions during the AM and PM peak hour periods.</td>
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<td><em>State Route 190/Jaye Street</em> intersection: Widen the eastbound approach of this signalized intersection to include dual left turn lanes. Under &quot;Existing plus Approved/Pending Projects&quot; conditions this intersection is projected to operate at LOS &quot;E&quot; conditions during the PM peak hour period. With the implementation of the recommended mitigation measures, this intersection is projected to operate at LOS &quot;D&quot; conditions during the AM and PM peak hour periods.</td>
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<td></td>
<td><strong>Existing Plus Approved/Pending Projects Plus Project</strong></td>
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<td>Under &quot;Existing plus Approved/Pending Project plus Projects&quot; conditions, it is assumed that mitigation measures recommended under &quot;Existing plus Project&quot; and &quot;Existing plus Approved/Pending Projects&quot; conditions have been implemented. In addition, improvements to Springville Avenue/Jaye Street, Vandalia Avenue/Jaye Street, and State Route 190/ Jaye Street intersections are assumed to be in place as identified on the site plan. With these improvements in place, these intersections are projected to operate at</td>
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<td>Impact</td>
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<td>An acceptable LOS &quot;D&quot; or better conditions under &quot;Existing plus Approved/Pending Projects plus Project&quot; conditions. In addition to the improvements identified on the site plan, the following mitigation measures are also recommended:</td>
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<td><em>Olive Avenue/Jaye Street</em> intersection: Widen the northbound approach to accommodate dual left turn lanes and the southbound approach to accommodate a dedicated right turn lane. This intersection is projected to operate at LOS &quot;E&quot; conditions during the PM peak hour periods. Implementation of the recommended mitigation measure will result in LOS &quot;D&quot; conditions during the PM peak hour period.</td>
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<td><em>Orange Avenue/Jaye Street</em> intersections: Install a traffic signal and provide for left turn channelization on all approaches. This all-way stop-controlled intersection is projected to operate at LOS &quot;F&quot; conditions during the PM peak hour period. This intersection is also projected to meet the MUTCD Peak-Hour Warrant 3. Implementation of the recommended mitigation measures will result in LOS &quot;C&quot; conditions during the AM and PM peak hour periods.</td>
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<td></td>
<td><strong>Year 2030 Base Conditions</strong></td>
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<td>Under &quot;Year 2030 Base No-Build&quot; conditions, it is assumed that Jaye Street will have been improved to a four lane arterial from State Route 190 to Springville Avenue as called for in the Circulation Element of the City's current General Plan and that mitigation measures identified through &quot;Existing plus Approved/Pending Projects&quot; conditions have been implemented. In addition, the following mitigation measures are recommended:</td>
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<td><em>Orange Avenue/Jaye Street</em> intersections: Install a traffic signal and provide for left turn channelization on all approaches. This all-way stop-controlled intersection is projected to operate at LOS &quot;F&quot; conditions during the AM and PM peak hour periods. Implementation of the recommended mitigation measures will result in LOS &quot;C&quot; conditions during the AM and PM peak hour periods.</td>
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<td><em>State Route 190/Jaye Street</em> intersection: Widen the northbound approach to provide a dedicated right turn lane. This signalized intersection is projected</td>
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to operate at LOS "E" conditions during the AM and PM peak hour periods. Implementation of the recommended mitigation measures will result in LOS "D" conditions during the AM and PM peak hour periods.

*State Route 190/Plano Street* intersections: Widen the southbound approach to provide dual through lanes; widen the northbound approach to accommodate dual left turn lanes and dual through lanes. This signalized intersection is projected to operate at LOS "E" conditions during the AM and PM peak hour periods. Implementation of the recommended mitigation measures will result in LOS "D" conditions during the AM and PM peak hour periods.

**Year 2030 Base Plus Project Conditions**

Under "Year 2030 Base plus Project" conditions, which assumes development of the Jaye Street improvement project as well as the improvements identified under "Existing plus Approved/Pending Projects plus Project" and "Year 2030 Base" conditions. In addition, the following mitigation measures are recommended:

*Olive Avenue/Jaye Street* intersection: Widen the northbound approach to accommodate dual left turn lanes and the southbound approach to accommodate a dedicated right turn lane. This intersection is projected to operate at LOS "F" conditions during the PM peak hour period. Implementation of the recommended mitigation measure will result in LOS "D" conditions during the PM peak hour period.

*Orange Avenue/Jaye Street* intersection: Install a traffic signal and provide for left turn channelization on all approaches. This all-way stop-controlled intersection is projected to operate at LOS "F" conditions during the AM and PM peak hour periods. Implementation of the recommended mitigation measures will result in LOS "C" conditions during the AM and PM peak hour periods.

*State Route 190/Jaye Street* intersection: Change the phasing at this signalized intersection to accommodate protected left turns and overlap phasing for right turns on the northbound and southbound approaches. This intersection is projected to operate at LOS "E" and "F" conditions during...
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<td>the AM and PM peak hour periods, respectively. Implementation of the recommended mitigation measure will result in LOS “D” or better conditions during the AM and PM peak hours.</td>
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| **Impact #3.15.3:** Substantially Increase Hazards Due to a Design Feature | **Mitigation Measure #3.15.3:** Along with implementation of Mitigation Measure 3.15-1:  
- A minimum of 300 feet of spacing from the intersection of Vandalia Avenue and Jaye Street intersection to the first access point on Springville Avenue shall be provided to allow sufficient vehicle storage for this lane.  
- All of the traffic signals on the Jaye Street corridor shall be coordinated in order to minimize queuing impacts.                                                                 | City of Porterville | City of Porterville | Completed at time of final building inspection. |
| **Impact #3.15.4:** Emergency Access | **Mitigation Measure #3.15.4:** Vandalia Avenue must be fully constructed prior to opening day of the project.                                                                                                           | City of Porterville | City of Porterville | Completed at time of final building inspection. |
### Table 2-2
Summary of Impacts Which Remain Significant After Mitigation

<table>
<thead>
<tr>
<th>Air Quality</th>
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<tbody>
<tr>
<td>3.3.2 Construction Activities (Gaseous Emissions)</td>
<td>Significant and Unavoidable</td>
</tr>
<tr>
<td>3.3.5 Cumulative Air Quality Impacts</td>
<td>Significant</td>
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<tr>
<th>Noise</th>
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<tbody>
<tr>
<td>3.11.1 Construction Noise</td>
<td>Significant and Unavoidable</td>
</tr>
<tr>
<td>3.11.2 Operational Noise</td>
<td>Significant and Unavoidable</td>
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<tr>
<td>3.11.4 Additional Project Related Noise</td>
<td>Significant and Unavoidable</td>
</tr>
<tr>
<td>3.11.6 Cumulative Noise Impacts</td>
<td>Significant, Cumulative, and Unavoidable</td>
</tr>
</tbody>
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SECTION THREE

COMMENTS AND RESPONSES
JUN 26 2008

Bradley D. Dunlap, Community Development Director
City of Porterville
281 North Main Street
Porterville, California 93257

Riverwalk Marketplace Commercial Center
State Clearinghouse (SCH) Number: 2004091116

Staff for the Department of Water Resources has reviewed the subject document and provides the following comments:

1 – 1 Portions of the proposed project may be located within a regulated stream over which The Reclamation Board has jurisdiction and exercises authority. If the project includes any “channel reconfiguration” that was not previously permitted, new plans must be submitted. Section 8710 of the California Water Code requires that a Board permit must be obtained prior to start of any work, including excavation and construction activities, within floodways, levees, and 10 feet landward of the landside levee toes. A list of streams regulated by the Board is contained in the California Code of Regulations, Title 23, Section 112. The application and Title 23 regulations can be found on the Reclamation Board’s website at www.recbd.ca.gov.

Section 8(b)(2) of the Regulations states that applications for permits submitted to the Board must include a completed environmental questionnaire that accompanies the application and a copy of any environmental documents if they are prepared for the project. For any foreseeable significant environmental impacts, mitigation for such impacts shall be proposed. Applications are reviewed for compliance with the California Environmental Quality Act.

Section 8(b)(4) of the Regulations states that additional information, such as geotechnical exploration, soil testing, hydraulic or sediment transport studies, biological surveys, environmental surveys and other analyses may be required at any time prior to Board action on the application.

1 – 1 You may disregard this notice if your project is outside of the Board Jurisdiction. For further information, please contact me at (916) 574-1249.

Sincerely,

Mike Mirmazaheri, Chief
Floodway Protection Section

cc: Governor’s Office of Planning and Research
State Clearinghouse
1400 Tenth Street, Room 121
Sacramento, CA 95814
Ms. Julie Boyle, Senior Planner
City of Porterville
291 N. Main Street
P.O. Box 423
Porterville, CA 93257

Dear Ms. Boyle:

Thank you for the opportunity to review the Porterville Riverwalk Marketplace Draft Environmental Impact Report (EIR). The proposal will allow the construction of, at maximum, a 360,000 square-foot shopping center. The center consists of a 139,410 square-foot Lowe's home improvement store, 123,000 square-foot of Majors (B, C, and D), 42,000 square-foot of Retail (F, G, H, and J), and 54,769 square-foot of Pads (Pads 1 through 12) which will likely be restaurants. The project site is located on the northwest corner of State Route (SR) 190 and Jaye Street, in the City of Porterville. Caltrans has the following comments:

More specifically, the project site is bounded by SR 190 to the south, Jaye Street to the east, and West Springfield Avenue to the north, SR 65 is 0.75 mile to the west of Jaye Street. The Freeway Agreement between Caltrans and the City of Porterville maintains SR 190 as a freeway between SR 65 and Jaye Street and an expressway east of Jaye Street with the intersection of SR 190 and Jaye Street maintained as an at-grade intersection.

As was noted in our October 15, 2004 comments for the Riverwalk Marketplace Commercial center development that our Transportation Concept Report (TCR) states that this segment of SR 190 in the vicinity of the proposed project is planned for 170 feet. Caltrans right-of-way shows this segment existing at 142 feet. Caltrans would normally be requesting an irrevocable offer of dedication of 14 feet of right-of-way for the construction of a normal at-grade intersection. Caltrans will wait for further project analysis of street improvement plans before making a recommendation.

2-1 The MUTCD signal warrant should be used in place of the Peak-Hour Volume Warrant 11 in the Caltrans Traffic Manual.

2-2 The project driveway north of the intersection (Driveway #1) should not be permitted due to its close proximity to the SR 190/Jaye Street intersection.

"Caltrans improves mobility across California"
The internal capture rates of 36% to 53% shown on page 15 are excessive because the proposed project does not have true mixed uses.

Segment level-of-service shown on Table 8 (Page 23), which was estimated using the Florida Tables, cannot be used for State highways. It is recommended that the Highway Capacity Manual method should be used to analyze the LOS for the highway segments.

The Poplar Avenue (North of SR 190)/Jaye Street intersection is too close to the SR 190/Jaye Street intersection. The increase in traffic volume from the development within the vicinity has created operational problems. It is recommended that an opening day mitigation for the Lowe’s home improvement store, the Poplar Avenue/Jaye Street intersection be closed to traffic. The rerouting of the Popular Avenue traffic north to the new signalized Jaye/Vandalia Avenue intersection mid block between SR 190 and Springville Avenue is an alternative to allow Popular Avenue to continue functioning.

Westbound dual right-turn lanes are not recommended at the intersection of SR 190/Jaye Street due to pedestrian conflicts. Pedestrian crosswalks need to be placed across the north, south, and east legs.

We concur with the proposed project fair share percentages shown on Table 13 (Page 37 and 38).

We recommend these lane configurations for the following intersections:

**SR 190/Jaye Street:**
- Northbound = Two left-turn lanes, two through lanes, one right-turn lane.
- Southbound = Two left-turn lanes, two through lanes, two right-turn lanes.
- Eastbound = Two left-turn lanes, two through lanes, one right-turn lane.
- Westbound = One left-turn lane, three through lanes, one right-turn lane.

**Vandalia Avenue/Jaye Street:**
- Northbound = Two left-turn lanes, two through lanes, one right-turn lane.
- Southbound = Two left-turn lanes, two through lanes, one right-turn lane.
- Eastbound = Two left-turn lanes, one through lane, one right-turn lane.
- Westbound = Two left-turn lanes, one through lane, one right-turn lane.

The City has approved the Jaye Street Improvement Project proposing to construct a four-lane roadway. The project proposes to construct improvements to Jaye Street between SR 190 just south of West Orange Avenue. Caltrans recommends that the road project be delayed at this time in anticipation of additional mitigation to Jaye Street and the intersection at SR 190. The TIS has identified needed additional mitigation measures and the project’s off-site improvements should be developed simultaneously if possible as a local government/private partnership.

It is recommended that the City of Porterville conduct a corridor study for SR 190, which will ultimately have a combination of full interchanges, partial interchanges, and at-grade intersections. The City will have the full financial responsibility for the future widening of SR

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190 and making intersection improvements to the SR 190 at Jaye Street intersection to obtain a minimum LOS C for the intersection.

The existing Jaye/Vandalia intersection when signalized needs to be provided with interconnect cable in order to be synchronized with the SR 190/Jaye Street intersection.

Existing curb, gutter and sidewalk, and curb ramps may need to be reconstructed to meet current ADA standards or other applicable State or Federal accessibility and safety requirements.

All existing concrete curb, gutter and sidewalk that is damaged, broken and/or cracked shall be removed and replaced in-kind.

Any and all damaged concrete surfaces within the right-of-way which pose a safety hazard due to potential tripping hazards shall be replaced or repaired in accordance with ADA and/or applicable State or Federal requirements.

An encroachment permit must be obtained for all proposed activities for placement of encroachments within, under or over the State highway rights-of-way. Activity and work planned in the State right-of-way shall be performed to State standards and specifications, at no cost to the State. Engineering plans, calculations, specifications, and reports (documents) shall be stamped and signed by a licensed Engineer or Architect. Engineering documents for encroachment permit activity and work in the State right-of-way may be submitted using English Units. The Permit Department and the Environmental Planning Branch will review and approve the activity and work in the State right-of-way before an encroachment permit is issued. Encroachment permits will be issued in accordance with Streets and Highway Codes, Section 671.5, "Time Limitations."

All proposed landscaping plans along the SR 190 right-of-way including corner cut-off shall meet current standards as determined by the District Landscape Architect. All features of landscaping shall be evaluated for type, location and site visibility conflicts during the encroachment review process. All permits for landscaping in conventional highway right-of-way must be accompanied by a "District" approved maintenance agreement obligating a local agency or the permittee to maintaining the landscaping. Said maintenance agreement must accompany and be approved prior to issuance of the landscape permit. Proposed landscape projects in access control rights-of-way require an exception process, and approval is subject to the Headquarters Departmental approval process.

Dust control measures shall be implemented on the site in a manner to prevent dust from entering the State right-of-way.

Stormwater is not allowed to be discharged to the State right-of-way. Since the proposed development/project involves one acre or more of ground disturbance, the applicant needs to be advised by the lead agency to contact the Central Valley Regional Water Quality Control Board office in Fresno at (559) 445-5116 to determine whether a Notice of Construction will be required. The applicant will be required to adhere to Caltrans construction stormwater requirements if there is proposed work within the State right-of-way. Additional information on Caltrans stormwater management requirements may be found on the Internet at "Caltrans improves mobility across California"
Advertising signs within the immediate area outside the State right-of-way need to be cleared through the Caltrans Right-of-Way Division, Office of Outdoor Advertising. The project proponent must construct and maintain the advertising signs without access to the State Routes. Contact Susan Swensen at (209) 948-7869 or (209) 948-7641 for additional information or to obtain a sign permit application. Additional information on Caltrans Outdoor Advertising Permit requirements may also be found on the Internet at www.dot.ca.gov/hq/oda.

Alternative transportation policies should be applied to the development. An assessment of multi-modal facilities should be conducted. This assessment should be used to develop an integrated multi-modal transportation system to serve and help alleviate traffic congestion caused by the project and related development in this area of the City. The assessment should include the following:

1. Pedestrian walkways should link this retail complex to an internal project area walkway, transit facilities, as well as other walkways in the surrounding area.

2. The project should develop a Transportation Management Plan (TMP). The TMP should go beyond offering transit options. Car pooling, Van pooling, and other options should be included. The goal of the TMP is to reduce overall trips and the impact of those trips on transportation/air quality.

3. A Transportation Management Agency (TMA) and a TMA coordinator should be designated for the entire development area. The responsible TMP coordinator for this project should be assigned and directed to work with the TMA coordinator.

4. If transit is not available within ¼-mile of the site, transit should be extended to provide services to what will be a high activity center.

5. The consideration of bicycles as an alternative needs more attention. The project TMP should offer internal amenities to encourage bicycle use. These include parking, security, lockers and showers. However, internal bicycle paths should be coordinated with local and regional pathways to further encourage the use of bicycles for commuter and recreational purposes.

Local roads in the vicinity of the SR 190/Jaye Street intersection are experiencing severe queuing resulting in peak-period congestion that has the potential to exacerbate local (spot) as well as regional air quality concerns. This raises concerns pertaining to the cumulatively significant impact this project will have on air quality.

The location of a development project is a major factor in determining whether it will result in localized air quality impacts. The potential for adverse air quality impacts increases as the distance between the source of emissions and members of the public decreases. Impacts on sensitive receptors are of particular concern. Sensitive receptors are facilities that house or attract children, the elderly, people with illnesses, or others who are especially sensitive to the

"Caltrans Improves mobility across California"
Ms. Julie Boyle  
June 30, 2006  
Page 5  

effects of air pollutants. Hospitals, schools, convalescent facilities, and residential areas are all examples of sensitive receptors. Locating development projects with sensitive receptors (Porterville High School) in close proximity to a congested intersection or roadway with high levels of emissions from motor vehicles should be avoided. High concentrations of carbon monoxide, fine particulate matter, or toxic air contaminants are the most common concerns.

The citywide Traffic Impact Fee Program (TIFP) allows for the city to establish a pro-rata fair share fee structure that collects mitigation fees based on project development impacts and provides needed funds for improvements to the State and local road systems in an equitable and efficient manner. It is recommended that the City collect mitigation fees from this project for the necessary improvements at the Poplar Avenue/SR 190/Jaye Street intersection. These improvements are development driven and should be constructed with developer funds by the City.

Please be advised that any future development adjacent to a State Route, whether the entitlement is deemed by the lead agency to be discretionary or ministerial should be sent to Caltrans for review. Please send a response to our comments and a copy of the Council resolution related to the proposed project. If you have any questions, please call me at (559) 488-7306.

Sincerely,

[Signature]

AL DIAS  
Office of Transportation Planning  
District 6

C: Mr. Brad Dunlap, Planner, City of Porterville  
Mr. Ted Smalley, TCAG Staff  
SCH# 2004091116

*Caltrans improves mobility across California*
June 8, 2006

Mr. Bradley D. Dunlap
Community Development Director
City of Porterville
291 North Main Street
Porterville, California 93257

DRAFT ENVIRONMENTAL IMPACT REPORT FOR RIVERWALK MARKETPLACE
COMMERCIAL CENTER (SCH # 2004091116)

Dear Mr. Dunlap:

The Department of Toxic Substances Control (DTSC) has reviewed the document described above that proposes building a commercial center on land formerly used for agriculture. The Hazards/Hazardous Materials section of the referenced report indicates that pesticides were likely used throughout the site in historical agricultural practices. DTSC recommends that additional research be conducted to determine if and where storage, mixing, rinsing and disposal of pesticides may have occurred and whether contamination exists.

In addition, although DTSC does not regulate pesticides legally applied to crops, if pesticides have historically been used on the property, we strongly recommend that these areas be tested for environmentally persistent pesticides such as organic pesticides and metals prior to development. The results of any testing should be evaluated to determine if concentrations present in soils will be protective of consumers and workers.

Please contact me by email at tim@dtsc.ca.gov or by telephone at (916) 255-3710 if you have any questions.

Sincerely,

Tim Miles
Hazardous Substances Scientist

cc: Mr. Joel Martens
CUPA Program Supervisor
Tulare County Environmental Health
5957 South Mooney
Visalia, California 93277
cc: State Clearinghouse
    Office of Planning and Research
    1400 10th Street, Room 121
    Sacramento, California 95814-0613

Planning & Environmental Analysis Section (PEAS)
CEQA Tracking Center
1001 I Street, 22nd Floor
P.O. Box 806
Sacramento, California 95812-0806
San Joaquin Valley
Air Pollution Control District

July 5, 2006

City of Porterville
Attn: Julia Boyle, Senior Planner
City of Porterville
PO Box 492
Porterville, CA 93259

Subject: Porterville Riverwalk Marketplace Commercial Center – Draft Environmental Impact Report
Ennis Commercial Properties, LLC

Dear Ms. Boyle:

The San Joaquin Valley Air Pollution Control District (District) has reviewed the Draft Environmental Impact Report (DEIR) forwarded by the City of Porterville for the Porterville Riverwalk Marketplace Commercial Center Project (SCH # 2004091116). Development, as a result of this project, will be subject to District rules, regulations, and permitting requirements. The District previously commented September 30, 2004, Reference No. 820040309.

As noted in the DEIR, despite identifying mitigation efforts to reduce air quality impacts from areas and operational emissions, the document correctly specifies that such efforts may not reduce impacts to levels considered less than significant. We agree that Mitigation Measures should be implemented to the extent specified in the District's Regulation VIII (Fugitive PM10 Prohibitions). Regulation VIII was last amended on August 19, 2004. The District has determined that compliance with Regulation VIII will constitute sufficient mitigation to reduce fugitive dust related PM10 impacts from construction to a level considered less than significant; however, compliance with Regulation VIII does not mitigate the PM10 impact from equipment exhaust.

This project will be subject to the District's Indirect Source Review Rule (Rule 9510). This rule was adopted to reduce the impacts of growth in emissions from all new development in the San Joaquin Valley. Rule 9510 requires applicants subject to the rule to provide information that enables the District to quantify construction, area and operational PM10 and NOx emissions, and mitigate a portion of those emissions. An application must be filed with the District no later than concurrent with application with a local agency for the final discretionary approval. For more information and instruction, please visit the District's website at www.valleymc.org or contact the District's ISR staff by phone at (559) 230-5000 or by email at ISR@valleymc.org.

The District has recently entered into voluntary mitigation agreements (contracts) with a number of developers to further reduce project emissions. Under these agreements, the District will review and approve detailed air quality protocols and assessments that quantify baseline emissions and onsite mitigation measures included in the project. The Developer agrees to provide the District with funding to obtain emission reductions through District grant and incentive programs to fully mitigate net air pollutant emissions from their development project. The District manages the emission reduction projects and monitors the reductions over time. The contracts provide a means to address cumulative air quality impacts.
The District’s Technical Services has reviewed the Draft Environmental Impact Report (DEIR) submitted for the Porterville Riverwalk Marketplace Commercial Center Project and has the following comments and recommendations regarding toxic air contaminants and hazardous air pollutants.

Appendix C Air Quality Study

1. Impact 6 (pg. 15):
   New Stationary Source of Toxic Air Contaminant Emissions:
   a) When making an air quality assessment for a CEQA project, the District considers all sources of potential emissions whether they are not permitted or permitted in the future. If the modeling submitted does not include sources that may be permitted in the future, the district would have to assume that the impact from hazardous air pollutant (HAP) emissions for this project is significant (cancer risk greater than 10 in a million and/or hazard index greater than 1).

   b) Chapter 3 Impact #3.3.8 (pg. 3-28) stated the gasoline station is no longer included for this project. However under the Air Quality Study Impac 6 (pg. 15) includes the gasoline station. Please address all the information for the gasoline station or delete it from the entire report.

2. Mobile Sources
   The District could not determine, from the information provided, the number of Diesel truck deliveries that will be made to the Lowe’s Home Improvement Store and the Food Retail stores. The following information should be considered when modeling mobile sources for this project:

   a) If the type of operation is unknown, the District models small food/retail stores as having one Diesel-fueled truck delivery/week and one TRU (Transportation Refrigeration Unit) operating for at least 30 minutes a week.

   b) For the purpose of this assessment, only traveling and idle emissions should be assessed from the project area.

3. Health Risk Assessment
   Risk Calculation:
   The data provided in the report does not give the District enough information to verify the risk assessment presented. The District has the following comments regarding the risk assessment:

   a) The DEIR calculations/methodology utilized to calculate carcinogenic risk is no longer acceptable. The HRA guidelines promulgated by the California Office of Environmental Health Hazard Assessment (OEHHA) state the use of the latest version of the Hot Spots Analysis and Reporting Program (HARP) and OEHHA risk assessment health values (http://www.arb.ca.gov/toxics/healthval/healthval.htm). Therefore the District recommends use of the latest version of HARP (http://www.arb.ca.gov/toxics/harp/harp.htm) released by the Air Resources Board for performing a health risk assessment.

   b) In addition, the current guidelines from OEHHA do not allow for a straight ratio reduction of risk from residential to worker based on the period of exposure, (40 yr/70 yr) due to other variables that are utilized in the HARP model.

4. Modeling:
   The District makes the following comments and recommendations regarding the modeling:

   a) Sources-
      1) TRU’s-
         If the retail stores/restaurant being considered under this project include a grocery or refrigeration storage units then modeling of Transportation Refrigeration Units (TRU’s) should be included.
(1) The TRU's are characterized as:
   (a) Operating at least 50 minutes each trip and making at least one trip /week.
   (b) Rated at 50 BHP with 0.76 g PM10/BHP
   (c) Modeled as point source

ii) Diesel-Fueled Truck Travel-
    (1) Modeled as a line of volume sources along shortest truck route from road entrance to loading area
    (2) Diesel-Fueled Trucks are characterized by:
       (a) Driving at no more than 15 mph on the facility
       (b) 0.67g/mile emission factor

iii) Diesel-Fueled Truck Idling
    (a) Idling is limited to 5 minutes at any location, as recommended by the state ATCM for idling trucks (http://www.arb.ca.gov/toxics/idiing/idiing.htm)
       (b) 2.67 g/hr emission factor
       (c) Modeled as point source

iv) Sources to consider that were not included-
    (1) Emergency IC engines for backup power
    (2) Gas stations
    (3) Dry Cleaners
    (4) Forklifts
    (5) Charcoal Broilers

b) Building Downwash:
   Point sources that are near buildings should be assessed to determine if they might be affected by building downwash. If they are, the point sources should be modeled using data generated by the BPPIP (Building Profile Input Program) program.

c) Input files:
   The District requests that all input files used to conduct the Health Risk Assessment (HRA) be submitted in electronic format. Providing electronic input files to the District for modeling would facilitate the District's review of the HRA in a timely manner.

Conclusion regarding HRA:
Based on the information provided in the DEIR, the District recommends that the HRA be rerun with the above comments incorporated. For more information or help with modeling, please contact Suzanne Medina at (559) 230-5833 or mailto:suzanne.medin@valleymr.org. This will enable the District and the City of Porterville to determine if the impacts from hazardous air pollutants are significant and if additional mitigation measures are necessary.

It was noted during our review of the DEIR that a number of measures were listed in the Air Quality section that should not be considered mitigation measures since they are already required by District regulation. Adhering to the requirements of District rules should be considered compliance rather than mitigation. Mitigation is those measures taken to lower emissions above and beyond what is required by compliance with District rules. The District believes this distinction is important because mitigation measures will require the preparation of a mitigation-monitoring program that provides the schedule for implementation and the enforcement mechanism. In future documents, the District recommends that compliance with District rules should be stated separately in the air quality discussion and be considered part of the project baseline.

Based on the information provided, the proposed project will be subject to the following District rules. The following items are rules that have been adopted by the District to reduce emissions throughout the San Joaquin Valley, and are required. This project may be subject to additional District Rules not enumerated below. To identify additional rules or regulations that apply to this project, or for further information, the applicant is strongly encouraged to contact the District's Small Business Assistance Office at (661) 329-6959. Current District rules can be found at http://www.valleyair.org/rules/ruleslist.htm...
Regulation VIII (Fugitive PM10 Prohibitions) Rules 8011-8081 are designed to reduce PM10 emissions (predominantly dust/dirt) generated by human activity, including construction and demolition activities, road construction, bulk materials storage, paved and unpaved roads, carryout and track out, landfill operations, etc. The District’s compliance assistance bulletin for construction sites can be found at http://www.valleymark.org/busind/comply/PM10/Reg%20VIII%20CAB.pdf.

If a non-residential project is 5.0 or more acres in area or will include moving, depositing, or relocating more than 2,500 cubic yards per day of bulk materials on at least three days, a Dust Control Plan must be submitted as specified in Section 6.3.1 of Rule 8021. Construction activities shall not commence until the District has approved the Dust Control Plan. A template of the District’s Dust Control Plan is available at http://www.valleymark.org/busind/comply/PM10/forms/DCP-Form%20-%2012-01-2005.doc.

Rule 2140 (Permits Required) This rule requires any person constructing, altering, replacing or operating any source operation, which emits, may emit, or may reduce emissions to obtain an Authority to Construct or a Permit to Operate.

Rule 2201 (New and Modified Stationary Source Review Rule) This rule applies to all new stationary sources and all modifications of existing stationary sources that are subject to the District permit requirements and after construction emit or may emit one or more affected pollutant. The applicant must contact the District’s Small Business Assistance Office at (661) 325-8868 to receive additional information/instructions.

Rule 4002 (National Emission Standards for Hazardous Air Pollutants) In the event that any portion of an existing building will be renovated, partially demolished or removed, the project will be subject to District Rule 4002. Prior to any demolition activity, an asbestos survey of existing structures on the project site may be required to identify the presence of any asbestos containing building material (ACBM). Any identified ACBM may be removed by a certified asbestos contractor in accordance with CAL-OSHA requirements. If you have any questions concerning asbestos related requirements, please contact Dr. Sherman Yount at (661) 325-8868 or contact CAL-OSHA at (559) 454-1225. The District’s Asbestos Requirements Bulletin can be found online at http://valleymark.org/busind/comply/asbestosbul.htm.

Rule 4101 (Visible Emissions) This rule prohibits emissions of visible air contaminants to the atmosphere and applies to any source operation that emits or may emit air contaminants. The applicant must contact the District’s Small Business Assistance Office at (661) 325-8868 to receive additional information/instructions.

Rule 4102 (Nuisance) This rule applies to any source operation that emits or may emit air contaminants or other material. In the event that the project or construction of the project creates a public nuisance, it could be in violation and is subject to District enforcement action.

Rule 4601 (Architectural Coatings) This rule limits volatile organic compounds from architectural coatings by specifying architectural coatings storage, clean up and labeling requirements and applies to any person who supplies, sells, offers for sale, applies, or solicits the application of any architectural coating.

Rule 4821 (Gasoline Transfer Into Stationary Storage Containers, Delivery Vessels, and Bulk Plants) This rule limits VOC emissions from stationary gasoline storage tanks with capacity greater than 250 gallons (except for tanks subject to Rule 4823), gasoline delivery vessels, and tanks with capacity than 250 gallons, but not exceeding 19,800 gallons located at gasoline bulk plants.

Rule 4622 (Gasoline Transfer Into Motor Vehicle Fuel Tanks) This rule limits emissions of gasoline vapors from the transfer of gasoline into motor vehicle fuel tanks.

Rule 4621 (Cutback, Slow Cure, and Emulsified Asphalt, Paving and Maintenance Operations) If asphalt paving will be used, then paving operations of this project will be subject to Rule 4621. This rule applies to the manufacture and use of cutback asphalt, slow cure asphalt and emulsified asphalt for paving and maintenance operations.

Rule 9510 (Indirect Source Review) This rule was adopted to reduce the impacts of growth in emissions from all new development in the San Joaquin Valley. Rule 9510 requires applicants subject to the rule to provide information that enables the District to quantify construction, area and operational PM10 and NOx.
emissions, and potentially mitigate a portion of those emissions. An application must be filed with the District no later than concurrent with application with a local agency for the final discretionary approval. For more information and instruction, please contact the District’s ISR staff by phone at (659) 230-5800 or by email at ISR@valleymir.org.

The DEIR lists a number of mitigation measures to reduce operational emissions at the project site. These measures encourage the use of transit, walking and bicycling to access the project site. The District strongly encourages these measures and allows these reductions to be credited toward compliance with the operational emission reduction requirements of Rule 9510.

There are a number of measures listed below that are available to reduce emissions from construction equipment used to develop the project site. If implemented, these measures will assist the developer in meeting the emission reduction requirements of Rule 9510 and will reduce toxic emissions from the diesel engines. The DEIR discusses measures to reduce construction equipment emissions in sections M4.3.1-2 in terms of Rule compliance, but did not specifically commit to any on-site controls for construction equipment.

- Construction equipment may be powered by diesel engines fueled by alternative diesel fuel blends or Ultra Low Sulfur Diesel (ULSD). The California Air Resources Board (CARB) has verified specific alternative diesel fuel blends for NOx and PM emission reduction. Only fuels that have been certified by CARB should be used. Information on biodiesel can be found on CARB’s website at http://www.arb.ca.gov/fuels/diesel/biodiesel.htm and the EPA’s website at http://www.epa.gov/omis/models/biodiesel.htm. The applicant should also use CARB certified alternative fueled engines in construction equipment where practicable. Alternative fueled equipment may be powered by Compressed Natural Gas (CNG), Liquid Propane Gas (LPG), electric motors, or other CARB certified off-road technologies. To find engines certified by the CARB, see their certification website http://www.arb.ca.gov/mepro/offroad/certinfo.htm. For more information on any of the technologies listed above, please contact Mr. Chris Aaroe, Senior Air Quality Specialist, at (659) 230-5829.

- Construction equipment may be used that meets the current off-road engine emission standard (as certified by the CARB), or be re-powered with an engine that meets this standard. Tier I, Tier II and Tier III engines have significantly less NOx and PM emissions compared to uncontrolled engines. To find engines certified by the CARB, see http://www.arb.ca.gov/mepro/offroad/certinfo.htm. This site lists engines by type, then manufacturer. The “Executive Order” shows what Tier the engine is certified as. Rule 9510 requires construction exhaust emissions to be reduced by 20 percent for NOx and 45 percent for PM10 when compared to the statewide fleet average or to pay an in lieu mitigation fee. For more information on heavy-duty engines, please contact Mr. Thomas Aston, Air Quality Specialist, at (659) 230-5800.

District staff is available to meet with you and/or the applicant to further discuss the regulatory requirements that are associated with this project. If you have any questions or require further information, please call me at (659) 230-5937 or Mr. Dave Mitchell, Planning Manager, at (659) 230-5807 and provide the reference number at the top of this letter.

Sincerely,

[Signature]

Georgia A Stewart
Air Quality Specialist
Central Region

C: file
COMMENT LETTER 1

DEPARTMENT OF WATER RESOURCES
1416 NINTH STREET, P.O. BOX 942836
SACRAMENTO, CA  94236-0001

Comment 1-1

"Portions of the proposed project may be located within a regulated stream over which The Reclamation Board has jurisdiction and exercises authority....You may disregard this notice if your project is outside of the Board jurisdiction."

Response 1-1

The project is not located within a regulated stream over which the Reclamation Board has jurisdiction.

COMMENT LETTER 2

DEPARTMENT OF TRANSPORTATION
1352 WEST OLIVE AVENUE
P.O. BOX 12616
FRESNO, CA  93778-2616

Comment 2-1

The MUTCD signal warrant should be used in place of the Peak-Hour Volume Warrant 11 in the Caltrans Traffic Manual.

Response 2-1

Traffic signal protocols that were used are consistent with local practices and procedures.

Comment 2-2

"The project driveway north of the intersection (Driveway #1) should not be permitted due to its close proximity to the SR 190/Jaye Street intersection."

Response 2-2

The traffic study has evaluated the intersection of Driveway #1 and Jaye Street. This intersection will operate as a right turns only driveway and, as indicated in Table 4 of the Riverwalk Marketplace Traffic Impact Study, it is forecasted to operate at LOS “B” during both AM and PM peak hour periods. It is projected that this intersection will operate at an acceptable level of service; in addition, impacts to traffic operations at State Route 190/Jaye Street will be less than significant. The upstream signal at Vandalia Avenue will provide opportunity to vehicles to enter on to Jaye Street (critical gap) and align in the appropriate lane.
Comment 2-3

"The internal capture rates of 36% to 53% shown on page 15 are excessive because the proposed project does not have true mixed uses."

Response 2-3

All internal capture rates were derived from studies conducted by the Florida Department of Transportation as outlined in the Trip Generation Handbook. For the project, ITE land use code 814 (Specialty Retail Center) was replaced by ITE land use code 820 (Shopping Center), as requested by Caltrans. It should be noted that the Trip Generation Handbook states that internal capture rates are not applicable and should not be used to forecast trips for shopping centers if using Land Use Code 820 statistics and data.

Although Table 5 indicates Shopping Center as the land use for approved/pending projects, ITE land use code 814 (Specialty Retail Center) was used and internal capture rates were applied. It should be noted that the Trip Generation Handbook defines “mixed use” as different land uses; therefore, mixed uses are assumed for approved/pending projects. It should also be noted that the capture rates were applied to pending commercial projects as anticipated at the time of the traffic study. The one project that existed at the time of the traffic study was the Porterville Commercial Center on the northeast corner of Jaye/190. That project has been denied by the City Council and so any inclusion of its trips, discounted by internal caption rates or not, provides traffic projections that are higher than probable.

Comment 2-4

"Segment level-of-service shown on Table 8 (page 23), which was estimated using the Florida Tables, cannot be used for State highways. It is recommended that the Highway Capacity Manual method should be used to analyze the LOS for the highway segments."

Response 2-4

The Florida Tables are based upon information provided in the 2000 Highway Capacity Manual and are widely used in Tulare County and are the norm for traffic studies. In fact, the Florida Tables offer more stringent standards than typical volume to capacity equations. The traffic signal protocols that were used are consistent with local practices and procedures.

Comment 2-5

"The Poplar Avenue (North of SR 190)/Jaye Street intersection is too close to the SR 190/Jaye Street intersection. The increase in traffic volume from the development within the vicinity has created operational problems. It is recommended that as opening day mitigation for the Lowe’s home improvement store, the Poplar Avenue/Jaye Street intersection be closed to traffic. The rerouting of the Poplar Avenue traffic north to the new signalized Jaye/Vandalia Avenue intersection mid block between SR 190 and Springville Avenue is an alternative to allow Poplar Avenue to continue functioning."

Porterville Riverwalk Marketplace
Final Environmental Impact Report  July 2006
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Response 2-5

The Poplar Avenue/Jaye Street intersection will be permanently closed to traffic as a condition of approval. All traffic on Poplar Avenue will eventually be redirected north to Vandalia Avenue on Kessing Street (see Figure 3-1).

Comment 2-6

"Westbound dual right-turn lanes are not recommended at the intersection of SR 190/Jaye Street due to pedestrian conflicts. Pedestrian crosswalks need to be placed across the north, south, and east legs."

Response 2-6

The project has revised the lane configurations to reflect one westbound right-turn lane at the intersection of SR 190 and Jaye Street (see Figure 3-1). Although this turning movement exceeds 300 peak hour trips, the intersection will operate at LOS "D" conditions with a single right turn lane through Year 2030.

Comment 2-7

"We concur with the proposed project fare share percentages shown on Table 13 (Page 37 and 38)."

Response 2-7

Duly noted.

Comment 2-8

"We recommend these lane configurations for the following intersections:

**SR 190/Jaye Street**
- Northbound = Two left-turn lanes, two through lanes, one right-turn lane.
- Southbound = Two left-turn lanes, two through lanes, two right-turn lanes.
- Eastbound = Two left-turn lanes, two through lanes, one right-turn lane.
- Westbound = One left-turn lane, three through lanes, one right turn lane.

**Vandalia Avenue/Jaye Street**
- Northbound = Two left-turn lanes, two through lanes, one right-turn lane.
- Southbound = Two left-turn lanes, two through lanes, one right-turn lane.
- Eastbound = Two left-turn lanes, one through lane, one right-turn lane.
- Westbound = Two left-turn lanes, one through lane, one right-turn lane."
Response 2-8

The lane configurations that Caltrans has recommended are substantially the same as those recommended for the project (see Figure 3-1). The traffic study (Page 14) indicated that the geometrics derived from the study and represented in Figure 3-1 will mitigate traffic impacts to a less than significant level (specifically, the northbound leg of the State Route 190/Jaye Street intersection in one left-turn, one through, and one right-turn lane). Caltrans recommends the addition of one left turn lane and through lane; however, the traffic study supports the geometrics as proposed. Caltrans recommends two left turn lanes, two through lanes, and one right turn lane at the northbound leg of the Vandalia Avenue/Jaye Street intersection. The City is proposing that the right turn lane be a shared through lane. Also at Vandalia Avenue, the eastbound and westbound lane configurations propose shared turn/through lanes.

Comment 2-9

"The City has approved the Jaye Street Improvement Project proposing to construct a four-lane roadway. The project proposes to construct improvements to Jaye Street between SR 190 just south of West Orange Avenue. Caltrans recommends that the road project be delayed at this time in anticipation of additional mitigation to Jaye Street and the intersection at SR 190. The TIS has identified needed additional mitigation measures and the project's off-site improvements should be developed simultaneously if possible as a local government/private partnership."

Response 2-9

Jaye Street has, in fact, been redesigned in accordance with the mitigation measures recommended in the Traffic Impact Study.

Comment 2-10

"It is recommended that the City of Porterville conduct a corridor study for SR 190, which will ultimately have a combination of full interchanges, partial interchanges, and at-grade intersections. The City will have the full financial responsibility for the future widening of SR 190 and making intersection improvements to the SR 190 at Jaye Street intersection to obtain a minimum LOS C for the intersection."

Response 2-10

While the City desires to maintain a mutually beneficial working relationship with Caltrans, the City takes exception to Caltrans' comment that the City will be 100% responsible for improvements to the SR 190/Jaye Street intersection. There is a considerable amount of development occurring in the county area and at the tribal reservation east of Porterville. These entities must also be included in the "fair share" contribution to regional and state facilities.

Comment 2-11

The existing Jaye/Vandalia intersection when signalized needs to be provided with interconnect cable in order to be synchronized with the SR 190/Jaye Street intersection.

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Response 2-11

The Jaye Street and Vandalia Avenue intersection signal will be synchronized with the SR 190 and Jaye Street intersection signal.

Comment 2-12

"Existing curb, gutter and sidewalk, and curb ramps may need to be reconstructed to meet current ADA standards or other applicable State or Federal accessibility and safety requirements."

Response 2-12

Curb, gutter and sidewalk, and curb ramps will be reconstructed to meet current ADA standards prior to project approval.

Comment 2-13

"All existing concrete curb, gutter and sidewalk that is damaged, broken and/or cracked shall be removed and replaced in-kind."

Response 2-13

See Response 2-12

Comment 2-14

"Any and all damaged concrete surfaces within the right-of-way which pose a safety hazard due to potential tripping hazards shall be replaced or repaired in accordance with ADA and/or applicable State or Federal requirements."

Response 2-14

See Response 2-12

Comment 2-15

"An encroachment permit must be obtained for all proposed activities for placement of encroachments within, under or over the State highway right-of-way. Activity and work planned in the State right-of-way shall be performed to State standards and specifications, at no cost to the State. Engineering plans, calculations, specifications, and reports (documents) shall be stamped and signed by a licensed Engineer or Architect. Engineering documents for encroachment permit activity and work in the State right-of-way may be submitted using English Units. The Permit Department and the Environmental Planning Branch will review and approve the activity and work in the State right-of-way before an encroachment permit is issued. Encroachment permits will be issued in accordance with Streets and Highway Codes, Section 671.5, "Time Limitations."

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Response 2-15

The comment is noted and incorporated in the EIR. The project is already subject to Caltrans regulations and requirements.

Comment 2-16

All proposed landscaping plans along the SR 190 right-of-way including corner cut-off shall meet current standards as determined by the District Landscape Architect. All features of landscaping shall be evaluated for type, location and site visibility conflicts during the encroachment review process. All permits for landscaping in conventional highway right-of-way must be accompanied by a District approved maintenance agreement obligating a local agency or the permittee to maintaining the landscaping. Said maintenance agreement must accompany and be approved prior to issuance of the landscape permit. Proposed landscape projects in access control rights-of-way require an exception process, and approval is subject to the Headquarters Departmental approval process.

Response 2-16

The comment is noted and incorporated in the EIR. The City will require, as a condition of project approval, compliance with Caltrans regulations and requirements as well as coordination with Caltrans to design a comprehensive landscape plan along the State Route 190 frontage.

Comment 2-17

"Dust control measures shall be implemented on the site in a manner to prevent dust from entering the State right-of-way."

Response 2-17

The comment is noted and incorporated in the EIR. A Dust Control Plan will be prepared prior to project approval.

Comment 2-18

"Stormwater is not allowed to be discharged to the State right-of-way. Since the proposed development/project involves one acre or more of ground disturbance, the applicant needs to be advised by the lead agency to contact the Central Valley Regional Water Quality Control Board office in Fresno at 559-445-5116 to determine whether a Notice of Construction will be required. The applicant will be required to adhere to Caltrans construction stormwater requirements if there is proposed word within the State right-of-way. Additional information on Caltrans stormwater management requirements may be found on the Internet at www.dot.ca.gov/hq/env/stormwater/index.htm.
Response 2-18

The comment is noted and incorporated in the EIR. A Dust Control Plan will be prepared prior to project approval.

Comment 2-19

"Alternative transportation policies should be applied to the development. An assessment of multi-model facilities should be conducted. This assessment should be used to develop an integrated multi-model transportation system to serve and help alleviate traffic congestion caused by the project and related development in the area of the City. The assessment should include the following:

1. Pedestrian walkways should link this retail complex to an internal project area walkway, transit facilities, as well as other walkways in the surrounding area.

2. The project should develop a Transportation Management Plan (TMP). The TMP should go beyond offering transit options. Car pooling, van pooling, and other options should be included. The goal of the TMP is to reduce overall trips and the impact of those trips on transportation/air quality.

3. A Transportation Management Agency (TMA) and a TMA coordinator should be designated for the entire development area. The responsible TMP coordinator for this project should be assigned and directed to work with the TMA coordinator.

4. If transit is not available within ¼ mile of the site, transit should be extended to provide services to what will be a high activity center.

5. The consideration of bicycles as an alternative needs more attention. The project TMP should offer internal amenities to encourage bicycle use. These include parking, security, lockers and showers. However, internal bicycle paths should be coordinated with local and regional pathways to further encourage the use of bicycle for commuter and recreational purposes."

Response 2-19

The comment is noted and incorporated in the EIR. The City will require, as a condition of project approval, the incorporation of the recommended alternative transportation policies.

Comment 2-20

"Local roads in the vicinity of the SR 190/Jaye Street intersection are experiencing severe queuing resulting in peak-period congestion that has the potential to exacerbate local (spot) as well as regional air quality concerns. This raises concerns pertaining to the cumulatively significant impact this project will have on air quality."

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Response 2-20

All of the study intersections are projected to operate at acceptable LOS “D” or better conditions through 2030 with the recommended mitigation measures. The project proposes to change the phasing at the Jaye Street/ SR 190 intersection to accommodate protected left turns and overlap phasing for right turns on the northbound and southbound approaches. Implementation of the design will result in LOS “D” or better during the AM and PM peak hours. Cumulative air quality impacts have been addressed in Chapter 5 of the Draft EIR.

Comment 2-21

"The location of a development project is a major factor in determining whether it will result in localized air quality impacts. The potential for adverse air quality impacts increases as the distance between the source of emissions and members of the public decrease. Impacts on sensitive receptors are of particular concern. Sensitive receptors are facilities that house or attract children, the elderly, people with illnesses, or others who are especially sensitive to the effects of air pollutants. Hospitals, schools, convalescent facilities, and residential areas are all examples of sensitive receptors. Locating development projects with sensitive receptors (Porterville High School) in close proximity to a congested intersection or roadway with high levels of emissions from motor vehicles should be avoided. High concentrations of carbon monoxide, fine particulate matter, or toxic air contaminants are the most common concerns."

Response 2-21

There are not projected to be high concentration of carbon monoxide because of traffic mitigation measures. The Air Quality Section concluded that there will be no CO “hot spots.” Air quality impacts to sensitive receptors have been discussed in Section 3.3 of the Draft EIR. Mitigation Measures shall be incorporated; however, impacts will remain significant and unavoidable.

Comment 2-22

"The citywide Traffic Impact Fee Program (TIFP) allows for the city to establish a pro-rata fair share fee structure that collects mitigation fees based on project development impacts and provides needed funds for improvements to the State and local road systems in an equitable and efficient manner. It is recommended that the City collect mitigation fees from this project for the necessary improvements at the Poplar Avenue/SR190/Jaye Street intersection. These improvements are development driven and should be constructed with developer funds by the City.

Response 2-22

The City will require, as a condition of project approval, mitigation fees from this project for the necessary improvements at the Poplar Avenue/SR 190/ Jaye Street intersection.

COMMENT LETTER 3

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Comment 3-1

"...The Hazards/Hazardous Materials section of the referenced report indicates that pesticides were likely used throughout the site in historical agricultural practices. DTSC recommends that additional research be conducted to determine if and where storage, mixing, rinsing and disposal of pesticides may have occurred and whether contamination exists."

Response 3-1

A Level 1 Environmental Site Assessment was prepared on June 30, 2004 (Appendix A). According to this study, "there were no records or personal acknowledgments of hazardous materials being stored above or underground during the years the property was farmed...No records of existing or past environmentally hazardous occurrences at the subject property were discovered during interviews and record reviews. A database search of government records revealed the existence of 13 sites in the vicinity of the subject site where hazardous materials have leaked into the soil or water. Remedial action has been taken at all of the sites." Soil samples will be taken from the base of the transformer pole and tested for the presence of Poly Chlorinated Biphenyl (PCB) that could have leaked from the transformer in the past. Should the testing determine the project site contains residue of organo-chlorine pesticides or other hazardous materials; the applicant is required to follow DTSC cleanup guidelines.

Comment 3-2

"...Although DTSC does not regulate pesticides legally applied to crops, if pesticides have historically been used on the property, we strongly recommend that these areas be tested for environmentally persistent pesticides such as organic pesticides and metals prior to development. The results of any testing should be evaluated to determine if concentrations present in soils will be protective of consumers and workers."

Response 3-2

The Level 1 Environmental Site Assessment (see Appendix A) indicates that due to the types of crops grown on site (row crops such as cotton, alfalfa, corn and grains), agricultural chemical use on the land was low. While soil samples are tested for PCB, soil will also be tested to determine if concentrations present in soils will be protective of consumers and workers. Should the testing determine the project site contains residue of organo-chlorine pesticides or other hazardous materials; the applicant is required to follow DTSC cleanup guidelines.

COMMENT LETTER 4

SAN JOAQUIN VALLEY AIR POLLUTION CONTROL DISTRICT
1990 EAST GETTYSBURG AVENUE
FRESNO, CA 93726-0244

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Comment 4-1

"As noted in the DEIR, despite identifying mitigation efforts to reduce air quality impacts from area and operational emissions, the document correctly specifies that such efforts may not reduce impacts to levels considered less than significant. We agree that Mitigation Measures should be implemented to the extent specified in the District’s Regulation VIII (Fugitive PM\textsubscript{10} Prohibitions). Regulation VIII was last amended on August 19, 2004. The District has determined that compliance with Regulation VIII will constitute sufficient mitigation to reduce fugitive dust related PM\textsubscript{10} impacts from construction to a level considered less than significant; however, compliance with Regulation VIII does not mitigate the PM\textsubscript{10} impact from equipment exhaust."

Response 4-1:

The comment has been noted.

Comment 4-2

"This project will be subject to the District’s Indirect Source Review Rule (Rule 9510). This rule was adopted to reduce the impacts of growth in emissions from all new development in the San Joaquin Valley. Rule 9510 requires applicants subject to the rule to provide information that enables the District to quantify construction, area and operational PM\textsubscript{10} and NOx emissions, and mitigate a portion of those emissions. An application must be filed with the District no later than concurrent with application with a local agency for the final discretionary approval. For more information and instruction, please visit the District’s website at www.valleyair.org or contact the District’s ISR staff by phone at (559) 230-5800 or by email at ISR@valleyair.org."

Response 4-2

The comment has been noted. The City will require, as a condition of project approval, that the applicant comply with Rule 9510.

Comment 4-3

"The District’s Technical Services has reviewed the Draft Environmental Impact Report (DEIR) submitted for the Porterville Riverwalk Marketplace Commercial Center Project and has the following comments and recommendations regarding toxic air contaminants and hazardous air pollutants.

Appendix C Air Quality Study

1. Impact 6 (pg. 15):

   New Stationary Source of Toxic Air Contaminant Emissions:

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a. When making an air quality assessment for a CEQA project, the District considers all sources of potential emissions whether they are not permitted or permitted in the future. If the modeling submitted does not include sources that may be permitted in the future, the District would have to assume that the impact from hazardous air pollutant (HAP) emissions for this project is significant (cancer risk greater than 10 in a million and/or hazard indices greater than 1).

b. Chapter 3 Impact #3.3.6 (pg. 3-28) stated the gasoline station is no longer included for this project. However, under the Air Quality Study Impact 6 (pg. 15) includes the gasoline station. Please address all the information for the gasoline station or delete it from the entire report.

2. Mobile Sources

The District could not determine, from the information provided, the number of Diesel truck deliveries that will be made to the Lowe's Home Improvement Store and other food/retail stores. The following information should be considered when modeling mobile sources for this project:

a. If the type of operation is unknown, the District models small food/retail stores as having one Diesel-fueled truck delivery/week and one TRU (Transportation Refrigeration Unit) operating for at least 30 minutes a week.

b. For the purpose of this assessment, only traveling and idle emissions should be assessed from the project area.

3. Health Risk Assessment

Risk Calculation:

The date provided in the report does not give the District enough information to verify the risk assessment presented. The District has the following comments regarding the risk assessment:

a. The DEIR calculations/methodology utilized to calculate carcinogenic risk is no longer acceptable. The HRA guidelines promulgated by the California Office of Environmental Health Hazard Assessment (OEHHA) state the use of the latest version of the Hot Spots Analysis and Reporting Program (HARP) and OEHHA risk assessment health values (http://www.arb.ca.gov/toxics/healthval/healthval.htm). Therefore the District recommends use of the latest version of HARP (http://www.arb.ca.gov/toxics/harp/harp.htm) released by the Air Resources Board for performing a health risk assessment.

b. In addition, the current guidelines from OEHHA do not allow for a straight ratio reduction of risk from residential to worker based on the period of exposure (40 yr/70yr) due to other variables that are utilized in the HARP model.

4. Modeling:

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The District makes the following comments and recommendations regarding the modeling:

a. Sources

i. TRU’s

If the retail stores/restaurants being considered under this project include a grocery or refrigeration storage units then modeling of Transportation Refrigeration Units (TRU’s) should be included.

(1) The TRU’s are characterized as:

(a) Operating at least 30 minutes each trip and making at least one trip/week

(b) Rated at 50 BHP with 0.76 g PM_{10}/BHP

(c) Modeled as point source

ii. Diesel-Fueled Truck Travel

(1) Modeled as a line of volume sources along shortest truck route from road entrance to loading area

(2) Diesel-Fueled Trucks are characterized by:

(a) Driving at no more than 15 mph on the facility

(b) 0.67g/mile emission factor

iii. Diesel-Fueled Truck Idling

(a) Idling is limited to 5 minutes at any location, as recommended by the state ATCM for idling trucks (http://www.arb.ca.gov/toxics/idling/idling.htm)

(b) 2.57 g/hr emission factor

(c) Modeled as point source

iv. Sources to consider that were not included

(1) Emergency IC engines for backup power

(2) Gas stations

(3) Dry Cleaners

(4) Forklifts

(5) Charcoal Broilers
b. Building Downwash:

Point sources that are near building should be assessed to determine if they might be affected by building downwash. If they are, the point sources should be modeled using data generated by the BPIP (Building Profile Input Program) program.

c. Input files:

The District requests that all input files used to conduct the Health Risk Assessment (HRA) be submitted in electronic format. Providing electronic input files to the District for Modeling would facilitate the District's review of the HRA in a timely manner.

Response 4-3

The current project contains no known stationary sources of TAC’s. The Appendix C air quality study in the Draft EIR addressed an earlier version of the project that included a gasoline station, but the gasoline station is no longer included in the project and all references to it in the study should be ignored.

The health risk analysis was based on an estimated worst-case truck trip generation of 37 trucks per day, for a total of 74 heavy-duty diesel truck trips per day on Springville Avenue. Since there would be no need for vehicles to idle on Springville Avenue, only running emissions were considered, using EMFAC emission factors for heavy heavy-duty diesel trucks assuming a 2007 vehicle mix.

The HARP program is designed to handle emissions from industrial sources and does not have the capability to handle multiple area sources used to simulate a roadway. The HARP program uses the same ISCST-3 program to estimate concentrations that was used for the analysis contained in the DEIR. The latest risk assessment health values published by CARB are identical to those for diesel particulate utilized in the DEIR analysis.

The health risk assessment in Appendix C did not make any adjustments for worker-based exposure. The assessment was based on a 70-year residential exposure.

The health risk assessment focused on the passage of trucks on a residential street, which is the point of maximum exposure of sensitive receptors to diesel exhaust as it is assumed that all truck entering/exiting the project would pass this location. There is not enough information on the location of loading docks or the truck trip generation of individual businesses to allow modeling of idling trucks or TRU’s as point sources. The modeling conducted was an effort to be purposely conservative to identify the maximum likely effect of the project.

The project does not currently include any emergency diesel engines, gasoline fueling facilities, dry cleaners, or charcoal broilers. All of these facilities, if proposed by individual businesses at the proposed facility, would need permits from the San Joaquin Valley APCD.
The health risk assessment considered the effect of trucks traveling on Springville Avenue on adjacent homes. There are no intervening buildings such that the analysis needs to consider building downwash.

The Health Risk Assessment calculations are therefore considered appropriate for the project (see Appendix B).

Comment 4-4

"It was noted during our review of the DEIR that a number of measures were listed in the Air Quality section that should not be considered mitigation measures since they are already required by District regulation. Adhering to the requirements of District rules should be considered compliance rather than mitigation. Mitigation is those measures taken to lower emissions above and beyond what is required by compliance with District rules. The District believes this distinction is important because mitigation measures will require the preparation of a mitigation-monitoring program that provides the schedule for implementation and the enforcement mechanism. In future documents, the District recommends that compliance with District rules should be stated separately in the air quality discussion and be considered part of the project baseline."

Response 4-4

The comment has been noted. All SJVAPCD rules and regulations are required and are not considered mitigation.
APPENDIX A

LEVEL I ENVIRONMENTAL SITE ASSESSMENT
LEVEL 1 ENVIRONMENTAL SITE ASSESSMENT

PORTION OF LOTS 40 – 47 INCLUSIVE
OF THE PLEASANT GROVE TRACT
LOCATED IN THE SOUTHWEST ¼
S. 35, T.21S., R.27E., M.D.B.&M.
PORTERVILLE, CALIFORNIA

Prepared For:

Ennis Commercial Properties
643 North Westwood Street
Porterville, California

File No. 5647-04

June 30, 2004
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**APPENDIX A**

ASSESSOR'S PARCEL MAPS

PHOTOGRAPHS

**APPENDIX B**

HISTORICAL AERIAL PHOTOGRAPHS

USGS TOPOGRAPHIC MAPS

SUPPORTING DATA

**APPENDIX C**

EDR RADIUS MAP
INTRODUCTION

Purpose

On May 6, 2004, Mr. Ben Ennis of Ennis Commercial Properties, approved a proposal by Consolidated Testing Laboratories, Inc., (CTL) to perform a Level 1 Environmental Site Assessment (ESA) on a parcel of land proposed for development in a proposed 70-plus acre regional shopping center located in Porterville, California. A general determination of the nature, extent, and degree of the potential environmental liabilities associated with the property is desired.

As requested, CTL has completed a Level 1 ESA, including a field investigation and site history research of the subject property. The purpose of this investigation was to characterize the environmental setting of the site and to determine any evidence of use, storage, or spillage of materials that might be considered hazardous to the environment.

Involved Parties

Individuals and agencies involved in this investigation are listed below:

1.) Consolidated Testing Labs., Inc. – Field observations, data interpretation and report preparation.
2.) Mr. Ben Ennis, Ennis Commercial Properties
3.) City of Porterville Department of Community Development -Permit Records
4.) Ms. Brenda Donohoe, First American Title Company – Preliminary Title Report
5.) Environmental Data Resources, Inc. – Environmental Risk Records Search
6.) Edward Cornell, Viejo Robles, Inc. – Property History
7.) Mr. James Winton – Subdivision Development Plans
8.) Mr. Robert Keeley – Beckman Coulter, Inc. – Surrounding environmental concerns.
Scope of Work

The scope of work for this project is described in CTL's proposal to Ennis Commercial Properties. As proposed, the following subjects are addressed:

1. Site History Research
   A. Prior owners and use of property
   B. Storage or use of any known hazardous materials at the site
      (aboveground or underground storage tanks)
   C. Historic air photos (if pertinent or available)
   D. On-site water well data
   E. Record of any spill incidents

2. Field Investigation
   A. Visual Site Inspection
      1. Suspect operations
      2. Manholes, vent pipes, tanks, transformers
      3. Recent concrete/asphalt patch work
      4. Pits
      5. Stains
      6. Adjacent property activities
      7. Active and abandoned water well on-site

It is common for each of several agencies to have a file for a particular site. The information in these files is usually partially or completely redundant. Therefore, we use the phrase "as necessary" in reference to reviewing regulatory agency site files to indicate that, at our discretion, we may review files for a particular site at only one or two of the regulatory agencies which have files for that site.
Project Site Overview

The property is bound to the north and northwest by single-family and multiple-family residences. An improved city-maintained street, Springville Avenue, provides access to the property on the north. Indiana Street bounds the property to the west and Jaye Street bounds the property to the east. State Highway 190 bounds the subject site to the south yet there is no access to the highway from the site. The property is located in the north half of the southwest quarter of the southwest quarter of Section 35, Township 21 South, Range 27 East, M.D.B.& M. in the City of Porterville, County of Tulare, State of California. The site contains approximately 70-acres. The City of Porterville provides water, sewer, storm drainage, refuse collection and street cleaning for the site. The property is identified by the County Assessor as APN 260-030-002, 260-040-1,2,3,5,7,8,260-050-001, 260-060-001. An Environmental Site Assessment dated April 3, 2003, was conducted by CTL on portions of Lots 44 and 45 within the subject property area. The previous ESA was conducted for the Central Valley Family Crisis Center.

Subsurface and Geologic Conditions

The site is situated on alluvial plains formed along the gentle slope of the massive alluvial fans built up by materials eroded from the Sierra Nevada Mountains and transported by the Tule River. The property is located approximately 500-feet south of the Tule River.

The predominant soils found on the property, as classified in accordance with the Unified Soils Classification System, generally consist of interbeds of dark yellowish brown, cohesive to moderately cohesive silt (ML), dark yellowish brown very fine to fine, very fine to medium, and very fine to very coarse grained sandy silt and silty sand (SM), and light yellowish brown, very fine to medium and fine to very coarse grained sand (SC). The soil is classified as San Emidgio Loam by the “Soil Survey of Tulare County, Central Part”, published by the U.S. Department of Agriculture Soil Conservation Service. It is a deep, well-drained soil and is well suited for building sites.
Groundwater Conditions

Historically, the high groundwater table elevation at the site has reached 18-feet below existing ground surface and fluctuates with rainfall availability and water flows in the Tule River.

Nearest Fault Systems

The site is within Zone V1 as described by the Five County Seismic Safety Element Report of Fresno, Kings, Madera, Mariposa, and Tulare Counties, as compiled in 1974. The nearest active faults are the San Andreas Fault, White Wolf Fault, and the Owens Valley Fault, which are at approximate distances of 72-miles, 60-miles and 55-miles, respectively, from the proposed site. Seismic hazards in Zones V1 are low. According to the Seismic Zone Map included in the Uniform Building Code, the City of Porterville is located in Seismic Zone 3.

SITE HISTORY

Prior Owner's and Use of the Property

The property is presently owned by (Edward Cornell), Viejo Robles Corporation, a California Corporation. The Cornell Family acquired the property in approximately 1909. In 1930, the farming method was truck farming and crops grown were vegetables, and various irrigated row crops such as cotton, alfalfa, corn and grains. The property is currently lying fallow with a cover of annual weed growth. Mr. Harold Sheldon of Kransig Corporation farmed the property for the past 20 years. Crops included corn, various grains, and alfalfa. Aerial photographs verify the agricultural use of the property since at least 1957. At the time of our on-site visit there were no crops planted on the property.
Storage or Use of Any Known Hazardous Material

There were no records or personal acknowledgements of hazardous materials being stored above or underground during the years the property was farmed.

On-Site Water Well Data

An on site water well is located in the northeast quadrant of Lot 44 of the Pleasant Grove Tract. The motor and electric service meter pole have been removed. The well was served by a power line from the south that is still in place. The transformers are still in place. In recent years, the property had been irrigated with water from a well to the east of the property.

Record of Spill Incidents

No records of existing or past environmentally hazardous occurrences at the subject property were discovered during interviews and record reviews. A database search of government records revealed the existence of 13 sites in the vicinity of the subject site where hazardous materials have leaked into the soil or water. Remedial action has been taken at all of the sites. The listing of the database search and locations in relationship to the subject parcel and risk description is provided in Appendix A, as prepared by Environmental Data Resources, Inc., South Port, Connecticut.

The sites listed are:

1.) Beckman Instruments, 167 Poplar Avenue.
2.) Eyster property, 1008 Jaye Street.
3.) Frank’s Stop and Go, 610 W. Olive Avenue.
4.) Chuck’s Service, 832 W. Olive Avenue.
5.) Texaco Service Station, 921 W. Olive Avenue.
6.) Porterville High School, 465 W. Olive Avenue.
7.) Sierra Minit Mart, 368 W. Olive Avenue.
8.) McCauley’s Trophy Shop, 744 S. Main Street.
9.) E.D. Dinkins and Son Mobile, 720 S. Main Street.
10.) Porterville College, 900 S. Main Street
11.) Porterville Truss & Build, 477 S. Main Street.
12.) C & S Distributing, 65 W. Date Avenue.
13.) BJ’s Express, 284 W. Olive Avenue.

AGRICULTURAL CHEMICALS

Based on information gathered by interview and records, agricultural chemical use on the land was low because of the types of crops grown.

FIELD INVESTIGATION

A field investigation of the site was conducted by Wayne F. Harris and Fred Mason on June 23, 2004. The site was lying fallow. As of the writing of this report, a trailer-mounted strawberry sales stand is located at the southeast corner of the property where a single-family residence had been demolished in October, 2003. A 2-inch diameter point well and septic tank were also abandoned at that time. Prior to razing the former dwelling, demolition permits were authorized by the City of Porterville, the Tulare County Environmental Health Department and the San Joaquin Valley Air Quality Control Board.

An irrigation well with a distribution pipe is located near the northeast corner of Lot 44 of the Pleasant Grove Tract. Two valley oak trees are also situated on Lot 44. An electric transformer pole with transformers is located approximately 20-feet southeast of the irrigation well.
No stains or odors were observed on the property. A debris pile is located near the southeast corner and the southwest corner of the site. Photographs included in this report and taken on June 23, 2004, show the old well, general site layout, and debris piles.

CONCLUSIONS AND RECOMMENDATIONS

No evidence or documentation was discovered which indicates a release of hazardous materials on the property. The potential for agricultural chemicals, pesticides or other hazardous substances existing in the soil beneath the subject site was beyond the scope of this investigation.

DISCUSSION

It is recommended that soil samples be taken from the base of the transformer pole and tested for the presence of Poly Chlorinated Biphenyl (PCB) that could have leaked from the transformer in the past. The water well should be abandoned as directed by Tulare County Environmental Health Department.

The debris piles at the southeast and southwest corners should be removed to an approved disposal site. Investigations of properties within one-mile of the subject site indicate that soil and groundwater have been contaminated by petroleum constituents. The nearest site is Beckman Instruments Inc. Information concerning the site can be found on Pages 3 through 8 of the attached EDR Report.

Beckman Instruments conducted an extensive cleanup operation on groundwater near the site. During the cleanup operation, groundwater from monitoring wells on the subject property and surrounding properties was collected and tested for contaminants. Throughout the approximate 10-year period of testing, the identified contaminants were traceable to the Beckman Instruments site. The testing was discontinued and the monitoring wells were removed in 2002. The testing program did not detect contaminates north of Highway 190.
CLOSING STATEMENT

This report has been prepared for Ennis Commercial Properties, Porterville, California. The findings and conclusion rendered in this report are based on the field investigation and record search collected during the study. This report does not reflect the subsurface variations, which may exist below the subject site. These variations cannot be anticipated, nor can they be entirely accounted for in spite of exhaustive testing. Nor should this report be regarded as a guarantee that no further contamination, beyond that which could have been detected within the scope of the investigation, is present beneath the said property. Undocumented, unauthorized releases of hazardous materials are difficult and often impossible to detect within the scope of a Phase I investigation. No other warranty, either expressed, or implied is made.

DISCLAIMER

This work was undertaken in accordance with our General Terms and Conditions. In connection with the tasks performed under this contract, we exercised reasonable efforts to accomplish these tasks employing professional standards applicable in the industry today. As applicable and available, we have obtained and reviewed historical aerial photographs and other public records depicting the property. Consolidated Testing Laboratories, Inc. cannot guarantee that these reviews have necessarily yielded complete information. Incomplete historical records may have affected our ability to assess risks or hazards at the site.

To the extent that services require judgment, there can be no assurance that the results obtained are supportive of any given course of action. This may have included the application of judgment to scientific principles; to that extent, certain results reported in this work may be based on subjective interpretation. WE MAKE NO WARRANTIES, EXPRESSED OR IMPLIED, INCLUDING WITHOUT LIMITATIONS, WARRANTIES AS TO MERCHANTABILITY OR FITNESS FOR A PARTICULAR PURPOSE.
The information provided to you under this contract is not to be construed as legal advice. Consolidated Testing Laboratories, Inc. makes no claims, warranties, or guarantees with regard to this environmental review. Consolidated Testing Laboratories, Inc. does not represent that this Phase I Environmental Site Assessment, in and of itself, constituted “all appropriate inquiry into the previous ownership and uses of the property” as this phrase is used in Section 101 (35) (B) of the federal Comprehensive Environmental Response, Compensation, and Liability Act of 1980, as amended through PL 99-499 dated October 17, 1986.

CLOSING

Consolidated Testing Laboratories, Inc. appreciates the opportunity to be of service and to participate in this project. Should any questions or comments arise regarding this report, please contact our office at (559) 781-0571.

Sincerely,

CONSOLIDATED TESTING LABORATORIES, INC.

Wayne F. Harris
R.C.E. 15342, Exp. 3/31/05

Fred Mason
Staff Geologist

7/1/04
Figure 1. Aerial photograph of the subject site. Debris piles, transformers, and the old well are still located at the site. The house which was located at 745 Jaye Street in the southeast corner of property was razed in 2003.
Figure 2. A) View looking south from Springville Avenue toward the old well and transformer pole. Well is to the right of the standpipe near the left center of the photograph. B) View looking southeast of the old well and an associated standpipe. The transformer pole is in the background. Powerlines are feeding the transformers from the south. C) View looking northwest from the intersection of Highway 190 and Jaye Street. An irrigation line standpipe is in the foreground. A strawberry stand in background is situated at the previous house location.
Figure 3. A) View looking to the northwest at the debris pile situated in the southeast corner of the subject property. B) View looking toward the northeast at the debris pile situated in the southwest corner of the subject property near Indiana Street. C) View looking to the south from the intersection of Indiana Street and Springville Avenue.
Figure 4. A) View looking east near the intersection of Springville Avenue and Indiana Street. Houses are situated across the street and north of the subject site. B) View from the subject site looking northeast toward Springville Avenue. Apartment complexes are situated across the street from the subject site.
APPENDIX B

AIR QUALITY CALCULATIONS
CO STARTING

CO TITLEONE RIVERWALK DIESEL PARTICULATE- TRUCKS ON SPRINGVILLE ROAD

CO MODELOPT CONC URBAN DEFAULT

CO AVERAGE TIME PERIOD

CO POLLUTID OTHER
CO FLAGPOLE 1.5
CO RUN OR NOT RUN
CO FINISHED

SO STARTING
SO LOCATION 1 AREA -80 -4
SO LOCATION 2 AREA -160 -4
SO LOCATION 3 AREA -240 -4
SO LOCATION 4 AREA -320 -4
SO LOCATION 5 AREA -400 -4
SO LOCATION 6 AREA -480 -4
SO LOCATION 7 AREA -560 -4
SO LOCATION 8 AREA -640 -4
SO LOCATION 9 AREA -720 -4
SO LOCATION 10 AREA -800 -4
Air Quality Calcs.txt

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SO SRCPARAM 6 0.0000000196 4.15 8.0 80.0 1.39
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SO SRCPARAM 9 0.0000000196 4.15 8.0 80.0 1.39
SO SRCPARAM 10 0.0000000196 4.15 8.0 80.0 1.39

SO SRCGROUP ALL
SO FINISHED

RE STARTING

RE GRIDCART CART STA
  XYINC  -800  79  10  13  9  5
END

RE FINISHED

ME STARTING

ME INPUTFIL NLC71.MET

ME ANEMHGT 10 METERS

ME SURFDATA 23110  71
Air Quality Calcs.txt

ME UAIRDAT 23110 71

ME FINISHED

OU STARTING

OU RECTABLE ALLAVE FIRST

OU FINISHED

*** Message Summary For ISC3 Model Setup ***

------- Summary of Total Messages -------
A Total of 0 Fatal Error Message(s)
A Total of 2 Warning Message(s)
A Total of 0 Informational Message(s)

******* FATAL ERROR MESSAGES *******
***  NONE  ***

******* WARNING MESSAGES *******
ME W360  63 SET WI:2-Digit Year Specified: Valid for Range 1950-2049 SURFDATA
RE W216  52 RECART:FLAG Input Inconsistent With Option: Defaults Used CART

**************************************************
*** SETUP Finishes Successfully ***
**************************************************

[ *** ISCST3 - VERSION 00101 *** *** RIVERWALK DIESEL PARTICULATE- TRUCKS ON SPRINGVILLE ROAD *** 07/07/05 *** 13:11:50 *** PAGE 1
**MODELOPTs:
CONC URBAN FLAT FLGPOL DEFAULT

*** MODEL SETUP OPTIONS SUMMARY

**Intermediate Terrain Processing is Selected

Page 3
Air Quality Calcs.txt

**Model Is Setup For Calculation of Average CONCen tration Values.**

** -- SCAVENGING/DEPOSITION LOGIC -- **
**Model Uses NO DRY DEPLETION. DDPLETE = F**
**Model Uses NO WET DEPLETION. WDPLETE = F**
**NO WET SCAVENGING Data Provided.**
**NO GAS DRY DEPOSITION Data Provided.**
**Model Does NOT Use GRIDDED TERRAIN Data for Depletion Calculations**

**Model Uses URBAN Dispersion.**

**Model Uses Regulatory DEFAULT Options:**
1. Final Plume Rise.
2. Stack-tip Downwash.
4. Use Calms Processing Routine.
6. Default Wind Profile Exponents.
9. No Exponential Decay for URBAN/Non-SO2

**Model Assumes Receptors on FLAT Terrain.**

**Model Accepts FLAGPOLE Receptor Heights.**

**Model Calculates PERIOD Averages Only**

**This Run Includes: 10 Source(s); 1 Source Group(s); and 711 Receptor(s)**

**The Model Assumes A Pollutant Type of: OTHER**

**Model Set To Continue RUNNING After the Setup Testing.**

**Output Options Selected:**
Model Outputs Tables of PERIOD Averages by Receptor
Model Outputs Tables of Highest Short Term Values by Receptor (RECTABLE)

**NOTE: The Following Flags May Appear Following CONC Values: c for Calm Hours**
**m for Missing Hours**
**b for Both Calm and Missing Hours**

**Misc. Inputs: Anem. Hgt. (m) = 10.00 ; Decay Coef. = 0.000 ; Rot. Angle = 0.0**
Emission Units = GRAMS/SEC
Emission Rate Unit Factor = 0.10000E+07
Output Units = MICROGRAMS/M**3

**Approximate Storage Requirements of Model = 1.2 MB of RAM.**

**Input Runstream File: RIVER.TXT**

**Output Print File: RIVER.OUT**

** IS CST3 - VERSION 00101 ***
SPRINGVILLE ROAD ** 07/07/05***

**MODELOPTS:**

PAGE 2
Page 4
### Area Source Data

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9  80.00 1.39 0 0.19600E-07 -720.0 -4.0 0.0 4.15 8.00
10 80.00 1.39 0 0.19600E-07 -800.0 -4.0 0.0 4.15 8.00

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**Model Options:**

**Page 3**

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**Source IDs Defining Source Groups**

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**Model Options:**

**Page 4**

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**Page 5**
Air Quality Calcs.txt

*** GRIDDED RECEPTOR NETWORK SUMMARY ***

*** NETWORK ID: CART ; NETWORK TYPE: GRIDCART ***

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(METERS)

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*** Y-COORDINATES OF GRID ***
(METERS)

| 48.0 | 53.0 | 13.0 | 18.0 | 23.0 | 28.0 | 33.0 | 38.0 | 43.0 |

*** ISCT3 - VERSION 00101 ***

*** RIVERWALK DIESEL PARTICULATE - TRUCKS ON SPRINGVILLE ROAD ***

*** 07/07/05 ***

*** 13:11:50 ***

**MODELOPTS:

CONC

URBAN FLAT FLGPOL DEFAULT

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*** NETWORK ID: CART ; NETWORK TYPE: GRIDCART ***

* RECEPTOR FLAGPOLE HEIGHTS IN METERS *

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*** ISCT3 - VERSION 00101 ***
*** RIVERWALK DIESEL PARTICULATE - TRUCKS ON SPRINGVILLE ROAD ***
*** 07/07/05 ***

**MODELOPTS:

CONC URBAN FLAT FLGPOL DEFAULT

*** NETWORK ID: CART ; NETWORK TYPE: GRIDCART

*** RECEPTOR FLAGPOLE HEIGHTS IN METERS ***

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*** ISCT3 - VERSION 00101 ***
*** RIVERWALK DIESEL PARTICULATE - TRUCKS ON SPRINGVILLE ROAD ***
*** 07/07/05 ***

**MODELOPTS:

CONC URBAN FLAT FLGPOL DEFAULT

*** NETWORK ID: CART ; NETWORK TYPE: GRIDCART

*** RECEPTOR FLAGPOLE HEIGHTS IN METERS ***

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| 48.00 | 1.50  | 1.50  | 1.50  | 1.50  | 1.50  | 1.50  |
| 43.00 | 1.50  | 1.50  | 1.50  | 1.50  | 1.50  | 1.50  |
| 38.00 | 1.50  | 1.50  | 1.50  | 1.50  | 1.50  | 1.50  |
| 33.00 | 1.50  | 1.50  | 1.50  | 1.50  | 1.50  | 1.50  |
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| 28.00 | 1.50  | 1.50  | 1.50  | 1.50  | 1.50  | 1.50  |
| 23.00 | 1.50  | 1.50  | 1.50  | 1.50  | 1.50  | 1.50  |
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| 13.00 | 1.50  | 1.50  | 1.50  | 1.50  | 1.50  | 1.50  |

- **Network ID:** CART  ;  NETWORK TYPE: GRIDCART

### RECEPTOR FLAGPOLE HEIGHTS IN METERS *

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| 38.00 | 1.50  | 1.50  | 1.50  | 1.50  | 1.50  | 1.50  | 1.50  |
| 33.00 | 1.50  | 1.50  | 1.50  | 1.50  | 1.50  | 1.50  | 1.50  |
| 1.50  | 1.50  | 1.50  | 1.50  | 1.50  | 1.50  | 1.50  | 1.50  |
| 28.00 | 1.50  | 1.50  | 1.50  | 1.50  | 1.50  | 1.50  | 1.50  |
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- **Network ID:** CART  ;  NETWORK TYPE: GRIDCART

### RIVERWALK DIESEL PARTICULATE - TRUCKS ON SPRINGVILLE ROAD

**MODELOPTS:**

**PAGE 8**

**URBAN FLAT FLGPOL DEFAULT**
**SPRINGVILLE ROAD**

Air Quality Calcs.txt
07/07/05

**MODELopts:**

CONC

URBAN FLAT FLGPOL DEFAULT

*** NETWORK ID: CART ; NETWORK TYPE: GRIDCART

* RECEPTOR FLAGPOLE HEIGHTS IN METERS *

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- *** ISCST3 - VERSION 00101 ***

- *** RIVERWALK DIESEL PARTICULATE- TRUCKS ON SPRINGVILLE ROAD ***

- 07/07/05

- ***

- 13:11:50

- *** MODELopts: ***

- CONC

- URBAN FLAT FLGPOL DEFAULT

- *** NETWORK ID: CART ; NETWORK TYPE: GRIDCART

* RECEPTOR FLAGPOLE HEIGHTS IN METERS *

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Page 9
Air Quality Calcs.txt

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**MODELOPTS:**

**PAGE 11**

**URBAN FLAT FLGPOL DEFAULT**

*** NETWORK ID: CART ; NETWORK TYPE: GRIDCART

* RECEPTOR FLAGPOLE HEIGHTS IN METERS *

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Page 10
Air Quality Calcs.txt
*** NETWORK ID: CART    ;   NETWORK TYPE: GRIDCART

* RECEPTOR FLAGPOLE HEIGHTS IN METERS *

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[...]

*** ISCST3 - VERSION 00101 ***
*** RIVERWALK DIESEL PARTICULATE- TRUCKS ON SPRINGVILLE ROAD ***
*** 07/07/05 ***

**MODELOPTS:****

**URBAN** FLAT FLGPOL DEFAULT

**PAGE 13**

*** NETWORK ID: CART    ;   NETWORK TYPE: GRIDCART

* RECEPTOR FLAGPOLE HEIGHTS IN METERS *

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[...]

Page 11
Air Quality Calcs.txt

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18.00 1.50 1.50 1.50 1.50
13.00 1.50 1.50 1.50 1.50
1.50

*** ISCST3 - VERSION 00101 ***
*** RIVERWALK DIESEL PARTICULATE- TRUCKS ON SPRINGVILLE ROAD ***
*** 07/07/05 ***

13:11:50

**MODELOPTS:
CONC
URBAN FLAT FLGPOL DEFAULT

** PROCESSING ***

*** METEOROLOGICAL DAYS SELECTED FOR (1=YES; 0=NO)

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1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1

NOTE: METEOROLOGICAL DATA ACTUALLY PROCESSED WILL ALSO DEPEND ON WHAT IS INCLUDED IN THE DATA FILE.

** CATEGORIES ***

*** UPPER BOUND OF FIRST THROUGH FIFTH WIND SPEED (METERS/SEC)

10.80,

1.54, 3.09, 5.14, 8.23,

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Page 12
Air Quality Calcs.txt

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GRADIENTS ***

*** VERTICAL POTENTIAL TEMPERATURE
(DEGREES KELVIN PER METER)

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F .20000E-01 .35000E-01 .35000E-01 .35000E-01

*** ISCST3 - VERSION 00101 ***
*** RIVERWALK DIESEL PARTICULATE - TRUCKS ON
SPRINGVILLE ROAD
***
07/07/05
13:11:50

**MODELOPTS:

CONC URBAN FLAT FLGPOI DFALUT

*** THE FIRST 24 HOURS OF METEOROLOGICAL DATA ***

FILE: NLC71.MET

SURFACE STATION NO.: 23110 NAME: UNKNOWN
UPPER AIR STATION NO.: 23110 NAME: UNKNOWN
YEAR: 1971 YEAR: 1971

YR MN DY HR FLOW SPEED TEMP STAB MIXING HEIGHT (M) USTAR M-O LENGTH Z-O (mm/HR) (M/S) (K) CLASS RURAL URBAN (M/S) (M) (M)

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*** NOTES: STABILITY CLASS 1=A, 2=B, 3=C, 4=D, 5=E AND 6=F. FLOW VECTOR IS DIRECTION TOWARD WHICH WIND IS BLOWING. *** ISCT3 - VERSION 00101 *** RIVERWALK DIESEL PARTICULATE TRUCKS ON SPRINGVILLE ROAD *** 07/07/05 *** 13:11:50

**MODELOPTS:
CONC  PAGE 16
URBAN  FLAT  FLGPOL DEFAULT

VALUES FOR SOURCE GROUP: ALL 1, 2, 3, 4, 5, 6, 7, 8, 9, 10

*** THE PERIOD (8760 HRS) AVERAGE CONCENTRATION *** INCLUDING SOURCE(S): 1, 2, 3

*** NETWORK ID: CART; NETWORK TYPE: GRIDCART ***

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**THE PERIOD (8760 HRS) AVERAGE CONCENTRATION**

**INCLUDING SOURCE(S):**

1, 2, 3, 4, 5, 6, 7, 8, 9, 10

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Page 15
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*** NETWORK ID: CART; NETWORK TYPE: GRIDCART

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CONC    URBAN FLAT FLGPOL DEFAULT

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*** THE PERIOD (8760 HRS) AVERAGE CONCENTRATION

Page 16
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INCLUDING SOURCE(s): 1, 2, 3

*** NETWORK ID: CART ; NETWORK TYPE: GRIDCART

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*** RIVERWALK DIESEL PARTICULATE - TRUCKS ON SPRINGVILLE ROAD ***
*** 07/07/05 ***

**MODELOPTS:

PAGE 20

CONC URBAN FLAT FLGPOL DEFAULT

*** THE PERIOD (8760 HRS) AVERAGE CONCENTRATION

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*** NETWORK ID: CART ; NETWORK TYPE: GRIDCART

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** ISCST3 - VERSION 00101 *** *** RIVERWALK DIESEL PARTICULATE- TRUCKS ON SPRINGVILLE ROAD *** ***

VALUES FOR SOURCE GROUP: ALL

** CONC OF OTHER IN MICROGRAMS/M**3
Air Quality Calcs.txt

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[*** ISCST3 - VERSION 00101 ***] [*** RIVERWALK DIESEL PARTICULATE - TRUCKS ON SPRINGVILLE ROAD ***] [

**MODELOPTS:

URBAN FLAT FLGPOL DEFAULT

VALUES FOR SOURCE GROUP: ALL

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Page 20
Air Quality Calcs.txt

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**MODELOPTS:
CONC URBAN FLAT FLGPOL DFAULT

PAGE 25

** THE SUMMARY OF MAXIMUM PERIOD ( 8760 HRS) RESULTS ***

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*** RECEPTOR TYPES: GC = GRIDCART
                   GP = GRIDPOLR
                   DC = DISCCART
                   DP = DISCPOLR
                   BD = BOUNDARY

*** ISCST3 - VERSION 00101 ***

RIVERWALK DIESEL PARTICULATE - TRUCKS ON SPRINGVILLE ROAD

***

13:11:50

**MODELOPTS:

PAGE 26

Page 21
**Message Summary : ISCST3 Model Execution**

---------- Summary of Total Messages ----------

A Total of 0 Fatal Error Message(s)
A Total of 2 Warning Message(s)
A Total of 1114 Informational Message(s)
A Total of 1114 Calm Hours Identified

******** FATAL ERROR MESSAGES ********
*** NONE ***

******** WARNING MESSAGES ********
ME W360 63 SET_WI:2-Digit Year Specified: Valid for Range 1950-2049 SURFDATA
RE W216 52 RECART:FLAG Input Inconsistent With Option: Defaults Used CART

*****************************************************************************************
*** ISCST3 Finishes Successfully ***
*****************************************************************************************
Engineering
Architecture
Planning
Land Surveying
GIS/GPS
Biology

5110 W. Cypress Avenue
Visalia, California 93277
(559) 733-0440

One Sierragate Plaza, Suite 270c
Roseville, California 95678
(916) 784-7823

8405 N. Fresno Street, Suite 300
Fresno, California 93720
(559) 449-2400

9600 Prototype Court
Reno, Nevada 89521
(775) 324-1212

5080 California Avenue, Suite 400
Bakersfield, California 93309
(661) 616-2600

Quad Knopf
RESOLUTION NO.________

A RESOLUTION OF THE CITY COUNCIL CERTIFYING THE FINAL ENVIRONMENTAL IMPACT REPORT (EIR) AS BEING IN COMPLIANCE WITH THE CALIFORNIA ENVIRONMENTAL QUALITY ACT; ADOPTING FINDINGS OF FACT; ADOPTING A STATEMENT OF OVERRIDING CONSIDERATIONS; ADOPTING A MITIGATION MONITORING PLAN FOR THE RIVERWALK MARKETPLACE COMMERCIAL CENTER GENERALLY LOCATED AT THE NORTHWEST CORNER OF JAYE STREET AND STATE ROUTE 190

WHEREAS: The City Council of the City of Porterville at its regularly scheduled meeting of August 1, 2006, conducted a public hearing to consider certification of the Final Environmental Impact Report (EIR) (Attachment 2) for the Riverwalk Marketplace Commercial Center Project generally located at the northwest corner of Jaye Street and State Route 190; and

WHEREAS: This resolution of the City Council constitutes the certification of the Final EIR for the Riverwalk Marketplace Commercial Center Project as being in compliance with the California Environmental Quality Act (CEQA), the CEQA Guidelines, and the City's Environmental Policy; and

WHEREAS: This resolution adopts Findings of Fact for the project, a Mitigation Monitoring Plan and Statement of Ocurring Considerations and certifies the Final EIR for the Riverwalk Marketplace Commercial Center Project; and

WHEREAS: Approval of the project requires City Council approval of Conditional Use Permit 4-2006 to adopt a Specific Plan with the Viejo Robles Planned Development as proposed, and to permit construction of a 360,000 square foot commercial center, including an indoor building materials retailer, and to permit the sale of alcoholic beverages under an on-site license at separate bar areas in the restaurant; and

WHEREAS: The project proposes to develop approximately 40± acres of commercially designated land uses, and would consist of approximately 360,000± square feet of commercial buildings, primarily retail and restaurant uses anchored by a 139,410± square-foot retail space. The site plan also includes 123,000± square feet of "majors", 25,000± square feet of retail, and 54,769± square feet of "pads"; and

WHEREAS: The City of Porterville retained the firm of Quad Knopf, Inc. as the consultant to assist in preparation of the environmental impact report for the project, and the document was reviewed and approved for public review by the City’s Environmental Coordinator; submitted for public review, comment and response, and public hearings; approved and certified by the Council; and

WHEREAS: Staff of the City of Porterville has conducted the necessary investigations (including environmental review of this matter); and, based on substantial evidence, submitted the matter for consideration of and action by the Council; and
WHEREAS: The Environmental Impact Report evaluates the potential impacts of the proposed project with current Planned Development zoning. Technical studies were completed, evaluating Traffic, Air Quality, Aesthetics, Biology, Hydrology/Water Quality and Noise impacts; and

WHEREAS: Commencing in September 2004, the Notice of Preparation for the project was circulated for a thirty (30) day review period; and

WHEREAS: In May, 2006, a Notice of Completion for a Draft Environmental Impact Report for the Riverwalk Marketplace Commercial Center Project was filed with the State Clearinghouse; and

WHEREAS: In May, 2006, a Notice of Availability of Draft Environmental Impact Report was duly circulated for a forty-five (45) day review period; and

WHEREAS: In May, 2006, a Notice of Public Hearing set for June 13, was duly sent to all affected persons and entities; and

WHEREAS: In May, 2006, a Notice of Availability of Draft Environmental Impact Report and Notice of Public Hearing was duly published in the Porterville Recorder, a newspaper of general circulation, and the Public Hearing was announced by the Porterville Recorder in a news article prior to the meeting, and Notice was mailed to property owners and residents within a three-hundred (300) foot radius, and was mailed to interested parties who had requested notice; and

WHEREAS: In May, 2006, the Draft EIR was duly distributed to the State Clearinghouse and to other federal, state and local public agencies; and

WHEREAS: Written comments were submitted during the public comment period by various public agencies and responses were made to said comments; and

WHEREAS: A public hearing was held for this matter at an adjourned meeting of the Porterville City Council on June 13, 2006; and

WHEREAS: Oral testimony and documentary evidence relating to this proposal was received from City Staff and an opportunity for comment was provided to the public and such testimony and evidence were duly noted by the City Council; and

WHEREAS: A copy of the proposed Final EIR was sent by U.S. Postal Service by the City at least ten (10) days before the City Council meeting to the affected public agencies and interested persons who submitted written comments to the Draft EIR; and

WHEREAS: The project has the potential to have a significant effect on the environment; mitigation measures are proposed for inclusion into the project; a
mitigation monitoring plan is proposed for approval; project findings of fact are proposed for adoption; and a statement of overriding considerations is proposed for adoption.

NOW, THEREFORE, BE IT RESOLVED as follows:

1. The City Council hereby incorporates by reference the Final EIR (which includes the Draft EIR and related appendices), the Staff Report prepared by City Staff, and such other oral testimony and documentary evidence submitted to the City Council during the public hearings affecting this application.

2. The City Council finds and declares that on August 1, 2006, the Council duly conducted a public hearing relating to the Final EIR; and during said meeting, evidence was submitted by City Staff and an opportunity for comment was provided to all other interested parties, and said evidence was independently considered by the Council.

3. The City Council certifies and finds that it has considered the information presented in the Final EIR and other relevant evidence to determine compliance with CEQA, the State CEQA Guidelines and the City’s policies regarding compliance with CEQA. The Council further certifies and finds that prior to taking action on the project, it independently reviewed and considered the information contained in the Final EIR and other relevant evidence. Accordingly, based on the Council’s exercise of its independent judgment when reviewing and considering the information in the Final EIR and other relevant evidence presented thereto, the Council further certifies and finds that the Final EIR required for this commercial development project is adequate and has been prepared and completed in compliance with CEQA, the State CEQA Guidelines and the City’s policies regarding compliance with CEQA.

4. The City Council, after considering all of the evidence presented and based on substantial evidence, further finds and declares that the foregoing recitals (made a part hereof) are true, and makes further findings concerning the environmental impacts relating to the project as described in the Final EIR. These findings are set forth more specifically in attached Exhibit “A” which is incorporated herein by reference. These findings, which are based on substantial evidence, are hereby adopted by the City Council. These findings reflect that (except for significant effects relating to long term air quality impacts and noise), all potentially significant and adverse environmental effects will be substantially lessened, reduced to a level of insignificance, or avoided with the adoption and implementation of feasible mitigation measures proposed in the Final EIR. These findings also reflect that (a) changes or alterations have been required in, or incorporated into, the project which feasibly mitigate, substantially lessen or avoid the significant and adverse effects on the environment specified in the Final EIR, or (b) such changes or alterations are within the responsibility and jurisdiction of another public agency and not the agency making the findings, and such changes can be and should be adopted by such other agency.
5. The City Council, after considering all of the evidence presented and based on substantial evidence, further finds and declares in accordance with Public Resources Code Section 21092.1 and State CEQA Guidelines Section 15088.5 that it is not necessary to re-circulate either the Draft or Final EIR for this project because significant new information was not added to the Draft or Final EIR (a) which identified a significant new environmental impact resulting from the project or a mitigation measure(s) proposed to be implemented; (b) which showed a substantial increase in the severity of an environmental impact; (c) which showed a feasible alternative or mitigation measure considerably different from others previously analyzed in the Draft EIR that clearly would have lessened the environmental impacts of the project and which was not adopted; or (c) which showed that the Draft EIR was so fundamentally and basically inadequate and conclusory in nature that meaningful public review and comment were precluded. Similarly, the Council, after considering all of the evidence presented and based on substantial evidence, further finds and declares that the information presented in the Final EIR merely clarified or amplified information in the Draft EIR, or made minor modifications to an adequate EIR. These findings are set forth more specifically in attached Exhibit "A" which is incorporated by reference.

6. The City Council hereby approves and adopts the Mitigation Monitoring Plan to monitor the changes or alterations that have been required in, or incorporated into, the project in order to mitigate feasibly, substantially lessen, or avoid the potentially significant environmental effects and the Council hereby commits that the City will enforce said plan, if necessary. The Mitigation Monitoring Plan is set forth in attached Exhibit "B" which is incorporated herein by reference.

7. The City Council further finds and declares that the significant and adverse environmental effects relating to long term air quality and noise cannot be mitigated fully or substantially lessened; and that specific economic, legal, social, technological or other considerations make infeasible certain mitigation measures or project alternatives discussed in the Final EIR. The Council further finds and declares that changes or alterations have been required in, or incorporated into, the project, which feasibly mitigate, substantially lessen or avoid substantially all of the significant effects on the environment. However, despite these mitigation measures, there still are significant and unavoidably adverse environmental effects from this project. Accordingly, after balancing these interests, the Council hereby adopts the Statement of Overriding Considerations, which is based on substantial evidence, which is set forth in attached Exhibit "C", and which is incorporated herein by reference.

8. The City Council further finds and declares that written responses have been prepared to the comments submitted by the members of the public during the hearings held for this matter; that a copy of the written responses to the public hearing comments submitted on June 13, 2006, was sent to the interested parties; and, after due consideration of said responses, the Council finds and declares that
said responses are adequate. A true and correct copy of these responses is included within the Final EIR and is incorporated herein by reference.

9. The City Council further finds and declares that the project is consistent with, conforms to, or is otherwise compatible with the City of Porterville General Plan and the Viejo Robles Specific Plan.

10. Accordingly, the City Council, after considering all of the evidence presented and based on substantial evidence, hereby approves the Final EIR for the project as described and delineated in said EIR; and in connection therewith, the Council on behalf of the City hereby adopts, approves and intends to implement, monitor and enforce (if necessary) the mitigation measures set forth in the Final EIR as conditions of approval of the subject project. These feasible mitigation measures and conditions of approval are set forth more specifically in the Final EIR. These feasible mitigation measures and conditions, which are based on substantial evidence, are hereby approved and adopted by the Council.

11. The City Council further finds and declares that this resolution (which also contains exhibits delineating project findings, a mitigation monitoring plan and a statement of overriding considerations) provides adequate support for the commercial center project as proposed.

12. That implementation of the project may proceed subsequent to approval and/or conditional approval of the State Department of Fish and Game relative to said State Department’s consideration of a “de minimis impact” pursuant to Section 711.2 et. Seq. of the Fish and Game Code.

13. The City Council confirms that the documents and other materials that constitute the record of proceedings (which supports this decision, resolution, findings, mitigation monitoring plan and statement of overriding considerations) are located at the City of Porterville, Community Development Department, 291 N. Main Street, Porterville, California, 93257 (Telephone No. (559) 782-7460). The custodian(s) for these documents and other related materials are Bradley D. Dunlap, AICP, Community Development Director and Julie Boyle, AICP, Senior Planner.

______________________________
Cameron Hamilton, Mayor

ATTEST:
John Longley, City Clerk

By ______________________________
Georgia Hawley, Deputy
EXHIBIT A

STATEMENT OF FINDINGS AND FACTS RELATING TO
THE ENVIRONMENTAL IMPACTS OF
RIVERWALK MARKETPLACE COMMERCIAL CENTER

I. INTRODUCTION

The California Environmental Quality Act (Public Resources Code Section 21000 et seq., "CEQA") provides, in Section 21081, that:

No public agency shall approve or carry out a project for which an environmental impact report has been certified which identifies one or more significant effects on the environment that would occur if the project is approved or carried out unless both of the following occur:

(a) The public agency makes one or more of the following findings with respect to each significant effect:

(1) Changes or alterations have been required in, or incorporated into, the project which mitigate or avoid the significant effects on the environment.

(2) Those changes or alterations are within the responsibility and jurisdiction of another public agency and have been, or can and should be, adopted by that other agency.

(3) Specific economic, legal, social, technological, or other considerations, including considerations for the provision of employment opportunities for highly trained workers, make infeasible the mitigation measures or alternatives identified in the environmental impact report.

(b) With respect to significant effects which were subject to a finding under paragraph (3) of subdivision (a), the public agency finds that specific overriding economic, legal, social, technological, or other benefits of the project outweigh the significant effects on the environment.

As defined in CEQA, "significant effect on the environment" means "a substantial, or potentially substantial, adverse change in the environment." (Public Resources Code Section 21068.)

II. ENVIRONMENTAL IMPACTS OF THE PROJECT; FINDINGS REGARDING SIGNIFICANT UNMITIGABLE EFFECTS OF THE PROJECT

The potentially significant and unavoidably significant effects of the Project as determined by the City, including the facts supporting the findings in connection therewith, are:
Air Quality – Construction Activities (Gaseous Emissions)

Impacts of construction activities will temporarily increase emissions of NOx, ROG, and PM$_{10}$.

**Finding:** Mitigation measures to be implemented by the City will reduce emissions, **but not to a less than significant level**.

Air Quality – Traffic Emissions Health Risks

Project mobile of ozone precursors and PM$_{10}$ emissions are significant.

**Finding:** Mitigation measures to be implemented by the City will reduce emissions, but not below the SJVAPCD thresholds of significance. **Project impacts remain significant.**

Noise – On-site Construction Noise

Construction activities would be temporary in nature and would most likely occur only during the daytime hours. Construction noise impacts could result in annoyance or sleep disruption for nearby residents if nighttime operations were to occur or if equipment is not properly muffled or maintained.

**Finding:** Mitigation measures to be implemented by the City will reduce emissions, **but not to a less than significant level. Construction noise will remain a temporary, significant, and unavoidable impact.**

Noise – Operational Noise

The Environmental Noise Assessment found that the $L_{max}$ from delivery trucks at the apartments across Springville Avenue would be 69 dBA for heavy trucks and 66dBA for small trucks. The $L_{max}$ for residences across Indiana Street would be similar.

**Finding:** The mitigations will reduce operational noise, but this reduction may not reduce noise to a less than significant level at all times. The impact remains **significant and unavoidable.**

Noise – Additional Project Related Noise

Trash compactors and air conditioning/air handling equipment will produce noise.

**Finding:** The mitigation measures will reduce the off site noise impacts. However, the reduction cannot be quantified since information on the number of locations of additional noise sources is not available. Therefore, it must be assumed that this represents a **significant and unavoidable impact.**
Noise - Cumulative Noise Impacts

The combined impacts of each of the aforementioned noise sources may represent a significant impact.

**Finding:** The residual noise, when added to the 2.3 dB(A) from the traffic along Springville Avenue, is anticipated to exceed the 3 dB(A) threshold of significance. Therefore, the cumulative noise impacts from the project will create a significant, cumulative, and unavoidable impact.

IV. FINDINGS REGARDING ALTERNATIVES TO THE PROJECT

CEQA requires that an EIR describe a range of reasonable alternatives to the Project or to a location of the Project which could feasibly attain the basic objectives of the Project, and evaluate the comparative merits of the alternatives. *Section 15126(d)(1)* of the State CEQA Guidelines states that the “discussion of alternatives shall focus on alternatives to the project or to its location which are capable of avoiding or substantially lessening any significant effects of the project, even if these alternatives would impede to some degree the attainment of the project objectives, or would be more costly.”

As more particularly set forth in the EIR, the Project was compared to the following alternatives: (1) no project; and (2) alternate site location.

(1) **No Project Alternative.**

Under this alternative the City would not construct the project. Given the existing zoning, value and location of the property, the land will likely be developed into a neighborhood or community commercial center.

The character of the surrounding development indicates that the most suitable future uses are commercial or residential development. If the project site were to remain in agricultural use, the City’s General Plan policies and objectives would not be met. Construction of a different commercial center or residential community would generate 20,000 to 25,000 Average Daily Traffic (ADT) and have similar impacts on aesthetics, air quality, biology, cultural resources, hydrology, and traffic and would not reduce direct and cumulative impacts to levels significantly less than the proposed project.

(2) **Alternate Site Location.**

The Alternate Site alternative evaluates one additional site within Porterville.

In brief summary, the impacts of a commercial center located at State Route 65 and Scranton Avenue, compared with the impacts for the project are as follows:

**Air Quality:** Operational and construction emissions for the 80-acre project would be similar, if not greater than that of the 64-acre project. Under the
alternative, vehicle miles traveled to the alternative site would be increased by approximately 48,000 miles per day due to its remote location. Because the alternative site is approximately 20 percent larger than the project, it can be assumed that there would be approximately 20 percent more vehicles traveling to the alternative site. In addition, due to the size of the alternative site, construction emissions would also be greater than the project.

**Noise:** Noise levels at the alternative location would be similar to levels at the project site. Noise producing equipment used during construction shall be restricted to the hours from 7:00 a.m. to 7:00 p.m., Monday through Friday, and 9:00 a.m. through 6:00 p.m. on Saturday and Sunday. In addition, a sound barrier of a height that is at least two feet above the highest delivery trucks shall be constructed along the north perimeter of the project site to mitigate potential significant impacts from delivery trucks and loading dock noise. The mitigation measures would reduce the impact to a less than significant level.

The analysis in the EIR concluded that the proposed project is the environmentally superior alternative. The alternate, smaller shopping center is the next most environmentally superior project alternative; however it does not create a new mix of retail/commercial uses responsive to City and regional markets, nor does it increase economic benefits to the City through job creation.

*Exhibit A*
*Page 4*
EXHIBIT B

MITIGATION MONITORING PLAN

This Mitigation Monitoring Plan has been prepared in accordance with the requirements of Section 21081.6 of the California Environmental Quality Act (Public Resources Code Section 21000 et seq., "CEQA") in connection with the Porterville Riverwalk Marketplace. This Mitigation Monitoring Plan identifies existing regulatory processes which have been found to mitigate potentially significant effects and mitigation measures which have been specifically incorporated into the Project in order to mitigate or avoid significant effects on the environment.

For purposes of this Mitigation Monitoring Plan, the environmental impacts are identified, followed by a description of the existing applicable regulatory process or adopted mitigation measure, the entity responsible for ensuring implementation, compliance, and a description of the monitoring program to be followed.
Mitigation and Monitoring Program

<table>
<thead>
<tr>
<th>Impact</th>
<th>Mitigation Measures</th>
<th>Implementation</th>
<th>Monitoring</th>
<th>Time Span</th>
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</thead>
<tbody>
<tr>
<td>Impact #3.1.1: Scenic Vista, Scenic Resources and Visual Character</td>
<td>Mitigation Measure #3.1.1: The north elevation of the Porterville Riverwalk Marketplace will be landscaped with trees and shrubbery to a density that would screen at least 50 percent of all building surface elevations visible from residences on the north side of the proposed project. The south, east and west elevation shall be screened to 25 percent visibility. A licensed landscape architect will design a landscaping plan to achieve these goals within 5 years of initial planting. Parking lot landscaping shall also be designed to achieve 50 percent shade coverage within 10 years of planting. Outdoor billboards shall be excluded from the site.</td>
<td>City of Porterville</td>
<td>City of Porterville</td>
<td>Completed at time of final building inspection.</td>
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<tr>
<td>Impact #3.1.2: Light and Glare</td>
<td>Mitigation Measure #3.1.2: A light plan shall be developed by a registered illumination engineer. Lighting will be designed to avoid direct lighting and associated glare, as follows:</td>
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<td>■ All lighting fixtures on the perimeter of the project shall be outfitted with hoods and cut off lenses so that the light source itself is not visible to the naked eye from neighboring properties or to drivers or pedestrians from neighboring streets. The developer shall submit a lighting plan, which demonstrates that the resultant lighting levels conform to this standard before issuance of a Building Use Permit.</td>
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<td>■ Lighting shall be designed so that the 0.25 foot-candle contour occurs no farther than the perimeter of the project. The developer will develop a lighting plan, which demonstrates that the resultant lighting levels conform to this standard.</td>
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<td>■ All yard, security and canopy lighting in excess of 150 watts shall be hooded or shielded so that it is not visible to the naked eye from adjacent properties.</td>
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AIR QUALITY

Exhibit B
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<th>Impact</th>
<th>Mitigation Measures</th>
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</table>
| Impact #3.3.1: Construction Emissions of Particulate Matter (PM$_{10}$) and Fine Particulate Matter (PM$_{2.5}$) | **Mitigation Measure #3.3.1:** The following measures are appropriate additional dust control strategies to be implemented that go beyond the requirements of SJVAPCD Regulation VIII:  
  - Install wheel washers for all exiting trucks, or wash off all trucks and equipment leaving the site.  
  - Suspend excavation and grading activities when winds exceed 20 mph.  
  - Install sandbags or other erosion control measures to prevent silt runoff to public roadways from sites with a slope greater than one percent.  
  - Expeditiously remove the accumulation of mud or dirt from adjacent public streets at least once every 24 hours when operations are occurring. | City of Porterville | City of Porterville | Completed at time of final building inspection. |
| Impact #3.3.2: Construction Activities (Gaseous Emissions) | **Mitigation Measure #3.3.2:** The following measures from the GAMAQI (January 2002) shall be implemented in order to reduce gaseous construction emissions:  
  - Use alternative fueled or catalyst equipped diesel construction equipment where feasible.  
  - Minimize idling time to a maximum of 10 minutes.  
  - Where feasible, replace fossil-fueled equipment with electrically driven equivalents (provided they are not run via a portable fossil fuel generator set).  
  - Curtail construction during periods of high ambient pollutant concentrations; this may include ceasing of construction activity during the peak-hour of vehicular traffic on adjacent roadways. | City of Porterville | City of Porterville | Completed at time of final building inspection. |
| Impact #3.3.5: Traffic Emissions Health Risks | **Mitigation Measure #3.3.5:** Require the following design features be implemented:  
  - Use energy efficient design including automated control system for heating/air conditioning and energy efficiency, utilize lighting controls | City of Porterville | City of Porterville | Completed at time of final building inspection. |
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<td>and energy-efficient lighting in buildings and use light colored roof materials to reflect heat.</td>
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<td>- Plant deciduous trees on the south and westerly facing sides of buildings.</td>
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<td>- Provide low nitrogen oxide (NOx) emitting and/or high efficiency water heaters.</td>
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<td>- Purchase low-emission, alternatively-fueled or electrical-driven maintenance vehicles and equipment.</td>
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<td></td>
<td>- Promote pedestrian, bicycle and transit modes of travel through informational programs and provision of amenities such as transit shelters, secure bicycle parking and attractive pedestrian pathways.</td>
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<td>- Designate an on-site TSM coordinator.</td>
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<td></td>
<td>- Implement carpool/vanpool program, e.g., carpool ride-matching for employees, assistance with vanpool formation, provision of vanpool vehicles, etc.</td>
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<td>- Coordinate with the local transit operators to extend or expand service to the project area.</td>
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<td>- Provide transit use incentives, provide transit alternatives information such as printed schedules and establish transit information kiosks at appropriate locations.</td>
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<td>- Implement parking cash-out program for employees (non-driving employees receive transportation allowance equivalent to the value of subsidized parking).</td>
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<td></td>
<td>- Provide showers and lockers for employees bicycling or walking to work.</td>
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**BIOLOGICAL RESOURCES**

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<tr>
<td><strong>Impact #3.4.1: Special Status Species – Migratory Birds</strong></td>
<td><strong>Mitigation Measure #3.4.1:</strong> A preconstruction survey for raptor nests, including burrowing owls will be conducted. If raptor nests are found, construction will not occur within 50 yards of the Valley Oak tree. If Burrow Owls are found, the following measures established by the Staff Report on Burrowing Owl Mitigation (Dept. of Fish and Game, 10/1995) will be implemented:</td>
<td>City of Porterville</td>
<td>City of Porterville</td>
<td>During construction period</td>
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<td><strong>-</strong> A qualified ornithologist will conduct a pre-construction survey for nesting raptors on site within 30 days of the onset of ground disturbance, if ground disturbance is to occur during the breeding season (February 1 to August 31). If possible, the nesting season survey should be conducted during the peak of the breeding season, between April 15 and July 15. If a nesting burrowing owl is detected, an appropriate construction buffer would be needed (up to 250 feet). The actual size of the buffer would depend on topography, timing and type of construction activity that would occur in the vicinity of the nest. Pre-construction surveys for burrowing owls shall be conducted during the winter, non-breeding season, between December 1 and January 31, when wintering owls are most likely to be present.</td>
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<td><strong>-</strong> No disturbance should occur within 50 m (approx. 160 ft.) of occupied burrows during the nonbreeding season of September 1 through January 31 or within 75 m (approx. 250 ft.) during the breeding Season of February 1 through August 31. A minimum of 6.5 acres of foraging habitat shall be preserved contiguous with occupied burrow sites for each pair of breeding burrowing owls (with or without dependent young) or single unpaired resident bird.</td>
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<td><strong>-</strong> Occupied burrows should not be disturbed during the nesting season, from February 1 through August 31, unless the Department of Fish and Game verifies that the birds have not begun egg-laying and incubation or that the juveniles from those burrows are foraging independently and capable of independent survival at an earlier date.</td>
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<td><strong>-</strong> A minimum of 6.5 acres of foraging habitat, calculated on a 100-m (approx. 300 ft.) foraging radius around the natal burrow, should be maintained per pair (or unpaired resident single bird) contiguous with</td>
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<td>Burrows occupied within the last three years.</td>
<td>- When destruction of occupied burrows is unavoidable, burrows should be enhanced (enlarged or cleared of debris) or created (by installing artificial burrows) in a ratio of 1:1 in adjacent suitable habitat that is contiguous with the foraging habitat of the affected owls.</td>
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<td>- If owls must be moved away from the disturbance area, passive relocation (see below) is preferable to trapping. A time period of at least one week is recommended to allow the owls to move and acclimate to alternate burrows.</td>
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<td>- On-site passive relocation should be implemented if the above avoidance requirements cannot be met. Passive relocation is defined as encouraging owls to move from occupied burrows to alternate natural or artificial burrows that are beyond 50 m from the impact zone and that are within or contiguous to a minimum of 6.5 acres of foraging habitat for each pair of relocated owls. Relocation of owls should only be implemented during the non-breeding season.</td>
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<td>- Owls should be excluded from burrows in the immediate impact zone and within a 50 m (approx. 160 ft.) buffer zone by installing one-way doors in burrow entrances: One-way doors should be left in place 48 hours to insure owls have left the burrow before excavation. One alternate natural or artificial burrow should be provided for each burrow that will be excavated in the project impact zone. The project area should be monitored daily for one week to confirm owl use of alternate burrows before excavating burrows in the immediate impact zone.</td>
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<td>- Whenever possible, burrows should be excavated using hand tools and refilled to prevent reoccupation. Sections of flexible plastic pipe or burlap bags should be inserted into the tunnels.</td>
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<td></td>
<td>- The applicant should purchase the appropriate upland habitat credits for significant loss of burrowing owl habitat.</td>
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Page 6
| Impact #3.4.2: Special Status Species - San Joaquin kit fox | Mitigation Measure #3.4.2: The applicant will conduct pre-construction surveys for the San Joaquin kit fox. These pre-construction surveys should be conducted by a qualified biologist no less than 14 days and no more than 30 days prior to any construction-related activities. The primary objective is to identify kit fox habitat features (potential dens and refugia) on the project sites or within a 200-foot buffer zone, and evaluate them sufficiently to ascertain if they are being used by a kit fox. If an active kit fox den is detected within the area of work or the 200-foot buffer zone, the CDFG and USFWS will be contacted immediately to determine the best course of action. If no kit fox activity is detected, the work shall continue as planned and a brief written report will be submitted to the CDFG and USFWS within five days after completion of the surveys.

The applicant shall follow the Standardized Recommendations for Protection of the San Joaquin Kit Fox Prior to or During Ground Disturbance developed by the USFWS (1999). The measures that follow have been taken from USFWS (1999) and shall be implemented for this project.

- Project-related vehicles should observe a 20-mph speed limit in all project areas, except on county roads and State and Federal highways; this is particularly important at night when kit foxes are most active. To the extent possible, nighttime construction should be minimized. Off-road traffic outside of designated project areas should be prohibited.

- Since Kit foxes are attracted to den-like structures such as pipes and may enter stored pipe becoming trapped or injured, all construction pipes, culverts, or similar structures with a diameter of 4-inches or greater that are stored at a construction site for one or more overnight periods should be thoroughly inspected for kit foxes before the pipe is subsequently buried, capped, or otherwise used or moved in anyway. If a kit fox is discovered inside a pipe, that section of pipe should not be moved until the USFWS has been consulted. If necessary, and under the direct supervision of the biologist, the pipe may be moved once to remove it from the path of construction activity, until the fox has escaped.

- All food-related trash items such as wrappers, cans, bottles, and food scraps should be disposed of in closed containers and removed at least |

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<th>Implementation</th>
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<td>City of Porterville</td>
<td>City of Porterville</td>
<td>Completed at time of final building inspection.</td>
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<th>Impact</th>
<th>Mitigation Measures</th>
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<td></td>
<td>once a week from a construction or project site.</td>
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<td>▪ A representative shall be appointed by the project proponent who will be the</td>
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<td>contact source for any employee or contractor who might inadvertently kill or</td>
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<td>injure a kit fox or who finds a dead, injured or entrapped individual. The</td>
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<td>representative’s name and telephone number shall be provided to the USFWS.</td>
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<td>▪ In the case of trapped animals, escape ramps or structures should be installed</td>
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<td>immediately to allow the animal(s) to escape, or the USFWS should be contacted</td>
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<td>for advice.</td>
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<td>▪ Any contractor or employee(s) who inadvertently kills or injures a San Joaquin</td>
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<td>kit fox shall immediately report the incident to their representative. This</td>
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<td>representative shall contact the CDFG immediately in the case of a dead, injured</td>
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<td>or entrapped kit fox. The CDFG contact for immediate assistance is State Dispatch</td>
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<td>at (916) 445-0045. They will contact the local warden or biologist.</td>
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<td>▪ The Sacramento Fish and Wildlife Office and CDFG will be notified in writing</td>
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<td>within three working days of the accidental death or injury to a San Joaquin kit</td>
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<td>fox during project related activities. Notification must include the date, time,</td>
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<td>and location of the incident or of the finding of a dead or injured animal and</td>
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<td>any other pertinent information. The USFWS contact is the Chief of the Division of</td>
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<td>Endangered Species, 2800 Cottage Way, Suite W2605, Sacramento, CA 95825-1846,</td>
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<td></td>
<td>(916) 414-6620. The CDFG contact is Mr. Ron Schorff at 1416 9th Street, Sacramento,</td>
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<td>CA 95814, (916) 654-4262.</td>
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<td>▪ If preconstruction surveys indicate presence of kit fox or the project site, the</td>
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<td>project applicant shall purchase the appropriate amount of upland habitat credits</td>
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<td>from conservation banks as required by USFWS and CDFG.</td>
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**CULTURAL RESOURCES**

**Impact #3.5.1:** Disturbance of Cultural or

**Mitigation Measure #3.5.1:** If, in the course of project construction or project operation, any archaeological or historical resources are uncovered, discovered, or otherwise detected or observed, activities within 50 feet of City of Porterville City of Porterville During construction period

*Exhibit B*

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<tr>
<td>Historic Resources, Skeletal Remains</td>
<td>the find area shall cease. A qualified archaeologist shall be contacted and advise the City of the site’s significance. If the findings are deemed significant appropriate mitigation measures shall be required prior to any resumption of work in the affected area of the project.</td>
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<td>If, in the course of project construction or project operation, any skeletal remains are uncovered, discovered, or otherwise detected or observed, activities in the affected area shall cease. A qualified archaeologist, the City, the County Coroner and local Native American organizations shall be consulted, and appropriate measures shall be required that may include avoidance of the burial site or reburial of the remains.</td>
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<td>This measure will assure that appropriate procedures are followed with respect to unidentified skeletal remains or Native American burial grounds discovered during project construction or operation. The measure will assure that any Native American burial sites encountered are avoided, treated in accordance with the recommendations of the most likely descendant (for Native American remains), or relocated. This requirement shall be included in the conditions of approval and shall be implemented by the applicant, construction contractors, the County Environmental Assessment Officer, County Coroner, and NAHC or local Native American organizations. Monitoring shall be performed by the City of Porterville during project construction.</td>
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<td>HAZARDS/HAZARDOUS MATERIALS</td>
<td>Mitigation Measures #3.7.4: A Phase I site assessment shall be submitted prior to ground disturbance to demonstrate that there is no contamination on the affected areas.</td>
<td>City of Porterville</td>
<td>City of Porterville</td>
<td>Completed at time of final building inspection.</td>
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<td>Impact #3.7.4: Site Hazards</td>
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<td>NOISE</td>
<td>Mitigation Measure #3.11.1: Noise producing equipment used during construction shall be restricted to the hours from 7:00 a.m. to 7:00 p.m., Monday through Friday, and 9:00 a.m. to 6:00 p.m. on Saturday and Sunday. Also, effective mufflers shall be fitted to gas- and diesel-powered equipment.</td>
<td>City of Porterville</td>
<td>City of Porterville</td>
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<tr>
<td>Impact #3.11.2: Operational Noise</td>
<td><strong>Mitigation Measure #3.11.2:</strong> A sound barrier (earthen berm, concrete block wall or a combination of the two) of a height that is at least two feet above the delivery truck height shall be constructed along the northern and western perimeters of the project site to mitigate impacts from delivery trucks and loading dock noise.</td>
<td>City of Porterville</td>
<td>City of Porterville</td>
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<td>In addition, the following measures should be provided:</td>
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<td>1. Truck refrigeration units shall be provided with, and use, alternative power source if operating at the loading dock for more than one hour.</td>
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<td>2. All loading dock operations shall be conducted within the building or truck; that is, loading and unloading operations shall be conducted when the truck physically docked with the building. A rubber “boot” or similar method shall be used to facilitate a physical seal between the truck and the building.</td>
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<td>3. All mechanical equipment, such as compacters, compressors shall be located inside of the building structure.</td>
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<td>Impact #3.11.4: Additional Project Related Noise</td>
<td><strong>Mitigation Measure #3.11.4:</strong> Along with the noise barrier required in mitigation measure #3.11.2, all rooftop air conditioning/air handling equipment shall be behind a solid parapet wall along the north and west sides of the Project so that the line-of-site from air conditioners/air handling equipment to the apartments north of Springville Avenue and the residences west of Indiana Street is blocked. Alternatively, individual noise barriers around air conditioners, which block line-of-site to the apartments, would be equally effective (Appendix I).</td>
<td>City of Porterville</td>
<td>City of Porterville</td>
<td>During construction period</td>
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<td>Impact #3.11.6: Cumulative Noise Impacts</td>
<td><strong>Mitigation Measure #3.11.6:</strong> The project shall incorporate mitigation measures #3.11.1, #3.11.2, and #3.11.4.</td>
<td>City of Porterville</td>
<td>City of Porterville</td>
<td>Completed at time of final building inspection.</td>
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**TRAFFIC AND CIRCULATION**

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<tr>
<td>Significant Increase in Traffic</td>
<td>The mitigation measures recommended below apply to the project as</td>
<td>City of Porterville</td>
<td>City of Porterville</td>
<td>During construction period</td>
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<td>and Exceedance of Traffic Thresholds</td>
<td>Currently planned. Because of the variability of actual traffic relative to projections, monitoring of the actual traffic generated by the development, existing traffic, and approved City and regional projects is essential to adequate mitigation. Mitigations specific to each phase are as follows:</td>
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**Existing Conditions**

Under "Existing" conditions, all of the study intersections and roadways, except for the intersection at Springville Avenue/Jaye Street are operating at an acceptable LOS; therefore, the following mitigation measure is recommended:

*Springville Avenue/Jaye Street* intersection: Install a traffic signal; widen the eastbound and westbound approaches to include a single left turn lane. This intersection is operating at LOS "E" conditions during the PM peak hour period. This is a result of vehicles experiencing long periods of delay on Springville Avenue (minor street) while waiting for a "gap" to enter or cross Jaye Street (major street). Implementation of the recommended mitigation measure will result in LOS "C" conditions during the PM peak hour period.

It should be noted that long periods of delay were observed for the eastbound left turning movement at the Poplar Avenue (s/o State Route 190)/Jaye Street intersection; in fact, many of these movements were turning right and then making U-turns on Jaye Street to the south. However, because this intersection was analyzed as an isolated intersection and is based upon the outputs of the traffic analysis software, it currently operates at acceptable LOS conditions under all "Existing" scenarios. Although the traffic analysis software shows an acceptable LOS, field surveys by the traffic engineer indicate that there is a need to implement the mitigation measures described in the *Jaye Street/Gibbons Avenue Study*, specifically, relocating this intersection 300 feet south of the State Route 190 intersection.
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**Existing Plus Project Conditions**

Under "Existing plus Projects" conditions, it is assumed that mitigation measures recommended under "Existing" conditions have been implemented. In addition, improvements to Springville Avenue/Jaye Street, Vandalia Avenue/Jaye Street, and State Route 190/Jaye Street intersections are assumed to be in place by as identified on the site plan. With these improvements in place, these intersections are projected to operate at an acceptable LOS "D" or better conditions for all phases of the project under "Existing plus Project" conditions. Based upon the site plan provided by the client, the following improvements are recommended to be in place with construction of the project:

**Jaye Street from State Route 190 to Springville Avenue:** This two-lane collector is recommended to be improved to a four-lane arterial per the City's design standards. This is based upon review of the site plan and the need for Jaye Street to be widened to accommodate project trips.

**Vandalia Avenue from Indiana Street to Jaye Street:** With construction of the Project and based upon the site plan, it is recommended that this roadway be built to a four lane arterial per the City's design standards. Assessment of future costs associated with maintenance of this roadway will be determined by the City. With the implementation of the recommended mitigation measure, this roadway section is projected to operate at LOS "B" under "Existing plus Approved/Pending Project plus Project" conditions.

**Springville Avenue/Jaye Street intersection:** Widen the northbound and southbound approach to accommodate dual thru lanes. The lane geometrics from the *Traffic Signal Plan for Springville Avenue and Jaye Street* (OMNI-MEANS, January 2002) were applied and are shown on Figure 14.

**Vandalia Avenue/Jaye Street intersection:** Signalize this intersection as shown on the site plan. In addition, Jaye Street will need to be widened to accommodate dual left turn lanes on the northbound approach.

**State Route 190/Jaye Street intersection:** Widen the southbound approach to provide dual left turn lanes; widen the westbound approach to provide dual right turn lanes; and widen the eastbound approach to accommodate dual...
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| left turns                                 | **Project Driveways:** It is recommended that the project driveways along Springville Avenue contain shared movements as shown in Figure 7. The project driveway on Jaye Street between State Route 190 and Vandalia. Avenue is recommended to be a "right turn only" driveway and should provide for a deceleration lane no less than 100 feet in length. The eastbound right acceleration lane exiting the project should provide for maximum distance to accelerate. Based upon the site plan, this project driveway is approximately 240 feet north of State Route 190. Due to the number of trips project to make eastbound right turns, it is recommended that during the design of Jaye Street, consideration be made whereas this acceleration lane transition into the far southbound right turn lane at the State Route 190/Jaye Street intersection. In addition to the improvements identified on the site plan, the following mitigation measures are also recommended:  

**Orange Avenue/Jaye Street** intersections: Install a traffic signal and provide for left turn channelization on all approaches. This all-way stop-controlled intersection is projected to operate at LOS "F" conditions during the PM peak hour period. This intersection is also projected to meet the Caltrans' Peak-Hour Volume Warrant 11 for urban areas. Implementation of the recommended mitigation measures will result in LOS "C" conditions during the PM peak hour period.**                                |               |            |           |

**Existing Plus Approved/Pending Projects Conditions**

Under "Existing plus Approved/Pending Projects" conditions, the following mitigation measures are recommended:

**Orange Avenue/Jaye Street** intersections: Widen the westbound approach to include a dedicated left turn lane. This all-way stop-controlled intersection is projected to operate at LOS "E" conditions during the PM peak hour period. Implementation of the recommended mitigation measures will result in LOS "D" conditions during the AM and PM peak hour periods.  

*Exhibit B*

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<td><strong>Springville Avenue/Jaye Street</strong> intersection: Install a traffic signal; widen the eastbound and westbound approaches to include a single left turn lane. This intersection is operating at LOS &quot;F&quot; conditions during the AM and PM peak hour periods. This is a result of vehicles experiencing long periods of delay on Springville Avenue (minor street) while waiting for a &quot;gap&quot; to enter or cross Jaye Street (major street). Implementation of the recommended mitigation measure will result in LOS &quot;C&quot; or better conditions during the AM and PM peak hour periods.</td>
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<td><strong>Vandalia Avenue/Jaye Street</strong> intersection: Install a traffic signal; widen the southbound approach to accommodate a dedicated left turn lane; widen the northbound approach to include a dedicated right turn lane. This two-way stop-controlled intersection, which currently provides access to a home improvement store and garden center, is projected to operate at LOS &quot;F&quot; conditions during the AM and PM peak hour periods under this scenario. This intersection is also projected to meet the MUTCD Peak-Hour Warrant 3. Implementation of the recommended mitigation measure will result in LOS &quot;C&quot; or better conditions during the AM and PM peak hour periods.</td>
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<td><strong>State Route 190/Jaye Street</strong> intersection: Widen the eastbound approach of this signalized intersection to include dual left turn lanes. Under &quot;Existing plus Approved/Pending Projects&quot; conditions this intersection is projected to operate at LOS &quot;E&quot; conditions during the PM peak hour period. With the implementation of the recommended mitigation measures, this intersection is projected to operate at LOS &quot;D&quot; conditions during the AM and PM peak hour periods.</td>
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</table>

**Existing Plus Approved/Pending Projects Plus Project**

Under "Existing plus Approved/Pending Project plus Projects" conditions, it is assumed that mitigation measures recommended under "Existing plus Project" and "Existing plus Approved/Pending Projects" conditions have been implemented. In addition, improvements to Springville Avenue/Jaye Street, Vandalia Avenue/Jaye Street, and State Route 190/Jaye Street intersections are assumed to be in place as identified on the site plan. With these improvements in place, these intersections are projected to operate at an acceptable LOS "D" or better conditions under "Existing plus Approved/Pending Projects plus Project" conditions. In addition to the

*Exhibit B*

*Page 14*
improvements identified on the site plan, the following mitigation measures are also recommended:

*Olive Avenue/Jaye Street* intersection: Widen the northbound approach to accommodate dual left turn lanes and the southbound approach to accommodate a dedicated right turn lane. This intersection is projected to operate at LOS "E" conditions during the PM peak hour periods. Implementation of the recommended mitigation measure will result in LOS "D" conditions during the PM peak hour period.

*Orange Avenue/Jaye Street* intersections: Install a traffic signal and provide for left turn channelization on all approaches. This all-way stop-controlled intersection is projected to operate at LOS "F" conditions during the PM peak hour period. This intersection is also projected to meet the MUTCD Peak-Hour Warrant 3. Implementation of the recommended mitigation measures will result in LOS "C" conditions during the AM and PM peak hour periods.

**Year 2030 Base Conditions**

Under "Year 2030 Base No-Build" conditions, it is assumed that Jaye Street will have been improved to a four lane arterial from State Route 190 to Springville Avenue as called for in the Circulation Element of the City's current General Plan and that mitigation measures identified through "Existing plus Approved/Pending Projects" conditions have been implemented. In addition, the following mitigation measures are recommended:

*Orange Avenue/Jaye Street* intersections: Install a traffic signal and provide for left turn channelization on all approaches. This all-way stop-controlled intersection is projected to operate at LOS "F" conditions during the AM and PM peak hour periods. Implementation of the recommended mitigation measures will result in LOS "C" conditions during the AM and PM peak hour periods.

*State Route 190/Jaye Street* intersection: Widen the northbound approach to provide a dedicated right turn lane. This signalized intersection is projected to operate at LOS "E" conditions during the AM and PM peak hour periods. Implementation of the recommended mitigation measures will result in LOS...
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<td>&quot;D&quot; conditions during the AM and PM peak hour periods.</td>
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*State Route 190/Plano Street* intersections: Widen the southbound approach to provide dual through lanes; widen the northbound approach to accommodate dual left turn lanes and dual through lanes. This signalized intersection is projected to operate at LOS "E" conditions during the AM and PM peak hour periods. Implementation of the recommended mitigation measures will result in LOS "D" conditions during the AM and PM peak hour periods.

**Year 2030 Base Plus Project Conditions**

Under "Year 2030 Base plus Project" conditions, which assumes development of the Jaye Street improvement project as well as the improvements identified under "Existing plus Approved/Pending Projects plus Project" and "Year 2030 Base" conditions. In addition, the following mitigation measures are recommended:

*Olive Avenue/Jaye Street* intersection: Widen the northbound approach to accommodate dual left turn lanes and the southbound approach to accommodate a dedicated right turn lane. This intersection is projected to operate at LOS "F" conditions during the PM peak hour period. Implementation of the recommended mitigation measure will result in LOS "D" conditions during the PM peak hour period.

*Orange Avenue/Jaye Street* intersection: Install a traffic signal and provide for left turn channelization on all approaches. This all-way stop-controlled intersection is projected to operate at LOS "F" conditions during the AM and PM peak hour periods. Implementation of the recommended mitigation measures will result in LOS "C" conditions during the AM and PM peak hour periods.

*State Route 190/Jaye Street* intersection: Change the phasing at this signalized intersection to accommodate protected left turns and overlap phasing for right turns on the northbound and southbound approaches. This intersection is projected to operate at LOS "E" and "F" conditions during...
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<td>the AM and PM peak hour periods, respectively. Implementation of the</td>
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<td>recommended mitigation measure will result in LOS “D” or better</td>
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<td>conditions during the AM and PM peak hours.</td>
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<td>Impact #3.15.3:</td>
<td>Mitigation Measure #3.15.3: Along with implementation of Mitigation Measure 3.15-1:</td>
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<td>- A minimum of 300 feet of spacing from the intersection of Vandalia Avenue and</td>
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<td>Jaye Street intersection to the first access point on Springville Avenue shall be</td>
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<td>provided to allow sufficient vehicle storage for this lane.</td>
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<td>- All of the traffic signals on the Jaye Street corridor shall be coordinated in</td>
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<td>order to minimize queuing impacts.</td>
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<td>Impact #3.15.4:</td>
<td>Mitigation Measure #3.15.4: Vandalia Avenue must be fully constructed prior to</td>
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<td>opening day of the project.</td>
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Exhibit B
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EXHIBIT C

STATEMENT OF OVERRIDE CONSIDERATIONS

FINAL ENVIRONMENTAL IMPACT REPORT

PORTERVILLE RIVERWALK MARKETPLACE COMMERCIAL CENTER

PROJECT

Consistent with the California Environmental Quality Act ("CEQA"), the State CEQA Guidelines, the City Council of the City of Porterville hereby adopts this Statement of Overriding Considerations concerning the significant and unavoidable impacts of the Porterville Riverwalk Marketplace Commercial Center ("Project") to support its conclusion that the Project’s economic, public policy, social, technological and other considerations and benefits override and outweigh the Project’s significant and unavoidable impacts that cannot be substantially lessened or avoided even with the adoption of feasible mitigation measures, or feasible project alternatives pursuant to Public Resources Code Section 21081(b) and Guidelines Section 15093.

The significant and unavoidable impacts relating to this Project are generally described as air quality impacts and noise impacts. These impacts are discussed extensively in the Draft and Final EIR, and in Exhibit A.

The EIR for this Project has proposed mitigation measures that will address these significant and unavoidable impacts, and the City has expressly adopted these mitigation measures for this project. See the Final EIR and the Mitigation Monitoring Plan for the Project attached hereto as Exhibit B which is incorporated by reference herein.

Despite these mitigation measures, there are still significant and unavoidable impacts from this Project; however, this Project confers and manifests substantial benefits to the City of Porterville and to the County of Tulare. In general terms, these benefits can be described as socio-economic, in that the Project generates new employment and economic opportunities; and as such, the City hereby finds that the Project’s remaining significant and unavoidable impacts are acceptable in light of the Project’s benefits. Each benefit set forth below constitutes an overriding consideration warranting approval of the Project, independent of the other benefits, despite significant and unavoidable impacts.

**Overriding Considerations**

The City hereby finds that the economic, social, and other considerations of the project outweigh the unavoidable air quality and noise impacts identified in the findings. The commercial base of the project will enhance the tax base, create more jobs, and provide diverse shopping opportunities for residents of the City. More specifically, the City hereby finds that the applicable overriding considerations and benefits are economic and social are deemed to be substantial, and are set forth in more detail as follows:
1) Economic Considerations.

The Project provides new construction jobs and new full-time direct and indirect year-round jobs. Approving this Project helps reduce the unemployment problem in Porterville and Tulare County. In addition, there are substantial, direct and positive economic multiplier effects from the Riverwalk Marketplace’s location in Porterville, and in Tulare County. The project will also offer regional retail goods and services to local residents, eliminating the need for shopping trips to other cities in the County. The project will also generate tax revenues to the City of Porterville which are essential to provide the range of services prescribed by the City’s General Plan. Local shopping opportunities and the related tax revenues are necessary to balance the fiscal burden of residential land uses in the community. Accordingly, based on the foregoing discussion, the City finds and concludes separately and independently that there is a substantial and overriding economic benefit conferred in Porterville and in Tulare County, by allowing this Project to proceed.

2) Social Considerations.

There is public support for the Riverwalk Marketplace in Porterville. When considering and weighing the community-wide support for the Project, the City concludes, based on substantial evidence in the record, that there is public support for this commercial center. The project is also being developed in conformance with the adopted General Plan for the community. Faithful implementation of the General Plan is an important social objective of the community to ensure that Porterville residents are provided with a balance of goods and services to meet their needs. Thus, based on this discussion and substantial evidence in the record, the City finds and concludes separately and independently that there is a substantial and overriding social benefit that will be conferred in Porterville, and in Tulare County, by allowing this Project to proceed.

Conclusion

When balancing the interests in this matter, the City finds that the land use planning and regulatory documents of the City of Porterville reflect, both generally and specifically, a strong and pervasive public policy established and continued by the elected representatives of the City that supports the Riverwalk Marketplace; and in doing so, the City has improved the quality of life for City and County residents. Approving this Project continues and implements that public policy which promotes the overall public welfare.

Moreover, the City finds that this project generates employment and economic benefits which are needed to assist in relieving Porterville and Tulare County’s high unemployment rate. The Project generates permanent jobs in the City and satellite businesses benefit from the Project, namely, construction contractors, workers and suppliers. Thus, the Project contributes to the substantial, direct and positive economic multiplier effect in Porterville and Tulare County.
In light of the foregoing discussion and when balancing these interests, the City finds and concludes that these considerations and benefits are deemed to be substantial, that the Project will cause significant and unavoidable environmental effects, and that the Project should be approved notwithstanding these environmental effects that are significant and unavoidable.

Finally, the City finds and concludes that each benefit discussed herein constitutes a separate overriding consideration warranting approval of the Project, independent of the other benefits, despite each and every significant and unavoidable impact affecting the environment.
SUBJECT: ENVIRONMENTAL REVIEW OF THE CITY OF PORTERVILLE
BUS MAINTENANCE FACILITY EXPANSION PROJECT

SOURCE: COMMUNITY DEVELOPMENT DEPARTMENT

COMMENT: City Staff has completed the preparation of a combined CEQA Initial Study/Negative Declaration and NEPA Categorical Exclusion for the City of Porterville Bus Maintenance Facility Expansion Project. The project will be funded with "Section 5307" Federal Transit funds programmed by the City and therefore must be authorized by the Federal Transit Authority (FTA), and comply with the National Environmental Policy Act (NEPA). The document will be transmitted to FTA for approval of the Categorical Exclusion.

The proposed project is the Corporation Yard Bus Maintenance Facility Expansion. Currently Porterville Transit buses are kept on-site at the City Corporation Yard. The proposed project would extend and upgrade the existing fleet parking and washing facilities. This will facilitate improved and more orderly circulation in the bus parking area and provide for future expansion of the fleet. In addition, the project proposes the installation of two slow-fill CNG fueling pumps to accommodate two CNG fueled transit buses, expected to be delivered within twelve to eighteen months. This would allow for the gradual replacement of the entire fleet with more efficient, low-emission CNG-powered models.

The project site is located generally south at the southeast corner of the Corporation Yard. The site currently comprises the existing City Corporation Yard and abandoned portions of the neighboring City Wastewater Treatment Facility. The area immediately surrounding the project site is comprised of public, commercial and residential uses (see Figure 2 – Land Use & Zoning). The public uses consist of a school, a fire station, and a public park. The commercial uses consist of a mixture of general commercial and retail. All of the property zoned “OA” – Open Area, approximately 114 acres, is owned by the City, and includes the Corporation Yard, Recycling Center, Veterans Memorial Park, Fire Station, and Wastewater Treatment Facility (see Figure 2 – Land Use & Zoning).

The proposed Bus Maintenance Facility Expansion project consists of 4 primary elements. These elements depicted in Figure 3 – Site Plan, are as follows:

1. Fill-in of 3 former storage ponds.
2. Bus/employee parking improvements (including repaving, striping, drive approaches, bus stall covers, and lighting).
3. Expansion of wash rack (bus wash facility).
4. Installation of two (2) slow-fill CNG pumps.
The Initial Study/Environmental Assessment detailed evaluations of the potential/probable areas of impacts associated with this project. The evaluations conclude that no potential adverse environmental impacts will result regarding those categories of impacts specified under NEPA, nor to the categories of impacts specified under CEQA.

Therefore, the preparation and adoption of a combined Negative Declaration/Categorical Exclusion is recommended pursuant to this Initial Study/Environmental Assessment in compliance with State CEQA and Federal NEPA regulations.

The Draft Resolution approving the Negative Declaration includes findings acknowledging the City’s regulatory responsibilities and intent to comply.

ENVIRONMENTAL: On June 6, 2006, the Environmental Coordinator made a preliminary determination that a Mitigated Negative Declaration would be appropriate for the proposed project. The Initial Study and Notice of Intent to adopt a Negative Declaration pursuant to CEQA and Categorical Exclusion pursuant to NEPA have been transmitted to the State Clearinghouse, interested agencies, groups, and individuals for a twenty (20) day review period from June 12, 2006 to July 12, 2006.

At the end of that period, the only agencies that responded were Caltrans and the San Joaquin Air Quality Control Board. Neither agency identified significant environmental impacts.

RECOMMENDATION: That the City Council:

1. Adopt the draft resolution approving a Mitigated Negative Declaration for the City of Porterville Bus Maintenance Facility Expansion Project.

ATTACHMENTS:

1. Aerial locator map for the proposed project
2. Draft Initial Study and Notice of Intent to Adopt a Negative Declaration and Categorical Exclusion
3. Draft Environmental Resolution
Bus Maintenance Facility Expansion
Porterville, CA
CEQA INITIAL STUDY (IS)/
NEGATIVE DECLARATION (ND)

AND

NEPA ENVIRONMENTAL ASSESSMENT (EA)/
CATEGORICAL EXCLUSION (CE)

PROJECT:
CITY OF PORTERVILLE CORPORATION YARD -
BUS MAINTENANCE FACILITY EXPANSION

May 2006

Prepared for the
City of Porterville
291 North Main Street
Porterville, California 93257
559.782.7448

Prepared by
TPG Consulting, Inc.
222 North Garden Street, Suite 100
Visalia, California 93291
559.739.8072
PROJECT TITLE

City of Porterville Corporation Yard – Bus Maintenance Facility Expansion

LEAD AGENCY/PROJECT APPLICANT AND CONTACT PERSONS

The Lead Agency for the preparation of this combined CEQA Initial Study (IS)/Negative Declaration (ND) and NEPA Environmental Assessment (EA)/Categorical Exclusion is the City of Porterville. The key contact persons are as follows:

**Lead Agency/Project Applicant:**

City of Porterville  
291 North Main Street  
Porterville, CA 93257  
(559) 782-7448  
Contact: Linda A. Clark, Assistant to the City Manager

**Environmental Consultants:**

TPG Consulting, Inc.  
222 N. Garden Street, Suite 100  
Visalia, CA 93291  
(559) 739-8072  
Contact: Charles F. Clouse, Principal
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INTRODUCTION

The proposed Corporation Yard Bus Maintenance Facility Expansion is proposed to be funded with “Section 5307” Federal Transit funds programmed by the City and therefore must be authorized by the Federal Transit Administration (FTA). This project also requires a discretionary local action by the City of Porterville City Council. As such, the project is subject to both the California Environmental Quality Act (CEQA) and the National Environmental Policy Act (NEPA). Therefore, the following evaluation has been prepared to satisfy the environmental review requirements of both CEQA and NEPA, and serves as a “combined CEQA/NEPA document” as allowed and encouraged under both acts. It is the finding of this combined evaluation that the proposed project qualifies for a “Negative Declaration” pursuant to CEQA, and a “Categorical Exclusion” pursuant to NEPA and FTA Regulations 23 CFR 771.117(d)(8) (Construction of new bus storage and maintenance facilities).

The purpose of the Corporation Yard Bus Maintenance Facility Expansion is to expand a previously-built portion of the City’s Grand Avenue corporation yard where City transit buses are cleaned, fueled, parked overnight, and where light maintenance and repair work is done. The expansion will accommodate a larger bus fleet to serve the growing city and include a new compressed natural gas (CNG) fueling installation to allow for the gradual replacement of the existing bus fleet with a new generation of more efficient, low-emission CNG-powered models.

The City bus service (Porterville Transit), serves the Porterville area and provides connections to the County bus service (Tulare County Area Transit) as well as the Regional bus service provided by Orange Belt Stages.

The attached Environmental Checklist discusses the probable environmental effects of the proposed project. Preparation of this combined CEQA Initial Study/NEPA Environmental Assessment was based on information contained in numerous documents. References to these documents are identified in this report. All comments received on potential environmental issues through the Initial Study/Environmental Assessment process, will receive full consideration by the decision-making body prior to final action.

PROJECT BACKGROUND

PROJECT LOCATION

The project site is located in the western portion of the City of Porterville. The project vicinity is shown in Figure 1 - Vicinity Map. The City of Porterville is located in Tulare County, California, which is located in the San Joaquin Valley, approximately 165 miles north of Los Angeles, 254 miles south of San Francisco, and 171 miles east of the Pacific Coast; Porterville is 65 miles north of Bakersfield and 30 miles southeast of Visalia. The City was incorporated on May 7, 1902. The City operates under a council-manager form of government and provides a wide range of municipal services, including police and fire protection. The City currently has a land area of 14.8 square miles and a population of 44,496 (CA Dept. of Finance, 2005).

The project site includes approximately 6.93 +/- acres, which are part of about 114 +/- contiguous acres owned by the City and which contain the corporation yard, recycling center, sewer plant, laboratory, emergency water holding ponds, park areas, fire station and vacant land. The project site is located just north of the southeast corner of this City-owned area, south of the existing corporation yard and east and southeast of the sewage treatment facility. There is direct street access to the project site on the south side of Grand Avenue, 660 feet west of Prospect Street.
LEGEND

■ Project Location

VICINITY MAP
PROJECT DESCRIPTION

The proposed project is the Corporation Yard Bus Maintenance Facility Expansion. Currently Porterville Transit buses are kept on-site at the City Corporation Yard. The proposed project would extend and upgrade the existing fleet parking and washing facilities. This will facilitate improved and more orderly circulation in the bus parking area and provide for future expansion of the fleet. In addition, the project proposes the installation of 2 slow-fill CNG fueling pumps to accommodate 2 newly acquired CNG fueled transit buses, and allow for the gradual replacement of the entire fleet with more efficient, low-emission CNG-powered models.

The project site is located generally south of the southwest corner of Grand Avenue and Prospect Street in the City of Porterville. The site currently comprises the existing City Corporation Yard and abandoned portions of the neighboring City Wastewater Treatment Facility. The area immediately surrounding the project site is comprised of public, commercial and residential uses (see Figure 2 – Land Use & Zoning). The public uses consist of a school, a fire station, and a public park. The commercial uses consist of a mixture of general commercial and retail. All of the property zoned "OA" -- Open Area, approximately 114 acres, is owned by the City, and includes the Corporation Yard, Recycling Center, Veterans Memorial Park, Fire Station, and Wastewater Treatment Facility (see Figure 2 – Land Use & Zoning).

The proposed Bus Maintenance Facility Expansion project consists of 4 primary elements. These elements depicted in Figure 3 – Site Plan, are as follows:

1. Fill-in of 3 former storage ponds.
2. Bus/employee parking improvements (including repaving, striping, drive approaches, bus stall covers, and lighting).
3. Expansion of wash rack (bus wash facility).
4. Installation of slow-fill CNG pumps.

Element No. 1 involves the rehabilitation of 3 former wastewater storage ponds located directly south of the current boundary of the City Corporation Yard (between the Corporation Yard and the City Park - see Figure 4 – Site Aerial). A Phase I Environmental Site Assessment (ESA) was conducted on the 3 basins closest to the project’s south border, to determine whether soil contamination exists as a residual of their former use. The studies revealed no concentrations of organic or inorganic constituents at levels of concern in sub surface soils.

In accordance with Order No. 5-01-103, issued by the California Regional Water Quality Control Board (RWQCB), the City of Porterville is required to maintain 16.5 million gallons of effluent storage capacity in case of pump failure or other emergency at the adjacent Waste Water Treatment Facility. In a letter dated June 8, 2001 (see Appendix A) the RWQCB indicated their approval of the City’s plan to deepen 3 storage ponds to the west of the Bus Maintenance Expansion area (see Figure 4 – Site Aerial) by approximately 7.5 feet in order to offset the storage capacity lost by the project.

The 3 southerly storage ponds are to be filled in with certified clean fill material to bring them to grade with the surrounding land. The City will either obtain this certified clean fill material from an off-site location, or from the 3 deepened ponds lying west of the proposed maintenance facility. In the case of the latter, the City will commit to first performing subsequent appropriate testing of the pond material as required by law. If the pond material is ultimately deemed suitable as fill material it can then be utilized to fill the ponds at the bus maintenance site. The City has already consulted with the Army Corps of
Engineers (ACOE) with regard to the further dredging of these westerly ponds and infill of subject ponds. The ACOE has determined that these ponds are not considered wetlands (see Appendix B).

Element No. 2 involves bus/employee vehicle parking improvements on the project site. The current vehicle parking area is proposed to be extended to the south (over the 3 former storage ponds) and the entire area paved. A new drive approach will be added at the northwest corner of the City Corporation Yard (along Grand Avenue) to facilitate vehicle flow at the facility. The new approach will be used as the main entrance, while the current drive farther to the east will be used to exit the facility. The project also includes new curb, gutter, and sidewalk along the Grand Avenue frontage.

The current parking design is proposed to be expanded to add designated parking areas for transit employees, as well as for full-length and short buses. Thirty-five (35) employee parking stalls will be designated near the main entrance. Bus parking will be designated in the southern portion of the project area, and will consist of 46 full-length covered bus stalls (50 ft. max. bus) and 38 shorter covered bus stalls (35 ft. max. bus). The bus stalls will be designed to facilitate one-way pull-throughs. The stall coverings will be permanent awning-like metal structures, which may at a future time include solar panels. Lighting designed to illuminate just the facility will be installed within the employee and bus parking areas.

Element No. 3 involves revamping the existing wash rack. This element will involve the removal of existing concrete pad and improvements north of the existing wash bay and pressure washer, including a new concrete pad, installation of new connections to existing sewer lateral, sand and grease traps, hoses, bibs and water drains. The wash bay will also be covered with a permanent awning-like metal structure. Waste-water will be piped to the existing City-operated Wastewater Treatment Facility to the west.

Element No. 4 involves the installation of 2 slow-fill CNG pumps. The pumps will be located on either end of the most southerly full-length bus parking. This element will involve the addition of compression, storage, and dispensing equipment, as well as all related CNG infrastructure. The fueling stations will be for City use only, and will comply with all applicable codes and standards. These stations are intended to refuel buses overnight while non-operational.

**PROJECT NEED & OBJECTIVES**

The need for and objectives of the City of Porterville Corporation Yard - Bus Maintenance Facility Expansion are as follows:

- Provide additional space that is needed to adequately shelter and maintain the City’s transit fleet as the fleet grows from its existing 24 buses to space for 84 buses.
- Provide for more orderly bus parking and circulation within the corporation yard.
- Upgrade the bus washing facility.
- Install 2 slow-fill Compressed Natural Gas (CNG) fueling pumps for new CNG-powered buses.
- Reduce dependency on automobile transportation.
- Fiscally prudent use of City-owned property.

**CONSISTENCY WITH PLANS AND POLICIES**

The project site is designated “Public and Quasi-Public” in the City of Porterville General Plan Land Use Element. The proposed bus maintenance facility expansion would be located partially within and adjacent to the existing corporation yard in an area zoned “OA” – Open Area. A bus maintenance facility is not listed as an allowed use in the OA zone, however “public buildings” are allowed. The City is not subject
to its own police powers and therefore is not required to strictly adhere to the provisions of its own zoning ordinance on city-owned land. Therefore, the project site is consistent with the land use designation. The facility shall be constructed, maintained and operated in compliance with all applicable federal, state, and local laws, ordinances and regulations.

ALTERNATIVES

The three alternatives considered to the proposed action include the following: 1) the No Action Alternative, 2) Alternative Locations, and 3) the Preferred Alternative.

1.) NO ACTION ALTERNATIVE

Inclusion of the No Action Alternative is prescribed by the Council on Environmental Quality (CEQ) regulations as the benchmark against which Federal actions are evaluated. Under the No Action Alternative, the City would maintain the current bus maintenance facility on the project site. There would be no changes or improvements made to the area, leaving the expansion of the bus fleet unaccommodated. Facilities for CNG buses would not be established on site. CNG buses would have to refuel elsewhere or have a mobile CNG refueling station come to the site. These options for refueling are likely to be more expensive in the long run.

Since the existing facility would not change, there would be no environmental impacts associated with this alternative.

2.) ALTERNATIVE LOCATIONS

There is an open area of approximately the same size as the project site located on the west side of the waste water treatment plant. It could potentially have access from Newcomb Street or from an extension of Grand Avenue from Prospect Street. However, the terrain in this area drops very gradually to the northwest. It is therefore down slope of the waste water treatment plant and better suited to be an expansion area for the plant, if necessary.

The potential environmental impacts associated with the above mentioned location would be expected to be similar to, or more significant than, those associated with the preferred alternative, given their similar character and location.

There are no other locations proximate to the existing corporation yard, or owned elsewhere by the City, of comparable size to the project site into which the bus maintenance facility could be expanded. More distant sites would really mean relocation of the bus maintenance facility and would carry with it numerous additional administrative and logistical issues.

3.) PREFERRED ALTERNATIVE-PROPOSED ACTION

The subject site was chosen for two primary reasons: 1) its proximity to the existing bus maintenance facility and the corporation yard; and 2) it is currently owned by the City. The proposed site is the most fiscally feasible and efficient alternative. The Proposed Action would improve the efficiency of bus storage, refueling and maintenance as the fleet grows. Utilization of this site would be more cost effective than acquiring and developing a non-City owned lot.
The potential environmental impacts associated with this alternative are evaluated in the attached Environmental Checklist.

ENVIRONMENTAL CONDITIONS

ENVIRONMENTAL SETTING

Porterville is located in the southeast portion of the San Joaquin Valley, at the base of the Sierra Nevada foothills in southern Tulare County. Tulare County is characterized by moderate, wet winters and hot, dry summers. The annual mean temperature is 78.1 degrees Fahrenheit, and winds prevail from the Northwest.

The proposed project site elevation is approximately 435 feet above sea level and lacks any distinct topographical features; the topography of the project site, and surrounding area, is generally flat. The site currently consists of a parking and circulation area and three abandoned water holding basins. The project site is essentially void of vegetation except for sparse, low-lying annual weeds and grasses. The site is bordered by a chain link fence and oleander hedge which separate it from a park area on the east side. The chain link fence continues around the south side of the site. Trees and patches of other vegetation run along the fence on the south side but do not form a solid visual screen as do the oleanders on the east side of the site. No permanent bodies of water are present on or adjacent to the project site. Porter Slough runs parallel to the site about 200 feet south of the south edge. Its flow varies greatly and it is dry for much of the year. The water holding basins have standing water temporarily as a result of rain storms. The surrounding area is almost fully urbanized.

POTENTIAL/PROBABLE ENVIRONMENTAL IMPACTS

No comments were received from interested agencies or individuals during the early consultation process for this environmental assessment/initial study indicating the potential for significant environmental effects. The project involves the reuse of 3 abandoned ponding basins. The existing condition of the site and the potential effects of filling in and covering over the former ponding basins were studied. The results of this study are summarized in this environmental assessment/initial study and supporting materials are referenced or incorporated herein. As discussed in the attached Environmental Checklist, no potentially significant adverse environmental effects of the proposed project have been identified.

MITIGATION MEASURES AND LEVEL OF SIGNIFICANCE

According to the attached Environmental Checklist, the proposed project will not have any significant adverse effects, or will have less than significant adverse effects, on the environment. Due to the lack of significant environmental impacts to the project site from the proposed action, no mitigation measures are required.

ENVIRONMENTAL CHECKLIST

The attached Environmental Checklist includes responses to areas of potential/probable environmental concern. A discussion is provided evaluating each area of potential concern, or reasons for dismissing an area of concern as clearly insignificant.
DOCSMENTS, PERSONS & AGENCIES CONSULTED


California Department of Fish and Game (CDFG). California Natural Diversity Database. April 2005.

California Regional Water Quality Control Board (CRWQCB), Central Valley Region – consulted.


City of Porterville. Zoning Regulation, Article 23, Section 2206 (Off Street Parking). California.


Geomatrix. Phase I Environmental Site Assessment: City of Porterville Bus Maintenance Facility, Tulare County, California. August 2005. Note: This document is available for review at the City of Porterville.

May 29, 2001 letter from Michael R. Unser, Director of City of Porterville Community Development & Services to JoAnne Kipps, Senior Engineer, California Regional Water Quality Control Board, Central Valley Region, re: Emergency Storage Ponds at City of Porterville WWTF, 1333 W. North Grand Ave.


United States Army Corps of Engineers (USACOE), Sacramento District – consulted.
ENVIRONMENTAL DETERMINATION

This Initial Study/Environmental Assessment and the attached Environmental Checklist contain detailed evaluations of the potential/probable areas of impacts associated with this project. The evaluations conclude that no potential adverse environmental impacts will result regarding those categories of impacts specified under NEPA (reference “Categorical Exclusion–CE (NEPA)” below), nor to the categories of impacts specified under CEQA (aesthetics, agriculture resources, air quality, biological resources, cultural resources, geology and soils, hazards and hazardous materials, hydrology and water quality, land use and planning, mineral resources, noise, population and housing, public services, recreation, transportation/traffic, or utilities and service systems).

Therefore, the preparation and adoption of a combined Negative Declaration/Categorical Exclusion is recommended pursuant to this Initial Study/Environmental Assessment in compliance with State CEQA and Federal NEPA regulations.

Negative Declaration--ND (CEQA)

The California Public Resources Code Division 13: Environmental Quality, Section 21064 identifies a Negative Declaration as “a written statement briefly describing the reason that a proposed project will not have a significant effect on the environment and does not require the preparation of an environmental impact report.”

The California Public Resources Code Division 13: Environmental Quality, Section 21080(c) states, “If a lead agency determines that a proposed project, not otherwise exempt from this division, would not have a significant effect on the environment, the lead agency shall adopt a negative declaration to that effect.”

Categorical Exclusion—CE (NEPA)

The Code of Federal Regulations Title 40: Protection of Environment, Section 1508.4 identifies a Categorical Exclusion (CE) as “a category of actions which do not individually or cumulatively have a significant effect on the human environment and which have been found to have no such effect in procedures adopted by [FTA] and for which, therefore, neither an environmental assessment nor an environmental impact assessment is required.”

An agency may wish to go beyond the minimum requirements of NEPA and prepare an EA for actions that qualify as categorically excluded (40 CFR 15013(b), 1508.4), when the agency wishes to provide additional details about the action’s environmental effects.

The proposed project is consistent with Code of Federal Regulations Title 23: Section 771.117(d)(8) Categorical Exclusion for “construction of new bus storage and maintenance facilities in areas used predominantly for industrial or transportation purposes where such construction is not inconsistent with existing zoning and located on or near a street with adequate capacity to handle anticipated bus and support vehicle traffic.” Section 771.117(a) states that “Categorical Exclusions (CEs) are actions which meet the definition contained in 40 CFR 1508.4, and, based on past experience with similar actions do not involve significant environmental impacts. They are actions which: do not induce significant impacts to planned growth or land use for the area; do not require the relocation of significant numbers of people; do not have a significant impact on any natural, cultural, recreational, historic or other resource; do not involve significant air, noise, or water quality impacts; do not have significant impacts on travel, patterns; or do not otherwise, either individually or cumulatively, have any significant environmental impacts.”
Section 771.117(d) states that additional actions which meet the criteria for a CE in 1508.4 and 771.117(a) may be designated as CEs only after Administration approval.

PROPOSED ACTIONS

The City of Porterville seeks to take the following actions with respect to this environmental document:

I. Adoption of a Negative Declaration for the Bus Maintenance Facility Expansion
   The City determines that this combined Initial Study/Environmental Assessment prepared and circulated for public review and comment is in compliance with the California Environmental Quality Act (CEQA) and the State and local Guidelines implementing the Act, and certifies that the document is adequate pursuant to CEQA and that the document and public comments received thereon have been considered before making the final decision on the project. Based upon the record, the City finds that there are no significant impacts associated with this project, and hereby directs that a Negative Declaration be prepared.

II. Adoption of a Categorical Exclusion for the Bus Maintenance Facility Expansion
   The City determines that this combined Initial Study/Environmental Assessment prepared and circulated for review and comment by the FTA and the public is in compliance with the National Environmental Policy Act (NEPA) and the Federal and FTA guidelines implementing the Act, and certifies that the document is adequate pursuant to NEPA and that the document and public comments received thereon have been considered before making the final decision on the project. Based upon the record, the City finds that there are no significant impacts associated with this project, and hereby directs that a Categorical Exclusion be prepared.
ENVIRONMENTAL DOCUMENTATION

On the basis of this initial evaluation:

X  I find that the proposed project COULD NOT have a significant effect on the environment, and a NEGATIVE DECLARATION (CEQA)/CATEGORICAL EXCLUSION (NEPA) 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 the mitigation measures described on the attached sheet have been added to the project. A MITIGATED NEGATIVE DECLARATION (CEQA)/MITIGATED FINDING OF NO SIGNIFICANT IMPACT (NEPA) will be prepared.

_  I find the proposed project MAY have a significant effect on the environment, and an ENVIRONMENTAL IMPACT REPORT (CEQA)/ENVIRONMENTAL IMPACT STATEMENT (NEPA) is required.

City of Porterville Representative
Signature

Date 6/6/06

Benley D. Dunlap
City of Porterville Representative
Printed Name

COMMUNITY DEVELOPMENT DIRECTOR
Title
ENVIRONMENTAL CHECKLIST FORM

Project Title: Bus Maintenance Facility Expansion
Lead Agency: City of Porterville, 291 North Main Street, Porterville, CA, 93257, (559)782-7448
Project Number: TUL03-015 Porterville
Project Location: Portions of APNs 251-070-01 and 251-080-01 consisting of 6.93 +/- acres lying west of Prospect Street between Grand Avenue and Morton Avenue in the City of Porterville.
General Plan Designation: Public and Quasi-Public Zoning: OA, Open Area
Project Description: Expansion of the existing bus maintenance facility into a portion of the City corporation yard and over abandoned storage ponds, which were formerly a part of the City Wastewater Treatment Plant, that will be brought to grade with certified clean fill material. The project is partially funded by a grant from the Federal Transit Authority (FTA).

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<tr>
<th>Issues (and Supporting Information Sources):</th>
<th>Potentially Significant Impact</th>
<th>Potentially Significant Unless Mitigation Incorporated</th>
<th>Less Than Significant Impact</th>
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<tr>
<td>I. AESTHETICS Would the project:</td>
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<tr>
<td>a) Have a substantial adverse effect on a scenic vista?</td>
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<td>Discussion: No scenic vistas are present within, or surrounding, the project area; therefore no impact will occur. On occasion there are clear views of the Sierra Nevadas from all over the Porterville area. The bus parking space covers are not likely to be more than 30 feet tall. These structures have minimal potential to affect the views of the Sierra Nevadas for off-site viewers given the distance those viewers would be set back from the structures and the limited height of the structures.</td>
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<td>b) Substantially damage scenic resources, including, but not limited to, trees, rock outcroppings, and historic buildings within a state scenic highway?</td>
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<tr>
<td>Discussion: The project is not within a state scenic highway corridor; therefore no impact will occur.</td>
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<td>c) Substantially degrade the existing visual character or quality of the site and its surroundings?</td>
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<tr>
<td>Discussion: The project site is mostly surrounded by the City Corporation Yard to the northeast, the sewage treatment plant to the west and additional storage ponds to the south. There is an existing oleander hedge along the fence line, partially obscuring view of the site from users of the park immediately to the east and people passing by on Prospect Street. City staff indicates that the hedge will continue to be maintained. The conversion of the site from its current underutilized use as a corporation yard and abandoned sewer ponds to a bus maintenance facility expansion will have a minimal impact on the existing visual character or quality of the site and its surroundings. This effect is less than significant.</td>
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<td>d) Create a new source of substantial light or glare which would adversely affect day or nighttime views in the area?</td>
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Discussion: The project will add some light and glare to the area through installation of new lights in and around the bus stalls and parking areas. All lighting will be hooded or directed in accordance with City standards (Ref. PMC Section 2206). The new light source will not be substantial, and will not adversely affect day or nighttime views in the area; therefore the impact will be less than significant.

II. AGRICULTURAL RESOURCES Would the project:

| 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 (FMMP) of the California Resources Agency, to non-agricultural use? | ☐ | ☐ | ☐ | ☒ |

Discussion: The project site is surrounded by urbanization and does not contain any prime or unique farmland, or farmland of statewide importance. (FMMP 2002, also in Porterville General Plan Update, Dyett & Bahtia, 2005) Development of the project site will not involve the acquisition of farmland, nor will it indirectly lead to the conversion of farmland for non-agricultural use; therefore no impact will occur.

| b) Conflict with existing zoning for agricultural use, or a Williamson Act contract? | ☐ | ☐ | ☐ | ☒ |

Discussion: The project site is designated in the City’s General Plan for Public and Quasi-Public. The site is currently zoned OA, Open Area which allows for public and commercial uses; therefore the project will not conflict with existing zoning for agricultural use, or a Williamson Act contract. No impact will occur.

| c) Involve other changes in the existing environment which, due to their location or nature, could result in conversion of Farmland, to non-agricultural use? | ☐ | ☐ | ☐ | ☒ |

Discussion: The project site is in an urbanized area, which does not contain any farmland; therefore, the project will not result in conversion of farmland to non-agricultural use. No impact will occur.
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<tr>
<td>III. AIR QUALITY Would the project:</td>
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<tr>
<td>a) Conflict with or obstruct implementation of the applicable air quality plan?</td>
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<tr>
<td>Discussion: The City of Porterville General Plan does not identify any air quality plan in place within Porterville. The project does not conflict with, or obstruct, implementation of the San Joaquin Valley Air Pollution Control District's (SVAPCD) air quality plan; therefore no impact will occur.</td>
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<td>b) Violate any air quality standard or contribute to an existing or projected air quality violation?</td>
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<tr>
<td>Discussion: According to the California Air Resources Board, the project lies within a non-attainment area for the National Ambient Air Quality Standards (NAAQS) for ozone and particulates (PM-10). However, given the scope and scale of the project it is not anticipated that the project will cause or contribute to any new localized carbon monoxide (CO) or particulate matter (PM) violations, or increase the frequency or severity of any existing CO or PM. All construction will comply with SVAPCD’s Regulation VIII requirements for fugitive dust control at construction sites. No impact will occur. Because the project will accommodate the expansion of bus service in the city, the project has the potential to result in an incremental reduction of pollutant generation as more drivers may find bus transportation a viable alternative. Also, the incorporation of CNG pumps will accommodate new, cleaner CNG buses, thus reducing overall fleet exhaust emissions.</td>
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<tr>
<td>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)?</td>
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<tr>
<td>Discussion: The project qualifies as a Small Project Analysis Level (SPAL) project under the San Joaquin Valley Unified Air Pollution Control District's (SVAPCD) Guide for Assessing and Mitigating Air Quality Impacts, 2002, (GAMAQI), Table 5-2. According to the SVAPCD, SPAL projects have no possibility of exceeding cumulative emissions thresholds.</td>
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<tr>
<td>d) Expose sensitive receptors to pollutants?</td>
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<tr>
<td>Discussion: The nearest sensitive receptors are residences, mostly duplexes, on the east side of Prospect Street. These are located at least 300 feet away from the nearest point of the project site. Since there is no evidence that the bus maintenance facility operation (or construction thereof) will create locally significant concentrations of air pollutants and does not meet the SJVAPCD criteria for CO “hot spot” analysis (GAMAQI, pg. 49), the potential effect on sensitive receptors is less than significant.</td>
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<td>e) Create objectionable odors?</td>
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<tr>
<td>Discussion: The operational characteristics of the bus maintenance facility are such that it has minimal potential to create objectionable odors. Furthermore, as the bus fleet transitions from gasoline-fueled to CNG-fueled vehicles, the project will serve to reduce the creation of objectionable odors by reducing particulate emissions associated with bus exhaust fumes; therefore no impact will occur.</td>
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IV. BIOLOGICAL RESOURCES Would the project:

<p>| 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? | ☐                         | ☐                                             | ☒                           | ☐        |
| Discussion: There are no recorded occurrences of species of concern in or around the project site (DFG CNDDB, 2004). Although the project site is vacant, it is highly disturbed having formerly been storage ponds and very little vegetation exists. The impact is therefore considered to be less than significant. |
| b) Have a substantial adverse effect on any riparian habitat or other sensitive natural community identified in local or regional plans, policies, regulations, or by the California Department of Fish and Game or US Fish and Wildlife Service? | ☐                         | ☐                                             | ☐                           | ☒        |
| Discussion: Although water may have accumulated temporarily in the basins at times during the winter rain season, no vegetation has developed. Therefore the project will not have a substantial adverse effect on any riparian habitat or other sensitive natural communities. |</p>
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<td>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?</td>
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<td>Discussion: A Phase I Environmental Site Assessment (ESA) was completed for the project site in August of 2005. The Phase I ESA found that the abandoned ponds on the site are listed in the National Wetlands Inventory. Further investigation and coordination with the U.S. Army Corps of Engineers determined that the affected basins are not jurisdictional wetlands and that the project would not impact Porter Slough. The Army Corps of Engineers therefore determined, as set forth in the letter dated February 28, 2006 (see Appendix B), that a Section 404 permit was not required for this project.</td>
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<td>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?</td>
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<tr>
<td>Discussion: Given that the project is surrounded by urbanization, it appears that the project will not substantially interfere 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. There is almost no vegetation at the Corporation Yard or in the pits so there is little opportunity for cover or forage. Therefore no impact will occur.</td>
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<td>e) Conflict with any local policies or ordinances protecting biological resources, such as a tree preserve policy or ordinance?</td>
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<tr>
<td>Discussion: The project does not conflict with any local policies or ordinances protecting biological resources; therefore no impact will occur.</td>
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<td>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?</td>
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<tr>
<td>Discussion: There are no Habitat Conservation Plans, Natural Community Conservation Plans or other approved local, regional, or state habitat conservation plans in the project area; therefore no impact will occur.</td>
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<tr>
<td><strong>V. CULTURAL RESOURCES</strong> Would the project:</td>
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<tr>
<td>a) Cause a substantial adverse change in the significance of a historical resource as defined in §15064.5?</td>
<td>☐</td>
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</tr>
<tr>
<td>Discussion: According to the City of Porterville General Plan, there are no properties within the immediate project area listed on the National Register of Historic Places or otherwise identified as of historical significance; therefore no impact will occur.</td>
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<tr>
<td>b) Cause a substantial adverse change in the significance of an archaeological resource pursuant to §15064.5?</td>
<td>☐</td>
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<tr>
<td>Discussion: No archaeological resources are known to exist on or immediately adjacent to the project site. However, the Porterville area is generally considered to have high archaeological sensitivity. Due to prior site disturbances associated with construction of the storage ponds and corporation yard, on-site soils are known to be highly disturbed and no in-situ archaeological resources are known to be present on the site. It is possible that borrow area for soil to fill and level the basins that will become the expanded bus parking area may extend down into previously undisturbed soil. In conformance with existing General Plan policy, if any cultural materials, paleontological resources, or human burials are exposed or discovered during subsurface constructions, operations shall stop within 25 feet of the find and a qualified professional archeologist contacted for evaluation and further recommendations. This impact is therefore considered to be less than significant.</td>
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<tr>
<td>c) Directly or indirectly destroy a unique paleontological resource or site or unique geologic feature?</td>
<td>☐</td>
<td>☐</td>
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</tr>
<tr>
<td>Discussion: The project site is underlain with alluvial soils which have the potential for paleontological resources. See discussion under Item V(b) above.</td>
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<tr>
<td>d) Disturb any human remains, including those interred outside of formal cemeteries?</td>
<td>☐</td>
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<tr>
<td>Discussion: No known human remains are present within the project area. Additional movement of the already disturbed ground as a result of the project will be minimal. The potential impact is therefore less than significant.</td>
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</table>
### VI. GEOLOGY AND SOILS

Would the project:

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<tr>
<th>Issues (and Supporting Information Sources):</th>
<th>Potentially Significant Impact</th>
<th>Potentially Significant Unless Mitigation Incorporated</th>
<th>Less Than Significant Impact</th>
<th>No Impact</th>
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<tbody>
<tr>
<td>a) Expose people or structures to potential substantial adverse effects, including the risk of loss, injury, or death involving:</td>
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<tr>
<td>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.</td>
<td>☐</td>
<td>☐</td>
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<tr>
<td>Discussion: The City of Porterville General Plan states that, &quot;Alquist-Priolo Special Studies Zones are not found within the City of Porterville Urban Area Boundary due to the absence of potentially active faults&quot;; therefore no impact will occur.</td>
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<tr>
<td>ii) Strong seismic ground shaking?</td>
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<tr>
<td>Discussion: Porterville is located in a seismic zone which is sufficiently far from known faults, and consists primarily of a stable geologic formation. According to the California Geologic Survey, seismic hazard zones are not found within the City of Porterville's Urban Area Boundary; therefore no impact will occur.</td>
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<tr>
<td>iii) Seismic ground failure, including liquefaction?</td>
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<tr>
<td>Discussion: Porterville is located in a seismic zone which is sufficiently far from known faults, and consists primarily of a stable geologic formation such that the potential for seismic ground failure is considered to be very low; therefore no impact will occur.</td>
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<tr>
<td>iv) Landslides or mudflows?</td>
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<td>☐</td>
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<tr>
<td>Discussion: The project site is essentially level except for the graded banks of the storage ponds, which will be brought to grade level by the project. According to the City of Porterville General Plan, no portions of the Porterville planning area are susceptible to landslides; therefore no impact will occur.</td>
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<tr>
<td>b) Result in substantial soil erosion or the loss of topsoil?</td>
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<td>☐</td>
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<tr>
<td>Discussion: The project site will be repaved and new paving will extend over the former storage ponds. Open areas will be limited. Thus, no soil erosion hazards are expected on site; therefore no impact will occur.</td>
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<td>Issues (and Supporting Information Sources):</td>
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<tr>
<td>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?</td>
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<td>Potentially Significant Impact</td>
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<td>No</td>
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**Discussion:** According to the Natural Resource Conservation Service (NRCS) the soil underlying the project area is a loamy, well-drained soil, suitable for building site development; therefore no impact will occur.

<table>
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<tr>
<th>d) Be located on expansive soil, as defined in Table 18-1-B of the Uniform Building Code (1994), creating substantial risks to life or property?</th>
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<td>Potentially Significant Impact</td>
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**Discussion:** According to the Natural Resource Conservation Service (NRCS) the soil underlying the project area has a low shrink/swell behavior and a high water capacity. The underlying soil is not expansive soil; therefore no impact will occur.

<table>
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<tr>
<th>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?</th>
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<td>Potentially Significant Impact</td>
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**Discussion:** The project will not involve the use or modification of septic tanks or wastewater disposal systems where sewers are not available for the disposal of waste water; therefore no impact will occur.

### VII. HAZARDS AND HAZARDOUS MATERIALS

Would the project:

<table>
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<tr>
<th>a) Create a significant hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials?</th>
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**Discussion:** A hazardous material is defined as any substance that may be hazardous to humans, animals, or plants, and may include pesticides, herbicides, toxic metals and chemicals, volatile chemicals, explosives, and even nuclear fuels or low-level radioactive wastes.

A Phase I ESA was completed for the project site in August of 2005. In summary, it was found that: 1) there was no evidence of substantial releases of hazardous substances on the property; 2) monitoring wells indicate elevated levels of nitrate in the groundwater immediately down gradient of the subject site. Future uses of the site may have to accommodate nitrate remediation activities as may be ordered by RWQCB, the regulatory agency; 3) the abandoned ponds on the site are listed on the National Wetlands Inventory. See discussion under Item IV(c) above.

Project operation will involve the transport and use of compressed natural gas (CNG) for a new fleet of CNG-
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<tr>
<td>powered buses. Risks related to fire hazard and objects projected at high speed by gas pressure exist with the use of CNG. However, there are applicable safety standards for CNG facilities and vehicles, including but not limited to NFPA 52 and SAE J1616. The facility will be inspected for conformance with applicable standards by the City of Porterville Fire Department. In addition, the refueling system for buses will be the “slow/overnight” type, which requires a much smaller amount of high pressure gas storage than a “fast” fueling system (ref. Summary Assessment of the Safety, Health, Environmental and System Risks of Alternative Fuels, pgs. 3-10 and 3-11), thereby reducing the magnitude of CNG risks. Based on the proposed site plan, the CNG fueling installations will be located at least 500 feet from the nearest residences on the east side of Prospect Street. The impact is considered to be less than significant.</td>
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**Discussion**

The project will not involve the use of hazardous materials except for CNG. Natural gas is not, in itself, particularly harmful but is flammable/explosive in a relatively narrow range of volume concentration in air (5% to 15%). (Federal Transit Administration, April 1999). Concentrations of natural gas from a CNG leak decrease rapidly with distance from the source due to increasing volumes of air.

The release of hazardous materials into the environment is avoided to the greatest extent reasonably and feasibly possible through the CNG standards as discussed above in Item VII(a). Therefore the impact is considered to be less than significant.

| 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? | ☐ | ☐ | ☒ | ☐ |

**Discussion:** The Prospect Education Center is located at the northwest corner of Prospect and Grand, just north of and within ¼ mile of the project site. The bus parking and CNG fueling areas would be at least 800 feet from the Education Center building and downwind, given the prevailing northwest winds. Therefore this impact is considered to be less than significant.
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<tr>
<td>d) Be located on a site which is included on a list of hazardous materials sites compiled pursuant to Government Code Section 65692.5 and, as a result, would it create a significant hazard to the public or the environment?</td>
<td>☐</td>
<td>☐</td>
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<tr>
<td>Discussion: The Phase I ESA confirmed that the project area is not included on a list of hazardous materials sites compiled pursuant to Government Code Section 65692.5. Imported fill material, if needed, will be tested prior to transport to the site, and used as fill only if it can be certified as &quot;clean fill&quot;; therefore no impact will occur.</td>
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<td>e) For a project located within an airport land use plan or, where such a plan had not been adopted, within two miles of a public use airport, would the project result in a safety hazard for people residing or working on the project area?</td>
<td>☐</td>
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<tr>
<td>Discussion: The project is near the outer edge of the conical zone according to the City of Porterville 1990 Airport Master Plan. The project will not change the population density of the site; therefore no impact will occur.</td>
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<tr>
<td>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?</td>
<td>☐</td>
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<tr>
<td>Discussion: The project is not within the vicinity of a private airstrip; therefore no impact will occur.</td>
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<tr>
<td>g) Impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan?</td>
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<tr>
<td>Discussion: The project does not interfere with an adopted emergency response plan or emergency evacuation plan; therefore no impact will occur.</td>
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<tr>
<td>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?</td>
<td>☐</td>
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<tr>
<td>Discussion: The project is not in the vicinity of any wildlands; therefore no impact will occur.</td>
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City of Porterville  |  Bus Maintenance Facility Expansion  
---|---
**Initial Study/Environmental Assessment** | **Negative Declaration/Categorical Exclusion**

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<tr>
<th>Issues (and Supporting Information Sources):</th>
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| **VIII. HYDROLOGY AND WATER QUALITY**  
Would the project: | | | | |
| a) Violate any water quality standards or waste discharge requirements? | ☐ | ☐ | ☒ | ☐ |

**Discussion:** The proposed project does not have the potential to add pollutants to the water supply which would exceed water quality standards or waste discharge requirements. All drainage will be integrated into the City’s existing drainage system. The project will comply with City and State policies and standards related to water quality and drainage. The project will accommodate new, cleaner CNG buses which may reduce present risks to water quality from gasoline spills, etc.

The project will involve filling the existing storage ponds in the expansion area so that they can be brought to the same grade as the existing corporation yard. However, in accordance with Order No. 5-01-103, issued by the California Regional Water Quality Control Board, which covers the subject property, the City of Porterville is required to maintain 16.5 million gallons of effluent storage capacity in case of pump failure or other emergency at the adjacent Waste Water Treatment Facility. The City advised the Regional Board of their intention to fill the basins in the expansion area and to deepen three other basins to the west of the Bus Maintenance Facility expansion area by approximately 7.5 feet to offset the storage capacity lost by the project. In their response letter dated June 8, 2001 (attached), the Regional Board indicated their approval of the City’s proposal finding that it was in conformance with the requirements of Order No. 5-01-103. The project will therefore not violate any waste discharge requirements.

In terms of other water quality standards, the Phase I ESA found certain areas of surface soils as having the potential to contain hazardous substances in concentrations that would limit future uses of the property. This included an area of discolored soil in the current salvage yard near Grand Avenue. This area would be converted to a new driveway. Also identified was a pile of refuse collected by street sweeping vehicles that was placed in one of the basins. However, this was not a routine practice and the volume of the street sweepings is small relative to size of the basin (ref. Phase I ESA, Appendix E, Site Photos, Figure E-10).

Prior to filling of the basins with clean material or paving the new driveway, these areas of potential concern could either be delimited by further technical studies in consultation with the RWQCB and/or the DTSC and removed, or be left in place and covered...
City of Porterville

Initial Study/Environmental Assessment

Bus Maintenance Facility Expansion

Negative Declaration/Categorical Exclusion

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<tr>
<td>over. Even if the soils are left in place, the proposed project, through the placement of impervious surfacing (such as asphalt or concrete), would have the benefit of limiting the ability of water to infiltrate to materials and potentially carry hazardous compounds to groundwater. The potential effect with regard to potential violations of water quality standards is therefore considered to be less than significant.</td>
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<tr>
<td>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)?</td>
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<tr>
<td>Discussion: According to the Phase I ESA, the water table at the project site has fluctuated between 7 and 87 feet below ground level based on groundwater data from 1927 to 2004. Although there is sometimes water in the basins, the Phase I ESA does not indicate that this might be seeping groundwater. It is more likely that this is rain water that eventually percolates or evaporates seasonally. The project will not substantially interfere with groundwater supplies or interfere with groundwater recharge since other basins and open area will remain; therefore the impact is considered to be less than significant.</td>
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<td>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?</td>
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<tr>
<td>Discussion: The project would not substantially alter the existing drainage pattern of the site or area, or alter the course of a stream or river, in a manner that would result in substantial erosion or siltation on- or off-site. Project activities will be set back approximately 186 feet or more from the Porter Slough channel. The abandoned storage ponds and open area between the project site and Porter Slough will remain; therefore no impact will occur.</td>
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<tr>
<td>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?</td>
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<tr>
<td>Discussion: See the discussion under Item VIII(c) above. The project would not substantially alter the existing drainage pattern of the site or area, or alter the course of a stream or river, in a manner that would result in flooding on- or off-site; therefore no impact will occur.</td>
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<tr>
<td>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?</td>
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</table>

**Discussion:** The project will not create or contribute to runoff water in excess of existing storm water drainage systems. While the project will create an additional 4.9 acres (approximately) of impervious surface, given its proximity to the wastewater treatment plant, existing storage ponds and other open space, the additional runoff should be inconsequential. Also, while some vehicle fluids may leak on to, and then run off the new parking area, this should not be a substantial source of polluted runoff since routine fleet maintenance procedures will minimize fluid spills and leaks. All drainage will be integrated into the City's existing drainage system; therefore this impact is less than significant.

| f) Otherwise substantially degrade the water supply? | ☐ | ☐ | ✗ | ☐ |

**Discussion:** The project will not interfere with or degrade the water supply. Water for the bus wash bay and other uses will be provided by the City water system. Wash bay waste water will be filtered through a grease trap constructed according to State and local regulations before being sent to the adjacent City sewage treatment plant. Waste from the grease trap will be treated as a classified waste and either recycled or properly disposed of at a waste treatment facility, per State and local regulations.

Documents reviewed for the Phase I ESA revealed that due to past Waste Water Treatment Plant activities, elevated concentrations of nitrates have been present in the groundwater below the subject property. Although no groundwater remediation has been ordered, the expanded bus maintenance facility would have to accommodate any remediation measures that were ordered by RWQCB, as the regulatory agency.

The project will have the effect of capping the basins in the expansion area with certified "clean fill" dirt, asphalt and concrete. It was presumed, and recent soils tests show, that the surface soils in the basins contain elevated concentrations of nitrate because of their past use as part of the Waste Water Treatment Plant. Capping of these surface soils would block water movement through the nitrate-laden soil and slow the migration of additional nitrate to the water table. Therefore this is not a detrimental or significant impact.
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<tr>
<td>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? Discussion: According to the Federal Emergency Management Agency (FEMA), the project site is located in Zone C, Community Panel No. 060407, Map No. 0010 D, dated October 15, 1985. Zone C is described as, &quot;Areas of minimal flooding&quot;. The project will not place housing within a 100-year flood hazard area; therefore no impact will occur.</td>
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<tr>
<td>h) Place within a 100-year flood hazard area structures which would impede or redirect flood flows? Discussion: According to the Federal Emergency Management Agency (FEMA), the project site is located in Zone C, Community Panel No. 060407, dated October 15, 1985. Zone C is described as, &quot;Areas of minimal flooding&quot;. The project will not place structures within a 100-year flood hazard area. The only nearby flood hazard area is the channel of Porter Slough south of the site. Project construction or operations should not affect the Porter Slough channel; therefore no impact will occur.</td>
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<tr>
<td>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? Discussion: The potential for substantial loss due to flooding as a result of this project is minimal. According to the General Plan Update maps, the site may be subject to flooding due to a failure of a levee. In this case, there should be sufficient warning for the CNG fueling facility to be shut down and sheltered from flood water and debris. The buses themselves are easily moved or towed and the bus parking shelters are open sided, which reduces their potential to redirect flood water or be damaged by water impact. Therefore, this impact is less than significant.</td>
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<tr>
<td>j) Inundation by seiche, tsunami, or mudflow? Discussion: The City of Porterville is not in an area that is affected by, or subject to, seiches, tsunamis or mudflows; therefore no impact will occur.</td>
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<td>IX. LAND USE AND PLANNING Would the project:</td>
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<td>a) Divide an established community?</td>
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<tr>
<td>Discussion: The project will not result in the division of an established community. The project will not involve a taking for right of way; no new right of way or temporary/permanent easements will be required. Proposed development will occur entirely within City owned property. No impact will occur.</td>
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<tr>
<td>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?</td>
<td>☐</td>
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<tr>
<td>Discussion: The project site is designated in the City's General Plan for Public and Quasi-Public. The project site, as well as the storage ponds, are currently zoned OA, Open Area. The proposed use is consistent with the City of Porterville's General Plan and Zoning Code. The facility expansions shall be constructed, maintained and operated in compliance with all applicable federal, state and local laws, ordinances and regulations. The project will not conflict with any applicable land use plan, policy or regulations of an agency with jurisdiction over the project. The project will not induce significant impacts to planned growth or land use for the area; therefore no impact will occur.</td>
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<tr>
<td>c) Conflict with any applicable habitat conservation plan or natural community conservation plan?</td>
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<tr>
<td>Discussion: The project will not conflict with any habitat conservation plan or natural community conservation plan; therefore no impact will occur.</td>
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<tr>
<td>X. MINERAL RESOURCES Would the project:</td>
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<tr>
<td>a) Result in the loss of availability of a known mineral resource that would be of future value to the region and the residents of the State?</td>
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<tr>
<td>Discussion: According to the Conservation Element of the City of Porterville General Plan (July 1998) there are no known mineral resources located in the project area that would be of future value to the region and the residents of the State; therefore no impact will occur.</td>
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### Issues (and Supporting Information Sources):

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<tr>
<td>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?</td>
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</table>

**Discussion:** The City of Porterville General Plan does not delineate any mineral resource recovery sites in the project area; therefore no impact will occur.

---

### XI. NOISE Would the project:

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<tr>
<td>a) Result in 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?</td>
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**Discussion:** The primary sources of noise will be short-term or temporary construction noises and operational noise. Construction noise is largely a function of the construction equipment used, the location and sensitivity of nearby land uses, and the timing and duration of the noise-generating activities. Construction noise levels would vary depending on construction phase, equipment type and duration of use, distance between noise source and receptor, and presence or absence of barriers between noise source and receptor. All noise generating construction activities will be conducted in accordance with City noise policies.

*It is expected that the transit fleet may double over the next twenty years as the system grows. This will result in an increase of approximately sixteen additional transit vehicles, which will ultimately result in an increase in noise at the site due to engine idle. However, given the project location and surrounding land uses at the Corporation Yard, this increase in noise will not result in the exposure of persons to significant noise levels in excess of applicable standards or ordinances. Moreover, the addition of sixteen buses will comprise only a small portion of the total City fleet that is maintained at the Corporation Yard; therefore this impact will be less than significant.*

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<tr>
<td>b) Result in exposure of persons to or generation of excessive groundborne vibration or groundborne noise levels?</td>
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**Discussion:** The project may generate groundborne vibration during construction, as a result of soil compaction. All construction activities will be conducted in accordance with applicable State and local regulations. The impacts associated with this item will be temporary and are considered to be less than significant.
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<tr>
<td>c) Result in a substantial or permanent increase in ambient noise levels in the project vicinity above levels existing without the project?</td>
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<tr>
<td><strong>Discussion:</strong> The project proposes an expansion of the existing site, but not of its current use, therefore the project is not expected to change existing ambient noise levels within the project vicinity. No impact will occur.</td>
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<tr>
<td>d) Result in a substantial temporary or periodic increase in ambient noise levels in the project vicinity above levels existing without the project?</td>
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<tr>
<td><strong>Discussion:</strong> The construction phase of the project will produce a temporary increase in ambient noise levels in the project vicinity. However, this increase will be short-term in duration, will be carried out in accordance with City regulations, and will only occur during daylight hours; therefore the impact will be less than significant.</td>
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<tr>
<td>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?</td>
<td>☐</td>
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<tr>
<td><strong>Discussion:</strong> The project is near the outer edge of the conical zone according to the City of Porterville 1990 Airport Master Plan, but will not expose people residing or working in the project area to excessive noise levels. The project will not increase noise levels beyond current use levels; therefore no impact will occur.</td>
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<tr>
<td>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?</td>
<td>☐</td>
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<tr>
<td><strong>Discussion:</strong> The project is not within the vicinity of a private airstrip; therefore no impact will occur.</td>
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**XII. POPULATION AND HOUSING** Would the project:

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<tr>
<td>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)?</td>
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<tr>
<td><strong>Discussion:</strong> The site expansion proposed by the project will serve to upgrade the existing facility services, but will not lead to increased use. The project will not induce population growth through either direct or indirect means; therefore no impact will occur.</td>
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City of Porterville

Bus Maintenance Facility Expansion

Initial Study/Environmental Assessment

Negative Declaration/Categorical Exclusion

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<td>b) Displace substantial numbers of existing housing, necessitating the construction of replacement housing elsewhere?</td>
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Discussion: The project will not displace existing housing or necessitate the construction of new housing; therefore no impact will occur.

| c) Displace substantial numbers of people, necessitating the construction of replacement housing elsewhere? | ☐                              | ☐                                                    | ☐                          | ☑         |

Discussion: The project will not displace people; therefore no impact will occur.

XIII. PUBLIC SERVICES Would the project:

| a) Result in substantial adverse physical impacts associated with the provision of or 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: | ☐                              | ☐                                                    | ☐                          | ☑         |

i) Fire protection?

Discussion: Fire protection will be provided to the site through existing City of Porterville fire services. The installation of the 2 slow-fill CNG pumps proposed by the project will be inspected for conformance with applicable safety standards by the City of Porterville Fire Department, but the resulting project will not require additional or unusual fire protection resources; therefore no impact will occur.

| ii) Police protection? | ☐                              | ☐                                                    | ☐                          | ☑         |

Discussion: Police protection will be provided to the site through existing City of Porterville police services. The project does not require additional police protection; therefore no impact will occur.

| iii) Schools? | ☐                              | ☐                                                    | ☐                          | ☑         |

Discussion: The project does not require additional schools; therefore no impact will occur.

| iv) Parks? | ☐                              | ☐                                                    | ☐                          | ☑         |

Discussion: The project does not require additional parks in the City of Porterville; therefore no impact will occur.
**Issues (and Supporting Information Sources):**

v) Other governmental services?

**Discussion:** The project does not require other government services beyond those currently provided to the area; therefore, no impact will occur.

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**XIV. RECREATION** Would the project:

a) 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?

**Discussion:** The project would not increase the use of existing neighborhood parks or recreational facilities; therefore, no impact will occur.

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b) Include recreational facilities or require the construction or expansion of recreational facilities which might have an adverse physical effect on the environment?

**Discussion:** The project does not include recreational facilities or require the construction or expansion of recreational facilities; therefore, no impact will occur.

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**XV. TRANSPORTATION/TRAFFIC** Would the project:

a) Cause an increase in traffic which is substantial in relation to the existing traffic load and capacity of the street system (i.e. result in a substantial increase in either the number of vehicle trips, the volume to capacity ratio on roads, or congestion at intersections)?

**Discussion:** The proposed project will not, in itself, increase traffic within or around the project site. The expansion of the bus and employee parking area will serve to alleviate parking and circulation congestion, but will not lead to an increase in vehicle trips.

As the transit fleet grows, the number of localized bus trips in and out of the project site will grow gradually in direct proportion to the number of buses added to the service, but this increase in bus trips will not substantially increase traffic, and would occur with or without this project. Furthermore, the growth of the transit fleet will result in a decrease in vehicle trips throughout the community due to improved and expanded bus service.

The project will not cause an increase in traffic or adversely affect travel patterns; therefore, no impact will occur.

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<tr>
<td>b) Exceed, either individually or cumulatively, a level of service standard established by the county congestion management agency for designated roads or highways?</td>
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<tr>
<td><strong>Discussion:</strong> The project will not cause an increase in traffic and thus will not affect the minimum level of service “D” as established in the Circulation Element of the Porterville General Plan. The project will not exceed a level of service standard established by the County congestion management agency, the Tulare County Association of Governments (TCAG); therefore no impact will occur.</td>
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<tr>
<td>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?</td>
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<tr>
<td><strong>Discussion:</strong> The project has no bearing on air traffic patterns. The project will not result in a change in air traffic patterns that would result in substantial safety risks; therefore no impact will occur.</td>
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<td>d) Substantially increase hazards due to a design feature (e.g., sharp curves or dangerous intersections) or incompatible uses (e.g., farm equipment)?</td>
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<tr>
<td><strong>Discussion:</strong> The project will not substantially increase hazards due to a design feature (e.g., sharp curves or dangerous intersections) or incompatible uses. Furthermore, the proposed project will help to alleviate potential vehicle hazards by redirecting incoming and outgoing traffic to and from the facility through separate entrance and exit areas, and by providing pull through bus parking; therefore no impact will occur.</td>
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<tr>
<td>e) Result in inadequate emergency access?</td>
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<tr>
<td><strong>Discussion:</strong> The project will maintain existing emergency access, as well as provide for an additional drive approach at the northwest corner of the site; therefore the project would not result in inadequate emergency access and no potential impacts would occur.</td>
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<tr>
<td>f) Result in inadequate parking capacity?</td>
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<tr>
<td><strong>Discussion:</strong> The proposed project will expand the current bus/employee parking area at the City Corporation Yard. The project include 35 employee parking stalls, 46 full-length bus stalls (50 ft. max. bus), and 38 shorter bus stalls (33 ft. max. bus). The project will not result in inadequate parking capacity; therefore no impact will occur.</td>
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### Issues (and Supporting Information Sources):

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<th>g) Conflict with adopted policies, plans, or programs supporting alternative transportation (e.g., bus turnouts, bicycle racks)?</th>
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**Discussion:** The project is included in the Tulare County Association of Governments' (TCAG) Federal Transportation Improvement Program. The project involves the fill-in of three former storage ponds, bus/employee parking improvements, expansion of the existing wash rack, and installation of two slow-fill CNG pumps; therefore no impact will occur.

### XVI. UTILITIES AND SERVICE SYSTEMS

Would the project:

<table>
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<tr>
<th>a) Exceed wastewater treatment requirements of the applicable Regional Water Quality Control Board?</th>
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**Discussion:** No intensification of land uses associated with wastewater will occur with the implementation of this project. All wastewater from the upgraded wash rack will filter through a debris screen and sand trap before entering the existing sewer lateral, and on to the City operated existing Wastewater Treatment Facility to the west; therefore no impact will occur.

<table>
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<tr>
<th>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?</th>
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**Discussion:** The project will involve the filling in of three existing wastewater storage ponds and the deepening of three other ponds to the west of the Bus Maintenance Facility expansion area to offset the storage capacity lost by the project. This expansion has been approved by the California Regional Water Quality Control Board. See discussion under Item VII(a). The potential impacts are considered to be less than significant.

<table>
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<tr>
<th>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?</th>
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**Discussion:** The project will not require or result in the construction of new storm water drainage facilities or expansion of existing facilities. While the project will create an additional 4.9 acres (approximately) of impervious surface, given its proximity to the wastewater treatment plant, existing storage ponds and other open space, the additional runoff should be inconsequential; therefore no impact will occur.
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<tr>
<td>d) Have sufficient water supplies available to serve the project from existing entitlements and resources, or are new or expanded entitlements needed?</td>
<td>☐</td>
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<tr>
<td>Discussion: No new water entitlements or resources will be required in order to serve the project; therefore no impact will occur.</td>
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<tr>
<td>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?</td>
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<tr>
<td>Discussion: The project will not result in an increase in wastewater. See discussion under Item XVI(a). Therefore, no impact will occur.</td>
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<tr>
<td>f) Be served by a landfill with sufficient permitted capacity to accommodate the project’s solid waste disposal needs?</td>
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<tr>
<td>Discussion: No new solid waste will be generated from the expansion of the Bus Maintenance Facility, except for that associated with construction. All construction waste generated by the project will comply with applicable solid waste regulations; therefore no impact will occur.</td>
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<tr>
<td>g) Comply with federal, state and local statutes and regulations related to solid waste?</td>
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<tr>
<td>Discussion: The project will comply with all applicable federal, state and local statutes related to solid waste; therefore no impact will occur.</td>
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**XVII. MANDATORY FINDINGS OF SIGNIFICANCE**

| 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? | ☐                              | ☐                                                  | ☐                          | ☑         |
| Discussion: Given the previous use of the site as emergency effluent storage ponds, and based on a site inspection, it is indicated that the project does not contain any significant plant species, animal habitat or fish populations. Also, according to the City of Porterville General Plan, there are no properties within the immediate project area listed on the National Register of Historic Places. The project does not have the potential to degrade the quality of the environment, substantially reduce the habitat of a fish or wildlife species, cause a |                                |                                                   |                            |           |
City of Porterville

Bus Maintenance Facility Expansion

Initial Study/Environmental Assessment  Negative Declaration/Categorical Exclusion

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<td>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, therefore no impact will occur.</td>
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b) Does the project have impacts that are individually limited, but cumulatively considerable?

Discussion: As discussed under the topical sections on Air Quality, and Transportation/Traffic, the project has the potential to reduce, or at least slow the increase in overall vehicle trips in the Porterville area.

Given the discussion in the preceding sections, no impacts that are individually limited, but cumulatively considerable are anticipated.

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

Discussion: This project is intended to improve transit service for Porterville and outlying area residents. The project is not anticipated to create any public controversy.

The proposed project will not have any significant environmental effects that will cause substantial adverse effects on human beings; therefore no impact will occur.

Authority: Public Resources Code Sections 21083 and 21087.

8 June 2001

Mr. Michael Unser, Director
Community Development & Services
City of Porterville
P.O. Box 432
Porterville, CA 93258

EMERGENCY STORAGE PONDS, CITY OF PORTERVILLE WWTF, TULARE COUNTY

We have reviewed your request, dated 29 May 2001, to take three on-site storage ponds out of permanent service and to deepen three other existing emergency storage ponds in order to maintain capacity requirements. You will fill in the on-site ponds to accommodate new construction and other public works activities to expand the Corporation Yard at 555 N. Prospect Avenue, immediately east of the WWTF. The City exclusively utilizes the emergency storage ponds for periods when the effluent pumps are without power or are inoperable.

Your request is reasonable and should not result in violations of the provisions of Order No. 5-01-103. Therefore, we approve of your request.

If you have any questions regarding this matter, please contact Barry Hilton at (559) 445-5455.

JO ANNE KIPPS
Senior Engineer
RCE No. 49278

cc: Ms. Joanna Downum, Field Services Manager, Porterville
Mr. John Baker, Waste Water Utility Superintendent

California Environmental Protection Agency
February 28, 2006

Regulatory Branch (200500712)

Mary Beatie, IPG Consulting
222 N. Garden Street, Suite 100
Visalia, CA 93291

Dear Ms. Beatie:

This concerns your proposed City Of Porterville Corporation Yard Expansion project to place fill material the former wastewater percolation ponds adjacent to Porter Slough. The project is located in Section 27, Township 21 South, Range 27 East, MDB&M, Tulare County, California.

Based on the information you have provided, that the project will not involve any placement of fill material within the confines of or wetlands adjacent Porter Slough, and we have determined that the wastewater treatment percolation ponds are not jurisdictional under 33 CFR, Part 328, Section 328.3 (c). Therefore, a Department of the Army Permit is not required for this work.

Please refer to identification number 200500712 in any correspondence concerning this project. If you have any questions, please contact Ms. Hilary Curtis at our San Joaquin Valley Office, 1325 J Street, Room 1480, Sacramento, California 95814-2922, email hilary.e.curtis@usace.army.mil, or telephone 916-557-6688. You may also use our website: www.spk.usace.army.mil/regulatory.html.

Sincerely,

[Signature]

Tom Cavanaugh
Acting Chief
Central California/Nevada Office

Copy furnished:

Linda Clark, Assistant City Manager, PO Box 432, Porterville, CA 93257
RESOLUTION NO. _______

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PORTERVILLE
CONTAINING FINDINGS IN SUPPORT OF APPROVAL OF A NEGATIVE
DECLARATION FOR THE CITY OF PORTERVILLE
BUS MAINTENANCE FACILITY EXPANSION PROJECT

WHEREAS: On June 6, 2006, the Environmental Coordinator made a preliminary
determination that a Mitigated Negative Declaration would be appropriate for the proposed project. The
Initial Study and Notice of Intent to adopt a Negative Declaration pursuant to CEQA and Categorical
Exclusion pursuant to NEPA have been transmitted to the State Clearing House, interested agencies,
groups, and individuals for a twenty (20) day review period from June 12, 2006 to July 12, 2006.

WHEREAS: At the end of that period, the only agencies that responded were from Cal
Trans and the San Joaquin Air Quality Control Board. Neither agency identified significant
environmental impacts; and

WHEREAS: The City Council of the City of Porterville at its regularly scheduled meeting
of August 1, 2006 considered the potential environmental impact of the proposed City of Porterville
Downtown Bus Maintenance Facility Expansion Project; and

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

1. That the Initial Study was prepared in accordance with the California Environmental
   Quality Act.

2. That the subject project will not create adverse environmental impacts. The approved
   Negative Declaration and Categorical Exclusion was evaluated in light of the
   prepared environmental Initial Study, with comments from interested parties and the
   public, as well as responses to written comments received during the review period.
   It was determined that no significant impacts are associated with the proposed
   project.

3. That the City Council is the decision-making body for the project.

4. The City of Porterville will comply with Regulation VIII of the San Joaquin Valley
   Air Pollution Control District, and all applicable air quality and storm water
   requirements associated with this project.

6. That the Initial Study prepared for the project supporting the Negative Declaration
   reflects the independent judgment of the City of Porterville.

ATTACHMENT
ITEM NO. 3
NOW THEREFORE, BE IT RESOLVED: That the City Council of the City of Porterville does hereby approve the Negative Declaration prepared for the City of Porterville Bus Maintenance Facility Expansion Project.

__________________________
Cameron Hamilton, Mayor

ATTEST:

John Longley, City Clerk

By _________________________
Georgia Hawley, Chief Deputy City Clerk
CITY COUNCIL AGENDA

SUBJECT: Consideration of Donating Automobiles Replaced by Grant Funded Hybrids to La Barca, Mexico (Porterville’s Sister City)

SOURCE: City Manager

A member of the City Council has asked that the City Council consider donating surplus staff automobiles to Porterville’s Sister City La Barca, Jalisco, Mexico. The City is obtaining with grant monies hybrid vehicles. The vehicles replaced will have to be removed from public roadways.

If the donations are made, a specific approval should be obtained from the Air District, that making the vehicles available outside the United States meets the requirements of the grant agreement.

RECOMMENDATION:

Provide direction to staff or implementation.

City Manager Longley

No. 23
SUBJECT: Consideration of Quarterly Improvement Awards

SOURCE: City Manager

A member of the City Council has asked the Council to discuss a quarterly improvement award program. The concept is that a property that has been significantly improved or is very well maintained, be recognized by the Council each quarter. Potentially, the Parks and Leisure Services Commission could make the selection.

RECOMMENDATION:

Provide direction to staff or implementation.

City Manager Longley

No. 24
SUBJECT: QUARTERLY PORTFOLIO SUMMARY

SOURCE: Administrative Services - Finance Division

COMMENT: During the 1995 Legislative Session, the State adopted SB 564 and SB 866 which became effective January 1, 1996. These pieces of legislation set formal requirements for annual reaffirmation of the Investment Policy by Council, as well as for quarterly portfolio updates to Council. These quarterly updates are to be delivered no later than 30 days after the end of each quarter.

Items identified in the summary that are requirements under SB 564 and SB 866 include the fact that all current holdings are in compliance with the current Investment Policy and that all City cash needs will be met. The date of the next update has also been identified.

RECOMMENDATION: That the City Council accept the quarterly Portfolio Summary in accordance with SB 564 and SB 866.

ATTACHMENTS: Quarterly Portfolio Summary

SUBJECT: INTERIM FINANCIAL STATUS REPORTS

SOURCE: Administrative Services - Finance Division

COMMENT: The City Charter requires financial status reports to be provided to City Council members on a monthly basis. Council Minute Order #13-041602 established the requirement and parameters for the preparation and presentation of interim financial status reports.

In accordance with Council Minute Order #13-041602, the preliminary interim financial status reports for the 4th fiscal quarter ended June 30, 2006, are submitted.

RECOMMENDATION: That the City Council accept the interim financial status reports as presented.

ATTACHMENTS: Interim financial reports
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CITY OF PORTERVILLE

PRELIMINARY EXPENDITURE STATUS REPORT - GENERAL FUND
FOR THE FISCAL YEAR ENDED
JUNE 30, 2006 AND JUNE 30, 2005

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CITY OF PORTERVILLE
PRELIMINARY EXPENDITURE STATUS REPORT - ALL OTHER FUNDS
FOR THE FISCAL YEAR ENDED
JUNE 30, 2006 AND JUNE 30, 2005

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<td>RISK MANAGEMENT</td>
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<td>3,120,155</td>
<td>95.4</td>
<td>2,900,000</td>
<td>3,425,631</td>
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<tr>
<td>EQUIPMENT MAINTENANCE</td>
<td>954,950</td>
<td>982,519</td>
<td>102.9</td>
<td>950,825</td>
<td>993,189</td>
</tr>
<tr>
<td>CENTRAL STORES</td>
<td>194,964</td>
<td>180,919</td>
<td>92.8</td>
<td>192,150</td>
<td>219,043</td>
</tr>
<tr>
<td>LANDSCAPE MAINTENANCE DISTRICT</td>
<td>175,025</td>
<td>106,376</td>
<td>60.8</td>
<td>173,721</td>
<td>106,337</td>
</tr>
<tr>
<td><strong>TOTALS</strong></td>
<td><strong>$ 25,179,965</strong></td>
<td><strong>$ 22,261,564</strong></td>
<td>88.4</td>
<td><strong>$ 22,273,575</strong></td>
<td><strong>$ 23,481,199</strong></td>
</tr>
</tbody>
</table>
# CITY OF PORTERVILLE
## PRELIMINARY INTERIM PERFORMANCE REPORT - ENTERPRISE FUNDS
### As of June 30, 2006

<table>
<thead>
<tr>
<th>FUND</th>
<th>REVENUES</th>
<th>EXPENSES</th>
<th>NET PROFIT (LOSS)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Zalud Estate</td>
<td>$5,331.44</td>
<td>$(22,812.09)</td>
<td>$(17,480.65)</td>
</tr>
<tr>
<td>Sewer</td>
<td>6,313,558.72</td>
<td>$(5,068,040.84)</td>
<td>1,245,517.88</td>
</tr>
<tr>
<td>Solid Waste</td>
<td>4,775,125.71</td>
<td>$(4,459,356.09)</td>
<td>315,769.62</td>
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<tr>
<td>Airport</td>
<td>849,442.53</td>
<td>$(884,619.19)</td>
<td>$(35,176.66)</td>
</tr>
<tr>
<td>Golf</td>
<td>313,414.50</td>
<td>$(380,102.39)</td>
<td>$(66,687.89)</td>
</tr>
<tr>
<td>Water</td>
<td>4,695,414.46</td>
<td>$(3,657,286.87)</td>
<td>1,038,127.59</td>
</tr>
</tbody>
</table>

**NOTE:** The Transit Fund is not included as it does not contain any retained earnings
<table>
<thead>
<tr>
<th></th>
<th></th>
<th></th>
<th></th>
<th></th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>PROPERTY TAXES</td>
<td>$4,701,676</td>
<td>$5,518,660</td>
<td>117.38%</td>
<td>$4,693,928</td>
<td>100.63%</td>
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<tr>
<td>OTHER TAXES:</td>
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<tr>
<td>SALES AND USE TAX</td>
<td>3,745,877</td>
<td>3,707,172</td>
<td>98.97%</td>
<td>3,429,000</td>
<td>106.99%</td>
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<tr>
<td>UTILITY USERS TAX</td>
<td>3,000,000</td>
<td>3,099,094</td>
<td>103.30%</td>
<td>2,875,000</td>
<td>104.38%</td>
</tr>
<tr>
<td>TRANSIENT OCCUPANCY TAX</td>
<td>230,000</td>
<td>203,602</td>
<td>88.52%</td>
<td>195,000</td>
<td>129.89%</td>
</tr>
<tr>
<td>PROPERTY TRANSFER TAX</td>
<td>95,000</td>
<td>153,539</td>
<td>161.62%</td>
<td>55,000</td>
<td>224.56%</td>
</tr>
<tr>
<td>FRANCHISE TAX</td>
<td>1,456,558</td>
<td>1,473,974</td>
<td>101.20%</td>
<td>1,408,180</td>
<td>103.44%</td>
</tr>
<tr>
<td>SALES TAX - PUBLIC SAFETY</td>
<td>125,000</td>
<td>140,207</td>
<td>112.17%</td>
<td>114,000</td>
<td>122.79%</td>
</tr>
<tr>
<td>LICENSES AND PERMITS:</td>
<td></td>
<td></td>
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<td></td>
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<tr>
<td>BUSINESS LICENSES</td>
<td>362,000</td>
<td>386,158</td>
<td>106.67%</td>
<td>362,000</td>
<td>99.00%</td>
</tr>
<tr>
<td>CONSTRUCTION PERMITS</td>
<td>339,000</td>
<td>418,097</td>
<td>123.33%</td>
<td>269,020</td>
<td>115.10%</td>
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<tr>
<td>REVENUE FROM AGENCIES-TAXES:</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>MOTOR VEHICLE IN-LIEU TAX</td>
<td>375,200</td>
<td>266,177</td>
<td>70.94%</td>
<td>309,905</td>
<td>380.05%</td>
</tr>
<tr>
<td>OTHER TAXES</td>
<td>33,000</td>
<td>30,351</td>
<td>91.97%</td>
<td>32,000</td>
<td>97.18%</td>
</tr>
<tr>
<td>REVENUE FROM AGENCIES-GANTS</td>
<td>1,640,633</td>
<td>326,412</td>
<td>19.00%</td>
<td>1,027,166</td>
<td>28.67%</td>
</tr>
<tr>
<td>USE OF MONEY AND PROPERTY</td>
<td>85,000</td>
<td>199,072</td>
<td>234.20%</td>
<td>65,000</td>
<td>227.35%</td>
</tr>
<tr>
<td>FINES AND FORFEITURES</td>
<td>24,700</td>
<td>41,179</td>
<td>166.72%</td>
<td>24,700</td>
<td>227.73%</td>
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<tr>
<td>CHARGES FOR SERVICES:</td>
<td></td>
<td></td>
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<td></td>
</tr>
<tr>
<td>PLANNING AND ENGINEERING</td>
<td>100,000</td>
<td>218,134</td>
<td>218.13%</td>
<td>87,000</td>
<td>191.55%</td>
</tr>
<tr>
<td>POLICE</td>
<td>120,000</td>
<td>135,716</td>
<td>113.10%</td>
<td>95,000</td>
<td>128.92%</td>
</tr>
<tr>
<td>FIRE</td>
<td>37,000</td>
<td>16,681</td>
<td>45.08%</td>
<td>34,000</td>
<td>38.50%</td>
</tr>
<tr>
<td>LIBRARY</td>
<td>41,000</td>
<td>32,630</td>
<td>79.59%</td>
<td>41,000</td>
<td>80.82%</td>
</tr>
<tr>
<td>RECREATIONAL</td>
<td>939,650</td>
<td>979,661</td>
<td>104.27%</td>
<td>909,500</td>
<td>100.70%</td>
</tr>
<tr>
<td>INTERDEPARTMENTAL</td>
<td>1,400,000</td>
<td>1,381,035</td>
<td>98.65%</td>
<td>1,375,383</td>
<td>102.91%</td>
</tr>
<tr>
<td>OTHER</td>
<td>25,000</td>
<td>8,465</td>
<td>33.86%</td>
<td>25,000</td>
<td>57.13%</td>
</tr>
<tr>
<td>AFFINITY CARD PROGRAM</td>
<td>4,000</td>
<td>3,617</td>
<td>90.43%</td>
<td>6,000</td>
<td>65.08%</td>
</tr>
<tr>
<td>OTHER REVENUES</td>
<td>133,706</td>
<td>376,233</td>
<td>281.39%</td>
<td>289,377</td>
<td>87.01%</td>
</tr>
<tr>
<td><strong>SUBTOTALS</strong></td>
<td><strong>$19,013,850</strong></td>
<td><strong>$19,115,866</strong></td>
<td><strong>100.54%</strong></td>
<td><strong>$17,722,159</strong></td>
<td><strong>105.40%</strong></td>
</tr>
<tr>
<td><strong>DEBT SERVICE TRANSFERS</strong></td>
<td><strong>580,000</strong></td>
<td><strong>580,000</strong></td>
<td><strong>100.00%</strong></td>
<td><strong>534,679</strong></td>
<td><strong>100.00%</strong></td>
</tr>
<tr>
<td><strong>TOTAL</strong></td>
<td><strong>$19,593,850</strong></td>
<td><strong>$19,695,866</strong></td>
<td><strong>100.52%</strong></td>
<td><strong>$18,256,838</strong></td>
<td><strong>105.24%</strong></td>
</tr>
<tr>
<td>Grant/Subsidized Loan Description</td>
<td>City</td>
<td>Point of Contact</td>
<td>Grant Agency</td>
<td>Grant Number</td>
<td>Amount of Grant Award</td>
</tr>
<tr>
<td>----------------------------------</td>
<td>-----</td>
<td>------------------</td>
<td>--------------</td>
<td>--------------</td>
<td>----------------------</td>
</tr>
<tr>
<td><strong>COMMUNITY DEVELOPMENT DEPARTMENT:</strong></td>
<td>B. Dunlap</td>
<td>HUD</td>
<td>HUD</td>
<td>805,546.00</td>
<td>200,000.00</td>
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<tr>
<td>2002 HOME grant for housing rehabilitation/PTHH</td>
<td>B. Dunlap</td>
<td>HCD</td>
<td>2002-HOME-0024</td>
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<td>HOME PTHH grant for infill development</td>
<td>B. Dunlap</td>
<td>HCQ</td>
<td>39,000.00</td>
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<tr>
<td><strong>TAX DEPARTMENT: A S P O R T S:</strong></td>
<td>B. Dunlap</td>
<td>HUD</td>
<td>500,000.00</td>
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</tr>
<tr>
<td><strong>FIRE DEPARTMENT / S A R V I C E S:</strong></td>
<td>F. Guyton</td>
<td>FEMA</td>
<td>EMW-2004-FG-01096</td>
<td>178,556.00</td>
<td>10.00%</td>
</tr>
<tr>
<td>Airport Layout Plan</td>
<td>F. Guyton</td>
<td>FAA</td>
<td>3-06-2190-06</td>
<td>75,000.00</td>
<td>6.10%</td>
</tr>
<tr>
<td>AIP Project</td>
<td>F. Guyton</td>
<td>FAA</td>
<td>3-05-2190-06</td>
<td>450,000.00</td>
<td>4.61%</td>
</tr>
<tr>
<td><strong>AIP Project</strong></td>
<td>F. Guyton</td>
<td>CALTRANS</td>
<td></td>
<td>21,150.00</td>
<td></td>
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<tr>
<td><strong>AIP Project</strong></td>
<td>F. Guyton</td>
<td>CALTRANS</td>
<td></td>
<td>3,000.00</td>
<td></td>
</tr>
<tr>
<td>Radios</td>
<td>F. Guyton</td>
<td>State Office of Emergency Services</td>
<td>OES-2004</td>
<td>18,000.00</td>
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<tr>
<td><strong>EOC equipment</strong></td>
<td>F. Guyton</td>
<td>State Office of Emergency Services</td>
<td>OES-2005</td>
<td>16,000.00</td>
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<tr>
<td><strong>Indian Gaming Grant:</strong></td>
<td>F. Guyton</td>
<td>Dept of Transportation/Aeronautics Program</td>
<td>Tel-524-1</td>
<td>118,000.00</td>
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<tr>
<td><strong>Loan - Purchase of Hangers</strong></td>
<td>F. Guyton</td>
<td>State Office of Emergency Services</td>
<td>OES-2005</td>
<td>16,000.00</td>
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</tr>
<tr>
<td><strong>PARKS AND LEISURE SERVICES DEPARTMENT:</strong></td>
<td>J. Perinte</td>
<td>CA Trans Comm (CMAC)</td>
<td>CHL-5123(029)</td>
<td>1,058,817.00</td>
<td>88.53%</td>
</tr>
<tr>
<td><strong>Rally in the Trails:</strong></td>
<td>J. Perinte</td>
<td>CA Dept of Parks &amp; Rec (2003 Park Bond Act)</td>
<td>RN-54-005</td>
<td>349,000.00</td>
<td>70.00%</td>
</tr>
<tr>
<td><strong>Perruvilla Cyclic Park O &amp; M</strong></td>
<td>J. Perinte</td>
<td>CA Dept of Parks &amp; Rec (OA) 600 Motor Veh Rec</td>
<td>CH-205</td>
<td>60,000.00</td>
<td>100.00%</td>
</tr>
<tr>
<td><strong>Citizens Option for Public Safety (COPS):</strong></td>
<td>R. Rodriguez</td>
<td>State Police</td>
<td>AB-3299</td>
<td>100,000.00</td>
<td></td>
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<tr>
<td><strong>Bull Pit Pool Vest Grant:</strong></td>
<td>R. Rodriguez</td>
<td>US Dept of Justice</td>
<td>CB-12121-0234</td>
<td>1,750.00</td>
<td>1,750.00</td>
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<tr>
<td><strong>EDWARD BORNE MEMORIAL JUVESTICE ASSISTANCE GRANT (UAC):</strong></td>
<td>R. Rodriguez</td>
<td>US DOJ, Office of Justice Planning</td>
<td>2006-05-BX-0089</td>
<td>19,830.00</td>
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<tr>
<td><strong>Home Security Grant - SWAT team equipment:</strong></td>
<td>R. Rodriguez</td>
<td>US DOJ, Office of Justice Planning</td>
<td>2006-05-BX-0089</td>
<td>19,830.00</td>
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<tr>
<td><strong>Indian Gaming Grant:</strong></td>
<td>R. Rodriguez</td>
<td></td>
<td>CHC-5800</td>
<td>78,580.00</td>
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</tr>
<tr>
<td><strong>Plum St @ Tuba River Bridge widening project:</strong></td>
<td>B. Rodriguez</td>
<td>CALTRANS - HBBR</td>
<td>65-9701</td>
<td>630,000.00</td>
<td>80.00%</td>
</tr>
<tr>
<td><strong>Jaye St @ Tuba River Bridge widening project:</strong></td>
<td>B. Rodriguez</td>
<td>CALTRANS - HBBR</td>
<td>65-9701</td>
<td>250,000.00</td>
<td>80.00%</td>
</tr>
<tr>
<td><strong>Traffic Signal #8 (Plume St @ Monastery Ave project:</strong></td>
<td>B. Rodriguez</td>
<td>CALTRANS - HBBR</td>
<td>65-9180</td>
<td>213,000.00</td>
<td>88.50%</td>
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<tr>
<td><strong>Truck stop; gutter &amp; sidewalk project:</strong></td>
<td>B. Rodriguez</td>
<td>CALTRANS - HBBR</td>
<td>65-9180</td>
<td>213,000.00</td>
<td>88.50%</td>
</tr>
<tr>
<td><strong>Init bike lane routes and lanes project:</strong></td>
<td>B. Rodriguez</td>
<td>BTA</td>
<td>46,500.00</td>
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</tr>
<tr>
<td><strong>Additional bike routes and lanes:</strong></td>
<td>B. Rodriguez</td>
<td>SJVAPCO</td>
<td>50,000.00</td>
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<tr>
<td><strong>Hybrid vehicle:</strong></td>
<td>B. Rodriguez</td>
<td>CALTRANS - HBBR</td>
<td>30,000.00</td>
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<tr>
<td><strong>Traffic Signal @ Matthew and Olive:</strong></td>
<td>B. Rodriguez</td>
<td>CALTRANS - HBBR</td>
<td>30,000.00</td>
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<tr>
<td><strong>Newcomb Street shoulder stabilization project:</strong></td>
<td>B. Rodriguez</td>
<td>CALTRANS - HBBR</td>
<td>250,000.00</td>
<td></td>
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<tr>
<td><strong>Main St &amp; College Ave Roundabout project:</strong></td>
<td>B. Rodriguez</td>
<td>CALTRANS - HBBR</td>
<td>150,000.00</td>
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<tr>
<td><strong>Traffic Signal @ Newcomb and Westfield:</strong></td>
<td>B. Rodriguez</td>
<td>CALTRANS - HBBR</td>
<td>218,000.00</td>
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<tr>
<td><strong>FINANCING THROUGH C.I.B.E.D.B.:</strong></td>
<td>B. Rodriguez</td>
<td></td>
<td>CH-01804-053</td>
<td>5,356,000.00</td>
<td>1,020,435.25</td>
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<tr>
<td><strong>Sewer system expansion:</strong></td>
<td>B. Rodriguez</td>
<td>CHRD 50</td>
<td>3,000,000.00</td>
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<tr>
<td><strong>TOTAL GRANTS/SUBSIDIZED LOANS AWARDED:</strong></td>
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</tbody>
</table>