

CITY COUNCIL AGENDA: DECEMBER 3, 2013

PUBLIC HEARING


SUBJECT: RIVERVIEW ESTATES - TENTATIVE SUBDIVISION MAP NO. 5


SOURCE: COMMUNITY DEVELOPMENT DEPARTMENT- PLANNING DIVISON

COMMENT: The applicant is proposing completion of a previously approved subdivision known as Riverview Estates. The majority of the subdivision was constructed during the mid-2000's. The remaining phase of Riverview Estates No. 5 is approximately 7.47 acres and is located at the southernmost portion of the original subdivision. The 7.47± acre site is proposed to be subdivided into 33 single-family residential lots. The City's General Plan Land Use Map designates this area as Low Density Residential and is Zoned RS-2 (Low Density Residential). The property will accommodate proposed lot sizes ranging from approximately 6,000 square feet to 12,500 square feet, with the majority of lots in the 7,000 square feet range. Vehicular access to the site will be primarily from South Mathew Street, east on Orange Avenue and south on Parkwest Street. Alternate emergency access will be provided via a locked gate (passable only by emergency vehicles) that will be constructed at the southern end of Parkwest Street. The gate will lead to an all weather surface (unpaved) road that will connect to an existing emergency vehicle road that runs east-west along the Tule River, just south of the project site.

The project site is located generally on the east side of Mathew Street and south of Union Lane. Land uses in the area surrounding the project site consist of residential (north and west); vacant/open land (east); and vacant/open land and the Tule River (south). The property will be divided into 33 lots, 30 of which will be used for development of single-family residential units while the remaining three (3) lots, approximately .42 acres, will serve as a temporary drainage basin as shown as lots 25, 26 and 27 on Riverview Estates No. 5 Tentative Subdivision Map.

As required by Chapter 300.05 of the Porterville Development Ordinance, a biological evaluation was required due to the proximity of elderberry shrubs being located within 300 feet of the proposed project area. On October 10, 2013, the Environmental Coordinator made a 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

DD  Appropriated/Funded N/A

CM 

Item No. 9

and individuals for review and comments. Comments have been received from San Joaquin Valley Air Pollution Control District (SJVAPCD) and they concluded that the project specific criteria pollutant emissions would have no significant adverse impact on air quality. The SJVAPCD letter is attached to the staff report.

The Initial Study concluded that, with the implementation of avoidance measures for the valley elderberry longhorn beetle, there are no biological issues that would preclude the development of the River View Estates Subdivision Project No. 5. Appropriate surveys and avoidance measures have been proposed to ensure that the project results in less than significant impacts to all biological resources.

RECOMMENDATION: That the City Council:

1. Adopt the draft resolution approving the Negative Declaration for Riverview Estates No. 5 Tentative Subdivision Map; and
2. Adopt a draft resolution approving Riverview Estates No. 5 Tentative Subdivision Map, subject to conditions of approval.

ATTACHMENT: Complete Staff Report

PUBLIC HEARING

SUBJECT: RIVERVIEW ESTATES- TENTATIVE SUBDIVISION MAP NO. 5

SOURCE: COMMUNITY DEVELOPMENT DEPARTMENT- PLANNING DIVISON

APPLICANT: Smee Builders, Inc.
444 N. Prospect, Suite A
Porterville, California 93257

AGENT: James Winton & Associates
150 West Morton Avenue
Porterville, California 93257

PROJECT LOCATION:

The 7.47± acre project site is situated in the southwestern portion of the original subdivision (Riverview Estates), along Parkwest Street, generally east of Mathew Street and north of the alignment of Date Avenue.

SPECIFIC REQUEST:

The applicant is requesting approval of Riverview Estates No. 5 Tentative Subdivision Map (TSM) to divide a 7.47± acre parcel east of Mathew Street and south of Union Lane. The City's General Plan Land Use Map designates this site as Low Density Residential and is Zoned RS-2 (Low Density Residential). The property will be divided into 33 lots, 30 of which will be used for the development of single-family residential units and the remainder three (3) lots, approximately .42 acres, will serve as a temporary drainage basin shown on lots 25, 26 and 27 on the TSM.

PROJECT DETAILS

The approximately 7.47 acre project area is the southernmost portion of the original subdivision and proposes 33 single-family residential lots. Lot sizes range from approximately 6,000 square feet to 12,500 square feet with the majority of lots in the 7,000 square feet range. Vehicular access to the site will be primarily from South Mathew Street, east on Orange Avenue and south on Parkwest Street. Alternate emergency access will be provided via a locked gate (passable only by emergency vehicles) that will be constructed at the southern end of Parkwest Street. The gate will lead to an all-weather surface (unpaved) road that will connect to an existing emergency vehicle road that runs east-west along the Tule River, just south of the project site. Storm water will be directed to a temporary drainage basin (identified currently as lots 25-27 in the proposed Tentative Subdivision Map). Street improvements, including construction of curb, gutter and sidewalk, will mirror the existing Riverview Estates residential development since this is a continuation of an existing development along with the prolongation of Parkwest Street. Parkway strips behind the curb will not be implemented for this phase of Riverview Estates in order for public improvements

to align with those to the north. It should be noted that because of the existing Valley Elderberry Shrubs located south of lots 19, and 22-24, protective measures shall be implemented as follows:

- Prior to the initiation of ground disturbance, a four foot tall, high visibility, temporary exclusionary fence will be installed at the maximum distance feasible for construction occurring within the 100 foot buffer of the elderberry shrubs remaining within the work area;
- If any elderberry shrubs will be encroached upon within 100 feet, an exclusion fence will be placed no closer than 20 feet from the drip line of the elderberry shrub;
- No encroachment within 20 feet of an elderberry shrub will be allowed without prior approval of the United States Fish and Wildlife Service;
- No work will be conducted within the established exclusion zones. In addition, all vehicle operations will be minimized around these shrubs;
- All equipment will be staged away from the elderberry shrubs, in previously disturbed areas;
- Signs that designate the buffer areas as Valley Elderberry Longhorn Beetle (VELB) habitat, and that describe the federal protection status of the species, shall be erected every 50 feet along the edge of the avoidance areas;
- A qualified biologist, skilled in the identification and habitat needs of the VELB, shall be present to monitor compliance with avoidance of all elderberry shrubs not transplanted or trimmed. If, at any time, elderberry shrub impact avoidance measures are not followed, the biologist shall be given the power to suspend construction operations until such activities are corrected and an alternate course of action is taken that ensures no impacts to the elderberry shrubs will occur;
- Prior to the initiation of ground disturbing activities, a qualified biologist will conduct threatened and endangered species training. Personnel that will be working in the project site will be trained in the life history, habitat requirements, protection status, impact avoidance measures, and penalties under the Federal Endangered Species Act for unauthorized take of the VELB. A written handout will be provided to construction personnel that will include the above-mentioned information, illustrations and photographs of pertinent aspects of VELB life history. All personnel conducting work in the project site will be required to attend the training prior to working on site. A signup sheet will be maintained that provides written verification of all training meeting attendees;
- All vehicles and equipment entering the project site shall be in good working condition and free from leaks. In the event that a vehicle or equipment item is found to be leaking fluid, operation of the vehicle or equipment item shall be terminated and it shall be repaired or replaced. If possible, repairs should be conducted in a contained area. All contaminated soil will be collected and properly disposed of off the project site. All construction materials will be staged away from all elderberry shrubs and any spills will be cleaned immediately. No herbicides, fertilizers or other chemicals that may harm the elderberry shrubs shall be used within 100 feet of the shrubs; and
- Construction will permanently alter the portions of the 100-foot buffer zones within the work area surrounding the project. Following construction, areas within the buffer zones will be restored to the extent feasible.

GENERAL PLAN DESIGNATION: Low Density Residential

SURROUNDING ZONING AND LAND USES:

North: RS-2 (Low Density Residential) - Single-family residential units

West: RS-2 (Low Density Residential) - Single-family residential units

South: RS-2 (Low Density Residential) - Vacant and the Tule River

East: County Island - Vacant Lot

ENVIRONMENTAL REVIEW:

As required by Chapter 300.05 of the Porterville Development Ordinance, a biological evaluation was required due to the proximity of the elderberry shrubs being located within 300 feet of the proposed project area. On October 10, 2013, the Environmental Coordinator made a 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 review and comments. Comments have been received from San Joaquin Valley Air Pollution Control District (SJVAPCD) which concluded that the project specific criteria pollutant emissions would have no significant adverse impact on air quality. SJVAPCD letter is attached to the staff report. The Initial Study concluded that there are no biological issues that would preclude the development of the River View Estates Subdivision Project No. 5. Appropriate surveys and avoidance measures have been proposed to ensure that the project results in less than significant impacts to all biological resources.

DATE FILED FOR PROJECT REVIEW COMMITTEE PROCESSING: May 8, 2013

DATE ACCEPTED AS COMPLETE: November 7, 2013

RECOMMENDATION: That the City Council:

1. Adopt the draft resolution approving the Mitigated Negative Declaration for Riverview Estates No. 5 Tentative Subdivision Map; and
2. Adopt the draft resolution approving Riverview Estates No. 5 Tentative Subdivision Map.

ATTACHMENTS:

1. Riverview Estates No. 5 Tentative Subdivision Map
2. Initial Study/Mitigated Negative Declaration
3. Mitigation Monitoring Program
4. Letter from San Joaquin Valley Air Pollution Control District
5. Draft Environmental Resolution
6. Draft Resolution of Approval

TENTATIVE SUBDIVISION MAP RIVERVIEW ESTATES No. 5

BEING THE REMAINDER OF RIVERVIEW ESTATES, PHASE 4, LOCATED WITHIN THE NORTHEAST 1/4 OF SECTION 33, T21S, R27E, M.D.B.M., CITY OF PORTERVILLE, COUNTY OF TULARE, STATE OF CALIFORNIA.

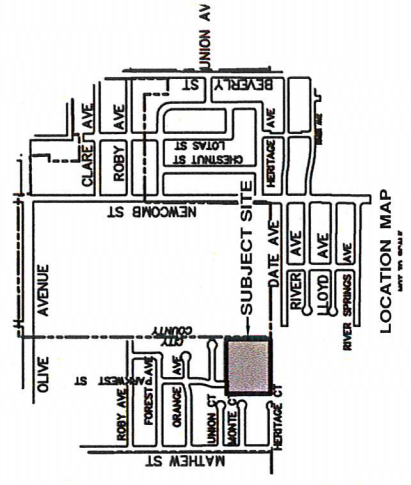
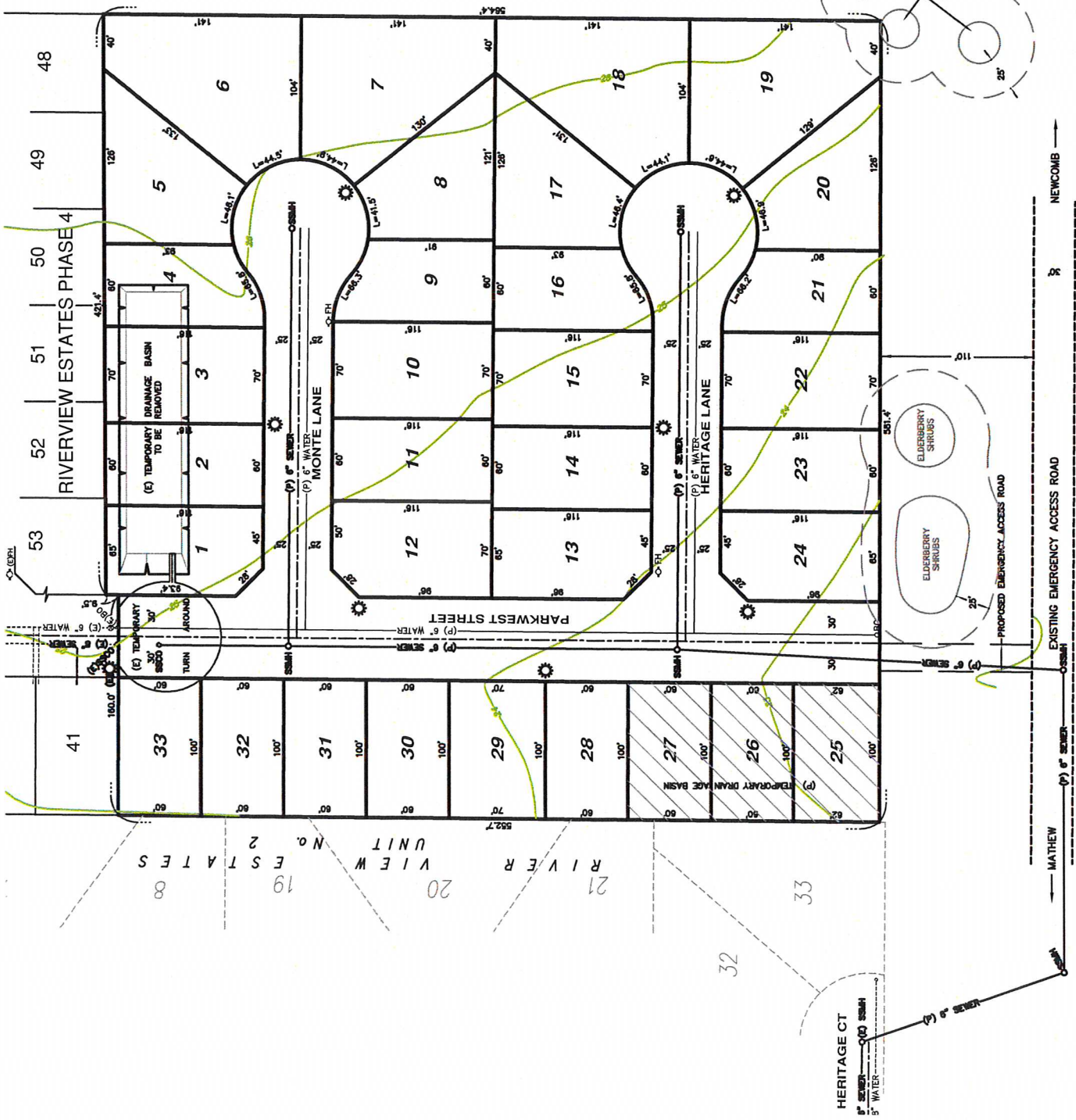
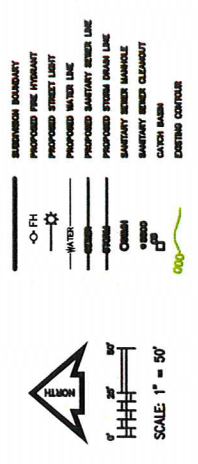
Owner:
SMEE BUILDERS, Inc.
444 N. PROSPECT, SUITE A
PORTERVILLE, CALIFORNIA 93287
(559) 785-0425

By:
JAMES WINTON & ASSOCIATES
50 WEST HORTON AVENUE
PORTERVILLE, CALIFORNIA 93287
(559) 781-2700

NOTES

1. DATE OF PREPARATION: APRIL 18, 2013
2. ZONE: RS-2. GENERAL PLAN: LOW DENSITY RESIDENTIAL
3. ALL DISTANCES SHOWN ARE IN FEET & DECIMALS THEREOF AND ARE APPROXIMATE.
4. GROSS PARCEL AREA = 7.47 ACRES; GROSS DENSITY = 4.4 UMT/ACRES.
5. NET PARCEL AREA = 6.86 ACRES.
6. PROPOSED LAND USE: VACANT.
7. IMPROVEMENTS TO CONFORM TO APPLICABLE ORDINANCES & STATUTES.
8. EASEMENTS FOR PUBLIC UTILITIES TO BE PROVIDED AS REQUIRED.
9. NOT SUBJECT TO INUNDATION OR OVERFLOW, FIRM ZONE X
10. NATURAL GAS BY: THE GAS COMPANY
11. TELEPHONE BY: SBC
12. POWER BY: SOUTHERN CALIFORNIA EDISON CO.
13. CABLE T.V. BY: CHARTER COMMUNICATIONS
14. DOMESTIC WATER BY: CITY OF PORTERVILLE
15. SEWAGE DISPOSAL BY: CITY OF PORTERVILLE
16. REFUSE COLLECTION BY: CITY OF PORTERVILLE
17. DRAINAGE SURFACE FLOW AND ON-SITE RETENTION
18. WATER QUANTITY: AS PER CITY STANDARDS.
19. OFF STREET PARKING: 2 SPACES/UNIT.

LEGEND



**ATTACHMENT
ITEM NO. 1**

Draft Initial Study and Mitigated Negative Declaration for River View Estates

Due to the size of the document, this item is
available at the following locations for
review:

Community Development Department
Counter
City Clerk Counter
City of Porterville Website

SECTION FOUR – MITIGATION MONITORING PLAN

State and local agencies are required by Section 21081.6 of the California Public Resources Code to establish a monitoring and reporting program for all projects which are approved and which require CEQA processing.

Local agencies are given broad latitude in developing programs to meet the requirements of Public Resources Code Section 21081.6. The mitigation monitoring program outlined in this document is based upon guidance issued by the Governor's Office of Planning and Research.

The mitigation monitoring and reporting program for the proposed project corresponds to mitigation measures outlined in the project Mitigated Negative Declaration (MND). The Program summarizes the environmental issues identified in the MND, the mitigation measures required to reduce each potentially significant impact and the agency or agencies responsible for monitoring and reporting on the implementation of the mitigation measures.

Mitigation Monitoring Plan

Impact Number	Mitigation Measure	Implementing Agency	Monitoring Agency	Level of Significance After Mitigation
<p>3.4 Biological Resources</p> <p>3.4-1</p>	<p>To avoid impacts to VELB, the following measures shall be implemented:</p> <ul style="list-style-type: none"> ▪ Prior to the initiation of ground disturbance, a four foot tall, high visibility, temporary exclusionary fence will be installed at the maximum distance feasible for construction occurring within the 100 foot buffer of the elderberry shrubs remaining within the work area; ▪ If any elderberry shrubs will be encroached upon within 100 feet, an exclusion fence will be placed no closer than 20 feet from the drip line of the elderberry shrub; ▪ Any elderberry shrubs that will be encroached upon within 20 feet will be considered to be impacted; ▪ No work will be conducted within the established exclusion zones. In addition, all vehicle operations will be minimized around these shrubs; ▪ All equipment will be staged away from the elderberry shrubs, in previously disturbed areas; 	<p>City of Porterville</p>	<p>USFWS/CDFW</p>	<p>Less than Significant</p>

Impact Number	Mitigation Measure	Implementing Agency	Monitoring Agency	Level of Significance After Mitigation
	<ul style="list-style-type: none"> ▪ Signs that designate the buffer areas as VELB habitat, and that describe the federal protection status of the species, should be erected every 50 feet along the edge of the avoidance areas; ▪ A qualified biologist, skilled in the identification and habitat needs of the VELB, shall be present to monitor compliance with avoidance of all elderberry shrubs not transplanted or trimmed. If, at any time, elderberry shrub impact avoidance measures are not followed, the biologist shall be given the power to suspend construction operations until such activities are corrected and an alternate course of action is taken that ensures no impacts to the elderberry shrubs will occur; ▪ Prior to the initiation of ground disturbing activities, a qualified biologist will conduct threatening and endangered species training. Personnel that will be working in the project site will be trained in the life history, habitat requirements, protection status, impact avoidance measures, and penalties under the federal endangered species act for unauthorized take of the VELB. A written handout will be provided to construction personnel that will include the above-mentioned information, illustrations and photographs of pertinent aspects of VELB life 			

Impact Number	Mitigation Measure	Implementing Agency	Monitoring Agency	Level of Significance After Mitigation
	<p>history. All personnel conducting work in the project site will be required to attend the training prior to working on site. A sign-up sheet will be maintained that provides written verification of all training meeting attendees;</p> <ul style="list-style-type: none"> ▪ All vehicles and equipment entering the project site shall be in good working condition and free from leaks. In the event that a vehicle or equipment item is found to be leaking fluid, operation of the vehicle or equipment item shall be terminated and it shall be repaired or replaced. If possible, repairs should be conducted in a contained area. All contaminated soil will be collected and properly disposed of off the project site. All construction materials will be staged away from all elderberry shrubs and any spills will be cleaned immediately. No herbicides, fertilizers or other chemicals that may harm the elderberry shrubs shall be used within 100 feet of the shrubs; and ▪ Construction will permanently alter the portions of the 100-foot buffer zones within the work area surrounding the project. Following construction, areas within the buffer zones will be restored to the extent feasible. 			

Impact Number	Mitigation Measure	Implementing Agency	Monitoring Agency	Level of Significance After Mitigation
	<p>history. All personnel conducting work in the project site will be required to attend the training prior to working on site. A signup sheet will be maintained that provides written verification of all training meeting attendees;</p> <ul style="list-style-type: none"> ▪ All vehicles and equipment entering the project site shall be in good working condition and free from leaks. In the event that a vehicle or equipment item is found to be leaking fluid, operation of the vehicle or equipment item shall be terminated and it shall be repaired or replaced. If possible, repairs should be conducted in a contained area. All contaminated soil will be collected and properly disposed of off the project site. All construction materials will be staged away from all elderberry shrubs and any spills will be cleaned immediately. No herbicides, fertilizers or other chemicals that may harm the elderberry shrubs shall be used within 100 feet of the shrubs; and ▪ Construction will permanently alter the portions of the 100-foot buffer zones within the work area surrounding the project. Following construction, areas within the buffer zones will be restored to the extent feasible. 			

Impact Number	Mitigation Measure	Implementing Agency	Monitoring Agency	Level of Significance After Mitigation
3.4.4	<p>survey shall be performed within 14 days of construction to identify active nests and mark those nests for avoidance. During the nesting period, raptor nests shall be avoided by 500 feet and all other migratory bird nests shall be avoided by 250 feet.</p> <p>Because there is the potential for San Joaquin kit foxes and/or American badgers to occur on the project site, the USFWS Standardized Recommendations for Protection of the San Joaquin Kit Fox Prior to or During Ground Disturbance (USFWS 2011) shall be implemented. The measures that are listed below have been excerpted from those guidelines and will protect San Joaquin kit foxes from direct mortality and from destruction of active dens and natal or pupping dens. These measures will also protect American badgers. The Lead Agency or Designee shall determine the applicability of the following measures depending on specific construction activities and shall implement such measures when required.</p> <ul style="list-style-type: none"> ▪ Pre-construction surveys shall be conducted no fewer than 14 days and no more than 30 days prior to the beginning of ground disturbance and/or construction activities, or any project activity likely to impact the San Joaquin kit fox or American badger. Exclusion zones shall be 	City of Porterville	USFWS/CDFW	Less than Significant

Impact Number	Mitigation Measure	Implementing Agency	Monitoring Agency	Level of Significance After Mitigation								
	<p>placed in accordance with USFWS Recommendations using the following:</p> <table border="1" data-bbox="488 1079 708 1709"> <tr> <td>Potential Den</td> <td>50 foot radius</td> </tr> <tr> <td>Known Den</td> <td>100 foot radius</td> </tr> <tr> <td>Natal/Pupping (Occupied Unoccupied)</td> <td>Den and U.S. Fish and Wildlife Service for guidance</td> </tr> <tr> <td>Atypical Den</td> <td>50 foot radius</td> </tr> </table> <p>If dens must be removed, they must be appropriately monitored and excavated by a trained wildlife biologist. Replacement dens will be required. Destruction of natal dens and other “known” kit fox dens must not occur until authorized by USFWS.</p> <ul style="list-style-type: none"> Project-related vehicles should observe a daytime speed limit of 20-mph throughout the site 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. Night-time construction should be minimized to the extent possible. However if it does occur, then the speed limit should be reduced to 10-mph. Off-road traffic outside of designated project areas should be prohibited. 	Potential Den	50 foot radius	Known Den	100 foot radius	Natal/Pupping (Occupied Unoccupied)	Den and U.S. Fish and Wildlife Service for guidance	Atypical Den	50 foot radius			
Potential Den	50 foot radius											
Known Den	100 foot radius											
Natal/Pupping (Occupied Unoccupied)	Den and U.S. Fish and Wildlife Service for guidance											
Atypical Den	50 foot radius											

Impact Number	Mitigation Measure	Implementing Agency	Monitoring Agency	Level of Significance After Mitigation
	<ul style="list-style-type: none"> <li data-bbox="342 1031 885 1755"> <p>▪ To prevent inadvertent entrapment of kit foxes or other animals during the construction phase of a project, all excavated, steep-walled holes or trenches more than 2-feet deep should be covered at the close of each working day by plywood or similar materials. If the trenches cannot be closed, one or more escape ramps constructed of earthen-fill or wooden planks shall be installed. Before such holes or trenches are filled, they should be thoroughly inspected for trapped animals. If at any time a trapped or injured kit fox is discovered, the Service and the California Department of Fish and Wildlife (CDFW) shall be contacted as noted under measure 13 referenced below.</p> <li data-bbox="927 1031 1391 1755"> <p>▪ Kit foxes are attracted to den-like structures such as pipes and may enter stored pipes and become 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 any way. If a kit fox is discovered inside a pipe, that section of pipe should not be moved until the Service has been consulted. If necessary, and under the direct supervision of the biologist, the pipe may be</p> 			

Impact Number	Mitigation Measure	Implementing Agency	Monitoring Agency	Level of Significance After Mitigation
	<p>moved only once to remove it from the path of construction activity, until the fox has escaped.</p> <ul style="list-style-type: none"> • All food-related trash items such as wrappers, cans, bottles, and food scraps should be disposed of in securely closed containers and removed at least once a week from a construction or project site. ▪ No firearms shall be allowed on the project site. ▪ No pets, such as dogs or cats, should be permitted on the project site to prevent harassment, mortality of kit foxes, or destruction of dens. ▪ Use of rodenticides and herbicides in project areas should be restricted. This is necessary to prevent primary or secondary poisoning of kit foxes and the depletion of prey populations on which they depend. All uses of such compounds should observe label and other restrictions mandated by the U.S. Environmental Protection Agency, California Department of Food and Agriculture, and other State and Federal legislation, as well as additional project-related restrictions deemed necessary by the Service. If rodent control must be conducted, zinc phosphide should be used because of a proven lower risk to kit fox. 			

Impact Number	Mitigation Measure	Implementing Agency	Monitoring Agency	Level of Significance After Mitigation
	<ul style="list-style-type: none"> ▪ 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 kit fox. The representative will be identified during the employee education program and their name and telephone number shall be provided to the Service. ▪ An employee education program should be conducted for any project that has anticipated impacts to kit fox or other endangered species. The program should consist of a brief presentation by persons knowledgeable in kit fox biology and legislative protection to explain endangered species concerns to contractors, their employees, and military and/or agency personnel involved in the project. The program should include the following: A description of the San Joaquin kit fox and its habitat needs; a report of the occurrence of kit fox in the project area; an explanation of the status of the species and its protection under the Endangered Species Act; and a list of measures being taken to reduce impacts to the species during project construction and implementation. A fact sheet conveying this information should be prepared for distribution to 			

Impact Number	Mitigation Measure	Implementing Agency	Monitoring Agency	Level of Significance After Mitigation
	<p>the previously referenced people and anyone else who may enter the project site.</p> <ul style="list-style-type: none"> ▪ Upon completion of the project, all areas subject to temporary ground disturbances, including storage and staging areas, temporary roads, pipeline corridors, etc. should be re-contoured if necessary, and revegetated to promote restoration of the area to pre-project conditions. An area subject to "temporary" disturbance means any area that is disturbed during the project, but after project completion will not be subject to further disturbance and has the potential to be revegetated. Appropriate methods and plant species used to revegetate such areas should be determined on a site-specific basis in consultation with the Service, CDFW, and revegetation experts. ▪ In the case of trapped animals, escape ramps or structures should be installed immediately to allow the animal(s) to escape, or the Service should be contacted for guidance. ▪ Any contractor, employee, or military or agency personnel who are responsible for inadvertently killing or injuring a San Joaquin kit fox shall immediately report the incident to their representative. This representative shall contact 			

Impact Number	Mitigation Measure	Implementing Agency	Monitoring Agency	Level of Significance After Mitigation
	<p>the CDFW immediately in the case of a dead, injured or entrapped kit fox. The CDFW contact for immediate assistance is State Dispatch at (916)445-0045. They will contact the local warden or Mr. Paul Hoffman, the wildlife biologist, at (530)934-9309. The Service should be contacted at the numbers below.</p> <ul style="list-style-type: none"> ▪ The Sacramento Fish and Wildlife Office and CDFW shall 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 Service contact is the Chief of the Division of Endangered Species, at the addresses and telephone numbers below. The CDFW contact is Mr. Paul Hoffman at 1701 Nimbus Road, Suite A, Rancho Cordova, California 95670, (530) 934-9309. The above listed measures would also protect American badgers. ▪ New sightings of kit fox shall be reported to the California Natural Diversity Database (CNDDDB). A copy of the reporting form and a topographic map clearly marked with the location of where the 			

Impact Number	Mitigation Measure	Implementing Agency	Monitoring Agency	Level of Significance After Mitigation
	<p>kit fox was observed should also be provided to the Service at the address below.</p> <p>Any project-related information required by the Service or questions concerning the above conditions or their implementation may be directed in writing to the U.S. Fish and Wildlife Service at:</p> <p style="padding-left: 40px;">Endangered Species Division 2800 Cottage Way, Suite W2605 Sacramento, California 95825-1846 (916) 414-6620 or (916) 414-6600</p>			
3.5 Cultural Resources				
3.5.1	<p>Although there is no obvious evidence of historic or archaeological sites on the project site, there is the potential during project-related excavation and construction for the discovery of cultural resources. The City of Porterville shall incorporate into the construction contract(s) for the project a provision that includes the following measures:</p> <ul style="list-style-type: none"> ▪ Before initiation of construction or ground-disturbing activities associated with the project, the project proponent for all project phases shall require all construction personnel to be alerted to the possibility of buried cultural resources, including historic, archeological and paleontological resources; 	City of Porterville	City of Porterville	Less than Significant

Impact Number	Mitigation Measure	Implementing Agency	Monitoring Agency	Level of Significance After Mitigation
	<ul style="list-style-type: none"> ▪ The general contractor and its supervisory staff shall be responsible for monitoring the construction project for disturbance of cultural resources; and ▪ If a potentially significant historical, archaeological, or paleontological resource, such as structural features, unusual amounts of bone or shell, artifacts, human remains, or architectural remains or trash deposits are encountered during subsurface construction activities (i.e., trenching, grading), all construction activities within a 100-foot radius of the identified potential resource shall cease until a qualified archaeologist evaluates the item for its significance and records the item on the appropriate State Department of Parks and Recreation (DPR) forms. The archaeologist shall determine whether the item requires further study. If, after the qualified archaeologist conducts appropriate technical analyses, the item is determined to be significant under California Environmental Quality Act, the archaeologist shall recommend feasible mitigation measures, which may include avoidance, preservation in place or other appropriate measure, as outlined in Public Resources Code section 21083.2. The City of Porterville shall implement said measures. 			

Impact Number	Mitigation Measure	Implementing Agency	Monitoring Agency	Level of Significance After Mitigation
3.5.2	<p>The City of Porterville will incorporate into the construction contract(s) a provision that in the event a fossil or fossil formations are discovered during any subsurface construction activities for the proposed project (i.e., trenching, grading), all excavations within 100 feet of the find shall be temporarily halted until the find is examined by a qualified paleontologist, in accordance with Society of Vertebrate Paleontology standards. The paleontologist shall notify the appropriate representative at the City of Porterville, who shall coordinate with the paleontologist as to any necessary investigation of the find. If the find is determined to be significant under CEQA, the City shall implement those measures, which may include avoidance, preservation in place, or other appropriate measures, as outlined in Public Resources Code section 21083.2.</p>	City of Porterville	City of Porterville	Less than Significant
3.8 Hazards/Hazardous Materials				
3.8.1	<p>Construction contractors shall ensure that any construction equipment that normally includes a spark arrester shall be equipped with an arrester in good working order. This includes, but is not limited to, vehicles, heavy equipment, and chainsaws.</p>	City of Porterville	City of Porterville	Less than Significant
3.8.2	<p>Construction contractors shall ensure that during construction, staging areas, building areas, and/or areas slated for development using spark-producing</p>	City of Porterville	City of Porterville	Less than Significant

Impact Number	Mitigation Measure	Implementing Agency	Monitoring Agency	Level of Significance After Mitigation
	equipment shall be cleared of dried vegetation or other materials that could serve as fuel for combustion. To the extent feasible, the contractor shall keep these areas clear of combustible materials to maintain a firebreak.			
3.12 Noise				
3.12.2	Construction activities shall be limited to between 6:00 A.M. and 9 P.M. Monday through Friday and between 7:00 A.M. and 5:00 PM on Saturday or Sunday to avoid noise-sensitive hours of the day. Construction activities shall be prohibited on holidays (President's Day, Memorial Day, Fourth of July, Labor Day, Thanksgiving, Day after Thanksgiving, Christmas Day, and New Year's Day).	City of Porterville	City of Porterville	Less than Significant
3.12.3	The construction contract shall require the construction contractor to ensure that construction equipment noise is minimized by muffling and shielding intakes and exhaust on construction equipment (in accordance with the manufacturer's specifications) and by shrouding or shielding impact tools.	City of Porterville	City of Porterville	Less than Significant

Notes: USFWS = U.S. Fish and Wildlife Service, CDFW = California Department of Fish and Wildlife



November 20, 2013

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

Agency Project: Tentative Subdivision Map No. 5 - Riverview Estates

District CEQA Reference No: 20130986

Dear Mr. Dunlap:

The San Joaquin Valley Unified Air Pollution Control District (District) has reviewed the project referenced above consisting of 33 single family residential units, located generally south of Roby Avenue and east of Mathew Street at the prolongation of Parkwest Street, in Porterville, CA. The District offers the following comments:

1. Based on information provided to the District, project specific emissions of criteria pollutants are not expected to exceed District significance thresholds of 10 tons/year NOX, 10 tons/year ROG, and 15 tons/year PM10. Therefore, the District concludes that project specific criteria pollutant emissions would have no significant adverse impact on air quality.
2. Based on information provided to the District, at full build-out, the proposed project would not be equal to or exceed 50 residential dwelling units. Therefore, the District concludes that the proposed project is not subject to District Rule 9510 (Indirect Source Review).
3. The proposed project may be subject to District Rules and Regulations, including: Regulation VIII (Fugitive PM10 Prohibitions), Rule 4102 (Nuisance), Rule 4601 (Architectural Coatings), and Rule 4641 (Cutback, Slow Cure, and Emulsified Asphalt, Paving and Maintenance Operations). The above list of rules is neither exhaustive nor exclusive.

Seyed Sadredin
Executive Director/Air Pollution Control Officer

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

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

Southern Region
34946 Flyover Court
Bakersfield, CA 93308-9725
Tel: (805) 392-2400 FAX: (805) 392-2401

More information regarding compliance with District rules and regulation can be obtained by visiting the District's website:

- Complete listing of all current District rules and regulation:
<http://www.valleyair.org/rules/1ruleslist.htm>;
- Information on controlling fugitive dust emissions:
http://www.valleyair.org/busind/comply/PM10/compliance_PM10.htm;

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

If you have any questions or require further information, please contact Georgia Stewart by phone at (559) 230-5937 or by e-mail at georgia.stewart@valleyair.org.

Sincerely,

David Warner
Director of Permit Services



For: Arnaud Marjollet
Permit Services Manager

DW: gs

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
RIVERVIEW ESTATES NO. 5 TENTATIVE SUBDIVISION MAP FOR THAT 7.47± ACRE
SITE LOCATED GENERALLY ON THE EAST SIDE OF MATHEW STREET
AND SOUTH OF UNION LANE.

WHEREAS: The City Council of the City of Porterville, at its regularly scheduled meeting of December 3, 2013, conducted a public hearing to consider approving Riverview Estates No. 5 Tentative Subdivision Map, being a division of a 7.47± acre parcel zoned Low Density Residential (Single-family Residential) into a 33 lot single-family residential subdivision to be developed for that site located generally on the east side of Mathew Street and south of Union Lane; and

WHEREAS: On October 10, 2013, the Environmental Coordinator made a 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 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 comments. The 20-day review period was from November 9, 2013 to November 28, 2013. Comments were received from the SJVAPCD. Comments have been noted in the file and addressed as appropriate.
3. That the proposed project could have a significant effect on the environment, but through implementation of the Mitigation Monitoring Program (Exhibit A), as defined, 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 A, and is included as conditions of approval in the Riverview Estates No. 5 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. The only sensitive resource identified on the project site during the surveys was the blue elderberry shrub, which provides habitat for the federally threatened valley elderberry longhorn beetle (*Desmocerus californicus dimorphus*). A total of 66 blue elderberry shrubs were identified within 100 feet of the project site. Eight blue elderberry shrubs were located on the project site, 20 blue elderberry shrubs were located within 20 feet of the project site, and an additional 38 blue elderberry shrubs were located within 100 feet of the project site. The valley elderberry longhorn beetle (VELB) is completely dependent on its host plant, the elderberry shrub, which is a common component of the remaining riparian forests and adjacent upland habitats of California's Central Valley.

7. 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 Riverview Estates No. 5 Tentative Subdivision Map as described herein.

PASSED, APPROVED, and ADOPTED this 3rd day of December, 2013

Cameron J. Hamilton, Mayor

ATTEST:
John D. Lollis, City Clerk

By _____
Patrice Hildreth, Chief Deputy City Clerk

RESOLUTION NO. _____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PORTERVILLE
IN SUPPORT OF APPROVAL OF A TENTATIVE SUBDIVISION MAP FOR
RIVERVIEW ESTATES NO. 5 FOR THAT 7.47± ACRE SITE LOCATED GENERALLY ON
THE EAST SIDE OF MATHEW STREET AND
SOUTH OF UNION LANE

WHEREAS: The City Council of the City of Porterville, at its regularly scheduled meeting of December 3, 2013, conducted a public hearing to consider approval of Riverview Estates No. 5 Tentative Subdivision Map, being a division of a 7.47± acre parcel zoned Low Density Residential (Single-Family Residential) into a 33 lot single-family residential subdivision to be developed generally located on the east side of Mathew Street and south of Union Lane; and

WHEREAS: On November 9, 2013, the Environmental Coordinator made a preliminary determination that a Mitigated Negative Declaration would be appropriate for the proposed project; and

WHEREAS: The Project Review Committee on May 8, 2013, 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 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 as Low Density Residential development (6.0 dwelling units/gross acre). The proposed subdivision will be developed to a density of 4.4 dwelling units/gross acre.

The property will accommodate the proposed lot sizes range from approximately 6,000 square feet to 12,500 sq. ft. with the majority of lots in the 7,000 square feet range. Vehicular access to the site will be primarily from S. Mathew Street, east on Orange Avenue and south on Parkwest Street. Alternate emergency access will be provided via a locked gate (passable only by emergency vehicles) that will be constructed at the southern end of Parkwest Street. The gate will lead to an all-weather surface (unpaved) road that will connect to an existing emergency vehicle road that runs east-west along the Tule River, just south of the project site.

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

ATTACHMENT
ITEM NO. 6

Low Density Residential is typical for a single-family subdivision and is consistent with the Land Use Element of the General Plan density per gross acreage.

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 (Exhibit A), as defined, will not create adverse environmental impacts. Condition 47 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. Findings and conditions of approval are implemented to insure the public health, safety or welfare, and prevent materially injurious activity to properties or improvements in the area.
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 Porterville Development Ordinance. The proposed project complies with all the requirements of the Porterville Development Ordinance, except otherwise noted within the project details. The development standards of the RS-2 (Low Density Residential) Zone, including development standards, supplemental regulation, lot sizes, site coverage, parking, etc., will apply to the site.

NOW, THEREFORE, BE IT RESOLVED: That the Porterville City Council does hereby approve Riverview Estates No. 5 Tentative Subdivision Map subject to the following conditions:

1. Per Section 403.02 (f) subsection (10) of the Porterville Development Ordinance, the subdivision trees and landscaping design shall be approved by the City and shall be planted at a time and in locations approved by the Director of Parks and Leisure Services, all in general accord with the requirements of the Porterville Municipal Code.
 - a. At least one (1) tree shall be planted on each residential lot. A minimum size of five (5) gallon trees shall be installed upon all lots abutting interior, local and

collector streets, and fifteen (15) gallon trees shall be planted upon parcels having frontage on arterial thoroughfares.

- b. Other improvements deemed necessary by the City Council for public health, safety or welfare.
2. Per Section 403.03 (i) of the Porterville Development Ordinance, each subdivision shall provide for the extension of improvements such as, but not limited to, lighting, common landscaping areas, including pocket parks, perimeter walls, drainage systems beneficial to specific subdivisions, drainage reservoirs, and open space areas, and the maintenance of such facilities through appropriate mechanisms as approved by the City Attorney. If a Landscaping and Lighting Maintenance District, Benefit Assessment District, or similar district is required, the following standards apply:
 - a. Prior to the approval of improvement plans for a development, the applicant shall submit the following information for the establishment of a landscaping and lighting maintenance district, the extension of the subject improvements into the assessment area, and the maintenance of the improvements once constructed:
 - i. A petition on a form provided by the City requesting to have the subdivision placed in a district at the time the final map is approved by the City.
 - ii. Completed and approved landscaping and lighting improvement plans, and legal description.
 - b. The district shall be established, or the annexation into an existing district concluded, and improvements completed and accepted concurrently with the other improvements in the subdivision.
 - c. Exclusive of assessments for a district, the applicant shall pay all service fees and maintain all new district improvements in a safe and healthy manner for the greater of a ninety (90) day plant establishment period following acceptance of the subdivision improvements, or until assessment begins for the district.
3. Per Section 403.01 (b) subsection (10) of the Porterville Development Ordinance, as a condition of approval of a tentative map, the City shall require the subdivider to dedicate or make an irrevocable offer of dedication of land, to pay a fee in lieu thereof, or a combination of both, for neighborhood and community open space, park and recreational purposes. In order to conform to the policies of the General Plan and maintain existing standards for parks and recreation facilities, the park area required to be dedicated shall be equal to the ratio of the ultimate population of the subdivision to the current population of the City multiplied by the total park area within the City's planning area at the time of filing of the tentative map but in no case shall be less than three (3) acres of park area per one thousand (1,000) persons nor more than five (5)

acres per one thousand (1,000) persons who will live in the subdivision, calculated as follows:

- a. The ultimate population of the subdivision is based upon the approved residential density and the average household size for the type of unit;
 - b. Total population of the City shall be as reported in the most recent available federal census;
 - c. Current park acreage shall be the amount of neighborhood and community park acreage identified in the General Plan or any more recent records, maps, or reports.
4. The developer/applicant shall comply with Section 201.04 residential single-family development standards of the Porterville Development Ordinance (PDO).
 5. Unless otherwise noted, the developer/applicant shall comply with the City Master Plans, Standard Specifications for Public Works Construction (2009 Edition), and Standard Plans and Specifications (2007 Edition), except where they are in conflict with the Americans with Disabilities Act and the 2010 California Building Code, the Tulare County Hazardous Waste Management Plan, the California Manual on Uniform Traffic Control Devices, the Porterville Circulation Element, and the Tulare County Congestion Management Program.
 6. 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.
 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 City Council. The developer/applicant shall dedicate and completely improve the proposed internal subdivision streets (Chapter 403 of the PDO).
 8. The developer/applicant shall provide and show all required utility easements on the Final Map.
 9. 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.
 10. The developer/applicant shall cause all unnecessary easement to be vacated prior to or in conjunction with the Final Map processing.

11. Prior to approval of the 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 said subdivision placed in a Lighting and Landscape Maintenance District, Benefit Assessment District or similar district to include: (1) Lighting; (2) Recreational Open Space, if any; (3) Common Public Landscaping, inclusive of parkway strips (if any); (4) Public walls/fences, if any; (5) Drainage reservoir, if any; (6) streets, inclusive of concrete curbs, gutters, and sidewalks; and (7) any other public improvement complying with Series 400, Section 403.03 (i) of the Development Ordinance. The developer/applicant shall submit a processing fee of \$375 with the executed petition form.
12. The City shall prepare an Engineer's Report for the establishment of the assessments in order to provide for ongoing maintenance of the subdivision improvements to be included in the Lighting and Landscape Maintenance District. The Lighting and Landscape Maintenance District shall be established, or 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.
13. 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 90-day plant establishment period following acceptance of the subdivision improvements, or until assessment begins for the Lighting and Landscape Maintenance District.
14. The developer/applicant shall comply with Chapter 7, Article XIII of the City Code and Chapter 18 and Appendix J of the California Building Code and provide 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, prior to the approval of the improvement plans or start of grading, whichever comes first. 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;
 - c. Soils Report(s) in accordance with Chapter 18 of the California Building Code.
15. 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.

16. In accordance with Series 400, Section 403.02 (g) or (h) of the Development Ordinance, the developer/applicant shall enter into an agreement that provides for completion of improvements within twelve (12) months of the Final Map acceptance.
17. Prior to start of grading on any unit, the developer/applicant shall abandon and cap any 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. Wells that will remain in service shall be designated on the Tentative Subdivision Map.
18. 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 are to remain active. The developer/applicant shall also cure leaks in any irrigation pipe that will continue in use.
19. 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.).
20. 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.
21. 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.).
22. 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.

23. San Joaquin Valley Air Pollution Control District (District) Adoption of Rules 9510 and 3180 – Indirect Source Review (ISR) Rules:

Effective March 1, 2006, the San Joaquin Valley Air Pollution Control District began enforcing the Indirect Source Rule (ISR). 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) are not subject to the emission-reduction requirements of the rule.

- a. 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 may be 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.
- b. The District recognizes the land use authority of local land use agencies and will not impose any design requirements upon ISR projects.
- c. 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.
- d. 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).

- e. 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.
 - f. 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.
 - g. The District will provide a letter of rule compliance status to the local agency upon request.
 - h. The ISR Rules and Program does not place any requirements upon the agency.
24. 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), 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.
25. Building or foundation permits shall not be issued until all of the following items are accepted as complete:
- The storm drain system is functional so that it will accept water from fire hydrant and/or water main flushing;
 - 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.);
 - Street base rock for accessibility by the public safety officials and building inspectors;
 - Lots are graded in accordance with the approved grading plan. Prior to receipt of the Final Grading, Drainage and Soils Report, 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 recommendation contained in the Preliminary Soils Report;
 - Lot corners are marked;
 - Fire hydrants are accepted by the Fire Department and the Engineering Division.

DRAINAGE CONDITIONS

26. The developer/applicant shall properly backfill the existing temporary drainage reservoir shown on Lots 1 through 4. The responsible soils engineering shall, as part of his/her normal certification process, confirm proper abandonment of this facility.
27. Prior to approval of the Tentative Subdivision Map, the developer/applicant shall provide drainage calculations for the purpose of defining the number of lots impacted by a temporary drainage reservoir.
28. The developer/applicant shall construct all drainage facilities that the City Engineer determines are necessary to comply with the intent of the Storm Drain Master Plan. The developer/applicant shall dedicate a drainage easement across each lot requiring an easement, unless all lots are graded to drain to the street (C.C. Sec. 21-50). The developer/applicant shall construct concrete drainage swales, approved by the City Engineer, if necessary, to transport storm water across adjacent subdivision lots to reach a City drainage system.
29. The developer/applicant is hereby noticed that all temporary drainage reservoirs servicing the immediate area are at capacity and is strongly encouraged to implement the Storm Drain Master Plan by constructing Drainage Reservoir No. 51. This reservoir is considered a Master Plan Facility, therefore improvements and land acquisition are subject to reimbursement pursuant to City Code Section 19A-40. Acquisition of property will be in accordance with the City's adopted Property Acquisition Procedures.
30. The developer/applicant is advised that compliance 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 one acre 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.

STREET CONDITIONS

31. 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. Parkwest Drive will require a temporary turn-around and dedication of an easement. The turn-around shall be enclosed with a chain link fence per City Standards and include gate for accessing the emergency vehicular road.
32. The developer/applicant shall construct all-weather alternative vehicular access road(s) 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 the creation of a dead-end cul-de-sac streets in excess of 600 feet long.
33. 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.
34. The developer/applicant shall construct two (2) City standard barricades at the end of all dead-end streets.
35. The developer/applicant shall provide street striping and flexible delineators as necessary to provide safe vehicular movements where directed by the City Engineer.
36. The developer/applicant shall construct street improvements that comply with the intention of the adopted Development Ordinance and per the attached details. The right of way width shall be fifty (50) feet wide with a parkway between the back of curb and sidewalk. Dry public utilities shall be located within an easement outside of the public right of way.
37. The developer/applicant shall modify the Tentative Subdivision Map to illustrate street widths that are consistent with the attached local street width standard.

SEWER CONDITIONS

38. 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.
39. The developer/applicant shall upgrade the sewer lift station on Mathew Street if it becomes necessary to direct sewage through this facility.

UTILITY CONDITIONS

40. 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).

41. Prior to acceptance of improvements, the developer/applicant shall provide 5800 lumen street lights on Marbelite poles complying with Southern California Edison Company specifications as required by the City Engineer. Spacing between street lights shall not exceed 160 feet.

WATER CONDITIONS

42. 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 (1) for each ten (10) lots in the subdivision or four (4), whichever is greater. The model homes shall be clustered.
43. The location of the proposed development may be a prominent area for constructing a municipal water well. Therefore, the City may approach the owner with an option to purchase property large enough to house such a facility. Acquisition of property will be in accordance with the City's adopted Property Acquisition Procedures.
44. The developer/applicant shall construct a Master Plan twelve (12) inch water main related appurtenance (pressure regulating station, valves, fittings, etc.) from the proposed subdivision to the end of Date Avenue, between Patsy Street and the extension of Parkwest Street.
45. 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.

SPECIAL CONDITIONS

46. 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 and reimbursement requests shall be processed in accordance with Series 400, Section 403.02 of the Development Ordinance.
47. 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.
48. The developer/applicant shall comply with the City standard for "backflow" prevention pursuant to Resolution No. 9615.
49. The project must comply with latest applicable codes.
50. 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.

51. Fire hydrant spacing shall be as follows: In Residential development, one hydrant shall be installed at 500-foot intervals and in Commercial development, one hydrant shall be installed at 300-foot intervals, or as required by Appendix C California Fire Code.
52. All dead-end access roads in excess of 150 feet must be provided with an approved turn-around complying with City Standards.
53. Project must meet minimum fire flow requirements per the table in Appendix B & C of the California Fire Code.

PASSED, APPROVED, and ADOPTED this 3rd day of December, 2013

Cameron J. Hamilton, Mayor

ATTEST:
John D. Lollis, City Clerk

By _____
Patrice Hildreth, Chief Deputy City Clerk

SECTION FOUR – MITIGATION MONITORING PLAN

State and local agencies are required by Section 21081.6 of the California Public Resources Code to establish a monitoring and reporting program for all projects which are approved and which require CEQA processing.

Local agencies are given broad latitude in developing programs to meet the requirements of Public Resources Code Section 21081.6. The mitigation monitoring program outlined in this document is based upon guidance issued by the Governor's Office of Planning and Research.

The mitigation monitoring and reporting program for the proposed project corresponds to mitigation measures outlined in the project Mitigated Negative Declaration (MND). The Program summarizes the environmental issues identified in the MND, the mitigation measures required to reduce each potentially significant impact and the agency or agencies responsible for monitoring and reporting on the implementation of the mitigation measures.

Mitigation Monitoring Plan

Impact Number	Mitigation Measure	Implementing Agency	Monitoring Agency	Level of Significance After Mitigation
3.4 Biological Resources 3.4-1	<p>To avoid impacts to VELB, the following measures shall be implemented:</p> <ul style="list-style-type: none"> ▪ Prior to the initiation of ground disturbance, a four foot tall, high visibility, temporary exclusionary fence will be installed at the maximum distance feasible for construction occurring within the 100 foot buffer of the elderberry shrubs remaining within the work area; ▪ If any elderberry shrubs will be encroached upon within 100 feet, an exclusion fence will be placed no closer than 20 feet from the drip line of the elderberry shrub; ▪ Any elderberry shrubs that will be encroached upon within 20 feet will be considered to be impacted; ▪ No work will be conducted within the established exclusion zones. In addition, all vehicle operations will be minimized around these shrubs; ▪ All equipment will be staged away from the elderberry shrubs, in previously disturbed areas; 	City of Porterville	USFWS/CDFW	Less than Significant

Impact Number	Mitigation Measure	Implementing Agency	Monitoring Agency	Level of Significance After Mitigation
	<ul style="list-style-type: none"> ▪ Signs that designate the buffer areas as VELB habitat, and that describe the federal protection status of the species, should be erected every 50 feet along the edge of the avoidance areas; ▪ A qualified biologist, skilled in the identification and habitat needs of the VELB, shall be present to monitor compliance with avoidance of all elderberry shrubs not transplanted or trimmed. If, at any time, elderberry shrub impact avoidance measures are not followed, the biologist shall be given the power to suspend construction operations until such activities are corrected and an alternate course of action is taken that ensures no impacts to the elderberry shrubs will occur; ▪ Prior to the initiation of ground disturbing activities, a qualified biologist will conduct threatening and endangered species training. Personnel that will be working in the project site will be trained in the life history, habitat requirements, protection status, impact avoidance measures, and penalties under the federal endangered species act for unauthorized take of the VELB. A written handout will be provided to construction personnel that will include the above-mentioned information, illustrations and photographs of pertinent aspects of VELB life 			

Impact Number	Mitigation Measure	Implementing Agency	Monitoring Agency	Level of Significance After Mitigation
	<p>history. All personnel conducting work in the project site will be required to attend the training prior to working on site. A signup sheet will be maintained that provides written verification of all training meeting attendees;</p> <ul style="list-style-type: none"> ▪ All vehicles and equipment entering the project site shall be in good working condition and free from leaks. In the event that a vehicle or equipment item is found to be leaking fluid, operation of the vehicle or equipment item shall be terminated and it shall be repaired or replaced. If possible, repairs should be conducted in a contained area. All contaminated soil will be collected and properly disposed of off the project site. All construction materials will be staged away from all elderberry shrubs and any spills will be cleaned immediately. No herbicides, fertilizers or other chemicals that may harm the elderberry shrubs shall be used within 100 feet of the shrubs; and ▪ Construction will permanently alter the portions of the 100-foot buffer zones within the work area surrounding the project. Following construction, areas within the buffer zones will be restored to the extent feasible. 			

Impact Number	Mitigation Measure	Implementing Agency	Monitoring Agency	Level of Significance After Mitigation
	<p>history. All personnel conducting work in the project site will be required to attend the training prior to working on site. A sign-up sheet will be maintained that provides written verification of all training meeting attendees;</p> <ul style="list-style-type: none"> ▪ All vehicles and equipment entering the project site shall be in good working condition and free from leaks. In the event that a vehicle or equipment item is found to be leaking fluid, operation of the vehicle or equipment item shall be terminated and it shall be repaired or replaced. If possible, repairs should be conducted in a contained area. All contaminated soil will be collected and properly disposed of off the project site. All construction materials will be staged away from all elderberry shrubs and any spills will be cleaned immediately. No herbicides, fertilizers or other chemicals that may harm the elderberry shrubs shall be used within 100 feet of the shrubs; and ▪ Construction will permanently alter the portions of the 100-foot buffer zones within the work area surrounding the project. Following construction, areas within the buffer zones will be restored to the extent feasible. 			

Impact Number	Mitigation Measure	Implementing Agency	Monitoring Agency	Level of Significance After Mitigation
	<p>survey shall be performed within 14 days of construction to identify active nests and mark those nests for avoidance. During the nesting period, raptor nests shall be avoided by 500 feet and all other migratory bird nests shall be avoided by 250 feet.</p>			
3.4.4	<p>Because there is the potential for San Joaquin kit foxes and/or American badgers to occur on the project site, the USFWS Standardized Recommendations for Protection of the San Joaquin Kit Fox Prior to or During Ground Disturbance (USFWS 2011) shall be implemented. The measures that are listed below have been excerpted from those guidelines and will protect San Joaquin kit foxes from direct mortality and from destruction of active dens and natal or pupping dens. These measures will also protect American badgers. The Lead Agency or Designee shall determine the applicability of the following measures depending on specific construction activities and shall implement such measures when required.</p> <ul style="list-style-type: none"> ▪ Pre-construction surveys shall be conducted no fewer than 14 days and no more than 30 days prior to the beginning of ground disturbance and/or construction activities, or any project activity likely to impact the San Joaquin kit fox or American badger. Exclusion zones shall be 	City of Porterville	USFWS/CDFW	Less than Significant

Impact Number	Mitigation Measure	Implementing Agency	Monitoring Agency	Level of Significance After Mitigation								
	<p>placed in accordance with USFWS Recommendations using the following:</p> <table border="1" data-bbox="505 1077 716 1682"> <tr> <td>Potential Den</td> <td>50 foot radius</td> </tr> <tr> <td>Known Den</td> <td>100 foot radius</td> </tr> <tr> <td>Natal/Pupping (Occupied and Unoccupied)</td> <td>Contact U.S. Fish and Wildlife Service for guidance</td> </tr> <tr> <td>Atypical Den</td> <td>50 foot radius</td> </tr> </table> <p>If dens must be removed, they must be appropriately monitored and excavated by a trained wildlife biologist. Replacement dens will be required. Destruction of natal dens and other “known” kit fox dens must not occur until authorized by USFWS.</p> <ul style="list-style-type: none"> Project-related vehicles should observe a daytime speed limit of 20-mph throughout the site 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. Night-time construction should be minimized to the extent possible. However if it does occur, then the speed limit should be reduced to 10-mph. Off-road traffic outside of designated project areas should be prohibited. 	Potential Den	50 foot radius	Known Den	100 foot radius	Natal/Pupping (Occupied and Unoccupied)	Contact U.S. Fish and Wildlife Service for guidance	Atypical Den	50 foot radius			
Potential Den	50 foot radius											
Known Den	100 foot radius											
Natal/Pupping (Occupied and Unoccupied)	Contact U.S. Fish and Wildlife Service for guidance											
Atypical Den	50 foot radius											

Impact Number	Mitigation Measure	Implementing Agency	Monitoring Agency	Level of Significance After Mitigation
	<ul style="list-style-type: none"> ▪ To prevent inadvertent entrapment of kit foxes or other animals during the construction phase of a project, all excavated, steep-walled holes or trenches more than 2-feet deep should be covered at the close of each working day by plywood or similar materials. If the trenches cannot be closed, one or more escape ramps constructed of earthen-fill or wooden planks shall be installed. Before such holes or trenches are filled, they should be thoroughly inspected for trapped animals. If at any time a trapped or injured kit fox is discovered, the Service and the California Department of Fish and Wildlife (CDFW) shall be contacted as noted under measure 13 referenced below. ▪ Kit foxes are attracted to den-like structures such as pipes and may enter stored pipes and become 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 any way. If a kit fox is discovered inside a pipe, that section of pipe should not be moved until the Service has been consulted. If necessary, and under the direct supervision of the biologist, the pipe may be 			

Impact Number	Mitigation Measure	Implementing Agency	Monitoring Agency	Level of Significance After Mitigation
	<p>moved only once to remove it from the path of construction activity, until the fox has escaped.</p> <ul style="list-style-type: none"> • All food-related trash items such as wrappers, cans, bottles, and food scraps should be disposed of in securely closed containers and removed at least once a week from a construction or project site. ▪ No firearms shall be allowed on the project site. ▪ No pets, such as dogs or cats, should be permitted on the project site to prevent harassment, mortality of kit foxes, or destruction of dens. ▪ Use of rodenticides and herbicides in project areas should be restricted. This is necessary to prevent primary or secondary poisoning of kit foxes and the depletion of prey populations on which they depend. All uses of such compounds should observe label and other restrictions mandated by the U.S. Environmental Protection Agency, California Department of Food and Agriculture, and other State and Federal legislation, as well as additional project-related restrictions deemed necessary by the Service. If rodent control must be conducted, zinc phosphide should be used because of a proven lower risk to kit fox. 			

Impact Number	Mitigation Measure	Implementing Agency	Monitoring Agency	Level of Significance After Mitigation
	<ul style="list-style-type: none"> ▪ 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 kit fox. The representative will be identified during the employee education program and their name and telephone number shall be provided to the Service. ▪ An employee education program should be conducted for any project that has anticipated impacts to kit fox or other endangered species. The program should consist of a brief presentation by persons knowledgeable in kit fox biology and legislative protection to explain endangered species concerns to contractors, their employees, and military and/or agency personnel involved in the project. The program should include the following: A description of the San Joaquin kit fox and its habitat needs; a report of the occurrence of kit fox in the project area; an explanation of the status of the species and its protection under the Endangered Species Act; and a list of measures being taken to reduce impacts to the species during project construction and implementation. A fact sheet conveying this information should be prepared for distribution to 			

Impact Number	Mitigation Measure	Implementing Agency	Monitoring Agency	Level of Significance After Mitigation
	<p>the previously referenced people and anyone else who may enter the project site.</p> <ul style="list-style-type: none"> ▪ Upon completion of the project, all areas subject to temporary ground disturbances, including storage and staging areas, temporary roads, pipeline corridors, etc. should be re-contoured if necessary, and revegetated to promote restoration of the area to pre-project conditions. An area subject to "temporary" disturbance means any area that is disturbed during the project, but after project completion will not be subject to further disturbance and has the potential to be revegetated. Appropriate methods and plant species used to revegetate such areas should be determined on a site-specific basis in consultation with the Service, CDFW, and revegetation experts. ▪ In the case of trapped animals, escape ramps or structures should be installed immediately to allow the animal(s) to escape, or the Service should be contacted for guidance. ▪ Any contractor, employee, or military or agency personnel who are responsible for inadvertently killing or injuring a San Joaquin kit fox shall immediately report the incident to their representative. This representative shall contact 			

Impact Number	Mitigation Measure	Implementing Agency	Monitoring Agency	Level of Significance After Mitigation
	<p>the CDFW immediately in the case of a dead, injured or entrapped kit fox. The CDFW contact for immediate assistance is State Dispatch at (916)445-0045. They will contact the local warden or Mr. Paul Hoffman, the wildlife biologist, at (530)934-9309. The Service should be contacted at the numbers below.</p> <ul style="list-style-type: none"> ▪ The Sacramento Fish and Wildlife Office and CDFW shall 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 Service contact is the Chief of the Division of Endangered Species, at the addresses and telephone numbers below. The CDFW contact is Mr. Paul Hoffman at 1701 Nimbus Road, Suite A, Rancho Cordova, California 95670, (530) 934-9309. The above listed measures would also protect American badgers. ▪ New sightings of kit fox shall be reported to the California Natural Diversity Database (CNDDB). A copy of the reporting form and a topographic map clearly marked with the location of where the 			

Impact Number	Mitigation Measure	Implementing Agency	Monitoring Agency	Level of Significance After Mitigation
	<p>kit fox was observed should also be provided to the Service at the address below.</p> <p>Any project-related information required by the Service or questions concerning the above conditions or their implementation may be directed in writing to the U.S. Fish and Wildlife Service at:</p> <p style="padding-left: 40px;">Endangered Species Division 2800 Cottage Way, Suite W2605 Sacramento, California 95825-1846 (916) 414-6620 or (916) 414-6600</p>			
3.5 Cultural Resources				
3.5.1	<p>Although there is no obvious evidence of historic or archaeological sites on the project site, there is the potential during project-related excavation and construction for the discovery of cultural resources. The City of Porterville shall incorporate into the construction contract(s) for the project a provision that includes the following measures:</p> <ul style="list-style-type: none"> ▪ Before initiation of construction or ground-disturbing activities associated with the project, the project proponent for all project phases shall require all construction personnel to be alerted to the possibility of buried cultural resources, including historic, archeological and paleontological resources; 	City of Porterville	City of Porterville	Less than Significant

Impact Number	Mitigation Measure	Implementing Agency	Monitoring Agency	Level of Significance After Mitigation
	<ul style="list-style-type: none"> ▪ The general contractor and its supervisory staff shall be responsible for monitoring the construction project for disturbance of cultural resources; and ▪ If a potentially significant historical, archaeological, or paleontological resource, such as structural features, unusual amounts of bone or shell, artifacts, human remains, or architectural remains or trash deposits are encountered during subsurface construction activities (i.e., trenching, grading), all construction activities within a 100-foot radius of the identified potential resource shall cease until a qualified archaeologist evaluates the item for its significance and records the item on the appropriate State Department of Parks and Recreation (DPR) forms. The archaeologist shall determine whether the item requires further study. If, after the qualified archaeologist conducts appropriate technical analyses, the item is determined to be significant under California Environmental Quality Act, the archaeologist shall recommend feasible mitigation measures, which may include avoidance, preservation in place or other appropriate measure, as outlined in Public Resources Code section 21083.2. The City of Porterville shall implement said measures. 			

Impact Number	Mitigation Measure	Implementing Agency	Monitoring Agency	Level of Significance After Mitigation
3.5.2	<p>The City of Porterville will incorporate into the construction contract(s) a provision that in the event a fossil or fossil formations are discovered during any subsurface construction activities for the proposed project (i.e., trenching, grading), all excavations within 100 feet of the find shall be temporarily halted until the find is examined by a qualified paleontologist, in accordance with Society of Vertebrate Paleontology standards. The paleontologist shall notify the appropriate representative at the City of Porterville, who shall coordinate with the paleontologist as to any necessary investigation of the find. If the find is determined to be significant under CEQA, the City shall implement those measures, which may include avoidance, preservation in place, or other appropriate measures, as outlined in Public Resources Code section 21083.2.</p>	City of Porterville	City of Porterville	Less than Significant
3.8 Hazards/Hazardous Materials				
3.8.1	<p>Construction contractors shall ensure that any construction equipment that normally includes a spark arrester shall be equipped with an arrester in good working order. This includes, but is not limited to, vehicles, heavy equipment, and chainsaws.</p>	City of Porterville	City of Porterville	Less than Significant
3.8.2	<p>Construction contractors shall ensure that during construction, staging areas, building areas, and/or areas slated for development using spark-producing</p>	City of Porterville	City of Porterville	Less than Significant

Impact Number	Mitigation Measure	Implementing Agency	Monitoring Agency	Level of Significance After Mitigation
	equipment shall be cleared of dried vegetation or other materials that could serve as fuel for combustion. To the extent feasible, the contractor shall keep these areas clear of combustible materials to maintain a firebreak.			
3.12 Noise				
3.12.2	Construction activities shall be limited to between 6:00 A.M. and 9 P.M. Monday through Friday and between 7:00 A.M. and 5:00 PM on Saturday or Sunday to avoid noise-sensitive hours of the day. Construction activities shall be prohibited on holidays (President's Day, Memorial Day, Fourth of July, Labor Day, Thanksgiving, Day after Thanksgiving, Christmas Day, and New Year's Day).	City of Porterville	City of Porterville	Less than Significant
3.12.3	The construction contract shall require the construction contractor to ensure that construction equipment noise is minimized by muffling and shielding intakes and exhaust on construction equipment (in accordance with the manufacturer's specifications) and by shrouding or shielding impact tools.	City of Porterville	City of Porterville	Less than Significant

Notes: USFWS = U.S. Fish and Wildlife Service, CDFW = California Department of Fish and Wildlife