# PLANNING COMMISSION AGENDA

CHAIRPERSON:
Mary Beatie

VICE CHAIRPERSON:
Chris Tavarez

COMMISSIONERS: Bill Davis, Charlie Norman, Adam Peck, Chris Tavarez, Mary Beatie

**MONDAY, FEBRUARY 10, 2025**
**VISALIA COUNCIL CHAMBERS**
**LOCATED AT 707 W. ACEQUIA AVENUE, VISALIA, CA**
**MEETING TIME: 7:00 PM**

1. CALL TO ORDER –
2. THE PLEDGE OF ALLEGIANCE –
3. ROLL CALL –
4. CITIZEN'S COMMENTS – This is the time for citizens to comment on subject matters that are not on the agenda but are within the jurisdiction of the Visalia Planning Commission. You may provide comments to the Planning Commission at this time, but the Planning Commission may only legally discuss those items already on tonight's agenda.

   The Commission requests that a five (5) minute time limit be observed for Citizen Comments. You will be notified when your five minutes have expired.
5. AGENDA COMMENTS OR CHANGES –
6. CONSENT CALENDAR - All items under the consent calendar are to be considered routine and will be enacted by one motion. For any discussion of an item on the consent calendar, it will be removed at the request of the Commission and made a part of the regular agenda.
   - None
7. PUBLIC HEARING – Brandon Smith, Principal Planner

   **Shirk-Riggin Industrial Project,** for the development of an industrial park with a total building footprint of approximately 3,720,149 square feet on 284 acres, and consisting of the following actions:

   a. **Initiation of Proceedings for Annexation No. 2024-03:** A request to annex three parcels totaling approximately 284 acres into the City limits of Visalia. Upon annexation the area will be zoned Industrial (I) and I-L (Light Industrial) consistent with the land use designations of the Visalia General Plan Land Use Map. The annexation request includes authorizing the detachment from County Service Area No. 1 in accordance with State and County requirements and authorizing the City Manager to sign and enter into a Pre-Annexation Agreement and a Development Agreement.

b. **General Plan Amendment No. 2025-01:** A request to decrease the Light Industrial land use designation and to increase the Industrial land use designation on the project site consisting of approximately 284 acres.

c. **Development Agreement for the Shirk & Riggin Industrial Park:** A request to authorize the City to sign and enter into a development agreement pursuant to Government Code Section 65864 et. seq., and Section 17.60 of the City of Visalia Zoning Ordinance.

d. **Tentative Parcel Map No. 2024-08:** A request to subdivide approximately 284 acres into 14 parcels to facilitate industrial and supportive service-oriented development.

e. **Conditional Use Permit No. 2024-26:** A request to allow a planned development that includes the creation of lots without public street frontage, reduced lot sizes, and the establishment of two pads with drive-through lanes, convenience store, and car wash.

f. **Recommendation to the Visalia City Council to certify the Final Environmental Impact Report (EIR) prepared for the Shirk & Riggin Industrial Park (State Clearinghouse Number 2022080658):** A request to certify the Environmental Impact Report for the Shirk & Riggin Industrial Park project. The Final EIR has determined that all project impacts were either less than significant or could be mitigated to a less than significant level with the exception of the following impacts that are considered significant and unavoidable: Agricultural & Forestry Resources (project and cumulative level); Air Quality (project and cumulative level); and Noise (project and cumulative level). The Final EIR follows a Notice of Availability period wherein the Draft EIR was duly noticed and conducted for the Project from April 11 to May 28, 2024. The City of Visalia is the lead agency for the preparation of the EIR in accordance with the California Environmental Quality Act (CEQA).

Project Applicant: Seefried Industrial Properties, Inc.

Project Location: The proposed Project is located on approximately 284 acres, on the north side of Riggin Avenue between Shirk Street and Kelsey Street (APNs: 077-840-004, 005, 006).

8. CITY PLANNER UPDATE –
    a. Short-term Rental Ordinance update
    b. Jack in the Box appeal hearing update
    c. Industrial Land Inventory Analysis and Reserve Area Work Session Discussion
9. ADJOURNMENT

The Planning Commission meeting may end no later than 11:00 P.M. Any unfinished business may be continued to a future date and time to be determined by the Commission at this meeting. The Planning Commission routinely visits the project sites listed on the agenda.

For Hearing Impaired – Call (559) 713-4900 (TTY) 48-hours in advance of the scheduled meeting time to request signing services.

Any written materials relating to an item on this agenda submitted to the Planning Commission after distribution of the agenda packet are available for public inspection in the City Office, 315 E. Acequia Visalia, CA 93291, during normal business hours.

## APPEAL PROCEDURE

**THE LAST DAY TO FILE AN APPEAL IS THURSDAY, FEBRUARY 20, 2025, BEFORE 5:00 PM**

According to the City of Visalia Zoning Ordinance Section 17.02.145 and Subdivision Ordinance Section 16.04.040, an appeal to the City Council may be submitted within ten days following the date of a decision by the Planning Commission. An appeal form with applicable fees shall be filed with the City Clerk at 220 North Santa Fe Street, Visalia, CA 93291. The appeal shall specify errors or abuses of discretion by the Planning Commission, or decisions not supported by the evidence in the record. The appeal form can be found on the city's website www.visalia.city or from the City Clerk.

**THE NEXT REGULAR MEETING WILL BE HELD ON MONDAY, FEBRUARY 24, 2025**

# REPORT TO CITY OF VISALIA PLANNING COMMISSION

**HEARING DATE:** February 10, 2025

**PROJECT PLANNER:** Brandon Smith, Principal Planner
Phone No.: (559) 713-4636
Email: brandon.smith@visalia.city

**SUBJECT:** **Shirk-Riggin Industrial Project,** for the development of an industrial park with a total building footprint of approximately 3,720,149 square feet on 284 acres, and consisting of the following actions:

**Recommend Certification of the Final Environmental Impact Report (EIR) prepared for the Shirk & Riggin Industrial Park (State Clearinghouse Number 2022080658).**

**Initiation of Proceedings for Annexation No. 2024-03:** A request to annex three parcels totaling approximately 284 acres into the City limits of Visalia. Upon annexation the area will be zoned Industrial (I) and I-L (Light Industrial) consistent with the land use designations of the Visalia General Plan Land Use Map. The annexation request includes authorizing the detachment from County Service Area No. 1 in accordance with State and County requirements and authorizing the City Manager to sign and enter into a Pre-Annexation Agreement and a Development Agreement.

**General Plan Amendment No. 2025-01:** A request to decrease the Light Industrial land use designation and to increase the Industrial land use designation on the project site consisting of approximately 284 acres.

**Tentative Parcel Map No. 2024-08:** A request to subdivide approximately 284 acres into 14 parcels to facilitate industrial and supportive service-oriented development.

**Conditional Use Permit No. 2024-26:** A request to allow a planned development that includes the creation of lots without public street frontage, reduced lot sizes, and the establishment of two pads with drive-through lanes, convenience store, and car wash.

Project Applicant: Seefried Industrial Properties, Inc.

Project Location: The proposed Project is located on approximately 284 acres, on the north side of Riggin Avenue between Shirk Street and Kelsey Street. (APN: 077-840-004, 005, 006)

## STAFF RECOMMENDATION

Staff recommends that the Planning Commission take the following actions.

**Final Environmental Impact Report:** Adopt Resolution No. 2025-05, recommending that the City Council certify the Final Environmental Impact Report (State Clearinghouse Number 2022080658), including a Finding of Fact and Statement of Overriding Considerations, for the project, based upon the findings in said resolution.

**General Plan Amendment No. 2025-01:** Recommend that City Council approve the General Plan Amendment, based on the findings in Resolution No. 2025-08. Staff's recommendation is based on the conclusion that the request is consistent with the Visalia General Plan, Zoning Ordinance, and the required findings.

**Annexation No. 2024-03:** Recommend that City Council initiate the Annexation, as conditioned, including authorization to enter into a Pre-Annexation Agreement, based on the findings in Resolution No. 2025-06. Staff's recommendation is based on the conclusion that the request is consistent with the Visalia General Plan and the required findings.

**Development Agreement:** Recommend that City Council authorize to enter into the Development Agreement attached herein, based on the findings in Resolution No. 2025-07. Staff's recommendation is based on the conclusion that the request is consistent with the Visalia General Plan, Zoning Ordinance, and the required findings.

**Tentative Parcel Map No. 2024-08:** Approve Tentative Parcel Map No. 2024-08, as conditioned, based on the findings and conditions in Resolution No. 2025-09. Staff's recommendation is based on the conclusion that the request is consistent with the Visalia General Plan, Zoning and Subdivision Ordinances, and the required findings.

**Conditional Use Permit No. 2024-26:** Approve Conditional Use Permit No. 2024-26, as conditioned, based on the findings and conditions in Resolution No. 2025-10. Staff's recommendation is based on the conclusion that the request is consistent with the Visalia General Plan, Zoning Ordinance, and the required findings.

## RECOMMENDED MOTION

I move to recommend that the City Council certify the **Shirk & Riggin Industrial Park** (State Clearinghouse Number 2022080658), according to Resolution No. 2025-05.

I move to recommend the initiation of **Annexation No. 2024-03**, based on the findings in Resolution No. 2025-06.

I move to recommend the initiation of a **Development Agreement pertaining to the Shirk and Riggin Industrial Park**, based on the findings in Resolution No. 2025-07.

I move to recommend approval of **General Plan Amendment No. 2025-01**, based on the findings in Resolution No. 2025-08.

I move to approve **Tentative Parcel Map No. 2024-08**, based on the findings and conditions in Resolution No. 2025-09.

I move to approve **Conditional Use Permit No. 2024-26**, based on the findings and conditions in Resolution No. 2025-10.

## PROJECT DESCRIPTION

The applicants, Seefried Industrial Properties, Inc., have filed entitlement applications for the development of a 284-acre industrial park, containing primary industrial uses as well as commercial elements, on property located outside of City limits and within the Tier I urban development boundary.

The property is planned to be developed with industrial buildings of varying sizes and functions. According to the site plan, attached as Exhibit "A", a majority of the site will be developed with eight industrial buildings intended for warehouse, distribution, and light manufacturing use, with building sizes shown between 109,890 and 1,078,440 square feet. Other uses shown on the site plan are flex industrial space consisting of six identical buildings totaling 80,960 square feet, a self-storage facility totaling 133,000 square feet, and a commercial cluster consisting of a convenience store with drive-through lane, gas station, car wash, and restaurant pad with drive-through lane. Entitlements for this project consist of an annexation, development agreement, commercial tentative parcel map, conditional use permit, and a general plan amendment. Development is anticipated to occur over three phases as shown in Exhibit "B". The project site is currently vacant.

The land use entitlement issues are addressed and incorporated into the project's Environmental Impact Report, and the land use entitlements are being processed concurrently with the CEQA review process. No entitlement is required for the industrial buildings in accordance with the Industrial and Light Industrial zoning designations, which allow such uses as permitted by right.

**Annexation No. 2024-03** is a request to annex three parcels totaling approximately 284 acres located outside the city limits and within Tulare County (see Annexation Plat Map included in the Resolution). Upon annexation, the Zoning designations for the project area will consist of Industrial (I) and Light Industrial (I-L) zones, consistent with the underlying General Plan land use designation as proposed through the General Plan Amendment. The site also includes area designated as Conservation, though upon annexation, the property's zoning will conform to the adjacent land use designations.

In conjunction with the annexation, the property will be subject to a Pre-Annexation Agreement, and is being entered into a **Development Agreement** at the discretion of the applicant. The Development Agreement seeks to establish terms and understandings on subjects including but not limited to post-entitlement approvals, vested rights, commitments toward providing infrastructure, project phasing, and establishment of project fees.

**General Plan Amendment No. 2025-01** is requested to change land use designations between the Industrial and Light Industrial land use designations. The objective of the General Plan Amendment is to align the property's existing land use split between Industrial and Light Industrial with the tentative parcel map's proposed property lines that separate the large-scale industrial uses from the small-scale industrial and commercial uses. This results in an overall reduction of 21.12 acres of Light Industrial designation and an equal increase in the Industrial designation. All acreage is located within the Tier I urban development boundary.

Current and proposed land use designations for parcels being annexed are summarized as follows:

| Land Use Designation | Zoning Designation | Existing ac. | Proposed ac. |
|---|---|---|---|
| Industrial | I designation | 225.79 | 246.91 |
| Light Industrial | I-L designation | 50.35 | 29.23 |
| Conservation | N/A | 8.44 | 8.44 |

**Tentative Parcel Map No. 2024-08** is a request to subdivide the 280 gross acres among the three subject parcels into 14 parcels, which includes one parcel created to accommodate a ponding basin (see Exhibit "C"). The map coincides with the commercial development layout depicted in the site plan (Exhibit "A"). This includes establishment of warehouse buildings on Parcels 1 through 8, flex industrial and self-storage on Parcels 9 and 10, commercial uses on Parcels 11 through 13, and a ponding basin on Parcel 6A. Reciprocal access and utility easements are established between the parcels and for the creation of access points to the adjacent arterial and collector streets. An 84-foot wide irrevocable offer of dedication is also shown for the extension of Clancy Street, which is a planned collector roadway.

Public Hearing Notice: The above project description corrects an error discovered in the public hearing notice published and mailed to adjacent property owners within 300 feet of the project site. The notice incorrectly identified the number of parcels being created as 13 instead of 14. Staff notes that the discrepancy did not result in any deficiencies with notification to members of the public, nor does it affect the analysis provided within this report.

**Conational Use Permit No. 2024-26** is a request to allow a planned development in conjunction with the development plan and tentative parcel map. The planned development will result in one parcel without public street frontage (Parcel 7) and parcels that are less than the Zoning Ordinance's minimum site area of five (5) acres in the Light Industrial zone. Access would be provided via three access points along Shirk Street, three access points along Riggin Avenue, and five access points along Kelsey Street. Access points will also be provided along Clancy Street, which will be extended to replace the existing private road and would traverse south to north of the site.

The conditional use permit further considers two pads with drive-through lanes, a convenience store, and a car wash, which are all conditionally permitted in the Light Industrial zone. An operational statement associated with these uses is included as Exhibit "D".

## BACKGROUND INFORMATION

| | | |
|---|---|---|
| General Plan Land Use Designation: | Industrial, Light Industrial, Conservation | |
| Existing Zoning: | County AE-40 | |
| Zoning upon annexation to City: | Industrial (I), Light Industrial (I-L) | |
| Surrounding General Plan & Land Use: | North: | Industrial & Light Industrial / Vacant land, dairy |
| | South: | Industrial & Light Industrial / Vacant land, warehouse and distribution centers, non-operational dairy |
| | East: | Low, Medium & High Densit Residential, Commercial Mixed Use, Parks/Recreation / Agriculture land entitled for master-planned community including a 30-acre commercial center |
| | West: | Industrial / Warehouse and distribution centers |
| Environmental Review: | Draft and Final Environmental Impact Report for Shirk & Riggin Industrial Park Project, State Clearinghouse #2022080658 | |
| Special Districts: | None | |
| Site Plan Review: | SPR No. 24-096, preceded by SPR 21-074 | |

### RELATED PLANS & POLICIES

Please see attached summary of related plans and policies.

### RELATED PROJECTS

None.

# PROJECT EVALUATION

Staff supports the annexation based on the project's consistency with the Land Use Element of the General Plan.

Specifically, Annexation No. 2024-03 will facilitate a new industrial park on a 284-acre acre site in a manner that is consistent with the General Plan land use designations that exist within the project site, and will complement existing development to the south and west.

Furthermore, staff recommends approval of Tentative Parcel Map No. 2024-08, Conditional Use Permit No. 2024-26, and General Plan Amendment No. 2025-01, based on the project's consistency with the Land Use Element of the General Plan and the Zoning and Subdivision Ordinances.

## Annexation to City limits

The project area is made up of three properties totaling 280 acres. The annexation further includes an additional 4 acres of public right-of-way to capture the remaining overall width of Riggin Avenue located between the existing two-lane roadway and the private property (see plat map included in Resolution).

The proponent of the annexation owns all three parcels. The parcels are surrounded on three sides by the City limits; only the property to the north, across from Modoc Ditch, is outside of the City limits.

A majority of the parcels are currently developed with an orchard, with small portions containing vacant land and a ponding basin. Surrounding land uses include industrial development to the south and west and agricultural operations to the north and east.

The easternmost portion of the site, consisting of about 50 acres, contains a land use and pre-zoning designation of Light Industrial and is closest to the Residential land use designations as identified in the General Plan. The remaining portion on the westerly side of the site, consisting of about 226 acres, contains a land use and pre-zoning designation of Industrial.

## Plan for City Services

City Services, including Police and Fire protection, will be provided to the project site area upon annexation. Sanitary sewer service is available to all three parcels, as is water service through the California Water Service Company. Following annexation and development, the full complement of city services and programs will be provided, including but not limited to Solid Waste and maintenance of any future streets.

## General Plan Consistency

Being that the General Plan Land Use Diagram designates the project area as Light Industrial and Industrial, annexation of the area will thus result in the parcels being zoned Light Industrial (I-L) and Industrial (I).

All parcels are within the Tier I Urban Development Boundary. Annexation of these parcels is consistent with Land Use Policy LU-P-20, which states *"allow annexation and development of residential, commercial, and industrial land to occur within the "Tier I" Urban Development Boundary (UDB) at any time, consistent with the City's Land Use Diagram."*

The site can be serviced with all the requisite utility and infrastructure available to serve the site upon development. Cities can approve tentative maps prior to final approval of the annexation by the local agency formation commission (i.e., LAFCO) but cannot approve a final subdivision or parcel map until after the land is annexed and the annexation is recorded through the Tulare County Recorder. Staff has included this requirement as a condition of approval for Tentative Parcel Map No. 2024-08.

While the City finds the annexation of the parcels totaling 280 acres consistent with City policies, Tulare County Local Agency Formation Commission (LAFCO) will need to analyze that the annexation will not cause an impact towards exceeding a 20-year supply of industrial land within the existing City limits, as a guideline for determining conformance with State Government Code 56377.

The project is otherwise consistent with the General Plan. Specifically, the project constitutes a master planned concept for an industrial park located within the Tier I Urban Development Boundary. The project is consistent with General Plan Land Use Policy LU-P-99 calls for allowing warehousing and distribution and other industrial related uses with supporting commercial services within the Industrial land use designation. Furthermore, the project upholds Land Use Policy LU-P-103 which calls for incorporating buffering land uses and is implemented through the planned development of smaller scale flex space, storage, and commercial.

**Consistency of General Plan Amendment with City's General Plan**

The proposed General Plan Amendment will result in an overall reduction of 21.12 acres of Light Industrial land use designation, wherein this area will be added to the Industrial land use designation.

The Light Industrial land use designation is called out on the General Plan on the west side of Shirk between Doe Avenue and Avenue 320 for the purpose of creating a transition between the Industrial land use designations further to the west and the residential land use designations directly east of Shirk Street. At the project site, the depth of the Light Industrial designation is approximately 1,000 feet from Shirk Street after dedication is taken for the full right-of-way.

The General Plan Amendment will reduce the Light Industrial designation in order to create a separation between the large warehouse / distribution type buildings and the smaller industrial buildings. The area of designation being changed from Light Industrial to Industrial is shown on the project as being planned for warehouse / distribution type buildings, which is a use allowed by right in the Light Industrial zone designation.

Although the area of Light Industrial is being reduced, the site still provides Light Industrial in a manner that assigns with the original intent of this land use at this location. A majority of the remaining Light Industrial designation calls for the use of small-scale flex industrial space, self-storage, and commercial uses in this space, to provide a transition to residential uses. The inclusion of an arterial road right-of-way, landscape setbacks, and building placement continues to provide separation between the Industrial and Residential land use designations.

**Active Agriculture Preserve and Land Conservation Contract**

The property currently contains Agriculture Preserve No. 293 and Land Conservation Contract No. 2735. In accordance with the Williamson Act (California Government Code Section 51200), the contract must be cancelled or shall expire from its contract prior to development.

In 2022, the property owner applied to the County of Tulare to cancel the portion of the contract that covers the site. Tentative cancellation was granted by the Board of Supervisors on November 29, 2022, in accordance with State law, wherein a full Certificate of Cancellation will be issued upon payment of a cancellation fee and applying for cancellation of the Agricultural Preserve.

The property owner may complete the cancellation process prior to the annexation into City limits, or may be required by the Local Agency Formation Commission to finalize the cancellation prior to the annexation being recorded and taking effect. Staff is therefore recommending conditions of approval in the entitlements stating that no permits shall be issued for grading or development on the site until the site is completely removed from the Land Conservation Contract and Agricultural Preserve.

## Development Standards for Planned Development

The Conditional Use Permit will allow for the property to be subdivided as a planned development with lots below the minimum site area requirement of five (5) acres and a lot to be developed without public street frontage. Notwithstanding, the existing Zoning Ordinance development standards in the I-L and I zones (Municipal Code Section 17.22.060) adequately address setbacks for all parcels. These setbacks are prescribed as being zero feet from all property lines excepting where parcels are fronting along roadways, wherein the amount of setback is determined by the roadway classification as defined on the Circulation Element Map. The site plan depicts compliance with all setback requirements of the I-L and I zones.

## Analysis of Commercial Uses at Shirk & Riggin Intersection

The project includes a convenience store with drive-through lane, fueling station, restaurant pad with drive-through lane, and a car wash. All uses are conditionally allowed in the I-L zone excepting the fueling station which is permitted by right. The project's phasing plan anticipates these uses together with the self-storage facility to be developed in Phase 2, following the Phase 1 development of two large industrial buildings fronting Kelsey Street.

Detailed architectural drawings of the commercial uses have not been prepared given the premature nature of the uses and confirmation of the final tenants, although conceptual design drawings have been submitted by the applicant as Exhibit "E". Finalized site plans will be required to be submitted to the City and evaluated by Site Plan Review prior to issuing building permits.

Staff has determined that the submittal of actual architectural drawings and an additional noise study, per Mitigation Measure MM NOI-1, may be deferred based upon the circumstances of the proposed project, its location, and the project Environmental Impact Report's mitigation measure pertaining to noise impacts. The uses are considered supporting commercial uses toward the larger proposed industrial park and are shown on the tentative parcel map and site plan to have substantial lot sizes to accommodate on-site circulation. Recommended conditions of approval in the Conditional Use Permit require the uses to be developed at the same location, quantity and scale as shown on the site plan and described in the operational statement. Further, any deviation to the quantity and scale would require a new or amended conditional use permit.

Surrounding land uses will be future industrial land uses to the north, west, and south, future commercial uses to the east, and existing residential uses to the southeast. The existing residential uses (i.e., an established senior housing community at the southeast corner of Shirk & Riggin) are considered a sensitive receptor and would be located, measuring between property lines, approximately 200 feet to the restaurant with drive-through and approximately 500 feet to the car wash. The project's acoustic analysis (Appendix H of the EIR) concludes potentially significant impacts from the car wash though not from the drive-through lane. Mitigation Measure NOI-1 would require an in-depth study of the car wash prior to the issuance of building permits to ensure that the design, mechanical equipment, and hours of operation would be compatible with Municipal Code requirements.

## Subdivision Map Act Findings

California Government Code Section 66474 lists seven findings for which a legislative body of a city or county shall deny approval of a tentative map if it is able to make any of these findings. These seven "negative" findings have come to light through a recent California Court of Appeal decision (*Spring Valley Association v. City of Victorville*) that has clarified the scope of findings that a city or county must make when approving a tentative map under the California Subdivision Map Act.

Staff has reviewed the seven findings for a cause of denial and finds that none of the findings can be made for the proposed project. The seven findings and staff's analysis are below. Recommended finings in response to this Government Code section are included in the recommended findings for the approval of the tentative parcel map.

| GC Section 66474 Finding | Analysis |
|---|---|
| (a) That the proposed map is not consistent with applicable general and specific plans as specified in Section 65451. | The proposed map has been found to be consistent with the City's General Plan. This is included as recommended Finding No. 1 of the Tentative Parcel Map. |
| (b) That the design or improvement of the proposed subdivision is not consistent with applicable general and specific plans. | The proposed design and improvement of the map has been found to be consistent with the City's General Plan. This is included as recommended Finding No. 2 of the Tentative Parcel Map. |
| (c) That the site is not physically suitable for the type of development. | The site is physically suitable for the proposed maps and its affiliated development plan, which is designated as Industrial and Light Industrial, and is developed at densities that are within the allowed ranges of the specified land use designations. This is included as recommended Finding No. 3 of the Tentative Parcel Map. |
| (d) That the site is not physically suitable for the proposed density of development. | The site is physically suitable for the proposed map and its affiliated development plan, which is designated as Industrial and Light Industrial. This is included as recommended Finding No. 4 of the Tentative Parcel Map. |
| (e) That the design of the subdivision or the proposed improvements are likely to cause substantial environmental damage or substantially and avoidably injure fish or wildlife or their habitat. | The proposed design and improvements of the map has not been found likely to cause environmental damage or substantially and avoidably injure fish or wildlife or their habitat. This finding is further supported by the project's determination of no new effects under the Guidelines for the Implementation of the California Environmental Quality Act (CEQA), included as recommended Finding No. 7 of the Tentative Parcel Map. |
| (f) That the design of the subdivision or type of improvements is likely to cause serious public health problems. | The proposed design of the map has not been found to cause serious public health problems. This is included as recommended Finding No. 2 of the Tentative Parcel Map. |
| (g) That the design of the subdivision or the type of improvements will conflict with easements, acquired by the public at large, for access through or use of property within the proposed subdivision. | The proposed design of the map does not conflict with any existing or proposed easements located on or adjacent to the subject property. This is included as recommended Finding No. 4 of the Tentative Parcel Map. |

## Traffic Impact Study

A Traffic Impact Study (TIS) was prepared for the proposed project (ref.: Shirk Riggin Industrial Park, Kimley Horn, February 2024), attached as Appendix I of the EIR. The purpose of the study is to analyze traffic conditions related to buildout of the project and its projected level of service (LOS) at multiple traffic scenarios, including Existing conditions, Near-Term opening year projection, and at Long Term operating scenarios at 5, 10, and 20 years beyond buildout, and the corresponding environmental impact as required by the California Environmental Quality Act (CEQA).

The TIS concluded that various intersection improvements are needed at the different buildout scenarios and timeframes. Intersection improvements are summarized in Section 3.14.7 in the EIR.

Mitigation measures have been included in the Environmental Impact Report to address the roadway deficiencies described above, addressing various intersections.

For the Near-Term conditions, the following improvements are specified as mitigation measures, to be completed in association with various phases. Certain improvements, while required to be constructed, would coincide with the City's Transportation Impact Fee program wherein construction costs can be paid back over time.

- Measures TRANS-3 and TRANS-4 require extending turn lanes or adding turning lanes to the intersections of Plaza Drive / Riggin Avenue and Shirk Street / Riggin Avenue. These improvements will be tied to the completion of project phases 1 and 2.
- Measure TRANS-5 requires signalizing the Shirk Street and Ferguson Avenue intersection prior to the issuance of final occupancy of any portion of project area. This would include pro rata cost sharing with the adjacent Carleton Acres Specific Plan project.
- Measure TRANS-6 requires that prior to the final occupancy of any portion of Phase 3, a fair share contribution be made towards the signalization of Roeben Street / Ferguson Avenue. This would include pro rata cost sharing with the adjacent Carleton Acres Specific Plan project.
- Measure TRANS-7 requires restriping the Akers Street / Riggin Avenue intersection to incorporate additional turn lanes and through lanes. This would include pro rata cost sharing with the adjacent Carleton Acres Specific Plan project.
- Measure TRANS-8 requires restriping the Akers Street / Ferguson Avenue intersection to incorporate additional turn lanes and through lanes. This would include pro rata cost sharing with the adjacent Carleton Acres Specific Plan project.
- Measure TRANS-9 requires extending turn lanes in the southbound lanes of the Akers Street / Goshen Avenue intersection. This would include pro rata cost sharing with the adjacent Carleton Acres Specific Plan project.

It should be noted that the City of Visalia is expected to break ground on a grant-funded Riggin Avenue widening project between Kelsey and Shirk Streets (1.0 miles), encompassing all of the project's Riggin Avenue frontage. Utility pole relocation is expected to occur in the first half of 2025, while the roadway widening will be completed by the end of 2025.

The proposed project is expected to increase VMT (Vehicle Miles Travelled) per employee within the Traffic Analysis Zone (TAZ) it is located by approximately 0.15 miles, or 1.54 percent of the total miles traveled. Therefore, the proposed project would result in a significant VMT impact, requiring additional Mitigation Measures in order to assist with reducing the project's VMT impact.

These measures consist of dedicating land and constructing a bike path along the south side of Modoc Ditch, installing secured bicycle storage lockers.

As a result, with implementation of all feasible mitigation measures, the project EIR concludes that full buildout of the Project will result in a less than significant impact with mitigation incorporated.

## Environmental Review

A Draft and Final Environmental Impact Report (EIR) (State Clearinghouse Number 2022080658), incorporated herein by reference, has been prepared in association with the Shirk and Riggin Industrial Park project, in accordance with the California Environmental Quality Act (CEQA).

It should be noted that this project would not be subject to Assembly Bill 98 pertaining to logistic uses, passed by California Legislature on September 30, 2024, since this project was initiated and had its Draft Environmental Impact Report circulated for review prior to the effective date of the bill, and is therefore considered to be currently in a local entitlement process per the law.

*Significant and Unavoidable Impacts*

The EIR has determined that all project impacts were either less than significant or could be mitigated to a less than significant level with the exception of the following impacts that are considered significant and unavoidable:

- **Agriculture & Forestry Resources** – Conversion of prime farmland (project level)
- **Agriculture & Forestry Resources** – Conversion of prime farmland (cumulative level)
- **Air Quality** – Implementation of the applicable Air Quality Plan (project level)
- **Air Quality** – Cumulatively considerable net increase of nitrogen oxide (NOX) during construction, and reactive organic gas (ROG), NOX, and particulate matter 10 micrometers or less in diameter (PM10) during operation (project level)
- **Air Quality** – Exceeding certain identified construction and operational significance thresholds (cumulative level)
- **Noise** – Mobile source operational noise (project level)
- **Noise** – Exceeding certain identified operational significance threshold (cumulative level)

Pursuant to CEQA Guidelines sections 15043, 15091 and 15092, the City, as the Lead Agency, may still approve a project for which the EIR identifies significant and unavoidable environmental impacts resulting from the project. This requires the adoption of a Statement of Overriding Considerations for each environmental impact that falls into the category of significant and unavoidable.

The decision to adopt a Statement of Overriding Considerations must be supported by factual documentation that supports the decision that:

1. There is no feasible way to lessen or avoid the significant impact; and,
2. Specifically identified expected benefits from the project outweigh the policy of reducing or avoiding significant environmental impacts of the project.

The findings and recommended conclusions for each of the seven environmental analysis areas noted above are contained in the resolution recommending certification of the EIR.

*Mitigation Measures*

The EIR further disclosed mitigation measures that are incorporated into the project to reduce or

avoid significant effects on the environment. The measures address the following resources:

- Seven (7) mitigation measures pertaining to **Air Quality** for impacts of the project having a considerable net increase of a criterial pollutant for which the project region is nonattainment.
- Seven (7) mitigation measures pertaining to **Biological Resources** for impacts of the project to special-status wildlife species possible to occur on-site (i.e., Swainson's hawk, burrowing owl, San Joaquin Kit Fox).
- Four (4) mitigation measures pertaining to **Cultural Resources** to reduce the impacts of the project on the potential of exposing historical or archaeological materials during construction.
- Three (3) mitigation measures pertaining to **Geology and Soils** to address potential impacts related to grading, the potential for on-site erosion due to project construction and operation, and the potential of exposing a fossil during construction.
- Two (2) mitigation measures pertaining to **Greenhouse Gas Emissions** to address the potential for the project to conflict with an agency plan adopted for the purpose of reducing the emissions of greenhouse gases.
- One (1) mitigation measure pertaining to **Hazardous Materials** to address the potential presence o abandoned or unrecorded wells.
- Two (2) mitigation measures pertaining to **Noise** to address the impacts of drive-through lane and car wash noise upon noise-sensitive land uses, and the potential of any other specific uses that could result in a noise-related conflict.
- Eleven (11) mitigation measures pertaining to **Transportation** for addressing impacts to Vehicle Miles Travelled, Level Of Service, and construction traffic.
- One (1) mitigation measure pertaining to **Utilities and Service Systems** for addressing the potential to attain solid waste reduction goals.

*Project Alternatives*

CEQA Guidelines Section 15126.6 requires the consideration of a range of reasonable alternatives to the proposed Project that could feasibly attain most of the objectives of the proposed Project. This Draft EIR analyzed the following alternatives:

- **Reduced Footprint Alternative:** Under this Alternative, the site would be developed in a manner largely similar to the Project, except that the project would have a reduced overall footprint of development consisting of 142 acres of developable land and 142 acres preserved in agriculture use.
- **Alternative Location:** Under this Alternative, the site would be developed like the Project Concept at a different location, on 290 acres west of Plaza Drive and Riggin Avenue.
- **No Project Alternative:** Under this Alternative, the Project would not be constructed, and the site would remain in agricultural production.

*Public Review and Recommendation*

Circulation of the Draft EIR followed a Notice of Availability period wherein the Draft EIR was duly noticed and conducted for the project for a 45-day public review and comment period from April 11 to May 28, 2024. The City of Visalia is the lead agency for the preparation of the EIR. Seven comment letters were received during this public review period. City staff and the preparer of the EIR have prepared responses to the comments received (refer to the Final EIR, dated January

2025). The Draft Program EIR, including the technical appendices, all the comments received and the responses to these comments, constitute the Final EIR.

The Planning Commission is asked to review the overall content of the Final EIR, the responses to the comments received to date, and consider any further testimony received during the public hearing. At the conclusion of the public hearing, the Planning Commission will make its recommendations on the Final EIR and entitlements, including recommendations to the City Council where they have final authority. The recommendations will be forwarded to the City Council in Resolution form to be included in the materials presented to the City Council for its final determination. The certification of the EIR for this project rests with the final approving body, which is the City Council.

## RECOMMENDED FINDINGS

**Environmental Impact Report (State Clearinghouse Number 2022080658**

The findings are incorporated into Resolution No. 2025-05.

*If the Planning Commission finds that the Annexation, GPA, and Agreement are consistent with the intent of the General Plan, staff recommends that the following findings be made:*

**Annexation No. 2024-03**

1. That the Annexation is consistent with the intent of the General Plan and Zoning Ordinance, and is not detrimental to the public health, safety, or welfare, or materially injurious to properties or improvements in the vicinity.
2. That the proposed Annexation, which will re-designate 280 acres of AE-40 (Agricultural Exclusive 40-acre) County zone district to Industrial (I) and Light Industrial (I-L) zone, will not impose new land uses or development that will adversely affect the subject site or adjacent properties.
3. That the parcel is located within an Agricultural Preserve and a Lond Conservation Contract, for which a Notice of Non-Renewal has been filed, and which has been approved for Tentative Cancellation by the Tulare County Board of Supervisors subject to the payment of a penalty fee.
4. That the parcel will be annexed into Voting District 3 per the Council Election Voting District Map.
5. That this Annexation is consistent with the project description and the analysis contained in the Final Environmental Impact Report (FEIR) (SCH# 2022080658), specifically for development that is identified and described in the Shirk and Riggin Industrial Park Project, and for which said FEIR is recommended to be certified by the City Council precedent to the Planning Commission and City Council's consideration of this Annexation request, consistent with the California Environmental Quality Act (CEQA) and City of Visalia Environmental Guidelines.

**Development Agreement**

1. That the proposed development agreement is consistent with the objectives, policies, general land uses and programs specified in the general plan, any applicable specific plan, and/or any proposed amendment to the general plan or applicable specific plan submitted simultaneously and in conjunction with the proposed development agreement. The agreement speaks toward the development and operation of the project by the developer in a manner that is consistent with applicable city law in accordance with phasing and the payment of fees as described therein. No specific plans are applicable to the project.

2. That the proposed development agreement is compatible with the uses authorized in, and the regulations prescribed for, the land use district in which the real property is located. The development is predicated upon the project's underlying General Plan land use designation of Industrial and Light Industrial, and the corresponding pre-zoning of Industrial and Light Industrial that is detailed and confirmed in the project's Pre-Annexation Agreement.
3. That the proposed development agreement is in conformity with public convenience, general welfare and good land use practice. As stated in Recital J of the Agreement, it eliminates or reduces uncertainty regarding project approvals, including the subsequent approvals, thereby encouraging planning for, investment in and commitment to the contemplated uses and development of the property as envisioned by the project.
4. That the proposed development agreement will not be detrimental to the public health, safety and general welfare. The City has made the findings, in connection with the project's entitlements and environmental analysis as required under California Environmental Quality Act, regarding the project as it relates to public health, safety and general welfare, based upon its compliance with the General Plan, Zoning Ordinance, and project mitigation measures. This development agreement does not enact terms beyond the scope of the project that would put at risk any public health, safety, and general welfare.
5. That the proposed development agreement will not adversely affect the orderly development of property or the preservation of property values. The development agreement reinforces the project phasing as described in Section 5.1 and addresses any potential default against a mortgage lien in Section 8.1.
6. That this Development Agreement is consistent with the project description and the analysis contained in the Final Environmental Impact Report (FEIR) (SCH# 2022080658), specifically for development that is identified and described in the Shirk and Riggin Industrial Park Project, and for which said FEIR is recommended to be certified by the City Council precedent to the Planning Commission and City Council's consideration of this General Plan Amendment request, consistent with the California Environmental Quality Act (CEQA) and City of Visalia Environmental Guidelines.

**General Plan Amendment No. 2025-01**

1. That the proposed General Plan Amendment is consistent with the goals, objectives, and policies of the General Plan, and is not detrimental to the public health, safety, or welfare, or materially injurious to properties or improvements in the vicinity.
2. That the proposed General Plan Amendment, which results in an overall reduction of 21.12 acres of Light Industrial designation and an equal increase in the Industrial designation, will not impose new land uses or development that will adversely affect the subject site or adjacent properties. While the site already incorporates adjoining residential and industrial land use designations that are separated by an arterial street, the proposed General Plan Amendment does not significantly increase the disparity of the use of Light Industrial land use designation as a buffer from residential uses, based upon the site development plan which calls for the use of small-scale flex industrial space, self storage, and commercial uses.
3. That the General Plan Amendment will continue to help facilitate the development of a master planned industrial park within the Tier I Urban Development Boundary, consistent with General Plan Policies, including Policy LU-P-99 which calls for allowing warehousing and distribution and other industrial related uses with supporting commercial services, and including Policy LU-P-103 which calls for incorporating buffering land uses and is implemented through the planned development of smaller scale flex space, storage, and commercial.

4. That this General Plan Amendment is consistent with the project description and the analysis contained in the Final Environmental Impact Report (FEIR) (SCH# 2022080658), specifically for development that is identified and described in the Shirk and Riggin Industrial Park Project, and for which said FEIR is recommended to be certified by the City Council precedent to the Planning Commission and City Council's consideration of this General Plan Amendment request, consistent with the California Environmental Quality Act (CEQA) and City of Visalia Environmental Guidelines.

**Tentative Parcel Map No. 2024-08**

1. That the proposed location and layout of the tentative parcel map, its improvement and design, and the conditions under which it will be maintained is consistent with the policies and intent of the General Plan, Zoning Ordinance, and Subdivision Ordinance.
2. That the proposed tentative parcel map, its improvement and design, and the conditions under which it will be maintained will not be detrimental to the public health, safety, or welfare, nor materially injurious to properties or improvements in the vicinity, nor is it likely to cause serious public health problems. The project site does not directly abut any existing developed uses, and development standards contained within the City's Zoning Ordinance such as setbacks and landscaping will address land use conflicts.
3. That the site is physically suitable for the proposed tentative parcel map. The project is consistent with the intent of the General Plan, Zoning Ordinance, and Subdivision Ordinance, and is not detrimental to the public health, safety, or welfare or materially injurious to properties or improvements in the vicinity. The project site is situated on land designated for Industrial and Light Industrial use.
4. That the site is physically suitable for the proposed tentative parcel map which is consistent with the underlying Industrial and Light Industrial Land Use Designation and zone. The design of the proposed parcel map or the type of improvements will not conflict with easements, acquired by the public at large, for access through or use of, property within the proposed industrial / commercial map. The industrial / commercial parcel map is designed to comply with the City's Engineering Improvement Standards. Areas of dedication will be obtained as part of the tentative map recording for new street improvements, including the construction of curb, gutter, curb return, sidewalk, parkway landscaping, and pavement.
5. That the proposed location of the tentative parcel map is in accordance with the Visalia General Plan and the objectives of the Zoning and Subdivision Ordinances. The proposed location of the parcel map is in accordance with the objectives of the Zoning Ordinance and the purposes of the zone in which the site is located. Certain General Plan policies, such as LU-P-100, identify the implementation of development standards to ensure that new industrial / commercial development will contribute to positive land use compatibility.
6. That there is no evidence that the project would cause quantifiable significant unavoidable impacts on public health and safety. The project is consistent, compliant, and in conformity with the General Plan, Zoning Ordinance and development standards.
7. That the design of the parcel map or the proposed improvements are not likely to cause substantial environmental damage nor substantially and avoidably injure fish or wildlife or their habitat.
8. That the proposed parcel sizes resulting from the parcel map are consistent with the Zoning Ordinance's Planned Development and Industrial zone standards since they are part of a master planned development as identified in Site Plan Review Item No. 2024-096 and in the Shirk and Riggin Industrial Park Project Environmental Impact Report.

9. That this Tentative Parcel Map is consistent with the project description and the analysis contained in the Final Environmental Impact Report (FEIR) (SCH# 2022080658), specifically for development that is identified and described in the Shirk and Riggin Industrial Park Project, and for which said FEIR is recommended to be certified by the City Council precedent to the Planning Commission's consideration of this Tentative Parcel Map request, consistent with the California Environmental Quality Act (CEQA) and City of Visalia Environmental Guidelines.

**Conditional Use Permit No. 2024-26**

1. That the proposed project will not be detrimental to the public health, safety, or welfare, or materially injurious to properties or improvements in the vicinity.
2. That the proposed conditional use permit is consistent with the policies and intent of the General Plan and Zoning Ordinance. Specifically, the project is consistent with the required findings of Zoning Ordinance Section 17.38.110:
   a. The proposed location of the conditional use permit is in accordance with the objectives of the Zoning Ordinance and the purposes of the zone in which the site is located.
   b. The proposed location of the conditional use and the conditions under which it would be operated or maintained will not be detrimental to the public health, safety, or welfare, nor materially injurious to properties or improvements in the vicinity.
3. That this Conditional Use Permit is consistent with the project description and the analysis contained in the Final Environmental Impact Report (FEIR) (SCH# 2022080658), specifically for development that is identified and described in the Shirk and Riggin Industrial Park Project, and for which said FEIR is recommended to be certified by the City Council precedent to the Planning Commission's consideration of this Conditional Use Permit request, consistent with the California Environmental Quality Act (CEQA) and City of Visalia Environmental Guidelines.

## RECOMMENDED CONDITIONS

**Annexation No. 2024-03**

1. Upon annexation, the territory shall be zoned Industrial (I) and Light Industrial (I-L) zone, consistent with the underlying General Plan land use designations as proposed through the General Plan Amendment.
2. That the applicant(s) enter into a Pre-Annexation Agreement with the City which memorializes the required fees, policies, and other conditions applicable to the annexation. The draft Pre-Annexation Agreement is attached herein as Attachment "B" of Resolution No. 2025-06. The agreement is subject to final approval by the City Council of the City of Visalia.
3. That no permits shall be issued for grading or development on the site until the site is completely removed from any applicable Land Conservation Contracts and Agricultural Preserves encumbering the site.
4. That the parcel will be annexed into Voting District 3 per the Council Election Voting District Map.

**Tentative Parcel Map No. 2024-08**

1. That the parcel map be developed in substantial compliance with the comments and conditions of the Site Plan Review Committee as set forth under Site Plan Review No. 2024-096 incorporated herein by reference.
2. That Tentative Parcel Map No. 2024-08 be prepared in substantial compliance with the parcel map in Exhibit "C".

3. That a common access, maintenance, and landscaping agreement be entered into for all project parcels. That CC&R's including vehicular access, shared parking, landscaping and permanent maintenance of all common areas such as the public street parkways and perimeter landscaping, project identification signage and walls, stormwater basins and related infrastructure, and all similar infrastructure agreements shall be recorded with the final parcel map. The CC&R's and/or vehicular access agreements shall address property owners' responsibility for repair and maintenance of the easement, repair and maintenance of shared public or private utilities, and shall be kept free and clear of any structures. All property owners are equally responsible for these requirements. The City Planner and City Engineer shall review for approval these CC&R's or vehicular access agreements verifying compliance with these requirements prior to the CC&R's recordation.
4. That Conditional Use Permit No. 2024-26 be approved, and that requirements of the use permit that relate to this map shall be fulfilled.
5. That approval of Tentative Parcel Map No. 2024-08 shall not become effective unless Annexation No. 2024-03, placing the project site within the corporate limits of the City of Visalia, is approved by the Tulare County Local Agency Formation Commission (LAFCO) and is fully executed to include all conditions contained in the Pre-Annexation Agreement for Annexation No. 2024-03.
6. That no permits shall be issued for grading or development on the site until the site is completely removed from any applicable Land Conservation Contracts and Agricultural Preserves encumbering the site.
7. That all applicable federal, state, regional, and city policies and ordinances be met.
8. That the mitigation monitoring and reporting program and its mitigation measures adopted with the Final Environmental Impact Report certified for the project (State Clearinghouse 2022080658) and all conditions of this project be met during construction and upon final occupancy and ongoing operation of the project.

**Conditional Use Permit No. 2024-26**

1. That the project be developed in substantial compliance with Site Plan Review No. 2024-096.
2. That the commercial uses illustrated on the site plan in Exhibit "A" and described in the operational statement in Exhibit "D", consisting of a convenience store with drive-through lane, gas station, car wash, and restaurant pad with drive-through lane, shall be separately submitted to and evaluated by the Site Plan Review group as described in Visalia Municipal Code Chapter 17.28 prior to proceeding with applying for the necessary city permits. No additional conditional use permit nor an amendment to a conditional use permit is required for these uses if they are developed at the same quantity and scale shown on the site plan and described in the operational statement.
3. That the project shall be developed in general conformity with the site plan in Exhibit "A", with specific details of the development layout to be confirmed through Site Plan Review as described in Condition No. 2. Any subsequent changes to the development plan layout depicted in Exhibit "A" shall be reviewed and approved by the Site Plan Review Committee and may be subject to an amendment of the Conditional Use Permit.
4. That a queuing analysis shall be submitted, accepted, and implemented for each of the drive-through lanes associated with the commercial uses.

5. That CC&R's including vehicular access, shared parking, landscaping and permanent maintenance of all common areas such as the public street parkways and perimeter landscaping, project identification signage and walls, stormwater basins and related infrastructure, and all similar infrastructure agreements shall be recorded with the final parcel map. The CC&R's and/or vehicular access agreements shall address property owners' responsibility for repair and maintenance of the easement, repair and maintenance of shared public or private utilities, and shall be kept free and clear of any structures. All property owners are equally responsible for these requirements. The City Planner and City Engineer shall review for approval these CC&R's or vehicular access agreements verifying compliance with these requirements prior to the CC&R's recordation.
6. That the car wash and drive-through queue lanes shall not be visible from the public right-of-way. This shall be achieved by designing the site in a manner such that the queue lane is not located parallel with public street frontages, or by incorporating screening along a queue lane to a minimum height of three feet utilizing a combination of berms, hedges, and/or landscape materials, or solid walls if necessary.
7. That a noise analysis addressing noise impacts pertaining to the car wash, in conformance with the City of Visalia's Noise Ordinance (Chapter 8.36) shall be required and accepted by the City Planner prior to issuance of any building permit. Compliance of the noise levels, subject to the Visalia Noise Ordinance, shall be verified by the acoustical consultant or their designee prior to operation and building final for the carwash use.
8. That any car wash hours of operation beyond 7:00 p.m. shall only be permissible if supported by a noise analysis that confirms the car wash will not be inconsistent with the City of Visalia's Noise Ordinance (Chapter 8.36).
9. That adequate means of eliminating grease and oils from drainage systems shall be incorporated into the car wash facility, such as through the installation of a sand-oil separator.
10. That a separate Conditional Use Permit shall be obtained for any additional conditionally-allowed uses not already shown on the site plan attached as Exhibit "A" that subsequently locate on the site.
11. That no permits shall be issued for grading or development on the site until the site is completely removed from any applicable Land Conservation Contracts and Agricultural Preserves encumbering the site.
12. That all applicable federal, state, and city laws and codes and ordinances be met.
13. That all of the conditions and responsibilities of Conditional Use Permit No. 2024-26 shall run with the land and subsequent owners/operators shall also be subject to all of the conditions herein, unless amended or revoked.
14. That the mitigation measures found within the Mitigation Monitoring Reporting Program for the Shirk and Riggin Industrial Park Project Environmental Impact Report (SCH# 2022080658) are hereby incorporated as conditions of this Conditional Use Permit.

# APPEAL INFORMATION

**Annexation No. 2024-03 and General Plan Amendment No. 2025-01**

For the Annexation and General Plan Amendment, the Planning Commission's recommendation is advisory only. The final decision will be by the Visalia City Council following a public hearing. Therefore, the Planning Commission's recommendation in this matter is not appealable.

**Tentative Parcel Map No. 2024-08 and Conditional Use Permit No. 2024-26**

According to the City of Visalia Zoning Ordinance Section 17.02.145 and Subdivision Ordinance Section 16.28.080, an appeal to the City Council may be submitted within ten days following the date of a decision by the Planning Commission. An appeal with applicable fees shall be in writing and shall be filed with the City Clerk at 220 N. Santa Fe Street, Visalia, CA 93292. The appeal shall specify errors or abuses of discretion by the Planning Commission, or decisions not supported by the evidence in the record. The appeal form can be found on the City's website at:

https://www.visalia.city/government/committees/planning_commission/default.asp.

**Attachments:**

- Related Plans and Policies
- Resolution No. 2025-05 – Recommendation of certification of Final EIR
- Resolution No. 2025-06 – Annexation No. 2024-03
  - Attachment "A" – Annexation Area
  - Attachment "B" – Pre-Annexation Agreement
- Resolution No. 2025-07 – Development Agreement for Shirk-Riggin Industrial Park
- Resolution No. 2025-08 – General Plan Amendment No. 2025-01
- Resolution No. 2025-09 – Tentative Parcel Map No. 2024-08
- Resolution No. 2025-10 – Conditional Use Permit No. 2024-26
- Exhibit "A" – Site Plan
- Exhibit "B" – Phasing Map
- Exhibit "C" – Tentative Parcel Map
- Exhibit "D" – Operational Statement
- Exhibit "E" – Conceptual Design Plans
- Draft Environmental Impact Report (for EIR Appendices, refer to website link below)

The Draft EIR is also found at https://www.visalia.city/civicax/filebank/blobdload.aspx?BlobID=55426

- Final Environmental Impact Report

The Final EIR is also found at https://www.visalia.city/civicax/filebank/blobdload.aspx?BlobID=57144

- Comments from Site Plan Review No. 2024-096
- General Plan Land Use Map
- Zoning Map
- Aerial Map
- Location Map

**Available online via City of Visalia Website:**

- EIR Appendices: https://www.visalia.city/civicax/filebank/blobdload.aspx?BlobID=55428

# RELATED PLANS AND POLICIES

**General Plan and Zoning:** The following General Plan and Zoning Ordinance policies apply to the proposed project:

**General Plan Land Use Policies:**

**LU-P-19** Ensure that growth occurs in a compact and concentric fashion by implementing the General Plan's phased growth strategy. The General Plan Land Use Diagram establishes three growth rings to accommodate estimated City population for the years 2020 and 2030. The Urban Development Boundary I (UDB I) shares its boundaries with the 2012 city limits. The Urban Development Boundary II (UDB II) defines the urbanizable area within which a full range of urban services will need to be extended in the first phase of anticipated growth with a target buildout population of 178,000. The Urban Growth Boundary (UGB) defines full buildout of the General Plan with a target buildout population of 210,000. Each growth ring enables the City to expand in all four quadrants, reinforcing a concentric growth pattern.

**LU-P-99** Update the Zoning Ordinance to reflect the Industrial designation on the Land Use Diagram, to allow for primary manufacturing, processing, refining, and similar activities including those with outdoor facilities and also accommodate warehousing and distribution with supporting commercial services and office space. Retail is not permitted.

**LU-P-100** Establish zoning standards to assure high quality design and site planning for largescale industrial development.

*Standards should include requirements for landscaping in parking lots, along perimeters and along building foundations visible from the street; visual screening of loading and parking areas visible from the street and adjacent residential neighborhoods; and basic requirements to break up large building masses and provide a unified façade treatment.*

**LU-P-101** As part of industrial developments, allow secondary uses such as restaurants, cafes, small convenience stores and day care facilities, to serve area employees.

**LU-P-102** Ensure the timely completion of necessary infrastructure to support new industrial development.

**LU-P-103** Require buffering land uses adjacent to existing or planned residential areas adjacent to industrial designations. Such uses may include parks, drainage ponds, open space, or other such uses.

**LU-P-104** Preserve land designated for light and heavy industrial uses by limiting the intrusion of free-standing retail commercial or service commercial uses.

**LU-P-105** Assist, on a case by case basis, in the relocation of older, existing service commercial and industrial uses from East Downtown or other redevelopment project areas to areas designated for similar uses.

**LU-P-106** Develop performance standards to supplement and augment design standards to minimize the negative impacts (glare, signage, noise, dust, traffic) associated with the establishment of new or expansion of existing service commercial and industrial development.

**LU-P-107** Reserve adequate sewage treatment plant capacity and sewerage capacity to meet the projected needs of industrial growth, and allow "package plants" where they represent a more fiscally appropriate solution if approved by the Department of Public Works.

**Zoning Ordinance:**

## Chapter 17.22 INDUSTRIAL ZONES

### 17.22.010 Purposes.

A. The two types of industrial zones included in this chapter are designed to achieve the following:

1. Encourage the location of new industries that do not generate substantial amounts of pollutant emissions, impacts on air quality, or other natural resources;
2. Ensure compatibility between industrial lands and adjacent dissimilar land uses;
3. Retain and strengthen the city's role as a regional manufacturing center in the Southern Central San Joaquin Valley;
4. Provide appropriate industrial areas to accommodate enterprises engaged in the manufacturing, processing, creating, repairing, renovating, painting, cleaning, or assembling of goods, merchandise or equipment;
5. Provide adequate space to meet the needs of industrial development, including off-street parking and loading;
6. Direct industrial uses to and encourage expansion of the northwest industrial areas;
7. Protect areas appropriate for industrial use from intrusion by dwellings and other conflicting uses;
8. Protect residential and commercial properties and nuisance-free nonhazardous industrial uses from noise, odor, dust, dirt, smoke, vibration, heat, glare, fire, explosion, noxious fumes, radiation and other hazards and objectionable influence incidental to certain industrial uses;
9. Preserve land designated for light and heavy industrial uses by limiting the intrusion of commercial or service commercial uses.

B. The purpose of the industrial land use zones are as follows:

1. Light Industrial Zone—( I-L). The purpose and intent of the Light Industrial zone district is to provide an area for uses that are characterized by low intensity research and development, warehousing and limited manufacturing and production, processing, assembling and packaging or treatment of food products from previously prepared materials. Uses that may restrict the operation of the above due to sensitivity to noise, truck traffic, etc., are not provided in this district.
2. Industrial Zone—( I). The purpose and intent of the Industrial zone district is to provide an area for uses that are characterized by the manufacturing, processing or assembling of semi-finished or finished products from raw materials. Uses that may restrict the operation of the above due to sensitivity to noise, truck traffic, etc., are not provided in this district. (Ord. 2017-01 (part), 2017: prior code § 7392)

### 17.22.015 Applicability.

The requirements in this chapter shall apply to all property within the I and I-L zone districts. (Ord. 2017-01 (part), 2017)

### 17.22.020 Permitted uses.

Permitted uses in I and I-L zones shall be determined by Table 17.25.030 in Section 17.25.030. (Ord. 2017-01 (part), 2017: prior code § 7393)

### 17.22.030 Conditional and temporary uses.

Conditional and temporary uses in the I and I-L zones shall be determined by Table 17.25.030 in Section 17.25.030. (Ord. 2017-01 (part), 2017: prior code § 7393)

### 17.22.040 Required conditions.

A. No use shall be permitted and no process, equipment or materials shall be employed which is determined by the planning commission to be injurious to persons residing or working in the vicinity or injurious to property located in the vicinity by reason of odor, fumes, dust, smoke, cinder, refuse, noise, vibration, illumination, glare or heavy truck traffic or to involve any hazard of fire or explosion or to emit electrical disturbances that adversely affect commercial or electronic equipment outside the boundaries of the site;

B. No use shall emit visible smoke of a shade equal to or darker than No. 2 on a standard Ringelmann Chart issued by the United States Bureau of Mines or smoke of an equivalent opacity, except that smoke of a shade equal to No. 3 on the Ringelmann Chart may be emitted for four minutes in any thirty (30) minute period;

C. A site plan review permit must be obtained for all development in an I-L or I zone, subject to the requirements and procedures in Chapter 17.28. (Ord. 2017-01 (part), 2017: prior code § 7395)

**17.22.050 Off-street parking and loading facilities.**

Off-street parking facilities and off-street loading facilities shall be provided on the site of each use as prescribed in Chapter 17.34. (Ord. 2017-01 (part), 2017: prior code § 7396)

**17.22.060 Development standards in the I-L and I zones.**

A. The I-L and I zone districts include streets of varying width, carrying capacity and intended service. The development standards vary by type of street in order to maintain a consistent streetscape and achieve a high quality visual impact necessary to sustain an attractive and viable industrial area. The following development standards shall apply to property located in the I-L and I zones:

A. Minimum site area: five (5) acres.

B. Maximum building height: seventy-five (75) feet.

C. Minimum required yards (building setbacks):

1. Frontage on major road: twenty-five (25) feet. (Major roads are defined as roads shown as arterials or collectors on the Circulation Element Map, including but not limited to Goshen Avenue, Plaza Drive, and Avenue 308);

2. Frontage on minor road: fifteen (15) feet. (Minor roads are defined as roads shown as local streets on the Circulation Element Map, including but not limited to Elowin Court, Clancy Drive, and Rasmussen Avenue);

3. Frontage on interior roads: ten (10) feet. (Interior roads provide access only to parcels within a development.);

4. Rear: zero (0) feet;

5. Rear yards abutting an R-1 or R-M zone district: twenty (20) feet;

6. Side: zero (0) feet;

7. Side yards abutting an R-1 or R-M zone district: twenty (20) feet;

8. Side abutting railroad right-of-way: twenty-five (25) feet.

D. Minimum required landscaped yard (setback) areas:

1. Frontage on major road: twenty-five (25) feet. (Major roads are defined as roads shown as arterials or collectors on the Circulation Element Map, including but not limited to Goshen Avenue, Plaza Drive, and Avenue 308);

2. Frontage on minor road: fifteen (15) feet. (Minor roads are defined as roads shown as local streets on the Circulation Element Map, including but not limited to Elowin Court, Clancy Drive, and Rasmussen Avenue);

3. Frontage on interior roads: ten (10) feet. (Interior roads provide access only to parcels within a development.);

4. Rear: zero (0) feet;
5. Rear yards abutting an R-1 or R-M zone district: ten (10) feet;
6. Side: zero (0) feet;
7. Side yards abutting an R-1 or R-M zone district: ten (10) feet;
8. Side abutting railroad right-of-way: twenty-five (25) feet.

E. Additional standards:

1. Properties subdivided into parcels of less than five acres shall provide a common or joint storm drainage facility or pond, to be maintained through a private property owners' association formed at the time of subdivision.
2. An eight-foot masonry wall is required along property line where a site abuts an R-1 or R-M zone district. (Ord 2017-01 (part), 2017)

RESOLUTION NO. 2025-05

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF VISALIA RECOMMENDING THAT THE CITY COUNCIL CERTIFY THE ENVIRONMENTAL IMPACT REPORT FOR THE **SHIRK & RIGGIN INDUSTRIAL PARK PROJECT** THAT INCLUDES GENERAL PLAN AMENDMENT NO. 2025-01, ANNEXATION NO. 2024-03, A DEVELOPMENT AGREEMENT, TENTATIVE PARCEL MAP NO. 2024-08, AND CONDITIONAL USE PERMIT NO. 2024-26. STATE CLEARINGHOUSE NO. 2022080658.

**WHEREAS,** the Planning Commission of the City of Visalia has reviewed and considered the Final Environmental Impact Report prepared on the **Shirk & Riggin Industrial Park Project** (State Clearinghouse Number 2022080658) that includes General Plan Amendment No. 2025-01, Annexation No. 2024-03, a Development Agreement, Tentative Parcel Map No. 2024-08, and Conditional Use Permit No. 2024-26 ("Final EIR"); and,

**WHEREAS,** the Draft Environmental Impact Report ("Draft EIR") was released on April 11, 2024, for circulation for a period of 45 days, ending on May 28, 2024; and,

**WHEREAS,** the Final EIR was released on January 17, 2025, and consists of the Draft EIR and the revisions of, and additions to, the Draft EIR; the written comments and recommendations received on the Draft EIR; the written responses of the City of Visalia to significant environmental points raised in the review and consultation process; errata to the foregoing; and other information added by the City of Visalia as specified in the record; and

**WHEREAS,** the Final EIR analyzes and evaluates a series of actions for approval and development of a project (i.e., "Project") that will allow for the development of an industrial park with a total building footprint of approximately 3,720,149 square feet on 284 acres. The approval actions analyzed in the Final EIR include an amendments to the Visalia General Plan, annexation of certain property to the City of Visalia, entering into a Development Agreement, and approvals of discretionary and non-discretionary permits from the City of Visalia and various Responsible Agencies, including Tentative Parcel Map No. 2024-08 and Conditional Use Permit No. 2024-26; and

**WHEREAS,** the Planning Commission of the City of Visalia, after ten (10) days published notice, held a public hearing on the Final EIR and the Project on February 10, 2025; and

**WHEREAS,** the California Environmental Quality Act (CEQA) requires that, in connection with the approval of a project for which an EIR has been prepared which identifies one or more significant effects, the decision-making agency make certain findings regarding those effects.

**NOW, THEREFORE, BASED UPON THE ENTIRE RECORD OF THE PROCEEDINGS, BE IT RESOLVED BY THE PLANNING COMMISSION OF THE CITY OF VISALIA,** that the Planning Commission recommends that the City Council resolve as follows:

1. That the City Council has reviewed the recommendation of the staff.
2. That the Final EIR, including a Summary of Environmental Impacts, Mitigation Measures and Residual Impacts as set forth in Exhibit "A" for the Project are

adequate and have been completed in compliance with CEQA and the State CEQA Guidelines.

3. That the City Council has independently reviewed and considered the information contained in the Final EIR, including the Summary of Environmental Impacts, Mitigation Measures and Residual Impacts (Exhibit “A”), prior to approving the Project.
4. That the City Council finds on the basis of the whole record before it, including the Final EIR, Summary of Environmental Impacts, Mitigation Measures and Residual Impacts, any oral or written comments received, and Findings of Fact (contained in Exhibit “B”), that there is no substantial evidence in the record that the Project will have a significant effect on the environment with the exception of those to Agricultural and Forestry Resource, Air Quality, and Noise.
5. Finds on the basis of the whole record before it, including the Final EIR, Summary of Environmental Impacts, Mitigation Measures and Residual Impacts, any oral or written comments received, and Findings of Fact (contained in Exhibit “B”), that the Project’s Significant and Unavoidable impacts to Agricultural and Forestry Resource, Air Quality, and Noise cannot be reasonably or feasibly mitigated to less than significant and will remain significant and unavoidable for the foreseeable future and therefore require, pursuant to CEQA, adoption of the Statement of Overriding Considerations contained in Exhibit “B”.

**BE IT FURTHER RESOLVED** that the Planning Commission hereby recommends that the City Council adopt the following facts, findings, and Statement of Overriding Considerations contained in Exhibit “B”, and in doing so, hereby recommends that the City Council determines that the Final EIR prepared for the Project is adequate and complete pursuant to the requirements of the California Environmental Quality Act, and certifies it.

# Mitigation Monitoring and Reporting Program for the Shirk and Riggin Industrial Project Environmental Impact Report City of Visalia, Tulare County, California

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Report Date: January 17, 2025

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# PREFACE

Section 21081.6 of the Public Resources Code of the California Environmental Quality Act (CEQA) and CEQA Guidelines Section 15097 require a Lead Agency to adopt a Mitigation Monitoring and Reporting Program (MMRP) whenever it adopts an Environmental Impact Report (EIR) in conjunction with a project approval. The purpose of the MMRP is to ensure that compliance with the mitigation measures occurs during project implementation.

The Draft EIR prepared for the proposed Shirk and Riggin Industrial Project (proposed project) concluded that project implementation could result in potentially significant effects on the environment. Accordingly, feasible mitigation measures were identified to be implemented by the proposed project, which would be imposed as enforceable conditions of project approval that reduce these potential impacts to a less than significant level to the extent feasible. This MMRP documents how and when the mitigation measures adopted by the Lead Agency will be implemented and confirms that potential environmental impacts are reduced to less than significant levels as identified in the Draft EIR.

The City of Visalia, as the Lead Agency, hereby finds that the mitigation measures set forth in this MMRP for the proposed project will reduce or avoid the identified potentially significant impacts of the proposed project to the extent feasible for the reasons described in the Shirk and Riggin Industrial Project Draft and Final Environmental Impact Reports (including appendices attached thereto) (collectively, Project EIR) and as otherwise documented in the materials that make up the proposed project's administrative record. The Lead Agency intends for each of the mitigation measures to be adopted as recommended in the Project EIR and incorporated into conditions of approval for the purpose of ensuring compliance during project implementation.

In the event of any inconsistencies between the mitigation measures set forth in the Project EIR and MMRP, the MMRP shall control. In the event of any inconsistencies between the City's standard conditions of approval imposed on the proposed project by the City of Visalia and the MMRP, the MMRP shall control.

This document does not discuss those environmental topic areas that the environmental analysis set forth in the Project EIR (along with other materials in the administrative record) has determined there would be less than significant impacts and for which no mitigation was necessary.

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## Table 1: Shirk and Riggin Industrial Project Mitigation Monitoring and Reporting Program

| Mitigation Measures | Method of Verification | Timing of Verification | Responsible for Verification | Verification of Completion | | Party Responsible for Implementing Mitigation |
|---|---|---|---|---|---|---|
| | | | | Date | Initial | |
| **3.1 Air Quality** | | | | | | |
| **MM AIR-2a: Use of Tier IV or Tier IV Equivalent Construction Off-Road Equipment**<br>Before a construction permit is issued for the proposed project, the project sponsors shall submit construction emissions minimization plans to the City of Visalia for review and approval. The construction emissions minimization plans shall detail compliance with the following requirements:<br>(1) Subject to same being commercially available, all off-road equipment utilized in connection with the subject individual development proposal shall have engines that meet either EPA or ARB Tier IV Final off-road emission standards. Provided, however, if engines that comply with Tier IV Final off-road emission standards are not commercially available, then the construction contractor shall use the next cleanest piece of off-road equipment (e.g., Tier IV Interim) available. For purposes of this mitigation measure, "commercially available" shall mean the availability of Tier IV Final engines taking into consideration factors such as (i) critical-path timing of construction; (ii) costs of utilizing same are commercially practicable; and (iii) geographic proximity to the project site of equipment. The relevant contractor's provision to the City letters from at least two rental companies for each piece of off-road equipment that reasonably documents the lack | Review relevant construction emissions minimization plans for subject individual specific development proposal; conduct site inspection to verify signage. | Prior to issuance of grading permit for each individual specific development proposal. | City of Visalia | | | Project applicant |

| Mitigation Measures | Method of Verification | Timing of Verification | Responsible for Verification | Verification of Completion | | Party Responsible for Implementing Mitigation |
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| | | | | Date | Initial | |
| of commercially available off-road equipment shall be deemed sufficient for purposes of complying with this mitigation measure. The project applicant and contractor shall consider the use of near zero-emission or electric construction equipment if that type of equipment is commercially available at the time of grading permit submittal.<br>(2) Post signage on the project site stating that construction equipment idling times shall not exceed five minutes. | | | | | | |
| **MM AIR-2b: Super Compliant Architectural Coating During Construction**<br>Prior to issuance of a grading permit in connection with an individual specific development proposal for the proposed project, the relevant project sponsor shall submit to the City of Visalia construction contracts and/or subcontracts reasonably documenting that all architectural coating material utilized in connection with the subject individual specific development proposal would not exceed 10 grams of volatile organic compound (VOC) per liter of coating.<br>To satisfy the above, the relevant project sponsor shall include in any construction contracts and/or subcontracts for the subject individual specific development proposal a requirement that all interior and exterior architectural coatings used in project construction meet the "supercompliant" coating VOC content standard of 10 grams or less of VOC per liter of coating. The relevant project sponsor shall also specify in the subject construction contracts and/or subcontracts the | Review relevant provisions of the construction contracts and/or subcontracts for subject individual specific development proposal. | Prior to issuance of grading permit for an individual specific development proposal. | City of Visalia | | | Project applicant |

| Mitigation Measures | Method of Verification | Timing of Verification | Responsible for Verification | Verification of Completion | | Party Responsible for Implementing Mitigation |
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| requirement to use high-volume, low-pressure spray guns during coating applications to reduce coating waste. | | | | | | |
| **MM AIR-2c: Electric or Zero-Emission On-site Off-Road and On-Road Service Equipment**<br>Prior to issuance of the construction grading permit in connection with an individual specific development proposal for the proposed project, the relevant project sponsor shall provide reasonable documentation to demonstrate to the City of Visalia that all on-site off-road and on-road service equipment will utilize zero-emission technology, subject to the same being commercially practicable. Additionally, the relevant project sponsor shall provide reasonable documentation to the City of Visalia that all proposed buildings in connection with the subject individual specific development proposal that would use on-site service equipment will be designed to include electric outlets to equipment support the use of all-electric or zero-emission on-site service equipment, subject to the same being commercially practicable. | Review and verify reasonable documentation (such documentation may include leasing agreement) for subject individual specific development proposal demonstrating compliance. | Prior to issuance of grading permit for an individual specific development proposal. | City of Visalia | | | Project applicant |
| **MM AIR-2d: Electric Vehicle Charging Infrastructure**<br>Prior to issuance of the grading or building permit in connection with an individual specific development proposal for the proposed project, whichever occurs first, the relevant project sponsor shall provide reasonable documentation to the City of Visalia demonstrating that the subject individual specific development proposal shall incorporate infrastructure for electric vehicle (EV) charging stations into a minimum of 20 percent of all vehicle | Review and verify relevant documentation demonstrating for subject individual specific development proposal for compliance. | Prior to issuance of grading or building permit for an individual specific development proposal, whichever occurs first. | City of Visalia | | | Project applicant |

| Mitigation Measures | Method of Verification | Timing of Verification | Responsible for Verification | Verification of Completion | | Party Responsible for Implementing Mitigation |
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| parking spaces (including parking for trucks), consistent with the applicable California Green Building Standards Code Tier 1 Nonresidential Mandatory Measure (Section A5.106.5.3). To satisfy the foregoing, EV charging spaces must provide electrical vehicle charging infrastructure to support future installation of EV supply equipment and shall meet the applicable design space requirements of California Green Building Standards Code Section 5.106.5.3.<br><br>In addition, the buildings' electrical room shall be sufficiently sized to hold additional panels that may be needed to supply power for the future installation of EV truck charging stations on the site. Conduit should be installed from the electrical room to tractor trailer parking spaces in a logical location(s) on the site determined by the project applicant during construction document plan check, for the purpose of accommodating the future installation of EV truck charging stations at such time this technology becomes commercially available and the buildings are being served by trucks with electric-powered engines. | | | | | | |
| **MM AIR-2e: On-Site Signage and Pavement Markings**<br>In connection with an individual specific development proposal for the proposed project, the relevant project sponsor shall provide reasonable documentation to the City of Visalia demonstrating signage and pavement marking that show on-site circulation routes have been or will be included along the relevant portions of the project site driveways and internal roadways. | Review and verify relevant documentation for subject individual specific development proposal demonstrating signage and pavement markings. | In connection with an individual specific development proposal for the proposed project. | City of Visalia | | | Project applicant |

| Mitigation Measures | Method of Verification | Timing of Verification | Responsible for Verification | Verification of Completion | | Party Responsible for Implementing Mitigation |
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| | | | | Date | Initial | |
| **MM AIR-2f: Vegetative Barrier**<br>Prior to issuance of the grading or building permit in connection with an individual specific development proposal for the proposed project, whichever occurs first, the relevant project sponsor shall provide reasonable documentation to the City of Visalia demonstrating the inclusion of a vegetative barrier along the south and east property boundaries of the project site. Prior to issuance of first occupancy permit, the project applicant shall demonstrate to the City of Visalia the installation of the vegetative barrier at the described locations. | Review and verify reasonable documentation (reasonable documentation may include landscaping plan) for subject individual development proposal that shows a vegetative barrier on plans.<br><br>Conduct site inspection or review site photos to confirm installation. | Prior to issuance of the grading or building permit in connection with subject individual specific development proposal.<br><br>Prior to issuance of first occupancy permit subject individual specific development proposal. | City of Visalia | | | Project applicant |
| **MM AIR-2g: Voluntary Emission Reduction Agreement**<br>Prior to issuance of the grading or building permit in connection with an individual specific development proposal for the proposed project, whichever occurs first, the relevant project sponsor shall consult with the City of Visalia about the feasibility of entering into a Voluntary Emissions Reduction Agreement (VERA) with the Valley Air District. | Project sponsor of subject individual specific development proposal to consult with City of Visalia, and reasonably document sponsor's assessment of the feasibility of entering a VERA with the Valley Air District. | Prior to issuance of the grading or building permit in connection with the subject individual specific development proposal, whichever occurs first. | City of Visalia | | | Project applicant |
| **3.4 Biological Resources** | | | | | | |
| **MM BIO-1a Pre-construction Surveys for Swainson's Hawk**<br>Prior to initial ground disturbance or building permits of any project area, if during the nesting season for Swainson's hawk (March 20 to July 20), a qualified Biologist shall conduct Swainson's hawk | Subject project sponsor of each individual development proposal to provide reasonable documentation (e.g., pre-construction survey | Prior to initial ground disturbance or building permits for construction activities within nesting season (March 20 to July 20). | City of Visalia | | | Project applicant |

| Mitigation Measures | Method of Verification | Timing of Verification | Responsible for Verification | Verification of Completion | | Party Responsible for Implementing Mitigation |
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| nesting surveys on-site and within a 0.5-mile radius of the project site to determine whether nests are present and if so, occupied. Occupancy shall be determined through observation of all accessible areas, including from public roads or other publicly accessible observation areas of Swainson's hawk activity (e.g., foraging) on and near the project site. If ground disturbance occurs outside the nesting season, no further action is required.<br><br>A qualified Biologist shall follow the survey protocol outlined in the California Department of Fish and Wildlife (CDFW) Recommended Timing and Methodology for Swainson's Hawk Nesting Surveys in California's Central Valley, which recommends surveys according to the following survey periods:<br>1. January–March 20: Conduct one survey total.<br>2. March 20–April 5: Conduct three surveys total. Surveys shall be conducted between sunrise to 10:00 a.m. and/or 4:00 p.m. to sunset.<br>3. April 5–April 20: Conduct three surveys total. Surveys shall be conducted between sunrise to 12:00 p.m. and/or 4:30 p.m. to sunset.<br>4. April 21–June 10: Initiating surveys are not recommended. Monitoring of known nest sites only.<br>5. June 10–July 30: (post-fledging) Conduct three surveys total. Surveys shall be conducted between sunrise to 12:00 p.m. and/or 4:00 p.m. to sunset.<br><br>Pre-construction surveys shall be completed for at least the two survey periods immediately prior to the subject ground-disturbing activities being | report) that a qualified Biologist has been retained as well as provide results of pre-construction surveys. | If construction activities will not take place during nesting season (March 20 to July 20), then no pre-construction surveys are required. | | | | |

| Mitigation Measures | Method of Verification | Timing of Verification | Responsible for Verification | Verification of Completion | | Party Responsible for Implementing Mitigation |
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| | | | | Date | Initial | |
| initiated, with the latest survey no more than 10 days prior to the start of the subject ground-disturbing. A copy of the survey results shall be submitted to the lead agency as evidence of compliance. | | | | | | |
| **MM BIO-1b Swainson's Hawk Avoidance and Minimization and Construction Monitoring**<br>If nests are located and determined to be occupied, minimization measures must be implemented by the relevant applicant in connection with a specific individual development application, and construction monitoring conducted as follows:<br>1. Construction activities shall be prohibited within 600 feet of an active and occupied Swainson's hawk nest or within 600 feet of nests under construction to prevent nest abandonment unless a smaller buffer is approved pursuant to subsection (2) below. This incorporates the maximum avoidance buffer size stated in the California Department of Fish and Wildlife (CDFW) Recommended Timing and Methodology for Swainson's Hawk Nesting Surveys in California's Central Valley.<br>2. If site-specific conditions or the nature of the construction activity (e.g., other nearby development, limited activities) indicate that a smaller buffer, or no buffer at all, could be used, the project developer may seek approval from the qualified Biologist who, in coordination with the CDFW, shall determine the appropriate buffer size, which, once approved, shall govern.<br>3. No tree containing an active Swainson's hawk nest shall be removed. | Conduct pre-construction surveys if required under MM BIO-1b; if nests are found, relevant project applicant to implement avoidance and minimization measures and related construction monitoring.<br><br>Relevant project applicant to submit reasonable documentation (e.g., Pre-con survey report (if no Swainson's hawks are present) or if they are present then you'd need a monitoring report) to City of Visalia to document compliance. | Upon identification of occupied nests during pre-construction surveys. | City of Visalia | | | Project applicant |

| Mitigation Measures | Method of Verification | Timing of Verification | Responsible for Verification | Verification of Completion | | Party Responsible for Implementing Mitigation |
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| If (i) no nests are located or (ii) if nests are located and determined not to be occupied, then no minimization measures shall need to be implemented and no further mitigation under this MM BIO-1b shall be required. | | | | | | |
| **MM BIO-1c: Pre-Construction Surveys for Burrowing Owl (includes avoidance and passive relocation if found)**<br>To determine whether burrowing owl have occupied the project site prior to its development, a qualified Biologist shall perform a pre-construction burrowing owl survey to determine burrow locations within 30 days prior to construction activities using California Department of Fish and Wildlife (CDFW) Guidelines. If construction is delayed or suspended for more than 30 days after the survey, the area shall be resurveyed. Surveys for occupied burrows shall be completed within all construction areas and within 300 feet of the proposed project impact area (where possible and appropriate based on locations of barren or ruderal habitats). At least 15 days prior to the expected start, or restart, of any project-related ground disturbance activities, the project applicant shall provide a burrowing owl survey report with mapping exhibits to the CDFW. If no burrowing owl are detected during the pre-construction survey, no further action is necessary.<br>If burrowing owl are detected during the pre-construction survey, the following actions shall be taken to offset impacts during construction (as outlined in the CDFW 2012 Guidelines):<br>• During the nonbreeding season (September 1 through January 31), no disturbance shall occur | Subject project sponsor of each individual development proposal to provide reasonable documentation (such as Pre-construction Survey Report, or, if burrowing owls are present, Daily Monitoring Logs) to City of Visalia that a qualified Biologist has been retained as well as provide results of pre-construction surveys.<br><br>Subject project sponsor to provide reasonable documentation of its submittal survey reports to the CDFW.<br><br>If burrowing owl detected, subject project sponsor to provide to City of Visalia the passive relocation plan (if applicable) for review, and also provide | Within 30 days prior to construction activities for subject individual development proposal.<br><br>At least 15 days prior to the start or restart of ground disturbance for subject individual development proposal.<br><br>Upon detection of burrowing owl during pre-construction surveys. | City of Visalia | | | Project applicant |

| Mitigation Measures | Method of Verification | Timing of Verification | Responsible for Verification | Verification of Completion | | Party Responsible for Implementing Mitigation |
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| within an approximately 160-foot radius of an occupied burrow. During the nesting season (February 1 through August 31), occupied burrows shall not be disturbed within a 300-foot radius unless a qualified Biologist approved by the CDFW verifies through noninvasive methods that either (1) the birds have not begun egg-laying and incubation or (2) that juveniles from the occupied burrows are foraging independently and are capable of independent survival.<br>• If owls must be moved away from the disturbance area, passive relocation techniques (as outlined by the CDFW [i.e., use of one-way doors]) should be used rather than trapping. At least one or more weeks will be necessary to accomplish this and to allow the owls to acclimate to alternate burrows.<br>• If unpaired owls or paired owls are present in or within 300 feet of areas scheduled for disturbance or degradation (e.g., grading) and nesting is not occurring, owls are to be removed per CDFW-approved passive relocation protocols. Passive relocation requires the use of one-way exclusion doors, which must remain in place at least 48 hours prior to site disturbance to ensure owls have left the burrow prior to construction. A CDFW-approved exclusion plan would be required to implement this measure.<br>• If paired owls are nesting in areas scheduled for disturbance or degradation, nest(s) shall be avoided from February 1 through August 31 by a minimum 300-foot buffer or until fledging has | reasonable documentation that required actions are implemented. | | | | | |

| Mitigation Measures | Method of Verification | Timing of Verification | Responsible for Verification | Verification of Completion | | Party Responsible for Implementing Mitigation |
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| occurred. Following fledging, owls may be passively relocated. | | | | | | |
| **MM BIO-1d: Pre-construction Special-status Species Wildlife Surveys and Protective Measures if Found, Including Standard Avoidance Measures for San Joaquin Kit Fox.**<br>Not more than 14 days before start of ground disturbance, a qualified Biologist shall conduct surveys to determine the presence/absence of the following special-status wildlife species: Crotch's bumblebee, San Joaquin kit fox, western burrowing owl, and American badger. Surveys conducted for Crotch's bumblebee will follow the survey methodology outlined in the Survey Considerations for California Endangered Species Act Candidate Bumble Bee Species (CDFW 2023) protocol. In the event a Crotch's bumblebee nest is detected within the Project, CDFW will be consulted to determine how best to implement Project activities and avoid take. If take cannot be avoided, an ITP will be obtained, pursuant to Fish and Game Code section 2081 subdivision (b).<br>Should San Joaquin kit fox, western burrowing owl, or American badger be detected, the qualified Biologist shall coordinate with the California Department of Fish and Wildlife (CDFW) and/or the United States Fish and Wildlife Service (USFWS) (as appropriate and to the extend required under applicable laws and regulations) to determine adequate protection measures as may be required under applicable laws and regulations, and the relevant project developer shall implement all such measures in connection with the development | Subject project sponsor of each individual development proposal to provide reasonable documentation to City of Visalia that a qualified Biologist has been retained as well as provide results of pre-construction surveys, and copies of all reports and communication (and permit(s), if required) with the relevant wildlife agencies as required under applicable law and regulations.<br><br>Subject project sponsor to provide to City of Visalia reasonable documentation of compliance with standardized recommendations as outlined by the USFWS for the protection of San Joaquin Kit Fox. | Not more than 14 days before the start of ground disturbance for subject individual specific development proposal.<br><br>During project construction of subject individual specific development proposal. | City of Visalia | | | Project applicant |

| Mitigation Measures | Method of Verification | Timing of Verification | Responsible for Verification | Verification of Completion | | Party Responsible for Implementing Mitigation |
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| | | | | Date | Initial | |
| proposal at issue. Copies of all reports and communication with the appropriate wildlife agencies shall be submitted to the lead agency as evidence of compliance.<br>The following standardized recommendations as outlined by the USFWS for the protection of San Joaquin Kit Fox shall be implemented during project construction:<br>1. 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. Nighttime 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.<br>2. 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 Game (CDFG) shall be contacted as noted under measure 13 referenced below. | | | | | | |

| Mitigation Measures | Method of Verification | Timing of Verification | Responsible for Verification | Verification of Completion | | Party Responsible for Implementing Mitigation |
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| 3. 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 moved only once to remove it from the path of construction activity, until the fox has escaped.<br>4. 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.<br>5. No firearms shall be allowed on the project site.<br>6. 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.<br>7. 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 | | | | | | |

| Mitigation Measures | Method of Verification | Timing of Verification | Responsible for Verification | Verification of Completion | | Party Responsible for Implementing Mitigation |
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| 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.<br>8. 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.<br>9. 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 the previously referenced | | | | | | |

| Mitigation Measures | Method of Verification | Timing of Verification | Responsible for Verification | Verification of Completion | | Party Responsible for Implementing Mitigation |
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| | | | | Date | Initial | |
| people and anyone else who may enter the project site.<br>10. 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.<br>11. 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.<br>12. 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 the CDFG immediately in the case of a dead, injured or entrapped kit fox.<br>13. The Sacramento Fish and Wildlife Office and CDFG 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.<br>14. 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 kit fox was observed should also be provided to the Service at the address below. | | | | | | |

| Mitigation Measures | Method of Verification | Timing of Verification | Responsible for Verification | Verification of Completion | | Party Responsible for Implementing Mitigation |
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| **MM BIO-1e: Protection of Active Bird Nests (includes pre-construction survey and implementation of avoidance buffer, if found).**<br>1. Removal of trees shall occur in compliance with and as required by the City's Tree Preservation Ordinance.<br>2. If project development requires trees to be removed during the nesting season, pre-construction nesting bird surveys shall be conducted 7 days prior to tree removal to determine whether active nests are present.<br>3. If an active nest is located during pre-construction surveys, a qualified Biologist shall determine an appropriately sized avoidance buffer based on species and anticipated disturbance level. The buffer shall be 250 feet for migratory bird species and 500 feet for raptors. That no-disturbance buffer can be reduced if it is determined whether a qualified on-site monitor determines through monitoring the effects of activities on the nest that the buffer can be reduced without nest abandonment or otherwise affecting nest success.<br>4. The relevant applicant of the proposed development at issue shall physically mark the nest protection zone with Environmentally Sensitive Area fencing, pin flags, and/or yellow caution tape. The nest protection zone shall be maintained around the active nest site(s) until the young have fledged and are foraging independently, as determined by a qualified Biologist. No construction activities or construction foot traffic is allowed to occur | If required, subject project sponsor of each individual development proposal to provide reasonable documentation (e.g., pre-construction survey report) to City of Visalia that a qualified Biologist has been retained as well as provide results of pre-construction surveys.<br><br>If tree removal occurs during the nesting season, conduct pre-construction survey; submit monitoring reports to City of Visalia to document compliance with required protective measures.<br><br>If tree removal to occur outside of nesting season, then no further mitigation under this MM BIO-1e, outside of compliance with the City's Tree Preservation Ordinance, shall be required. | 7 days prior to tree removal, if removal to occur within nesting season. | City of Visalia | | | Project applicant |

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| within the nest protection zones until the young have fledged and are foraging independently, as determined by a qualified Biologist.<br>5. The qualified Biologist shall monitor the active nest(s) periodically during construction activities to prevent any significant impacts that may result from the construction of the proposed project, until the young have fledged. Copies of the survey report shall be submitted to the lead agency as evidence of compliance.<br><br>If no active nests are located, then no minimization measures shall need to be implemented and no further mitigation under this MM BIO-1e shall be required. | | | | | | |
| **MM BIO-1f: Protection of Roosting Bats (includes pre-construction survey and implementation of avoidance buffer, if found).**<br>If tree removal or demolition of existing structures is proposed in connection with project development, trees and/or structures with features capable of supporting roosting bats shall be surveyed by a qualified Biologist for bat roosts or evidence of bat roosting (guano, urine staining and scent, dead bats) not more than 14 days before the start of ground disturbance, including vegetation removal. If active roosts are discovered, a protection zone of no less than 50 feet around the active roost shall be established by the qualified Biologist. Disturbance may occur within the buffer once active roosting ceases, as determined by the qualified Biologist. | Subject project sponsor of each individual development proposal to provide reasonable documentation to City of Visalia that a qualified Biologist has been retained; if active roosts are found, then also provide reasonable documentation (e.g., pre-construction survey report) of compliance with protection zone.<br><br>Subject project sponsor to also submit copies of survey reports and | Not more than 14 days before the start of tree/vegetation removal or demolition of existing structures for subject individual development proposal. | City of Visalia | | | Project applicant |

| Mitigation Measures | Method of Verification | Timing of Verification | Responsible for Verification | Verification of Completion | | Party Responsible for Implementing Mitigation |
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| If roosts are determined to be present and must be removed, the bats shall be excluded from the roosting site before the tree or structure is removed. A bat Exclusion Plan shall be reviewed and approved by the California Department of Fish and Wildlife (CDFW) prior to implementation. Exclusion methods may include use of one-way doors at roost entrances (bats may leave, but not reenter), or sealing roost entrances when the site can be confirmed to contain no bats. Exclusion efforts shall be restricted during periods of sensitive activity (e.g., during hibernation or while females in maternity colonies are nursing young). Copies of the survey report shall be submitted to the lead agency as evidence of compliance. If no active roosts are located, then no minimization measures shall need to be implemented and no further mitigation under this MM BIO-1f shall be required. | provide reasonable documentation of compliance with avoidance buffer (if needed); submit CDFW-approved exclusion plan (if required). | | | | | |
| **MM BIO-3:** The project developer shall submit the preliminary Jurisdictional Delineation (JD) and coordinate with the appropriate regulating agencies (Central Valley Regional Water Quality Control Board [RWQCB], California Department of Fish and Wildlife [CDFW] and the United States Army Corps of Engineers [USACE]) to the extent required under applicable laws and regulations to determine whether the Modoc Ditch is protected under Section 404 and 401 of the Clean Water Act (CWA), Porter-Cologne Water Quality Control Act, and/or Fish and Game Code 1602. Additionally, the Project applicant shall submit a notification pursuant to Fish and Game Code section 1602 to assist with review of the submitted delineation materials. | Relevant project sponsor to submit to City of Visalia the jurisdictional delineation. If any CWA Sections 401 and 404 Permits are required for the Modoc Ditch under applicable laws and regulations, then subject project sponsor to obtain same and submit copies to City of Visalia; also submit copy of any required notifications under Section 1602 to | Prior to the fill of any potentially jurisdictional waters or any construction activities within Modoc Ditch that may qualify as jurisdictional. | City of Visalia | | | Project applicant |

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| If Modoc Ditch is considered jurisdictional by the regulating agencies, the relevant project developer shall, in accordance with all applicable laws and regulations, obtain the relevant permit applications based on coordination with the appropriate regulating agencies, if required prior to impacting any waters.<br><br>As part of these authorizations, compensatory mitigation may be required by the regulating agencies to offset the loss of aquatic resources. If so, and as part of the permit application process, a qualified professional shall draft a Mitigation and Monitoring Plan to address implementation and monitoring requirements under the permit(s) to ensure that the subject development proposal would result in no net loss of habitat functions and values. The Plan shall contain, at a minimum, mitigation goals and objectives, mitigation location, a discussion of actions to be implemented to mitigate the impact, monitoring methods and performance criteria, extent of monitoring to be conducted, actions to be taken in the event that the mitigation is not successful, and reporting requirements. The Plan shall be approved by the appropriate regulatory agencies and compensatory mitigation shall take place either on-site or at an appropriate off-site location, if required. Copies of the Plan and associated report shall be submitted to the lead agency as evidence of compliance.<br><br>Any material/spoils generated from project activities containing hazardous materials shall be located away from jurisdictional areas or special-status habitat and protected from stormwater | City of Visalia to document compliance.<br><br>If required, subject project sponsor to submit copy of approved Mitigation and Monitoring Plan and associated report to City of Visalia.<br><br>Subject project sponsor to also submit copy of approved SWPPP and reasonable documentation of compliance with identified protection measures. | Promptly upon receipt of approved Plan.<br><br>Promptly upon receipt of approved SWPPP. | | | | |

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| runoff using temporary perimeter sediment barriers such as berms, silt fences, fiber rolls, covers, sand/gravel bags, and straw bale barriers, as appropriate and feasible. Protection measures should follow project-specific criteria as developed in a Storm Water Pollution Prevention and Protection Plan (SWPPP).<br><br>Equipment containing hazardous liquid materials shall be stored on impervious surfaces or plastic ground covers to prevent any spills or leakage from contaminating the ground and at least 50 feet outside the delineated boundary of jurisdictional water features.<br><br>Any spillage of material shall be stopped if it can be done safely and in a feasible manner. In the event of any such spillage, the contaminated area shall be cleaned by the party responsible for the spillage, and any contaminated materials properly disposed. For all spills, the project foreman or designated environmental representative shall be notified. | | | | | | |
| **3.5 Cultural Resources** | | | | | | |
| **MM CUL-1: Archaeological Spot-Monitoring and Halt of Construction Upon Encountering Historical or Archaeological Materials**<br>Prior to any ground disturbance in connection with project development, a surface inspection of the relevant portion(s) of the project site shall be conducted by a qualified Archaeologist; a Tribal Monitor/Cultural Staff from a culturally affiliated Native American tribe identified by the Native American Heritage Commission (NAHC) shall be permitted to observe, subject to an executed | Subject project sponsor to provide to City of Visalia reasonable documentation demonstrating retention of a qualified Archaeologist to conduct surface inspection as well as qualified archaeological monitor to observe same and | Prior to any ground disturbance in connection with project development of an individual specific development proposal. | City of Visalia | | | Project applicant |

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| agreement between the Tribe and the relevant applicant (as noted below). The Archaeologist (and Tribal Monitor/Cultural Staff, subject to an executed agreement with the relevant applicant) shall monitor the relevant portion(s) of the project site during initial ground disturbance activities that occur in connection with the subject proposal.<br><br>The relevant applicant shall offer, in good faith and based on commercially reasonable terms, a culturally affiliated Native American tribe identified by the NAHC the opportunity to provide a Native American Monitor during ground-disturbing activities that occur in connection with the subject proposal. Tribal participation would be dependent upon the availability and interest of the Tribe as well as the parties being able to reach mutually acceptable terms. | initial ground disturbance activities (subject to a mutually acceptable agreement being executed between monitor and applicant). | | | | | |
| In addition, the relevant applicant shall with diligence and good faith coordinate with the Tribal Monitor/Cultural Staff to enter into an agreement on commercially reasonable terms wherein the Tribal Monitor/Cultural Staff shall provide pre-project-related activities training to supervisory personnel and any excavation contractor, which shall include information on potential cultural material finds and on the procedures to be enacted if Tribal Cultural Resources (TCRs) are found. Subject to such an executed agreement, the Tribal Monitor/Cultural Staff shall provide the foregoing activities prior to any ground disturbance in connection with an individual specific development proposal. | In the event of a find, subject project sponsor and its qualified Archaeologist to coordinate, as appropriate, with City of Visalia and consulting tribe, and provide results of any further study including reasonable documentation of compliance with any required protective measures. | If required, promptly after the find. | | | | |

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| In the event that TCRs are discovered during project-related subsurface construction activities, operations shall stop within 100 feet of the find and a qualified Archaeologist shall determine whether the resource requires further study. In consultation with the City of Visalia and consulting tribes, the qualified Archaeologist shall determine the measures that shall be implemented to protect the discovered resources, including, but not limited to, excavation of the finds and evaluation of the finds in accordance with CEQA Guidelines Section 15064.5. Measures may include avoidance, preservation in place, recordation, additional archaeological resting, and data recovery, among other options. Any previously undiscovered resources found during project-related subsurface construction activities shall be recorded on appropriate California Department of Parks and Recreation (DPR) forms and evaluated for significance. No further ground disturbance shall occur in the immediate vicinity of the discovery until approved by the qualified Archaeologist. | | | | | | |
| **MM CUL-2:** Prior to the initiation of ground disturbance activities for project development, the relevant developer shall ensure that all construction personnel conducting ground disturbance at the project site in connection with the subject individual specific development proposal shall be provided a Worker Environmental Awareness Program (WEAP) cultural resources "tailgate" training. The training shall include visual aids, a discussion of applicable laws and statutes relating to archaeological resources, types of resources that may be found | Subject project sponsor to submit reasonable documentation of implementation of WEAP training to City of Visalia. | Prior to the initiation of ground disturbance activities for subject individual specific development proposal. | City of Visalia | | | Project applicant |

| Mitigation Measures | Method of Verification | Timing of Verification | Responsible for Verification | Verification of Completion | | Party Responsible for Implementing Mitigation |
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| within the project site, and procedures to be followed in the event such resources are encountered. The training shall be conducted by an Archaeologist who meets the Secretary of the Interior's Professional Qualification Standards for archaeology. Any Native American Monitors or representatives consulting on the proposed project shall be invited to attend and participate in the training session. | | | | | | |
| **MM CUL-3:** In the event that prehistoric or historic-period archaeological resources are encountered during construction in connection with an individual specific development proposal, all construction activities associated therewith within 100 feet of the find shall halt and the City of Visalia and an Archaeologist who meets the Secretary of the Interior's Professional Qualification Standards for archaeology shall be notified by the relevant applicant. Prehistoric archaeological materials may include obsidian and chert flaked stone tools (e.g., projectile points, knives, scrapers) or toolmaking debris; culturally darkened soil ("midden") containing heat-affected rocks, artifacts, or shellfish remains; stone milling equipment (e.g., mortars, pestles, hand stones, or milling slabs); and battered stone tools, such as hammerstones and pitted stones. Historic period materials might include stone, concrete, or adobe footings and walls; filled wells or privies; and deposits of metal, glass, and/or ceramic refuse.<br><br>The Archaeologist shall inspect the findings within 24 hours of discovery or as soon thereafter as is reasonable and commercially practicable. If it is | If find is encountered, subject project sponsor to submit to City of Visalia reasonable documentation of implementation of any required Treatment Plan and/or any required mitigation measures, as identified by the qualified Archaeologist; also provide related reports. | Promptly upon encountering prehistoric or historic archaeological resources. | City of Visalia | | | Project applicant |

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| determined that the construction associated with the subject individual specific development proposal could significantly damage a historical resource or a unique archaeological resource (as defined pursuant to the CEQA Guidelines), mitigation shall be implemented in accordance with Public Resources Code Section 21083.2 and Section 15126.4 of the CEQA Guidelines, with a preference for preservation in place. If avoidance is not feasible, a qualified Archaeologist shall prepare and the relevant applicant shall implement a detailed treatment plan in consultation with the City of Visalia. Treatment of unique archaeological resources shall follow the applicable requirements of Public Resources Code Section 21083.2. Treatment for most resources would consist of (but would not be limited to) sample excavation, artifact collection, site documentation, and historical research, with the aim to target the recovery of important scientific data contained in the portion(s) of the significant resource to be impacted by the proposed project. The treatment plan shall include provisions for analysis of data in a regional context, reporting of results within a timely manner, curation of artifacts and data at an approved facility, and dissemination of reports to local and State repositories, libraries, and interested professionals. | | | | | | |
| **MM CUL-4:** In the event of the accidental discovery or recognition of any human remains during ground disturbance activities in connection with an individual specific development proposal, CEQA Guidelines Section 15064.5, Health and Safety Code Section 7050.5, and Public Resources Code Sections | If applicable due to an accidental discovery, subject project sponsor to provide reasonable documentation of compliance with required | Promptly upon any accidental discovery. | City of Visalia | | | Project applicant |

| Mitigation Measures | Method of Verification | Timing of Verification | Responsible for Verification | Verification of Completion | | Party Responsible for Implementing Mitigation |
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| 5097.94 and 5097.98 shall be followed by the relevant applicant. Specifically, the following steps shall be taken:<br>1. There shall be no further excavation or disturbance within 100 feet of the remains until the County Coroner is contacted to determine whether the remains are Native American and if an investigation of the cause of death is required. If the Coroner determines the remains to be Native American, the Coroner shall contact the Native American Heritage Commission (NAHC) within 24 hours, and the NAHC shall identify the person or persons it believes to be the Most Likely Descendant (MLD) of the deceased Native American. The MLD may make recommendations to the landowner or the person responsible for the excavation work within 48 hours, for means of treating or disposing of, with appropriate dignity, the human remains, and any associated grave goods as provided in Public Resource Code Section 5097.98.<br>2. Where any of the following conditions occur, the landowner or his or her authorized representative shall rebury the Native American human remains and associated grave goods with appropriate dignity, either in accordance with the recommendations of the MLD or on the project site in a location not subject to further subsurface disturbance:<br>• The NAHC is unable to identify an MLD.<br>• The identified MLD fails to make a recommendation within 48 hours after being notified by the commission. | mitigation measure, including, among others, incorporation of same into plans. | | | | | |

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| • The landowner or his or her authorized representative rejects the recommendation of the identified MLD and mediation by the NAHC fails to provide measures acceptable to the landowner.<br><br>Additionally, California Public Resources Code Section 15064.5 requires the following relative to Native American remains:<br>• When an initial study identifies the existence of, or the probable likelihood of, Native American remains within a project, a lead agency shall work with the appropriate Native Americans as identified by the NAHC as provided in Public Resources Code Section 5097.98. Each relevant applicant in connection with its individual specific development proposal may develop a plan for treating or disposing of, with appropriate dignity, the human remains and any items associated with Native American burials with the appropriate Native Americans as identified by the NAHC. | | | | | | |
| **3.7 Geology and Soils** | | | | | | |
| **MM GEO-1:** Prior to issuance of the grading permit for each project development, the final grading, foundation, and construction plans for the subject proposal shall incorporate all the site-specific earthwork, foundation, floor slab, lateral earth pressure, and pavement design recommendations, as detailed in a Geotechnical Evaluation prepared by a qualified Geotechnical Engineer. The final grading and construction plans for the subject individual | Subject project sponsor to submit project plans to City of Visalia to verify compliance with this mitigation measure by its incorporation into relevant plans. | Prior to issuance of the grading permit for subject individual development proposal. | City of Visalia | | | Project applicant |

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| specific development shall be reviewed by the City-approved Geotechnical Engineer to confirm compliance with this mitigation measure. Grading operations performed in connection with the subject individual specific development proposal shall satisfy all applicable recommendations included in the Geotechnical Evaluation.<br><br>During construction performed in connection with the specific development, the City-approved Geotechnical Engineer shall monitor this construction to ensure the earthwork operations are properly performed in accordance with the foregoing requirements. | Periodically during construction of subject individual specific development proposal (approx. once per quarter), sponsor to submit monitoring report from the qualified Geotechnical Engineer to City of Visalia. | | | | | |
| **MM GEO-2:** In order to reduce on-site erosion due to project construction and operation, an erosion control plan and Storm Water Pollution Prevention Plan (SWPPP) shall be prepared for the site preparation, construction, and post-construction periods by a registered civil engineer or certified professional. The erosion control plan shall incorporate Best Management Practices (BMPs) consistent with the requirements of the National Pollutant Discharge Elimination System (NPDES). The erosion component of the plan must at least meet the requirements of the SWPPP required by the Central Valley Regional Water Quality Control Board (RWQCB). If earth-disturbing activities are proposed between October 15 and April 15, these activities shall be limited to the extent feasible to | Subject project sponsor to obtain SWPPP and provide to City of Visalia detailed project plans to verify incorporation of BMPs and any additional erosion control measures.<br><br>City of Visalia to monitor erosion control plan and SWPPP components per applicable laws and regulations. | Prior to issuance of any grading permit for subject individual specific development proposal and during construction of same. | City of Visalia | | | Project applicant |

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| minimize potential erosion-related impacts. Additional erosion control measures may be implemented in consultation with the City of Visalia. Prior to the issuance of any permit, the project proponent shall submit detailed plans to the satisfaction of the City of Visalia. The components of the erosion control plan and SWPPP shall be monitored for effectiveness by the City of Visalia. Erosion control measures may include, but not be limited to, the following:<br>i. Limit disturbance of soils and vegetation disturbance removal to the minimum area necessary for access and construction;<br>ii. Confine all vehicular traffic associated with construction to the right-of-way of designated access roads;<br>iii. Adhere to construction schedules designed to avoid periods of heavy precipitation or high winds;<br>iv. Ensure that all exposed soil is provided with temporary drainage and soil protection when construction activity is shut down during the winter periods; and<br>v. Inform construction personnel prior to construction and periodically during construction activities of environmental concerns, pertinent laws and regulations, and elements of the proposed erosion control measures. | | | | | | |
| **MM GEO-3:** In the event a fossil is discovered during construction performed in connection with project development, the relevant project developer/contractor shall cease ground-disturbing | In the event of a find, then subject project sponsor to provide to City of Visalia project | Promptly upon a find during construction activities of subject | City of Visalia | | | Project applicant |

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| activities within 15 feet of the find. The qualified Paleontologist shall evaluate the significance of the resources and recommend appropriate treatment measures which shall be implemented by the relevant applicant. In addition, all recovered fossils should be deposited in an appropriate repository, such as the University of California Museum of Paleontology, located on the campus of the University of California, Berkeley, where they will be properly curated and made accessible for future study. | plans to verify mitigation measure is incorporated into plans. | individual specific development proposal. | | | | |
| **3.8 Greenhouse Gas Emissions** | | | | | | |
| **MM GHG-2a: Solar Photovoltaic System** Prior to issuance of the first building permit in connection with an individual specific development proposal, the City of Visalia shall confirm that the subject proposal has been designed to include the following: The building shall be designed to include a solar photovoltaic (PV) system in accordance with 2022 Building Energy Efficiency Standards (Energy Code) Section 140.10. The required solar PV system shall be sized based on calculations provided in Section 140.10(a) of the Energy Code, which includes a number of factors such as the amount of conditioned space. Unconditioned buildings, except unoccupied or unused first-time tenant improvement spaces do not need to be part of the solar sizing calculations. All buildings required to have a solar PV system pursuant to this MM GHG-2a must also have a battery storage system. | Subject project sponsor to provide to City of Visalia site plans to verify incorporation of solar photovoltaic system. | Prior to issuance of the first building permit for subject individual development proposal. | City of Visalia | | | Project applicant |
| **MM GHG-2b:** Warehouse usage shall be limited to dry storage. If the warehouse is used for cold | If required due to cold storage, subject project | Prior to the issuance of the occupancy permit for | City of Visalia | | | Project applicant |

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| storage, then prior to the issuance of occupancy permits, the City of Visalia shall confirm that tenant lease agreements include contractual language that requires all Transport Refrigeration Units (TRUs) entering the project site be plug-in capable. Electrical hookups shall be provided as part of the tenant improvements for any tenant that requires cold storage. The electrical hookups shall be provided at loading bays for truckers to plug in any onboard auxiliary equipment and power refrigeration units while their truck is stopped. | sponsor to submit reasonable document to City of Visalia to confirm lease agreements include TRUs be plug-in capable.<br><br>City of Visalia to conduct site inspection to verify same. | subject individual development proposal. | | | | |
| **3.9 Hazards and Hazardous Material** | | | | | | |
| **MM HAZ-1**<br>(a) Any known wells on the project site shall be delineated on an engineered site plan with a minimum 10-foot radius no build area.<br>(b) In the event that any abandoned or unrecorded wells are uncovered or damaged during excavation or grading activities, all work shall cease in the vicinity of the well, and the California Department of Conservation Geologic Energy Management (CalGEM), shall be contacted for requirements and approval; copies of said approvals shall be submitted to the City of Visalia Planning and Community Preservation Department. CalGEM may determine that remedial plugging operations may be required.<br>(c) The following note shall appear on all final maps and grading plans: "If during grading or construction, any plugged and abandoned or unrecorded wells are uncovered or damaged, | If required due to presence of wells, subject project sponsor to provide to City of Visalia site plans, as well as copies of any approvals required under applicable laws and regulations. | If known well, then documentation to be provided on site plan, to occur prior to the issuance of any grading permits.<br><br>Promptly upon discovery of abandoned or unrecorded well during excavation or grading activities. | City of Visalia | | | Project applicant |

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| CalGEM will be contacted to inspect and approve any remediation required. | | | | | | |
| **3.12 Hydrology and Water Quality** | | | | | | |
| **MM HYD-3:** Implement MM GEO-2. | Refer to MM GEO-2 | Refer to MM GEO-2 | Refer to MM GEO-2 | | | Project applicant |
| **3.12 Noise** | | | | | | |
| **MM NOI-1:**<br>(a) Prior to the issuance of building permit for a drive-through car wash, an in-depth acoustical study prepared by a qualified acoustic professional shall be submitted for review and approval to the City of Visalia Planning and Community Preservation Department that demonstrates that the design and operations of a proposed drive-through car wash would not result in exceedances of the Visalia Municipal Code's applicable daytime and nighttime noise limits for residential land uses. The study shall evaluate factors such as:<br>• The location and orientation of noise-generating equipment, such as dryer blowers and vacuums.<br>• The location and orientation of the drive-through car wash tunnel.<br>• The hours of operation.<br>• The location of the drive-through car wash on the project site.<br><br>(b) Based on the results of the acoustical study, the project applicant shall be required to incorporate, at a minimum, design features or | Subject project sponsor to submit for review and approval to City of Visalia the required in-depth acoustical study, as well as site plans to verify incorporation of design features or reduction measures. | Prior to the issuance of building permit for a drive-through car wash. | City of Visalia | | | Project applicant |

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| reduction measures to reduce any identified operational noise impact to meet applicable noise performance criteria. These reduction measures shall be included on all relevant plans, specifications, and other permitting documents. Measures and design features may include, but are not limited to the following:<br>• Locating the car wash facility further away from sensitive receptors, therefore reducing its noise impacts at nearby residential land uses.<br>• Orienting the facility so that the carwash exit (where the drying blowers would be located) is located facing away from nearby residential land uses.<br>• Providing sound blankets to hang around the edge of the carwash exit tunnel to help shield the dryer blower noise.<br>• Locating the dryer blowers further inside the car wash tunnel to help shield the dryer blower noise.<br>• Providing screening, such as a structure or sound wall, to shield the carwash exit where the dryer blowers would be located from nearby residential land uses. | | | | | | |
| **MM NOI-2:**<br>(a) When specific uses within the project area are proposed that could result in a noise-related conflict between an industrial or other stationary noise source and existing or future noise-sensitive receptors, an acoustical analysis shall be required by the City that quantifies the proposed use's operational noise levels and | If required due to potential noise-related conflict, then subject project sponsor to submit to City of Visalia the required acoustical analysis, as well as site plans to verify | Prior to issuance of building permit for proposed use that could result in noise-related conflict. | City of Visalia | | | Project applicant |

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| recommends appropriate reduction measures, as necessary, to achieve compliance with the City's noise standards. The analysis shall be prepared by a qualified acoustic professional. All recommended design features or reduction measures shall be noted on plans, specifications, and other relevant permitting documents prior to the issuance of building permits.<br>(b) Based on the results of the acoustical study, the project applicant shall be required to incorporate, at a minimum, design features or reduction measures to reduce any identified operational noise impact to meet applicable noise performance criteria. Reduction measures and design features may include, but are not limited to the following:<br>• Locating the warehouse facility further away from sensitive receptors, therefore reducing its noise impacts at nearby residential land uses.<br>• Orienting the facility so that the warehouse truck loading/unloading areas are located facing away from nearby residential land uses.<br>• Providing gasket loading dock doors to help shield truck loading and unloading noise.<br>• Providing screening, such as a structure or sound wall, to shield truck loading and unloading areas from nearby residential land uses. | incorporation of any required design features or reduction measures. | | | | | |

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| **3.14 Transportation** | | | | | | |
| **MM TRANS-1:** Prior to the issuance of building permits, the project shall comply with the City's Active Transportation Plan (ATP) and dedicate 28 feet for a pedestrian trail along the south side of Modoc Ditch. | Subject project sponsor to provide to City of Visalia construction plans to verify compliance with ATP and offer of dedication. | Prior to the issuance of the first building permit for relevant individual specific development proposal. | City of Visalia | | | Project applicant |
| **MM TRANS-2:** Prior to the issuance of building permits, the developer shall appropriate Storm Drainage and Waterways impact fees. | Subject project sponsor to provide reasonable documentation to City of Visalia to verify payment of impact fees required for subject individual specific development proposal. | Prior to the issuance of the building permit for each individual specific development proposal. | City of Visalia | | | Project applicant |
| **MM TRANS-3:** Plaza Drive and Riggin Avenue: Prior to occupancy of Phase 2, the proposed project shall provide site plans that show modification of the raised median to extend the existing westbound left-turn pocket by 100 feet, to provide a 400-foot left-turn pocket. The existing northbound right-turn stripe shall be extended to 300 feet. These improvements shall occur when construction of the proposed project's Phase 2 846,920 square feet is complete, as shown in the table included in this MM TRANS-3. The project proponent shall be financially responsible for these improvements. "Financially responsible" shall equate to implementing the project as well as paying for the project. | Subject project sponsor to provide City of Visalia with site plans to show required modification. City of Visalia to conduct site inspection to confirm installation of required improvements. | For provision of site plan, to occur prior to the issuance of Phase 2 grading permits. Completion is required prior to issuance of Phase 2 occupancy permit. | City of Visalia | | | Project applicant |

<table>
<tr><th>Mitigation Measures</th><th>Method of Verification</th><th>Timing of Verification</th><th>Responsible for Verification</th><th colspan="2">Verification of Completion</th><th>Party Responsible for Implementing Mitigation</th></tr>
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<tr><th>Project Phase</th><th>Total Constructed Square Feet per Phase</th><th>Phase Detail</th></tr>
<tr><td>Phase 1</td><td>1,864,680</td><td>Light Industrial (Buildings 1 and 2)</td></tr>
<tr><td>Phase 2</td><td>846,920</td><td>Light Industrial (Buildings 3, 4, and 7)<br>Gas Station/Convenience Market (with 12 vehicle fueling stations)<br>Fast-food Restaurant (with Drive-through)<br>Car Wash</td></tr>
<tr><td>Phase 3</td><td>230,800</td><td>Light Industrial (Buildings 5, 6, and 8)<br>Flex Industrial<br>Mini-Storage (with RV parking)</td></tr>
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</td><td></td><td></td><td></td><td></td><td></td><td></td></tr>
<tr><td>MM TRANS-4: Shirk Street and Riggin Avenue: Prior to occupancy of Phase 1, the proposed project shall provide dual northbound left-turn pockets (300-foot minimum) and a 300-foot minimum southbound left-turn pocket. Since a 300-foot eastbound right-turn pocket would already be installed by the Capital Improvement Plan (CIP) project, additional recommendations are not proposed. These improvements shall occur when construction of the proposed project’s Phase 1 1,864,680 square feet is complete, as shown in the table included in this MM TRANS-4. The project’s contribution into the Transportation Impact Fees (TIF) will assist in paying for these improvements.</td><td>Subject project sponsor to provide City of Visalia with site plans to verify incorporation of required improvements, as well as reasonable documentation to verify payment of applicable TIF fees for subject individual specific development proposal.<br><br>City of Visalia to conduct site inspection to confirm</td><td>Commencement of construction to occur prior to issuance Phase 1 grading permit.</td><td>City of Visalia</td><td></td><td></td><td>Project applicant</td></tr>
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</td><td>installation of required improvements.</td><td></td><td></td><td></td><td></td><td></td></tr>
<tr><td>MM TRANS-5: Shirk Street and Ferguson Avenue: Prior to the issuance of final occupancy of any project area, the proposed project shall signalize the intersection, subject to pro rata cost sharing with the adjacent Carlton Acres Specific Plan project. This improvement would allow the intersection to operate at an acceptable Level of Service (LOS) for the deficient scenarios, while reducing the vehicles queues for all intersection turn pockets below the storage capacity. Costs of implementing MM TRANS-5 are expected to be shared by Carlton Acres Specific Plan (CASP) and the proposed project as it provides access to both sites.</td><td>Subject project sponsor to provide City of Visalia with site plans to verify incorporation of required improvements.<br><br>City of Visalia to conduct site inspection to confirm installation of required improvements</td><td>To be completed prior to the issuance of Phase 1 occupancy permit.</td><td>City of Visalia</td><td></td><td></td><td>Project applicant</td></tr>
</table>

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| **MM TRANS-6:** Roeben Street and Ferguson Avenue: Prior to final occupancy of any portion of Phase 3, the proposed project shall make a 26.2 percent fair share contribution toward signalizing this intersection. Based on the estimated signalization and interconnect cost of $500,000, the proposed project shall contribute up to $131,000 for these future improvements. | Subject project sponsor to provide reasonable documentation of required payment. | Prior to issuance of Phase 3 occupancy permit. | City of Visalia | | | Project applicant |
| **MM TRANS-7:** Akers Street and Riggin Avenue: The proposed project shall provide an additional northbound left-turn pocket and through lane and provide an additional eastbound/westbound through lane. Costs of implementing MM TRANS-7 are expected to be shared by Carlton Acres Specific Plan (CASP), the proposed project, and others as it provides access to multiple sites under development. | Subject project sponsor to provide to City of Visalia site plans to verify incorporation of required improvements.<br><br>City of Visalia to conduct site inspection to confirm installation of required improvements. | To be completed prior to issuance of Phase 1 occupancy permit. | City of Visalia | | | Project applicant |
| **MM TRANS-8:** Akers Street and Ferguson Avenue: The proposed project shall provide an additional northbound/southbound through lane and right-turn pocket (150-foot minimum) and provide an eastbound right-turn pocket (150-foot minimum). Costs of implementing MM TRANS-8 are expected to be shared by Carlton Acres Specific Plan (CASP) and the proposed project as it provides access to both sites. | Subject project sponsor to provide to City of Visalia site plans to verify incorporation of required improvements.<br><br>City of Visalia to conduct site inspection to confirm installation of required improvements. | To be completed prior to issuance of Phase 2 occupancy permit. | City of Visalia | | | Project applicant |
| **MM TRANS-9:** Akers Street and Goshen Avenue: The proposed project shall modify the raised median to extend the existing southbound left-turn pocket to 400 feet. It is not recommended to exceed | Subject project sponsor to provide to City of Visalia site plans to verify incorporation of required | To be completed prior to issuance of Phase 2 occupancy permit. | City of Visalia | | | Project applicant |

| Mitigation Measures | Method of Verification | Timing of Verification | Responsible for Verification | Verification of Completion | | Party Responsible for Implementing Mitigation |
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| this length further in order to maintain access to the existing driveway north of the intersection. The existing southbound right-turn stripe shall be extended to 400 feet minimum. Costs of implementing MM TRANS-9 are expected to be shared by Carlton Acres Specific Plan (CASP) and the proposed project as it provides access to both sites. | improvements.<br><br>City of Visalia to conduct site inspection to confirm installation of required improvements. | | | | | |
| **MM TRANS-10a:** Prior to the issuance of building permits, the site plan shall include the location of up to six secured bicycle storage lockers near each of the buildings entrances and the future transit stop. Up to 10 potential locations shall be included, for a total of up to 60 lockers throughout the site.<br><br>Lockers shall be provided for approximately 1.5 percent of the 4,178 site's daily employees with flexibility to add future lockers based on demand. | Subject project sponsor to provide to City of Visalia site plans to verify incorporation of required improvements. | Prior to the issuance of building permits for each individual specific development proposal. | City of Visalia | | | Project applicant |
| **MM TRANS-10b:** Prior to final occupancy of any portion of Phase 1, the developer shall construct a bike path along Modoc Ditch, between Kelsey Street and Shirk Street (approximately 1 mile). The existing Class I bike path along Modoc ditch runs to the east of the proposed project, between Dinuba Boulevard and the St. John's River Trail. The Carlton Acres Specific Plan (CASP) project also proposed to construct a portion of the Class I path within the site. Therefore, the bike path shall connect to a new path proposed within the CASP site and future segments to the east and west. This mitigation is subject to contractability and approval by the Modoc Ditch Company. | Subject project sponsor to provide to City of Visalia site plans to verify incorporation of required improvements.<br><br>City of Visalia to conduct site inspection to confirm installation of required improvements. | Prior to issuance of Phase 1 first occupancy permit. | City of Visalia | | | Project applicant |
| **MM TRANS-11:** Prior to the issuance of construction permits, the project developer shall | Subject project sponsor to submit to City of | Prior to the issuance of grading street | City of Visalia | | | Project applicant |

| Mitigation Measures | Method of Verification | Timing of Verification | Responsible for Verification | Verification of Completion | | Party Responsible for Implementing Mitigation |
|---|---|---|---|---|---|---|
| | | | | Date | Initial | |
| prepare and submit a Construction Traffic Control Plan to the City of Visalia for approval and implement the approved Construction Traffic Control Plan during construction. The Construction Traffic Control Plan shall be prepared in accordance with both the California Department of Transportation Manual on Uniform Traffic Control Devices and Work Area Traffic Control Handbook and shall include, but not be limited to, the following issues:<br>a. Timing of deliveries of heavy equipment and building materials;<br>b. Directing construction traffic with a flag person;<br>c. Placing temporary signing, lighting, and traffic control devices if required, including, but not limited to, appropriate signage along access routes to indicate the presence of heavy vehicles and construction traffic;<br>d. Ensuring access for emergency vehicles to the project site;<br>e. Temporarily closing travel lanes or delaying traffic during materials delivery, transmission line stringing activities, or any other utility connections;<br>f. Maintaining access to adjacent property; and,<br>g. Specifying both construction-related vehicle travel and oversize load haul routes, minimizing construction traffic during the AM and PM peak-hour, distributing construction traffic flow across alternative routes to access the project sites, and avoiding residential neighborhoods to the maximum extent feasible. | Visalia Traffic Control Plan for review and approval. | improvement permits for each individual specific development proposal in Phases 1, 2, and 3. | | | | |

| Mitigation Measures | Method of Verification | Timing of Verification | Responsible for Verification | Verification of Completion | | Party Responsible for Implementing Mitigation |
|---|---|---|---|---|---|---|
| | | | | Date | Initial | |
| **3.15 Utilities and Service Systems** | | | | | | |
| **MM UTIL 1: Debris and waste generated shall be recycled to the extent feasible.**<br>The provisions listed below shall apply to the project during construction activities in connection with project development.<br>a. An on-site Recycling Coordinator shall be designated by the project proponent/contractor to facilitate recycling.<br>b. The Recycling Coordinator shall facilitate recycling of all construction waste through coordination with contractors, local waste haulers, and/or other facilities that recycle construction/demolition wastes.<br>c. The on-site Recycling Coordinator shall also be responsible for ensuring wastes requiring special disposal are handled according to State and County regulations that are in effect at the time of disposal.<br>d. Contact information of the coordinator shall be provided to the City of Visalia prior to issuance of building permits.<br>e. The project proponent/operator shall provide a storage area for recyclable materials within the fenced project area that is clearly identified for recycling. This area shall be maintained on the site during construction and operations. A site plan showing the recycling storage area shall be submitted prior to the issuance of any grading or building permit for the site. | Subject project sponsor to provide reasonable documentation to City of Visalia to verify retention of a Recycling Coordinator, and site plans demonstrating a recycling storage area. | During construction activities of each individual specific development proposal. | City of Visalia | | | Project applicant |

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# CEQA Findings of Fact and Statement of Overriding Considerations Shirk and Riggin Industrial Project City of Visalia, Tulare County, California

## State Clearinghouse Number 2022080658

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Date: January 17, 2025

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# CEQA FINDINGS OF FACT AND STATEMENT OF OVERRIDING CONSIDERATIONS

## 1.1 - Introduction

The City of Visalia (City) is the Lead Agency for the proposed Shirk and Riggin Industrial Project (State Clearinghouse [SCH] No. 2022080658) (proposed project). Having received, reviewed, and considered the Environmental Impact Report (EIR) (as defined below) and other relevant information in the administrative record of proceedings, the Visalia City Council (City Council) hereby finds and adopts the findings set forth herein (collectively, "Findings") pursuant to the California Environmental Quality Act (CEQA) (California Government Code § 21000 *et seq*.) and the CEQA Guidelines (Public Resources Code [PRC] § 15000 *et seq*.) (collectively, "CEQA").

Pursuant to Public Resources Code Section 21081 and CEQA Guidelines Section 15091:

> No public agency shall approve or carry out a project for which an EIR has been certified which identifies one or more significant environmental effects of the project unless the public agency makes one or more written findings for each of those significant effects, accompanied by a brief explanation of the rationale for each finding. The possible findings are:
>
> (a) Changes or alterations have been required in, or incorporated into, the project which avoid or substantially lessen the significant environmental effect as identified in the Final EIR.
>
> (b) Such changes or alterations are within the responsibility and jurisdiction of another public agency and not the agency making the finding. Such changes have been adopted by such other agency or can and should be adopted by such other agency.
>
> (c) Specific economic, legal, social, technological or other considerations, including provision of employment opportunities for highly trained workers, make infeasible the mitigation measures or project alternatives identified in the Final EIR.

The required findings shall be supported by substantial evidence in the record (CEQA Guidelines § 15091). As discussed in more detail below, for those impacts that cannot be mitigated below a level of significance, if the public agency intends to approve the project, the public agency must find that specific overriding economic, legal, social, technological, or other benefits of the project outweigh the significant effects of the project. (CEQA Guidelines §§ 15092(b)(2)(B), 15093).

## 1.2 - Overview of Statement of Findings

In accordance with requirements under CEQA and based on the nature and scope of the proposed project, the City, in its discretion as Lead Agency, directed the preparation of a Draft Environmental

Impact Report (including appendices attached thereto) (collectively, the Draft EIR) for the proposed project. The Draft EIR provides a detailed explanation relating to the preparation of this environmental document as well as information regarding the applicable regulatory framework, the various project components and the project site, along with a robust analysis of the potential environmental impacts that could occur as a result of the proposed project. As detailed more fully therein, the Draft EIR was prepared, noticed, published, circulated, reviewed and completed in full compliance with CEQA. The Draft EIR was circulated for public review and comment (as described further below). The Draft EIR identifies significant effects on the environment, which may occur as a result of implementation of the proposed project. After circulating the Draft EIR for the required 45-day public review and comment period (as detailed below), the City prepared a Final Environmental Impact Report/Response to Comments (Final EIR). The Final EIR (consisting of the Introduction, Errata, and Responses to Comments, collectively) incorporates the Draft EIR by reference in its entirety. For these Findings, the "EIR" shall consist, collectively, of the Draft EIR, all appendices attached to the Draft EIR, and the Final EIR. All acronyms used within this document shall have the same meaning as defined in the Draft EIR unless otherwise specifically indicated.

As discussed above, the City is required to make certain findings with respect to the impacts identified in the EIR pursuant to CEQA Guidelines Section 15091. Accordingly, the City of Visalia hereby makes these required findings, as set forth in this document (collectively, Findings). Among other things, these Findings summarize the environmental determinations about the proposed project's significant impacts before and after mitigation, and summarize the proposed project's individual and cumulative impacts. These Findings do not attempt to describe the full analysis of each environmental impact. Instead, they provide a summary description of each significant impact and the applicable mitigation measures identified in the EIR and adopted by the City of Visalia, and state the conclusions regarding the significance of each impact after incorporation of the identified mitigation measures. A comprehensive explanation of these environmental impact conclusions and the underlying analysis can be found in the EIR, as supplemented and explained in staff reports and materials presented by the project applicant, the City of Visalia staff, and various project consultants, and other relevant materials in the administrative record. The EIR, as well as other materials, documents, and information in the administrative record, contains substantial evidence to support all the conclusions presented in these Findings, and is hereby incorporated into these Findings in its entirety. Without limitation, this incorporation is intended to elaborate on the scope and nature of the underlying analysis, the identified mitigation measures, the basis for determining the significance of impacts, the comparative analysis of alternatives, and the reasons for approving the proposed project in spite of the potential for associated significant and unavoidable adverse impacts.

Section 1.5. sets forth potential environmental effects of the project which have no impact or are not significant because of the design of the project. Section 1.6 sets forth those potential environmental effects of the proposed project which are not significant because they can feasibly be mitigated below a level of significance. Section 1.7 discloses the environmental impacts that remain significant and unavoidable even with the incorporation of feasible mitigation. Section 1.8 summarizes the alternatives discussed in the EIR and makes findings with respect to the feasibility of alternatives and whether the alternatives would lessen the significant environmental effects of the proposed project.

The following sets forth all significant effects of the proposed project and with respect to each effect, makes one or more of the findings set forth in Section 1.1, Introduction, and provides facts in support of such findings. The EIR as well as other documentation, materials and information in the administrative record for the proposed project provide additional facts in support of these Findings. The mitigation measures set forth in the Mitigation Monitoring and Reporting Program (MMRP) (Attachment A to these Findings) are incorporated by reference in these Findings, and the Findings in Sections 1.6 through 1.8 refer to individual mitigation measures as appropriate.

In addition, certain commenters suggested that additional analyses be completed and/or that analyses be conducted utilizing different modeling, methodologies, thresholds and/or assumptions. All of the foregoing requests are hereby declined as unnecessary except in the event and to the extent otherwise set forth in the Final EIR. This City Council hereby adopts the reasons set forth in the EIR and as otherwise further supported by materials and other information in the administrative record as its grounds for rejecting the suggested additional and/or modified analyses beyond that which is detailed in the Final EIR.

Regarding the potential for growth-inducing impacts of the proposed project, this City Council hereby adopts the conclusions set forth in the EIR, including, without limitation, the conclusions in Section 5.2 of the Draft EIR (Growth-Inducing Effects), based upon the evidence and reasoning they reflect, and hereby adopts the findings as set forth in Section 1.11 below.

With respect to the potential significant and irreversible environmental effects of the proposed project, this City Council hereby adopts the conclusions set forth in the EIR, including but not limited to the conclusions in the Draft EIR, Section 3.16 (Utilities and Service Systems), Section 3.6 (Energy), and Section 5.3 (Significant Irreversible Changes), based upon the evidence and reasoning they reflect, and hereby adopts the Findings as set forth in Section 1.12 below.

This City Council has heard, been presented with, reviewed, and considered all of the documentation, materials and information in the administrative record, including, without limitation, the Draft EIR and Final EIR, and all oral and written evidence presented to it during the proposed project's entitlement process including, without limitation, evidence presented to it during all public meetings and hearings on the matter. The EIR reflects the independent judgment of this City Council and is deemed adequate for the purposes of making decisions on the merits of the proposed project. In exercising this judgment, this City Council has reviewed and considered the EIR and other relevant information, documentation, and materials in the administrative record including, without limitation, public testimony.

## 1.3 - Project Summary

### 1.3.1 - Project Description

The project applicant proposes to convert existing agricultural lands and develop the approximately 284-acre project site into an industrial park, consisting of eight industrial buildings used for warehouse, distribution, and light manufacturing; six flex industrial buildings; two drive-through restaurants; a convenience store; a recreational vehicle (RV) and self storage facility; gas station; and a car wash. The total building footprint is approximately 3,720,149 square feet. The project site

would include sufficient amounts of trailer stalls and car parking stalls to serve the proposed uses in accordance with applicable City requirements. The proposed project would also involve necessary on- and off-site infrastructure and improvements sufficient to serve the proposed uses. These would include, among other things, detention basins on the east, west, and central portions of the project site and other necessary stormwater facilities to be sized and installed in accordance with all applicable requirements and standards. Access would be provided via three access points along Shirk Street, three access points along Riggin Avenue, and five access points along Kelsey Street. Clancy Street south of the project site would be extended to replace the existing private road and would traverse south to north of the project site. On-site orchards would need to be removed, and appropriate landscaping and lighting would be incorporated into the overall site design consistent with applicable City requirements and guidelines.

The project site is generally bound by Riggin Avenue to the south, Shirk Street to the east, Kelsey Street to the west, and Modoc Ditch to the north. A private road intersects the project site from south to north. The project site consists of three existing parcels: Assessor's Parcel Numbers [APNs] 077-840-004, 077-840-005, and 077-840-006 (formerly APNs 077-840-001, 077-840-002, and 077-840-003). The project site is within the City's Planning Area, its Urban Development Boundary (UDB) Tier 1 of the City, and the City's Sphere of Influence (SOI). The proposed project would need to be annexed into the City limits, and upon annexation, would be served by the City of Visalia for purposes of water and wastewater. In addition, the other discretionary entitlements associated with this proposed project include a Tentative Parcel Map and a Conditional Use Permit for some of the uses proposed (convenience store, drive-through lanes), as well as some of the proposed lot sizes in the light industrial zoning being reduced in size and/or without public street frontage.

### 1.3.2 - Project Objectives

The fundamental purpose and goal of the proposed project is to accomplish the orderly development of the project site as proposed, consistent with the General Plan's industrial land use designation, which would provide economic benefits to the City, among others. The objectives of the proposed project are to:

- Ensure that development of the project site is accomplished in an economically viable manner consistent with applicable goals and policies as set forth in the City's General Plan, including the land use vision set forth therein that contemplates light industrial and industrial uses, taking into account necessary site plan considerations including efficient access and loading.
- Maximize development of the existing underutilized project site and generate increased revenue and economic development for the City in order to support the City's ongoing City operations.
- Develop a mixed-use industrial park, with light manufacturing, warehouse, distribution, and/or flex industrial uses, in the City that is designed to meet market demand and contemporary industry standards, including building size and clear height requirements, modern façades, articulated concrete panels, a natural color palette, and expansive glass entry features.

- Create employment-generating businesses in the City to reduce the need for members of the local workforce to commute outside the area for employment and to improve the jobs-to-housing balance.
- Maximize placement of industrial uses in close proximity to the State Highway system (State Route [SR] 99) and other major transportation corridors to avoid or shorten truck-trip lengths, as feasible, on other roadways and to avoid locating industrial buildings in close proximity to residential uses or other sensitive receptors.
- Develop innovative industrial uses providing a range of building sizes with cross dock and rear load capability that have ready access to available infrastructure, including major transportation corridors and utilities to be used as part of the Central Valley supply chain and goods movement network.

## 1.3.3 - Required Approvals

Discretionary approvals and permits are required for implementation of the proposed project. The proposed project would require certification of the EIR and the following discretionary approvals and actions from the City, including:

- Approval of a Development Agreement
- Approval of Resolution Initiating Annexation Proceedings (and related prezoning)
- Approval of the Site Plan Review
- Approval of Tentative Parcel Map
- Conditional Use Permit for the conditionally permitted uses proposed (convenience store, drive-through restaurants), as well as for some of the proposed lot sizes in the light industrial zoning (which are smaller), and for certain lots without public street frontage.

This list is representative and does not provide an exhaustive list of all subsequent City actions that may be necessary to implement the proposed project.

In addition to the above discretionary approvals from the City, the proposed project would also require City approvals of various ministerial permits including a parcel map, demolition permit(s), grading permit(s), building permit(s), certificate(s) of occupancy, right-of-way dedication(s), and encroachment permit(s).

### Other Public Agency Approval and Consultation

The proposed project would require various permits, approvals and/or entitlements from other public agencies that have jurisdiction over aspects of the proposed project. These may include, but not be limited to the following:

- Tulare County Local Agency Formation Commission (LAFCo)
- Tulare County Board of Supervisors
- San Joaquin Valley Air Pollution Control District (Valley Air District)
- Regional Water Quality Control Board (RWQCB)
- United States Fish and Wildlife Service (USFWS)

- California Department of Fish and Wildlife (CDFW)
- United States Army Corps of Engineers (USACE)
- California Department of Transportation (Caltrans)

## 1.4 - Procedural Background

The City released a Notice of Preparation (NOP) for the proposed project for public review from August 30 to September 28, 2022 (30-day review period). On Tuesday, September 13, 2022, a public scoping meeting was held at the City Hall East Conference Room and via a videoconference platform to receive comments on the scope of environmental analysis. The meeting was held at 5:30 p.m., during which individuals and organizations/agency representatives were invited to provide oral and written comments on the NOP and forthcoming Draft EIR. No public comments were received during the public scoping meeting. One comment letter was received in response to the NOP during the 30-day public review period. Two comment letters were received after the close of the 30-day public review period; while the City was not required to do so under CEQA, it elected, in its discretion and to further facilitate disclosure, to accept and consider these late NOP comments, nonetheless. The NOP and copies of comments received are included as Appendix A to the Draft EIR.

Pursuant to Public Resources Code Section 21161 and 21092 as well as CEQA Guidelines Sections 15085 and 15087(b), on April 11, 2024, a Notice of Completion (NOC)/Notice of Availability (NOA) document and copies of the Draft EIR were distributed to the State of California Governor's Office of Planning and Research State Clearinghouse, to those public agencies that have jurisdiction by law with respect to the proposed project, or that exercise authority over resources that may be affected by the proposed project, and to other interested parties and agencies as required by applicable law. The Draft EIR was posted and publicly available on CEQANet.com in accordance with all applicable noticing and posting requirements.

The Draft EIR was circulated for a public review period between April 11 and May 28, 2024, a 45-day review period. Hard copies of the Draft EIR (including appendices) were publicly available during the public comment period at:

City of Visalia
315 East Acequia Avenue
Visalia, CA 93291

In addition, the Draft EIR (including appendices) was posted on the City Planning Division website at https://www.visalia.city/depts/community_development/planning/ceqa_environmental_review.asp during the public review period.

The City received and evaluated numerous comments from other public agencies, as well as other interested organizations and individuals during the comment period. After the close of the public review period for the Draft EIR, the City received a comment letter from the California Department of Fish and Wildlife (CDFW) on June 4, 2024 and a comment letter from the Valley Air District on June 6, 2024. Although not required to do so under CEQA, the City elected to provide responses to

these late comment letters as though it had been submitted during the regular public comment period. (PRC § 21091(d); CEQA Guidelines § 15088).

The City prepared a Final EIR, consisting of the comments received on significant environmental issues during the 45-day public review and comment period, including the letter from CDFW, on the Draft EIR, written responses to those comments, revisions to the Draft EIR, and an errata making minor, non-substantive changes to the Final EIR. In accordance with applicable CEQA requirements, the responses to comments contained in the Final EIR address all written and verbal comments on environmental issues received by the City during the 45-day public review period. In addition, although not required to do so under CEQA, for purposes of providing for full disclosure and to further facilitate the EIR serving as an informational document, the City elected, in its discretion, to respond to written comments received by the City after the close of the 45-day public review period.

As noted above, for purposes of these Findings, the EIR shall consist of the Draft EIR, all appendices attached to the Draft EIR, and the Final EIR (consisting of the Introduction, Errata, and Responses to Comments, collectively). The City subsequently considered all oral and written comments regarding environmental issues in the EIR and determined, based on all of the evidence presented, including but not limited to the EIR, written and oral testimony given at public meetings and hearings in connection therewith, and the submission of comments from the public, organizations and regulatory agencies, as well as all other relevant information in the administrative record, the following environmental impacts associated with the proposed project are: (1) less than significant and do not require mitigation; or (2) potentially significant but will be avoided or reduced to a less than significant level through the implementation of the identified mitigation measures; or (3) significant and cannot be fully mitigated to a level of less than significant but will be substantially lessened to the extent feasible by the identified mitigation measures.

The City concludes that implementation of the proposed project could result in potentially significant and significant adverse environmental impacts. As reflected in the EIR, there is disagreement among various parties regarding particular conclusions, the scope of analysis, the identified mitigation measures, the type of analysis conducted, and the assumptions utilized in the EIR. CEQA and relevant case law interpreting the CEQA statute and Guidelines provide the standards for treating disagreement among experts in the context of an EIR, as follows: Where evidence and opinions conflict on an issue concerning the environment, and the Lead Agency knows of these controversies in advance, the EIR and/or related findings must acknowledge the controversies, summarize the conflicting opinions of the experts, and include sufficient information on the controversy. In making a decision on a project where there is disagreement among experts, the Lead Agency is not obligated to select the viewpoint that purports to be the most environmentally sensitive. Instead, decision-makers are vested with the discretion to weigh expert opinion and choose which they intend to rely on and are not required to resolve a dispute among experts. In their proceedings, decision-makers must consider comments received concerning the adequacy of the EIR and address any objections raised in these comments. However, decision-makers are not obligated to follow any directives, recommendations, or suggestions presented in comments on an EIR, and can certify an EIR without needing to resolve disagreements among experts.

In making its decision to certify the EIR and approve the proposed project, the City recognizes that a range of technical and scientific opinion exists with respect to certain environmental issues, particularly with respect to Agriculture, Air Quality, Biological Resources, Greenhouse Gas impacts, and Transportation. The Lead Agency has acquired a comprehensive and well-rounded understanding of the range of this technical and scientific opinion by its review of the EIR; as well as by its review of the information provided by the experts who prepared the EIR; the Lead Agency's other consultants and its staff; along with testimony, letters, reports, and other relevant materials in the administrative record, as well as its own experience and expertise in these matters. The materials reviewed by the Lead Agency include, without limitation, conflicting expert opinions and conflicting statements of facts and law, as well as other comments on the environmental issues set forth in the EIR. This comprehensive review has enabled the Lead Agency to make its decisions after weighing and considering the various viewpoints on these important issues, and the Lead Agency has made determinations of significant effects based on substantial evidence, not public controversy or speculation.

Accordingly, the Lead Agency hereby certifies that its Findings and determinations are based on all of the evidence contained in the EIR, as well as the evidence and other information in the administrative record addressing the environmental impacts of the proposed project, and hereby elects to rely on the analysis and evidence set forth in the EIR. The conclusions and analyses set forth in the EIR are further supported by other documents, information and materials included in the administrative record.

## 1.5 - Potential Environmental Effects Which are Not Significant or Less than Significant

The City has heard, been presented with, reviewed, and considered all of the information and data in the administrative record, including the Draft and Final EIR, and all oral and written evidence presented to it during all meetings and hearings. The EIR reflects the independent judgment of the City and is deemed adequate for the purposes of making decisions on the merits of the project.

Based on the information in the administrative record of proceedings, including the EIR, the following environmental effects are found to be to a less than significant level, and therefore not triggering the need for any mitigation. (CEQA Guidelines § 15091)

The identification of potential impacts used below is the same numbering used in the EIR. In addition to the supporting information presented below, please refer to the EIR, under separate cover, for greater detail.

To provide more meaningful public disclosure, reduce the time and cost required to prepare an environmental impact report, and focus on potentially significant effects on the environment of a proposed project, the EIR focuses on those potential effects on the environment of the proposed project which the City of Visalia has determined are or may be significant. Accordingly, consistent with Public Resources Code Section 21002.1 and Section 15128 of the CEQA Guidelines, the EIR focused its analysis on potentially significant impacts, and limited discussion of other impacts for which it can be seen with certainty there is no potential for significant adverse environmental

impacts. CEQA Guidelines Section 15091 does not require specific findings to address environmental effects that an EIR identifies as "no impact" or a "less than significant" impact and for which no mitigation is necessary.

The City Council agrees with the characterization in the EIR of all project-specific impacts identified as "no impact" or "less than significant" and hereby finds that those impacts have been described accurately and either have no impact on the physical environment or a less than significant impact, as described in the EIR. The City Council further finds that no substantial evidence was submitted or identified during the public comment period indicating that the proposed project would have a potentially significant impact with respect to the environmental impacts or topical categories listed below. Nevertheless, the City Council, based on its independent judgment and the entire administrative record before it, hereby finds that the proposed project would have either no impact or a less than significant impact as described below.

Therefore, based on its independent judgment and the entire administrative record before it, the City of Visalia has determined that the following potential environmental effects will not be significant and no mitigation is necessary for the reasons stated below.

There are no mineral resource recovery sites on or in the vicinity of the project site, and, accordingly there would be no impacts to mineral resources (Draft EIR, p. 4-1). Similarly, given the nonresidential, industrial nature of the proposed project, no direct population growth would be expected to occur; with respect to any indirect population growth caused by increased employment, this would be within the planned growth anticipated in the General Plan; therefore, there are no impacts to Population and Housing (Draft EIR, p. 4-2). Because of the industrial nature and location of the proposed project, combined with the quantity of existing park/recreational space and total facility usage that would not likely increase significantly as a result of the proposed project, there are no impacts to Parks and Recreation (Draft EIR, p. 4-4).

## 1.5.1 - Aesthetics

### Potential Effect

**Impact AES-1:** The proposed project would not have a substantial adverse effect on a scenic vista. (Draft EIR, p. 3.1-11)

**Findings:** Less than significant impact. No mitigation required.

**Facts in Support of Findings:** The Sierra Nevada range is approximately 18 miles east of the project site and is visible from the project site on clear days. There are also no scenic vistas of waterways, such as St. Johns River, which are visible from the project site. Also, the project site is more than 2 miles north of SR-198, more than 5 miles northwest of Mooney Boulevard, and more than 4 miles from Dinuba Boulevard. Because of the distance from these corridors, the proposed project would not have a significant impact on the views available from these entry corridors. However, the General Plan identifies the vast agricultural lands beyond the edge of the City as one of the City's scenic resources. The project site currently consists of cultivated agricultural lands and allows views of other agricultural lands in the vicinity. These views can be seen from the northern boundary of the project site, Shirk Street, and the intersection of Riggin Avenue and Shirk Street.

*Construction:* While construction vehicles would be on-site, those vehicles would not be tall enough to obstruct the views of adjacent agricultural lands. Dust caused by construction would be kicked up intermittently but would not significantly obstruct these views; any minor obstruction as a result of dust would be temporary in nature and thus would not occur for extended periods of time. In addition, the proposed project would be required to incorporate dust control measures as stipulated by District Rule 8021, which would help to further reduce any such impacts, which would be less than significant.

*Operation:* With respect to potential impacts to scenic vistas that could occur as a result of project operations, while the proposed project would remove existing agricultural land, the proposed industrial use (including the buildings and related improvements) would be consistent with the long-term land use vision for the project site as reflected in the existing Industrial and Light Industrial General Plan land use designations. The proposed project would involve new buildings and related facilities that would be urban in nature. Operation of the proposed project would impact views of expansive agricultural lands on and adjacent to the project site from publicly accessible roadways. However, this type of change was envisioned by the City in the General Plan and is in keeping with the relevant General Plan goals, objectives, and policies described above, as well as other surrounding urbanized uses in the general vicinity. Additionally, the proposed project would be required to incorporate new landscaping in accordance with the City's applicable Landscape Standard Specifications, which would further soften the industrial character of the proposed project and reduce its overall visual impact. The proposed project would provide street trees, plantings, and lighting in accordance with applicable requirements and standards. (Draft EIR, pp. 3.1-9-11)

## Potential Effect

**Impact AES-2:** The proposed project would not substantially damage scenic resources, including, but not limited to, trees, rock outcroppings, and historic building within a State scenic highway. (Draft EIR, p. 3.1-11)

**Findings:** No impact. No mitigation required.

**Facts in Support of Findings:** There are no Officially Designated State Scenic Highways within the City of Visalia. The 44-mile stretch of SR-198 between SR-99 and Sequoia National Park is classified as an eligible Scenic Highway. However, the proposed project is more than 2 miles from SR-198 and is not visible to travelers along this potentially eligible scenic highway. (Draft EIR, p. 3.1-11)

## Potential Effect

**Impact AES-3:** The proposed project would not substantially degrade the existing visual character or quality of public views of the site and its surroundings or conflict with applicable zoning and other regulations governing scenic quality. (Draft EIR, p. 3.1-14)

**Findings:** Less than significant impact. No mitigation required.

**Facts in Support of Findings:** The project site does not have an existing residential population of at least 5,000 persons or otherwise meet the criteria to be considered as an "urbanized area," and therefore the above threshold applies. The project site is located in an area that is transitioning from agricultural to industrial land uses. The project site is surrounded by land with agricultural, industrial, and residential characteristics. Public views from the project site include agricultural lands to the north and east.

*Construction:* Construction-related activities would temporarily influence the character of the project site and vicinity where associated off-site improvements would be located, as viewed from surrounding uses by motorists, bicyclists, and pedestrians. Graded surfaces, construction debris, construction equipment, and truck traffic would be visible throughout the estimated 4 years of construction (which would likely occur in phases). However, all stationary construction equipment would be placed away or screened from nearby residential uses southeast of the site. This would reduce some impacts to visual character during construction.

*Operation:* The proposed industrial buildings and related improvements would be consistent and compatible with the existing visual characteristics of the adjacent industrial uses in terms of height and design. Moreover, the proposed project would provide landscaping in accordance with the City's applicable Landscape Standard Specifications. The addition of landscaping with native plants such as coast live oak would help to further ensure the visual character and quality of public views of the project site and vicinity would not be substantially degraded. The proposed project is also designed to screen views of the loading and parking areas from adjacent properties to ensure a cohesive aesthetic view from the ground and adjacent buildings. Overall, the proposed project would be mostly obscured from public view from West Riggin Avenue due to additional landscaping, creating a cohesive aesthetic view from the ground.

Consistent with the development envisioned in the General Plan, the proposed project would be designed to reflect in the project site's existing Industrial and Light Industrial General Plan land use designations.

Based on the foregoing, the proposed project would not substantially degrade the existing visual character or quality of public views of the site and its surroundings. (Draft EIR, p. 3.1-12)

## Potential Effect

**Impact AES-4:** The proposed project would not create a new source of substantial light or glare which would adversely affect day or nighttime views in the area. (Draft EIR, p. 3.1-16)

**Findings:** Less than significant impact. No mitigation required.

**Facts in Support of Findings:** *Construction:* The proposed construction activities would occur during daylight hours given the applicable restrictions for construction hours in accordance with Municipal Code Section 8.36.050(C).In the event that some nighttime lighting is needed for security purposes, security lighting would comply with Section 17.30.015.H of the Zoning Ordinance.

There would be increased truck traffic and the transport of construction materials and equipment to the project site, which would temporarily increase light and glare conditions during construction. However, any such increase in light and glare would be minimal and temporary in nature. All stationary construction equipment would be placed away or screened from nearby residential uses southeast of the project site. This would reduce some of the light and glare generated from stationary construction equipment.

*Operation:* Once constructed, the proposed new uses would include sources of light and glare similar to those in the surrounding industrial areas generated by street lighting, illuminated signage, building-mounted lighting, and freestanding exterior security lighting. Many of these existing surrounding uses would be similarly illuminated during the nighttime and early morning hours for safety and security purposes. It would be required to comply with applicable development standards, which are designed to minimize impacts related to excessive light trespass and glare.

The proposed buildings would be constructed primarily with non-reflective materials (such as concrete). Although the proposed industrial buildings would contain some glass elements, the glass areas are broken up by aluminum and concrete panels and would not contribute to a substantial amount of glare. Moreover, any such glare would be partially obscured by landscaping. Impacts resulting from lighting and glare would be further minimized through compliance with all applicable development standards and requirements, which would be confirmed during the site plan review process for each individual specific development proposal for the proposed project to ensure the proposed lighting is so arranged as to deflect the light away from adjoining properties, not cause a significant traffic hazard, or otherwise create a new source of substantial light or glare that would adversely affect day or nighttime views in the area. (Draft EIR, p. 3.1-14)

## Potential Effect

**Cumulative Impact:** The proposed project would not have a cumulative impact related to aesthetics, light, and glare. (Draft EIR, p. 3.1-18)

**Findings:** Less than significant impact. No mitigation required.

**Facts in Support of Findings:** For purposes of evaluating the proposed project's cumulative impacts on aesthetic resources such as scenic vistas, visual character and views, the relevant geographic scope of review is the land within the immediate vicinity surrounding the project site. The cumulative setting includes relevant past, present, and reasonably foreseeable future development, including existing agricultural and industrial uses located in the above-referenced geographic scope. There are several cumulative projects located near the project site, including those shown in Exhibit 3-1 of the Draft EIR (Draft EIR, p. 3-5).

Because of distance and intervening development, Cumulative Project 8 and Cumulative Project 3 are not within view of the project site; all other listed cumulative projects (Cumulative Projects 1, 2, 4, 5, 6, and 7) are within view of the project site. Because the past, present, and reasonably foreseeable cumulative projects are/would be consistent with the types of projects envisioned in the General Plan and reflect the increasingly urbanized nature of this area, and would adhere to all applicable regulations and policies, the cumulative impact of these projects is less than significant.

Similar to other cumulative projects in the vicinity, the proposed project would have no impact with respect to scenic highways.

With respect to impacts to scenic vistas, views, and visual character, the proposed project would have no impact on a scenic vista. The proposed project would be consistent with the City's planned vision to transition the site to a more urban setting that would be compatible with existing, nearby industrial projects, would incorporate high-quality building and site design features as well as ample landscaping, and would otherwise ensure there would not be significant impacts. Based on the foregoing reasons, the proposed project would not have a cumulatively considerable contribution to the already less than significant cumulative impact with respect to scenic vistas, visual character, and views.

For the purpose of evaluating the cumulative impacts on light and glare, the relevant geographic scope of review is the land within the immediate vicinity surrounding the project site. The cumulative setting includes relevant past, present, and reasonably foreseeable future development, including existing agricultural and industrial uses located in the above-referenced geographic scope. Cumulative Projects 1, 2, 4, 6, and 7 are located adjacent to the project site, as shown in Exhibit 3-1 of the Draft EIR (Draft EIR, p. 3-5). Existing and new buildings associated with the cumulative projects would result in an increase in light and glare impacts on surrounding uses, particularly for those areas that have not yet urbanized, which would result due to on-site improvements as well as mobile sources. However, the cumulative projects would be required to adhere to the above-described applicable development standards and design standards provided in the General Plan and Municipal Code intended to reduce daytime glare and nighttime lighting. Moreover, the City would confirm consistency with these requirements as part of the site plan review process, as outlined in Section 17.28.040 of the Municipal Code. As such, the proposed project would not result in a cumulatively considerable contribution to the already less than significant cumulative impact with respect to light and glare. (Draft EIR, p. 3.1-16)

## 1.5.2 - Agriculture and Forest Resources

### Potential Effect

**Impact AG-2:** The proposed project would not conflict with existing zoning for agricultural use, or a Williamson Act Contract. (Draft EIR, p. 3.2-13)

**Findings:** Less than significant impact. No mitigation required.

**Facts in Support of Findings:** The project site is zoned AE-40 under the County's Zoning Ordinance. The AE-40 Zone is intended for agricultural uses. However, the applicant is requesting prezoning to Industrial and Light Industrial, which would take effect upon annexation into the City. This zone district would be consistent with the existing Industrial and Light Industrial General Plan designations that currently apply to the project site. Because the prezoning allows for industrial and light industrial use, the change in zoning from AE-40 to the City's Industrial and Light Industrial zones would ensure there is no conflict with existing zoning. Impacts would be less than significant.

All three parcels comprising the project site are subject to a Williamson Act Contract. Pursuant to the applicable provisions of the California Government Code, the landowner initiated a Notice of

Nonrenewal in July 2021 for the contract, beginning a 9-year process to formally terminate the contract. Based on the date of the Notice of Nonrenewal, the contract would have expired in December 2030. However, in order for the proposed project to be developed prior to that time, State law provides a detailed procedure to cancel a Williamson Act Contract. The landowner filed a cancellation petition with Tulare County in November 2022, which was approved by the Board of Supervisors pursuant to Section 51282(a). The Board of Supervisors determined the required findings were made and thus approved the cancellation on November 29, 2022 (see Appendix G2), contingent upon payment of cancellation fees and satisfaction of the other identified conditions, there would be no conflict with the existing agricultural zoning or adjacent Williamson Act contracted land. Impacts would be less than significant. (Draft EIR, p. 3.2-12)

## Potential Effect

**Impact AG-3:** The proposed project would not conflict with existing zoning for, or cause rezoning of, forest land (as defined in Public Resources Code Section 12220(g)), timberland (as defined by Public Resources Code Section 4526), or timberland zoned Timberland Production (as defined by Government Code Section 51104(g)). (Draft EIR, p. 3.2-14)

**Findings:** No impact. No mitigation required.

**Facts in Support of Findings:** The project site does not contain any forest land or timberland, as defined by Public Resource Code Section 4526, nor does it contain any timberland zoned Timberland Production, as defined by Government Code Section 51104(g). Additionally, according to the CDFW, there are no private timberlands or public lands with forests within the project site. This condition precludes the possibility of the proposed project conflicting with forest zoning of forest land or timberland. No impact would occur. (Draft EIR, p. 3.2-13)

## Potential Effect

**Impact AG-4:** The proposed project would not result in the loss of forest land or conversion of forest land to non-forest use. (Draft EIR, p. 3.2-13)

**Findings:** No impact. No mitigation required.

**Facts in Support of Findings:** The project site is adjacent to urbanized, industrial land uses (with these surrounding uses also not containing any forest land) and does not contain any forest land. This condition precludes the possibility of the proposed project converting forest land to non-forest use. Therefore, no impacts would occur. (Draft EIR, p. 3.2-13)

## Potential Effect

**Impact AG-5:** The proposed project would not involve other changes in the existing environment which, due to their location or nature, could result in conversion of Farmland, to nonagricultural use or conversion of forest land to non-forest use. (Draft EIR, p. 3.2-14)

**Findings:** Less than significant impact. No mitigation required.

**Facts in Support of Findings:** Tulare County classifies the areas north, east, and south of the project site (outside city limits) as within the AG-20 and AG-40, Exclusive Agricultural zone districts. The land to the west and some of the land to the south of the project site is within the City's SOI and is designated Industrial and Light Industrial by the General Plan. Chief causes for the loss of Farmland include development of low-density rural residences and ecological restoration projects, such as wetlands and wildlife habitat. The proposed project does not fall in either of these categories. It would be speculative to determine that the proposed project would promote growth in such a way to result in the conversion of adjacent lands to nonagricultural uses. Additionally, these other lands would need to be annexed into the City of Visalia and would require the completion of CEQA analysis prior to the discretionary approval of any development. However, the proposed project does not include the annexation of these lands and, therefore, would not result in a change in the existing environment that could result in conversion of Farmland to nonagricultural use. Though there is a possibility this land would be converted to nonagricultural uses in the future, the proposed project would not be the cause of that conversion; rather, the proposed project is simply helping to implement the City's longtime urbanized land use vision for the project site and vicinity. Impacts would be less than significant. (Draft EIR, p. 3.2-14)

With respect to the conversion of forest land, as explained more fully above, the project site is adjacent to urbanized, industrial land uses; these adjacent lands do not contain any forest land. As explained above, neither the project site nor other lands in the vicinity contain timberlands or forestlands. This condition precludes the possibility of the proposed project converting forest land to non-forest use. (Draft EIR, p. 3.2-14)

## 1.5.3 - Air Quality

### Potential Effect

**Impact AIR-3:** The proposed project would not expose sensitive receptors to substantial pollutant concentrations. (Draft EIR, p. 3.3-60)

**Findings:** Less than significant impact. No mitigation is necessary.

**Facts in Support of Findings:** *Construction:* No sensitive receptors would be located on-site during construction that could be exposed to high levels of reactive organic gases (ROG) such that they would present a health risk concern. Therefore, exposure to ROG during architectural coatings is a less than significant health impact. Residents are not in the immediate vicinity of the fumes because asphalt paving activity would be temporary and only occur on the project site and in areas where roadway improvements would occur as part of construction activity. Consequently, exposure to asphalt fumes could only occur during the paving phase of construction which would only occur during permissible construction hours and would end once construction is complete; therefore, any nearby sensitive receptors would not be subjected to concentrations high enough to evoke a negative response or otherwise result in a significant, adverse impact. In addition, the restrictions that are placed on asphalt in the San Joaquin Valley by the Valley Air District, with which the proposed project would need to adhere, reduce ROG emissions from asphalt and exposure because they reduce odor and fumes from burning of asphalt material. The impact to nearby sensitive receptors from ROG during construction is less than significant.

*Health Risk Assessment:* During construction and operation, the proposed project would result in emissions of several toxic air contaminants (TAC) that could potentially impact nearby sensitive receptors. The Valley Air District has defined health risk significance thresholds. Under both unmitigated reasonable and worst-case scenario, the proposed project's construction diesel particulate matter (DPM) emissions would not exceed the cancer risk significance threshold at the Maximally Impacted Sensitive Receptor (MIR). The MIR is a unit located at the northwest corner within a single-family duplex complex located at 6714 W Oriole Drive, Visalia, CA 93291. The proposed project's operational DPM emissions would not exceed the cancer risk significance threshold or non-cancer hazard index significance threshold at the MIR. As shown in Table 3.3-22 of the EIR and Air Quality Report (attached to the Draft EIR as Appendix B), the combined impact from project construction and operation at the MIR would not exceed the cumulative health risk threshold. Therefore, the proposed project would not result in a significant impact on nearby sensitive receptors from TACs during operation. Health risk impacts from construction and operations, and construction with operations combined would be less than significant. (Draft EIR, pp. 3.3-60–68)

**Impact AIR-4:** The proposed project would not result in other emissions (such as those leading to odors) adversely affecting a substantial number of people). (Draft EIR, p. 3.3-69)

**Findings:** Less than significant impact. No mitigation is necessary.

**Facts in Support of Findings:** Because the proposed project would not introduce new sensitive receptors to an area near existing odor sources, the analysis implements the following methodology to evaluate potential impacts in this regard: Would the proposed project generate significant amounts of odors during construction or operation?

*Construction:* Diesel exhaust and ROGs would be emitted during construction of the proposed project as a result of the various diesel-powered vehicles and equipment in use on-site, which would create localized odors. The proposed project would develop a total of approximately 284 acres over time, which would require the operation of construction equipment and vehicles throughout the project site. However, as the proposed buildings would, for the most part, be located within the interior of the project site and set back from the project boundaries and surrounding land uses, the operation of construction equipment and vehicles would predominantly occur in the interior of the project site and not along the project boundaries or near sensitive receptors located to the southeast. Moreover, construction emissions would disperse relatively rapidly from the project site given the nature of the emissions. Thus, these odors would be temporary and would not likely be noticeable for extended periods of time beyond the project's site boundaries. As such, construction odor impacts would be less than significant.

*Operation:* Land uses that are typically identified as sources of objectionable odors include landfills, transfer stations, sewage treatment plants, wastewater pump stations, composting facilities, feed lots, coffee roasters, asphalt batch plants, and rendering plants. The proposed project would be occupied by multiple tenants/occupants in the light industrial buildings, a convenience store and gas station, a car wash, and two drive-through restaurants. None of the proposed uses would be considered sources of significant odors. Although the gas station use would emit some odors due to

the re-fueling of gasoline and diesel, this land use would not include refining of fossil fuels and odors would disperse into the atmosphere relatively rapidly, similar to construction emissions, and the closest sensitive receptor would be located across the West Riggin Avenue and North Shirk Street intersection, such that odors would not be significant. As a result, the proposed project would not place an odor source within the screening distance to sensitive receptors.

The proposed project would not include residential, daycare, or other types of sensitive receptor land uses on the project site. As a result, the proposed project would not place new sensitive receptors within the screening distance of a significant source of odors. Impacts would be less than significant. (Draft EIR, p. 3.3-69)

## 1.5.4 - Biological Resources

### Potential Effect

**Impact BIO-2:** The proposed project would not have a substantial adverse effect on riparian habitat or other sensitive natural community identified in local or regional plans, policies, regulations, or by the California Department of Fish and Wildlife or United States Fish and Wildlife Service. (Draft EIR, p. 3.4-28)

**Findings:** Less than significant impact. No mitigation required.

**Facts in Support of Findings:** None of the vegetation communities on-site and described in Section 3.4.2 of the Draft EIR are considered riparian habitat or other sensitive natural communities. No sensitive natural communities are present on-site, and there is no riparian habitat present on-site. Impacts would be less than significant. (Draft EIR, p. 3.4-28).

### Potential Effect

**Impact BIO-5:** The proposed project would not conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance. (Draft EIR, p. 3.4-31)

**Findings:** Less than significant impact. No mitigation is necessary.

**Facts in Support of Findings:** The single individual valley oak tree located across the Modoc Ditch with its canopy overhanging the project site is protected under the City's Oak Tree Preservation Ordinance. Per the Ordinance, the proposed project is prohibited from encroachment into canopy dripline of oak trees during construction (Visalia Municipal Code, Article 4; Section 3.4.3). The proposed project involves no vertical structures, soil disturbance, or access road construction at this location (Draft EIR, Exhibit 3.4-2). Therefore, impacts on the valley oak would be less than significant.

The proposed project would require removal of up to approximately 1.19 acre of non-native ornamental trees. These trees would only be considered protected or regulated if they are within the City's right-of-way. This may be the case for the cedar tree in the southeast corner of the project site, potentially within the right-of-way of Riggin Avenue. With compliance with the City's Street Tree Ordinance, however, potential impacts on trees regulated by the City's Street Tree Ordinance would be less than significant and thus no mitigation would be required. (Draft EIR, p. 3.4-31)

### Potential Effect

**Impact BIO-6:** The proposed project would not conflict with the provisions of an adopted Habitat Conservation Plan, Natural Community Conservation Plan, or other approved local, regional, or State Habitat Conservation Plan. (Draft EIR, p. 3.4-32)

**Findings:** No impact. No mitigation necessary.

**Facts in Support of Findings:** The proposed project does not lie within the boundaries of any adopted Habitat Conservation Plan (HCP), NCCP, or other approved local, regional, or State HCP. No impact would occur. (Draft EIR, p. 3.4-32)

## 1.5.5 - Energy

### Potential Effect

**Impact ENER-1:** The proposed project would not result in a potentially significant environmental impact due to wasteful, inefficient, or unnecessary consumption of energy resources, during project construction or operation. (Draft EIR, p. 3.6-9)

**Findings:** Less than significant impact. No mitigation necessary.

**Facts in Support of Findings:** *Construction:* Construction equipment is estimated to consume a total of approximately 886,679 gallons of diesel fuel over the entire construction duration. In total, the proposed project is estimated to generate approximately 17,099,450 Vehicle Miles Traveled (VMT) and a combined approximately 924,696 gallons of gasoline and diesel for vehicle travel during construction. It is anticipated that the construction phase of the proposed project would not result in wasteful, inefficient, and unnecessary consumption of energy. Construction-related energy impacts would be less than significant.

*Operation:* Operation of the proposed project would consume an estimated 34,152,062 kilowatt-hours (kWh) of electricity and an estimated 49,385,262 kilo-British Thermal Unit (kBTU) of natural gas on an annual basis. The proposed project's buildings and related improvements and infrastructure would be designed and constructed in accordance with the City's latest adopted energy efficiency standards, which are based on the State's Building Energy Efficiency Standards. As specified in Chapter 5, Part 11 of the Title 24 standards, the proposed project would be required to incorporate electrical conduit to facilitate future installation of electric vehicle (EV) charging infrastructure. In addition, as specified in Subchapter 6, Part 6 of the Title 24 standards, the proposed project would be required to include a photovoltaic system to be installed in accordance with Energy Code Section 140.10. As such, the design of the proposed project would facilitate the future commitment to renewable energy resources. Therefore, building energy consumption would not be considered wasteful, inefficient, or unnecessary.

Project-related vehicle trips would consume an estimated 7,576,169 gallons of gasoline and diesel annually. In addition, the proposed project would include the installation of bicycle parking fixtures consistent with the applicable City of Visalia Municipal Code requirements for new development, encouraging the use of alternative modes of transportation for worker commutes. Regional access to the project site is provided via SR 99, which is 0.85 mile to the east of the project site. As a result,

the proposed project would be located within 1 mile of a major transportation corridor that provides interstate regional access. Moreover, as discussed in Section 3.15, Transportation, of the Draft EIR, the proposed project would be required to implement various Transportation Demand Management (TDM) measures that would contribute to fuel savings through incentives for project staff to utilize non-motorized transportation modes. Furthermore, the proposed project would generate vehicle trips that would travel to other cities and states in order to deliver goods and the location of the proposed project would not result in excessive or wasteful vehicle travel. Thus, transportation fuel consumption would not be wasteful, inefficient, or unnecessary. Impacts would be less than significant. (Draft EIR, p. 3.6-5-11)

## Potential Effect

**Impact ENER-2:** The proposed project would not conflict with or obstruct a State or local plan for renewable energy or energy efficiency. (Draft EIR, p. 3.6-12)

**Findings:** Less than significant impact. No mitigation is necessary.

**Facts in Support of Findings:** The proposed project's electricity provider does not meet the State's current objective of 33 percent of electricity from renewable energy sources. However, the utility provider would be required pursuant to applicable laws and regulations to meet the future objective of 60 percent of electricity from renewable energy sources by 2030. As noted above, the proposed project's buildings and related improvements and infrastructure would be designed in accordance with then-current Title 24, California's Energy Efficiency Standards for Nonresidential Buildings. These standards include minimum energy efficiency requirements related to building envelope, mechanical systems (e.g., HVAC and water heating systems), and indoor and outdoor lighting. Based on the foregoing, including the incorporation of the Title 24 standards into the design of the proposed project, this would ensure that the proposed project would not result in the use of energy in a wasteful manner.

The proposed project would be consistent with relevant Climate Action Plan (CAP) actions related to Energy, which would be further ensured by requiring compliance with Mitigation Measure (MM) GHG-2a, which would require a photovoltaic system to be installed in accordance with the Energy Code Section 140.10. In addition, the proposed project would be consistent with other relevant CAP actions related to reduction energy consumption such as, including drought-tolerant landscaping that requires less water demand and consequently less electricity to convey that water to the project site. Additionally, compliance with then-current Title 24 standards would ensure that the proposed project would not conflict with any of the General Plan energy conservation policies related to the proposed project's building envelope, mechanical systems, and indoor and outdoor lighting. The proposed project would be required to comply with applicable State energy standards and with relevant energy conservation policies contained in the Visalia General Plan and those set forth in the City's Municipal Code and related standards and requirements. As such, the proposed project would not conflict with State or local renewable or energy efficiency objectives. Impacts would be less than significant. (Draft EIR, p. 3.6-12)

### Potential Effect

**Cumulative Impact:** The proposed project would have a less than significant impact related to energy. (Draft EIR, p. 3.6-12)

**Findings:** Less than significant impact. No mitigation is necessary.

**Facts in Support of Findings:** The geographic scope of the cumulative energy analysis is the portion of Southern California Edison (SCE) service area that covers incorporated and unincorporated Tulare County. Cumulative projects considered as part of this cumulative analysis include the proposed project, the listed cumulative projects (Draft EIR, Exhibit 3-1), and other past, present, and reasonably foreseeable future projects within the SCE service area that covers the incorporated and unincorporated areas of Tulare County. The incorporation of the Title 24 standards into the design of cumulative projects, including the proposed project, would ensure that the proposed project, as well as the other cumulative projects, would not result in the inefficient, unnecessary, or wasteful consumption of electricity or natural gas. Cumulative projects, similar to the proposed project, would also be required to comply with California Code of Regulations Title 13, Sections 2449(d)(3) and 2485. Compliance with these regulations by the cumulative projects, as well as the proposed project, would ensure that there would not be the inefficient, unnecessary, or wasteful consumption of electricity, gas, or fuel. Therefore, the proposed project, in conjunction with other existing, planned, and foreseeable future projects would result in a less than significant cumulative impact related to energy consumption.

With respect to the proposed project's contribution to this already less than significant impact, it would be required to comply with applicable Statewide and local policies and standards pertaining to energy efficiency and can reasonably be assumed to pursue greater energy efficiencies to the extent commercially practicable in its operation, in the interest of reducing operating costs. As such, the proposed project's incremental contribution to the less than significant cumulative impact would not be considerable with respect to energy consumption in the form of electricity and natural gas. The proposed project's incremental contribution to the less than significant cumulative impact would not be cumulatively considerable with respect to the wasteful or inefficient use of energy. (Draft EIR, p. 3.6-12)

## 1.5.6 - Geology and Soils

### Potential Effect

**Impact GEO-1a:** The proposed project would not directly or indirectly cause potential substantial adverse effects, including the risk of loss, injury or death involving:

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

**Findings:** Less than significant impact. No mitigation is necessary. (Draft EIR, pp. 3.7-11–12)

**Facts in Support of Findings:** While the project site is located in a highly seismic region within the influence of multiple faults (similar to many areas in California), the project site is not located within or within close proximity to a known earthquake fault. The nearest known earthquake fault, as delineated by the Alquist-Priolo Earthquake Fault Zoning Map, is associated with the Pond Fault that is approximately 61 miles south of the project site. Because of the distance of this fault to the project site, the proposed project would not directly or indirectly cause potential substantial adverse effects, including the risk of loss, injury, or death involving the rupture of a known fault; therefore, impacts in this regard would be less than significant.

Construction of the proposed project would be subject to all applicable ordinances of the Visalia Building Code (Chapter 15.08) and other applicable standards and requirements. The City has adopted the California Building Standards Code (CBC) 2019 Edition (California Code of Regulations [CCR] Title 24), which incorporates substantially the same requirements as the IBC, 2018 Edition, with some modifications and amendments. Building permit applications submitted after January 1, 2023, are subject to the 2022 edition of the CBC. Adherence to all applicable laws and regulations would ensure that any potential fault rupture-related impacts associated with the proposed project would be less than significant. (Draft EIR, pp. 3.7-11–12)

## Potential Effect

**Impact GEO-1c:** The proposed project would not directly or indirectly cause potential substantial adverse effects, including the risk of loss, injury or death involving:

iii) Seismic-related ground failure, including liquefaction.

**Findings:** Less than significant impact. No mitigation is necessary. (Draft EIR, p. 3.7-14)

**Facts in Support of Findings:** According to the Geotechnical Evaluation (Draft EIR, Appendix E), no groundwater was encountered in borings during the site investigation; data from nearby wells indicate that historic groundwater levels were recorded at levels between 100 and 200 feet below ground surface (BGS). The project site is not mapped for liquefaction hazards by the California Geologic Survey (CGS); accordingly, as detailed more fully in the Geotechnical Evaluation, there are no significant liquefaction-related seismic hazards that need to be considered as part of project design considerations. Based on the foregoing, potential impacts from liquefaction are considered to be low. Moreover, adherence to all applicable standards and requirements including, among others, those set forth in the CBC would help to further ensure that effects from seismic-related ground failure including the potential for liquefaction would be reduced and remain less than significant. (Draft EIR, pp. 3.7-13–14)

## Potential Effect

**Impact GEO-1d:** The proposed project would not directly or indirectly cause potential substantial adverse effects, including the risk of loss, injury or death involving:

iv) Landslides.

**Findings:** Less than significant impact. No mitigation is necessary. (Draft EIR, p. 3.7-14)

**Facts in Support of Findings:** The project site is relatively flat with a gentle slope toward the east with a ground surface elevation of approximately 300 to 305 feet above mean sea level. Therefore, the project site is not expected to have any significant landslide potential, as explained more fully in the Geotechnical Evaluation. Therefore, development of the proposed project would not directly or indirectly cause potential substantial adverse effects, including risk of loss, injury or death involving landslides, and thus impacts would be less than significant. (Draft EIR, p. 3.7-14)

### Potential Effect

**Impact GEO-5:** The proposed project would not have soils incapable of adequately supporting the use of septic tanks or alternative wastewater disposal systems where sewers are not available for the disposal of wastewater. (Draft EIR, p. 3.7-18)

**Findings:** No impact. No mitigation necessary.

**Facts in Support of Findings:** The proposed project would use portable bathroom facilities to accommodate on-site workers throughout the construction process. Once constructed, the proposed project would connect to City-operated sewer and wastewater, water, and stormwater facilities. Therefore, the proposed would not require the use of septic tanks or alternative wastewater disposal systems. (Draft EIR, p. 3.7-18)

## 1.5.7 - Greenhouse Gas Emissions

### Potential Effect

**Impact GHG-1:** The proposed project would not generate greenhouse gas emissions, either directly or indirectly, that may have a significant impact on the environment. (Draft EIR, p. 3.8-32)

**Findings:** Less than significant impact. No mitigation is necessary.

**Facts in Support of Findings:** The proposed project would achieve a reduction of 15.35 percent beyond the California Air Resources Board (ARB) 2020 21.7 percent target and 8.05 percent beyond the Valley Air District 29 percent reduction from business-as-usual (BAU) requirements with compliance with applicable laws and regulations and incorporation of identified project design features in the 2025 operational year. Moreover, the proposed project would achieve a reduction of 40.9 percent from BAU by the year 2030 with compliance with applicable laws and regulations and identified project design features incorporated. Based on the foregoing progress toward greenhouse gas (GHG) emission reduction targets, it is reasonable to conclude that the proposed project is consistent with the 2017 Scoping Plan and would contribute a reasonable fair share contribution to achieving the 2030 target. This fair share would be achieved through several mechanisms, including, for example, compliance with increasingly stringent State laws and regulations that apply to new development, such as Title 24 and CALGreen, and regulations on energy production, fuels, and motor vehicles that apply to both new and existing development. Therefore, the proposed project would not generate significant direct or indirect GHG emissions and impacts would be less than significant. (Draft EIR, pp. 3.8-32–35)

## 1.5.8 - Hazards and Hazardous Materials

### Potential Effect

**Impact HAZ-1:** The proposed would not create a significant hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials. (Draft EIR, p. 3.9-21–25)

**Findings:** Less than significant impact. No mitigation necessary.

**Facts in Support of Findings:** A Phase I ESA was conducted for the project site and found the potential presence of pesticides or herbicides in site soil, due to the current and historic agricultural use of the project site, to be a Recognized Environmental Condition (REC). No Controlled RECs (CRECs) or Historical RECs (HRECs) were observed on the project site. A Limited Phase II ESA found detectable arsenic concentrations in soil samples, at concentrations of 1.22 to 7.78 mg/kg, which are above the United States Environmental Protection Agency (EPA) Regional Screening Levels (RSLs) and California Department of Toxic Substances Control (DTSC) Screening Levels for industrial soil, but simultaneously below the 12 mg/kg background arsenic concentration level in Southern California soil as identified by the DTSC. Given that it is significantly below the background arsenic concentration level, the EIR determined the exceedance is not significant and does not indicate contamination from an anthropogenic source. As such, the EIR, based in part on the Phase II ESA, concluded that the soil within the project site would be characterized as nonhazardous waste.

As noted above, there is the potential presence of pesticides or herbicides in site soil that is considered a REC. According to aerial imagery in the Phase I ESA, all existing on-site improvements were constructed after 2016 and therefore, because of their date, would not contain hazardous materials such as lead-based paint, asbestos-containing material, or polychlorinated biphenyl (PCBs). The Phase II ESA concluded that no reportable concentration organochlorine pesticides were found on the project site. As discussed previously, the project site also contains soils with detectable arsenic concentrations (1.22 to 7.78 mg/kg). However, the measured concentration in site soils is below the Southern California soil background level of 12 mg/kg and thus soil from the project site would be considered nonhazardous waste.

*Construction:* The proposed project has the potential to generate fugitive dust and suspend Valley Fever spores within the dust that could then reach nearby sensitive receptors. It is possible that on-site workers could be exposed to Valley Fever as fugitive dust is generated during construction. Implementation of dust control measures, which are standard pursuant to District Rule 8021 throughout the construction period would reduce fugitive dust emissions. Therefore, the exposure to Valley Fever would be minimized. With the implementation of these dust control measures, dust from the construction of the proposed project would not add significantly to the existing exposure level of people to this fungus, including construction workers, and impacts would be less than significant.

Hazardous materials such as petroleum fuels and lubricants used on field equipment would be subject to applicable provisions of the Unified Hazardous Waste and Hazardous Materials Management Regulatory Program, the Spill Prevention, Control, and Countermeasure (SPCC) Rule,

the Storm Water Pollution Prevention Plan (SWPPP), and other standard measures to limit releases of hazardous materials and wastes (see further discussion of Best Management Practices (BMP) requirements in Section 3.10, Hydrology and Water Quality, of the Draft EIR). Recyclable materials, including wood, shipping materials, and metals, would be separated when practicable for recycling, also pursuant to applicable requirements. The disposal of any oils or lubricants would be in accordance with all applicable laws and regulations, including, without limitation, the requirements of licensed receiving facilities. Overall, the relatively limited use and small quantities of typical hazardous materials, and subsequent transport and disposal of such materials, during construction would be controlled through compliance with applicable laws and regulations pursuant to a comprehensive regulatory framework administered by the DTSC and other relevant public agencies. Required compliance with applicable hazardous material laws and regulations would ensure that transport and disposal of any contaminated soils would not result in a significant hazard to the public or environment.

*Operation:* As part of its site design, the gas station would have two 20,000-gallon underground storage tanks (USTs) on-site. In accordance with General Plan Policy S-P-17, the proposed project would be required to prepare a Hazardous Materials Business Plan (HMBP) in accordance with the applicable Tulare County regulations outlined in the Tulare County HMBP. The proposed project's HMBP would be required to disclose the inventory of all hazardous materials on-site and would be made available to first responders in the City and County for emergency response activities. In addition, the project applicant for the gas station would be required to obtain a permit to operate the proposed UST system per California Code of Regulations Title 23, Division 3, Chapter 16, California Health and Safety Code Section (25280–25299.8). These regulations, among other things, mandate the testing and frequent inspections of the UST facilities. Plans must be submitted to the Tulare County Division of Environmental Health prior to any underground storage tank installations, modifications, repairs, or removals.

The California Environmental Protection Agency (Cal/EPA) oversees the Statewide implementation of the HMBP, which aims to prevent or minimize harm to public health and safety, and the environment from the release or threatened release of hazardous material. The minimum reporting quantities for hazardous materials is 55 gallons for liquids, 500 pounds for solids, or 200 cubic feet for compressed gas. If a business handles hazardous materials at or in excess of the minimum thresholds, a HMBP is required to be prepared and approved by the State and local jurisdictions. The project tenants/operator will be required to submit information to the California Environmental Reporting System (CERS), Tulare County Department of Public Health, and the City regarding the use and storage of hazardous materials. Both the proposed gas station/mini-mart and future industrial uses would be subject to the applicable HMBP requirements if they handle hazardous materials in excess of minimum reporting quantities.

Any routine storage, handling, transport, use, or disposal of hazardous materials during operation of the proposed project would be required to comply with all applicable laws, regulations, policies, and programs set forth by various federal, State, and local agencies, including, without limitation, the EPA, RCRA, Caltrans, the Hazardous Materials Transportation Act, and the Tulare County Hazard Mitigation Plan. The installation and operation of USTs will be required to be in compliance with local and State laws and regulations related to USTs and hazardous materials. Therefore, the construction

and operation of the gas station would not create a significant hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials. Development of uses associated with the industrial park portion of the project site would be subject to the same laws and regulations and permitting standards as noted above. As a result, operation of the proposed project would not create a significant hazard to the public or the environment through the use, storage, and transport of hazardous materials, and impacts related to operation would be less than significant. (Draft EIR, pp. 3.9-21–25)

## Potential Effect

**Impact HAZ-3:** The proposed project would not emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste within one-quarter mile of an existing or proposed school. (Draft EIR, p. 3.9-28)

**Findings:** Less than significant impact. No mitigation necessary.

**Facts in Support of Findings:** The nearest existing school to the project site is Denton Elementary School, which is located approximately 0.46-mile southeast of the project site. There are no proposed schools near the project site (within 0.25 mile). As such, the proposed project would not emit hazardous materials or involve handling hazardous or acutely hazardous materials, substances, or waste within 0.25-mile of an existing or proposed school. Therefore, impacts would be less than significant.

As noted above, the handling, transport, use, and disposal of hazardous materials would be required to comply with the Hazardous Materials Transportation Act, California Public Resources Code, and other applicable State and local laws and regulations, which further limits the risk of emissions or release of hazardous materials, substances, or waste. In addition, it is anticipated that construction trucks would travel west along Riggin Avenue to access SR-99, which is the nearest highway. Because of the distance to the nearest school, the low probability of significant quantities of hazardous materials to be present on-site, and required project compliance with applicable laws and regulations pertaining to handling, storage, use, and transport of hazardous materials, substances, or waste, impacts would be less than significant. Therefore, operational impacts related to hazardous emissions proximate to a school would be less than significant. (Draft EIR, p. 3.9-28)

## Potential Effect

**Impact HAZ-4:** The proposed project would not be located on a site which is included on a list of hazardous materials sites compiled pursuant to Government Code Section 65962.5 and, as a result, would it create a significant hazard to the public or the environment. (Draft EIR, p. 3.9-29)

**Findings:** No impact. No mitigation necessary.

**Facts in Support of Findings:** The project site is not identified in any of the California hazardous materials databases. Searches were completed for all lands within the project site in the following hazardous materials lists: Cal/EPA's Cortese List, including the DTSC's EnviroStor database of hazardous substances release sites; and GeoTracker, the California database of leaking USTs. Because

the proposed project would not be located on a site that is included on a list of hazardous materials sites compiled pursuant to Government Code Section 65962.5, there is no potential of creating a significant hazard to the public or the environment and, therefore, there would be no impact. (Draft EIR, p. 3.9-29)

## Potential Effect

**Impact HAZ-5:** The proposed project would not be located within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, and result in a safety hazard or excessive noise for people residing or working in the project area. (Draft EIR, p. 3.9-29)

**Findings:** Less than significant impact. No mitigation necessary.

**Facts in Support of Findings:** According to the Tulare County Comprehensive Airport Land Use Plan, the southwest corner of the project site lies within the Visalia Municipal Airport's Airport Influence Area but outside of the Airport Safety Zone. Land use compatibility within the Airport Influence Area is defined in the Tulare County Land Use Compatibility Matrix (Section 3 of the Tulare County Comprehensive Airport Land Use Plan). The proposed light and flex industrial and compatible commercial uses are considered "compatible." Buildings within the Airport Influence Area are also subject to height restriction set forth in Federal Aviation Regulations Part 77 (FAR Part 77). The proposed project would have a maximum height of 45 feet, which is far lower than the FAR Part 77 height restriction of 200 feet, beyond which would require Federal Aviation Administration (FAA) notification. As such, the proposed project would not result in a safety hazard or excessive noise for people residing or working the project area. Impacts would be less than significant. (Draft EIR, p. 3.9-29)

## Potential Effect

**Impact HAZ 6:** The proposed project would not impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan. (Draft EIR 3.9-30)

**Findings:** Less than significant impact. No mitigation necessary.

**Facts in Support of Findings:** The City has not previously experienced wildfire or other hazards that required evacuation. Based on the distance from the Fire Department's fire station, the response time for a fire engine traveling at an average speed of 35 miles per hour (mph) would be approximately 2 minutes. There are not currently any fire hydrants on the project site; however, the proposed project would be required to comply with the City's Hydrant Ordinance, including providing the mandated number of hydrants with adequate fire flow pressure. The General Plan designates SR-198, SR-99, and SR-63 as evacuation routes consistent with the County Emergency Operations Plan (EOP). The foregoing State Routes are located approximately 2 miles south, 3 miles west, and 4 miles east from the project site, respectively. In addition to these State Routes that would be likely evacuation routes in the event of a wildfire emergency, there are other main arterial roads that are in the vicinity and readily accessible, which could reasonably be assumed to serve as emergency evacuation routes in the project vicinity. The proposed project's primary access roads

(Kelsey Street, Clancy Street, Shirk Street, and Riggin Avenue) allow adequate egress/ingress to the project site in the event of an emergency. These streets would connect to an internal road network within the project site, providing ample access for emergency vehicles in the case of an emergency. Given the availability of multiple State Routes identified as evacuation routes available to the proposed project as well as other community members, coupled with several alternative main arterial roads that provide access to these identified evacuation routes, the proposed project's construction would not substantially impair these evacuation routes and would not substantially impair any adopted emergency response plan or emergency evacuation plan.

Improvement plans and any work completed in existing roadways would be required to be approved by the City Engineer via the City's encroachment process before they could occur. The proposed streets have been designed and would be required to be constructed to applicable City specifications and have adequate site access for emergency vehicles. In the event of an emergency response, the City's Engineering, Police, and Fire Departments would coordinate to ensure that adequate access to and from the project site is maintained. Therefore, impacts would be less than significant. (Draft EIR pp. 3.9-30–31)

## Potential Effect

**Impact HAZ-7:** The proposed project would not expose people or structures, either directly or indirectly, to a significant risk of loss, injury, or death involving wildland fires. (Draft EIR pp. 3.9-31–32)

**Findings:** Less than significant impact. No mitigation necessary.

**Facts in Support of Findings:** The project site is not located in or near a State Responsibility Area (SRA) and also does not contain lands classified as a Very High Fire Hazard Severity Zone (VHFHSZ). According to the California Department of Forestry and Fire Protection (CAL FIRE) Fire Hazard Severity Zone (FHSZ) Maps for the Local Responsibility Area (LRA), the project site is classified as LRA Unzoned, which means that the project site is located outside of areas identified by CAL FIRE as having substantial or very high risk. The nearest VHFHSZ is located over 25 miles east of the project site. In addition, the General Plan does not designate the project site as being in a fire hazard area. According to General Plan Figure 8-4, Fire Hazards and Public Safety Services, there is an area of moderate fire susceptibility located along North Plaza Drive between West Ferguson Avenue and Goshen Avenue, which is located approximately 3,700 feet southwest of the project site. The nearest VHFHSZ is located over 25 miles east of the project site. Thus, the project site is not in a wildfire-prone area. Additionally, the project site is not located within a wildland urban interface area and has not previously experienced wildfire. The area surrounding the project site is mostly agricultural and industrial land. As such, the project site is surrounded either by urban development or by managed land that does not contain steep terrain or unmanaged open space areas that could be prone to wildfires.

The project site has an elevation of approximately 303 feet above mean sea level (AMSL). The project site is predominantly flat with a gentle slope to the northwest. The project site and vicinity are not in or near a Wildfire Urban Interface (WUI) zone and are bordered by urban development on two sides, with similar development planned in the area in the immediate future. Annual prevailing

winds in the City of Visalia are from the northwest; therefore, it is reasonable to conclude that the prevailing winds would blow fire embers away from the project site and would not exacerbate fire risk. As such, the project site and its surroundings do not embody conditions that would exacerbate wildfire in this regard.

The project site would be annexed into the City; as such, Visalia Fire Department (VFD) would maintain responsibility for fire prevention and suppression over the project site. As discussed further in Section 3.13, Public Services, of the Draft EIR, the proposed project would be adequately served by fire protection services from VFD. Furthermore, project structures would be required to comply with applicable provisions of the California Fire Code with respect to emergency access and use of building materials that would limit the spread of wildfire to the greatest extent feasible. The City requires all new development and subdivisions to meet Uniform Fire Code (UFC) provisions, and the VFD reviews all development applications during the plan check process. Additionally, the City imposes vegetation management activities that, in accordance with General Plan Policy S-P-27, which require builders and developers to submit their plans, complete with proposed fuel modification zones, to the Fire Department for review and approval prior to beginning construction (Draft EIR pp. 3.9-31–32)

## 1.5.9 - Hydrology and Water Quality

### Potential Effect

**Impact HYD-2:** The proposed project would not substantially decrease groundwater supplies or interfere substantially with groundwater recharge such that the project may impede sustainable groundwater management of the basin. (Draft EIR, pp. 3.10-14–21)

**Findings:** Less than significant impact. No mitigation necessary.

**Facts in Support of Findings:** Groundwater is the sole source of water for the Visalia District, and there are no new sources of supply currently planned. Cal Water's Visalia District would provide water for the proposed project. A Water Supply Assessment (WSA) was prepared for the proposed project pursuant to Senate Bill (SB) 610 (attached to the Draft EIR as Appendix J).

During project construction, water demand would increase more than the operating demand. The analysis in the Draft EIR conservatively assumes that project construction would commence in 2024. The Urban Water Management Plan (UWMP) expects a demand of 31,951 acre-feet in 2024. With the project construction, the Visalia District is expected to have a total demand of approximately 32,253.6 acre-feet; i.e., the proposed project's demand would be the nominal amount of approximately 302.4 acre-feet. The UWMP states that the driest year since 1991 was 2013, and during 2013 there was an available water supply of 45,400 acre-feet. Therefore, even if 2024 is a dry year, it is reasonable to assume there would be at least 13,449 acre-feet available. This ample supply would be able to accommodate the one-time increase in demand for construction of approximately 302.4 acre-feet. Additionally, the proposed project would contain storm drainage retention basins. The project site would produce approximately 111.5 acre-feet per year (AFY) of stormwater runoff, and the proposed basins would be capable of retaining approximately 123.4 AFY, representing an additional approximately 11.9 AFY of capacity than what would be needed for the proposed project.

The WSA calculated the proposed project's water demand using information from the U.S. Energy Information Administration (EIA) and the EPA. The proposed project would use a total of approximately 124.1 AFY of water at buildout. This includes an Industrial water demand of approximately 11,466,345 gallons per year, or 35.2 AFY, upon full buildout; a Light Industrial water demand of approximately 1,723,392 gallons per year, or 5.3 AFY, upon full buildout; and a Commercial water demand of approximately 1,720,162 gallons per year, or 5.3 AFY, upon full buildout. Project landscaping would require approximately 76.8 AFY of the total water demand at buildout.

Because the proposed project would have a higher FAR than the baseline assumed for the project site in the UWMP, the proposed project's water demand (124.1 AFY) would be approximately 12.3 acre-feet more than what was estimated (111.8 AFY). However, the total water supplies given in the UWMP are determined by the demand, not necessarily the actual maximum supply. The UWMP states, "It should be noted that the Kaweah and Tule Subbasins are not adjudicated, and the projected groundwater supply volumes are not intended to and do not determine, limit or represent Cal Water's water rights or maximum pumping volumes." The proposed project would add additional industrial and commercial water demand. This would not significantly impact other uses in the Visalia District, as Cal Water has determined that it will be able to increase the amount of water pumped and will be able to meet demand for current and future users. The UWMP states, "Cal Water expects that, under all hydrologic conditions, its groundwater supply for the Visalia District will fully meet future demands."

The proposed project would use significantly less water than the existing agricultural use on-site. However, while the overall water usage at the project site would be significantly less under the proposed uses, the water demand projections in the UWMP and WSA are based on annexation of the project site into the City. The City receives its water from Cal Water, and projected availability is based on planned land uses in the City. The demand in the service area, combined with the proposed project, was calculated to be a total of approximately 44,541.3 AFY in 2045. Draft EIR, pp. 3.10-18)

Because the existing orchard is not currently connected to the Cal Water service area, the existing uses are not reflected in the WSA. For this reason, the proposed project would increase demand for potable water to the Cal Water Visalia District water system, which is reliant on groundwater to serve its customers. The proposed project's estimated water demand in 2025 would be approximately 0.1 percent of the projected water supply, which is a nominal amount. Furthermore, Cal Water's current Conservation Master Plan includes water conservation measures such as limited irrigation during severe drought conditions, recycled water, economic incentives, and Demand Management Measures (DMM) that reduce water use and to which the proposed project is required to adhere. Thus, there would be enough water supply for the proposed project, as well as other existing and future users, during normal, single-dry and multiple-dry years.

According to the WSA, there is a continuing decline in groundwater levels of the aquifer system below Cal Water's Visalia District. To assist in mitigating this groundwater decline, the City has established a Groundwater Overdraft Mitigation Fee and Special Revenue Funds that would fund groundwater recharge and other water resource projects within the City, as referenced above. The

proposed project would be required to comply with the applicable provisions of the City's Water Resource Management and Groundwater Overdraft Mitigation Fee Ordinance (Municipal Code Chapter 16.54, Groundwater Overdraft Mitigation) that requires the payment of impact fees for new development and a volumetric fee for existing urban water supplies to fund programs to mitigate the impact of new development and existing water extractions upon conditions of groundwater overdraft. According to the ordinance, the fee shall be paid as a condition of final map approval or other final discretionary development approval, and the fee paid shall be in addition to all other impact fees paid prior to issuance of a building permit. It is estimated that the proposed project would be required to pay a total of approximately $382,480 ($1,366/acre) in the Groundwater Overdraft Mitigation Fee. The proposed project would also pay its fair share in fees for new and expanded groundwater recharge projects. Based on the foregoing, the proposed project would therefore not significantly affect groundwater supplies beyond what was analyzed and approved in the General Plan and by Cal Water. (Draft EIR, p. 3.10-15)The WSA concluded that the City's water system has sufficient groundwater capacity to supply the proposed project and other existing and projected demands within Cal Water Visalia District through the year 2045. The proposed project would result in development of the project site, which would convert approximately 218 acres from pervious surfaces to impervious surfaces. However, this would not significantly interfere with groundwater recharge because all stormwaters would be collected and diverted to approximately 31.3 acres of Water Quality Management Basins to retain stormwater on-site that would facilitate groundwater recharge, as noted above. Thus, the addition of impervious surfaces would not interfere substantially with groundwater recharge. Therefore, the proposed project would not substantially decrease groundwater supplies and would not significantly lower the groundwater table of the aquifer or interfere substantially with the recharge of the underground aquifer, and there would be adequate water supply for the proposed project, the City of Visalia, and surrounding communities within the Water District's service area. With compliance with the applicable policies and regulations, payment of the required fees, installation of identified stormwater retention facilities, and implementation of the water conservation measures and Capital Improvement Program (CIP), impacts would be less than significant. (Draft EIR, pp. 3.10-14–21)

## Potential Effect

**Impact HYD-4:** The proposed project would not be located in a flood hazard zone, tsunami, or seiche zone, or risk release of pollutants due to project inundation. (Draft EIR, p. 3.10-23)

**Findings:** Less than significant impact. No mitigation necessary.

**Facts in Support of Findings:** The majority of the project site is located in Federal Emergency Management Agency (FEMA) Flood Zone X, which is an area with an 0.2 percent annual chance of flood hazard. The southeast corner of the project site is located in Zone X outside of the 0.2 percent annual chance of flood hazard. Therefore, the project site is not located within a flood hazard zone. The nearest flood hazard zone is located approximately 1,950 feet north of the project site in Zone AE, which is a regulatory floodway. Furthermore, there are no large inland bodies of water near the project site, a condition that precludes the possibility of seiche inundation. The project site is more than 100 miles from the Pacific Ocean and therefore is not susceptible to tsunami inundation. The project site is located in a relatively flat area and does not contain any steep slopes that may be

susceptible to mudflows or landslides. The proposed project site is not located within a 100- or 500-year flood hazard zone. Therefore, the proposed project would not be located in a flood hazard, tsunami, or seiche zone, or risk release of pollutants due to project inundation, and impacts would be less than significant. (Draft EIR, p. 3.10-23)

### Potential Effect

**Impact HYD-5:** The proposed project would not conflict with or obstruct implementation of a water quality control plan or sustainable groundwater management plan. (Draft EIR, p. 3.10-23)

**Findings:** Less than significant impact. No mitigation necessary.

**Facts in Support of Findings:** Implementation of the relevant General Plan Policies, UWMP, the Kaweah Delta Water Conservation District (KDWCD) Groundwater Management Plan, and the City's involvement with the KDWCD Integrated Regional Water Management Planning program, in addition to the implementation of the City's Stormwater Master Plan and Management Program and the Waterways and Trails Master Plan, would address the issues of providing an adequate, reliable, quality and sustainable water supply for the proposed project's future urban domestic and public safety consumptive purposes.

As referenced above, the City has established fees that fund groundwater recharge and other water resource projects within the City. The proposed project would be required to comply with the City's Water Resource Management and Groundwater Overdraft Mitigation Fee Ordinance (Municipal Code Chapter 16.54, Groundwater Overdraft Mitigation), which states, "conversion of land from agricultural to urban uses increases the local groundwater overdraft," and requires impact fees for new development and a volumetric fee for existing urban water supplies to fund programs to mitigate the impact of new development and existing water extractions upon conditions of groundwater overdraft. According to the ordinance, the fee shall be paid as a condition of final map approval or other final discretionary development approval, and the fee paid shall be in addition to all other impact fees paid prior to issuance of a building permit.

The proposed project is planned for Industrial and Light Industrial uses, as well as commercial uses. As such, the proposed project would not significantly affect groundwater supplies beyond what has already been analyzed and approved in the General Plan and Cal Water UWMP, and the proposed project would therefore not conflict with the implementation of the Mid-Kaweah River Basin Groundwater Management Plan. Furthermore, the proposed project would be required to comply with all applicable laws, regulations and policies and payment of applicable fees pursuant to the City of Visalia Water Resource Management and Groundwater Overdraft Mitigation Fee Ordinance. Therefore, impacts would be less than significant. (Draft EIR, p. 3.10-23)

## 1.5.10 - Land Use and Planning

### Potential Effect

**Impact LAND-1:** The proposed project would not physically divide an established community. (Draft EIR, p. 3.11-15)

**Findings:** Less than significant impact. No mitigation necessary.

**Facts in Support of Findings:** Impacts related to physical division of an established community are limited to operational impacts. The development of the proposed project would not involve the construction of any type of linear feature or structure that would impair mobility with an existing community, nor would it remove a means of access in a manner that would impede travel or otherwise constitute division of an established community. Rather, the proposed project would be designed in accordance with relevant General Plan Policies and other standards and requirements, which would help ensure a cohesive, integrated site and circulation plan, and compatibility with nearby uses. Therefore, impacts would be less than significant (Draft EIR, p. 3.11-15).

## Potential Effect

**Impact LAND-2:** The proposed project would not cause a significant environmental impact due to a conflict with any land use plan, policy, or regulation adopted for the purpose of avoiding or mitigating an environmental effect. (Draft EIR, p. 3.11-15)

**Findings:** Less than significant impact. No mitigation necessary.

**Facts in Support of Findings:** The City has the discretion to determine whether projects are consistent with applicable plans that establish a roadmap for evaluating a project's current design and to determine whether it complies with current policies that were adopted for the purpose of mitigating environmental impacts. The proposed project would be consistent with a robust regulatory framework (including, without limitation, relevant General Plan Policies as well as guidance from the ARB and the Air District).

As shown in Section 3.11, Land Use and Planning, Table 3.11-1, Table 3.11-2, and throughout Section 3.11 of the Draft EIR, the implementation of the proposed project would not conflict with applicable land use plans, policies, or regulations that were adopted for the purpose of avoiding or mitigating an environmental effect. The analysis includes, among others, the 2018 Regional Transportation Plan/Sustainable Communities Strategy (2018 RTP/SCS). The goals and objective contained in the RTP are focused on transportation initiatives, infrastructure, planning, and funding on the regional level. The proposed project would support these policies and strategies to the maximum extent feasible at the project level. Specifically, for example, Goal 10 to improve air quality through congestion management, coordination of land use, housing and transportation system, and provision of alternative modes of transportation and incentives that reduce VMT. Accordingly, the proposed project would not be in conflict with any relevant plans or policies, and potential impacts under this threshold would be less than significant.

The proposed project reflects the long-planned urban development vision for the project site, which contemplates a variety of commercial, industrial and light industrial uses including, among others, warehousing and distribution. The proposed project has been designed to incorporate applicable development standards and design guidelines to help ensure it would be consistent with the urbanizing, industrial character of this portion of the City of Visalia. The proposed project also would incorporate a number of design features and be required to comply with a robust regulatory

framework, all of which would enhance its sustainability. For example, see Table 3.8-4 of the Draft EIR (Summary of Applicable Greenhouse Gas Regulations).

Furthermore, the proposed project was determined to be consistent with applicable LAFCo requirements for City annexations, Additional Tulare County LAFCo Policies as well as relevant provisions of the General Plan and Municipal Code. Additionally, development of the proposed project would be required to adhere to all applicable development standards and design guidelines set forth in the Zoning Ordinance Section 17.22.060 Development Standards in the I-L and I Zones, including, among others, those related to height, setbacks, intensity (FAR), lighting and landscaping. Furthermore, development of the proposed project would be required to comply with all relevant portions of the Municipal Code, including Chapter 12.24, Oak Tree Preservation; with the City's Active Transportation Plan (ATP); and with all applicable General Plan policies, including those that protect biological resources, cultural and historic resources, and paleontological resources. (Draft EIR, pp. 3.11-15–47)

## Potential Effect

**Cumulative Impact:** The proposed project would not have a cumulative impact related to land use and planning. (Draft EIR, p. 3.11-48)

**Findings:** Less than significant impact. No mitigation necessary.

**Facts in Support of Findings:** The geographic scope of this cumulative analysis is the City and its SOI. The cumulative setting includes past, present and reasonably foreseeable probable future developments within the City and its SOI. All cumulative developments, as well as the proposed project, would be required to be consistent with and conform to the above-referenced planning documents and all other governing laws and regulations, with this consistency determination typically confirmed as part of the land use entitlement/permitting process. For cumulative projects that are within the City's SOI and that would be annexed into the City, these would be required to demonstrate consistency with applicable provisions of the applicable laws and regulations under LAFCo law as well as the local Tulare County LAFCo Policies and Procedures. In addition, similar to the proposed project, none of the cumulative projects involves the construction of a linear feature, such as an interstate highway, railroad tracks, or the removal of a means of access that would impact mobility within an existing community and an outlying area. For the foregoing reasons, there would not be a significant cumulative impact related to division of an established community or conflict with a land use plan, policy, or regulation adopted for the purpose of avoiding or mitigating an environmental effect.

The proposed project would have less than significant land use impacts on an individual level and would not make a cumulatively considerable contribution to this less than significant cumulative land use impact because the proposed project would be consistent with the City's long-range land use vision and goals. Moreover, the proposed project would help to implement numerous General Plan Policies, objectives, and goals and would be required to adhere to applicable federal, State, and local laws and regulations as discussed throughout the Draft EIR. Accordingly, the proposed project would not make a cumulatively considerable contribution to this already less than significant cumulative impact. Therefore, the proposed project in conjunction with other past, present, and reasonably

foreseeable probable future projects would not result in a cumulatively significant impact related to land use. (Draft EIR, p. 3.11-48)

## 1.5.11 - Noise

### Potential Effect

**Impact NOI-2:** The proposed project would not result in generation of excessive groundborne vibration or groundborne noise levels. (Draft EIR, pp. 3.12-30–31)

**Findings:** Less than significant impact. No mitigation necessary.

**Facts in Support of Findings:** *Construction:* Construction of the proposed project would require a variety of large, steel-tracked earthmoving vehicles. These vehicles' construction activities could expose buildings within 25 feet to groundborne vibration levels up to 0.089 in/sec peak particle velocity (PPV). However, there are no existing buildings within 25 feet of the proposed project or its construction activities, meaning that it is reasonable to assume that construction of the proposed project would not expose surrounding buildings to groundborne vibration levels in excess of 0.089 in/sec PPV. This groundborne vibration level is below even the most stringent significance criteria for the Federal Transit Administration (FTA) category of "Buildings Extremely Susceptible to Vibration Damage." Therefore, construction of the proposed project would not expose any surrounding buildings to potentially damaging levels of groundborne vibration. (Draft EIR, pp. 3.12-30–31)

*Operation:* Given the nature of the proposed uses and the fact that such land uses are located hundreds of feet from the project site's primary use areas, implementation of the proposed project would not include any permanent sources that would expose persons in the project vicinity to groundborne vibration levels that could be perceptible without instruments at any existing sensitive land use in the project vicinity. The analysis in the Draft EIR indicates that it is unlikely any vibration generated on-site would be potentially damaging or perceptible at off-site sensitive land uses and structures. Additionally, the proposed project's related truck and vehicle travel would not be considered a significant source of vibration, as truck and vehicle travel rarely generate perceptible groundborne vibration. Therefore, project operational activities would not generate excessive groundborne vibration levels as measured at off-site receptors, and this impact would be less than significant. In addition, there are no existing significant permanent sources of groundborne vibration in the project vicinity to which the proposed project would be exposed. (Draft EIR, pp. 3.12-30–31)

### Potential Effect

**Impact NOI-3:** The proposed project would not expose people residing or working in the project area to excessive noise levels for a project located within the vicinity of a private airstrip or an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport. (Draft EIR, pp. 3.12-31–32)

**Findings:** No impact. No mitigation necessary.

**Facts in Support of Findings:** The project site is not located in the vicinity of a private airstrip. The nearest public airport to the project site is the Visalia Municipal Airport, located approximately 2.68

miles southwest of the project site. The Tulare County Comprehensive Airport Land Use Compatibility Plan (ALUCP) shows the southwest corner of the project site to lie within the Visalia Municipal Airport's Airport Influence Area but outside the aircraft 55 A-weighted decibel (dBA) Community Noise Equivalent Level (CNEL) noise contours. Based on this distance and the proposed project's orientation to the airport's runways, the proposed project would not expose people residing or working in the project vicinity to excessive noise levels from aircraft. Therefore, the proposed project is consistent with the relevant goals and policies of the ALUCP. Implementation of the proposed project would not expose persons at the project site to noise levels from aircraft that would be in excess of acceptable standards for the proposed land uses, and no impact would occur. (Draft EIR, pp. 3.12-31–32)

## 1.5.12 - Public Services

### Potential Effect

**Impact PUB-1:** The proposed project would not result in substantial adverse physical impacts associated with the provision of new or physically altered governmental facilities, need for new or physically altered governmental facilities, the construction of which could cause significant environmental impacts, in order to maintain acceptable service ratios, response times, or other performance objectives for fire protection and emergency medical services. (Draft EIR, p. 3.13-9)

**Findings:** Less than significant impact. No mitigation necessary.

**Facts in Support of Findings:** Fire Station 55 is the nearest VFD station, located approximately 0.39 mile south of the project site at 6921 West Ferguson Avenue. The next closest station is Fire Station 53, located approximately 3.27 miles southeast of the project site at 5025 West Walnut Avenue. Currently, the VFD has an average response time of 5 minutes 37 seconds for medical calls and 6 minutes and 1 second for fire calls. According to the General Plan, areas of southwest Visalia and smaller areas in the northwest and northeast located more than 0.5 mile of the VFD stations cannot reasonably be served within the VFD's target response time.

*Construction:* If a fire were to occur during construction, it is anticipated that personnel and equipment from VFD would have sufficient capacity to respond to a fire at the project site. Project construction would not create the need for new or altered fire protection facilities to maintain acceptable service ratios, response times, or other performance objectives for fire protection. Therefore, impacts to fire protection services resulting from project construction activities would be less than significant.

*Operation:* The proposed project would be required to comply with applicable provisions of the CBC, which is adopted by Municipal Code Chapter 15.08 California Building Code, and the California Fire Code, which is adopted by Municipal Code Chapter 8.20 California Fire Code. In compliance with applicable provisions of the California Fire Code, included as Title 24 Part 9 of the CBC, during construction the proposed project would be required to follow applicable fire safety standards related to provision of sufficient water supply for fire flow, adequate fire apparatus access, and acquisition of building permits. Specifically, CBC Section 105.7.17 requires plans be submitted and a permit issued to install, improve, modify, or remove public or private roadways, driveways, and bridges for which VFD

access is required by the Fire Code; adherence to this requirement would ensure adequate driveway/entry turning radius, height clearance, and fire hydrant access for fire trucks and engines at the project site during construction. In addition, CBC Section 105.7.18 requires plans be submitted to the Fire Code official for all land developments or for the construction, alteration, or renovation of a building within the jurisdiction where a building permit is required; adherence to this requirement would ensure that construction of the proposed project would not obstruct the VFD from delivering adequate levels of fire protection services and otherwise help to ensure that all applicable standards and requirements are satisfied. Furthermore, Municipal Code Section 16.36.120 establishes specific requirements for fire hydrants, water mains, and Fire Department access to ensure adequate fire protection services to the project site, and Chapter 8.16 establishes requirements for automatic fire-extinguishing systems consistent with the CBC and California Fire Code.

Given the nature of the proposed project, the only types of hazardous materials used that would be used are anticipated to be lubricants, hydraulic oils, and other substances (as discussed further in Section 3.9, Hazards and Hazardous Materials), and thus would not result in any substantial increase in demand for fire protection and/or emergency medical services beyond the typical demand that would be expected to occur with this type of industrial and other compatible commercial uses. As part of operation, the proposed project would be required to comply with applicable provisions of the Visalia Municipal Code, the CBC, and the California Fire Code as discussed above. Specifically, the proposed project would be required to follow applicable standards for fire safety such as fire flow requirements for buildings, fire hydrant location and distribution criteria, automated sprinkler systems, and fire-resistant building materials, as well as provision for adequate Emergency Vehicle Access (EVA).

Based on the foregoing, it is not anticipated that any new or altered fire protection facilities would be triggered to accommodate the demand generated by the proposed project to maintain acceptable service ratios, response times or other performance objectives for fire protection. Finally, each individual specific development for the proposed project would be required to pay the required applicable plan review and development impact fees toward fire protection facilities and equipment in accordance with the applicable Development Fee Schedule, which would reflect its respective pro rata fair share contribution to help ensure that the VFD can meet any increased demand for services associated with the proposed project (and other planned growth) and adequate levels of service. Therefore, operational impacts related to a need for new or altered fire protection facilities would be less than significant. (Draft EIR, pp. 3.13-9–12)

## Potential Effect

**Impact PUB-2:** The proposed project would not result in substantial adverse physical impacts associated with the provision of new or physically altered governmental facilities, need for new or physically altered governmental facilities, the construction of which could cause significant environmental impacts, in order to maintain acceptable service ratios, response times, or other performance objectives for police protection. (Draft EIR, pp. 3.13-12–14)

**Findings:** Less than significant impact. No mitigation necessary.

**Facts in Support of Findings:** Visalia Police Department (VPD) headquarters is approximately 4.31 miles southwest of the project site; however, response is not likely to originate from the station but rather from officers who are routinely patrolling the area.

*Construction:* During construction, it is anticipated there would be a nominal increase in demand for police protection. However, the proposed project would implement appropriate, standard security measures, such as provision of adequate lighting and a project boundary fence around the subject construction area to prohibit access by unauthorized persons to the project site. With the provision of such security measures, project construction would not create the need for new or altered police protection facilities, and therefore impacts in this regard would be less than significant.

*Operation:* Project operation would result in an increase in calls for police protection services on the project site. As discussed in the General Plan, it is anticipated that the VPD's area of responsibility would increase over time to support General Plan buildout, which would include the annexation of properties (including, among others, the project site) and contemplated development consistent with the General Plan land use vision, and thus the need may arise to construct new or expand police facilities to accommodate additional staffing (sworn and professional staff) in order to maintain and improve any applicable response standards and quality of services.

The industrial uses and compatible commercial uses that would occur over time through implementation of the proposed project are part of the anticipated growth contemplated by the City in its General Plan, as indicated by the project site's current Industrial and Light Industrial General Plan land use designations. As noted above, indirect population growth that occurs as a result of new employment opportunities (such as those that would occur pursuant to the proposed project) is considered planned growth. The General Plan projects for the City's population to grow from 125,000 people in 2014 to 210,000 people by 2030 and outlines plans for the VPD to expand to meet these growing needs associated with General Plan buildout over that time period within identified growth areas (such as the project site, among others). The General Plan estimates that a total of approximately 360 officers would be needed to fully staff and serve the City's anticipated population by 2030. The City currently has approximately 250 employees with the VPD according to the VPD's 2020 annual report. It is notable that the City's actual population growth has been slower than previously anticipated in the General Plan. According to the United States Census Bureau, the City had a population of 142,384 in 2020. The VPD does not identify specific service standards in terms of officers per thousand residents or incident response time. Police response time was less than 20 minutes for 71 percent of all calls in 2022; the average response time for Priority 1 calls was 7 minutes and 4 seconds. While the proposed project would result in an increased demand for police protection, the nature of the proposed project's uses would not result in atypical service demand needs in this regard and is not anticipated to trigger a need to construct new or expand existing police protection facilities to accommodate this relatively minor increase in demand.

Moreover, each project applicant in connection with its individual specific development proposal for the proposed project would be required to pay the required applicable plan review and public safety development impact fees toward police facilities in accordance with the applicable Development Fee Schedule, which would reflect its respective pro rata fair share contribution to help ensure that the VPD can meet any increased demand for services associated with the proposed project (and other

planned growth) and maintain adequate levels of service. For the foregoing reasons, impacts would be less than significant (Draft EIR, pp. 3.13-12–14).

## Potential Effect

**Impact PUB-3:** The proposed project would not result in substantial adverse physical impacts associated with the provision of new or physically altered governmental facilities, need for new or physically altered governmental facilities, the construction of which could cause significant environmental impacts, in order to maintain acceptable service ratios or other performance objectives for schools. (Draft EIR, p. 3.13-14)

**Findings:** Less than significant impact. No mitigation necessary.

**Facts in Support of Findings:** Impacts related to provision of or need for construction of new or expanded school facilities are limited to operational impacts. Upon annexation to the City, the project site would be located in the service areas for Denton Elementary School, Ridgeview Middle School, and Redwood High School of the Visalia Unified School District (VUSD). Because there are no residential units proposed, the proposed project would not result in direct population growth and would not directly increase enrollment numbers in the VUSD. The proposed project is anticipated to generate a total of approximately 4,100 new employees at full buildout. Once operational, given the nature of the proposed project, the project site would likely be staffed by employees local to the City and nearby areas. Nonetheless, it is reasonable to assume that some number of employees could potentially transfer into the area as a result of the proposed project, resulting in a certain degree of indirect population growth. Indirect population growth that occurs as a result of new employment opportunities (such as those that would occur pursuant to the proposed project) is considered planned growth. Thus, the employment increase would be within the employment projections provided in the General Plan, and it is reasonable to conclude that any relatively minor increase in potential housing demand could be readily absorbed by the local housing inventory and/or the pending and approved residential projects in the City and the surrounding area. Because the proposed project would not result in substantial unplanned increase in population growth, and further because any such growth would be nominal at most, the proposed project would not increase school enrollment in such a way to trigger the need to construct new or expanded existing school facilities. Moreover, each individual specific development proposal for the proposed project would be required to pay school facility fees in accordance with the applicable Development Fee Schedule, which would reflect its respective pro rata fair share contribution to help ensure that local schools can meet any increased demand associated with the proposed project (and other planned growth) and maintain adequate levels of service. Pursuant to Government Code Section 65995, payment of adopted development fees is considered “full and complete mitigation” for impacts to school facilities, and local governments are prohibited from assessing additional fees or exactions for school impacts. For the foregoing reasons, impacts in this regard would be less than significant. (Draft EIR, p. 3.13-14)

## Potential Effect

**Impact PUB-4:** The proposed project would not result in substantial adverse physical impacts associated with the provision of new or physically altered governmental facilities,

need for new or physically altered governmental facilities, the construction of which could cause significant environmental impacts, in order to maintain acceptable service ratios or other performance objectives for parks or other recreational facilities. (Draft EIR, p. 3.13-15)

**Findings:** Less than significant impact. No mitigation necessary.

**Facts in Support of Findings:** The General Plan establishes the parkland standard of five acres per 1,000 residents. The City recently approved the East Side Regional Park and Groundwater Recharge Project, which will provide approximately 139 acres of active recreational amenities and 130 acres of passive amenities in the eastern portion of the City. That project would contribute to meeting the City's park ratio goal. The proposed project would pay into the CIP to fund the East Side Regional Park and Groundwater Recharge Project and other future park projects to help offset any impacts to park and recreation facilities. The proposed project is anticipated to generate a total of approximately 4,100 new employees at full buildout and would likely be staffed primarily by local employees once operational. The closest park to the project site is Lions Park, located approximately 0.40 mile southeast of the project site; this is a neighborhood park that contains amenities such as a playground and basketball court. While it is reasonable to assume that some employees would utilize park facilities during their workday to a certain degree, this use would be limited given the nature of the industrial and related commercial uses and the location of the project site. Project employees and their families would utilize the City's park and recreational amenities, but the limited amount of demand generated by the proposed project would not trigger the need to construct new or expand existing park facilities. Based on the foregoing reasons, operational impacts related to need for new or altered park and recreational facilities would be less than significant. (Draft EIR, p. 3.13-15)

## Potential Effect

**Impact PUB-5:** The proposed project would not result in substantial adverse physical impacts associated with the provision of new or physically altered governmental library facilities, need for new or physically altered governmental facilities, the construction of which could cause significant environmental impacts, in order to maintain acceptable service ratios, response times or other performance objectives for other public facilities, such as libraries. (Draft EIR, p. 3.13-16)

**Findings:** Less than significant impact. No mitigation necessary.

**Facts in Support of Findings:** The Visalia Branch Library in downtown Visalia serves the project area. the proposed project is anticipated to generate a total of approximately 4,100 new employees at full buildout and would likely be staffed primarily by local employees once operational. While it is reasonable to assume that some employees would utilize library facilities during their workday to a certain degree, this use would be limited given the nature of the industrial and related commercial uses and the location of the project site. Project employees and their families would use the library and its services, but the limited amount of demand generated by the proposed project would not trigger the need to construct new or expand existing library facilities. Based on the foregoing

reasons, operational impacts related to need for library facilities would be less than significant. (Draft EIR, p. 3.13-16)

## Potential Effect

**Cumulative Impact:** The proposed project would not result in cumulative impacts related to public services. (Draft EIR, p. 3.13-17)

**Findings:** Less than significant impact. No mitigation necessary.

**Facts in Support of Findings:** The geographic scope of the cumulative public service analysis is the service area of each of the public service providers serving the proposed project. While most planned future cumulative projects consist of warehouse and distribution development (and thus relate in only indirect population growth), the planned future residential projects would directly increase population within the City.

*Fire:* An increase in population due to the relevant cumulative projects would result in an increased demand for fire protection and emergency medical services, which could trigger the need to construct new or expand existing fire protection facilities. The General Plan projects a population growth of approximately 85,000 new residents by 2030. To help offset this increased demand, the proposed project and other relevant cumulative projects would be required to pay all applicable plan review and development impact fees to the VFD. Similar to the proposed project, all cumulative developments would also be required to adhere applicable provisions of the California Fire Code, Part 9 of the CBC, in terms of meeting standards for fire safety such as fire flow requirements for buildings, fire hydrant location and distribution criteria, automated sprinkler systems, fire-resistant building materials, adequate access for emergency vehicles, and adequate emergency evacuation access. In addition, typical safety and security measures would be incorporated into the design and operation of cumulative developments. With adherence to applicable requirements and standards set forth in the CBC and otherwise incorporating typical safety and security measures, this would help to reduce cumulative impacts to fire protection and emergency response services. Payment of applicable plan review and development impact fees would be anticipated to help fund any required expansion of fire protection and emergency medical services and mitigate impacts. Based on the foregoing, there would be a less than significant cumulative impact in this regard.

Similarly, the proposed project would be required to adhere applicable provisions of the California Fire Code, Part 9 of the CBC, in terms of meeting standards for fire safety such as fire flow requirements for buildings, fire hydrant location and distribution criteria, automated sprinkler systems, fire-resistant building materials, adequate access for emergency vehicles, and adequate emergency evacuation access. The proposed project would incorporate typical safety and security measures into its design and operation, and it would pay all applicable plan review and development impact fees to ensure its pro rata fair share contribution to support fire protection and emergency medical services. Based on the foregoing, the proposed project would not have a cumulatively considerable contribution to the already less than significant cumulative impact related to fire protection and emergency medical services. (Draft EIR, p. 3.13-17)

*Police:* Similar to the proposed project, an increase in population as a result of the relevant cumulative projects would result in an increased demand for police protection services, which could trigger the need to construct new or expand existing police protection facilities. To help offset this increased demand, the proposed project and other relevant cumulative projects would be required to pay all applicable plan review and development impact fees to the VPD. In addition, typical safety and security measures would be incorporated into the design and operation of cumulative developments. With adherence to applicable requirements and standards and otherwise incorporating typical safety and security measures, this would help to reduce the need for police protection. Moreover, payment of applicable plan review and development impact fees would be anticipated to help fund any required expansion of police protection. To the extent construction of any new or expanded police protection facilities would be triggered by this increased demand, impacts would be considered mitigated, to the extent feasible, as part of the related environmental review process that may be necessary as part of the future development of such facilities. Based on the foregoing, cumulative impacts with respect to new or altered police protection facilities would be less than significant. The proposed project's contribution would not be cumulatively considerable because: it would be required to adhere applicable standards set forth in Municipal Code Chapter 8 Health and Safety, and it would incorporate typical safety and security measures into its design and operation. Based on the foregoing, the proposed project would not have a cumulatively considerable contribution to the already less than significant cumulative impact related to police protection. (Draft EIR, p. 3.13-19)

*Schools*: The relevant cumulative developments include residential projects that would directly generate student demand. In addition, there may be some nominal student demand indirectly generated by the nonresidential cumulative developments, including the proposed project (i.e., employees transferring into the area). None of the relevant cumulative developments propose the construction of new educational facilities. To help offset this increased demand, the proposed project and other relevant cumulative projects would be required to pay all applicable plan review and development impact fees to the VUSD, which would be anticipated to help fund any required expansion of school facilities. To the extent construction of any new or expanded school facilities would be triggered by this increased demand, impacts would be required to be mitigated, to the extent feasible, as part of the related environmental review process that may be necessary as part of the future development of such facilities. Based on the foregoing, cumulative impacts with respect to new or altered school facilities would be less than significant. Payment of applicable development impact fees pursuant to State law would ensure its pro rata fair share contribution to support school facilities. Based on the foregoing, the proposed project would not have a cumulatively considerable contribution to the already less than significant cumulative impact related to school facilities. (Draft EIR, p. 3.13-19)

*Parks:* An increase in population due to the cumulative projects would result in an increased demand for park facilities. To help offset this increase, residential cumulative projects would be required to provide parkland or pay applicable development fees. With payment of applicable park impact fees and/or otherwise satisfying park dedication obligations by cumulative residential projects, there would be a less than significant cumulative impact related to additional increased use and physical deterioration of existing parks and recreational facilities. Because the proposed project would not include the development of any residences, and therefore, would not increase the population in the

area, the proposed project would not contribute to cumulative impacts associated with parks. (Draft EIR, p. 3.13-20)

*Libraries:* An increase in population as a result of the relevant cumulative projects would result in an increased demand for library services, which could trigger the need to construct new or expand existing library facilities. The relevant cumulative developments include residential projects that would directly generate demand for library services as well as nonresidential projects that could also indirectly generate demand as well (albeit minor in nature). To the extent construction of any new or expanded library facilities would be triggered by increased demand of new residential development, the related environmental review process and payment of fees would mitigate impacts to the library, to the extent feasible. Based on the foregoing, cumulative impacts with respect to new or altered library facilities would be less than significant. Since the proposed project does not involve any residential uses, it would not directly generate an increased demand for library facilities. While some employees may periodically use the Visalia Branch Library, given the nature of the proposed uses and the location of the project site, any such increased demand would be nominal. Based on the foregoing, the proposed project would not have a cumulatively considerable contribution to the already less than significant cumulative impacts associated with library facilities. (Draft EIR, p. 3.13-20)

## 1.5.13 - Utilities and Service Systems

### Potential Effect

**Impact UTIL-1:** The proposed project would not require or result in the relocation or construction of new or expanded water, wastewater treatment or stormwater drainage, electric power, natural gas, or telecommunications facilities, the construction or relocation of which could cause significant environmental effects. (Draft EIR, pp. 3.15-20–26)

**Findings:** Less than significant impact. No mitigation necessary.

**Facts in Support of Findings:**
***Construction***

*Water Supply:* As explained above, the UWMP expects a total demand within the Visalia District's service area of approximately 31,951 acre-feet in 2024. With the project construction, the Visalia District is expected to have a total demand of 32,253.6 acre-feet, which represents a nominal increase of approximately 302.4 acre-feet over assumed demand. The UWMP states that 2013 was the driest year since 1991 and during 2013 there was an available water supply of approximately 45,400 AFY. Therefore, even if any of the construction years are dry years, there would be at least 13,449 acre-feet available to cover the total amount construction-related increase in water demand (totaling 1,210 acre-feet of water). Therefore, construction impacts related to the need for new water supply infrastructure facilities due to water demand would be less than significant. Water demand during construction (2024 through 2028) is anticipated to be a total of 1,210 acre-feet of water. The implementation of the proposed project would result in the construction of new water line connections extending from an existing water line located within Kelsey Street. Service laterals would be extended from an existing water line located within Kelsey Street. The proposed project would be served by a series of new 8-inch and 12-inch water lines throughout the project site. Based

on the data presented from the WSA, there is sufficient water available to support the proposed project, as well as other existing and proposed uses, without triggering the need to relocate, install or expand facilities and impacts would be less than significant.

*Construction Wastewater Treatment:* The Water Conservation Plant (WCP) would treat wastewater generated by construction of the proposed project consistent with applicable standards established by the Central Valley RWQCB. The WCP would have sufficient capacity to serve the proposed project during construction and a new or expanded wastewater treatment facility would not be required. Therefore, construction impacts related to the need for new wastewater infrastructure facilities as a result of wastewater generation would be less than significant. No relocation and no new or expanded wastewater treatment facilities would be required as a result of construction of the proposed project. The proposed project would be served by a series of new 8-inch and 12-inch sewer lines throughout the project site. Beyond the foregoing, there are no additional impacts associated with the construction or expansion of wastewater infrastructure that would result in potentially significant impacts, and no additional mitigation would be required to address potential construction impacts related to the need for expansion of wastewater infrastructure. Therefore, impacts related to any construction, expansion, and/or relocation of wastewater infrastructure facilities would be less than significant.

*Stormwater:* The proposed project is anticipated to construct various storm drainage improvements including the proposed project's on-site stormwater detention basins and stormwater pipelines connecting to the existing stormwater pipes on Riggin Avenue and Shirk Street. There are no additional impacts associated with the relocation and/or construction of new or expanded stormwater facilities that would result in potentially significant impacts, and no additional mitigation would be required to address potential impacts related to construction or expansion of these facilities. Therefore, construction impacts related to any construction, expansion, and/or relocation of stormwater facilities would be less than significant.

*Electricity:* Construction of the proposed project would consume electricity for construction work areas, field services (office trailers), and electric-driven equipment such as pumps and other tools, as on-site construction activities would be restricted between permitted construction hours. Construction equipment is estimated to consume a total of approximately 886,679 gallons of diesel fuel over the entire construction duration, and the proposed project is estimated to use a combined approximately 924,696 gallons of gasoline and diesel for vehicle travel during construction. A typical 720-square-foot office trailer would consume approximately 6,548 kWh each year during the construction. Construction demand and consumption of electricity would not be significant. Construction of the proposed project would include new connections from existing electrical lines. However, due to the relatively short duration of construction activities, there are no additional impacts associated with the relocation, construction of new or expanded electrical connections or other facilities that would result in potentially significant impacts, and no additional mitigation would be required to address potential impacts related to the need for relocation or construction of new or expanded electrical facilities. Therefore, construction impacts related to any construction, expansion, and/or relocation of electrical infrastructure facilities would be less than significant.

*Natural Gas:* The proposed project would not consume natural gas for construction purposes. There are no additional impacts associated with the expansion of existing natural gas infrastructure, and no additional mitigation would be required to address potential impacts related to the need for construction of expanded natural gas facilities. Impacts would be less than significant.

*Telecommunications:* Construction office field services (office trailers) would require new telecommunications hookups or equipment, which would be provided by existing communication and internet providers in the area. Implementation of the proposed project would not result in a substantial demand for service. There are no additional impacts associated with extension and expansion of existing telecommunications infrastructure. (Draft EIR, pp. 3.15-20–26)

***Operation***

*Water:* The project site is currently developed with over 280 acres in agricultural production as an almond orchard that is conservatively estimated to use approximately 1,257 AFY. The proposed project's operational water usage of a total of approximately 124.1 AFY at buildout in 2028 would be significantly less than the existing agricultural uses. However, because the existing orchard is not currently connected to the Cal Water service area, the proposed project would increase demand for potable water from the Cal Water Visalia District water system, which is reliant on groundwater to serve its customers. Nevertheless, based on analysis in the UWMP and WSA, and as summarized in detail in the EIR and WSA, the water system would maintain sufficient supply in normal year, single-dry year, and multiple-dry years for existing and future users within the service area. Factoring in the proposed project's estimated water demand of approximately 124.1 AFY, the total District demand would increase by 12.3 AFY due to the proposed project's FAR being higher than the baseline FAR assumed in the UWMP. This would require the Visalia District to supply a total of approximately 45,541.3 acre-feet in an average year, a total of approximately 45,412.3 acre-feet in a single-dry year, and a total of approximately 45,951.3 acre-feet every year over multiple-dry years. Since Cal Water has stated that the maximum pumping capacity is approximately 100,829 AFY and this pumping capacity is adequate to meet a projected 2030 demand of a total of approximately 57,364 AFY, it can be reasonably be expected that there would be sufficient water supplies available during normal, dry, and multiple-dry years to serve the proposed project, along with other existing and future users within the service area. The proposed project would be adequately served by the existing water system and would not require the relocation or construction of new or expanded water facilities. The proposed project is considered planned growth and would not create the need for unplanned connection or increases in service demands to Cal Water. Impacts would be less than significant.

*Wastewater:* The WCP received approximately 14,635 acre-feet of wastewater that was collected from the City service area in year 2020. This estimate was calculated by annualizing 90 percent of January water use from the Visalia Water District service area for that year. This equates to approximately 13.1 million gallons per day (GPD) of wastewater generation. Based on the City's existing capacity to process up to 22.0 million GPD, there is additional capacity to handle approximately 8.9 million GPD of additional wastewater. The proposed project would conservatively add approximately 99,719 gallons of wastewater per day, or approximately 1.1 percent of the existing available capacity. Based on the WCP's existing capacity of 22.0 MGD, and the nominal increase in demand that would result from the proposed project, the WCP can adequately serve the proposed project in addition to other growth/development in the City. The proposed project would

also be required to pay all applicable fees associated with the City's sewer system outlined in Municipal Code Section 13.08.710. The proposed project would be adequately served by the existing wastewater system and would not require the relocation or construction of new or expanded water facilities. Impacts would be less than significant.

*Stormwater:* The proposed project would result in a substantial increase of impervious surfaces, with a commensurate increase in stormwater runoff. As a result, the proposed project would result in the need for new or expanded storm drainage facilities. The proposed project includes construction of an on-site storm drainage system consisting of inlets, underground piping, and retention basins. Approximately 31.3 acres of on-site retention basins would be installed. Runoff would drain to drainage system located throughout the project site. The system would be designed to meet the City's drainage requirements and all applicable standards and requirements would be required to be met, including accommodating a 100-year storm event, retaining runoff and releasing it at a rate no greater than the redevelopment condition of the project site. The proposed project's on-site stormwater retention basin would be sized to accommodate the stormwater discharge for the proposed project prior to the start of operations. Therefore, while the proposed project involves the construction of new facilities, it would be required to comply with all applicable laws and regulations in the design of those facilities and environmental impacts associated therewith have been evaluated (and feasibly mitigated to the extent necessary) as detailed throughout the Draft EIR. Impacts would be less than significant.

*Electricity:* SCE would provide electricity to the project site for lighting, appliances, and other associated operational uses. The proposed project would be required to comply with the State's applicable Title 24 energy efficiency standards (including, among others, designing structures to be solar-ready). These standards contain advanced energy efficiency standards and would ensure that the proposed project would not require the relocation of facilities or the construction of new or expanded electrical sources/facilities. The proposed project would include new connections from existing electrical lines, which have the capacity to serve project operations. Therefore, operational impacts related to adequacy and capacity of electrical infrastructure facilities would be less than significant.

*Natural Gas:* The proposed project would include new connections from existing natural gas lines. The proposed project would utilize natural gas for heating, which would be provided by Southern California Gas Company (SoCalGas). The proposed project would be required to be designed and constructed consistent with the State's then-current applicable Title 24 energy efficiency standards. These standards would ensure that the proposed project would not require the relocation or the construction of new or expanded natural gas sources/facilities. Therefore, operational impacts related to the need for new natural gas supply would be less than significant.

*Telecommunications:* At operation, the proposed project would increase demand for internet and telephone services provided by local telecommunications providers. The proposed project is located in an area where existing telecommunications providers already offer internet and telephone services and have sufficient capacity to meet project operational demands. The building tenants/operators would coordinate with telecommunication providers in order to provide service, which have the capacity to serve project operations. Therefore, operational impacts related to the

need for relocation or construction of new or expanded telecommunications infrastructure facilities as a result of telecommunications demand would be less than significant.

## Potential Effect

**Impact UTIL-2:** The proposed project would have sufficient water supplies available to serve the project and reasonably foreseeable future development during normal, dry, and multiple-dry years. (Draft EIR, p. 3.15-26)

**Findings:** Less than significant impact. No mitigation necessary.

**Facts in Support of Findings:** As discussed in Impact UTIL-1 in the Draft EIR and above, the Visalia District would have sufficient water supplies available to serve the proposed project and reasonably foreseeable future development, as well as other existing users, during normal, single-dry, and multiple-dry years. Therefore, the impact would be less than significant. (Draft EIR, p. 3.15-26)

## Potential Effect

**Impact UTIL-3:** The proposed project would result in a determination by the wastewater treatment provider, which serves or may serve the project, that it has adequate capacity to serve the project's projected demand in addition to the provider's existing commitments. (Draft EIR, p. 3.15-27)

**Findings:** Less than significant impact. No mitigation necessary

**Facts in Support of Findings:** As discussed in Impact UTIL-1 in the Draft EIR and above, the City, as the wastewater treatment provider, has adequate wastewater capacity to serve the projected project in addition to the City's existing and other reasonably foreseeable future commitments. Impacts would be less than significant. (Draft EIR, p. 3.15-27)

## Potential Effect

**Impact UTIL-5:** The proposed project would comply with federal, State, and local management and reduction statutes and regulations related to solid waste. (Draft EIR, p. 3.15-29)

**Findings:** Less than significant impact. No mitigation necessary.

**Facts in Support of Findings:** *Construction:* During construction, the proposed project would be required to comply with all applicable laws and regulations, including Municipal Code Chapter 8.29 related to construction and demolition materials management. Compliance with this regulation and all other requirements would ensure compliance with Assembly Bill (AB) 939 and other relevant federal, State and local management reduction statutes and regulations by ensuring construction waste is transferred to facilities that can adequately recycle solid waste. Thus, with compliance with the Visalia Municipal Code and AB 939, the proposed project would be required to comply with applicable solid waste regulations and statutes. Compliance with the foregoing would be confirmed by the City as part of the subsequent individual specific development proposal review process. Therefore, impacts related to solid waste regulations consistency are less than significant.

*Operation:* Adherence to AB 939, SB 1383, AB 341, AB 32, and the Municipal Code would ensure sufficient solid waste collection and transportation is available and would ensure that disposal sites contain sufficient capacity through permit review and inspections and recycling programs are implemented to divert waste. As such, operation of the proposed project would not impede the ability of the City to meet waste diversion requirements or cause the City to violate federal, State and local statutes and regulations related to solid waste. Compliance with the foregoing would be confirmed by the City as part of the subsequent individual specific development proposal review process. Therefore, with compliance with applicable federal, State and City laws and regulations requiring recycling and waste diversion from landfills, operational impacts related to compliance with applicable solid waste statutes and regulations would be less than significant. (Draft EIR, p. 3.15-29)

## 1.5.14 - Wildfire

### Potential Effect

**Impact WILD-1:** The proposed project would not be located in or near an SRA or lands classified as a VHFHSZ and would not substantially impair an adopted emergency response plan or emergency evacuation plan. (Draft EIR, p. 3.16-12)

**Findings:** Less than significant impact. No mitigation necessary.

**Facts in Support of Findings:** The project site is not located in or near an SRA or lands classified as a VHFHSZ; accordingly, there would be a less than significant impact applying the above significance threshold.

For informational purposes, the following is noted.

The project site is classified as LRA Unzoned, which means that the project site is outside of areas identified by CAL FIRE as having substantial or very high risk. The Unit Strategic Fire Plan for the CAL FIRE Tulare Unit designates the project site as being located within an Agriculture area by the County. There is no history of wildfires on or near the project site. Accordingly, the project site is not considered a high wildfire prone area.

*Construction:* During construction, construction equipment and vehicles would access and leave the project site, which in turn could potentially impede evacuation or EVA. The City General Plan designates SR-198, SR-99, and SR-63 as evacuation routes consistent with the Tulare County Evacuation Plan. The foregoing State Routes are located approximately 2 miles, 2.15 miles, and 3.66 miles from the project site, respectively. As detailed in Section 3.16, Wildfire, of the Draft EIR, the proposed project's primary access roads (Kelsey Street, Clancy Street, Shirk Street, and Riggin Avenue) allow adequate egress/ingress to the project site in the event of an emergency. These streets would connect to an internal road network within the project site, providing ample access for emergency vehicles in case of an emergency. Given the multiple evacuation routes available to the proposed project as well as other community members, coupled with several alternate main arterial roads that provide access to these identified evacuation routes, the proposed project's construction would not substantially impair these evacuation routes.

Furthermore, the proposed project would be required to be designed in accordance with the applicable City/Fire Code standards and the Tulare County Multi-Jurisdictional Local Hazard Mitigation Plan (MJLHMP) to accommodate emergency evacuation by providing safe and ready access for emergency equipment and by providing alternate routes for evacuation. As such, the proposed project would not substantially impair any adopted emergency response plan or emergency evacuation plan.

In conclusion, because the project site is not located in or near an SRA or lands classified as a VHFHSZ, the proposed project would have a less than significant impact in this regard. Moreover, the project site is not considered a high wildfire prone area, and the proposed project would not introduce environmental or public safety hazards that would increase the risk of ignition and or impede evacuation such that any existing environmental hazards would be exacerbated. Impacts would be less than significant.

*Operation:* During operation, the proposed project would be readily and adequately served by police and fire services. It would not create a permanent residential increase in population unaccounted for in the General Plan that could lead to overwhelming calls for emergency services. Additionally, given its industrial and commercial nature, the proposed project is not expected to trigger the need for significant additional law enforcement, fire protection, or emergency services. As noted above, given the availability of multiple evacuation routes available to the proposed project as well as other community members, coupled with several alternate main arterial roads that provide access to these identified evacuation routes, the proposed project's operation would not substantially impair these evacuation routes and would not substantially impair any adopted emergency response plan or emergency evacuation plan. Furthermore, the proposed project would be required to be designed to be consistent with all applicable City/Fire Code requirements and standards.

Therefore, no mitigation is required and impacts would be less than significant. (Draft EIR, p. 3.16-12)

## Potential Effect

**Impact WILD-2:** The proposed project would not be located in or near an SRA or lands classified as a VHFHSZ, and would not due to slope, prevailing winds, and other factors, exacerbate wildfire risks and thereby expose project occupants to pollutant concentrations from a wildfire or the uncontrolled spread of a wildfire. (Draft EIR, p. 3.16-14)

**Findings:** Less than significant impact. No mitigation necessary

**Facts in Support of Findings:** As noted above, the project site is not located in or near an SRA or lands classified as a VHFHSZ. Therefore, because this is the case, there would be a less than significant wildfire impact.

For informational purposes, the following is noted.

The project site has an elevation of approximately 303 feet AMSL. The project site is predominantly flat with a gentle slope to the northwest. The project site and vicinity are not in or near a WUI zone,

and are bordered by urban development on two sides, with similar urban development planned in the area in the immediate future. Annual prevailing winds in the City of Visalia are from the northwest; therefore, it is reasonable to assume that the prevailing winds would blow any fire embers away from the project site and would not exacerbate fire risk. As such, the project site and its surroundings do not embody conditions that would exacerbate wildfire in this regard.

The project site is designated as LRA Unzoned, which are considered areas with low fire frequency. The potential for wildfire on the project site is not considered high. In addition, the project site has not previously experienced wildfire. The reduction in fuel load that would occur with project development, combined with the relatively flat slope, as well as available agricultural irrigation, further reduces the potential for wildfire to spread on-site. The proposed project would be adequately served by fire hydrant water pressure in accordance with applicable water distribution design criteria. Given that the project site does not experience consistent high winds, is not located in or near an area of steep terrain or an area experiencing historical wildfire, and would be adequately served by water supplies, the project site would not be prone to greater wildfire risk.

During construction and operation, the proposed project would be required to comply with applicable then-current California Fire Code (as codified by the City at Municipal Code 8.20) standards and requirements related to the maintenance of mechanical equipment, handling and storage of flammable materials, and cleanup of spills of flammable materials, as well as the installation of sprinkler systems and fire/smoke detection devices.

For the above reasons, the proposed project is not anticipated to expose project occupants to pollutant concentrations from a wildfire or the uncontrolled spread of wildfire due to slope, prevailing winds, and other factors during construction. Impacts would be less than significant. (Draft EIR, pp. 3.16-14–15)

## Potential Effect

**Impact WILD-3:** The proposed project would not be located in or near an SRA or lands classified as a VHFHSZ and would not require the installation or maintenance of associated infrastructure (such as roads, fuel breaks, emergency water sources, power lines or other utilities) that may exacerbate fire risk or that may result in temporary or ongoing impacts to the environment. (Draft EIR, p. 3.16-15)

**Findings:** Less than significant impact. No mitigation necessary.

**Facts in Support of Findings:** The project site is not located in or near an SRA or lands classified as a VHFHSZ. Therefore, there would be a less than significant wildfire impact.

For informational purposes, the following is noted.

Development of the proposed project would include road improvements and internal roadways to allow for vehicular travel. However, the proposed project would not require the installation of firebreaks, because it is in a generally urbanized area surrounded by existing urban development with little natural vegetation and is not considered a high wildfire prone area, as discussed at length

above. The proposed project would be required to implement applicable provisions of the Fire Code, including, among others, adhering to the minimum fire flows, the minimum spacing for and numbers of fire hydrants, sprinkler systems, smoke detection devices, and Fire Department access requirements. Fire hydrants must be of a type approved by the Fire Marshal or Fire Chief. Therefore, the project site would have adequate water supplies for firefighting purposes and would have adequate access to fire hydrants, as well as adequate emergency access. New utilities such as electrical power and natural gas lines would be installed below ground, helping to reduce potential ignition and related fire risk above ground, as well as reducing the possibility of a power outage during a fire since underground powerlines are less likely to be damaged by falling branches or flying debris. In conclusion, due, in part to its location and the incorporation of project design features such as road improvements, availability of adequate water supply for firefighting purposes, undergrounding of new utility lines, and adherence to applicable laws and regulations relating to fire protection, the proposed project would not require the installation or maintenance of associated infrastructure (such as roads, fuel breaks, emergency water sources, power lines or other utilities) that may exacerbate fire risk or that may result in temporary or ongoing impacts to the environment. Therefore, no mitigation is required, and impacts would be less than significant. (Draft EIR, pp. 3.16-15–16)

## Potential Effect

**Impact WILD-4:** The proposed project would not be located in or near an SRA or lands classified as a VHFHSZ, and would not expose people or structures to significant risks, including downslope or downstream flooding or landslides, as a result of runoff, post-fire slope instability, or drainage changes. (Draft EIR, p. 3.16-16)

**Findings:** Less than significant impact. No mitigation necessary.

**Facts in Support of Findings:** The project site is not located on or near steep slopes susceptible to landslides or downstream flooding. Therefore, there would be a less than significant wildfire impact.

For informational purposes, the following is noted.

As discussed previously, the project site has also not been affected by previous wildfires that could have resulted in drainage changes or loss of vegetation. Additionally, the project site is not located in or near fire-prone areas, such as unmanaged open space or a designated fire hazard zone. The proposed project would be required to implement an approved SWPPP pursuant to applicable laws and regulations, which would include, among other things, erosion and sediment control BMPs during construction, thereby reducing the potential of erosion and siltation during construction and would control potential flooding events that could occur during construction. Also, the proposed project would be required to install an on-site storm drainage system consisting of inlets, underground piping, and detention basins. Runoff would drain to the proposed project's drainage system located throughout the project site. The system would be required to be designed to meet all applicable standards and requirements including accommodating a 100-year storm event and would be required to detain runoff and release it at a rate no greater than the pre-development condition of the project site. In conclusion, the project site is not considered a high wildfire prone area; it

would be required to implement all applicable standards and requirements related to wildfires and fire protection.

Therefore, the proposed project would not expose people or structures to significant risks, including downslope or downstream flooding or landslides, as a result of runoff, post-fire slope instability, or drainage changes. No mitigation is required, and impacts would be less than significant. (Draft EIR, p. 3.16-16)

## Potential Effect

**Cumulative Impact:** The proposed project would not have a significant cumulative impact related to wildfire. (Draft EIR, p. 3.16-16)

**Findings:** Less than significant impact. No mitigation necessary.

**Facts in Support of Findings:** The geographic scope of the cumulative wildfire analysis is the City of Visalia and the western portion of Tulare County. The cumulative setting includes the built development and the wildland areas within the foregoing geographic scope. According to CAL FIRE, there are no VHFHSZs within City boundaries or its SOI. With respect to the western portion of Tulare County, which is predominantly within an LRA, there are no areas identified as VHFHSZ. In addition, there are no SRAs within the City or the western portion of Tulare County, and none of the cumulative projects are located in or near an SRA or lands classified as a VHFHSZ. Because none of the cumulative projects are located in or near an SRA or lands classified as a VHFHSZ cumulative impacts would be less than significant.

Moreover, in general, a combination of federal, State, and local laws and regulations help to limit or minimize, to the extent feasible, the potential for exposure to wildfires by reducing the amount of development in WUI areas, ensuring new projects are developed according to the CBC and Fire Code and related standards and requirements, and incorporating mandates for fire-resistant construction into land use planning. There are several plans at the County and City level that further help to implement various requirements, recommendations and guidelines to further reduce risks associated with wildfires. Planned uses proposed by the cumulative projects, as well as the proposed project, would increase the need for emergency services to a certain degree, and all development would be required to comply with applicable emergency access requirements and other Fire Code related mandates (e.g., relating to fire hydrants, fire flow, etc.), which would be imposed as enforceable standard conditions of approval. Given the location of the relevant cumulative developments, it is anticipated that the identified evacuation routes would be available and would not be substantially impaired. The cumulative developments, as well as the proposed project, would also be required to comply with applicable laws and regulations relating to erosion and sediment control, thereby helping to further reduce significant risks, including downslope or downstream flooding or landslides, as a result of runoff, post-fire slope instability, or drainage changes.

There would be cumulative project construction (including the installation and/or maintenance of associated infrastructure such as roads, fuel breaks, emergency water sources, power lines or other utilities). However, adherence to applicable laws and regulations would help to ensure that cumulative development, as well as the proposed project, would not result in permanent road

closures, nor impede established emergency access routes or interfere with emergency response requirements. Accordingly, cumulative projects, similar to the proposed project, would not exacerbate wildfire risk.

The proposed project's contribution to this already less than significant cumulative impact would not be cumulatively considerable. As detailed above, the project site is not an SRA or on lands classified as a VHFHSZ. Furthermore, it is not in a high fire-prone area, is relatively flat and not prone to flooding, does not have a history of prior wildfires, and would be required to adhere to all applicable laws and regulations relating to emergency access, use of fire-resistant materials, availability of adequate fire hydrants and fire flow supply/pressure, and sediment and erosion control. The proposed project is therefore not expected to exacerbate wildfire hazards or substantially impair emergency/evacuation response. No mitigation is required and cumulative impacts would be less than significant. (Draft EIR, p. 3.16-16)

## 1.6 - Potential Environmental Effects Which Can Be Mitigated Below a Level of Significance

The City Council hereby finds that feasible mitigation measures have been identified in the EIR (see attached Exhibit A to these Findings, MMRP) that will avoid or substantially lessen the following potentially significant environmental impacts to a less than significant level. (CEQA Guidelines § 15091(a)(1)) The potentially significant impacts, and the mitigation measures that will reduce them to a less than significant level, are as follows:

### 1.6.1 - Biological Resources

#### Potential Effect

**Impact BIO-1:** The proposed project could have a substantial adverse effect, either directly or through habitat modifications, on species identified as a candidate, sensitive, or special-status species in local or regional plans, policies, or regulations, or by the California Department of Fish and Wildlife or United States Fish and Wildlife Service. (Draft EIR, pp. 3.4-19–22)

**Findings:** Less than significant impact with mitigation incorporated. (Draft EIR, pp. 3.4-19–22) Changes or alterations have been required in, or incorporated into, the project which avoid or substantially lessen the significant environmental effects as identified in the EIR. (CEQA Guidelines § 15091(a)(1))

#### Mitigation Measures

**MM BIO-1a Pre-construction Surveys for Swainson's Hawk**

Prior to initial ground disturbance or building permits of any project area, if during the nesting season for Swainson's hawk (March 20 to July 20), a qualified Biologist shall conduct Swainson's hawk nesting surveys on-site and within a 0.5-mile radius of the project site to determine whether nests are present and if so, occupied. Occupancy shall be determined through observation of all accessible areas,

including from public roads or other publicly accessible observation areas of Swainson's hawk activity (e.g., foraging) on and near the project site. If ground disturbance occurs outside the nesting season, no further action is required.

A qualified Biologist shall follow the survey protocol outlined in the California Department of Fish and Wildlife (CDFW) Recommended Timing and Methodology for Swainson's Hawk Nesting Surveys in California's Central Valley, which recommends surveys according to the following survey periods:

1. January–March 20: Conduct one survey total.
2. March 20–April 5: Conduct three surveys total. Surveys shall be conducted between sunrise to 10:00 a.m. and/or 4:00 p.m. to sunset.
3. April 5–April 20: Conduct three surveys total. Surveys shall be conducted between sunrise to 12:00 p.m. and/or 4:30 p.m. to sunset.
4. April 21–June 10: Initiating surveys are not recommended. Monitoring of known nest sites only.
5. June 10–July 30: (post-fledging) Conduct three surveys total. Surveys shall be conducted between sunrise to 12:00 p.m. and/or 4:00 p.m. to sunset.

Pre-construction surveys shall be completed for at least the two survey periods immediately prior to the subject ground-disturbing activities being initiated, with the latest survey no more than 10 days prior to the start of the subject ground-disturbing A copy of the survey results shall be submitted to the Lead Agency as evidence of compliance.

**MM BIO-1b Swainson's Hawk Avoidance and Minimization and Construction Monitoring**

If nests are located and determined to be occupied, minimization measures must be implemented by the relevant applicant in connection with a specific individual development application, and construction monitoring conducted as follows:

1. Construction activities shall be prohibited within 600 feet of an active and occupied Swainson's hawk nest or within 600 feet of nests under construction to prevent nest abandonment unless a smaller buffer is approved pursuant to subsection (2) below. This incorporates the maximum avoidance buffer size stated in the California Department of Fish and Wildlife (CDFW) Recommended Timing and Methodology for Swainson's Hawk Nesting Surveys in California's Central Valley.
2. If site-specific conditions or the nature of the construction activity (e.g., other nearby development, limited activities) indicate that a smaller buffer, or no buffer at all, could be used, the project developer may seek approval from the qualified Biologist who, in coordination with the CDFW, shall determine the appropriate buffer size, which, once approved, shall govern.
3. No tree containing an active Swainson's hawk nest shall be removed.

If (i) no nests are located or (ii) if nests are located and determined not to be occupied, then no minimization measures shall need to be implemented and no further mitigation under this MM BIO-1b shall be required.

**MM BIO-1c Pre-construction Surveys for Burrowing Owl (includes avoidance and passive relocation if found)**

To determine whether burrowing owl have occupied the project site prior to its development, a qualified Biologist shall perform a pre-construction burrowing owl survey to determine burrow locations within 30 days prior to construction activities using California Department of Fish and Wildlife (CDFW) Guidelines. If construction is delayed or suspended for more than 30 days after the survey, the area shall be resurveyed. Surveys for occupied burrows shall be completed within all construction areas and within 300 feet of the proposed project impact area (where possible and appropriate based on locations of barren or ruderal habitats). At least 15 days prior to the expected start, or restart, of any project-related ground disturbance activities, the project applicant shall provide a burrowing owl survey report with mapping exhibits to the CDFW. If no burrowing owl are detected during the pre-construction survey, no further action is necessary.

If burrowing owl are detected during the pre-construction survey, the following actions shall be taken to offset impacts during construction (as outlined in the CDFW 2012 Guidelines):

- During the nonbreeding season (September 1 through January 31), no disturbance shall occur within an approximately 160-foot radius of an occupied burrow. During the nesting season (February 1 through August 31), occupied burrows shall not be disturbed within a 300-foot radius unless a qualified Biologist approved by the CDFW verifies through noninvasive methods that either (1) the birds have not begun egg-laying and incubation or (2) that juveniles from the occupied burrows are foraging independently and are capable of independent survival.
- If owls must be moved away from the disturbance area, passive relocation techniques (as outlined by the CDFW [i.e., use of one-way doors]) should be used rather than trapping. At least one or more weeks will be necessary to accomplish this and to allow the owls to acclimate to alternate burrows.
- If unpaired owls or paired owls are present in or within 300 feet of areas scheduled for disturbance or degradation (e.g., grading) and nesting is not occurring, owls are to be removed per CDFW-approved passive relocation protocols. Passive relocation requires the use of one-way exclusion doors, which must remain in place at least 48 hours prior to site disturbance to ensure owls have left the burrow prior to construction. A CDFW-approved exclusion plan would be required to implement this measure.
- If paired owls are nesting in areas scheduled for disturbance or degradation, nest(s) shall be avoided from February 1 through August 31 by a minimum 300-

foot buffer or until fledging has occurred. Following fledging, owls may be passively relocated.

**MM BIO-1d** **Pre-construction Special-status Species Wildlife Surveys and Protective Measures if Found, Including Standard Avoidance Measures for San Joaquin Kit Fox**

Not more than 14 days before start of ground disturbance, a qualified Biologist shall conduct surveys to determine the presence/absence of the following special-status wildlife species: Crotch's bumblebee, San Joaquin kit fox, western burrowing owl, and American badger. Surveys conducted for Crotch's bumblebee shall follow the survey methodology outlined in the Survey Considerations for California Endangered Species Act Candidate Bumble Bee Species (CDFW 2023) protocol. In the event a Crotch's bumblebee nest is detected within the Project, CDFW shall be consulted to the extent required under applicable laws and regulations to determine how best to implement Project activities and avoid take. If take cannot be avoided, an Incidental Take Permit (ITP) shall be obtained to the extent required under applicable laws and regulations, pursuant to Fish and Game Code Section 2081 subdivision (b).

Should San Joaquin kit fox, western burrowing owl, or American badger be detected, the qualified Biologist shall coordinate with the California Department of Fish and Wildlife (CDFW) and/or the United States Fish and Wildlife Service (USFWS) (as appropriate and to the extent required under applicable laws and regulations) to determine adequate protection measures as may be required under applicable laws and regulations, and the relevant project developer shall implement all such measures in connection with the development proposal at issue. Copies of all reports and communication with the appropriate wildlife agencies shall be submitted to the Lead Agency as evidence of compliance.

The following standardized recommendations as outlined by the USFWS for the protection of San Joaquin kit fox shall be implemented during project construction:

1. 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. Nighttime 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.
2. 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 Game (CDFG) shall be contacted as noted under measure 13 referenced below.

3. 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 moved only once to remove it from the path of construction activity, until the fox has escaped.
4. 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.
5. No firearms shall be allowed on the project site.
6. 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.
7. 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 United States 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.
8. 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.
9. 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 the previously referenced people and anyone else who may enter the project site.

10. 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.
11. 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.
12. 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 the CDFG immediately in the case of a dead, injured or entrapped kit fox.
13. The Sacramento Fish and Wildlife Office and CDFG 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.
14. 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 kit fox was observed should also be provided to the Service at the address below.

**MM BIO-1e Protection of Active Bird Nests (includes pre-construction survey and implementation of avoidance buffer, if found)**

1. Removal of trees shall occur in compliance with and as required by the City's Tree Preservation Ordinance.
2. If project development requires trees to be removed during the nesting season, pre-construction nesting bird surveys shall be conducted 7 days prior to tree removal to determine whether active nests are present.
3. If an active nest is located during pre-construction surveys, a qualified Biologist shall determine an appropriately sized avoidance buffer based on species and anticipated disturbance level. The buffer shall be 250 feet for migratory bird species and 500 feet for raptors. That no-disturbance buffer can be reduced if it is determined whether a qualified on-site monitor determines through monitoring the effects of activities on the nest that the buffer can be reduced without nest abandonment or otherwise affecting nest success.
4. The relevant applicant of the proposed development at issue shall physically mark the nest protection zone with Environmentally Sensitive Area fencing, pin flags, and/or yellow caution tape. The nest protection zone shall be maintained around the active nest site(s) until the young have fledged and are foraging independently, as determined by a qualified Biologist. No construction activities or construction foot traffic is allowed to occur within the nest protection zones until the young have fledged and are foraging independently, as determined by a qualified Biologist.

5. The qualified Biologist shall monitor the active nest(s) periodically during construction activities to prevent any significant impacts that may result from the construction of the proposed project, until the young have fledged. Copies of the survey report shall be submitted to the lead agency as evidence of compliance.

If no active nests are located, then no minimization measures shall need to be implemented and no further mitigation under this MM BIO-1e shall be required.

**MM BIO-1f** **Protection of Roosting Bats (includes pre-construction survey and implementation of avoidance buffer, if found).**

If tree removal or demolition of existing structures is proposed in connection with project development, trees and/or structures with features capable of supporting roosting bats shall be surveyed by a qualified Biologist for bat roosts or evidence of bat roosting (guano, urine staining and scent, dead bats) not more than 14 days before the start of ground disturbance, including vegetation removal. If active roosts are discovered, a protection zone of no less than 50 feet around the active roost shall be established by the qualified Biologist. Disturbance may occur within the buffer once active roosting ceases, as determined by the qualified Biologist.

If roosts are determined to be present and must be removed, the bats shall be excluded from the roosting site before the tree or structure is removed. A bat Exclusion Plan shall be reviewed and approved by the California Department of Fish and Wildlife (CDFW) prior to implementation. Exclusion methods may include use of one-way doors at roost entrances (bats may leave, but not reenter), or sealing roost entrances when the site can be confirmed to contain no bats. Exclusion efforts shall be restricted during periods of sensitive activity (e.g., during hibernation or while females in maternity colonies are nursing young). Copies of the survey report shall be submitted to the lead agency as evidence of compliance. If no active roosts are located, then no minimization measures shall need to be implemented and no further mitigation under this MM BIO-1f shall be required.

**Facts in Support of Findings:** For the reasons set forth in the Draft EIR and in the Biological Resources Assessment (BRA) attached thereto, as well as the Final EIR, there is suitable habitat for relatively few special-status wildlife species. For those species, the Draft EIR discussed and fully disclosed these potential impacts as significant and identified feasible mitigation to ensure impacts would be reduced to less than significant. No special-status plant species were determined to have potential to occur on-site primarily due to the absence of suitable habitat, past and current land use, and the extent and frequency of ground disturbance. Because of the absence of special-status plant species as well as the absence of suitable habitat for these species, the proposed project would not have a substantial adverse effect, either directly or through habitat modifications, on any special-status plant species.

*Swainson's Hawk*. Suitable Swainson's hawk nesting trees are located on the project site and suitable Swainson's hawk foraging habitat is present on adjacent properties north and east of the project site. Swainson's hawks readily habituate to a variety of human disturbances including construction. Swainson's hawk nests are often found along busy roadways and in a variety of settings where substantial noise and other disturbances occur, including in agricultural areas. There are conditions, however, where the potential for abandonment is increased. This can occur when new disturbances are introduced to an otherwise open, rural setting. Under these conditions, no-disturbance buffers are important to avoid nest abandonment. No-disturbance buffers are intended to prevent all ground-disturbing activities and project-related entry of any sort into the buffer area. Although tolerant of human presence and activities, Swainson's hawks are most sensitive to direct observation of the nest by people. Therefore, restrictions within buffers should prohibit all entry and direct observation of the nest. The proposed project could cause direct harm to the species by the destruction of active nests during tree removal activities. The proposed project could cause indirect harm to the species through the noise, light and other manufactured disturbances resulting from project construction and operation, which may result in this species abandoning its nests. The project developer would be responsible for compliance with all applicable laws and regulations in place protecting Swainson's hawk, including applicable provisions of the California Endangered Species Act (CESA), Migratory Bird Treaty Act (MBTA), and the Fish and Game Code. These laws and regulations are described in Section 3.4.3 of the Draft EIR and are designed to reduce potential project-related impacts on Swainson's hawk. The project site does not currently provide foraging habitat due to the existing orchard operations. Therefore, development of the proposed project would not remove foraging area for this species. To further reduce potential impacts on Swainson's hawk to less than significant levels under CEQA and avoid the "take" of a Swainson's hawk as defined by CESA, MM BIO-1a and MM BIO-1b will be required to increase the potential to detect Swainson's hawk nests and to establish adequate nest protection zones to decrease the chance of accidental violation of the above laws and regulations and to conform with applicable CDFW Guidelines.

*Western Burrowing Owl:* While no suitable habitat for western burrowing owl exists on-site (see Section 3.4.2 of the Draft EIR), and no burrowing owl or signs thereof were observed on adjacent fields during the time of the survey (see BRA), it cannot be ruled out that nesting burrowing owl may be present within disturbance distance of the proposed project, which is currently considered to be 500 feet. If project activities include a significant increase in noise or other indirect disturbance of an active burrowing owl within 500 feet of an active burrowing nest were to occur, premature nest abandonment and loss of viable eggs or young could take place. Loss of burrowing owl would be considered a significant impact. However, with implementation of MM BIO-1c, detection and protection of active burrowing nests on adjacent fields would reduce this potential impact to less than significant.

*San Joaquin Kit Fox:* Potential presence of San Joaquin kit fox is unlikely because no signs of suitable denning habitat were observed during the field surveys, and if it occurred, San Joaquin kit fox presence would be limited to vagrant individuals dispersing across the project site in search of suitable habitat. The project site does not include suitable habitat and no suitable dens were observed on-site. However, a pre-construction survey to confirm absence of this species from the project site will be required (MM BIO-1d), and standard San Joaquin fox avoidance measures will follow to ensure that impacts would be less than significant.

*American Badger:* Potential presence of American badger is unlikely because no dens or burrows suitable for this species were observed during the field surveys, and if it occurred, American badger presence would be limited to vagrant individuals dispersing across the project site to find suitable habitat. The project site does not include suitable habitat and no suitable dens or burrows were observed on-site. However, a pre-construction survey to confirm absence of this species from the project site shall be required (MM BIO-1d) to ensure that impacts would be less than significant. Standard avoidance measures for the San Joaquin kit fox (MM BIO-1d) would also act to protect the American badger in the unlikely event of presence on-site.

*Crotch's Bumblebee:* Potential presence of Crotch's bumblebee is unlikely because the entire project site consists of actively managed orchard and no required habitat elements for this species are present, and if it occurred, it would be limited to vagrant individuals dispersing across the project site to find suitable habitat. Therefore, because the project site does not include suitable habitat, implementation of the proposed project would not result in significant impacts on this species. However, a pre-construction survey to confirm absence of this species from the project site shall be required (MM BIO-1d) to ensure that impacts would be less than significant.

*Nesting Birds:* Birds protected under the MBTA or California Fish and Game Code are legally protected and considered sensitive during the active nesting period and are therefore included in this impact analysis for special-status species. The extensive almond orchards, numerous ornamental trees, and the stand of large eucalyptus trees along (outside of) the southern boundary of the project site provide suitable habitat for a variety of species of nesting birds, including Swainson's hawk. Construction activities that occur during the avian nesting season (generally February 1 to August 31) could disturb nesting sites for bird species protected under the MBTA or the Fish and Game Code. Further, the removal of trees during the nesting season could result in direct harm to nesting birds, while noise, light and other manufactured disturbances may cause nesting birds to abandon their nests. The project developer(s) would be required to comply with all applicable laws and regulations protecting active bird nests, including MBTA and Fish and Game Code. These laws and regulations are described in Section 3.4.3 of the Draft EIR and are designed to reduce potential project-related impacts on protected nesting birds to less than significant levels. To further reduce potential impacts on protected bird nests to less than significant levels, MM BIO-1e will be required to increase the potential to detect protected bird nests and to establish adequate nest protection zones to decrease the chance of accidental violation of applicable laws and regulations.

*Roosting Bats:* If protected bat roosts are present on the project site or within disturbance distance, demolition activities have the potential to disturb/disrupt protected bat roosts, potentially leading to direct destruction or premature roost abandonment and loss of bats (including young or rare/sensitive bat species). The project developer(s) would be required to comply with all applicable laws and regulations (including the Fish and Game Code) related to the take of non-game mammals naturally occurring in California, including bats. These laws and regulations are listed in Section 3.4.3 of the Draft EIR and are intended to reduce potential project-related impacts on naturally occurring non-game mammals, including bats. To reduce potential impacts on roosting bats to less than significant levels, MM BIO-1f will be required to increase the potential to detect protected bat roosts and reduce the likelihood of disturbing or disrupting such roosts. (Draft EIR, pp. 3.4-19–22)

The City Council hereby finds that MM BIO-1a through MM BIO-1f are feasible, are hereby adopted, and will further reduce Impact BIO-1. Accordingly, the City Council hereby finds that, pursuant to Public Resources Code Section 21081(a)(1) and CEQA Guidelines Section 15091(a)(1), changes or alterations have been required in, or incorporated into, the proposed project that mitigate or avoid the potentially significant impacts as identified in the Draft EIR. Therefore, impacts would be less than significant with mitigation incorporated. (Draft EIR, pp. 3.4-19–22)

## Potential Effect

**Impact BIO-3:** The proposed project could have a substantial adverse effect on State or federally protected wetlands (including, but not limited to, marsh, vernal pool, coastal, etc.) through direct removal, filling, hydrological interruption, or other means. (Draft EIR, pp. 3.4-28–29)

**Findings:** Less than significant impact with mitigation incorporated. (Draft EIR, pp. 3.4-28–29) Changes or alterations have been required in, or incorporated into, the proposed project which avoid or substantially lessen the significant environmental effects as identified in the EIR. (CEQA Guidelines§ 15091(a)(1))

## Mitigation Measure

**MM BIO-3** The project developer shall submit the preliminary Jurisdictional Delineation (JD) and coordinate with the appropriate regulating agencies (Central Valley Regional Water Quality Control Board [RWQCB], California Department of Fish and Wildlife [CDFW] and the United States Army Corps of Engineers [USACE]) to the extent required under applicable laws and regulations to determine whether the Modoc Ditch is protected under Section 404 and 401 of the Clean Water Act (CWA), Porter-Cologne Water Quality Control Act, and/or Fish and Game Code 1602. Additionally, the project applicant shall submit a notification pursuant to Fish and Game Code Section 1602 to assist with review of the submitted delineation materials.

If Modoc Ditch is considered jurisdictional by the regulating agencies, the relevant project developer shall, in accordance with all applicable laws and regulations, obtain the relevant permit applications based on coordination with the appropriate regulating agencies, if required prior to impacting any waters.

As part of these authorizations, compensatory mitigation may be required by the regulating agencies to offset the loss of aquatic resources. If so, and as part of the permit application process, a qualified professional shall draft a Mitigation and Monitoring Plan to address implementation and monitoring requirements under the permit(s) to ensure that the subject development proposal would result in no net loss of habitat functions and values. The Plan shall contain, at a minimum, mitigation goals and objectives, mitigation location, a discussion of actions to be implemented to mitigate the impact, monitoring methods and performance criteria, extent of monitoring to be conducted, actions to be taken in the event that the mitigation is not successful, and reporting requirements. The Plan shall be approved by the

appropriate regulatory agencies and compensatory mitigation shall take place either on-site or at an appropriate off-site location, if required. Copies of the Plan and associated report shall be submitted to the lead agency as evidence of compliance.

Any material/spoils generated from project activities containing hazardous materials shall be located away from jurisdictional areas or special-status habitat and protected from stormwater runoff using temporary perimeter sediment barriers such as berms, silt fences, fiber rolls, covers, sand/gravel bags, and straw bale barriers, as appropriate and feasible. Protection measures should follow project-specific criteria as developed in a Storm Water Pollution Prevention Plan (SWPPP).

Equipment containing hazardous liquid materials shall be stored on impervious surfaces or plastic ground covers to prevent any spills or leakage from contaminating the ground and at least 50 feet outside the delineated boundary of jurisdictional water features.

Any spillage of material shall be stopped if it can be done safely and in a feasible manner. In the event of any such spillage, the contaminated area shall be cleaned by the party responsible for the spillage, and any contaminated materials properly disposed. For all spills, the project foreman or designated environmental representative shall be notified.

**Facts in Support of Findings:** The proposed project involves the removal or modification of the existing retention basin and would potentially require new culvert crossings over Modoc Ditch and extension of one existing culvert crossing. According to the preliminary JD (see Draft EIR, Appendix C), Modoc Ditch is likely an irrigation ditch that was solely constructed for the purposes of irrigation of agricultural areas. It has no downstream connection to federal or State water resources. The Modoc Ditch upstream connection to the Saint John's River is likely artificial, and if irrigation activities surrounding the Modoc Ditch were to end, water would stop flowing into the ditch and it would subsequently dry up. Therefore, impacts to the Modoc Ditch would likely be exempt from permitting with the RWQCB and other regulating agencies due to the lack of connection to waters of the State and the status as an irrigation ditch constructed in an otherwise upland area, solely for the purpose of agricultural irrigation. Modoc Ditch also lacks native plant communities or habitats and is of a low-quality habitat for wildlife. Therefore, impacts to Modoc Ditch would not likely require permitting with CDFW due to the project impacts not resulting in negative effects to habitat for wildlife or aquatic habitats. Regardless, the proposed project would be required to comply with all applicable federal and State water quality laws and regulations, including CWA 402 (NPDES), and the Porter-Cologne Water Quality Control Act (including stormwater control permits), and Fish and Game Code, all of which are described in Section 3.4.3 of the Draft EIR. Compliance with all applicable provisions of the foregoing would be sufficient for the proposed project to reduce potential impacts to State- and federally protected waters or wetlands to a less than significant level under CEQA.

The CDFW did not request submittal of a Notification of Streambed Alteration, indicating that none is required. No additional mitigation measures would typically be warranted in such instances.

However, for purposes of a conservative analysis and in accordance with City standards and to further confirm that the project site does not contain any State or federally protected aquatic resources, MM BIO-3 shall be required for the proposed project.

The City Council hereby finds that MM BIO-3 is feasible, is adopted, and will further reduce Impact BIO-3. Accordingly, the City Council hereby finds that, pursuant to Public Resources Code Section 21081(a)(1) and CEQA Guidelines Section 15091(a)(1), changes or alterations have been required in, or incorporated into, the proposed project that mitigate or avoid the potentially significant impacts as identified in the EIR. Therefore, impacts would be less than significant with mitigation incorporated. (Draft EIR, pp. 3.4-28–29)

## Potential Effect

**Impact BIO-4:** The proposed project could interfere substantially with the movement of any native resident or migratory fish or wildlife species or with established native resident or migratory wildlife corridors, or impede the use of wildlife nursery sites. (Draft EIR, p. 3.4-31)

**Findings:** Less than significant impact with mitigation incorporated. (Draft EIR, p. 3.4-31) Changes or alterations have been required in, or incorporated into, the proposed project which avoid or substantially lessen the significant environmental effects as identified in the EIR. (CEQA Guidelines § 15091(a)(1))

## Mitigation Measures

Implement MM BIO-1e and MM BIO-1f.

**Facts in Support of Findings:** Most of the project site consists of actively managed orchards and does not contain habitat features such as riparian corridors that could function as wildlife corridors. Additionally, the project site is surrounded by active roadways, active agriculture, and industrial and residential development, all of which impede the movement of wildlife and limit the use of the project site as a potential corridor for wildlife movement. The project site is not within a known wildlife corridor. While the project site is not within a known wildlife corridor, active bird nests and bat maternity roosts are potential wildlife nursery sites. Potential project-related impacts on active bird nests and bat roosts are analyzed and discussed under Impact BIO-1 in the Draft EIR and are considered potentially significant. However, implementation of MM BIO-1e and MM BIO-1f would avoid significant impacts on active bird nests and bat roosts by adherence to same including establishing protection zones if nests or roosts are found and would reduce this impact to less than significant. Additionally, there are no potential significant impacts to special-status species due to traffic collisions. Specifically, as discussed in Impact BIO-1, the Draft EIR and related BRA include a detailed discussion of wildlife movement on the project site during existing conditions and the potential impacts of the proposed project thereon. As described more fully therein, most of the project site consists of actively managed orchards and does not contain habitat features such as riparian corridors that could function as wildlife movement corridors. Moreover, CDFW's Terrestrial Connectivity Map identifies the project site as a 1, having limited connectivity opportunity (measured on a scale of 1-5, with 5 being an irreplaceable and essential corridor). Additionally, Section 4.5 of the BRA details how the project site is not a wildlife movement corridor. The BRA

states, "Most of the project site consists of actively managed orchards and does not contain habitat features such as riparian corridors that could function as wildlife corridors. Additionally, the project site is surrounded by active roadways, active agriculture, industrial, and residential development, all of which impede the movement of wildlife and limit the use of the project site as a potential corridor for wildlife movement. The project site is not within a known wildlife corridor." Therefore, the project site would not attract special-status species that would be subject to traffic movement, lowering the potential for traffic collisions.

hereby adopted, and will further reduce Impact BIO-4. Accordingly, the City Council hereby finds that, pursuant to Public Resources Code Section 21081(a)(1) and CEQA Guidelines Section 15091(a)(1), changes or alterations have been required in, or incorporated into, the project that mitigate or avoid the potentially significant impacts as identified in the EIR. Therefore, impacts would be less than significant with mitigation incorporated. (Draft EIR, p. 3.4-31)

## Potential Effect

**Cumulative Impact:** The proposed project would not have a significant cumulative impact related to biological resources with mitigation incorporated. (Draft EIR, p. 3.4-32)

**Findings:** Less than significant impact with mitigation incorporated. (Draft EIR, p. 3.4-32) Changes or alterations have been required in, or incorporated into, the proposed project which avoid or substantially lessen the significant environmental effects as identified in the EIR. (CEQA Guidelines § 15091(a)(1))

## Mitigation Measures

MM BIO-1a through MM BIO-1f and MM BIO-3.

**Facts in Support of Findings:** The general geographic scope of the cumulative biological resources analysis is within the City of Visalia's municipal boundaries and SOI. Existing cumulative projects in the geographic scope of the biological resources analysis include, among others, active mixed agriculture to the north and east, industrial complexes to the west and south, and a dairy farm to the south. The planned cumulative developments listed in the Draft EIR Chapter 3, Environmental Impact Analysis, Table 3-1 are predominantly located in areas that have already been built out with limited potential to support special-status wildlife and plant species, wildlife corridors and wildlife nursery sites, and protected trees. Furthermore, as noted below, there is a comprehensive regulatory framework that is imposed on cumulative projects, similar to the proposed project, to help ensure protected biological resources are identified and any significant impacts are feasibly mitigated. Accordingly, there is a low likelihood of special-status wildlife or plants, wildlife corridors or nursery sites, or protected trees occurring within these urban cumulative project areas due to past ground disturbance and long-planned urban development thereon. The proposed project's incremental contribution to less than significant cumulative impacts would not be cumulatively considerable because it, along with other projects, would be required to adhere to all applicable laws and regulations that protect biological resources.

*Special-status Species:* Cumulative projects, including the proposed project, within the cumulative geographic context would be required to comply with applicable federal, State, and local laws,

regulations, and policies and all applicable permitting requirements of the regulatory and oversight agencies intended to address potential impacts on biological resources. Cumulative projects, similar to the proposed project, would be required to adhere to standard pre-construction surveys and implement, if necessary, feasible avoidance procedures would be required for projects with the potential to impact special-status wildlife species (see, e.g., MM BIO-1a through MM BIO-1d). Given the already urbanizing nature of the cumulative geographic context and because cumulative developments, similar to the proposed project, would be required to comply with the above requirements, as well as applicable General Plan and Municipal Code requirements, cumulative biological impacts related to special-status species would be less than significant. The proposed project's incremental contribution to less than significant cumulative impacts would not be cumulatively considerable because it would, along with other projects, be required to adhere to all applicable laws and regulations that protect special-status species.

*Special-status Plant Species:* Based on reasonable assumptions, this analysis concludes that no cumulative impacts on special-status plant species would result from the cumulative projects due to the low probability of special-status plants to occur on active agricultural lands, and the generally applicable laws and regulations protecting special-status plant species. Therefore, this would constitute a less than significant cumulative impact.

The proposed project's incremental contribution to less than significant cumulative impacts would not be cumulatively considerable. There would be no direct or indirect impacts to special-status plant species or to designated or proposed critical habitat for plant species on the project site. No suitable habitat for these species occurs within the project site and none were identified during the field survey. Therefore, because none are present on the project site, implementation of the proposed project would not make a cumulatively considerable contribution to this already less than significant cumulative effect to special-status plants.

*Special-status Wildlife Species:* Because cumulative development would be required to comply with the applicable requirements as described in the Regulatory Framework section, cumulative biological impacts would be less than significant. Therefore, no significant cumulative impacts on these protected functional groups are expected. Moreover, the proposed project's incremental contribution to less than significant cumulative impacts would not be cumulatively considerable. The project site is an actively managed orchard with a few ornamental trees, and provides negligible habitat value for special-status wildlife species. No special-status species are expected to successfully establish at the project site long term. Additionally, upon compliance with applicable laws and regulations, and the implementation of recommended mitigation measures (MM BIO-1a, MM BIO-1b, MM BIO-1c, and MM BIO-1d), potential short-term impacts to special-status wildlife species due to the proposed project are not expected to be significant. Potential project-related impacts on protected active bird nests and bat roosts will be avoided by compliance with the MBTA and Fish and Game Code, and through implementation of MM BIO-1e and MM BIO-1f. Therefore, no cumulative impacts on special-status wildlife species are expected; the proposed project is not expected to substantially affect regional populations and would not be considered to have a cumulatively considerable contribution.

*Riparian Habitat or Other Sensitive Natural Communities:* Within the cumulative project areas, development would not directly and significantly impact riparian habitat or other sensitive natural

communities because they are largely located in previously developed or disturbed areas. Most of the current cumulative developments have been designed to accommodate future anticipated growth, prevent urban sprawl, and minimize developmental impacts to sensitive natural communities to the extent feasible. Cumulative projects, similar to the proposed project, within the cumulative geographic context would be required to comply with applicable federal, State, and local laws, regulations, and policies relating to riparian habitat or other sensitive natural communities. Additionally, implementation of applicable General Plan and Municipal Code requirements (as described in Section 3.4.3 of the Draft EIR, Regulatory Framework) would result in less than significant cumulative impact to riparian habitat or other sensitive natural communities. Additionally, based on the foregoing and because none of the vegetation communities on the project site are riparian or otherwise sensitive natural communities, the proposed project would not have a cumulatively considerable contribution to this cumulative impact on sensitive natural communities and riparian habitat.

*State or Federally Protected Waters and Wetlands:* Within the cumulative project areas, it is not anticipated that cumulative development would not directly and significantly impact sensitive natural communities and/or the aquatic resources outlined above because they are largely sited in previously developed or highly disturbed areas. Furthermore, cumulative projects with the potential to impact wetlands, other waters, or riparian habitat would be required to adhere to any applicable laws and regulations including, for example, consultation that may be required with the applicable regulatory agencies, the quantification of their potential impacts in a formal JD, and implementation of any required mitigation pursuant to applicable laws and regulations, similar to the proposed project. As such, there is a less than significant cumulative impact. Additionally, the proposed project would not have a cumulatively considerable contribution to this already less than significant cumulative impact. Modoc Ditch and the existing retention basin present on-site are not expected to be considered State- or federally protected aquatic resources pursuant CWA Sections 404/401 and/or Fish and Game Code Section 1602. However, for purposes of a conservative analysis and consistent with the City's standard practice, the proposed project would be required to comply with MM BIO-3. The implementation of MM BIO-3 would ensure potential significant impacts to State or federally protected waters and wetlands would be identified and avoided to the extent feasible, and the proposed project would otherwise be required to comply with the comprehensive regulatory framework to the extent applicable. Therefore, the development of the proposed project would not have a cumulatively considerable contribution to this already less than significant cumulative impact on State- or federally protected waters and wetlands.

*Local Policies or Ordinances:* It is reasonably foreseeable that other cumulative projects, similar to the proposed project, may result in the removal of trees, which would be governed by the applicable local protection ordinance including the City's Street Tree Ordinance and relevant General Plan Policies. Therefore, impacts in this regard would not be cumulatively significant. Moreover, development of the proposed project and any development of cumulative projects would not result in any conflicts with local tree policies or ordinances protecting trees or other biological resources given that the cumulative developments, similar to the proposed project, would be required to adhere to all applicable standards and mandates, including, among others, the City's Tree Preservation Ordinance. The proposed project would require removal of up to approximately 1.19 acres of non-native ornamental trees. These trees would only be considered protected or regulated if they are within the City's right-of-way. With compliance with the City's Street Tree Ordinance, however, potential impacts

on trees regulated by the City's Street Tree Ordinance would be less than significant without additional mitigation. As such, the proposed project would not have a cumulatively considerable contribution on this already less than significant cumulative impact.

*Fish and Wildlife Movement Corridors:* The cumulative developments are predominantly located in areas that have already been built out or with limited potential to support wildlife corridors. Cumulative projects, similar to the proposed project, within the cumulative geographic context would be required to comply with applicable General Plan Policies and Municipal Code requirements, as well as all other applicable laws and regulations, which protect fish and wildlife movement corridors. With implementation of these policies and adherence to all other standards and requirements, cumulative projects, as well as the proposed project, would result in less than significant cumulative impact to fish and wildlife movement corridors. As explained above, the project site does not function as a wildlife corridor. As such, the proposed project would not have a cumulatively considerable contribution on this already less than significant cumulative impact.

*Wildlife Nursery Sites:* The cumulative developments are predominantly located in areas that have already been built out or have limited potential to support wildlife nursey sites. Cumulative projects, similar to the proposed project, within the cumulative geographic context would be required to comply with applicable General Plan Policies, Municipal Code requirements, and other applicable laws and regulations that protect wildlife nursey sites. With implementation of these policies and adherence to all other standards and requirements, cumulative projects, as well as the proposed project, would result in less than significant cumulative impact to wildlife nursery. Nesting birds and roosting bats, including groups of species that are protected under federal and State law and are considered sensitive and protected under certain conditions (e.g., when nesting, breeding), are known to use the sites within the cumulative development areas for nesting and roosting. Removal of tall nest trees that are critical for species reliant on taller nest trees (e.g., the ash and pine trees on-site), may result in significant cumulative impacts due to the loss of suitable nest trees for bird species reliant on tall trees (e.g., Buteo species), if similar trees nearby are also removed, and not replaced in kind. Therefore, there are potential significant cumulative impacts to wildlife nursery sites. Potential project-related impacts on active bird nests and bat roosts are analyzed and discussed under Impact BIO-1 and are considered potentially significant. However, implementation of MM BIO-1e and MM BIO-1f would ensure that impacts on active bird nests and bat roosts are less than significant by, among other things, establishing protection zones if nests or roosts are found and would thus reduce this impact to less than significant. As explained above, the project site does not function as a wildlife corridor. As such, the proposed project would not have a cumulatively considerable contribution on this significant cumulative impact.

*Habitat and Natural Community Conservation Plan Consistency:* There is no adopted HCP, NCCP, or other approved local, regional, or State HCP within the geographic scope of this cumulative analysis. As such, cumulative impacts with respect to the cumulative developments, as well as the proposed project, would be cumulatively less than significant. Additionally, the proposed project does not lie within the boundaries of any adopted HCP, NCCP, or other approved local, regional, or State HCP. As explained above, the project site does not function as a wildlife corridor. As such, the proposed project would not have a cumulatively considerable contribution on this already less than significant cumulative impact.

The City Council hereby finds that Mitigation Measure BIO-1e through MM BIO-1f and MM BIO-3 are feasible, are hereby adopted, and will further reduce significant cumulative impacts. Accordingly, the City Council hereby finds that, pursuant to Public Resources Code Section 21081(a)(1) and CEQA Guidelines Section 15091(a)(1), changes or alterations have been required in, or incorporated into, the proposed project that mitigate or avoid the potentially significant impacts as identified in the EIR. Therefore, cumulative impacts would be less than significant with mitigation incorporated. (Draft EIR, p. 3.4-32)

## 1.6.2 - Cultural Resources

### Potential Effect

**Impact CUL-1:** The proposed project could cause a substantial adverse change in the significance of a historical resource pursuant to CEQA Guidelines Section 15064.5. (Draft EIR, p. 3.5-19)

**Findings:** Less than significant impact with mitigation incorporated. (Draft EIR, p. 3.5-19) Changes or alterations have been required in, or incorporated into, the proposed project which avoid or substantially lessen the significant environmental effects as identified in the EIR. (CEQA Guidelines § 15091(a)(1))

### Mitigation Measure

**MM CUL-1** **Archaeological Spot-Monitoring and Halt of Construction Upon Encountering Historical or Archaeological Materials**

Prior to any ground disturbance in connection with project development, a surface inspection of the relevant portion(s) of the project site shall be conducted by a qualified Archaeologist; a Tribal Monitor/Cultural Staff from a culturally affiliated Native American Tribe identified by the Native American Heritage Commission (NAHC) shall be permitted to observe, subject to an executed agreement between the Tribe and the relevant applicant (as noted below). The Archaeologist (and Tribal Monitor/Cultural Staff, subject to an executed agreement with the relevant applicant) shall monitor the relevant portion(s) of the project site during initial ground disturbance activities that occur in connection with the subject proposal.

The relevant applicant shall offer, in good faith and based on commercially reasonable terms, a culturally affiliated Native American Tribe identified by the NAHC the opportunity to provide a Native American Monitor during ground-disturbing activities that occur in connection with the subject proposal. Tribal participation would be dependent upon the availability and interest of the Tribe as well as the parties being able to reach mutually acceptable terms.

In addition, the relevant applicant shall with diligence and good faith coordinate with the Tribal Monitor/Cultural Staff to enter into an agreement on commercially reasonable terms wherein the Tribal Monitor/Cultural Staff shall provide pre-project-related activities training to supervisory personnel and any excavation contractor, which shall include information on potential cultural material finds and

on the procedures to be enacted if Tribal Cultural Resources (TCRs) are found. Subject to such an executed agreement, the Tribal Monitor/Cultural Staff shall provide the foregoing activities prior to any ground disturbance in connection with an individual specific development proposal.

In the event that TCRs are discovered during project-related subsurface construction activities, operations shall stop within 100 feet of the find and a qualified Archaeologist shall determine whether the resource requires further study. In consultation with the City of Visalia and consulting Tribes, the qualified Archaeologist shall determine the measures that shall be implemented to protect the discovered resources, including, but not limited to, excavation of the finds and evaluation of the finds in accordance with CEQA Guidelines Section 15064.5. Measures may include avoidance, preservation in place, recordation, additional archaeological resting, and data recovery, among other options. Any previously undiscovered resources found during project-related subsurface construction activities shall be recorded on appropriate California Department of Parks and Recreation (DPR) forms and evaluated for significance. No further ground disturbance shall occur in the immediate vicinity of the discovery until approved by the qualified Archaeologist.

**Facts in Support of Findings:** Impacts related to the proposed project's potential to cause a substantial adverse change in the significance of a historical resource are limited to construction impacts. There are no known historic resources on the project site. However, while unlikely, subsurface construction activities always have the potential to damage or destroy previously undiscovered historic resources. Implementation of MM CUL-1 would require inspection monitoring by a qualified Archaeologist and a Native American Monitor during initial ground disturbance but before digging and trenching, when any historic or cultural resources would be visible. This would reduce potential impacts to historic resources that may be discovered during project construction. If a potential resource is identified, construction would be required to stop in the area of the find(s) until appropriate identification and treatment measures are implemented. This measure would be consistent with the City's standard conditions of approval that require monitoring of construction sites in proximity to known resources. Therefore, direct and indirect impacts related to historic resources would be less than significant with mitigation. (Draft EIR, p. 3.4-19)

The City Council hereby finds that MM CUL-1 is feasible, is hereby adopted, and will further reduce Impact CUL-1. Accordingly, the City Council hereby finds that, pursuant to Public Resources Code Section 21081(a)(1) and CEQA Guidelines Section 15091(a)(1), changes or alterations have been required in, or incorporated into, the proposed project that mitigate or avoid the potentially significant impacts as identified in the Draft EIR. Therefore, impacts would be less than significant with mitigation incorporated. (Draft EIR, p. 3.5-19)

## Potential Effect

**Impact CUL-2:** The proposed project could cause a substantial adverse change in the significance of an archaeological resource pursuant to Section 15064.5. (Draft EIR, p. 3.5-21)

**Findings:** Less than significant impact with mitigation incorporated. (Draft EIR, p. 3.5-21) Changes or alterations have been required in, or incorporated into, the proposed project which avoid or substantially lessen the significant environmental effects as identified in the Draft EIR. (CEQA Guidelines § 15091(a)(1))

## Mitigation Measures

Implement MM Cul-1, above and MMs CUL-2 and CUL-3, below.

**MM CUL-2** Prior to the initiation of ground disturbance activities for project development, the relevant developer shall ensure that all construction personnel conducting ground disturbance at the project site in connection with the subject individual specific development proposal shall be provided a Worker Environmental Awareness Program (WEAP) cultural resources "tailgate" training. The training shall include visual aids, a discussion of applicable laws and statutes relating to archaeological resources, types of resources that may be found within the project site, and procedures to be followed in the event such resources are encountered. The training shall be conducted by an Archaeologist who meets the Secretary of the Interior's Professional Qualification Standards for archaeology. Any Native American Monitors or representatives consulting on the proposed project shall be invited to attend and participate in the training session.

**MM CUL-3** In the event that prehistoric or historic-period archaeological resources are encountered during construction in connection with an individual specific development proposal, all construction activities associated therewith within 100 feet of the find shall halt and the City of Visalia and an Archaeologist who meets the Secretary of the Interior's Professional Qualification Standards for archaeology shall be notified by the relevant applicant. Prehistoric archaeological materials may include obsidian and chert flaked stone tools (e.g., projectile points, knives, scrapers) or toolmaking debris; culturally darkened soil ("midden") containing heat-affected rocks, artifacts, or shellfish remains; stone milling equipment (e.g., mortars, pestles, hand stones, or milling slabs); and battered stone tools, such as hammerstones and pitted stones. Historic period materials might include stone, concrete, or adobe footings and walls; filled wells or privies; and deposits of metal, glass, and/or ceramic refuse.

The Archaeologist shall inspect the findings within 24 hours of discovery or as soon thereafter as is reasonable and commercially practicable. If it is determined that the construction associated with the subject individual specific development proposal could significantly damage a historical resource or a unique archaeological resource (as defined pursuant to the CEQA Guidelines), mitigation shall be implemented in accordance with Public Resources Code Section 21083.2 and Section 15126.4 of the CEQA Guidelines, with a preference for preservation in place. If avoidance is not feasible, a qualified Archaeologist shall prepare and the relevant applicant shall implement a detailed treatment plan in consultation with the City of Visalia. Treatment of unique archaeological resources shall follow the applicable

requirements of Public Resources Code Section 21083.2. Treatment for most resources would consist of (but would not be limited to) sample excavation, artifact collection, site documentation, and historical research, with the aim to target the recovery of important scientific data contained in the portion(s) of the significant resource to be impacted by the proposed project. The treatment plan shall include provisions for analysis of data in a regional context, reporting of results within a timely manner, curation of artifacts and data at an approved facility, and dissemination of reports to local and State repositories, libraries, and interested professionals.

**Facts in Support of Findings:** The project site is situated on deposits that have a moderate potential to contain archaeological resources that could be encountered during project construction. Such resources could consist of but are not limited to stone, bone, wood, or shell artifacts or features, including hearths and structural elements. This represents a potentially significant impact related to archaeological resources.

The proposed project's potential to cause a substantial adverse change in the significance of an archaeological resource are limited to construction impacts. No respective direct or indirect operational impacts related to archaeological resource would occur.

Implementation of MM CUL-1 through MM CUL-3 would reduce potential impacts to archaeological resources that may be discovered during project construction to less than significant. (Draft EIR, p. 3.5-21)

The City Council hereby finds that MM CUL-1 through MM CUL-3 are feasible, are hereby adopted, and will further reduce Impact CUL-2. Accordingly, the City Council hereby finds that, pursuant to Public Resources Code Section 21081(a)(1) and CEQA Guidelines Section 15091(a)(1), changes or alterations have been required in, or incorporated into, the proposed project that mitigate or avoid the potentially significant impacts as identified in the Draft EIR. Therefore, impacts would be less than significant with mitigation incorporated. (Draft EIR, p. 3.5-21)

## Potential Effect

**Impact CUL-3:** The proposed project could disturb human remains, including those interred outside of formal cemeteries. (Draft EIR, p. 3.5-23)

**Findings:** Less than significant impact with mitigation incorporated. (Draft EIR, p. 3.5-23) Changes or alterations have been required in, or incorporated into, the proposed project which avoid or substantially lessen the significant environmental effects as identified in the EIR. (CEQA Guidelines § 15091(a)(1))

## Mitigation Measure

**MM CUL-4** In the event of the accidental discovery or recognition of any human remains during ground disturbance activities in connection with an individual specific development proposal, CEQA Guidelines Section 15064.5, Health and Safety Code Section 7050.5,

and Public Resources Code Sections 5097.94 and 5097.98 shall be followed by the relevant applicant. Specifically, the following steps shall be taken:

1. There shall be no further excavation or disturbance within 100 feet of the remains until the County Coroner is contacted to determine whether the remains are Native American and if an investigation of the cause of death is required. If the Coroner determines the remains to be Native American, the Coroner shall contact the Native American Heritage Commission (NAHC) within 24 hours, and the NAHC shall identify the person or persons it believes to be the Most Likely Descendant (MLD) of the deceased Native American. The MLD may make recommendations to the landowner or the person responsible for the excavation work within 48 hours, for means of treating or disposing of, with appropriate dignity, the human remains, and any associated grave goods as provided in Public Resource Code Section 5097.98.
2. Where any of the following conditions occur, the landowner or his or her authorized representative shall rebury the Native American human remains and associated grave goods with appropriate dignity, either in accordance with the recommendations of the MLD or on the project site in a location not subject to further subsurface disturbance:
   - The NAHC is unable to identify an MLD.
   - The identified MLD fails to make a recommendation within 48 hours after being notified by the commission.
   - The landowner or his or her authorized representative rejects the recommendation of the identified MLD and mediation by the NAHC fails to provide measures acceptable to the landowner.

Additionally, California Public Resources Code Section 15064.5 requires the following relative to Native American remains:

- When an initial study identifies the existence of, or the probable likelihood of, Native American remains within a project, a lead agency shall work with the appropriate Native Americans as identified by the NAHC as provided in Public Resources Code Section 5097.98. Each relevant applicant in connection with its individual specific development proposal may develop a plan for treating or disposing of, with appropriate dignity, the human remains and any items associated with Native American burials with the appropriate Native Americans as identified by the NAHC.

**Facts in Support of Findings:** Impacts related to the proposed project's potential to disturb human remains are limited to construction impacts. The potential for human remains to be discovered during ground-disturbing activities is considered low because no formal cemeteries or areas containing human remains are known to be present on-site or within a 0.5-mile radius. However, while it is unlikely that the presence of human remains exists within or near the project site, there is always the possibility that construction-related subsurface ground disturbance (such as grading or trenching) could potentially damage or destroy previously undiscovered human remains. In the unlikely event such an accidental discovery is made during ground disturbance activities in

connection with an individual specific development proposal, CEQA Guidelines Section 15064.5, Health and Safety Code Section 7050.5, and Public Resources Code Sections 5097.94 and 5097.98 must be followed by the relevant applicant. Along with compliance with these statutes and regulations, implementation of MM CUL-4, which details inadvertent discovery procedures, would reduce potential impacts to previously undiscovered human remains to a less than significant level. (Draft EIR, p. 3.5-23)

The City Council hereby finds that MM CUL-4 is feasible, is hereby adopted, and will further reduce Impact CUL-3. Accordingly, the City Council hereby finds that, pursuant to Public Resources Code Section 21081(a)(1) and CEQA Guidelines Section 15091(a)(1), changes or alterations have been required in, or incorporated into, the proposed project that mitigate or avoid the potentially significant impacts as identified in the Draft EIR. Therefore, impacts associated with unidentified human remains would be less than significant with mitigation incorporated. (Draft EIR, p. 3.5-23)

## Potential Effect

**Impact CUL-4:** The proposed project may cause a substantial adverse change in the significance of a Tribal Cultural Resource, defined in Public Resources Code Section 21074 as either a site, feature, place, cultural landscape that is geographically defined in terms of the size and scope of the landscape, sacred place, or object with cultural value to a California Native American Tribe, and that is listed or eligible for listing in the California Register of Historical Resources, or in a local register of historical resources as defined in Public Resources Code Section 5020.1(k). (Draft EIR, p. 3.5-24)

**Findings:** Less than significant impact with mitigation incorporated. (Draft EIR, p. 3.5-24) Changes or alterations have been required in, or incorporated into, the proposed project which avoid or substantially lessen the significant environmental effects as identified in the Draft EIR. (CEQA Guidelines § 15091(a)(1))

## Mitigation Measures

Implement MM CUL-1 through MM CUL-4.

**Facts in Support of Findings:** Impacts related to the proposed project's potential to damage or destroy TCRs are limited to construction impacts. See Impact CUL-1 and CUL-2, above, and detailed more fully in the Draft EIR. Based on the foregoing and as described above, there are no known TCRs on-site or in the project vicinity. However, there is always the possibility that previously unknown TCRs could be damaged or destroyed as a result of subsurface construction activities. Therefore, implementation of MM CUL-1 through MM CUL-4 would reduce potential impacts to TCRs to a less than significant level. (Draft EIR, p. 3.5-24)

The City Council hereby finds that MM CUL 1 through MM CUL-4 are feasible, are hereby adopted, and will further reduce Impact CUL-4. Accordingly, the City Council hereby finds that, pursuant to Public Resources Code Section 21081(a)(1) and CEQA Guidelines Section 15091(a)(1), changes or alterations have been required in, or incorporated into, the proposed project that mitigate or avoid the potentially significant impacts as identified in the Draft EIR. Therefore, impacts associated with

unidentified human remains would be less than significant with mitigation incorporated. (Draft EIR, p. 3.5-24)

## Potential Effect

**Impact CUL-5:** The proposed project may cause a substantial adverse change in the significance of a tribal cultural resource, defined in Public Resources Code Section 21074 as either a site, feature, place, cultural landscape that is geographically defined in terms of the size and scope of the landscape, sacred place, or object with cultural value to a California Native American Tribe, and that is a resource determined by the lead agency, in its discretion and supported by substantial evidence, to be significant pursuant to criteria set forth in subdivision (c) of Public Resources Code Section 5024.1. (Draft EIR, p. 3.5-25)

**Findings:** Less than significant impact with mitigation incorporated. (Draft EIR, p. 3.5-25) Changes or alterations have been required in, or incorporated into, the project which avoid or substantially lessen the significant environmental effects as identified in the Draft EIR. (CEQA Guidelines § 15091(a)(1))

## Mitigation Measures

Implement MM CUL-1 through MMCUL-4.

**Facts in Support of Findings:** Impacts related to the proposed project's potential to damage or destroy TCRs are limited to construction impacts. See Impacts CUL-1 through CUL-4, above, and detailed more fully in the Draft EIR. On September 13, 2022, and pursuant to AB 52, the City sent notification letters to Tribal Representatives on the consultation list provided by the NAHC. The City conducted follow-up phone calls on October 12, 2022. No replies were received within the 30-day consultation period. The City, in its capacity as lead agency, has not identified any TCRs within the project site that are significant pursuant to the criteria set forth in subdivision (c) of Public Resources Code Section 5024.1. However, while unlikely, the possibility remains that TCRs in the form of subsurface archaeological resources or human remains may be encountered during project construction. Implementation of MM CUL-1 through MM CUL-4 would reduce impacts to TCRs to a less than significant level. (Draft EIR, p. 3.5-25)

The City Council hereby finds that MM CUL-1 through MM CUL-4 are feasible, are hereby adopted, and will further reduce Impact CUL-5. Accordingly, the City Council hereby finds that, pursuant to Public Resources Code Section 21081(a)(1) and CEQA Guidelines Section 15091(a)(1), changes or alterations have been required in, or incorporated into, the project that mitigate or avoid the potentially significant impacts as identified in the Draft EIR. Therefore, cumulative impacts associated with would be less than significant with mitigation incorporated. (Draft EIR, p. 3.5-25)

## Potential Effect

**Cumulative Impact:** The proposed project could have a significant cumulative impact related to cultural resources. (Draft EIR, pp. 3.5-25–28)

**Findings:** Less than significant impact with mitigation incorporated. (Draft EIR, pp. 3.5-25–28) Changes or alterations have been required in, or incorporated into, the proposed project which avoid or substantially lessen the significant environmental effects as identified in the Draft EIR. (CEQA Guidelines § 15091(a)(1))

## Mitigation Measures

Implement MM CUL-1 through MM CUL-4.

**Facts in Support of Findings:** *Historic Resources:* The relevant geographic scope for potential cumulative impacts to historic, built environment resources is the land within the City's municipal boundaries. The cumulative setting includes existing agricultural and industrial uses. Based on a review of three area-specific survey reports (Table 3.5-2, Draft EIR) on file with the Southern San Joaquin Valley Information Center (SSJVIC) for the project site and its 0.5-mile search radius, no historic resources eligible for the California Register of Historical Resources (CRHR) were identified in the records search, literature review, or pedestrian survey of the project site or within the lands covered by the other cumulative developments. One historic era resource (Modoc Ditch) was identified within the project vicinity; however, the resource was evaluated and found to be ineligible for the CRHR and would remain unaffected by the proposed project, although there is always the possibility of previously unknown historic resources being damaged or destroyed during construction. With respect to the cumulative projects, similar to the proposed project, these cumulative projects have the potential to result in impacts to historic resources. However, potential cumulative impacts would be mitigated at an individual project level by adherence to applicable current State and federal laws and regulations, as well as other City and County laws, regulations, and mitigations, such as adherence to standard conditions of approval that require monitoring of construction sites in proximity to known resources (similar to as MM CUL-1, e.g.). The combination of these efforts would reduce potential cumulative impacts related to historical resources to a less than significant level. Moreover, the proposed project would not have a considerably cumulative contribution to this already less than significant impact because there are no known historic resources that would be adversely impacted by the proposed project, and it would be required to adhere to all applicable laws and regulations and implement identified mitigation governing the find of any significant historic resources.

*Archaeological Resources:* The geographic scope of the cumulative archaeological resources analysis is the project vicinity. The area near the project site would be the area most affected by project activities (generally within a 0.5-mile radius) from a cumulative standpoint. For the purposes of this cumulative analysis, the geographic scope is defined as the 0.5-mile SSJVIC records search radius. As discussed above, the geographic scope for this cumulative setting includes existing agricultural and industrial uses. All cumulative projects considered are within the 0.5-mile geographic scope. As noted above, there are three area-specific survey reports (Table 3.5-2) on file with the SSJVIC for the project site and its 0.5-mile search radius. No reports address the project site specifically, indicating that it has not previously been surveyed for cultural resources. There are no known unique archaeological resources within this geographic scope; however, there is always the possibility of previously unknown archaeological resources that could be damaged or destroyed during subsurface construction activities associated with cumulative projects. Nevertheless, any such potential cumulative impacts would be feasibly mitigated at an individual project level by adherence to

applicable local, State and federal laws and regulations, as well as applicable City and County laws, regulations, and mitigations. Measures similar to MM CUL-1 through MM CUL-4, which require monitoring of initial ground disturbance by a qualified Archaeologist and Native American Monitor, a WEAP training for construction staff, inadvertent discovery procedures, and an updated site survey following clearing and grubbing, could be expected to be imposed on the cumulative developments, similar to the proposed project. Therefore, there would not be a significant cumulative impact in this regard. Moreover, the proposed project would not have a cumulatively considerable contribution on this already less than significant cumulative archaeological resources impact given the nature of the project site and because it would be required to adhere to all applicable laws and regulations and to implement identified mitigation governing the find of any significant archaeological resources.

*Tribal Cultural Resources:* The appropriate geographic scope for assessing potential cumulative impacts to TCRs is the project vicinity, defined as the 0.5-mile SSJVIC records search radius. The geographic scope includes existing agricultural and industrial uses. There are no known TCRs or other archaeological resources within this geographic scope; however, there is always the possibility of previously unknown resources that could be damaged or destroyed during subsurface construction activities associated with cumulative projects. Nevertheless, any such potential cumulative impacts would be required to be mitigated at an individual project level through compliance with applicable federal, State, and local laws and regulations governing cultural resources, such as adherence to standard conditions of approval that require monitoring of construction sites in proximity to known resources, as well as the implementation of identified mitigation under CEQA, similar to the proposed project. Therefore, cumulative impacts would be less than significant. As explained above, there are no known TCRs that would be impacted by the proposed project. Although subsurface construction activities associated with the proposed project have the potential to encounter undiscovered TCRs and other archaeological resources, the proposed project would be required to mitigate for any such impacts through compliance with applicable federal, State, and local laws and regulations governing cultural resources. Additionally, the implementation of MM CUL-1 through MM CUL-4, which require, among other things, WEAP training for construction staff, inadvertent discovery procedures, an updated site survey, opportunities for a culturally affiliated Tribal Monitor, and implementation of identified measures in the event of significant find(s) would ensure that any undiscovered TCRs are not substantially adversely affected by project-related construction activities. Therefore, the proposed project would not have a cumulatively considerable contribution to this already less than significant cumulative impact. (Draft EIR, pp. 3.5-25–28)

The City Council hereby finds that MM CUL-1 through MM CUL-4 are feasible, are hereby adopted, and will further reduce cumulative impacts. Accordingly, the City Council hereby finds that, pursuant to Public Resources Code Section 21081(a)(1) and CEQA Guidelines Section 15091(a)(1), changes or alterations have been required in, or incorporated into, the proposed project that mitigate or avoid the potentially significant impacts as identified in the Draft EIR. Therefore, cumulative impacts associated with would be less than significant with mitigation incorporated. (Draft EIR, pp. 3.5-25–28)

## 1.6.3 - Geology and Soils

### Potential Effect

**Impact GEO-1b:** The proposed project could directly or indirectly cause potential substantial adverse effects, including the risk of loss, injury or death involving:

ii) Strong seismic ground shaking.

**Findings:** Less than significant impact with mitigation incorporated. (Draft EIR, pp. 3.7-11–12) Changes or alterations have been required in, or incorporated into, the proposed project which avoid or substantially lessen the significant environmental effects as identified in the Draft EIR. (CEQA Guidelines § 15091(a)(1))

### Mitigation Measure

**MM GEO-1** Prior to issuance of the grading permit for each project development, the final grading, foundation, and construction plans for the subject proposal shall incorporate all the site-specific earthwork, foundation, floor slab, lateral earth pressure, and pavement design recommendations, as detailed in a Geotechnical Evaluation prepared by a qualified Geotechnical Engineer. The final grading and construction plans for the subject individual specific development shall be reviewed by the City-approved Geotechnical Engineer to confirm compliance with this mitigation measure. Grading operations performed in connection with the subject individual specific development proposal shall satisfy all applicable recommendations included in the Geotechnical Evaluation.

During construction performed in connection with the specific development, the City-approved Geotechnical Engineer shall monitor this construction to ensure the earthwork operations are properly performed in accordance with the foregoing requirements.

**Facts in Support of Findings:** The project site is not near any major faults, although given the active seismicity of the region generally, it is possible that strong seismic ground shaking could be experienced on the project site and thus directly or indirectly cause potential substantial adverse effects, including the risk of loss, injury, or death. Therefore, this is a potentially significant impact.

Prior to the issuance of grading permits, each project applicant associated with an individual specific development proposal would be required to design relevant project buildings and other improvements and infrastructure to withstand substantial ground shaking in accordance with all applicable standards and requirements including, among others, applicable provisions the CBC. In addition, the subject project applicant's individual specific development proposal would be required to incorporate all relevant recommendations from the Geotechnical Evaluation within project construction and design plans, as outlined in MM GEO-1, as well as all applicable provisions of the CBC and the Visalia Building Code requirements. (Draft EIR, pp. 3.7-11–12)

The City Council hereby finds that MM GEO-1 is feasible, is hereby adopted, and will further reduce impacts geology and soils. Accordingly, the City Council hereby finds that, pursuant to Public Resources Code Section 21081(a)(1) and CEQA Guidelines Section 15091(a)(1), changes or alterations have been required in, or incorporated into, the proposed project that mitigate or avoid the potentially significant impacts as identified in the Draft EIR. Therefore, impacts associated with geology and soils under Impact GEO-1b would be less than significant with mitigation incorporated. Therefore, based on the foregoing, the proposed project's required compliance with the robust regulatory framework including, among others, applicable provisions in the Visalia Building Code, the CBC, as well as implementation of MM GEO-1 would ensure that impacts related to ground shaking would be less than significant. (Draft EIR, pp. 3.7-11–12)

## Potential Effect

**Impact GEO-2:** The proposed project could result in substantial soil erosion or the loss of topsoil. (Draft EIR, p. 3.7-15)

**Findings:** Less than significant impact with mitigation incorporated. (Draft EIR, p. 3.7-15) Changes or alterations have been required in, or incorporated into, the proposed project which avoid or substantially lessen the significant environmental effects as identified in the Draft EIR. (CEQA Guidelines § 15091(a)(1))

## Mitigation Measure

**MM GEO-2** In order to reduce on-site erosion due to project construction and operation, an erosion control plan and Storm Water Pollution Prevention Plan (SWPPP) shall be prepared for the site preparation, construction, and post-construction periods by a registered civil engineer or certified professional. The erosion control plan shall incorporate Best Management Practices (BMPs) consistent with the requirements of the National Pollutant Discharge Elimination System (NPDES). The erosion component of the plan must at least meet the requirements of the SWPPP required by the Central Valley Regional Water Quality Control Board (RWQCB). If earth-disturbing activities are proposed between October 15 and April 15, these activities shall be limited to the extent feasible to minimize potential erosion-related impacts. Additional erosion control measures may be implemented in consultation with the City of Visalia. Prior to the issuance of any permit, the project proponent shall submit detailed plans to the satisfaction of the City of Visalia. The components of the erosion control plan and SWPPP shall be monitored for effectiveness by the City of Visalia. Erosion control measures may include, but not be limited to, the following:

i. Limit disturbance of soils and vegetation disturbance removal to the minimum area necessary for access and construction;
ii. Confine all vehicular traffic associated with construction to the right-of-way of designated access roads;
iii. Adhere to construction schedules designed to avoid periods of heavy precipitation or high winds;

iv. Ensure that all exposed soil is provided with temporary drainage and soil protection when construction activity is shut down during the winter periods; and
v. Inform construction personnel prior to construction and periodically during construction activities of environmental concerns, pertinent laws and regulations, and elements of the proposed erosion control measures.

**Facts in Support of Findings:** Construction of the proposed project and associated improvements would involve earth-disturbing activities that could expose soils to the effects of wind or water erosion. Therefore, impacts in this regard are potentially significant. However, the proposed project would disturb at least 1 acre of land and therefore would be required to obtain a NPDES from the State Water Resources Control Board (State Water Board), consistent with the City's General Permit and will be required to comply with its conditions and standards, which are designed to minimize potential erosion issues to the extent feasible. Compliance with the NPDES permit would require the subject developer to obtain and implement a SWPPP that would prevent sediments and other pollutants from entering the stormwater system. To further ensure compliance with the foregoing, these requirements have been incorporated as MM GEO-2. Therefore, construction-related impacts related to soil erosion and loss of topsoil would be less than significant with mitigation incorporated.

Post construction, the project site would be covered with a significant amount of impervious surfaces as well as ample landscape. This would help ensure that the topsoil would not be exposed and would not result in significant soil erosion during project operations. As a result, project operation would have a less than significant impact as it relates to substantial soil erosion or loss of topsoil. (Draft EIR, p. 3.7-15)

The City Council hereby finds that MM GEO-2 is feasible, is hereby adopted, and will further reduce Impact GEO-2. Accordingly, the City Council hereby finds that, pursuant to Public Resources Code Section 21081(a)(1) and CEQA Guidelines Section 15091(a)(1), changes or alterations have been required in, or incorporated into, the proposed project that mitigate or avoid the potentially significant impacts as identified in the Draft EIR. Therefore, impacts associated with geology and soils would be less than significant with mitigation incorporated. (Draft EIR, p. 3.7-15)

## Potential Effect

**Impact GEO-3:** The proposed project could be located on a geologic unit or soil that is unstable, or that would become unstable as a result of the project, and potentially result in on- or off-site landslide, lateral spreading, subsidence, liquefaction or collapse. (Draft EIR, p. 3.7-16)

**Findings:** Less than significant impact with mitigation incorporated. (Draft EIR, p. 3.7-16) Changes or alterations have been required in, or incorporated into, the proposed project which avoid or substantially lessen the significant environmental effects as identified in the Draft EIR. (CEQA Guidelines § 15091(a)(1))

## Mitigation Measure

Implement MM GEO-1.

**Facts in Support of Findings:** Because of the relatively flat topography of the project site, the risk of on-site or off-site landslides associated with development of the proposed project is considered negligible. According to the Geotechnical Evaluation, groundwater fluctuates; however, data from a nearby well indicates that historic groundwater levels were recorded at greater than 100 feet BGS at a well approximately 0.5 miles south of the project site, and as noted in Section 3.7 of the Draft EIR, it is anticipated that similar depths to groundwater are present at the project site. As further described in the Geotechnical Evaluation (Draft EIR, Appendix E), saturated unconsolidated sediments would need to be present within the upper 50 feet of ground surface to be considered potentially liquefiable. Shallow groundwater is not expected at the project site and the project site is not mapped for liquefaction hazards by CGS. Other geologic hazards related to liquefaction, such as lateral spreading and dynamic settlement, are therefore also considered low. The potential risk for land subsidence is considered to be low to negligible. The potential for soil collapse at the project site is considered negligible as the project site is located on a relatively flat-lying plain. It was determined that the probability of damage from surface fault rupture is considered to be low. MM GEO-1 would ensure that any risk associated with lateral spreading, subsidence, liquefaction, or collapse is reduced to a less than significant level. Furthermore, the proposed project would be required to comply with all applicable laws, regulations, policies, requirements and standards to further reduce potential impacts related to unstable geologic units. (Draft EIR, pp. 3.7-16–17)

The City Council hereby finds that MM GEO-1 is feasible, is hereby adopted, and will further reduce Impact GEO-3. Accordingly, the City Council hereby finds that, pursuant to Public Resources Code Section 21081(a)(1) and CEQA Guidelines Section 15091(a)(1), changes or alterations have been required in, or incorporated into, the project that mitigate or avoid the potentially significant impacts as identified in the Draft EIR. Therefore, impacts associated with geology and soils would be less than significant with mitigation incorporated. (Draft EIR, pp. 3.7-16–17)

## Potential Effect

**Impact GEO-4:** The proposed project could be located on expansive soil, as defined in Table 18-1-B of the Uniform Building Code (1994), creating substantial direct or indirect risks to life or property. (Draft EIR, p. 3.7-18)

**Findings:** Less than significant impact with mitigation incorporated. (Draft EIR, p. 3.7-18) Changes or alterations have been required in, or incorporated into, the proposed project which avoid or substantially lessen the significant environmental effects as identified in the Draft EIR. (CEQA Guidelines § 15091(a)(1))

## Mitigation Measure

Implement MM GEO-1.

**Facts in Support of Findings:** The Geotechnical Evaluation for the project site concluded the predominant soils are silt with sand, sandy silt, silty sand, poorly graded sand with silt, and poorly

graded sand. The shrink-swell behavior of expansive soils can lead to damage of project buildings, infrastructure and improvements over time if not addressed appropriately prior to construction. According to the Geotechnical Evaluation, the soil at the project site has a low expansion potential; moreover, as described above, the proposed project would be required to incorporate recommendations from the Geotechnical Evaluation into project construction and design plans to reduce potential impacts related to unstable soil, in accordance with MM GEO-1. In addition, the proposed project would be required to comply with all applicable standards and requirements including, among others, applicable provisions of the CBC to reduce potential adverse effects from expansive soils. All grading and construction associated with the proposed project would be required to adhere to the applicable specifications, procedures, and site conditions contained in the final design plans, which would be subject to approval by the City of Visalia Planning Division (Municipal Code 16.12.070). Therefore, while the proposed project could be located on expansive soil, as defined in Table 18-1-B of the UBC (1994), this impact would be reduced to a less than significant level with incorporation of MM GEO-1. (Draft EIR, p. 3.7-18)

The City Council hereby finds that MM GEO-1 is feasible, is hereby adopted, and will further reduce Impact GEO-4. Accordingly, the City Council hereby finds that, pursuant to Public Resources Code Section 21081(a)(1) and CEQA Guidelines Section 15091(a)(1), changes or alterations have been required in, or incorporated into, the proposed project that mitigate or avoid the potentially significant impacts as identified in the Draft EIR. Therefore, impacts associated with geology and soils would be less than significant with mitigation incorporated. (Draft EIR, p. 3.7-18)

## Potential Effect

**Impact GEO-6:** The proposed project could directly or indirectly destroy a unique paleontological resource or site or unique geologic feature. (Draft EIR, p. 3.7-19)

**Findings:** Less than significant impact with mitigation incorporated. (Draft EIR, p. 3.7-19) Changes or alterations have been required in, or incorporated into, the proposed project which avoid or substantially lessen the significant environmental effects as identified in the Draft EIR. (CEQA Guidelines § 15091(a)(1))

## Mitigation Measure

**MM GEO-3** In the event a fossil is discovered during construction performed in connection with project development, the relevant project developer/contractor shall cease ground-disturbing activities within 15 feet of the find. The qualified Paleontologist shall evaluate the significance of the resources and recommend appropriate treatment measures which shall be implemented by the relevant applicant. In addition, all recovered fossils should be deposited in an appropriate repository, such as the University of California Museum of Paleontology, located on the campus of the University of California, Berkeley, where they will be properly curated and made accessible for future study.

**Facts in Support of Findings:** Based on the Paleontological Records Search performed for the project site and geological map and paleontological literature review, the project site is located on undivided

Holocene fan deposits that have no paleontological potential. The project site is not expected to disturb any pre-Holocene deposits that have a higher potential to be fossiliferous. However, while unlikely, there is always the possibility to disturb or damage previously unknown paleontological resources during subsurface construction activities, which would be a significant impact. Therefore, MM GEO-3 shall be implemented, which would require appropriate identification and treatment of inadvertently uncovered paleontological resources, impacts to paleontological resources would be reduced to less than significant. Potential impacts are limited to construction and no operational impacts would occur. (Draft EIR, p. 3.7-19)

The City Council hereby finds that MM GEO-3 is feasible, is hereby adopted, and will further reduce Impact GEO-6. Accordingly, the City Council hereby finds that, pursuant to Public Resources Code Section 21081(a)(1) and CEQA Guidelines Section 15091(a)(1), changes or alterations have been required in, or incorporated into, the project that mitigate or avoid the potentially significant impacts as identified in the Draft EIR. Therefore, impacts associated with geology and soils would be less than significant with mitigation incorporated. (Draft EIR, p. 3.7-19)

## Potential Effect

**Cumulative Impact:** The proposed project would not have a significant cumulative impact with mitigation incorporated. (Draft EIR, p. 3.7-20)

**Findings:** Less than significant impact with mitigation incorporated. (Draft EIR, p. 3.7-20) Changes or alterations have been required in, or incorporated into, the proposed project which avoid or substantially lessen the significant environmental effects as identified in the Draft EIR. (CEQA Guidelines § 15091(a)(1))

## Mitigation Measures

Implement MM GEO-1, MM GEO-2, and MM GEO-3.

**Facts in Support of Findings:** Cumulative projects, including the proposed project, have the potential to experience strong to violent ground shaking from earthquakes and would be exposed to the same ground shaking hazards. Cumulative projects, similar to the proposed project, would be required to implement identified mitigation similar to MM GEO-1, which requires a geotechnical study to evaluate soil conditions and geologic hazards be performed by a qualified Geotechnical Engineer on the relevant lands and to design the relevant facilities to withstand probable seismically induced ground shaking, liquefaction, and subsidence. In addition, cumulative developments, similar to the proposed project, would be required to adhere to all applicable requirements and standards including, among others, those set forth in the CBC, the General Plan, and Visalia Municipal Code reducing potential hazards associated with seismic ground shaking and ground failure. As such, cumulative impacts in this regard would be less than significant. Additionally, for the reasons discussed above, the proposed project would not have a cumulatively considerable contribution to this already less than significant impact with incorporation of the identified mitigation. (Draft EIR, p. 3.7-20)

Soil conditions associated with the cumulative developments, similar to the proposed project, such as differential settlement, liquefaction, expansive soils, and soil creep, are specific to the subject

lands and generally do not contribute to a cumulative effect. Moreover, cumulative developments, similar to the proposed project, would be required to implement identified mitigation similar to MM GEO-2, which requires the preparation of a SWPPP using BMPs to reduce the potential effects of erosion. Some or all other cumulative projects may have similar conditions, and thus they would be required to comply with similar measures and would not contribute to a general geologic or soil cumulative effect. Also, cumulative developments, similar to the proposed project, would be subject to a comprehensive regulatory framework including being mandated to adhere to all applicable requirements and standards pursuant to all applicable General Plan Policies, Municipal Code provisions, and the CBC, as well as being required to implement the identified mitigation measures Therefore, there is no potentially significant cumulative impact related to soils. With respect to the proposed project's contribution to this already less than significant impact, similar to other cumulative projects, it would be required to adhere to all applicable laws and standards as part of a comprehensive regulatory framework and also would be required to implement the identified mitigation measures. Therefore, the proposed project's contribution to this already less than significant cumulative impact associated with soil-related hazards would not be cumulatively considerable. (Draft EIR, p. 3.7-20)

The likelihood that unique geologic resources and paleontological resources are present on the proposed project and the other cumulative development areas is relatively low, given that the majority of soil disturbance associated therewith would take place within Holocene soils too young to be fossiliferous. This is based on the Paleontological Records Search prepared for the project site, which concluded that the nearest vertebrate locality is 5.5 miles to the southeast of the project site. The Paleontological Records Search concluded that there is an absence of fossiliferous localities within 5 miles of the project site, which would cover the geographic scope for purposes of this cumulative analysis. Moreover, all cumulative developments, similar to the proposed project, would be required to implement identified mitigation in the event of the discovery of any previously unknown significant finds. Cumulative developments would be required to consider and mitigate, if necessary, for any identified impacts through compliance with applicable federal and State laws and regulations governing unique geologic resources and paleontological resources and other project-specific identified mitigation measures, which would help ensure that undiscovered geologic and paleontological resources are not adversely affected by cumulative project-related construction activities and thus help prevent the destruction or degradation of any potentially significant cultural resources in the vicinity of the project site. Therefore, potential cumulative impacts would be less than significant.

Additionally, for the reasons discussed above, the proposed project has a low potential for disruption of unique geologic resources and paleontological resources given the nature of the soils on-site. Moreover, in the unlikely event paleontological resources are uncovered during construction, implementation of MM GEO-3 requires construction work to stop within 15 feet of the find. The qualified Paleontologist would evaluate the significance of the resources and recommend appropriate treatment measures that would be implemented by the relevant applicant. Thus, the proposed project incorporates feasible mitigation to ensure that impacts are reduced to a level of insignificance in the event previously unknown unique geologic resources and/or paleontological resources are uncovered during project construction. Although project construction has the potential to disturb paleontological resources, with the implementation of MM GEO-3, the proposed

project would not result in significant impacts to paleontological resources. Given this minimal impact and the requirement for similar mitigation for other projects in the area, cumulative impacts to paleontological resources would be less than significant, and the proposed project's contribution thereto would not be cumulatively considerable.

The City Council hereby finds that MM GEO-1, MM GEO-2, and MM GEO-3 are feasible, are hereby adopted, and will further reduce cumulative impacts. Accordingly, the City Council hereby finds that, pursuant to Public Resources Code Section 21081(a)(1) and CEQA Guidelines Section 15091(a)(1), changes or alterations have been required in, or incorporated into, the proposed project that mitigate or avoid the potentially significant impacts as identified in the Draft EIR. Therefore, cumulative impacts associated with geology and soils would be less than significant with mitigation incorporated. (Draft EIR, pp. 3.7-20–22)

## 1.6.4 - Greenhouse Gas Emissions

### Potential Effect

**Impact GHG-2:** The proposed project could conflict with an applicable plan, policy or regulation of an agency adopted for the purpose of reducing the emissions of greenhouse gases. (Draft EIR, p. 3.8-36)

**Findings:** Less than significant impact with mitigation incorporated. (Draft EIR, p. 3.8-36) Changes or alterations have been required in, or incorporated into, the proposed project which avoid or substantially lessen the significant environmental effects as identified in the Draft EIR. (CEQA Guidelines § 15091(a)(1))

### Mitigation Measures

Implement MM AIR-2d as well as MM GHG-2a and MM GHG-2b.

**MM GHG-2a** **Solar Photovoltaic System**

Prior to issuance of the first building permit in connection with an individual specific development proposal, the City of Visalia shall confirm that the proposed project is designed to include the following: The building shall be designed to include a solar photovoltaic (PV) system in accordance with 2022 Building Energy Efficiency Standards (Energy Code) Section 140.10. The required solar PV system shall be sized based on calculations provided in Section 140.10(a) of the Energy Code, which includes a number of factors such as the amount of conditioned space. Unconditioned buildings, except unoccupied or unused first-time tenant improvement spaces do not need to be part of the solar sizing calculations. All buildings required to have a solar PV system pursuant to this MM GHG-2a must also have a battery storage system.

**MM GHG-2b** Warehouse usage shall be limited to dry storage. If the warehouse is used for cold storage, then prior to the issuance of occupancy permits, the City of Visalia shall confirm that tenant lease agreements include contractual language that requires all

Transport Refrigeration Units (TRUs) entering the project site be plug-in capable. Electrical hookups shall be provided as part of the tenant improvements for any tenant that requires cold storage. The electrical hookups shall be provided at loading bays for truckers to plug in any onboard auxiliary equipment and power refrigeration units while their truck is stopped.

**Facts in Support of Findings:** Consistency with the Visalia CAP is shown in Table 3.8-5 of the Draft EIR (Draft EIR, p. 3.8-36). As described in the Draft EIR, although many actions in the City of Visalia's CAP would not apply as they are intended to be actions taken by the City on a broader level as opposed to being implemented by individual development projects, the proposed project would be consistent with nearly all the City of Visalia CAP actions applicable to individual development. This is due to the nature of the proposed project including the incorporation of identified design features that are consistent with various CAP actions (except CAP Action–Solar Panels). As currently designed, the proposed project would not include solar panels or solar-ready rooftop infrastructure, resulting in a potentially significant impact due to inconsistency with the CAP. However, implementation of MM GHG-2a would require a photovoltaic system to be installed in accordance with the Energy Code Section 140.10 prior to the upon issuance of a building permit. Therefore, impacts related to consistency with the Visalia CAP would be less than significant with implementation of mitigation.

Executive Order S-3-05 sets goals to reduce emissions to 1990 levels by 2020 and 80 percent below 1990 levels by 2050. The goal of Executive Order S-3-05 to reduce GHG emissions to 1990 levels by 2020 was codified by AB 32. The proposed project, as analyzed in detail in the Draft EIR, is consistent with AB 32. Therefore, the proposed project does not conflict with this component of Executive Order S-3-05. Executive Order B-30-15 establishes an interim goal to reduce GHG emissions to 40 percent below 1990 levels by 2030. The proposed project's post-2020 emissions trajectory is expected to follow a declining trend, consistent with the 2030 and 2050 targets.

Table 3.8-6 of the Draft EIR (Draft EIR, p. 3.8-44) provides a robust analysis of the proposed project's consistency with the 2017 Scoping Plan Update measures under SB 32. It was determined that the proposed project is consistent therewith for the reasons set forth therein, once the implementation of various project design features and identified mitigation is taken into account. Furthermore, the proposed project would be consistent with the 2022 Scoping Plan for the same reasons. MM GHG-2a would require a photovoltaic system to be installed in accordance with the Energy Code Section 140.10. MM GHG-2a would further reduce GHG emissions due to a reduction in electricity demand and ensure that the proposed project would contribute to the City meeting the State's climate goals. Additionally, MM AIR-2d and MM GHG-2b are required to ensure that the proposed project would not hinder the future transition to Zero-Emission Vehicle (ZEV) trucks. Accordingly, taking into account the proposed project's identified design features and the progress being made by the State toward reducing emissions in key sectors such as transportation, industry, and electricity, combined with implementation of the mitigation measures, the proposed project would be consistent with State GHG Plans and would further the State's goals of reducing GHG emissions 40 percent below 1990 levels by 2030, 80 percent below 1990 levels by 2050, 85 percent below 1990 levels by 2045, and does not obstruct their attainment after incorporation of mitigation.

The General Plan includes several policies to address GHG emissions, but only Policy AQ-P-12 would apply to individual development projects. This policy applies to projects that would exceed Air District thresholds. However, as demonstrated in the Draft EIR, with implementation of the identified mitigation measures, the proposed project would not exceed Air District thresholds, and therefore the policy would not apply to the proposed project. Accordingly, the proposed project would not conflict with relevant provisions of the General Plan and impacts would be less than significant. (Draft EIR, pp. 3.8-36–51)

The City Council hereby finds that MM AIR-2d, MM GHG-2a, and MM GHG-2b are feasible, are hereby adopted, and will further reduce greenhouse gas emissions. Accordingly, the City Council hereby finds that, pursuant to Public Resources Code Section 21081(a)(1) and CEQA Guidelines Section 15091(a)(1), changes or alterations have been required in, or incorporated into, the proposed project that mitigate or avoid the potentially significant impacts as identified in the Draft EIR. Therefore, impacts associated with greenhouse gases would be less than significant with mitigation incorporated. (Draft EIR, pp. 3.8-36–51)

## Potential Effect

**Cumulative Impact:** The proposed project could have a significant cumulative impact related to greenhouse gas emissions. (Draft EIR, p. 3.8-51)

**Findings:** Less than significant impact with mitigation incorporated. (Draft EIR, p. 3.8-51) Changes or alterations have been required in, or incorporated into, the proposed project which avoid or substantially lessen the significant environmental effects as identified in the Draft EIR. (CEQA Guidelines § 15091(a)(1))

## Mitigation Measures

Implement MM AIR-2d, MM GHG-2a, and MM GHG-2b.

**Facts in Support of Findings:** GHG emissions and global climate change inherently represent cumulative impacts. GHG emissions cumulatively contribute to the significant adverse environmental impacts of global climate change. No single project could generate enough GHG emissions to noticeably change the global average temperature; instead, the GHG emissions from past, present, and reasonably foreseeable future projects and activities have contributed to and would continue to contribute to global climate change and its associated environmental impacts. According to the Valley Air District, project GHG emissions are inherently cumulative and do not require the quantitative estimation of GHG emissions from cumulative projects in the region of the subject project. Thus, the determination of GHG cumulative impacts is based on: the State target established by AB 32 to reduce GHG emissions to 1990 levels by 2020, SB 32 to reduce GHG emissions to at least 40 percent below the Statewide greenhouse gas emissions limit no later than December 31, 2030, and AB 1279 which required the State to reduce GHG emissions to at least 85 percent below 1990 levels by 2045. In order to ensure that this consistency goal with the foregoing would be achieved, as discussed above and in the Draft EIR in detail, Air Districts and Lead Agencies developed GHG thresholds to ensure consistency with the State target. Projects with GHG emissions in conformance with these thresholds, therefore, would not be considered significant for purposes of CEQA. In

addition, although the emissions from such cumulative projects would add an incremental amount to the overall GHG emissions that cause global climate change impacts, emissions from projects consistent with these thresholds would not be a "cumulatively considerable" contribution under CEQA. Such projects would not be "cumulatively considerable," because they would be helping to solve the cumulative problem as a part of the AB 32 and SB 32 process. Therefore, the proposed project would be consistent with the applicable thresholds as evaluated above in detail with mitigation incorporated, and as a result, the proposed project would result in a less than significant cumulative impact related to generation of GHG emissions. (Draft EIR, p. 3.8-51)

The City Council hereby finds that MM AIR-2d, MM GHG-2a, and MM GHG 2b are feasible, are hereby adopted, and will further reduce greenhouse gas emissions. Accordingly, the City Council hereby finds that, pursuant to Public Resources Code Section 21081(a)(1) and CEQA Guidelines Section 15091(a)(1), changes or alterations have been required in, or incorporated into, the project that mitigate or avoid the potentially significant impacts as identified in the Draft EIR. Therefore, cumulative impacts associated with greenhouse gases would be less than significant with mitigation incorporated. (Draft EIR, p. 3.8-51)

## 1.6.5 - Hazards and Hazardous Materials

### Potential Effect

**Impact HAZ-2:** The proposed project could create a significant hazard to the public or the environment through reasonably foreseeable upset and accident conditions involving the likely release of hazardous materials into the environment. (Draft EIR, p. 3.9-25)

**Findings:** Less than significant impact with mitigation incorporated. (Draft EIR, p. 3.9-27) Changes or alterations have been required in, or incorporated into, the proposed project which avoid or substantially lessen the significant environmental effects as identified in the Draft EIR. (CEQA Guidelines § 15091(a)(1))

### Mitigation Measure

**MM HAZ-1**

(a) Any known wells on the project site shall be delineated on an engineered site plan with a minimum 10-foot radius no build area.

(b) In the event that any abandoned or unrecorded wells are uncovered or damaged during excavation or grading activities, all work shall cease in the vicinity of the well, and the California Department of Conservation Geologic Energy Management (CalGEM), shall be contacted for requirements and approval; copies of said approvals shall be submitted to the City of Visalia Planning and Community Preservation Department. CalGEM may determine that remedial plugging operations may be required.

(c) The following note shall appear on all final maps and grading plans: "If during grading or construction, any plugged and abandoned or unrecorded wells are uncovered or damaged, CalGEM will be contacted to inspect and approve any remediation required.

**Facts in Support of Findings:** Hazardous materials would be used during project construction in quantities typically associated with this kind of nonresidential development and would be transported, handled, stored, and disposed of in accordance with the robust regulatory framework set forth in applicable laws and regulations and manufacturers' instructions. There were no reportable concentrations of hazardous contaminants except for arsenic found on the project site. Detectable concentrations of arsenic were found in collected soil samples at concentrations above EPA RSLs and DTSC Screening Levels for industrial soil; however, these levels were below background arsenic concentration levels that have been identified as acceptable by the DTSC. Specifically, DTSC's HHRA Note Number 11 states that mitigation or remediation is usually not undertaken to reduce the concentration of contaminants below ambient levels. As such, the Draft EIR's analysis concluded that soil on the project site would be categorized as nonhazardous, and would not require mitigation. According to CalGEM, the project site is not located within a known active oil production field but does include one plugged and abandoned well. However, this well was confirmed plugged and properly abandoned pursuant to applicable laws and regulations on April 6, 2015. There was no evidence of chemical or petroleum leaks/staining on the soil at the project site. However, as there is a known well on-site, and in the unlikely event an unknown, abandoned, or unrecorded well may occur on-site and may be discovered during construction of the proposed project, MM HAZ-1 would be imposed, which requires the following: (1) for any known well, it needs to be indicated on engineered plans showing a minimum 10-foot no build radius area; and (2) for any previously unknown abandoned or unrecorded wells that are uncovered or damaged during excavation or grading, the relevant project developer would be required to immediately contact CalGEM, and comply with established procedures for dealing with wells. With the implementation of MM HAZ-1, impacts related to potentially hazardous materials uncovered during construction would be considered less than significant.

During operation, it is reasonable to assume that tenants/operators would use potentially hazardous substances that are typical for this type of light and flex industrial and compatible commercial uses, which would represent a low risk to people and the environment when used and handled as properly and as intended, pursuant to the requirements set forth in the comprehensive regulatory framework, and would not be expected to result in the release of hazardous materials into the environment. The handling, transport, and disposal of such substances must comply with all local, State, and federal laws and regulations, which would help further reduce risks of upset and accident conditions. As such, operational impacts related to hazardous materials risk would be less than significant.

The proposed project would include the installation of USTs in connection with the contemplated gas station. Accordingly, the proposed project would be required to submit an HMBP, and as such the hazardous materials that would be present on-site in connection with the proposed gas station would be contained within specifications that follow applicable federal, State, and local requirements. Overall, adherence to applicable laws and regulations and standard protocols during the storage, transportation, and usage of any hazardous materials would minimize or reduce potential impacts during construction related to the potential for upset and accident conditions involving the release of hazardous materials to a less than significant level. Furthermore, impacts during operation of the proposed project would be less than significant. (Draft EIR, pp. 3.9-25–27)

The City Council hereby finds that MM HAZ-1 is feasible, is hereby adopted, and will further reduce impact HAZ-1. Accordingly, the City Council hereby finds that, pursuant to Public Resources Code Section 21081(a)(1) and CEQA Guidelines Section 15091(a)(1), changes or alterations have been required in, or incorporated into, the proposed project that mitigate or avoid the potentially significant impacts as identified in the Draft EIR. Therefore, impacts would be less than significant with mitigation incorporated. (Draft EIR, pp. 3.9-21–25)

## Potential Effect

**Cumulative Impact:** The proposed project would have a less than significant impact related to hazards and hazardous materials with mitigation incorporated. (Draft EIR, pp. 3.9-33–35)

**Findings:** Less than significant impact with mitigation incorporated. (Draft EIR, pp. 3.9-33–35) Changes or alterations have been required in, or incorporated into, the proposed project which avoid or substantially lessen the significant environmental effects as identified in the Draft EIR. (CEQA Guidelines § 15091(a)(1))

## Mitigation Measure

Implement MM HAZ-1.

**Facts in Support of Findings:** The geographic scope of the cumulative hazards and hazardous materials analysis is the project site and its immediate vicinity. Adverse effects of hazards and hazardous materials tend to be localized; therefore, the area near the project area would be most affected by cumulative project activities. For the transport of hazardous materials, the geographic scope includes local and regional transportation facilities near the project site.

*Hazards Materials Exposure Risk:* Cumulative projects, similar to the proposed project, may include demolition of existing structures that have the potential to contain hazardous building materials. Building materials may contain asbestos-containing materials (ACM) and lead-based paint (LBP). To address potential release of hazardous materials, the City would require the applicants of cumulative developments to assess structures and comply with standard conditions of approval/mitigation measures. Additionally, a comprehensive regulatory framework involving regional, State, and federal laws and regulations would apply to these cumulative projects, which would ensure a less than significant cumulative impact related to exposure to hazardous materials.

With respect to impacts related to the creation of a hazard through upset or accident conditions involving the release of a hazardous material, project conformance with existing federal, State, and local laws and regulations, approval of a HMBP, incorporation of various project safety design features, etc., would reduce this impact from cumulative developments, similar to the proposed project, to less than significant. In the unlikely event an unknown, abandoned, or unrecorded well may occur on lands where cumulative developments would be constructed and may be discovered during construction, cumulative developments, similar to the proposed project, would be required to implement identified mitigation (similar to MM HAZ-1), which would require that, should any abandoned or unrecorded wells be uncovered or damaged during excavation or grading, the relevant developer would immediately contact CalGEM, and comply with established procedures for dealing

with wells. Therefore, this cumulative impact would be less than significant. Moreover, for the reasons set forth above and given the localized nature of the issue, the proposed project's contribution to this already less than significant impact would not be cumulatively considerable.

*Fire Hazard:* The project site, as well as areas within 0.5-mile, are not located in or near an SRA and also does not contain lands classified as a VHFHSZ. Therefore, cumulative impacts in this regard would be less than significant. For informational purposes, it is noted that the cumulative developments, similar to the proposed project, would not be built on lands that are considered prone for wildfires. These lands, similar to the project site, are classified as LRA Unzoned, which means that these lands are located outside of areas identified by CAL FIRE as having substantial or very high risk. The nearest VHFHSZ is located over 25 miles east of the project site.

Project-related activities on these lands, as with the project site, are not expected to increase the risk of wildfires. The General Plan includes policies that, when implemented, would help protect the cumulative developments, as well as the proposed project, along with the broader community from fire dangers. These include, among other things, the enforcement of fire codes during development-related activities. In addition, developers are required to pay impact fees that help offset the impact of development on public services, such as fire protection. In addition, implementation of appropriate safety measures during construction and operation of the project, as well as other cumulative projects, would further reduce the impact to a level that would not contribute to cumulative effects related to fire hazards. Given the location of the lands for cumulative development, similar to the project site, combined with the foregoing, cumulative impacts in this regard would be less than significant. For these same reasons, the proposed project's contribution to this already less than significant cumulative impact would not be cumulatively considerable.

*Hazards and Emergency Response*: The main arterial streets that would act as the most likely evacuation routes for cumulative developments out of the City are SR-198 (east–west), SR-99 (north–south), and SR-63 (north–south). Contemplated uses as proposed by the cumulative projects contemplated in the General Plan, similar to the proposed project, would result in the implementation of planned development within the City and would not significantly increase the need for emergency services beyond what has already been contemplated in connection with General Plan buildout, including those related to wildfire response. Furthermore, all construction would be required to adhere to all applicable laws and regulations, including those in the California Fire Code, which are designed to minimize the potential for the release of hazardous materials or uncontrolled fires and enable prompt and effective responses in the event an emergency. Each cumulative development, similar to the proposed project, would be evaluated by the City to assess the needs for fire protection services to determine whether new or expanded facilities would be triggered, in which case the potential impacts associated with development of any such new or expanded facilities would be considered and feasibly mitigated to the extent required under applicable laws and regulations.

All cumulative development, similar to the proposed project, would be required to comply with applicable emergency access requirements as standard conditions of approval. Furthermore, the cumulative developments in the City would, similar to the proposed project, be required to ensure no permanent road closures, would not be permitted to impede established emergency access

routes, and thus would not interfere with emergency response requirements. Accordingly, it is reasonable to assume that emergency routes would be available and would not be substantially impaired by cumulative developments, as with the proposed project. As such, there would be a less than significant cumulative impact associated with hazards and emergency response.

With respect to the proposed project, similarly, it would be required to adhere to standard conditions of approval and identified mitigation and otherwise ensure compliance with all applicable laws, regulations, plans, and policies related to emergency access routes and emergency response requirements. For these reasons, the proposed project's incremental contribution to this less than significant cumulative impact would not be cumulatively considerable.

The City Council hereby finds that MM HAZ-1 is feasible, is hereby adopted, and will further reduce cumulative impacts. Accordingly, the City Council hereby finds that, pursuant to Public Resources Code Section 21081(a)(1) and CEQA Guidelines Section 15091(a)(1), changes or alterations have been required in, or incorporated into, the project that mitigate or avoid the potentially significant impacts as identified in the Draft EIR. Therefore, impacts would be less than significant with mitigation incorporated. (Draft EIR, pp. 3.9-33–35)

## 1.6.6 - Hydrology and Water Quality

### Potential Effect

**Impact HYD-1:** The proposed project could violate water quality standards or waste discharge requirements or otherwise substantially degrade surface or ground water quality.

**Findings:** Less than significant impact with mitigation incorporated. (Draft EIR, p. 3.10-12) Changes or alterations have been required in, or incorporated into, the proposed project which avoid or substantially lessen the significant environmental effects as identified in the Draft EIR. (CEQA Guidelines § 15091(a)(1))

### Mitigation Measure

Implement MM GEO-2.

**Facts in Support of Findings:**
*Construction:* Erosion and runoff would represent a potentially significant construction impact related to surface and groundwater quality. The Central Valley RWQCB requires an NPDES Permit and SWPPP for projects disturbing more than one acre of total land area. Because the proposed project is greater than 1 acre, an NPDES Permit and SWPPP will be required. To ensure these requirements are satisfied, MM GEO-2 would mandate preparation of a SWPPP that would include BMPs to reduce pollutants from construction activities that could potentially enter surface waters. Moreover, a SWPPP for the proposed project would also need to be prepared and approved, which would be required to describe the project site, facility, erosion and sediment controls, runoff water quality monitoring, means of waste, disposal, implementation of approved local plans, control of construction sediment and erosion control measures, maintenance responsibilities, and non-stormwater management controls. Typical BMPs would be incorporated into the project design, which may include measures such as biofiltration and bioretention, swales, and other measures to

prevent pollutants from moving off-site through the treatment of stormwater on-site. The intention of the foregoing requirements would be to keep all products of erosion from moving off-site into receiving waters by treatment on-site. Furthermore, compliance with all other requirements and standards, including Chapter 16.12.070 of the Municipal Code, would ensure that each project applicant complies with the requirements for grading and erosion control in connection with its individual specific development proposal, including, without limitation, the prevention of sedimentation or damage to off-site property. Compliance with all requirements and standards for the proposed project is subject to the review and approval of the City Engineer. All grading would be required to be performed in conformance with the then-latest edition of the CBC, the City of Visalia Improvement Standards, and the proposed project's preliminary Geotechnical Evaluation. Compliance with applicable policies, laws, and regulations and implementation of MM GEO-2 would minimize the potential to degrade water quality in downstream water bodies to the maximum extent feasible and impacts would be less than significant.

*Operation:* The proposed project would result in approximately 218 acres of new impervious surfaces compared to existing conditions, which would in turn, generate stormwater runoff, which may carry pollutants such as pesticides, fertilizers, and deposits of fluids and metals from motor vehicles into Modoc Ditch or allow seepage of such pollutants into the associated groundwater table. This would represent a potentially significant operational impact related to surface and groundwater quality. To address this concern, the proposed project would include seven Water Quality Management Basins that would surround the parking and loading areas on the project site, which would be designed to meet all applicable requirements and standards. The retention basins would be designed to promote infiltration, which would serve to sequester pollutants in the soil. The proposed project would install an on-site storm drainage system consisting of inlets, underground piping, and basins. Runoff would be directed to a drainage system including the aforementioned approximately 31.3 acres of detention basins. operation-related project impacts related to surface and groundwater and respective water quality would be less than significant.

As noted above, post construction, the project site would be covered with a significant amount of impervious surfaces as well as ample landscaping. This would help ensure that the topsoil would not be exposed and would not result in soil erosion during project operations. As a result, proposed project operation would have a less than significant impact as it relates to substantial soil erosion or loss of topsoil. (Draft EIR, pp. 3.10-12–14)

The City Council hereby finds that MM GEO-2 is feasible, is hereby adopted, and will further reduce impact HAZ-1. Accordingly, the City Council hereby finds that, pursuant to Public Resources Code Section 21081(a)(1) and CEQA Guidelines Section 15091(a)(1), changes or alterations have been required in, or incorporated into, the proposed project that mitigate or avoid the potentially significant impacts as identified in the Draft EIR. Therefore, impacts would be less than significant with mitigation incorporated. (Draft EIR, pp. 3.10-12–14)

## Potential Effect

**Impact HYD-3:** The proposed project could substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river or through the addition of impervious surfaces, in a manner which would:

i) result in substantial erosion or siltation on- or off-site;
ii) substantially increase the rate or amount of surface runoff in a manner which would result in flooding on- or off-site;
iii) create or contribute runoff water which would exceed the capacity of existing or planned stormwater drainage systems or provide substantial additional sources of polluted runoff; or
iv) impede or redirect flood flows? (Draft EIR, pp. 3.10-21–23)

**Findings:** Less than significant impact with mitigation incorporated. (Draft EIR, pp. 3.10-21–23) Changes or alterations have been required in, or incorporated into, the proposed project which avoid or substantially lessen the significant environmental effects as identified in the Draft EIR. (CEQA Guidelines § 15091(a)(1))

## Mitigation Measure

**MM HYD-3** Implement MM GEO-2.

**Facts in Support of Findings:** The proposed project would be required to implement a SWPPP as part of its Construction General Permit as required by MM GEO-2. The proposed project's SWPPP would include mandated erosion control measures, which will be developed and implemented to prevent significant impacts related to erosion caused by runoff during construction. Furthermore, Chapter 16.12.070 of the Municipal Code would ensure compliance with the requirements for grading and erosion control, including the prevention of sedimentation or damage to off-site property, and the proposed project would be subject to the review and approval of the City Engineer to confirm compliance with all applicable requirements and standards. Therefore, although construction activities have the potential to generate increased erosion and siltation, compliance with applicable policies, laws and regulations and implementation of MM GEO-2 would minimize the potential for erosion, siltation, and surface runoff. The majority of the project site is located in Zone X, which is an area with an 0.2 percent annual chance of flood hazard. The southeast corner of the project site is located in Zone X outside of the 0.2 percent annual chance of flood hazard. Therefore, the project site is not located within a flood hazard zone. The nearest flood hazard zone is located approximately 1,950 feet north of the project site in Zone AE, which is a regulatory floodway. The proposed project site is not in proximity to a stream or river, and thus would not alter the course of a stream or river. Therefore, although construction activities have the potential to generate increased erosion and siltation, compliance with applicable policies, laws and regulations would minimize the potential for erosion or siltation.

During the flooding of March 2023, Lake Kaweah reached capacity and flooding occurred in the City, resulting in a local state of emergency and implementation of the City's emergency response plan. During the flooding, City crews successfully diverted water and avoided major flooding in most areas of the City. The foregoing provides further evidence of the effectiveness of the City's emergency response plan, which can be reasonably assumed to be implemented in the unlikely event of flooding at the project site. Therefore, based on the foregoing combined with implementation of MM GEO-2, construction impacts related to alteration of the drainage pattern, erosion, siltation, surface runoff, and flooding would be less than significant.

Development of the project site would create approximately 218 acres of impervious surfaces compared to existing conditions. The proposed project would be required to implement Demand Management Measures (DMMs) required by Cal Water.[1] Furthermore, the proposed project would be required to implement requirements and standards under the City's Model Water Efficient Landscape Ordinance (MWELO) for the proposed project's landscaping. Additionally, during project operations, stormwater on the existing and proposed impervious surfaces would be collected and conveyed to the on-site stormwater system, which would be designed to retain and treat on-site flows in accordance with applicable laws and regulations. As indicated above, the proposed project would include seven Water Quality Management Basins, on approximately 31.3 acres, that would be designed to meet all applicable standards and requirements, including, among other things, accommodating a 100-year storm event, and would be required to detain runoff and release it at a rate no greater than the pre-development condition. The proposed project would be required to retain the stormwater per the City's applicable drainage requirements and all other applicable standards. Therefore, impacts related to runoff from irrigation or stormwater during operation of the proposed project would be less than significant.

Based on the foregoing and because the project site is not located in a flood hazard zone and would not alter the course of a stream or river, operational impacts would be less than significant. (Draft EIR, pp. 3.10-21–23)

The City Council hereby finds that MM GEO-2 is feasible, is hereby adopted, and will further reduce impacts to drainage in Impact HYD-3. Accordingly, the City Council hereby finds that, pursuant to Public Resources Code Section 21081(a)(1) and CEQA Guidelines Section 15091(a)(1), changes or alterations have been required in, or incorporated into, the proposed project that mitigate or avoid the potentially significant impacts as identified in the Draft EIR. Therefore, impacts associated with hydrology and water quality would be less than significant with mitigation incorporated. (Draft EIR, pp. 3.10-21–23)

**Cumulative Impact:** The proposed project would have a less than significant impact related to hydrology and water quality.

**Findings:** Less than significant impact with mitigation incorporated. (Draft EIR, pp. 3.10-25–27) Changes or alterations have been required in, or incorporated into, the proposed project which avoid or substantially lessen the significant environmental effects as identified in the Draft EIR. (CEQA Guidelines § 15091(a)(1))

## Mitigation Measure

Implement MM GEO-2.

[1] As stated in the Draft EIR, p. 3.10-3, Cal Water's conservation program has reduced per capita usage and demands on critical water sources and will continue to do so. Cal Water is committed to helping its customers use water efficiently and has developed a range of water conservation programs to support this goal. To ensure that it is providing the right mix of programs in the most cost-effective manner possible, Cal Water routinely conducts comprehensive conservation program analysis and planning. This is done on a five-year cycle in tandem with the UWMP. Cal Water's current Conservation Master Plan (April 2021) provides the basis for the information on the implementation of and expected water savings from Demand Management Measures (DMMs).

**Facts in Support of Findings:**

*Hydrology:* The appropriate geographic scope for this cumulative analysis is the Tulare Lake Basin. All cumulative developments, similar to the proposed project, would be required to comply with applicable laws and regulations implemented by the relevant public agencies including, without limitation, the Central Valley RWQCB, as well as relevant policies in the General Plan and other applicable codes, ordinances, and policies, which help prevent a development project from increasing off-site surface water flow from existing conditions and further helps ensure that cumulative developments, similar to the proposed project, adhere to BMPs during construction to prevent pollutants from being carried off-site. Typical BMPs may include measures such as biofiltration and bioretention, swales, and other measures to prevent pollutants from moving off-site through the treatment of stormwater on-site. Additionally, cumulative developments, as with the proposed project, would be required to comply with applicable regional, State, and federal laws and regulations regarding flooding to ensure impacts are less than significant in this regard. Adherence with these laws and regulations, in combination with implementation of applicable provisions in the General Plan and identified site-specific mitigation (if any), would result in a less than significant cumulative impact related to hydrology. The proposed project would also be required to comply with applicable laws and regulations implemented by the relevant public agencies, including the Central Valley RWQCB, and to demonstrate consistency with the General Plan and other applicable codes, ordinances, and policies related to preventing pollutants from being conveyed off-site. The proposed project would utilize BMPs to keep all products of erosion from moving off-site into receiving waters by treatment on-site. The combination of the requirement to adhere to these laws, regulations, and policies as well as identified BMPs would ensure that the proposed project's contribution to this already less than significant cumulative impact would not be cumulatively considerable. Thus, there would be a less than significant cumulative impact related to hydrology.

*Water Supply:* The geographic scope of the cumulative water supply analysis is the service area of the Visalia District of Cal Water, which provides potable water to residents and businesses within the City. Cumulative developments are located within the City's Urban Growth Boundary. A WSA was completed for the proposed project that evaluated projected water demand associated with the proposed project, in addition to existing and other existing and planned future users within Visalia District's service area. The WSA concluded that the City's water system has sufficient groundwater capacity to supply the proposed project and other existing and projected demands within the District's service area through the year 2045. Developers of the other cumulative projects would be required to pay their respective proportionate share of required funding to the City/District for completion of water infrastructure improvements as included in the CIP. In addition, cumulative developments, similar to the proposed project, would be required to demonstrate that they each would be served with sufficient potable water as a standard requirement of the development review process, and would be required to comply with provisions of the applicable laws and regulations in the Municipal Code and The California Green Building Standards Code (CALGreen) related to water conservation. Therefore, cumulative impacts would beless than significant. Similarly, the proposed project would also be required to comply with applicable City ordinances and General Plan Policies, as well as other applicable laws and regulations that address water supply. The proposed project would also be required to pay applicable impact fees, which the District/City can then utilized, in combination with other impact fee funding, to help facilitate the completion of necessary water infrastructure for the service area. For these reasons, the proposed project would not have a

cumulatively considerable contribution toward this already less than significant cumulative impact related to water supply.

*Water Quality:* The geographic context for consideration of cumulative impacts related to surface water quality is the Tulare Lake Basin. All cumulative developments, similar to the proposed project, would involve short-term construction and long-term operational activities that would have the potential to degrade water quality in downstream water bodies, including the St. Johns River and Kaweah River. All cumulative project construction, as with the proposed project, would be required to obtain a Construction General Permit from the State Water Board, which would require preparation of a SWPPP that would control potential discharges of contaminants into downstream water bodies, as well as implement site-specific mitigation, if triggered. These cumulative projects, similar to the proposed project, would also be required to prepare a SWPPP and comply with the applicable General Plan Policies and relevant provisions of the Municipal Code and all other applicable requirements and standards, as well as implement site-specific mitigation, if triggered, during operation. For these reasons, and with implementation of identified site-specific mitigation (similar to MM GEO-2), there would be a less than significant cumulative impact with respect to surface water quality. Similarly, the proposed project would also be required to obtain a Construction General Permit from the State Water Board and to prepare a SWPPP. The proposed project would also be mandated to comply with applicable General Plan Policies and applicable provisions of the Municipal Code, as well as all other applicable standards and requirements, during operation. For these reasons and as further discussed above, there would be a less than significant cumulative impact related to surface water quality and the proposed project's contribution to the less than significant cumulative impact would not be cumulatively considerable.

The geographic context for consideration of cumulative impacts related to groundwater quality and management is the Kaweah Basin. All cumulative development, similar to the proposed project, would involve short-term construction and long-term operational activities that would have the potential to impact groundwater quality and management. Construction related to cumulative projects, as with the proposed project, would be required to adhere to all applicable laws and regulations including obtaining a Construction General Permit from the State Water Board, which would require preparation of a SWPPP that would control pollutants that could seep into groundwater. Operations of these cumulative projects, similar to the proposed project, would be required to comply with all applicable laws and regulations imposed by the relevant public agencies, including the Central Valley RWQCB, thereby ensuring that stormwater is pre-treated via bioretention and is otherwise handled pursuant to all applicable standards and requirements to ensure that percolation to the groundwater table would not result in degradation of groundwater quality. In addition, the cumulative developments, as with the proposed project, would include BMPs such as, for example, bioretention areas to remove sediments and organic materials that might reduce groundwater percolation rates and other design features that would help to facilitate groundwater recharge. For these reasons, there would be a less than significant cumulative impact to groundwater quality.

Similarly, as discussed in detail above, the proposed project would be mandated to comply with applicable General Plan Policies and applicable provisions of the Municipal Code, as well as other governing laws and regulations, during operation. For these reasons and as further discussed above,

there would be a less than significant cumulative impact related to groundwater quality, and the proposed project's contribution to the less than significant cumulative impact would not be cumulatively considerable.

The City Council hereby finds that MM GEO-2 is feasible, is hereby adopted, and will further reduce cumulative hydrology and water quality impacts. Accordingly, the City Council hereby finds that, pursuant to Public Resources Code Section 21081(a)(1) and CEQA Guidelines Section 15091(a)(1), changes or alterations have been required in, or incorporated into, the proposed project that mitigate or avoid the potentially significant impacts as identified in the Draft EIR. Therefore, impacts would be less than significant with mitigation incorporated. (Draft EIR, pp. 3.10-25–27)

## 1.6.7 - Transportation and Traffic

### Potential Effect

**Impact TRANS-1:** The proposed project could conflict with a program, plan, ordinance, or policy addressing the circulation system, including transit, roadway, bicycle, and pedestrian facilities. (Draft EIR, pp. 3.14-18–24)

**Findings:** Less than significant impact with mitigation incorporated (Draft EIR, pp. 3.14-18–24) Changes or alterations have been required in, or incorporated into, the proposed project which avoid or substantially lessen the significant environmental effects as identified in the Draft EIR. (CEQA Guidelines § 15091(a)(1))

### Mitigation Measures

**MM TRANS-1** Prior to the issuance of building permits, the project shall comply with the City's Active Transportation Plan (ATP) and dedicate 28 feet for a pedestrian trail along the south side of Modoc Ditch.

**MM TRANS-2** Prior to the issuance of building permits, the developer shall appropriate Storm Drainage and Waterways impact fees.

**MM TRANS-3** Plaza Drive and Riggin Avenue: Prior to occupancy of Phase 2, the proposed project shall provide site plans that show modification of the raised median to extend the existing westbound left-turn pocket by 100 feet, to provide a 400-foot left-turn pocket. The existing northbound right-turn stripe shall be extended to 300 feet. These improvements shall occur when construction of the proposed project's Phase 2 846.920 square feet is complete, as shown in the table included in this MM TRANS-3. The project proponent shall be financially responsible for these improvements. "Financially responsible" shall equate to implementing the project as well as paying for the project.

| Project Phase | Total Constructed Square Feet per Phase | Phase Detail |
|---|---|---|
| Phase 1 | 1,864,680 | Light Industrial (Buildings 1 and 2) |
| Phase 2 | 846,920 | Light Industrial (Buildings 3, 4, and 7) |

| Project Phase | Total Constructed Square Feet per Phase | Phase Detail |
|---|---|---|
| | | Gas Station/Convenience Market (with 12 vehicle fueling stations)<br>Fast Food Restaurant (with Drive-through)<br>Car Wash |
| Phase 3 | 230,800 | Light Industrial (Buildings 5, 6, and 8)<br>Flex Industrial<br>Mini-Storage (with RV parking) |

**MM TRANS-4** Shirk Street and Riggin Avenue: Prior to occupancy of Phase 1, the proposed project shall provide dual northbound left-turn pockets (300-foot minimum) and a 300-foot minimum southbound left-turn pocket. Since a 300-foot eastbound right-turn pocket would already be installed by the Capital Improvement Plan (CIP) project, additional recommendations are not proposed. These improvements shall occur when construction of the the proposed project's Phase 1 1,864,680 square feet is complete as shown in the table included in this MM TRANS-4. The project's contribution into the Transportation Impact Fees (TIF) will assist in paying for these improvements.

| Project Phase | Total Constructed Square Feet per Phase | Phase Detail |
|---|---|---|
| Phase 1 | 1,864,680 | Light Industrial (Buildings 1 and 2) |
| Phase 2 | 846,920 | Light Industrial (Buildings 3, 4, and 7)<br>Gas Station/Convenience Market (with 12 vehicle fueling stations)<br>Fast Food Restaurant (with Drive-through)<br>Car Wash |
| Phase 3 | 230,800 | Light Industrial (Buildings 5, 6, and 8)<br>Flex Industrial<br>Mini-Storage (with RV parking) |

**MM TRANS-5** Shirk Street and Ferguson Avenue: Prior to the issuance of final occupancy of any project area, the proposed project shall signalize the intersection, subject to pro rata cost sharing with the adjacent Carlton Acres Specific Plan project. This improvement would allow the intersection to operate at an acceptable Level of Service (LOS) for the deficient scenarios, while reducing the vehicles queues for all intersection turn pockets below the storage capacity. Costs of implementing MM TRANS-5 are expected to be shared by Carlton Acres Specific Plan (CASP) and the proposed project as it provides access to both sites.

**MM TRANS-6** Roeben Street and Ferguson Avenue: Prior to final occupancy of any portion of Phase 3, the proposed project shall make a 26.2 percent fair share contribution

toward signalizing this intersection. Based on the estimated signalization and interconnect cost of $500,000, the proposed project shall contribute up to $131,000 for these future improvements.

**MM TRANS-7** Akers Street and Riggin Avenue: The proposed project shall provide an additional northbound left-turn pocket and through lane and provide an additional eastbound/westbound through lane. Costs of implementing MM TRANS-7 are expected to be shared by Carlton Acres Specific Plan (CASP), the proposed project, and others as it provides access to multiple sites under development.

**MM TRANS-8** Akers Street and Ferguson Avenue: The proposed project shall provide an additional northbound/southbound through lane and right-turn pocket (150-foot minimum) and provide an eastbound right-turn pocket (150-foot minimum). Costs of implementing MM TRANS-8 are expected to be shared by Carlton Acres Specific Plan (CASP) and the proposed project as it provides access to both sites.

**MM TRANS-9** Akers Street and Goshen Avenue: The proposed project shall modify the raised median to extend the existing southbound left-turn pocket to 400 feet. It is not recommended to exceed this length further in order to maintain access to the existing driveway north of the intersection. The existing southbound right-turn stripe shall be extended to 400 feet minimum. Costs of implementing MM TRANS-9 are expected to be shared by Carlton Acres Specific Plan (CASP) and the proposed project as it provides access to both sites.

**Facts in Support of Findings:** Construction-related impacts are less than significant and do not require mitigation. Construction and operation of bicycle facilities, pedestrian facilities, and transit facilities would have less than significant impacts.

*Bicycle facilities*. There are limited bicycle facilities in the vicinity of the project site. There are no Class II or Class III facilities within the existing roadway network. Because there are no existing Class II or Class III bicycle facilities and limited Class I facilities, road construction of the proposed project would not result in the temporary closure of bicycle facilities during construction. Therefore, construction impacts related to circulation system performance in terms of bicycle facilities would be less than significant. (Draft EIR, p. 3.14-18). At operation, bicycle connectivity would be improved by the bike facilities that are proposed, including new bike lanes along Riggin Avenue and Class II bike lanes along Kelsey Street, Clancy Street, and Shirk Street. Therefore, operational impacts related to circulation system performance in terms of bicycle facilities would be less than significant. (Draft EIR, p. 3.14-18).

*Pedestrian facilities*. Because the existing pedestrian improvements in the project site vicinity are limited, construction of the proposed project would not result in significant impacts. Should any sidewalks be temporarily shut down during construction, there are alternative pedestrian facilities in the vicinity, and access to alternative pedestrian facilities would remain available. Therefore, construction impacts related to circulation system performance in terms of pedestrian facilities would be less than significant. (Draft EIR, p. 3.14-18). Proposed pedestrian improvements include new sidewalks, pedestrian ramps and signalized crossings. The proposed improvements are expected

to enhance pedestrian connectivity. In addition, the proposed project would comply with the City's ATP by dedicating 28 feet for a pedestrian trail along the south side of Modoc Ditch. This is incorporated as MM TRANS-1. Per MM TRANS-2, storm drainage and waterways impact fees would be collected to allow the City to construct appropriate trails along waterways. Therefore, no pedestrian-related deficiencies are anticipated due to the proposed project, and operational impacts to pedestrian facilities associated with the proposed project would be less than significant. (Draft EIR, p. 3.14-19).

*Transit facilities*. Construction of the proposed project would not adversely affect or otherwise conflict with existing pedestrian access to bus stops in the project site vicinity. Should any sidewalks be temporarily shut down during construction, there are alternative roadway connections to these bus stops, and pedestrian access to these bus stops would remain available throughout construction. Therefore, construction impacts related to transit facilities would be less than significant. (Draft EIR, p. 3.14-18). Visalia Transit Route 17 provides services along Riggin Avenue. The separate, already-approved Riggin Avenue Widening and Improvements CIP that would be constructed by the City and other third parties involves the installation of an additional bus stop adjacent to the project site at the northwest corner of Shirk Street and Riggin Avenue. The proposed project would enhance connectivity to this future transit stop through installation of sidewalk and bicycle facilities. Therefore, no transit-related deficiencies are anticipated due to the proposed project, and operational impacts related to transit facilities would be less than significant. (Draft EIR, p. 3.14-19).

Therefore, impacts related to bicycle, pedestrian, and transit facilities would be less than significant. (Draft EIR, pp. 3.14-18-19)

As a result of changes in CEQA, VMT rather than Level of Service (LOS) is the focus of CEQA analysis. However, where a local jurisdiction, such is the case here, has adopted specific LOS standards in its General Plan, this may be relevant from a CEQA perspective. Here, and based on the General Plan Policy TC-1.16 the Draft EIR identified LOS D as the LOS standards for purposes of Impact TRANS-1. It concluded that, during operations, the proposed project could result in significant impacts related to consistency with relevant General Plan Policies addressing intersection LOS; however, these impacts can be mitigated to a less than significant level. Those potential impacts along with identified mitigation are discussed below.

*Intersection No. 3–Plaza Drive and Riggin Avenue*

The LOS analysis shows this intersection is expected to operate at an acceptable LOS during the AM and PM peak periods during all Near-Term and Long-Term scenarios analyzed. Since LOS would be acceptable, even with the proposed project, and since the westbound left-turns movements are projected to just exceed 300 turning movements for the Near-Term (2028) Plus Project Buildout scenario (242 AM peak-hour/302 PM peak-hour), dual left-turn pockets were not suggested at this time by the City's transportation consultant. Instead, the LOS operational analysis recommended that the proposed project modify the raised median to extend the existing westbound left-turn pocket by 100 feet, to provide 400-foot left-turn pocket. It is also recommended that the existing northbound right-turn stripe be extended to 300 feet, as reflected in MM TRANS-3.

*Intersection No. 14–Shirk Street and Riggin Avenue*

The proposed project is expected to result in a queueing deficiency for the following conditions:

- Near-Term (2025) Plus Phase 1 (AM and PM peak-hours)–NBL/EBR
- Near-Term (2026) Plus Phase 2 (AM and PM peak-hours)–NBL/EBR
- Near-Term (2028) Plus Project Buildout (AM and PM peak-hours)–NBL/EBR

Under Near-Term (2025) Conditions Plus Phase 1, the proposed project is projected to cause a queueing deficiency since one or more queues would extend beyond the turn pockets, and since it would increase the queue length by more than 25 feet. Under the ensuing scenarios, the queueing increases further. In order to remedy this queueing deficiency, the proposed project would be required to comply with MM TRANS-4; with the installation of the identified improvements, the queueing deficiency would be fully mitigated.

*Level of Service Analysis*

As noted above, pursuant to changes in CEQA as required under SB 743, LOS is no longer typically cognizable under CEQA and no longer recognized under CEQA as a metric to identify environmental effects. The traffic analysis included in the Draft EIR as Appendix I is consistent with the City's current traffic impact analysis guidelines (adopted in March 2021), which completely exclude roadway segment analysis and thresholds for the purpose of determining transportation deficiencies under CEQA. Nonetheless, the City's expert transportation consultant, in consultation with the City's transportation engineer and planning staff, conducted a robust operational transportation study, including queueing and LOS analyses. As described more fully therein, the Draft EIR discloses that construction and operation of the proposed project would not adversely affect the existing LOS conditions or otherwise conflict with any relevant LOS standards set forth in the General Plan. However, according to the LOS operational analysis, the proposed project would result in queueing deficiencies at several intersections and would require implementation of the improvements recommended in the Traffic Impact Analysis (TIA). These recommendations to address queueing are incorporated into the above-referenced mitigation measures to reduce project impacts related to queueing. With implementation of MM TRANS-1 through MM TRANS-9, impacts would be less than significant.

The City Council hereby finds that MM TRANS-1 through MM TRANS-9 are feasible, are hereby adopted, and will further reduce Impact TRANS-1. Accordingly, the City Council hereby finds that, pursuant to Public Resources Code Section 21081(a)(1) and CEQA Guidelines Section 15091(a)(1), changes or alterations have been required in, or incorporated into, the proposed project that mitigate or avoid the potentially significant impacts as identified in the Draft EIR. Therefore, impacts associated with construction roadway facilities and operational pedestrian facilities would be less than significant with mitigation incorporated. (Draft EIR, pp. 3.14-18–24)

## Potential Effect

**Impact TRANS-2:** The proposed project could conflict or be inconsistent with CEQA Guidelines Section 15064.3, subdivision (b). (Draft EIR, pp. 3.14-24–26)

**Findings:** Less than significant impact with mitigation incorporated. (Draft EIR, pp. 3.14-24–26) Changes or alterations have been required in, or incorporated into, the proposed project which avoid or substantially lessen the significant environmental effects as identified in the Draft EIR. (CEQA Guidelines § 15091(a)(1))

## Mitigation Measures

**MM TRANS-10a** Prior to the issuance of building permits, the site plan shall include the location of up to six secured bicycle storage lockers near each of the buildings entrances and the future transit stop. Up to 10 potential locations shall be included, for a total of up to 60 lockers throughout the site.

Lockers shall be provided for approximately 1.5 percent of the 4,178 site's daily employees with flexibility to add future lockers based on demand.

**MM TRANS-10b** Prior to final occupancy of any portion of Phase 1, the developer shall construct a bike path along Modoc Ditch, between Kelsey Street and Shirk Street (approximately 1 mile). The existing Class I bike path along Modoc Ditch runs to the east of the proposed project, between Dinuba Boulevard and the St. John's River Trail. The Carlton Acres Specific Plan (CASP) project also proposed to construct a portion of the Class I path within the site. Therefore, the bike path shall connect to a new path proposed within the CASP site and future segments to the east and west. This mitigation is subject to contractability and approval by the Modoc Ditch Company.

**Facts in Support of Findings:** This threshold relates to VMT pursuant to SB 743. With respect to the proposed project's VMT, the Draft EIR and related transportation analysis estimated that Phase 1 of development would generate approximately 7,347 daily PCE trips, with 709 PCE trips (548 inbound/161 outbound) during the AM commuter peak-hour and 709 trips (167 inbound/542 outbound) during the PM commuter peak-hour. The Draft EIR and related transportation analysis also estimated that the proposed project's Phase 1 and 2 developments (combined) would generate approximately 17,790 daily PCE trips, with 1,183 PCE trips (870 inbound/313 outbound) during the AM commuter peak-hour and 1,162 trips (315 inbound/847 outbound) during the PM commuter peak-hour. Furthermore, it is estimated that buildout of the proposed project (Phase 1, 2 and 3 combined) would generate a total of approximately 21,409 daily PCE trips, with approximately 1,508 PCE trips (1,119 inbound/389 outbound) during the AM commuter peak-hour and approximately 1,495 trips (399 inbound/1,097 outbound) during the PM commuter peak-hour. In addition, the proposed project is expected to generate 4,177 employees. Based on the City's SB 743 Guidelines, the proposed project would have a significant impact if (1) it does not meet screening thresholds (and thus a VMT analysis must be performed) and (2) the VMT analysis shows that the average VMT/employee would be greater than or equal to the VMT/employee of the TAZ in which the project site is located. The proposed project would not meet any of the screening criteria that would allow it to be presumed to have a less than significant impact. Therefore, a VMT analysis was performed.

The proposed project is expected to increase VMT per employee within the TAZ that the project site is located by approximately 0.15 mile, or 1.54 percent of the total miles traveled. Therefore, the proposed project would result in a significant VMT impact, requiring feasible mitigation.

MM TRANS-10a and MM TRANS-10b facilitate the use of alternative modes of transportation and would be implemented in order to reduce VMT impact to a less than significant level. The nature of the proposed improvements and related VMT reduction approach, as reflected in MM TRANS-10a

and MM TRANS-10b, are based on the latest available guidelines by California Air Pollution Control Officers Association (CAPCOA) published in December 2021, taking into account the nature and location of the proposed uses. MM TRANS-10a provides up to six secured bicycle storage lockers near each of the buildings entrances and the future transit stop the location of up to six secured bicycle storage lockers near each of the buildings entrances and the future transit stop, which enhances opportunities for employees to utilize alternative modes for transport. Implementation of this measure would be sufficient to mitigate the VMT impacts generated by the proposed project, particularly when combined with the construction of adjacent planned bicycle facilities to be installed as part of the City's CIP improvements on Riggin Avenue, as further documented in the Draft EIR, Appendix I. MM TRANS-10b expands the bike network, which would provide further reductions to the proposed project's VMT impacts. The construction of a bike path along Modoc Ditch is expected to reduce the miles traveled of the proposed project, as well as other nearby existing and future developments, as it provides an important bicycle and pedestrian connection for the City and County (Draft EIR, pp. 3.14-24–26). Implementing these two mitigation measures would reduce the proposed project's VMT per employee by 1.75 percent, exceeding the proposed project's 1.54 percent impact. Therefore, the proposed project's VMT impact would be mitigated. Note that these measures work together, and one measure is valuable only in connection with the other.

The City Council hereby finds that MM TRANS-10a and MM TRANS-10b are feasible, are hereby adopted, and will further reduce VMT impacts. Accordingly, the City Council hereby finds that, pursuant to Public Resources Code Section 21081(a)(1) and CEQA Guidelines Section 15091(a)(1), changes or alterations have been required in, or incorporated into, the proposed project that mitigate or avoid the potentially significant cumulative impacts as identified in the Draft EIR. Therefore, VMT impacts would be less than significant with mitigation incorporated. (Draft EIR, pp. 3.14-24–26)

## Potential Effect

**Impact TRANS-3:** The proposed project could substantially increase hazards due to a geometric design feature (e.g., sharp curves or dangerous intersections) or incompatible uses (e.g., farm equipment). (Draft EIR, pp. 3.14-26–29)

**Findings:** Less than significant impact with mitigation incorporated. (Draft EIR, pp. 3.14-26–29) Changes or alterations have been required in, or incorporated into, the proposed project which avoid or substantially lessen the significant environmental effects as identified in the Draft EIR. (CEQA Guidelines § 15091(a)(1))

## Mitigation Measure

**MM TRANS-11** Prior to the issuance of construction permits, the project developer shall prepare and submit a Construction Traffic Control Plan to the City of Visalia for approval and implement the approved Construction Traffic Control Plan during construction. The Construction Traffic Control Plan shall be prepared in accordance with both the California Department of Transportation Manual on Uniform Traffic Control Devices and Work Area Traffic Control Handbook and shall include, but not be limited to, the following issues:

a. Timing of deliveries of heavy equipment and building materials;
b. Directing construction traffic with a flag person;
c. Placing temporary signing, lighting, and traffic control devices if required, including, but not limited to, appropriate signage along access routes to indicate the presence of heavy vehicles and construction traffic;
d. Ensuring access for emergency vehicles to the project site;
e. Temporarily closing travel lanes or delaying traffic during materials delivery, transmission line stringing activities, or any other utility connections;
f. Maintaining access to adjacent property; and,
g. Specifying both construction-related vehicle travel and oversize load haul routes, minimizing construction traffic during the AM and PM peak-hour, distributing construction traffic flow across alternative routes to access the project sites, and avoiding residential neighborhoods to the maximum extent feasible.

**Facts in Support of Findings:** The Draft EIR disclosed that project construction could substantially increase hazards due to a geometric design feature (e.g., sharp curves or dangerous intersections) or incompatible uses (e.g., farm equipment) (Draft EIR, pp. 3.14-26–29). However, as discussed more fully therein and in the related transportation analysis, construction traffic would be expected to access the project site from Riggin Avenue via SR-99. This routing would generally avoid residential streets, reducing potential safety hazards with residential uses. Daily and peak-hour traffic volumes during the construction period are anticipated to be less than during project operation as analyzed in the TIA, and would be temporary in nature. It should be noted that while the construction schedule assumes that none of the three project phases may overlap, the potential remains for project phases to be constructed concurrently. Therefore, a conservative analysis considers both scenarios (i.e., sequential and concurrent phasing). In a reasonable worst-case scenario where all three project phases overlap, it is estimated that construction traffic would result in less than 50 percent of the trips generated under Phase I development analyzed in the TIA.

The use of oversize vehicles during construction could create a hazard to the public by limiting motorist views on roadways and by the obstruction of space, which is considered a potentially significant impact. In addition, the project construction activities may result in some temporary lane closures in the area. The proposed project would be required under existing laws and regulations to obtain California Highway Patrol escorts, oversize load permits from Caltrans and Tulare County, as well as coordinate the timing of equipment and material deliveries, as appropriate. Therefore, a reasonable worst-case concurrent construction of all phases would not worsen the LOS or impact traffic movement or create roadway hazards to a greater extent than the project as analyzed in the TIA.

Furthermore, the proposed project would be required to implement MM TRANS-11, which would require standard construction traffic control measures be implemented as is consistent with applicable Caltrans and City policies. Measures would require the preparation and implementation of a Construction Traffic Control Plan that would reduce the potential for construction vehicle conflicts with other roadway users. Therefore, construction impacts related to roadway safety hazards would be less than significant with mitigation incorporated. (Draft EIR, pp. 3.14-26–29)

From an operational standpoint, access to the project site would be provided via 19 new driveways and would contain an internal network of drive aisles. The entrances and roadways providing access to the proposed project would be required to obtain City encroachment permits, comply with applicable provisions of the City's Fire Code and other applicable laws and regulations and would implement improvement measures and would thus operate at acceptable service levels. Furthermore, proposed roadway improvements would further increase roadway safety by being designed according to applicable City, Caltrans, and industry standards. Therefore, impacts associated with roadway design safety hazards would be less than significant. (Draft EIR, pp. 3.14-26–29; see also Impact TRANS-1 discussion of queueing, above)

The City Council hereby finds that MM TRANS-11 is feasible, is hereby adopted, and will further reduce impacts. Accordingly, the City Council hereby finds that, pursuant to Public Resources Code Section 21081(a)(1) and CEQA Guidelines Section 15091(a)(1), changes or alterations have been required in, or incorporated into, the project that mitigate or avoid the potentially significant impacts as identified in the Draft EIR. Therefore, impacts would be less than significant with mitigation incorporated.

## Potential Effect

**Impact TRANS-4:** The proposed project could result in inadequate emergency access. (Draft EIR, p. 3.14-29)

**Findings:** Less than significant with mitigation incorporated. (Draft EIR, p. 3.14-29) Changes or alterations have been required in, or incorporated into, the proposed project which avoid or substantially lessen the significant environmental effects as identified in the Draft EIR. (CEQA Guidelines § 15091(a)(1))

## Mitigation Measure

Implement MM Trans-11.

**Facts in Support of Findings:** As noted above and further discussed in the Draft EIR and related transportation analysis, project construction activities could result in potential vehicular access issues due to potential temporary road detours and/or closures to accommodate the proposed project, which could impede emergency access. Therefore, the proposed project would be required to implement MM TRANS-11, which would require the preparation and implementation of a Construction Traffic Control Plan that would reduce the potential for construction vehicle conflicts with other roadway users. The Construction Traffic Control Plan would also include measures to ensure that project construction would not significantly interfere with or otherwise impair emergency response or evacuation plans. With implementation of MM TRANS-11, less than significant impacts would occur. Therefore, no significant impacts to vehicular and emergency access would occur during construction activities. (Draft EIR, p. 3.14-29)

With respect to operational impacts, Fire Station 55 is the nearest VFD station, located approximately 0.39 mile south of the project site at 6921 West Ferguson Avenue. Primary fire protection access to the project site would occur from existing roadways, which would continue to be the case for the proposed project. Vehicular access for the proposed project consists of 19

driveways, 18 of which would be unsignalized, that would intersect the public streets; this internal circulation plan has been approved by the City's traffic engineering, public works and City staff. An internal network of drive aisles would connect the overall project to ensure cohesive, well-designed internal circulation. Proposed off-site roadway improvements would be constructed by the proposed project along Riggin Avenue, Kelsey Street, Clancy Street and Shirk Street that would facilitate off-site circulation, including during any emergency response and/or evacuation events.

The provision of these access points would satisfy the applicable California Fire Code's emergency access requirements. Moreover, the width of these access points and internal roadways would adhere to all other applicable local and State requirements and standards to ensure that access roadways can accommodate fire apparatus vehicles and adequate turning radius, including Section 503, Fire Apparatus Access Roads, of the California Fire Code, as well as Chapter 8.20 of the Visalia Municipal Code. For the foregoing reasons, impacts related to adequate emergency access would be less than significant with mitigation implemented. (Draft EIR, pp. 3.14-29–30)

The City Council hereby finds that MM TRANS-11 is feasible, is hereby adopted, and will further reduce Impact TRANS-4. Accordingly, the City Council hereby finds that, pursuant to Public Resources Code Section 21081(a)(1) and CEQA Guidelines Section 15091(a)(1), changes or alterations have been required in, or incorporated into, the proposed project that mitigate or avoid the potentially significant impacts as identified in the Draft EIR. Therefore, impacts would be less than significant with mitigation incorporated. (Draft EIR, pp. 3.14-29–30)

## Potential Effect

**Cumulative Impact:** Impacts related to transportation would be less than significant with mitigation incorporated. (Draft EIR, pp. 3.14-30)

**Findings:** Less than significant impact with mitigation incorporated. (Draft EIR, pp. 3.14-30–32) Changes or alterations have been required in, or incorporated into, the proposed project which avoid or substantially lessen the significant environmental effects as identified in the Draft EIR. (CEQA Guidelines § 15091(a)(1))

## Mitigation Measures

Implement MM TRANS-1 through MM TRANS-11.

**Facts in Support of Findings:**
*Transit, Bicycle, and Pedestrian Circulation and Facilities:* The appropriate geographical context is roadway network and the transit, pedestrian, and bicycle facilities in the vicinity of the project site. Should construction or operation of the cumulative developments, as well as the proposed project, temporarily or permanently conflict with plans that facilitate transit (including existing connections), each project sponsor for the relevant cumulative project(s) would be required to coordinate with the City and the transit providers to provide alternative transit access or otherwise implement measures to avoid such conflicts. With respect to pedestrian and bicycle facilities, Cumulative Projects 1, 2, 4, 6, and 7 share a street with the proposed project. Since the project vicinity contains many existing agricultural uses that did not require frontage improvement, there are limited existing pedestrian and bicycle facilities.

Cumulative developments, similar to the proposed project, would be required to consider potential impacts associated with conflicts in facilitating pedestrian and bicycle connectivity and address accordingly, including, for example, funding and/or constructing additional pedestrian and bicycle facilities similar to the mitigation imposed on the proposed project (which involves the dedication of a 28-foot setback for a pedestrian trail along the south side of Modoc Ditch pursuant to MM TRANS-1 and the installation of trail improvements thereon pursuant to MM TRANS-10b). Neither the proposed project nor the other cumulative projects are expected to remove existing bicycle or pedestrian infrastructure. Moreover, cumulative developments, similar to the proposed project, would be required to implement frontage improvements in accordance with applicable standards, similar to the frontage improvements being constructed by the proposed (i.e., new bike lanes along Riggin Avenue and Class II bike lanes along Kelsey Street, Clancy Street, and Shirk Street), all of which would improve pedestrian and bicycle infrastructure. Therefore, cumulative impacts related to the circulation system in terms of transit, bicycle, and pedestrian facilities would be less than significant. Moreover, for the above reasons, the proposed project's contribution to this already less than significant cumulative impact would not be cumulatively considerable.

*Consistency with Plans Addressing Level of Service:* The appropriate geographical context for this cumulative analysis is the study area identified in the transportation analysis conducted for the proposed project. As noted above, LOS is typically no longer treated as an environmental impact under CEQA. However, where a local jurisdiction, such is the case here, has adopted specific LOS standards in its General Plan, it may be relevant to analyze LOS impacts from a CEQA perspective. Therefore, cumulative developments, similar to the proposed project, would be required to evaluate potential impacts to LOS from a consistency standpoint and implement measures to address any identified exceedances. Cumulative developments, similar to the proposed project, would also generate new vehicle trips, which may trigger or contribute to unacceptable intersection, roadway, and freeway operations. All cumulative developments, as with the proposed project, would be required to mitigate their fair share of impacts. With implementation of MM TRANS-3 through MM TRANS-9, project impacts would be less than significant. Therefore, the proposed project, in conjunction with other projects, would result in a cumulatively less than significant impact. Moreover, as explained above, the proposed project would not result in any LOS exceedances and it would fully mitigate the identified queueing deficiency through the installation of identified improvements set forth in the site-specific operational analysis. Thus, the proposed project would not have a cumulatively considerable contribution to this already less than significant cumulative impact.

*VMT:* The appropriate geographical context for this cumulative analysis is the roadway network and the transit, pedestrian, and bicycle facilities in the vicinity of the project site. Cumulative developments, similar to the proposed project, would involve VMT associated with these residential and nonresidential uses. However, each development would be required to comply with applicable State and local laws and regulations, including conducting a VMT analysis if said development was not screened out. If found to result in significant VMT impacts, each such development, similar to the proposed project, would be required to implement feasible TDM measures that would reduce VMT and encourage alternative modes of transportation, such as transit, bicycle use, and walking. The provision of transit, bicycle, and pedestrian facilities would depend on the nature of the cumulative development at issue and its location. Cumulative developments, similar to the proposed

project, would also be required to include facilities and provide TDM measures based on site-specific transportation studies prepared in connection therewith. Based on the foregoing, the proposed project, combined with other cumulative developments, would have a less than significant cumulative impact. Moreover, in terms of the proposed project's contribution to this less than significant cumulative VMT impact, given its nature and location combined with implementation of identified TDM measures, the proposed project's contribution would not be cumulatively considerable.

*Roadway Safety and Emergency Access:* The appropriate geographical context for this cumulative analysis is the roadway network and the transit, pedestrian, and bicycle facilities in the vicinity of the project site. Trucks used during the construction of cumulative developments, similar to the proposed project, would involve construction-related equipment utilizing roadways, which could create hazards with incompatible uses or potentially impair emergency access and evacuation. However, cumulative developments, as with the proposed project, would be required to utilize construction truck routes designated by the City and therefore would not conflict with the automobile traffic and bicycle and pedestrian activity along public streets. In addition, the relevant local engineering and planning departments would review plans for cumulative developments, similar to the proposed project, prior to construction permits in order to determine whether any construction traffic control plans would be required and would require the implementation of same, as necessary. Cumulative developments, as with the proposed project, would be required to mitigate such impacts as feasible. Roadways constructed as part of the cumulative developments, similar to the proposed project, would be required to meet applicable City and California Fire Code and other design standards. Moreover, there are a number of main arterials in the project vicinity that would be available for use by cumulative developments as well as service providers/nearby users in the event of an emergency response/evacuation. Furthermore, cumulative developments' driveways and access points, as with the proposed project, would be constructed in compliance with applicable provisions of the California Fire Code and other applicable regulations related to roadway safety and emergency access to facilitate efficient and effective circulation. As such, cumulative roadway safety and emergency access/evacuation impacts would be less than significant. Further, as described more fully above, the proposed project would not make a cumulatively considerable contribution to this already less than significant cumulative impact associated with roadway safety or emergency access/evacuation given its location and nature, its proposed thoughtful, approved circulation plan, its adherence to all applicable roadway design standards and requirements, and with the implementation of MM TRANS-11. As described in Impact TRANS-3, the proposed project would be required to implement MM TRANS-11 (Construction Traffic Control Plan) and MM TRANS-11 (fund additional safety roadway feature). Therefore, the proposed project's contribution to this already less than significant cumulative impact would not be cumulatively considerable with implementation of MM TRANS-8 and MM TRANS-9, which would make roadway improvements such as provide an additional lane and extend the turn pockets, and as such would facilitate emergency vehicles access and emergency evacuation. As such, the proposed project, in conjunction with other cumulative projects, would have a less than significant cumulative impact with respect to roadway safety and hazards, and the proposed project's contribution would not be cumulatively considerable. (Draft EIR, pp. 3.14-30–32)

The City Council hereby finds that MM TRANS-1 through MM TRANS-11 are feasible, are hereby adopted, and will further reduce cumulative transportation-related impacts. Accordingly, the City Council hereby finds that, pursuant to Public Resources Code Section 21081(a)(1) and CEQA Guidelines Section 15091(a)(1), changes or alterations have been required in, or incorporated into, the proposed project that mitigate or avoid the potentially significant cumulative impacts as identified in the Draft EIR. Therefore, cumulative impacts would be less than significant with mitigation incorporated. (Draft EIR, pp. 3.14-30–32)

## 1.6.8 - Utilities and Service Systems

### Potential Effect

**Impact UTIL-4:** The proposed project could generate solid waste in excess of State or local standards, or in excess of the capacity of local infrastructure, or otherwise impair the attainment of solid waste reduction goals. (Draft EIR, p. 3.15-27)

**Findings:** Less than significant impact with mitigation incorporated. (Draft EIR, p. 3.15-29) Changes or alterations have been required in, or incorporated into, the proposed project which avoid or substantially lessen the significant environmental effects as identified in the Draft EIR. (CEQA Guidelines § 15091(a)(1))

### Mitigation Measure

**MM UTIL 1 Debris and Waste Generated Shall be Recycled to the Extent Feasible**

The provisions listed below shall apply to the project during construction activities in connection with project development.

a. An on-site Recycling Coordinator shall be designated by the project proponent/contractor to facilitate recycling.
b. The Recycling Coordinator shall facilitate recycling of all construction waste through coordination with contractors, local waste haulers, and/or other facilities that recycle construction/demolition wastes.
c. The on-site Recycling Coordinator shall also be responsible for ensuring wastes requiring special disposal are handled according to State and County regulations that are in effect at the time of disposal.
d. Contact information of the coordinator shall be provided to the City of Visalia prior to issuance of building permits.
e. The project proponent/operator shall provide a storage area for recyclable materials within the fenced project area that is clearly identified for recycling. This area shall be maintained on the site during construction and operations. A site plan showing the recycling storage area shall be submitted prior to the issuance of any grading or building permit for the site.

**Facts in Support of Findings:** As detailed more fully in Section 3.15 of the Draft EIR, the proposed project would not generate any acutely hazardous material, and any other hazardous waste, such as fuels greases and solvents, generated or used during construction would be disposed of at an

approved facility in accordance with the comprehensive regulatory framework governing these issues. The proposed project is expected to generate a total of approximately 16,145,447 pounds or 8,073 tons of solid waste during the four years of construction, combined. This equates to approximately 8.3 tons per day, assuming a total of 980 days of construction. The County's three landfills are permitted to receive between 800 and 2,000 tons of waste per day. Construction/demolition debris generated by the proposed project represents a nominal percent (approximately 1 percent) of the quantity of solid waste that the landfill currently accepts on a daily basis. In order to further reduce this solid waste generation, the proposed project would be required to implement various measures to increase recycling. MM UTIL-1 would require that a Recycling Coordinator be identified to ensure the separation and proper disposal of recyclable materials and solid waste during construction. MM UTIL-1 also would require having recycling areas and receptacles on-site during construction to encourage recycling of materials to the extent feasible. In addition, compliance with applicable local and State laws and regulations would ensure that all construction waste would be conveyed to the appropriate solid waste facility and would be disposed of properly. Therefore, construction impacts related to landfill capacity would be less than significant with mitigation.

With respect to project operations, at full buildout, the proposed project would generate a total of an estimated 37,300 pounds of solid waste per day (18.65 tons), and approximately 13,614,500 pounds per year (6,807 tons), assuming operation 365 days per year. The landfills have a combined maximum capacity of 40,071,173 cubic yards and a remaining combined capacity of 22,340,353 cubic yards. The three landfills have expected closure dates ranging between 2024 and 2043; furthermore, the City is undertaking measures to expand the landfills and extend their lifespans so that the anticipated closure date does not mean that there has been a substantial loss in capacity that was not considered in the Draft EIR. As a result, the proposed project's estimated 18.65 tons of solid waste per day and 6,807 tons per year represent less than 1 percent of daily permitted capacity and overall landfill capacity. Pursuant to AB 939, cities are required to redirect at least 50 percent of municipal waste; as of 2009, the City reduced its annual waste tonnage collected by 25 percent, however no other data is provided by the City on its progress of achieving diversion rates in adherence to AB 939. Implementation of MM UTIL-1 (e) would require each specific individual development project to provide a recycling storage area for recyclable materials during operations and also adhere to all applicable requirements and standards under local and State laws and regulations. Therefore, the proposed project would be served by landfill(s) that contain sufficient capacity, and operational impacts related to landfill capacity and solid waste reduction goals consistency would be less than significant. (Draft EIR, pp. 3.15-27–29)

The City Council hereby finds that MM UTIL-1 is feasible, is hereby adopted, and will further reduce Impact UTIL-4 related to solid waste. Accordingly, the City Council hereby finds that, pursuant to Public Resources Code Section 21081(a)(1) and CEQA Guidelines Section 15091(a)(1), changes or alterations have been required in, or incorporated into, the proposed project that mitigate or avoid the potentially significant impacts as identified in the Draft EIR. Therefore, impacts would be less than significant with mitigation incorporated. (Draft EIR, pp. 3.15-27–29)

## Potential Effect

**Cumulative Impact:** Impacts related to utilities would be less than significant with mitigation incorporated. (Draft EIR, pp. 3.15-30–32)

**Findings:** Less than significant impact with mitigation incorporated. (Draft EIR, pp. 3.15-30–32) Changes or alterations have been required in, or incorporated into, the proposed project which avoid or substantially lessen the significant environmental effects as identified in the Draft EIR. (CEQA Guidelines § 15091(a)(1))

## Mitigation Measure

Implement MM UTIL-1.

**Facts in Support of Findings:**
*Water:* The geographic scope of the cumulative potable water analysis is the service area of Cal Water Visalia District. Water demand within the Visalia District's water service area is not expected to exceed District supplies at buildout under normal, single-dry and multiple-dry hydrologic conditions based on the District's existing supplies coupled with the implementation of its additional future planned projects, as discussed above and at length in Section 3.15 of the Draft EIR and the WSA (Draft EIR, Appendix J). Furthermore, some of the cumulative projects, similar to the proposed project, would convert the existing agricultural use to other uses that have a significantly smaller water demand. Furthermore, developers of the other cumulative projects, as with the proposed project, would be required to pay their proportionate share of required funding to the City/Visalia District for completion of necessary water infrastructure improvements (which includes recycled water infrastructure) as included in the relevant CIP. In addition, cumulative developments, similar to the proposed project, would be required to comply with provisions of the applicable laws and regulations in the Municipal Code and CALGreen related to water conservation. Therefore, cumulative impacts would be less than significant. As discussed above, the proposed project would also be required to comply with applicable City/County ordinances and General Plan Policies, as well as other laws and regulations that address water supply. The proposed project would also be required to pay applicable impact fees, which would then be combined with other impact fees by the Visalia District/City to help facilitate the completion of planned water infrastructure pursuant to the relevant CIP. For these reasons, the proposed project would not have a cumulatively considerable contribution toward this already less than significant cumulative impact related to water supply.

*Wastewater*: The geographic scope of the cumulative wastewater analysis is the service area of the City. The City has recently upgraded its WCP. The WCP has a maximum permitted capacity to treat a total of 22 million GPD and currently treats approximately 13 million GPD. The cumulative developments, similar to the proposed project, located in the City are within its service area and would generate volumes of wastewater conveyed to and treated at the WCP. The City has anticipated demand that would need to be accommodated by existing and planned growth reflected in the cumulative developments, as with the proposed project, and has determined that WCP capacity would exist to service the demand for wastewater treatment facilities given the existing capacity, coupled with the planned upgrades discussed in Impact UTL-3.

Cumulative developments, similar to the proposed project, would be required to pay applicable fees in effect at the time building permits are issued. Therefore, cumulative impacts would be less than significant. As discussed above, the proposed project would also be required to comply with applicable City/County ordinances and General Plan Policies, as well as other laws and regulations that address wastewater demand and treatment. The proposed project would also be required to pay applicable impact fees, which would then be combined with other impact fees by the Visalia District/City to help facilitate the completion of planned wastewater infrastructure pursuant to the relevant CIP. Accordingly, the proposed project's contribution to this less than significant impact related to wastewater generation and treatment would not be cumulatively considerable.

*Storm Drainage*: The geographic scope of the cumulative analysis of storm drainage is the areas with the City's municipal boundaries that drain to the storm drainage system and to the Kaweah River's Delta system. The cumulative developments, similar to the proposed project, would undergo their own CEQA review, which would evaluate and be required to mitigate any potential significant impacts with storm drainage pursuant to applicable laws and regulations. In addition, consistent with measures in the Municipal Code and other applicable standards and requirements, all cumulative developments, as with the proposed project, would be required to incorporate a stormwater control plan and stormwater collection systems into each development that would in turn reduce the volume and velocity of stormwater runoff that cumulative projects, similar to the proposed project, would generate to adhere to applicable performance standards. Therefore, cumulative impacts in this regard would be less than significant. For these same reasons, and as further discussed above, the proposed project's contribution to this already less than significant impact related to storm drainage would not be cumulatively considerable.

*Solid Waste*: The geographical area for considering cumulative impacts associated with solid waste is the geographic area covered by the Tulare County Solid Waste Division. Cumulative development (residential and nonresidential), similar to the proposed project, would increase demand on solid waste facilities to receive, process, and store solid waste. Existing solid waste facilities provide sufficient capacity to serve all cumulative development, the proposed project, as well as existing, planned, and probable future land uses in the City for the foreseeable future. These landfills have a combined maximum total permitted capacity of 40,071,173 cubic yards and a remaining total capacity of approximately 22,340,353 cubic yards. Additionally, other cumulative projects within the cumulative geographic context, similar to the proposed project, would be required to comply with applicable federal, State, and local laws, regulations and policies to address and mitigate, as necessary, any potentially significant impacts related to solid waste. For these reasons, cumulative impacts to solid waste would be less than significant.

The proposed project's contribution to this already less than significant cumulative impact would not be cumulatively considerable. The total amount of anticipated waste volume of development associated with the proposed project at full buildout represents less than 1 percent of the landfills' permitted daily capacity. Furthermore, implementation of MM UTIL-1 would help ensure effective and consistent recycling, including, among other things, requiring that a Recycling Coordinator be identified to ensure the separation and proper disposal of recyclable materials and solid waste during construction. MM UTIL-1 also requires having recycling areas and receptacles on-site during construction to encourage recycling of materials to the extent feasible. Therefore, the proposed

project, in conjunction with other cumulative projects, would result in a less than significant cumulative impact related to solid waste generation and landfill capacity.

*Energy (electricity and natural gas):* The geographic scope of the cumulative energy analysis is the portion of SCE's service area that covers incorporated and unincorporated Tulare County. During operation, cumulative projects would be required to comply with applicable provisions of Title 24 Building Energy Efficiency Standards and CALGreen, which include minimum energy efficiency requirements related to building envelope, mechanical systems (e.g., HVAC and water heating systems), and indoor and outdoor lighting). Future cumulative development would also be required to meet even more stringent energy efficiency requirements through local and Statewide policy, such as Title 24, Part 6, which would require, for example, that newly constructed residential homes include on-site photovoltaic solar systems, with some exceptions. Furthermore, SCE, which supplies electricity to the project site and vicinity, would be required by SB 100 to incrementally increase the proportion of renewable electricity generation supplying its instate retail sales until it reaches 100 percent carbon-free electricity generation by 2045. Electricity would also be consumed during construction of the cumulative projects from the use of construction trailers and any electrically driven equipment, vehicles, or tools. Electricity consumed during construction of the cumulative projects would also be subject to the renewable electricity generation requirements established by SB 100, as SCE would be the anticipated electricity supplier for the cumulative project areas. The incorporation of these regulations into the design of the cumulative projects would ensure that they would not result in the inefficient, unnecessary, or wasteful consumption of electricity or natural gas, and thus they would not have a significant cumulative impact.

Similarly, the proposed project's energy use would be limited to that which is necessary for the construction and operation of the proposed project. The proposed project would be required to comply with applicable Statewide and local policies and standards pertaining to energy efficiency and can reasonably be assumed to pursue greater energy efficiencies to the extent commercially practicable in its operation, in the interest of reducing operating costs. As such, the proposed project's incremental contribution to the less than significant cumulative impact would not be considerable with respect to energy consumption in the form of electricity and natural gas. Cumulative projects would be required to comply with California Code of Regulations Title 13, Sections 2449(d)(3) and 2485, that limit idling from both on-road and off-road diesel-powered equipment, which is enforced by the ARB. Additionally, various federal and State regulations, including the Low Carbon Fuel Standards (LCFS), Pavley Clean Car Standards, and Low Emission Vehicle (LEV) Program, would serve to reduce the transportation fuel demand of cumulative projects.

Therefore, the proposed project's incremental contribution to the less than significant cumulative impact would not be considerable with respect to the wasteful or inefficient use of energy.

*Telecommunications:* The appropriate geographical scope for this cumulative analysis is the service area of local providers. Cumulative developments, similar to the proposed project, would increase demand for internet and telephone services provided by local telecommunications providers. These cumulative projects would coordinate with telecommunication providers to provide service, and would be required to ensure there is sufficient capacity to serve each project, through analysis and

adequate mitigation, as necessary; to the extent there was a need to install new or expanded facilities, this would be evaluated from a CEQA perspective and feasibly mitigated, as needed. For these reasons, cumulative impacts with respect to telecommunications would be less than significant. Similarly, the proposed project would also coordinate with telecommunication providers to provide service, which have already confirmed capacity to serve project operations, and therefore proposed project's contribution to this already less than significant cumulative impact would not be cumulatively considerable. Therefore, the proposed project, in conjunction with other cumulative projects, would result in a less than significant cumulative impact related to telecommunications.

The City Council hereby finds that MM UTIL-1 is feasible, is hereby adopted, and will further reduce cumulative utilities and service system impacts. Accordingly, the City Council hereby finds that, pursuant to Public Resources Code Section 21081(a)(1) and CEQA Guidelines Section 15091(a)(1), changes or alterations have been required in, or incorporated into, the proposed project that mitigate or avoid the potentially significant impacts as identified in the Draft EIR. Therefore, impacts would be less than significant with mitigation incorporated. (Draft EIR, pp. 3.15-30–32)

## 1.7 - Impacts Identified in the Draft EIR as Being Significant and Unavoidable Even After the Implementation of All Feasible Mitigation Measures

The City Council, as Lead Agency, hereby finds that, despite the incorporation of feasible mitigation measures identified in the Draft EIR and the attached MMRP, the following impacts from the proposed project cannot be fully mitigated to a less than significant level and a Statement of Overriding Considerations is therefore included herein.

### 1.7.1 - Agriculture and Forest Resources

**Impact AG-1:** The proposed project would convert Prime Farmland, Unique Farmland, or Farmland of Statewide Importance (Farmland) as shown on the maps prepared pursuant to the Farmland Mapping and Monitoring Program of the California Resources Agency, to nonagricultural use. (Draft EIR, p. 3.2-12)

**Findings:** Changes or alterations have been required in, or incorporated into, the proposed project which avoid or substantially lessen the significant environmental effects as identified in the Draft EIR. (CEQA Guidelines § 15091(a)(1)) However, impacts would still remain significant and unavoidable even with feasible mitigation incorporated. Specific economic, legal, social, technological, or other considerations, including provision of employment opportunities for highly trained workers, make infeasible the mitigation measure or project alternatives identified in the Draft EIR. (CEQA Guidelines § 15091(a)(3))

#### Mitigation Measures

No feasible mitigation measures are available.

**Facts in Support of Findings:** The project site contains approximately 284 acres of designated Prime Farmland identified on the current Farmland Mapping and Monitoring Program (FMMP) mapping. The project site is in current agricultural cultivation that would cease with the development of the proposed project. The proposed project is consistent with the urbanized industrial/light industrial

land use designations and intensity of development established by the General Plan; thus, conversion to industrial use was envisioned as part of buildout under the General Plan and was previously evaluated and disclosed in the General Plan EIR, including the City Council's adoption of a Statement of Overriding Considerations in connection therewith. According to the General Plan EIR, buildout of the General Plan would result in the conversion of 14,265 acres (or 33 percent) of the existing Important Farmland within the Planning Area to urban uses, which may include park and open space designations. Of this land, 12,490 acres is classified as Prime Farmland, representing 37 percent of the existing Prime Farmland within the Planning Area. The General Plan EIR determined that, aside from preventing development altogether, conversion of Important Farmland could not be directly mitigated to a less than significant level.

General Plan Policies identified in Impact 3.5-1 of the General Plan EIR assist in reducing the severity of impacts related to the loss of Prime Farmland while still supporting the General Plan's goals and policies of accommodating a certain amount of growth within the Planning Area. In particular, Policy LU-P-34 requires the City to create and adopt a mitigation program to address the conversion of Prime Farmland and Farmland of Statewide Importance in Tiers II and III of the UDB. This mitigation program for Tiers II and III requires a 1:1 ratio of agricultural land preserved to agricultural land converted and also requires agricultural land to be preserved equivalent to agricultural land converted. As noted in Section 3.2 of the Draft EIR, the City adopted an Agricultural Preservation Ordinance on May 15, 2023, pursuant to Policy LU-P-34. However, as noted therein, Policy LU-P-34 explicitly exempts conversions of agricultural lands located in UDB Tier I, such as the project site, from the mitigation program. Therefore, the mitigation program required in LU-P-34 would not be applicable to the proposed project. Although the General Plan EIR concluded that implementation of policies in the General Plan would reduce some agricultural impacts for General Plan buildout, over 14,000 acres of the existing Important Farmland would be lost. Therefore, the General Plan EIR determined that conversion of farmland from General Plan buildout would be significant and unavoidable.

Although previously addressed in the certified General Plan EIR, for purposes of a comprehensive and conservative analysis, the Draft EIR evaluates and discloses that the proposed project would result in the loss of Prime Farmland as a result of the proposed urban uses. Furthermore, despite the fact this conversion was already evaluated and disclosed as part of the General Plan EIR, the Draft EIR conservatively concludes that the proposed project would result in significant and unavoidable impacts related to the conversion of Important Farmland. Because, however, Policy LU-P-34 does not apply to Tier 1 lands, there is no feasible method to mitigate the loss of this Important Farmland. Mitigation under CEQA is limited to those powers the City already has under the law. CEQA does not create new and distinct legal authority. Furthermore, as recognized by CEQA Guidelines § 15126.4(a)(4), mitigation measures must be consistent with all applicable constitutional and related legal nexus requirements. Where the City determines that a suggested mitigation measure cannot be legally imposed, and thus is not legally feasible, that measure need not be analyzed. Instead, the Draft EIR may simply reference that fact and briefly explain the reasons underlying the City's determination. CEQA Guidelines § 15126.4(a)(5).

Given the City's goal to implement full buildout of its General Plan land use vision with a balance of uses, while taking into appropriate consideration the importance of agricultural resources, General

Plan Policy LU-P-34 requires the City to create and adopt a mitigation program via adoption of an Agricultural Preservation Ordinance to address the conversion of Prime Farmland and Farmland of Statewide Importance in Tiers II and III of the UDB. While this policy identifies specific requirements for properties located in Tiers II and III, as stated above, it specifically exempts lands located in Tier I from these mitigation requirements. This is consistent with the City's concentric growth pattern strategy, which prioritizes conversion of agricultural lands that are closest to the City's municipal boundaries. Development in this fashion helps to maintain the maximum amount of contiguous Important Farmland, avoiding "patchwork" easements and dispersed development in a manner that cannot be guaranteed through the requirement of purchasing agricultural easements.

The City adopted the Agricultural Preservation Ordinance on May 15, 2023. However, pursuant to General Plan Policy LU-P-34, it contains a specific exemption for lands within Tier 1, such as the project site. Accordingly, there is no available legally feasible mechanism for the City to impose mitigation requiring the acquisition of an off-site conservation easement, payment of in lieu funding for same, or some other unspecified mitigation.

Moreover, as noted above and discussed at length in the Draft EIR, the project site has long been identified for conversion to urban uses. This reflects the City's overall land use strategy that ensures the areas identified for growth are contiguous to existing development and to each other, and thus City policies clearly require sequencing of growth so that minimal fragmentation of agricultural land will occur. The General Plan's three-tier growth management system reinforces Visalia's compact form, minimizing the interface between farming and urban uses. The General Plan establishes greenbelt buffers along the urban edge in some places, while providing requirements for buffering and screening of private development elsewhere. Furthermore, the City's urbanized land use vision for the project site and vicinity is evident in that the adjacent existing surrounding uses consist of industrial uses such as an Amazon distribution center and United Parcel Service (UPS) distribution hub. However, for the reasons set forth above, impacts would be significant and unavoidable.

The City Council hereby finds that no feasible mitigation measures are available and that impacts related to the loss of Prime Farmland, Unique Farmland, or Farmland of Statewide Importance remain significant and unavoidable. (Draft EIR, p. 3.2-11).

**Cumulative Impact:** Even with implementation of all available feasible mitigation measures, the proposed project would result in significant and unavoidable cumulative impacts with respect to the loss of Prime Farmland, Unique Farmland, or Farmland of Statewide Importance. (Draft EIR, p. 3.2-15)

**Findings:** Changes or alterations have been required in, or incorporated into, the proposed project which avoid or substantially lessen the significant environmental effects as identified in the Draft EIR. (CEQA Guidelines § 15091(a)(1)) However, impacts would still remain significant and unavoidable even with mitigation incorporated. Specific economic, legal, social, technological, or other considerations, including provision of employment opportunities for highly trained workers, make infeasible the mitigation measure or project alternatives identified in the Draft EIR. (CEQA Guidelines § 15091(a)(3))

## Mitigation Measures

No feasible mitigation measures are available.

**Facts in Support of Findings:** Given the nature of agricultural resources, the geographic scope of this cumulative analysis includes past, present and reasonably foreseeable future projects on lands within the City's Planning Area. As shown in Exhibit 3-1 (Draft EIR, p. 3.2-5), the relevant Cumulative Projects 1, 2, 3, 4, and 6 are industrial uses; the relevant Cumulative Projects 5 and 8 are residential projects; and the relevant Cumulative Project 7 is a Mixed-Use Development Specific Plan. The General Plan EIR addressed this issue at length in considering the impacts associated with its planned growth, including that being pursued by these relevant other cumulative projects, and already disclosed impacts to agricultural resources due to conversion as a significant and unavoidable impact.

The proposed project is within Tier 1, which has been deemed as land to be converted from agricultural land to urban development. Much of the Tier I area that is identified for development of various cumulative developments, as with the proposed project, consists of Important Farmland that would be converted to nonagricultural uses with implementation of same, consistent with urban development already envisioned by the General Plan Land Use Element. Development within Tier II and III of the UDB that would convert Prime Farmland is subject to the 1:1 ratio of agricultural land preservation elsewhere outside of the City's UDB, once the City adopts the applicable agricultural mitigation ordinance. Cumulative Projects 1–5 and Cumulative Project 8 are in Tier I of the UDB, and Cumulative Projects 6 and 7 are in Tier II. According to the General Plan, all of the foregoing development is planned growth occurring within areas designated or otherwise planned for industrial and residential development. The certified General Plan EIR specifies that, while the growth of the City will incur unavoidable losses of farmland, the severity of the losses can be minimized to the extent feasible through adherence to the compact, concentric development plan outlined in the General Plan and long contemplated for development by both the City and County. Development in this fashion will help to maintain the maximum amount of contiguous Important Farmland, avoiding "patchwork" easements and dispersed development in a manner that cannot be guaranteed through the requirement of purchasing agricultural easements.

The development of the proposed project would further contribute to the identified significant cumulative impact, due to the loss of approximately 284 acres of Prime Farmland, which has been identified as an individual significant and unavoidable impact due to lack of feasible mitigation. Moreover, the proposed project's contribution to this significant cumulative effect to agricultural resources would be considered cumulatively considerable. Impacts associated with the Williamson Act Contract were less than significant (as discussed above); however, the proposed project would result in the loss of Williamson Act lands. The proposed project's contribution to this significant cumulative effect to Williamson Act lands would be considered cumulatively considerable.

The geographic scope of this cumulative analysis with respect to forestry resources is lands within the City of Visalia Planning Area. As mapped by the United States Department of Agriculture (USDA) Forest Service, there are no National Forest lands within the City or the City's Planning Area. The project site and the other sites upon which the cumulative developments would be developed do not contain forest land or timberland, as defined by Public Resource Code Section 4526, nor do they

contain any timberland zoned Timberland Production, as defined by Government Code Section 51104(g). Therefore, the cumulative developments, as with the proposed project, would not conflict with forest zoning or converting forest land to non-forest use, and thus there would be no significant cumulative impact in this regard. Furthermore, because there is no forest land or timberland on the project site, the proposed project would not have any contribution to this already less than significant impact. Therefore, the proposed project's contribution to this less than significant impact would not be cumulatively considerable, and the proposed project would not have a cumulatively considerable contribution to the already less than significant cumulative impact to forestry resources. (Draft EIR, p. 3.2-15)

The City Council hereby finds that no feasible mitigation measures are available and that cumulative impacts related to the loss of Prime Farmland, Unique Farmland, or Farmland of Statewide Importance remain significant and unavoidable. (Draft EIR, p. 3.2-15)

## 1.7.2 - Air Quality

**Impact AIR-1:** The proposed project would conflict with or obstruct implementation of the applicable air quality plan. (Draft EIR, p. 3.3-41)

**Findings:** Changes or alterations have been required in, or incorporated into, the proposed project which avoid or substantially lessen the significant environmental effects as identified in the Draft EIR. (CEQA Guidelines § 15091(a)(1)) However, impacts would still remain significant and unavoidable even with mitigation incorporated. Specific economic, legal, social, technological, or other considerations, including provision of employment opportunities for highly trained workers, make infeasible the mitigation measure or project alternatives identified in the Draft EIR. (CEQA Guidelines § 15091(a)(3))

### Mitigation Measures

Implement MM AIR-2a through MM AIR-2g (see Impact AIR-2).

**Facts in Support of Findings:**
In accordance with relevant Valley Air District thresholds and methodologies, this evaluation utilizes the following criteria for determining project consistency with the current Air Quality Plan (AQP):

*Criterion 1: Will the proposed project support the primary goals of the AQP?*
As discussed in detail in Section 3.3 of the Draft EIR and Appendix B (Technical Report), the proposed project would involve the type of land uses contemplated by the City's General Plan and would be within the allowable FAR ratio required under and assumed by the City General Plan's relevant land use designations. In addition, according to the Visalia Zoning Ordinance, Table 17.25.030, the proposed project's objective of providing an automated car wash and fast food/quick serve restaurants with a drive-through would be allowed with a conditional use permit and the self storage and fueling station uses, as well as the light manufacturing, warehouse, distribution, and/or flex industrial uses, would all be permitted by right under the applicable light industrial/industrial zoning. Furthermore, with approval of the requested Conditional Use Permits (CUP) for the convenience store, drive-through lanes, and certain lot sizes set forth in the proposed development plan, the proposed project would not have the potential to conflict with the contemplated land use vision and

thus assumed growth projections for the project site. As such, the proposed project would be consistent with the growth projections assumed in the City's General Plan and thus the relevant AQP, and thus would not result in any unplanned growth and associated emissions. Therefore, the proposed project's impacts would be consistent with this criterion and support the primary goal of the AQP.

*Criterion 2: Will the proposed project comply with applicable control measures in the AQP?*
The proposed project would be required to comply with all applicable Valley Air District rules and regulations through the issuance of applicable permits and applications and otherwise would be subject to District oversight pursuant to the applicable regulatory framework. Furthermore, consistency with the City of Visalia General Plan Policy AQ-P-2 would require the proposed project to implement applicable measures outlined in Regulation VIII. Therefore, the proposed project complies with this criterion and would not conflict with or obstruct implementation of the applicable air quality attainment plan for this criterion.

*Criterion 3: Will the proposed project disrupt or hinder implementation of any AQP control measures?*
Because of the region's nonattainment status for ozone, $PM_{2.5}$, and $PM_{10}$, if project-generated emissions of either of the ozone precursor pollutants (ROG and/or $NO_x$), $PM_{10}$, or $PM_{2.5}$ would exceed the Valley Air District's applicable significance thresholds, then the proposed project would be considered to disrupt or hinder implementation of the relevant AQP control measures designed to attain the relevant air quality standards and thus would be in conflict with the attainment plans. As discussed in Impact AIR-2 below, annual emissions of ROG, $PM_{10}$, and $PM_{2.5}$ associated with the construction of the proposed project would not exceed the Valley Air District's applicable significance thresholds after incorporation of mitigation. However, emissions of nitrogen dioxide ($NO_{X)}$ would exceed the Valley Air District's localized significance thresholds even after implementation of identified feasible mitigation. Also as discussed in Impact AIR-2, operation of the proposed project would have the potential to exceed regional significance thresholds for ROG, $PM_{10}$, and $NO_X$, and would have the potential to result in a violation of localized standards, even after incorporation of feasible mitigation. In addition, the proposed project could result in maximum daily CO emissions that would violate applicable CO standards. However, the proposed project would not result in a CO hotspot. Therefore, the proposed project has the potential to exceed applicable Valley Air District significance thresholds during construction and operation even after incorporation of the identified feasible mitigation. Thus, project impacts in this regard would remain significant and unavoidable. Accordingly, the proposed project would not comply with this criterion and therefore would be considered to disrupt or hinder implementation of AQP control measures designed to attain relevant air quality standards.

The City Council hereby finds that MM AIR-2a through MM AIR-2g are feasible, are hereby adopted and will reduce impacts to the fullest extent possible; however, impacts related to emissions that would exceed applicable thresholds which would disrupt or hinder implementation of the AQP control measures remain significant and unavoidable. (Draft EIR, p. 3.3-41)

**Impact AIR-2:** The proposed project would result in a cumulatively considerable net increase of any criteria pollutant for which the project region is nonattainment under an applicable federal or State ambient air quality standard. (Draft EIR, p. 3.3-44)

**Findings:** Changes or alterations have been required in, or incorporated into, the proposed project which avoid or substantially lessen the significant environmental effects as identified in the Draft EIR. (CEQA Guidelines § 15091(a)(1)) However, impacts would still remain significant and unavoidable even with mitigation incorporated. Specific economic, legal, social, technological, or other considerations, including provision of employment opportunities for highly trained workers, make infeasible the mitigation measure or project alternatives identified in the Draft EIR. (CEQA Guidelines § 15091(a)(3))

## Mitigation Measures

**MM AIR-2a Use of Tier IV or Tier IV Equivalent Construction Off-Road Equipment**

Before a construction permit is issued for the proposed project, the project sponsors shall submit construction emissions minimization plans to the City of Visalia for review and approval. The construction emissions minimization plans shall detail compliance with the following requirements:

(1) Subject to same being commercially available, all off-road equipment utilized in connection with the subject individual development proposal shall have engines that meet either EPA or ARB Tier IV Final off-road emission standards. Provided, however, if engines that comply with Tier IV Final off-road emission standards are not commercially available, then the construction contractor shall use the next cleanest piece of off-road equipment (e.g., Tier IV Interim) available. For purposes of this mitigation measure, "commercially available" shall mean the availability of Tier IV Interim engines taking into consideration factors such as (i) critical-path timing of construction; (ii) costs of utilizing same are commercially practicable; and (iii) geographic proximity to the project site of equipment. The relevant contractor's provision to the City letters from at least two rental companies for each piece of off-road equipment that reasonably documents the lack of commercially available off-road equipment shall be deemed sufficient for purposes of complying with this mitigation measure. The project applicant and contractor shall consider the use of near zero-emission or electric construction equipment if that type of equipment is commercially available at the time of grading permit submittal.
(2) Post signage on the project site stating that construction equipment idling times shall not exceed five minutes.

**MM AIR-2b Super Compliant Architectural Coating During Construction**

Prior to issuance of a grading permit in connection with an individual specific development proposal for the proposed project, the relevant project sponsor shall submit to the City of Visalia construction contracts and/or subcontracts reasonably documenting that all architectural coating material utilized in connection with the subject individual specific development proposal would not exceed 10 grams of volatile organic compound (VOC) per liter of coating.

To satisfy the above, the relevant project sponsor shall include in any construction contracts and/or subcontracts for the subject individual specific development proposal a requirement that all interior and exterior architectural coatings used in project construction meet the "supercompliant" coating VOC content standard of 10 grams or less of VOC per liter of coating. The relevant project sponsor shall also specify in the subject construction contracts and/or subcontracts the requirement to use high-volume, low-pressure spray guns during coating applications to reduce coating waste.

**MM AIR-2c Electric or Zero-Emission On-site Off-Road and On-Road Service Equipment**

Prior to issuance of the construction grading permit in connection with an individual specific development proposal for the proposed project, the relevant project sponsor shall provide reasonable documentation to demonstrate to the City of Visalia that all on-site off-road and on-road service equipment will utilize zero-emission technology, subject to the same being commercially practicable. Additionally, the relevant project sponsor shall provide reasonable documentation to the City of Visalia Planning Division that all proposed buildings in connection with the subject individual specific development proposal that would use on-site service equipment will be designed to include electric outlets to equipment support the use of all-electric or zero-emission on-site service equipment, subject to the same being commercially practicable.

**MM AIR-2d Electric Vehicle Charging Infrastructure**

Prior to issuance of the grading or building permit in connection with an individual specific development proposal for the proposed project, whichever occurs first, the relevant project sponsor shall provide reasonable documentation to the City of Visalia demonstrating that the subject individual specific development proposal shall incorporate infrastructure for electric vehicle (EV) charging stations into a minimum of 20 percent of all vehicle parking spaces (including parking for trucks), consistent with the applicable California Green Building Standards Code Tier 1 Nonresidential Mandatory Measure (Section A5.106.5.3). To satisfy the foregoing, EV charging spaces must provide electrical vehicle charging infrastructure to support future installation of EV supply equipment and shall meet the applicable design space requirements of California Green Building Standards Code Section 5.106.5.3.

In addition, the buildings' electrical room shall be sufficiently sized to hold additional panels that may be needed to supply power for the future installation of EV truck charging stations on the site. Conduit should be installed from the electrical room to tractor trailer parking spaces in a logical location(s) on the site determined by the project applicant during construction document plan check, for the purpose of accommodating the future installation of EV truck charging stations at such time this technology becomes commercially available and the buildings are being served by trucks with electric powered engines.

**MM AIR-2e On-Site Signage and Pavement Markings**

In connection with an individual specific development proposal for the proposed project, whichever occurs first, the relevant project sponsor shall provide reasonable documentation to the City of Visalia demonstrating signage and pavement marking that show on-site circulation routes have been or will be included along the relevant portions of the project site driveways and internal roadways.

**MM AIR-2f Vegetative Barrier**

Prior to issuance of the grading or building permit in connection with an individual specific development proposal for the proposed project, whichever occurs first, the relevant project sponsor shall provide reasonable documentation to the City of Visalia demonstrating the inclusion of a vegetative barrier along the south and east property boundaries of the project site. Prior to issuance of first occupancy permit, the project applicant shall demonstrate to the City of Visalia the installation of the vegetative barrier at the described locations.

**MM AIR-2g Voluntary Emission Reduction Agreement**

Prior to issuance of the grading or building permit in connection with an individual specific development proposal for the proposed project, whichever occurs first, the relevant project sponsor shall consult with the City of Visalia about the feasibility of entering into a Voluntary Emissions Reduction Agreement (VERA) with the Valley Air District.

**Facts in Support of Findings:** The primary pollutants of concern during project construction and operation are ROG, $NO_x$, $PM_{10}$, and $PM_{2.5.}$ As shown in Table 3.3-13 of the Draft EIR, the unmitigated construction emissions assuming the sequential implementation of phases would exceed the significance thresholds for $NO_X$. In addition, if there were concurrent implementation of construction phases this level of activity would exceed the significance threshold for ROG and $NO_X$, which reflects the reasonable worst-case scenario maximum annual emissions. Therefore, construction emissions would be potentially significant. As a result, the proposed project would need to include the following feasible construction mitigation measures: MM AIR-2a–Use and Operation of Tier IV or Equivalent Construction Equipment; and MM AIR-2b–Use of Low VOC Architectural Coating Materials.

With implementation of MM AIR-2a and -2b, assuming the sequential implementation of phases, ROG and $NO_X$ emissions would be reduced below the Valley Air District 10 tons per year threshold. However, if construction Phases 1, 2, and 3 were to overlap (i.e., concurrent phasing), the proposed project would still exceed Valley Air District thresholds of 10 tons per year for $NO_X$ even with implementation of this mitigation, as shown in the reasonable worse-case scenario. Moreover, no other feasible mitigation measures exist that could reduce $NO_X$ emissions further because, as detailed more fully in the Draft EIR, the majority of emissions would be due to the amount of construction equipment in use. Even with MM AIR-2a, the concurrent schedule would result in such a large amount of construction activity occurring at the same time, it would not be feasible to reduce

the resulting $NO_X$ emissions. Therefore, construction emission impacts would be significant and unavoidable.

Regional operational emissions would exceed the Valley Air District's threshold of significance for ROG, $NO_X$, and $PM_{10}$; this would be a potentially significant impact. The proposed project would not exceed thresholds for CO, $SO_X$, or $PM_{2.5}$. As a result, the analysis set forth in the Draft EIR and related technical report has identified feasible mitigation to help reduce emissions in this regard. MM AIR-2c through MM AIR2g would contribute toward $NO_X$ emissions reductions. However, there is not sufficient information to guarantee that the proposed project could feasibly implement the reduction measures associated with these mitigation measures. Moreover, the project applicant(s) would not have ownership over the operational truck fleets because they would be owned and operated by third-party vendors, and as such, the proposed project applicant(s) could not guarantee mitigation in this fashion to reduce the impacts of the primary source of operational emissions to less than significant levels. Therefore, in the absence of certainty that the identified mitigation can be feasibly mitigated such that project impacts would be reduced to a less than significant level, impacts would remain significant and unavoidable due to $NO_X$ during construction and ROG, $NO_X$, $PM_{10}$ during operation of the proposed project.

During operation at full buildout, the proposed project would generate up to 21,409 daily vehicle trips. According to the Visalia General Plan EIR, Chapter 3.2 Transportation, Table 3.2-6, Shirk Avenue would experience at most 24,900 Average Annual Daily Trips (AADT). As a result, the addition of the proposed project's anticipated actual trips would result in up to 46,000 daily vehicle trips, which is not close to what was analyzed in the 1992 CO Plan. Therefore, none of the intersections near the project site would have peak-hour traffic volumes exceeding those at the intersections modeled in the 1992 CO Plan, nor would there be any reason unique to the local meteorology to conclude that this intersection would yield higher CO concentrations if modeled in detail because the project site is not located in an area where air flow would be severely restricted, such as a tunnel or canyon. In conclusion, the addition of the proposed project's daily trips would not generate a CO hotspot at local intersections and operational CO impact would be less than significant.

The proposed project would exceed the applicable screening threshold for CO after inclusion of MM AIR-2a. However, no additional, feasible mitigation would be applicable to further reduce construction CO emissions because the primary source of CO emissions is due to the operation of fossil fuel powered construction equipment. As discussed more fully in the EIR and related technical report, despite the implementation of MM AIR-2a requiring all construction equipment meet Tier IV or equivalent standards to the extent such equipment is reasonably commercially available, all construction equipment would still emit CO and impacts would be significant and unavoidable. Electric construction equipment can be used in lieu of Tier IV equipment and would reduce CO emissions. However, because the availability of electric off-road equipment is limited compared to other clean equipment alternatives (such as Tier IV), it cannot be assumed that the proposed project could, in a commercially practicable manner, replace enough off-road equipment with electric off-road equipment to reduce impacts to a less than significant level during construction.

The proposed project would exceed the Valley Air District screening thresholds for CO but would not exceed other operational screening thresholds. As shown in Table 3.3-18 of the Draft EIR, the

majority of CO emissions would be from mobile sources, such as passenger vehicles driven by employees to access the project site and trucks delivering and receiving goods. For example, it is reasonable to assume that the majority of employees would drive personal vehicles to the project site; in order to significantly reduce emissions in connection therewith, most of the personal vehicles would need to zero-emission, which would not be reasonable to assume given cost and availability, among other considerations. Thus, implementing such a measure would not be feasible to implement nor could it be feasibly enforced, due to a lack of realistic and legally available enforcement mechanisms the City could reasonably rely upon to enforce such a measure with respect to the nature of personal employee vehicles used for the life of the proposed project. As presented previously and discussed further in Section 3.5 of the Draft EIR, if MM AIR-2c through -2f were implemented, this would reduce operational emissions, but would not reduce emissions below the applicable thresholds. As a result, since feasible mitigation would not reduce project operational emissions below the applicable thresholds, the proposed project's operational impacts would be significant and unavoidable.

In conclusion, regional emissions generated by the proposed project would exceed applicable thresholds despite compliance with all applicable rules, regulations, and implementation of feasible mitigation measures during construction and operation. Localized operational emissions would also present a potentially significant impact after incorporation of identified mitigation. Both of these impacts would be significant and unavoidable given the lack of feasible measures, including, without limitation, the lack of certainty with respect to implementation of feasible mitigation. (Draft EIR, p. 3.3-44)

The City Council hereby finds that MM AIR-2a through MM AIR-2g are feasible, are hereby adopted and will reduce impacts to the fullest extent possible; however, impacts related to regional emissions and localized operational emissions remain significant and unavoidable. (Draft EIR, pp. 3.3-44–57)

**Cumulative Impact:** The proposed project would have a significant and unavoidable cumulative impact related to air quality. (Draft EIR, p. 3.3-71)

**Findings:** Changes or alterations have been required in, or incorporated into, the proposed project which avoid or substantially lessen the significant environmental effects as identified in the Draft EIR. (CEQA Guidelines § 15091(a)(1)) However, impacts would still remain significant and unavoidable even with mitigation incorporated. Specific economic, legal, social, technological, or other considerations, including provision of employment opportunities for highly trained workers, make infeasible the mitigation measure or project alternatives identified in the Draft EIR. (CEQA Guidelines § 15091(a)(3))

## Mitigation Measures

Implement MM AIR-2a through MM AIR-2g (see Impact AIR-2).

**Facts in Support of Findings:** The geographic scope considered for cumulative impacts to air quality is the Air Basin. In developing mass emission thresholds of significance for criteria pollutants and ozone precursors, the Valley Air District considers the emission levels for which a project's individual emissions would be cumulatively considerable. Therefore, if a project would exceed the identified

construction or operational significance thresholds, its emissions would be cumulatively considerable. The Air Basin is in nonattainment for ozone, $PM_{10}$, and $PM_{2.5}$, which means that the background levels of those pollutants are at times higher than the ambient air quality standards and a cumulative air quality impact currently exists for the region. Therefore, if a project exceeds the Valley Air District significance thresholds for ozone precursor emissions or emissions of $PM_{10}$ or $PM_{2.5}$, that project would be considered to contribute to an existing cumulative air quality impact. As discussed in Impact AIR-2, MMs AIR-1a through AIR-1g would reduce the proposed project's potentially significant air quality impacts related to ozone precursor emissions during construction; however, as discussed in Impact AIR-2, project construction emissions for $NO_X$ would remain potentially significant after implementation of identified mitigation should all three project phases be constructed concurrently. In addition, because the full implementation of MM AIR-1g cannot be guaranteed during project operation, the proposed project could result in potentially significant impact related to regional emissions significance threshold for ROGs, $NO_X$, and $PM_{10}$ during project operation. Moreover, because full implementation of MM AIR-1g cannot be guaranteed, the proposed project could result in a potentially significant localized violation during construction and operation from CO emissions.

As discussed in Impact AIR-2, District Rule 8021 would be required, which would further ensure that air quality impacts related to fugitive particulate matter during construction activities are less than significant. Nonetheless, after incorporation of identified mitigation and implementation of the required rules and regulations, the proposed project could result in construction and operational emissions which are greater than the respective Valley Air District significance thresholds and could therefore have a cumulatively considerable contribution to a cumulative impact. The proposed project would therefore result in significant and unavoidable cumulative air quality impacts. With regard to impacts on sensitive receptors, the DPM emissions from construction of the proposed project could result in significant health impacts if all three project phases are constructed concurrently. Therefore, the proposed project's impact could be cumulatively considerable. In addition, the operational DPM emissions and benzene emissions from the gasoline station land use of the proposed project would not result in significant health impacts. Nonetheless, the cumulative impact associated with construction and operation of the proposed project would be cumulatively considerable.

The City Council hereby finds that MM AIR-2a through MM AIR-2g are feasible, are hereby adopted and will reduce impacts to the fullest extent possible; however, impacts related to cumulative air quality impacts remain significant and unavoidable. (Draft EIR, p. 3.3-71)

## 1.7.3 - Noise

### Potential Effect

**Impact NOI-1:** The proposed project would generate a substantial temporary or permanent increase in ambient noise levels in the vicinity of the project in excess of standards established in the local general plan or noise ordinance, or applicable standards of other agencies. (Draft EIR, p. 3.12-18)

**Findings:** Changes or alterations have been required in, or incorporated into, the proposed project which avoid or substantially lessen the significant environmental effects as identified in the Draft EIR. (CEQA Guidelines § 15091(a)(1)) However, impacts would still remain significant and unavoidable even with mitigation incorporated. Specific economic, legal, social, technological, or other considerations, including provision of employment opportunities for highly trained workers, make infeasible the mitigation measure or project alternatives identified in the Draft EIR. (CEQA Guidelines § 15091(a)(3))

## Mitigation Measures

**MM NOI-1** (a) Prior to the issuance of building permit for a drive-through car wash, an in-depth acoustical study prepared by a qualified acoustic professional shall be submitted for review and approval to the City of Visalia Planning and Community Preservation Department that demonstrates that the design and operations of a proposed drive-through car wash would not result in exceedances of the Visalia Municipal Code's applicable daytime and nighttime noise limits for residential land uses. The study shall evaluate factors such as:

- The location and orientation of noise-generating equipment, such as dryer blowers and vacuums.
- The location and orientation of the drive-through car wash tunnel.
- The hours of operation.
- The location of the drive-through car wash on the project site.

(b) Based on the results of the acoustical study, the project applicant shall be required to incorporate, at a minimum, design features or reduction measures to reduce any identified operational noise impact to meet applicable noise performance criteria. These reduction measures shall be included on all relevant plans, specifications, and other permitting documents. Measures and design features may include, but are not limited to the following:

- Locating the car wash facility further away from sensitive receptors, therefore reducing its noise impacts at nearby residential land uses.
- Orienting the facility so that the carwash exit (where the drying blowers would be located) is located facing away from nearby residential land uses.
- Providing sound blankets to hang around the edge of the carwash exit tunnel to help shield the dryer blower noise.
- Locating the dryer blowers further inside the car wash tunnel to help shield the dryer blower noise.
- Providing screening, such as a structure or sound wall, to shield the carwash exit where the dryer blowers would be located from nearby residential land uses.

**MM NOI-2** (a) When specific uses within the project area are proposed that could result in a noise-related conflict between an industrial or other stationary noise source and existing or future noise-sensitive receptors, an acoustical analysis shall be

required by the City that quantifies the proposed use's operational noise levels and recommends appropriate reduction measures, as necessary, to achieve compliance with the City's noise standards. The analysis shall be prepared by a qualified acoustic professional. All recommended design features or reduction measures shall be noted on plans, specifications, and other relevant permitting documents prior to the issuance of building permits.

(b) Based on the results of the acoustical study, the project applicant shall be required to incorporate, at a minimum, design features or reduction measures to reduce any identified operational noise impact to meet applicable noise performance criteria. Reduction measures and design features may include, but are not limited to the following:
- Locating the warehouse facility further away from sensitive receptors, therefore reducing its noise impacts at nearby residential land uses.
- Orienting the facility so that the warehouse truck loading/unloading areas are located facing away from nearby residential land uses.
- Providing gasket loading dock doors to help shield truck loading and unloading noise.
- Providing screening, such as a structure or sound wall, to shield truck loading and unloading areas from nearby residential land uses.

**Facts in Support of Findings:** In terms of construction-related impacts, the proposed project is anticipated to utilize a standard five-day work week, and construction would occur during standard daytime hours, which are generally between 7:00 a.m. and 5:00 p.m. Construction would not occur during prohibited hours, as set forth by Section 8.36.050(C) of the Visalia Municipal Code. The prohibited hours are between 7:00 p.m. and 6:00 a.m. on weekdays and between 7:00 p.m. and 9:00 a.m. on weekends. As such, construction activities would not have the potential to result in exceedances of the FTA's nighttime construction noise criteria—there would be no nighttime construction.

For the proposed project, grading would have the greatest—and noisiest—construction vehicle requirements, as a fleet of grading vehicles would be required to grade the approximately 284-acre project site over the course of construction. Grading for the proposed project would be required for each of the three development phases. Grading for the Phase 1 land uses would require grading vehicles to operate in the western portion of the project site, over 400 feet from the nearest residential land uses. Grading for the Phase 2 and Phase 3 land uses would require grading vehicles to operate near the proposed project's southern boundary along Riggin Avenue, within 100 feet of residential land uses that are also located along this roadway. The loudest grading activities would be characterized by extensive use of graders, which would be utilized across the project site to level the site and establish proper slopes and drainages. Bulldozers may operate in conjunction with grader activities. Given these considerations, the maximum noise impact associated with the proposed project's grading activities has been evaluated by modeling the noise levels that would be associated with a grader and a bulldozer grading a 0.5-acre parcel of land in proximity to surrounding residential land uses, which would occur as part of Phase 2 and Phase 3. As noted, Phase 1 areas are located

over 400 feet from the nearest residential land uses. Therefore, Phase 1 grading would have less than significant construction-related noise impacts with respect to nearby residential land uses.

If concurrent phasing were to occur (i.e., if all phases were graded simultaneously), noise levels would still be similar to what is estimated by the analysis contained in the Draft EIR. This is because the analysis addresses a scenario in which grading vehicles operate across a 0.5-acre parcel that is located within 100 feet of residential land uses. Concurrent grading on other phases' parcels would occur over 400 feet away at a minimum and would therefore have a limited effect on construction noise levels. Given the size of the project site and its parcels, it is rather unlikely that grading for multiple phases would occur at minimum project-to-receptor distances simultaneously. Concurrent grading activities are more likely to be thousands of feet apart on any given workday. Estimated noise levels would not exceed the FTA's 80 dBA $L_{eq}$ daytime construction noise criteria. Noise levels also would not exceed 75 dBA $L_{eq}$, meaning that they would not result in 30-day exceedances of the FTA's 75 dBA Ldn criterion, as well. Other construction phases would result in noise levels that are less than the grading-related noise levels shown in Table 3.12-6 of the Draft EIR because they would utilize equipment that is less noisy than the equipment utilized by this analysis or because they would involve activities that are located farther from receptors than the activities analyzed herein. Therefore, the proposed project's construction-related noise impact would be less than significant.

The proposed project is anticipated to require a total of approximately 130,000 cubic yards of soil import, which would equate to a total of approximately 5,650 truckloads of imported soils. Over the course of the proposed project's grading phase, this would correlate with approximately 35 truck trips per day, or a few truck trips per hour. This level of haul truck activity would have a relatively minor effect on roadside ambient noise levels and would not be capable of causing or materially contributing to exceedances of the exterior or interior significance criteria at roadside residential land uses in the vicinity of the project site.

As shown in the Draft EIR, Table 3.12-7, many roadway segments already experience hourly noise levels in excess of 65 dBA $L_{eq}$, suggesting that their 24-hour CNEL levels may also exceed 65 dBA. Even without development of the proposed project, nearly every roadway segment is estimated to experience noise increases from a minimum 0.9 dBA $L_{eq}$ to a maximum 9.5 dBA $L_{eq}$ by 2028, compared to existing traffic noise levels. The addition of the proposed project's traffic would increase noise levels up to an additional 2.6 dBA $L_{eq}$ upon full buildout, compared to "2028 Without Project" estimated conditions. With the addition of the proposed project's traffic, all studied segments would be estimated to experience hourly noise levels in excess of 65 dBA $L_{eq}$, suggesting that 24-hour CNEL levels may also exceed the 65 dBA threshold of significance. Consistent with the respective land use visions for the project site and vicinity as reflected in the General Plans of both the City and the County, the area surrounding the proposed project has undergone, and is continuing to undergo, substantial growth and transformative land use changes via the conversion of primarily agricultural uses into residential, commercial, and industrial uses that are associated with significantly greater traffic generation. Given this rapid growth and the proliferation of related urban commercial, industrial, and residential subdivision projects in the area, it is difficult to ascertain the individual effects that the proposed project's traffic alone would have on the area's roadside ambient noise levels. However, taken together, the noise levels shown in the Draft EIR, Table 3.12-7 and Table 3.12-8, indicate that the proposed project would contribute—at times considerably—to

future traffic-related noise increases. For example, without the proposed project, some roadway segments (such as Shirk Street, north of Riggin Avenue) would experience hourly noise levels that are approximately 65 dBA $L_{eq}$ or lower by 2028. However, with the proposed project, it is estimated that every studied roadway segment would experience hourly noise levels in excess of 65 dBA $L_{eq}$ by 2028. Ultimately, the proposed project would contribute to increasing traffic volumes—and therefore traffic-related noise levels—in its primary trip distribution area. Residential land uses and other noise-sensitive receptors that are adjacent to these roadways would be exposed to exterior ambient noise levels in excess of 65 dBA CNEL, depending on their setback from these roadways and whether there are any noise barriers in place.

It would be infeasible to install permanent roadway noise barriers at every roadside residential receptor (and other sensitive land uses) within the proposed project's trip distribution area due to, among other factors, ingress and egress access requirements for properties, zoning requirements, limitations on the acquisition of property for construction of noise barriers, and traffic safety constraints such as line of sight and minimum setback requirements for installation of noise barriers. Therefore, as there is no feasible mitigation available to reduce this impact to less than significant, the proposed project's off-site mobile source operational noise impact from traffic generation would be considered significant and unavoidable. This significant and unavoidable impact is consistent with the same impact disclosed in the General Plan EIR, which analyzed full buildout of this area and its impact upon nearby noise-sensitive land uses.

In terms of operational stationary source noise, parking lot noise impacts have been estimated based on a daytime hourly activity of a total of approximately 265 cars and trucks per hour and a nighttime hourly activity of a total of approximately 265 cars and trucks per hour (also equivalent to these uses' maximum vehicle trip generation). Noise levels at nearby residential uses were calculated based on these trip generation rates and distances to nearby parking areas. Table 3.12-9 of the Draft EIR shows the parking lot-related noise levels that are estimated to occur at the nearest residential uses. As shown, parking lot-related noise levels would not exceed the daytime or nighttime significance criteria for residential land uses. They also would have little to no effect on the area's 24-hour CNEL noise levels, which are indicated to range between 60 dBA and 65 dBA according to the General Plan EIR and the Draft EIR's noise analysis.

The proposed project's rooftop mechanical ventilation equipment would be located hundreds of feet from the nearest residential receptors. In addition, in most cases they would be located behind parapets or otherwise screened, due to buildings or other structures that would block the line of sight to off-site receptors. However, based on distance attenuation alone, it is reasonable to conclude that noise levels from this equipment would be less than 40 dBA $L_{eq}$ at these residential land uses simply. There is no potential for this equipment to expose residential land uses to noise levels in excess of the minimum 45 dBA $L_{eq}$ nighttime significance criteria because, as noted, noise levels would be less than 40 dBA $L_{eq}$ at residential land uses. Additionally, because ambient noise levels near Riggin Avenue are indicated to be between 60 dBA and 65 dBA CNEL according to the Visalia General Plan EIR and the Draft EIR's noise analysis, the proposed project's mechanical ventilation equipment-related noise levels would have a negligible effect on 24-hour CNEL noise levels at surrounding residential land uses.

Noise would also be generated by truck loading and unloading activities at the proposed industrial and compatible commercial and flex-use buildings. Based on distance and shielding, truck loading-related noise levels at surrounding residential uses would not be expected to exceed 40 dBA $L_{max}$ or 40 dBA $L_{eq}$. These noise levels would be below the minimum 45 dBA $L_{eq}$ and 65 dBA $L_{max}$ nighttime significance criteria. Additionally, because ambient noise levels near Riggin Avenue, as documented in the Visalia General Plan EIR and the Draft EIR's noise analysis, are indicated to be between 60 dBA and 65 dBA CNEL, the proposed project's truck loading-related noise levels would have a negligible effect on 24-hour CNEL noise levels at surrounding residential uses.

The proposed project would include the construction and operation of a drive-through car wash facility. The nearest residential uses at the intersection of Riggin Avenue and Shirk Street would be located approximately 500 feet south of the car wash facility. Residential land uses south of Riggin Avenue and residential land uses near the intersection of Riggin Avenue and Shirk Street may be exposed to noise levels in excess of the 50 dBA $L_{eq}$ daytime and 45 dBA $L_{eq}$ nighttime significance criteria as a result of the proposed project's drive-through car wash operations. Without mitigation, this impact would be potentially significant.

Instantaneous $L_{max}$ noise levels from the proposed project's drive-through car wash would not be substantially greater than the noise levels shown in Table 11 of the Draft EIR because drive-through car wash equipment typically generate consistent noise levels. Therefore, this equipment would not result in exceedances of the General Plan's $L_{max}$ noise standards for residential land uses, which are a minimum 65 dBA $L_{max}$ during nighttime hours. Additionally, because ambient noise levels near Riggin Avenue are indicated to be between 60 dBA and 65 dBA CNEL according to the Visalia General Plan EIR and EIR's noise analysis, the drive-through car wash-related noise levels would not have the potential to cause 24-hour CNEL noise levels to increase by greater than the 5 dBA significance criteria because noise levels would not exceed 60 dBA $L_{eq}$ without mitigation.

The proposed project would be required to implement MM NOI-1,which would ensure that noise impacts from the proposed project's drive-through car wash do not exceed the 50 dBA $L_{eq}$ daytime and 45 dBA $L_{eq}$ nighttime significance thresholds, which are based on the standards established by Visalia Municipal Code Section 8.36.040 and Table 8-4 of the General Plan. In addition, implementation of MM NOI-4 would ensure that noise impacts associated with the drive-through car wash are in compliance with the Visalia Municipal Code's regulations and the General Plan's guidance concerning stationary noise sources. MM NOI-1 would require the proposed project to conduct an in-depth acoustical study of the drive-through car wash prior to the issuance of its building permits. The study would assess whether the car wash's design, mechanical equipment, and hours of operation would be capable of ensuring that car wash-related noise levels at surrounding residential uses are in compliance with the applicable standards set forth in the Visalia Municipal Code and consistent with the General Plan (as described above). Building permits would not be issued for the drive-through car wash unless it has been demonstrated by a qualified acoustic professional that operations of the drive-through car wash would not exceed the applicable 50 dBA $L_{eq}$ daytime and 45 dBA $L_{eq}$ nighttime limits established by the General Plan and Municipal Code. Further, if noise reduction measures are recommended by the acoustical study, they would be included in the car wash's plans, specifications, and other related permitting documents. Therefore, after implementation of MM NOI-1, this impact would be less than significant.

Instantaneous $L_{max}$ noise levels from the proposed project's drive-through restaurants would not result in exceedances of the General Plan's $L_{max}$ noise standards for residential land uses, which are a minimum 65 dBA $L_{max}$ during nighttime hours, because noise levels at residential land uses would be less than 40 dBA. Additionally, because ambient noise levels near Riggin Avenue are indicated to be between 60 dBA and 65 dBA CNEL according to the Visalia General Plan, the drive-through restaurant related noise levels would not have the potential to cause 24-hour CNEL noise levels to increase by greater than the 5 dBA significance criteria because noise levels would be less than 40 dBA.

Noise generated inside future buildings may have the potential to affect surrounding noise-sensitive receptors, especially those that are located along or near Riggin Avenue. Although it is unlikely that the interior operations of the contemplated future warehouse, distribution, storage, and light manufacturing uses would be audible, much less be considered significantly considerable, there are residential land uses that are located within hundreds of feet from the proposed warehouse buildings. To be conservative, the proposed project would be required to implement MM NOI-2, which would prevent significant impacts from occurring. MM NOI-2 would require specific uses with the potential to result in noise-related conflicts between operations and existing or future noise-sensitive receptors to provide an acoustical analysis demonstrating compliance with the City's noise standards prior to issuance of operational permits. Pursuant to applicable mitigation measures, building permits would not be issued unless it has been demonstrated by a qualified acoustic professional that operations would not exceed the City's noise standards. Therefore, after implementation of MM NOI-2, impacts related to future warehouse and other proposed uses would be less than significant. (Draft EIR, pp. 3.12-18–29)

The City Council hereby finds that MM NOI-1 and MM NOI-2 are feasible, are hereby adopted and will reduce impacts to the fullest extent possible; however, impacts related to off-site mobile source operational noise impact from traffic generation remain significant and unavoidable. (Draft EIR, pp. 3.12-18–29)

## Potential Effect

**Cumulative Impact:** The proposed project would have a significant and unavoidable impact related to cumulative traffic noise impacts. (Draft EIR, pp. 3.12-32–34)

**Findings:** Changes or alterations have been required in, or incorporated into, the proposed project which avoid or substantially lessen the significant environmental effects as identified in the Draft EIR. (CEQA Guidelines § 15091(a)(1)) However, impacts would still remain significant and unavoidable and no mitigation measures are available. Specific economic, legal, social, technological, or other considerations, including provision of employment opportunities for highly trained workers, make infeasible the mitigation measure or project alternatives identified in the Draft EIR. (CEQA Guidelines § 15091(a)(3))

## Mitigation Measures

Implement MM NOI-1 and MM NOI-2.

**Facts in Support of Findings:** The geographic scope for the cumulative analysis for noise and vibration impacts is limited to areas within 1,000 feet of the project site boundary for on-site noise sources, because of the localized nature of noise and vibration impacts.

*Construction:* Cumulative development would be required to comply with all applicable construction hour restrictions and would also be anticipated to incorporate appropriate BMPs to help reduce construction noise to the extent feasible. In addition, compliance with applicable design review regulations directing the siting, design, and insulation of new development and redevelopment and all applicable noise policies, standards and requirements in the General Plan and Municipal Code would ensure that noise impacts are less than significant to the extent feasible. Because there is not a cumulative significant construction noise impact with respect to cumulative developments, similar to the proposed project, the incremental contribution of project construction noise would not be cumulatively considerable. Therefore, the proposed project would result in a less than significant cumulative impact related to construction noise. This impact conclusion is consistent with the General Plan EIR, which analyzed full buildout of this area and its impact upon nearby noise-sensitive land uses.

*Operational Traffic Noise*: There are roadway segments in the vicinity of the cumulative developments, similar to the proposed project, which experience traffic noise levels in excess of noise levels that the City considers to be "normally acceptable" for some adjacent land uses. Tables 3.12-6 through 3.12-10 in the Draft EIR show that traffic related to cumulative development, similar to the proposed project, would result in noise increases along these impacted roadway segments. Therefore, this would constitute a significant cumulative impact. Moreover, the incremental contribution of project traffic would be cumulatively considerable and thus would be a significant impact. As noted in the mobile source noise impact discussion, it would be infeasible to install permanent roadway noise barriers along every roadside sensitive receptor within the proposed project's trip distribution area. Factors such as ingress and egress access requirements for properties, zoning requirements, limitations on acquisition of property for construction of noise barriers, and traffic safety constraints such as line of sight and minimum setback requirements for installation of noise barriers restrict the use of noise barriers as a method to reduce noise impacts. Therefore, there is no feasible mitigation available to reduce this impact to less than significant, and the proposed project's incremental contribution of project traffic would be cumulatively considerable and would be considered significant and unavoidable.

*Operational Stationary Noise:* The appropriate geographic scope for this cumulative analysis is limited to areas within 1,000 feet of the project site boundary for on-site noise sources. There are not any cumulative stationary operational noise sources in the project vicinity that currently generate noise levels in excess of what the City considers to be "normally acceptable" for receiving land uses. Therefore, there is not a cumulative stationary source noise impact in the project vicinity. In addition, the source of operational stationary noise on the project site that would produce the highest noise levels would be drive-through car wash activities or truck loading and unloading activities at future warehouses and related industrial/light industrial uses. However, as shown in the stationary source operational noise impact discussion above, implementation of MM NOI-1 and MM NOI-2 would reduce these potential project-related stationary noise source impacts to meet the City's applicable noise performance standards. As set forth in the relevant mitigation measures,

building permits would not be issued unless it has been demonstrated by a qualified acoustic professional that operations would not exceed the City's noise performance standards. In addition, as is shown in the noise impact analysis, the proposed project's stationary source operational noise levels would have a negligible effect on 24-hour CNEL noise levels at surrounding residential land uses. Therefore, the incremental contribution of project operational stationary source noise would not result in a significant contribution to any cumulative stationary operational noise impact, and would not be cumulatively considerable.

*Construction Vibration:* The geographic scope of the cumulative construction vibration analysis is the close project vicinity (within 100 feet), including surrounding sensitive receptors within that radius. Construction vibration impacts are very localized; therefore, the area surrounding the project site (approximately 100 feet) would be the area most affected by proposed project construction activities. While there would be cumulative projects undergoing construction in the general vicinity, none of these are within 100 feet of the project site and therefore, these cumulative developments would not have to potential to create significant cumulative construction vibration impacts that would exceed potential impact criteria as measured at any sensitive receptor in the project vicinity. Thus, there would be a less than significant cumulative impact related to construction vibration. Moreover, as discussed in the Draft EIR, construction activity associated with the proposed project would not expose surrounding buildings to groundborne vibration levels that would exceed even the most stringent significance criteria for potentially damaging levels of groundborne vibration, and thus its contribution to this already less than significant construction vibration impact would not be cumulatively considerable.

*Operational Vibration:* The geographic scope of the cumulative construction vibration analysis is the close project vicinity (within 100 feet), including surrounding sensitive receptors within that radius. While there would be cumulative developments would be operating in the general vicinity, none of these are within 100 feet of the project site and therefore, these cumulative developments would not have to potential to create significant cumulative operation vibration impacts that would exceed potential impact criteria as measured at any sensitive receptor in the project vicinity. The only major sources of existing groundborne vibration in the project vicinity is railroad activity along the rail line located approximately 2.15 miles east of the project site. Groundborne vibration levels from this cumulative source would not be perceptible without instruments at any sensitive receptor in the project vicinity, therefore there is no significant cumulative impact. In addition, the proposed project's incremental contribution to this less than significant cumulative operational vibration levels would not be cumulatively considerable. As discussed above and further in the Draft EIR, implementation of the proposed project would not introduce any new permanent sources to the project vicinity that would result in groundborne vibration levels that would be perceptible without instruments as measured at sensitive receptors in the project vicinity and would also not increase railroad activity. Therefore, implementation of the proposed project would not result in a cumulatively considerable contribution to vibration conditions in the project vicinity. This impact would be less than significant. (Draft EIR, pp. 3.12-32–34)

The City Council hereby finds that MM NOI-1 and MM NOI-2 are feasible, are hereby adopted and will reduce cumulative operational stationary noise impacts to the fullest extent possible. However, the City Council hereby finds that cumulative impacts related to off-site mobile source operational

noise impacts from traffic generation remain significant and unavoidable, and no mitigation measures are available. (Draft EIR, pp. 3.12-32–34)

## 1.8 - Infeasible, Unnecessary, or Rejected Mitigation Measures

The City Council, as Lead Agency, has the discretion to evaluate mitigation measures and approve or reject those measures for a variety of reasons, including, but not limited to, because of "specific economic, legal, social, technological, or other considerations, including considerations for the provision of employment opportunities for highly trained workers." (PRC § 21081(a)(3)). (See PRC §§ 21002, 21002.1(b)–(c); CEQA Guidelines §§ 15021(b), 15091(a)(3)). "Feasible," as defined by Public Resources Code Section 21061.1, means "capable of being accomplished in a successful manner within a reasonable period of time, taking into account economic, environmental, social and technological factors." CEQA Guidelines Section 15021(b) furthers adds "legal" factors to the list of reasons the lead agency (in this case, the City) may rely upon to reject a mitigation measure, noting that an agency's authority to impose mitigation measures is limited by its existing legal authority (PRC §§ 21004, 21081(a)(3)).

The City Council also has the discretion to decline to adopt a mitigation measure that it concludes will not be effective in mitigating an impact or that will not provide substantial additional mitigation beyond the measures that it does, in fact, adopt. *Citizens for Open Gov't v. City of Lodi* (2012) 205 CA4th 296, 323; *A Local & Reg'l Monitor (ALARM) v. City of Los Angeles* (1993) 12 CA4th 1773, 1810; *San Franciscans for Reasonable Growth v. City & County of San Francisco* (1989) 209 CA3d 1502, 1519.

Pursuant to Public Resources Code Section 21081(a)(3), and based on the entire record before it, the City Council hereby rejects the following mitigation measures proposed at various stages of the proceedings for the reasons summarized below and as otherwise supported by documentation, materials and information in the administrative record:

### 1.8.1 - Agricultural Conservation Easement

The California Department of Conservation (CDOC) suggested that the Draft EIR should address mitigation for the loss or conversion of agricultural land and explained that a conservation easement, either as purchase of an off-site easement or donation of mitigation fees, is potential mitigation. The comment further states that conversion of agricultural land may be viewed as an impact of at least regional significance, and mitigation could therefore be implemented through a regional or Statewide mitigation bank (Final EIR, pp. 2-3–2-5).

As disclosed in the Draft EIR and further discussed in the Final EIR, the proposed project would result in the conversion of Prime Farmland to urban uses. The project site is located within Tier 1 of UDB. When imposing mitigation for a project's significant environmental effects, a public agency may only exercise those powers provided by legal authority independent of CEQA (PRC § 21004). The CEQA Guidelines specify that CEQA does not grant new or independent powers to public agencies (CEQA Guidelines § 15040). Accordingly, an agency's exercise of discretionary powers must be within the scope of the power granted by laws and be consistent with express or implied limitations (CEQA Guidelines § 15040(d)(e)). Accordingly, the City's authority to require conservation easements

and/or related agricultural mitigation is limited to the General Plan. General Plan Policy LU-P-34 requires the City to create and adopt a mitigation program to address the conversion of Prime Farmland and Farmland of Statewide Importance in Tiers II and III of the UDB. While this policy identifies specific requirements for properties located in Tiers II and III, it specifically exempts lands located in Tier I from these requirements. The Draft EIR explains that because there is no adopted Agricultural Preservation Ordinance, there is no available feasible mechanism for the City to require the designation of a conservation easement (or payment toward same) to mitigate the loss of this Important Farmland. Without an adopted Agricultural Preservation Ordinance, the City has no authority to require an Agricultural Conservation Easement. Moreover, as set forth in the policy, even if this ordinance had been adopted, it expressly would exempt lands within Tier I, which would include the project site. For these reasons, the Draft EIR, as further explained in the Final EIR, concludes that there is no feasible mitigation for this impact (Final EIR, p. 2-9).

## 1.8.2 - Valley Air District Recommended Mitigation Measures

Valley Air District recommended the City incorporate the following emission reduction strategies (noted in ***bold/italics***) based on an assumption that these measures can reduce potential harmful health impacts:

***Require cleanest available heavy-duty trucks and off-road equipment***

Given the volume of medium-duty vehicles that would be involved as part of the various tenants' business operations, practical limitations on the owner(s)' ability to control and enforce such an obligation, along with the current substantial cost and concerns regarding widespread availability of electric vehicles, the suggested mitigation is not feasible with regard to heavy-duty trucks.

The project applicants would be required to provide EV charging infrastructure throughout all parking areas as part of MM AIR-2d, which would improve charging infrastructure in the City and help facilitate the transition to EVs. Furthermore, MM AIR-2d requires the buildings' electrical room to be sufficiently sized to hold additional panels that may be needed to supply power for the future installation of EV truck charging stations on the project site. In addition, it would be speculative to attempt to quantify the amount of emission reduction that would occur from the suggested measure, and it also cannot be enforced in a way that would ensure a reduction to potential health impacts.

Regarding off-road equipment, MM AIR-2c requires all off-road equipment to utilize zero-emission technology, subject to the same being commercially available. Furthermore, on-site service equipment shall be designed to include electric outlets to support the use of all-electric or zero-emission on-site service equipment, subject to the same being commercially available. Therefore, this suggested mitigation measure is similar to recommended measures already identified in the Draft EIR. See also Final EIR Section 2 Response to Comments, Response to SJVAPCD-9a for a detailed response to this suggested measure.

***Require heavy heavy-duty (HHD) truck routing patterns that limit exposure of residential communities and sensitive receptors to emissions***

Trucks that are operated as part of the proposed project would be required to utilize designated truck routes as specified by the City Municipal Code Chapter 10.24 Commercial Vehicles. Therefore,

this requested measure is similar to an existing regulation that would be applied to the proposed project as an enforceable condition of approval. The proposed project would be required to implement MM AIR-2c through MM AIR-2g during project operation to reduce emissions, which represents all feasible and enforceable mitigation measures. See also Final EIR, Section 2 Response to Comments, Response to SJVAPCD-9b for a detailed response to this suggested measure.

***Require power sources at loading docks for all refrigerated trucks have "plug in" availability, which will eliminate prolonged idling while loading and unloading goods***

The proposed project does not include cold storage and would not have refrigerated trucks. This requested measure is not applicable to the proposed project and is therefore unnecessary. If the warehouse is later converted to cold storage uses, MM GHG-2b requires that Transport Refrigeration Units (TRUs) entering the project site be plug-in capable.

***Require minimization of heavy-duty truck idling***

The ARB's Regulation for In-Use Off-Road Diesel Vehicles currently limits idling to no more than five consecutive minutes. Therefore, this requested measure is similar to an existing regulation that would be applied to the proposed project as an enforceable condition of approval.

***Orient loading docks away from sensitive receptors unless physically impossible***

The current design of the proposed project is shown to have less than significant health risk impacts with implementation of identified mitigation. Nevertheless, it is noted that the project site would be located approximately 400 feet from the property line of MIR. Furthermore, the proposed flex industrial uses, self storage/RV parking, a convenience store, a car wash, and two drive-through restaurants would provide a buffer between the proposed light industrial/industrial uses and sensitive receptors. Furthermore, ample landscaping that would be implemented as part of the proposed project would provide an additional buffer between loading docks and sensitive receptors. Therefore, this mitigation measure is unnecessary. See also Final EIR Section 2 Response to Comments, Response to SJVAPCD-9d for a detailed response to this suggested measure.

***Require loading docks a minimum of 300 feet away from the property line of sensitive receptor unless dock is exclusively used for electric trucks***

Consistent with this recommendation, all proposed loading docks are at least 300 feet away from the property line of sensitive receptors. The current project design satisfies this requested measure. Therefore, no mitigation in this regard is triggered under CEQA and this mitigation measure is unnecessary.

***Require truck entries be located on streets of a higher commercial classification***

Trucks operated as part of the proposed project would be required to utilize designated truck routes as specified by the City Municipal Code Chapter 10.24 Commercial Vehicles. Trucks would access and leave the project site via Shirk Street, Riggin Avenue, and Kelsey Street. Shirk Street and Riggin Avenue, which are classified arterials which are high occupancy roads that connect freeways to collector roads. These streets are also designated truck routes per Municipal Code Chapter 10.24. Kelsey Street is a collector road that provides access to Riggin Avenue. Therefore, the project design satisfies this requested measure, no mitigation in this regard is triggered under CEQA, and this mitigation measure is unnecessary.

### *Ensure rooftop solar panels are installed and operated to supply 100 percent of the power needed to operate all non-refrigerated portions of the development project*

MM GHG-2a requires a solar photovoltaic system to be included in accordance with 2022 Energy Code Section 140.10. The required solar photovoltaic size is calculated based on the proposed project's climate zone, amount of conditioned space, and space usage. The Draft EIR determines that the proposed project would result in a less than significant impact after implementation of MM AIR-2d, MM GHG-2a, and MM GHG-2b. Therefore, this mitigation measures is similar to what is already identified and is otherwise unnecessary. See also Final EIR, Section 2 Response to Comments, Response to SJVAPCD-9g for a detailed response to this suggested measure.

### *Require power sources at loading docks for all refrigerated trucks have "plug in" availability, which will eliminate prolonged idling while loading and unloading goods*

The proposed project does not include cold storage and would not have refrigerated trucks. This requested measure is not applicable to the proposed project and is therefore rejected. If the warehouse is later converted to cold storage uses, MM GHG-2b requires that TRUs entering the project site be plug-in capable.

### *Designate an area during construction to charge electric powered construction vehicles and equipment, if temporary power is available*

This measure would not result in a substantial quantifiable reduction in emissions as use of electric powered equipment may not be commercially available or feasible to use on a construction site that is not currently connected to the power grid. In addition, due to the size (284 acres) and the existing relatively non-urban nature of the project site, it is unknown whether there is availability of grid power that can service the entire site during construction, prior to installation of utility lines. The suggested mitigation would not clearly lessen any significant environmental impacts and is unnecessary. See also Final EIR, Section 2 Response to Comments, Response to SJVAPCD-9i for a detailed response to this suggested measure.

### *Prohibit the use of non-emergency diesel-powered generators during construction*

The use of grid power during construction cannot be guaranteed. Therefore, it is infeasible to prohibit the use of non-emergency diesel-powered generators as they are essential to power equipment during construction. However, any diesel generator over 25 horsepower shall have engines that meet either EPA or ARB Tier IV Final off-road emission standards per MM AIR-1a, which would significantly reduce NOx emissions and associated health risks. Furthermore, as shown in Table 3.3-20, Section 3.3, Air Quality, of the Draft EIR, the proposed project would have less than significant construction health risk impacts with implementation of MM AIR-1a. Because the suggested measure would not reduce an environmental impact caused by the proposed project, there is no legal nexus of this measure to any identified impacts of the proposed project. Therefore, the suggested mitigation is not feasible, would not be effective to reduce any significant impact from the proposed project, and is not required under CEQA. See also Final EIR, Section 2 Response to Comments, Response to SJVAPCD-9j for a detailed response to this suggested measure.

***Inform the project proponent of the incentive programs (e.g., Carl Moyer Program and Voucher Incentive Program) offered to reduce air emissions from the project***

Providing tenants with information on incentive programs with goals to reduce emissions from heavy-duty trucks would not ensure that the tenants could or would apply for any of the programs, as applying for programs would be a voluntary action. In addition, the information would not be relevant to tenants that use third-party carriers, further limiting the potential benefit of including this suggestion mitigation. The suggested mitigation would not clearly lessen any significant environmental impacts and is unnecessary.

***Require all nonresidential buildings be designed to provide electric infrastructure to support the use of on-road zero emissions vehicles***

MM AIR-2d requires infrastructure for EV charging stations into a minimum of 20 percent of all vehicle parking spaces (including parking for trucks), consistent with the applicable California Green Building Standards Code Tier 1 Nonresidential Mandatory Measure (Section A5.106.5.3).

Furthermore, MM AIR-2d requires the buildings' electrical room shall be sufficiently sized to hold additional panels that may be needed to supply power for the future installation of EV truck charging stations on the site. Therefore, this suggested mitigation measure is similar to recommended measures already identified in the Draft EIR and is therefore unnecessary. See also Final EIR Section 2 Response to Comments, Response to SJVAPCD-12 for a detailed response to this suggested measure.

***Include State Anti-idling Regulations***

The recommended mitigation would not clearly lessen any significant environmental impacts compared to the mitigation measure already evaluated and identified in the Draft EIR. Furthermore, as shown in Table 3.3-22, Section 3.3, Air Quality, of the Draft EIR, the proposed project would have less than significant combined construction and operation health risk impacts with implementation of mitigation measures. Because the suggested measure would not reduce a significant environmental impact caused by the proposed project, there is no legal nexus of this measure to any identified impacts of the proposed project. Therefore, the suggested mitigation is not feasible, would not be effective to reduce any significant impact from the proposed project, and is not required under CEQA. See also Final EIR Section 2 Response to Comments, Response to SJVAPCD-13 for a detailed response to this suggested measure.

***Participate in Valley Air District's Clean Green Yard Machines program***

MM AIR-2c requires that all on-site off-road and on-road service equipment, including lawn and garden equipment, to utilize zero-emission technology, subject to the same being commercially practicable. Therefore, this suggested mitigation measure is similar to recommended measures already identified in the Draft EIR and is unnecessary and thus rejected.

## 1.8.3 - LIUNA Recommended Mitigation Measures

LIUNA recommended the City incorporate the following mitigation measures (shown in ***bold/italics***):

### *Expanding MM AIR-2b to include architectural coating requirements during project operation to reduce operation ROG emissions*

MM AIR-2b requires all architectural coating material utilized in connection with the subject individual specific development proposal would not exceed 10 grams of volatile organic compound (VOC) per liter of coating. Future occupants would have access to consumer products available on the marketplace pursuant to a comprehensive regulatory framework that governs such products. Regulation of consumer products available on the marketplace is not within the control of any individual project applicant or lead agency. Therefore, requiring the use of only low ROG supplies and equipment in perpetuity is neither feasible nor enforceable. Therefore, this mitigation measure is unnecessary. See also Final EIR Section 2 Response to Comments, Response to SJVAPCD-13 for a detailed response to this suggested measure.

### *Minimize unnecessary vehicular and machinery activities*

The suggested measure would not be an appropriate mitigation measure under CEQA. The proposed project's off- and on-road diesel vehicles would be subject to applicable ARB regulations that prohibit unnecessary idling, which would reduce emissions from the proposed project's construction and operations-related vehicles. Therefore, this mitigation measure is unnecessary.

### *Assemble a comprehensive inventory list*

The suggested mitigation measure would require contractors to assemble a comprehensive inventory list (i.e., make, model, engine year, horsepower, emission rates) of all heavy-duty off-road (portable and mobile) equipment (50 horsepower and greater) that could be used an aggregate of 40 or more hours for the construction project, as well as prepare a plan for approval by the applicable air district demonstrating achievement of the applicable percent reduction for an ARB-approved fleet. Daily logging of the operating hours of the equipment is also be included in the suggested mitigation.

It is unclear how assembling an inventory of proposed project's construction equipment and their daily usage would translate into emissions reductions. It is also unclear what "applicable percent reduction" is being referenced by the comment. Given these considerations, the suggested measure would not reduce the proposed project's construction or operational emissions, and it is not an appropriate mitigation measure under CEQA. MM AIR-2a would require all off-road diesel-powered construction equipment greater than 50 horsepower to meet EPA or ARB Tier 4 Final off-road emissions standards, to the extent such equipment is reasonably commercially available. Therefore, all off-road equipment over 50 horsepower would utilize ARB-approved engines. Therefore, this mitigation measure is unnecessary.

### *Ensure that all construction equipment is properly tuned and maintained*

The suggested measure does not contain any methodology or mechanism for enforcement and is therefore not an appropriate mitigation measure under CEQA. Further, it is unclear how this measure would result in quantifiable emissions reductions. Therefore, this mitigation measure is unnecessary.

***Minimize idling time to 5 minutes or beyond regulatory requirements—saves fuel and reduces emissions.***

As noted above, the proposed project's off- and on-road diesel vehicles would already be subject to ARB regulations that prohibit unnecessary idling time exceeding five minutes. Therefore, this mitigation measure is unnecessary.

***Consider applying for South Coast AQMD SOON funds***

The proposed project is not located within the South Coast Air Basin (SoCAB). Therefore, this mitigation measure is infeasible.

Without limitation, each of the above suggested mitigation measures is hereby rejected for the reasons set forth herein, the Draft EIR and other relevant documentation, materials and information in the administrative record.

## 1.9 - Findings Regarding Alternatives

### 1.9.1 - Introduction

This section presents findings regarding alternatives to the proposed project. Because not all significant effects could be substantially reduced to a less than significant level by either adoption of feasible mitigation measures or by standard conditions of approval, the Draft EIR considered the feasibility of project alternatives compared to the proposed project. The section provides a summary and discussion of the feasibility of the following alternatives evaluated in the Draft EIR and summarizes the basis for rejecting each one of the project alternatives. Additionally, Section 6 of the Draft EIR discusses alternatives that were initially considered but rejected from further consideration. Further evidence supporting these Findings is set forth in Chapter 6 of the Draft EIR (Alternatives to the Proposed Project) and in various responses to comments in the Final EIR:

- Alternative 1: No Project Alternative.
- Alternative 2: Reduced Footprint Alternative.
- Alternative 3: Alternative Location.

In accordance with CEQA Guidelines Section 15126.6, the City Council hereby finds that the Draft EIR contained a comparative impact assessment of alternatives to the proposed project, which included sufficient information about each alternative to allow meaningful evaluation, analysis, and comparison with the proposed project. The primary purpose of this analysis is to provide decision-makers and interested agencies, organizations and individuals with information about a reasonable range of potentially feasible project alternatives, which could avoid or reduce any of the proposed project's significant adverse environmental effects. The Draft EIR must consider a reasonable range of potentially feasible alternatives that will foster informed decision-making and public participation. The lead agency is responsible for selecting a range of project alternatives for examination and must publicly disclose its reasoning for selecting those alternatives. Important considerations for this alternatives analyses are noted below:

- An EIR need not consider every conceivable alternative to a project;

- An EIR should identify alternatives that were considered by the lead agency, but rejected as infeasible during the scoping process;
- Reasons for rejecting an alternative include:
  - Failure to meet most of the basic project objectives identified in Section 1.3.2 above.
  - Infeasibility; or
  - Inability to avoid significant environmental effects.

When addressing the feasibility of alternatives, the lead agency may take into account a number of factors including site suitability, economic viability, availability of infrastructure, general plan consistency, other plans or regulatory limitations, jurisdictional boundaries (projects with a regionally significant impact should consider the regional context), and whether the proponent can reasonably acquire, control or otherwise have access to the alternative site (or the site is already owned by the proponent). None of these factors establishes a fixed limit on the scope of reasonable alternatives.

CEQA does not require that an analysis of alternate sites always be included in an EIR. Pursuant to CEQA Guidelines Section 15126.6(f)(2), in making the decision to include or exclude analysis of an alternate site, the "key question and first step in analysis is whether any of the significant effects of the proposed project would be avoided or substantially lessened by putting the project in another location. Only locations that would avoid or substantially lessen any of the significant effects of the project need to be considered for inclusion in the EIR." An analysis of an alternative site was included in the Draft EIR and was ultimately considered, as detailed more fully therein and below.

This City Council hereby determines that the Draft EIR evaluated a reasonable range of potentially feasible alternatives, which is sufficient to permit informed decision-making and public participation. This City Council recognizes that commenters suggested additional alternatives and stated that additional detail should be provided for the alternatives that were studied. For the reasons set forth in the Draft EIR and other relevant evidence in the administrative record, none of the requested information is necessary to ensure that a reasonable range of alternatives was studied at a sufficient level of detail.

For the reasons documented in the Draft EIR and summarized below, this City Council hereby rejects each of the alternatives and approves the proposed project, based on the specific legal, economic, and other considerations that make each of the below-identified alternatives infeasible.

## 1.9.2 - Alternative 1: No Project Alternative.

**Description:** Under this alternative, development of the project site would not occur, and the project site would remain in its current existing condition.

**Findings:** Under the proposed project, the implementation of feasible mitigation measures would be required to reduce the potentially significant impacts associated with biological resources; cultural resources and tribal cultural resources; geology and soils; GHG emissions; hazards and hazardous materials; transportation; and utilities and service systems to less than significant levels. Agriculture and forest resource impacts related to the conversion of Important Farmland would be significant

and unavoidable. Air quality impacts related to criteria pollutants would be significant and unavoidable. Noise impacts related to mobile source and operational mobile source noise would be significant and unavoidable. Because no development would occur under Alternative 1, no significant impacts would occur and thus none of the mitigation measures required for biological resources; cultural resources and tribal cultural resources; geology and soils; GHG emissions; hazards and hazardous materials; transportation; and utilities and service systems would be required. Thus, the foregoing impacts would be lesser than the proposed project.

The No Project Alternative would similarly have fewer impacts as compared to the proposed project with respect to aesthetics, light, and glare; energy; hydrology and water quality; public services; and wildfire, although under both scenarios, impacts would be less than significant without triggering the need for mitigation.

The No Project Alternative would have similar impacts as compared to the proposed project's less than significant impacts on land use and planning. This alternative would not result in any increased impacts as compared to the proposed project since no development at all would occur.

The No Project Alternative would avoid all of the proposed project's impacts by leaving the project site in its existing condition, thus avoiding impacts caused by the demolition and ground disturbance of on-site structures, construction of industrial and flex industrial buildings, infrastructure and off-site improvements, and impacts caused by the operation of the proposed project. In particular, this alternative would avoid all of the proposed project's significant and unavoidable impacts related to agriculture and forest resources, air quality, and noise.

However, the No Project Alternative would not offer any of the benefits of the proposed project and would not advance any of the overall project objectives (Draft EIR, pp. 6-27–6-28). The No project Alternative would not promote positive economic growth and new capital investment, would not generate an estimated 4,100 jobs, nor increase mass transit accessibility. Additionally, the No Project Alternative would not advance the City's long-term planning vision or advance the goals and policies in the City's General Plan. Based on the analysis in the Draft EIR and all other relevant evidence in the administrative record before it, this City Council hereby finds that the No Project (No Build) Alternative does not meet any of the project objectives. The City Council further hereby rejects this alternative as infeasible.

### 1.9.3 - Alternative 2: Reduced Footprint Alternative.

**Description**: Under this alternative, the proposed project would be developed in such a way as to reduce some construction and operational air quality impacts, operational noise impacts, and protect some of the on-site Prime Farmland by reducing the overall footprint of the developed areas. The eastern half of the project site, approximately 142 acres, would be preserved and would remain in agricultural production, and half of the total warehouse and industrial park land uses would be developed. The proposed associated commercial uses would be relocated to the western half of the site. The stormwater basins would be sized accordingly. It is assumed that culvert crossings over Modoc Ditch would be required, similar to the proposed project.

**Findings:** This project alternative would result in lesser impacts related to noise. There are no greater impacts under this alternative. Alternative 2 would have similar impacts as compared to the proposed project regarding aesthetics, light, and glare; agricultural and forestry resources; air quality; biological resources; cultural resources and tribal cultural resources; energy; geology and soils; GHG emissions; hazards and hazardous materials; hydrology and water quality; land use and planning; public services; transportation; utilities and service systems; and wildfire. While these impacts would be marginally reduced under this alternative due to the reduced footprint of development and preservation of agriculture, it would not eliminate the significant and unavoidable impacts or reduce the need for mitigation, with the exception of noise impacts, which due to the expected decreased trip generation anticipated with this alternative would be lower compared to the proposed project, but would still require mitigation (MM NOI-1 and MM NOI-2).

This alternative would meet several of the project objectives to a certain degree, such as developing a mixed-use industrial park, placing industrial uses near the State Highway system (SR 99), developing innovative industrial uses as part of the Central Valley supply chain and goods movement network, and applying the goals and policies of the General Plan, which focuses on developing light industrial and industrial uses. However, because the proposed project's development capacity would essentially be cut in half, it would not meet the project objective of developing the project site in an economically viable manner consistent with applicable goals and policies as set forth in the General Plan, including the land use vision set forth therein that contemplates light industrial and industrial uses, and would also not maximize placement of industrial uses in close proximity to SR-99 and other major transportation corridors to avoid or shorten truck-trip lengths, as feasible, on other roadways. Furthermore, it would not meet the project objective of maximizing development of the project site to generate increased revenue and economic development, and would only partial meet the objective of creating employment-generating businesses to reduce commuting and improve the jobs-to-housing balance.

The Reduced Footprint Alternative would not meet several of the project objectives at all, and for others, it would not meet those to the same degree as the proposed project. Moreover, since it would eliminate half of the proposed project, it would be infeasible due to social, economic and other reasons. The substantial reduction in project size would significantly reduce the benefits offered by the construction and operation of the proposed project. These include among other things, the increased property and sales taxes received by the City, expansion of employment opportunities, implementation of the City's vision of future land uses, the more efficient utilization of lands, and the resulting improvement of the area's jobs-to-housing ratio). Based on the analysis in the Draft EIR and all other relevant evidence in the administrative record before it, this City Council hereby finds that the Reduced Footprint Alternative does not meet a number of the project objectives at all, and for others, it would not meet those to the same degree as the proposed project. The City Council further hereby rejects this alternative as infeasible.

### 1.9.4 - Alternative 3: Alternative Location

**Description:** Under this alternative, the contemplated development would be constructed in the approximately 284-acre parcels west of Plaza Drive and Riggin Avenue (APNs 077-840-001, 077-840-002, and 077-840-003). These parcels were selected as they are few of the remaining parcels within

Tier I of the UDB that are designated as Industrial, and therefore potentially generally suitable for the proposed development. This alternative would require a General Plan Amendment to re-designate a portion of the alternative site as Light Industrial for the proposed associated flex industrial/commercial uses conditionally allowed under Light Industrial. This alternative site would be approximately 650 feet from the nearest sensitive receptors located to the southwest.

**Findings:** As detailed more fully in the Draft EIR, this alternative would result in similar impacts as compared to the proposed project, including all identified significant and unavoidable impacts. Alternative 3 would have similar impacts as compared to the proposed project regarding aesthetics, light, and glare; agricultural resources and forest resources; air quality; cultural resources and tribal cultural resources; energy; geology and soils; GHG emissions; hazards and hazardous materials; hydrology and water quality; land use and planning; noise; public services; transportation; utilities; and wildfire.

This alternative would result in marginal increases or decreases to several impacts, as well as a substantial reduction in noise impacts due to conflicts between noise generators and noise-sensitive receptors, but it would not reduce the overall level of impacts for any of the topical areas analyzed under Alternative 3 above. Biological resources impacts would be slightly greater due to the location relative to the Modoc Ditch.

Overall, this alternative would meet most of the project objectives. These include developing a mixed-use industrial park, placing industrial uses near the State Highway system, and developing innovative industrial uses as part of the Central Valley supply chain and goods movement network, maximizing development of the site to generate increased revenue and economic development, and creating employment-generating businesses to reduce commuting and improve the jobs-to-housing balance, and applying the goals and policies of the General Plan, which focuses on developing light industrial and industrial uses. However, this alternative would not meet the project objective of building out the General Plan's envisioned land use contemplated for the proposed project site.

Furthermore, the alternative site that was analyzed under Alternative 3 is not currently under the ownership of the applicant, and the project applicant cannot reasonably acquire, control, or otherwise have access to the alternative site that was selected (CEQA Guidelines § 15126.6(f)(2)). Additionally, this property would require a General Plan Amendment and is therefore less consistent with the General Plan than the project site.

Based on the analysis in the Draft EIR and all other relevant evidence in the administrative record before it, this City Council hereby finds that while the Alternative Location Alternative would meet most of the basic project objectives (although the alternative site would require a General Plan Amendment and is therefore less consistent with the General Plan than the project site), it would not eliminate any of the identified significant and unavoidable impacts and would not otherwise have any type of meaningful reduction to other impacts as compared to the proposed project. Furthermore, the alternative site is not currently under the ownership of the applicant, and the project applicant cannot reasonably acquire, control, or otherwise have access to the alternative site that was selected (CEQA Guidelines § 15126.6(f)(2)). The City Council hereby rejects this alternative as infeasible.

### 1.9.5 - Environmentally Superior Alternative

CEQA Guidelines Section 15126.6(e)(2) provides that an analysis of alternatives to a proposed project shall identify an environmentally superior alternative among the alternatives evaluated in an EIR.

Alternatives 1 and 2 would, to a certain degree lessen the environmental impacts relative to the proposed project as described above and further in the Draft EIR, significant and unavoidable impacts would remain in all cases except under the No Project Alternative. If the No Project Alternative is the environmentally superior alternative—which is the case here as it results in fewer and less severe project impacts—the Draft EIR must also identify another environmentally superior alternative among the remaining alternatives. Overall, based on the analysis set forth in the Draft EIR and other evidence in the administrative record, the Reduced Footprint Alternative (Alternative 2) has the greatest potential to yield reductions in the severity of the proposed significant and unavoidable impacts because the significant and unavoidable off-site mobile source operational noise impacts from traffic generation would be reduced under this alternative.

However, the Reduced Footprint Alternative would not meet several of the project objectives at all, and for others, it would not meet those to the same degree as the proposed project. Moreover, since it would eliminate half of the proposed project, it would be infeasible due to social, economic and other reasons. As noted in Section 1.8.3, above, a substantial reduction in project size would significantly reduce the amount of property and sales taxes received by the City, reduce employment opportunities, would not implement the City's vision of future land uses, or result in the improvement of the area's jobs-to-housing ratio (Draft EIR, p. 6-20). Based on the analysis in the Draft EIR and all other relevant evidence in the administrative record before it, this City Council hereby finds that the Reduced Footprint Alternative does not meet a number of the project objectives at all, and for others, it would not meet those to the same degree as the proposed project. The City Council further hereby rejects this alternative as infeasible.

## 1.10 - Findings Regarding Cumulative Impacts

Consistent with CEQA's requirements, the Draft EIR for the proposed project includes a thoughtful analysis of cumulative impacts. As discussed throughout the Draft EIR and summarized in these Findings, except as to cumulative agricultural resource impacts, cumulative air quality impacts, and cumulative noise impacts, all other cumulative impacts associated with the proposed project are less than significant or less than significant with the implementation of applicable mitigation and compliance with applicable regulations. Additionally, the proposed project's contribution to the less than significant cumulative impacts would not be cumulatively considerable.

As discussed in Section 1.7 of these Findings, the proposed project, in combination with other cumulative developments, would have a cumulative significant impact on agricultural, air quality, and noise impacts which remains significant even with incorporation of all feasible mitigation. As detailed in the Draft EIR and Section 1.9 above, no feasible project alternatives would reduce these impacts to a less than significant level, while meeting project objectives.

## 1.11 - Findings Regarding Growth Inducement

CEQA Guidelines Section 15126.2(e) requires a discussion of the ways in which a proposed project could foster economic or population growth, or the construction of additional housing, either directly or indirectly, in the surrounding environment. Typical growth-inducing factors might be the extension of urban services or transportation infrastructure to a previously unserved or underserved area, or the removal of major barriers to development.

The City Council hereby recognizes that certain forms of growth are beneficial, both economically and socially. The proposed project would include the construction of flex industrial and light industrial uses and related improvements as well as other compatible non-industrial uses, such as self storage and RV parking, a gas station, convenience store, a car wash, and two drive-through restaurants. The proposed project would be expected to employ a total of approximately 4,100 employees at full buildout. As described in Chapter 4 of the Draft EIR, Effects Found not to be Significant, direct population growth would result if the proposed project were to include residential units. Because the proposed project is industrial in nature and would not develop single-family or multi-family residential uses, no direct population growth would be expected to occur.

In terms of the removal of any direct barriers to growth, this would not occur as a result of the proposed project because it would not remove any existing obstacles that currently prevent growth within the City. For example, the proposed project would not require expansion of existing water, wastewater and public facilities and services beyond what was already planned for in the City General Plan. Instead, the proposed project only involves the connection to various City-operated existing utility and infrastructure systems for water, wastewater, and stormwater facilities, as well as connection to existing non-City provided infrastructure such as natural gas (to be provided by SoCalGas) and electrical services (to be provided by SCE). The utility infrastructure installed as part of the proposed project would be sized and located expressly to serve only the proposed project and would not, therefore, induce growth in the project vicinity. The proposed project does not involve any extensions of roads or other infrastructure not assumed in the General Plan or adopted capital improvements project list, which would exceed the needs of the proposed project and thus accommodate future developments.

Therefore, because the proposed project does not involve housing, nor would it remove any direct barriers to growth, the proposed project would not directly increase population.

Indirect population growth occurs when a project creates substantial employment opportunities or provides new, upsized infrastructure that could lead to additional unplanned growth. As noted, the proposed project is anticipated to create approximately 4,100 new employees at full buildout. Given the nature of the proposed project, it would likely be staffed primarily by local employees. In 2022, the City had an unemployment of 4.2 percent, indicating a presence of approximately 6,005 unemployed workers. Approximately 22.5 percent of the City's workforce works in industry sectors that the proposed project would occupy, including employment opportunities with potential tenants/operators involving wholesale trade, manufacturing, retail trade, and transportation and warehousing consistent with the proposed flex industrial, light industrial and other commercial uses. Therefore, it is reasonable to conclude there are at least 1,352 workers eligible to in the City who

could fill a portion of the jobs that are expected to result from the proposed project. Furthermore, Tulare County currently has an unemployment rate of 9.7 percent, or 20,800 people of the working population. There are a total of 140,091 workers who both live in Tulare County and commute to work within the County. It is reasonable to assume that a number of unemployed County residents living near the City of Visalia could accept a job working at one of the proposed project businesses, and would commute to the City to work.

Nonetheless, additional employees could potentially transfer into the area as a result of the proposed project, resulting in population growth. However, the General Plan contemplated a certain amount of population growth, projecting that its population would grow from 125,000 people in 2014 to 210,000 people by 2030, which corresponds to an average annual growth rate of 2.6 percent. Employment in the City was projected to increase by 39 percent between 2010 and 2030, with a total of 25,520 new jobs projected during this time frame. Therefore, any population growth caused by increased employment opportunities provided by the proposed project would be within the planned growth anticipated in the General Plan. To the extent people transfer into the City and vicinity to fill the positions provided by the proposed project, it is reasonable to conclude that any such increase in potential housing demand could be readily absorbed by the local housing inventory and/or the pending and approved residential projects in the City and the surrounding area. As of the writing of the Draft EIR, the current housing vacancy rate in the City is 3.9 percent, and the County vacancy rate is 5.7 percent. Thus, the City Council hereby finds that the proposed project would not result in a significant, unplanned change to the population of the City or alter the location, distribution, density, or growth rate of the anticipated population planned for the City.

As noted above, existing infrastructure and services would be extended to make the necessary connections to serve the proposed project, but would not involve any upsizing of infrastructure that was not already planned for in the General Plan and relevant City master infrastructure plans and thus would not encourage additional unplanned growth. For these reasons, the City Council hereby finds that implementation of the proposed project would not induce substantial indirect population growth within the City.

Based on the foregoing reasons and as detailed more fully in the Draft EIR, the City Council hereby finds that the proposed project would not result in direct or indirect growth. It would not negatively alter the existing jobs/housing balance, be inconsistent with the General Plan or relevant City master infrastructure plans, or remove a barrier to growth through the extension of infrastructure or utilities to an unserved area or upsize infrastructure to serve unplanned growth. Therefore, growth-inducing impacts would be less than significant.

## 1.12 - Findings Regarding Significant Irreversible Environmental Changes

According to CEQA Guidelines Sections 15126(c) and 15126.2(d), the City Council, as Lead Agency, must address any significant irreversible environmental changes that would occur should the proposed project be implemented. Generally, a project would result in significant irreversible environmental changes if any of the following would occur:

- The project would involve a large commitment of nonrenewable resources;

- The primary and secondary impacts of the project would generally commit future generations to similar uses;
- The project involves uses in which irreversible damage could result from any potential environmental accidents; or
- The proposed consumption of resources are not justified.

As discussed more fully in the Draft EIR, the proposed project involves construction and operation of light industrial, flex industrial, as well as compatible commercial uses, consisting of self storage/RV parking, a gas station, convenience store, a car wash, and two drive-through restaurants, which, at buildout, would total approximately 3.7 million square feet.

Stringent construction and demolition debris recycling practices consistent with applicable laws and regulations, which would be imposed on the proposed project, would be expected to facilitate the recovery and reuse of building materials such as concrete, lumber, and steel and would limit disposal of these materials, some of which are nonrenewable.

Construction of the proposed project would include the consumption of resources that are not replenishable, or that may renew so slowly to be considered nonrenewable. These resources would include the following: certain types of lumber and other forest products; aggregate materials used in concrete and asphalt, such as sand, gravel, and stone; metals such as steel, copper, and lead; petrochemical construction materials such as plastics; and water. Fossil fuels such as gasoline and oil would also be consumed in the use of construction vehicles and equipment. However, anticipated consumption of these common building materials and energy would be typical and consistent with other similar developments in the region and commitments of resources would not be unique or unusual to the proposed project. Given its nature and scope, development of the proposed project would not be expected to involve an unusual commitment of nonrenewable resources, nor would it be expected to consume resources in a wasteful manner.

At operation, day-to-day activities would involve the typical use of nonrenewable resources such as petroleum and natural gas during operations. However, the new buildings and related infrastructure would be required to adhere to the latest adopted edition of the CBC, which are viewed as some of the most stringent in the nation; this would include a number of standards that would reduce energy demand, water consumption, wastewater generation, and solid waste generation that would collectively reduce the demand for resources. This would result in the emission and generation of less pollution and effluent and would lessen the severity of corresponding environmental effects. Although the proposed project would result in an irretrievable commitment of nonrenewable resources, the commitment of these resources would not be significantly inefficient, unnecessary, or wasteful.

Furthermore, given its nature and scope, the proposed project does not have the potential to cause significant environmental accidents through releases into the environment, as it would not involve large quantities of hazardous materials, as discussed in Section 3.9 of the Draft EIR, Hazards and Hazardous Materials. The project site is designated as LRA Unzoned, which identifies areas with low fire frequency. The potential for wildfire on the project site is not considered high. In addition, the

project site has not previously experienced wildfire and is not located in or near an area of steep terrain or historical wildfire burn, nor does it experience consistent high winds; therefore, the project site would not be prone to wildfire risk (see Section 3.17 of the Draft EIR, Wildfire). During operation, the proposed project would be readily and adequately served by police and fire protection services. The proposed project does not contain any uses or features that would exacerbate wildfire risks or place occupants at a greater risk to wildfire pollutants or uncontrolled wildfire. The proposed project would also be required to comply with applicable provisions of the California Fire Code with regard to access and building materials. Public Resources Code 4291 further requires the proposed project to maintain, at all times, a minimum of 30 feet of defensible space in every direction from structures adjacent to forest, brush, grass, or lands covered with flammable material. In addition, new construction would be required to comply with applicable requirements as set forth in Chapter 7A of the most current adopted CBC, which would further reduce risk due to wildland fire. As such, the design of the proposed project would be required to incorporate fire safety features and comply with the applicable fire safety provisions of the CBC, thereby further reducing the risk of loss, injury, or death involving wildland fires. Thus, implementation of the proposed project's light industrial, flex industrial and other compatible commercial uses would not have the potential to result in significant environmental accidents and would not result in significant irreversible environmental changes.

The City Council, as Lead Agency, hereby finds that the proposed project would not result in significant irreversible changes.

## 1.13 - Mitigation Monitoring and Reporting Plan

Pursuant to Public Resources Code Section 21081.6 and Guidelines Section 15091(d), the City Council, as Lead Agency, hereby adopts the MMRP prepared for the proposed project, attached to these Findings as Appendix A. Implementation of the mitigation measures contained in the MMRP is hereby made a condition of approval of the proposed project. The MMRP is hereby incorporated by reference in these Findings. In the event of any inconsistencies between the mitigation measures set forth herein and the MMRP, the MMRP shall control.

This City Council hereby adopts this MMRP as it pertains to the proposed project, and hereby finds that the mitigation measures set forth in the MMRP will reduce or avoid the potentially significant environmental effects of the proposed project to the extent feasible for the reasons described in the Draft EIR. In the event a mitigation measure recommended in the Draft EIR has inadvertently been omitted from the MMRP, this City Council hereby adopts such mitigation measure(s) as stated in the Draft EIR and hereby incorporates said mitigation measure into these Findings by reference.

The mitigation measures as set forth in the MMRP are being made enforceable as conditions of approval. Accordingly, changes or alterations have been required in, or incorporated into the proposed project, which avoid or substantially lessen the significant environmental effects identified in the Draft EIR.

The Draft EIR identifies significant and unavoidable impacts, as discussed further in Section 1.9 of these findings. Various measures were suggested by commenters as proposed additional mitigation measures or modifications to the mitigation measures identified in the Draft EIR. Other comments

requested mitigation measures for impacts that were determined by the City to be less than significant or requested additional mitigation measures for impacts that were already determined by the City to be reduced to a less than significant level by the proposed mitigation measures. These requests are declined as unnecessary except as otherwise set forth in the Final EIR. This City Council hereby adopts the reasons set forth in the Draft EIR and as otherwise further supported by documentation, materials and other information in the administrative record as its grounds for rejecting the suggested adoption of new mitigation measures beyond those detailed in the Final EIR.

In addition, certain commenters suggested that additional analyses be completed and/or that analyses be conducted utilizing different modeling, methodologies, thresholds and/or assumptions. These requests are declined as unnecessary except as otherwise set forth in the Final EIR. This City Council hereby adopts the reasons set forth in the Draft EIR and as otherwise further supported by materials and other information in the administrative record as its grounds for rejecting the suggested additional and/or modified analyses beyond that which is detailed in the Final EIR.

## 1.14 - Findings Regarding Recirculation

During the public review period after the Draft EIR was published, the City received certain additional information. City staff and the technical consultants involved in preparing the various studies, reports and analyses included in the Draft EIR have also presented additional information since the publication of the Draft EIR. Some of this information was contained in comments submitted on the Draft EIR, and in responses to those comments contained in the Final EIR. Other information was presented at or before public meetings/hearings on the Draft EIR. The Draft EIR incorporates feasible mitigation, additions, clarifications, modifications, and other changes, in response to comments and as determined appropriate by City staff and required under CEQA.

Under *Laurel Heights Improvement Ass'n v. Regents of Univ. of Cal*. (1993) 6 C4th 1112 (Laurel Heights II) and CEQA Guidelines Section 15088.5(a)(3), when information added to the Final EIR consists of a suggested additional mitigation measure, recirculation is required only if the new mitigation measure meets all of the following criteria (*South County Citizens for Smart Growth v. County of Nevada* (2013) 221 CA4th 316, 330):

- It is feasible;
- It is considerably different from the alternatives or mitigation measures already evaluated in the Draft EIR;
- It would clearly lessen the project's significant environmental impacts; and
- It is not adopted.

Recirculation is required only if each of the above tests is met. (*South County Citizens*, supra at 330). As described in detail in the Final EIR, these Findings, and other relevant evidence in the administrative record, mitigation measures proposed during the public comment period are either (1) not necessary; (2) not feasible; (3) or are already included as mitigation. Revisions to MM BIO-1d, MM BIO-3, and MM GHG-2a have been adopted to further reduce impacts as noted in Final EIR Section 3, Errata. Neither additional/revised mitigation measure has any significant effects.

The City Council, as Lead Agency, has considered all relevant information including, without limitation, the opinions and comments of interested public agencies, organizations and individuals. This includes, without limitation, opinions and comments that disagree with some of the analysis, assumptions, methodologies, thresholds and conclusions in the Draft EIR. As noted above, the entirety of the Draft EIR is incorporated into these Findings by reference. This City Council hereby ratifies, adopts and incorporates into these Findings the determinations and conclusions of the Draft EIR relating to the proposed project's environment impacts and mitigation measures and the analysis related thereto.

The City Council, as Lead Agency, further hereby finds that the revisions to the mitigation does not meet the test for recirculation. Additionally, the City Council hereby finds that none of the additional information provided during the public comment period demonstrates any of the following situations requiring recirculation identified in CEQA Guidelines Section 15088.5 have occurred:

- A new significant environmental impact that would result from the project (or any alternative) or from a new mitigation measure proposed to be implemented.
- A substantial increase in the severity of an environmental impact would result unless mitigation measures are adopted that reduce the impact to a level of insignificance.
- A feasible project alternative or mitigation measure considerably different from others previously analyzed would clearly lessen the significant environmental impacts of the project (or an alternative), but the project's proponents decline to adopt it.
- The Draft EIR was so fundamentally and basically inadequate and conclusory in nature that meaningful public review and comment were precluded.

Based on the foregoing and as explained herein and in more detail in the Draft EIR as well as other evidence in the administrative record, and having reviewed all the information in the record of proceedings, the City Council hereby finds that this additional information does not constitute significant new information nor does it otherwise trigger recirculation of the Draft EIR. The additional information merely clarifies or amplifies an adequate EIR.

## 1.15 - Statement of Overriding Considerations

CEQA requires that a Lead Agency balance the benefits of a project against its unavoidable environmental risk in determining whether to approve the project. If the benefits outweigh the unavoidable adverse effects, those effects may be considered "acceptable" pursuant to CEQA Guidelines Section 15093(a). CEQA requires that a Lead Agency support, in writing, the specific reasons for considering a project acceptable when significant impacts are infeasible to mitigate. Those reasons must be based on substantial evidence in the Draft EIR or elsewhere in the administrative record pursuant to CEQA Guidelines Section 15093(b). The Lead Agency's written reasons are referred to as a Statement of Overriding Considerations.

As explained in these Findings of Fact and further detailed in the Draft EIR and other relevant evidence in the administrative record, most of the proposed project's impacts on the environment would either be insignificant or, through the incorporation of mitigation measures as enforceable

conditions of approval of the proposed project, would be reduced to less than significant. However, as set forth in Section 1.9 above, certain impacts to Agricultural and Forest Resources, Air Quality, and Noise will remain significant and unavoidable even with implementation of all feasible mitigation measures. Further, as set forth in Section 1.11 above, there are/are no feasible alternatives to the proposed project, which would mitigate or avoid those environmental impacts and which would also meet most of the project objectives.

Accordingly, as set forth below, the City Council hereby declares that pursuant to Public Resources Code Section 21081 and CEQA Guidelines Section 15093, the following benefits provided to the public through the approval and implementation of the proposed project outweigh the identified significant adverse environmental impacts of the proposed project that cannot be mitigated. The City Council further hereby finds that having reduced the adverse significant environmental effects of the proposed project to the extent feasible by adopting the mitigation measures contained in the Draft EIR, the MMRP, and these Findings, having considered the entire administrative record on the proposed project, and having weighed the benefits of the proposed project against its unavoidable adverse impacts after mitigation, hereby finds that each of the project benefits separately and individually outweighs all of the unavoidable adverse environmental effects identified in the Draft EIR and therefore hereby finds those impacts to be acceptable.

- The proposed project would promote positive economic growth and new capital investment.
- The proposed pedestrian ramps and signalized crossings at the intersections of Kelsey Street and Riggin Avenue, Clancy Street and Riggin Avenue, and Shirk Street and Riggin Avenue would enhance pedestrian and bicycle connectivity and improve mobility.
- The proposed project would provide a high level of accessibility given its location and would enhance connectivity to Visalia Transit Route 17 services along Riggin Avenue by installing sidewalk and bicycle facilities.
- The proposed project would support the planned, orderly, efficient development of the project site, consistent with the General Plan, which would provide increased revenue, employment-generating businesses, and significant economic benefits to the City.
- The proposed project would generate an estimated 4,100 jobs at buildout. The creation of these local and regional employment opportunities would substantially enhance economic opportunities in the City and improve the City's jobs-to-housing balance.
- The project site would be developed in accordance with the long-held land use vision, consistent with its Tier I location, thereby facilitating the City's thoughtful approach to balanced growth occurring in concentric circles. With direct access to major transportation corridors, the project site is ideally situated to attract and support business without the need for major infrastructure expenditures, and will result in the siting of industrial and compatible commercial and flex industrial uses in proximity to other similar uses and appropriately distanced and buffered from sensitive receptors. This enables the City to facilitate goals of economic development and employment generation, while also helping to ensure the availability of lands in other locations in the City (and its SOI) for non-industrial uses; this encourages an appropriately diverse and balanced approach to land use consistent with the City's General Plan.

- The proposed project would maximize the utility of its location and infrastructure to develop industrial and other compatible non-industrial and flex industrial uses in a manner that would promote land use patterns that reduce the number and length of motor vehicle trips and reduce VMT impacts consistent with the City's planned land use vision.

Accordingly, the City Council, having reviewed and considered the EIR, all other written materials within the administrative record, and all oral testimony presented at public hearings and other public meetings on the EIR and the merits of the proposed project, has balanced the benefits of the proposed project against the identified unavoidable adverse impacts associated with the proposed project, and hereby adopts all feasible mitigation measures with respect to such impacts, certifies the EIR, and approves the proposed project. This City Council has also examined the alternatives to the proposed project, none of which is feasible, meets most of the project objectives, or is environmentally preferable to the proposed project for the reasons discussed in Section 1.9 above and the EIR.

For the foregoing reasons and as otherwise supported by substantial evidence in the administrative record, this City Council hereby adopts this Statement of Overriding Considerations, which has balanced the benefits of the proposed project against its significant and unavoidable adverse impacts in reaching a decision to approve the proposed project.

## 1.16 - Custodian of Record; Scope and Content of Record

The documents, information and materials that constitute the record of proceedings on which these Findings have been based are located at:

Visalia City Hall
315 East Acequia Avenue
Visalia, CA 93291

This information is provided in compliance with Public Resources Code Section 21081.6.

Various documents, information, testimony, reports, studies, analyses and other materials (both oral and written) constitute the record upon which the City Council bases these Findings and the basis for the City Council's approval and/or adoption contained herein. These Findings cite specific pieces of evidence, but none of the City Council's findings are based solely on those cited pieces of evidence. Rather, these Findings are based upon the entire record, and the City Council, as the Lead Agency, intends to rely upon all supporting evidence in the record for each of its conclusions contained herein.

The documents in the record include all items referenced in Public Resources Code Section 21167.6(e):

(i) All project application materials;

(ii) The EIR (including the Draft EIR, the Final EIR, and all appendices attached thereto);

(iii) All staff reports and related documents prepared by the lead agency and/or consultants with respect to the lead agency's compliance with the substantive and procedural requirements of this division and with respect to the action on the proposed project;

(iv) All staff reports and related documents prepared by the lead agency and written testimony or documents submitted by any person relevant to any findings or Statement of Overriding Considerations adopted by the lead agency pursuant to this division;

(v) All documentary and oral evidence received and reviewed at public hearings, public meetings, study sessions, and workshops on the Project EIR, and any transcript or minutes of the proceedings at which any advisory body or decision-making body heard testimony on, or considered the EIR;

(vi) All notices issued by the lead agency to comply with this division or with any other law governing the processing and approval of the proposed project;

(vii) All written comments received in response to, or in connection with, the EIR, including comments on the Draft EIR;

(viii) All written evidence or correspondence submitted to, or transferred from, the lead agency with respect to compliance with this division or with respect to the proposed project;

(ix) Any proposed decisions or findings submitted to the decision-makers by lead agency staff, or the project proponent, project opponents, or other interested agencies, organizations and/or individuals;

(x) The documentation of the final decision, including the Draft EIR and all documents, in addition to those referenced in paragraph (c), cited or relied on in the findings or in a Statement of Overriding Considerations adopted pursuant to this division;

(xi) For documentary and informational purposes, all locally-adopted land use plans and ordinances, including, without limitation, general plans, specific plans and ordinances, master plans together with environmental review documents, findings, mitigation monitoring programs, and other documentation relevant to planned growth in the area;

(xii) Any other written materials relevant to the lead agency's compliance with this division or to its decision on the merits of the proposed project, including any drafts of any environmental document or portions thereof, which have been released for public review, and copies of studies or other documents relied upon in any environmental document prepared for the project and either made available to the public during the public review period or included in the lead agency's files on the proposed project, and all internal agency communications, including staff notes and memoranda related to the proposed project or to compliance with this division;

(xiii) The full written record before any inferior administrative decision-making body whose decision was appealed to a superior administrative decision-making body prior to the filing of litigation; and

(xiv) Any additional items not included above if otherwise required by law.

The EIR is incorporated into these Findings in its entirety. Without limitation, this incorporation is intended to elaborate on the scope and nature of mitigation measures, the basis for determining the significance of impacts, the comparative analysis of alternatives, and the reasons for approving the proposed project despite the potential for associated significant and unavoidable adverse impacts.

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# Appendix A:
# Mitigation Monitoring and Reporting Program

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# Mitigation Monitoring and Reporting Program for the Shirk and Riggin Industrial Project Environmental Impact Report City of Visalia, Tulare County, California

Prepared for:
**City of Visalia**
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Contact: Mary Bean, Project Director
Yael Marcus, Project Manager

Report Date: January 17, 2025

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# PREFACE

Section 21081.6 of the Public Resources Code of the California Environmental Quality Act (CEQA) and CEQA Guidelines Section 15097 require a Lead Agency to adopt a Mitigation Monitoring and Reporting Program (MMRP) whenever it adopts an Environmental Impact Report (EIR) in conjunction with a project approval. The purpose of the MMRP is to ensure that compliance with the mitigation measures occurs during project implementation.

The Draft EIR prepared for the proposed Shirk and Riggin Industrial Project (proposed project) concluded that project implementation could result in potentially significant effects on the environment. Accordingly, feasible mitigation measures were identified to be implemented by the proposed project, which would be imposed as enforceable conditions of project approval that reduce these potential impacts to a less than significant level to the extent feasible. This MMRP documents how and when the mitigation measures adopted by the Lead Agency will be implemented and confirms that potential environmental impacts are reduced to less than significant levels as identified in the Draft EIR.

The City of Visalia, as the Lead Agency, hereby finds that the mitigation measures set forth in this MMRP for the proposed project will reduce or avoid the identified potentially significant impacts of the proposed project to the extent feasible for the reasons described in the Shirk and Riggin Industrial Project Draft and Final Environmental Impact Reports (including appendices attached thereto) (collectively, Project EIR) and as otherwise documented in the materials that make up the proposed project's administrative record. The Lead Agency intends for each of the mitigation measures to be adopted as recommended in the Project EIR and incorporated into conditions of approval for the purpose of ensuring compliance during project implementation.

In the event of any inconsistencies between the mitigation measures set forth in the Project EIR and MMRP, the MMRP shall control. In the event of any inconsistencies between the City's standard conditions of approval imposed on the proposed project by the City of Visalia and the MMRP, the MMRP shall control.

This document does not discuss those environmental topic areas that the environmental analysis set forth in the Project EIR (along with other materials in the administrative record) has determined there would be less than significant impacts and for which no mitigation was necessary.

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## Table 1: Shirk and Riggin Industrial Project Mitigation Monitoring and Reporting Program

| Mitigation Measures | Method of Verification | Timing of Verification | Responsible for Verification | Verification of Completion | | Party Responsible for Implementing Mitigation |
|---|---|---|---|---|---|---|
| | | | | Date | Initial | |
| **3.1 Air Quality** | | | | | | |
| **MM AIR-2a: Use of Tier IV or Tier IV Equivalent Construction Off-Road Equipment**<br>Before a construction permit is issued for the proposed project, the project sponsors shall submit construction emissions minimization plans to the City of Visalia for review and approval. The construction emissions minimization plans shall detail compliance with the following requirements:<br>(1) Subject to same being commercially available, all off-road equipment utilized in connection with the subject individual development proposal shall have engines that meet either EPA or ARB Tier IV Final off-road emission standards. Provided, however, if engines that comply with Tier IV Final off-road emission standards are not commercially available, then the construction contractor shall use the next cleanest piece of off-road equipment (e.g., Tier IV Interim) available. For purposes of this mitigation measure, "commercially available" shall mean the availability of Tier IV Final engines taking into consideration factors such as (i) critical-path timing of construction; (ii) costs of utilizing same are commercially practicable; and (iii) geographic proximity to the project site of equipment. The relevant contractor's provision to the City letters from at least two rental companies for each piece of off-road equipment that reasonably documents the lack | Review relevant construction emissions minimization plans for subject individual specific development proposal; conduct site inspection to verify signage. | Prior to issuance of grading permit for each individual specific development proposal. | City of Visalia | | | Project applicant |

| Mitigation Measures | Method of Verification | Timing of Verification | Responsible for Verification | Verification of Completion | | Party Responsible for Implementing Mitigation |
|---|---|---|---|---|---|---|
| | | | | Date | Initial | |
| of commercially available off-road equipment shall be deemed sufficient for purposes of complying with this mitigation measure. The project applicant and contractor shall consider the use of near zero-emission or electric construction equipment if that type of equipment is commercially available at the time of grading permit submittal.<br>(2) Post signage on the project site stating that construction equipment idling times shall not exceed five minutes. | | | | | | |
| **MM AIR-2b: Super Compliant Architectural Coating During Construction**<br>Prior to issuance of a grading permit in connection with an individual specific development proposal for the proposed project, the relevant project sponsor shall submit to the City of Visalia construction contracts and/or subcontracts reasonably documenting that all architectural coating material utilized in connection with the subject individual specific development proposal would not exceed 10 grams of volatile organic compound (VOC) per liter of coating.<br>To satisfy the above, the relevant project sponsor shall include in any construction contracts and/or subcontracts for the subject individual specific development proposal a requirement that all interior and exterior architectural coatings used in project construction meet the "supercompliant" coating VOC content standard of 10 grams or less of VOC per liter of coating. The relevant project sponsor shall also specify in the subject construction contracts and/or subcontracts the | Review relevant provisions of the construction contracts and/or subcontracts for subject individual specific development proposal. | Prior to issuance of grading permit for an individual specific development proposal. | City of Visalia | | | Project applicant |

| Mitigation Measures | Method of Verification | Timing of Verification | Responsible for Verification | Verification of Completion | | Party Responsible for Implementing Mitigation |
|---|---|---|---|---|---|---|
| | | | | Date | Initial | |
| requirement to use high-volume, low-pressure spray guns during coating applications to reduce coating waste. | | | | | | |
| **MM AIR-2c: Electric or Zero-Emission On-site Off-Road and On-Road Service Equipment**<br>Prior to issuance of the construction grading permit in connection with an individual specific development proposal for the proposed project, the relevant project sponsor shall provide reasonable documentation to demonstrate to the City of Visalia that all on-site off-road and on-road service equipment will utilize zero-emission technology, subject to the same being commercially practicable. Additionally, the relevant project sponsor shall provide reasonable documentation to the City of Visalia that all proposed buildings in connection with the subject individual specific development proposal that would use on-site service equipment will be designed to include electric outlets to equipment support the use of all-electric or zero-emission on-site service equipment, subject to the same being commercially practicable. | Review and verify reasonable documentation (such documentation may include leasing agreement) for subject individual specific development proposal demonstrating compliance. | Prior to issuance of grading permit for an individual specific development proposal. | City of Visalia | | | Project applicant |
| **MM AIR-2d: Electric Vehicle Charging Infrastructure**<br>Prior to issuance of the grading or building permit in connection with an individual specific development proposal for the proposed project, whichever occurs first, the relevant project sponsor shall provide reasonable documentation to the City of Visalia demonstrating that the subject individual specific development proposal shall incorporate infrastructure for electric vehicle (EV) charging stations into a minimum of 20 percent of all vehicle | Review and verify relevant documentation demonstrating for subject individual specific development proposal for compliance. | Prior to issuance of grading or building permit for an individual specific development proposal, whichever occurs first. | City of Visalia | | | Project applicant |

| Mitigation Measures | Method of Verification | Timing of Verification | Responsible for Verification | Verification of Completion | | Party Responsible for Implementing Mitigation |
|---|---|---|---|---|---|---|
| | | | | Date | Initial | |
| parking spaces (including parking for trucks), consistent with the applicable California Green Building Standards Code Tier 1 Nonresidential Mandatory Measure (Section A5.106.5.3). To satisfy the foregoing, EV charging spaces must provide electrical vehicle charging infrastructure to support future installation of EV supply equipment and shall meet the applicable design space requirements of California Green Building Standards Code Section 5.106.5.3.<br><br>In addition, the buildings' electrical room shall be sufficiently sized to hold additional panels that may be needed to supply power for the future installation of EV truck charging stations on the site. Conduit should be installed from the electrical room to tractor trailer parking spaces in a logical location(s) on the site determined by the project applicant during construction document plan check, for the purpose of accommodating the future installation of EV truck charging stations at such time this technology becomes commercially available and the buildings are being served by trucks with electric-powered engines. | | | | | | |
| **MM AIR-2e: On-Site Signage and Pavement Markings**<br>In connection with an individual specific development proposal for the proposed project, the relevant project sponsor shall provide reasonable documentation to the City of Visalia demonstrating signage and pavement marking that show on-site circulation routes have been or will be included along the relevant portions of the project site driveways and internal roadways. | Review and verify relevant documentation for subject individual specific development proposal demonstrating signage and pavement markings. | In connection with an individual specific development proposal for the proposed project. | City of Visalia | | | Project applicant |

| Mitigation Measures | Method of Verification | Timing of Verification | Responsible for Verification | Verification of Completion | | Party Responsible for Implementing Mitigation |
|---|---|---|---|---|---|---|
| | | | | Date | Initial | |
| **MM AIR-2f: Vegetative Barrier**<br>Prior to issuance of the grading or building permit in connection with an individual specific development proposal for the proposed project, whichever occurs first, the relevant project sponsor shall provide reasonable documentation to the City of Visalia demonstrating the inclusion of a vegetative barrier along the south and east property boundaries of the project site. Prior to issuance of first occupancy permit, the project applicant shall demonstrate to the City of Visalia the installation of the vegetative barrier at the described locations. | Review and verify reasonable documentation (reasonable documentation may include landscaping plan) for subject individual development proposal that shows a vegetative barrier on plans.<br><br>Conduct site inspection or review site photos to confirm installation. | Prior to issuance of the grading or building permit in connection with subject individual specific development proposal.<br><br>Prior to issuance of first occupancy permit subject individual specific development proposal. | City of Visalia | | | Project applicant |
| **MM AIR-2g: Voluntary Emission Reduction Agreement**<br>Prior to issuance of the grading or building permit in connection with an individual specific development proposal for the proposed project, whichever occurs first, the relevant project sponsor shall consult with the City of Visalia about the feasibility of entering into a Voluntary Emissions Reduction Agreement (VERA) with the Valley Air District. | Project sponsor of subject individual specific development proposal to consult with City of Visalia, and reasonably document sponsor's assessment of the feasibility of entering a VERA with the Valley Air District. | Prior to issuance of the grading or building permit in connection with the subject individual specific development proposal, whichever occurs first. | City of Visalia | | | Project applicant |
| **3.4 Biological Resources** | | | | | | |
| **MM BIO-1a Pre-construction Surveys for Swainson's Hawk**<br>Prior to initial ground disturbance or building permits of any project area, if during the nesting season for Swainson's hawk (March 20 to July 20), a qualified Biologist shall conduct Swainson's hawk | Subject project sponsor of each individual development proposal to provide reasonable documentation (e.g., pre-construction survey | Prior to initial ground disturbance or building permits for construction activities within nesting season (March 20 to July 20). | City of Visalia | | | Project applicant |

| Mitigation Measures | Method of Verification | Timing of Verification | Responsible for Verification | Verification of Completion | | Party Responsible for Implementing Mitigation |
|---|---|---|---|---|---|---|
| | | | | Date | Initial | |
| nesting surveys on-site and within a 0.5-mile radius of the project site to determine whether nests are present and if so, occupied. Occupancy shall be determined through observation of all accessible areas, including from public roads or other publicly accessible observation areas of Swainson's hawk activity (e.g., foraging) on and near the project site. If ground disturbance occurs outside the nesting season, no further action is required.<br><br>A qualified Biologist shall follow the survey protocol outlined in the California Department of Fish and Wildlife (CDFW) Recommended Timing and Methodology for Swainson's Hawk Nesting Surveys in California's Central Valley, which recommends surveys according to the following survey periods:<br>1. January–March 20: Conduct one survey total.<br>2. March 20–April 5: Conduct three surveys total. Surveys shall be conducted between sunrise to 10:00 a.m. and/or 4:00 p.m. to sunset.<br>3. April 5–April 20: Conduct three surveys total. Surveys shall be conducted between sunrise to 12:00 p.m. and/or 4:30 p.m. to sunset.<br>4. April 21–June 10: Initiating surveys are not recommended. Monitoring of known nest sites only.<br>5. June 10–July 30: (post-fledging) Conduct three surveys total. Surveys shall be conducted between sunrise to 12:00 p.m. and/or 4:00 p.m. to sunset.<br><br>Pre-construction surveys shall be completed for at least the two survey periods immediately prior to the subject ground-disturbing activities being | report) that a qualified Biologist has been retained as well as provide results of pre-construction surveys. | If construction activities will not take place during nesting season (March 20 to July 20), then no pre-construction surveys are required. | | | | |

| Mitigation Measures | Method of Verification | Timing of Verification | Responsible for Verification | Verification of Completion | | Party Responsible for Implementing Mitigation |
|---|---|---|---|---|---|---|
| | | | | Date | Initial | |
| initiated, with the latest survey no more than 10 days prior to the start of the subject ground-disturbing. A copy of the survey results shall be submitted to the lead agency as evidence of compliance. | | | | | | |
| **MM BIO-1b Swainson's Hawk Avoidance and Minimization and Construction Monitoring**<br>If nests are located and determined to be occupied, minimization measures must be implemented by the relevant applicant in connection with a specific individual development application, and construction monitoring conducted as follows:<br>1. Construction activities shall be prohibited within 600 feet of an active and occupied Swainson's hawk nest or within 600 feet of nests under construction to prevent nest abandonment unless a smaller buffer is approved pursuant to subsection (2) below. This incorporates the maximum avoidance buffer size stated in the California Department of Fish and Wildlife (CDFW) Recommended Timing and Methodology for Swainson's Hawk Nesting Surveys in California's Central Valley.<br>2. If site-specific conditions or the nature of the construction activity (e.g., other nearby development, limited activities) indicate that a smaller buffer, or no buffer at all, could be used, the project developer may seek approval from the qualified Biologist who, in coordination with the CDFW, shall determine the appropriate buffer size, which, once approved, shall govern.<br>3. No tree containing an active Swainson's hawk nest shall be removed. | Conduct pre-construction surveys if required under MM BIO-1b; if nests are found, relevant project applicant to implement avoidance and minimization measures and related construction monitoring.<br><br>Relevant project applicant to submit reasonable documentation (e.g., Pre-con survey report (if no Swainson's hawks are present) or if they are present then you'd need a monitoring report) to City of Visalia to document compliance. | Upon identification of occupied nests during pre-construction surveys. | City of Visalia | | | Project applicant |

| Mitigation Measures | Method of Verification | Timing of Verification | Responsible for Verification | Verification of Completion | | Party Responsible for Implementing Mitigation |
|---|---|---|---|---|---|---|
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| If (i) no nests are located or (ii) if nests are located and determined not to be occupied, then no minimization measures shall need to be implemented and no further mitigation under this MM BIO-1b shall be required. | | | | | | |
| **MM BIO-1c: Pre-Construction Surveys for Burrowing Owl (includes avoidance and passive relocation if found)**<br>To determine whether burrowing owl have occupied the project site prior to its development, a qualified Biologist shall perform a pre-construction burrowing owl survey to determine burrow locations within 30 days prior to construction activities using California Department of Fish and Wildlife (CDFW) Guidelines. If construction is delayed or suspended for more than 30 days after the survey, the area shall be resurveyed. Surveys for occupied burrows shall be completed within all construction areas and within 300 feet of the proposed project impact area (where possible and appropriate based on locations of barren or ruderal habitats). At least 15 days prior to the expected start, or restart, of any project-related ground disturbance activities, the project applicant shall provide a burrowing owl survey report with mapping exhibits to the CDFW. If no burrowing owl are detected during the pre-construction survey, no further action is necessary.<br>If burrowing owl are detected during the pre-construction survey, the following actions shall be taken to offset impacts during construction (as outlined in the CDFW 2012 Guidelines):<br>• During the nonbreeding season (September 1 through January 31), no disturbance shall occur | Subject project sponsor of each individual development proposal to provide reasonable documentation (such as Pre-construction Survey Report, or, if burrowing owls are present, Daily Monitoring Logs) to City of Visalia that a qualified Biologist has been retained as well as provide results of pre-construction surveys.<br><br>Subject project sponsor to provide reasonable documentation of its submittal survey reports to the CDFW.<br><br>If burrowing owl detected, subject project sponsor to provide to City of Visalia the passive relocation plan (if applicable) for review, and also provide | Within 30 days prior to construction activities for subject individual development proposal.<br><br>At least 15 days prior to the start or restart of ground disturbance for subject individual development proposal.<br><br>Upon detection of burrowing owl during pre-construction surveys. | City of Visalia | | | Project applicant |

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| within an approximately 160-foot radius of an occupied burrow. During the nesting season (February 1 through August 31), occupied burrows shall not be disturbed within a 300-foot radius unless a qualified Biologist approved by the CDFW verifies through noninvasive methods that either (1) the birds have not begun egg-laying and incubation or (2) that juveniles from the occupied burrows are foraging independently and are capable of independent survival.<br>• If owls must be moved away from the disturbance area, passive relocation techniques (as outlined by the CDFW [i.e., use of one-way doors]) should be used rather than trapping. At least one or more weeks will be necessary to accomplish this and to allow the owls to acclimate to alternate burrows.<br>• If unpaired owls or paired owls are present in or within 300 feet of areas scheduled for disturbance or degradation (e.g., grading) and nesting is not occurring, owls are to be removed per CDFW-approved passive relocation protocols. Passive relocation requires the use of one-way exclusion doors, which must remain in place at least 48 hours prior to site disturbance to ensure owls have left the burrow prior to construction. A CDFW-approved exclusion plan would be required to implement this measure.<br>• If paired owls are nesting in areas scheduled for disturbance or degradation, nest(s) shall be avoided from February 1 through August 31 by a minimum 300-foot buffer or until fledging has | reasonable documentation that required actions are implemented. | | | | | |

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| occurred. Following fledging, owls may be passively relocated. | | | | | | |
| **MM BIO-1d: Pre-construction Special-status Species Wildlife Surveys and Protective Measures if Found, Including Standard Avoidance Measures for San Joaquin Kit Fox.**<br>Not more than 14 days before start of ground disturbance, a qualified Biologist shall conduct surveys to determine the presence/absence of the following special-status wildlife species: Crotch's bumblebee, San Joaquin kit fox, western burrowing owl, and American badger. Surveys conducted for Crotch's bumblebee will follow the survey methodology outlined in the Survey Considerations for California Endangered Species Act Candidate Bumble Bee Species (CDFW 2023) protocol. In the event a Crotch's bumblebee nest is detected within the Project, CDFW will be consulted to determine how best to implement Project activities and avoid take. If take cannot be avoided, an ITP will be obtained, pursuant to Fish and Game Code section 2081 subdivision (b).<br>Should San Joaquin kit fox, western burrowing owl, or American badger be detected, the qualified Biologist shall coordinate with the California Department of Fish and Wildlife (CDFW) and/or the United States Fish and Wildlife Service (USFWS) (as appropriate and to the extend required under applicable laws and regulations) to determine adequate protection measures as may be required under applicable laws and regulations, and the relevant project developer shall implement all such measures in connection with the development | Subject project sponsor of each individual development proposal to provide reasonable documentation to City of Visalia that a qualified Biologist has been retained as well as provide results of pre-construction surveys, and copies of all reports and communication (and permit(s), if required) with the relevant wildlife agencies as required under applicable law and regulations.<br><br>Subject project sponsor to provide to City of Visalia reasonable documentation of compliance with standardized recommendations as outlined by the USFWS for the protection of San Joaquin Kit Fox. | Not more than 14 days before the start of ground disturbance for subject individual specific development proposal.<br><br>During project construction of subject individual specific development proposal. | City of Visalia | | | Project applicant |

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| proposal at issue. Copies of all reports and communication with the appropriate wildlife agencies shall be submitted to the lead agency as evidence of compliance.<br>The following standardized recommendations as outlined by the USFWS for the protection of San Joaquin Kit Fox shall be implemented during project construction:<br>1. 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. Nighttime 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.<br>2. 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 Game (CDFG) shall be contacted as noted under measure 13 referenced below. | | | | | | |

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| 3. 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 moved only once to remove it from the path of construction activity, until the fox has escaped.<br>4. 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.<br>5. No firearms shall be allowed on the project site.<br>6. 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.<br>7. 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 | | | | | | |

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| 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.<br>8. 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.<br>9. 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 the previously referenced | | | | | | |

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| people and anyone else who may enter the project site.<br>10. 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.<br>11. 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.<br>12. 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 the CDFG immediately in the case of a dead, injured or entrapped kit fox.<br>13. The Sacramento Fish and Wildlife Office and CDFG 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.<br>14. 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 kit fox was observed should also be provided to the Service at the address below. | | | | | | |

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| **MM BIO-1e: Protection of Active Bird Nests (includes pre-construction survey and implementation of avoidance buffer, if found).**<br>1. Removal of trees shall occur in compliance with and as required by the City's Tree Preservation Ordinance.<br>2. If project development requires trees to be removed during the nesting season, pre-construction nesting bird surveys shall be conducted 7 days prior to tree removal to determine whether active nests are present.<br>3. If an active nest is located during pre-construction surveys, a qualified Biologist shall determine an appropriately sized avoidance buffer based on species and anticipated disturbance level. The buffer shall be 250 feet for migratory bird species and 500 feet for raptors. That no-disturbance buffer can be reduced if it is determined whether a qualified on-site monitor determines through monitoring the effects of activities on the nest that the buffer can be reduced without nest abandonment or otherwise affecting nest success.<br>4. The relevant applicant of the proposed development at issue shall physically mark the nest protection zone with Environmentally Sensitive Area fencing, pin flags, and/or yellow caution tape. The nest protection zone shall be maintained around the active nest site(s) until the young have fledged and are foraging independently, as determined by a qualified Biologist. No construction activities or construction foot traffic is allowed to occur | If required, subject project sponsor of each individual development proposal to provide reasonable documentation (e.g., pre-construction survey report) to City of Visalia that a qualified Biologist has been retained as well as provide results of pre-construction surveys.<br><br>If tree removal occurs during the nesting season, conduct pre-construction survey; submit monitoring reports to City of Visalia to document compliance with required protective measures.<br><br>If tree removal to occur outside of nesting season, then no further mitigation under this MM BIO-1e, outside of compliance with the City's Tree Preservation Ordinance, shall be required. | 7 days prior to tree removal, if removal to occur within nesting season. | City of Visalia | | | Project applicant |

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| within the nest protection zones until the young have fledged and are foraging independently, as determined by a qualified Biologist.<br>5. The qualified Biologist shall monitor the active nest(s) periodically during construction activities to prevent any significant impacts that may result from the construction of the proposed project, until the young have fledged. Copies of the survey report shall be submitted to the lead agency as evidence of compliance.<br><br>If no active nests are located, then no minimization measures shall need to be implemented and no further mitigation under this MM BIO-1e shall be required. | | | | | | |
| **MM BIO-1f: Protection of Roosting Bats (includes pre-construction survey and implementation of avoidance buffer, if found).**<br>If tree removal or demolition of existing structures is proposed in connection with project development, trees and/or structures with features capable of supporting roosting bats shall be surveyed by a qualified Biologist for bat roosts or evidence of bat roosting (guano, urine staining and scent, dead bats) not more than 14 days before the start of ground disturbance, including vegetation removal. If active roosts are discovered, a protection zone of no less than 50 feet around the active roost shall be established by the qualified Biologist. Disturbance may occur within the buffer once active roosting ceases, as determined by the qualified Biologist. | Subject project sponsor of each individual development proposal to provide reasonable documentation to City of Visalia that a qualified Biologist has been retained; if active roosts are found, then also provide reasonable documentation (e.g., pre-construction survey report) of compliance with protection zone.<br><br>Subject project sponsor to also submit copies of survey reports and | Not more than 14 days before the start of tree/vegetation removal or demolition of existing structures for subject individual development proposal. | City of Visalia | | | Project applicant |

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| If roosts are determined to be present and must be removed, the bats shall be excluded from the roosting site before the tree or structure is removed. A bat Exclusion Plan shall be reviewed and approved by the California Department of Fish and Wildlife (CDFW) prior to implementation. Exclusion methods may include use of one-way doors at roost entrances (bats may leave, but not reenter), or sealing roost entrances when the site can be confirmed to contain no bats. Exclusion efforts shall be restricted during periods of sensitive activity (e.g., during hibernation or while females in maternity colonies are nursing young). Copies of the survey report shall be submitted to the lead agency as evidence of compliance. If no active roosts are located, then no minimization measures shall need to be implemented and no further mitigation under this MM BIO-1f shall be required. | provide reasonable documentation of compliance with avoidance buffer (if needed); submit CDFW-approved exclusion plan (if required). | | | | | |
| **MM BIO-3:** The project developer shall submit the preliminary Jurisdictional Delineation (JD) and coordinate with the appropriate regulating agencies (Central Valley Regional Water Quality Control Board [RWQCB], California Department of Fish and Wildlife [CDFW] and the United States Army Corps of Engineers [USACE]) to the extent required under applicable laws and regulations to determine whether the Modoc Ditch is protected under Section 404 and 401 of the Clean Water Act (CWA), Porter-Cologne Water Quality Control Act, and/or Fish and Game Code 1602. Additionally, the Project applicant shall submit a notification pursuant to Fish and Game Code section 1602 to assist with review of the submitted delineation materials. | Relevant project sponsor to submit to City of Visalia the jurisdictional delineation. If any CWA Sections 401 and 404 Permits are required for the Modoc Ditch under applicable laws and regulations, then subject project sponsor to obtain same and submit copies to City of Visalia; also submit copy of any required notifications under Section 1602 to | Prior to the fill of any potentially jurisdictional waters or any construction activities within Modoc Ditch that may qualify as jurisdictional. | City of Visalia | | | Project applicant |

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| If Modoc Ditch is considered jurisdictional by the regulating agencies, the relevant project developer shall, in accordance with all applicable laws and regulations, obtain the relevant permit applications based on coordination with the appropriate regulating agencies, if required prior to impacting any waters.<br><br>As part of these authorizations, compensatory mitigation may be required by the regulating agencies to offset the loss of aquatic resources. If so, and as part of the permit application process, a qualified professional shall draft a Mitigation and Monitoring Plan to address implementation and monitoring requirements under the permit(s) to ensure that the subject development proposal would result in no net loss of habitat functions and values. The Plan shall contain, at a minimum, mitigation goals and objectives, mitigation location, a discussion of actions to be implemented to mitigate the impact, monitoring methods and performance criteria, extent of monitoring to be conducted, actions to be taken in the event that the mitigation is not successful, and reporting requirements. The Plan shall be approved by the appropriate regulatory agencies and compensatory mitigation shall take place either on-site or at an appropriate off-site location, if required. Copies of the Plan and associated report shall be submitted to the lead agency as evidence of compliance.<br><br>Any material/spoils generated from project activities containing hazardous materials shall be located away from jurisdictional areas or special-status habitat and protected from stormwater | City of Visalia to document compliance.<br><br>If required, subject project sponsor to submit copy of approved Mitigation and Monitoring Plan and associated report to City of Visalia.<br><br>Subject project sponsor to also submit copy of approved SWPPP and reasonable documentation of compliance with identified protection measures. | Promptly upon receipt of approved Plan.<br><br>Promptly upon receipt of approved SWPPP. | | | | |

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| runoff using temporary perimeter sediment barriers such as berms, silt fences, fiber rolls, covers, sand/gravel bags, and straw bale barriers, as appropriate and feasible. Protection measures should follow project-specific criteria as developed in a Storm Water Pollution Prevention and Protection Plan (SWPPP).<br><br>Equipment containing hazardous liquid materials shall be stored on impervious surfaces or plastic ground covers to prevent any spills or leakage from contaminating the ground and at least 50 feet outside the delineated boundary of jurisdictional water features.<br><br>Any spillage of material shall be stopped if it can be done safely and in a feasible manner. In the event of any such spillage, the contaminated area shall be cleaned by the party responsible for the spillage, and any contaminated materials properly disposed. For all spills, the project foreman or designated environmental representative shall be notified. | | | | | | |
| **3.5 Cultural Resources** | | | | | | |
| **MM CUL-1: Archaeological Spot-Monitoring and Halt of Construction Upon Encountering Historical or Archaeological Materials**<br>Prior to any ground disturbance in connection with project development, a surface inspection of the relevant portion(s) of the project site shall be conducted by a qualified Archaeologist; a Tribal Monitor/Cultural Staff from a culturally affiliated Native American tribe identified by the Native American Heritage Commission (NAHC) shall be permitted to observe, subject to an executed | Subject project sponsor to provide to City of Visalia reasonable documentation demonstrating retention of a qualified Archaeologist to conduct surface inspection as well as qualified archaeological monitor to observe same and | Prior to any ground disturbance in connection with project development of an individual specific development proposal. | City of Visalia | | | Project applicant |

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| agreement between the Tribe and the relevant applicant (as noted below). The Archaeologist (and Tribal Monitor/Cultural Staff, subject to an executed agreement with the relevant applicant) shall monitor the relevant portion(s) of the project site during initial ground disturbance activities that occur in connection with the subject proposal.<br><br>The relevant applicant shall offer, in good faith and based on commercially reasonable terms, a culturally affiliated Native American tribe identified by the NAHC the opportunity to provide a Native American Monitor during ground-disturbing activities that occur in connection with the subject proposal. Tribal participation would be dependent upon the availability and interest of the Tribe as well as the parties being able to reach mutually acceptable terms. | initial ground disturbance activities (subject to a mutually acceptable agreement being executed between monitor and applicant). | | | | | |
| In addition, the relevant applicant shall with diligence and good faith coordinate with the Tribal Monitor/Cultural Staff to enter into an agreement on commercially reasonable terms wherein the Tribal Monitor/Cultural Staff shall provide pre-project-related activities training to supervisory personnel and any excavation contractor, which shall include information on potential cultural material finds and on the procedures to be enacted if Tribal Cultural Resources (TCRs) are found. Subject to such an executed agreement, the Tribal Monitor/Cultural Staff shall provide the foregoing activities prior to any ground disturbance in connection with an individual specific development proposal. | In the event of a find, subject project sponsor and its qualified Archaeologist to coordinate, as appropriate, with City of Visalia and consulting tribe, and provide results of any further study including reasonable documentation of compliance with any required protective measures. | If required, promptly after the find. | | | | |

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| In the event that TCRs are discovered during project-related subsurface construction activities, operations shall stop within 100 feet of the find and a qualified Archaeologist shall determine whether the resource requires further study. In consultation with the City of Visalia and consulting tribes, the qualified Archaeologist shall determine the measures that shall be implemented to protect the discovered resources, including, but not limited to, excavation of the finds and evaluation of the finds in accordance with CEQA Guidelines Section 15064.5. Measures may include avoidance, preservation in place, recordation, additional archaeological resting, and data recovery, among other options. Any previously undiscovered resources found during project-related subsurface construction activities shall be recorded on appropriate California Department of Parks and Recreation (DPR) forms and evaluated for significance. No further ground disturbance shall occur in the immediate vicinity of the discovery until approved by the qualified Archaeologist. | | | | | | |
| **MM CUL-2:** Prior to the initiation of ground disturbance activities for project development, the relevant developer shall ensure that all construction personnel conducting ground disturbance at the project site in connection with the subject individual specific development proposal shall be provided a Worker Environmental Awareness Program (WEAP) cultural resources "tailgate" training. The training shall include visual aids, a discussion of applicable laws and statutes relating to archaeological resources, types of resources that may be found | Subject project sponsor to submit reasonable documentation of implementation of WEAP training to City of Visalia. | Prior to the initiation of ground disturbance activities for subject individual specific development proposal. | City of Visalia | | | Project applicant |

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| within the project site, and procedures to be followed in the event such resources are encountered. The training shall be conducted by an Archaeologist who meets the Secretary of the Interior's Professional Qualification Standards for archaeology. Any Native American Monitors or representatives consulting on the proposed project shall be invited to attend and participate in the training session. | | | | | | |
| **MM CUL-3:** In the event that prehistoric or historic-period archaeological resources are encountered during construction in connection with an individual specific development proposal, all construction activities associated therewith within 100 feet of the find shall halt and the City of Visalia and an Archaeologist who meets the Secretary of the Interior's Professional Qualification Standards for archaeology shall be notified by the relevant applicant. Prehistoric archaeological materials may include obsidian and chert flaked stone tools (e.g., projectile points, knives, scrapers) or toolmaking debris; culturally darkened soil ("midden") containing heat-affected rocks, artifacts, or shellfish remains; stone milling equipment (e.g., mortars, pestles, hand stones, or milling slabs); and battered stone tools, such as hammerstones and pitted stones. Historic period materials might include stone, concrete, or adobe footings and walls; filled wells or privies; and deposits of metal, glass, and/or ceramic refuse.<br><br>The Archaeologist shall inspect the findings within 24 hours of discovery or as soon thereafter as is reasonable and commercially practicable. If it is | If find is encountered, subject project sponsor to submit to City of Visalia reasonable documentation of implementation of any required Treatment Plan and/or any required mitigation measures, as identified by the qualified Archaeologist; also provide related reports. | Promptly upon encountering prehistoric or historic archaeological resources. | City of Visalia | | | Project applicant |

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| determined that the construction associated with the subject individual specific development proposal could significantly damage a historical resource or a unique archaeological resource (as defined pursuant to the CEQA Guidelines), mitigation shall be implemented in accordance with Public Resources Code Section 21083.2 and Section 15126.4 of the CEQA Guidelines, with a preference for preservation in place. If avoidance is not feasible, a qualified Archaeologist shall prepare and the relevant applicant shall implement a detailed treatment plan in consultation with the City of Visalia. Treatment of unique archaeological resources shall follow the applicable requirements of Public Resources Code Section 21083.2. Treatment for most resources would consist of (but would not be limited to) sample excavation, artifact collection, site documentation, and historical research, with the aim to target the recovery of important scientific data contained in the portion(s) of the significant resource to be impacted by the proposed project. The treatment plan shall include provisions for analysis of data in a regional context, reporting of results within a timely manner, curation of artifacts and data at an approved facility, and dissemination of reports to local and State repositories, libraries, and interested professionals. | | | | | | |
| **MM CUL-4:** In the event of the accidental discovery or recognition of any human remains during ground disturbance activities in connection with an individual specific development proposal, CEQA Guidelines Section 15064.5, Health and Safety Code Section 7050.5, and Public Resources Code Sections | If applicable due to an accidental discovery, subject project sponsor to provide reasonable documentation of compliance with required | Promptly upon any accidental discovery. | City of Visalia | | | Project applicant |

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| 5097.94 and 5097.98 shall be followed by the relevant applicant. Specifically, the following steps shall be taken:<br>1. There shall be no further excavation or disturbance within 100 feet of the remains until the County Coroner is contacted to determine whether the remains are Native American and if an investigation of the cause of death is required. If the Coroner determines the remains to be Native American, the Coroner shall contact the Native American Heritage Commission (NAHC) within 24 hours, and the NAHC shall identify the person or persons it believes to be the Most Likely Descendant (MLD) of the deceased Native American. The MLD may make recommendations to the landowner or the person responsible for the excavation work within 48 hours, for means of treating or disposing of, with appropriate dignity, the human remains, and any associated grave goods as provided in Public Resource Code Section 5097.98.<br>2. Where any of the following conditions occur, the landowner or his or her authorized representative shall rebury the Native American human remains and associated grave goods with appropriate dignity, either in accordance with the recommendations of the MLD or on the project site in a location not subject to further subsurface disturbance:<br>• The NAHC is unable to identify an MLD.<br>• The identified MLD fails to make a recommendation within 48 hours after being notified by the commission. | mitigation measure, including, among others, incorporation of same into plans. | | | | | |

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| • The landowner or his or her authorized representative rejects the recommendation of the identified MLD and mediation by the NAHC fails to provide measures acceptable to the landowner.<br><br>Additionally, California Public Resources Code Section 15064.5 requires the following relative to Native American remains:<br>• When an initial study identifies the existence of, or the probable likelihood of, Native American remains within a project, a lead agency shall work with the appropriate Native Americans as identified by the NAHC as provided in Public Resources Code Section 5097.98. Each relevant applicant in connection with its individual specific development proposal may develop a plan for treating or disposing of, with appropriate dignity, the human remains and any items associated with Native American burials with the appropriate Native Americans as identified by the NAHC. | | | | | | |
| **3.7 Geology and Soils** | | | | | | |
| **MM GEO-1:** Prior to issuance of the grading permit for each project development, the final grading, foundation, and construction plans for the subject proposal shall incorporate all the site-specific earthwork, foundation, floor slab, lateral earth pressure, and pavement design recommendations, as detailed in a Geotechnical Evaluation prepared by a qualified Geotechnical Engineer. The final grading and construction plans for the subject individual | Subject project sponsor to submit project plans to City of Visalia to verify compliance with this mitigation measure by its incorporation into relevant plans. | Prior to issuance of the grading permit for subject individual development proposal. | City of Visalia | | | Project applicant |

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| specific development shall be reviewed by the City-approved Geotechnical Engineer to confirm compliance with this mitigation measure. Grading operations performed in connection with the subject individual specific development proposal shall satisfy all applicable recommendations included in the Geotechnical Evaluation.<br><br>During construction performed in connection with the specific development, the City-approved Geotechnical Engineer shall monitor this construction to ensure the earthwork operations are properly performed in accordance with the foregoing requirements. | Periodically during construction of subject individual specific development proposal (approx. once per quarter), sponsor to submit monitoring report from the qualified Geotechnical Engineer to City of Visalia. | | | | | |
| **MM GEO-2:** In order to reduce on-site erosion due to project construction and operation, an erosion control plan and Storm Water Pollution Prevention Plan (SWPPP) shall be prepared for the site preparation, construction, and post-construction periods by a registered civil engineer or certified professional. The erosion control plan shall incorporate Best Management Practices (BMPs) consistent with the requirements of the National Pollutant Discharge Elimination System (NPDES). The erosion component of the plan must at least meet the requirements of the SWPPP required by the Central Valley Regional Water Quality Control Board (RWQCB). If earth-disturbing activities are proposed between October 15 and April 15, these activities shall be limited to the extent feasible to | Subject project sponsor to obtain SWPPP and provide to City of Visalia detailed project plans to verify incorporation of BMPs and any additional erosion control measures.<br><br>City of Visalia to monitor erosion control plan and SWPPP components per applicable laws and regulations. | Prior to issuance of any grading permit for subject individual specific development proposal and during construction of same. | City of Visalia | | | Project applicant |

| Mitigation Measures | Method of Verification | Timing of Verification | Responsible for Verification | Verification of Completion | | Party Responsible for Implementing Mitigation |
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| minimize potential erosion-related impacts. Additional erosion control measures may be implemented in consultation with the City of Visalia. Prior to the issuance of any permit, the project proponent shall submit detailed plans to the satisfaction of the City of Visalia. The components of the erosion control plan and SWPPP shall be monitored for effectiveness by the City of Visalia. Erosion control measures may include, but not be limited to, the following:<br>i. Limit disturbance of soils and vegetation disturbance removal to the minimum area necessary for access and construction;<br>ii. Confine all vehicular traffic associated with construction to the right-of-way of designated access roads;<br>iii. Adhere to construction schedules designed to avoid periods of heavy precipitation or high winds;<br>iv. Ensure that all exposed soil is provided with temporary drainage and soil protection when construction activity is shut down during the winter periods; and<br>v. Inform construction personnel prior to construction and periodically during construction activities of environmental concerns, pertinent laws and regulations, and elements of the proposed erosion control measures. | | | | | | |
| **MM GEO-3:** In the event a fossil is discovered during construction performed in connection with project development, the relevant project developer/contractor shall cease ground-disturbing | In the event of a find, then subject project sponsor to provide to City of Visalia project | Promptly upon a find during construction activities of subject | City of Visalia | | | Project applicant |

| Mitigation Measures | Method of Verification | Timing of Verification | Responsible for Verification | Verification of Completion | | Party Responsible for Implementing Mitigation |
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| activities within 15 feet of the find. The qualified Paleontologist shall evaluate the significance of the resources and recommend appropriate treatment measures which shall be implemented by the relevant applicant. In addition, all recovered fossils should be deposited in an appropriate repository, such as the University of California Museum of Paleontology, located on the campus of the University of California, Berkeley, where they will be properly curated and made accessible for future study. | plans to verify mitigation measure is incorporated into plans. | individual specific development proposal. | | | | |
| **3.8 Greenhouse Gas Emissions** | | | | | | |
| **MM GHG-2a: Solar Photovoltaic System** Prior to issuance of the first building permit in connection with an individual specific development proposal, the City of Visalia shall confirm that the subject proposal has been designed to include the following: The building shall be designed to include a solar photovoltaic (PV) system in accordance with 2022 Building Energy Efficiency Standards (Energy Code) Section 140.10. The required solar PV system shall be sized based on calculations provided in Section 140.10(a) of the Energy Code, which includes a number of factors such as the amount of conditioned space. Unconditioned buildings, except unoccupied or unused first-time tenant improvement spaces do not need to be part of the solar sizing calculations. All buildings required to have a solar PV system pursuant to this MM GHG-2a must also have a battery storage system. | Subject project sponsor to provide to City of Visalia site plans to verify incorporation of solar photovoltaic system. | Prior to issuance of the first building permit for subject individual development proposal. | City of Visalia | | | Project applicant |
| **MM GHG-2b:** Warehouse usage shall be limited to dry storage. If the warehouse is used for cold | If required due to cold storage, subject project | Prior to the issuance of the occupancy permit for | City of Visalia | | | Project applicant |

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| storage, then prior to the issuance of occupancy permits, the City of Visalia shall confirm that tenant lease agreements include contractual language that requires all Transport Refrigeration Units (TRUs) entering the project site be plug-in capable. Electrical hookups shall be provided as part of the tenant improvements for any tenant that requires cold storage. The electrical hookups shall be provided at loading bays for truckers to plug in any onboard auxiliary equipment and power refrigeration units while their truck is stopped. | sponsor to submit reasonable document to City of Visalia to confirm lease agreements include TRUs be plug-in capable.<br><br>City of Visalia to conduct site inspection to verify same. | subject individual development proposal. | | | | |
| **3.9 Hazards and Hazardous Material** | | | | | | |
| **MM HAZ-1**<br>(a) Any known wells on the project site shall be delineated on an engineered site plan with a minimum 10-foot radius no build area.<br>(b) In the event that any abandoned or unrecorded wells are uncovered or damaged during excavation or grading activities, all work shall cease in the vicinity of the well, and the California Department of Conservation Geologic Energy Management (CalGEM), shall be contacted for requirements and approval; copies of said approvals shall be submitted to the City of Visalia Planning and Community Preservation Department. CalGEM may determine that remedial plugging operations may be required.<br>(c) The following note shall appear on all final maps and grading plans: "If during grading or construction, any plugged and abandoned or unrecorded wells are uncovered or damaged, | If required due to presence of wells, subject project sponsor to provide to City of Visalia site plans, as well as copies of any approvals required under applicable laws and regulations. | If known well, then documentation to be provided on site plan, to occur prior to the issuance of any grading permits.<br><br>Promptly upon discovery of abandoned or unrecorded well during excavation or grading activities. | City of Visalia | | | Project applicant |

| Mitigation Measures | Method of Verification | Timing of Verification | Responsible for Verification | Verification of Completion | | Party Responsible for Implementing Mitigation |
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| CalGEM will be contacted to inspect and approve any remediation required. | | | | | | |
| **3.12 Hydrology and Water Quality** | | | | | | |
| **MM HYD-3:** Implement MM GEO-2. | Refer to MM GEO-2 | Refer to MM GEO-2 | Refer to MM GEO-2 | | | Project applicant |
| **3.12 Noise** | | | | | | |
| **MM NOI-1:**<br>(a) Prior to the issuance of building permit for a drive-through car wash, an in-depth acoustical study prepared by a qualified acoustic professional shall be submitted for review and approval to the City of Visalia Planning and Community Preservation Department that demonstrates that the design and operations of a proposed drive-through car wash would not result in exceedances of the Visalia Municipal Code's applicable daytime and nighttime noise limits for residential land uses. The study shall evaluate factors such as:<br>• The location and orientation of noise-generating equipment, such as dryer blowers and vacuums.<br>• The location and orientation of the drive-through car wash tunnel.<br>• The hours of operation.<br>• The location of the drive-through car wash on the project site.<br><br>(b) Based on the results of the acoustical study, the project applicant shall be required to incorporate, at a minimum, design features or | Subject project sponsor to submit for review and approval to City of Visalia the required in-depth acoustical study, as well as site plans to verify incorporation of design features or reduction measures. | Prior to the issuance of building permit for a drive-through car wash. | City of Visalia | | | Project applicant |

| Mitigation Measures | Method of Verification | Timing of Verification | Responsible for Verification | Verification of Completion | | Party Responsible for Implementing Mitigation |
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| reduction measures to reduce any identified operational noise impact to meet applicable noise performance criteria. These reduction measures shall be included on all relevant plans, specifications, and other permitting documents. Measures and design features may include, but are not limited to the following:<br>• Locating the car wash facility further away from sensitive receptors, therefore reducing its noise impacts at nearby residential land uses.<br>• Orienting the facility so that the carwash exit (where the drying blowers would be located) is located facing away from nearby residential land uses.<br>• Providing sound blankets to hang around the edge of the carwash exit tunnel to help shield the dryer blower noise.<br>• Locating the dryer blowers further inside the car wash tunnel to help shield the dryer blower noise.<br>• Providing screening, such as a structure or sound wall, to shield the carwash exit where the dryer blowers would be located from nearby residential land uses. | | | | | | |
| **MM NOI-2:**<br>(a) When specific uses within the project area are proposed that could result in a noise-related conflict between an industrial or other stationary noise source and existing or future noise-sensitive receptors, an acoustical analysis shall be required by the City that quantifies the proposed use's operational noise levels and | If required due to potential noise-related conflict, then subject project sponsor to submit to City of Visalia the required acoustical analysis, as well as site plans to verify | Prior to issuance of building permit for proposed use that could result in noise-related conflict. | City of Visalia | | | Project applicant |

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| recommends appropriate reduction measures, as necessary, to achieve compliance with the City's noise standards. The analysis shall be prepared by a qualified acoustic professional. All recommended design features or reduction measures shall be noted on plans, specifications, and other relevant permitting documents prior to the issuance of building permits.<br>(b) Based on the results of the acoustical study, the project applicant shall be required to incorporate, at a minimum, design features or reduction measures to reduce any identified operational noise impact to meet applicable noise performance criteria. Reduction measures and design features may include, but are not limited to the following:<br>• Locating the warehouse facility further away from sensitive receptors, therefore reducing its noise impacts at nearby residential land uses.<br>• Orienting the facility so that the warehouse truck loading/unloading areas are located facing away from nearby residential land uses.<br>• Providing gasket loading dock doors to help shield truck loading and unloading noise.<br>• Providing screening, such as a structure or sound wall, to shield truck loading and unloading areas from nearby residential land uses. | incorporation of any required design features or reduction measures. | | | | | |

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| **3.14 Transportation** | | | | | | |
| **MM TRANS-1:** Prior to the issuance of building permits, the project shall comply with the City's Active Transportation Plan (ATP) and dedicate 28 feet for a pedestrian trail along the south side of Modoc Ditch. | Subject project sponsor to provide to City of Visalia construction plans to verify compliance with ATP and offer of dedication. | Prior to the issuance of the first building permit for relevant individual specific development proposal. | City of Visalia | | | Project applicant |
| **MM TRANS-2:** Prior to the issuance of building permits, the developer shall appropriate Storm Drainage and Waterways impact fees. | Subject project sponsor to provide reasonable documentation to City of Visalia to verify payment of impact fees required for subject individual specific development proposal. | Prior to the issuance of the building permit for each individual specific development proposal. | City of Visalia | | | Project applicant |
| **MM TRANS-3:** Plaza Drive and Riggin Avenue: Prior to occupancy of Phase 2, the proposed project shall provide site plans that show modification of the raised median to extend the existing westbound left-turn pocket by 100 feet, to provide a 400-foot left-turn pocket. The existing northbound right-turn stripe shall be extended to 300 feet. These improvements shall occur when construction of the proposed project's Phase 2 846,920 square feet is complete, as shown in the table included in this MM TRANS-3. The project proponent shall be financially responsible for these improvements. "Financially responsible" shall equate to implementing the project as well as paying for the project. | Subject project sponsor to provide City of Visalia with site plans to show required modification. City of Visalia to conduct site inspection to confirm installation of required improvements. | For provision of site plan, to occur prior to the issuance of Phase 2 grading permits. Completion is required prior to issuance of Phase 2 occupancy permit. | City of Visalia | | | Project applicant |

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<tr><td>Phase 2</td><td>846,920</td><td>Light Industrial (Buildings 3, 4, and 7)<br>Gas Station/Convenience Market (with 12 vehicle fueling stations)<br>Fast-food Restaurant (with Drive-through)<br>Car Wash</td></tr>
<tr><td>Phase 3</td><td>230,800</td><td>Light Industrial (Buildings 5, 6, and 8)<br>Flex Industrial<br>Mini-Storage (with RV parking)</td></tr>
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</td><td></td><td></td><td></td><td>Date</td><td>Initial</td><td></td></tr>
<tr><td>MM TRANS-4: Shirk Street and Riggin Avenue: Prior to occupancy of Phase 1, the proposed project shall provide dual northbound left-turn pockets (300-foot minimum) and a 300-foot minimum southbound left-turn pocket. Since a 300-foot eastbound right-turn pocket would already be installed by the Capital Improvement Plan (CIP) project, additional recommendations are not proposed. These improvements shall occur when construction of the proposed project’s Phase 1 1,864,680 square feet is complete, as shown in the table included in this MM TRANS-4. The project’s contribution into the Transportation Impact Fees (TIF) will assist in paying for these improvements.</td><td>Subject project sponsor to provide City of Visalia with site plans to verify incorporation of required improvements, as well as reasonable documentation to verify payment of applicable TIF fees for subject individual specific development proposal.<br><br>City of Visalia to conduct site inspection to confirm</td><td>Commencement of construction to occur prior to issuance Phase 1 grading permit.</td><td>City of Visalia</td><td></td><td></td><td>Project applicant</td></tr>
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</td><td>installation of required improvements.</td><td></td><td></td><td></td><td></td><td></td></tr>
<tr><td>MM TRANS-5: Shirk Street and Ferguson Avenue: Prior to the issuance of final occupancy of any project area, the proposed project shall signalize the intersection, subject to pro rata cost sharing with the adjacent Carlton Acres Specific Plan project. This improvement would allow the intersection to operate at an acceptable Level of Service (LOS) for the deficient scenarios, while reducing the vehicles queues for all intersection turn pockets below the storage capacity. Costs of implementing MM TRANS-5 are expected to be shared by Carlton Acres Specific Plan (CASP) and the proposed project as it provides access to both sites.</td><td>Subject project sponsor to provide City of Visalia with site plans to verify incorporation of required improvements.<br><br>City of Visalia to conduct site inspection to confirm installation of required improvements</td><td>To be completed prior to the issuance of Phase 1 occupancy permit.</td><td>City of Visalia</td><td></td><td></td><td>Project applicant</td></tr>
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| **MM TRANS-6:** Roeben Street and Ferguson Avenue: Prior to final occupancy of any portion of Phase 3, the proposed project shall make a 26.2 percent fair share contribution toward signalizing this intersection. Based on the estimated signalization and interconnect cost of $500,000, the proposed project shall contribute up to $131,000 for these future improvements. | Subject project sponsor to provide reasonable documentation of required payment. | Prior to issuance of Phase 3 occupancy permit. | City of Visalia | | | Project applicant |
| **MM TRANS-7:** Akers Street and Riggin Avenue: The proposed project shall provide an additional northbound left-turn pocket and through lane and provide an additional eastbound/westbound through lane. Costs of implementing MM TRANS-7 are expected to be shared by Carlton Acres Specific Plan (CASP), the proposed project, and others as it provides access to multiple sites under development. | Subject project sponsor to provide to City of Visalia site plans to verify incorporation of required improvements.<br><br>City of Visalia to conduct site inspection to confirm installation of required improvements. | To be completed prior to issuance of Phase 1 occupancy permit. | City of Visalia | | | Project applicant |
| **MM TRANS-8:** Akers Street and Ferguson Avenue: The proposed project shall provide an additional northbound/southbound through lane and right-turn pocket (150-foot minimum) and provide an eastbound right-turn pocket (150-foot minimum). Costs of implementing MM TRANS-8 are expected to be shared by Carlton Acres Specific Plan (CASP) and the proposed project as it provides access to both sites. | Subject project sponsor to provide to City of Visalia site plans to verify incorporation of required improvements.<br><br>City of Visalia to conduct site inspection to confirm installation of required improvements. | To be completed prior to issuance of Phase 2 occupancy permit. | City of Visalia | | | Project applicant |
| **MM TRANS-9:** Akers Street and Goshen Avenue: The proposed project shall modify the raised median to extend the existing southbound left-turn pocket to 400 feet. It is not recommended to exceed | Subject project sponsor to provide to City of Visalia site plans to verify incorporation of required | To be completed prior to issuance of Phase 2 occupancy permit. | City of Visalia | | | Project applicant |

| Mitigation Measures | Method of Verification | Timing of Verification | Responsible for Verification | Verification of Completion | | Party Responsible for Implementing Mitigation |
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| this length further in order to maintain access to the existing driveway north of the intersection. The existing southbound right-turn stripe shall be extended to 400 feet minimum. Costs of implementing MM TRANS-9 are expected to be shared by Carlton Acres Specific Plan (CASP) and the proposed project as it provides access to both sites. | improvements.<br><br>City of Visalia to conduct site inspection to confirm installation of required improvements. | | | | | |
| **MM TRANS-10a:** Prior to the issuance of building permits, the site plan shall include the location of up to six secured bicycle storage lockers near each of the buildings entrances and the future transit stop. Up to 10 potential locations shall be included, for a total of up to 60 lockers throughout the site.<br><br>Lockers shall be provided for approximately 1.5 percent of the 4,178 site's daily employees with flexibility to add future lockers based on demand. | Subject project sponsor to provide to City of Visalia site plans to verify incorporation of required improvements. | Prior to the issuance of building permits for each individual specific development proposal. | City of Visalia | | | Project applicant |
| **MM TRANS-10b:** Prior to final occupancy of any portion of Phase 1, the developer shall construct a bike path along Modoc Ditch, between Kelsey Street and Shirk Street (approximately 1 mile). The existing Class I bike path along Modoc ditch runs to the east of the proposed project, between Dinuba Boulevard and the St. John's River Trail. The Carlton Acres Specific Plan (CASP) project also proposed to construct a portion of the Class I path within the site. Therefore, the bike path shall connect to a new path proposed within the CASP site and future segments to the east and west. This mitigation is subject to contractability and approval by the Modoc Ditch Company. | Subject project sponsor to provide to City of Visalia site plans to verify incorporation of required improvements.<br><br>City of Visalia to conduct site inspection to confirm installation of required improvements. | Prior to issuance of Phase 1 first occupancy permit. | City of Visalia | | | Project applicant |
| **MM TRANS-11:** Prior to the issuance of construction permits, the project developer shall | Subject project sponsor to submit to City of | Prior to the issuance of grading street | City of Visalia | | | Project applicant |

| Mitigation Measures | Method of Verification | Timing of Verification | Responsible for Verification | Verification of Completion | | Party Responsible for Implementing Mitigation |
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| prepare and submit a Construction Traffic Control Plan to the City of Visalia for approval and implement the approved Construction Traffic Control Plan during construction. The Construction Traffic Control Plan shall be prepared in accordance with both the California Department of Transportation Manual on Uniform Traffic Control Devices and Work Area Traffic Control Handbook and shall include, but not be limited to, the following issues:<br>a. Timing of deliveries of heavy equipment and building materials;<br>b. Directing construction traffic with a flag person;<br>c. Placing temporary signing, lighting, and traffic control devices if required, including, but not limited to, appropriate signage along access routes to indicate the presence of heavy vehicles and construction traffic;<br>d. Ensuring access for emergency vehicles to the project site;<br>e. Temporarily closing travel lanes or delaying traffic during materials delivery, transmission line stringing activities, or any other utility connections;<br>f. Maintaining access to adjacent property; and,<br>g. Specifying both construction-related vehicle travel and oversize load haul routes, minimizing construction traffic during the AM and PM peak-hour, distributing construction traffic flow across alternative routes to access the project sites, and avoiding residential neighborhoods to the maximum extent feasible. | Visalia Traffic Control Plan for review and approval. | improvement permits for each individual specific development proposal in Phases 1, 2, and 3. | | | | |

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| **3.15 Utilities and Service Systems** | | | | | | |
| **MM UTIL 1: Debris and waste generated shall be recycled to the extent feasible.**<br>The provisions listed below shall apply to the project during construction activities in connection with project development.<br>a. An on-site Recycling Coordinator shall be designated by the project proponent/contractor to facilitate recycling.<br>b. The Recycling Coordinator shall facilitate recycling of all construction waste through coordination with contractors, local waste haulers, and/or other facilities that recycle construction/demolition wastes.<br>c. The on-site Recycling Coordinator shall also be responsible for ensuring wastes requiring special disposal are handled according to State and County regulations that are in effect at the time of disposal.<br>d. Contact information of the coordinator shall be provided to the City of Visalia prior to issuance of building permits.<br>e. The project proponent/operator shall provide a storage area for recyclable materials within the fenced project area that is clearly identified for recycling. This area shall be maintained on the site during construction and operations. A site plan showing the recycling storage area shall be submitted prior to the issuance of any grading or building permit for the site. | Subject project sponsor to provide reasonable documentation to City of Visalia to verify retention of a Recycling Coordinator, and site plans demonstrating a recycling storage area. | During construction activities of each individual specific development proposal. | City of Visalia | | | Project applicant |

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RESOLUTION NO. 2025-06

A RESOLUTION BY THE PLANNING COMMISSION OF THE CITY OF VISALIA RECOMMENDING APPROVAL OF INITIATION OF PROCEEDINGS FOR ANNEXATION NO. 2024-03: A REQUEST TO ANNEX THREE PARCELS TOTALING APPROXIMATELY 284 ACRES INTO THE CITY LIMITS OF VISALIA. THE ANNEXATION REQUEST INCLUDES AUTHORIZING THE DETACHMENT FROM COUNTY SERVICE AREA NO. 1 IN ACCORDANCE WITH STATE AND COUNTY REQUIREMENTS AND AUTHORIZING THE CITY MANAGER TO SIGN AND ENTER INTO A PRE-ANNEXATION AGREEMENT AND A DEVELOPMENT AGREEMENT. THE PROPOSED PROJECT IS LOCATED ON APPROXIMATELY 284 ACRES, ON THE NORTH SIDE OF RIGGIN AVENUE BETWEEN SHIRK STREET AND KELSEY STREET. (APN: 077-840-004, 005, 006)

**WHEREAS**, the project proponents approve to initiate proceedings for annexation to said city of territory described on the attached legal description and annexation map included as Attachment “A” of this resolution; and

**WHEREAS**, the proponent desires to annex said territory to the City of Visalia for the following reasons: 1) The annexation will contribute to and facilitate orderly growth and development of both the City and the territory proposed to be annexed; 2) The annexation will facilitate and contribute to the proper and orderly layout, design and construction of streets, gutters, sanitary and storm sewers and drainage facilities, both within the City and within the territory proposed to be annexed; and 3) The annexation will provide and facilitate proper overall planning and zoning of lands and subdivision of lands in said City and said territory in a manner most conducive of the welfare of said City and said territory; and

**WHEREAS**, this proposal is made pursuant to the Cortese-Knox-Hertzburg Local Government Reorganization Act of 2000, commencing with Section 56000 of the Government Code of the State of California; and

**WHEREAS**, the territory proposed to be annexed is uninhabited; and

**WHEREAS,** the territory proposed to be annexed is located in Voting District 3 as identified in the Election District Map adopted by the City Council on February 22, 2022, per Resolution No. 2022-11; and

**WHEREAS,** the Draft Environmental Impact Report (Draft EIR) for the Shirk & Riggin Industrial Park Project, which considered impacts from Annexation No. 2024-03, was released on April 11, 2024, for circulation for a period of 45 days, ending on May 28, 2024; and,

**WHEREAS,** the Final EIR was released on January 17, 2025, and consists of the Draft EIR and the revisions of, and additions to, the Draft EIR; the written comments and recommendations received on the Draft EIR; the written responses of the City of Visalia to significant environmental points raised in the review and consultation process; errata to the foregoing; and other information added by the City of Visalia as specified in the record; and

**WHEREAS,** the California Environmental Quality Act (CEQA) required that, in connection with the approval of a project for which an EIR has been prepared that identified one or more significant effects, the decision making body makes certain findings regarding those effects, which in full are contained in Resolution No. 2025-05 pertaining to the certification of the Final EIR prepared for the Shirk & Riggin Industrial Park Project; and,

**WHEREAS**, the Planning Commission of the City of Visalia, after a duly published notice, did reviewed this proposal and hold a public hearing on February 10, 2025, and found it to be consistent with the General Plan.

**NOW, THEREFORE, BE IT RESOLVED,** that the Planning Commission of the City of Visalia finds that Final EIR for the Shirk & Riggin Industrial Park Project, State Clearinghouse No. 2022080658, was prepared consistent with the California Environmental Quality Act and City of Visalia Environmental Guidelines.

**BE IT FURTHER RESOLVED** that the Planning Commission of the City of Visalia recommends that the City Council approve Annexation No. 2024-03, and makes the following specific findings with regards to the project:

1. That the Annexation is consistent with the intent of the General Plan and Zoning Ordinance, and is not detrimental to the public health, safety, or welfare, or materially injurious to properties or improvements in the vicinity.
2. That the proposed Annexation, which will re-designate 280 acres of AE-40 (Agricultural Exclusive 40-acre) County zone district to Industrial (I) and Light Industrial (I-L) zone, will not impose new land uses or development that will adversely affect the subject site or adjacent properties.
3. That the parcel is located within an Agricultural Preserve and a Lond Conservation Contract, for which a Notice of Non-Renewal has been filed, and which has been approved for Tentative Cancellation by the Tulare County Board of Supervisors subject to the payment of a penalty fee.
4. That the parcel will be annexed into Voting District 3 per the Council Election Voting District Map.
5. That this Annexation is consistent with the project description and the analysis contained in the Final Environmental Impact Report (FEIR) (SCH# 2022080658), specifically for development that is identified and described in the Shirk and Riggin Industrial Park Project, and for which said FEIR is recommended to be certified by the City Council precedent to the Planning Commission and City Council's consideration

of this Annexation request, consistent with the California Environmental Quality Act (CEQA) and City of Visalia Environmental Guidelines.

**NOW, THEREFORE, BE IT FURTHER RESOLVED** that the Planning Commission of the City of Visalia recommends approval to the City Council of the Annexation described in Attachment “A”, subject to the following conditions:

1. Upon annexation, the territory shall be zoned Industrial (I) and Light Industrial (I-L) zone, consistent with the underlying General Plan land use designations as proposed through the General Plan Amendment.
2. That the applicant(s) enter into a Pre-Annexation Agreement with the City which memorializes the required fees, policies, and other conditions applicable to the annexation. The draft Pre-Annexation Agreement is attached herein as Attachment “B” of Resolution No. 2025-06. The agreement is subject to final approval by the City Council of the City of Visalia.
3. That no permits shall be issued for grading or development on the site until the site is completely removed from any applicable Land Conservation Contracts and Agricultural Preserves encumbering the site.
4. That the parcel will be annexed into Voting District 3 per the Council Election Voting District Map.

Exhibit A
City of Visalia
ANNEXATION NO. 2024-03

That portion of the South half of Section 16, Township 18 South, Range 24 East, Mount Diablo Base and Meridian, in the County of Tulare, State of California, being more particularly described as follows:

Beginning at a point on the West line of said Section 16 a distance of 20.00 feet North of the South line thereof, being on the existing City Limit Line;

1. Thence North 0° 02’ 10” West, along said West line, 2606.60 feet more or less to the Centerline of Modoc Ditch;

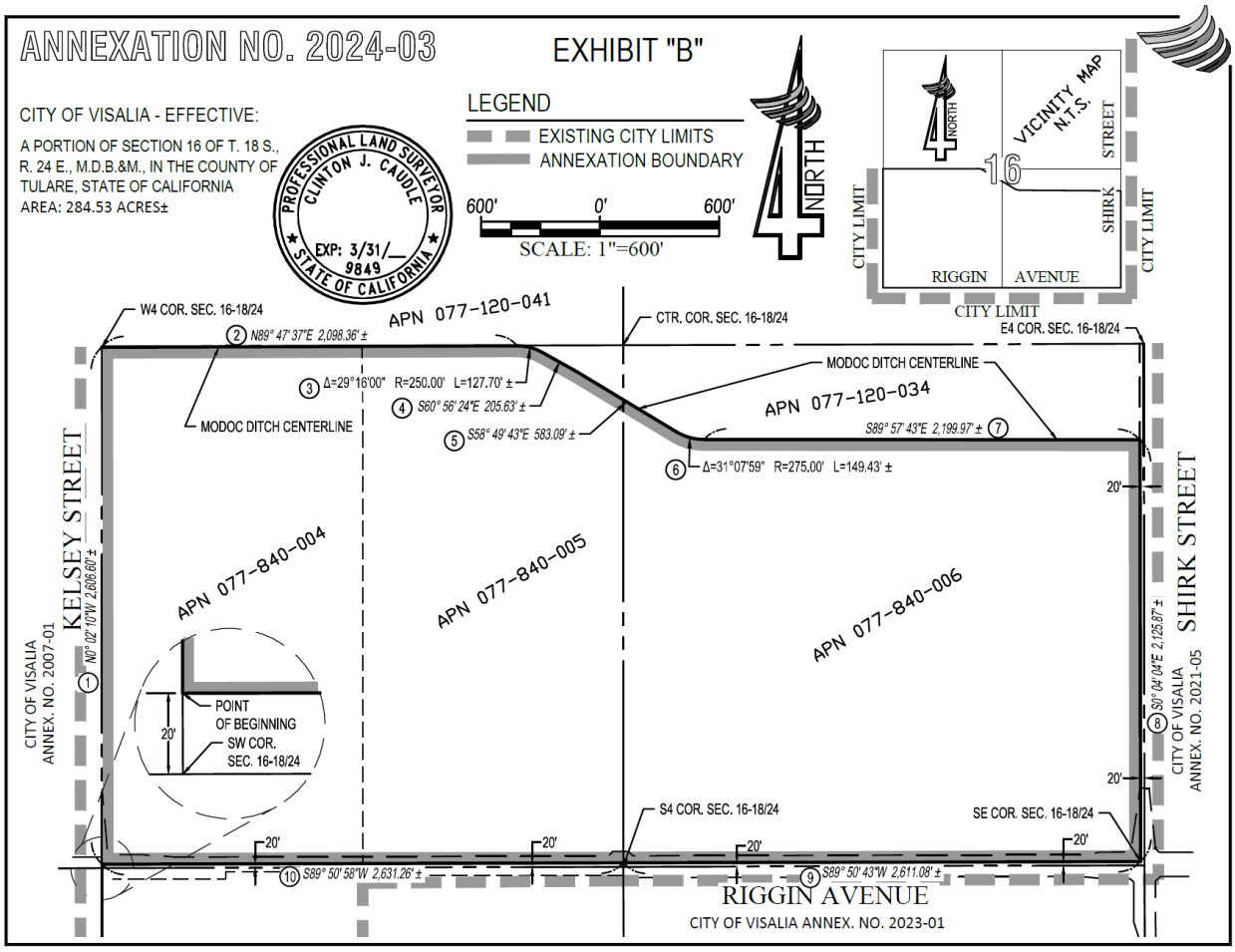
Thence along the Centerline of Modoc Ditch the following six (6) courses:

2. North 89° 47’ 37” East, 2098.36 feet more or less;
3. Southeasterly 127.70 feet more or less along a tangent curve, concave to the Southwest, having a radius of 250.00 feet, and a central angle of 29° 16’ 00”;
4. South 60° 56’ 24” East, 205.63 feet more or less;
5. South 58° 49’ 43” East, 583.09 feet more or less;
6. Southeasterly 149.43 feet more or less along a tangent curve, concave to the Northeast, having a radius of 275.00 feet, and a central angle of 31° 07’ 59”;
7. South 89° 57’ 43” East, 2199.97 feet more or less to a line parallel with and 20.00 feet West of the East line of said Section 16, being the existing City Limit line;
8. Thence South 0° 04’ 04” East, along said parallel line and existing City Limit line, 2125.87 feet more or less to a line parallel with and 20.00 feet North of the South line of said Section 16;
9. Thence South 89° 50’ 43 West, along last said parallel line and existing City Limit line, 2611.08 feet more or less to the West line of the Southeast quarter of said Section 16;
10. Thence South 89° 50’ 58” West, along said last parallel line and existing City Limit line, 2631.26 feet more or less to the Point of Beginning.

Containing 284.53 acres, more or less




ONE SHEET ONLY


ANNEXATION NO. 2024-03
EXHIBIT "B"
CITY OF VISALIA - EFFECTIVE:
A PORTION OF SECTION 16 OF T. 18 S., R. 24 E., M.D.B.&M., IN THE COUNTY OF TULARE, STATE OF CALIFORNIA
AREA: 284.53 ACRES±
PROFESSIONAL LAND SURVEYOR
CLINTON J. CAUDLE
EXP: 3/31/__
9849
STATE OF CALIFORNIA
LEGEND
EXISTING CITY LIMITS
ANNEXATION BOUNDARY
600' 0' 600'
SCALE: 1"=600'
NORTH
VICINITY MAP
N.T.S.
NORTH
16
STREET
SHIRK
CITY LIMIT
CITY LIMIT
RIGGIN
AVENUE
CITY LIMIT
W4 COR. SEC. 16-18/24
APN 077-120-041
CTR. COR. SEC. 16-18/24
E4 COR. SEC. 16-18/24
2 N89° 47' 37"E 2,098.36' ±
3 Δ=29°16'00" R=250.00' L=127.70' ±
4 S60° 56' 24"E 205.63' ±
5 S58° 49' 43"E 583.09' ±
MODOC DITCH CENTERLINE
MODOC DITCH CENTERLINE
APN 077-120-034
S89° 57' 43"E 2,199.97' ± 7
6 Δ=31°07'59" R=275.00' L=149.43' ±
20'
KELSEY STREET
1 N0° 02' 10"W 2,656.60' ±
CITY OF VISALIA
ANNEX. NO. 2007-01
APN 077-840-004
APN 077-840-005
APN 077-840-006
POINT
OF BEGINNING
SW COR.
SEC. 16-18/24
20'
SHIRK STREET
8 S0° 04' 04"E 2,125.87' ±
CITY OF VISALIA
ANNEX. NO. 2021-05
20'
S4 COR. SEC. 16-18/24
SE COR. SEC. 16-18/24
20'
20'
20'
20'
10 S89° 50' 58"W 2,631.26' ±
9 S89° 50' 43"W 2,611.08' ±
RIGGIN AVENUE
CITY OF VISALIA ANNEX. NO. 2023-01

**Pre-Annexation Agreement**

This Pre-Annexation Agreement ("Agreement") is made and entered into this ___ day of _____, 20___, by and among the City of Visalia, a charter law city ("City") and Jeffrey B. Ritchie Family Limited Partners (hereinafter "Owner"). City and Owner are sometimes each individually referred to herein as a "party" and collectively as the "parties."

**RECITALS**

**WHEREAS**, Owner is the record owner of the property, currently located in the unincorporated area of the County of Tulare, legally described in Exhibit A and depicted in Exhibit B, attached hereto (hereinafter referred to as the "Property"); and

**WHEREAS**, the Property is adjacent to and contiguous to the existing corporate boundary of the City, but is not situated within the limits of any municipality; and

**WHEREAS**, Owner desires to have the Property annexed to the City and to have the Property zoned as Light Industrial (I-L) and Industrial (I), as set forth in Chapter 17.22, where the designation would permit the Property to be used for industrial uses and associated improvements (the "Project"). The Project includes all required City-issued discretionary land use approvals necessary for Owner's use of the Project in accordance with the contemplated Prezoning (defined below); and

**WHEREAS**, the Property consists of approximately 280 acres, and is an uninhabited annexation; and

**WHEREAS**, proper applications have been filed with the City for a Resolution of Application to the Tulare County Local Agency Formation Commission ("LAFCO") to initiate proceedings as may be required for the City's annexation of the Property; and

**WHEREAS**, the City has, on _____, adopted a Resolution of Application (City Resolution No. 2024-XX) (the "Resolution") requesting LAFCO to initiate proceedings to annex the Property to the City; and

**WHEREAS**, on June 21, 2004, the City Council of City adopted a General Plan Maintenance Fee effective June 21, 2004; and

**WHEREAS**, in certain annexation proceedings, California Land Conservation Act (hereinafter, the "Williamson Act") issues may arise which may require indemnification of the LAFCO, the County of Tulare, and City and may therefore be required of Owner herein; and

**WHEREAS**, the Resolution requires entry into this Agreement prior to the City submitting an application to LAFCO to commence the proposed annexation; and

**WHEREAS**, Owner acknowledges that, during the term of this Agreement, the Property will be subject to all ordinances, resolutions, and other regulations of the City, as they may be amended from time to time, provided the Property has first been finally annexed to the City, as well as state and federal statutes and regulations, as they may be amended, unless otherwise provided for in this Agreement or agreed to in writing by the parties; and

**WHEREAS**, the City is authorized by its police powers to protect the health, safety and welfare of the community, and is entering into this Agreement and executing such authority for said purpose; and

**WHEREAS**, unless otherwise set forth herein, nothing contained in this Agreement shall constitute a waiver of the City's legislative, governmental, or police powers to promote and protect the health, safety and welfare of the City and its inhabitants, nor shall this Agreement prohibit the enactment or increase by City of any tax, fee, or charge.

**NOW, THEREFORE**, in consideration of the above Recitals and the following Covenants, it is agreed by and between the parties as follows:

## I. AGREEMENT IN GENERAL

A. Parties. The parties to this Agreement are the City and Owner.

B. Incorporation of Recitals. The parties confirm and incorporate the foregoing Recitals into this Agreement.

C. Purpose/Limits of Agreement. A specific purpose of this Agreement is to set forth specific terms and conditions of annexation of the Property to City.

## II. TERMS AND CONDITIONS OF ANNEXATION; PURPOSE OF AGREEMENT

Generally, each party to this Agreement is benefited and burdened by detachment from the County and annexation to the City. Owner will obtain a variety of services from City (including but not limited to potable water, sewer and storm water drainage and treatment, police, and fire services), and City will obtain additional tax revenues. City has adopted ordinances, regulations, and policies concerning design, improvement, construction, development and use of property within the City. Unless otherwise set forth herein, nothing contained in this Agreement shall constitute a waiver of City's legislative, governmental, or police powers to promote and protect the health, safety, and welfare of City and its inhabitants, nor shall this Agreement prohibit the enactment or increase by City of any tax or fee. One purpose of this Agreement is to spell out additional conditions to which Owner will be subject following annexation and prior to development within the City due to the burden placed on City by Owner's desired annexation:

A. Water Acquisition Policy: Although City's current water service provider, California Water Service, continues to issue will-serve letters, City's Council is aware of the steadily decreasing level of water in the City's underground water aquifers and has

determined that increasing development is contributing to this serious problem. Therefore, City's Council has studied the issue and investigated possible solutions in order that it may continue to assure citizens that there will be water available to serve the community's needs. City's Council is actively engaged in water replenishment activities with the Kaweah Delta Water Conservation District and it has adopted a policy, as set forth in Chapter 16.54 of the Visalia Municipal Code, which requires annexation applicants to convey title to water rights to City upon annexation and/or to pay a fee to City (pursuant to an adopted fee schedule) so that City may acquire water for groundwater replenishment and storage in order to serve new development that comes with annexation, including development of the Property (the "Water Acquisition Policy"). Therefore, Owner agrees that, at the time that LAFCO issues a Certificate of Completion finalizing the annexation (and upon the running of all applicable statutes of limitation related thereto), Owner will comply with the Water Acquisition Policy by entering into an agreement with City to either (i) convey to City those water rights vested in the Property, if any, (ii) agree to pay City a fee in lieu thereof, (iii) agree to some combination of an in lieu fee payment and water right conveyance, or (iv) to comply by any other method allowed by the Water Acquisition Policy, provided that such agreement includes a condition precedent requiring City's water supplier to agree to serve the Property with potable water in amount sufficient to meet Owner's reasonably anticipated total water demand for the Property, as determined by a valid water supply assessment prepared pursuant to California Water Code § 10910 *et seq*. No post-annexation permit or entitlement approvals concerning the Property will be issued by City unless and until Owner complies with the Water Acquisition Policy in a manner consistent with this subsection II(A). Owner agrees that it shall identify all water rights which, to the best of Owner's knowledge, have been used by Owner or its agents in connection with the Property, regardless of whether they are considered "vested" in the Property, and shall comply with the Water Acquisition Policy by entering into an agreement with City to convey such rights, if any, to City. City shall cooperate with Owner in valuing such water rights for the purposes of determining the amount of offset to be applied against the in lieu fee as required pursuant of the Water Acquisition Policy. Owner further agrees that City shall have first right of refusal in acquiring upon mutually acceptable terms any water rights that Owner owns that may be in addition to those required to meet Owner's obligations under the Water Acquisition Policy. City agrees that water rights need not be conveyed and in lieu fees shall not be made payable until City's issuance of one or more parcel maps or final subdivision maps covering the Property and, in the event Owner applies to City for its approval of multiple final maps covering the Property, City agrees such water rights conveyance or fee payment obligation shall be allocated on a pro rata basis to each phase of development covered by each final parcel or subdivision map, with conveyance of water rights or payment to be made on a per map basis upon City's issuance of each final parcel or subdivision map covering the Property.

B. General Plan Maintenance Fee: On June 21, 2004, the City adopted (by Resolution 2004-63, as corrected) a General Plan Maintenance Fee. Owner agrees that, at the time LAFCO issues a Certificate of Completion finalizing the annexation (and upon the running of all applicable statutes of limitation related thereto), Owner will enter into an agreement with City to pay the General Plan Maintenance Fee and no post-annexation

permit or entitlement approvals concerning the Property will be issued unless and until said agreement is executed. City agrees that such fee shall not be made payable until City's issuance of one or more final parcel or subdivision maps covering the Property and, in the event Owner applies to City for its approval of multiple final maps covering the Property, City agrees such fee payment obligation shall be allocated on a pro rata basis to each phase of development covered by each final parcel or subdivision map, with payment to be made on a per map basis upon City's issuance of each final parcel or subdivision map covering the Property. Owner's satisfaction of its obligations under this Section II(B) will satisfy any and all of Owner's obligations related to and arising under the General Plan Maintenance Fee.

C. Williamson Act: Williamson Act Indemnification: Occasionally property to be annexed is burdened with Williamson Act contract(s). In such event, the following apply:

i.) Indemnification: Occasionally property to be annexed is burdened with contract(s) entered into pursuant to the Williamson Act which the City may succeed to and administer if the annexation is completed. In some events, the owners of land subject to a Williamson Act contract desire to cancel said contract(s). Specific statutory findings must be made in order to cancel said contract, as required by the Williamson Act. In the event of an Owner-initiated request for cancellation of Williamson Act contracts which burden land subject to this Agreement, Owner agrees to concurrently enter into an agreement to indemnify, hold harmless, and defend (with counsel of City's choosing), the City, its officers, elected officials, employees, and agents, from and against any and all third-party claims, demands, or damages arising from its decision with respect to such cancellation request regardless of the date the cancellation request is made or initiated. The indemnification agreement contemplated by this Section II(C) shall also provide that Owner may, to the extent permitted by law, participate in any legal proceedings contemplated by this Section II(C) as a real party in interest, with legal counsel of Owner's choosing.

D. Future Development Impact Fees: The Owner hereby acknowledges that the City may, from time to time, adopt additional development impact fees at some time in the future after annexation of the Property. The Owner hereby agrees that, in the event that the City adopts an ordinance imposing a development impact fee, in accordance with applicable legal requirements, prior to issuance of a vesting project approval for development of any portion of the Property, Owner will be subject to the requirements of such citywide development impact fee program to the extent applicable at the time Owner seeks a vesting project approval for a project on the Property. This provision is not intended to retroactively subject the Property to additional annexation-related fees that may be adopted in the future.

E. Prezoning. City agrees to promptly process and, after City completes and adopts its environmental review, consider Owner's application to prezone the Property, as required

by the Cortese-Knox-Hertzberg Act's prezoning requirements. The Light Industrial (I-L) and Industrial (I) zoning designations is the adopted prezoning for the Properties, in accordance with Visalia Municipal Code Chapters 17.22, and Section 17.06.050(A), which section states that all territory which is annexed into the City shall be classified to the zone as indicated on the Visalia General Plan land use map, as adopted by the City (the "Prezoning"). The I-L and I zoning designations permit warehouses and other land uses, as specified by the City of Visalia Municipal Code. The I-L and I zoning designations also permits the continuing operation of agricultural land uses presently on the Property as a legally-existing "nonconforming use," as further defined and regulated by Chapter 17.40 of the Visalia Municipal Code. The parties acknowledge that, if the Property is annexed to the City, a portion of such Property may be subject to one or more Williamson Act contracts. The Parties agree, and the prezoning shall specify, that, upon annexation, such contracted Property shall only be used in a manner that is compatible with the relevant Williamson Act contract(s) until such time as such contract(s) expire, terminate, or are cancelled in accordance with the Williamson Act. The Parties further agree, and the prezoning shall specify, that all urban uses permitted by the I-L and I zoning designations shall automatically be permitted on those portions of the Property subject to a Williamson Act contract upon the expiration, termination, or cancellation of such contract. Upon execution of this Agreement, City shall use its best efforts to (i) promptly complete its environmental review of the Project and consider its adoption thereof, and (ii) complete its preparation of the proposed prezoning contemplated by this subsection II(E) and consider its approval thereof. If City approves the prezoning contemplated by this subsection II(E), the terms and conditions of such prezoning shall be included in City's application to LAFCO for the annexation of the Property to City, which application shall promptly be submitted to LAFCO by City.

F. Plan For Providing Services. The parties agree to cooperate in, and to take such actions as may be necessary to ensure, the diligent preparation of a Plan For Providing Services to the Property, to be submitted to LAFCO along with City's annexation application, in accordance with Cortese-Knox-Hertzberg Act requirements.

G. Development Impact Fees: The Owner shall pay all applicable development impact fees for any subsequent development on the Property at the time that building permits are issued, or prior to issuance of final occupancy, if applicable, or at the time that a final map is recorded, at the discretion of the Community Development Director, or as may be required by ordinance, including but not limited to an ordinance that adopts a Development Agreement between Owner and City under Government Code section 65864 et. seq. and Visalia Municipal Code Chapter 17.60, which would include sections concerning the timing and payment of applicable development impact fees that would apply to Project. A list and amount of development impact fees can be located in the City's current version of the Development Fee Schedule.

## III. PROPERTY ZONING

Owner acknowledges and agrees that this Agreement shall not limit City's authority to exercise the full range of its legislative and police powers with respect to development and use of the

Property in a manner consistent with this Agreement. Notwithstanding such authority, and provided Owner complies with the requirements of this Agreement, City agrees that the Property shall continue to be designated under the Visalia General Plan land use map for Light Industrial and Industrial land uses, and zoned Light Industrial (I-L) and Industrial (I), as set forth in Chapter 17.22 of the Visalia Municipal Code, during the term of this Agreement, unless otherwise consented to in writing by Owner. The ongoing agricultural use of the Property shall be permitted as a legal nonconforming use for the term of this Agreement in a manner consistent with Chapter 17.40 of the Visalia Municipal Code. Except as expressly set forth herein, neither this paragraph nor any portion of this Agreement shall be construed to protect the Property against changes in City policies, rules, regulations or conditions of development, including but not limited to permitted uses within the indicated zone or development impact fees, which would otherwise be applicable to the Property.

## IV. TERM

The term of this Agreement shall become effective when fully executed by the parties hereto (the "Effective Date") and continue for a period of twenty (20) years. This Agreement shall automatically terminate if either (a) the annexation proceedings are terminated for any reason; or (b) the completion of the annexation (recordation of a Certificate of Completion) does not occur on or before two (2) years from the Effective Date, which two (2) year period shall be extended in the event of an "Excusable Delay," as such events are contemplated by subsection VII(O) of this Agreement. Notwithstanding the forgoing, Owner or its successors shall have the right, upon ten (10) day's prior written notice to City, to terminate this Agreement prior to LAFCO's issuance of a Certificate of Completion of the annexation (and the running of all applicable statutes of limitations related thereto) if it determines in its sole discretion that it is in its best interest to do so, and, in such event, City agrees to withdraw the Resolution then pending before LAFCO.

## V. DEFAULT, REMEDIES AND ENFORCEMENT

In the event of breach or default of any term, condition, covenant or obligation of this Agreement by either party, the other party may exercise any rights available at law or in equity, including an action for specific performance, damages, or other injunctive relief, and all such remedies shall be cumulative. This Agreement shall be enforceable, unless lawfully terminated or cancelled, by any party to the Agreement or any party's successor in interest, notwithstanding any subsequent changes in any applicable law adopted by the City which alters or amends the laws, ordinances, resolutions, rules or policies frozen by this Agreement.

## VI. INDEMNIFICATION

Owner agrees to indemnify and hold harmless City and the City's officers, employees, agents, and contractors, from and against all claims, demands, or damages including reasonable attorney's fees and court costs, which arise out of this Agreement or its operation, or with any other annexation action or other action reasonably determined necessary by the City in order to effectuate the annexation of Owner's property, or which are in any manner connected with the City's enforcement of this Agreement.

## VII. MISCELLANEOUS

A. Binding Effect/Covenants to Run With Land. The Parties hereto agree to be bound by this Agreement. This Agreement shall be binding upon and shall inure to the benefit of the heirs, transferees, successors and assigns of the parties hereto. The terms and conditions stated herein shall constitute covenants running with the land.

B. Assignment. Neither party shall assign, delegate or transfer their rights and duties in this Agreement without the written consent of the other party (which consent shall not be unreasonably withheld).

C. Authorized Signatory. The individuals executing this Agreement, by their signature hereto, declare that they are authorized to, and have the legal power, right and actual authority to bind the party to the terms and conditions of this Agreement.

D. Notices. All notices under this Agreement shall be effective upon personal delivery to City, or Owner, as the case may be, three (3) days after deposit in the United States Mail, postage fully prepaid, addressed to the respective parties as follows:

To the City:
City Manager
City of Visalia
425 East Oak Ave., Suite 301
Visalia, CA 93291

With Copy to:
Ken Richardson
City Attorney
Peltzer & Richardson Law Corporation
3746 W. Mineral King Avenue
Visalia, CA 93291

To Owner:
Jeffrey B. Ritchie Family Limited Partners
Attn: Larry J. Ritchie
11878 Avenue 328
Visalia, CA 93291

Or such other address as the parties may from time to time designate by giving notice as required hereunder.

E. Entire Agreement. This Agreement represents the entire agreement between the City and Owner as to its subject matter and no prior oral or written understanding shall be of any force or affect. The parties intend this paragraph to be a conclusive recital of fact pursuant to Section 622 of the California Evidence Code. This Agreement is intended to be a final expression of the agreement of the parties and is an integrated agreement within the meaning of Section 1856 of the California Code of Civil Procedure. This Agreement

was jointly drafted by the parties.

F. Amendment. No part of this Agreement may be modified without the written consent of both parties. This Agreement may be amended from time to time, in whole or in part, by mutual written consent of the parties hereto or their successors in interest. City's city manager may execute any such amendment on City's behalf, although the city manager retains the discretion to refer such matters to the City Council.

G. Headings. Section headings are provided for organizational purposes only and do not in any manner affect the scope, meaning, or intent of the provisions under the heading.

H. No Third Party Beneficiaries Intended. Except as provided herein, the parties of this Agreement do not intend to provide any other party with any benefit or enforceable legal or equitable right or remedy.

I. Conflict With Laws or Regulations/Severability. This Agreement is subject to all applicable laws and regulations. If any provision(s) of this Agreement is found by any court or other legal authority, or is agreed by the parties, to be in conflict with any code or regulation governing this subject, the conflicting provision(s) shall be considered null and void. If the effect of nullifying any conflicting provision is such that a material benefit of the Agreement to either party is lost, the Agreement may be terminated at the option of the effected party. In all other cases, the remainder of the Agreement shall continue in full force and effect.

J. Waiver. A waiver of any breech of this Agreement by any party shall not constitute a continuing waiver or a waiver of any subsequent breech of the same or any other provision of this Agreement.

K. Choice of Law - Venue. This Agreement shall be governed by the laws of the State of California and any questions arising hereunder shall be construed or determined according to such law. This Agreement was executed in Tulare County, California, and venue for any legal action arising from or in connection with this Agreement or the Property shall be in Tulare County, California.

L. Attorneys Fees. In the event either party commences any action or legal proceedings for the enforcement of this Agreement, the prevailing party, as determined by the court, shall be entitled to recovery of its reasonable fees and costs, including reasonable attorneys fees, court costs incurred in the action brought thereon.

M. No Agency, Joint Venture or Partnership. It is understood that this Agreement is a contract that has been negotiated and voluntarily entered into by City and Owner and that Owner is not an agent of City. City and Owner hereby renounce the existence of any form of joint venture or partnership between them, and agree that nothing contained herein or in any document executed in connection therewith shall be construed as making City and Owner joint venturers or partners.

N. Excusable Delays; Extension of Time of Performance. In the event of delays due to strikes, inability to obtain materials, civil commotion, fire, war, terrorism, lockouts, third-party litigation or other legal challenges regarding the annexation, riots, floods, earthquakes, epidemic, quarantine, freight embargoes, failure of contractors to perform, or other circumstances beyond the reasonable control of the parties and which cause substantially interferes with the ability of either party to perform its obligations under this Agreement, then the time for performance of any such obligation shall be extended for such period of time as the cause of such delay shall exist but in any event not longer than for such period of time.

O. Further Assurances. The parties will execute and deliver, upon demand by the other party, such further documents, instruments and conveyances, and shall take such further actions as such other party may request from time to time to document the transactions set forth herein.

P. Recordation of Agreement; Counterparts. This Agreement, or an abstract of its material terms and conditions shall be recorded by either party in the Official Records of the Tulare County Recorder. This Agreement may be executed in counterparts and, when all counterparts are combined, shall constitute a single agreement.

**IN WITNESS WHEREOF**, the parties have executed this Agreement on the date set forth next to their signature.

**CITY**

Date: _____ By: _____
Leslie Caviglia, City Manager

Attest:

Date: _____ By: _____
Jennifer Gomez, City Clerk

Approved as to Form:

Date: _____ By: _____
Ken Richardson, City Attorney

**OWNER**

Date: _____ By: _____
Larry J. Ritchie

RESOLUTION NO. 2025-07

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF VISALIA, RECOMMENDING AUTHORIZATION TO ENTER INTO A DEVELOPMENT AGREEMENT PERTAINING TO THE SHIRK AND RIGGIN INDUSTRIAL PARK PROJECT. THE PROPOSED PROJECT IS LOCATED ON APPROXIMATELY 284 ACRES, ON THE NORTH SIDE OF RIGGIN AVENUE BETWEEN SHIRK STREET AND KELSEY STREET. (APN: 077-840-004, 005, 006)

**WHEREAS,** the developer of the Shirk and Riggin Industrial Park Project ("Project") desires, in accordance with the authority given under Government Code Section 65864 et. seq., to enter into a development agreement pertaining to the Project. The proposed Project is located on approximately 284 acres, on the north side of Riggin Avenue between Shirk Street and Kelsey Street. (APN: 077-840-004, 005, 006); and

**WHEREAS,** the Draft Environmental Impact Report (Draft EIR) for the Shirk & Riggin Industrial Park Project, which considered the Project and an associated Development Agreement, was released on April 11, 2024, for circulation for a period of 45 days, ending on May 28, 2024; and,

**WHEREAS,** the Final EIR was released on January 17, 2025, and consists of the Draft EIR and the revisions of, and additions to, the Draft EIR; the written comments and recommendations received on the Draft EIR; the written responses of the City of Visalia to significant environmental points raised in the review and consultation process; errata to the foregoing; and other information added by the City of Visalia as specified in the record; and

**WHEREAS,** the California Environmental Quality Act (CEQA) required that, in connection with the approval of a project for which an EIR has been prepared that identified one or more significant effects, the decision making body makes certain findings regarding those effects, which in full are contained in Resolution No. 2025-05 pertaining to the certification of the Final EIR prepared for the Shirk & Riggin Industrial Park Project; and,

**WHEREAS**, the Planning Commission of the City of Visalia, after a duly published notice, did reviewed this proposal and hold a public hearing on February 10, 2025, and found the Development Agreement to in accordance with the Visalia Zoning Ordinance Chapter 17.60 based on evidence contained in the staff report and testimony presented at the public hearing.

**NOW, THEREFORE, BE IT RESOLVED,** that the Planning Commission of the City of Visalia finds that Final EIR for the Shirk & Riggin Industrial Park Project, State Clearinghouse No. 2022080658, was prepared consistent with the California Environmental Quality Act and City of Visalia Environmental Guidelines.

**NOW, THEREFORE, BE IT FURTHER RESOLVED** that the Planning Commission of the City of Visalia recommends that the City Council authorize entering into a Development Agreement based on the following specific findings and evidence presented:

1. That the proposed development agreement is consistent with the objectives, policies, general land uses and programs specified in the general plan, any applicable specific plan, and/or any proposed amendment to the general plan or applicable specific plan submitted simultaneously and in conjunction with the proposed development agreement. The agreement speaks toward the development and operation of the project by the developer in a manner that is consistent with applicable city law in accordance with phasing and the payment of fees as described therein. No specific plans are applicable to the project.
2. That the proposed development agreement is compatible with the uses authorized in, and the regulations prescribed for, the land use district in which the real property is located. The development is predicated upon the project's underlying General Plan land use designation of Industrial and Light Industrial, and the corresponding pre-zoning of Industrial and Light Industrial that is detailed and confirmed in the project's Pre-Annexation Agreement.
3. That the proposed development agreement is in conformity with public convenience, general welfare and good land use practice. As stated in Recital J of the Agreement, it eliminates or reduces uncertainty regarding project approvals, including the subsequent approvals, thereby encouraging planning for, investment in and commitment to the contemplated uses and development of the property as envisioned by the project.
4. That the proposed development agreement will not be detrimental to the public health, safety and general welfare. The City has made the findings, in connection with the project's entitlements and environmental analysis as required under California Environmental Quality Act, regarding the project as it relates to public health, safety and general welfare, based upon its compliance with the General Plan, Zoning Ordinance, and project mitigation measures. This development agreement does not enact terms beyond the scope of the project that would put at risk any public health, safety, and general welfare.
5. That the proposed development agreement will not adversely affect the orderly development of property or the preservation of property values. The development agreement reinforces the project phasing as described in Section 5.1 and addresses any potential default against a mortgage lien in Section 8.1.
6. That this Development Agreement is consistent with the project description and the analysis contained in the Final Environmental Impact Report (FEIR) (SCH# 2022080658), specifically for development that is identified and described in the Shirk and Riggin Industrial Park Project, and for which said FEIR is recommended to be certified by the City Council precedent to the Planning Commission and City Council's consideration of this General Plan Amendment request, consistent with the California Environmental Quality Act (CEQA) and City of Visalia Environmental Guidelines.

**BE IT FURTHER RESOLVED** that the Planning Commission of the City of Visalia recommends that the City Council authorize entering into a Development Agreement, as depicted per Exhibit "A", on the real property described herein, in accordance with the terms of this resolution and under the provisions of Section 17.60.030 of the Ordinance Code of the City of Visalia.

# Exhibit “A”

## Development Agreement to Shirk & Riggin Industrial Park Project

RECORDING REQUESTED BY
AND WHEN RECORDED MAIL TO:

City of Visalia
Attn: Visalia City Clerk
315 E. Acequia Avenue
Visalia, CA 93291

RECORDING FEE EXEMPT
PURSUANT TO GOVERNMENT CODE
§§ 6103 and 27383

**DEVELOPMENT AGREEMENT BY AND BETWEEN THE CITY OF VISALIA, SEEFRIED INDUSTRIAL PROPERTIES, INC., LARRY J. RITCHIE FAMILY LIMITED PARTNERSHIP AND JEFFREY B. RITCHIE FAMILY LIMITED PARTNERSHIP**

**(Shirk and Riggin Industrial Project)**

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**DEVELOPMENT AGREEMENT BY AND BETWEEN**
**THE CITY OF VISALIA AND SEEFRIED INDUSTRIAL PROPERTIES, INC.**
**(SHIRK AND RIGGIN INDUSTRIAL PROJECT)**

This DEVELOPMENT AGREEMENT ("***Development Agreement***" or "***Agreement***") is made by and between the City of Visalia ("***City***"), a municipal corporation and charter city, and Seefried Industrial Properties, Inc., a Georgia corporation ("Seefried"), Larry J. Ritchie Family Limited Partnership ("LJR LP") and Jeffrey B. Ritchie Family Limited Partnership ("JBR LP"), and their respective successors and assigns hereunder (together with Seefried, LJR LP and JBR LP, "**Developer**"), effective as of _____, 2025 ("***Effective Date***"). City and Developer may sometimes be referred to herein individually as a "***Party***" and collectively as the "***Parties***".

## RECITALS

A. The Legislature enacted Government Code Section 65864 *et seq.* ("***Development Agreement Statute***") in response to the lack of certainty in the approval of development projects, which can result in a waste of resources, escalate the cost of development, and discourage investment in and commitment to planning that would maximize the efficient utilization of resources. The Development Agreement Statute is designed to strengthen the public planning process, encourage private participation in comprehensive planning, and reduce the economic risk of development. It authorizes a city to enter into a development agreement with any person having a legal or equitable interest in real property regarding the development of that property and establishing certain development rights therein. The Development Agreement Statute also authorizes a city to enter into a development agreement even though the subject property is outside of the city's municipal limits so long as it is within the city's sphere of influence ("***SOI***").

B. Pursuant to the Development Agreement Statute, City has adopted procedures and requirements for the consideration of development agreements, which are set forth in the Visalia Municipal Code ("***Municipal Code***") Section 17.60 ("***City Development Agreement Procedures***"). This Development Agreement has been prepared, processed, considered and adopted in accordance with such procedures and the Development Agreement Statute.

C. Developer has a legal or equitable interest in a total of approximately two hundred eighty four (284) acres, located in unincorporated Tulare County and adjacent to City's municipal boundaries, as more particularly described and depicted on attached Exhibit 1-a and 1-b ("***Property***"). The Property is generally bound by Riggin Avenue to the south, Shirk Street to the east, Kelsey Street to the west, and Modoc Ditch to the north. The Property is within City's Planning Area, its Tier 1 Urban Development Boundary ("***UDB***"), and its SOI.

D. The Property is designated by the City's General Plan ("***General Plan***") as "Industrial," "Light Industrial" and "Conservation." Thus, the Property has long been planned for industrial and light industrial uses as part of City's land use vision for the Property and vicinity.

E. Developer is seeking to develop a mixed-use industrial park, consisting of a total of eight (8) industrial buildings used for warehouse, distribution, and light manufacturing uses, six (6) flex industrial buildings, two (2) drive-through restaurants, a convenience store, a recreational vehicle (RV) and self-storage facility, a gas station, and a car wash, along with car/trailer parking areas and other related on- and off-site improvements, all as analyzed in the Proiect EIR and as documented in more detail in the Initial Approvals (collectively, "***Project***").

F. The discretionary entitlement process for the Project is subject to compliance with CEQA. To satisfy requirements under CEQA, City, as the lead agency, has caused the preparation of an environmental impact report for the Project (SCN: 2022080658), which consists of the Draft Environmental Impact Report, the Final Environmental Impact Report, and all appendices attached thereto (collectively, the "***Project EIR***").

G. On _____, 2025, following review and recommendation by the Planning Commission at a duly noticed public hearing (which took place on ____, 2025), the City Council held a duly noticed public hearing. After taking testimony and considering the matter, the City Council closed the public hearing, deliberated, and took the following actions, all of which are subject to LAFCO approval of the proposed annexation to effectuate same (collectively, the "***Initial Approvals***"):

1. By Resolution No. _____, approved an amendment to the General Plan, changing the land use designation for approximately twenty-one point twelve (21.12) acres of the Property from Light Industrial to Industrial ("***General Plan Amendment***").

2. Confirmed that pursuant to Visalia Municipal Code section 17.06.050(A) the territory being annexed shall be classified to a zone that is consistent with the general plan as adopted and amended by the City of Visalia requirements. In addition, City and Developer have entered into a Pre-Annexation Agreement, dated [__], 2025 (the "Pre-Annexation Agreement"), that details the prezoning of the Property.

3. Conducted the first reading of Ordinance No._____, an ordinance approving this Development Agreement and directing its execution by City ("***DA Ordinance"***).

4. By Resolution No. _____, initiated annexation proceedings for the Property ("***Resolution to Initiate LAFCO Proceedings***").

5. By Resolution No. _____, approved the Project's site plan (No. ____) ("***SPR Permit Approval***") and tentative parcel map (No. ____) ("***TPM Approval***").

6. By Resolution No. _____, approved the Project's Conditional Use Permit (No. ____) ("***CUP Approval***").

In support of the foregoing actions, by Resolution No. _____, and pursuant to and in compliance with the applicable provisions of CEQA, the City Council certified the Project EIR, adopted written findings related thereto, and adopted a mitigation monitoring and reporting program ("***MMRP***") as well as a Statement of Overriding Considerations.

H. On _____, 2025, the City Council conducted the second reading of and adopted the DA Ordinance.

I. City has given the required notice of its intention to adopt this Development Agreement and has conducted public hearings thereon pursuant to Government Code Section 65867. As required by Government Code Section 65867.5, City has found that the

provisions of this Development Agreement and its purposes are consistent with the goals, policies, standards and land use designations specified in City's General Plan.

J. For the reasons recited herein, City and Developer have determined that the Project is a development for which this Development Agreement is appropriate. This Development Agreement will eliminate or reduce uncertainty regarding Project Approvals (including the Subsequent Approvals), thereby encouraging planning for, investment in and commitment to the contemplated uses and development of the Property as envisioned by the Project. Continued use and development of the Property, as proposed, will provide employment opportunities as well as property and sales tax revenue and related benefits to the Visalia community, thereby achieving the goals and purposes for which the Development Agreement Statute was enacted.

K. City and Developer now desire to enter into this Development Agreement to provide, among other things, for Developer's vested right to develop the Project on the Property, along with Developer's development obligations related thereto, as more particularly set forth herein and in accordance with the Applicable City Law.

L. City finds that this Development Agreement:

1. Will ensure the productive use of the Property and foster orderly growth and quality development in the Visalia community;

2. Will result in City's receipt of increased property tax and sales tax revenues;

3. Will provide City benefit in the form of increased employment opportunities;

4. Is consistent with the relevant objectives, policies, general land uses and programs specified in the General Plan and any applicable specific plan;

5. Is compatible with the uses authorized in, and the regulations prescribed for, the applicable Industrial, Light Industrial and Open Space zoning districts;

6. Is in conformity with public convenience, general welfare and good land use practice; and

7. Will not adversely affect the orderly development of property or the preservation of property values.

NOW, THEREFORE, based on the foregoing recitals, which are deemed true and correct and which are incorporated into and made a part of this Development Agreement, and in consideration of the mutual covenants and promises set forth herein and other consideration, the value and adequacy of which is hereby acknowledged, the Parties agree as follows.

## AGREEMENT

### SECTION 1. INCORPORATION OF PREAMBLE, RECITALS AND EXHIBITS.

The Preamble paragraph, Recitals and attached exhibits, and all defined terms contained therein, are hereby incorporated into this Agreement by this reference as if set forth in full.

### SECTION 2. DEFINITION OF TERMS.

This Development Agreement uses certain terms with initial capital letters that are defined in this Section 2 or elsewhere in this Development Agreement. City and Developer intend to refer to those definitions when the capitalized terms are used in this Development Agreement.

2.1. "Applicable City Law" has the meaning set forth in Section 4.2(a) below.

2.2. "Assignee" has the meaning set forth in Section 11.1 below.

2.3. "Assignment" has the meaning set forth in Section 11.1 below.

2.4. "Assignment Agreement" has the meaning set forth in Section 11.2 below

2.5. "Building Permit" means the document issued by City's Building Official authorizing the holder to construct a building or other structure, as provided for in the City of Visalia Municipal Code.

2.6. "CEQA" means, collectively, the California Environmental Quality Act set forth in Public Resources Code Section 21000 *et seq*. and the CEQA Guidelines (Tit. 14 CCR § 15000 *et seq*.).

2.7. "Certificate of Completion" means the document prepared, executed and recorded by the executive officer of LAFCO and recorded with the County Recorder that confirms the final successful completion of the annexation, pursuant to Government Code sections 56020.5, 57176, and 57200.

2.8. "Certificate of Occupancy" means a final certificate of occupancy issued by City's Building Official or, if City's Building Code does not provide for the issuance of a certificate of occupancy for a particular structure, the functional equivalent thereto, as provided for in the City of Visalia Municipal Code.

2.9. "City" means the City of Visalia, a California municipal corporation and charter city, as set forth in the Preamble.

2.10. "City Council" means the Visalia City Council.

2.11. "City Development Agreement Procedures" has the meaning set forth in Recital B.

2.12. "Planning and Community Preservation Department" means the City's Planning and Community Preservation Department.

2.13. "Planning and Community Preservation Director" means the head of Visalia's Planning and Community Preservation Department.

2.14. "County Recorder" means the Tulare County Recorder, which is responsible, in part, for recording legal documents that determine ownership of real property and other agreements related to real property.

2.15. "DA Ordinance" has the meaning set forth in Recital G(1).

2.16. "Days" means calendar days. If the last day to perform an act under this Development Agreement is a Saturday, Sunday or legal holiday in the State of California, said act may be performed on the next succeeding calendar day that is not a Saturday, Sunday or legal holiday in the State of California and in which City offices are open to the public for business.

2.17. "Developer" shall mean each of Seefried Industrial Properties, Inc., a Georgia corporation, Larry J. Ritchie Family Limited Partnership ("LJR LP") and Jeffrey B. Ritchie Family Limited Partnership ("JBR LP"), and their respective owners, officers, principals, partners, directors, managers, members, employees, agents, representatives, successors, and Assignees.

2.18. "Development Agreement" has the meaning set forth in the Preamble.

2.19. "Development Agreement Statute" has the meaning set forth in Recital A.

2.20. "Development Standards" has the meaning set forth in Section 4.1 below.

2.21. "Effective Date" means the date that is thirty (30) days following the adoption of the DA Ordinance approving this Development Agreement. The Effective Date shall be inserted above, where indicated. Pursuant to Government Code Section 65865(b), this Agreement shall not become operative until annexation proceedings are completed pursuant to applicable laws and regulations no later than two (2) years from the Effective Date ("***Annexation Timing***"); provided, however, Developer shall have the right, in its sole discretion, to extend the Annexation Timing so long as the application to annex the Property ("***Annexation Application***") has been submitted to the Local Agency Formation Commission ("***LAFCO***") for processing and consideration, with the Annexation Timing being so extended until such time as LAFCO takes action on and approves the Annexation Application and the related Certificate of Completion is prepared, executed and recorded by LAFCO.

2.22. "ENR" means the Engineering News Record (*"ENR"*) Construction Cost index (overall-California).

2.23. "Exaction(s)" means any exaction(s) that may be imposed by City or other governmental agency as a condition of developing the Project, including, without limitation, requirements for acquisition, dedication or reservation of land; and obligations to construct on-site or off-site public and private infrastructure such as roadways, utilities or other improvements; this is the case whether such exaction(s) constitute subdivision improvements, mitigation measures in connection with environmental review of the Project, or obligations otherwise imposed under applicable laws and regulations. Provided, however, any condition imposed on the Project that meets the definition of an Exaction, but also meets the definition of an "Impact Fee" (as defined in Section 2.25 below) shall be considered an Impact Fee.

2.24. "Excused Delay" has the meaning set forth in Section 8.4 below.

2.25. "Impact Fee(s)" means any monetary amount(s) charged by City or other governmental or quasi-governmental authority in connection with a Project Approval in order to lessen, offset, mitigate or compensate for the impacts of development of the Project on the environment; facilities, services, improvements and/or infrastructure; or other public interests, including, without limitation, any "fee" defined by Government Code Section 66000(b) as well as any fee imposed "in lieu of" an Exaction. Any such monetary amount imposed on the Project that meets the definition of an Impact Fee as well as the definition of an Exaction shall be considered an Impact Fee. The Parties acknowledge and agree that the City Impact Fees in effect on the Effective Date are identified in attached Exhibit 2.

2.26. "Initial Approvals" has the meaning set forth in Recital G.

2.27. "Later Enactment(s)" has the meaning set forth in Section 4.2(c) below.

2.28. "Major Amendment" has the meaning set forth in Section 12.5(b) below.

2.29. "Master Plan Infrastructure" means, collectively, those on-site (i.e., within the Property) and off-site (i.e., not within the Property) improvements that are necessary or desirable to develop the Project, as described more fully in (a) the Project Approvals and (b) the applicable, adopted Citywide infrastructure master plans, and (c) which are not considered Non-Program Improvements for purposes of this Development Agreement. This may include public improvements that under Applicable City Law may be eligible for reimbursement from City. If eligible for reimbursement, Developer and City will enter into a separate "Reimbursement Agreement" to detail the public improvements eligible for reimbursement under Applicable City Law and terms of reimbursement by City to Developer to occur in accordance with Applicable City Law.

2.30. "Minor Amendment" has the meaning set forth in Section 12.5(b) below.

2.31. "Mortgage" means any mortgage, deed of trust, security agreement, sale and lease-back financing, or other like security instrument encumbering all or any portion(s) of the Property and/or any of Developer's rights under this Development Agreement.

2.32. "Mortgage Holder" means the holder of any Mortgage, and any Assignee of any such Mortgage Holder.

2.33. "MMRP" has the meaning set forth in Recital G.

2.34. "Non-Program Improvements" means, collectively, all improvements and infrastructure necessary or desirable to serve the Project as set forth in the Project Approvals and that do not constitute Master Plan Infrastructure. This may include public improvements that under Applicable City Law are required to be installed by Developer pursuant to the Project Approvals with no reimbursement from City.

2.35. "Notice of Compliance" has the meaning set forth in Section 7.2 below.

2.36. "Notice of Default" has the meaning set forth in Section 8.1 below.

2.37. "Notice of Intent to Terminate" has the meaning set forth in Section 9.2 below.

2.38. "Party" or "Parties" has the meaning set forth in the Preamble.

2.39. "Periodic Review" has the meaning set forth in Section 7.1 below.

2.40. "Planning Commission" means the Visalia Planning Commission.

2.41. "Project" has the meaning set forth in Recital E.

2.42. "Project Approvals" means, collectively, the Initial Approvals and Subsequent Approvals.

2.43. "Project Infrastructure" means, collectively, the Master Plan Infrastructure and Non-Program Improvements.

2.44. "Property" has the meaning set forth in Recital C.

2.45. "Regulatory Processing Fees" means any and all fees, costs and charges adopted or otherwise imposed by City for the purpose of defraying City's actual costs incurred or to be incurred in the processing and administration of any form of permit, approval, license, entitlement, or formation of a financing district or mechanism, or any and all costs adopted or otherwise imposed by City for the purpose of defraying City's actual costs of periodically updating its plans, policies, and procedures, including, without limitation, the fees and charges referred to in Government Code Section 66014.

2.46. "Reimbursement Agreement" means an agreement between City and Developer to detail the terms of any reimbursement from City that Developer may be eligible for under Applicable City Law.

2.47. "Subsequent Approval(s)" means any and all land use, environmental, building, construction and development approvals, entitlements and/or permits that are necessary or desirable to develop and operate the Project on the Property subsequent to the Effective Date, including, without limitation, amendments or other modifications to any Initial Approvals; vacation or abandonment of public right(s) of ways; tentative and/or final subdivision maps, tentative parcel maps, parcel maps, lot line adjustments, and lot mergers; annexation; demolition permits; improvement agreements; infrastructure agreements; sewer and water connection permits; site plan review; conditional use permits; development/design review; Building Permits; demolition permits; grading permits; encroachment permits; Certificates of Occupancy; formation of (or annexation to) financing districts or other financing mechanisms; General Construction Permit coverage; and any amendments thereto (administrative or otherwise).

2.48. "Term" has the meaning set forth in Section 3.2 below.

2.49. "Third-Party Litigation" means the filing of litigation by a third party challenging this Development Agreement and/or other Initial Approval(s) or Subsequent Approval(s) on CEQA or any other grounds.

2.50. "Urban Water Management Plan" means the California Water Service, Visalia District, 2020 Urban Water Management Plan adopted by the Cal Water in June 2021. It is noted that under state law California Water Service is required to periodically update the Urban Water Management Plan.

## SECTION 3. TERM OF THIS AGREEMENT.

3.1. Effective Date. The rights, duties, and obligations hereunder shall be effective and the Term shall commence on the "***Effective Date***", which shall be the effective date of the DA Ordinance.

3.2. Term of Agreement. Subject to Section 2.21 above, this Development Agreement shall commence on the Effective Date and shall continue in full force and effect thereafter for a period of ten (10) years ("***Initial Term***") unless extended pursuant to this Section 3.2 or earlier terminated as provided herein (the term of this Agreement, including the Initial Term and as it may be so extended or terminated, is herein referred to collectively as the "***Term***"). Within thirty (30) days of Developer's request, the Term shall be extended once for a period of two (2) years so long as Developer is in compliance in all material respects with its obligations hereunder ("***Mandatory Extension***"). The City Manager shall have the authority to grant the Mandatory Extension administratively, and no public notice or public hearing shall be required. In addition to the Mandatory Extension, upon Developer's request, the City Council may agree, in its sole discretion, to further extend the Term for a total of up to three (3) additional years (each, "***Discretionary Extension***") so long as consideration of this request takes place at a duly noticed public hearing. In addition to the foregoing, the Term may be further extended at any time before termination by the Parties' mutual agreement in writing and in accordance with the Development Agreement Statute and City's Development Agreement Procedures.

3.3. Effect of Termination.

(a) Expiration of Term. Following expiration of the Term (which shall include the Mandatory Extension and any mutually agreed upon Discretionary Extension(s)), this Development Agreement shall be deemed terminated and of no further force and effect except for any and all obligations expressly provided for herein that shall survive termination.

(b) Survival of Obligations. Upon the expiration or termination of this Development Agreement as provided herein, neither Party shall have any further right or obligation with respect to the Property and the Project under this Development Agreement except for any and all obligations expressly provided for herein that shall survive the expiration or termination of this Agreement.

## SECTION 4. STANDARDS, LAWS, AND PROCEDURES GOVERNING THE PROPOSED DEVELOPMENT

4.1. Vested Right to Develop the Project. As of the Effective Date, Developer shall have the vested right to develop and operate the Project on all or portion(s) of the Property in accordance with the Applicable City Law. The overall design, development, construction, and uses of the Project and all Project Infrastructure in connection therewith, including, without limitation, the permitted uses of the Property; the density and intensity of such uses; the maximum height, bulk and size of proposed buildings; the provisions for the reservation or dedication of land for public purposes and the location of public improvements; the general location of public utilities; the construction, installation and extension of public improvements; and other terms and conditions of development applicable to the Project shall be as set forth in the Applicable City Law (collectively, "***Development Standards***"). In the event of any inconsistency between this Development Agreement and any Subsequent Approval(s), to the

fullest extent legally possible, the provisions of this Development Agreement shall prevail and control.

4.2. Rules, Regulations and Policies Governing Development and Operation of the Project.

(a) Applicable City Law. "***Applicable City Law***" shall consist of, collectively, the rules, regulations and official policies governing the Development Standards applicable to the Project on the Property existing as of the Effective Date, as supplemented and modified by the Initial Approvals, the Subsequent Approvals as and when they are issued, granted or approved, and Later Enactments, all except as otherwise provided in this Development Agreement.

(b) Processing Subsequent Approvals with City Generally. The Parties acknowledge that in order to develop the Project, Developer will need to obtain City approval of various Subsequent Approvals. For each such Subsequent Approval, Developer shall file an application with City for the Subsequent Approval at issue in accordance with the Applicable City Law, and shall pay the applicable Regulatory Processing Fees in connection therewith. City shall diligently and expeditiously process each such application in accordance with the Applicable City Law, and shall exercise any discretion City has related thereto in accordance with the terms and conditions of this Development Agreement. Except as expressly provided herein, this Development Agreement does not restrict City's exercise of its police powers, and City reserves those powers to itself. By approving the Initial Approvals, City has made a final policy decision that the Project is in the best interests of the public health, safety and general welfare. Accordingly, City shall not use its authority in considering any application for a discretionary Subsequent Approval for the Project to change the policy decisions reflected by the Initial Approvals or otherwise to prevent or delay development of the Project as set forth in the Initial Approvals and herein. Instead, the Subsequent Approvals shall be deemed to be tools to implement those final policy decisions.

(c) No Conflict with Vested Rights. City, or its electorate through adoption of initiative(s), may adopt new or modified rules, regulations and policies after the Effective Date (each, a "***Later Enactment***" and, collectively ***Later Enactments***"); provided, however, any such Later Enactment(s) shall be applicable to the Project on the Property if and only to the extent that application of any Later Enactment does not modify the Project; does not prevent or impede development of the Project; and does not conflict with this Development Agreement. Any Later Enactment shall be deemed to conflict with this Development Agreement and Developer's vested rights hereunder if said Later Enactment seeks to accomplish any one or more of the following results, either with specific reference to the Project or the development of the Property, or as part of a general enactment that would otherwise apply to the Project on the Property:

(i) Limit or reduce the density or intensity of the Project, or otherwise require a reduction in the total: number of proposed buildings, square footage, floor area ratio, number of floors, parking and/or loading spaces, and/or height of any proposed buildings or Project Infrastructure related thereto from that permitted under this Development Agreement and the Applicable City Law;

(ii) Alter or change any land use, including, without limitation, any permitted or conditionally permitted use(s) of the Project or require a change in the amount of any particular land use to be developed

on the Property from that permitted under this Development Agreement and the Applicable City Law;

(iii) Require, for any work necessary to develop the Project on the Property, the issuance of permits, approvals, or entitlements by City other than those required as of the Effective Date;

(iv) Limit or control the location of buildings, structures, grading, or Project Infrastructure, or limit the hours of operation or uses on the Property, in a manner that is inconsistent with the Initial Approvals;

(v) In any manner control, delay, or limit the timing, phasing, rate or sequencing of the development of the Project (including, without limitation, the timing of approval and issuance of the approval, development or construction of all or portion(s) of the Project), or materially limit the processing of, the procuring of applications for, or approval of the Subsequent Approval(s);

(vi) Increase any Impact Fees and/or impose new Impact Fee(s), except as permitted by Section 6.2 below;

(vii) Materially increase the obligations of Developer under this Development Agreement;

(viii) Limit or restrict the availability of public utilities, services, infrastructure or facilities (for example, without limitation, water rights, water connection or sewage capacity rights, sewer connections, etc.) to the Project and/or increase the Project's obligations with respect to the Project Infrastructure (in size, cost and/or scope) necessary to serve the Project; or

(ix) Establish, enact, increase, or impose against the Project or Property any fees, assessments, or other monetary obligations other than those specifically permitted by this Development Agreement; provided, however, that the foregoing shall not prevent or limit the imposition or collection of any generally applicable real or personal property taxes with respect to the Property or any generally applicable sales, use, excise taxes or business license fees with respect to any commercial uses within the Project.

(d) Applicable Later Enactments. To the extent that Later Enactments conflict with the vested rights hereunder, they shall not apply to the Project and/or the Property, except as provided in subsections (d)(i)-(iv) below, inclusive. Notwithstanding the foregoing, City shall not be precluded from applying a Later Enactment to the Project under the following limited circumstances:

(i) It is specifically mandated by changes in state or federal laws or regulations adopted after the Effective Date as provided in Government Code Section 65869.5;

(ii) It is specifically mandated by a court of competent jurisdiction;

(iii) It is specifically mandated as a result of changes to the Uniform Building Code or similar uniform construction code(s) (such as the California Fire Code) so long as such code (as modified to include the foregoing changes) has been adopted by City and is in effect on a Citywide basis; or

(iv) It is (A) required as a result of a specific and identifiable issue in each case that is presently unknown or unforeseeable that would otherwise have an immediate and substantially adverse risk on the physical health and safety of the public, and (B) based on written findings by the City Council, and transmitted to Developer, specifically identifying, based on objective and quantifiable evidence in the official record, the precise nature and extent of the dangerous or hazardous circumstance(s) requiring such condition or denial or change in Applicable City Law, why there are no feasible mitigation or alternatives to the imposition of such condition or denial or changes in the law, and how such condition or denial or new law would alleviate the dangerous or hazardous circumstance ("***Public Health and Safety Exception***"). Notwithstanding anything to the contrary in the foregoing, before taking any action based on a Public Health and Safety Exception, City shall first provide Developer with written notice of the public health circumstance upon which such Public Health and Safety Exception is based, and if Developer responds in writing within fifteen (15) days confirming that Developer will correct such public health circumstance and which describes the means of such correction, and thereafter Developer diligently pursues such correction to completion, such Public Health and Safety Exception shall no longer be applicable and City shall take no further action based thereon. Developer retains the right to dispute any City reliance on the Public Health and Safety Exception.

If City imposes a Later Enactment on the Project as a result of the occurrence of one of the circumstances set forth in subsections (d)(i)-(iv) above, then the Parties shall work diligently and in good faith to amend this Development Agreement in a manner to reasonably reflect the required Later Enactment while still achieving the underlying purposes of this Development Agreement. If state and/or federal law(s) and/or regulation(s) enacted after the Effective Date prevent or preclude compliance with one or more provisions of this Development Agreement as set forth in subsection (d)(i) above, and further if Developer does not consent to a reasonable amendment that is required to make this Development Agreement consistent therewith in accordance with Government Code Section 65869.5, City shall provide Developer written notice of the immediate suspension of this Development Agreement, and it shall remain suspended until the date the Development Agreement is so amended.

(e) Enforcement. Pursuant to Section 65865.4 of the Development Agreement Statute, unless this Agreement is terminated by mutual agreement of the Parties as provided for under Section 9.3 below, or terminated due to Default pursuant to Section 9.2 below, either Party may enforce this Development Agreement notwithstanding any Later Enactment(s).

4.3. Developer's Application for Non-City Permits, Entitlements and Approvals. City and Developer acknowledge and agree that other governmental agencies not within City's control may possess jurisdiction to regulate aspect(s) of development of the Project on the Property with respect to certain Subsequent Approvals and that this Development Agreement does not limit the jurisdiction of such other authorities. City shall reasonably cooperate and diligently work with Developer in Developer's effort to process and obtain approval of its applications for such Subsequent Approvals as may be necessary or desirable to develop and operate the Project; provided, however, City shall have no obligation to incur any material costs, without compensation or reimbursement, or to amend any City policy, regulation or ordinance in connection therewith.

4.4. Processing Subsequent Approvals. In accordance with Section 4.2(b) above, the Subsequent Approvals shall be deemed mechanisms to implement those final policy decisions reflected by the Initial Approvals and other provisions of Applicable City Law. City shall cooperate and diligently and expeditiously work with Developer to promptly process and consider all applications for Subsequent Approvals (provided such application(s) are in a proper form and include all reasonably required information and payment of any and all applicable Regulatory Processing Fees), in accordance with Developer's vested rights granted hereunder, and taking into consideration such factors, among others, as cost efficiencies, economies of scale, and appropriate engineering practices. In the event that Developer determines that it would be necessary to retain additional personnel or outside consultant(s) to assist City to expeditiously process any Subsequent Approval(s), Developer may request, and City may consider, retaining such additional personnel or consultant(s), and City shall direct any such additional personnel or consultant(s) to work cooperatively and in a cost-efficient and timely manner with Developer to accomplish the objectives under this Section 4.4; provided, however, that Developer shall pay all actual costs associated therewith, although said personnel or consultant(s) shall be under City's direction and City has sole authority over whether to hire or retain any additional personnel or select any consultants. Subject to Section 4.2(b) above and other terms of this Development Agreement and Developer's rights hereunder, City shall retain its discretionary authority in its consideration of any and all Subsequent Approvals that involve discretionary decisions.

4.5. Compliance with CEQA. The Project EIR, which has been certified by City as being in compliance with CEQA, addresses the potential environmental impacts of the Project as it is described in the Initial Approvals. To the extent that the Project will require the issuance of Subsequent Approvals that are discretionary in nature, City shall rely on the Project EIR to satisfy the requirements of CEQA to the fullest extent permissible by CEQA and City shall not require a new initial study, negative declaration or mitigated negative declaration, or subsequent or supplemental EIR unless specifically required by CEQA and shall not impose on the Project any additional mitigation measures other than that which is specifically required by CEQA.

4.6. Life of Project Approvals. The life of all Initial Approvals and any and all Subsequent Approvals as and when granted, approved or issued, including, without limitation, tentative subdivision maps or parcel maps (pursuant to Government Code Section 66452.6(a)), conditional use permit(s) and development and/or site plan review, shall be deemed extended for the longer of the Term of this Development Agreement or the term otherwise applicable to such Initial Approval or Subsequent Approval. Any tentative map prepared for the Project shall comply with Government Code Section 66473.7.

4.7. Timing of Development. The Parties acknowledge and agree that: (a) Developer cannot at this time predict if or when, or the rate at which, the Project may be constructed;

(b) there is no requirement that Developer commence or complete construction of the Project at all or within any particular period of time during the Term; and (c) except if and to the extent expressly required by the terms of this Development Agreement, City shall not impose any such timing requirement on any Subsequent Approval(s). Because the California Supreme Court held in *Pardee Construction Co. v. City of Camarillo* (1984) 37 Cal.3d 465 that failure of the parties therein to provide for the timing of development resulted in a later-adopted initiative restricting the timing of development to prevail over the parties' agreement, it is the Parties' intent to cure that deficiency by acknowledging and providing that Developer shall have the right to construct the Project (or any portion(s) thereof) in such order, at such rate, and at such time(s) as Developer deems appropriate within the exercise of its sole business judgment, subject only to City Applicable Law and the provisions of this Development Agreement.

4.8. Wastewater Service.

(a) Wastewater Service to Project. City shall reserve and allocate sufficient wastewater treatment and conveyance capacity to serve the Project consistent with the Project EIR and the City Wastewater Master Plan, and shall serve the Project upon application by Developer pursuant to the Project Approvals and payment of applicable connection fees. This reservation and allocation by the City shall be based on the Project as it is described in the Initial Approvals.

(b) Reserved.

## SECTION 5. DEVELOPER'S OBLIGATIONS RELATING TO PROJECT DEVELOPMENT GENERALLY

5.1. Phasing of Project Development. Development of the Project is intended to be phased, as generally described and depicted in the Initial Approvals. Notwithstanding the foregoing and further subject to Section 4.7 above, Developer shall have the right, in its discretion, to commence and complete any Project phase(s) of construction sequentially or concurrently pursuant to the terms and conditions of this Development Agreement and the Project Approvals, subject to City's reasonable review to confirm the proposed phasing is consistent with the Initial Approvals.

5.2. Required Project Infrastructure Generally. City's determination regarding which improvements are necessary for Developer to develop the Project shall be consistent with Developer's vested rights hereunder, and shall be governed by the Applicable City Law. The Parties further agree that no additional requirements on Developer with respect to the Project Infrastructure may be imposed on the Project beyond those necessary to serve the proposed uses and to provide for the intended function of the improvements at issue. Upon Developer's request, and at Developer's sole cost, City shall cooperate with Developer (a) to locate any new City easements required for the Project so as to minimize interference with development of the Project, and (b) in Developer's efforts to relocate or remove easements to facilitate development of the Project, subject to Developer funding all costs related thereto.

5.3. General Construction and Security Obligations. In constructing any Project Infrastructure, Developer shall (a) provide adequate security in accordance with the requirements of the Subdivision Map Act and City's Subdivision Ordinance; and (b) promptly and diligently oversee and coordinate the construction of said infrastructure in a good and workmanlike manner and free from all defects, and in accordance with the applicable Citywide infrastructure master plans, the Project Approvals, and any other applicable City standards

pursuant to the Applicable City Law. City shall use diligent and good faith efforts to timely prepare, process and consider any Subdivision Improvement Agreements (or similar improvement agreements) that are required to implement the Project upon Developer's request, which shall be in substantially the same form as is typically used by City in accordance with the Subdivision Map Act and City's Subdivision Ordinance and which shall be consistent with this Development Agreement and reasonably acceptable to Developer.

5.4. Inspection and Acceptance of Improvements. Any Project Infrastructure constructed by Developer pursuant to this Development Agreement shall be subject to all required inspections, including the final inspection, and reasonable approval by the City Engineer in accordance with City's Subdivision Ordinance and the Subdivision Map Act. Upon inspection, the following shall govern:

(a) Meet and Confer Process. If the City Engineer reasonably determines, consistent with Developer's vested rights hereunder, that the improvement at issue does not meet the applicable requirements and standards, City shall reasonably document this determination and promptly provide this information to Developer. Developer and City then shall, within seven (7) days of the City Engineer's determination or at such other mutually acceptable time, meet and confer regarding any modifications to said improvement necessary to achieve conformity with the applicable requirements and standards.

(b) Remedy of Any Improvement Deficiencies. Following any meet and conferral process pursuant to Section 5.4(a) above, if the Parties have not reached a mutually acceptable approach to addressing any necessary modifications identified by City, and/or Developer has not corrected, or agreed to correct by a date certain reasonably acceptable to City, the identified deficiencies in the improvement at issue, then City shall have the right, at Developer's sole cost and expense, to remedy such deficiencies and complete the construction of said improvement in accordance with the applicable requirements and standards pursuant to the terms and conditions of the applicable Subdivision Improvement Agreement.

(c) Roadway Construction. For all Project roadways constructed by Developer, Developer shall do so pursuant to the Project Approvals, including installing identified driveways, curb, gutter and streetlights and as well as all required service facilities (i.e., potable water, wastewater, storm lines, recycled water) concurrently with the installation of said roadways. Developer shall be permitted to complete any required widening or improvements within any existing City roadways or rights-of-way if Developer elects to perform this work in accordance with applicable laws and regulations. Provided, however, no roadway frontage improvements in back of curb shall be required to be constructed until such time as the lot fronting such street is developed.

(d) For Master Plan Infrastructure that Developer installs, including, for example and without limitation, planned roadway improvements on Shirk Street that consist of all pavement and other improvements outside of eight (8) feet from face of curb, Developer shall obtain fee credit and/or reimbursement pursuant to the City Applicable Law, including but not limited to the City Transportation Impact Fee Program.

(e) City intends to substantially complete construction of the planned Riggin Avenue roadway improvements pursuant to the City's approved Capital Improvement Program by September 30, 2025 (as such date may be extended in the event of any Excused Delay).

(f) To the extent Developer is required to install Master Plan Infrastructure (e.g., intersection improvements) that benefit other third-party property owner(s), then City shall facilitate reimbursement of Developer's costs and enter into a Reimbursement Agreement with the Developer. Notwithstanding anything to the contrary in the foregoing, City shall have no obligation to directly reimburse Developer under this subsection (f).

## SECTION 6. FEES AND OTHER PAYMENT OBLIGATIONS.

6.1. Regulatory Processing Fees. Developer shall pay all Regulatory Processing Fees required by City under then-current regulations for processing applications for Subsequent Approvals. Without limiting the foregoing, Developer shall reimburse City or pay directly all reasonable and actual costs relating to the hiring of consultants and the performing of studies as may be necessary to review or process any applications for Subsequent Approvals or perform any related environmental review. Prior to engaging the services of any such consultant or authorizing the expenditure of any funds for such consultant, City shall consult with Developer in an effort to mutually agree upon terms regarding (a) the scope of work to be performed, (b) the projected costs associated with the work, and (c) the particular consultant that would be engaged to perform the work.

6.2. Impact Fees. Developer shall be required to pay all City Impact Fees that are not Regulatory Processing Fees that are in effect as of the Effective Date for a period of five (5) years from the Effective Date ("***Fee Vesting Period***"); thereafter, Developer shall be required to pay all City Impact Fees that are then in effect. The Impact Fees set forth in attached Exhibit 2 constitute all Impact Fees (both in type and amount) that are in effect on the Effective Date, and City shall not seek to impose any new Impact Fees (either in amount or type) on the Project during the Fee Vesting Period.

## SECTION 7. PERIODIC COMPLIANCE REVIEW; NOTICE OF COMPLIANCE.

7.1. Periodic Compliance Review. No later than ten (10) months after the Effective Date, and no later than every twelve (12) months thereafter, Developer and City shall conduct the periodic review pursuant to City's Development Agreement Procedures and the Development Agreement Statute (*"**Periodic Review**"*). In conducting this Periodic Review, City acknowledges and agrees that any finding of non-compliance on Developer's part shall be limited in effect to Developer's interest in the Property. Furthermore, City acknowledges and agrees that in the event and to the extent Developer has assigned all or a portion of its rights and obligations to other Assignee(s) pursuant to Section 11.1 below, then any such Assignee(s) shall be responsible for conducting the Periodic Review as it relates to their respective rights and obligations hereunder, although Developer shall cooperate with respect to reasonable information requests from any Assignee(s) in order to facilitate the Periodic Review process. If, as a result of City's Periodic Review, City determines, on the basis of substantial evidence, that Developer has not complied in good faith with the terms of this Development Agreement, City may terminate this Development Agreement in accordance with the Development Agreement Statute and City's Development Agreement Procedures. Provided, however, Developer reserves any and all rights it may have to challenge in court City's termination of this Development Agreement under this Section 7.1 and the basis therefor. If more than one Developer has obtained rights and assumed obligations hereunder as a result of an Assignment pursuant to Section 11.1 below, then termination of this Development Agreement as a result of a Developer Default shall extend only to those rights and obligations of the applicable Developer, and shall not terminate as to those rights and obligations of Developer(s) that are not in Default. Notwithstanding anything to the contrary in the foregoing, the Parties' collective

failure to complete the Periodic Review during a particular year shall not constitute a Default hereunder.

7.2. Notice of Compliance. At Developer's request, City shall, from time to time, promptly execute and deliver to Developer a written *"**Notice of Compliance***" in recordable form, duly executed and acknowledged by City, which certifies the following:

(a) This Development Agreement is in full force and effect;

(b) This Development Agreement has not been amended or, or if so amended, identifying the amendment(s);

(c) Developer is not in Default of the performance of its obligations, or if in Default, to describe therein the nature and extent of any such Default(s);

(d) City is not in Default of the performance of its obligations, or if in Default, to describe therein the nature and extent of any such Default(s); and

(e) Any other information reasonably requested by Developer.

The Planning and Community Preservation Director shall execute and return such Notice of Compliance within fifteen (15) days following a request therefor. Developer shall have the right, at its sole discretion, to record the Notice of Compliance. Developer and City acknowledge that a Notice of Compliance hereunder may be relied upon by any existing or potential Mortgage Holders, tenant(s), and/or other Assignee(s). If City fails to deliver a Notice of Compliance within the aforementioned fifteen (15) day period, then Developer shall have the right to deliver a second request clearly indicating thereon that failure of City to respond within five (5) days of its receipt of such second notice shall be deemed City's approval of all of the terms and conditions set forth in the Notice of Compliance.

## SECTION 8. DEFAULT, RIGHTS TO CURE AND WAIVERS; LEGAL ACTIONS; RIGHTS AND REMEDIES; EXCUSED DELAY; MORTGAGE HOLDER RIGHTS.

8.1. Default and Cure; Dispute Resolution. Subject to any Excused Delay, failure or delay by either Party to timely perform any material term or condition of this Development Agreement constitutes a Default hereunder, but only if the Party who so fails or delays does not commence to cure, correct or remedy such failure or delay within sixty (60) days after receipt of a written notice ("***Notice of Default***") from the non-Defaulting Party specifying such failure or delay, and does not thereafter prosecute such cure, correction or remedy with diligence to completion (in such case, a "***Default***"). City shall continue to process in good faith development applications for any and all Subsequent Approval(s) during any cure period, but may delay taking formal action on any such application if it relates to a proposal for the Property with respect to which there is an alleged Developer Default whose interest is the subject of said proposal until such time as the subject Developer Default is resolved pursuant to this Section 8.

Upon occurrence of a Default and without any right to further notice or additional cure period, the non-Defaulting Party shall have all remedies available to it under this Development Agreement as set forth in Section 8.3 below; provided, however, neither Party shall have the right to recover any punitive, consequential, or special damages. Failure or delay in giving any Notice of Default shall not constitute a waiver of any Default and any waiver of a Default shall be in writing and be signed by the non-defaulting Party. For purposes of instituting a legal action

under this Development Agreement, any City Council determination as it relates to an alleged Default hereunder shall be deemed a final agency action. Except as otherwise provided in this Development Agreement, waiver by either Party of the performance of any term or condition herein shall not invalidate this Development Agreement, nor shall it be considered a waiver of any other term or condition. Waiver by either Party of the time for performing any act shall not constitute a waiver of time for performing any other act or an identical act required to be performed at a later time. The delay or forbearance by either Party in exercising any remedy or right as to any Default shall not operate as a waiver of any Default or of any rights or remedies or to deprive such Party of its right to institute and maintain any actions or proceedings which it may deem necessary to protect, assert, or enforce any such rights or remedies. Nothing in this Development Agreement shall relieve a non-Defaulting Party from satisfying any and all applicable requirements of the California Government Claims Act.

The non-Defaulting Party shall provide the Defaulting Party written notice ("***Dispute Notice***") that specifies, in reasonable detail, the reasons that a Default and dispute exists, and what, if any, reasonable actions may be taken to cure the Default and resolve the dispute. Within thirty (30) days after the Dispute Notice is given, the Parties shall meet in person and confer in good faith in an attempt to resolve the dispute. In addition to any other rights or remedies, if, following the meet and confer process, the non-Defaulting Party determines that the dispute cannot be resolved informally, the non-Defaulting Party may institute legal action to cure, correct, or remedy the Default, enforce any covenant or agreement herein, enforce by specific performance the obligations and rights of the Parties hereto, or obtain any other remedy consistent with this Development Agreement, subject to cure rights provided for by this Section 8.1. Notwithstanding anything to the contrary in the foregoing, if more than one Developer has obtained rights and assumed obligations hereunder as a result of an Assignment pursuant to Section 11.1 below, then provisions under this Section 8 shall apply only to the extent those rights and obligations so assumed by a Developer are implicated with respect to a Default hereunder. The inability of the Parties to timely meet and confer or to resolve any matter pursuant to this Section 8.1 shall not be deemed a Default hereunder.

8.2. Legal Actions.

(a) Institution of Legal Actions. Upon occurrence of a Default (but subject to cure rights set forth in Section 8.1 above) and further subject to the Parties' good faith participation in the meet and confer process described in Section 8.1 above, the non-Defaulting Party shall have all rights and remedies available to it under this Development Agreement and other applicable laws and regulations, including, without limitation, the right to institute a legal action or proceeding to cure, correct or remedy such Default. Legal actions must be instituted and maintained in the Superior Court of the County of Tulare, State of California, or in any other appropriate court in that county.

(b) Applicable Law and Forum. The internal laws of the State of California shall govern the interpretation and enforcement of this Agreement without regard to conflict of law principles.

(c) Acceptance of Service of Process. If any legal action is commenced by Developer against City, service of process on City shall be made by personal service upon the City Clerk, or in such other manner as may be provided by law. If any legal action is commenced by City against Developer, service of process on Developer shall be made by personal service upon Developer at the address indicated in Section 12.10 below, or in such other manner as may be provided by law.

(d) Attorney's Fees. In the event of any litigation by either Party pertaining to this Development Agreement, the prevailing Party in such litigation, in addition to any other relief which may be granted, shall be entitled to its reasonable litigation costs and expenses, including, without limitation, reasonable attorneys' fees.

8.3. Rights and Remedies: Cumulative Nature. Except as otherwise expressly stated in this Development Agreement, the rights and remedies of the Parties are cumulative, and the exercise by either Party of one or more of its rights or remedies shall not preclude the exercise by it, at the same or different times, of any other rights or remedies for the same Default or any other Default by the other Party.

8.4. Excused Delay: Extension of Times of Performance. In addition to the specific provisions of this Development Agreement, performance by either Party hereunder shall not be deemed to be in Default when the delay or Default is due to war; infectious disease; insurrection; strikes; lock-outs; riots; floods; earthquakes; fires; casualties; acts of God; acts of the public enemy; pandemics; global and/or national health crises; epidemics or pandemics; quarantine or shelter in place restrictions and/or government orders related thereto; freight embargoes; non-City governmental restrictions that prevent compliance; unusually severe weather that prevents, limits, delays or hinders the ability to perform; environmental conditions discovered that delay construction or development, including delays resulting from investigation and/or remediation of such conditions; initiatives, referenda, Third-Party Litigation challenging this Development Agreement and/or other Project Approval(s) on CEQA or any other grounds; acts or the failure to act of a governmental or quasi-governmental authority (except that acts or the failure to act of City shall not excuse performance by City); or any other similar causes beyond the control or without the fault of the Party claiming an extension of time to perform (each, "***Excused Delay***"). Excused Delay shall also include (provided the Party seeking the extension is acting with reasonable diligence), additional reasonable period(s) (a) required to complete compliance with and/or obtain approval, adoption or certification (as applicable) of any supplemental or subsequent environmental analysis and/or documentation required for the Project or any portion(s) thereof; (b) the full and final resolution of any Third-Party Litigation filed (and if no Thirty-Party Litigation has been filed, then the running of all applicable statutes of limitations period(s)) challenging this Development Agreement and/or other Project Approval(s) on CEQA or any other grounds in a manner that is acceptable to Developer in its sole and absolute discretion; and (c) required to complete any pending application or request before City for an action or approval under this Development Agreement or before City for an action or approval under the Project Approvals. Notwithstanding anything to the contrary in the foregoing, Developer's failure to obtain financing for the Project shall not be considered an Excused Delay. City's financial condition shall similarly not be considered an Excused Delay that can be relied on by City for failure to satisfy any City obligation hereunder.

Notwithstanding the foregoing or anything else to the contrary contained in this Development Agreement, no delay shall be deemed an Excused Delay unless the Party claiming the benefit of this provision shall, as a condition thereto, give notice to the other Party in writing within fifteen (15) days of the declaring Party having actual knowledge of the incident specifying with reasonable particularity the nature thereof, the reason therefor, the date and time such incident occurred and a reasonable estimate of the period that such incident will delay the fulfillment of obligations contained herein. If any notice of Excused Delay is given later than fifteen (15) days after the Party declaring such delay has actual knowledge of the existence of the Excused Delay, then the Excused Delay occurring during the period commencing on the sixteenth (16th) day after the commencement of the Excused Delay and ending on the date of such notice, shall be disregarded and deemed not to have occurred.

In the event of an Excused Delay, the Party delayed shall continue to exercise reasonable diligence to minimize the period of the delay. An extension of time for any such cause shall be limited to the period of the Excused Delay, and shall commence to run from the time of the commencement of the cause. Times of performance under this Development Agreement may also be extended by mutual written agreement by City and Developer, with the City Manager having the authority on behalf of City to so consent.

8.5. Rights of Mortgage Holders of Approved Security Interests in the Property.

(a) Developer's Default Shall Not Defeat Mortgage Lien. If Developer Defaults, any such Default shall not defeat or render invalid the lien of any Mortgage(s) made in good faith and for value as to the Property, or any portion(s) thereof or interest(s) therein; provided, however, that unless otherwise provided herein, the terms and conditions of this Development Agreement shall be binding and effective against any and all Mortgage Holder(s) whose interest is acquired by foreclosure, trustee's sale or otherwise.

(b) Holder Not Obligated to Commence or Complete Project. A Mortgage Holder shall in no way be obligated by the provisions of this Development Agreement to commence or complete construction of any Project phase(s) or to guarantee any such commencement and/or completion of same nor shall any covenant or any provision in the conveyances from City to Developer evidencing the realty comprising the Property or any part thereof be construed so to obligate such Holder; provided, however, nothing in this Development Agreement shall be deemed to or be construed to permit any such Mortgage Holder to devote the Property or any portion(s) thereof to any uses, or to construct any improvements thereon, other than those uses or improvements provided for or authorized by this Development Agreement and the other Project Approvals.

(c) Notice of Default to Mortgagee, Deed of Trust or Other Security Interest Holders. With respect to any Mortgage granted by Developer on the Property or any portion(s) thereof, whenever City shall deliver any notice or demand to Developer with respect to any Default by Developer, City shall at the same time deliver a copy of such notice or demand to each Mortgage Holder of record who has previously made a written request to City therefor, or to the representative of such Mortgage Holder as may be identified in such a written request. No Notice of Default shall be effective as to the Mortgage Holder unless such notice is given.

(d) Right to Cure Developer Default Hereunder. Each Mortgage Holder (insofar as the rights of City are concerned) shall have the right, at its option, within ninety (90) days after the receipt of the Notice of Default, to:

(1) Cure or remedy or commence to cure or remedy any such Default and diligently pursue said cure until the same is completed, and

(2) Add the cost of said cure to the Mortgage debt and the lien of its Mortgage.

Provided that in the case of a Default that cannot with diligence be remedied or cured within such ninety (90) day period, such Mortgage Holder shall have additional time as reasonably necessary to remedy or cure such Default.

If possession of the Property (or portion(s) thereof) is required to effectuate such cure or remedy, the Mortgage Holder shall be deemed to have timely cured or remedied if it

commences the proceedings necessary to obtain possession thereof within ninety (90) days, diligently pursues such proceedings to completion, and, after obtaining possession, diligently completes such cure or remedy (the foregoing time periods being subject to extension during the period that such Mortgage Holder is precluded from taking or pursuing any such action as a consequence of any bankruptcy stay or other court order).

If there is more than one such Mortgage Holder, the right to cure or remedy a Default of Developer under this Section 8.5 shall be exercised by the Mortgage Holder first in priority or as the holders may otherwise agree among themselves, but there shall be only one exercise of such right to cure and remedy a Default of Developer under this Section 8.5.

Nothing in this Development Agreement shall be deemed to permit or authorize such Mortgage Holder to commence or continue the construction of any Project phase(s) (beyond the extent necessary to preserve or protect the improvements or construction already made) without first having expressly assumed Developer's obligations to City with respect to such improvements by written agreement with respect to the Property or any portion(s) thereof in which the Mortgage Holder has an interest.

(e) Rights upon Failure of Holder to Cure Developer Default on Mortgage. During the Term of this Development Agreement and subject to any rights of Developer to challenge, cure, or satisfy any liens or encumbrances on the Property or any portion(s) thereof, in any case where thirty (30) days after default by Developer on a Mortgage and Developer has not exercised the option to cure afforded in the Mortgage or if it has exercised such option and has not proceeded diligently to cure, City may cure the Mortgage default prior to completion of any foreclosure. In such event, City shall be entitled to reimbursement from Developer of all costs and expenses incurred by City in curing the Mortgage default, including legal costs and attorneys' fees, which right of reimbursement shall be secured by a lien upon the Property or portion(s) thereof to the extent of such costs and expenses. Any such lien shall be subject to:

(i) Any Mortgage for financing permitted by this Development Agreement; and

(ii) Any rights or interests provided in this Development Agreement for the protection of such Mortgage Holders.

City shall execute from time to time any and all documentation reasonably requested by Developer to effect such subordination.

Nothing contained herein shall be deemed to impose upon City any affirmative obligation to cure a Mortgage default by Developer (by the payment of money, construction or otherwise) with respect to the Property in the event of its enforcement of any such lien.

(f) Modifications. If a Mortgage Holder should, as a condition of providing financing for development of all or a portion of the Project, request any modification of this Development Agreement in order to protect its interest in the Property or this Development Agreement, then City shall consider such request consistent with its land use authority and processed as an amendment pursuant to the terms of Section 12.5(b) below; provided, however, that any such amendment shall affect only those rights and obligations of such Mortgage Holder and City but not those of any other Developer(s) or Mortgage Holder(s) without their respective written consent.

**SECTION 9. TERMINATION.**

9.1. Termination Upon Completion of Project or Expiration of Term. This Development Agreement shall terminate upon the earlier of the expiration of the Term or when the Project on the Property has been fully developed in accordance with the Project Approvals, as evidenced by (a) the issuance of the last Certificate of Occupancy necessary for Project buildout, and (b) written documentation approved by both Parties that confirms Parties' respective obligations in connection therewith and with this Development Agreement have been fully satisfied.

9.2. Termination Due to Default. After notice and expiration of the sixty (60) day cure period as specified in Section 8.1 above, if the Default has not been cured or it is not being diligently cured in the manner set forth above, the noticing Party may, at its option, give notice of its intent to terminate this Development Agreement pursuant to the Development Agreement Statute and City's Development Agreement Procedures ("***Notice of Intent to Terminate***"). Within thirty (30) days of receipt of a Notice of Intent to Terminate, the matter shall be scheduled for consideration and review in the manner set forth in the Development Agreement Statute and City's Development Agreement Procedures. Following consideration of the evidence presented in said review, the Party alleging the Default may give written notice of termination of this Development Agreement. If a Party elects to terminate as provided herein, upon sixty (60) days' written notice of termination, this Development Agreement shall be terminated as it relates to the Defaulting Party's rights and obligations hereunder. Notwithstanding the foregoing, a written notice of termination given under this Section 9.2 is effective to terminate the obligations of the noticing Party only if a Default has occurred. If the noticing Party is not so authorized to terminate, the non-noticing Party shall have all rights and remedies provided herein or under applicable laws and regulations, including, without limitation, the right to specific performance of the Defaulting Party's obligations under this Development Agreement. Once a Party alleging Default has given a written notice of termination, legal proceedings may be instituted to obtain a declaratory judgment determining the respective termination rights and obligations under this Development Agreement. Notwithstanding the foregoing, any such Default and related termination shall only extend to the Defaulting Party's rights and obligations hereunder and shall not affect the rights and obligations of any other Assignee who has acquired other portion(s) of the Property in accordance with Section 11.1 below.

9.3. Termination by Mutual Consent. This Development Agreement may be terminated by mutual consent of the Parties in the manner provided in the Development Agreement Statute and in City's Development Agreement Procedures.

9.4. Documentation of Termination. While the Parties intend the foregoing termination to be automatic and self-executing upon the relevant trigger(s), City agrees to promptly execute and deliver such documents and instruments in recordable form as Developer may reasonably request in order to evidence the termination of this Development Agreement. Thereafter, Developer may cause a notice of such termination to be duly recorded in the official records of Tulare County.

**SECTION 10. PARTICIPATION IN THIRD-PARTY LITIGATION; INDEMNITY.**

10.1. In General. The Parties acknowledge and agree that each shall have the right to elect to defend any Third-Party Litigation subject to the obligations of this Section 10, which shall survive the expiration or termination of this Development Agreement.

10.2. Developer Indemnification in the Event of Third-Party Litigation. Subject to Section 10.3 below, Developer agrees to indemnify City and shall hold and save City harmless from any and all Claims concerning any Third-Party Litigation except if and to the extent said Claims arise from City's sole negligence, willful misconduct, or fraudulent acts. "***Third-Party Litigation***" shall mean any court action or proceeding instituted by any third party (i.e., any private individual or entity or any non-City governmental or quasi-governmental authority) solely for the purpose of challenging the validity of any provision of this Development Agreement, the other Initial Approvals, the Subsequent Approvals as and when issued, granted or approved, or any CEQA issue(s) or document(s) approved in connection therewith. City shall provide Developer with prompt notice of the pendency of any action or proceeding for which it believes it is entitled to indemnity under this Section 10.2 and request that Developer defend it regarding such action or proceeding (but any delay or failure to notify Developer shall reduce Developer's obligations to so defend or indemnify to the extent of any actual prejudice suffered by Developer due to the delay or failure). Developer's indemnification obligations under this Section 10.2 shall survive the expiration or termination of this Development Agreement.

10.3. Cooperation in the Event of Third-Party Litigation. Subject to Section 10.4 below, Developer and City shall cooperate defending same pursuant to this Section 10.3, and the Parties shall keep each other informed of all developments relating to such defense, subject only to confidentiality requirements that may prevent the communication of such information.

(a) Meet and Confer. If Third-Party Litigation is filed, upon receipt of the complaint or petition, the Parties shall have twenty (20) days to meet and confer regarding the merits of such Third-Party Litigation to determine whether each Party elects to defend same and if so, whether they elect to so jointly defend, which period may be extended by the Parties' mutual agreement so long as it does not adversely and materially impact any litigation deadlines. Subject to an election to defend, City and Developer shall mutually commit to meet all required litigation timelines and deadlines. If City and Developer agree jointly to defend the Third-Party Litigation, they shall expeditiously enter a joint defense agreement, which shall include, among other things, provisions regarding the preservation of confidential communications. The City Manager is authorized to negotiate and enter such joint defense agreement in a form reasonably acceptable to the City Attorney and Developer's attorneys. Such joint defense agreement shall also provide that any proposed settlement of the Third-Party Litigation shall be subject to Developer's approval, in its reasonable discretion, except in the event City elects to solely defend under Section 10.4 below. If the terms of the proposed settlement would constitute an amendment of this Development Agreement, the settlement shall not become effective unless such amendment is mutually approved by the Parties in accordance with applicable laws and regulations.

10.4. Defense Election. If, after meeting and conferring, the Parties mutually agree (each in its sole discretion) to defend against the Third-Party Litigation, then the following shall apply:

(a) Developer shall take the lead role defending such Third-Party Litigation and may, in its sole discretion, elect to be represented by the legal counsel of its choice.

(b) City may, in its sole discretion, elect to be separately represented by the City Attorney and designated litigation counsel for City, with the reasonable costs of such representation to be paid by Developer. Provided, however, if City elects to proceed with any outside legal counsel (other than the designated litigation counsel for City) of its choice in

addition to the City Attorney, then City shall be solely responsible for any such additional legal fees and costs.

(c) To the extent due hereunder, Developer shall reimburse City, within twenty (20) business days following City's written demand therefor, reasonable legal fees and costs incurred by the City Attorney, as well as court costs, incurred in the month prior in connection with the Third-Party Litigation. Provided, however, that Developer shall not be required to pay any internal City staff costs associated with defending the Third-Party Litigation, nor any outside City legal costs (other than the designated litigation counsel for City); moreover, City shall provide Developer with reasonably sufficient information to document the basis for said request for payment.

The Parties intend that City's role under this Section 10.4 shall be primarily oversight although City reserves its right to protect City's interests, and City shall make good faith efforts to maximize coordination and minimize its legal costs (for example, minimizing filing separate briefs, and duplication of effort to the extent feasible).

If, after meeting and conferring, Developer and City both elect not to defend against the Third-Party Litigation, Developer shall remain obligated to indemnify and hold City harmless from and against any damages, attorneys' fees or cost awards that are actually awarded by a court of competent jurisdiction in accordance with Section 10.2 above.

In the alternative, if Developer elects, in its sole and absolute discretion, not to defend against the Third-Party Litigation, it shall deliver written notice to City regarding such decision. If Developer elects not to defend, City has the right, but not the obligation, in its sole discretion to proceed to defend against the Third-Party Litigation at its sole cost and expense, in which case City shall then take the lead role defending such Third-Party Litigation. If, following receipt of Developer's notice of election not to defend, City elects to defend and takes the lead role in such litigation, then City shall be solely responsible for all damages, attorney's fees or cost awards, if any, which are actually incurred or awarded from and after such time City has made such election. Provided, however, that City shall have no right to approve any settlement obligating Developer to make any payment(s), incur any liability or take any action(s) related thereto.

10.5. Processing During Third Party Litigation. The filing of any Third-Party Litigation against City or Developer shall not delay, suspend or stop the development, processing or construction of the Project or the processing, consideration and issuance of Subsequent Approval(s) unless the subject Third-Party petitioner obtains an injunction or other court order preventing the activity at issue.

## SECTION 11. ASSIGNMENT AND ASSUMPTION; RIGHTS AND DUTIES OF MORTGAGEES.

11.1. Assignment of Rights, Interests and Obligations. Subject to compliance with this Section 11, Developer may sell, assign or transfer its interest in the Property (all or any portion(s) thereof) and related Project Approvals to any individual or entity (***"Assignee***") at any time during the Term of this Development Agreement without obtaining City's consent. Developer shall provide written notice to City of any such assignment or transfer of its interest in the Property, or any portion(s) thereof (each, an "***Assignment***") by providing City with a copy of the subject Assignment Agreement pursuant to Section 11.2 below.

11.2. Assumption of Rights, Interests and Obligations. Express written assumption by an Assignee of the obligations and other terms and conditions of this Development Agreement with respect to the Property or such portion(s) thereof sold, assigned or transferred, shall relieve Developer of such obligations and other terms and conditions so expressly assumed. Any such assumption agreement shall be in substantially the same form as attached Exhibit 3 ("***Assignment Agreement***"). No later than ten (10) business days after the date said Assignment becomes effective, Developer shall deliver to City a fully executed and acknowledged original of the Assignment Agreement. Developer shall duly record the Assignment Agreement with the County Recorder within ten (10) days of execution and acknowledgment. Upon the recordation of each such Assignment Agreement, Developer shall be released and have no further obligations or liability under this Development Agreement with respect to the interest(s) which are Assigned and the obligations assumed under the relevant Assignment Agreement.

**SECTION 12. GENERAL PROVISIONS.**

12.1. Independent Contractors. Each Party is an independent contractor and shall be solely responsible for the employment, acts, omissions, control and directing of its employees. All persons employed or utilized by Developer in connection with implementing the Project shall not be considered employees of City in any respect. Except as expressly set forth herein, nothing contained in this Development Agreement shall authorize or empower either Party to assume or create any obligation whatsoever, express or implied, on behalf of the other Party or to bind the other Party or to make any representation, warranty or commitment on behalf of the other Party.

12.2. Severability of Provisions. If any term or condition contained herein is held to be invalid, void or otherwise unenforceable by any court of competent jurisdiction, such holding shall in no way affect the validity or enforceability of any other term or condition contained herein and the remaining provisions shall continue in full force and effect.

12.3. Further Documents; Other Necessary Acts. Each Party shall execute, acknowledge and deliver to the other Party all further instruments and documents and shall take such further actions as may be reasonably necessary to carry out this Agreement and the Project Approvals in order to provide or secure to the other Party the full and complete enjoyment of the rights and privileges granted hereunder.

12.4. Time of Essence. Time is of the essence in the performance of each and every covenant and obligation to be performed by the Parties hereunder.

12.5. Amendments.

(a) Amendment by Written Consent. Except as otherwise expressly provided for herein, this Development Agreement may be amended only by the Parties' mutual written consent.

(b) Major and Minor Amendments. Any amendment to this Development Agreement that affects or relates to: (i) the Term; (ii) permitted uses on the Property; (iii) provisions for the reservation or dedication of land; (iv) conditions, terms, restrictions or requirements for subsequent discretionary actions; (v) the density or intensity of the use of the Property or the maximum height or size of proposed buildings; or (vi) monetary contributions by Developer, shall be deemed a "***Major Amendment***" and shall require giving of notice and a

public hearing before the City Council and otherwise adhere to the requirements set forth in the Development Agreement Statute. Any amendment that is not a Major Amendment shall be deemed a "***Minor Amendment***" and shall not, except to the extent otherwise required by applicable laws, require notice of public hearing before the parties may execute an amendment hereto.

(c) Authority to Consider Minor Amendment. The City Manager or his or her designee shall have the authority to reasonably determine if an amendment is a Major Amendment or a Minor Amendment, as well as the authority to review and approve Minor Amendment(s) administratively without public notice or hearing.

(d) Recordation of Amendment. In the event the Parties amend this Development Agreement, City shall cause notice of such action to be duly recorded in the official records of Tulare County within ten (10) days of such action.

12.6. Project Is A Private Undertaking. The Project is a private undertaking of Developer. Nothing in this Development Agreement is intended to or does establish the parties as partners, co-venturers, or principal and agent with one another.

12.7. Covenants Running With The Land. This Development Agreement shall be binding upon and shall inure to the benefit of the Parties and their respective heirs, successors and Assignees (including any and all persons acquiring all or any portion of the Property, or any interest therein, whether by operation of law or in any manner whatsoever). All of the provisions of this Agreement shall be enforceable as equitable servitudes and shall constitute covenants running with the land pursuant to California law, including, without limitation, Civil Code Section 1468.

12.8. Recordation Of Agreement. Within ten (10) days of the Effective Date, City shall cause this Development Agreement to be duly recorded in the official records of Tulare County.

12.9. Good Faith and Fair Dealing. The Parties shall cooperate with each other and act in good faith in complying with the provisions of this Agreement. In their course of performance under this Agreement, the Parties shall cooperate and shall undertake such actions as may be reasonably necessary and appropriate to implement the Project as contemplated by this Agreement.

12.10. Notices, Demands and Communications Between the Parties. Any notice, consent, report, demand, document or other such item (each, a "***Notice***") to be given under this Agreement must be in writing and shall be given by: (a) certified mail, postage prepaid, return receipt requested; (b) personal delivery; (c) reputable "overnight courier" such as Federal Express (or similar courier company); or (d) email, to the Party to whom the Notice is directed at the address of the Party set forth below, or at any other address as that party may from time to time by written notice designate to the other. Any Notice so given shall be deemed to have been given upon receipt or refusal to accept delivery except that any Notice sent via email shall be deemed given on the date sent (as evidenced by the sender's "sent mail" mailbox) if sent prior to 5:00 p.m. (Pacific Time) on a business day and, otherwise, on the next succeeding business day.

**City:** City of Visalia
Attn: Planning and Community Preservation Director

315 E. Acequia Avenue
Visalia, CA 93291
Email: [_____]

**Copy to:** City of Visalia
Attn: City Attorney
220 N. Santa Fe St.
Visalia, CA 93292
Email: [_____]

**Developer:** Seefried Industrial Properties, Inc.
Attn: Jason Quintel
2201 East Camelback Road, Suite 222
Phoenix, AZ 85016
Email: jasonquintel@seefriedproperties.com

Larry J. Ritchie Family Limited Partnership
Attn: Larry Ritchie
[_____]
Email: [_____]

Jeffrey B. Ritchie Family Limited Partnership
Attn: Jeffrey Ritchie
[_____]
Email: [_____]

**and:** GVR Partners LLP
Attn: Nadia Costa
3333 Michelson Drive, Suite 300
Irvine, CA 92612
Email: nadia.costa@gvrpartners.com

Notices sent by a Party's attorney on behalf of such Party shall be deemed delivered to such Party. Notices to Mortgage Holders by City shall be given as provided above using the address provided by such Mortgage Holders. Notices to Assignees shall be given by City as required above only for those Assignees who have given City written notice of their addresses for the purpose of receiving such notices. Either Party may change its mailing address/email at any time by giving written notice of such change to the other Party in the manner provided herein at least ten (10) days prior to the date such change is effected.

12.11. No Financial Assistance; Prevailing Wage Matters. City is not providing any direct or indirect financial assistance to Developer that would make any part of the Project a "public work" "paid for in whole or in part out of public funds," as described in California Labor Code Section 1720, such that it would cause Developer to be required to pay prevailing wages for any aspect of the Project.

12.12. Interpretation. This Development Agreement shall be construed and enforced in accordance with the laws of the State of California. The terms of this Development Agreement

shall be construed in accordance with the meaning of the language used and shall not be construed for or against either Party by reason of the authorship of this Development Agreement or any other rule of construction which might otherwise apply. The Section headings are for purposes of convenience only, and shall not be construed to limit or extend the meaning of this Development Agreement. The provisions of this Development Agreement and the attached exhibits shall be construed as a whole according to their common meaning and not strictly for or against either Party, and in a manner that shall achieve the purposes of this Development Agreement.

12.13. Venue. Any action brought relating to this Development Agreement shall be held exclusively in a state court in the County of Tulare.

12.14. No Waiver. Waiver of a breach or Default under this Development Agreement shall not constitute a continuing waiver or waiver of a subsequent breach of the same or any other provision of this Agreement. All waivers of the provisions of this Development Agreement, unless specified otherwise herein, must be in writing and signed by the appropriate representatives of City or Developer, as applicable.

This Agreement has been reviewed and revised by legal counsel for both City and Developer and no presumption or rule that ambiguities shall be construed against the drafting Party shall apply to the interpretation or enforcement of this Agreement.

12.15. Entire Agreement; Conflicts. This Development Agreement integrates all of the terms and conditions mentioned herein, or incidental hereto, and this Development Agreement supersedes all negotiations and previous agreements between the Parties with respect to all or any part of the subject matter hereof. In the event of a conflict between the terms and conditions of the Pre-Annexation Agreement and the terms and conditions of this Agreement, to the fullest extent legally possible, this Agreement shall prevail and control.

12.16. Counterparts. This Development Agreement and any and all amendments hereto may be executed in counterparts, each of which shall be deemed to be an original, and such counterparts shall constitute one and the same instrument. Delivery of the executed Development Agreement may be accomplished by transmittal of a PDF by electronic mail, and if so done, the electronically mailed copy shall be deemed an executed original counterpart of the Development Agreement for all purposes.

12.17. No Third Party Beneficiaries. This Development Agreement and all provisions hereof is made and entered into for the sole protection and benefit of City, Developer and their respective successors and Assigns. This Development Agreement is not intended to create, nor shall it be construed to create, any third party beneficiary rights in any person or entity that is not a Party to this Development Agreement.

12.18. Authority To Execute. The individuals executing this Development Agreement represent and warrant that they have the right, power, legal capacity, and authority to enter into and to execute this Development Agreement on behalf of the representative legal entities of Developer and City.

12.19. Listing And Incorporation Of Exhibits. The exhibits to this Development Agreement, each of which is hereby incorporated herein by reference, are as follows:

Exhibit 1-a: Map of Property

Exhibit 1-b: Legal Description of Property

Exhibit 2: Existing Impact Fees

Exhibit 3: Form of Assignment Agreement

[SIGNATURE PAGE FOLLOWS]

IN WITNESS WHEREOF, the Parties have entered into this Development Agreement as of the Effective Date.

"CITY"

CITY OF VISALIA, a municipal corporation and charter city

By:_____

ATTEST:

LESLIE CAVIGLIA, CITY CLERK

By: _____

APPROVED AS TO FORM:

_____

Kenneth J. Richardson
City Attorney

"DEVELOPER"

"SEEFRIED INDUSTRIAL PROPERTIES, INC."

By: _____

"LJR LP"

LARRY J. RITCHIE FAMILY LIMITED PARTNERSHIP, a California limited partnership

By: _____
Larry J. Ritchie, General Partner

"JBR LP"

JEFFREY B. RITCHIE FAMILY LIMITED PARTNERSHIP, a California limited partnership.

By: _____
Jeffrey B. Ritchie, General Partner.

**Exhibit 1-a**

**Map of Property**

**Exhibit 1-b**

**Legal Description of Property**

## Exhibit 2

## Existing Impact Fees

**Exhibit 3**

**Form of Assignment Agreement**

**[SEE NEXT PAGE]**

**ASSIGNMENT AND ASSUMPTION AGREEMENT**
**(Development Agreement)**

This Partial Assignment and Assumption Agreement (Development Agreement) (this "**Agreement**") is executed as of _____, 20__, by and between [_____], a [_____] ("**Assignor**"), and [_____], a [_____] ("**Assignee**"), and made effective as of the Effective Date set forth below.

A. Assignor and the CITY OF VISALIA, a municipal corporation and charter city (the "**City**"), entered into that certain *Development Agreement*, dated as of [_____], 2026 and recorded as Document No. [_____] on [_____], 2026 (the "**DA**"), relating to certain real property located within the Sphere of Influence of the City (as more particularly described in the DA, the "**Property**"). All capitalized terms used herein shall have the definitions given to them in the DA, unless otherwise expressly stated herein.

B. The DA provides for development of the Project (as that term is defined therein) on the Property, as more particularly described in the DA.

C. Assignor is selling, assigning or transferring a portion of the Property to Assignee, substantially concurrently with the date of this Agreement. The portion of the Property being conveyed to Assignee is more particularly described on **Exhibit A** attached hereto (the "**Assigned Property**"). This Agreement shall become effective as of the date of recordation of a grant deed conveying the Assigned Property to Assignee (the "**Effective Date**").

D. Assignor desires to assign to Assignee solely with respect to the Assigned Property those rights and obligations of Assignor under the DA specifically described in Section 3 of this Agreement (collectively, the **"Assigned Interests"**), and Assignee desires to assume from Assignor the Assigned Interests.

NOW, THEREFORE, in consideration of the promises and the mutual agreements and covenants
set forth herein and intending to be legally bound hereby, Assignor and Assignee do hereby agree as
follows:

1. Assignment. Assignor hereby assigns to Assignee all of Assignor's right, title and interest in and to the Assigned Interests.

2. Assumption. Assignee hereby assumes from Assignor all of Assignor's right, title and interest in and to the Assigned Interests relating to the period from and after the Effective Date of this Agreement, and agrees to perform all of Assignor's obligations under the DA with respect to the Assigned Interests relating to the period from and after the Effective Date of this Agreement.

3. Assigned Interests and Obligations. As used in this Agreement, Assigned Interests and obligations means the following provisions of the DA:

[_____]

4. Assignor's Retained Rights and Obligations. As between Assignor and Assignee, Assignor hereby retains all other rights and obligations under the DA that are not specifically

applicable to the development of the Assigned Property, including without limitation, all rights and obligations applicable to development of the remainder of the Property owned by Assignor.

5. Severability. Any term or provision of this Agreement that is invalid or unenforceable in any situation shall not affect the validity or enforceability of the offending term or provision in any other situation.

6. Successors and Assigns. This Agreement shall be binding upon and inure solely to the benefit of the parties hereto and their successors and assigns.

7. Recording. The Parties shall execute and, concurrently with the recording of the grant deed conveying the Assigned Property to Assignee, Assignor shall record with the Tulare County recorder a copy of this Agreement.

8. Applicable Law. This Agreement shall be governed by, and construed in accordance with, the laws of the State of California, applicable to contracts executed in and to be performed entirely within that state, and without regard to the conflict of laws provisions thereof.

9. Counterparts. This Agreement may be executed in one (1) or more counterparts, each of which shall be deemed an original but all of which taken together shall constitute one and the same agreement.

[SIGNATURES ON NEXT PAGE]

IN WITNESS WHEREOF, Assignor and Assignee have caused this Agreement to be executed as of the date first written above by their respective officers thereunto duly authorized.

**ASSIGNOR**:

[_____]
By:
Name:
Title:

**ASSIGNEE:**

[_____]
By:
Name:
Title:

**EXHIBIT A**
**TO ASSIGNMENT AND ASSUMPTION AGREEMENT**

[Insert legal description and map of portion of Property being transferred]

## Exhibit 2 – Impact Fees

The following Impact Fees shall apply to the Project:

**PUBLIC FACILITY IMPACT FEES[1]**

| Land Use / Size | Demand Unit[2] | Civic Center | Corporation Yard | Library | Total |
|---|---|---|---|---|---|
| Business Park | Per 1,000 Sq Ft | $584.00 | $95.00 | N/A | **$679.00** |
| Mini-Warehouse | Per 1,000 Sq Ft | $7.42 | $1.24 | N/A | **$8.66** |
| Warehousing | Per 1,000 Sq Ft | $235.00 | $41.00 | N/A | **$276.00** |
| Manufacturing | Per 1,000 Sq Ft | $334.00 | $54.00 | N/A | **$388.00** |
| Light Industrial | Per 1,000 Sq Ft | $425.00 | $67.00 | N/A | **$492.00** |

**PUBLIC SAFETY IMPACT FEES[3]**

| Land Use Designation | Zoning | Fire Protection Facilities (Per Gross Acre) | Police Facilities (Per Gross Acre) |
|---|---|---|---|
| **INDUSTRIAL** | | | |
| Light Industrial | IL | $2,437.00 | $325.00 |
| Heavy Industrial[4] | IH | $2,437.00 | $325.00 |

**GROUNDWATER OVERDRAFT MITIGATION FEE[5]**

Per Gross Acre $1,663.00

[1] Per Chapter 16.50 of the Municipal Code as of the Effective Date of the Development Agreement. Fees are based on land use designations under City's General Plan.

[2] Demand Unit shall be based on the total gross square feet of the building, structure or improvement to be constructed pursuant to the relevant building permit.

[3] Per Chapter 16.46 of the Municipal Code as of the Effective Date of the Development Agreement. Fees are based on land use designations under City's General Plan.

[4] For purposes of the Public Safety Impact Fee, the Heavy Industrial land use designation shall mean the Industrial land use designation and IH zoning shall mean I zoning.

[5] Per Chapter 16.54 of the Municipal Code as of the Effective Date of the Development Agreement.

## Exhibit 2 – Impact Fees

**STORM DRAINAGE & WATERWAYS IMPACT FEES**[6]

| Land Use | Percent Impervious | Acquisition Fee (per parcel) | Develop-ment Fee (per parcel) | Total Fee (per parcel) | Waterway acquisition fee (per gross acre) |
|---|---|---|---|---|---|
| **INDUSTRIAL** | | | | | |
| **Industrial Park** | N/A | $1,758.00 | $196.00 | $1,954.00 | $1,433.00 |

NOTE:

The Acquisition Fee shall be paid on each parcel of land within the 2020 Urban Development Boundary prior to the approval of the final subdivision or parcel map. When no final subdivision or parcel map is submitted for approval prior to the commencement of the work of any development on each parcel of land, the Acquisition Fee shall be paid prior to the commencement of the work of any development thereon.

The Development Fee shall be paid on each parcel of land prior to the commencement of the work of any development thereon.

[6] Per Chapter 16.40 of the Municipal Code as of the Effective Date of the Development Agreement.

## Exhibit 2 – Impact Fees

**TRANSPORTATION IMPACT FEES[7]**

| LAND USE CATEGORIES[8] | UNIT | AMOUNT |
|---|---|---|
| COMMERCIAL | | |
| General Retail | | |
| Less than 125,000 sq ft | 1,000 sq. ft. | $18,735.00 |
| More than 125,000 sq ft | 1,000 sq. ft. | $12,496.00 |
| Gasoline Service Station[9] | | |
| 1st to 4th | Per position | $34,081.00 |
| 5th to 8th | Per position | $25,560.00 |
| 9th to 12th | Per position | $19,172.00 |
| 13th to beyond | Per position | $14,377.00 |
| INDUSTRIAL | | |
| Industrial / Service Commercial | Per 1,000 sq. ft. | $2,616.00 |
| Warehouse / Distribution | | |
| (0-20 KSF) | Per 1,000 sq. ft. | $2,388.00 |
| (20-100 KSF) | Per 1,000 sq. ft. | $1,771.00 |
| (100+ KSF) | Per 1,000 sq. ft. | $1,155.00 |
| Mini-Storage | Per 1,000 sq. ft. | $1,228.00 |

[7] Per Chapter 16.44 of the Municipal Code as of the Effective Date of the Development Agreement.

[8] As defined in 16.44.050 of the Municipal Code, "Land Use Categories" means the specific list of land uses shown in a fee schedule developed under the authority of this chapter that generate vehicle trips and were used to project future vehicle trips for the calculation of the transportation impact fee.

[9] Fees for Gasoline Service Stations are cumulative

RESOLUTION NO. 2025-08

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF VISALIA, RECOMMENDING APPROVAL OF GENERAL PLAN AMENDMENT NO. 2025-01: A REQUEST TO DECREASE THE LIGHT INDUSTRIAL LAND USE DESIGNATION AND TO INCREASE THE INDUSTRIAL LAND USE DESIGNATION ON THE PROJECT SITE CONSISTING OF APPROXIMATELY 284 ACRES.
THE PROPOSED PROJECT IS LOCATED ON APPROXIMATELY 284 ACRES, ON THE NORTH SIDE OF RIGGIN AVENUE BETWEEN SHIRK STREET AND KELSEY STREET. (APN: 077-840-004, 005, 006)

**WHEREAS,** General Plan Amendment No. 2025-01 is a request to decrease the Light Industrial land use designation and to increase the Industrial land use designation on the project site consisting of approximately 284 acres. The proposed Project is located on approximately 284 acres, on the north side of Riggin Avenue between Shirk Street and Kelsey Street. (APN: 077-840-004, 005, 006); and

**WHEREAS,** the Draft Environmental Impact Report (Draft EIR) for the Shirk & Riggin Industrial Park Project, which considered impacts from General Plan Amendment No. 2025-01, was released on April 11, 2024, for circulation for a period of 45 days, ending on May 28, 2024; and,

**WHEREAS,** the Final EIR was released on January 17, 2025, and consists of the Draft EIR and the revisions of, and additions to, the Draft EIR; the written comments and recommendations received on the Draft EIR; the written responses of the City of Visalia to significant environmental points raised in the review and consultation process; errata to the foregoing; and other information added by the City of Visalia as specified in the record; and

**WHEREAS,** the California Environmental Quality Act (CEQA) required that, in connection with the approval of a project for which an EIR has been prepared that identified one or more significant effects, the decision making body makes certain findings regarding those effects, which in full are contained in Resolution No. 2025-05 pertaining to the certification of the Final EIR prepared for the Shirk & Riggin Industrial Park Project; and,

**WHEREAS**, the Planning Commission of the City of Visalia, after a duly published notice, did reviewed this proposal and hold a public hearing on February 10, 2025, and found it to be consistent with the General Plan; and,

**WHEREAS,** the Planning Commission of the City of Visalia considered General Plan Amendment No. 2025-01 to be in accordance with Section 17.54.070 of the Zoning Ordinance of the City of Visalia based on evidence contained in the staff report and testimony presented at the public hearing.

**NOW, THEREFORE, BE IT RESOLVED,** that the Planning Commission of the City of Visalia finds that Final EIR for the Shirk & Riggin Industrial Park Project, State Clearinghouse No. 2022080658, was prepared consistent with the California Environmental Quality Act and City of Visalia Environmental Guidelines.

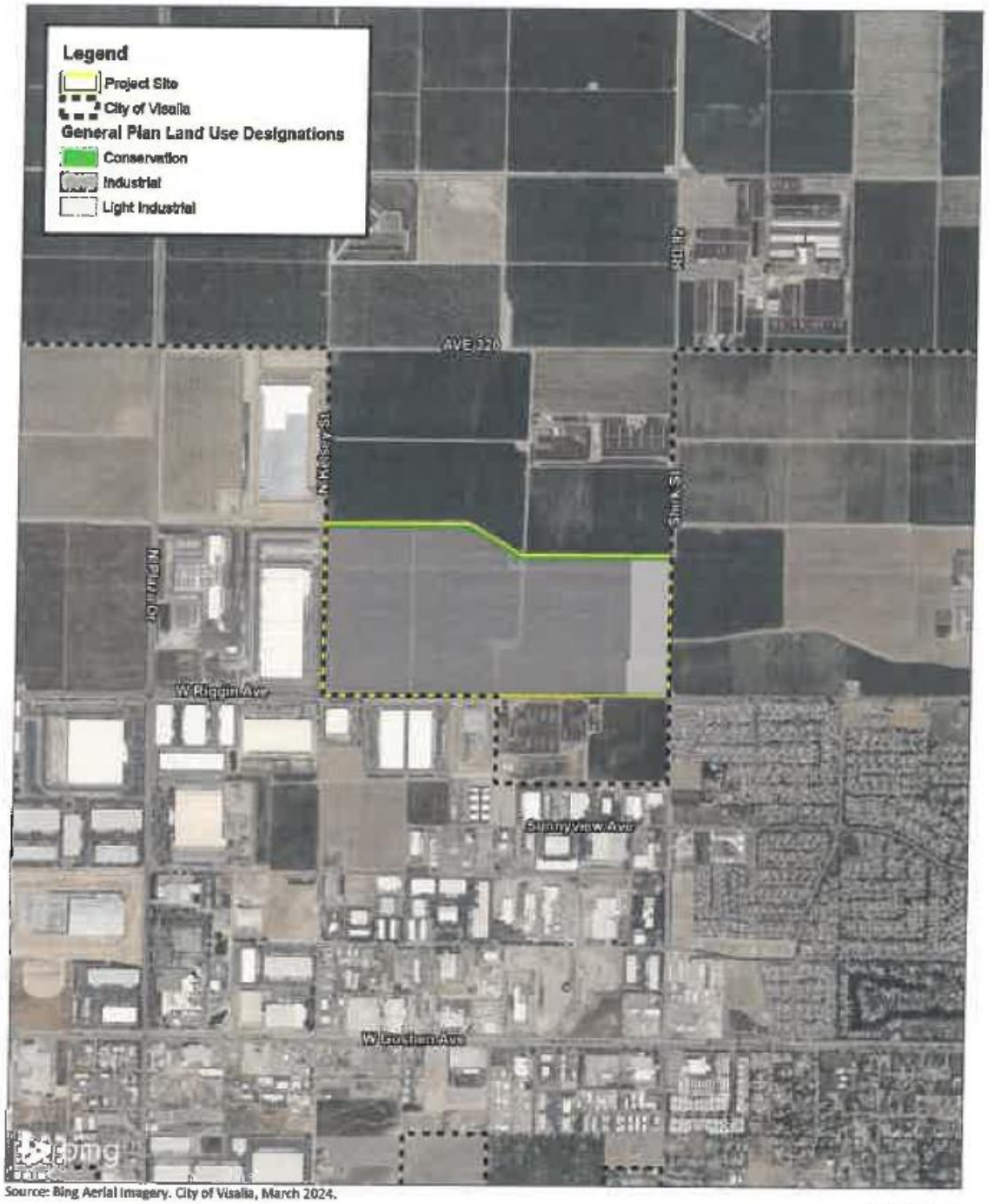
**NOW, THEREFORE, BE IT FURTHER RESOLVED** that the Planning Commission of the City of Visalia recommends approval to the City Council of General Plan Amendment No. 2025-01 based on the following specific findings and evidence presented:

1. That the proposed General Plan Amendment is consistent with the goals, objectives, and policies of the General Plan, and is not detrimental to the public health, safety, or welfare, or materially injurious to properties or improvements in the vicinity.
2. That the proposed General Plan Amendment, which results in an overall reduction of 21.12 acres of Light Industrial designation and an equal increase in the Industrial designation, will not impose new land uses or development that will adversely affect the subject site or adjacent properties. While the site already incorporates adjoining residential and industrial land use designations that are separated by an arterial street, the proposed General Plan Amendment does not significantly increase the disparity of the use of Light Industrial land use designation as a buffer from residential uses, based upon the site development plan which calls for the use of small-scale flex industrial space, self storage, and commercial uses.
3. That the General Plan Amendment will continue to help facilitate the development of a master planned industrial park within the Tier I Urban Development Boundary, consistent with General Plan Policies, including Policy LU-P-99 which calls for allowing warehousing and distribution and other industrial related uses with supporting commercial services, and including Policy LU-P-103 which calls for incorporating buffering land uses and is implemented through the planned development of smaller scale flex space, storage, and commercial.
4. That this General Plan Amendment is consistent with the project description and the analysis contained in the Final Environmental Impact Report (FEIR) (SCH# 2022080658), specifically for development that is identified and described in the Shirk and Riggin Industrial Park Project, and for which said FEIR is recommended to be certified by the City Council precedent to the Planning Commission and City Council's consideration of this General Plan Amendment request, consistent with the California Environmental Quality Act (CEQA) and City of Visalia Environmental Guidelines.

**BE IT FURTHER RESOLVED** that the Planning Commission of the City of Visalia recommends approval to the City Council of General Plan Amendment No. 2025-01, as depicted per Exhibit "A", on the real property described herein, in accordance with the terms of this resolution and under the provisions of Section 17.54.070 of the Ordinance Code of the City of Visalia.

# Exhibit "A"

## GENERAL PLAN AMENDMENT NO. 2025-01
Planning Commission Resolution No. 2025-08




Source: Bing Aerial Imagery. City of Visalia, March 2024.

FIRSTCARBON SOLUTIONS

2,000 1,000 0 2,000 Feet

**Exhibit C**
**Proposed General Plan Land Use Designations**

RESOLUTION NO 2025-09

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF VISALIA APPROVING TENTATIVE PARCEL MAP NO. 2024-08: A REQUEST TO SUBDIVIDE APPROXIMATELY 284 ACRES INTO 14 PARCELS TO FACILITATE INDUSTRIAL AND SUPPORTIVE SERVICE-ORIENTED DEVELOPMENT. THE PROPOSED PROJECT IS LOCATED ON APPROXIMATELY 284 ACRES, ON THE NORTH SIDE OF RIGGIN AVENUE BETWEEN SHIRK STREET AND KELSEY STREET. (APN: 077-840-004, 005, 006)

**WHEREAS,** Tentative Parcel Map No. 2024-08 is a request to subdivide approximately 284 acres into 14 parcels to facilitate industrial and supportive service-oriented development. The proposed Project is located on approximately 284 acres, on the north side of Riggin Avenue between Shirk Street and Kelsey Street. (APN: 077-840-004, 005, 006); and

**WHEREAS,** the Draft Environmental Impact Report (Draft EIR) for the Shirk & Riggin Industrial Park Project, which considered impacts from Tentative Parcel Map No. 2024-08, was released on April 11, 2024, for circulation for a period of 45 days, ending on May 28, 2024; and,

**WHEREAS,** the Final EIR was released on January 17, 2025, and consists of the Draft EIR and the revisions of, and additions to, the Draft EIR; the written comments and recommendations received on the Draft EIR; the written responses of the City of Visalia to significant environmental points raised in the review and consultation process; errata to the foregoing; and other information added by the City of Visalia as specified in the record; and,

**WHEREAS,** the California Environmental Quality Act (CEQA) required that, in connection with the approval of a project for which an EIR has been prepared that identified one or more significant effects, the decision making body makes certain findings regarding those effects, which in full are contained in Resolution No. 2025-05 pertaining to the certification of the Final EIR prepared for the Carleton Acres Specific Plan Project; and,

**WHEREAS,** the Planning Commission of the City of Visalia, after duly published notice did hold a public hearing before said Commission on February 10, 2025; and

**WHEREAS**, the Planning Commission of the City of Visalia finds the Tentative Parcel Map No. 2024-08 in accordance with Chapter 16.28 of the Subdivision Ordinance of the City of Visalia, based on the evidence contained in the staff report and testimony presented at the public hearing.

**NOW, THEREFORE, BE IT RESOLVED,** that the Planning Commission of the City of Visalia finds that Final EIR for the Shirk & Riggin Industrial Park Project, State

Clearinghouse No. 2022080658, was prepared consistent with the California Environmental Quality Act and City of Visalia Environmental Guidelines.

**NOW, THEREFORE, BE IT FURTHER RESOLVED** that the Planning Commission of the City of Visalia makes the following specific findings based on the evidence presented:

1. That the proposed location and layout of the tentative parcel map, its improvement and design, and the conditions under which it will be maintained is consistent with the policies and intent of the General Plan, Zoning Ordinance, and Subdivision Ordinance.
2. That the proposed tentative parcel map, its improvement and design, and the conditions under which it will be maintained will not be detrimental to the public health, safety, or welfare, nor materially injurious to properties or improvements in the vicinity, nor is it likely to cause serious public health problems. The project site does not directly abut any existing developed uses, and development standards contained within the City's Zoning Ordinance such as setbacks and landscaping will address land use conflicts.
3. That the site is physically suitable for the proposed tentative parcel map. The project is consistent with the intent of the General Plan, Zoning Ordinance, and Subdivision Ordinance, and is not detrimental to the public health, safety, or welfare or materially injurious to properties or improvements in the vicinity. The project site is situated on land designated for Industrial and Light Industrial use.
4. That the site is physically suitable for the proposed tentative parcel map which is consistent with the underlying Industrial and Light Industrial Land Use Designation and zone. The design of the proposed parcel map or the type of improvements will not conflict with easements, acquired by the public at large, for access through or use of, property within the proposed industrial / commercial map. The industrial / commercial parcel map is designed to comply with the City's Engineering Improvement Standards. Areas of dedication will be obtained as part of the tentative map recording for new street improvements, including the construction of curb, gutter, curb return, sidewalk, parkway landscaping, and pavement.
5. That the proposed location of the tentative parcel map is in accordance with the Visalia General Plan and the objectives of the Zoning and Subdivision Ordinances. The proposed location of the parcel map is in accordance with the objectives of the Zoning Ordinance and the purposes of the zone in which the site is located. Certain General Plan policies, such as LU-P-100, identify the implementation of development standards to ensure that new industrial / commercial development will contribute to positive land use compatibility.
6. That there is no evidence that the project would cause quantifiable significant unavoidable impacts on public health and safety. The project is consistent, compliant, and in conformity with the General Plan, Zoning Ordinance and development standards.

7. That the design of the parcel map or the proposed improvements are not likely to cause substantial environmental damage nor substantially and avoidably injure fish or wildlife or their habitat.
8. That the proposed parcel sizes resulting from the parcel map are consistent with the Zoning Ordinance's Planned Development and Industrial zone standards since they are part of a master planned development as identified in Site Plan Review Item No. 2024-096 and in the Shirk and Riggin Industrial Park Project Environmental Impact Report.
9. That this Tentative Parcel Map is consistent with the project description and the analysis contained in the Final Environmental Impact Report (FEIR) (SCH# 2022080658), specifically for development that is identified and described in the Shirk and Riggin Industrial Park Project, and for which said FEIR is recommended to be certified by the City Council precedent to the Planning Commission's consideration of this Tentative Parcel Map request, consistent with the California Environmental Quality Act (CEQA) and City of Visalia Environmental Guidelines.

**BE IT FURTHER RESOLVED** that the Planning Commission hereby approves Tentative Parcel Map No. 2024-08 on the real property herein above described in accordance with the terms of this resolution under the provisions of Section 16.28.070 of the Ordinance Code of the City of Visalia, subject to the following conditions:

1. That the parcel map be developed in substantial compliance with the comments and conditions of the Site Plan Review Committee as set forth under Site Plan Review No. 2024-096 incorporated herein by reference.
2. That Tentative Parcel Map No. 2024-08 be prepared in substantial compliance with the parcel map in Exhibit "C".
3. That a common access, maintenance, and landscaping agreement be entered into for all project parcels. That CC&R's including vehicular access, shared parking, landscaping and permanent maintenance of all common areas such as the public street parkways and perimeter landscaping, project identification signage and walls, stormwater basins and related infrastructure, and all similar infrastructure agreements shall be recorded with the final parcel map. The CC&R's and/or vehicular access agreements shall address property owners' responsibility for repair and maintenance of the easement, repair and maintenance of shared public or private utilities, and shall be kept free and clear of any structures. All property owners are equally responsible for these requirements. The City Planner and City Engineer shall review for approval these CC&R's or vehicular access agreements verifying compliance with these requirements prior to the CC&R's recordation.
4. That Conditional Use Permit No. 2024-26 be approved, and that requirements of the use permit that relate to this map shall be fulfilled.
5. That approval of Tentative Parcel Map No. 2024-08 shall not become effective unless Annexation No. 2024-03, placing the project site within the corporate limits of the City of Visalia, is approved by the Tulare County Local Agency Formation Commission (LAFCO) and is fully executed to include all conditions contained in the Pre-Annexation Agreement for Annexation No. 2024-03.

6. That no permits shall be issued for grading or development on the site until the site is completely removed from any applicable Land Conservation Contracts and Agricultural Preserves encumbering the site.
7. That all applicable federal, state, regional, and city policies and ordinances be met.
8. That the mitigation monitoring and reporting program and its mitigation measures adopted with the Final Environmental Impact Report certified for the project (State Clearinghouse 2022080658) and all conditions of this project be met during construction and upon final occupancy and ongoing operation of the project.

RESOLUTION NO 2025-10

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF VISALIA APPROVING CONDITIONAL USE PERMIT NO. 2024-26: A REQUEST TO ALLOW A PLANNED DEVELOPMENT THAT INCLUDES THE CREATION OF LOTS WITHOUT PUBLIC STREET FRONTAGE, REDUCED LOT SIZES, AND THE ESTABLISHMENT OF TWO PADS WITH DRIVE-THROUGH LANES, CONVENIENCE STORE, AND CAR WASH. THE PROPOSED PROJECT IS LOCATED ON APPROXIMATELY 284 ACRES, ON THE NORTH SIDE OF RIGGIN AVENUE BETWEEN SHIRK STREET AND KELSEY STREET. (APN: 077-840-004, 005, 006)

**WHEREAS,** Conditional Use Permit No. 2024-26 is a request to allow a planned development that includes the creation of lots without public street frontage, reduced lot sizes, and the establishment of two pads with drive-through lanes, convenience store, and car wash. The proposed Project is located on approximately 284 acres, on the north side of Riggin Avenue between Shirk Street and Kelsey Street. (APN: 077-840-004, 005, 006); and

**WHEREAS,** the Draft Environmental Impact Report (Draft EIR) for the Shirk & Riggin Industrial Park Project, which considered impacts from Conditional Use Permit No. 2024-26, was released on April 11, 2024, for circulation for a period of 45 days, ending on May 28, 2024; and,

**WHEREAS,** the Final EIR was released on January 17, 2025, and consists of the Draft EIR and the revisions of, and additions to, the Draft EIR; the written comments and recommendations received on the Draft EIR; the written responses of the City of Visalia to significant environmental points raised in the review and consultation process; errata to the foregoing; and other information added by the City of Visalia as specified in the record; and,

**WHEREAS,** the California Environmental Quality Act (CEQA) required that, in connection with the approval of a project for which an EIR has been prepared that identified one or more significant effects, the decision making body makes certain findings regarding those effects, which in full are contained in Resolution No. 2025-05 pertaining to the certification of the Final EIR prepared for the Carleton Acres Specific Plan Project; and,

**WHEREAS,** the Planning Commission of the City of Visalia, after duly published notice did hold a public hearing before said Commission on February 10, 2025; and

**WHEREAS**, the Planning Commission of the City of Visalia finds Conditional Use Permit No. 2024-26 in accordance with Section 17.38.110 of the Zoning Ordinance of the City of Visalia, based on the evidence contained in the staff report and testimony presented at the public hearing.

**NOW, THEREFORE, BE IT RESOLVED,** that the Planning Commission of the City of Visalia finds that Final EIR for the Shirk & Riggin Industrial Park Project, State Clearinghouse No. 2022080658, was prepared consistent with the California Environmental Quality Act and City of Visalia Environmental Guidelines.

**NOW, THEREFORE, BE IT FURTHER RESOLVED** that the Planning Commission of the City of Visalia makes the following specific findings based on the evidence presented:

1. That the proposed project will not be detrimental to the public health, safety, or welfare, or materially injurious to properties or improvements in the vicinity.
2. That the proposed conditional use permit is consistent with the policies and intent of the General Plan and Zoning Ordinance. Specifically, the project is consistent with the required findings of Zoning Ordinance Section 17.38.110:
    a. The proposed location of the conditional use permit is in accordance with the objectives of the Zoning Ordinance and the purposes of the zone in which the site is located.
    b. The proposed location of the conditional use and the conditions under which it would be operated or maintained will not be detrimental to the public health, safety, or welfare, nor materially injurious to properties or improvements in the vicinity.
3. That this Conditional Use Permit is consistent with the project description and the analysis contained in the Final Environmental Impact Report (FEIR) (SCH# 2022080658), specifically for development that is identified and described in the Shirk and Riggin Industrial Park Project, and for which said FEIR is recommended to be certified by the City Council precedent to the Planning Commission's consideration of this Conditional Use Permit request, consistent with the California Environmental Quality Act (CEQA) and City of Visalia Environmental Guidelines.

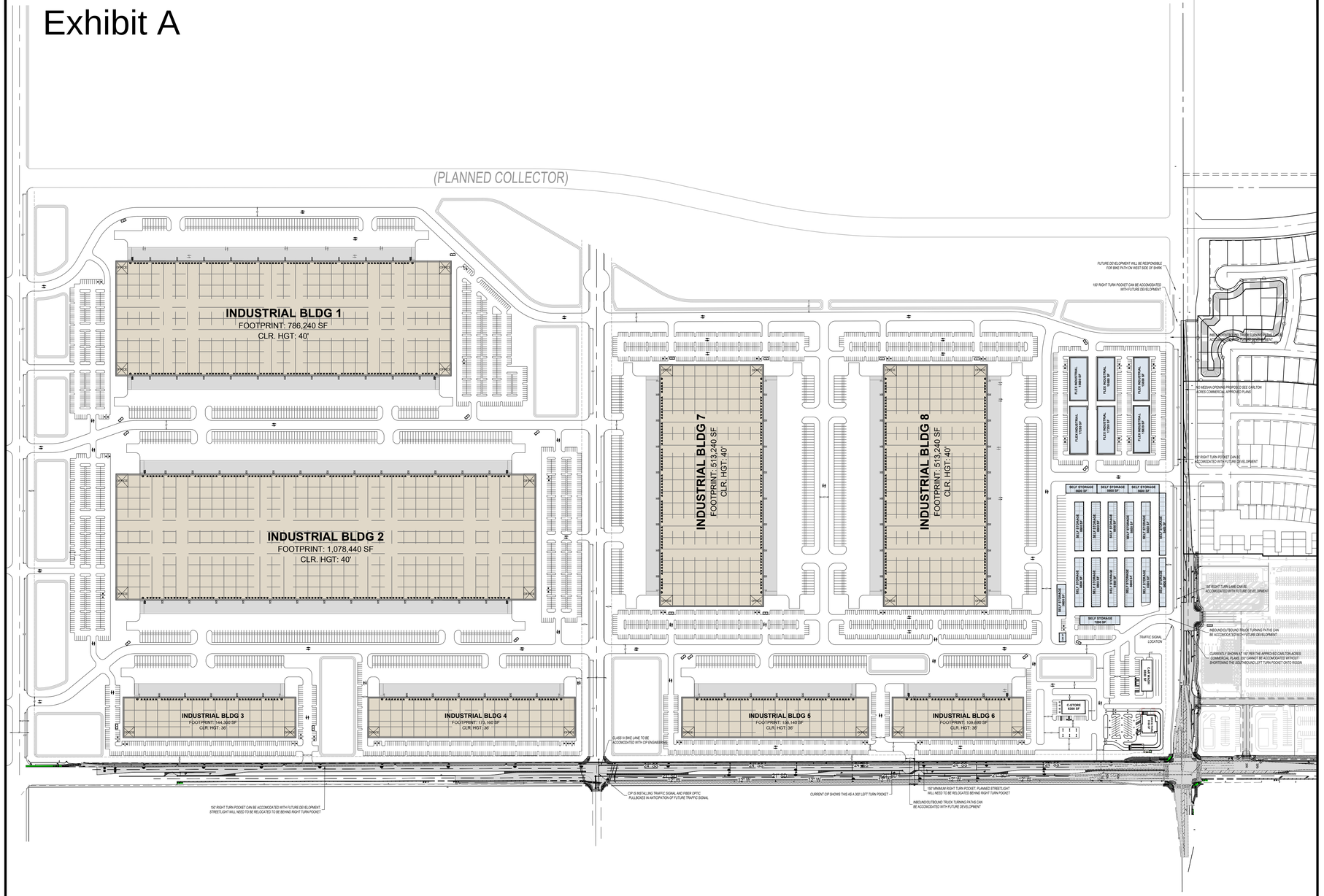
**BE IT FURTHER RESOLVED** that the Planning Commission hereby approves Conditional Use Permit No. 2024-26 on the real property herein above described in accordance with the terms of this resolution under the provisions of Section 17.38.110 of the Ordinance Code of the City of Visalia, subject to the following conditions:

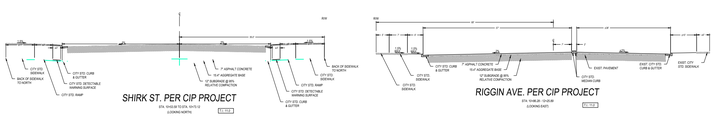
1. That the project be developed in substantial compliance with Site Plan Review No. 2024-096.
2. That the commercial uses illustrated on the site plan in Exhibit "A" and described in the operational statement in Exhibit "D", consisting of a convenience store with drive-through lane, gas station, car wash, and restaurant pad with drive-through lane, shall be separately submitted to and evaluated by the Site Plan Review group as described in Visalia Municipal Code Chapter 17.28 prior to proceeding with applying for the necessary city permits. No additional conditional use permit nor an amendment to a conditional use permit is required for these uses if they are developed at the same quantity and scale shown on the site plan and described in the operational statement.

3. That the project shall be developed in general conformity with the site plan in Exhibit "A", with specific details of the development layout to be confirmed through Site Plan Review as described in Condition No. 2. Any subsequent changes to the development plan layout depicted in Exhibit "A" shall be reviewed and approved by the Site Plan Review Committee and may be subject to an amendment of the Conditional Use Permit.
4. That a queuing analysis shall be submitted, accepted, and implemented for each of the drive-through lanes associated with the commercial uses.
5. That CC&R's including vehicular access, shared parking, landscaping and permanent maintenance of all common areas such as the public street parkways and perimeter landscaping, project identification signage and walls, stormwater basins and related infrastructure, and all similar infrastructure agreements shall be recorded with the final parcel map. The CC&R's and/or vehicular access agreements shall address property owners' responsibility for repair and maintenance of the easement, repair and maintenance of shared public or private utilities, and shall be kept free and clear of any structures. All property owners are equally responsible for these requirements. The City Planner and City Engineer shall review for approval these CC&R's or vehicular access agreements verifying compliance with these requirements prior to the CC&R's recordation.
6. That the car wash and drive-through queue lanes shall not be visible from the public right-of-way. This shall be achieved by designing the site in a manner such that the queue lane is not located parallel with public street frontages, or by incorporating screening along a queue lane to a minimum height of three feet utilizing a combination of berms, hedges, and/or landscape materials, or solid walls if necessary.
7. That a noise analysis addressing noise impacts pertaining to the car wash, in conformance with the City of Visalia's Noise Ordinance (Chapter 8.36) shall be required and accepted by the City Planner prior to issuance of any building permit. Compliance of the noise levels, subject to the Visalia Noise Ordinance, shall be verified by the acoustical consultant or their designee prior to operation and building final for the carwash use.
8. That any car wash hours of operation beyond 7:00 p.m. shall only be permissible if supported by a noise analysis that confirms the car wash will not be inconsistent with the City of Visalia's Noise Ordinance (Chapter 8.36).
9. That adequate means of eliminating grease and oils from drainage systems shall be incorporated into the car wash facility, such as through the installation of a sand-oil separator.
10. That a separate Conditional Use Permit shall be obtained for any additional conditionally-allowed uses not already shown on the site plan attached as Exhibit "A" that subsequently locate on the site.
11. That no permits shall be issued for grading or development on the site until the site is completely removed from any applicable Land Conservation Contracts and Agricultural Preserves encumbering the site.
12. That all applicable federal, state, and city laws and codes and ordinances be met.

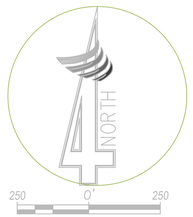
13. That all of the conditions and responsibilities of Conditional Use Permit No. 2024-26 shall run with the land and subsequent owners/operators shall also be subject to all of the conditions herein, unless amended or revoked.
14. That the mitigation measures found within the Mitigation Monitoring Reporting Program for the Shirk and Riggin Industrial Park Project Environmental Impact Report (SCH# 2022080658) are hereby incorporated as conditions of this Conditional Use Permit.

# Exhibit A




| Ritchie Industrial Site | | Parcel No. | Site Area (Acres) | Bld No. | Building Footprint (SF) | Gross Coverage | Net Coverage | Trailer Parking | Passenger Vehicle Parking Proposed | | |
|---|---|---|---|---|---|---|---|---|---|---|---|
| Gross Area (Acres) | Net Area (Acres) | | | | | | | | Standard | Accessible | Total |
| 280.0 | 270.8 | 1 | 55.1 | 1 | 786,240 | 30% | 33% | 188 | 615 | 8 | 623 |
| | | 2 | 59.3 | 2 | 1,078,440 | | 42% | 246 | 691 | 8 | 699 |
| | | 3 | 13.26 | 3 | 144,300 | | 25% | 47 | 233 | 8 | 241 |
| | | 4 | 14.7 | 4 | 173,160 | | 27% | 60 | 269 | 8 | 277 |
| | | 5 | 14.46 | 5 | 156,140 | | 25% | 57 | 237 | 4 | 241 |
| | | 6 | 42.00 | 7 | 513,240 | | 28% | 130 | 608 | 8 | 616 |
| | | 7 | 36.79 | 8 | 513,240 | | 32% | 130 | 624 | 8 | 632 |
| | | 8 | 8.06 | 6 | 109,890 | | 31% | 37 | 149 | 4 | 153 |
| | | 9 | 10.14 | Flex Ind. | 80,960 | | 18% | 0 | 282 | 16 | 298 |
| | | 10 | 9.44 | Self Storage | 133,000 | | 32% | 32 | 39 | 2 | 41 |
| | | 11 | 3.43 | C-Store | 6300 | | 4% | 0 | 16 | 2 | 18 |
| | | 12 | 2.46 | Car Wash | 6580 | | 6% | 0 | 62 | 3 | 65 |
| | | 13 | 1.64 | Drive Thru | 5185 | | 7% | 0 | 35 | 2 | 37 |
| 280.0 | 270.8 | Total | 270.8 | | 3,706,675 | 30% | 31% | 927 | 3860 | 81 | 3941 |




SEP 2024

# SHIRK & RIGGIN INDUSTRIAL PARK

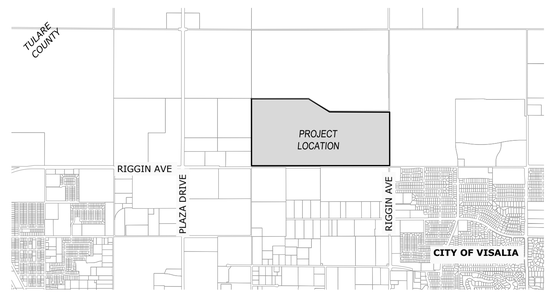
SITE PLAN

## OTHER ENTITLEMENTS

- Tentative Parcel Map
- CUP for proposed drive-thru restaurants and C-Store
- Master CUP for reduced parcel size from City Standard

## SITE DATA:

| | |
|---|---|
| APN: | 077-840-001, 077-840-002, 003 |
| ACRES: | +/- 280 ACRES |
| ZONING (PROPOSED): | LIGHT INDUSTRIAL, INDUSTRIAL |
| GENERAL PLAN (EXISTING): | LIGHT INDUSTRIAL, INDUSTRIAL |
| GENERAL PLAN (PROPOSED): | LIGHT INDUSTRIAL, INDUSTRIAL |
| UTILITIES | |
| SEWER SERVICE: | CITY OF VISALIA |
| WATER SERVICE: | CITY OF VISALIA |
| STORMWATER: | ON-SITE BIOSWALES/BASINS |
| GAS SERVICE: | SOUTHERN CALIFORNIA GAS COMPANY |
| ELEC. SERVICE: | SOUTHERN CALIFORNIA EDISON |
| REFUSE SERVICE: | CITY OF VISALIA |
| TELEPHONE: | SBC |
| FLOOD ZONE: | X |




## VICINITY MAP

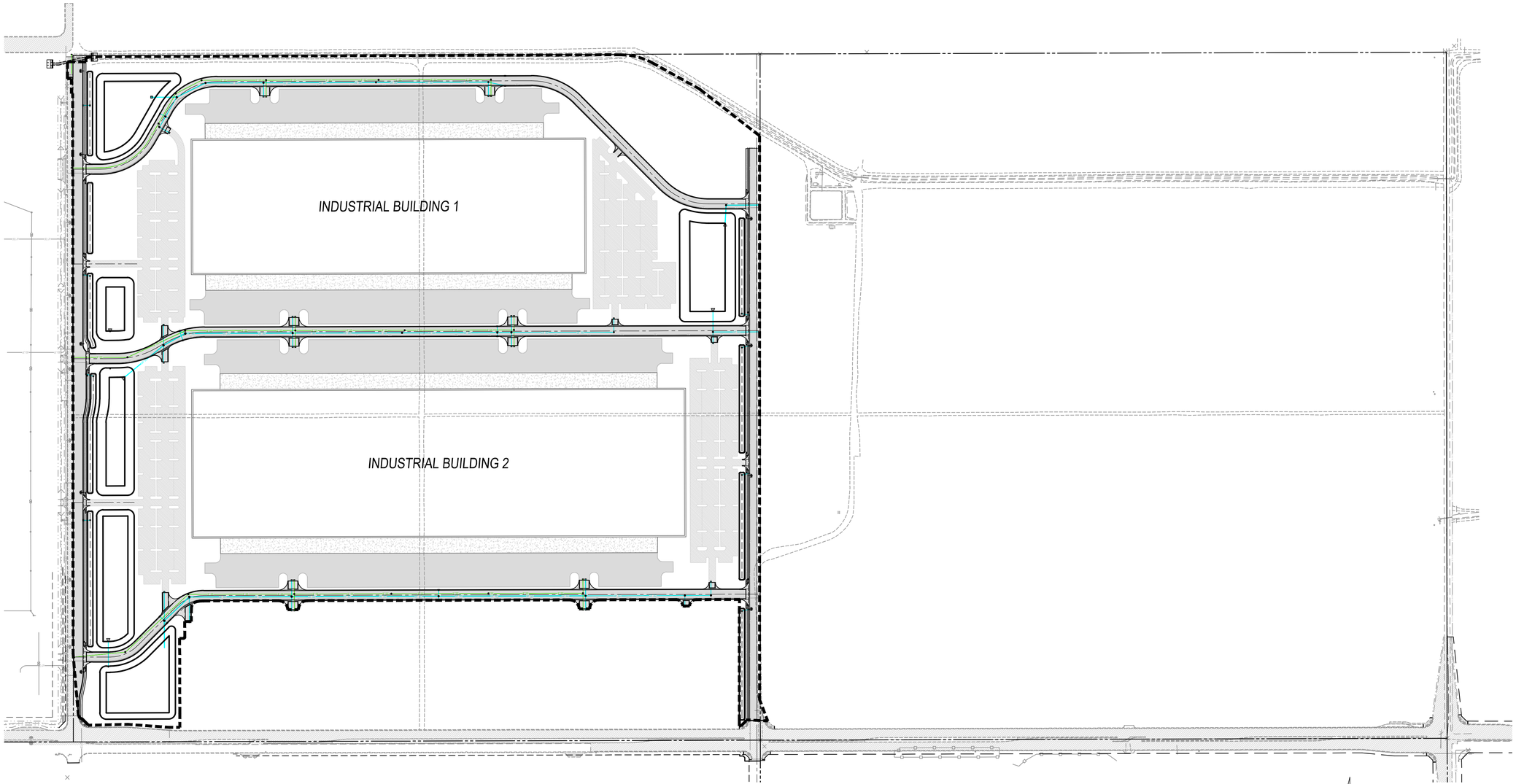

PREPARED BY:

4CREEKS

324 S. SANTA FE ST., STE. A
P.O. BOX 7593
VISALIA, CA 93292
TEL: 559.802.3052
FAX: 559.802.3215

Exhibit B

# *RIGGIN INDUSTRIAL PHASING EXHIBIT (PHASE 1)*

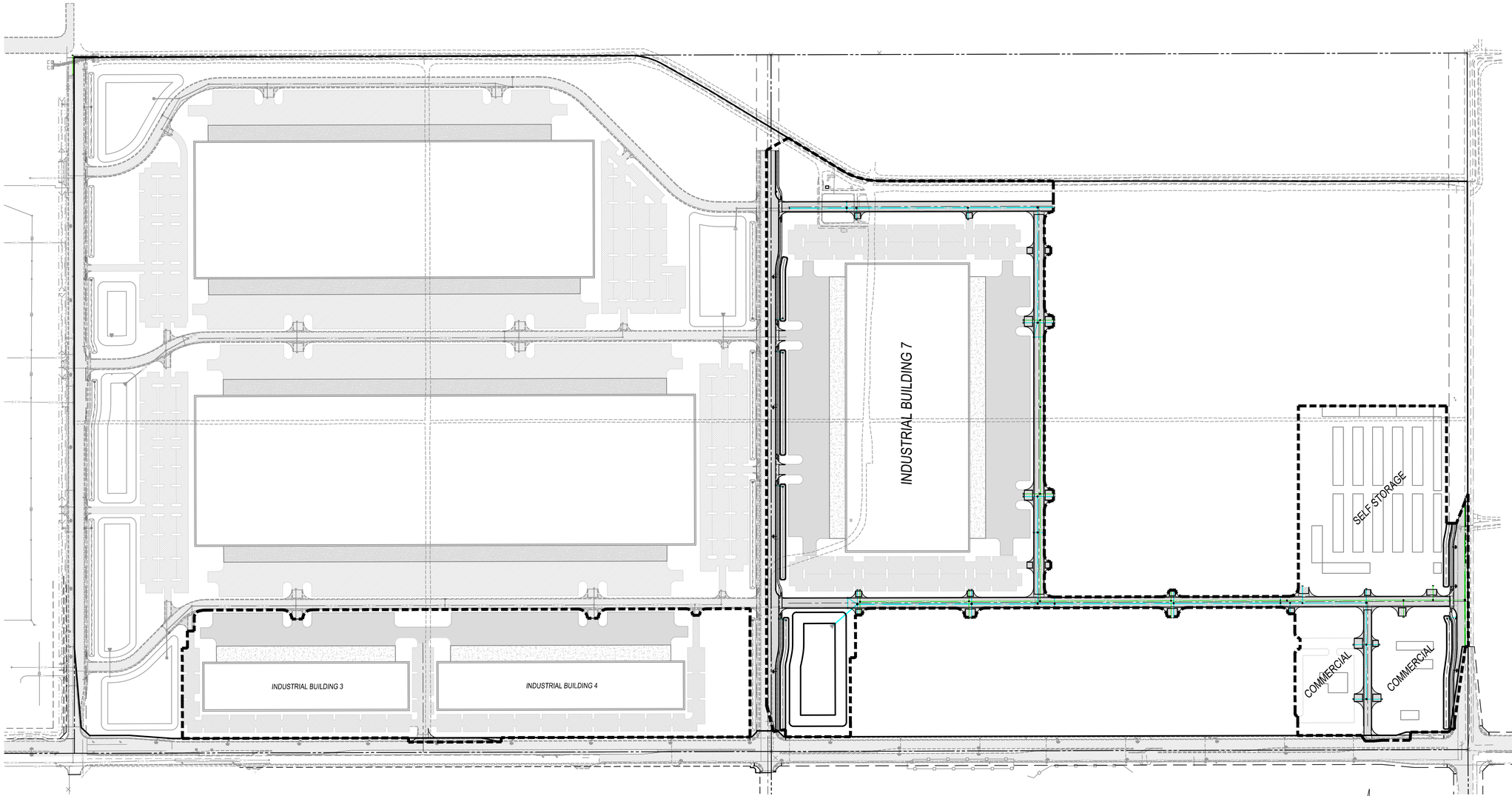



NORTH

200' 0' 200'

PREPARED BY:
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TEL: 559.802.3052
FAX: 559.802.3215

# RIGGIN INDUSTRIAL PHASING EXHIBIT (PHASE 2a-2b)

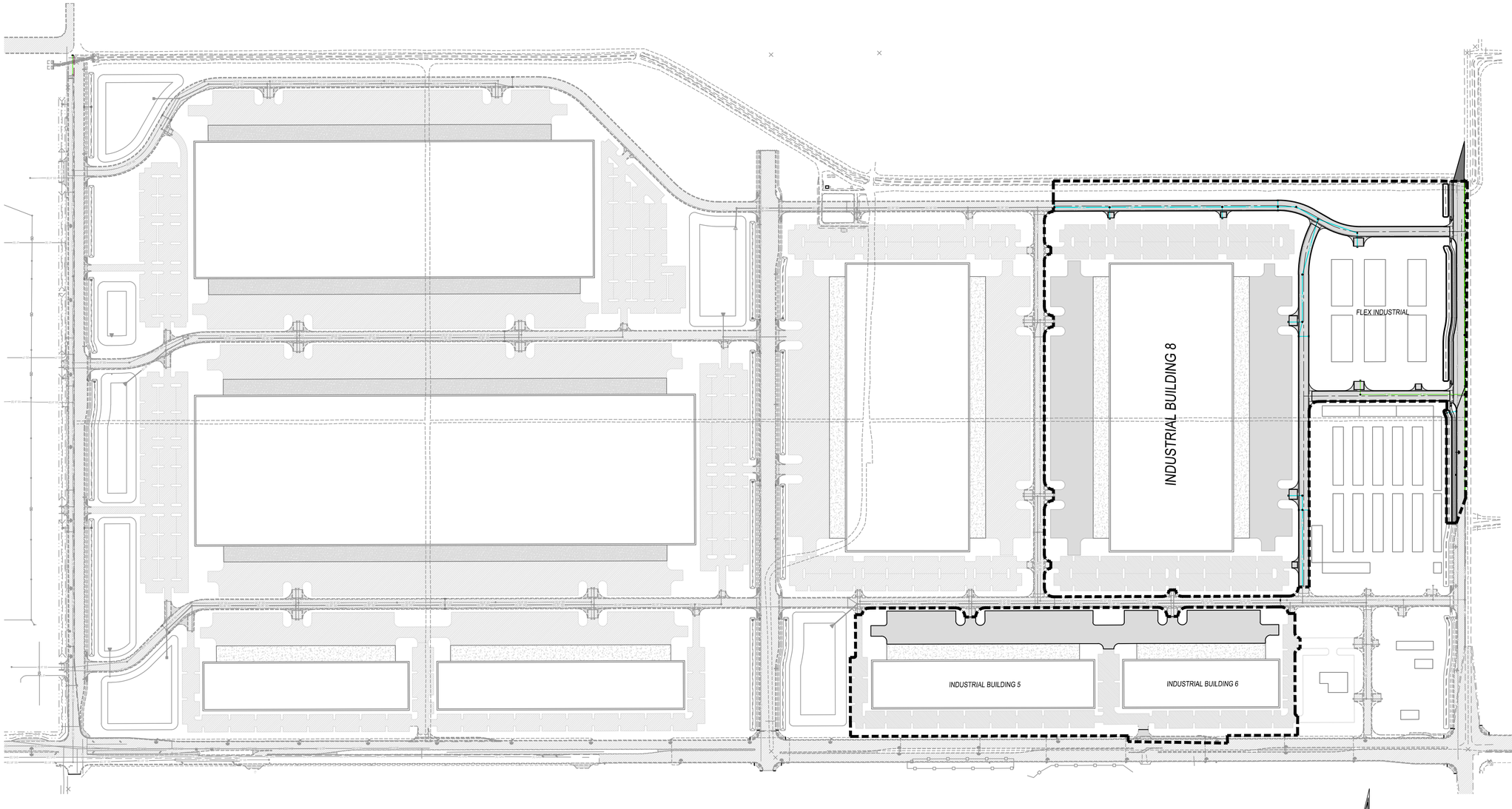



NORTH

200' 0' 200'

PREPARED BY:
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FAX: 559.802.3215

# RIGGIN INDUSTRIAL PHASING EXHIBIT (PHASE 3a-3b)




NORTH

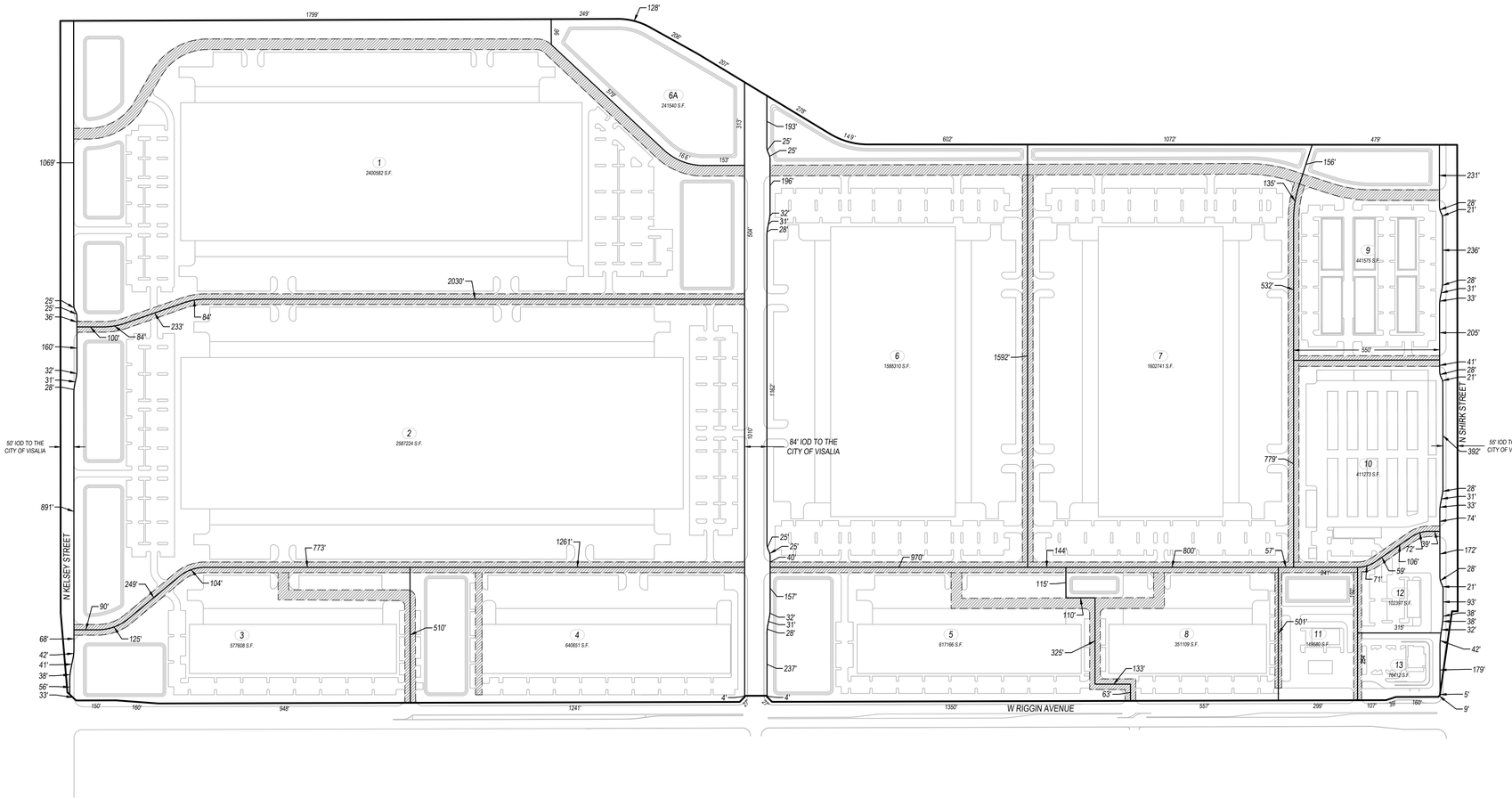
200' 0' 200'

PREPARED BY:
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VISALIA, CA 93292
TEL: 559.802.3052
FAX: 559.802.3215

# Exhibit C

SEP 2024

## SHIRK & RIGGIN INDUSTRIAL PARK
## TENTATIVE PARCEL MAP



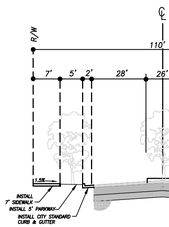

## SITE DATA:

| | |
|---|---|
| APN: | 077-840-001, 077-840-002, 003 |
| ACRES: | +/- 280 ACRES |
| ZONING (PROPOSED): | LIGHT INDUSTRIAL, INDUSTRIAL |
| GENERAL PLAN (EXISTING): | LIGHT INDUSTRIAL, INDUSTRIAL |
| GENERAL PLAN (PROPOSED): | LIGHT INDUSTRIAL, INDUSTRIAL |

UTILITIES

| | |
|---|---|
| SEWER SERVICE: | CITY OF VISALIA |
| WATER SERVICE: | CITY OF VISALIA |
| STORMWATER: | ON-SITE BIOSWALES/BASINS |
| GAS SERVICE: | SOUTHERN CALIFORNIA GAS COMPANY |
| ELEC. SERVICE: | SOUTHERN CALIFORNIA EDISON |
| REFUSE SERVICE: | CITY OF VISALIA |
| TELEPHONE: | SBC |
| FLOOD ZONE: | X |

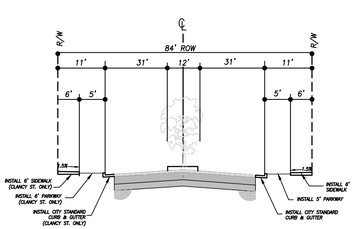
RECIPROCAL ACCESS AND UTILITY EASEMENT SUBJECT TO CHANGE




(LOOKING EAST)

RIGGIN AVENUE & SHIRK STREET
CITY STANDARD P-5:: 4 LANE ARTERIAL

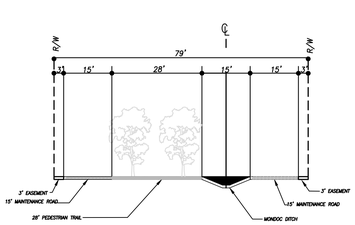
NTS




(LOOKING NORTH)

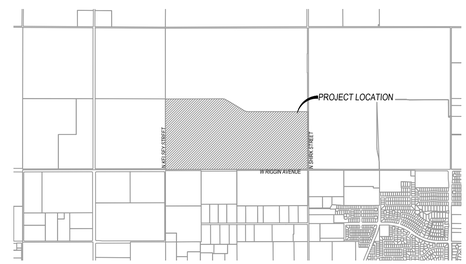
KELSEY STREET & CLANCY STREET
CITY STANDARD P-3: 2 LANE COLLECTOR

NTS




(LOOKING WEST)

MODOC DITCH




VICINITY MAP

SCALE: 1"=½ MILE





PREPARED BY:

4CREEKS

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VISALIA, CA 93292
TEL: 559.802.3052
FAX: 559.802.3215
www.4-creeks.com

Exhibit D

# Operational Statement for
# Shirk & Riggin Industrial Park
## APN's: 077-840-004, 077-840-005, 077-840-006

**Project Overview:**
The Shirk & Riggin Industrial Park will be located in central California on the northern edge of the City of Visalia. The project will provide for a mix of industrial and commercial uses within the western entry to the City. The Project is situated just north of the existing Visalia City Limits, at the northwest corner of Shirk Street and Riggin Avenue. The City of Visalia General Plan designates the site as Industrial and Light Industrial. The City of Visalia's General Plan and Zoning Ordinance intend industrial land use areas be used to provide appropriate industrial areas to accommodate enterprises engaged in manufacturing, processing, creating, repairing, renovating, painting, cleaning, or assembling of goods, merchandise, or equipment. The Zoning Ordinance provides development standards for projects in the Industrial zones, including a maximum building height of 75 feet, minimum site area of 5 acres, and building setbacks ranging from 0-20 feet depending on adjacent land uses. The Project includes annexation of the project into the City Limits, as well as a Master Conditional Use Permit to allow the proposed convenience store (with drive thru) and drive thru restaurant, and for a reduction in minimum parcel size from the City standard. It is proposed that the Master CUP apply to all parcels involved in the Project.

**Entitlements:**
The Shirk and Riggin Industrial Park will require the following entitlements:

- Annexation 2024-03: to annex +/- 280 acres of property located withing the City's Sphere of Influence into City Limits; upon annexation the property will be zone Industrial (I) and Light Industrial (I-L) which is consistent with the General Plan Land Use Designation.
- Tentative Parcel Map 2024-08: to subdivide +/-208 acres into 13 total lots, varying in size
- Conditional Use Permit 2024-26: to allow a planned development that includes the creation of lots without public street frontage, reduces minimum lot sizes, and allows the development of a quick serve restaurant (QSR) with drive-thru, a convenience store with drive-thru, and car wash.

**Proposed Uses:**
Proposed Uses within the Shirk & Riggin Industrial Park include warehouses, a drive-thru restaurant, a convenience store with a drive thru, a car wash, and other uses permitted within the City of Visalia Industrial Zone. A separate Conditional Use Permit will be required if additional non-permitted uses are proposed in the future.

*Light Industrial*
Lots 9, 10, 11, 12, and 13 will be zoned Light Industrial consistent with the land use designation of the Planned Land Use Map.

It is anticipated, and conceptually shown on the site plan, Lots 9 and 10 will develop with light industrial uses, such as light Manufacturing/Assembling (Lot 9) and self/mini storage (Lot 10). Both uses are permitted by right in the I-L zone district subject to the development standards outlined in Section 17.22.060 of the Visalia Municipal Code.

Lots 11, 12, and 13 are anticipated to be developed by uses that are permitted subject to a conditional use permit, as addressed by CUP 2024-26. Lot 11 is anticipated to be developed as a convenience store of 7,000 square feet or less. Lot 12 is anticipated to be developed with an automated car wash with drive thru. Lot 13 is anticipated to be developed with two pads, each with drive-thus. Although no end-users or tenants have been identified, these uses are assumed to operate similarly to other uses of the same kind. Additionally, these uses will be required to comply with all the development standards outlined in Section 17.22.060 of the Visalia Municipal Code, as well as any applicable special use standards.

*Industrial*
Lots 1,2,3,4,5,6,7, and 8 will be zoned Industrial, consistent with the land use designation of the Planned Land Use Map.

Each of these lots is anticipated to develop with a use that is permitted by right pursuant to Section 17.25.030 and Table 17.25.030, generally warehousing uses.

Each lot will be subject to site plan review at the time of development. Any use outside of these parameters will be required to obtain any additional entitlements that may be applicable.

**Planned Development:**
As part of the CUP 2024-26, the project is requesting a planned development to allow a reduction in lot sizes to facilitate the Shirk and Riggin Industrial Park as proposed, as well as allow for the creation of lots without direct access to public streets. However, it is important to note that a reciprocal access easement will be obtained for pedestrian and vehicular traffic for the shared internal circulation system and driveways.

Visalia Municipal Code Section 17.22.060 (A) requires that lots within both the I-L and I zones be a minimum of five (5) acres, or 217,800 square feet. The following table outlines the lots that require a reduction in minimum size and do not have direct access to a public roadway.

| Lot # | Square Footage | Meets Minimum Lot Size Requirements (217,800 sf) | Public Street Frontage |
|---|---|---|---|
| 1 | 2,400,582 | Yes | Yes |
| 2 | 2,587,224 | Yes | Yes |
| 3 | 577,608 | Yes | Yes |
| 4 | 640,651 | Yes | Yes |
| 5 | 617,166 | Yes | Yes |
| 6 | 1,588,310 | Yes | **No** |
| 7 | 1,602,741 | Yes | **No** |
| 8 | 351,109 | Yes | Yes |
| 9 | 411,575 | Yes | Yes |
| 10 | 411,273 | Yes | Yes |
| 11 | 149,580 | **No** | Yes |
| 12 | 102,397 | **No** | Yes |
| 13 | 76,412 | **No** | Yes |

**Parking Calculations:**
Section 17.34.020 of the City of Visalia Municipal Code requires the following number of spaces for each applicable use within the Shirk and Riggin Industrial Park:

*Industrial (Parcels 9 and 10):* Manufacturing plants and other industrial uses require one parking space for each employee during the shift of maximum employment, plus one space for each vehicle used in conjunction with the use. The "Manufacturing plants and other industrial uses" parking designation was used because the light industrial uses are anticipated for self-storage, which are not high parking generating uses. While self-storage does not really fit this definition because such uses are generally minimally staffed, this definition is being utilized as there is no other definition that fits the requirements.

The U.S. Energy Information Administration provides employment data, including median square feet per worker. Pursuant to the latest data table that was released in September 2021 and revised in December 2022, the mean square foot per worker for warehouse and storage uses is 2,222.

The total square footage of Parcel 9 is 95,499 which results in a total of 42.98 parking spaces, or 43 parking spaces.

The total square footage of Parcel 10 is 133,000 which results in a total of 59.32 parking spaces, or 60 parking spaces.

*Convenience Store (Parcel 11):* The convenience store use will utilize the "General Retail Store" use classification, which requires 1 parking space for every 300 square feet. At 6,300 square feet, the total required parking spaces is 21. The drive-thru for the convenience store will be associated with a branded QSR whose end user is not known at this time. Since it is

associated with the convenience store, it is not anticipated that there will be significant dine-in operations, nor will the QSR be a high volume drive thru since those require stand alone shell buildings.

*Car Wash (Parcel 12):* The car wash use will utilize the "Commercial Service Establishment" use classification, which requires 1 parking space for every 500 square feet. At 6,580 square feet, the total required parking spaces is 13.

*Restaurant with Drive-thru (Parcel 13):* The restaurant with drive-thru use will utilize the "Restaurant" use classification, which requires 1 parking space for every 150 square feet. At 5,185 square feetre, the total required parking spaces for is 34.6, or 35 parking stalls. There is no end user at this time, and as such, the CUP is requested to be processed assuming there may be a 24-hour drive thru, though we can't confirm at this time.

*Warehousing/Industrial (Parcels 1-8):* Utilizing the "Manufacturing plants and other industrial uses", the employment density is estimated to be 1,500 square feet per employee, because these uses are generally a higher employment generating use. Because the sum of heavy industrial building space is 3,474,650 square feet, it is estimated that there will be approximately 2,316 employees.

The table below summarizes the parking requirements, and the number of stalls provided for each use and parcel.

| Land Use | Building Area (SF) | Parking Requirements | | Parking Required (# Spaces) | Parking Proposed (# Spaces) |
|---|---|---|---|---|---|
| | | SF / Employee | Spaces / Building Area | | |
| **Industrial (Parcels 1-8)** | 3,474,650 | 1500 | N/A | 2,317 | 3,482 |
| **Light Industrial/Flex Industrial (Parcel 9)** | 95,499 | 2,222 | N/A | 43 | 298 |
| **Self-Storage (Parcel 10)** | 133,000 | 2,222 | N/A | 60 | 41+32 trailer parking stalls<br>73 |
| **C-Store (Parcel 11)** | 6,300 | N/A | 1 space/300 SF | 21 | 16 + 12 spaces at fuel pumps<br>28 |
| **Car Wash (Parcel 12)** | 6,580 | N/A | 1 Space/500 SF | 13 | 65 |
| **Drive-Thru Restaurant (Parcel 13)** | 5,185 | N/A | 1 space/150 SF | 35 | 37 |
| **TOTAL** | | | | 2,489 | 3,983 |

# Exhibit E

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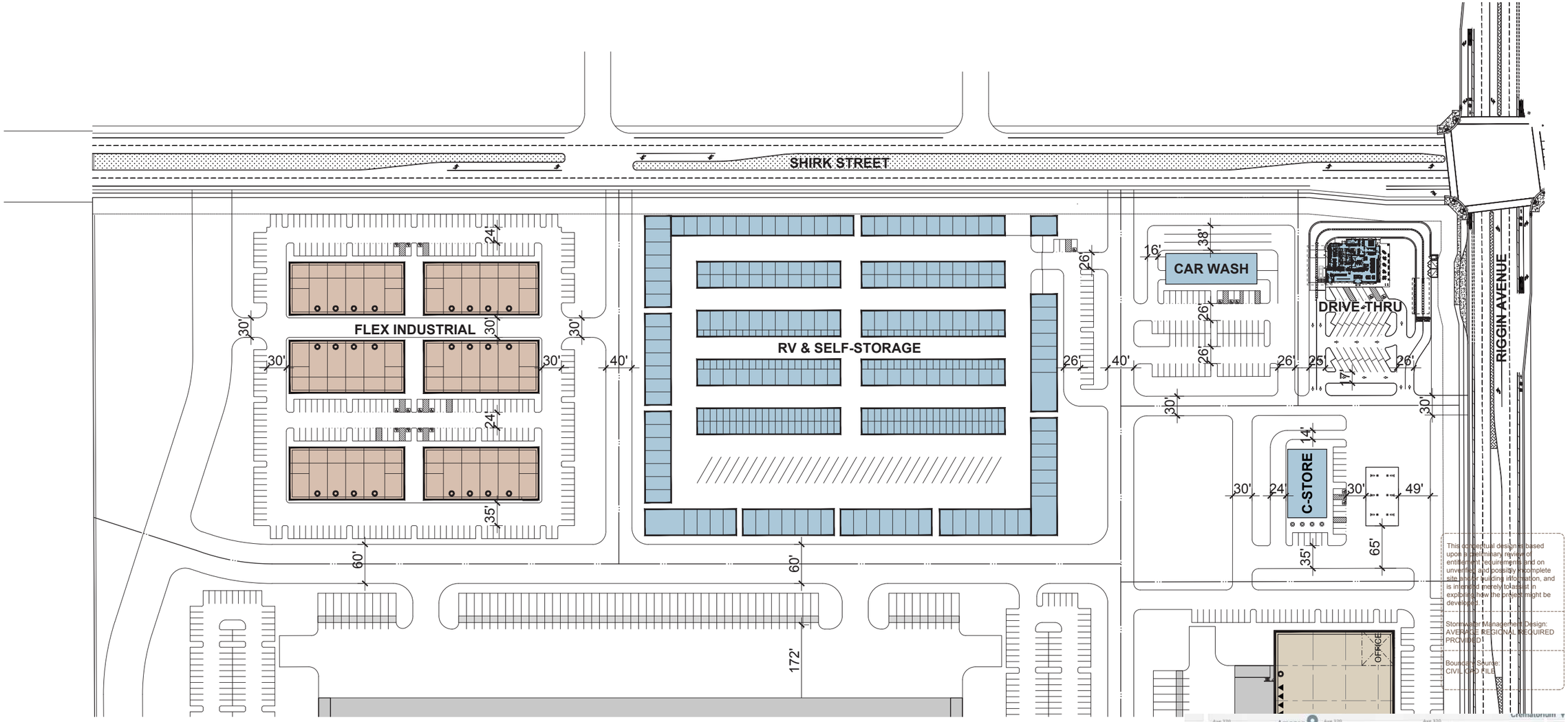



PURSUIT SEEFRIED
VISALIA

KELSEY STREET
VISALIA, CA

CONCEPTUAL DESIGN
SNR21-0165-00
09.15.2022

WARE MALCOMB




This conceptual design is based upon a preliminary review of entitlement requirements and on unverified and possibly incomplete site and/or building information, and is intended merely to assist in exploring how the project might be developed. !

Stormwater Management Design: AVERAGE REGIONAL REQUIRED PROVIDED !

Boundary Source: CIVIL CAD FILE

PROJECT DATA:

| SITE | | | | | | BUILDING | | GROSS | NET | PARKING | | |
|---|---|---|---|---|---|---|---|---|---|---|---|---|
| SITE | SITE AREA (SF) | SITE AREA (ACRE) | DETENTION (SF) | DETENTION (%) | NET SITE AREA (SF) | BLDG. | BUILDING FOOTPRINT | GROSS COVERAGE | NET COVERAGE | PARKING PROVIDED | PARKING RATIO | REQ. ACC. STALLS |
| 1 | 1,233,148 | 28.31 | 75,000 | 6.1% | 1,158,148 | SELF STORAGE | 105,000 | 17.2% | 18.3% | 21 | @0.2/1000 SF | *1 STALLS* |
| | | | | | | FLEX INDUSTRIAL | 84,480 | | | 272 | @3.22/1000 SF | *7 STALLS* |
| | | | | | | DRIVE-THRU | 5,200 | | | 38 | @7.31/1000 SF | *2 STALLS* |
| | | | | | | CAR WASH | 6,580 | | | 65 | @9.88/1000 SF | *3 STALLS* |
| | | | | | | C-STORE | 6,300 | | | 18 | @2.86/1000 SF | *1 STALLS* |
| TOTAL | 1,233,148 | 28 | 75,000 | 6.1% | 1,158,148 | | 212,120 | | | 1,666 | | |






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CROSS-DOCK PERSPECTIVE VIEW - SW

SEEFRIED VISALIA
VISALIA, CA - SNR21-0165-00

WARE MALCOMB

09.15.2022




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364

CROSS-DOCK PERSPECTIVE VIEW - SE

SEEFRIED VISALIA
VISALIA, CA - SNR21-0165-00

WARE MALCOMB

09.15.2022

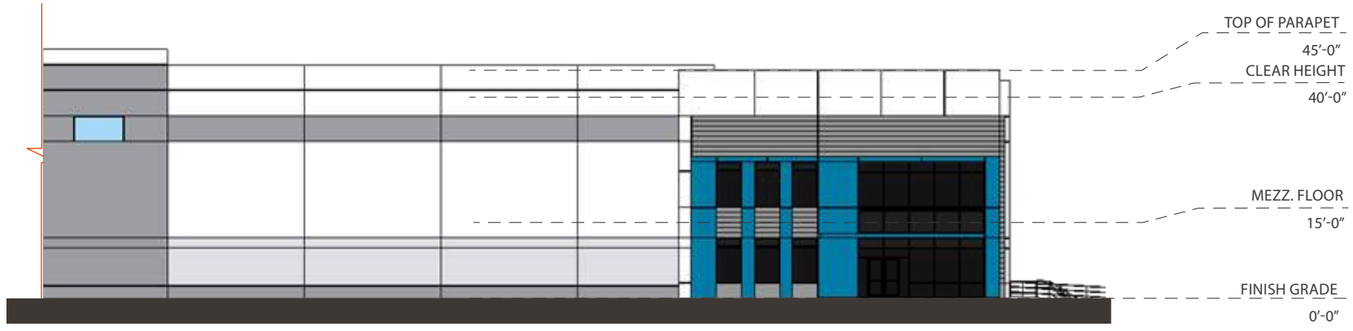
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SW 6275
GIBRALTAR

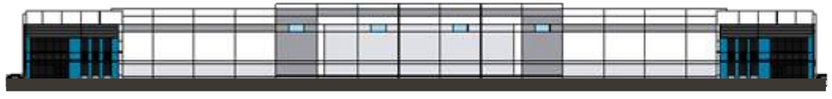
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MORNING FOG

SW 6253
OLYMPUS WHITE

FORMLINER PATTERN
FITZGERALD #14667



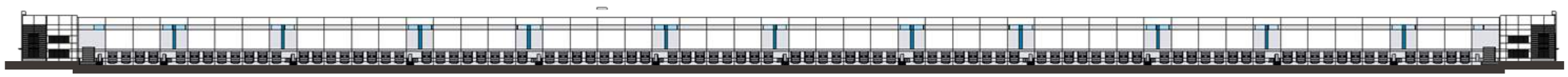

ENLARGED ELEVATION



EAST ELEVATION



WEST ELEVATION



SOUTH ELEVATION



NORTH ELEVATION

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366

REAR LOAD PERSPECTIVE VIEW - SE

SEEFRIED VISALIA

VISALIA, CA - SNR21-0165-00

WARE MALCOMB

09.15.2022

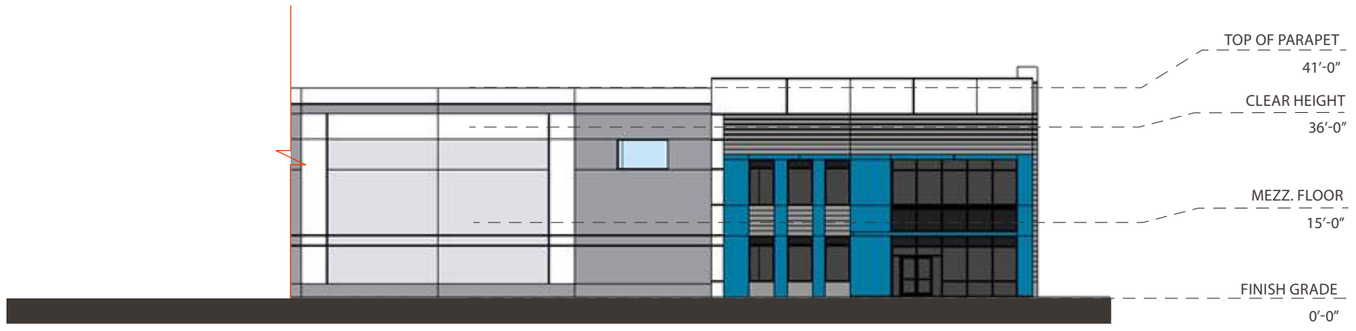
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BLUE PLATE

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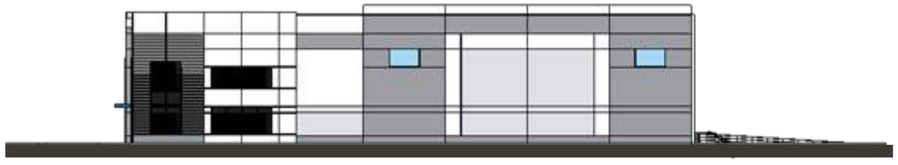
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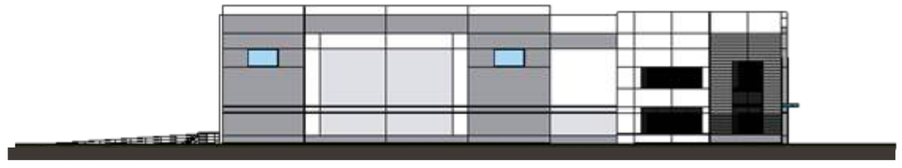
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ENLARGED ELEVATION



EAST ELEVATION



WEST ELEVATION



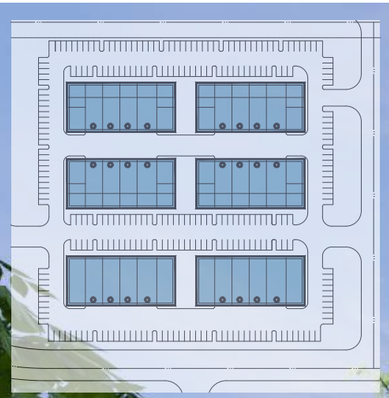
SOUTH ELEVATION



NORTH ELEVATION

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SW 6180
OAKMOSS

SW 6275
GIBRALTAR

SW 6255
MORNING FOG

SW 6253
OLYMPUS WHITE

FORMLINER PATTERN
FITZGERALD #14667




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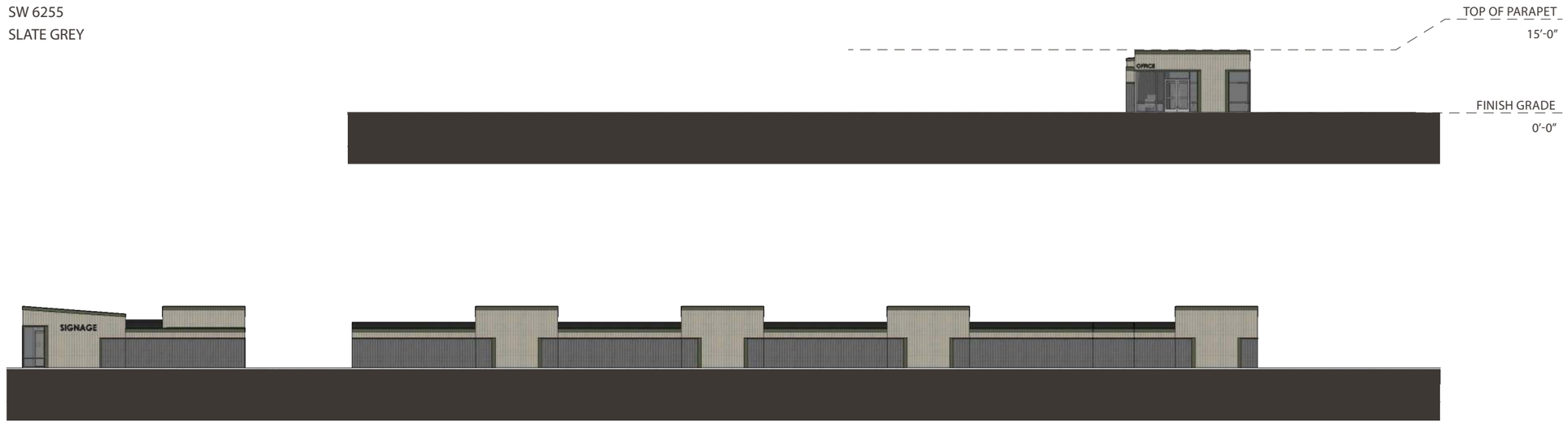
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SW 6180
OAKMOSS

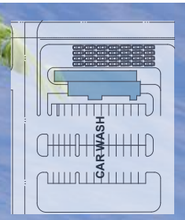
SW 6275
OLD ZINC GREY

SW 6255
SLATE GREY




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INDUSTRIAL PROPERTIES

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SW 6180
OAKMOSS



SW 6275
OLD ZINC GREY



SW 6255
SLATE GREY



CMU

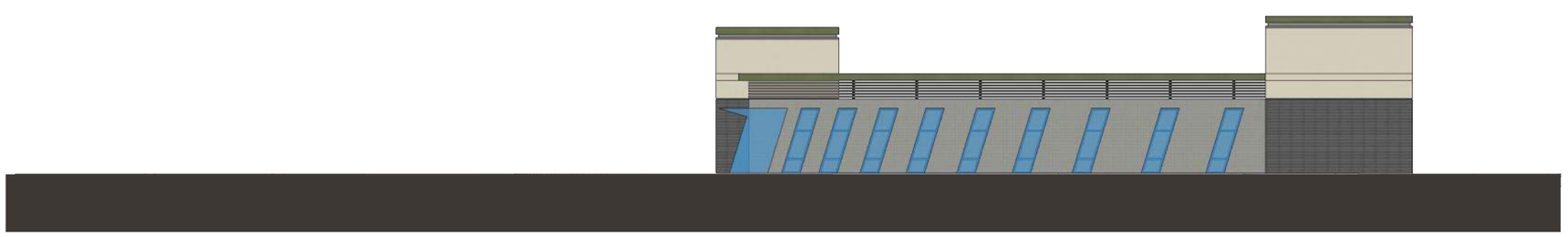


SW 6959
BLUE CHIP





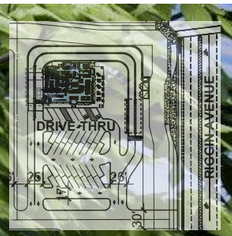






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BRICK VENEER (BR-A)
DARK BROWN



WOOD COMPOSITE (CM-1)
RESYSTA INTERNATIAL - PALE GOLDEN FINISH



EXTERIOR PAINT (PT-100)
SW 2807 ROOKWOOD MEDIUM



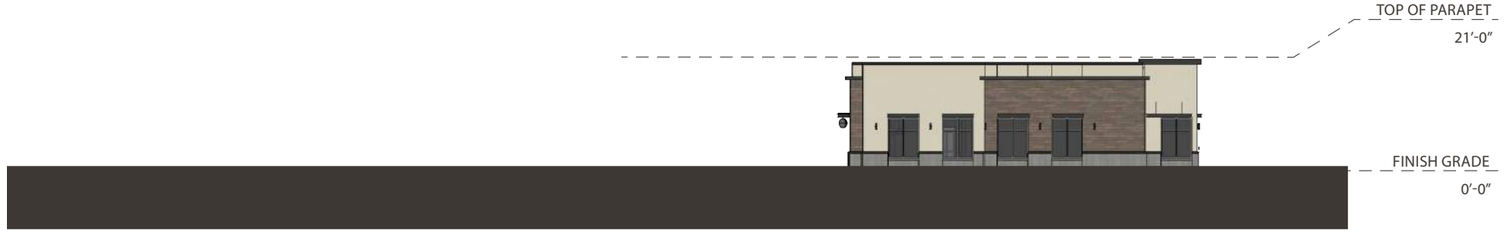
EXTERIOR PAINT (SC-1)
SW 7566 WEST HIGHLAND WHITE



METAL CANOPY (CP-1) (EC-1)
DUROLAST - MIDNIGHT BRONZE FINISH



STOREFRONT (ST-1)
YKK - DARK BRONZE (MATTE) FINISH








SEEFRIED
INDUSTRIAL PROPERTIES

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CEDAR
WOOD



SW 6275
OLD ZINC GREY



SW7039
VIRTUAL TAUPE



BRICK VENEER
DARK BROWN












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# DRAFT
# Environmental Impact Report
# Shirk and Riggin Industrial Project
# City of Visalia, Tulare County, California

## State Clearinghouse Number 2022080658

Prepared for:
**City of Visalia**
315 E. Acequia Avenue
Visalia, CA 93291
559.713.4636

Contact: Brandon Smith, Principal Planner

Prepared by:
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Yael Marcus, Project Manager

Date: April 11, 2024

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# ACRONYMS AND ABBREVIATIONS

| | |
|---|---|
| °C | degrees Celsius (Centigrade) |
| °F | degrees Fahrenheit |
| µg/m$^3$ | micrograms per cubic meter |
| AAQS | Ambient Air Quality Standards |
| AB | Assembly Bill |
| ABAG | Association of Bay Area Governments |
| ACEP | Agricultural Conservation Easement Program |
| ACHP | Advisory Council on Historic Preservation |
| ACM | asbestos-containing material |
| ACP | Alternative Compliance Plan |
| ACS | American Community Survey |
| ADA | Americans with Disabilities Act |
| ADT | Average Daily Traffic |
| AFY | acre-feet per year |
| AIA | Airport Influence Area |
| AIC | Archaeological Information Center |
| AICUZ | Air Installation Compatibility Use Zone |
| Air Basin | San Joaquin Valley Air Basin |
| AIRFA | American Indian Religious Freedom Act |
| ALUC | Airport Land Use Commission |
| ALUCP | Airport Land Use Compatibility Plan |
| AMSL | above mean seal level |
| APCD | Air Pollution Control District |
| APE | Area of Potential Effect |
| APN | Assessor's Parcel Number |
| AQMD | Air Quality Management District |
| ARB | California Air Resources Board |
| ARPA | Archaeological Resources Protection Act |
| AST | aboveground storage tank |
| ATCM | Airborne Toxic Control Measures |
| ATP | Active Transportation Plan |
| BAAQMD | Bay Area Air Quality Management District |
| BART | Bay Area Rapid Transit |
| BAU | business-as-usual |
| BCF | billion cubic feet |

| | |
|---|---|
| BCF/year | billion cubic feet per year |
| BERD | Built Environment Resource Directory |
| BGS | below ground surface |
| BMP | Best Management Practice |
| BP | Before Present |
| BTU | British Thermal Unit |
| BVOC | biogenic volatile organic compound |
| $C^2ES$ | Center for Climate and Energy Solution |
| CAAQS | California Ambient Air Quality Standards |
| CAFE | Corporate Average Fuel Economy |
| CalEEMod | California Emissions Estimator Model |
| Cal/EPA | California Environmental Protection Agency |
| CAL FIRE | California Department of Forestry and Fire Protection |
| CalGEM | California Department of Conservation Geologic Energy Management |
| Cal/OSHA | California Occupational Health and Safety Administration |
| Caltrans | California Department of Transportation |
| Cal Water | California Water Service |
| CAP | Climate Action Plan |
| CAPCOA | California Air Pollution Control Officers Association |
| CBC | California Building Standards Code |
| CCAP | Climate Change Action Plan |
| CCCC | California Climate Change Center |
| CCR | California Code of Regulations |
| CCS | Carbon Capture and Storage |
| CDF | California Department of Finance |
| CDFW | California Department of Fish and Wildlife |
| CDP | Census Designated Places |
| CDR | Carbon Dioxide Removal |
| CEC | California Energy Commission |
| CEQA | California Environmental Quality Act |
| CERCLA | Comprehensive Environmental Response, Compensation, and Liability Act |
| CESA | California Endangered Species Act |
| CFC | chlorofluorocarbon |
| CFL | Compact Fluorescent Light |
| CFR | Code of Federal Regulations |
| cfs | cubic feet per second |
| $CH_4$ | methane |
| CHL | California Historical Landmarks |

| | |
|---|---|
| CHRIS | California Historical Resources Information System |
| CIP | Capital Improvement Program |
| CMP | Congestion Management Plan |
| CNDDB | California Natural Diversity Database |
| CNEL | Community Noise Equivalent Level |
| CNPS | California Native Plant Society |
| CNRA | California Natural Resources Agency |
| CO | carbon monoxide |
| $CO_2e$ | carbon dioxide equivalent |
| CPHI | California Points of Historical Interest |
| CPUC | California Public Utilities Commission |
| CRA | Cultural Resources Assessment |
| CRHR | California Register of Historical Resources |
| CUPA | Certified Unified Program Agency |
| CUWCC | California Urban Water Conservation Council |
| CWA | Clean Water Act |
| dB | decibel |
| dBA | A-weighted decibel |
| DBH | diameter at breast height |
| DPM | diesel particulate matter |
| DTSC | California Department of Toxic Substances Control |
| du | dwelling unit |
| du/acre | dwelling unit per acre |
| DWR | California Department of Water Resources |
| EDR | Environmental Data Resources, Inc. |
| EIR | Environmental Impact Report |
| EISA | Energy Independence and Security Act of 2007 |
| EOP | Emergency Operations Plan |
| EPA | United States Environmental Protection Agency |
| EV | electric vehicle |
| EVA | Emergency Vehicle Access |
| FAA | Federal Aviation Administration |
| FAR | floor area ratio |
| FCS | FirstCarbon Solutions |
| FEMA | Federal Emergency Management Agency |
| FHSZ | Fire Hazard Severity Zone |
| FHWA | Federal Highway Administration |
| FIRM | Flood Insurance Rate Map |

| | |
|---|---|
| FMMP | Farmland Mapping and Monitoring Program |
| FRA | Federal Responsibility Area |
| FRAP | Fire and Resource Assessment Program |
| ETo | evapotranspiration |
| GAMAQI | Guide for Assessing and Mitigating Air Quality Impacts |
| GHG | greenhouse gas |
| GMP | Groundwater Management Plan |
| GPD | gallons per day |
| gpm | gallons per minute |
| GPS | Global Positioning System |
| GSP | Groundwater Sustainability Plan |
| GWh | gigawatt-hours |
| GWh/y | gigawatt-hours per year |
| GWP | global warming potential |
| HAP | Hazardous Air Pollutants |
| HCM | Highway Capacity Manual |
| HCP | Habitat Conservation Plan |
| HFC | hydrofluorocarbon |
| HHRA | Human Health Risk Assessment |
| HOV/HOT | High Occupancy Vehicle/High Occupancy Toll |
| HRA | Health Risk Assessment |
| HRI | California Historic Resources Inventory |
| HVAC | heating, ventilation, and air conditioning |
| IBC | International Building Code |
| ICC | International Code Council |
| IPCC | United Nations Intergovernmental Panel on Climate Change |
| IRWM | Integrated Regional Water Management |
| ISTEA | Intermodal Surface Transportation Efficiency Act |
| KDWCD | Kaweah Delta Water Conservation District |
| kW | kilowatts |
| kWh | kilowatt-hour |
| LAFCo | Local Agency Formation Commission |
| LCFS | Low Carbon Fuel Standard |
| $L_{dn}$ | day/night average sound level |
| LED | light-emitting diode |
| $L_{eq}$ | equivalent sound level |
| LEV | low-emission vehicle |
| LOS | Level of Service |

| | |
|---|---|
| LRA | Local Responsibility Area |
| LSE | load-serving entities |
| M&I | Municipal and Industrial |
| MBTA | Migratory Bird Treaty Act |
| mgd | million gallons per day |
| MJLHMP | Multi-Jurisdictional Local Hazard Mitigation Plan |
| MKGSS | Mid-Kaweah Groundwater Sustainability Agency |
| MLD | Most Likely Descendant |
| MM | Mitigation Measure |
| MMRP | Mitigation Monitoring and Reporting Program |
| MOU | Memorandum of Understanding |
| mph | miles per hour |
| MPO | Metropolitan Planning Organization |
| MS4 | Municipal Separate Storm Sewer System |
| MSR | Municipal Services Review |
| MTS | Metropolitan Transportation System |
| MW | megawatt |
| MWD | Metropolitan Water District of Southern California |
| MWELO | Model Water Efficient Landscape Ordinance |
| MXD | mixed-use development |
| $N_2O$ | nitrous oxide |
| NAAQS | National Ambient Air Quality Standards |
| NAHC | Native American Heritage Commission |
| NEHRP | National Earthquake Hazards Reduction Program |
| NEPA | National Environmental Policy Act |
| NESHAP | National Emissions Standards for Hazardous Air Pollutants |
| NFIP | National Flood Insurance Program |
| NFPA | National Fire Protection Association |
| NHM | Natural History Museum of Los Angeles County |
| NHPA | National Historic Preservation Act |
| NHTSA | National Highway Traffic Safety Administration |
| $NO_2$ | nitrogen dioxide |
| NOAA Fisheries | National Marine Fisheries Service |
| NOC | Notice of Completion |
| NOP | Notice of Preparation |
| $NO_x$ | nitrogen oxides |
| NPDES | National Pollutant Discharge Elimination System |
| NRCS | Natural Resources Conservation Service |

| | |
|---|---|
| NRHP | National Register of Historic Places |
| NWIC | Northwest Information Center |
| $O_3$ | ozone |
| OAL | Office of Administrative Law |
| OEHHA | California Office of Environmental Health Hazard Assessment |
| OHWM | ordinary high water mark |
| ONAC | Federal Office of Noise Abatement and Control |
| OPR | Governor's Office of Planning and Research |
| OSHA | Occupational Safety and Health Administration |
| PACE | Property Assessed Clean Energy |
| PCB | polychlorinated biphenyl |
| pCi/L | picocuries per liter |
| PEV | plug-in electric vehicle |
| PFC | perfluorocarbon |
| PG&E | Pacific Gas and Electric Company |
| Phase I ESA | Phase I Environmental Site Assessment |
| $PM_{10}$ | particulate matter 10 micrometers or less in diameter |
| $PM_{2.5}$ | particulate matter 2.5 micrometers or less in diameter |
| $PM_x$ | particulate matter |
| ppb | parts per billion |
| ppm | parts per million |
| PPV | peak particle velocity |
| PRC | Public Resources Code |
| psi | pounds per square inch |
| PVC | polyvinyl chloride |
| RCRA | Resource Conservation and Recovery Act |
| Recology | Integrated Resource Recovery Company |
| RecycleSmart | Central Contra Costa County Solid Waste Authority |
| REL | Reference Exposure Level |
| RHNA | Regional Housing Needs Assessment |
| RMP | Risk Management Plan |
| rms | root mean square |
| RNG | renewable natural gas |
| ROG | reactive organic gases |
| RPS | Renewables Portfolio Standard |
| RTP | Regional Transportation Plan |
| RWQCB | Regional Water Quality Control Board |
| Sacramento Metro AQMD | Sacramento Metropolitan Air Quality Management District |

| | |
|---|---|
| SB | Senate Bill |
| SCE | Southern California Edison |
| SCS | Sustainable Communities Strategy |
| SEI | Strategic Energy Innovation |
| $SF_6$ | sulfur hexafluoride |
| SFPUC | San Francisco Public Utilities Commission |
| SGMA | Sustainable Groundwater Management Act |
| SLCP | Short-Lived Climate Pollutant |
| SNAP | California Significant New Alternatives Policy |
| $SO_2$ | sulfur dioxide |
| SoCalGas | Southern California Gas Company |
| SOI | Sphere of Influence |
| South Coast AQMD | South Coast Air Quality Management District |
| SR | State Route |
| SRA | State Responsibility Area |
| SSJVIC | Southern San Joaquin Valley Information Center |
| State Water Board | California State Water Resources Control Board |
| SVP | Society of Vertebrate Paleontology |
| SWIS | Solid Waste Information System |
| SWMP | Storm Water Management Plan |
| SWPPP | Storm Water Pollution Prevention Plan |
| TAC | toxic air contaminants |
| TAZ | Traffic Analysis Zone |
| TCAG | Tulare County Association of Governments |
| TCM | transportation control measures |
| TCR | Tribal Cultural Resource |
| TDM | Transportation Demand Management |
| TDS | total dissolved solids |
| TDV | Time Dependent Valuation |
| TEA-21 | Transportation Equity Act for the 21st Century |
| Tg | teragram |
| therms/y | therms per year |
| TIA | Traffic Impact Analysis |
| TID | Tulare Irrigation District |
| TIS | Traffic Impact Study |
| TMA | Transportation Management Association |
| TMDL | Total Maximum Daily Load |
| TOD | Transit Oriented Development |

| | |
|---|---|
| TRU | Transport Refrigeration Unit |
| UAB | Urban Area Boundary |
| UBC | Uniform Building Code |
| UDB | Urban Development Boundary |
| UGB | Urban Growth Boundary |
| UPS | United Parcel Service |
| USACE | United States Army Corps of Engineers |
| USC | United States Code |
| USDA | United States Department of Agriculture |
| USDOT | United States Department of Transportation |
| USFWS | United States Fish and Wildlife Service |
| USGS | United States Geological Survey |
| UST | underground storage tank |
| UV | ultraviolet |
| UWMP | Urban Water Management Plan |
| V/C | volume to capacity ratio |
| Valley Air District | San Joaquin Valley Air Pollution Control District |
| VDECS | Verified Diesel Emission Control Strategies |
| VECC | Visalia Emergency Communication Center |
| VERA | Voluntary Emissions Reduction Agreements |
| VFD | Visalia Fire Department |
| VHFHSZ | Very High Fire Hazard Severity Zone |
| VMT | Vehicle Miles Traveled |
| VOC | volatile organic compound |
| VPD | Visalia Police Department |
| VUSD | Visalia Unified School District |
| WCP | Water Conservation Plant |
| WDR | Waste Discharge Requirements |
| WEAP | Worker Environmental Awareness Program |
| WQMP | Water Quality Management Plan |
| WSA | Water Supply Assessment |
| WUI | wildland urban interface |
| WWTP | Wastewater Treatment Plant |
| ZEV | Zero-Emission Vehicle |

# EXECUTIVE SUMMARY

## Purpose

This Draft Environmental Impact Report (Draft EIR) is prepared in accordance with the California Environmental Quality Act (CEQA) to evaluate the potential environmental impacts associated with the implementation of the Shirk and Riggin Industrial Project (State Clearinghouse No. 2022080658). This document is prepared in conformance with CEQA (Public Resources Code [PRC] § 21000, *et seq*.) and the CEQA Guidelines (California Code of Regulations [CCR], Title 14, § 15000, *et se*q.).

The purpose of this Draft EIR is to inform decision-makers, representatives of affected and responsible agencies, the public, and other interested parties of the potential environmental effects that may result from implementation of the proposed project. This Draft EIR describes potential impacts relating to a wide variety of environmental issues and methods by which these impacts can be mitigated or avoided.

## Project Summary

### Project Location

The project site is generally bound by Riggin Avenue to the south, Shirk Street to the east, Kelsey Street to the west, and Modoc Ditch to the north. A private road intersects the project site from south to north. The project site consists of three existing parcels: Assessor's Parcel Numbers [APNs] 077-840-004, 077-840-005, and 077-840-006 (formerly APNs 077-840-001, 077-840-002, and 077-840-003). The project site is within the City's Planning Area,[1] Urban Development Boundary (UDB) Tier 1 of the City, and the City's Sphere of Influence (SOI).

### Project Description

The project applicant proposes to convert existing agricultural lands and develop the approximately 284-acre project site into an industrial park, consisting of eight industrial buildings used for warehouse, distribution, and light manufacturing; six flex industrial buildings; two drive-through restaurants; a convenience store; a recreational vehicle (RV) and self storage facility; gas station; and a car wash. The total building footprint is approximately 3,720,149 square feet. The project site would include sufficient amounts of trailer stalls and car parking stalls to serve the proposed uses in accordance with applicable City requirements. The proposed project would also involve necessary infrastructure and improvements sufficient to serve the proposed uses. These would include detention basins on the east, west, and central portions of the project site and other necessary stormwater facilities to be sized and installed in accordance with all applicable requirements and standards. Access would be provided via three access points along Shirk Street, three access points along Riggin Avenue, and five access points along Kelsey Street. Clancy Street south of the project site would be extended to replace the existing private road and would traverse south to north of the

[1] Planning area refers to the land area addressed by a General Plan, including land within the city limits and land outside the city limits that bears a relation to the City's planning. This area is not all intended for development; the Urban Growth Boundary shows the future development area.

site. On-site orchards would need to be removed, and that appropriate landscaping and lighting would be incorporated into the overall site design consistent with applicable City requirements and guidelines.

The proposed project would need to be annexed into the city limits, and upon annexation, would be served by the City of Visalia for purposes of water and wastewater. In addition, the other entitlements associated with this project include a Tentative Parcel Map and a Conditional Use Permit for some of the uses proposed (convenience store, drive-through lanes), some of the proposed lot sizes in the light industrial zoning, and lots without public street frontage.

Chapter 2, Project Description, provides a complete description of the proposed project.

## Project Objectives

The fundamental purpose and goal of the proposed project is to accomplish the orderly development of the project site as proposed, consistent with the General Plan's industrial land use designation, which would provide economic benefits to the City, among others. As stated in Chapter 2, Project Description, the objectives of the proposed project are to:

- Ensure that development of the project site is accomplished in an economically viable manner consistent with applicable goals and policies as set forth in the City's General Plan, including the land use vision set forth therein that contemplates light industrial and industrial uses, taking into account necessary site plan considerations including efficient access and loading.
- Maximize development of the existing underutilized project site and generate increased revenue and economic development for the City in order to support the City's ongoing City operations.
- Develop a mixed-use industrial park, with light manufacturing, warehouse, distribution, and/or flex industrial uses, in the City that is designed to meet market demand and contemporary industry standards, including building size and clear height requirements, modern façades, articulated concrete panels, a natural color palette, and expansive glass entry features.
- Create employment-generating businesses in the City to reduce the need for members of the local workforce to commute outside the area for employment and to improve the jobs-to-housing balance.
- Maximize placement of industrial uses in close proximity to the State Highway system (SR-99) and other major transportation corridors to avoid or shorten truck-trip lengths, as feasible, on other roadways and to avoid locating industrial buildings in close proximity to residential uses or other sensitive receptors.
- Develop innovative industrial uses providing a range of building sizes with cross dock and rear load capability that have ready access to available infrastructure, including major transportation corridors and utilities to be used as part of the Central Valley supply chain and goods movement network.

## Significant Unavoidable Adverse Impacts

As required under CEQA, the proposed project was analyzed for potentially significant impacts related to each of the environmental topic areas discussed in Sections 3.1 through 3.16. The results of the analysis indicate that the proposed project would result in the following significant and unavoidable impacts:

- **Project-level conversion of prime farmland:** Although the proposed project is consistent with the project site's General Plan designation and conversion of the project site to industrial use has long been envisioned as part of buildout under the General Plan, the proposed project would result in the loss of agricultural land and conversion of Prime Farmland to urban uses. There are no feasible mitigation measures available to reduce this impact. Accordingly, despite the fact that this conversion was previously evaluated and disclosed as part of the General Plan EIR, this Draft EIR has evaluated and hereby discloses that the proposed project would result in significant and unavoidable impacts related to the conversion of Important Farmland identified by Farmland Mapping and Monitoring Program (FMMP) mapping to nonagricultural use.
- **Cumulative conversion of prime farmland:** Much of the City's UDB consists of Important Farmland that would be converted to nonagricultural uses with implementation of future development already envisioned by the General Plan Land Use Element. Development within Tier II and III of the UDB that would convert Prime Farmland is subject to the 1:1 ratio of agricultural land preservation elsewhere outside of the City's UDB. Although cumulative projects occurring in Tier II and III of the UDB would be required to preserve agricultural land elsewhere, loss of Prime Farmland would still occur and the cumulative impact remains significant. The development of the proposed project would further contribute to this already significant cumulative impact, due to the loss of approximately 284 acres of Prime Farmland, which has been identified as an individual significant and unavoidable impact due to lack of feasible mitigation. Moreover, the proposed project's contribution to this significant cumulative effect to agricultural resources would be considered cumulatively considerable.
- **Project-level impact related to implementation of the applicable Air Quality Plan:** The proposed project is consistent with the project site's General Plan designation which means the proposed industrial use was accounted for in the Air Quality Plan (AQP) land use projections. However, the proposed project could create a localized violation of State or federal air quality standards, significantly contribute to cumulative nonattainment pollutant violations, and could expose sensitive receptors to substantial pollutant concentrations. The proposed project would be required to implement MM AIR-2a through MM AIR-2g. However, because MM AIR-2a through MM AIR-2f would not reduce construction or operational impacts below the applicable thresholds and full implementation of MM AIR-2g cannot be guaranteed due to potential technical and/or financial feasibility, the proposed project's potentially significant impact is conservatively identified as significant and unavoidable. Therefore, the proposed project is inconsistent with Criterion 1 of the AQP even after the incorporation of feasible mitigation. The impact would be significant and unavoidable.

- **Project-level impact related to cumulatively considerable net increase of nitrogen oxide ($NO_X$) during construction, and reactive organic gas (ROG), $NO_X$, and particulate matter 10 micrometers or less in diameter ($PM_{10}$) during operation:** For purposes of a conservative analysis, this Draft EIR evaluated the potential impacts assuming that none of the three anticipated project phases overlapped (sequential), and also considered the potential impacts if the project phases did, in fact, overlap (concurrent). In the sequential phasing scenario, after the incorporation of MM AIR-2a and MM AIR-2b, construction of the proposed project would not exceed the applicable San Joaquin Valley Air Pollution Control District (Valley Air District) daily emission screening levels for an Ambient Air Quality Analysis (AAQA), pursuant to District Rule 2201. However, if the three phases of construction occur concurrently, emissions of carbon monoxide (CO) and $NO_X$ would exceed the applicable Valley Air District's significance thresholds even after implementation of feasible mitigation. As such, this impact would remain significant and unavoidable after implementation of identified mitigation.

  During operation, unmitigated emissions would exceed applicable Valley Air District thresholds of significance for CO, ROG, and $NO_X$. Therefore, MM AIR-2c through MM AIR-2g would be required to mitigate operational emissions to below Valley Air District thresholds. However, the full implementation of MM AIR-2c through MM AIR-2f would not reduce emissions below the applicable thresholds and MM AIR-2g cannot be guaranteed during project operation; therefore, the reasonable worst-case operational emissions would exceed the applicable Valley Air District's significance thresholds for CO, ROG, $NO_X$, and $PM_{10}$ and this impact would remain significant and unavoidable.

- **Cumulative significant air quality impact:** Because the proposed project would exceed certain identified construction and operational significance thresholds, its emissions would also be cumulatively considerable.
- **Project-level impact related to mobile source operational noise:** Without development of the proposed project, nearly every roadway segment is estimated to experience noise increases from a minimum 0.9 A-weighted decibel (dBA) equivalent sound level ($L_{eq}$) maximum 8.6 dBA $L_{eq}$ by 2028, compared to existing traffic noise levels. The addition of the proposed project's traffic would increase noise levels up to an additional 3.7 dBA $L_{eq}$ upon full buildout. The proposed project would contribute to increasing traffic volumes—and therefore traffic-related noise levels—in its primary trip distribution area, which is generally bounded by the project site/Riggin Avenue to the north, State Route (SR) 99 to the west, Akers Street to the east, and SR-198 to the south. There are no feasible mitigation measures available to reduce this impact to less than significant. The proposed project's off-site mobile source operational noise impact from traffic generation would be considered significant and unavoidable.
- **Cumulative noise impact:** The proposed project would exceed the identified operational significance threshold, its impact would also be cumulatively considerable.

## Summary of Project Alternatives

Below is a summary of the alternatives to the proposed project considered in Chapter 5, Alternatives to the Proposed Project.

### No Project Alternative

Under this alternative, development of the project site would not occur, and the project site would remain in its current existing condition.

### Reduced Footprint Alternative

Under this alternative, the proposed project would be developed in such a way as to reduce some construction and operational air quality impacts, operational noise impacts, and protect some of the on-site Prime Farmland by reducing the overall footprint of the developed areas. The eastern half of the project site, approximately 142 acres, would be preserved and would remain in agricultural production, and half of the total warehouse and industrial park land uses would be developed. The proposed associated commercial uses would be relocated to the western half of the site. The stormwater basins would be sized accordingly. It is assumed that culvert crossings over Modoc Ditch would be required, similar to the proposed project.

### Alternative Location

Under this alternative, the proposed project would be constructed in the approximately 290-acre parcel west of Plaza Drive and Riggin Avenue. This parcel is selected as it is one of the remaining parcels within Tier I of the UDB that is designated as Industrial and therefore generally suitable for the proposed development. The proposed project would require a General Plan Amendment to re-designate a portion of the site as Light Industrial for the proposed associated flex industrial/commercial uses conditionally allowed under Light Industrial. This site would be approximately 650 feet from the nearest sensitive receptors located to the southwest.

## Areas of Controversy

Pursuant to CEQA Guidelines Section 15123(b), a summary section must address areas of controversy known to the lead agency, including issues raised by agencies and the public, and it must also address issues to be resolved, including the choice among alternatives and whether or how to mitigate the significant effects.

A Notice of Preparation (NOP) for the proposed project was issued on August 30, 2022. The NOP describing the original concept for the project and issues to be addressed in the EIR was distributed to the State Clearinghouse, responsible agencies, and other interested parties for a 30-day public review period extending from August 30, 2022, through September 28, 2022. The NOP identified the potential for significant impacts on the environment related to the following topical areas:

- Aesthetics
- Agricultural Resources and Forestry Resources
- Air Quality
- Biological Resources
- Cultural Resources and Tribal Cultural Resources
- Energy
- Geology and Soils
- Greenhouse Gas Emissions
- Hazards and Hazardous Materials
- Hydrology and Water Quality
- Land Use and Planning
- Noise
- Public Services
- Transportation
- Utilities and Service Systems
- Wildfire

## Disagreement Among Experts

This Draft EIR contains substantial evidence to support all the conclusions presented herein. It is possible that there will be disagreement among various parties regarding these conclusions, although the City of Visalia is not aware of any disputed conclusions at the time of this writing. Both the CEQA Guidelines and case law clearly provide the standards for treating disagreement among experts. Where evidence and opinions conflict on an issue concerning the environment, and the lead agency knows of these controversies in advance, the EIR must acknowledge the controversies, summarize the conflicting opinions of the experts, and include sufficient information to allow the public and decision-makers to make an informed judgment about the environmental consequences of the proposed project.

## Potentially Controversial Issues

Below is a list of potentially controversial issues that may be raised during the public review and hearing process of this Draft EIR:

- Construction and operational emissions and Health Risk Assessment.
- Potential impacts to the Swainson's hawk, Crotch's bumblebee, and the northern legless lizard.
- Tribal consultation requirements and cultural resource assessment.

It is also possible that evidence will be presented during the 45-day, statutory Draft EIR public review period that may create disagreement. Decision-makers would consider this evidence during the public hearing process.

In rendering a decision on a project where there is disagreement among experts, the decision-makers are not obligated to select the most environmentally preferable viewpoint. Decision-makers are vested with the ability to choose whatever viewpoint is preferable and need not resolve a dispute among experts. In their proceedings, decision-makers must consider comments received concerning the adequacy of the Draft EIR and address any objections raised in these comments. However, decision-makers are not obligated to follow any directives, recommendations, or suggestions presented in comments on the Draft EIR, and can certify the Final EIR without needing to resolve disagreements among experts.

# Public Review of the Draft EIR

Upon completion of the Draft EIR, the City of Visalia filed a Notice of Completion (NOC) with the State Office of Planning and Research to begin the public review period (PRC § 21161). Concurrent with the NOC, this Draft EIR has been distributed to responsible and trustee agencies, other affected agencies, surrounding cities, and interested parties, as well as all parties requesting a copy of the Draft EIR in accordance with Public Resources Code 21092(b)(3). During the public review period, the Draft EIR, including the technical appendices, is available for review at the City's Planning Department. The address is provided below:

Visalia City Hall
315 East Acequia Avenue
Visalia, CA 93291

The Draft EIR is also available for review at the following website:
https://www.visalia.city/depts/community_development/planning/ceqa_environmental_review.asp

Agencies, organizations, and interested parties have the opportunity to comment on the Draft EIR during the 45-day public review period. Written comments on this Draft EIR should be addressed to:

Brandon Smith, Principal Planner
City of Visalia
315 East Acequia Avenue
Visalia, CA 93291
559.713.4636
brandon.smith@visalia.city

Submittal of electronic comments in Microsoft Word or Adobe PDF format is encouraged. Upon completion of the public review period, written responses to all significant environmental issues raised will be prepared and made available for review by the commenting agencies at least 10 days prior to the public hearing before the City of Visalia on the project, at which the certification of the Final EIR will be considered. Comments received and the responses to comments will be included as part of the record for consideration by decision-makers for the project.

## Executive Summary Matrix

Table ES-1 below summarizes the impacts, mitigation measures, and resulting level of significance after mitigation for the relevant environmental issue areas evaluated for the proposed project. The table is intended to provide an overview; narrative discussions for the issue areas are included in the corresponding section of this EIR. Table ES-1 is included in the EIR as required by CEQA Guidelines Section 15123(b)(1).

## Table ES-1: Executive Summary Matrix

| Impacts | Mitigation Measures | Level of Significance After Mitigation |
|---|---|---|
| **Section 3.1—Aesthetics, Light, and Glare** | | |
| **Impact AES-1:** The proposed project would not have a substantial adverse effect on a scenic vista. | No mitigation measures are required. | Less than significant impact. |
| **Impact AES-2:** The proposed project would not substantially damage scenic resources, including, but not limited to, trees, rock outcroppings, and historic buildings within a State Scenic Highway. | No mitigation measures are required. | No impact. |
| **Impact AES-3:** The proposed project would not substantially degrade the existing visual character or quality of public views of the site and its surroundings (public views are those that are experienced from publicly accessible vantage point). | No mitigation measures are required. | Less than significant impact. |
| **Impact AES-4:** The proposed project would not create a new source of substantial light or glare which would adversely affect day or nighttime views in the area. | No mitigation measures are required. | Less than significant impact. |
| **Cumulative Impact:** The proposed project would not have a cumulative impact related to aesthetics, light, and glare. | No mitigation measures are required. | Less than significant impact. |
| **Section 3.2—Agriculture and Forest Resources** | | |
| **Impact AG-1:** The proposed project would convert Prime Farmland, Unique Farmland, or Farmland of Statewide Importance (Farmland) as shown on the maps prepared pursuant to the Farmland Mapping and Monitoring Program of the California Resources Agency, to nonagricultural use. | No feasible mitigation measures available. | Significant and unavoidable impact. |
| **Impact AG-2:** The proposed project would not conflict with existing zoning for agricultural use, or a Williamson Act Contract. | No mitigation measures are required. | Less than significant impact. |
| **Impact AG-3:** The proposed project would not conflict with existing zoning for, or cause rezoning of, forest land | No mitigation measures are required. | No impact. |

| Impacts | Mitigation Measures | Level of Significance After Mitigation |
|---|---|---|
| (as defined in Public Resources Code Section 12220(g)), timberland (as defined by Public Resources Code Section 4526), or timberland zoned Timberland Production (as defined by Government Code Section 51104(g)). | | |
| **Impact AG-4:** The proposed project would not result in the loss of forest land or conversion of forest land to non-forest use. | No mitigation measures are required. | No impact. |
| **Impact AG-5:** The proposed project would not involve other changes in the existing environment which, due to their location or nature, could result in conversion of Farmland, to nonagricultural use or conversion of forest land to non-forest use. | No mitigation measures are required. | Less than significant impact. |
| **Cumulative Impact:** The proposed project would have significant and unavoidable impacts related to agricultural resources. | No feasible mitigation measures are available. | Significant and unavoidable with respect to the loss of Prime Farmland, Unique Farmland, or Farmland of Statewide Importance. |
| **Section 3.3—Air Quality** | | |
| **Impact AIR-1:** The proposed project would conflict with or obstruct implementation of the applicable air quality plan. | Implement MM AIR-2a through MM AIR-2g (see Impact AIR-2). | Significant and unavoidable impact. |
| **Impact AIR-2:** The proposed project would result in a cumulatively considerable net increase of any criteria pollutant for which the project region is nonattainment under an applicable federal or State ambient air quality standard. | **MM AIR-2a: Use of Tier IV or Tier IV Equivalent Construction Off-Road Equipment**<br>Before a construction permit is issued for the proposed project, the project sponsors shall submit construction emissions minimization plans to the City of Visalia for review and approval. The construction emissions minimization plans shall detail compliance with the following requirements:<br>(1) Subject to same being commercially available, all off-road equipment utilized in connection with the subject individual development proposal shall have engines that meet either EPA or ARB Tier IV Final off-road emission standards. Provided, however, if engines that comply with Tier IV Final off-road emission standards are not commercially available, then the construction contractor shall use the next cleanest piece of off-road equipment (e.g., Tier IV Interim) | Significant and unavoidable impact. |

| Impacts | Mitigation Measures | Level of Significance After Mitigation |
|---|---|---|
| | available. For purposes of this mitigation measure, "commercially available" shall mean the availability of Tier IV Interim engines taking into consideration factors such as (i) critical-path timing of construction; (ii) costs of utilizing same are commercially practicable; and (iii) geographic proximity to the project site of equipment. The relevant contractor's provision to the City letters from at least two rental companies for each piece of off-road equipment that reasonably documents the lack of commercially available off-road equipment shall be deemed sufficient for purposes of complying with this mitigation measure. The project applicant and contractor shall consider the use of near zero-emission or electric construction equipment if that type of equipment is commercially available at the time of grading permit submittal.<br>(2) Post signage on the project site stating that construction equipment idling times shall not exceed five minutes.<br><br>**MM AIR-2b: Super Compliant Architectural Coating During Construction**<br>Prior to issuance of a grading permit in connection with an individual specific development proposal for the proposed project, the relevant project sponsor shall submit to the City of Visalia Planning Division construction contracts and/or subcontracts reasonably documenting that all architectural coating material utilized in connection with the subject individual specific development proposal would not exceed 10 grams of volatile organic compound (VOC) per liter of coating.<br><br>To satisfy the above, the relevant project sponsor shall include in any construction contracts and/or subcontracts for the subject individual specific development proposal a requirement that all interior and exterior architectural coatings used in project construction meet the "super-compliant" coating VOC content standard of 10 grams or less of VOC per liter of coating. The relevant project sponsor shall also specify in the subject construction contracts and/or subcontracts the requirement to use high-volume, low-pressure spray guns during coating applications to reduce coating waste. | |

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| | **MM AIR-2c: Electric or Zero-Emission On-site Off-Road and On-Road Service Equipment**<br>Prior to issuance of the construction grading permit in connection with an individual specific development proposal for the proposed project, the relevant project sponsor shall provide reasonable documentation to demonstrate to the City of Visalia Planning Division that all on-site off-road and on-road service equipment will utilize zero-emission technology, subject to the same being commercially practicable. Additionally, the relevant project sponsor shall provide reasonable documentation to the City of Visalia Planning Division that all proposed buildings in connection with the subject individual specific development proposal that would use on-site service equipment will be designed to include electric outlets to equipment support the use of all-electric or zero-emission on-site service equipment, subject to the same being commercially practicable.<br><br>**MM AIR-2d: Electric Vehicle Charging Infrastructure**<br>Prior to issuance of the grading or building permit in connection with an individual specific development proposal for the proposed project, whichever occurs first, the relevant project sponsor shall provide reasonable documentation to the City of Visalia Planning Division demonstrating that the subject individual specific development proposal shall incorporate infrastructure for electric vehicle (EV) charging stations into a minimum of 20 percent of all vehicle parking spaces (including parking for trucks), consistent with the applicable California Green Building Standards Code Tier 1 Nonresidential Mandatory Measure (Section A5.106.5.3). To satisfy the foregoing, EV charging spaces must provide electrical vehicle charging infrastructure to support future installation of EV supply equipment and shall meet the applicable design space requirements of California Green Building Standards Code Section 5.106.5.3.<br><br>In addition, the buildings' electrical room shall be sufficiently sized to hold additional panels that may be needed to supply power for the future installation of EV truck charging stations on the site. Conduit should be installed from the electrical room to tractor trailer parking spaces in a logical location(s) on the site determined by the project applicant during construction document plan check, for the purpose of accommodating the future installation of EV truck charging stations at such time this | |

| Impacts | Mitigation Measures | Level of Significance After Mitigation |
|---|---|---|
| | technology becomes commercially available and the buildings are being served by trucks with electric-powered engines.<br><br>**MM AIR-2e: On-Site Signage and Pavement Markings**<br>In connection with an individual specific development proposal for the proposed project, whichever occurs first, the relevant project sponsor shall provide reasonable documentation to the City of Visalia Planning Division demonstrating signage and pavement marking that show on-site circulation routes have been or will be included along the relevant portions of the project site driveways and internal roadways.<br><br>**MM AIR-2f: Vegetative Barrier**<br>Prior to issuance of the grading or building permit in connection with an individual specific development proposal for the proposed project, whichever occurs first, the relevant project sponsor shall provide reasonable documentation to the City of Visalia Planning Division demonstrating the inclusion of a vegetative barrier along the south and east property boundaries of the project site. Prior to issuance of first occupancy permit, the project applicant shall demonstrate to the Visalia Planning Division the installation of the vegetative barrier at the described locations.<br><br>**MM AIR-2g: Voluntary Emission Reduction Agreement**<br>Prior to issuance of the grading or building permit in connection with an individual specific development proposal for the proposed project, whichever occurs first, the relevant project sponsor shall consult with the City of Visalia Planning Division about the feasibility of entering into a Voluntary Emissions Reduction Agreement (VERA) with the Valley Air District. | |
| **Impact AIR-3:** The proposed project would not expose sensitive receptors to substantial pollutant concentrations. | No mitigation measures are required. | Less than significant impact. |
| **Impact AIR-4:** The proposed project would not result in other emissions (such as those leading to odors) adversely affecting a substantial number of people. | No mitigation measures are required. | Less than significant impact. |

| Impacts | Mitigation Measures | Level of Significance After Mitigation |
|---|---|---|
| **Cumulative Impact:** The proposed project would have a significant and unavoidable cumulative impact related to air quality. | Implement MM AIR-2a through MM AIR-2g. | Significant and unavoidable impact. |
| **Section 3.4—Biological Resources** | | |
| **Impact BIO-1:** The proposed project could have a substantial adverse effect, either directly or through habitat modifications, on species identified as a candidate, sensitive, or special-status species in local or regional plans, policies, or regulations, or by the California Department of Fish and Wildlife or United States Fish and Wildlife Service. | **MM BIO-1a: Pre-construction Surveys for Swainson's Hawk**<br>Prior to initial ground disturbance or building permits of any project area, if during the nesting season for Swainson's hawk (March 20 to July 20), a qualified Biologist shall conduct Swainson's hawk nesting surveys on-site and within a 0.5-mile radius of the project site to determine whether nests are present and if so, occupied. Occupancy shall be determined through observation of all accessible areas, including from public roads or other publicly accessible observation areas of Swainson's hawk activity (e.g., foraging) on and near the project site. If ground disturbance occurs outside the nesting season, no further action is required.<br><br>A qualified Biologist shall follow the survey protocol outlined in the California Department of Fish and Wildlife (CDFW) Recommended Timing and Methodology for Swainson's Hawk Nesting Surveys in California's Central Valley, which recommends surveys according to the following survey periods:<br>1. January–March 20: Conduct one survey total.<br>2. March 20–April 5: Conduct three surveys total. Surveys shall be conducted between sunrise to 10:00 a.m. and/or 4:00 p.m. to sunset.<br>3. April 5–April 20: Conduct three surveys total. Surveys shall be conducted between sunrise to 12:00 p.m. and/or 4:30 p.m. to sunset.<br>4. April 21–June 10: Initiating surveys are not recommended. Monitoring of known nest sites only.<br>5. June 10–July 30: (post-fledging) Conduct three surveys total. Surveys shall be conducted between sunrise to 12:00 p.m. and/or 4:00 p.m. to sunset.<br><br>Pre-construction surveys shall be completed for at least the two survey periods immediately prior to the subject ground-disturbing activities being initiated, with the latest survey no more than 10 days prior to the start of the subject ground-disturbing A copy of the survey results shall be submitted to the lead agency as evidence of compliance. | Less than significant impact with mitigation incorporated. |

| Impacts | Mitigation Measures | Level of Significance After Mitigation |
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| | **MM BIO-1b: Swainson's Hawk Avoidance and Minimization and Construction Monitoring**<br>If nests are located and determined to be occupied, minimization measures must be implemented by the relevant applicant in connection with a specific individual development application, and construction monitoring conducted as follows:<br>1. Construction activities shall be prohibited within 600 feet of an active and occupied Swainson's hawk nest or within 600 feet of nests under construction to prevent nest abandonment unless a smaller buffer is approved pursuant to subsection (2) below. This incorporates the maximum avoidance buffer size stated in the California Department of Fish and Wildlife (CDFW) Recommended Timing and Methodology for Swainson's Hawk Nesting Surveys in California's Central Valley.<br>2. If site-specific conditions or the nature of the construction activity (e.g., other nearby development, limited activities) indicate that a smaller buffer, or no buffer at all, could be used, the project developer may seek approval from the qualified Biologist who, in coordination with the CDFW, shall determine the appropriate buffer size, which, once approved, shall govern.<br>3. No tree containing an active Swainson's hawk nest shall be removed.<br><br>If (i) no nests are located or (ii) if nests are located and determined not to be occupied, then no minimization measures shall need to be implemented and no further mitigation under this MM BIO-1b shall be required.<br><br>**MM BIO-1c: Pre-Construction Surveys for Burrowing Owl (includes avoidance and passive relocation if found)**<br>To determine whether burrowing owl have occupied the project site prior to its development, a qualified Biologist shall perform a pre-construction burrowing owl survey to determine burrow locations within 30 days prior to construction activities using California Department of Fish and Wildlife (CDFW) Guidelines. If construction is delayed or suspended for more than 30 days after the survey, the area shall be resurveyed. Surveys for occupied burrows shall be completed within all construction areas and within 300 feet of the proposed project impact area (where possible and appropriate based on locations of barren or ruderal habitats). At least 15 | |

| Impacts | Mitigation Measures | Level of Significance After Mitigation |
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| | days prior to the expected start, or restart, of any project-related ground disturbance activities, the project applicant shall provide a burrowing owl survey report with mapping exhibits to the CDFW. If no burrowing owl are detected during the pre-construction survey, no further action is necessary.<br><br>If burrowing owl are detected during the pre-construction survey, the following actions shall be taken to offset impacts during construction (as outlined in the CDFW 2012 Guidelines):<br><br>• During the nonbreeding season (September 1 through January 31), no disturbance shall occur within an approximately 160-foot radius of an occupied burrow. During the nesting season (February 1 through August 31), occupied burrows shall not be disturbed within a 300-foot radius unless a qualified Biologist approved by the CDFW verifies through non-invasive methods that either (1) the birds have not begun egg-laying and incubation or (2) that juveniles from the occupied burrows are foraging independently and are capable of independent survival.<br>• If owls must be moved away from the disturbance area, passive relocation techniques (as outlined by the CDFW [i.e., use of one-way doors]) should be used rather than trapping. At least one or more weeks will be necessary to accomplish this and to allow the owls to acclimate to alternate burrows.<br>• If unpaired owls or paired owls are present in or within 300 feet of areas scheduled for disturbance or degradation (e.g., grading) and nesting is not occurring, owls are to be removed per CDFW-approved passive relocation protocols. Passive relocation requires the use of one-way exclusion doors, which must remain in place at least 48 hours prior to site disturbance to ensure owls have left the burrow prior to construction. A CDFW-approved exclusion plan would be required to implement this measure.<br>• If paired owls are nesting in areas scheduled for disturbance or degradation, nest(s) shall be avoided from February 1 through August 31 by a minimum 300-foot buffer or until fledging has occurred. Following fledging, owls may be passively relocated. | |

| Impacts | Mitigation Measures | Level of Significance After Mitigation |
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| | **MM BIO-1d: Pre-construction Special-status Species Wildlife Surveys and Protective Measures if Found, Including Standard Avoidance Measures for San Joaquin Kit Fox.**<br>Not more than 14 days before start of ground disturbance, a qualified Biologist shall conduct surveys to determine the presence/absence of the following special-status wildlife species: Crotch's bumblebee, San Joaquin kit fox, western burrowing owl, and American badger. Should any of the foregoing special-status wildlife species be detected, the qualified Biologist shall coordinate with the California Department of Fish and Wildlife (CDFW) and/or the United States Fish and Wildlife Service (USFWS) (as appropriate) to determine adequate protection measures as may be required under applicable laws and regulations, and the relevant project developer shall implement all such measures in connection with the development proposal at issue. Copies of all reports and communication with the appropriate wildlife agencies shall be submitted to the lead agency as evidence of compliance.<br><br>The following standardized recommendations as outlined by the USFWS for the protection of San Joaquin Kit Fox shall be implemented during project construction:<br>1. 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. Nighttime 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.<br>2. 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 Game (CDFG) shall be contacted as noted under measure 13 referenced below. | |

| Impacts | Mitigation Measures | Level of Significance After Mitigation |
|---|---|---|
| | 3. 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 moved only once to remove it from the path of construction activity, until the fox has escaped.<br>4. 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.<br>5. No firearms shall be allowed on the project site.<br>6. 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.<br>7. 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.<br>8. 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.<br>9. 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 | |

| Impacts | Mitigation Measures | Level of Significance After Mitigation |
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| | 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 the previously referenced people and anyone else who may enter the project site.<br>10. 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.<br>11. 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.<br>12. 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 the CDFG immediately in the case of a dead, injured or entrapped kit fox.<br>13. The Sacramento Fish and Wildlife Office and CDFG 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.<br>14. 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 kit fox was observed should also be provided to the Service at the address below. | |

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| | **MM BIO-1e: Protection of Active Bird Nests (includes pre-construction survey and implementation of avoidance buffer, if found).**<br>1. Removal of trees shall occur in compliance with and as required by the City's Tree Preservation Ordinance.<br>2. If project development requires trees to be removed during the nesting season, pre-construction nesting bird surveys shall be conducted 7 days prior to tree removal to determine whether active nests are present.<br>3. If an active nest is located during pre-construction surveys, a qualified Biologist shall determine an appropriately sized avoidance buffer based on species and anticipated disturbance level. The buffer shall be 250 feet for migratory bird species and 500 feet for raptors. That no-disturbance buffer can be reduced if it is determined whether a qualified on-site monitor determines through monitoring the effects of activities on the nest that the buffer can be reduced without nest abandonment or otherwise affecting nest success.<br>4. The relevant applicant of the proposed development at issue shall physically mark the nest protection zone with Environmentally Sensitive Area fencing, pin flags, and/or yellow caution tape. The nest protection zone shall be maintained around the active nest site(s) until the young have fledged and are foraging independently, as determined by a qualified Biologist. No construction activities or construction foot traffic is allowed to occur within the nest protection zones until the young have fledged and are foraging independently, as determined by a qualified Biologist.<br>5. The qualified Biologist shall monitor the active nest(s) periodically during construction activities to prevent any significant impacts that may result from the construction of the proposed project, until the young have fledged. Copies of the survey report shall be submitted to the lead agency as evidence of compliance.<br><br>If no active nests are located, then no minimization measures shall need to be implemented and no further mitigation under this MM BIO-1e shall be required.<br><br>**MM BIO-1f: Protection of Roosting Bats (includes pre-construction survey and implementation of avoidance buffer, if found).**<br>If tree removal or demolition of existing structures is proposed in connection with project development, trees and/or structures with | |

| Impacts | Mitigation Measures | Level of Significance After Mitigation |
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| | features capable of supporting roosting bats shall be surveyed by a qualified Biologist for bat roosts or evidence of bat roosting (guano, urine staining and scent, dead bats) not more than 14 days before the start of ground disturbance, including vegetation removal. If active roosts are discovered, a protection zone of no less than 50 feet around the active roost shall be established by the qualified Biologist. Disturbance may occur within the buffer once active roosting ceases, as determined by the qualified Biologist.<br><br>If roosts are determined to be present and must be removed, the bats shall be excluded from the roosting site before the tree or structure is removed. A bat Exclusion Plan shall be reviewed and approved by the California Department of Fish and Wildlife (CDFW) prior to implementation. Exclusion methods may include use of one-way doors at roost entrances (bats may leave, but not reenter), or sealing roost entrances when the site can be confirmed to contain no bats. Exclusion efforts shall be restricted during periods of sensitive activity (e.g., during hibernation or while females in maternity colonies are nursing young). Copies of the survey report shall be submitted to the lead agency as evidence of compliance. If no active roosts are located, then no minimization measures shall need to be implemented and no further mitigation under this MM BIO-1f shall be required. | |
| **Impact BIO-2:** The proposed project would not have a substantial adverse effect on any riparian habitat or other sensitive natural community identified in local or regional plans, policies, and regulations or by the California Department of Fish and Wildlife or United States Fish and Wildlife Service. | No mitigation measures are required. | Less than significant impact. |
| **Impact BIO-3:** The proposed project could have a substantial adverse effect on State or federally protected wetlands (including, but not limited to, marsh, vernal pool, coastal, etc.) through direct removal, filling, hydrological interruption, or other means. | **MM BIO-3**: The project developer shall submit the preliminary Jurisdictional Delineation (JD) and coordinate with the appropriate regulating agencies (Central Valley Regional Water Quality Control Board [RWQCB], California Department of Fish and Wildlife [CDFW] and the United States Army Corps of Engineers [USACE]) to determine whether the Modoc Ditch is protected under Section 404 and 401 of the Clean Water Act (CWA), Porter-Cologne Water Quality Control Act, and/or Fish and Game Code 1602. | Less than significant impact with mitigation incorporated. |

| Impacts | Mitigation Measures | Level of Significance After Mitigation |
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| | If Modoc Ditch is considered jurisdictional by the regulating agencies, the relevant project developer shall, in accordance with all applicable laws and regulations, obtain the relevant permit applications based on coordination with the appropriate regulating agencies, if required prior to impacting any waters.<br><br>As part of these authorizations, compensatory mitigation may be required by the regulating agencies to offset the loss of aquatic resources. If so, and as part of the permit application process, a qualified professional shall draft a Mitigation and Monitoring Plan to address implementation and monitoring requirements under the permit(s) to ensure that the subject development proposal would result in no net loss of habitat functions and values. The Plan shall contain, at a minimum, mitigation goals and objectives, mitigation location, a discussion of actions to be implemented to mitigate the impact, monitoring methods and performance criteria, extent of monitoring to be conducted, actions to be taken in the event that the mitigation is not successful, and reporting requirements. The Plan shall be approved by the appropriate regulatory agencies and compensatory mitigation shall take place either on-site or at an appropriate off-site location, if required. Copies of the Plan and associated report shall be submitted to the lead agency as evidence of compliance.<br><br>Any material/spoils generated from project activities containing hazardous materials shall be located away from jurisdictional areas or special-status habitat and protected from stormwater runoff using temporary perimeter sediment barriers such as berms, silt fences, fiber rolls, covers, sand/gravel bags, and straw bale barriers, as appropriate and feasible. Protection measures should follow project-specific criteria as developed in a Storm Water Pollution Prevention and Protection Plan (SWPPP).<br><br>Equipment containing hazardous liquid materials shall be stored on impervious surfaces or plastic ground covers to prevent any spills or leakage from contaminating the ground and at least 50 feet outside the delineated boundary of jurisdictional water features.<br><br>Any spillage of material shall be stopped if it can be done safely and in a feasible manner. In the event of any such spillage, the contaminated area shall be cleaned by the party responsible for the spillage, and any | |

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| | contaminated materials properly disposed. For all spills, the project foreman or designated environmental representative shall be notified. | |
| **Impact BIO-4:** The proposed project could interfere substantially with the movement of any native resident or migratory fish or wildlife species or with established native resident or migratory wildlife corridors, or impede the use of wildlife nursery sites. | Implement MM BIO-1e and MM BIO-1f. | Less than significant impact with mitigation incorporated. |
| **Impact BIO-5:** The proposed project would not conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance. | No mitigation measures are required. | Less than significant impact. |
| **Impact BIO-6:** The proposed project would not conflict with the provisions of an adopted Habitat Conservation Plan, Natural Community Conservation Plan, or other approved local, regional, or State Habitat Conservation Plan. | No mitigation measures are required. | No impact. |
| **Cumulative Impact:** The proposed project would not have a significant cumulative impact related to biological resources with mitigation incorporated. | MM BIO-1a through MM BIO-1f and MM BIO-3. | Less than significant impact with mitigation incorporated. |
| **Section 3.5—Cultural Resources and Tribal Cultural Resources** | | |
| **Impact CUL-1:** The proposed project would not cause a substantial adverse change in the significance of a historical resource pursuant to CEQA Guidelines Section 15064.5. | **MM CUL-1: Archaeological Spot-Monitoring and Halt of Construction Upon Encountering Historical or Archaeological Materials**<br>Prior to any ground disturbance in connection with project development, a surface inspection of the relevant portion(s) of the project site shall be conducted by a qualified Archaeologist; a Tribal Monitor/Cultural Staff from a culturally affiliated Native American tribe identified by the Native American Heritage Commission (NAHC) shall be permitted to observe, subject to an executed agreement between the Tribe and the relevant applicant (as noted below). The Archaeologist (and Tribal Monitor/Cultural Staff, subject to an executed agreement with the relevant applicant) shall monitor the relevant portion(s) of the project site during initial ground disturbance activities that occur in connection with the subject proposal. | Less than significant impact with mitigation incorporated. |

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| | The relevant applicant shall offer, in good faith and based on commercially reasonable terms, a culturally affiliated Native American tribe identified by the NAHC the opportunity to provide a Native American Monitor during ground-disturbing activities that occur in connection with the subject proposal. Tribal participation would be dependent upon the availability and interest of the Tribe as well as the parties being able to reach mutually acceptable terms.<br><br>In addition, the relevant applicant shall with diligence and good faith coordinate with the Tribal Monitor/Cultural Staff to enter into an agreement on commercially reasonable terms wherein the Tribal Monitor/Cultural Staff shall provide pre- project-related activities training to supervisory personnel and any excavation contractor, which shall include information on potential cultural material finds and on the procedures to be enacted if Tribal Cultural Resources (TCRs) are found. Subject to such an executed agreement, the Tribal Monitor/Cultural Staff shall provide the foregoing activities prior to any ground disturbance in connection with an individual specific development proposal.<br><br>In the event that TCRs are discovered during project-related subsurface construction activities, operations shall stop within 100 feet of the find and a qualified Archaeologist shall determine whether the resource requires further study. In consultation with the City of Visalia and consulting tribes, the qualified Archaeologist shall determine the measures that shall be implemented to protect the discovered resources, including, but not limited to, excavation of the finds and evaluation of the finds in accordance with CEQA Guidelines Section 15064.5. Measures may include avoidance, preservation in place, recordation, additional archaeological resting, and data recovery, among other options. Any previously undiscovered resources found during project-related subsurface construction activities shall be recorded on appropriate California Department of Parks and Recreation (DPR) forms and evaluated for significance. No further ground disturbance shall occur in the immediate vicinity of the discovery until approved by the qualified Archaeologist. | |
| **Impact CUL-2:** The proposed project could cause a substantial adverse change in the significance of an | Implement MM CUL-1.<br><br>**MM CUL-2:** Prior to the initiation of ground disturbance activities for project development, the relevant developer shall ensure that all | Less than significant impact with mitigation incorporated. |

| Impacts | Mitigation Measures | Level of Significance After Mitigation |
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| archaeological resource pursuant to CEQA Guidelines Section 15064.5. | construction personnel conducting ground disturbance at the project site in connection with the subject individual specific development proposal shall be provided a Worker Environmental Awareness Program (WEAP) cultural resources "tailgate" training. The training shall include visual aids, a discussion of applicable laws and statutes relating to archaeological resources, types of resources that may be found within the project site, and procedures to be followed in the event such resources are encountered. The training shall be conducted by an Archaeologist who meets the Secretary of the Interior's Professional Qualification Standards for archaeology. Any Native American Monitors or representatives consulting on the proposed project shall be invited to attend and participate in the training session.<br><br>**MM CUL-3:** In the event that prehistoric or historic-period archaeological resources are encountered during construction in connection with an individual specific development proposal, all construction activities associated therewith within 100 feet of the find shall halt and the City of Visalia and an Archaeologist who meets the Secretary of the Interior's Professional Qualification Standards for archaeology shall be notified by the relevant applicant. Prehistoric archaeological materials may include obsidian and chert flaked stone tools (e.g., projectile points, knives, scrapers) or toolmaking debris; culturally darkened soil ("midden") containing heat-affected rocks, artifacts, or shellfish remains; stone milling equipment (e.g., mortars, pestles, hand stones, or milling slabs); and battered stone tools, such as hammerstones and pitted stones. Historic-period materials might include stone, concrete, or adobe footings and walls; filled wells or privies; and deposits of metal, glass, and/or ceramic refuse.<br><br>The Archaeologist shall inspect the findings within 24 hours of discovery or as soon thereafter as is reasonable and commercially practicable. If it is determined that the construction associated with the subject individual specific development proposal could significantly damage a historical resource or a unique archaeological resource (as defined pursuant to the CEQA Guidelines), mitigation shall be implemented in accordance with Public Resources Code Section 21083.2 and Section 15126.4 of the CEQA Guidelines, with a preference for preservation in place. If avoidance is not feasible, a qualified Archaeologist shall prepare and the relevant applicant | |

| Impacts | Mitigation Measures | Level of Significance After Mitigation |
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| | shall implement a detailed treatment plan in consultation with the City of Visalia. Treatment of unique archaeological resources shall follow the applicable requirements of Public Resources Code Section 21083.2. Treatment for most resources would consist of (but would not be limited to) sample excavation, artifact collection, site documentation, and historical research, with the aim to target the recovery of important scientific data contained in the portion(s) of the significant resource to be impacted by the proposed project. The treatment plan shall include provisions for analysis of data in a regional context, reporting of results within a timely manner, curation of artifacts and data at an approved facility, and dissemination of reports to local and State repositories, libraries, and interested professionals. | |
| **Impact CUL-3:** The proposed project could disturb human remains, including those interred outside of formal cemeteries. | **MM CUL-4:** In the event of the accidental discovery or recognition of any human remains during ground disturbance activities in connection with an individual specific development proposal, CEQA Guidelines Section 15064.5, Health and Safety Code Section 7050.5, and Public Resources Code Sections 5097.94 and 5097.98 shall be followed by the relevant applicant. Specifically, the following steps shall be taken:<br>1. There shall be no further excavation or disturbance within 100 feet of the remains until the County Coroner is contacted to determine whether the remains are Native American and if an investigation of the cause of death is required. If the Coroner determines the remains to be Native American, the Coroner shall contact the Native American Heritage Commission (NAHC) within 24 hours, and the NAHC shall identify the person or persons it believes to be the Most Likely Descendant (MLD) of the deceased Native American. The MLD may make recommendations to the landowner or the person responsible for the excavation work within 48 hours, for means of treating or disposing of, with appropriate dignity, the human remains, and any associated grave goods as provided in Public Resource Code Section 5097.98.<br>2. Where any of the following conditions occur, the landowner or his or her authorized representative shall rebury the Native American human remains and associated grave goods with appropriate dignity, either in accordance with the recommendations of the MLD or on the project site in a location not subject to further subsurface disturbance: | Less than significant impact with mitigation incorporated. |

| Impacts | Mitigation Measures | Level of Significance After Mitigation |
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| | • The NAHC is unable to identify an MLD.<br>• The identified MLD fails to make a recommendation within 48 hours after being notified by the commission.<br>• The landowner or his or her authorized representative rejects the recommendation of the identified MLD and mediation by the NAHC fails to provide measures acceptable to the landowner.<br><br>Additionally, California Public Resources Code Section 15064.5 requires the following relative to Native American remains:<br>• When an initial study identifies the existence of, or the probable likelihood of, Native American remains within a project, a lead agency shall work with the appropriate Native Americans as identified by the NAHC as provided in Public Resources Code Section 5097.98. Each relevant applicant in connection with its individual specific development proposal may develop a plan for treating or disposing of, with appropriate dignity, the human remains and any items associated with Native American burials with the appropriate Native Americans as identified by the NAHC. | |
| **Impact CUL-4:** The proposed project may cause a substantial adverse change in the significance of a Tribal Cultural Resource, defined in Public Resources Code Section 21074 as either a site, feature, place, cultural landscape that is geographically defined in terms of the size and scope of the landscape, sacred place, or object with cultural value to a California Native American tribe, and that is listed or eligible for listing in the California Register of Historical Resources, or in a local register of historical resources as defined in Public Resources Code Section 5020.1(k). | Implement MM CUL-1 through MM CUL-4. | Less than significant impact with mitigation incorporated. |
| **Impact CUL-5:** The proposed project may cause a substantial adverse change in the significance of a tribal cultural resource, defined in Public Resources Code Section 21074 as either a site, feature, place, cultural landscape that is geographically defined in terms of the size and scope of the landscape, sacred place, or object | Implement MM CUL-1 through MM CUL-4. | Less than significant impact with mitigation incorporated. |

| Impacts | Mitigation Measures | Level of Significance After Mitigation |
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| with cultural value to a California Native American tribe, and that is a resource determined by the lead agency, in its discretion and supported by substantial evidence, to be significant pursuant to criteria set forth in subdivision (c) of Public Resources Code Section 5024.1. | | |
| **Cumulative Impact:** The proposed project could have a significant cumulative impact related to cultural resources. | Implement MM CUL-1 through MM CUL-4. | Less than significant impact with mitigation incorporated. |
| **Section 3.6—Energy** | | |
| **Impact ENER-1:** The proposed project would not result in potentially significant environmental impact due to wasteful, inefficient, or unnecessary consumption of energy resources, during project construction or operation. | None required. | Less than significant impact. |
| **Impact ENER-2:** The proposed project would not conflict with or obstruct a State or local plan for renewable energy or energy efficiency. | None required. | Less than significant impact. |
| **Cumulative Impact:** The proposed project would have a less than significant impact related to energy. | None required. | Less than significant impact. |
| **Section 3.7—Geology and Soils** | | |
| **Impact GEO-1a:** The proposed project would not directly or indirectly cause potential substantial adverse effects, including the risk of loss, injury or death involving:<br>i) Rupture of a known earthquake fault, as delineated on the most recent Alquist-Priolo Earthquake Fault Zoning Map issued by the State Geologist for the area or based on other substantial evidence of a known fault? Refer to Division of Mines and Geology Special Publication 42. | No mitigation measures are required. | Less than significant impact. |
| **Impact GEO-1b:** The proposed project could directly or indirectly cause potential substantial adverse effects, including the risk of loss, injury or death involving: | **MM GEO-1:** Prior to issuance of the grading permit for each project development, the final grading, foundation, and construction plans for the subject proposal shall incorporate all the site-specific earthwork, | Less than significant impact with mitigation incorporated. |

| Impacts | Mitigation Measures | Level of Significance After Mitigation |
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| ii) Strong seismic ground shaking. | foundation, floor slab, lateral earth pressure, and pavement design recommendations, as detailed in a Geotechnical Evaluation prepared by a qualified Geotechnical Engineer. The final grading and construction plans for the subject individual specific development shall be reviewed by the City-approved Geotechnical Engineer to confirm compliance with this mitigation measure. Grading operations performed in connection with the subject individual specific development proposal shall satisfy all applicable recommendations included in the Geotechnical Evaluation.<br><br>During construction performed in connection with the specific development, the City-approved Geotechnical Engineer shall monitor this construction to ensure the earthwork operations are properly performed in accordance with the foregoing requirements. | |
| **Impact GEO-1c:** The proposed project would not directly or indirectly cause potential substantial adverse effects, including the risk of loss, injury or death involving:<br>iii) Seismic-related ground failure, including liquefaction. | No mitigation measures are required. | Less than significant impact. |
| **Impact GEO-1d:** The proposed project would not directly or indirectly cause potential substantial adverse effects, including the risk of loss, injury or death involving:<br>iv) Landslides. | No mitigation measures are required. | Less than significant impact. |
| **Impact GEO-2:** The proposed project would not result in substantial soil erosion or the loss of topsoil. | **MM GEO-2:** In order to reduce on-site erosion due to project construction and operation, an erosion control plan and Storm Water Pollution Prevention Plan (SWPPP) shall be prepared for the site preparation, construction, and post-construction periods by a registered civil engineer or certified professional. The erosion control plan shall incorporate Best Management Practices (BMPs) consistent with the requirements of the National Pollutant Discharge Elimination System (NPDES). The erosion component of the plan must at least meet the requirements of the SWPPP required by the Central Valley Regional Water Quality Control Board (RWQCB). If earth-disturbing activities are proposed between October 15 and April 15, these activities shall be limited to the extent feasible to minimize potential erosion-related impacts. Additional erosion control measures may be implemented in consultation with the City of Visalia. Prior to the issuance of any permit, the project proponent shall submit detailed plans to the satisfaction of the City of Visalia. The components of | Less than significant impact with mitigation incorporated. |

| Impacts | Mitigation Measures | Level of Significance After Mitigation |
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| | the erosion control plan and SWPPP shall be monitored for effectiveness by the City of Visalia. Erosion control measures may include, but not be limited to, the following:<br>i. Limit disturbance of soils and vegetation disturbance removal to the minimum area necessary for access and construction;<br>ii. Confine all vehicular traffic associated with construction to the right-of-way of designated access roads;<br>iii. Adhere to construction schedules designed to avoid periods of heavy precipitation or high winds;<br>iv. Ensure that all exposed soil is provided with temporary drainage and soil protection when construction activity is shut down during the winter periods; and<br>v. Inform construction personnel prior to construction and periodically during construction activities of environmental concerns, pertinent laws and regulations, and elements of the proposed erosion control measures. | |
| **Impact GEO-3:** The proposed project could be located on a geologic unit or soil that is unstable, or that would become unstable as a result of the proposed project, and potentially result in on- or off-site landslide, lateral spreading, subsidence, liquefaction or collapse. | Implement MM GEO-1. | Less than significant impact with mitigation incorporated. |
| **Impact GEO-4:** The proposed project could be located on expansive soil, as defined in Table 18-1-B of the Uniform Building Code (1994), creating substantial direct or indirect risks to life or property. | Implement MM GEO-1. | Less than significant impact with mitigation incorporated. |
| **Impact GEO-5:** The proposed project would not have soils incapable of adequately supporting the use of septic tanks or alternative wastewater disposal systems where sewers are not available for the disposal of wastewater. | No mitigation measures are required. | No impact. |
| **Impact GEO-6:** The proposed project could directly or indirectly destroy a unique paleontological resource or site or unique geologic feature. | **MM GEO-3:** In the event a fossil is discovered during construction performed in connection with project development, the relevant project developer/contractor shall cease ground-disturbing activities within 15 feet of the find. The qualified Paleontologist shall evaluate the significance of the resources and recommend appropriate treatment measures which | Less than significant impact with mitigation incorporated. |

| Impacts | Mitigation Measures | Level of Significance After Mitigation |
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| | shall be implemented by the relevant applicant. In addition, all recovered fossils should be deposited in an appropriate repository, such as the University of California Museum of Paleontology, located on the campus of the University of California, Berkeley, where they will be properly curated and made accessible for future study. | |
| **Cumulative Impact:** The proposed project would not have a significant cumulative impact with mitigation incorporated. | MM GEO-1, MM GEO-2, and MM GEO-3. | Less than significant impact with mitigation incorporated. |
| **Section 3.8—Greenhouse Gas Emissions** | | |
| **Impact GHG-1:** The proposed project would not generate greenhouse gas emissions, either directly or indirectly, that may have a significant impact on the environment. | None required. | Less than significant impact. |
| **Impact GHG-2:** The proposed project could conflict with any applicable plan, policy or regulation of an agency adopted for the purpose of reducing the emissions of greenhouse gases. | **Implement MM AIR-2d and**<br><br>**MM GHG-2a: Rooftop Solar**<br>Prior to issuance of the first building permit in connection with an individual specific development proposal, the relevant project applicant shall provide the City of Visalia Planning Department reasonable documentation demonstrating that each of the buildings that are covered by the subject individual specific development proposal would be designed with one of the following: (i) rooftop photovoltaic solar panels, (ii) solar-ready rooftop design that shall support the installation of rooftop photovoltaic panel, as feasible, or (iii) roofing material contains light coloring with a solar reflective index greater than 78.<br><br>**MM GHG-2b:** Warehouse usage shall be limited to dry storage. If the warehouse is used for cold storage, then prior to the issuance of occupancy permits, the City of Visalia shall confirm that tenant lease agreements include contractual language that requires all Transport Refrigeration Units (TRUs) entering the project site be plug-in capable. Electrical hookups shall be provided as part of the tenant improvements for any tenant that requires cold storage. The electrical hookups shall be provided at loading bays for truckers to plug in any onboard auxiliary equipment and power refrigeration units while their truck is stopped. | Less than significant impact with mitigation incorporated. |

| Impacts | Mitigation Measures | Level of Significance After Mitigation |
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| **Cumulative Impact:** The proposed project could have a significant cumulative impact related to greenhouse gas emissions. | Implement MM AIR-2d, MM GHG-2a, and MM GHG-2b. | Less than significant impact with mitigation incorporated. |
| **Section 3.9—Hazards and Hazardous Materials** | | |
| **Impact HAZ-1:** The proposed project could create a significant hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials. | No mitigation measures are required. | Less than significant impact. |
| **Impact HAZ-2:** The proposed project could create a significant hazard to the public or the environment through reasonably foreseeable upset and accident conditions involving the likely release of hazardous materials into the environment. | **MM HAZ-1**<br>(a) Any known wells on the project site shall be delineated on an engineered site plan with a minimum 10-foot radius no build area.<br>(b) In the event that any abandoned or unrecorded wells are uncovered or damaged during excavation or grading activities, all work shall cease in the vicinity of the well, and the California Department of Conservation Geologic Energy Management (CalGEM), shall be contacted for requirements and approval; copies of said approvals shall be submitted to the City of Visalia Community Development Department. CalGEM may determine that remedial plugging operations may be required.<br>(c) The following note shall appear on all final maps and grading plans: "If during grading or construction, any plugged and abandoned or unrecorded wells are uncovered or damaged, CalGEM will be contacted to inspect and approve any remediation required. | Less than significant impact with mitigation incorporated. |
| **Impact HAZ-3:** The proposed project would not emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste within one-quarter mile of an existing or proposed school. | No mitigation measures are required. | Less than significant impact. |
| **Impact HAZ-4:** The proposed project would not be located on a site which is included on a list of hazardous materials sites compiled pursuant to Government Code | No mitigation measures are required. | No impact. |

| Impacts | Mitigation Measures | Level of Significance After Mitigation |
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| Section 65962.5 and, as a result, would it create a significant hazard to the public or the environment. | | |
| **Impact HAZ-5:** For a project located within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, the proposed project would not result in a safety hazard or excessive noise for people residing or working the project area. | No mitigation measures are required. | Less than significant impact. |
| **Impact HAZ-6:** The proposed would not impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan. | No mitigation measures are required. | Less than significant impact. |
| **Impact HAZ-7:** The proposed project would not expose people or structures, either directly or indirectly to a significant risk of loss, injury or death involving wildland fires. | No mitigation measures are required. | Less than significant impact. |
| **Cumulative Impact:** The proposed project would have a less than significant impact related to hazards and hazardous materials with mitigation incorporated. | Implement MM HAZ-1. | Less than significant impact with mitigation incorporated. |
| **Section 3.10—Hydrology and Water Quality** | | |
| **Impact HYD-1:** The proposed project would not violate any water quality standards or waste discharge requirements or otherwise substantially degrade surface or ground water quality. | Implement MM GEO-2. | Less than significant impact with mitigation incorporated. |
| **Impact HYD-2:** The proposed project would not substantially decrease groundwater supplies or interfere substantially with groundwater recharge such that the project may impede sustainable groundwater management of the basin. | No mitigation measures are required. | Less than significant impact. |
| **Impact HYD-3:** The proposed project would not substantially alter the existing drainage pattern of the site or area, including through the alteration of the | Implement MM GEO-2. | Less than significant impact with mitigation incorporated. |

| Impacts | Mitigation Measures | Level of Significance After Mitigation |
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| course of a stream or river or through the addition of impervious surfaces, in a manner which would:<br>i. result in substantial erosion or siltation on- or off-site;<br>ii. substantially increase the rate or amount of surface runoff in a manner which would result in flooding on- or off-site;<br>iii. create or contribute runoff water which would exceed the capacity of existing or planned stormwater drainage systems or provide substantial additional sources of polluted runoff; or<br>iv. impede or redirect flood flows? | | |
| **Impact HYD-4:** The proposed project would not be located in a flood hazard zone, tsunami, or seiche zone, or risk release of pollutants due to project inundation. | No mitigation measures are required. | Less than significant impact. |
| **Impact HYD-5:** The proposed project would not conflict with or obstruct implementation of a water quality control plan or sustainable groundwater management plan. | No mitigation measures are required. | Less than significant impact. |
| **Cumulative Impact**: The proposed project would have a less than significant impact related to hydrology and water quality. | Implement MM GEO-2. | Less than significant impact with mitigation incorporated. |
| **Section 3.11—Land Use and Planning** | | |
| **Impact LAND-1:** The proposed project would not physically divide an established community. | No mitigation measures are required. | Less than significant impact. |
| **Impact LAND-2:** The proposed project would not cause a significant environmental impact due to a conflict with any land use plan, policy, or regulation adopted for the purpose of avoiding or mitigating an environmental effect. | No mitigation measures are required. | Less than significant impact. |
| **Cumulative Impact:** The proposed project would not have a cumulative impact related to land use and planning. | No mitigation measures are required. | Less than significant impact. |

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| **Section 3.12—Noise** | | |
| **Impact NOI-1:** The proposed project would generate a substantial temporary or permanent increase in ambient noise levels in the vicinity of the project in excess of standards established in the local general plan or noise ordinance, or applicable standards of other agencies. | **MM NOI-1:**<br>(a) Prior to the issuance of building permit for a drive-through car wash, an in-depth acoustical study prepared by a qualified acoustic professional shall be submitted for review and approval to the City Community Development Department that demonstrates that the design and operations of a proposed drive-through car wash would not result in exceedances of the Visalia Municipal Code's applicable daytime and nighttime noise limits for residential land uses. The study shall evaluate factors such as:<br>• The location and orientation of noise-generating equipment, such as dryer blowers and vacuums.<br>• The location and orientation of the drive-through car wash tunnel.<br>• The hours of operation.<br>• The location of the drive-through car wash on the project site.<br><br>(b) Based on the results of the acoustical study, the project applicant shall be required to incorporate, at a minimum, design features or reduction measures to reduce any identified operational noise impact to meet applicable noise performance criteria. These reduction measures shall be included on all relevant plans, specifications, and other permitting documents. Measures and design features may include, but are not limited to the following:<br>• Locating the car wash facility further away from sensitive receptors, therefore reducing its noise impacts at nearby residential land uses.<br>• Orienting the facility so that the carwash exit (where the drying blowers would be located) is located facing away from nearby residential land uses.<br>• Providing sound blankets to hang around the edge of the carwash exit tunnel to help shield the dryer blower noise.<br>• Locating the dryer blowers further inside the car wash tunnel to help shield the dryer blower noise.<br>• Providing screening, such as a structure or sound wall, to shield the carwash exit where the dryer blowers would be located from nearby residential land uses. | Significant and unavoidable impact. |

| Impacts | Mitigation Measures | Level of Significance After Mitigation |
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| | **MM NOI-2:**<br>(a) When specific uses within the project area are proposed that could result in a noise-related conflict between an industrial or other stationary noise source and existing or future noise-sensitive receptors, an acoustical analysis shall be required by the City that quantifies the proposed use's operational noise levels and recommends appropriate reduction measures, as necessary, to achieve compliance with the City's noise standards. The analysis shall be prepared by a qualified acoustic professional. All recommended design features or reduction measures shall be noted on plans, specifications, and other relevant permitting documents prior to the issuance of building permits.<br>(b) Based on the results of the acoustical study, the project applicant shall be required to incorporate, at a minimum, design features or reduction measures to reduce any identified operational noise impact to meet applicable noise performance criteria. Reduction measures and design features may include, but are not limited to the following:<br>• Locating the warehouse facility further away from sensitive receptors, therefore reducing its noise impacts at nearby residential land uses.<br>• Orienting the facility so that the warehouse truck loading/unloading areas are located facing away from nearby residential land uses.<br>• Providing gasket loading dock doors to help shield truck loading and unloading noise.<br>• Providing screening, such as a structure or sound wall, to shield truck loading and unloading areas from nearby residential land uses. | |
| **Impact NOI-2:** The proposed project would not result in generation of excessive groundborne vibration or groundborne noise levels. | None required. | Less than significant impact. |
| **Impact NOI-3:** The proposed project would not expose people residing or working in the project area to excessive noise levels for a project located within the vicinity of a private airstrip or an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport. | None required. | No impact. |

| Impacts | Mitigation Measures | Level of Significance After Mitigation |
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| **Cumulative Impact:** The proposed project would have a significant and unavoidable impact related to cumulative traffic noise impacts. | None available. | Significant and unavoidable impact. |
| **Section 3.13—Public Services** | | |
| **Impact PUB-1:** The proposed project would not result in substantial adverse physical impacts associated with the provision of new or physically altered governmental facilities, need for new or physically altered governmental facilities, the construction of which could cause significant environmental impacts, in order to maintain acceptable service ratios, response times or other performance objectives for fire protection and emergency medical services. | No mitigation measures are required. | Less than significant impact. |
| **Impact PUB-2:** The proposed project would not result in substantial adverse physical impacts associated with the provision of new or physically altered governmental facilities, need for new or physically altered governmental facilities, the construction of which could cause significant environmental impacts, in order to maintain acceptable service ratios, response times or other performance objectives for police protection. | No mitigation measures are required. | Less than significant impact. |
| **Impact PUB-4:** The proposed project would not result in substantial adverse physical impacts associated with the provision of new or physically altered governmental park facilities, need for new or physically altered governmental facilities, the construction of which could cause significant environmental impacts, in order to maintain acceptable service ratios, response times or other performance objectives for parks or other recreational facilities. | No mitigation measures are required. | Less than significant impact. |
| **Impact PUB-5:** The proposed project would not result in substantial adverse physical impacts associated with the provision of new or physically altered governmental library facilities, need for new or physically altered | No mitigation measures are required. | Less than significant impact. |

| Impacts | Mitigation Measures | Level of Significance After Mitigation |
|---|---|---|
| governmental facilities, the construction of which could cause significant environmental impacts, in order to maintain acceptable service ratios, response times or other performance objectives for other public facilities, such as libraries. | | |
| **Cumulative Impact:** The proposed project would not result in cumulative impacts related to public services. | No mitigation measures are required. | Less than significant impact. |
| **Section 3.14—Transportation and Traffic** | | |
| **Impact TRANS-1:** The proposed project could conflict with a program plan, ordinance or policy of the circulation system, including transit, roadways, bicycle and pedestrian facilities. | **MM TRANS-1:** Prior to the issuance of building permits, the project shall comply with the City's Active Transportation Plan (ATP) and dedicate 28 feet for a pedestrian trail along the south side of Modoc Ditch.<br><br>**MM TRANS-2:** Prior to the building permits, the developer shall appropriate Storm Drainage and Waterways impact fees.<br><br>**MM TRANS-3:** Plaza Drive and Riggin Avenue: Prior to the issuance of grading permits the proposed project shall provide site plans that show modification of the raised median to extend the existing westbound left-turn pocket by 100 feet, to provide a 400-foot left-turn pocket. The existing northbound right-turn stripe shall be extended to 300 feet. These improvements shall occur in the year 2026. The project proponent shall be financially responsible for these improvements. "Financially responsible" shall equate to implementing the project as well as paying for the project.<br><br>**MM TRANS-4:** Shirk Street and Riggin Avenue: The proposed project shall provide dual northbound left-turn pockets (300-foot minimum) and a 300-foot minimum southbound left-turn pocket. Since a 300-foot eastbound right-turn pocket would already be installed by the Capital Improvement Plan (CIP) project, additional recommendations are not proposed. These improvements shall occur in the year 2025. The project's contribution into the Transportation Impact Fees (TIF) will assist in paying for these improvements.<br><br>**MM TRANS-5:** Shirk Street and Ferguson Avenue: Prior to the issuance of final occupancy of any project area, the proposed project shall signalize the intersection, subject to pro rata cost sharing with the adjacent Carlton Acres Specific Plan project. This improvement would allow the intersection | Less than significant impact with mitigation incorporated. |

| Impacts | Mitigation Measures | Level of Significance After Mitigation |
|---|---|---|
| | to operate at an acceptable Level of Service (LOS) for the deficient scenarios, while reducing the vehicles queues for all intersection turn pockets below the storage capacity. Costs of implementing MM TRANS-5 are expected to be shared by Carlton Acres Specific Plan (CASP) and the proposed project as it provides access to both sites.<br><br>**MM TRANS-6:** Roeben Street and Ferguson Avenue: Prior to final occupancy of any portion of Phase 3, the proposed project shall make a 26.2 percent fair share contribution toward signalizing this intersection. Based on the estimated signalization and interconnect cost of $500,000, the proposed project shall contribute up to $131,000 for these future improvements.<br><br>**MM TRANS-7:** Akers Street and Riggin Avenue: The proposed project shall provide an additional northbound left-turn pocket and through lane and provide an additional eastbound/westbound through lane. Costs of implementing MM TRANS-7 are expected to be shared by Carlton Acres Specific Plan (CASP), the proposed project, and others as it provides access to multiple sites under development.<br><br>**MM TRANS-8:** Akers Street and Ferguson Avenue: The proposed project shall provide an additional northbound/southbound through lane and right-turn pocket (150-foot minimum) and provide an eastbound right-turn pocket (150-foot minimum). Costs of implementing MM TRANS-8 are expected to be shared by Carlton Acres Specific Plan (CASP) and the proposed project as it provides access to both sites.<br><br>**MM TRANS-9:** Akers Street and Goshen Avenue: The proposed project shall modify the raised median to extend the existing southbound left-turn pocket to 400 feet. It is not recommended to exceed this length further in order to maintain access to the existing driveway north of the intersection. The existing southbound right-turn stripe shall be extended to 400 feet minimum. Costs of implementing MM TRANS-9 are expected to be shared by Carlton Acres Specific Plan (CASP) and the proposed project as it provides access to both sites. | |
| **Impact TRANS-2:** The proposed project could conflict or be inconsistent with CEQA Guidelines Section 15064.3, subdivision (b). | **MM TRANS-10a:** Prior to the issuance of building permits, the site plan shall include the location of up to six secured bicycle storage lockers near each of the buildings entrances and the future transit stop. Up to 10 | Less than significant impact with mitigation incorporated. |

| Impacts | Mitigation Measures | Level of Significance After Mitigation |
|---|---|---|
| | potential locations shall be included, for a total of up to 60 lockers throughout the site.<br><br>Lockers shall be provided for approximately 1.5 percent of the 4,178 site's daily employees with flexibility to add future lockers based on demand.<br><br>**MM TRANS-10b:** Prior to final occupancy of any portion of Phase 1, the developer shall construct a bike path along Modoc Ditch, between Kelsey Street and Shirk Street (approximately 1-mile).<br><br>The existing Class I bike path along Modoc ditch runs to the east of the proposed project, between Dinuba Boulevard and the St. John's River Trail. The Carlton Acres Specific Plan (CASP) project also proposed to construct a portion of the Class I path within the site. Therefore, the bike path shall connect to a new path proposed within the CASP site and future segments to the east and west. This mitigation is subject to contractability and approval by Cal Water. | |
| **Impact TRANS-3:** The proposed project could substantially increase hazards due to a geometric design feature (e.g., sharp curves or dangerous intersections) or incompatible uses (e.g., farm equipment). | **MM TRANS-11:** Prior to the issuance of construction permits, the project developer shall prepare and submit a Construction Traffic Control Plan to the City of Visalia for approval and implement the approved Construction Traffic Control Plan during construction. The Construction Traffic Control Plan shall be prepared in accordance with both the California Department of Transportation Manual on Uniform Traffic Control Devices and Work Area Traffic Control Handbook and shall include, but not be limited to, the following issues:<br>a. Timing of deliveries of heavy equipment and building materials;<br>b. Directing construction traffic with a flag person;<br>c. Placing temporary signing, lighting, and traffic control devices if required, including, but not limited to, appropriate signage along access routes to indicate the presence of heavy vehicles and construction traffic;<br>d. Ensuring access for emergency vehicles to the project site;<br>e. Temporarily closing travel lanes or delaying traffic during materials delivery, transmission line stringing activities, or any other utility connections;<br>f. Maintaining access to adjacent property; and,<br>g. Specifying both construction-related vehicle travel and oversize load haul routes, minimizing construction traffic during the AM and PM | Less than significant impact with mitigation incorporated. |

| Impacts | Mitigation Measures | Level of Significance After Mitigation |
|---|---|---|
| | peak-hour, distributing construction traffic flow across alternative routes to access the project sites, and avoiding residential neighborhoods to the maximum extent feasible. | |
| **Impact TRANS-4:** The proposed project could result in inadequate emergency access. | Implement MM TRANS-11. | Less than significant impact with mitigation incorporated. |
| **Cumulative Impact:** Impacts related to transportation would be less than significant with mitigation incorporated. | Implement MM TRANS-1 through MM TRANS-11. | Less than significant impact with mitigation incorporated. |
| **Section 3.15—Utilities and Service Systems** | | |
| **Impact UTIL-1:** The proposed project would not require or result in the relocation or construction of new or expanded water, wastewater treatment or stormwater drainage, electric power, natural gas, or telecommunications facilities, the construction or relocation of which could cause significant environmental effects? | None required. | Less than significant impact. |
| **Impact UTIL-2:** The proposed project would have sufficient water supplies available to serve the project and reasonably foreseeable future development during normal, dry and multiple dry years? | None required. | Less than significant impact. |
| **Impact UTIL-3:** The proposed project would result in a determination by the wastewater treatment provider which serves or may serve the project that it has adequate capacity to serve the project's projected demand in addition to the provider's existing commitments. | None required. | Less than significant impact. |
| **Impact UTIL-4:** The proposed project could generate solid waste in excess of State or local standards, or in excess of the capacity of local infrastructure, or otherwise impair the attainment of solid waste reduction goals? | **MM UTIL 1: Debris and waste generated shall be recycled to the extent feasible.**<br>The provisions listed below shall apply to the project during construction activities in connection with project development.<br>a. An on-site Recycling Coordinator shall be designated by the project proponent/contractor to facilitate recycling. | Less than significant impact with mitigation incorporated. |

| Impacts | Mitigation Measures | Level of Significance After Mitigation |
|---|---|---|
| | b. The Recycling Coordinator shall facilitate recycling of all construction waste through coordination with contractors, local waste haulers, and/or other facilities that recycle construction/demolition wastes.<br>c. The on-site Recycling Coordinator shall also be responsible for ensuring wastes requiring special disposal are handled according to State and County regulations that are in effect at the time of disposal.<br>d. Contact information of the coordinator shall be provided to the City of Visalia prior to issuance of building permits.<br>e. The project proponent/operator shall provide a storage area for recyclable materials within the fenced project area that is clearly identified for recycling. This area shall be maintained on the site during construction and operations. A site plan showing the recycling storage area shall be submitted prior to the issuance of any grading or building permit for the site. | |
| **Impact UTIL-5:** The proposed project would comply with federal, State, and local statutes and regulations related to solid waste. | None required. | Less than significant impact. |
| **Cumulative Impact:** Impacts related to utilities would be less than significant with mitigation incorporated. | Implement MM UTIL-1. | Less than significant impact with mitigation incorporated. |
| **Section 3.16—Wildfire** | | |
| **Impact WILD-1:** The proposed project would not be located in or near an SRA or lands classified as a VHFHSZ and would not substantially impair an adopted emergency response plan or emergency evacuation plan. | No mitigation is necessary. | Less than significant impact. |
| **Impact WILD-2:** The proposed project would not be located in or near an SRA or lands classified as a VHFHSZ, and would not due to slope, prevailing winds, and other factors, exacerbate wildfire risks and thereby expose project occupants to pollutant concentrations from a wildfire or the uncontrolled spread of a wildfire. | No mitigation measures are required. | Less than significant impact. |
| **Impact WILD-3:** The proposed project would not be located in or near an SRA or lands classified as a VHFHSZ and would not require the installation or maintenance of | No mitigation measures are required. | Less than significant impact. |

| Impacts | Mitigation Measures | Level of Significance After Mitigation |
|---|---|---|
| associated infrastructure (such as roads, fuel breaks, emergency water sources, power lines or other utilities) that may exacerbate fire risk or that may result in temporary or ongoing impacts to the environment. | | |
| **Impact WILD-4:** The proposed project would not be located in or near an SRA or lands classified as a VHFHSZ, and would not expose people or structures to significant risks, including downslope or downstream flooding or landslides, as a result of runoff, post-fire slope instability, or drainage changes. | No mitigation measures are required. | Less than significant impact. |
| **Cumulative Impact:** The proposed project would not have a significant cumulative impact related to wildfire. | No mitigation measures are required. | Less than significant impact. |

# CHAPTER 1: INTRODUCTION

## 1.1 - Overview of the CEQA Process

This Draft Environmental Impact Report (Draft EIR) is prepared in accordance with the California Environmental Quality Act (CEQA) to evaluate the potential environmental impacts associated with the implementation of the Shirk and Riggin Industrial Project (State Clearinghouse [SCH] No. 2022080658) This document is prepared in conformance with CEQA (California Public Resources Code [PRC], § 21000, *et seq*.) and the CEQA Guidelines (California Code of Regulations [CCR], Title 14, § 15000, *et seq*.). In accordance with Sections 21067, 15367, and 15050–15053 of the CEQA Guidelines, the City of Visalia (City) is the lead agency under whose authority this document has been prepared. As an informational document, this Draft EIR is intended to serve as an informational document for the public agency decision-makers and the public regarding the proposed project.

### 1.1.1 - Overview

The project applicant proposes to convert existing agricultural lands and develop the approximately 284-acre project site into an industrial park, consisting of eight industrial buildings used for warehouse, distribution, and light manufacturing; six flex industrial buildings; two drive-thru restaurants; a convenience store; a recreational vehicle (RV) and self storage facility; and a car wash. The total building footprint is approximately 3,720,149 square feet. The project site would include sufficient amounts of trailer stalls and car parking stalls to serve the proposed uses in accordance with applicable City requirements. The proposed project would also involve necessary infrastructure and improvements sufficient to serve the proposed uses. These would include detention basins on the east, west, and central portions of the project site and other necessary stormwater facilities to be sized and installed in accordance with all applicable requirements and standards. Access would be provided via three access points along Shirk Street, three access points along Riggin Avenue, and five access points along Kelsey Street. Clancy Street south of the project site would be extended to replace the existing private road and would traverse south to north of the site. On-site orchards would need to be removed, and appropriate landscaping and lighting, consistent with applicable City requirements and guidelines, would be incorporated into the overall site design.

The proposed project would need to be annexed into the City limits and, upon annexation, would be served by the City of Visalia for purposes of water and wastewater. In addition, the other entitlements associated with this project include a Tentative Parcel Map and a Conditional Use Permit for some of the uses proposed (convenience store, drive-thru lanes), some of the proposed lot sizes in the light industrial zoning, and lots without public street frontage.

Chapter 2, Project Description provides a complete description of the proposed project.

### 1.1.2 - Purpose and Authority

This Draft EIR provides a project-level analysis of the environmental effects of the Shirk and Riggin Industrial Project. The environmental impacts of the proposed project are analyzed in the EIR to the degree of specificity appropriate, in accordance with CEQA Guidelines Section 15146. This document

addresses the potentially significant adverse environmental impacts that may be associated with the planning, construction, or operation of the project. It also identifies appropriate and feasible mitigation measures and alternatives that may be adopted to significantly reduce or avoid these impacts.

CEQA requires that an EIR contain, at a minimum, certain specific elements. These elements are contained in this Draft EIR and include:

- Table of Contents
- Introduction
- Executive Summary
- Project Description
- Environmental Setting, Significant Environmental Impacts, and Mitigation Measures
- Cumulative Impacts
- Significant Unavoidable Adverse Impacts
- Alternatives to the Proposed Project
- Growth-Inducing Impacts
- Effects Found not to be Significant
- Areas of Known Controversy

### 1.1.3 - Lead Agency Determination

The City of Visalia is designated as the lead agency for the project. CEQA Guidelines Section 15367 defines the lead agency as ". . . the public agency, which has the principal responsibility for carrying out or approving a project." Other public agencies may use this Draft EIR in the decision-making or permit process and consider the information in this Draft EIR along with other information that may be presented during the CEQA process.

This Draft EIR was prepared by FirstCarbon Solutions (FCS), an environmental consultant. Prior to public review, it was extensively reviewed and evaluated by the City of Visalia. This Draft EIR reflects the independent judgment and analysis of the City of Visalia as required by CEQA. Lists of organizations and persons consulted and the report preparation personnel is provided in Section 7 of this Draft EIR.

## 1.2 - Scope of the EIR

This Draft EIR addresses the potential environmental effects of the proposed project. The City of Visalia issued a Notice of Preparation (NOP) for the proposed project on August 30, 2022, which circulated between August 30, 2022, and September 28, 2022, for the statutory 30-day public review period. The scope of this Draft EIR includes the potential environmental impacts identified in the NOP and issues raised by agencies and the public in response to the NOP. The NOP is contained in Appendix A of this Draft EIR.

Pursuant to Section 15083 of the CEQA Guidelines, the NOP provided notice that the City would hold a public scoping meeting on September 13, 2022, at 5:30 p.m. Pacific Standard Time (PST) at the City Hall East Conference Room and via a videoconference platform. At this meeting, attendees were

given an opportunity to provide comments and express concerns about the potential effects of the proposed project; however, no public comments were received during the scoping meeting.

One comment letter was received in response to the NOP during the 30-day public review period. Two comment letters were received after the close of the 30-day public review period but were considered, nonetheless. The three letters are listed in Table 1-1 and provided in Appendix A of this Draft EIR.

**Table 1-1: NOP Comment Letters**

| Agency/Organization | Author | Date | Comment Summary | Coverage in the Draft EIR |
|---|---|---|---|---|
| **Public Agencies** | | | | |
| Native American Heritage Commission | Cameron Vela, Cultural Resources Analyst | 9.8.2022 | Compliance with Assembly Bill (AB) 52 and Senate Bill (SB) 18 regarding the requirements of tribal consultation as a result of an EIR and NOP. Author provides examples of appropriate mitigation measures if applicable. The author provides recommendations for cultural resource assessments and the necessary steps to follow in order to fully determine the existence and significance of tribal cultural resources on or near the project site. | Section 3.5, Cultural Resources and Tribal Cultural Resources |
| San Joaquin Valley Air Pollution Control District | Brian Clements, Director of Permit Services | 9.30.2022 | The commenter provides comments related to criteria air pollutant emissions, construction emissions, operational emissions, recommended using the California Emissions Estimator Model (CalEEMod), Truck Routing, cleanest available trucks, reduce idling of heavy-duty trucks, use of on-site electric road equipment, voluntary emission reduction agreement, health risk assessment, a health impact discussion, ambient air quality analysis, and cumulative air impacts. | Section 3.3, Air Quality, and Section 3.8, Greenhouse Gas Emissions |
| California Department of Fish and Wildlife | Julie Vance, Regional Manager | 10.17.2022 | The commenter provides comments related to Swainson's hawk (*Buteo swainsoni*), the Crotch's bumblebee (*Bombus crotchii*), and the northern legless lizard (*Anniella pulchra*). The commenter recommends a qualified Biologist conduct a habitat assessment as part of the biological technical study. | Section 3.4, Biological Resources |

Source: FirstCarbon Solutions (FCS). 2023.

### 1.2.1 - Environmental Issues Determined not to be Significant

The NOP identified topical areas that were determined not to be significant. An explanation of why each area is determined not to be significant is provided in Chapter 4, Effects Found not to be Significant. These topical areas are as follows:

- Mineral Resources
- Population and Housing
- Parks and Recreation

### 1.2.2 - Potentially Significant Environmental Issues

The NOP found that the following topical areas may contain potentially significant environmental issues that will require further analysis in the Draft EIR. These sections are as follows:

- Aesthetics
- Agriculture and Forestry Resources
- Air Quality
- Biological Resources
- Cultural Resources and Tribal Cultural Resources
- Energy
- Geology and Soils
- Greenhouse Gas Emissions
- Hazards and Hazardous Materials
- Hydrology and Water Quality
- Land Use and Planning
- Noise
- Public Services
- Transportation
- Utilities and Service Systems
- Wildfire

## 1.3 - Organization of the Draft EIR

This Draft EIR is organized into the following main sections:

- **Chapter ES: Executive Summary.** This chapter includes a summary of the proposed project and alternatives to be addressed in the Draft EIR. A brief description of the areas of controversy and issues to be resolved, and overview of the Mitigation Monitoring and Reporting Program (MMRP), in addition to a table that summarizes the impacts, mitigation measures, and level of significance after mitigation, are also included in this section.
- **Chapter 1: Introduction.** This chapter provides an introduction and overview describing the purpose of this Draft EIR, its scope and components, and its review and certification process.

- **Chapter 2: Project Description.** This chapter includes a detailed description of the proposed project, including its location, site, and project characteristics. A discussion of the project objectives, intended uses of the Draft EIR, responsible agencies, and approvals that are needed for the proposed project is also provided.
- **Chapter 3: Environmental Impact Analysis.** This chapter analyzes the environmental impacts of the proposed project. Impacts are organized into major topic areas. Each topic area includes a description of the environmental setting, methodology, significance criteria, impacts, mitigation measures, and significance after mitigation. The specific environmental topics that are addressed within Chapter 3 are as follows:

  **Section 3.1—Aesthetics, Light, and Glare:** Addresses the potential visual impacts of development intensification and the overall increase in illumination produced by the proposed project.
  **Section 3.2—Agriculture and Forestry Resources:** Addresses the potential for conversion of Important Farmland to nonagricultural use and forest land to non-forest use.
  **Section 3.3—Air Quality:** Addresses potential air quality impacts associated with project implementation and emissions of criteria pollutants. The section also evaluates project emissions of toxic air contaminants.
  **Section 3.4—Biological Resources:** Addresses potential impacts on special-status habitat, vegetation, and wildlife; potential degradation or elimination of important habitat for special-status species; and impacts on listed, proposed, and candidate threatened and endangered species.
  **Section 3.5—Cultural Resources and Tribal Cultural Resources:** Addresses potential impacts on historical resources, archaeological resources, burial sites, and tribal cultural resources.
  **Section 3.6—Energy:** Addresses potential project impacts related to energy usage.
  **Section 3.7—Geology and Soils:** Addresses potential impacts related to soils and assesses effects of project-related development in relation to geologic and seismic conditions. Also addresses potential impacts related to paleontological or unique geologic resources.
  **Section 3.8—Greenhouse Gas Emissions:** Addresses potential project emissions of greenhouse gases.
  **Section 3.9—Hazards and Hazardous Materials:** Addresses potential for presence of hazardous materials or conditions on the project site and in the project area that may have potential to create a significant hazard to the public or the environment.
  **Section 3.10—Hydrology and Water Quality:** Addresses potential impacts related to local hydrological conditions, including drainage areas and changes in flow rates, as well as the proposed project's potential impacts to water quality, erosion, and groundwater supplies.
  **Section 3.11—Land Use and Planning:** Addresses the potential land use impacts associated with division of an established community and consistency with relevant land use plans, policies and regulations adopted for the purpose of avoiding or mitigating an environmental impact.
  **Section 3.12—Noise:** Addresses potential noise impacts during construction and at project buildout from mobile and stationary sources on sensitive receptors. The section also addresses potential impact related to groundborne vibration and groundborne noise.

**Section 3.13—Public Services:** Addresses potential impacts of the proposed project upon public services, including fire protection, law enforcement, schools, parks, recreational facilities, and library facilities in terms of the need to provide new or physical alter facilities in order to maintain acceptable service ratios, response times, or other performance objectives.

**Section 3.14—Transportation and Traffic:** Addresses potential impacts related to the local and regional roadway system with respect to Vehicle Miles Traveled (VMT) and public transportation, bicycle, and pedestrian access. Also includes a non-CEQA operational analysis for informational purposes.

**Section 3.15—Utilities and Services Systems:** Addresses potential impacts related to service providers, including water supply, stormwater, wastewater, solid waste, and energy (electric and natural gas) providers and telecommunications, with respect to the proposed project's potential to require or result in the construction of new or expanded infrastructure.

**Section 3-16—Wildfire:** Addresses potential impacts related to wildfire including lands within State Responsibility Areas and lands classified as very high fire hazard severity zones.

- **Chapter 4: Effects Found not to be Significant.** This chapter contains analysis of the topical sections not addressed in Chapter 3.
- **Chapter 5: Other CEQA Considerations.** This chapter provides a summary of significant environmental impacts, including unavoidable and growth-inducing impacts, as well as significant irreversible environmental changes.
- **Chapter 6: Alternatives to the Proposed Project.** This chapter compares the impacts of the proposed project with three land-use project alternatives: the No Project Alternative, Reduced Footprint Alternative, and the Alternative Location. An environmentally superior alternative is identified. In addition, alternatives initially considered but rejected from further consideration are discussed.
- **Chapter 7: Persons and Organizations Consulted/List of Preparers.** This chapter also contains a full list of persons and organizations that were consulted during the preparation of this Draft EIR. This chapter also contains a full list of the authors who assisted in the preparation of the Draft EIR, by name and affiliation.
- **Appendices.** The Draft EIR appendices include notices and other procedural documents pertinent to the Draft EIR, as well as supporting technical materials. The following supporting materials and technical studies and analyses were prepared for the proposed project in support of preparation of this Draft EIR:
  - Appendix A: EIR Public Involvement (NOP, EIR Public Scoping Comments)
  - Appendix B: Air Quality, Greenhouse Gas, and Energy Supporting Information
  - Appendix C: Biological Resources Supporting Information
  - Appendix D: Cultural and Tribal Cultural Resources Supporting Information
  - Appendix E: Geology and Soils Supporting Information
  - Appendix F: Hazards and Hazardous Materials Supporting Information
  - Appendix G: Agricultural Resources and Forestry Supporting Information
  - Appendix H: Noise Supporting Information
  - Appendix I: Transportation Supporting Information

Appendix J: Water Supply Assessment
Appendix K: Aesthetics

## 1.4 - Documents Incorporated by Reference

As permitted by CEQA Guidelines Section 15150, this Draft EIR has referenced several technical studies, analyses, and previously certified environmental documentation. Information from the documents, which have been incorporated by reference, has been briefly summarized in the appropriate section(s). The relationship between the incorporated part of the referenced document and the Draft EIR has also been described. The documents and other sources that have been used in the preparation of this Draft EIR include but are not limited to:

- Visalia General Plan Update. Dyett & Bhatia, October 2014.
- Visalia City Council Resolution No. 2014-38 (Certifying the Visalia General Plan Update), passed and adopted October 14, 2014.
- Visalia General Plan Update Final Environmental Impact Report (SCH No. 2010041078). Dyett & Bhatia, June 2014.
- Visalia General Plan Update Draft Environmental Impact Report (SCH No. 2010041078). Dyett & Bhatia, March 2014.
- Visalia City Council Resolution No. 2014-37 (Certifying the EIR for the Visalia General Plan Update), passed and adopted October 14, 2014.
- Visalia Municipal Code, including Title 17 (Zoning Ordinance).
- CEQA Guidelines.
- City of Visalia, California, Climate Action Plan, Draft Final. Strategic Energy Innovations, December 2013.
- Visalia City Council Resolution No. 2014-36 (Certifying the Visalia Climate Action Plan), passed and adopted October 14, 2014.
- City of Visalia Storm Water Master Plan. Boyle Engineering Corporation, September 1994.
- City of Visalia Sanitary Sewer Master Plan. City of Visalia, 1994.
- 2020 Urban Water Management Plan, Visalia District. California Water Service Company, June 2021.
- City of Visalia Zoning Ordinance Update. City of Visalia, March 2017.

The City of Visalia General Plan, City of Visalia General Plan EIR, City of Visalia Zoning Code, and the referenced documents and other sources used in preparation of the EIR can be viewed here: https://www.visalia.city/depts/community_development/planning/gp.asp. The above-referenced documents and other sources used in the preparation of the Draft EIR will also be available to the public for inspection at the addresses shown in Section 1.5 in accordance with CEQA Guidelines Section 15150(b).

## 1.5 - Review of the Draft EIR

Upon completion of the Draft EIR, the City filed a Notice of Completion (NOC) with the State Office of Planning and Research to begin the public review period (PRC § 21161). Concurrent with the NOC, this Draft EIR has been distributed to responsible and trustee agencies, other affected agencies, surrounding cities, and interested parties, as well as all parties requesting a copy of the Draft EIR in accordance with Public Resources Code 21092(b)(3). During the public review period, the Draft EIR, including the technical appendices, is available for review at the City's Planning Department. The address is provided below:

Visalia City Hall
315 East Acequia Avenue
Visalia, CA 93291

The Draft EIR is also available for review at the following website:
https://www.visalia.city/depts/community_development/planning/ceqa_environmental_review.asp.

Agencies, organizations, and interested parties have the opportunity to comment on the Draft EIR during the 45-day public review period. Written comments on this Draft EIR should be addressed to:

Brandon Smith, Principal Planner
City of Visalia
315 E. Acequia Avenue
Visalia, CA 93291
559.713.4636
brandon.smith@visalia.city

Submittal of electronic comments in Microsoft Word or Adobe PDF format is encouraged. Upon completion of the 45-day public review period, written responses to all significant environmental issues raised will be prepared and made available for review by the commenting agencies, organizations and public at least 10 days prior to the public hearing before the Visalia City Council on the proposed project, at which the certification of the Final EIR will be considered prior to the Council taking action on the proposed project. Comments received and the responses to comments will be included as part of the record for consideration by decision-makers for the proposed project.

# CHAPTER 2: PROJECT DESCRIPTION

This Draft Environmental Impact Report (Draft EIR) is prepared in accordance and in compliance with the applicable criteria, standards, and procedures of the California Environmental Quality Act (CEQA), as amended (California Public Resources Code [PRC], § 21000, *et seq*.) and the CEQA Guidelines (California Code of Regulations [CCR], Title 14, § 15000, *et seq*.) (collectively, CEQA). This Draft EIR analyzes the potential environmental effects of the proposed Shirk and Riggin Industrial Project (proposed project), located in unincorporated Tulare County (County), adjacent to the City of Visalia (City). This section includes all contents required by CEQA Guidelines Section 15124 including a detailed project site map as well as regional map, a statement of project objectives, a description of the project's technical, economic, and environmental characteristics, a list of responsible and trustee agencies, a list of approvals and permits required to implement the proposed project, and a summary of review and consultation requirements.

## 2.1 - Overview

Seefried Industrial Properties, Inc. (applicant) is proposing to develop a mixed-use industrial park and related improvements and infrastructure (proposed project) on an approximately 284-acre site that is currently within unincorporated Tulare County, adjacent to the northern municipal boundary of the City of Visalia, California.

## 2.2 - Project Location and Setting

### 2.2.1 - Regional Setting

The City of Visalia, located in the Central Valley, covers an area of approximately 36 square miles (Exhibit 2-1).[1] The City is situated in northwestern Tulare County, north of the City of Tulare and west of the City of Farmersville. The City of Hanford, in Kings County, lies 12 miles to the west. Most of the remaining land uses surrounding the City are agricultural in nature. Major roadway networks include Highway 198, which passes east–west through the center of the City; Highway 99, which runs north–south along the western edge of the City; and Highway 63, which passes north–south through the center of the City.

### 2.2.2 - Local Setting

The project site is generally bound by Riggin Avenue to the south, Shirk Street to the east, Kelsey Street to the west, and Modoc Ditch to the north (Exhibit 2-2). A private road intersects the project site from south to north. The project site consists of three existing parcels: APNs 077-840-004, 077-840-005, and 077-840-006 (formerly APNs 077-840-001, 077-840-002, and 077-840-003).[2] The project site is

[1] City of Visalia. 2014. General Plan Environmental Impact Report (EIR). Website: https://www.visalia.city/civicax/filebank/blobdload.aspx?BlobID=30490. Accessed August 17, 2022.

[2] The combined area of the three APNs is 279.73, rounded to 280; the project site area referred to in this Draft EIR is 284.58, rounded to 284, and includes the 4.72 acres of street dedication along the eastern and western project site boundaries. The difference between 279.56 (284.58 acres minus 4.72 acres of street dedication) and 279.73 can be attributed to multiple-digit rounding.

within the City's Planning Area,[3] Urban Development Boundary (UDB) Tier 1 of the City (Exhibit 2-3), and the City's Sphere of Influence (SOI).

## 2.3 - Environmental Setting

### 2.3.1 - Historical and Existing Uses

Agricultural uses have existed on the project site since 1937, and several structures previously existed in the central, northern, and southeastern portions of the site to support these agricultural uses. Several of the structures in the northern and southeastern portion were demolished by 1969, and the central portion of the site was graded. The graded land in the central portion of the site was redeveloped for agricultural use by 1984. The remaining structures were demolished, and the project site was developed in its current configuration by 1984. The project site currently consists of an actively managed almond orchard, established around 2018. A pump house and small structures are adjacent to the detention basin.

### 2.3.2 - Site Characteristics

Currently, all orchard areas on the project site are actively managed, with sparse herbaceous understory plant cover that consists of managed ruderal non-native grasses and forbs. In addition to the orchard, there are non-native planted ornamental trees, including a double row of 35 olive trees and a cluster of two tall elm trees, and one cedar along a private road that runs south to north along the project site.

Although not rooted within the project site, a substantial portion of the canopy of a mature valley oak overlaps onto the project site on the northern boundary. The oak tree is rooted on the neighboring property, at the northern bank of Modoc Ditch. The project site provides suitable foraging habitat with potential to support birds of prey, including Swainson's hawk.

Modoc Ditch is a man-made, actively managed irrigation canal aligned along the northern boundary of the project site. It is approximately 15 feet wide and carried approximately a foot of water at the time of the survey; water levels are expected to fluctuate based on agricultural activity. Flows of the canal are sustained by water that is pumped in through the regional irrigation infrastructure, and the flows are typically disconnected from St. John's River to the east but can likely be connected to St. John's River under flooding conditions.

The project site contains a man-made and actively managed detention basin for irrigation purposes, located at the northern portion of the site. Water levels likely fluctuate depending on agriculture activities and needs. Water is actively pumped into the detention basin from Modoc Ditch. The detention basin was constructed during establishment of the almond orchard in 2018.

In addition, there are access roads that traverse the project site, which are currently dirt with small amounts of managed, non-native invasive grasses and forbs on edges.

[3] Planning area refers to the land area addressed by a General Plan, including land within the city limits and land outside the city limits that bears a relation to the City's planning. This area is not all intended for development; the Urban Growth Boundary shows the future development area.

See Exhibit 2-4 for an aerial image depicting the on-site features discussed above, and Exhibit 2-5a and Exhibit 2-5b for site photos.

The project site is gently sloping toward the east with a ground surface elevation of approximately 300 to 305 feet above mean sea level. The entire project site is considered Prime Farmland as mapped by the California Department of Conservation Farmland Mapping and Monitoring Program. Prime Farmland is land which has the best combination of physical and chemical characteristics for the production of crops. It has the soil quality, growing season, and moisture supply needed to produce sustained high yields of crops when treated and managed, including water management, according to current farming methods.[4] The project site is encumbered by a Williamson Act contract. The landowner submitted a Notice of Non-renewal application to Tulare County in July 2021, beginning a nine-year process to formally expire the contract. Based on the date of the Notice of Non-renewal, the contract would have expired on December 31, 2030. However, given the anticipated timing to commence construction of the proposed project, rather than waiting for the contract to expire automatically by operation of law pursuant to the Notice of Non-renewal, the landowner moved forward with cancellation proceedings under State law. To that end, the landowner obtained approval, subject to compliance with certain conditions, from the Board of Supervisors of Tulare County to remove 280 acres from the subject County Agricultural Preserve No. 0293 and to tentatively cancel the contract (WAC No. 2880) pursuant to Government Code Sections 51281 and 51282 on November 29, 2022 (see Tulare County Board of Supervisors Resolution No. 2022-1005, attached as Appendix G2). The Final Certificate of Cancellation will be executed and recorded upon satisfaction of the conditions enumerated in the Certificate of Partial Tentative Cancellation of Land Conservation Contract (recorded as Document No. 2022-0073141 on December 1, 2022) (attached as Appendix G2)."

Most of the project site is located within Zone X: 0.2 Percent Annual Chance Flood Hazard, and the southeast corner of the site is located within Zone X: Minimal Flood Hazard.[5]

## 2.3.3 - Existing Land Use and Zoning Designations

### County of Tulare

The County has adopted various City Plans for all eight incorporated cities in the County to guide County land use decisions outside of city limits but within the County's Urban Development Boundaries and Urban Area Boundaries surrounding each City. The project site is within the General Plan's "County Adopted City Plan" for Visalia.

The project site is zoned AE-40 on the County's Zoning Map. The AE-40 Zone is intended for intensive and extensive agricultural uses and for those uses which are a necessary and integral part of intensive and extensive agricultural operations.

Exhibit 2-6 depicts the County's zoning designation for the project site.

[4] Department of Conservation. Important Farmland Mapping Categories and Soil Taxonomy Terms. Website: https://www.conservation.ca.gov/dlrp/fmmp/Documents/soil_criteria.pdf. Accessed August 18, 2022.

[5] Federal Emergency Management Agency (FEMA). 2022. National Flood Hazard Layer FIRMette. August 18. Website: https://msc.fema.gov/portal/search?AddressQuery=8029%20W%20Riggin%20Ave%2C%20Visalia%2C%20CA%2093291#searchresultsanchor. Accessed August 18, 2022.

### City of Visalia

The project site has City of Visalia General Plan (General Plan) land use designations of Industrial and Light Industrial.[6]

The General Plan Land Use Element presents a framework to guide future land use decisions and development in the City while also enhancing community character and improving the City's look and feel. The Light Industrial designation is intended for light manufacturing, warehousing, storage, distribution, research and development enterprises, and secondary office (limited customer access) uses. This designation also conditionally permits uses like convenience store and drive-through restaurants. The maximum floor area ratio (FAR) for this designation is 0.5. The Industrial designation allows uses such as primary manufacturing, processing, refining, and similar activities including those with outdoor facilities. It also accommodates warehousing and distribution with supporting commercial services and office space. Retail uses are not permitted. The maximum FAR for this designation is 0.6.

Exhibit 2-7 depicts the City's General Plan land use designation of the project site. Upon completion of the annexation process to the City, the project site would be zoned Industrial and Light Industrial.

The project site is currently used for agricultural purposes but as noted above, has been planned by the City for light industrial and industrial uses pursuant to the identified General Plan land use designations.

## 2.3.4 - Surrounding Uses: Land Use and Zoning

The area surrounding the project site has both an agricultural and industrial character. Land uses east and north of the project site (east of Shirk Street and north of Modoc Ditch) consist of agricultural uses. Land uses west of the project site (west of Kelsey Street) consist of the Amazon distribution center and United Parcel Service (UPS) distribution hub. Land uses south of the project site (south of Riggin Avenue) consist of various industrial uses, four trailer homes, and agricultural uses (including a dairy farm). The nearest sensitive receptors are the trailer homes and multi-family residences immediately south and southeast of Riggin Avenue, respectively.

# 2.4 - Project Objectives

Section 15124 of the State CEQA Guidelines requires an EIR project description to include a description of project objectives. In addition to addressing the underlying project purpose(s), the objectives are relevant to the development of the alternatives considered in the EIR and in the preparation of findings or a statement of overriding considerations, if necessary, in support of the decision-making action by the City.

The fundamental purpose and goal of the proposed project is to accomplish the orderly development of the project site as proposed, consistent with the General Plan's industrial land use

[6] City of Visalia. 2014. General Plan Land Use Element. Website: https://www.visalia.city/civicax/filebank/blobdload.aspx?BlobID=30474. Accessed August 17, 2022.

designation, which would provide economic benefits to the City, among others. The applicant's objectives of the proposed project consist of the following:

1. Ensure that development of the project site is accomplished in an economically viable manner consistent with applicable goals and policies as set forth in the City's General Plan, including the land use vision set forth therein that contemplates light industrial and industrial uses, taking into account necessary site plan considerations, including efficient access and loading.
2. Maximize development of the existing underutilized project site and generate increased revenue and economic development for the City in order to support the City's ongoing City operations.
3. Develop a mixed-use industrial park, with light manufacturing, warehouse, distribution, and/or flex industrial uses, in the City that is designed to meet market demand and contemporary industry standards, including building size and clear height requirements, modern façades, articulated concrete panels, natural color palette, and expansive glass entry features.
4. Create employment-generating businesses in the City to reduce the need for members of the local workforce to commute outside the area for employment and to improve the jobs-to-housing balance.
5. Maximize placement of industrial warehouse uses in close proximity to the State Highway system (State Route [SR] 99) and other major transportation corridors to avoid or shorten truck-trip lengths, as feasible, on other roadways and to avoid locating industrial buildings in close proximity to residential uses or other sensitive receptors.
6. Develop an innovative industrial use providing a wide range of building sizes with cross dock and rear load capability that have ready access to available infrastructure, including major transportation corridors and utilities to be used as part of the Central Valley supply chain and goods movement network.

## 2.5 - Project Description

### 2.5.1 - Development Summary

The proposed project would discontinue the existing agricultural uses, demolish remaining on-site structures that serve agricultural uses, and develop a mixed-use industrial park totaling approximately 3,720,149 square feet of light industrial and flex industrial uses along with car/trailer parking areas and related on- and off-site improvements (Exhibit 2-8 and Exhibit 2-9). Parking and loading areas to serve the industrial uses would be provided around the project site pursuant to the City's applicable parking and loading standards. The proposed project would include eight stormwater detention basins that would surround the parking/loading areas. Access would be provided via three access points along Shirk Street, three access points along Riggin Avenue, and three access points along Kelsey Street. Clancy Street south of the project site would be extended to replace the existing private road and would traverse south to north of the site. There would also be other compatible non-industrial uses, consisting of self-storage/RV parking, a convenience store, a

car wash, a gas station, and two drive-through restaurants. The proposed buildings would comply with the development standards for industrial districts set forth in Visalia Municipal Code Chapter 17.22, Industrial Zones, related to, but not limited to minimum lot area and width, setbacks, distance between buildings, FAR, maximum building height and landscape area.

The industrial park would involve both flex industrial and light industrial uses. Flex industrial uses would consist of small incubator space available for small manufacturing, storage, limited warehouse space, while the light industrial uses would consist of warehouse, distribution, storage, and light manufacturing. The proposed project would include the following buildings:

**Table 2-1: Development Summary**

| Building | Square Footage |
|---|---|
| Light Industrial Building No. 1 | +/- 786,240 square feet |
| Light Industrial Building No. 2 | +/- 1,078,440 square feet |
| Light Industrial Building No. 3 | +/- 144,300 square feet |
| Light Industrial Building No. 4 | +/- 173,160 square feet |
| Light Industrial Building No. 5 | +/- 156,140 square feet |
| Light Industrial Building No. 6 | +/- 109,890 square feet |
| Light Industrial Building No. 7 | +/- 513,240 square feet |
| Light Industrial Building No. 8 | +/- 513,240 square feet |
| Flex Industrial Buildings | +/- 84,480 square feet |
| Self-Storage/Recreation Vehicle (RV) Buildings | +/- 144,800 square feet |
| Convenience Store and Gas Station | +/- 6,922 square feet |
| Drive-through Restaurant No. 1 | +/- 2,368 square feet |
| Drive-through Restaurant No. 2 | +/- 2,368 square feet |
| Car Wash | +/- 4,560 square feet |
| Water Quality Management Basins | +/- 31.3 acres |
| Landscaping | +/- 30.68 acres |

## Operation

The proposed project would have a total of approximately 4,177 employees at buildout.[7] The proposed industrial and flex industrial buildings are assumed to operate 24 hours a day, 7 days a week and typically consist of both day and night shifts. The proposed RV and self-storage, car wash, drive through restaurants, and convenience store would have operation hours that adhere to any

[7] Consistent with the project traffic study, the employee amount at buildout is based on the conversion of ITE trip generation for building size and employee.

requirements set forth in the City's zoning ordinance and conditional use permit, and otherwise consistent with industry standard practice.

## Building and Design

As shown in Exhibit 2-10a and Exhibit 2-10b, the industrial buildings would have light gray walls with white, gray, and blue accents and gray and white aluminum composite metal panels. Minimally reflective materials, such as dark bronze colored glass, would be used for the windows. Design and height of the flex industrial, car wash, drive-through restaurants, and convenience store would be consistent with applicable City design standards. The proposed project is designed to meet contemporary industry standards including modern façades, articulated concrete panels, natural color palette, and expansive glass entry features. Project design features would reduce energy usage and water usage including native plants and vegetation for landscaped areas to reduce water use, low-water-usage plumbing fixtures, clerestory windows, recycling collection and storage areas inside each building for all types of recyclables, and low-emitting finish materials. The proposed industrial buildings would have a maximum height of 45 feet. The final design would be submitted as part of the design review submittal to the City to ensure a desirable environment for its occupants, visiting public, and its neighbors through the appropriate use of materials, texture, and color, and would remain aesthetically appealing and be appropriately maintained.

## Vehicle Access and Circulation

Regional access to the project site is available from SR-99 via the Betty Drive interchange. Access would be provided via three access points along Shirk Street, three access points along Riggin Avenue, and five access points along Kelsey Street. Clancy Street south of the project site would be extended to replace the existing private road and would traverse south to north of the site. An internal network of driveways and drive aisles would connect the overall project. A series of pedestrian sidewalks would be provided throughout the project site.

The applicant would dedicate easements along the east side of Kelsey Street, west side of Shirk Street, and Clancy Street to the City after construction of the road improvements to be completed as part of the project, consisting of sidewalk improvements, curb and gutter, and signing and striping (Exhibit 2-11).

## Parking

Parking would be provided pursuant to applicable parking requirements of Visalia Municipal Code Section 17.34.020. Manufacturing plants and other industrial uses are required to have one parking space for each employee during shift of maximum employment, plus one parking space per vehicle used in conjunction with the use.[8] Restaurants are required to have one parking space per 150 square feet of building area, and convenience stores are required to have one parking space per 500 square feet of building area. Parking for self-storage facilities is not defined in City code. It is generally accepted that parking will be provided for any on-site manager and as needed based on the project concept. Table 2-2 below summarizes the required parking calculations.

[8] City of Visalia. 2022. Municipal Code Section 17.34.020 Schedule of Off-Street Parking Space Requirements. Website: https://codelibrary.amlegal.com/codes/visalia/latest/visalia_ca/0-0-0-35278. Accessed August 23, 2022.

Page PK-5 of the City of Visalia Engineering Design and Improvement Standards provides the requirements for the minimum number of accessible stalls required based on the total number of stalls proposed.[9] For projects proposing greater than 1,001 parking stalls, the minimum number of disabled accessible parking spaces is 20 plus one for each 100 or fraction thereof over 1,000. Therefore, the proposed project would require approximately 47 accessible parking spaces based on the proposed 3,750 total spaces. Page PK-3 of the City of Visalia Engineering Design and Improvement Standards states that one in every six accessible parking stalls shall be van accessible. Therefore, of the 47 accessible spaces, at least eight must be van accessible.

**Table 2-2: Required and Proposed Parking**

| Land Use | Building Area (SF) (approx.) | Parking Requirements | | Parking Required (Number of Spaces) (approx.) | | | Parking Proposed (Number of Spaces) (approx.) | | |
|---|---|---|---|---|---|---|---|---|---|
| | | Spaces/ Employees (approx.) | Spaces/ Building Area (approx.) | | | | | | |
| Flex Industrial | 84,480 | 800 | – | 244 | | | 269 | | |
| Light Industrial | 3,474,650 | 1 space/ employee during shift of maximum employment, plus one parking space per vehicle used in conjunction with the use | – | 2,316 employee parking | | | 3,331 | | |
| Self-Storage | 144,800 | – | – | – | | | 35 | | |
| C-Store | 6,922 | – | 1 space/ 500 SF | 14 | | | 24 | | |
| Drive-through Restaurants | 4,736 | – | 1 space/ 150 SF | 32 | | | 74 | | |
| Car Wash | 4,560 | – | 1 space/ 500 SF | 9 | | | 17 | | |
| Total | 3,720,149 | – | – | Standard | ADA | Total | Standard | ADA | Total |
| | | | | 2,579 | 36 | 2,616 | 3,750 | 47 | 3,750 |
| Notes:<br>SF = square feet<br>ADA = Americans with Disabilities Act | | | | | | | | | |

[9] City of Visalia. 2016. Parking Standards. September. Website: https://www.visalia.city/civicax/filebank/blobdload.aspx?BlobID=34593. Accessed August 23, 2022.

### Landscaping

Landscaping would be provided in accordance with the City's Landscape Standard Specifications.[10] The proposed project contains approximately 31.3 acres of water quality management basins to retain stormwater on-site. The detention basins would be planted with species including the Berkeley sedge, Canyon Prince wild rye, Hummingbird sage, and California goldenrod.

Outside of the building footprints, roads, parking lots, and stormwater basins, approximately 30.68 acres remain for landscaping within the project boundary. Trees to be used for parking area landscaping would include species with very low to medium water needs, including but not limited to coast live oak, autumn gold ginkgo, London plane tree, zelkova, Arizona cypress, and southern magnolia. Shrubs and groundcovers would feature species with low water needs, such as buffalo grass, Bermuda grass, feather reed grass, blue fescue, pink muhly grasses, and heavenly bamboo.

### Lighting

Exterior lighting is designed to maximize employee safety and security while complying with applicable Visalia Municipal Code standards, the CALGreen Code, and the Title 24 Energy Efficiency Standards, as applicable. New sources of light that would be located on-site and primarily include parking lot pole-mounted lights, and building-mounted outdoor security lighting. The lighting would be directed away from adjoining properties and the public right-of-way. Exhibit 2-12 depicts the photometric plan for the project; the proposed lighting would be confined within developed areas of the site and a small portion of Riggin Avenue.

## 2.5.2 - Utilities

The proposed project would require connection to various City-operated utility and infrastructure systems. These include City-provided services such as water, wastewater, and stormwater facilities. Non-City provided infrastructure includes natural gas (to be provided by Southern California Gas Company) and electrical services (to be provided by Southern California Edison [SCE]). The proposed project would be responsible for construction of the necessary connection points to the City's existing infrastructure. Proposed infrastructure improvements for water, sewer, and stormwater facilities are described below. The proposed project would remove or modify the existing detention basin and would potentially require two new culvert crossings over Modoc Ditch and extension of one existing culvert crossing.

### Water Demand and Supply

Potable water is anticipated to be supplied to the proposed project by California Water Service (Cal Water), which is a wholesale provider to the City. Service laterals would be extended from an existing water line located within Kelsey Street. As shown in Exhibit 2-13, the proposed project would be served by a series of new 8-inch and 12-inch water lines throughout the project site.

It is estimated that the proposed project would have an average potable usage of approximately 124.1 acre-feet per year at project buildout.[11]

[10] City of Visalia. 2013. Landscape Standard Specifications. August 5. Website: https://www.visalia.city/civicax/filebank/blobdload.aspx?BlobID=15472. Accessed August 23, 2022.
[11] 4Creeks, Inc. 2022. Water Supply Technical Memorandum Shirk and Riggin Industrial Park. September.

As discussed in the Cal Water Visalia District 2020 Urban Water Management Plan, future water demands are expected to be comprised only of potable water use. The City of Visalia has entered into agreements with Tulare Irrigation District to supply recycled water from its wastewater treatment facilities for groundwater recharge uses. None of the recycled water supplied to Tulare Irrigation District is expected to be used to meet the future water demands of District customers.

### Wastewater

Wastewater generated by the proposed project would be treated by the City's Water Conservation Plant. The proposed project would install and extend all City master planned sewer lines to the extent determined by the City Engineer pursuant to the applicant's development phasing plans and in accordance with legal nexus requirements. Service laterals would be extended from an existing sewer line located within Riggin Avenue and Kelsey Street. As shown in Exhibit 2-14, the proposed project would be served by a series of new 8-inch and 12-inch sewer lines throughout the project site.

### Storm Drainage

The proposed project would install an on-site storm drainage system consisting of inlets, underground piping, and basins. Approximately 31.3 acres of water quality management basins would be installed. Runoff would drain to drainage system located throughout the project site (Exhibit 2-15). The system would be designed to meet all applicable standards and requirements including accommodating a 100-year storm event and detaining runoff and release it at a rate no greater than the pre-development condition of the project site. The proposed project would be required to retain the stormwater per the City's drainage requirements and all other applicable standards.

## 2.5.3 - Phasing and Construction

For the purposes of the environmental analysis in this EIR and in accordance with the applicant's project development goals, construction of the proposed project is anticipated to begin in March 2024 and completed in March 2028, with operations commencing upon the completion of construction of the proposed project.[12]

As described above, given its size and nature, it is reasonable to assume the proposed project would be constructed in phases over time. However, because various market, economic and other considerations would ultimately determine how construction phasing would occur in connection with individual specific development proposal(s), this Draft EIR utilizes the following assumptions based on reasonably available information for purposes of a conservative analysis. As shown in Exhibit 2-16, "Phase 1" of project construction is defined herein to consist of approximately 1,864,700 square feet of light industrial space, occurring generally in the locations shown on Exhibit 2-16. Construction of Phase 1 is assumed to begin in March 2024 and end in March 2025.

"Phase 2" of project construction is defined herein to consist of approximately 830,700 square feet of light industrial space as well as the car wash, the convenience store with gasoline pumps, and

[12] Because vehicle fuel use becomes more efficient through time in compliance with applicable federal and State laws and regulations, these dates support a conservative evaluation of potential impacts. If the actual dates of construction are delayed, associated effects would be reduced accordingly.

both drive-through, quick serve/fast food restaurants. Construction of Phase 2 is assumed to begin in September 2025 and end in September 2026.

"Phase 3" of project construction is defined herein to consist of the remaining approximately 779,270 square feet of light industrial space as well as approximately 84,480 square feet of flex industrial space and the self-storage facility. Construction of Phase 3 is assumed to begin in March 2027 and end in March 2028.

The necessary landscaped areas, parking areas, and the water quality management basins would be included in each of the three Phases, in amounts sufficient to serve each relevant Phase.

While the above-described preliminary construction schedule for the proposed project assumes that Phases 1 through 3 would be built sequentially (i.e., none of the three Phases would overlap), the potential remains for project Phases to be constructed concurrently. Therefore, for the purpose of analyzing the reasonable worst-case scenario and fully disclosing all potential impacts, this Draft EIR also evaluates impacts that could occur if there were concurrent (rather than sequential) phasing for the proposed project, as detailed more fully in Section 3.3, Air Quality, Section 3.8, Greenhouse Gas Emissions, Section 3.12 Noise, and Section 3.14 Transportation. Accordingly, impact discussions and mitigation measures related to each construction Phase would be applicable to an individual specific development proposal taking place within the development area covered by the relevant Phase.

Construction equipment to be used for the proposed project includes, but is not limited to air compressors, concrete industrial saws, cranes, excavators, forklifts, generator sets, graders, pavers, paving equipment, rollers, rubber-tired bulldozers, tractors, loaders, backhoes, and welders.

Construction hours would be in accordance with City of Visalia Municipal Code Section 8.36.050(C), which prohibits operation of construction equipment between the weekday hours of 7:00 p.m. and 6:00 a.m. and between the weekend hours of 7:00 p.m. and 9:00 a.m.

### Cut and Fill

The proposed project includes approximately 130,000 cubic yards of material to be cut, approximately 260,000 cubic yards of fill material, and a net import of approximately 130,000 cubic yards of new material.

## 2.6 - Required Actions and Approvals

The proposed project would require the certification of the EIR and the following discretionary approvals from the City:

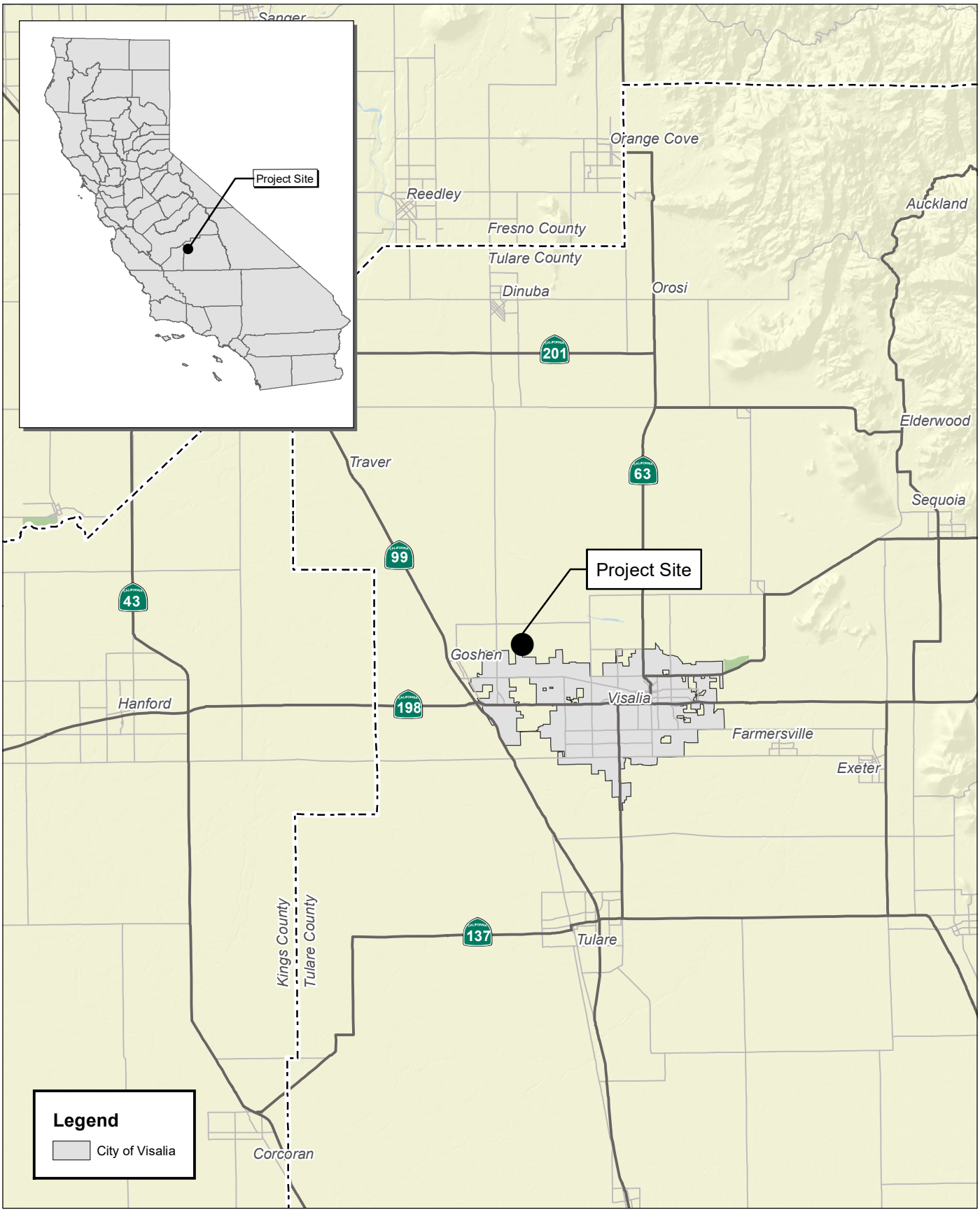
- Approval of a Development Agreement
- Approval of Resolution Initiating Annexation Proceedings
- Approval of the Site Plan
- Approval of Tentative Parcel Map
- Conditional Use Permit for the conditionally permitted uses proposed (convenience store, drive-through restaurants), some of the proposed lot sizes in the light industrial zoning, and lots without public street frontage.

In addition to the above discretionary approvals from the City, the proposed project would also require approvals of various ministerial permits including a parcel map, demolition permit(s), grading permit(s), building permit(s), certificate(s) of occupancy, right-of-way dedications, and encroachment permit(s).

## Other Public Agencies Approval and Consultation

The proposed project would require various permits, approvals and/or entitlements from other public agencies that have jurisdiction over aspects of the proposed project. These may include, but not be limited to the following:

- Tulare County Local Agency Formation Commission (LAFCo)
- Tulare County Board of Supervisors
- San Joaquin Valley Air Pollution Control District (Valley Air District)
- Regional Water Quality Control Board (RWQCB)
- United States Fish and Wildlife Service (USFWS)
- California Department of Fish and Wildlife (CDFW)
- United States Army Corps of Engineers (USACE)
- California Department of Transportation (Caltrans)



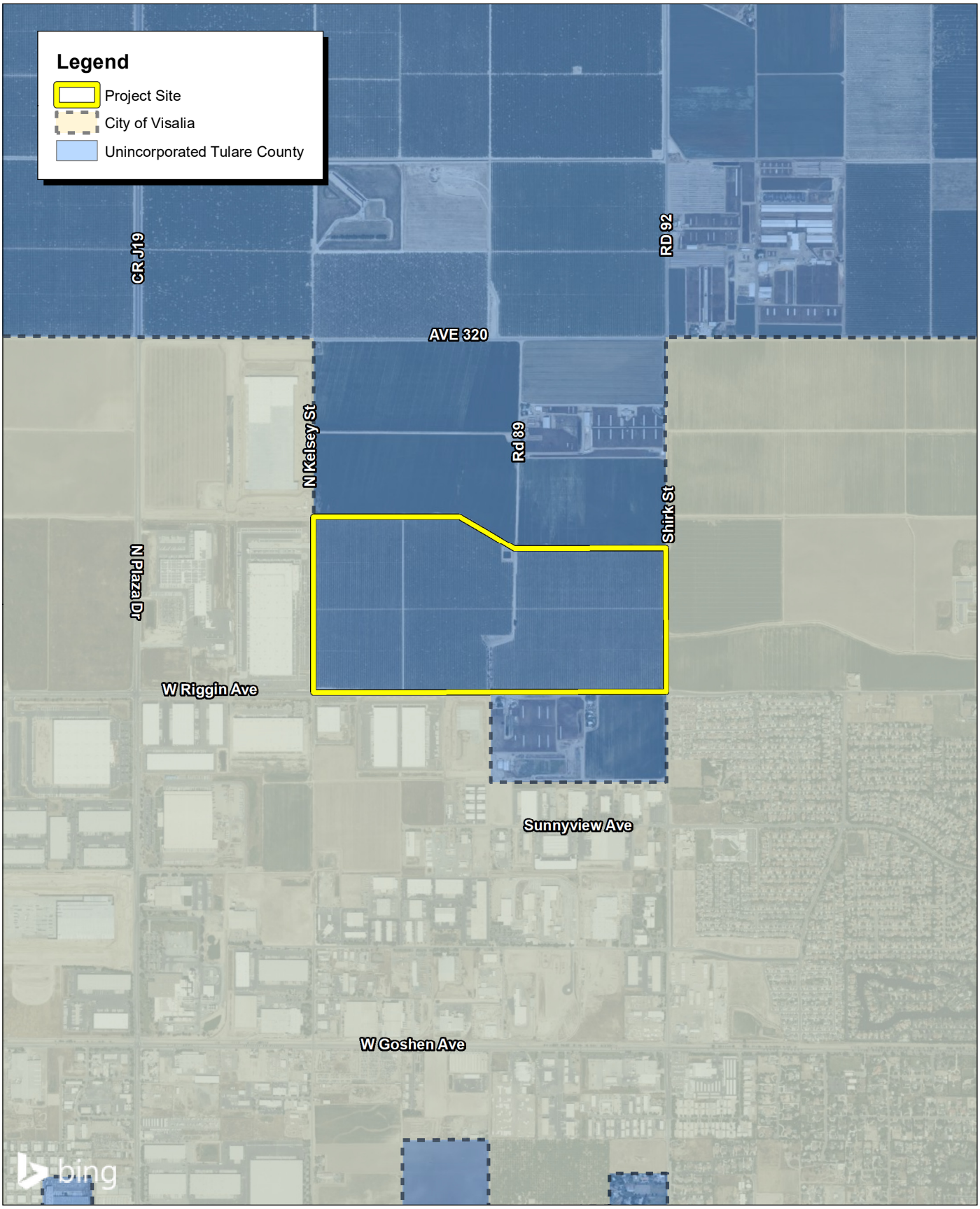

Source: Census 2000 Data, The California Spatial Information Library (CaSIL).

FIRSTCARBON SOLUTIONS™

5 2.5 0 5 Miles

Exhibit 2-1
Regional Location Map

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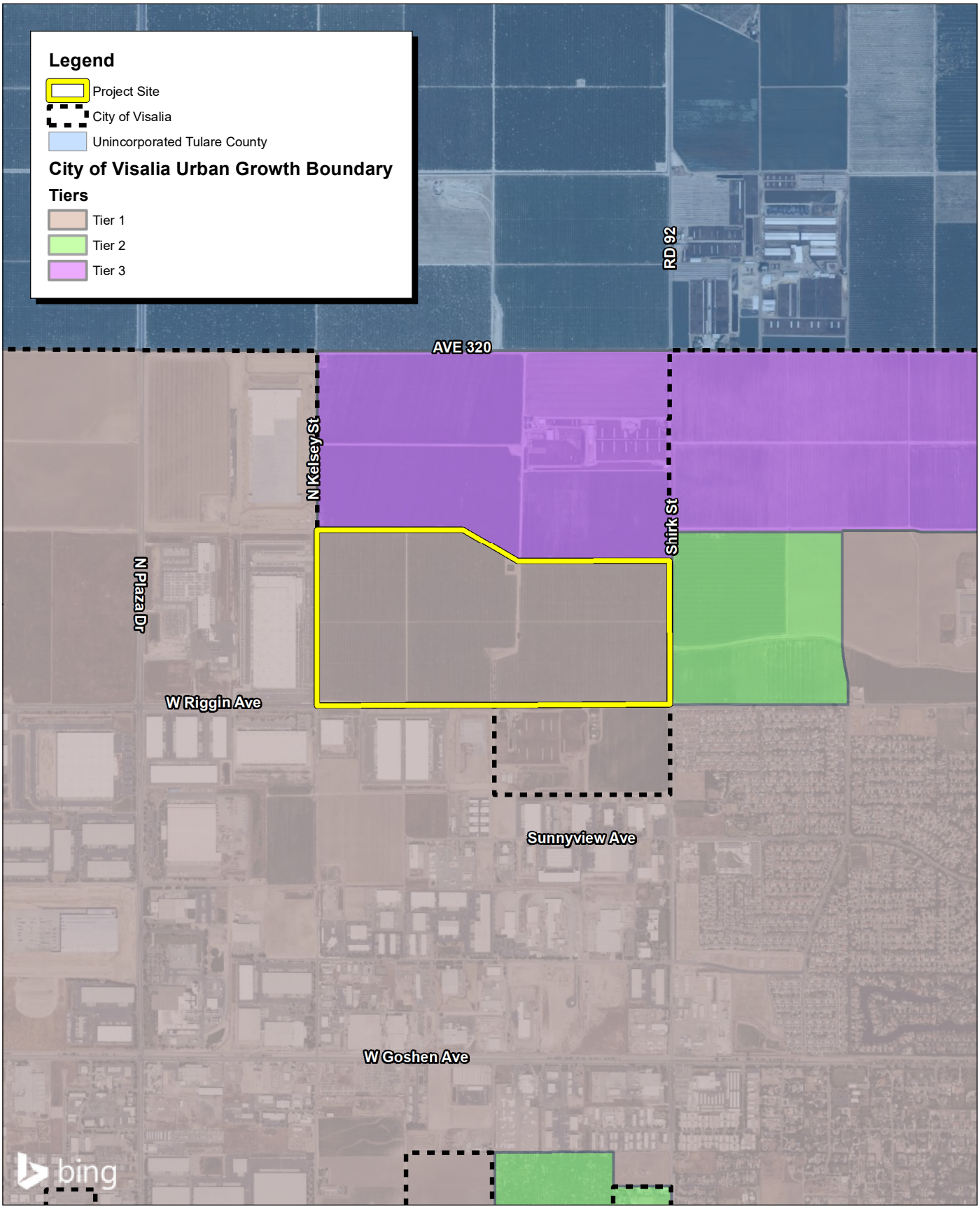

Source: Bing Aerial Imagery; City of Visalia, March 2024.

FIRSTCARBON SOLUTIONS™

2,000 1,000 0 2,000 Feet

# Exhibit 2-2
# Local Vicinity Map

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Source: Bing Aerial Imagery. City of Visalia, March 2024.

FIRSTCARBON SOLUTIONS™

2,000 1,000 0 2,000 Feet

# Exhibit 2-3
# City of Visalia
# Urban Growth Boundary

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Source: Bing Aerial Imagery.

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500 250 0 500 Feet

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Exhibit 2-4
Existing Setting

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**Photograph 1: View from the southeast corner of the project site at Shirk Street and Riggin Avenue; facing northwest.**



**Photograph 2: View from southwest corner of the project site at Kelsey Street and Riggin Avenue, looking northeast.**



**Photograph 3: View of northeast corner of the project site and the water pump on site.**



**Photograph 4: View from road 89 looking south.**

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Exhibit 2-5a
Site Photos

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**Photograph 5: Bird's eye view of the northeastern portion of the project site and the adjacent oak tree.**



**Photograph 6: Bird's eye view of the northern portion of the project site and modoc ditch.**

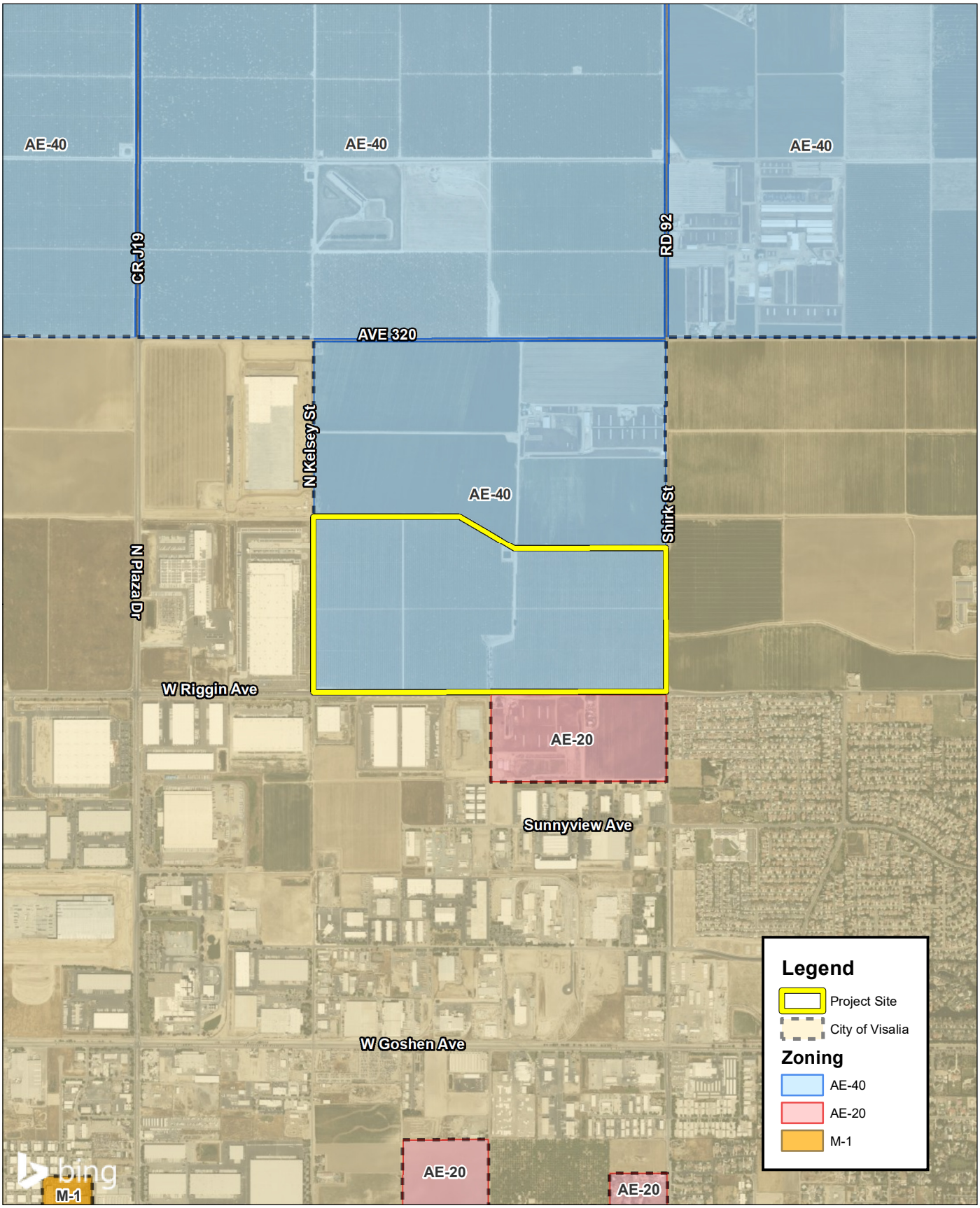


**Photograph 7: Bird's eye view of the retention basin, southwest of road 89 and modoc ditch.**



**Photograph 8: Pump house at northern boundary of project site.**

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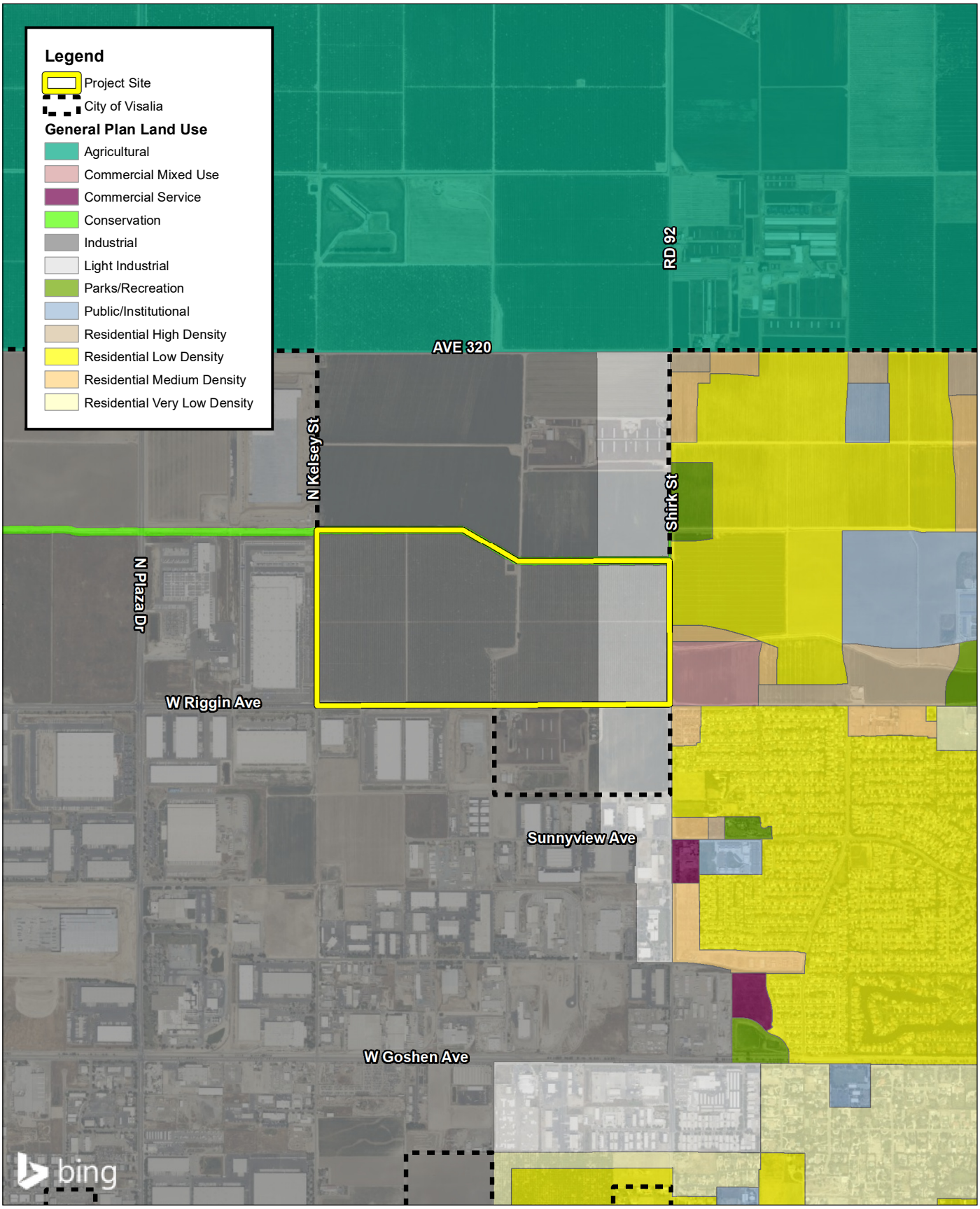

Source: Bing Aerial Imagery. City of Visalia, March 2024. County of Tulare.

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# Exhibit 2-6
# County of Tulare Zoning Designation

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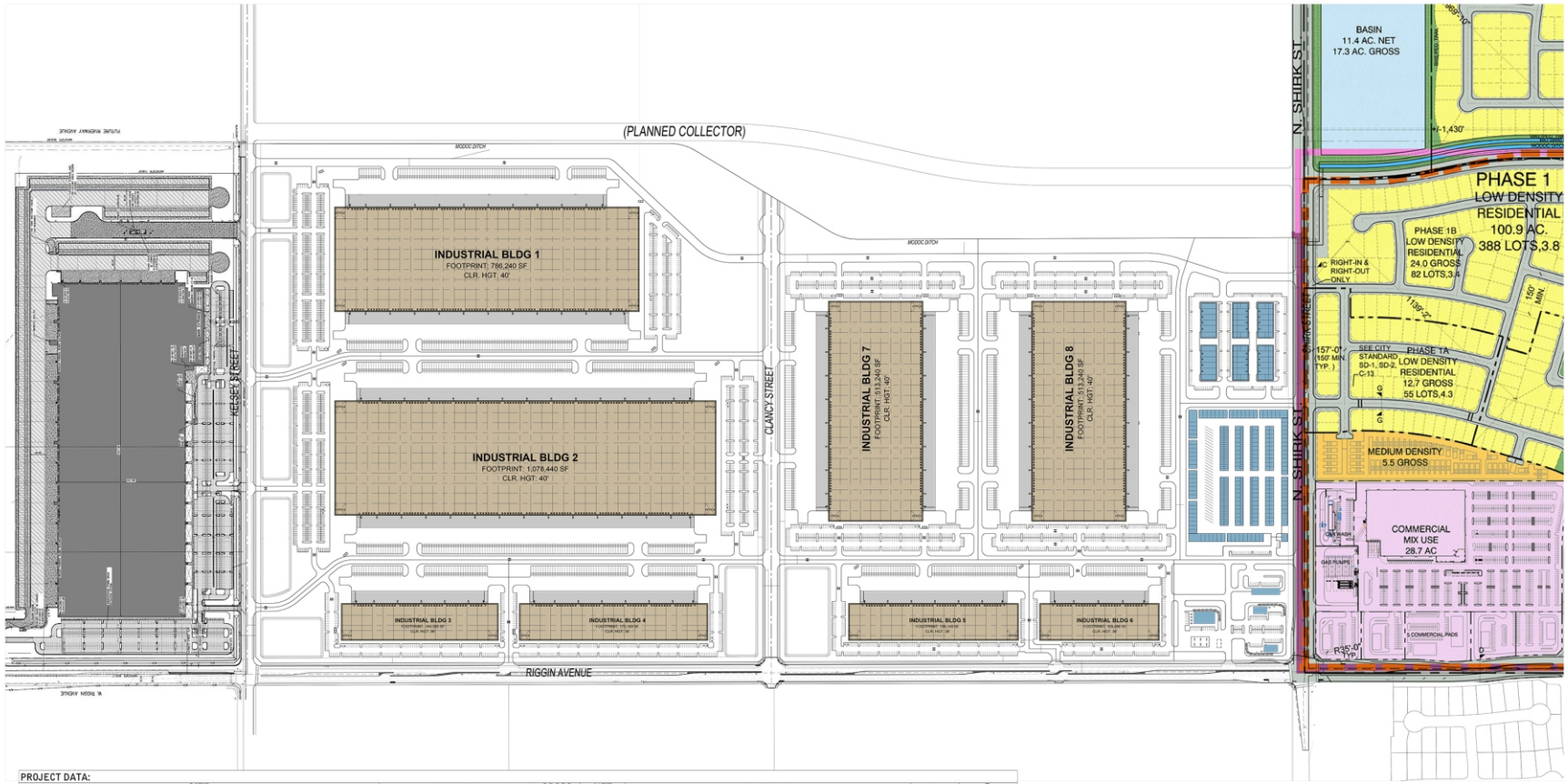

Source: Bing Aerial Imagery. City of Visalia, March 2024.

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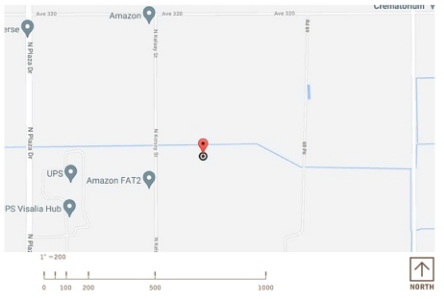
Exhibit 2-7
City of Visalia
General Plan Land Use Designations

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PROJECT DATA:

| SITE | | | | | | BUILDING | | GROSS | NET | PARKING | | | | ▲ | ○ |
|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|
| SITE | SITE AREA (SF) | SITE AREA (ACRE) | DETENTION (SF) | DETENTION (%) | NET SITE AREA (SF) | BLDG. | BUILDING FOOTPRINT | GROSS COVERAGE | NET COVERAGE | PARKING PROVIDED | PARKING RATIO | REQ. ACC. STALLS | TRAILER PARKING | DOCK-HIGH DOORS | GRADE-LEVEL DOORS |
| | | | | | | 1 | 786,240 | | | 598 | @0.76/1000 SF | *12 STALLS* | 193 | 171 | 4 |
| | | | | | | 2 | 1,078,440 | | | 687 | @0.64/1000 SF | *14 STALLS* | 246 | 214 | 4 |
| | | | | | | 3 | 144,300 | | | 244 | @1.69/1000 SF | *7 STALLS* | 47 | 43 | 2 |
| | | | | | | 4 | 173,160 | | | 275 | @1.59/1000 SF | *7 STALLS* | 60 | 54 | 2 |
| | | | | | | 5 | 156,140 | | | 244 | @1.56/1000 SF | *7 STALLS* | 57 | 47 | 2 |
| | | | | | | 6 | 109,890 | | | 177 | @1.61/1000 SF | *6 STALLS* | 37 | 29 | 2 |
| | | | | | | 7 | 513,240 | | | 578 | @1.13/1000 SF | *12 STALLS* | 147 | 128 | 4 |
| 1 | 12,194,988 | 279.96 | 1,363,370 | 11.2% | 10,831,618 | 8 | 513,240 | 30.5% | 34.3% | 528 | @1.03/1000 SF | *11 STALLS* | 147 | 128 | 4 |
| | | | | | | FLEX IND | 84,480 | | | 269 | @3.18/1000 SF | *7 STALLS* | - | - | - |
| | | | | | | SELF STORAGE | 144,800 | | | 35 | @0.24/1000 SF | *2 STALLS* | - | - | - |
| | | | | | | CARWASH | 4,560 | | | 17 | @3.73/1000 SF | *1 STALLS* | - | - | - |
| | | | | | | DRIVE-THRU 1 | 2,368 | | | 37 | @15.62/1000 SF | *2 STALLS* | - | - | - |
| | | | | | | DRIVE-THRU 2 | 2,368 | | | 37 | @15.62/1000 SF | *2 STALLS* | - | - | - |
| | | | | | | C-STORE | 6,922 | | | 24 | @3.47/1000 SF | *1 STALLS* | - | - | - |
| TOTAL | 12,194,988 | 280 | 1,363,370 | 11.2% | 10,831,618 | | 3,720,149 | 30.5% | 34.3% | 3,750 | @1.01/1000 SF | *102 STALLS* | 934 | 814 | 24 |




Source: Seefried Industrial Properties; Ware Malcomb, 09/15/2022.

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# Exhibit 2-8
# Site Plan

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Site Aerial View




Cross-Dock Perspective View - SW

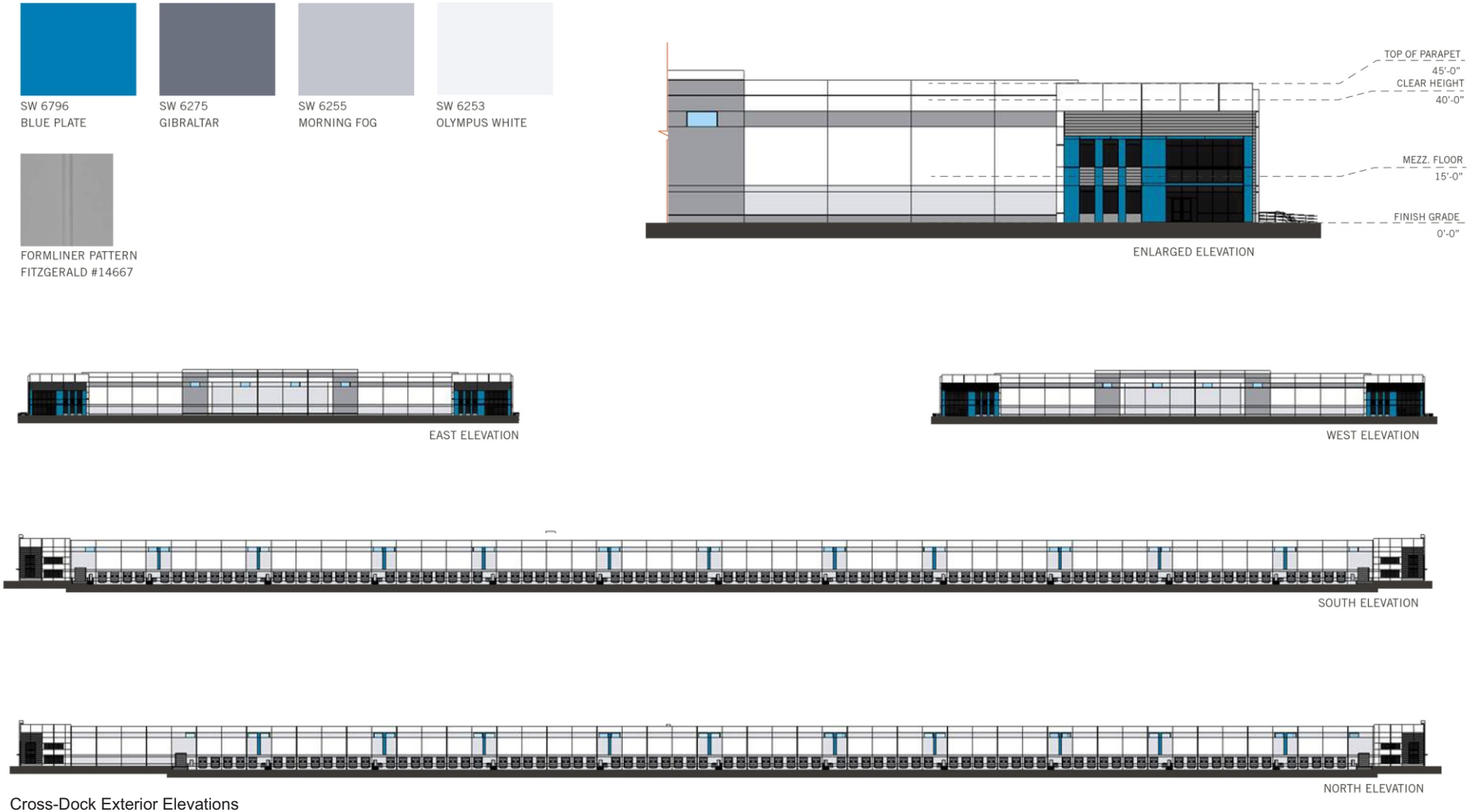
Source: Seefried Industrial Properties; Ware Malcomb, 09/15/2022.

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Exhibit 2-9
Project Simulation

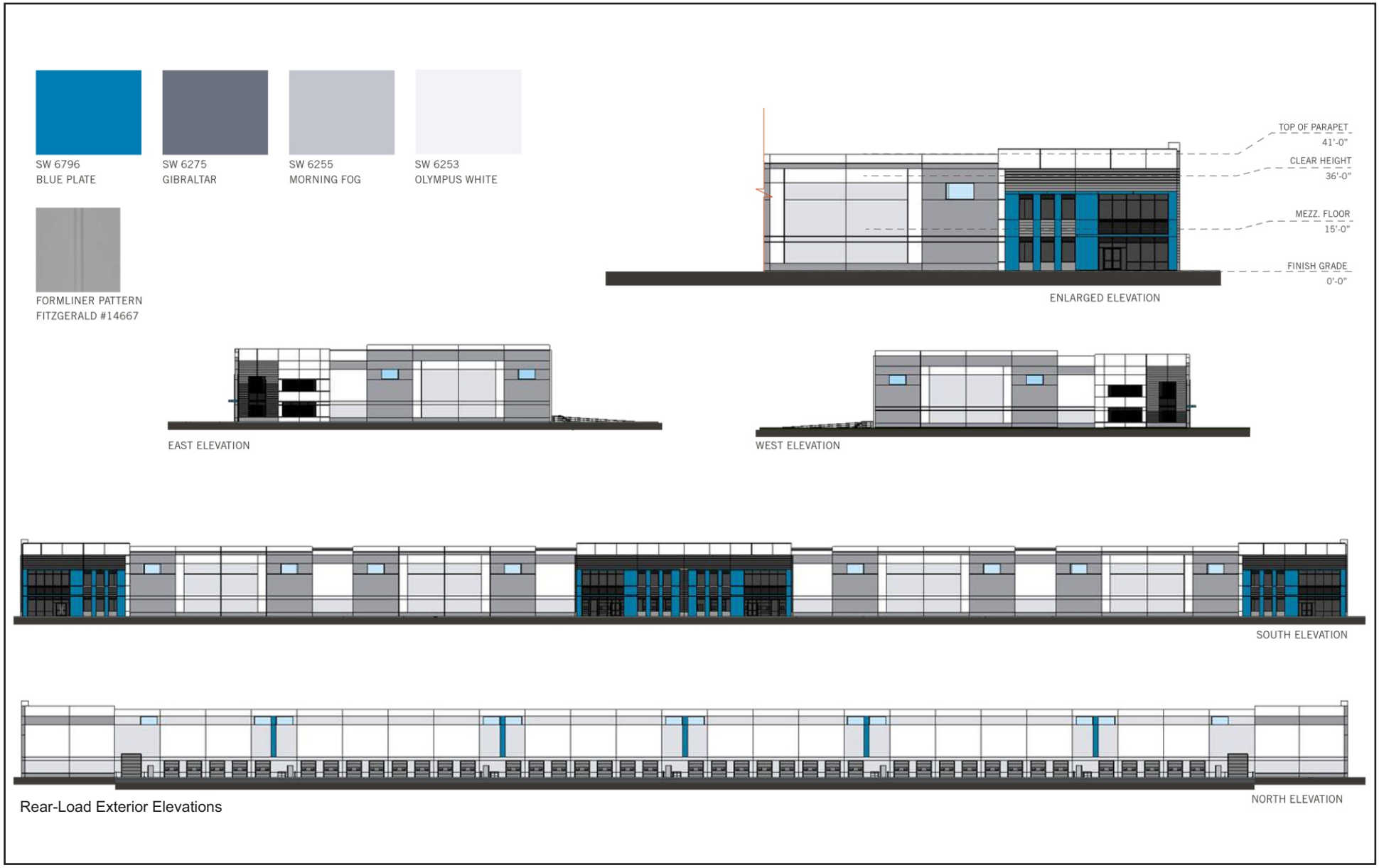
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Cross-Dock Exterior Elevations

Source: Seefried Industrial Properties; Ware Malcomb, 09/15/2022.

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Rear-Load Exterior Elevations

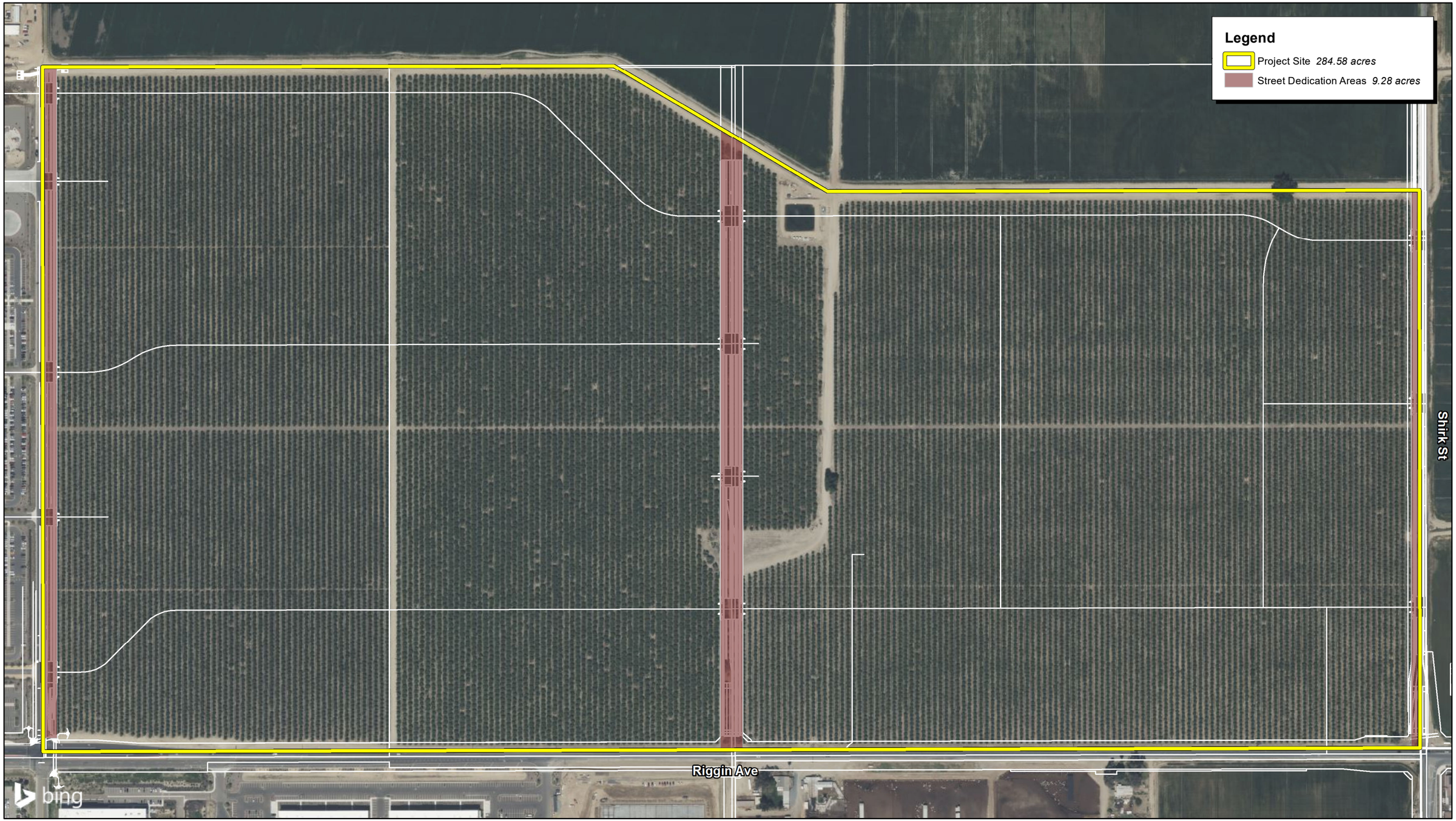
Source: Seefried Industrial Properties; Ware Malcomb, 09/15/2022.

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# Exhibit 2-10b
# Industrial Building Elevation Plans

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Source: Bing Aerial Imagery. 4-Creeks, September 2022.

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41150039 • 10/2022 | 2-11_street_dedication.mxd

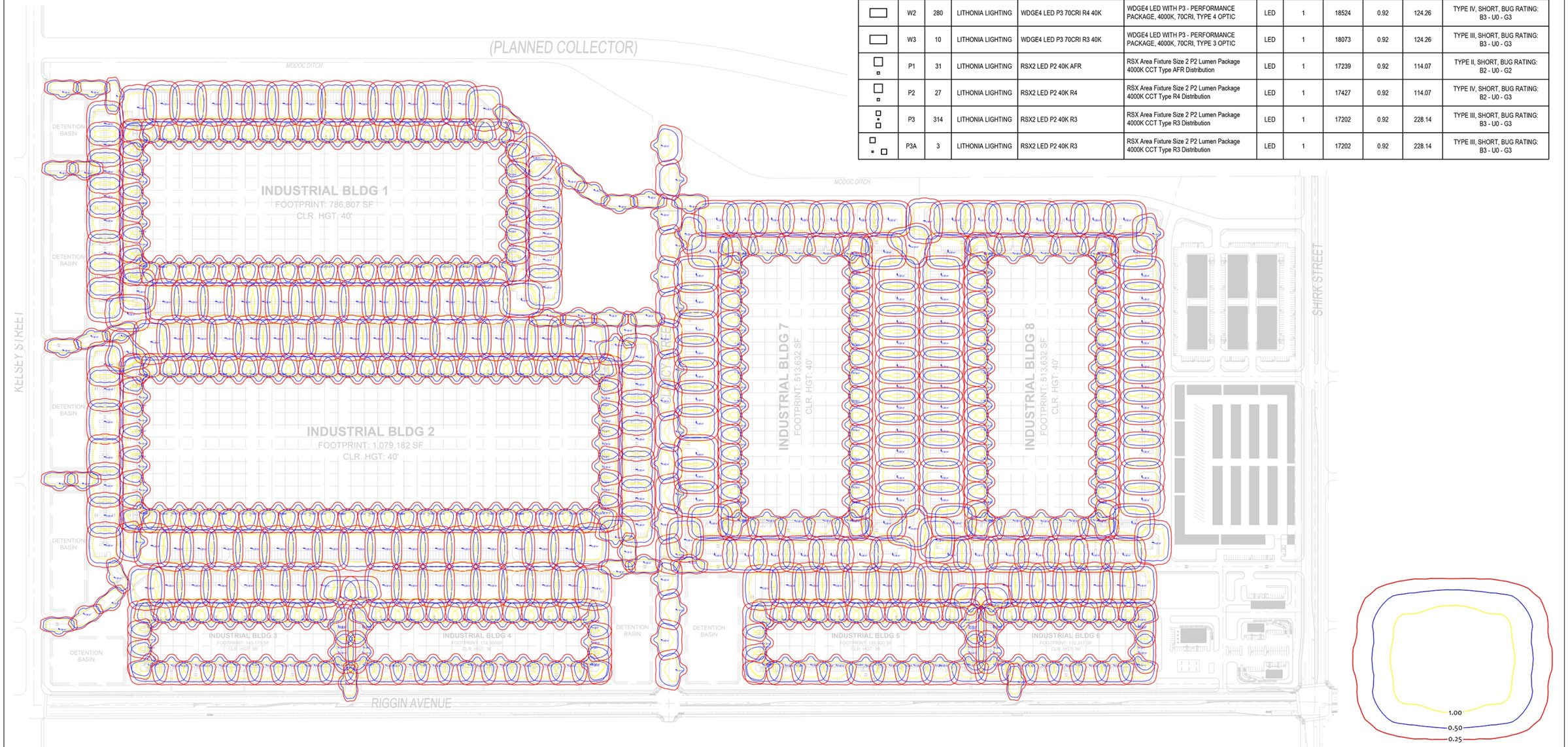
Exhibit 2-11
Street Dedication

CITY OF VISALIA
SHIRK & RIGGIN INDUSTRIAL PROJECT
ENVIRONMENTAL IMPACT REPORT

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## SCHEDULE

| SYMBOL | LABEL | QTY | MANUFACTURER | CATALOG NUMBER | DESCRIPTION | LAMP | NUMBER OF LAMPS | LUMENS PER LAMP | LIGHT LOSS FACTOR | WATTAGE | DISTRIBUTION |
|---|---|---|---|---|---|---|---|---|---|---|---|
| | EX | 22 | SIGNTEX, INC | MUE10X-T | EXTRUDED ALUMINUM HOUSING, FROSTED PLASTIC ENCLOSURE. | LED | 1 | 494 | 0.92 | 10.7 | |
| | W1 | 166 | LITHONIA LIGHTING | WDGE1 LED P1 40K 80CRI VW | WDGE1 LED WITH P1 - PERFORMANCE PACKAGE, 4000K, 80CRI, VISUAL COMFORT WIDE OPTIC | LED | 1 | 1229 | 0.92 | 10.00 | TYPE II, VERY SHORT, BUG RATING: B0 - U0 - G0 |
| | W2 | 280 | LITHONIA LIGHTING | WDGE4 LED P3 70CRI R4 40K | WDGE4 LED WITH P3 - PERFORMANCE PACKAGE, 4000K, 70CRI, TYPE 4 OPTIC | LED | 1 | 18524 | 0.92 | 124.26 | TYPE IV, SHORT, BUG RATING: B3 - U0 - G3 |
| | W3 | 10 | LITHONIA LIGHTING | WDGE4 LED P3 70CRI R3 40K | WDGE4 LED WITH P3 - PERFORMANCE PACKAGE, 4000K, 70CRI, TYPE 3 OPTIC | LED | 1 | 18073 | 0.92 | 124.26 | TYPE III, SHORT, BUG RATING: B3 - U0 - G3 |
| | P1 | 31 | LITHONIA LIGHTING | RSX2 LED P2 40K AFR | RSX Area Fixture Size 2 P2 Lumen Package 4000K CCT Type AFR Distribution | LED | 1 | 17239 | 0.92 | 114.07 | TYPE II, SHORT, BUG RATING: B2 - U0 - G2 |
| | P2 | 27 | LITHONIA LIGHTING | RSX2 LED P2 40K R4 | RSX Area Fixture Size 2 P2 Lumen Package 4000K CCT Type R4 Distribution | LED | 1 | 17427 | 0.92 | 114.07 | TYPE IV, SHORT, BUG RATING: B2 - U0 - G3 |
| | P3 | 314 | LITHONIA LIGHTING | RSX2 LED P2 40K R3 | RSX Area Fixture Size 2 P2 Lumen Package 4000K CCT Type R3 Distribution | LED | 1 | 17202 | 0.92 | 228.14 | TYPE III, SHORT, BUG RATING: B3 - U0 - G3 |
| | P3A | 3 | LITHONIA LIGHTING | RSX2 LED P2 40K R3 | RSX Area Fixture Size 2 P2 Lumen Package 4000K CCT Type R3 Distribution | LED | 1 | 17202 | 0.92 | 228.14 | TYPE III, SHORT, BUG RATING: B3 - U0 - G3 |

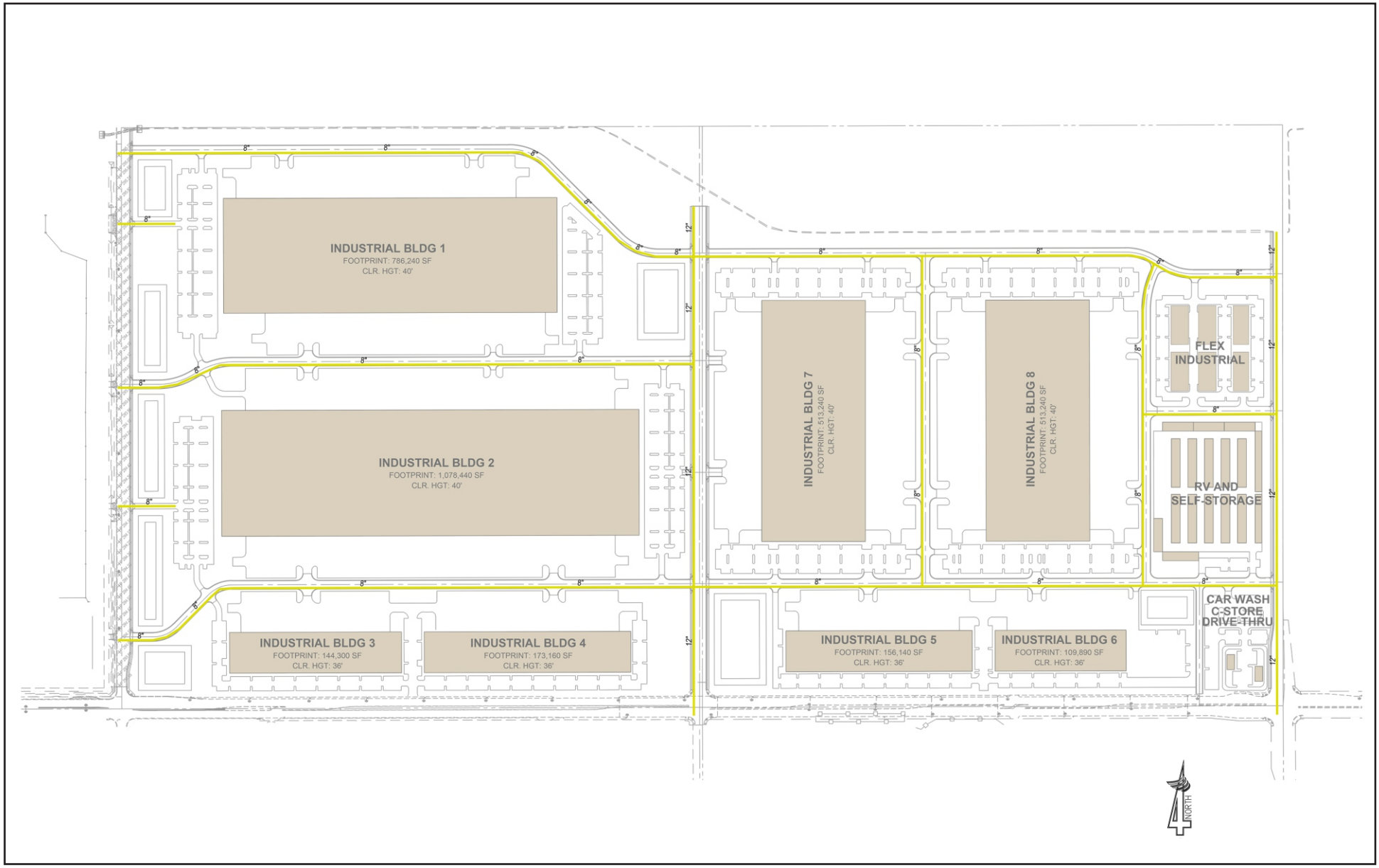



Source: Ware Malcomb, 2022.

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# Exhibit 2-12
# Site Photometric Plan

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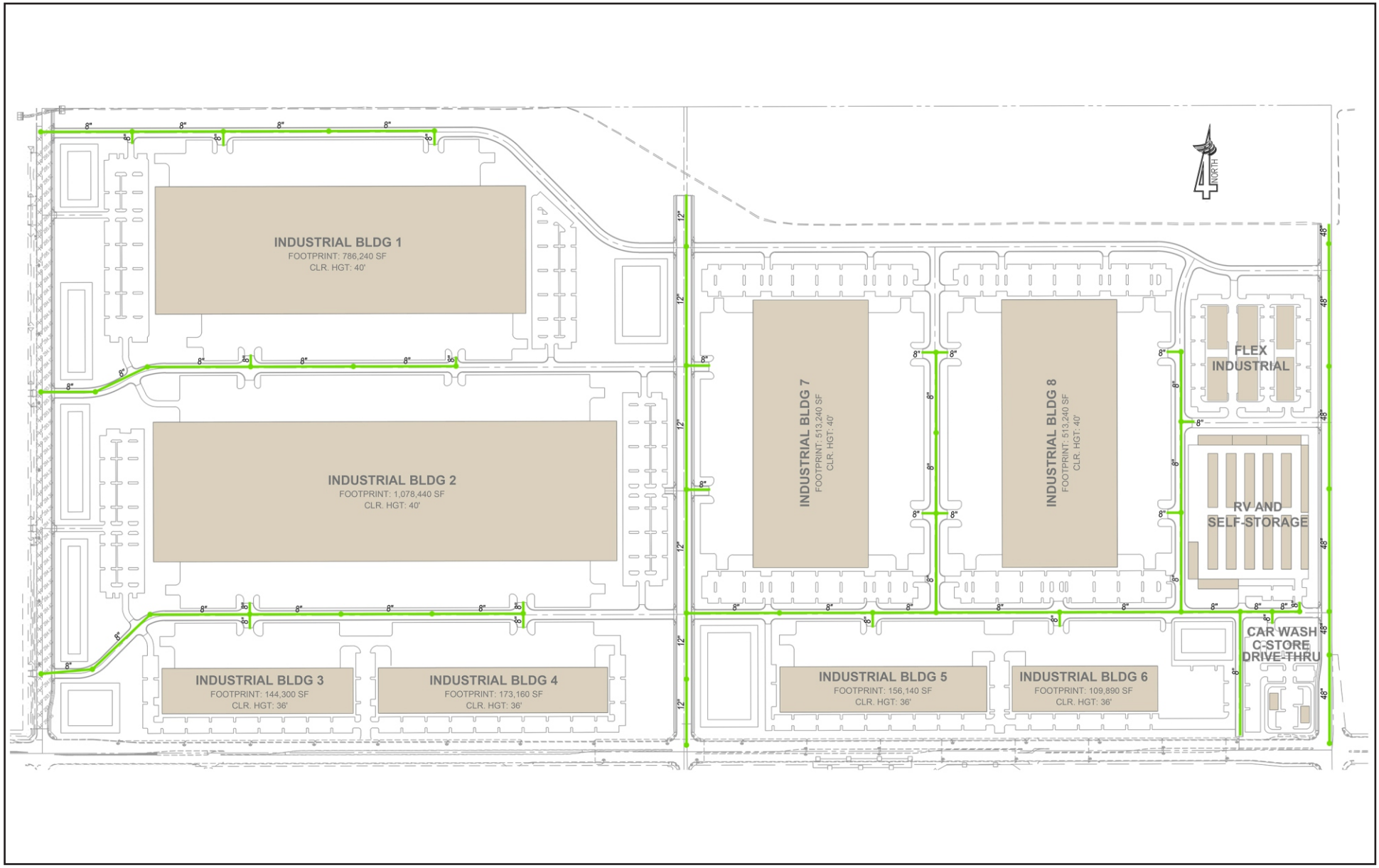



Source: 4Creeks, Inc.

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# Exhibit 2-13
# Proposed Water Lines

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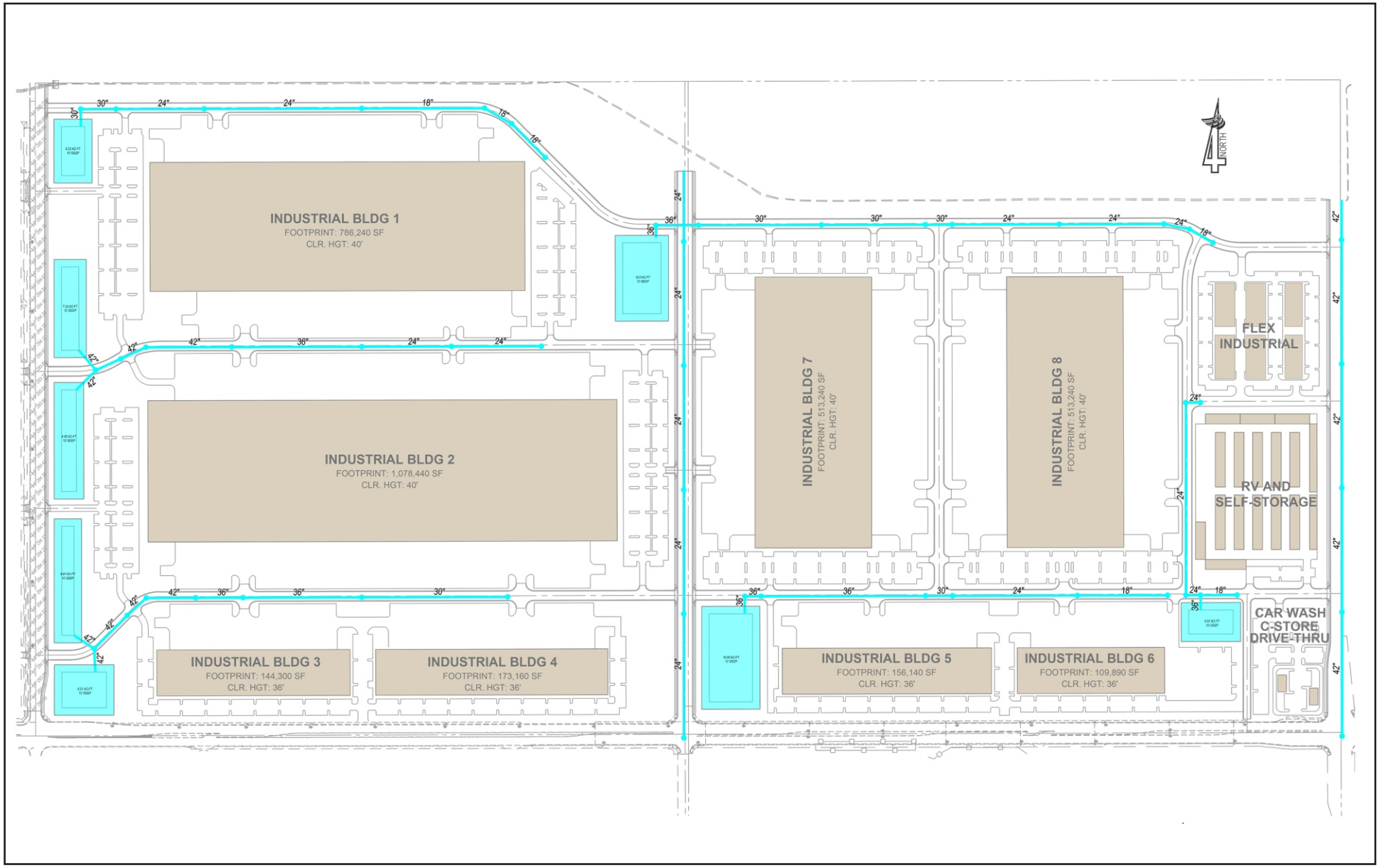



Source: 4Creeks, Inc.

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# Exhibit 2-14
# Proposed Sewer Lines

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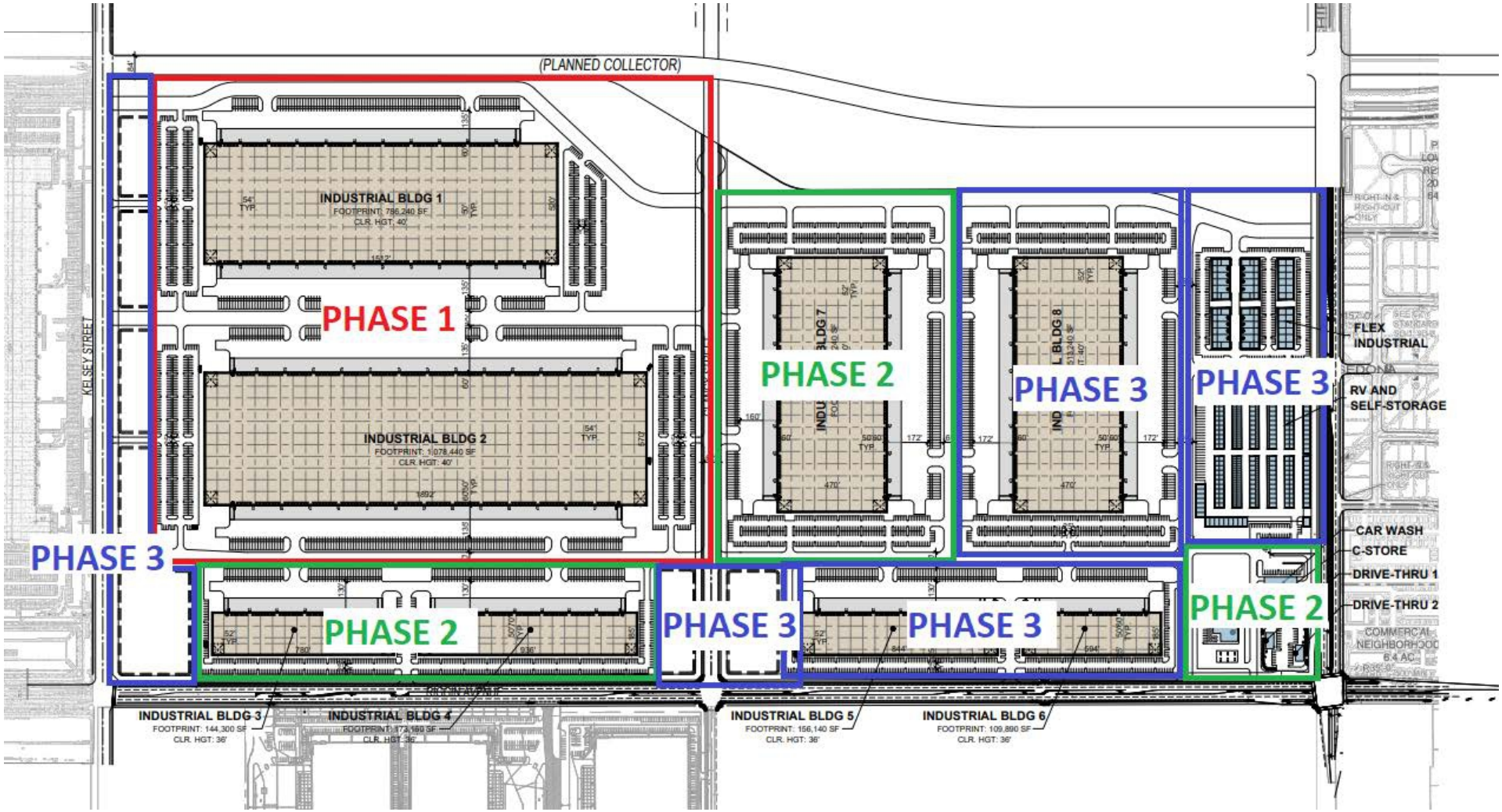



Source: 4Creeks, Inc.

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# Exhibit 2-15
# Proposed Storm Drainage System

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***The necessary landscaped areas, parking areas, and the water quality management basins could be constructed with any phase as needed (e.g. Phase 1/2/3)**

Source: Seefried Industrial Properties, Inc. 2022.

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Exhibit 2-16
Project Phasing

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# CHAPTER 3: ENVIRONMENTAL IMPACT ANALYSIS

## Organization of Issue Areas

This chapter sets forth the physical and regulatory environmental setting and addresses the organization of the discussion of the environmental impacts of the proposed project with respect to 17 environmental resource areas. The discussions of the environmental setting describe present physical conditions, or baseline conditions, on the project site and in the vicinity. For purposes of this analysis, the baseline used for the evaluation of environmental impacts under the California Environmental Quality Act (CEQA) reflects the conditions present at the time the Notice of Preparation (NOP) for this Draft Environmental Impact Report (Draft EIR) was published. To determine the proposed project's individual impacts, potential impacts of the proposed project are compared against the existing baseline conditions for each environmental resource. For purposes of the cumulative analysis, the impacts of the proposed project in combination with other past, present, and reasonably foreseeable future projects are analyzed to determine whether overall long-term impacts of all such projects would be cumulatively significant, and to determine whether the proposed project itself would cause a "cumulatively considerable" incremental contribution to any such cumulatively significant impacts.

## Issues Addressed in this Draft EIR

The following environmental issues are addressed in Chapter 3:

- Aesthetics, Light, and Glare
- Agriculture Resources and Forest Resources
- Air Quality
- Biological Resources
- Cultural Resources and Tribal Cultural Resources
- Energy
- Geology and Soils
- Greenhouse Gas Emissions
- Hazards and Hazardous Materials
- Hydrology and Water Quality
- Land Use and Planning
- Noise
- Public Services
- Transportation and Traffic
- Utilities and Service Systems
- Wildfire

## Level of Significance

Determining the severity of project impacts is fundamental to achieving the objectives of CEQA. CEQA Guidelines Section 15091 requires that decision-makers mitigate, as completely as is feasible, the significant impacts identified in the EIR. If the EIR identifies any significant unmitigated impacts, CEQA Guidelines Section 15093 requires decision-makers in approving a project to adopt a statement of overriding considerations that explains why the benefits of the proposed project outweigh the adverse environmental consequences identified in the EIR.

The level of significance for each impact examined in this Draft EIR was determined by considering the predicted magnitude of the impact against the applicable threshold. Thresholds were developed

using criteria from the CEQA Guidelines and checklist; State, federal, and local regulatory schemes; local/regional plans and ordinances; accepted practice; consultation with recognized experts; and other professional opinions.

## Format of the Environmental Analysis

Each resource area analyzed in this Draft EIR includes the subsections summarized below.

### Introduction

This subsection summarizes what is discussed in the respective environmental topic section, states what informational documents are used as the basis for the section, and indicates what related comments, if any, were received during the Draft EIR public scoping period.

### Environmental Setting

This subsection describes existing, baseline physical conditions of the project site and the surroundings (e.g., existing land uses, transportation conditions, noise environment) with respect to each resource topic at the time the NOP was issued. Conditions are described in sufficient detail and breadth to allow a general understanding of environmental impacts of the proposed project based on reasonably available information.

### Regulatory Framework

This subsection describes relevant federal, State, regional (if applicable), and local regulatory requirements that are directly applicable to the environmental topic being analyzed.

### Impacts and Mitigation Measures

This subsection evaluates potential for the proposed project to result in direct and indirect adverse impacts on the existing physical environment, with consideration of both short-term and long-term impacts. The analysis covers construction and operation of the proposed project. The City is utilizing Appendix G of the State CEQA Guidelines as thresholds of significance for this project. The significance thresholds for environmental impacts are defined at the beginning of this subsection, and the discussion of the approach to the analysis explains how significance thresholds have been applied to evaluate impacts of the proposed project.

Indirect impacts are discussed only for those resources for which they have potential to occur (e.g., cultural resources, air quality, and biological resources). Both individual-level and cumulative impacts are analyzed. Individual-level impacts could result from actions related to implementation of the proposed project as compared to the existing, baseline conditions. Cumulative impacts could result from implementation of the proposed project in combination with other cumulative projects in the relevant study area. As discussed in “Cumulative Impacts,” below, the projects listed in Table 3-1, in conjunction with the proposed project, are considered the cumulative scenario for analysis of cumulative impacts.

Impacts are analyzed and the respective assessment and findings are included in this Draft EIR, applying the following levels of significance:

- **No Impact.** A conclusion of No Impact is reached if no potential exists for impacts or if the environmental resource does not occur in the project site or the relevant study area of potential impacts.
- **Less than significant impact.** This determination applies if the impact does not exceed the defined significance criteria or would be eliminated or reduced to a less than significant level through compliance with existing local, State, and federal laws and regulations. No mitigation is required for impacts determined to be less than significant.
- **Less than significant impact with mitigation.** This determination applies if the proposed project would result in a significant impact, exceeding the established significance criteria, but feasible mitigation is available that would reduce the impact to a less than significant level.
- **Significant and unavoidable impact.** This determination applies if the proposed project would result in an adverse impact that exceeds the established significance criteria, and no feasible mitigation is available to reduce the impact to a less than significant level. Therefore, the residual impact would be significant and unavoidable.

Impacts are defined in terms of their context and intensity. Context is related to the uniqueness of a resource; intensity refers to severity of the impact. Where applicable, Best Management Practices (BMPs), project improvement measures (otherwise referred to as project design features), or both, are incorporated into the proposed project to limit potential for a significant impact. Where necessary, feasible mitigation measures are identified for significant impacts to limit the degree or lower the magnitude of the impact; rectify the impact by repairing, rehabilitating, or restoring the affected environment; or compensate for the impact by replacing or providing substitute resources or environments. These impacts conclude with a finding of *Less than significant impact with mitigation*. Where no mitigation measures are necessary, relevant impacts are concluded to be *Less than significant* or to have **No impact.**

As part of the impact analysis, mitigation measures are identified, where feasible, for impacts considered significant or potentially significant consistent with CEQA Guidelines Section 15126.4, which states that an EIR "shall describe feasible measures which could minimize significant adverse impacts." CEQA requires that mitigation measures have an essential nexus and be roughly proportional to the significant impact identified in the EIR. The project sponsor may be required to implement all identified mitigation measures identified in this Draft EIR, as reflected in an adopted Mitigation Monitoring and Reporting Program (MMRP) and the lead agency (in this case, the City of Visalia) is responsible for overseeing the project sponsor's implementation of mitigation measures, which occurs through the imposition of the MMRP as enforceable conditions of approval. Pursuant to CEQA Guidelines Section 15126.4, mitigation measures are not required for environmental impacts that are found not to be significant.

Impacts are numbered and shown in bold type. The corresponding mitigation measures, where identified, are numbered, indented, and follow the impact statements. Impacts and mitigation measures are numbered consecutively within each topic and include an abbreviated reference to the impact section (e.g., "LAND" for Land Use and Planning). The following abbreviations are used for individual topics:

- Aesthetics (AES)
- Agriculture and Forestry Resources (AG)
- Air Quality (AIR)
- Biological Resources (BIO)
- Cultural Resources and Tribal Cultural Resources (CUL)
- Energy (ENER)
- Geology and Soils (GEO)
- Greenhouse Gas Emissions (GHG)
- Hazards and Hazardous Materials (HAZ)
- Hydrology and Water Quality (HYD)
- Land Use and Planning (LAND)
- Noise (NOI)
- Public Services (PUB)
- Transportation (TRANS)
- Utilities and Service Systems (UTIL)
- Wildfire (WILD)

## Cumulative Impacts

The discussion of cumulative impacts in this subsection analyzes cumulative impacts of the proposed project, taken together with other past, present, and reasonably foreseeable future projects producing related impacts. The goal of this analysis is to determine whether overall long-term impacts of all such projects would be cumulatively significant, and to determine whether the proposed project itself would cause a "cumulatively considerable" incremental contribution to any such cumulatively significant impacts. To determine whether the overall long-term impacts of all such projects would be cumulatively significant, the analysis generally considers the following:

- The area in which impacts of the proposed project would be experienced;
- The impacts of the proposed project that are expected in the area;
- Other past, proposed, and reasonably foreseeable projects that have had or are expected to have impacts in the same area;
- The impacts or expected impacts of these other projects; and
- The overall impact that can be expected if the individual impacts from each project are allowed to accumulate.

"Cumulative impacts" refers to two or more individual impacts that, when considered together, are considerable, or that compound or increase other environmental impacts (CEQA Guidelines § 15355). Cumulative impacts can result from individually minor but collectively significant impacts taking place over time (40 Code of Federal Regulations [CFR] § 1508.7). This analysis will determine whether the potential exists for the proposed project, taken together with other past, present, and reasonably foreseeable future projects, would result in a significant or adverse cumulative impact.

The cumulative impact analysis for each individual resource topic is presented in each resource section of this chapter immediately after the description of direct project impacts and identified mitigation measures. The geographic scope for the cumulative analysis is described for each type of resource. This analysis evaluates whether the impacts of the proposed project, together with the impacts of cumulative development, could result in a cumulatively significant impact related to historical, archaeological, and tribal cultural resources. This analysis would then determine whether the proposed project's incremental contribution to any significant cumulative impact is itself significant (i.e., "cumulatively considerable"). Both conditions must apply for the project's cumulative effects to rise to the level of significance.

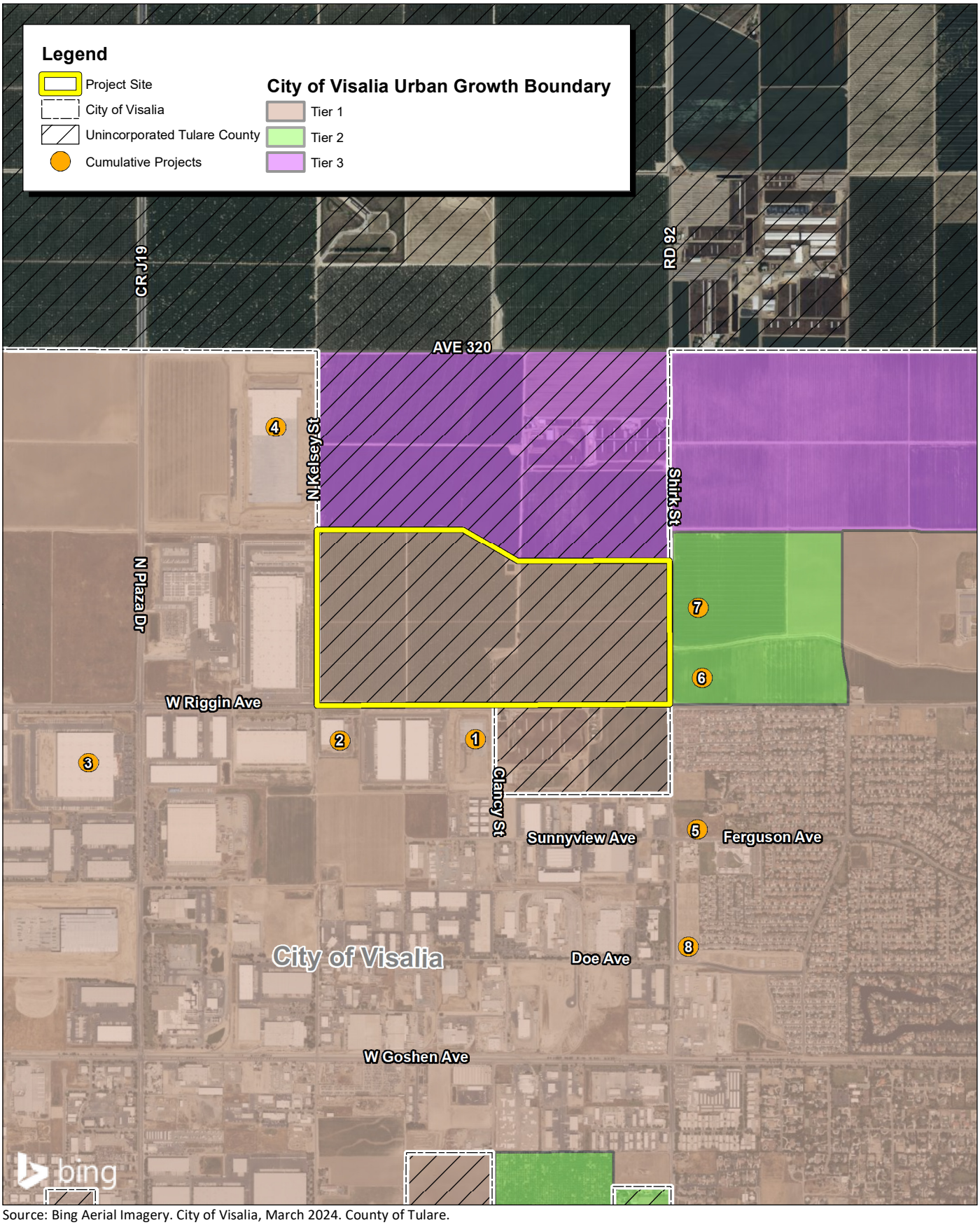
In addition to relevant past and present cumulative projects, Table 3-1 lists relevant cumulative projects considered for the environmental analysis and Exhibit 3-1, Cumulative Projects Map, shows the locations of the cumulative projects. The cumulative projects list includes past, present, and future projects. Future projects include pipeline projects that are considered reasonably foreseeable.

**Table 3-1: Cumulative Projects**

| No. | Project | Characteristics | Project Development | | | |
|---|---|---|---|---|---|---|
| | | | Units | Square Footage | Location | Status |
| **City of Visalia** | | | | | | |
| 1 | YS Industrial Park Phase 2 | Warehouse and Distribution | – | 354,000 | Southwest Corner of Riggin Avenue and Clancy Street | Under Construction |
| 2 | Sandridge Partners, LP–Visalia Industrial | Industrial Warehouse–Interior Offices | – | 100,000 | Southeast Corner of Kelsey Street and Riggin Avenue | Under Construction |
| 3 | Central Point III | Warehouse and Distribution | – | 2,680,000 | 3807 North Plaza Drive | Under Review |
| 4 | YS Industrial Park Phase I | Warehouse and Distribution | – | 1,112,000 | Southwest Corner of Kelsey Street and Avenue 320 | Under Review |
| 5 | Pheasant Ridge Unit No. 7 Phase 1 | Single-family Residential | 22 | – | Northeast Corner of Shirk Street and West Ferguson Avenue | Under Construction |
| 6 | Costco at Carleton Acres | Commercial | – | 161,000 | Northeast Corner of Shirk Street and Riggin Avenue | Under Review |
| 7 | Carleton Acres | Mix Use Development Specific Plan | 3,368 residential units | 14.7 acres of commercial development | Northeast Corner of Riggin Avenue and Shirk Street | Under Review |
| 8 | Shirk and Doe Apartment Complex | Multi-Family Residential | 200 | – | North Shirk Street and West Doe Avenue | Under Construction |

| No. | Project | Characteristics | Project Development | | | |
|---|---|---|---|---|---|---|
| | | | Units | Square Footage | Location | Status |

Sources:
City of Visalia. 2021. Site Plan Review Agenda. August 25.
City of Visalia. 2021. Site Plan Review Agenda. October 13.
City of Visalia. 2022. Site Plan Review Agenda. July 13.
City of Visalia. 2022. Site Plan Review Agenda. April 20.
City of Visalia. 2022. Site Plan Review Agenda. May 4.




Source: Bing Aerial Imagery. City of Visalia, March 2024. County of Tulare.

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# Exhibit 3-1
# Cumulative Projects Map

41150039 • 03/2024 | 3-1_Cumulative Projects Map.mxd

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# 3.1 - Aesthetics, Light, and Glare

## 3.1.1 - Introduction

This section describes the existing aesthetics, light, and glare conditions on the project site and vicinity, well as the relevant regulatory framework. This section also evaluates the potential impacts related to aesthetics, light, and glare that could result from implementation of the proposed project, as well as identifies feasible mitigation measures that would reduce any significant impacts, if and to the extent required. The descriptions and analysis in this section are based, in part, on-site reconnaissance, as well as review of relevant portions of the City of Visalia General Plan (General Plan) and City of Visalia Municipal Code (Municipal Code).

No comments were received during the Notice of Preparation (NOP) comment period related to aesthetics, light, and glare.

## 3.1.2 - Environmental Setting

### Visual Character

Visual character in the California Environmental Quality Act (CEQA) context is an impartial description of defining physical features, landscape patterns, and distinctive physical qualities within a landscape. Visual character is informed by the composition of land, vegetation, water, and structures and their relationship (or dominance) to one another, and by prominent elements of form, line, color, and texture that combine to define the composition of views. Visual character-defining resources and features within a landscape may derive from notable landforms, vegetation, land uses, building design and façade treatments, transportation facilities, overhead utility structures and lighting, historic structures or districts, or panoramic open space.

#### *City of Visalia*

The City of Visalia (City) is located on the generally flat, agricultural plain of the San Joaquin Valley, about 10 miles west of the Sierra Nevada foothills. The high mountain peaks, about 40 miles distant, create a dramatic backdrop on clear days. The City has grown concentrically around its historic core and is surrounded by productive agricultural land.

#### *Project Site*

The project site is generally flat with a gentle upward slope to the east and is currently used as an almond orchard, with associated infrastructure and an irrigation canal (Modoc Ditch) along its northern edge. The canopy of a mature valley oak overhangs the project site's northern boundary. The majority of the project site is currently covered with a cultivated orchard. There is also a pump house, retention basin, ditch, and water pump on the site. No other structures or residences are located within the project site. In addition to the orchard areas, there are non-native planted ornamental trees, including a double row of 35 olive trees with a cluster of two tall elm trees and one cedar along a private road that runs south to north along the project site.

## Scenic Resources and Views

Scenic resources typically involve prominent, unique, and identifiable natural features in the environment (e.g., trees, rock outcroppings, islands, ridgelines, channels of water, and aesthetically appealing open space) and/or cultural features or resources, such as regional or architecturally distinctive buildings or structures that serve as a focal point of interest.

Views may be generally described as panoramic views of a large geographic area for which the field of view can be wide and extend into the distance and are identified or known for high scenic quality. Associated vantage points provide an orientation from publicly accessible locations. Examples of distinctive views include urban skylines, valleys, mountain ranges, or large bodies of water.

### *City of Visalia*

Visalia is surrounded by agricultural lands and natural open space. While some edges of the City are well defined by physical features like State Route (SR) 99, the St. Johns River, and the airport, development transitions into more predominantly agricultural areas.[1] Noted visual vistas include views of the Sierra Nevada range to the east and agricultural lands beyond the edges of the City. The Sierra Nevada range, rising to an elevation of nearly 14,494 feet, is the most prominent topographical feature in the area. The Sierra Nevada range and its foothills stretch along the east area of Tulare County (County) and are a valuable aesthetic resource.

Valley oak trees, both individually and in groves, also provide an important scenic feature and link to the natural setting of the San Joaquin Valley. Some groves are protected as part of regional parkland, while others are on agricultural land or within the City itself. Visalia's regular urban grid overlays the natural forms of the Kaweah Delta. While the St. Johns River plays an important role in defining the City's edge to the northeast, smaller creeks and ditches generally have little visibility in the urbanized environment today.

### *Project Site*

The area surrounding the project site has a mixture of agricultural, industrial, and residential uses and characteristics, including agricultural lands, residential development, and industrial warehouses (Exhibits 2-5a and 2-5b). Views from the project site include agricultural lands to the north and east and industrial/urban development to the south and west. The Sierra Nevada range is visible from the project site on clear days; Sequoia National Park and waterways such as the St. Johns River are not visible from the project site.

## Light and Glare

Light is defined as nighttime illumination that stimulates sight and makes things visible; glare is defined as difficulty seeing in the presence of bright light, such as direct or reflected sunlight.

The primary sources of nighttime light in the project vicinity are from vehicle headlights traveling along Riggin Avenue, Shirk Street, and Kelsey Street, as well as other surrounding roadways. There are also intermittent streetlights along the roadways and residential development. There are also

[1] City of Visalia. 2014. General Plan Environmental Impact Report.

industrial buildings with outdoor security lighting in the project vicinity and some large reflective surfaces associated with buildings in the project vicinity that contribute to daytime glare.

The one agricultural structure on-site may include exterior nighttime lighting; however, such lighting is minimal. There are streetlights on the southern corners of the project site at the intersection of Riggin Avenue with Kelsey Street and Shirk Street; there are no streetlights at the northern corners of the project site. No other features on the project site produce light or glare.

## 3.1.3 - Regulatory Framework

### State

#### *California Scenic Highway Program*

The State Legislature created the California Scenic Highway Program, maintained by the California Department of Transportation (Caltrans), in 1963. The purpose of the State Scenic Highway Program is to preserve and protect the natural scenic beauty of California highways and adjacent corridors, from change that would diminish the aesthetic value of highway lands through special conservation treatment. The State laws governing the Scenic Highway Program are found in the Streets and Highways Code, Sections 260 through 263. A highway may be designated scenic depending upon how much of the natural landscape can be seen by travelers, the scenic quality of the landscape, and the extent to which development intrudes upon the traveler's enjoyment of the view. The State Scenic Highway System includes a list of highways that are either eligible for designation as scenic highways or have been officially designated. A scenic corridor is land generally adjacent to and visible from the highway and is identified using a motorist's line of vision.

The status of a proposed State Scenic Highway changes from eligible to officially designated when the local governing body applies to Caltrans for scenic highway approval, adopts a Corridor Protection Program, and receives notification that the highway has been officially designated a Scenic Highway. The Corridor Protection Program seeks to encourage quality development that does not degrade scenic value of corridors. Minimum requirements for scenic corridor protection include:

- Regulation of land use and density of development
- Detailed land and site planning
- Control of outdoor advertising (including a ban on billboards)
- Careful attention to and control of earthmoving and landscaping
- Careful attention to design and appearance of structures and equipment

#### *Title 24 of the California Code of Regulations Building Energy Efficiency Standards*

The California Building Code (California Code of Regulations [CCR], Title 24)—including Title 24, Part 6—includes Section 132 of the Building Energy Efficiency Standards, which regulates lighting characteristics, such as maximum power and brightness, shielding, and sensor controls to turn lighting on and off. Different lighting standards are set by classifying areas by lighting zone. The classification is based on population figures of the 2000 Census. Areas can be designated as LZ1 (dark), LZ2 (rural), or LZ3 (urban). Lighting requirements for dark and rural areas are stricter, to protect the areas from the introduction of new sources of light pollution and light trespass.

## Local

### *City of Visalia General Plan*

The General Plan establishes the following goals and policies related to aesthetics, light, and glare that are relevant to this analysis:

*Land Use Element*

**Objectives**

**LU-O-14** Create an overall urban form centered on a vital downtown and a higher-density core, surrounded by viable residential neighborhoods with walkable, mixed-use neighborhood centers.

**LU-O-15** Maintain and enhance Visalia's physical diversity, visual qualities and small-town characteristics.

**LU-O-16** Create a safe, walkable and attractive urban environment for current and future generations of residents.

**Policies**

**LU-P-37** Adopt specific development standards for scenic entryways (gateways) and roadway corridors into the City, including special setback and landscape standards, open space and park development, and/or land use designations.

*These standards will apply to the west and east entries into Visalia along Highway 198 and to the "gateway boulevards" identified in the Transportation Element: Caldwell and Riggin Avenues; Shirk Road; and Lovers Lane.*

**LU-P-38** Develop a Citywide street tree and landscape master plan that enhances the City's overall identity and lends distinct character to specific streets and districts.

**LU-P-39** Improve tree planting, landscaping and site design standards to minimize the visual impact of large parking lots and buildings, to enhance and promote natural characteristics compatible with urban form, to minimize heat gain and promote energy conservation, and to improve stormwater infiltration.

*Standards should establish tree spacing and size requirements, and shading requirements for parking lots and usable open space. Standards should be integrated with requirements for stormwater infiltration and the use of native, drought-tolerant plants.*

**LU-P-40** Where possible, through the Site Plan Review process, retain native trees as landscape elements and for shading.

**LU-P-42** Develop scenic corridor and gateway guidelines that will maintain the agricultural character of Visalia at its urban fringe.

### *City of Visalia Municipal Code*

*Chapter 12.24 Oak Tree Preservation*

Articles 1–5 describe the City restrictions related to oak trees during development planning and implementation, including (see Code for more details):

**Article 1** **Purpose and Definitions–**Valley Oak Tree (Quercus lobata) and "Landmark" trees

**Article 2** **Destruction Prohibition–Removal Permit Requirements**

- Willful destruction of oak trees prohibited
- Oak tree removal permit required
- Removal standards
- Mitigation requirements

**Article 3** **Pruning Standards and Requirements**–Pruning notice required

**Article 4** **Development Proposals; Protection of Oak Trees**–Encroachment into canopy dripline of oak trees during construction

**Article 5** **Enforcement**–Enforcement proceedings and penalties

*Chapter 17.22 Industrial Zones: 17.22.040 Required Conditions*

A. No use shall be permitted and no process, equipment or materials shall be employed which is determined by the planning commission to be injurious to persons residing or working in the vicinity or injurious to property located in the vicinity by reason of odor, fumes, dust, smoke, cinder, refuse, noise, vibration, illumination, glare or heavy truck traffic or to involve any hazard of fire or explosion or to emit electrical disturbances that adversely affect commercial or electronic equipment outside the boundaries of the site.

*Chapter 17.02 Article 1. General Provisions: 17.02.100 Addition of Permitted/Conditional Uses*

The following portions of the Municipal Code are relevant to aesthetics, light, and glare for purposes of this analysis:

A. Upon application or on its own initiative, the City Planning Commission may add to the list of permitted or conditional uses, if the commission makes the following findings:
   5. That the use will not create more odor, dust, dirt, smoke, noise, vibration, illumination, glare, unsightliness or be more objectionable than the uses permitted in the zone.

*Chapter 17.22 Industrial Zones: 17.22.010 Purposes*

A. The two types of industrial zones included in this chapter are designed to achieve the following:
   8. Protect residential and commercial properties and nuisance-free nonhazardous industrial uses from noise, odor, dust, dirt, smoke, vibration, heat, glare, fire, explosion, noxious fumes, radiation and other hazards and objectionable influence incidental to certain industrial uses;

*Chapter 17.28 Site Plan Review Permit: 17.28.010 Purpose and Intent*

The purpose of the site plan review permit is to assure that developments, new and remodeled buildings and structures, and improvements to land are reviewed to ensure substantial compliance with the general plan, municipal code, policies, and improvement standards of the City. (Ord. 2017-01 (part), 2017: prior code § 7422)

*Chapter 17.28 Site Plan Review Permit: 17.28.030 Application Procedure*

A. Information. The community development department shall make available a site plan review application form. The site plan shall be drawn to a scale that clearly indicates all dimensions and includes the following information as well as information identified in the site plan review application form:
19. Lighting, including the location and height of all exterior fixtures;

*Chapter 17.28 Site Plan Review Permit: 17.28.040 Issuance and re-submittal*

B. Within 30 working days after submission, the site plan review committee shall provide, in writing to the applicant, either to proceed with applying for necessary City permits, either with or without required revisions, or require resubmittal of the site plan review and identify required revisions. The site plan review committee shall consider each project's consistency with current City ordinances and whether it will affect the public health, safety, and general welfare. In issuing direction to proceed, the committee shall consider the following:
   3. That proposed lighting is so arranged as to deflect the light away from adjoining properties and will not cause a traffic hazard;

*Chapter 17.30 Development Standards: 17.30.015 Development Standards*

A. Site Area. The minimum parcel size varies according to the zone district in which the parcel is located. However, this title shall not preclude parcels of less than the required minimum, which exist at the time of adoption of this title, from securing site plan review permits and building permits. Parcels of less than the required minimum size may be created upon approval of an acceptable master plan by the site plan review committee.

B. Setback. The minimum building setbacks in each zone district shall be conformed to the requirements set forth in that zone district. However, the site plan review committee may grant an exception to the required standards based on the uniqueness of the property or the specific design needs of the project. The average setback and landscaping under such exception shall be equal to the required standard.

C. Landscaping. The City will review and approve all landscaping for developments approved or reviewed through the site plan review permit process in order to maintain high quality developments in Visalia. If landscaping is required as a result of request for building permit, the landscape and irrigation plans shall be submitted as a part of the building plans. The minimum landscaping areas shall conform to the requirements set forth in applicable zone district development standards and also the following standards:
   1. General

a. All areas within a required setback to contain living ground covering or nonliving ground coverings. All plants within required setbacks to be of species suited to valley conditions, using Sunset Western Garden Book Zones 8 and 9 as a guide. The use of low water-using varieties, grouped by similar water usage is strongly recommended. All landscape areas shall meet the requirements of the State Model Water Efficient Landscape Ordinance, or if applicable, the Water Efficient Landscape Ordinance of the City of Visalia.
b. Islands of a minimum area of 80 square feet shall be established at a maximum separation of 10 continuous parking stalls. The islands shall be landscaped with ground covers and with a minimum of one 15 gallon tree planted in each island. Actual numbers of trees will be based on size of project as determined by the planning division.
c. All landscaping as required within section shall be reviewed by the Planning Department as to the type, density of planting and size of plants intended for use. All landscaped areas shall be permanently maintained by the property owner.
d. All landscaped areas shall be surrounded with six-inch high concrete curbing, unless waived by the site plan review committee.
e. All landscaping on public property and parks shall conform to standards adopted by the park and recreation commission.
f. Exceptions to landscaping requirements may be granted by the historic preservation advisory board for sites located within a historic district or for sites listed on the local register.

H. Lighting. No on-site lighting shall directly or indirectly illuminate adjacent properties or the public street that provides access. The lights and standard to be used shall be approved by the site plan review committee.

*Chapter 17.34: Off-street Parking and Loading Facilities : 17.34.030 Standards for Off-street Parking Facilities*

J. If the parking area is illuminated, lighting shall be deflected away from abutting residential sites so as to cause no annoying glare.

*Chapter 17.34: Off-street Parking and Loading Facilities: 17.34.080 Standards for Off-street Loading Facilities*

B. If the loading area is illuminated, lighting shall be deflected away from abutting residential sites to prevent annoying glare.

*Chapter 17.48 Signs: 17.48.080 General Sign Standard*

1. Light Intensity. Sign lighting must not be of an intensity or brightness that will create a nuisance for residential buildings in a direct line of sight to the sign.

4. Light Sources Adjacent to Residential Areas. Illuminated signs located adjacent to any residential area shall be controlled by a rheostat or other acceptable method to reduce glare that will create a nuisance for residential buildings in a direct line of sight to the sign.

*Chapter 15.08 California Building Code: 15.08.010 Adoption of the 2019 California Building Code*

A. That certain building code, in book form known and designated as the 2019 California Building Code (CBC), Title 24, Part 2, Volumes 1 and 2, and published by The International Code Council, is adopted as the Building Code of the City, to all intents and purposes and to the same effect as if each and every section, paragraph, subparagraph, word, phrase or clause contained therein were fully set forth herein, except for those deletions, modifications, and amendments set forth below. If any section, subsection, sentence, clause, or phrase of this chapter is, for any reason, held to be unconstitutional, such decision shall not affect the validity of the remaining portions of the chapter.

The 2019 edition of the CBC is based on the 2018 International Building Code (IBC) published by the International Code Council. The code is updated triennially, and the 2019 edition of the CBC was published by the California Building Standards Commission in 2019 and took effect starting January 1, 2020. The new 2022 edition of the CBC became effective January 1, 2023.

## 3.1.4 - Methodology

Potential project impacts with respect to aesthetics, light, and glare through site reconnaissance and review of applicable plans and policies was evaluated. A site visit and survey of the project site was conducted in August 2022 to document existing site conditions and relationships to surrounding land uses with photographs. A review of aerial photographs, topographical maps, and street maps, to identify surrounding land uses, and of project plans and elevations was made in order to evaluate potential impacts. The General Plan and Municipal Code were reviewed to determine applicable policies, requirements, development standards, and design guidelines relevant to this analysis. A photometric plan was prepared as well (see Exhibit 2-12).

This analysis provides a discussion of the impacts to aesthetic resources associated with the proposed project and its potential impact upon the project site and the vicinity. Several variables affect the degree of visibility, visual contrast, and ultimately the determination as to project impacts: (1) scale and size of facilities, (2) viewer types and activities, (3) distance and viewing angle, and (4) influences of adjacent scenery or land uses. Key Observation Points are along Riggin Avenue and Shirk Street since these roads would be the key locations from which the viewers can see the project site. Viewer response and sensitivity vary depending on viewer attitudes and expectations. Viewer sensitivity is distinguished among project viewers in identified scenic corridors and from publicly accessible recreational areas and public vantage points. Recreational areas and scenic corridors are considered to have relatively high sensitivity. Drivers along Riggin Avenue and Shirk Street are considered to have relatively low sensitivity because these roadways are not scenic corridors and do not contain scenic resources, as described below. There are few sensitive receptors in the project vicinity as the area is generally developed with industrial and commercial operations or ongoing agriculture. Viewers from public parks, recreational trails, and/or culturally important sites have high visual sensitivities; therefore, such locations are considered sensitive viewpoints. Viewers in commercial, military, and industrial areas are not typically focused on the views and the areas do not promote enjoyment of views; therefore, viewers in these locations are assumed to have low sensitivity. There are no nearby parks or recreational trails in the project vicinity. The analysis of light and glare impacts in this section focuses on the nature and magnitude of changes in light and glare

conditions of the project site and surrounding area. If light and glare conditions of the proposed project and the existing environment are similar, then the visual compatibility would be high and any resulting impacts would be less than significant. If light and glare conditions of the proposed project would strongly contrast with existing light and glare or applicable General Plan policies and guidelines and/or any applicable Municipal Code requirements, then light and glare compatibility would be low and significant impacts may result. Relevant urban design policies, requirements and guidelines are used to provide conclusions regarding the significance of individual- and cumulative-level light and glare impacts.

## 3.1.5 - Thresholds of Significance

The City, as lead agency, has elected in its discretion, to utilize the criteria in CEQA Guidelines Appendix G Environmental Checklist to determine whether aesthetics, light, and glare impacts resulting from the implementation of the proposed project would be considered significant.

Specifically, except as provided in Public Resources Code Section 20199, it would be a significant impact if the proposed project would:

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

b) Substantially damage scenic resources, including, but not limited to, trees, rock outcroppings, and historic building within a State Scenic Highway?

c) In non-urbanized areas, substantially degrade the existing visual character or quality of public views of the site and its surroundings? (Public views are those that are experienced from publicly accessible vantage point). Alternatively, if the project is in an urbanized area, would the project conflict with applicable zoning and other regulations governing scenic quality?

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

## 3.1.6 - Project Impacts and Mitigation Measures

This section discusses potential impacts associated with construction and operation of the proposed project and provides feasible mitigation measures, if and to the extent required.

### Scenic Vistas

| **Impact AES-1:** | **Would the project have a substantial adverse effect on a scenic vista?** |
|---|---|

***Impact Analysis***

Scenic vistas are areas that are considered to be a viewpoint, or identified or known for high scenic quality, either naturally occurring or man-made, that would be pleasing to the general public and as a result provide a benefit to the area. The General Plan does not expressly designate any specific scenic vistas within the City. Within the Visalia area, there are views of the Sierra Nevada range to the east and views of agricultural lands beyond the edge of the City. The City also has views of

waterways, including the St. Johns River, ponds, and irrigation canals.[2] Valley oak trees, both individually and in groves, are also identified as an important scenic feature.[3] In addition, the St. Johns River is noted as a defining feature,[4] although the smaller creeks and ditches generally have little visibility in the City. Further, the City identifies SR-198, Mooney Boulevard, and Dinuba Boulevard as entry corridors to the City that provide scenic value. Within the City, these entry corridors are highly commercial, and do not have a strong streetscape character. Some corridors have been landscaped or planted with trees, providing a more scenic quality to the urban environment.

The Sierra Nevada range is approximately 18 miles east of the project site and is visible from the project site on clear days. There are also no scenic vistas of waterways, such as St. Johns River, which are visible from the project site. Also, the project site is more than 2 miles north of SR-198, more than 5 miles northwest of Mooney Boulevard, and more than 4 miles from Dinuba Boulevard. Because of the distance from these corridors, the proposed project would not have a significant impact on the views available from these entry corridors.

However, the General Plan identifies the vast agricultural lands beyond the edge of the City as one of the City's scenic resources. The project site currently consists of cultivated agricultural lands and allows views of other agricultural lands in the vicinity. These views can be seen from the northern boundary of the project site, Shirk Street, and the intersection of Riggin Avenue and Shirk Street.

*Construction-Related Impacts*

Project construction would include demolition, site preparation, and grading. However, while construction vehicles would be on-site, those vehicles would not be tall enough to obstruct the views of adjacent agricultural lands. Dust caused by construction would be kicked up intermittently but would not significantly obstruct these views; any minor obstruction as a result of dust would be temporary in nature and thus would not occur for extended periods of time. In addition, as described in Section 3.3, Air Quality, the proposed project would be required to incorporate dust control measures as stipulated by District Rule 8021, which would help to further reduce any such impacts, which would be less than significant.

*Operational-Related Impacts*

With respect to potential impacts to scenic vistas that could occur as a result of project operations, while the proposed project would remove existing agricultural land, the proposed industrial use (including the buildings and related improvements) would be consistent with the long-term land use vision for the project site as reflected in the existing Industrial and Light Industrial General Plan land use designations.[5] The proposed project would involve new buildings and related facilities that would be urban in nature. Operation of the proposed project would impact views of expansive

[2] City of Visalia. 2014. Visalia General Plan Draft Environmental Impact Report (EIR), Chapter 3.13, Visual Resources.
[3] Ibid.
[4] City of Visalia. 2024. Visalia General Plan. Open Space and Conservation Element.
[5] For example, the General Plan EIR determined that public views of panoramic vistas or significant landscape features or landforms would not be significantly altered or blocked by the buildout of the General Plan, which would include the contemplated industrial land use for the project site as envisioned by the Industrial and Light Industrial land use designations. Although some views may be obstructed in localized areas due to proposed new development, public views would not be impacted on an area-wide basis, and the General Plan determined that it, "is expected that overall, new views will compensate for any lost views."

agricultural lands on and adjacent to the project site from publicly accessible roadways. However, this type of change was envisioned by the City in the General Plan and is in keeping with the General Plan goals, objectives policies described above as well as other surrounding urbanized uses in the general vicinity.

Moreover, the proposed project would be required to incorporate new landscaping in accordance with the City's Landscape Standard Specifications, including native plants and vegetation. On-site detention basins would be planted with species including the Berkeley sedge, Canyon Prince wild rye, hummingbird sage, and California goldenrod. Trees to be used for parking area landscaping would include native species such as coast live oak. The planting of these types of landscaping species will further soften the industrial character of the project and reduce its overall visual impact.

There is a mature valley oak, adjacent to the project site's northern boundary, with a substantial portion of its canopy overlapping onto the project site. Oak tree species, specifically the valley oak tree (*Quercus lobata*), and any tree recognized by City Council resolution as a Landmark Tree are protected under the City's Oak Tree Preservation Ordinance, including against "Encroachment into canopy dripline of oak trees during construction." The proposed project does not include vertical structures, soil disturbance, or access road construction at the location of the tree, and therefore the proposed project would not result in encroachment into the canopy dripline of the tree (see Exhibit 3.4-2 for on-site limits of disturbance).

Furthermore, the proposed project is bound by Riggin Avenue to the south and Shirk Street to the east, and therefore, consistent with the General Plan, the proposed project would provide street trees, plantings, and lighting in accordance with applicable requirements and standards.

Based on the foregoing, the proposed project would have a less than significant impact on scenic vistas.

### *Mitigation Measures*

No mitigation measures are required.

### *Level of Significance*

Less than significant impact.

## Scenic Highways

| | |
|---|---|
| **Impact AES-2:** | **Would the project substantially damage scenic resources, including, but not limited to, trees, rock outcroppings, and historic building within a State Scenic Highway?** |

### *Impact Analysis*

There are no Officially Designated State Scenic Highways within the City of Visalia. The 44-mile stretch of SR-198 between SR-99 and Sequoia National Park is classified as an eligible Scenic Highway. However, the proposed project is more than 2 miles from SR-198 and is not visible to travelers along this potentially eligible scenic highway. Therefore, there would be no impact in this regard.

### *Mitigation Measures*

No mitigation measures are required.

### *Level of Significance*

No impact.

## Visual Character

**Impact AES-3: Would the project substantially degrade the existing visual character or quality of public views of the site and its surroundings (public views are those that are experienced from publicly accessible vantage point)?**

### *Impact Analysis*

Pursuant to Public Resources Code Section 21071, in relevant part, an "urbanized area" in an unincorporated area is defined as: (A) land that is either (1) completely surrounded by one or more incorporated cities (with the population of the unincorporated area and the surrounding cities equaling not less than 100,000 persons, and the population density of the unincorporated area at least equaling the population density of the surrounding cities), or (2) located within an urban growth boundary and has an existing residential population of at least 5,000 persons per square mile; and (B) the relevant Board of Supervisors has taken certain actions that reflect principles to encourage compact development.[6] While the project site is in unincorporated area partially surrounded by the City of Visalia, and is within the City's Planning Area, [7] Urban Development Boundary (UDB) Tier 1 of the City (Exhibit 2-3), and the City's Sphere of Influence (SOI), it does not have an existing residential population of at least 5,000 persons or otherwise meet the criteria to be considered as an "urbanized area." Therefore, the proposed project is not considered an urbanized area, and thus this analysis utilizes the threshold for non-urbanized areas for purposes of this impact evaluation.

The project site is located in an area that has both an agricultural and industrial character. The area surrounding the project site has agricultural, industrial, and residential characteristics, with neighboring properties to all four sides of the project site consisting of predominately agricultural lands and industrial warehouses. Public views from the project site include agricultural lands to the north and east (Exhibits 2-5a and 2-5b). The Sierra Nevada range and waterways such as the St. Johns River are not visible from the project site.

SR-198, Mooney Boulevard, and Dinuba Boulevard are noted as entry corridors to the City that provide scenic value. Within the City, these major corridors are highly commercial and do not have a strong streetscape character. Some corridors have been landscaped or planted with trees, providing a more scenic quality to the urban environment. The General Plan Circulation Element recommends six-lane arterials that could Include Caldwell Avenue and Riggin Avenue, Shirk Street, and Lovers

[6] See Public Resources Code Section 21071(b)(2)(A), (B) (". . . (A)(i) Promotes efficient transportation systems, economic growth, affordable housing, energy efficiency, and an appropriate balance of jobs and housing. (ii) Protects the environment, open space, and agricultural areas. (B) Submitted a draft finding to the Office of Planning and Research at least 30 days prior to issuing a final finding, and allowed the office 30 days to submit comments on the draft findings to the board of supervisors.")

[7] Planning Area refers to the land area addressed by the General Plan, including land within the city limits and land outside the city limits that bears a relation to the City's planning. This area is not all intended for development; the Urban Growth Boundary shows the future development area.

Lane, to be designed as "Gateway Boulevards," and recommends streetscape improvements such as double rows of trees, enhanced plantings, and lighting elements for these Gateway Boulevards.

*Construction-Related Impacts*

Construction-related activities would influence the character of the project site and associated off-site project areas, as viewed from surrounding uses by motorists, bicyclists, and pedestrians. Graded surfaces, construction debris, construction equipment, and truck traffic would be visible throughout the estimated 4 years of construction. Additionally, soil would be stockpiled and equipment for grading activities would be staged at various locations throughout the proposed project site. The duration and intensity of project construction would vary with each stage. Equipment used for construction would vary day-to-day depending on the activity, but would include scrapers/earthmovers, wheeled dozers, water trucks, forklifts, wheeled loaders, and/or motor graders. As part of the project design features discussed in Chapter 2, Project Description, all stationary construction equipment would be placed away or screened from nearby residential uses southeast of the site. This would reduce some impacts to visual character during construction. Nonetheless, the proposed project would be subject to the requirements of the Municipal Code and standard conditions of approval, and grading plans would be required to be submitted to the Planning Department concurrently with the development plans. All grading and earth work activities would be conducted in accordance with an approved construction grading plan and grading permit issued by the City Engineer.

*Operational-Related Impacts*

As is evident in Exhibit 2-7, there are existing industrial uses immediately west and southwest of the project site. The proposed industrial buildings and related improvements would be consistent with the existing visual characteristics of the adjacent industrial uses in terms of height and design.

Moreover, the proposed project would provide ample landscaping in accordance with the City's Landscape Standard Specifications. For example, outside of the building footprints, roads, parking lots, and stormwater basins, approximately 30.68 acres remain for landscaping within the project boundary. Numerous trees would be planted and maintained for parking area landscaping, including but not limited to coast live oak, autumn gold ginkgo, London plane tree, zelkova, Arizona cypress, and southern magnolia. Shrubs and groundcovers such as buffalo grass, Bermuda grass, feather reed grass, blue fescue, pink muhly grasses, and heavenly bamboo would also be planted pursuant to applicable requirements and standards. The addition of landscaping with native plants such as coast live oak would help to further ensure the visual character and quality of public views of the project site and vicinity would not be substantially degraded. Additionally, the project is sited to screen the view of the loading and parking areas from adjacent properties to ensure a cohesive aesthetic view from the ground and adjacent buildings (Exhibit 2-9).

Furthermore, as shown in the visual simulations prepared for the proposed project and included in Appendix K, the proposed project would include landscaping, such as trees and shrubs, and appropriate setbacks to screen the view of the proposed buildings and parking areas from adjacent properties and reduce impacts related to aesthetics. The visual simulation from Key Observation Point (KOP) 1, shows a viewpoint from West Riggin Avenue near the southwestern corner of the project site. From this viewpoint, the proposed buildings would only be slightly visible because they

would be screened by trees, shrubs, and other existing development. The visual simulation from KOP 2 shows a viewpoint from West Riggin Avenue near the southeastern corner of the project site. The view from this point would be changed from agricultural fields to buildings and parking areas screened by trees. Additionally, the intersection at West Riggin Avenue and Shirk Street would be improved, including crosswalks and a signalized intersection. Overall, the proposed project would be mostly obscured from public view from West Riggin Avenue due to additional landscaping, creating a cohesive aesthetic view from the ground.

Consistent with the development envisioned in the General Plan, the proposed project is in an increasingly urbanized area that is currently planned for further urbanization, as reflected in the project site's existing Industrial and Light Industrial General Plan land use designations. The Light Industrial designation is intended for light manufacturing, warehousing, storage, distribution, research and development enterprises, and secondary office (limited customer access) uses. This designation also conditionally permits uses like convenience store and drive-thru restaurants. The Industrial designation allows uses such as primary manufacturing, processing, refining, and similar activities including those with outdoor facilities. It also accommodates warehousing and distribution with supporting commercial services and office space. Proposed improvements would be required to be constructed in accordance with applicable City development standards, including, among others, those relating to height, floor area ratio (FAR), lot coverage, setbacks, undergrounding of utilities, loading/parking requirements, and landscaping.

Based on the foregoing, the proposed project would not substantially degrade the existing visual character or quality of public views of the site and its surroundings (public views are those that are experienced from publicly accessible vantage point).

### *Mitigation Measures*

No mitigation measures are required.

### *Level of Significance*

Less than significant impact.

## Light and Glare

| | |
|---|---|
| **Impact AES-4:** | **Would the project create a new source of substantial light or glare which would adversely affect day or nighttime views in the area?** |

### *Impact Analysis*

Since the project site is currently in agricultural operation, there are minimal sources of light and glare being generated. Existing sources of light and glare on the project site include minimal exterior lighting on the project site, lighting from adjacent industrial buildings that spill onto the project site, and streetlights at the intersection of Riggin Avenue with Kelsey Street and Shirk Street, as well as vehicles traveling along adjacent roadways.

*Construction*

The proposed construction activities would occur during daylight hours given the applicable restrictions for construction hours. Construction hours would be in accordance with Municipal Code Section 8.36.050(C), which prohibits construction equipment from operating between the weekday hours of 7:00 p.m. and 6:00 a.m. and between the weekend hours of 7:00 p.m. and 9:00 a.m. There would be increased truck traffic and the transport of construction materials and equipment to the project site, which would temporarily increase light and glare conditions during construction. However, any such increase in light and glare would be minimal and temporary in nature. In addition, as part of the project design features discussed in Chapter 2, Project Description, all stationary construction equipment would be placed away or screened from nearby residential uses southeast of the site. This would reduce some of the light and glare generated from stationary construction equipment. Construction would not occur at night, in the event that some nighttime lighting is needed for security purposes, security lighting would comply with Section 17.30.015.H of the Zoning Ordinance that prohibits on-site lighting from directly or indirectly illuminating adjacent properties or public right-of-way. Therefore, construction of the proposed project would not create a new source of substantial light or glare that would affect daytime or nighttime views in the area. Impacts would be less than significant.

*Operation*

Proposed improvements include approximately 3,720,149 square feet of light industrial uses, flex industrial uses, self-storage/RV parking, a convenience store, a car wash, and two drive-through restaurants, as well as driveways and parking lots and related on- and off-site improvements and infrastructure. These new uses would include sources of light and glare similar to those in the surrounding industrial areas, including street lighting, illuminated signage, building-mounted lighting, and freestanding exterior lighting. Many of these uses would be illuminated during the nighttime and early morning hours for safety and security purposes.

The proposed project would be required to comply with applicable development standards, which are designed to minimize impacts related to excessive light and glare. For example, the light fixtures used for the proposed project would be required to be consistent with applicable provisions of the General Plan and Municipal Code and would be required to meet all applicable safety standards pursuant to the CBC. For purposes of the nighttime lighting that would be necessary to provide and maintain a safe, secure, and attractive environment, the proposed project would be required to incorporate down casting light fixtures to reduce the amount of spillover, in accordance with applicable City standards. Exhibit 2-12 presents the project photometric plan; as shown, proposed lighting would be confined within developed areas of the project site and a small portion of Riggin Avenue and would not result in light trespass to adjacent properties.

Sources of daytime glare typically include direct beam sunlight and reflections from windows, architectural coatings, glass, and other reflective surfaces. The proposed buildings would be constructed primarily with non-reflective materials (such as concrete). Although the proposed industrial buildings would contain some glass elements, the glass areas are broken up by aluminum and concrete panels and would not contribute to a substantial amount of glare. This glare would be

partially obscured by landscaping, depending on the time of day and the location of the reflecting light source.

Therefore, impacts resulting from lighting and glare would be minimized through compliance with all applicable development standards and requirement, which would be confirmed during the site plan review process for each individual specific development proposal for the proposed project to ensure the proposed lighting is so arranged as to deflect the light away from adjoining properties, not cause a significant traffic hazard, or otherwise create a new source of substantial light or glare that would adversely affect day or nighttime views in the area. Therefore, impacts in this regard would be less than significant.

#### *Mitigation Measures*

No mitigation measures are required.

#### *Level of Significance*

Less than significant impact.

## 3.1.7 - Cumulative Impacts

### Visual Character and Views

For purposes of evaluating the proposed project's cumulative impacts on aesthetic resources such as scenic vistas, visual character and views, the relevant geographic scope of review is the land within the immediate vicinity surrounding the project site. This is the area within view of the proposed project and therefore, the area most likely to experience changes in visual character or impacts to views. The cumulative setting includes relevant past, present, and reasonably foreseeable future development, including existing agricultural and industrial uses located in the above-referenced geographic scope. There are several cumulative projects located near the project site, including those shown in Exhibit 3-1. Because of distance and intervening development, Cumulative Project 8 and Cumulative Project 3 are not within view of the project site; all other projects (Cumulative Projects 1, 2, 4, 5, 6, and 7) are within view of the project site.

As described above, the project site and vicinity have long been planned for urban development, and already reflect an area transitioning from agricultural to more urbanized uses, including primarily industrial uses similar to the proposed project. Moreover, cumulative development would be subject to applicable City General Plan and Municipal Code provisions, development standards and design policies and guidelines including, among others, those related to building heights, setbacks, undergrounding of utilities, landscaping, signage, and permitted and conditionally land uses as described above, which would serve to further reduce impacts to aesthetic resources. Because the past, present, and reasonably foreseeable cumulative projects would be consistent with the types of projects envisioned in the General Plan and reflect the increasingly urbanized nature of this area, and would adhere to all applicable regulations and policies, the cumulative impact of these projects is less than significant.

Furthermore, as shown in the visual simulations prepared for the proposed project (Appendix K), the proposed project would include landscaping, such as trees and shrubs, and appropriate setbacks to

screen the view of the proposed buildings and parking areas from adjacent properties and reduce impacts related to aesthetics. Overall, the proposed project would be mostly obscured from public view from West Riggen Avenue due to additional landscaping, creating a cohesive aesthetic view from the ground. Therefore, the proposed project would not have a cumulatively considerable impact related to aesthetics.

As described above, the proposed project would have no impact with respect to scenic highways. With respect to impacts to scenic vistas, views, and visual character, the proposed project would be consistent with long-planned urbanizing vision for this area, would be compatible with existing, nearby industrial projects, would incorporate high-quality building and site design features as well as ample landscaping, and would otherwise ensure there would not be significant impacts. Based on the foregoing reasons, the proposed project would not have a cumulatively considerable contribution to the already less than significant cumulative impact with respect to scenic vistas, visual character, and views.

### Light and Glare

For the purpose of evaluating the cumulative impacts on light and glare, the relevant geographic scope of review is the land within the immediate vicinity surrounding the project site. This is the area within view of the proposed project and therefore, the area most likely to experience changes in light and glare. The cumulative setting includes relevant past, present, and reasonably foreseeable future development, including existing agricultural and industrial uses located in the above-referenced geographic scope. Cumulative Projects 1, 2, 4, 6, and 7 are located adjacent to the project site, as shown in Exhibit 3-1. Existing and new buildings associated with the cumulative projects would result in an increase in light and glare impacts on surrounding uses, particularly for those areas that have not yet urbanized, which would result due to on-site improvements as well as mobile sources. However, the cumulative projects would be required to adhere to the above-described applicable development standards and design guidelines provided in the General Plan and Municipal Code intended to reduce daytime glare and nighttime lighting; moreover, the City would confirm consistency with these requirements as part of the site plan review process, as outlined in Section 17.28.040 of the Municipal Code. Therefore, there is a less than significant cumulative impact to light and glare.

As discussed above, the proposed project would increase the amount of light and glare on the project site and vicinity. For example, it would include sources of daytime glare such as direct beam sunlight and reflections from windows, architectural coatings, glass, and other reflective surfaces. Nighttime illumination would include stationary sources such as structure lighting and decorative landscaping, lighted signs, solar panels, and streetlights. Mobile nighttime sources would primarily be from headlights from motor vehicles. However, for the reasons described above, the proposed project, similar to cumulative projects, would be required to adhere to all applicable requirements and standards provided in the General Plan and Municipal Code intended to reduce daytime glare and nighttime lighting, and would not result in significant impacts with respect to light and glare. As such, the proposed project, in conjunction with other cumulative projects, would not result in a cumulatively considerable contribution to the already less than significant cumulative impact with respect to light and glare.

### *Mitigation Measures*

No mitigation measures are required.

## Level of Cumulative Significance

Less than significant impact.

# 3.2 - Agricultural Resources and Forestry Resources

## 3.2.1 - Introduction

This section describes existing agricultural resources on the project site and its surrounding area and potential environmental effects resulting from the proposed project. Descriptions and analyses in this section are based, in part, on information contained in the City of Visalia General Plan (General Plan), the Land Evaluation and Site Assessment for the project site (Appendix G), and California Department of Conservation Farmland Mapping and Monitoring Program (FMMP) maps. No public comments were received during the Environmental Impact Report (EIR) scoping period related to Agricultural Resources and Forestry Resources.

## 3.2.2 - Environmental Setting

### Project Site

#### *Farmland Classifications*

The City's Planning Area comprises approximately 66,640 acres, consisting of all of the land within the City as well as neighboring unincorporated land, including the community of Goshen.[1] According to the General Plan, farmland comprises approximately 44,374 acres, approximately 67 percent of its Planning Area. Land within the city limits contains approximately 33,991 acres of Prime Farmland, approximately 7,353 acres of Farmland of Statewide Importance, approximately 181 acres of Unique Farmland, and approximately 1,630 acres of Farmland of Local Importance.[2] Additionally, approximately 1,218 acres of the Planning Area is Other Land used for Confined Animal Agriculture.

As shown in Chapter 2, Project Description, Exhibit 2-3, the project site is located within Tier 1 of the Urban Development Boundary (UDB).

Within the State of California, there are approximately 24.5 million acres of farmland as classified by the United States Department of Agriculture (USDA).[3] According to the most recent California Farmland Conversion Report, irrigated farmland in the State of California decreased by 11,165 net acres between 2014 and 2016. The highest quality farmland, known as Prime Farmland, decreased by 18,312 net acres, coupled with a Farmland of Statewide Importance decrease of 26,557 net acres. Partially offsetting these losses was the addition of 33,704 net acres of irrigated crops on lesser quality soils, mapped as Unique Farmland. Additionally, during the 16 biennial reporting cycles since FMMP was established, nearly 1.5 million acres of agricultural land in California were converted to nonagricultural purposes.[4]

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1 City of Visalia. 2014. General Plan 2030. Introduction. October.
2 City of Visalia. 2014. General Plan 2030. Open Space and Conservation Element, Table 6-1: Farmland Classification in the Study Area. October.
3 United States Department of Agriculture (USDA) National Agricultural Statistics Service. 2017. 2017 Census Volume 1, Chapter 1: State Level Data: California, Table 1: Historical Highlights: 2017 and Earlier Census Years. Website: https://www.nass.usda.gov/Publications/AgCensus/2017/Full_Report/Volume_1,_Chapter_1_State_Level/California/st06_1_0001_0001.pdf. Accessed May 4, 2023.
4 California Department of Conservation. 2023. 2014-2026 Farmland Conversion Report. Website: https://www.conservation.ca.gov/dlrp/fmmp/Pages/2014-2016_Farmland_Conversion_Report.aspx. Accessed May 4, 2023.

As of 2016, there was a total of 858,119 acres of Important Farmland[5] in Tulare County, including 366,136 acres of Prime Farmland; 322,355 acres of Farmland of Statewide Importance; 11,691 acres of Unique Farmland; and 157,937 acres of Farmland of Local Importance. Between 2014 and 2016, there was a net loss of 1,052 acres of Important Farmland within Tulare County. A total of 11,495 acres of Important Farmland in Tulare County was converted to another use between 2014 and 2016.[6]

### *Soils*

The City's Planning Area is in a basin bounded by the Sierra Nevada foothills and mountains to the east and the Coast Ranges to the west and is filled with deep layers of sediment from the Sierra Nevada. The St. Johns River flows through the northeastern portion of the Planning Area, along with smaller streams and canals; these form alluvial fans.[7]

The Planning Area is basically flat, lying at an elevation of approximately 330 feet above sea level. Surface soils exhibit various characteristics dependent on location, slope, parent rock, climate, and drainage. The most prevalent soils in the Planning Area are Nord fine sandy loam (19,200 acres); Grangeville sandy loam, drained (15,700 acres); Tagus loam (12,500 acres); and Akers-Akers, saline-sodic, complex (8,100 acres). These are generally very deep, well-drained soils formed in alluvium derived from granitic rock sources, with slopes of 0 to 2 percent.

The project site soils consist of Akers-Akers, saline-sodic complex (0-2% slope) and Grangeville sandy loam (0-2% slope).

### *Williamson Act Contract*

In 2010, 511 parcels totaling 25,724 acres were under Williamson Act Contracts. Of these, 65 parcels totaling 2,417 acres were in nonrenewal, meaning that the contracts will not be renewed when they expire at the end of their 10-year period.

### *Timber Land and Forest Land*

Pursuant to California Public Resources Code Section 4526, timberland is defined as " . . . land, other than land owned by the federal government and land designated by the board as experimental forest land, which is available for, and capable of, growing a crop of trees of a commercial species used to produce lumber and other forest products, including Christmas trees . . . ." Timberland zoned as Timberland Production, as defined by California Government Code Section 51104(g) is an area " . . . devoted to and used for growing and harvesting timber, or for growing and harvesting timber and compatible uses . . . ." As mapped by the California Department of Fish and Wildlife (CDFW), there are no private timberlands or public lands with forests within the City's Planning Area.[8]

[5] "Important Farmland" includes Prime Farmland, Farmland of Statewide Importance, Unique Farmland, and Farmland of Local Importance.
[6] California Department of Conservation. 2014-2026 Farmland Conversion Report, Appendix A – County Conversion Tables.
[7] City of Visalia. 2014. General Plan 2030. Open Space and Conservation Element. October.
[8] California Department of Fish and Wildlife (CDFW). California Forests and Timberlands. Website: https://nrm.dfg.ca.gov/FileHandler.ashx?DocumentID=109917&inline. Accessed October 12, 2022.

### Agricultural Economy

According to the General Plan, the primary drivers of the region's economy are agriculture and food processing; manufacturing; warehousing and distribution; government; and to a smaller extent, health care and professional services.[9] Within the City's Planning Area, farmland is the most prominent land use, covering 44,374 acres. Over 90 percent of the agricultural lands are outside of the city limits, with 2,800 acres located within the City's incorporated area.[10]

### Soils

A full discussion of soil types and characteristics can be found in Section 3.7, Geology, Soils, and Seismicity.

## 3.2.3 - Existing Conditions

### Project Site

#### *Farmland Classifications*

According to the FMMP, almost all of the project site is designated as Prime Farmland except for a small, approximately 0.31-acre portion, which is designated in the Other Land category of Confined Animal Agriculture (Exhibit 3.2-1).[11]

As shown in Chapter 2, Project Description, Exhibit 2-3, the project site is located within Tier 1 and does not contain any lands identified as Tier II or Tier III. General Plan Policy LU-P-34 identifies specific requirements for properties located in Tiers II and III but specifically exempts lands located in Tier I from these requirements.

#### *Soils*

According to the Geotechnical Evaluation, the project site is underlain by silty sand, sandy silt, and alluvium/alluvial fan deposits at depths below 2 feet.[12] A full discussion of soil types and characteristics can be found in Section 3.7, Geology, Soils, and Seismicity.

#### *Williamson Act Contract*

According to the FMMP, the project site is subject to a Williamson Act Contract. The site owner filed a cancellation petition with Tulare County. A partial Nonrenewal of the Williamson Act Contract was (WAC No. 2880) approved by the Tulare County Board of Supervisors on May 3, 2022, as Resolution No., 2022-0677. Cancellation of the Williamson Act Contract was approved by the Board of Supervisors per Resolution No. 2022-1005 on November 29, 2022 (see Tulare County Board of Supervisors Resolution No. 2022-1005, attached as Appendix G2). Accordingly, the final cancellation of the Williamson Act Contract will be executed and recorded upon payment of cancellation fees and satisfaction of the other identified conditions.

[9] City of Visalia. 2014. General Plan 2030. Land Use Element. October.
[10] City of Visalia. 2014. General Plan 2030. Open Space and Conservation Element, Table 6-1: Farmland Classification in the Study Area. October.
[11] City of Visalia. 2014. General Plan 2030. Open Space and Conservation Element. October.
[12] Ninyo & Moore. 2022. Preliminary Geotechnical Evaluation Shirk & Riggin Industrial Park. August 2.

### *Timber Land and Forest Land*

Most of the project site is occupied by row crops and is used as almond orchard. The project site does not contain any forest land or timberland as defined by Public Resource Code Section 4526, nor does it contain any timberland zoned Timberland Production as defined by Government Code Section 51104(g).

## 3.2.4 - Regulatory Framework

### Federal

#### *United States Department of Agriculture, Natural Resources Conservation Service*

The United States Department of Agriculture's (USDA) Natural Resources Conservation Service (NRCS) maps soils and farmland uses to provide comprehensive information necessary for understanding, managing, conserving, and sustaining the nation's limited soil resources. In addition to many other natural resource conservation programs, the NRCS manages the Farmland Protection Program, which provides funds to help purchase development rights to keep productive farmland in agricultural uses. Working through existing programs, USDA joins with state, tribal, or local governments to acquire conservation easements or other interests from landowners. The NRCS also classifies soils according to their suitability for agricultural use. The categories of the NRCS Soil Capability Classification System are as follows:

**Class I** Soils have few limitations that restrict their use.

**Class II** Soils have moderate limitations that reduce the choice of plants or that require moderate conservation practices**.**

**Class III** Soils have severe limitations that reduce the choice of plants or that require special conservation practices, or both.

**Class IV** Soils have very severe limitations that reduce the choice of plants or that require very careful management, or both.

**Class V** Soils are not likely to erode but have other limitations, impractical to remove, that limit their use.

**Class VI** Soils have severe limitations that make them generally unsuitable for cultivation.

**Class VII** Soils have very severe limitations that make them unsuitable for cultivation.

### *Federal Farmland Protection Policy Act*

The NRCS oversees the Farmland Protection Policy Act (FPPA) (7 United States Code [USC] § 4201 *et seq*.; see also 7 Code of Federal Regulations [CFR] 658). The FPPA (a subtitle of the 1981 Farm Bill) is national legislation designed to protect farmland. The FPPA states its purpose is to "minimize the extent to which federal programs contribute to the unnecessary conversion of farmland to nonagricultural uses." The FPPA applies to projects and programs that are sponsored or financed in whole or in part by the federal government. The FPPA does not apply to private construction projects subject to federal permitting and licensing, projects planned and completed without assistance from a federal agency, federal projects related to national defense during a national emergency, or projects proposed on land already committed to urban development. The FPPA spells out requirements to ensure federal programs to the extent practical are compatible with state, local, and private programs and policies to protect farmland and calls for the use of the Land Evaluation and Site Assessment (LESA) system to aid in analysis. Because the City of Visalia may ultimately seek some federal funding for transportation or other capital improvements, the FPPA is considered in this document.

## State

### *Farmland Classifications*

The California Department of Conservation FMMP classifies cultivated agricultural land into four categories, listed below:

- **Prime Farmland:** Land with the best combination of physical and chemical features able to sustain the long-term production of agricultural crops. These lands have the soil quality, growing season, and moisture supply needed to produce sustained high yields. Land must have been used for irrigated agricultural production at some time during the 4 years prior to the mapping date.
- **Farmland of Statewide Importance:** Land similar to Prime Farmland but with minor shortcomings, such as greater slopes or less ability to hold and store moisture. Land must have been used for irrigated agricultural production at some time during the 4 years prior to the mapping date.
- **Unique Farmland:** Land of lesser quality soils used for the production of the State's leading agricultural crops. This land is usually irrigated but may include non-irrigated orchards or vineyards, as found in some climactic zones in California. Land must have been used for irrigated agricultural production at some time during the 4 years prior to the mapping date.
- **Farmland of Local Importance:** Land of importance in the local agricultural economy, as determined by each County's Board of Supervisors and a local advisory committee.
- **Other Land:** Land not included in any other mapping category. Common examples include low density rural developments; brush, timber, wetland, and riparian areas not suitable for livestock grazing; confined livestock, poultry or aquaculture facilities; strip mines, borrow pits; and water bodies smaller than 40 acres. Vacant and nonagricultural land surrounded on all sides by urban development and greater than 40 acres is mapped as Other Land.

## Williamson Act Contract

Williamson Act Contracts are formed between a county or city and a landowner to restrict specific parcels of land to agricultural or related open space use in exchange for reduced property tax assessments. Private lands within locally designated agricultural preserve areas are also eligible for enrollment under a contract. The minimum term for contracts is 10 years; however, since the contract term automatically renews annually, the actual term may continue indefinitely. Williamson Act Contracts are described in more detail in Section 3.2.4, Regulatory Framework.

### *California Department of Conservation Classification*

The California Department of Conservation, Division of Land Resource Protection developed the FMMP in 1984 to analyze impacts to California's agricultural resources. In the FMMP, land ratings are based on a land capability classification system, and land use.

### *California Land Conservation Act (Williamson Act)*

The California Land Conservation Act of 1965 (Williamson Act) enables local governments to enter contracts with private landowners to restrict specific parcels of land to maintain agricultural or related open space use. As an incentive, landowners receive lower property tax assessments based on agricultural or open space land uses, as opposed to real estate value of the land for urban uses.

### *California Farmland Conservancy Program*

The California Farmland Conservancy Program (Public Resources Code [PRC] § 10200 *et seq*.) supports the voluntary granting of agricultural conservation easements from landowners to qualified nonprofit organizations, such as land trusts, as well as local governments. Conservation easements are voluntarily established restrictions that are permanently attached to property deeds, with the general purpose of retaining land in its natural, open space, agricultural, or other condition while preventing uses that are deemed inconsistent with the specific conservation purposes expressed in the easements. Agricultural conservation easements define conservation purposes that are tied to keeping land available for continued use as farmland. Such farmlands remain in private ownership and the landowner retains all farmland use authority, but the farmland is restricted in its ability to be subdivided or used for nonagricultural purposes, such as urban uses.

### *Cortese-Knox-Hertzberg Local Government Reorganization Act of 2000*

The purpose of the Cortese-Knox-Hertzberg Local Government Reorganization Act of 2000 (Local Agency Formation Commission [LAFCo] Law) is to encourage orderly growth and development which are essential to the social, fiscal, and economic well-being of the State. In enacting LAFCo Law, the Legislature recognized that the logical formation and determination of local agency boundaries is an important factor in promoting orderly development and in balancing that development with sometimes competing state interests of discouraging urban sprawl, preserving open space and prime agricultural lands, and efficiently extending government services (Government Code § 56001). These boundary decisions are made by LAFCo that are situated in each county throughout California (each, an LAFCo).

Among other things, an LAFCo has the power to review and approve, conditionally approve, modify, or disapprove proposals for changes of organization or reorganization, consistent with adopted

written policies, procedures, and guidelines (Government Code § 56375(a)(1)). Factors to be considered include, among others, the present and planned land uses including agricultural and open space lands, the present and probable need for public facilities and services, the present capacity of public facilities and adequacy of public services, the existence of any social or economic communities of interest in the area, and the present and probable need for public facilities and services of any disadvantaged unincorporated communities within the existing sphere (See Government Code § 56668).

Pursuant to Government Code Section 56377, in reviewing and approving or disapproving proposals that could reasonably be expected to induce, facilitate, or lead to the conversion of existing open space lands to uses other than open space uses, LAFCo shall consider all of the following policies and priorities:

a) Development or use of land for other than open space uses shall be guided away from existing prime agricultural lands in open space use toward areas containing nonprime agricultural lands, unless that action would not promote the planned, orderly, efficient development of an area.

b) Development of existing vacant or nonprime agricultural lands for urban uses within the existing jurisdiction of a local agency or within the sphere of influence of a local agency should be encouraged before any proposal is approved which would allow for or lead to the development of existing open space lands for non-open space uses which are outside of the existing jurisdiction of the local agency or outside of the existing sphere of influence of the local agency."

Under LAFCo law, "prime agricultural land" means an area of land, whether a single parcel or contiguous parcels that has not been developed for a use other than an agricultural use and that meets any of the following qualifications:

a) Land that qualifies, if irrigated, for rating as class I or class II in the United States Department of Agriculture (USDA) Natural Resources Conservation Service land use capability classification, whether or not land is actually irrigated, provided that irrigation is feasible.

b) Land that qualifies for rating 80 through 100 Storie Index Rating.

c) Land that supports livestock used for the production of food and fiber and that has an annual carrying capacity equivalent to at least one animal unit per acre as defined by the United States Department of Agriculture in the National Range and Pasture Handbook, Revision 1, December 2003.

d) Land planted with fruit or nut-bearing trees, vines, bushes, or crops that have a nonbearing period of less than 5 years and that will return during the commercial bearing period on an annual basis from the production of unprocessed agricultural plant production not less than four hundred dollars ($400) per acre.

e) Land that has returned from the production of unprocessed agricultural plant products an annual gross value of not less than four hundred dollars ($400) per acre for 3 of the previous 5 calendar years.

## Local

### *Tulare County General Plan Environmental Resource Element*

The Tulare County General Plan Environmental Resource Element includes measures to preserve agriculture, as well as an agricultural resources section. The purpose of the agricultural resources section is to evaluate the County's farmland preservation programs and Williamson Act policies in order to preserve agricultural resources, as they are a vital component of the County's economy. The policies included in the agriculture section of the General Plan aim to achieve the following:

- Promote the long-term preservation of productive and potentially productive agricultural lands and to accommodate agricultural-support services and agriculturally related activities that support the viability of agriculture and further the County's economic development goals.
- Support increased viability of agriculture production and promote high-value, employment-intensive, and diverse agricultural production and processing in Tulare County; and
- Support the reasonable development and economic viability of animal confinement facilities.[13]

### *Tulare County Code Agricultural Land Policies*

Chapter 29 of the Tulare County Code contains the County's Agricultural Land Policies. As the value of agricultural land and production is an important asset to Tulare County, it is the County's responsibility to prevent the loss of agricultural resources. Article 3 of this code clearly defines the "Right to Farm" and its purposes: Where nonagricultural land uses, especially residential development, extend into agricultural areas, or locate in the vicinity of agricultural land, agricultural operations may be the subject of nuisance complaints.[14]

### *City of Visalia General Plan*

*Chapter 2: Land Use Element*

**LU-P-19** Ensure that growth occurs in a compact and concentric fashion by implementing the General Plan's phased growth strategy. The General Plan Land Use Diagram establishes three growth rings to accommodate estimated City population for the years 2020 and 2030. The Urban Development Boundary I (UDB I) shares its boundaries with the 2012 city limits. The Urban Development Boundary II (UDB II) defines the urbanizable area within which a full range of urban services will need to be extended in the first phase of anticipated growth with a target buildout population of 178,000. The Urban Growth Boundary (UGB) defines full buildout of the General Plan with a target buildout population of 210,000. Each growth ring enables the City to expand in all four quadrants, reinforcing a concentric growth pattern.

[13] Tulare County. 2012. 2030 Update Tulare County General Plan. August.
[14] Tulare County. 2022. Tulare County Code. January 11.

**LU-P-20** Allow annexation and development of residential, commercial, and industrial land to occur within the "Tier I" Urban Development Boundary (UDB) at any time, consistent with the City's Land Use Diagram.

**LU-O-12** Provide for an orderly and efficient transition from rural to urban land uses.

**LU-P-32** Continue to maintain a 20-acre minimum for parcel map proposals in areas designated for Agriculture to encourage viable agricultural operations in the Planning Area.

**LU-P-34** Work with Tulare County and other state and regional agencies, neighboring cities, and private land trust entities to prevent urban development of agricultural land outside of the current growth boundaries and to promote the use of agricultural preserves, where they will promote orderly development and preservation of farming operations within Tulare County. Conduct additional investigation of the efficacy of agricultural conservation easements by engaging local, regional, and state agencies and stakeholders in order to further analyze their ongoing efforts and programs that attempt to mitigate impacts from the conversion of agricultural lands through the use of agricultural conservation easements. Support regional efforts to prevent urban development of agricultural lands, specifically at the county level. Tulare County's General Plan 2030 Update Policy contains two policies (AG-1.6 Conservation Easements and AG-1.18 Farmland Trust and Funding Sources) that discuss establishing and implementing an Agricultural Conservation Easement Program (ACEP). The City supports the implementation of these measures by the County, in which the City may then participate. Such a regional program could include a fee to assist and support agricultural uses, and would be most feasibly and strategically developed on a countywide or other regional basis.

In addition to supporting regional efforts to prevent urban development of agricultural lands, the City shall create and adopt a mitigation program to address conversion of Prime Farmland and Farmland of Statewide Importance in Tiers II and III. This mitigation program shall require a 1:1 ratio of agricultural land preserved to agricultural land converted and require agricultural land preserved to be equivalent to agricultural land converted. The mitigation program shall also require that the agricultural land preserved demonstrate adequate water supply and agricultural zoning, and shall be located outside the City UDB, and within the southern San Joaquin Valley. The mitigation program shall, to the extent feasible and practicable, be integrated with the agricultural easement programs adopted by the County and nearby cities. The City's mitigation program shall allow mitigation to be provided by purchase of conservation easement or payment of fee, but shall indicate a preference for purchase of easements. The mitigation program shall require easements to be held by a qualifying entity, such as a local land trust, and require the submission of annual monitoring reports to the City. The mitigation program shall specifically allow exemptions for conversion of agricultural lands in Tier I, or

conversion of agricultural lands for agricultural processing uses, agricultural buffers, public facilities, and roadways.

**LU-P-35** Adopt the County's Right to Farm ordinance to support continued agricultural operations at appropriate locations within the city limits, with no new provisions. This ordinance should not limit urban development contemplated by the General Plan.

Pursuant to LU-P-34, the City, together with a consultant, began working in September 2022 on the development of an Agriculture Preservation Ordinance (APO) in order to implement the contemplated Agricultural Mitigation Program. This effort was preceded in late 2020/early 2021 by the development of a Feasibility Study that identifies an APO's impact on the cost of development, potential benefits and challenges, and how the changes in state law would impact APO. After public hearings and community input, the City Council passed and adopted the APO on May 15, 2023.[15]

## 3.2.5 - Impacts and Mitigation Measures

### Significance Criteria

The City, as the lead agency, has elected in its discretion to utilize the criteria in the California Environmental Quality Act (CEQA) Guidelines Appendix G, to determine whether impacts to agriculture and forestry resources are significant environmental effects. Would the proposed project:

a) Convert Prime Farmland, Unique Farmland, or Farmland of Statewide Importance (Farmland) as shown on the maps prepared pursuant to the Farmland Mapping and Monitoring Program of the California Resources Agency, to nonagricultural use?

b) Conflict with existing zoning for agricultural use, or a Williamson Act Contract?

c) Conflict with existing zoning for, or cause rezoning of, forest land (as defined in PRC § 12220(g)), timberland (as defined by PRC § 4526), or timberland zoned Timberland Production (as defined by Government Code § 51104(g))?

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

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

### Approach to Analysis

Potential impacts on agricultural resources are based on a review of FMMP and Williamson Act land use maps, site plans, and applicable local and State plans and policies.

[15] City of Visalia. Agriculture Preservation Ordinance. Website: https://www.visalia.city/depts/community_development/planning/agricultural_preservation_ordinance.asp. Accessed March 23, 2024.

## Impact Evaluation

### *Convert Farmland to Nonagricultural Use*

**Impact AG-1: Would the project convert Prime Farmland, Unique Farmland, or Farmland of Statewide Importance (Farmland) as shown on the maps prepared pursuant to the Farmland Mapping and Monitoring Program of the California Resources Agency, to nonagricultural use?**

The project site contains approximately 284 acres of Prime Farmland pursuant to the current FMMP mapping (Exhibit 3.2-1).[16] The project site is in current agricultural cultivation that would cease with the development of the proposed project.

The proposed project is consistent with the land use designation and intensity of development established by the General Plan; thus, conversion to industrial use was envisioned as part of buildout under the General Plan and was evaluated and disclosed in the General Plan EIR. According to the General Plan EIR, buildout of the General Plan would result in the conversion of 14,265 acres (or 33 percent) of the existing Important Farmland within the Planning Area to urban uses, which may include park and open space designations. Of this land, 12,490 acres is classified as Prime Farmland, representing 37 percent of the existing Prime Farmland within the Planning Area. The General Plan EIR determined that, aside from preventing development altogether, conversion of farmland could not be directly mitigated to a less than significant level.

General Plan policies identified in Impact 3.5-1 of the General Plan EIR assist in reducing the severity of impacts related to the loss of Prime Farmland while still supporting the General Plan's goals of accommodating a certain amount of growth within the Planning Area. In particular, LU-P-34 requires the City to create and adopt a mitigation program to address the conversion of Prime Farmland and Farmland of Statewide Importance in Tiers II and III of the UDB. This mitigation program for Tiers II and III requires a 1:1 ratio of agricultural land preserved to agricultural land converted and also requires agricultural land to be preserved equivalent to agricultural land converted. As noted above, the City is in the process of adopting an Agricultural Preservation Ordinance pursuant to Policy LU-P-34 but has not done so as of the writing of this Draft EIR. Moreover, as noted above, Policy LU-P-34 explicitly exempts conversions of agricultural lands located in UDB Tier I, such as the project site, from the mitigation program. Therefore, the mitigation program required in LU-P-34 is not applicable to the proposed project. Although implementation of policies in the General Plan would reduce some agricultural impacts for General Plan buildout, over 14,000 acres of the existing Important Farmland would be lost. Therefore, the General Plan EIR determined that conversion of farmland from General Plan buildout would be significant and unavoidable.

Although previously addressed in the certified General Plan EIR, for purposes of a comprehensive and conservative analysis, this Draft EIR acknowledges that the proposed project would result in the loss of Prime Farmland as a result of the construction of the proposed urban uses. Furthermore, despite the fact this conversion was already evaluated and disclosed as part of the General Plan EIR, this Draft EIR conservatively concludes that the proposed project would result in significant and

[16] California Department of Conservation. 2016. California Important Farmland Finder (FMMP). Website: https://maps.conservation.ca.gov/DLRP/CIFF/: Accessed September 16, 2022.

unavoidable impacts related to the conversion of Farmland. Because, however, Policy LU-P-34 does not apply to Tier 1 lands and further because there is no adopted Agricultural Preservation Ordinance, there is no feasible method to mitigate the loss of this Important Farmland. However, as noted above, the project site has long been identified for conversion to urban uses. This reflects the City's overall land use strategy that ensure the areas identified for growth are contiguous to existing development and to each other, and policies clearly require sequencing of growth so that minimal fragmentation of agricultural land will occur. The General Plan's three-tier growth management system reinforces Visalia's compact form, minimizing the interface between farming and urban uses. The General Plan establishes greenbelt buffers along the urban edge in some places, while providing requirements for buffering and screening of private development elsewhere. Furthermore, the City's urbanized land use vision for the project site vicinity is evident in that the adjacent surrounding uses consist of industrial uses such as an Amazon distribution center and United Parcel Service (UPS) distribution hub. However, as discussed above, impacts would be significant and unavoidable.

### *Level of Significance Before Mitigation*

Potentially significant impact.

### *Mitigation Measures*

No feasible mitigation measures available.

### *Level of Significance After Mitigation*

Significant and unavoidable impact.

### *Conflict with Existing Zoning or Williamson Act Contract*

| **Impact AG-2:** | **Would the project conflict with existing zoning for agricultural use, or a Williamson Act Contract?** |
|---|---|

*Agricultural Zoning*

The project site is zoned AE-40 under the County's Zoning Ordinance (Chapter 2, Project Description, Exhibit 2-6).[17] The AE-40 Zone is intended for agricultural uses. However, the applicant is requesting pre-zoning to Industrial and Light Industrial, which would take effect upon annexation into the City. This zoning district would be consistent with the existing Industrial and Light Industrial General Plan designations under the General Plan that currently apply to the project site. Because the pre-zoning allows for industrial and light industrial use, the change in zoning from AE-40 under the County's Zoning Ordinance to the City's Industrial and Light Industrial zones would ensure there is no conflict with existing zoning. Impacts would be less than significant.

*Williamson Act Contracts*

All three parcels comprising the project site are subject to a Williamson Act Contract.[18] Pursuant to the applicable provisions of the California Government Code, the landowner initiated a Notice of

[17] Tulare County Public Parcel Zoning Lookup. Website: https://tularecounty.maps.arcgis.com/apps/webappviewer/index.html?id=e7d7da648dab43e1a9eb0233889b7c32. Accessed August 17, 2022.

[18] See Chapter 2 Project Description for clarification regarding the project site area and the area subject to the Williamson Act contract.

Nonrenewal in July 2021 for the contract, beginning a 9-year process to formally expire the contract. Based on the date of the Notice of Nonrenewal, the contract would have expired in December 2030. However, in order for the project to be developed, State law provides a detailed procedure to cancel a Williamson Act Contract. The landowner filed a cancellation petition with Tulare County in November 2022, which was approved by the Board of Supervisors pursuant to Section 51282(a). The lead agency notes that a Williamson Act Contract cancellation is an option under the limited circumstances and conditions set forth in Government Code Section 51280, *et seq.* In such cases, landowners may petition a board/council for Williamson Act Contract cancellation. The board/council may grant tentative cancellation only if it makes the required statutory findings.

To determine that the cancellation is valid, the board/council must find the following:

1. The cancellation is for land on which a Notice of Non-Renewal has been filed.
2. Cancellation is not likely to result in the removal of adjacent lands from agricultural use.
3. Cancellation is for an alternate use that is consistent with the adopted General Plan.
4. Cancellation will not result in discontinuous patterns of urban development.
5. That there is no proximate non-contracted land which is both available and suitable for the use to which it is proposed the contracted land be put or that development of the contracted land would provide more contiguous patterns of urban development than development of proximate non-contracted land.

Because the Board of Supervisors determined these findings can be, and were, made and thus approved the cancellation on November 29, 2022 (see Appendix G2), contingent upon payment of cancellation fees and satisfaction of the other identified conditions, there would be no conflict with the existing agricultural zoning or adjacent Williamson Act contracted land. Impacts would be less than significant.

### *Mitigation Measures*

No mitigation measures are required.

### *Level of Significance*

Less than significant impact.

### *Conflict with Existing Forest Land Zoning*

| | |
|---|---|
| **Impact AG-3:** | **Would the project conflict with existing zoning for, or cause rezoning of, forest land (as defined in Public Resources Code Section 12220(g)), timberland (as defined by Public Resources Code Section 4526), or timberland zoned Timberland Production (as defined by Government Code Section 51104(g))?** |

The project site does not contain any forest land or timberland, as defined by Public Resource Code Section 4526, nor does it contain any timberland zoned Timberland Production, as defined by Government Code Section 51104(g). Additionally, according to the CDFW, there are no private timberlands or public lands with forests within the project site.[19] This condition precludes the

[19] California Department of Fish and Wildlife (CDFW). California Forests and Timberlands. Website: https://nrm.dfg.ca.gov/FileHandler.ashx?DocumentID=109917&inline. Accessed October 12, 2022.

possibility of the proposed project conflicting with forest zoning of forest land or timberland. No impact would occur.

### *Mitigation Measures*

No mitigation measures are required.

### *Level of Significance*

No impact.

### *Conversion of Forest Land to Non-Forest Use*

| | |
|---|---|
| **Impact AG-4:** | **Would the project result in the loss of forest land or conversion of forest land to non-forest use?** |

As explained more fully above, the project site is adjacent to urbanized, industrial land uses (with these surrounding uses also not containing any forest land) and does not contain any forest land. This condition precludes the possibility of the proposed project converting forest land to non-forest use. Therefore, no impacts would occur.

### *Mitigation Measures*

No mitigation measures are required.

### *Level of Significance*

No impact.

### *Other Changes to Convert Farmland to Nonagricultural Use or Forest Land to Non-forest Use*

| | |
|---|---|
| **Impact AG-5:** | **Would the project involve other changes in the existing environment which, due to their location or nature, could result in conversion of Farmland, to nonagricultural use or conversion of forest land to non-forest use?** |

Tulare County classifies the areas north, east, and south of the project site (outside City limits) as within the AG-20 and AG-40, Exclusive Agricultural zone districts.[20] The land to the west and some of the land to the south of the project site is within the City's Sphere of Influence (SOI) and is designated Industrial and Light Industrial by the General Plan.

Chief causes for the loss of Farmland include development of low-density rural residences and ecological restoration projects, such as wetlands and wildlife habitat. The proposed project does not fall in either of these categories. It would be speculative to determine that the project would promote growth and result in the conversion of adjacent lands to non-agricultural uses.

Additionally, these lands would need to be annexed into the City of Visalia and would require the completion of CEQA analysis prior to the discretionary approval of any development. However, the proposed project does not include the annexation of these lands and, therefore, would not result in

[20] Tulare County Public Parcel Zoning Lookup. Website: https://tularecounty.maps.arcgis.com/apps/webappviewer/index.html?id=e7d7da648dab43e1a9eb0233889b7c32. Accessed August 17, 2022.

a change in the existing environment that could result in conversion of Farmland to nonagricultural use. Though there is a possibility this land would be converted to nonagricultural uses in the future, the proposed project would not be the cause of that conversion.

With respect to the conversion of forest land, as explained more fully above, the project site is adjacent to urbanized, industrial land uses; these adjacent lands do not contain any forest land. As explained above, neither the project site nor the Planning Area contains timberlands or forestlands.[21] This condition precludes the possibility of the proposed project converting forest land to non-forest use.

### *Mitigation Measures*

No mitigation measures are required.

### *Level of Significance*

Less than significant impact.

## 3.2.6 - Cumulative Impacts

Given the nature of agricultural resources, the geographic scope of this cumulative analysis includes past, present and reasonably foreseeable future projects on lands within the City's Planning Area. As shown in Exhibit 3-1, the relevant Cumulative Projects 1, 2, 3, 4, and 6 are industrial uses; the relevant Cumulative Projects 5 and 8 are residential projects; and the relevant Cumulative Project 7 is a Mixed-Use Development Specific Plan. The General Plan EIR addressed this issue at length in considering the impacts associated with its planned growth, including that being pursued by these relevant other projects, and already disclosed impacts to agricultural resources due to conversion as a significant and unavoidable impact.

The General Plan identifies the need for the conversion of agricultural land to urban development. The City has set aside three-tiered areas planned for development that contain land designated as Prime Farmland and Farmland of Statewide Importance. The proposed project is within Tier 1, which has been deemed as land to be converted from agricultural land to urban development. Much of the Tier I area that is identified for development of various Cumulative Developments consists of Important Farmland that would be converted to nonagricultural uses with implementation of same, consistent with development already envisioned by the General Plan Land Use Element.[22] Development within Tier II and III of the UDB that would convert Prime Farmland is subject to the 1:1 ratio of agricultural land preservation elsewhere outside of the City's UDB. Cumulative Projects 1–5 and Cumulative Project 8 are in Tier I of the UDB, and Cumulative Projects 6 and 7 are in Tier II. According to the General Plan, all of the foregoing development is planned growth occurring within areas designated or otherwise planned for industrial and residential development. The certified General Plan EIR specifies that, while the growth of the City will incur unavoidable losses of farmland, the severity of the losses can be minimized to the extent feasible through adherence to the compact, concentric development plan outlined in the General Plan and long contemplated for

[21] United States Department of Agriculture (USDA). Forest Service, National Forest Type Groups. No date. Website: https://data.fs.usda.gov/geodata/rastergateway/forest_type/index.php. Accessed October 7, 2022.
[22] City of Visalia. 2014. General Plan 2030. Land Use Element. October.

development by both the City and County.[23] Development in this fashion will help to maintain the maximum amount of contiguous Important Farmland, avoiding "patchwork" easements and dispersed development in a manner that cannot be guaranteed through the requirement of purchasing agricultural easements.[24]

All cumulative development would be required to comply with the applicable provisions of the General Plan, implement application mitigation required by the General Plan EIR, and adhere to other applicable laws and regulations addressing loss of agricultural resources (i.e., Agricultural Preservation Ordinance when adopted and Right to Farm provisions when adopted). However, even with adherence to the foregoing and General Plan's overall land use vision and strategy, development of the Cumulative Projects would result in a cumulatively significant and unavoidable impact.

The development of the proposed project would further contribute to this already significant cumulative impact, due to the loss of approximately 284 acres of Prime Farmland, which has been identified as an individual significant and unavoidable impact due to lack of feasible mitigation. Moreover, the proposed project's contribution to this significant cumulative effect to agricultural resources would be considered cumulatively considerable.

Impacts associated with the Williamson Act Contract were less than significant; however, the proposed project would result in the loss of Williamson Act lands, which is cumulatively considerable. The proposed project's contribution to this significant cumulative effect to Williamson Act lands would be considered cumulatively considerable.

### Forestry Resources

Similar to the relevant geographic scope for agricultural resources described above, the geographic scope of this cumulative analysis with respect to forestry resources is lands within the City of Visalia Planning Area. As mapped by the USDA Forest Service, there are no National Forest lands within the City or the City's Planning Area.[25] The project site and the other sites upon which the Cumulative Developments would be developed do not contain forest land or timberland, as defined by Public Resource Code Section 4526, nor do they contain any timberland zoned Timberland Production, as defined by Government Code Section 51104(g). Therefore, the Cumulative Projects would not conflict with forest zoning or converting forest land to non-forest use, and thus there would be no significant cumulative impact in this regard. Furthermore, because there is no forest land or timberland on the project site, there are no cumulative impacts to forestry resources.

Likewise, the proposed project, in conjunction with the cumulative projects, would not conflict with forest zoning or converting forest land to non-forest use since there is no forest land or timberland on the project site. Therefore, the proposed project's contribution to this less than significant impact would not be cumulatively considerable, and the proposed project would not have a cumulatively

[23] City of Visalia. 2014. General Plan EIR 2030. Agricultural Resources. October.
[24] Ibid.
[25] United States Department of Agriculture (USDA). Forest Service, National Forest Type Groups. No date. Website: https://data.fs.usda.gov/geodata/rastergateway/forest_type/index.php. Accessed October 7, 2022.

considerable contribution to the already less than significant cumulative impact to forestry resources.

### *Level of Cumulative Significance Before Mitigation*

Potentially significant impact.

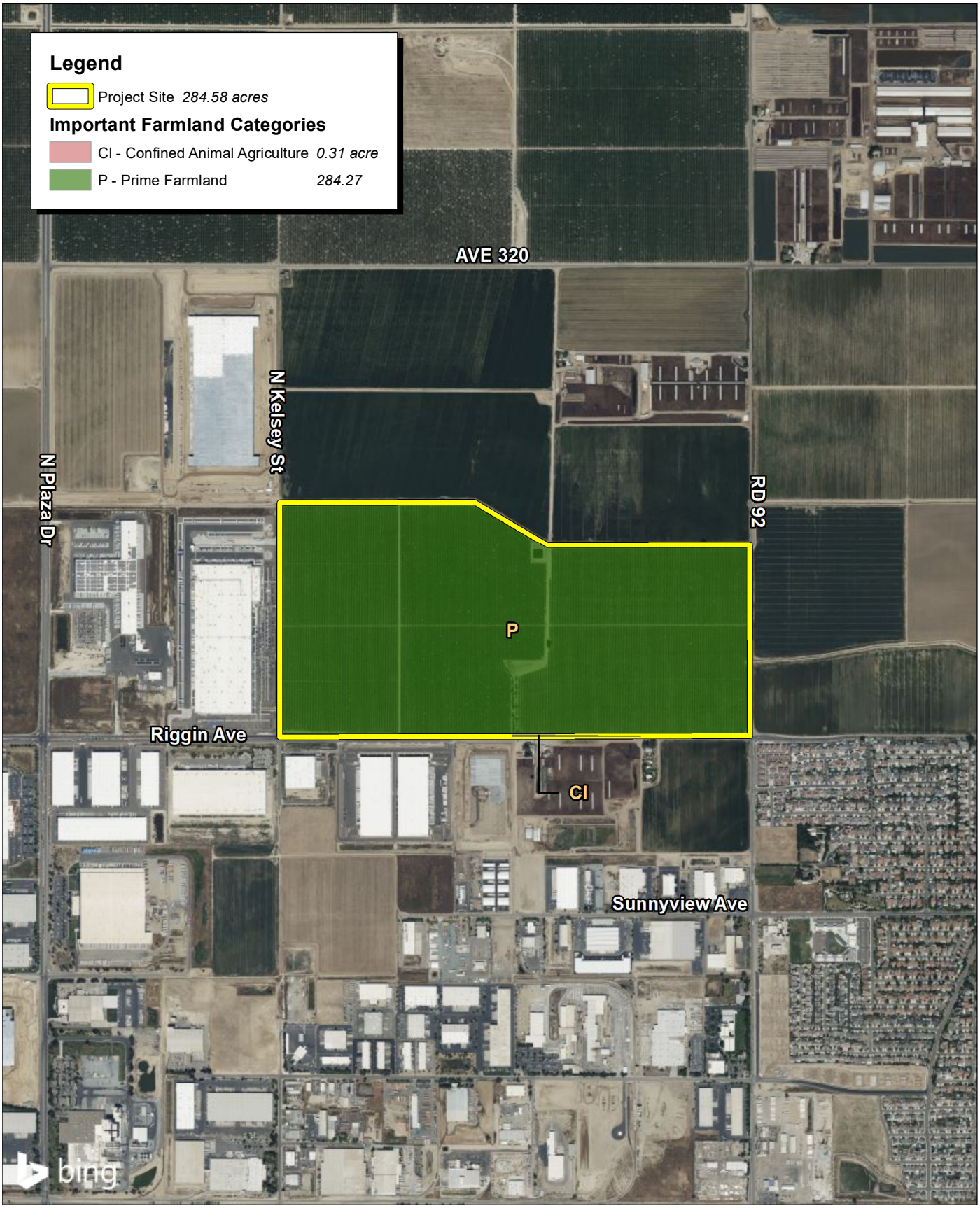
### *Mitigation Measures*

No feasible mitigation measures are available.

### *Level of Cumulative Significance After Mitigation*

Significant and unavoidable with respect to the loss of Prime Farmland, Unique Farmland, or Farmland of Statewide Importance.

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Source: Bing Aerial Imagery. CA Department of Conservation Tulare County 2018.

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# Exhibit 3.2-1
# Important Farmland Map

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# 3.3 - Air Quality

This section describes existing air quality conditions regionally and locally as well as the relevant regulatory framework. This section also evaluates the possible impacts related to air quality that could result from implementation of the project. Information included in this section is based on the Air Quality, Greenhouse Gas Emissions, and Energy Analysis Report prepared for the proposed project (Appendix B). The project-specific air quality modeling results included in this report utilized California Emissions Estimator Model (CalEEMod) Version 2020.4.0 and the American Meteorological Society/United States Environmental Protection Agency (EPA) Regulatory Model (AERMOD), Version 22112, which is approved by the San Joaquin Valley Air Pollution Control District (Valley Air District) for air dispersion assessments. Complete modeling output files are provided in Appendix B.

One public comment was received during the Environmental Impact Report (EIR) scoping period related to air quality.

- Valley Air District dated September 28, 2022, related to project construction and operational emissions, Health Risk Assessment (HRA) criteria, and recommended air pollutant reduction strategies.

## 3.3.1 - Environmental Setting

### Topography

The topography of a region is important for air quality because mountains can block airflow that would help disperse pollutants and can channel air from upwind areas that transports pollutants to downwind areas. The San Joaquin Valley Air Basin (Air Basin) is generally shaped like a bowl. It is open in the north and is surrounded by mountain ranges on all other sides. The Sierra Nevada mountains are along the eastern boundary (8,000 to 14,000 feet in elevation), the Coast Ranges are along the western boundary (3,000 feet in elevation), and the Tehachapi Mountains are along the southern boundary (6,000 to 8,000 feet in elevation).

### Climate

Climate is important for air quality because of differences in the atmosphere's ability to trap pollutants close to the ground, creating adverse air quality, or to rapidly disperse pollutants over a wide area, preventing high concentrations from accumulating under different climatic conditions. The Air Basin has an "inland Mediterranean" climate and is characterized by long, hot, dry summers and short, foggy winters. Sunlight can be a catalyst in the formation of some air pollutants (such as ozone); the Air Basin averages over 260 sunny days per year.

Dominant airflows provide the driving mechanism for transport and dispersion of air pollution. The mountains surrounding the Air Basin form natural horizontal barriers to the dispersion of air contaminants. The wind generally flows south-southeast through the valley and Tulare County, through the Tehachapi Pass and into the Mojave Desert Air Basin portion of Kern County. As the wind moves through the Air Basin, it mixes with the air pollution generated locally, generally transporting air pollutants from the north to the south in the summer and in a reverse flow in the winter.

## Sensitive Receptors

Sensitive receptors are land uses or people considered to be more sensitive than others to air pollutants. The reasons for greater than average sensitivity include pre-existing health problems, proximity to emissions sources, or duration of exposure to air pollutants. Residences, schools, hospitals, convalescent homes, and parks are considered to be relatively sensitive to poor air quality because children, elderly people, and the infirm are more susceptible to respiratory distress and other air quality-related health problems than the general public. Residential areas are considered sensitive to poor air quality because people usually stay home for extended periods of time, with associated greater exposure to ambient air quality. Recreational uses are also considered sensitive due to greater exposure to ambient air quality conditions because vigorous exercise associated with recreation places a high demand on the human respiratory system.

The nearest sensitive receptors to the site include the following:

- Single-family residential homes located directly to the southeast across the intersection of Riggin Avenue and Shirk Street, with the closest home approximately 160 feet to the southwest.
- Denton Elementary School located approximately 2,200 feet to the southwest. The City of Visalia General Plan Land Use Element[1] designates an area as Multi-Family Residential approximately 2,700 feet to the east of the project site, which could result in new sensitive receptors.
- The Carleton Acres Specific Plan area located to the east of the North Shirk Avenue and West Riggin Avenue intersection, which could result in up to 3,368 residential units to the east of the project site.

## Air Pollutant Types, Sources, and Effects

### *Criteria Air Pollutants*

Concentrations of criteria air pollutants are used as indicators of air quality conditions. Air pollutants are termed criteria air pollutants if they are regulated by developing specific public health- and welfare-based criteria as the basis for setting permissible levels. According to the United States Environmental Protection Agency (EPA), criteria air pollutants are ozone, particulate matter ($PM_{10}$ and $PM_{2.5}$), nitrogen dioxide ($NO_2$), carbon monoxide (CO), lead, and sulfur dioxide ($SO_2$). Table 3.3-1 provides a summary of the types, sources, and effects of criteria air pollutants.

### *Toxic Air Contaminants*

A TAC is defined as an air pollutant that may cause or contribute to an increase in mortality or serious illness, or that may pose a hazard to human health. TACs are usually present in minute quantities in the ambient air; however, their high toxicity or health risk may pose a threat to public health even at low concentrations. There are no ambient air quality standards for TAC emissions. TACs are regulated in terms of health risks to individuals and populations exposed to the pollutants. The 1990 Clean Air Act Amendments significantly expanded the EPA's authority to regulate

[1] City of Visalia. General Plan Land Use Interactive Map. Website: https://www.visalia.city/depts/community_development/planning/gp.asp. Accessed June 1, 2023.

Hazardous Air Pollutants (HAPs). Section 112 of the Clean Air Act lists 187 HAPs to be regulated by source category. Authority to regulate these pollutants was delegated to individual states. The ARB and local air districts regulate TACs and HAPs in California.

The California Almanac of Emissions and Air Quality—2009 Edition presents the relevant concentration and cancer risk data for the 10 TACs that pose the most substantial health risk in California based on available data.[2] The 10 TACs are acetaldehyde, benzene, 1.3-butadiene, carbon tetrachloride, hexavalent chromium, para-dichlorobenzene, formaldehyde, methylene chloride, perchloroethylene, and diesel particulate matter (DPM).

### Diesel Particulate Matter

Some studies indicate that DPM poses the greatest health risk among the TACs listed above. A 10-year research program demonstrated that DPM from diesel-fueled engines is a human carcinogen and that chronic (long-term) inhalation exposure to DPM poses a chronic health risk. In addition to increasing the risk of lung cancer, exposure to diesel exhaust can have other health effects. Diesel exhaust can irritate the eyes, nose, throat, and lungs, and it can cause coughs, headaches, lightheadedness, and nausea. Diesel exhaust is a major source of fine particulate pollution as well, and studies have linked elevated particle levels in the air to increased hospital admissions, emergency room visits, asthma attacks, and premature deaths among those suffering from respiratory problems.

DPM differs from other TACs in that it is not a single substance, but a complex mixture of hundreds of substances. Although DPM is emitted by diesel-fueled, internal combustion engines, the composition of the emissions varies depending on engine type, operating conditions, fuel composition, lubricating oil, and whether an emission control system is present. However, no ambient monitoring data are available for DPM because no routine measurement method currently exists. The ARB has made preliminary concentration estimates based on a DPM exposure method. This method uses the ARB emissions inventory's $PM_{10}$ database, ambient $PM_{10}$ monitoring data, and the results from several studies to estimate concentrations of DPM.

### Benzene

Benzene, naphthalene, and ethylbenzene are the only TACs with cancer toxicity values from gasoline dispensing facilities, with benzene accounting for nearly 85 percent of cancer risk from gasoline. According to CAPCOA, not until the benzene emissions are three orders of magnitude above the rate of an increase of 10 per million cancer risk, do the emissions of xylene begin to cause acute adverse health effects.

Benzene is found in the air from emissions from burning coal and oil, gasoline service stations, and motor vehicle exhaust. Acute (short-term) inhalation exposure of humans to benzene may cause drowsiness, dizziness, headaches, as well as eye, skin, and respiratory tract irritation, and, at high levels, unconsciousness. Chronic (long-term) inhalation exposure has caused various disorders in the blood, including reduced numbers of red blood cells and aplastic anemia, in occupational settings.

[2] California Air Resources Board (ARB). 2013. The California Almanac of Emissions and Air Quality—2013 Edition. Website: https://ww2.arb.ca.gov/our-work/programs/almanac-emissions-air-quality. Accessed June 1, 2023

Reproductive effects have been reported for women exposed by inhalation to high levels, and adverse effects on the developing fetus have been observed in animal tests. Increased incidence of leukemia (cancer of the tissues that form white blood cells) have been observed in humans occupationally exposed to benzene. EPA has classified benzene as known human carcinogen for all routes of exposure.[3] Table 3.3-1 provides a summary of the types, sources, and effects of TACs.

[3] United States Environmental Protection Agency (EPA). 1992, with updates in 2000 and 2012. Benzene. Website: https://www.epa.gov/sites/default/files/2016-09/documents/benzene.pdf. Accessed June 1, 2023.

**Table 3.3-1: Description of Toxic Air Contaminants of National and California Concern**

| Air Pollutant | Averaging Time | California Standard | Federal Standard | Most Relevant Effects from Pollutant Exposure | Properties | Sources |
|---|---|---|---|---|---|---|
| Ozone | 1 Hour | 0.09 ppm | — | Irritate respiratory system; reduce lung function; breathing pattern changes; reduction of breathing capacity; inflame and damage cells that line the lungs; make lungs more susceptible to infection; aggravate asthma; aggravate other chronic lung diseases; cause permanent lung damage; some immunological changes; increased mortality risk; vegetation and property damage. | Ozone is a photochemical pollutant as it is not emitted directly into the atmosphere but is formed by a complex series of chemical reactions between volatile organic compounds (VOC), nitrogen oxides ($NO_X$), and sunlight. Ozone is a regional pollutant that is generated over a large area and is transported and spread by the wind. Hot, sunny, and calm weather conditions are favorable to ozone formation. | Ozone is a secondary pollutant; thus, it is not emitted directly into the lower level of the atmosphere. The primary sources of ozone precursors (VOC and $NO_X$) are mobile sources (on-road and off-road vehicle exhaust). |
| | 8 Hours | 0.070 ppm | 0.070 ppm[f] | | | |
| CO | 1 Hour | 20 ppm | 35 ppm | Ranges depend on exposure: slight headaches; nausea; aggravation of angina pectoris (chest pain) and other aspects of coronary heart disease; decreased exercise tolerance in persons with peripheral vascular disease and lung disease; impairment of central nervous system functions; possible increased risk to fetuses; death. | CO is a colorless, odorless, toxic gas. CO is somewhat soluble in water; therefore, rainfall and fog can suppress CO conditions. CO enters the body through the lungs, dissolves in the blood, replaces oxygen as an attachment to hemoglobin, and reduces available oxygen in the blood. | CO is produced by incomplete combustion of carbon-containing fuels (e.g., gasoline, diesel fuel, and biomass). Sources include motor vehicle exhaust, industrial processes (metals processing and chemical manufacturing), residential wood-burning, and natural sources. |
| | 8 Hours | 9.0 ppm | 9 ppm | | | |
| $NO_2$[b] | 1 Hour | 0.18 ppm | 0.100 ppm | Potential to aggravate chronic respiratory disease and respiratory symptoms in sensitive groups; risk to public health implied by pulmonary and extra-pulmonary biochemical and cellular changes and pulmonary structural changes; contribution to atmospheric discoloration; increased visits to hospital for respiratory illnesses. | During combustion of fossil fuels, oxygen reacts with nitrogen to produce nitrogen oxides—$NO_X$ (NO, $NO_2$, $NO_3$, $N_2O$, $N_2O_3$, $N_2O_4$, and $N_2O_5$). $NO_X$ is a precursor to ozone, $PM_{10}$, and $PM_{2.5}$ formation. $NO_X$ can react with compounds to form nitric acid and related small particles and result in PM-related health effects. | $NO_X$ is produced in motor vehicle internal combustion engines and fossil fuel-fired electric utility and industrial boilers. $NO_2$ forms quickly from $NO_X$ emissions. $NO_2$ concentrations near major roads can be 30 to 100 percent higher than those at monitoring stations. |
| | Annual | 0.030 ppm | 0.053 ppm | | | |

| Air Pollutant | Averaging Time | California Standard | Federal Standard | Most Relevant Effects from Pollutant Exposure | Properties | Sources |
|---|---|---|---|---|---|---|
| $SO_2$[c] | 1 Hour | 0.25 ppm | 0.075 ppm | Bronchoconstriction accompanied by symptoms which may include wheezing, shortness of breath and chest tightness, during exercise or physical activity in persons with asthma. Some population-based studies indicate that the mortality and morbidity effects associated with fine particles show a similar association with ambient $SO_2$ levels. It is not clear whether the two pollutants act synergistically, or one pollutant alone is the predominant factor. | $SO_2$ is a colorless, pungent gas. At levels greater than 0.5 ppm, the gas has a strong odor like rotten eggs. Sulfur oxides ($SO_X$) include $SO_2$ and sulfur trioxide. Sulfuric acid is formed from $SO_2$, which can lead to acid deposition and can harm natural resources and materials. Although $SO_2$ concentrations have been reduced to levels well below State and federal standards, further reductions are desirable because $SO_2$ is a precursor to sulfate and $PM_{10}$. | Human caused sources include fossil fuel combustion, mineral ore processing, and chemical manufacturing. Volcanic emissions are a natural source of $SO_2$. The gas can also be produced in the air by dimethyl sulfide and hydrogen sulfide. $SO_2$ is removed from the air by dissolution in water, chemical reactions, and transfer to soils and ice caps. The $SO_2$ levels in the State are well below the maximum standards. |
| | 3 Hours | — | 0.5 ppm | | | |
| | 24 Hours | 0.04 ppm | 0.14 (for certain areas) | | | |
| | Annual | — | 0.030 ppm (for certain areas) | | | |
| Particulate matter ($PM_{10}$) | 24 hours | 50 µg/m$^3$ | 150 µg/m$^3$ | • Short-term exposure (hours/days): irritation of the eyes, nose, throat; coughing; phlegm; chest tightness; shortness of breath; aggravate existing lung disease, causing asthma attacks and acute bronchitis; those with heart disease can suffer heart attacks and arrhythmias.<br>• Long-term exposure: reduced lung function; chronic bronchitis; changes in lung morphology; death. | Suspended particulate matter is a mixture of small particles that consist of dry solid fragments, droplets of water, or solid cores with liquid coatings. The particles vary in shape, size, and composition. $PM_{10}$ refers to particulate matter that is between 2.5 and 10 microns in diameter, (1 micron is one-millionth of a meter). $PM_{2.5}$ refers to particulate matter that is 2.5 microns or less in diameter, about one-thirtieth the size of the average human hair. | Stationary sources include fuel or wood combustion for electrical utilities, residential space heating, and industrial processes; construction and demolition; metals, minerals, and petrochemicals; wood products processing; mills and elevators used in agriculture; erosion from tilled lands; waste disposal, and recycling. Mobile or transportation-related sources are from vehicle exhaust and road dust. Secondary particles form from reactions in the atmosphere. |
| | Mean | 20 µg/m$^3$ | — | | | |
| Particulate matter ($PM_{2.5}$) | 24 Hours | — | 35 µg/m$^3$ | | | |
| | Annual | 12 µg/m$^3$ | 12 µg/m$^3$ | | | |
| Visibility-reducing particles | 8 Hours | See note below[d] | | | | |
| Sulfates | 24 Hours | 25 µg/m$^3$ | — | Decrease in ventilatory function; aggravation of asthmatic symptoms; aggravation of cardiopulmonary disease; vegetation damage; degradation of visibility; and property damage. | The sulfate ion is a polyatomic anion with the empirical formula $SO_4^{2-}$. Sulfates occur in combination with metal and/or hydrogen ions. Many sulfates are soluble in water. | Sulfates are particulates formed through the photochemical oxidation of $SO_2$. In California, the main source of sulfur compounds is combustion of gasoline and diesel fuel. |

| Air Pollutant | Averaging Time | California Standard | Federal Standard | Most Relevant Effects from Pollutant Exposure | Properties | Sources |
|---|---|---|---|---|---|---|
| Lead[e] | 30 days | 1.5 µg/m$^3$ | — | Lead accumulates in bones, soft tissue, and blood and can affect the kidneys, liver, and nervous system. It can cause impairment of blood formation and nerve conduction, behavior disorders, mental retardation, neurological impairment, learning deficiencies, and low IQs. | Lead is a solid heavy metal that can exist in air pollution as an aerosol particle component. Leaded gasoline was used in motor vehicles until around 1970. Lead concentrations have not exceeded State or federal standards at any monitoring station since 1982. | Lead ore crushing, lead ore smelting, and battery manufacturing are currently the largest sources of lead in the atmosphere in the United States. Other sources include dust from soils contaminated with lead-based paint, solid waste disposal, and crustal physical weathering. |
| | Quarter | — | 1.5 µg/m$^3$ | | | |
| | Rolling 3-month average | — | 0.15 µg/m$^3$ | | | |
| Vinyl chloride[e] | 24 Hours | 0.01 ppm | — | Short-term exposure to high levels of vinyl chloride in the air causes central nervous system effects, such as dizziness, drowsiness, and headaches. Epidemiological studies of occupationally exposed workers have linked vinyl chloride exposure to development of a rare cancer, liver angiosarcoma, and have suggested a relationship between exposure and lung and brain cancers. | Vinyl chloride, or chloroethene, is a chlorinated hydrocarbon and a colorless gas with a mild, sweet odor. In 1990, the ARB identified vinyl chloride as a TAC and estimated a cancer unit risk factor. | Most vinyl chloride is used to make polyvinyl chloride plastic and vinyl products, including pipes, wire and cable coatings, and packaging materials. It can be formed when plastics containing these substances are left to decompose in solid waste landfills. Vinyl chloride has been detected near landfills, sewage plants, and hazardous waste sites. |
| Hydrogen sulfide | 1 Hour | 0.03 ppm | — | High levels of hydrogen sulfide can cause immediate respiratory arrest. It can irritate the eyes and respiratory tract and cause headache, nausea, vomiting, and cough. Long exposure can cause pulmonary edema. | Hydrogen sulfide ($H_2S$) is a flammable, colorless, poisonous gas that smells like rotten eggs. | Manure, storage tanks, ponds, anaerobic lagoons, and land application-sites are the primary sources of hydrogen sulfide. Anthropogenic sources include the combustion of sulfur containing fuels (oil and coal). |
| VOC | | There are no State or federal standards for VOCs because they are not classified as criteria pollutants. | | Although health-based standards have not been established for VOCs, health effects can occur from exposures to high concentrations because of interference with oxygen uptake. In general, concentrations of VOCs are suspected to cause eye, nose, and throat irritation; | Reactive organic gases (ROGs), or VOCs, are defined as any compound of carbon—excluding CO, carbon dioxide, carbonic acid, metallic carbides or carbonates, and ammonium carbonate—that participates in atmospheric photochemical reactions. Although | Indoor sources of VOCs include paints, solvents, aerosol sprays, cleansers, tobacco smoke, etc. Outdoor sources of VOCs are from combustion and fuel evaporation. A reduction in VOC emissions reduces certain chemical reactions that contribute to the formulation of |

| Air Pollutant | Averaging Time | California Standard | Federal Standard | Most Relevant Effects from Pollutant Exposure | Properties | Sources |
|---|---|---|---|---|---|---|
| | | | | headaches; loss of coordination; nausea and damage to the liver, the kidneys, and the central nervous system. Many VOCs have been classified TACs. | there are slight differences in the definition of ROG and VOCs, the two terms are often used interchangeably. | ozone. VOCs are transformed into organic aerosols in the atmosphere, which contribute to higher $PM_{10}$ and lower visibility. |
| Diesel particulate matter (DPM) | | There are no ambient air quality standards for DPM. | | Some short-term (acute) effects of DPM exposure include eye, nose, throat, and lung irritation, coughs, headaches, lightheadedness, and nausea. Studies have linked elevated particle levels in the air to increased hospital admissions, emergency room visits, asthma attacks, and premature deaths among those suffering from respiratory problems. Human studies on the carcinogenicity of DPM demonstrate an increased risk of lung cancer, although the increased risk cannot be clearly attributed to diesel exhaust exposure. | DPM is a source of $PM_{2.5}$—diesel particles are typically 2.5 microns and smaller. Diesel exhaust is a complex mixture of thousands of particles and gases that is produced when an engine burns diesel fuel. Organic compounds account for 80 percent of the total particulate matter mass, which consists of compounds such as hydrocarbons and their derivatives, and polycyclic aromatic hydrocarbons and their derivatives. Fifteen polycyclic aromatic hydrocarbons are confirmed carcinogens, several which are found in diesel exhaust. | Diesel exhaust is a major source of ambient particulate matter pollution in urban environments. Typically, the main source of DPM is from combustion of diesel fuel in diesel-powered engines. Such engines are in on-road vehicles such as diesel trucks, off-road construction vehicles, diesel electrical generators, and various pieces of stationary construction equipment. |
| Asbestos | — | — | Inhalation exposures not exceed 100,000 fibers with lengths greater than or equal to 5 µm per $m^3$ of air (0.1 fibers/mL). | Exposure to asbestos is a health threat; exposure to asbestos fibers may result in health issues such as lung cancer, mesothelioma (a rare cancer of the thin membranes lining the lungs, chest, and abdominal cavity), and asbestosis (a non-cancerous lung disease that causes scarring of the lungs). | Asbestos is the name given to several naturally occurring fibrous silicate minerals that have been mined for their useful properties, such as thermal insulation, chemical and thermal stability, and high tensile strength. The three most common types of asbestos are chrysotile, amosite, and crocidolite. Chrysotile, also known as white asbestos, is the most common type of asbestos found in buildings. Chrysotile makes up approximately | Asbestos fibers can come from naturally occurring sources of asbestos or from the wearing down or disturbance of manufactured products including insulation, automotive brakes and clutches, ceiling and floor tiles, dry wall, roof shingles, and cement. However, these products do not always contain asbestos. |

| Air Pollutant | Averaging Time | California Standard | Federal Standard | Most Relevant Effects from Pollutant Exposure | Properties | Sources |
|---|---|---|---|---|---|---|
| | | | | | 90 to 95 percent of all asbestos contained in buildings in the United States. Asbestos fibers do not evaporate into air or dissolve in water. However, pieces of fibers can enter the air and water from the weathering of natural deposits and the wearing down of manufactured asbestos products. Small diameter fibers and fiber-containing particles may remain suspended in the air for a long time and be carried long distances by wind or water currents before settling. Larger diameter fibers and particles tend to settle more quickly. Asbestos fibers are not able to move through soil. They are generally not broken down to other compounds in the environment and will remain virtually unchanged over long periods. | |

Notes:
ppm=parts per million (concentration) µg/$m^3$=micrograms per cubic meter Annual=Annual Arithmetic Mean Quarter=Calendar quarter

[a] Federal standard refers to the primary NAAQS, or the levels of air quality necessary, with an adequate margin of safety to protect the public health. All standards listed are primary standards except for 3-Hour $SO_2$, which is a secondary standard. A secondary standard is the level of air quality necessary to protect the public welfare from any known or anticipated adverse effects of a pollutant.

[b] To attain the 1-hour $NO_2$ national standard, the 3-year average of the annual 98th percentile of the 1-hour daily maximum concentrations at each site must not exceed 100 parts per billion (ppb) (0.100 ppm).

[c] On June 2, 2010, a new 1-hour $SO_2$ standard was established, and the existing 24-hour and annual primary standards were revoked. To attain the 1-hour national standard, the 3-year average of the annual 99th percentile of the 1-hour daily maximum concentrations at each site must not exceed 75 ppb. The 1971 $SO_2$ national standards (24-hour and annual) remain in effect until 1 year after an area is designated for the 2010 standard, except that in areas designated nonattainment for the 1971 standards, the 1971 standards remain in effect until implementation plans to attain or maintain the 2010 standards are approved.

[d] Visibility-reducing particles: In 1989, the ARB converted both the general Statewide 10-mile visibility standard and the Lake Tahoe 30-mile visibility standard to instrumental equivalents, which are “extinction of 0.23 per kilometer” and “extinction of 0.07 per kilometer” for the Statewide and Lake Tahoe Air Basin standards, respectively.

| Air Pollutant | Averaging Time | California Standard | Federal Standard | Most Relevant Effects from Pollutant Exposure | Properties | Sources |
|---|---|---|---|---|---|---|

[e] The ARB has identified lead and vinyl chloride as TACs with no threshold level of exposure for adverse health effects determined. These actions allow for the implementation of control measures at levels below the ambient concentrations specified for these pollutants.

[f] The EPA Administrator approved a revised 8-hour ozone standard of 0.07 ppb on October 1, 2015. The new standard went into effect 60 days after publication of the Final Rule in the Federal Register. The Final Rule was published in the Federal Register on October 26, 2015, and became effective on December 28, 2015.

[g] The official level of the 1-hour $NO_2$ standard is 100 ppb, equal to 0.100 ppm, which is shown here for the purpose of clearer comparison to the other standards.

Source of effects, properties, and sources: Agency for Toxic Substances and Disease Registry. 2016. Public Health Statement for Asbestos. Website: Asbestos | Public Health Statement | ATSDR (cdc.gov), Accessed January 22, 2024.

United States Environmental Protection Agency (EPA). 2003. Particle Pollution and your Health. EPA-452/F-03-001. September. Website: https://www.airnow.gov/publications/air-quality-and-your-health/partical-pollution-and-your-health/. Accessed June 1, 2023.

United States Environmental Protection Agency (EPA). 2009. Ozone and your Health EPA-456/F-09-001. Website: https://www.airnow.gov/publications/air-quality-and-your-health/ozone-and-your-health/. Accessed August 9, 2022.

United States Environmental Protection Agency (EPA). 2009. Fact Sheet, Proposed Revisions to the National Ambient Air Quality Standards for Nitrogen Dioxide. July. Website: https://www.gpo.gov/fdsys/pkg/FR-2009-07-15/pdf/E9-15944.pdf. Accessed June 1, 2023.

United States Environmental Protection Agency (EPA). 2010. Technology Transfer Network, Air Toxics Website. Page updated December 21, 2018. Health Effects Notebook for Hazardous Air Pollutants. December. Website: https://www.epa.gov/haps/health-effects-notebook-hazardous-air-pollutants. Accessed June 1, 2023.

National Toxicology Program. 2011. Report on Carcinogens, Twelfth Edition; U.S. Department of Health and Human Services, Public Health Service. June 10. Benzene. Website: http://ntp.niehs.nih.gov/ntp/roc/twelfth/profiles/Benzene.pdf. Accessed June 1, 2023.

National Toxicology Program. 2016. Report on Carcinogens, Fourteenth Edition; U.S. Department of Health and Human Services, Public Health Service. Diesel Exhaust Particles. Website: https://ntp.niehs.nih.gov/ntp/roc/content/profiles/dieselexhaustparticulates.pdf. Accessed June 1, 20232.

California Environmental Protection Agency (Cal/EPA). 2002. Office of Environmental Health Hazard Assessment. Health Effects of Diesel Exhaust. Website: https://oehha.ca.gov/media/downloads/calenviroscreen/indicators/diesel4-02.pdf. Accessed June 1, 2023.

California Air Resources Board (ARB). 2009. Vinyl Chloride. Website: https://ww2.arb.ca.gov/resources/vinyl-chloride-and-health. Accessed June 1, 2023.

United States Environmental Protection Agency (EPA). 2017. Indoor Air Quality. Sources of Indoor Air Pollution—Organic Gases (Volatile Organic Compounds—VOCs). November. Website: www.epa.gov/iaq/voc.html. Accessed June 1, 2023.

National Toxicology Program. 2011. Report on Carcinogens, Twelfth Edition; U.S. Department of Health and Human Services, Public Health Service. Diesel Exhaust Particles. Website: https://oehha.ca.gov/media/downloads/proposition-65/crnr/comments/12throc-complete.pdf. Accessed June 1, 2023.

Source of standards: South Coast Air Quality Management District (SCAQMD). 2018. National Ambient Air Quality Standards (NAAQS) and California Ambient Air Quality Standards (CAAQS) Attainment Status for South Coast Air Basin. February. Website http://www.aqmd.gov/docs/default-source/clean-air-plans/air-quality-management-plans/naaqs-caaqs-feb2016.pdf?sfvrsn=2. Accessed June 1, 2023.

Several pollutants listed in Table 3.3-1 are not addressed in this analysis. An analysis of lead is not included in this report because the proposed project would not generate a new, significant source of lead emissions. According to aerial imagery in the Phase I Environmental Site Assessment (Phase I ESA), all on-site improvements, including structures and outbuildings, were constructed after 2016 and would not contain hazardous materials such as lead-based paint or asbestos-containing material. Visibility-reducing particles are not explicitly addressed in this analysis because particulate matter is addressed under the analysis for $PM_{10}$ and $PM_{2.5}$. Given the nature of the proposed project, no components of the proposed project would result in vinyl chloride or hydrogen sulfide emissions in any substantial quantity; therefore, these compounds are not further evaluated in this report.

### Asbestos

Asbestos is the name given to several naturally occurring fibrous silicate minerals that have been mined for their useful properties, such as thermal insulation, chemical and thermal stability, and high tensile strength. The three most common types of asbestos are chrysotile, amosite, and crocidolite. Chrysotile, also known as white asbestos, is the most common type of asbestos found in buildings. Chrysotile makes up approximately 90 to 95 percent of all asbestos contained in buildings in the United States. Exposure to asbestos is a health threat; exposure to asbestos fibers may result in health issues such as lung cancer, mesothelioma (a rare cancer of the thin membranes lining the lungs, chest, and abdominal cavity), and asbestosis (a non-cancerous lung disease that causes scarring of the lungs). Exposure to asbestos can occur during demolition or remodeling of buildings that were constructed prior to the 1977 ban on asbestos for use in buildings. Although construction activity would result in the demolition of several small outbuildings associated with agricultural use on the project site, these structures would not contain asbestos. According to aerial imagery in the Phase I ESA, all on-site improvements, including structures, were constructed after 2016, and would not contain hazardous materials such as lead-based paint or asbestos-containing material. Exposure to naturally occurring asbestos can occur during soil-disturbing activities in areas with deposits present. No naturally occurring asbestos is located near the project site.[4]

### Valley Fever

Valley Fever, or coccidioidomycosis, is an infection caused by inhalation of spores of the fungus, *Coccidioides immitis* (*C. immitis*). Spores live in soil and can live for an extended time in harsh environmental conditions. Activities or conditions that increase the amount of fugitive dust, including dust storms, grading, and recreational off-road activities, contribute to greater exposure.

Much of California is considered an endemic area for Valley Fever and a total of 9,004 new Valley Fever cases were reported in 2019.[5] According to the most readily-available, the California Department of Public Health, in 2020, there were 309 cases of Valley Fever in Tulare County with 64.3 per 100,000 case patients and in 2021, 170 cases of Valley Fever with 61.0 per 100,000 case patients.[6] Nearly 75 percent of people who get Valley Fever miss work or school for an average of two weeks. More than 40 percent of people who get Valley Fever need to be hospitalized. The number of Valley Fever cases

[4] California Department of Conservation, Division of Mine Reclamation. 2000. A General Location Guide for Ultramafic Rocks in California—Areas More likely to Contain Naturally Occurring Asbestos. August. Website: https://ww2.arb.ca.gov/sites/default/files/classic//toxics/asbestos/ofr_2000-019.pdf. Accessed August 9, 2022.

[5] California Department of Public Health. 2019. Epidemiologic Summary of Valley Fever in California.

[6] California Department of Health. 2022. Epidemiologic Summary of Valley Fever (Coccoidiomycosis) in California, 2020-2021. Website: https://www.cdph.ca.gov/Programs/CID/DCDC/CDPH%20Document%20Library/CocciEpiSummary2020-2021.pdf. Accessed April 27, 2023.

reported nationally has more than quadrupled in the past decade. There were over 11,000 reported cases in 2015, and the Center for Disease Control and Prevention (CDC) estimates that an additional 150,000 cases go undiagnosed each year. About 28 percent of all cases occur in California. There have been several outbreaks of Valley Fever in California in recent years.

The distribution of *C. immitis* is not uniform, and growth sites are commonly small (a few tens of meters) and widely scattered. Known sites appear to have some ecological factors in common, suggesting that certain physical, chemical, and biological conditions are more favorable for *C. immitis* growth. Avoidance, when possible, of sites favorable for the occurrence of *C. immitis* is a prudent risk management strategy. Listed below are ecologic factors and sites favorable for the occurrence of *C. immitis*:

1. Rodent burrows (often a favorable site for *C. immitis*, perhaps because temperatures are more moderate and humidity higher than on the ground surface).
2. Old (prehistoric) Native American campsites near fire pits.
3. Areas with sparse vegetation and alkaline soils.
4. Areas with high salinity soils.
5. Areas adjacent to arroyos (where residual moisture may be available).
6. Packrat middens.
7. Upper 30 centimeters of the soil horizon, especially in virgin undisturbed soils.
8. Sandy well aerated soil with relatively high water-holding capacities.

Sites within endemic areas less favorable for the occurrence of *C. immitis* include:

1. Cultivated fields.
2. Heavily vegetated areas (e.g., grassy lawns).
3. Higher elevations (above 7,000 feet.)
4. Areas where commercial fertilizers (e.g., ammonium sulfate) have been applied.
5. Areas that are continually wet.
6. Paved (asphalt or concrete) or oiled areas.
7. Soils containing abundant microorganisms.
8. Heavily urbanized areas where there is little undisturbed virgin soil.[7]

The project site currently contains several small outbuildings associated with agricultural use and is used for agricultural purposes. Exposure to *C. immitis* could occur during soil-disturbing activities in areas with deposits present; however, because most of the project site and immediately surrounding vicinity consists of cultivated fields, areas where fertilizers are used, and urbanized development, the

[7] United States Geological Survey (USGS). 2000. Operational Guidelines (Version 1.0) for Geological Fieldwork in Areas Endemic for Coccidioidomycosis (Valley Fever), 2000, Open-File Report 2000-348. Website: https://pubs.usgs.gov/of/2000/0348/pdf/of00-348.pdf. Accessed June 1, 2023.

project site would have low probability of *C. immitis* growth sites or exposure from disturbed soil. No further analysis is necessary.

## Air Quality

Air quality is a function of both the rate and location of pollutant emissions under the influence of meteorological conditions and topographic features. Atmospheric conditions such as wind speed, wind direction, and air temperature inversions interact with the physical features of the landscape to determine the movement and dispersal of air pollutant emissions and, consequently, their effect on air quality.

### *Regional Air Quality*

*Air Pollutant Standards and Attainment Designations*

The EPA and the ARB designate air basins where ambient air quality standards are exceeded as "nonattainment" areas. If standards are met, the area is designated as an "attainment" area. If there is inadequate or inconclusive data to make a definitive attainment designation, they are considered "unclassified." National nonattainment areas are further designated as marginal, moderate, serious, severe, or extreme as a function of deviation from standards.

Each standard has a different definition, or "form" of what constitutes attainment, based on specific air quality statistics. For example, the federal 8-hour CO standard is not to be exceeded more than once per year; therefore, an area is in attainment of the CO standard if no more than one 8-hour ambient air monitoring values exceeds the threshold per year. In contrast, the federal annual $PM_{2.5}$ standard is met if the 3-year average of the annual average $PM_{2.5}$ concentration is less than or equal to the standard.

The current attainment designations for the Air Basin are shown in Table 3.3-2. The Air Basin is designated as nonattainment for ozone, $PM_{10}$, and $PM_{2.5}$.

**Table 3.3-2: San Joaquin Valley Air Basin Attainment Status**

| Pollutant | State Status | National Status |
|---|---|---|
| Ozone, 1-hour | Nonattainment/Severe | No Standard |
| Ozone, 8-hour | Nonattainment | Nonattainment/Extreme |
| CO | Attainment | Attainment |
| $NO_2$ | Attainment | Attainment |
| $SO_2$ | Attainment | Attainment |
| $PM_{10}$ | Nonattainment | Attainment |
| $PM_{2.5}$ | Nonattainment | Nonattainment |
| Lead | Attainment | Unclassified/Attainment |
| Source: San Joaquin Valley Air Pollution Control District (Valley Air District). Website: https://www.valleyair.org/aqinfo/attainment.htm. Accessed June 1, 2023. | | |

### *Local Air Quality*

The local air quality can be evaluated by reviewing relevant air pollution concentrations near the project site. Table 3.3-3 summarizes 2018 through 2020 published monitoring data. The table displays data from the Visalia North Church Street Station (located approximately 9 miles southeast of the project site), which is the closest monitoring station to the project site with data available. The data shows that during the past few years, the project site and vicinity have exceeded the standards for ozone (State and national), $PM_{10}$ (State and national), and $PM_{2.5}$ (national). The data in the table reflects the concentration of the pollutants in the air, measured using air monitoring equipment. This differs from emissions, which are calculations of a pollutant being emitted over a certain period. No recent monitoring data for Tulare County or the Air Basin was available for CO or $SO_2$. Generally, no monitoring is conducted for pollutants that are no longer likely to exceed ambient air quality standards.

**Table 3.3-3: Air Quality Monitoring Summary**

| Air Pollutant | Averaging Time | Item | 2018 | 2019 | 2020 |
|---|---|---|---|---|---|
| Ozone[1] | 1 Hour | Max 1 Hour (ppm) | **0.112** | 0.093 | **0.127** |
| | | Days > State Standard (0.09 ppm) | **8** | 0 | **7** |
| | 8 Hour | Max 8 Hour (ppm) | **0.094** | **0.082** | **0.102** |
| | | Days > State Standard (0.07 ppm) | **53** | **22** | **36** |
| | | Days > National Standard (0.075 ppm) | **27** | **5** | **21** |
| Nitrogen dioxide ($NO_2$)[1] | Annual | Annual Average (ppm) | 0.010 | 0.009 | 0.009 |
| | 1 Hour | Max 1 Hour (ppm) | 0.069 | 0.070 | 0.053 |
| | | Days > State Standard (0.18 ppm) | 0 | 0 | 0 |
| Inhalable coarse particles ($PM_{10}$)[1] | Annual | Annual Average (µg/m$^3$) | **52.0** | **46.3** | **60.5** |
| | 24 Hour | 24 Hour (µg/m$^3$) | **159.6** | **418.5** | **305.7** |
| | | Days > State Standard (50 µg/m$^3$) | **162** | **115** | **151** |
| | | Days > National Standard (150 µg/m$^3$) | 0 | **5** | **19** |
| Fine particulate matter ($PM_{2.5}$)[1] | Annual | Annual Average (µg/m$^3$)[2] | **17.4** | 12.0 | **ND** |
| | 24 Hour | 24 Hour (µg/m$^3$) | **86.8** | **47.2** | **127.1** |
| | | Days > National Standard (35 µg/m$^3$) | **12** | **6** | **20** |

Notes:
> = exceed
µg/m$^3$ = micrograms per cubic meter
**Bold** = exceedance
max = maximum
National Standard = National Ambient Air Quality Standard
ND = no data
ppm = parts per million
State Standard = California Ambient Air Quality Standard
[1] Visalia North Church Street

| Air Pollutant | Averaging Time | Item | 2018 | 2019 | 2020 |
|---|---|---|---|---|---|

[2] The State $PM_{2.5}$ standard is the average of the year's quarterly averages. The California annual standard is *exceeded* when the State Annual Average is greater than 12 micrograms per cubic meter and is *violated* when the State Annual Standard Designation Value (the highest State annual average for three consecutive years) is greater than 12 micrograms per cubic meter.

Sources: California Air Resources Board (ARB). 2022. Trends Summary. Website: https://www.arb.ca.gov/adam/trends/trends1.php. Accessed June 1, 2023.
California Air Resources Board (ARB). 2020. Top Four Summary. Website: https://www.arb.ca.gov/adam/topfour/topfour1.php. Accessed June 1, 2023.

The health impacts of the various air pollutants of concern can be presented in a number of ways. The clearest in comparison is to the State and federal ozone standards. If concentrations are below the standard, it is safe to say that no health impact would occur to anyone. When concentrations exceed the standard, impacts will vary based on the amount by which the standard is exceeded and the relative location of sensitive receptors. The EPA developed the Air Quality Index (AQI) as an easy-to-understand measure of health impacts compared with concentrations in the air. Table 3.3-4 provides a description of the health impacts of ozone at different concentrations.

**Table 3.3-4: Air Quality Index and Health Effects from Ozone**

| Air Quality Index/ 8-hour Ozone Concentration | Health Effects Description |
|---|---|
| **AQI 100—Moderate** | **Sensitive Groups**: Children and people with asthma are the groups most at risk. |
| Concentration 75 ppb | **Health Effects Statements**: Unusually sensitive individuals may experience respiratory symptoms. |
| | **Cautionary Statements**: Unusually sensitive people should consider limiting prolonged outdoor exertion. |
| **AQI 150—Unhealthy for Sensitive Groups** | **Sensitive Groups**: Children and people with asthma are the groups most at risk. |
| Concentration 95 ppb | **Health Effects Statements**: Increasing likelihood of respiratory symptoms and breathing discomfort in active children and adults and people with respiratory disease, such as asthma. |
| | **Cautionary Statements**: Active children and adults, and people with respiratory disease, such as asthma, should limit prolonged outdoor exertion. |
| **AQI 200—Unhealthy** | **Sensitive Groups**: Children and people with asthma are the groups most at risk. |
| Concentration 115 ppb | **Health Effects Statements**: Greater likelihood of respiratory symptoms and breathing difficulty in active children and adults and people with respiratory disease, such as asthma; possible respiratory effects in general population. |
| | **Cautionary Statements**: Active children and adults, and people with respiratory disease, such as asthma, should avoid prolonged outdoor exertion; everyone else, especially children, should limit prolonged outdoor exertion. |

| Air Quality Index/ 8-hour Ozone Concentration | Health Effects Description |
|---|---|
| **AQI 210—Very Unhealthy** | **Sensitive Groups**: Children and people with asthma are the groups most at risk. |
| Concentration 139 ppb | **Health Effects Statements**: Increasingly severe symptoms and impaired breathing likely in active children and adults and people with respiratory disease, such as asthma; increasing likelihood of respiratory effects in general population. |
| | **Cautionary Statements**: Active children and adults, and people with respiratory disease, such as asthma, should avoid all outdoor exertion; everyone else, especially children, should limit outdoor exertion. |
| Source: Air Now. 2022. AQI Calculator: AQI to Concentration. Website: https://www.airnow.gov/aqi/aqi-calculator/. Accessed June 1, 2023. | |

Based on the AQI scale for the 8-hour ozone standard, the City of Visalia experienced no days in the last three years that would be categorized as Very Unhealthy (AQI 210) or unhealthful (AQI 200), and as many as 27 days that were moderate (AQI 100) as measured at the Visalia North Church Street monitoring station. The highest reading was 102 parts per billion (ppb) in 2020 compared with the 95-ppb cutoff point for unhealthful for sensitive groups (AQI 150), but lower than the 115-ppb cutoff point for unhealthy (AQI 200).

The other nonattainment pollutant of concern is $PM_{2.5}$. An AQI of 100 or lower is considered moderate and would be triggered by a 24-hour average concentration of 35.4 µg/m$^3$, which is considered an exceedance of the federal $PM_{2.5}$ standard. The monitoring station nearest the project site exceeded the standard by approximately 38 days in the 3-year period spanning from 2018 to 2020. People with respiratory or heart disease, the elderly and children are the groups most at risk. Unusually sensitive people should consider reducing prolonged or heavy exertion. The AQI of 150 is classified as unhealthful for sensitive groups with a $PM_{2.5}$ concentration of 55.4 µg/m$^3$. At this concentration, there is increasing likelihood of respiratory symptoms in sensitive individuals, aggravation of heart or lung disease and premature mortality in persons with cardiopulmonary disease, and in the elderly. People with respiratory or heart disease, the elderly, and children should limit prolonged exertion. The highest concentration recorded in Visalia was 121 µg/m$^3$ in 2020. At this concentration, increased aggravation of heart or lung disease and premature mortality in persons with cardiopulmonary disease and the elderly, and increased respiratory effects in general population would occur. People with respiratory or heart disease, the elderly, and children should avoid prolonged exertion; everyone else should limit prolonged exertion when the AQI exceeds this level. The relationship of the AQI to health effects in shown Table 3.3-5.

**Table 3.3-5: Air Quality Index and Health Effects of Particulate Pollution**

| Air Quality Index/24-hour Average $PM_{2.5}$ Concentration | Health Effects Description |
|---|---|
| AQI 51–100—Moderate | **Sensitive Groups**: People with respiratory or heart disease, the elderly and children are the groups most at risk. |
| Concentration 12.1-35.4 µg/$m^3$ | **Health Effects Statements**: Unusually sensitive people should consider reducing prolonged or heavy exertion. |
| | **Cautionary Statements**: Unusually sensitive people: Consider reducing prolonged or heavy exertion. Watch for symptoms such as coughing or shortness of breath. These are signs to take it easier. |
| AQI 100–150—Unhealthy for Sensitive Groups | **Sensitive Groups**: People with respiratory or heart disease, the elderly and children are the groups most at risk. |
| Concentration 35.5-55.4 µg/$m^2$ | **Health Effects Statements**: Increased aggravation of heart or lung disease and premature mortality in persons with cardiopulmonary disease and the elderly; increased respiratory effects in general population. |
| | **Cautionary Statements**: People with respiratory or heart disease, the elderly and children should avoid prolonged exertion; everyone else should limit prolonged exertion. |
| AQI 151–200—Unhealthy | **Sensitive Groups**: Everyone |
| Concentration 55.5-150.4 µg/$m^3$ | **Health Effects Statements**: Increased aggravation of heart or lung disease and premature mortality in persons with cardiopulmonary disease and the elderly; increased respiratory effects in general population. |
| | **Cautionary Statements**: Sensitive groups: Avoid prolonged or heavy exertion. Consider moving activities indoors or rescheduling. Everyone else: Reduce prolonged or heavy exertion. Take more breaks during outdoor activities. |
| AQI 201-300—Very Unhealthy | **Sensitive Groups**: People with respiratory or heart disease, the elderly and children are the groups most at risk. |
| Concentration 150.5-250.4 µg/$m^3$ | **Health Effects Statements**: Significant aggravation of heart or lung disease and premature mortality in persons with cardiopulmonary disease and the elderly; significant increase in respiratory effects in general population. |
| | **Cautionary Statements**: People with respiratory or heart disease, the elderly and children should avoid any outdoor activity; everyone else should avoid prolonged exertion. |
| Source: EPA. 2014. Air Quality Index for Particle Pollution. Website: https://www.airnow.gov/aqi/aqi-basics/using-air-quality-index/. Accessed August 9, 2022.<br>EPA. 2014. AQI Calculator. Website: https://www.airnow.gov/aqi/aqi-calculator/. Accessed June 1, 2023. | |

## 3.3.2 - Regulatory Framework

### Federal

#### *Clean Air Act*

Congress established much of the basic structure of the Clean Air Act (CAA) in 1970, and made major revisions in 1977 and 1990. Six common air pollutants (also known as criteria pollutants) are addressed in the CAA. These are particulate matter, ground-level ozone, CO, sulfur oxides, nitrogen oxides, and lead. The EPA calls these pollutants criteria air pollutants, because it regulates them by developing human health-based and/or environmentally based criteria (science-based guidelines) for setting permissible levels. The set of limits based on human health are called primary standards. Another set of limits intended to prevent environmental and property damage are called secondary standards.[8] The federal standards are called National Ambient Air Quality Standards (NAAQS). The air quality standards provide benchmarks for determining whether air quality is healthy at specific locations and whether development activities will cause or contribute to a violation of the standards. The criteria pollutants are:

- Ozone
- Nitrogen dioxide ($NO_2$)
- Lead
- Particulate matter ($PM_{10}$ and $PM_{2.5}$)
- Carbon monoxide (CO)
- Sulfur dioxide

The federal standards were set to protect public health, including that of sensitive individuals; thus, the EPA is tasked with updating the standards as more medical research is available regarding the health effects of the criteria pollutants. Primary federal standards are the levels of air quality necessary, with an adequate margin of safety, to protect the public health.

The CAA also requires each state to prepare an air quality control plan referred to as a State Implementation Plan (SIP). The federal Clean Air Act amendments of 1990 added requirements for states with nonattainment areas to revise their SIPs to incorporate additional control measures to reduce air pollution. The SIP is periodically modified to reflect the latest emissions inventories, planning documents, and rules and regulations of the air basins, as reported by their jurisdictional agencies.

### State

Air pollutants are regulated at the national, State, and air basin or county level; each agency has a different level of regulatory responsibility. The EPA regulates at the national level. The ARB regulates at the State level. The Valley Air District regulates at the air basin level.

The EPA is responsible for national and interstate air pollution issues and policies. The EPA sets national vehicle and stationary source emission standards, oversees approval of all State Implementation Plans (SIPs), provides research and guidance for air pollution programs, and sets the NAAQS.

[8] United States Environmental Protection Agency (EPA). 2014. Clean Air Act Requirements and History. Website: https://www.epa.gov/clean-air-act-overview/clean-air-act-requirements-and-history. Accessed June 1, 2023.

A SIP is a document prepared by each state describing existing air quality conditions and measures that will be followed to attain and maintain federal air standards. The SIP for the State of California is administered by the ARB, which has overall responsibility for Statewide air quality maintenance and air pollution prevention. California's SIP incorporates individual federal attainment plans for regional air districts—an air district prepares their federal attainment plan, which is sent to the ARB to be approved and incorporated into the California SIP. Federal attainment plans include the technical foundation for understanding air quality (e.g., emission inventories and air quality monitoring), control measures and strategies, and enforcement mechanisms.

Areas designated nonattainment must develop air quality plans and regulations to achieve standards by specified dates, depending on the severity of the exceedances. For much of the country, implementation of federal motor vehicle standards and compliance with federal permitting requirements for industrial sources are adequate to attain air quality standards on schedule. For many areas of California, however, additional State and local regulation is required to achieve the standards. Regulations adopted by California are described below.

### Low Emission Vehicle Program

The ARB first adopted Low Emission Vehicle (LEV) program standards in 1990. These first LEV standards ran from 1994 through 2003. LEV II regulations, running from 2004 through 2010, represented continuing progress in emission reductions. As the State's passenger vehicle fleet continues to grow and more sport utility vehicles and pickup trucks are used as passenger cars rather than work vehicles, the more stringent LEV II standards were adopted to provide reductions necessary for California to meet federally mandated clean air goals outlined in the 1994 SIP. In 2012, ARB adopted the LEV III amendments to California's LEV regulations. These amendments, also known as the Advanced Clean Cars Program, include more stringent emission standards for model years 2017 through 2025 for both criteria pollutants and GHGs for new passenger vehicles.[9]

### California Air Resources Board Airborne Toxic Control Measure for Asbestos

In July 2001, the ARB approved an Airborne Toxic Control Measure (ATCM) for construction, grading, quarrying, and surface mining operations to minimize emissions of naturally occurring asbestos. The regulation requires application of Best Management Practices (BMPs) to control fugitive dust in areas known to have naturally occurring asbestos and requires notification to the local air district prior to commencement of ground-disturbing activities. The measure establishes specific testing, notification and engineering controls prior to grading, quarrying, or surface mining in construction zones where naturally occurring asbestos is located on projects of any size. There are additional notification and engineering controls at work sites larger than 1 acre. These projects require the submittal of a "Dust Mitigation Plan" and approval by the air district prior to the start of a project.

Construction sometimes requires the demolition of existing buildings where construction occurs; the project site includes several small outbuildings associated with agricultural use which would be demolished as part of the proposed project. In addition, asbestos is also found in a natural state, known as naturally occurring asbestos. Exposure and disturbance of rock and soil that naturally

[9] California Air Resources Board (ARB). 2012. Low Emission Vehicle Program. Website: http://www.arb.ca.gov/msprog/levprog/levprog.htm. Accessed June 1, 2023.

contain asbestos can result in the release of fibers into the air and consequent exposure to the public. Asbestos most commonly occurs in ultramafic rock that has undergone partial or complete alteration to serpentine rock (serpentinite) and often contains chrysotile asbestos. In addition, another form of asbestos, tremolite, can be found associated with ultramafic rock, particularly near faults. Sources of asbestos emissions include unpaved roads or driveways surfaced with ultramafic rock, construction activities in ultramafic rock deposits, or rock quarrying activities where ultramafic rock is present. Exposure to naturally occurring asbestos can occur during soil-disturbing activities in areas with deposits present. However, as noted above, no naturally occurring asbestos is located near the project site.[10]

Areas are subject to the regulation if they are identified on maps published by the Department of Conservation as ultramafic rock units or if the Air Pollution Control Officer or owner/operator has knowledge of the presence of ultramafic rock, serpentine, or naturally occurring asbestos on the site. The measure also applies if ultramafic rock, serpentine, or asbestos is discovered during any operation or activity. Review of the Department of Conservation maps indicates that no ultramafic rock has been found near the project site.

### Diesel Risk Reduction Plan

The ARB's Diesel Risk Reduction Plan has led to the adoption of new State regulatory standards for all new on-road, off-road, and stationary diesel-fueled engines and vehicles to reduce DPM emissions by about 90 percent overall from year 2000 levels. The projected emission benefits associated with the full implementation of this plan, including federal measures, are reductions in DPM emissions and associated cancer risks of 75 percent by 2010, and 85 percent by 2020.[11]

### California Air Resources Board Regulation for In-Use Off-Road Diesel Vehicles

On July 26, 2007, the ARB adopted a regulation to reduce DPM and oxides of nitrogen ($NO_X$) emissions from in-use (existing) off-road heavy-duty diesel vehicles in California. Such vehicles are used in construction, mining, and industrial operations. The regulation limits idling to no more than 5 consecutive minutes, requires reporting and labeling, and requires disclosure of the regulation upon vehicle sale. The ARB is enforcing that part of the rule with fines up to $10,000 per day for each vehicle in violation. Performance requirements of the rule are based on a fleet's average $NO_X$ emissions, which can be met by replacing older vehicles with newer, cleaner vehicles or by applying exhaust retrofits. The regulation was amended in 2010 to delay the original timeline of the performance requirements, making the first compliance deadline January 1, 2014 for large fleets (over 5,000 horsepower), 2017 for medium fleets (2,501-5,000 horsepower), and 2019 for small fleets (2,500 horsepower or less).

The latest amendments to the Truck and Bus regulation became effective on December 31, 2014. The amended regulation requires diesel trucks and buses that operate in California to be upgraded to reduce emissions. Newer heavier trucks and buses met particulate matter (PM) filter

[10] California Department of Conservation, Division of Mine Reclamation. 2000. A General Location Guide for Ultramafic Rocks in California—Areas More likely to Contain Naturally Occurring Asbestos. August. Website: https://ww2.arb.ca.gov/sites/default/files/classic//toxics/asbestos/ofr_2000-019.pdf. Accessed June 1, 2023.

[11] California Air Resources Board (ARB). 2000. Risk Reduction Plan to Reduce Particulate Matter Emissions from Diesel-fueled Engines and Vehicles. Website: https://ww2.arb.ca.gov/our-work/programs/diesel-risk-reduction-plan. Accessed June 1, 2023.

requirements beginning January 1, 2012. Mandatory replacement of lighter and older heavier trucks began January 1, 2015. By January 1, 2023, nearly all trucks and buses will need to have 2010 model year engines or equivalent.

The regulation applies to nearly all privately and federally owned diesel-fueled trucks and buses and to privately and publicly owned school buses with a gross vehicle weight rating greater than 14,000 pounds. The regulation provides a variety of flexibility options tailored to fleets operating low use vehicles, fleets operating in selected vocations like agricultural and construction, and small fleets of three or fewer trucks.

## On-Road Heavy-Duty Vehicle Program

The ARB has adopted standards for emissions from various types of new on-road heavy-duty vehicles. Section 1956.8, Title 13, California Code of Regulations contains California's emission standards for on-road heavy-duty engines and vehicles, and test procedures. The ARB has also adopted programs to reduce emissions from in-use heavy-duty vehicles including the Heavy-Duty Diesel Vehicle Idling Reduction Program, the Heavy-Duty Diesel In-Use Compliance Program, the Public Bus Fleet Rule and Engine Standards, and the School Bus Program and others.[12]

## Regulations for Heavy-Duty Vehicles/Trucks

### *California Air Resources Board Airborne Toxic Control Measure to Limit Diesel-Fueled Commercial Motor Vehicle Idling*

This ATCM adopted Section 2485 within Chapter 10, Article 1, Division 3, title 13 in the California Code of Regulations. The measure limits the idling of diesel vehicles (i.e., commercial trucks over 10,000 pounds) to reduce emissions of toxics and criteria pollutants. The driver of any vehicle subject to this section: (1) shall not idle the vehicle's primary diesel engine for greater than 5 minutes at any location; and (2) shall not idle a diesel-fueled auxiliary power system for more than 5 minutes to power a heater, air conditioner, or any ancillary equipment on the vehicle if it has a sleeper berth and the truck is located within 100 feet of a restricted area (homes and schools).

### *California Air Resources Board Requirements to Reduce Idling Emissions from New and In-Use Trucks.*

Amendments were made to Title 13 in California Code of Regulations in Sections 1956.8, 2404, 2424, 2425, and 2485. Among other things, the amendments state: "All new 2008 and subsequent model year heavy-duty diesel engines shall be equipped with an engine shutdown system that automatically shuts down the engine after 300 seconds of continuous idling operation once the vehicle is stopped, the transmission is set to 'neutral' or 'park,' and the parking brake is engaged. If the parking brake is not engaged, then the engine shutdown system shall shut down the engine after 900 seconds of continuous idling operation once the vehicle is stopped and the transmission is set to 'neutral' or 'park.'" There are a few conditions where the engine shutdown system can be overridden to prevent engine damage. Any trucks involved in the operation of the proposed project that are manufactured after 2008 would be consistent with this rule, which would ultimately reduce air emissions.

[12] California Air Resources Board (ARB). 2013. The California Almanac of Air Quality and Emissions—2013 Edition. Website: https://ww2.arb.ca.gov/our-work/programs/resource-center/technical-assistance/air-quality-and-emissions-data/almanac. Accessed June 1, 2023.

### *Statewide Truck and Bus Regulation*

(Regulation to Reduce Emissions of DPM, Oxides of Nitrogen and Other Criteria Pollutants, from In-Use Heavy-Duty Diesel-Fueled Vehicles, Title 13, California Code of Regulations, Section 2025). On December 12, 2008, the ARB approved this regulation (Regulation to Reduce Emissions of DPM, Oxides of Nitrogen and Other Criteria Pollutants, from In-Use Heavy-Duty Diesel-Fueled Vehicles, Title 13, California Code of Regulations, Section 2025) to reduce emissions from existing on-road diesel trucks and buses operating in California. This regulation applies to all on-road heavy-duty diesel-fueled vehicles with a gross vehicle weight rating greater than 14,000 pounds, agricultural yard trucks with off-road certified engines, and certain diesel-fueled shuttle vehicles of any gross vehicle weight rating. Out-of-state trucks and buses that operate in California are also subject to the regulation. Under the regulation, older, heavier trucks (i.e., those with pre-2000 year engines and a gross vehicle weight rating greater than 26,000 pounds), are required to have installed a PM filter and must be replaced with a 2010 engine between 2015 and 2020, depending on the model year.

### *Air Toxics Contaminant Measure for Transportation Refrigeration Units and Transportation Refrigeration Generator Sets*

This measure was adopted by the ARB to reduce emissions of TAC emissions from in-use Transport Refrigeration Units (TRUs) and TRU generator sets used to power electrically driven refrigerated shipping.

## 3.3.3 - San Joaquin Valley Air Pollution Control District

The Valley Air District is responsible for controlling emissions primarily from stationary sources. The Valley Air District, in coordination with the eight countywide transportation agencies, is also responsible for developing, updating, and implementing air quality attainment plans for the Air Basin. It also has roles under CEQA.

### Ozone Plans

The Air Basin is designated nonattainment of State and federal health-based air quality standards for ozone. To meet Clean Air Act requirements for the 1-hour ozone standard, the Valley Air District adopted an Extreme Ozone Attainment Demonstration Plan in 2004, with an attainment date of 2010. Although the EPA revoked the federal 1-hour ozone standard effective June 15, 2005, and replaced it with an 8-hour standard, the requirement to submit a plan for that standard remained in effect for the San Joaquin Valley.

The planning requirements for the 1-hour plan remain in effect until replaced by a federal 8-hour ozone attainment plan. The EPA approved the 2004 Extreme Ozone Attainment Demonstration Plan, including revisions to the plan, on March 8, 2010, effective April 7, 2010. However, the Air Basin failed to attain the standard in 2010 and was subject to a $29 million Clean Air Act penalty. The penalty is being collected through an additional $12 motor vehicle registration surcharge for each passenger vehicle registered in the Air Basin that will be applied to pollution reduction programs in the region. The Valley Air District also instituted a more robust ozone episodic program to reduce emissions on days with the potential to exceed the ozone standards. On July 18, 2016, the EPA published in the Federal Register a final action determining that the San Joaquin Valley has attained the

1-hour ozone national ambient air quality standard. This determination was based on the most recent 3-year period (2012–2014) of sufficient, quality-assured, and certified data available at that time.[13]

The Valley Air District's most recent 2016 Plan for the 2008 8-Hour Ozone Standard addresses the federal mandates related to the 2008 8-hour ozone NAAQS.[14] The Valley Air District adopted the 2022 Plan for the 2015 8-hour Ozone Standard on December 15, 2022, which satisfies the Clean Air Act requirements to meet the 70 ppb 8-hour ozone standard.[15] As described in the Plan, the reductions that would be achieved by the Valley Air District and the ARB strategy (72 percent reduction in NOx emissions by 2037) would ensure expeditious attainment of the 2015 8-hour ozone standard by the 2037 attainment deadline.

The EPA originally classified the Air Basin as serious nonattainment for the 1997 federal 8-hour ozone standard with an attainment date of 2013. On April 30, 2007, the Valley Air District's Governing Board adopted the 2007 Ozone Plan, which contained analysis showing a 2013 attainment target to be infeasible. The 2007 Ozone Plan details the plan for achieving attainment on schedule with an "extreme nonattainment" deadline of 2024. At its adoption of the 2007 Ozone Plan, the Valley Air District also requested a reclassification to extreme nonattainment. The ARB approved the plan in June 2007, and the EPA approved the request for reclassification to extreme nonattainment on April 15, 2010.

The 2007 Ozone Plan contains measures to reduce ozone and particulate matter precursor emissions to bring the Air Basin into attainment with the federal 8-hour ozone standard. The 2007 Ozone Plan calls for a 75 percent reduction of $NO_x$ and a 25 percent reduction of reactive organic gases (ROG). Figure 1 displays the anticipated $NO_x$ reductions attributed in the 2007 Ozone Plan.[16] The plan, with innovative measures and a "dual path" strategy, assures expeditious attainment of the federal 8-hour ozone standard for all Air Basin residents. The Valley Air District Governing Board adopted the 2007 Ozone Plan on April 30, 2007. The ARB approved the plan on June 14, 2007. The 2007 Ozone Plan requires yet to be determined "Advanced Technology" to achieve additional reductions after 2021, in order to attain the standard at all monitoring stations in the Air Basin by 2024 as allowed for areas designated extreme nonattainment by the federal Clean Air Act.

The Air Basin is designated as an extreme ozone nonattainment area for the EPA's 2008 8-hour ozone standard of 75 ppb. The plan to address this standard was developed for the region to attain EPA's 2008 8-hour ozone standard by December 31, 2031.

[13] United States Environmental Protection Agency (EPA). 2016. Federal Register. Determination of Attainment of the 1-Hour Ozone National Ambient Air Quality Standard in the San Joaquin Valley Nonattainment Area in California. Website: https://www.federalregister.gov/documents/2016/07/18/2016-16792/determination-of-attainment-of-the-1-hour-ozone-national-ambient-air-quality-standard-in-the-san. Accessed June 1, 2023.

[14] San Joaquin Valley Air Pollution Control District (Valley Air District). 2016. 2016 Plan for the 2008 8-Hour Ozone Standard. June 16. Website: http://valleyair.org/Air_Quality_Plans/Ozone-Plan-2016.htm. Accessed June 1, 2023.

[15] San Joaquin Valley Air Pollution Control District (Valley Air District). 2022. 2022 Plan for the 8-Hour Ozone Standard. Website: https://ww2.valleyair.org/rules-and-planning/air-quality-plans/ozone-plans/2022-ozone-plan-for-the-san-joaquin-valley/. Accessed June 1, 2023.

[16] San Joaquin Valley Air Pollution Control District (Valley Air District). 2007. 2007 Ozone Plan. Website: www.valleyair.org/Air_Quality_Plans/AQ_Final_Adopted_Ozone2007.htm. Accessed June 1, 2023.

The San Joaquin Valley is classified as an "extreme" nonattainment area for the 2015 ozone standard.[17] This nonattainment classification sets forth a requirement to adopt a Reasonably Available Control Technology (RACT) demonstration as a revision to the SIP no later than August 3, 2020. Pursuant to Sections 182(b)(2) and (f) of the federal Clean Air Act (CAA, or "the Act"), areas classified as moderate or above for ozone nonattainment are required to implement RACT requirements for sources that are subject to EPA Control Techniques Guidelines (CTGs) and for "major sources" of volatile organic compounds (VOCs) and $NO_x$, which are ozone precursors. These RACT requirements ensure that significant sources of emissions in nonattainment areas are controlled to a "reasonable" extent, but not necessarily to the more stringent control levels expected of new or modified major stationary sources. Preparation of the 2020 RACT Demonstration, which was adopted, included a comprehensive evaluation of all $NO_x$ and VOC District rules to ensure that each rule meets or exceeds RACT. The 2020 RACT Demonstration fulfills CAA requirements and demonstrates that all federal RACT requirements continue to be satisfied in the Valley.

State ozone standards do not have an attainment deadline but require implementation of all feasible measures to achieve attainment at the earliest date possible. This is achieved through compliance with the federal deadlines and control measure requirements.

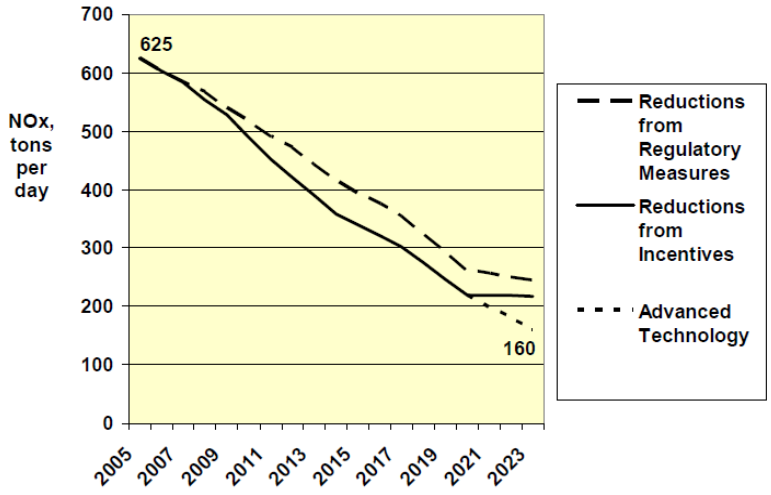



**Figure 1: San Joaquin Valley $NO_x$ Emissions Forecast**

## Particulate Matter Plans

The Air Basin was designated nonattainment of State and federal health-based air quality standards for $PM_{10}$. The Air Basin is also designated nonattainment of State and federal standards for $PM_{2.5}$.

To meet CAA requirements for the $PM_{10}$ standard, the Valley Air District adopted a $PM_{10}$ Attainment Demonstration Plan (amended 2003 $PM_{10}$ Plan and 2006 $PM_{10}$ Plan), which had an attainment date of 2010. The Valley Air District adopted the 2007 $PM_{10}$ Maintenance Plan in September 2007 to

[17] San Joaquin Valley Air Pollution Control District (Valley Air District). 2020. 2020 Reasonably Available Control Technology (RACT) Demonstration for the 2015 8-Hour Ozone Standard. May 19. Website: http://www.valleyair.org/Workshops/postings/2020/06-18-20_RACT/Final-2020-RACT-Demonstration-for-the-2015-8-Hour-Ozone-Standard.pdf. Accessed June 1, 2023.

assure the San Joaquin Valley's continued attainment of the EPA's $PM_{10}$ standard. The EPA designated the valley as an attainment/maintenance area for $PM_{10}$ on September 25, 2008.

The Valley Air District's most recent 2018 Plan for the 1997, 2006, and 2012 $PM_{2.5}$ Standards develops a strategy to attain the federal health-based 1997, 2006, and 2012 NAAQS for $PM_{2.5}$ as expeditiously as practicable.[18] The Valley Air District's attainment strategy builds upon comprehensive strategies already in place from previously adopted District attainment plans and measures. This plan includes aggressive incentive-based control measures that achieve the massive emissions reductions needed to bring the Valley into attainment.

### San Joaquin Valley Air Pollution Control District Rules and Regulations

The Valley Air District rules and regulations that are relevant to this analysis consist of the following:

**Rule 4101** **Visible Emissions.** A person shall not discharge into the atmosphere from any single source of emission whatsoever, any air contaminant, other than uncombined water vapor, for a period or periods aggregating more than 3 minutes in any 1 hour, which is (SJVPACD, 2005):

- As darker or darker in shade as that designated as No. 1 on the Ringelmann Chart, as published by the United States Bureau of Mines.
- Of such opacity as to obscure an observer's view to a dress equal to or greater than the smoke described in Section 5.1 of this rule.

**Rule 4102** **Nuisance**. The purpose of this rule is to protect the health and safety of the public and it applies to any source operation that emits or may emit air contaminants or other materials.

**Rule 4601** **Architectural Coatings**. The purpose of this rule is to limit Volatile Organic Compounds (VOC) emissions from architectural coatings. Emissions are reduced by limits on VOC content and providing requirements on coatings storage, cleanup, and labeling.

**Rule 4641** **Cutback, Slow Cure, and Emulsified Asphalt, Paving, and Maintenance Operations**. The purpose of this rule is to limit VOC emissions from asphalt paving and maintenance operations. If asphalt paving will be used, then the paving operations will be subject to Rule 4641.

**Rule 4901** **Wood-Burning Fireplaces and Wood-Burning Heaters**. The purposes of this rule are to limit emissions of carbon monoxide and particulate matter from wood-burning fireplaces, wood-burning heaters, and outdoor wood-burning devices, and to establish a public education program to reduce wood-burning emissions. All development that includes wood-burning devices are subject to this rule.

[18] San Joaquin Valley Air Pollution Control District (Valley Air District). 2018. 2018 Plan for the 1997, 2006, and 2012 $PM_{2.5}$ Standards. November 15. Website: https://www.valleyair.org/pmplans/documents/2018/pm-plan-adopted/2018-Plan-for-the-1997-2006-and-2012-PM2.5-Standards.pdf. Accessed June 1, 2023.

**Regulation VIII** **Fugitive $PM_{10}$ Prohibitions**. Rules 8011-8081 are designed to reduce $PM_{10}$ emissions (predominantly dust/dirt) generated by human activity, including construction and demolition activities, road construction, bulk materials storage, paved and unpaved roads, carryout and trackout, etc. All development projects that involve soil disturbance are subject to at least one provision of the Regulation VIII series of rules.

**Rule 9510** **Indirect Source Review**. This rule reduces the impact of $NO_x$ and $PM_{10}$ emissions from growth within the Air Basin. The rule places application and emission reduction requirements on development projects meeting applicability criteria in order to reduce emissions through on-site mitigation, off-site District-administered projects, or a combination of the two.

## California Environmental Quality Act

The Valley Air District has three potential roles under CEQA:

1. *Lead Agency*: Responsible for preparing environmental analyses for its own projects (adoption of rules, regulations, or plans) or permit projects filed with the Valley Air District where it has primary approval authority over the project.
2. *Responsible Agency*: The discretionary authority of a Responsible Agency is more limited than a Lead Agency; i.e., having responsibility for mitigating or avoiding only the environmental effects of those parts of the project over which the Responsible Agency has jurisdiction. When the Valley Air District serves as a Responsible Agency, it defers to and relies on the Lead Agency for preparation of environmental documents for land use projects that also have discretionary air quality permits, unless no document is prepared by the Lead Agency and potentially significant impacts related to the permit are possible. The Valley District regularly submits comments on documents prepared by Lead Agencies to ensure that District concerns are addressed.
3. *Commenting Agency*: The Valley Air District reviews and comments on air quality analyses prepared by other public agencies.

The Valley Air District also provides guidance and thresholds for CEQA air quality and GHG analyses for purposes of Lead Agency review and use to the extent each Lead Agency elects, in its discretion, to do so. The result of this guidance, as well as State regulations to control air pollution, is an overall improvement in the Air Basin. In particular, the Valley Air District's 2015 GAMAQI states the following:

1. The District's Air Quality Attainment Plans include measures to promote air quality elements in county and city general plans as one of the primary indirect source programs. The general plan is the primary long-range planning document used by cities and counties to direct development. Since air districts have no authority over land use decisions, it is up to cities and counties to ensure that their general plans help achieve air quality goals. Section 65302.1 of the California Government Code requires cities and counties in the San Joaquin Valley to amend appropriate elements of their general plans to include data, analysis, comprehensive goals, policies, and feasible implementation strategies to improve air quality in their next housing element revisions.

2. The Air Quality Guidelines for General Plans (AQGGP), adopted by the District in 1994 and amended in 2005, is a guidance document containing goals and policy examples that cities and counties may want to incorporate into their General Plans to satisfy Section 65302.1. When adopted in a general plan and implemented, the suggestions in the AQGGP can reduce vehicle trips and miles traveled and improve air quality. The specific suggestions in the AQGGP are voluntary. The District strongly encourages cities and counties to use their land use and transportation planning authority to help achieve air quality goals by adopting the suggested policies and programs.

## 3.3.4 - Local

### City of Visalia General Plan

The City of Visalia (City) is the local government with the authority over land use decisions for purposes of the proposed project. The City adopted an updated General Plan on October 14, 2014.[19] The relevant air quality goals, objectives, and policies from the City's General Plan for purposes of this analysis are listed below.

#### *Chapter 7: Air Quality and Greenhouse Gases*

*Objectives*

**AQ-O-1** Coordinate air quality planning efforts with other local, regional and State agencies.

**AQ-O-2** Strive to improve air quality by implementing emissions reduction efforts targeting mobile sources, stationary sources and construction- related sources.

*Policies*

**AQ-P-1** Amend the Zoning Ordinance to prohibit locating new "sensitive receptor" uses—hospitals, residential care facilities and child care facilities—within 500 feet of a limited access State Highway (SR-99 and SR-198), except as provided by approved master plans.

**AQ-P-2** Require use of Best Management Practices (BMPs) to reduce particulate emission as a condition of approval for all subdivisions, development plans and grading permits, in conformance with the San Joaquin Valley Air Pollution Control District Fugitive.

**AQ-P-3** Support implementation of the San Joaquin Valley Air Pollution Control District's regulations on the use of wood-burning fireplaces, as well as their regulations for the installation of EPA-certified wood heaters or approved wood-burning appliances in new residential development and a "No Burn" policy on days when the air quality is poor.

[19] City of Visalia. 2014. City of Visalia General Plan. October. Website: https://www.visalia.city/depts/community_development/planning/gp.asp. Accessed June 1, 2023.

**AQ-P-4** Support the San Joaquin Valley Air Pollution Control District's "change-out" program, which provides incentives to help homeowners replace old word-burning fireplaces with EPA-certified non-wood-burning appliances.

**AQ-P-5** When asbestos has been identified in the preliminary soils report, require all new development and public works projects to comply with all provisions of State and regional ATCM regulations for control of airborne asbestos emissions relating to construction, road maintenance, and grading activities.

**AQ-P-6** Amend the Street Tree Ordinance to promote use of plants and trees that are efficient pollutant absorbers.

**AQ-P-7** Be an active partner with the Air District in its "Spare the Air" program. Encourage businesses and residents to avoid pollution-producing activities such as the use of fireplaces and wood stoves, charcoal lighter fluid, pesticides, aerosol products, oil-based paints, and automobiles and other gasoline engines on days when high ozone levels are expected, and promote low emission vehicles and alternatives to driving.

**AQ-P-8** Update the Zoning Ordinance to strictly limit the development of drive-through facilities, only allowing them in auto-oriented areas and prohibiting them in Downtown and East Downtown.

**AQ-P-9** Continue to mitigate short-term construction impacts and long-term stationary source impacts on air quality on a case-by-case basis and continue to assess air quality impacts through environmental review. Require developers to implement Best Management Practices (BMPs) to reduce air pollutant emissions associated with the construction and operation of development projects.

BMPs include transportation demand management strategies for large development projects such as:

- Providing bicycle access and parking facilities;
- Providing preferential parking for high-occupancy vehicles, carpools, or alternative fuels vehicles;
- Establishing telecommuting programs or satellite work centers;
- Allowing alternative work schedules;
- Subsidizing public transit costs for employee;
- Scheduling Deliveries at off-peak traffic periods; and
- Providing recharge stations for plug-in electric vehicles (PEVs).

**AQ-P-10** Develop public information regarding high- and low-pollen producing landscape species, to be made available at City Hall and other relevant locations throughout the City. Work with Chamber of Commerce, local landscape architects, nursery contractors, and arborists to promote landscaping with low-pollen plants.

**AQ-P-11** Continue to work in conjunction with the San Joaquin Valley Air Pollution Control District and others to put in place additional Transportation Control Measures that will reduce vehicle travel and improve air quality and to implement Air Quality Plans.

## 3.3.5 - Methodology

Regional air pollutant emissions are composed of those on-site and off-site construction and operational emissions generated from all components of the proposed project. Air pollutant emissions can be estimated by using emission factors and a level of activity. Emission factors represent the emission rate of a pollutant over a given time or activity for example, grams of NOX per vehicle mile traveled or grams of NOX per horsepower hour of equipment operation. The activity factor is a measure of how active a piece of equipment is and can be represented as the amount of material processed, elapsed time that a piece of equipment is in operation, horsepower of a piece of equipment used, the amount of fuel consumed in a given amount of time, or VMT per day. The ARB has published emission factors for on-road mobile vehicles/trucks in the Emission Factor (EMFAC) mobile source emissions model and emission factors for off-road equipment and vehicles in the OFFROAD emissions model. An air emissions model (or calculator) combines the emission factors and the levels of activity and outputs the emissions for the various pieces of equipment.

The California Emissions Estimator Model (CalEEMod) was developed in cooperation with the SCAQMD, the Valley Air District, and other air districts throughout the State. CalEEMod is designed as a uniform platform for government agencies, land use planners, and environmental professionals to quantify potential criteria pollutant and GHG emissions associated with construction and operation from a variety of land uses. The current version of CalEEMod, Version 2022.1.1.20 was in soft release by the time of the analysis and had experienced several issues. Therefore, CalEEMod Version 2020.4.0, which is still accepted by the Valley Air District at the time of the analysis, was utilized for the Air Quality, GHG, and energy analyses.

## 3.3.6 - Thresholds of Significance

The lead agency utilizes the criteria in the California Environmental Quality Act (CEQA) Guidelines Appendix G Environmental Checklist to determine whether impacts to air quality are significant environmental effects. Would the project:

Where available, the significance criteria established by the applicable air quality management or air pollution control district may be relied upon to make the following determinations.

Would the project:

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

b) Result in a cumulatively considerable net increase of any criteria pollutant for which the project region is nonattainment under an applicable federal or state ambient air quality standard?

c) Expose sensitive receptors to substantial pollutant concentrations?

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

## Approach to Analysis

### *Construction-related Criteria Pollutants*

Construction emissions can vary substantially from day to day, depending on the level of activity, the specific type of operation, and prevailing weather conditions. Construction emissions result from on-site and off-site activities. On-site emissions principally consist of exhaust emissions from the activity levels of heavy-duty construction equipment, motor vehicle operation, and fugitive dust (mainly $PM_{10}$) from disturbed soil. Additionally, paving operations and application of architectural coatings would release VOC emissions. Off-site emissions are caused by motor vehicle exhaust from delivery vehicles, worker traffic, hauling truck trips associated with grading activity, and road dust ($PM_{10}$ and $PM_{2.5}$).

Construction activities would consist of site preparation, grading, demolition, building construction, paving, and architectural coating of the inside and outside of the buildings. In addition, construction activity would include off-site improvements to adjacent roadways improve curbs, gutters, sidewalks that would include paving and architectural coating activities. Demolition activity would occur on-site to remove the existing small outbuildings used for agricultural purposes.[20] For each construction activity, the construction equipment operating hours and numbers represent the average equipment activity over the duration of the activity. A conceptual construction schedule is provided in Table 3.3-6 that presents the duration for each construction activity. Table 3.3-7 presents the number of assumed construction equipment along with assumed hours of operation per day, horsepower, and load factor. Where project-specific information was not available or unknown, CalEEMod default assumptions were used to complete emissions modeling. The activity for construction equipment is based on the horsepower and load factors of the equipment. In general, the horsepower is the power of an engine—the greater the horsepower, the greater the power. The load factor is the average power of a given piece of equipment while in operation compared with its maximum rated horsepower. A load factor of 1.0 indicates that a piece of equipment continually operates at its maximum operating capacity. This analysis uses the CalEEMod default load factors for off-road equipment.

The anticipated construction schedule, as shown in Table3.3-6, reflects the construction start date and construction phase durations estimated by the project applicant. The start date of the construction schedule used in the analysis represents a reasonable “worst-case” analysis scenario since emission factors for construction equipment decrease as the analysis year increases, due to improvements in technology and compliance with more stringent regulatory requirements. Therefore, construction emissions would decrease if the construction schedule moved to later years.

In order to evaluate a reasonable “worst-case” scenario, CalEEMod default phase lengths and construction equipment were used for the site preparation and grading activities. In addition, the site preparation and grading phases were assumed to start at the beginning of construction and occur across the entire approximately 284-acre project site during other phase(s) of activity. The

[20] Note: Demolition activity would result in approximately 49 cubic yards of debris that would result in hauling truck trips. As shown in Appendix B, specifically the demolition debris calculation, the associated emissions from demolition has been accounted for in the modeling.

duration of construction activity and associated equipment represent a reasonable approximation of the expected construction fleet as required by CEQA.

*Schedule*

**Table 3.3-6: Conceptual Construction Schedule**

| Construction Activity | Conceptual Construction Schedule | | Working Days per Week | Working Days |
|---|---|---|---|---|
| | Start Date (approx.) | End Date (approx.) | | |
| **On-Site Construction** | | | | |
| **Site Preparation and Grading for the Entire Project Site** | | | | |
| Demolition | 3/14/2024 | 4/24/2024 | 5 | 30 |
| Site Preparation | 3/14/2024 | 11/20/2024 | 5 | 180 |
| Grading | 11/21/2024 | 9/2/2026 | 5 | 465 |
| **Phase 1** | | | | |
| Building Construction | 3/14/2024 | 3/14/2025 | 5 | 262 |
| Paving | 3/14/2024 | 1/15/2025 | 5 | 220 |
| Architectural Coating | 5/10/2024 | 3/13/2025 | 5 | 220 |
| **Phase 2** | | | | |
| Building Construction | 9/12/2025 | 9/12/2026 | 5 | 261 |
| Paving | 9/12/2025 | 12/25/2025 | 5 | 75 |
| Architectural Coating | 6/1/2026 | 9/11/2026 | 5 | 75 |
| **Phase 3** | | | | |
| Building Construction | 3/12/2027 | 3/12/2028 | 5 | 261 |
| Paving | 3/12/2027 | 8/12/2027 | 5 | 110 |
| Architectural Coating | 10/1/2027 | 3/10/2028 | 5 | 110 |
| **Off-Site Improvements** | | | | |
| Paving | 3/14/2024 | 4/10/2024 | 5 | 20 |
| Architectural Coating | 4/11/2024 | 5/8/2024 | 5 | 20 |
| Source: CalEEMod Output of Appendix B. | | | | |

*On-site Off-road Equipment*

A summary of the on-site, off-road construction equipment usage assumptions used to estimate emissions is presented below.

**Table 3.3-7: Project Construction Equipment Assumptions**

| Construction Activity | Equipment | Equipment Amount | Average Hours per day | Horsepower | Load Factor |
|---|---|---|---|---|---|
| **Site Preparation and Grading for the Entire Project Site** | | | | | |
| Demolition | Concrete Industrial Saws | 1 | 8 | 81 | 0.73 |
| | Excavators | 3 | 8 | 158 | 0.38 |
| | Rubber Tired Bulldozers | 2 | 8 | 247 | 0.40 |
| Site Preparation | Rubber Tired Bulldozers | 3 | 8 | 247 | 0.40 |
| | Tractors/Loaders/Backhoes | 4 | 8 | 97 | 0.37 |
| Grading | Excavators | 2 | 8 | 158 | 0.38 |
| | Graders | 1 | 8 | 187 | 0.41 |
| | Rubber Tired Bulldozers | 1 | 8 | 247 | 0.40 |
| | Scrapers | 2 | 8 | 367 | 0.48 |
| | Tractors/Loaders/Backhoes | 2 | 8 | 97 | 0.37 |
| **Phase 1** | | | | | |
| Off-Site Improvements (Paving) | Pavers | 2 | 8 | 130 | 0.42 |
| | Rollers | 2 | 8 | 80 | 0.38 |
| | Paving Equipment | 2 | 8 | 132 | 0.36 |
| Off-Site Improvements (Architectural Coating) | Air Compressors | 1 | 6 | 78 | 0.48 |
| Building Construction [1,2] | Cranes | 12 | 6.9 | 231 | 0.29 |
| | Forklifts | 32 | 8.9 | 89 | 0.20 |
| | Generator Sets | 12 | 7.9 | 84 | 0.74 |
| | Tractors/Loaders/Backhoes | 32 | 7.8 | 97 | 0.37 |
| | Welders | 12 | 7.9 | 46 | 0.45 |
| Paving | Pavers | 2 | 8 | 130 | 0.42 |
| | Paving Equipment | 2 | 8 | 132 | 0.36 |
| | Rollers | 2 | 8 | 80 | 0.38 |
| Architectural Coating | Air Compressors | 1 | 6 | 78 | 0.48 |
| **Phase 2** | | | | | |
| Building Construction [1,2] | Cranes | 4 | 7.4 | 231 | 0.29 |
| | Forklifts | 12 | 8.5 | 89 | 0.20 |
| | Generator Sets | 4 | 8.5 | 84 | 0.74 |
| | Tractors/Loaders/Backhoes | 12 | 7.4 | 97 | 0.37 |
| | Welders | 4 | 8.5 | 46 | 0.45 |

| Construction Activity | Equipment | Equipment Amount | Average Hours per day | Horsepower | Load Factor |
|---|---|---|---|---|---|
| Paving | Pavers | 2 | 8 | 130 | 0.42 |
| | Paving Equipment | 2 | 8 | 132 | 0.36 |
| | Rollers | 2 | 8 | 80 | 0.38 |
| Architectural Coating | Air Compressors | 1 | 6 | 78 | 0.48 |
| **Phase 3** | | | | | |
| Building Construction[1,2] | Cranes | 6 | 6.9 | 231 | 0.29 |
| | Forklifts | 18 | 7.9 | 89 | 0.20 |
| | Generator Sets | 6 | 7.9 | 84 | 0.74 |
| | Tractors/Loaders/Backhoes | 16 | 7.8 | 97 | 0.37 |
| | Welders | 6 | 7.9 | 46 | 0.45 |
| Paving | Pavers | 2 | 8 | 130 | 0.42 |
| | Paving Equipment | 2 | 8 | 132 | 0.36 |
| | Rollers | 2 | 8 | 80 | 0.38 |
| Architectural Coating | Air Compressors | 1 | 6 | 78 | 0.48 |

Notes:
[1] Default values for construction equipment usage hours were adjusted to match the CalEEMod default total grading horsepower hours. When the default schedule is changed in CalEEMod, the usage hours do not adjust accordingly. Therefore, because the default construction schedule was adjusted to match the project-specific anticipated construction schedule, the construction equipment was adjusted to retain the CalEEMod default totals.
[2] Default values for construction equipment usage hours were adjusted to match the CalEEMod default total building construction horsepower hours.
Source: CalEEMod Output of Appendix B.

*Demolition, Site Preparation, and Grading*

A summary of the construction-related vehicle trips is shown in Table 3.3-8. During demolition, approximately 1,065 square feet of existing outbuildings and foundations would be removed. During project grading, it is expected that approximately 130,000 cubic yards of fill would be imported to the project site; the remaining cut and fill is expected to balance on-site. CalEEMod default values for trip lengths and vehicle fleets were used. Note that the total number of off-site construction vehicle trips would not necessarily occur on the same day, since construction activities would vary each day during the construction period.

*Off-site On-road Vehicle Trips*

**Table 3.3-8: Construction Off-site Trips**

| Construction Activity | Worker (Approx. trips per day) | Vendor (Approx. trips per day) | Haul (Approx. total trips) |
|---|---|---|---|
| **Demolition, Site Preparation, and Grading for the Entire Project Site** | | | |
| Demolition | 15 | 0 | 5 |

| Construction Activity | Worker (Approx. trips per day) | Vendor (Approx. trips per day) | Haul (Approx. total trips) |
|---|---|---|---|
| Site Preparation | 18 | 0 | 0 |
| Grading | 20 | 0 | 16,250 |
| **Phase 1** | | | |
| Building Construction | 2,159 | 842 | 0 |
| Paving | 15 | 0 | 0 |
| Architectural Coating | 432 | 0 | 0 |
| **Phase 2** | | | |
| Building Construction | 1,207 | 471 | 0 |
| Paving | 15 | 0 | 0 |
| Architectural Coating | 241 | 0 | 0 |
| **Phase 3** | | | |
| Building Construction | 1,518 | 592 | 0 |
| Paving | 15 | 0 | 0 |
| Architectural Coating | 304 | 0 | 0 |
| **Off-site Improvements Only** | | | |
| Paving | 15 | 0 | 0 |
| Architectural Coating | 50 | 0 | 0 |
| Source: CalEEMod Output of Appendix B. | | | |

*Fugitive Dust*

Airborne dust is a substantial component of the elevated $PM_{10}$ concentrations in the San Joaquin Valley. Excavation, demolition, grading, unvegetated surfaces exposed to wind, material handling, material storage piles, and vehicle travel on paved and unpaved surfaces all can be sources of substantial fugitive dust emissions if not properly managed or maintained.

Dust would be generated within the entire project site and at off-site locations along the areas proposed for project-related infrastructure improvements. To avoid increased adverse health effects from new construction-related $PM_{10}$ and to address significant nuisance concerns (if any), such as visible clouds of dust and soiling of exposed surfaces, the Valley Air District oversees an extensive set of rules in Regulation VIII. All aspects of the proposed project would be required to comply with the applicable Valley Air District rules. The CalEEMod construction modeling runs include fugitive dust control measures as limiting on-site speed limits to 15 miles per hour (mph) and watering the project site twice per day, consistent with the foregoing rules.

### *Operation-related Criteria Pollutants*

The major sources of operational emissions that would occur over the long-term operations of the proposed project are summarized below.

*On-road Motor Vehicles*

Motor vehicle emissions refer to exhaust and road dust emissions from the motor vehicles that would travel to and from and within the project site. The regional emissions from the proposed project's mobile sources were estimated using CalEEMod. The proposed project would primarily generate passenger vehicle trips from employees and visitors traveling to and from the project site; however, the proposed project would also be served with daily truck deliveries. An estimate of the number of vehicle trips that the proposed project would generate was presented in the Shirk and Riggin Industrial Park Project Trip Generation tables prepared by Kimley-Horn for the proposed project, as shown in Table 3.3-9.

**Table 3.3-9: Vehicle Trip Generation During Operations**

| Vehicle Type | Actual passenger vehicles/trucks (trips per day) | PCE[1] (trips per day) |
|---|---|---|
| Passenger Vehicles | 19,375 | 19,375 |
| Trucks | 2,034 | 4,068 |
| **Total Project Trips** | **21,409** | **23,443** |

Note:
PCE = Passenger Car Equivalent
[1] PCE = 2.0 per City of Visalia Guidance
Source: Kimley-Horn and Associates. Transportation Impact Analysis for Shirk and Riggin Industrial Park. September 2023.

The trip summary shown above includes trips from both passenger vehicles and trucks. The trip generation prepared for the proposed project estimates that trips from passenger vehicles would account for approximately 19,375 of the approximately 21,409 total daily actual trips generated by the proposed project, while trucks would account for approximately 2,034 of the total daily actual trips generated by the proposed project.

Light industrial land use projects, including warehouse, storage, and distribution projects such as the one at hand, can be expected to have longer than average truck trip lengths compared to the default trip lengths in CalEEMod (7.3 miles to 9.5 miles for urban areas of Tulare County). This is because the goods that the warehouses would store and distribute often come from major ports, such as the Port of Long Beach or Oakland. Therefore, to ensure an appropriately conservative analysis, to estimate mobile source emissions from trucks during project operations, a one-way truck trip length of 50 miles was assumed based on recommendations from the Valley Air District for industrial projects.

To apply a longer trip length for trucks and to show a clear breakdown of emissions, modeling of the proposed project's operations was split into two separate CalEEMod runs: (1) area-source emissions, energy-source emissions, and passenger vehicle mobile source emissions, and (2) truck mobile source emissions. The vehicle types in the first operational run were adjusted so that only passenger vehicles were represented. Since there are various types of passenger vehicles included in CalEEMod, the CalEEMod default fleet mix for Tulare County was used as the basis for the determining the passenger car fleet mix used in the first operational year. The number of daily operational vehicle trips used to

estimate emissions were the actual daily trip presented in Table 3.3-9, consistent with those presented in the project-specific trip generation estimate.

Emission factors were assigned to the expected vehicle mix as a function of vehicle age, vehicle class, speed, and fuel type. The operational fleet mix applied in each operational run are noted in Table 3.3-10.

**Table 3.3-10: Vehicle Type Classification–Individual Project Runs**

| CalEEMod Run | Classification | Fleet Mix Applied in Modeling |
|---|---|---|
| Passenger Vehicles (employee trips) | LDA | 57.2% |
| | LDT1 | 5.7% |
| | LDT2 | 18.5% |
| | MDV | 18.6% |
| | *Passenger Vehicle Mix Total* | *100%* |
| Trucks | HHDT | 100% |

Notes:
HHDT = Heavy Heavy-Duty Truck
LDA = Light-Duty Auto
LDT = Light-Duty Truck
MDV = Medium-Duty Vehicle
Source: CalEEMod Output of Appendix B.

## Other Emission Sources

### *Area Sources*

In addition to typical mobile- and energy-source emissions, long-term operational emissions also include area-source emissions. Area-source emissions include occasional architectural coating activities for repainting and maintenance of the buildings associated with the proposed project. CalEEMod assumes that repainting occurs at a rate of 10 percent of the buildings per year. Therefore, on average, it is assumed that the buildings would be fully repainted every 10 years.

Other area-source emissions include consumer products that involve solvents that emit VOCs during use. CalEEMod includes default consumer product use rates based on building square footage. In addition, CalEEMod default emission factors for landscape maintenance equipment were used in this analysis.

### *Indirect Emissions*

For GHG emissions, CalEEMod contains calculations to estimate indirect GHG emissions. Indirect emissions are emissions where the location of consumption or activity is different from where actual emissions are generated. For example, electricity would be consumed at the project site as a result of the proposed project; however, emissions associated with producing that electricity to serve the proposed project are generated off-site at a power plant.

CalEEMod includes calculations for indirect GHG emissions for electricity consumption, water consumption, and solid waste disposal. For water consumption, CalEEMod calculates embedded energy (e.g., treatment, conveyance, distribution) associated with providing each gallon of potable water to the proposed project. For solid waste disposal, CalEEMod calculates GHG emissions generated as solid waste generated by the proposed project decomposes in a landfill.

For electricity-related emissions, CalEEMod contains default electricity intensity factors for various utilities throughout California. The CalEEMod default emissions factors were used for SCE for purposes of this analysis.

### *Refrigerants*

During project operation, it is reasonable to assume there may be leakages of refrigerants (hydrofluorocarbons) from air conditioners and any refrigeration systems. Hydrofluorocarbons are typically used for refrigerants, which are long-lived GHGs. The proposed project does not include a cold storage facility. Therefore, any leakage of refrigerants associated with an unrefrigerated industrial building is expected to be minor; thus, because they would be nominal (at most) and would otherwise be speculative to approximate, they were not included in this analysis.

### *Vegetation*

The project site contains mature trees, and therefore there is currently some carbon sequestration occurring on-site. The proposed project would involve some tree removal, but would also involve the planting of trees and integration of ample landscaping into the project design as described in Project Description, which would also provide carbon sequestration. However, the number of trees to be planted is unknown and data are insufficient to accurately determine the impact that the existing landscaping has on carbon sequestration. For this analysis, it was assumed that the loss and addition of carbon sequestration that are due to the proposed project would be balanced given the number of trees to be removed as compared to the number of trees and other landscaping to be incorporated into the proposed project pursuant to the City's applicable tree preservation policies; therefore, emissions due to carbon sequestration were not calculated.

An air dispersion model is a mathematical formulation used to estimate air quality impacts at specific locations (receptors) surrounding a source of emissions given the rate of emissions and prevailing meteorological conditions. The air dispersion model applied in this assessment was the EPA American Meteorological Society Regulatory Model (AERMOD), Version 22112, which is approved by the Valley Air District for air dispersion assessments. The AERMOD model provides a refined methodology for estimating localized construction and operational impacts by utilizing long-term, measured representative meteorological data for the project site and representative construction and operational schedules.

Terrain elevations were obtained for the project site using the AERMAP model, the AERMOD terrain data pre-processor. The urban dispersion option was used to describe air dispersion in the local vicinity of the project site. The air dispersion model assessment was performed using meteorological data from the Visalia Station (Station 93144), which is located approximately 2.95 miles southwest of the project site.

## 3.3.7 - Air Dispersion Modeling–Construction

The AERMOD model was used to estimate levels of air emissions at sensitive receptor locations from project construction $PM_{10}$ exhaust emissions. Receptor locations within the AERMOD model were placed at locations of existing residences surrounding the project site because these would be the closest sensitive receptors near the project site. Although Denton Elementary School would be located 2,300 feet to the southeast, receptor locations were not included at this elementary school because residential receptors located much closer to the project site would present a conservative analysis. To evaluate the proposed project's localized construction impacts, sensitive receptor height were considered at the point of maximum impact. All sensitive receptors were placed within the breathing zone at zero meters above ground level.

The on-site construction area sources were assumed to cover the entire project site. Emissions from the on-site construction exhaust source were assumed to be emitted at 5 meters above ground to account for the top of equipment exhaust stacks where emissions are released to the atmosphere and the increase in emission height due to its heated exhaust. The on-road construction vehicle emissions were represented in the AERMOD model as line volume sources with a release height of 10.2 feet (3.1 meters) for diesel vehicles.

## 3.3.8 - Air Dispersion Modeling–Operation

Each operational emission source to be evaluated requires geometrical and emission release specifications for use in the air dispersion model. The emission source configurations applied in this assessment are shown in Table 3.3-11. Note, most passenger vehicles are gasoline powered and would not be a significant source of DPM emissions.

**Table 3.3-11: Summary of Operational Diesel Emission Source Configurations**

| Emission Source Type | Configuration | Relevant Assumptions |
|---|---|---|
| On-site Truck Traffic | Area Source (Sitewide) | • Area Source with vertical height accounting for exhaust from trucks over various roadway paths to buildings across entire facility<br>• Vehicle Speed: 0-15 mph<br>• Vehicle types: Heavy Heavy-Duty (HHDT) delivery trucks<br>• Emission factors: EMFAC2021 |
| On-site Truck Idling | Line Volume and Point Sources | • Stack release height: 3.8 meters<br>• Idle Instances: 20 minutes total<br>–Truck/Docking and Parking Areas: 50 percent of idling time<br>–Entrance Gate Areas: 50 percent of idling time<br>–Vehicle type: HHDT delivery trucks<br>• Idle Emission rates (g/idle-hour)<br>• Emission factors: EMFAC2021-PL |
| Off-site Truck Traffic | Line Volume Sources | • Truck travel was estimated for project-generated off-site travel within approximately 1,000 feet of the project site.<br>• Three travel links from the project to outlying areas were identified based on the truck travel distribution provided in the project-specific traffic report, and emissions were estimated along each travel link. |

| Emission Source Type | Configuration | Relevant Assumptions |
|---|---|---|
| | | • Vehicle speeds: 0 mph to 25 mph aggregated<br>• Emission factors: EMFAC2021. |
| Facility Operations | Project | • Trucking operations: 24 hours per day/365 days per year |
| Appendix B: Air Quality, Greenhouse Gas, and Energy Analysis Report. | | |

Given the proposed gas station, the analysis took into account specific emissions associated with this type of use. The primary routine emission sources at gasoline service stations are classified into five categories of loading, breathing, fueling, spillage, and hose permeation and are described in Table 3.3-12.

**Table 3.3-12: Categories of Emissions at Retail Gasoline Service Stations**

| Emission Source | Description | Controls |
|---|---|---|
| Loading | Loading losses occur when Fuel Tanker Trucks makes delivery to gas stations. Gasoline vapor emissions occur as gas enters the underground storage tanks. | Phase I Enhanced Vapor Recovery (EVR) |
| Breathing | Breathing emissions occur during periods of low activity or inactivity. Temperature changes inside the underground storage tank can cause gasoline vapor pressures to increase above pressure limit for the tank and excess pressure is released via a gas station vent pipe in the form of gasoline vapor emissions. | Phase II EVR |
| Fueling | Fueling emissions occur at the gas pump during vehicle fueling–gasoline vapors are emitted from the space due to a poor seal between the nozzle and the vehicle. | On-Board Refueling Vapor Recovery (ORVR) systems<br>Phase II EVR Nozzles |
| Spillage | Generated from dispensing nozzle spillage of liquid gasoline during the act of vehicle fueling, including pre-fueling, fueling and post-fueling spillage. While emissions from all other mechanisms are in the form of vapors, spillage losses are in liquid form. | Phase II EVR “Dripless” Nozzles |
| Hose Permeation | Emissions occur from the fueling hoses at the gas pumps. Gasoline vapors can pass through (or permeate) the fuel delivery hoses. | Low Permeation Hoses |

Factors influencing emissions include annual and hourly throughput and the type of tank (above or underground) and the vapor controls on the underground gasoline storage tanks and during vehicle fueling. Emissions also depend on the percentage of vehicles fueling at the station that are equipped with On-Board Refueling Vapor Recovery (ORVR) systems. Modern retail gas stations, such as the proposed project, almost exclusively use underground storage tank designs with ARB certified Phase I and Phase II Enhanced Vapor Recovery (EVR) Systems. The percentage of ORVR is not a feature of gas stations but of the vehicle fleet in California. ORVR systems were required in automobiles

manufactured in model year 2000 and after and represent the majority, but not all, of vehicles at retail service stations. It has been projected for year 2018 that 83 percent of gasoline was dispensed to vehicles with ORVR installed, and the remaining 17 percent gasoline was dispensed to cars without ORVR and with fueling losses controlled by Phase II EVR Nozzles.[21]

### *Odors*

The proposed project would generate odors during construction from the operation of heavy equipment, the burning of diesel fuels, the generation of dust, and from other construction activities. During operation, the proposed project would generate odors from the operation of fossil-fuel powered vehicles, such as trucks and passenger vehicles, as well as from the fast food land uses.

### Specific Thresholds of Significance

CEQA defines, generally, a significant effect on the environment as "a substantial, or potentially substantial, adverse change in the environment." To determine whether a project would have a significant impact on air quality, the type, level, and impact of emissions generated by the proposed project must be evaluated pursuant to the applicable specific thresholds identified by Appendix G of the CEQA Guidelines (see below).

While the final determination of whether a project is significant is within the purview of the Lead Agency pursuant to Section 15064(b) of the CEQA Guidelines, the Valley Air District recommends that its quantitative air pollution thresholds be used to determine the significance of project emissions. The City, as the Lead Agency, has elected in its discretion to utilize the foregoing thresholds, as detailed further below.

This analysis uses the air quality significance thresholds contained in Appendix G of the CEQA Guidelines, effective December 28, 2018. A significant impact would occur if the proposed project would:

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

b) Result in a cumulatively considerable net increase of any criteria pollutant for which the project region is nonattainment under an applicable federal or State ambient air quality standard.

c) Expose sensitive receptors to substantial pollutant concentrations.

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

As noted above, the City has elected to utilize the applicable Valley Air District thresholds and methodologies, which are contained under each impact statement below.

## 3.3.9 - Project Impacts and Mitigation Measures

This section discusses potential impacts associated with the development of the proposed project and provides mitigation measures where appropriate. The following analyses are based on the Air

[21] California Air Resources Board (ARB). 2013. Attachment 1–Revised Emission Factors for Phase II Vehicle Fueling at California Gas Dispensing Facilities. Website: https://ww2.arb.ca.gov/gasoline-dispensing-facility-emission-factors. Accessed January 6, 2023.

Quality, Greenhouse Gas Emissions, and Energy Analysis Report (reference as Air Quality Report herein), which is included in Appendix B.

## Consistency with Air Quality Management Plan

| **Impact AIR-1:** | **Would the project conflict with or obstruct implementation of the applicable air quality plan?** |
|---|---|

### *Impact Analysis*

In accordance with relevant Valley Air District thresholds and methodologies, this evaluation utilizes the following criteria for determining project consistency with the current Air Quality Plan (AQP):

1. Will the proposed project support the primary goals of the AQP?
2. Will the proposed project comply with applicable control measures in the AQP?
3. Will the proposed project disrupt or hinder implementation of any AQP control measures?

The use of the criteria listed above is a standard approach for CEQA analysis of projects in the Valley Air District's jurisdiction, as well as within other air districts, for the following reasons:

- Significant contribution to existing or new exceedances of the air quality standards would be inconsistent with the goal of attaining the air quality standards.
- AQP emissions inventories and attainment modeling are based on growth assumptions for the area within the Valley Air District's jurisdiction.
- AQPs rely on a set of air district initiated control measures as well as implementation of federal and State measures to reduce emissions within their jurisdictions, with the goal of attaining the air quality standards.

AQPs are plans for reaching attainment of air quality standards. The assumptions, inputs, and control measures are analyzed to determine whether the Air Basin can reach attainment for the ambient air quality standards. In order to show attainment of the standards, the Valley Air District analyzes the growth projections in the valley, contributing factors in air pollutant emissions and formations, and existing and adopted emissions controls. The Valley Air District then formulates a control strategy to reach attainment that includes both State and District regulations and other local programs and measures.

### *Criterion 1*

A method for determining consistency with the AQP's assumptions is determining consistency with the applicable General Plan's growth projections to ensure that the proposed project's population density, intensity, and land uses are consistent with the growth assumptions used in the AQP for the Air Basin.

The development of emission burdens used in the AQP to demonstrate compliance with ambient air quality standards is based, in part, on land use patterns established within local general plans. Therefore, it is reasonable to conclude that if a project is consistent with the applicable general plan land use designation(s), and the general plan was adopted prior to the applicable AQP, then the

growth of VMT and/or population generated by said project would be consistent with the growth in VMT and population assumed within the AQP. The applicable General Plan in this case is the City of Visalia General Plan.

The project site is designated as Industrial and Light Industrial[22] according to the City of Visalia General Plan and zoned County Area according to the City of Visalia Zoning Ordinance. The Light Industrial designation is intended for light manufacturing, warehousing, storage, distribution, research and development enterprises, and secondary office (limited customer access) uses. The maximum floor area ratio (FAR) for this designation is 0.5. The Industrial designation allows uses such as primary manufacturing, processing, refining, and similar activities, including those with outdoor facilities. It also accommodates warehousing and distribution with supporting commercial services (such as drive-thru restaurants, gas stations, self storage, and car washes) and office space. General retail uses such as clothing shops are not permitted.[23] The maximum FAR for this designation is 0.6.

The project site is currently adjacent to but outside of City limits; accordingly, as part of the initial project entitlements, the applicant is seeking pre-zoning of the project site from the City to "Industrial" and "Light Industrial." Upon annexation into the City, the project site's Industrial and Light Industrial pre-zoning would become the effective zoning for the project site. The proposed project would result in a total FAR of 0.30.[24] As a result, the proposed project would involve the type of land uses contemplated by the City's General Plan and would be within the allowable FAR ratio required under and assumed by the City General Plan's relevant land use designations. In addition, according to the Visalia Zoning Ordinance, Table 17.25.030 the proposed project's objective of providing an automated car wash and fast food restaurant with a drive through would be allowed with a conditional use permit and the self storage and fueling station uses would be permitted by right as part of the Zoning Designation.

Furthermore, with approval of the requested Conditional Use Permits (CUP) for the convenience store, drive-thru lanes, and certain lot sizes set forth in the proposed development plan, the proposed project would not have the potential to conflict with the contemplated land use vision and thus assumed growth projections for the project site.

As such, the proposed project would be consistent with the growth projections assumed in the City's General Plan and thus the relevant AQP, and thus would not result in any unplanned growth and associated emissions. Therefore, the proposed project's impacts would not be found significant regarding this criterion.

### *Criterion 2*

The AQP contains a number of control measures, which are enforceable requirements through the adoption of rules and regulations. A detailed description of rules and regulations that would apply to the proposed project is provided in Section 3.3.2, Regulatory Framework. For example, the proposed project would be subject to Regulation VIII—Fugitive $PM_{10}$ Prohibitions and Rule 9510—Indirect

[22] City of Visalia. 2014. General Plan Land Use Element. Website: https://www.visalia.city/civicax/filebank/blobdload.aspx?BlobID=30474. Accessed June 1, 2023.
[23] City of Visalia. Zoning Code, Table 17.25.030. Website: https://codelibrary.amlegal.com/codes/visalia/latest/visalia_ca/0-0-0-34305#JD_Chapter17.22. Accessed April 6, 2023.
[24] Calculation: (total building area/total site area) = 83.14 acres of building area/280 acres = 0.296 or 0.30.

Source Review. In order to comply with Regulation VIII, the proposed project would be required to control fugitive dust by watering actively disturbed areas with water twice per day and covering all transport and hauling vehicles to reduce dust emissions. The proposed project would be required to comply with all applicable District rules and regulations through the issuance of applicable permits and applications and otherwise would be subject to District oversight pursuant to the applicable regulatory framework. Furthermore, consistency with the City of Visalia General Plan Policy AQ-P-2 would require the proposed project to implement applicable measures outlined in Regulation VIII. Therefore, the proposed project complies with this criterion and would not conflict with or obstruct implementation of the applicable air quality attainment plan for this criterion.

### *Criterion 3*

A measure of determining whether the proposed project is consistent with the AQP is as follows: if the proposed project would not result in an increase in the frequency or severity of existing air quality violations or cause or contribute to new violations or delay timely attainment of air quality standards or the interim emission reductions specified in the AQP, then the impact would be less than significant.

However, because of the region's nonattainment status for ozone, $PM_{2.5}$, and $PM_{10}$, if project-generated emissions of either of the ozone precursor pollutants (ROG and/or NOx), $PM_{10}$, or $PM_{2.5}$ would exceed the Valley Air District's applicable significance thresholds, then the proposed project would be considered to disrupt or hinder implementation of the relevant AQP control measures designed to attain the relevant air quality standards and thus would be in conflict with the attainment plans.

As discussed in Impact AIR-2 below, annual emissions of ROG, $PM_{10}$, and $PM_{2.5}$ associated with the construction of the proposed project would not exceed the Valley Air District's applicable significance thresholds after incorporation of mitigation. However, emissions of $NO_X$ would exceed the Valley Air District's localized significance thresholds even after implementation of identified feasible mitigation.

Also as discussed in Impact AIR-2, operation of the proposed project would have the potential to exceed regional significance thresholds for ROG, $PM_{10}$, and $NO_{X,}$ and would have the potential to result in a violation of localized standards, even after incorporation of feasible mitigation. In addition, as shown in Impact AIR-2, the proposed project could result in maximum daily CO emissions that would violate applicable CO standards. However, the proposed project would not result in a CO hotspot as determined in Impact AIR-2.

Therefore, the proposed project has the potential to exceed applicable Valley Air District significance thresholds during construction and operation even after incorporation of the identified feasible mitigation. Thus, project impacts in this regard would remain significant and unavoidable. Accordingly, the proposed project would not comply with this criterion and therefore would be considered to disrupt or hinder implementation of AQP control measures designed to attain relevant air quality standards.

### *Impact Summary*

The proposed project is consistent with the applicable growth assumptions within the AQP; therefore, the proposed project would result in a less than significant impact based on this criterion. In addition, the proposed project would be required to comply with the applicable AQP control measures; therefore, the proposed project would be less than significant for this criterion. However, given that the Air Basin is in nonattainment for certain criteria pollutants, the proposed project would be considered to conflict with or otherwise obstruct implementation of AQP because certain construction and operational emissions would exceed applicable thresholds even after implementation of feasible mitigation, thereby disrupting or hindering implementation of the AQP control measures designed to attain relevant air quality standards; therefore, the proposed project would result in significant and unavoidable impacts for this criterion.

### *Mitigation Measures*

Implement MM AIR-2a through MM AIR-2g (see Impact AIR-2).

### *Level of Significance After Mitigation*

Significant and Unavoidable

## Cumulative Criteria Pollutant Emissions Impacts

| | |
|---|---|
| **Impact AIR-2:** | **Would the project result in a cumulatively considerable net increase of any criteria pollutant for which the project region is nonattainment under an applicable federal or State ambient air quality standard?** |

### *Impact Analysis*

*Regional Emissions*

Air pollutant emissions have regional effects and localized effects. This portion of the analysis assesses the regional effects of the proposed project's criteria pollutant emissions in comparison to applicable Valley Air District thresholds of significance for short-term construction activities and long-term operation of the proposed project.

The primary pollutants of concern during project construction and operation are ROG, $NO_x$, $PM_{10}$, and $PM_{2.5}$. The Valley Air District GAMAQI adopted in 2015 contains thresholds for CO, $NO_x$, ROG, $SO_x$, $PM_{10}$, and $PM_{2.5}$, which are being utilized here to assess the significance of the proposed project's impacts in this regard.[25]

Ozone is a secondary pollutant that can be formed miles from the source of emissions, through reactions of ROG and $NO_X$ emissions in the presence of sunlight. Therefore, ROG and $NO_X$ are termed ozone precursors. The Air Basin often exceeds the State and national ozone standards. Therefore, if the proposed project would emit a substantial quantity of ozone precursors, it may contribute to an exceedance of the ozone standard. The Air Basin also exceeds air quality standards for $PM_{10}$, and $PM_{2.5}$; therefore, substantial project emissions may contribute to an exceedance for these pollutants

[25] San Joaquin Valley Air Pollution Control District (Valley Air District). 2015. Guidance for Assessing and Mitigating Air Quality Impacts.

as well. The Valley Air District's annual emission significance thresholds used for this analysis define the substantial contribution for both operational and construction emissions as follows:

- 100 tons per year CO
- 10 tons per year $NO_x$
- 10 tons per year ROG
- 27 tons per year $SO_x$
- 15 tons per year $PM_{10}$
- 15 tons per year $PM_{2.5}$

*Construction Emissions*

The proposed project's unmitigated construction emissions are shown for all years of construction, the years 2024 through 2028 in Table 3.3-13, which represent a reasonable construction scenario. It should be noted that unmitigated construction emissions incorporate the basic dust control measures required under District Rule 8021, which requires that vehicle speeds on unpaved roads and surfaces be reduced to no more than 15 miles per hour and exposed construction areas are watered at a minimum twice per day during earthmoving activities. The CalEEMod considers these basic dust control measures as "mitigation measures"; however, they are required for all construction activity in the Valley Air District and thus are considered as a project design requirement for the proposed project. For further information regarding the assumptions used in estimating these emissions, please refer to Section 3.3.3, Methodology and the Air Quality Report.

**Table 3.3-13: Construction Air Pollutant Emissions (Unmitigated)**

| Year | Emissions (approximate tons per year)[1] | | | | | |
|---|---|---|---|---|---|---|
| | ROG | $NO_x$ | CO | $SO_X$ | $PM_{10}$ (Exhaust) | $PM_{2.5}$ (Exhaust) |
| **2024 Construction** | | | | | | |
| **On-site** | | | | | | |
| Demolition | 0.03 | 0.31 | 0.30 | <0.01 | 0.01 | 0.01 |
| Site Preparation | 0.24 | 2.45 | 1.69 | <0.01 | 0.11 | 0.10 |
| Grading | 0.05 | 0.53 | 0.42 | <0.01 | 0.02 | 0.02 |
| Building Construction | 2.64 | 21.11 | 26.84 | 0.07 | 0.79 | 0.75 |
| Paving | 0.20 | 1.00 | 1.57 | <0.01 | 0.05 | 0.05 |
| Architectural Coating | 3.95 | 0.18 | 1.06 | <0.01 | 0.01 | 0.01 |
| **Off-site Improvements** | | | | | | |
| Paving | 0.03 | 0.10 | 0.15 | <0.01 | <0.01 | <0.01 |
| Architectural Coating | 0.13 | 0.01 | 0.03 | <0.01 | <0.01 | <0.01 |
| *2024 Construction Subtotal* | *7.28* | *25.69* | *32.06* | *0.08* | *1.00* | *0.94* |
| **2025 Construction** | | | | | | |
| Grading | 0.40 | 4.22 | 3.62 | 0.01 | 0.15 | 0.14 |

| Year | Emissions (approximate tons per year)[1] | | | | | |
|---|---|---|---|---|---|---|
| | ROG | $NO_x$ | CO | $SO_X$ | $PM_{10}$ (Exhaust) | $PM_{2.5}$ (Exhaust) |
| Building Construction | 1.01 | 8.04 | 10.69 | 0.03 | 0.27 | 0.25 |
| Paving | 0.11 | 0.37 | 0.64 | 0.01 | 0.02 | 0.01 |
| Architectural Coating | 1.22 | 0.05 | 0.31 | <0.01 | <0.01 | <0.01 |
| *2025 Construction Subtotal* | *2.74* | *12.68* | *15.25* | *0.04* | *0.44* | *0.41* |
| **2026 Construction** | | | | | | |
| Grading | 0.27 | 2.83 | 2.42 | 0.01 | 0.10 | 0.09 |
| Building Construction | 0.87 | 6.90 | 9.10 | 0.03 | 0.22 | 0.21 |
| Architectural Coating | 2.41 | 0.06 | 0.26 | <0.01 | <0.01 | <0.01 |
| *2026 Construction Subtotal* | *3.55* | *9.78* | *11.78* | *0.04* | *0.32* | *0.30* |
| **2027 Construction** | | | | | | |
| Building Construction | 1.33 | 10.80 | 14.05 | 0.04 | 0.35 | 0.33 |
| Paving | 0.05 | 0.47 | 0.82 | <0.01 | 0.02 | 0.02 |
| Architectural Coating | 1.47 | 0.05 | 0.26 | <0.01 | <0.01 | <0.01 |
| *2027 Construction Subtotal* | *2.85* | *11.33* | *15.13* | *0.04* | *0.38* | *0.36* |
| **2028 Construction** | | | | | | |
| Building Construction | 0.31 | 2.55 | 3.28 | 0.01 | 0.08 | 0.08 |
| Architectural Coating | 1.11 | 0.04 | 0.19 | <0.01 | <0.01 | <0.01 |
| *2028 Construction Subtotal* | *1.42* | *2.59* | *3.47* | *0.01* | *0.09* | *0.09* |
| **Entire Construction Duration (2024-2028)** | | | | | | |
| **Maximum Annual Construction Emissions[2]** | **7.28** | **25.69** | **32.06** | **0.08** | **1.00** | **0.94** |
| Valley Air District Significance threshold (tons/year) | 10 | 10 | 100 | 27 | 15 | 15 |
| Exceed threshold—significant impact? | No | Yes | No | No | No | No |

Notes:
CO = carbon monoxide
$NO_X$ = nitrogen oxides
$PM_{10}$ = particulate matter less than 10 microns in diameter
$PM_{2.5}$ = particulate matter less than 2.5 microns in diameter
ROG = reactive organic gases
$SO_X$ = sulfur oxides
[1] $PM_{10}$ and $PM_{2.5}$ emissions are from the mitigated output to reflect compliance with Regulation VIII—Fugitive $PM_{10}$ Prohibitions.
[2] The maximum annual emissions would occur during the 2024 year.
[3] This scenario accounts for the overlapping of Phases 1, 2, and 3 (i.e., concurrent phasing).
Source of Emissions: CalEEMod Output of Appendix B.

| Year | Emissions (approximate tons per year)[1] | | | | | |
|---|---|---|---|---|---|---|
| | ROG | $NO_x$ | CO | $SO_X$ | $PM_{10}$ (Exhaust) | $PM_{2.5}$ (Exhaust) |
| Source of Thresholds: San Joaquin Valley Air Pollution Control District (Valley Air District). 2015. Guidance for Assessing and Mitigating Air Quality Impacts. February 19. Website: https://www.valleyair.org/transportation/GAMAQI-2015/FINAL-DRAFT-GAMAQI.PDF. Accessed June 1, 2023. | | | | | | |

As shown in Table 3.3-13, the unmitigated construction emissions assuming the sequential implementation of phases would exceed the significance thresholds for $NO_X$. In addition, if there were concurrent implementation of construction phases this level of activity would exceed the significance threshold for ROG and $NO_X$, which reflects the reasonable worst-case scenario maximum annual emissions. Therefore, construction emissions would be potentially significant. As a result, the proposed project would need to include the following construction mitigation measures (MM):

- MM AIR-2a–Use and Operation of Tier IV or Equivalent Construction Equipment
- MM AIR-2b–Use of Low VOC Architectural Coating Materials

MM AIR-2a would require the construction contractors to use Tier IV or equivalent construction equipment, which is the most energy efficient class of construction equipment available, for all construction equipment above 50 horsepower. In addition, the use of Tier IV construction equipment would support California's clean air goals by reducing construction emissions of $NO_X$ and $PM_{10}$ and $PM_{2.5}$. Also, MM AIR-2a would allow for the project applicant to consider using near zero-emission or electric construction equipment if that type of equipment is commercially available at the time of construction activity. If near zero-emission or electric construction equipment is utilized emissions would be further reduced, but for the purposes of presenting a conservative analysis only the use of Tier IV construction equipment was considered. Furthermore, MM AIR-2a would limit idling of construction equipment to a maximum of five minutes. In addition, MM AIR-2b–Use of Low VOC Architectural Coating Materials would be included to prevent potential impacts related to construction ROG emissions and would require that all paint or architectural coating materials used on building structures during construction not exceed 10 grams of VOC per liter of coating. MM AIR-2b would reduce ROG emissions because the architectural coating phase of construction emits the most ROG (also called VOCs). As shown in Table 3.3-14, with implementation of MM AIR-2a and -2b, assuming the sequential implementation of phases, ROG and $NO_X$ emissions would be reduced below the Valley Air District 10 tons per year threshold. However, if construction Phases 1, 2, and 3 were to overlap (i.e., concurrent phasing), the proposed project would still exceed Valley Air District thresholds of 10 tons per year for $NO_X$ even with implementation of this mitigation, as shown in the reasonable worse-case scenario. Moreover, no other feasible mitigation measures exist that could reduce $NO_X$ emissions further because the majority of emissions would be due to the amount of construction equipment in use. Even with MM AIR-2a, the concurrent schedule would result in such a large amount of construction activity occurring at the same time that it would not be possible to reduce the resulting $NO_X$ emissions. Therefore, construction emission impacts would be significant and unavoidable.

## Table 3.3-14: Construction Air Pollutant Emissions (Mitigated)

| Year | Emissions (tons per year)[1] | | | | | |
|---|---|---|---|---|---|---|
| | ROG | $NO_x$ | CO | $SO_X$ | $PM_{10}$ (Exhaust) | $PM_{2.5}$ (Exhaust) |
| **2024 Construction** | | | | | | |
| **On-site** | | | | | | |
| Demolition | 0.01 | 0.03 | 0.35 | <0.01 | <0.01 | <0.01 |
| Site Preparation | 0.05 | 0.19 | 1.92 | <0.01 | 0.01 | 0.01 |
| Grading | 0.01 | 0.11 | 0.50 | <0.01 | <0.01 | <0.01 |
| Building Construction | 1.46 | 7.68 | 28.65 | 0.07 | 0.14 | 0.14 |
| Paving | 0.13 | 0.13 | 1.85 | <0.01 | <0.01 | <0.01 |
| Architectural Coating | 1.30 | 0.09 | 1.06 | <0.01 | <0.01 | <0.01 |
| **Off-site Improvements** | | | | | | |
| Paving | 0.02 | 0.01 | 0.18 | <0.01 | <0.01 | <0.01 |
| Architectural Coating | 0.13 | <0.01 | 0.03 | <0.01 | <0.01 | <0.01 |
| *2024 Construction Subtotal* | *3.11* | *8.25* | *34.54* | *0.08* | *0.15* | *0.15* |
| **2025 Construction** | | | | | | |
| Grading | 0.12 | 1.01 | 4.49 | 0.01 | 0.02 | 0.02 |
| Building Construction | 0.59 | 3.27 | 11.42 | 0.03 | 0.05 | 0.05 |
| Paving | 0.08 | 0.06 | 0.76 | <0.01 | <0.01 | <0.01 |
| Architectural Coating | 0.40 | 0.02 | 0.31 | <0.01 | <0.01 | <0.01 |
| *2025 Construction Subtotal* | *1.19* | *4.36* | *16.98* | *0.04* | *0.07* | *0.07* |
| **2026 Construction** | | | | | | |
| Grading | 0.08 | 0.67 | 3.01 | 0.01 | 0.01 | 0.01 |
| Building Construction | 0.54 | 3.08 | 9.69 | 0.03 | 0.05 | 0.05 |
| Architectural Coating | 0.84 | 0.02 | 0.26 | <0.01 | <0.01 | <0.01 |
| *2026 Construction Subtotal* | *1.46* | *3.77* | *12.96* | *0.03* | *0.06* | *0.06* |
| **2027 Construction** | | | | | | |
| Building Construction | 0.79 | 4.61 | 15.01 | 0.04 | 0.07 | 0.07 |
| Paving | 0.02 | 0.07 | 0.97 | <0.01 | <0.01 | <0.01 |
| Architectural Coating | 0.45 | 0.02 | 0.26 | <0.01 | <0.01 | <0.01 |
| *2027 Construction Subtotal* | *1.25* | *4.70* | *16.24* | *0.04* | *0.07* | *0.07* |
| **2028 Construction** | | | | | | |
| Building Construction | 0.18 | 1.08 | 3.51 | 0.01 | 0.02 | 0.02 |
| Architectural Coating | 0.34 | 0.01 | 0.19 | <0.01 | <0.01 | <0.01 |

| Year | Emissions (tons per year)[1] | | | | | |
|---|---|---|---|---|---|---|
| | ROG | $NO_x$ | CO | $SO_X$ | $PM_{10}$ (Exhaust) | $PM_{2.5}$ (Exhaust) |
| *2028 Construction Subtotal* | *0.52* | *1.10* | *3.70* | *0.01* | *0.02* | *0.02* |
| **Entire Construction Duration (2024-2028)** | | | | | | |
| **Maximum Annual Construction Emissions[2]** | **3.10** | **8.22** | **34.18** | **0.08** | **0.15** | **0.15** |
| Significance threshold | 10 | 10 | 100 | 27 | 15 | 15 |
| Exceed threshold—significant impact? | No | No | No | No | No | No |

Notes:
CO = carbon monoxide
$NO_X$ = nitrogen oxides
$PM_{10}$ = particulate matter less than 10 microns in diameter
$PM_{2.5}$ = particulate matter less than 2.5 microns in diameter
ROG = reactive organic gases
$SO_X$ = sulfur oxides
[1] $PM_{10}$ and $PM_{2.5}$ emissions are from the mitigated output to reflect compliance with Regulation VIII—Fugitive $PM_{10}$ Prohibitions.
[2] The maximum annual emissions would occur during the 2024 year.
[3] This scenario accounts for the overlapping of Phases 1, 2, and 3 (i.e., concurrent phasing).
Source of Emissions: CalEEMod Output of Appendix B.
Source of Thresholds: San Joaquin Valley Air Pollution Control District (Valley Air District). 2015. Guidance for Assessing and Mitigating Air Quality Impacts. February 19. Website: https://www.valleyair.org/transportation/GAMAQI-2015/FINAL-DRAFT-GAMAQI.PDF. Accessed June 1, 2023.

#### Worst-case Concurrent Construction Scenario

For the purpose of providing a conservative analysis in the event that construction sequence occurs earlier than anticipated, a worst-case scenario where all construction activity would overlap (i.e., construction of Phases 1, 2, and 3 occurs concurrently from March 2024 to March 2025) is modeled to account for the maximum criteria pollutant emissions. The scenario incorporates MM AIR-2a that all construction equipment meets Tier IV final off-road emission standards, if commercially available. The annual emissions and maximum emissions are summarized in the Air Quality Report as Appendix B. To note that due to the size of the proposed project (284 acres), it is highly unlikely that the three phases would occur at the same time and the overall construction can be completed in 30 months. However, if construction Phases 1, 2, and 3 were to overlap (i.e., concurrent phasing), the proposed project would exceed Valley Air District thresholds for $NO_X$ and ROG even with implementation of MM AIR-2a. Moreover, no other feasible mitigation measures exist that could reduce $NO_X$ emissions further because the majority of emissions would be due to the amount of construction equipment in use. Even with MM AIR-2a, the concurrent schedule would result in such a large amount of construction activity occurring at the same time that it would not reduce the resulting $NO_X$ emissions to below thresholds. Therefore, construction emission impacts of the concurrent worst-case scenario would be significant and unavoidable.

**Operational Emissions**

Operational emissions occur over the lifetime of the proposed project are from two main sources: area sources and motor vehicles(i.e., mobile sources). Construction is scheduled to be completed in several phases starting with Phase 1, which would be completed in 2025, Phase 2 in 2026, and Phase 3 in 2028, although for purposes of a conservative analysis, this assessment also evaluates impacts associated with concurrent phasing. The Valley Air District considers construction and operational emissions separately when making significance determinations.

For assumptions in estimating the emissions, please refer to Section 3.3.3 Methodology and the Air Quality Report. The emissions modeling results for project operation are summarized in Table 3.3-15.

**Table 3.3-15: Operational Air Pollutant Emissions (Unmitigated)**

| Source | Emissions (approx. tons per year) | | | | | |
|---|---|---|---|---|---|---|
| | ROG | $NO_x$ | CO | $SO_X$ | $PM_{10}$ | $PM_{2.5}$ |
| **Phase 1** | | | | | | |
| Area | 8.00 | <0.01 | 0.02 | <0.01 | <0.01 | <0.01 |
| Energy | 0.13 | 1.18 | 0.99 | 0.01 | 0.09 | 0.09 |
| Mobile (Passenger Vehicles) | 3.09 | 2.20 | 25.91 | 0.06 | 5.60 | 1.43 |
| Mobile (Trucks) | 0.50 | 40.28 | 7.81 | 0.32 | 9.24 | 2.90 |
| **Phase 1 Subtotal** | 11.72 | 43.66 | 34.73 | 0.39 | 14.93 | 4.42 |
| **Phase 2** | | | | | | |
| Area | 3.66 | <0.01 | 0.01 | <0.01 | <0.01 | <0.01 |
| Energy | 0.07 | 0.66 | 0.55 | <0.01 | 0.05 | 0.05 |
| Mobile (Passenger Vehicles) | 4.45 | 2.06 | 24.07 | 0.04 | 3.83 | 0.98 |
| Mobile (Trucks) | 0.21 | 17.25 | 3.41 | 0.14 | 4.11 | 1.29 |
| **Phase 2 Subtotal** | 8.39 | 19.97 | 28.04 | 0.18 | 7.99 | 2.32 |
| **Phase 3** | | | | | | |
| Area | 3.91 | <0.01 | 0.01 | <0.01 | <0.01 | <0.01 |
| Energy | 0.07 | 0.61 | 0.51 | <0.01 | 0.05 | 0.05 |
| Mobile (Passenger Vehicles) | 1.31 | 0.82 | 10.59 | 0.03 | 2.78 | 0.71 |
| Mobile (Trucks) | 0.21 | 16.94 | 3.43 | 0.14 | 4.33 | 1.36 |
| **Phase 3 Subtotal** | 5.5 | 18.37 | 14.54 | 0.17 | 7.16 | 2.12 |
| **Project Buildout (Phases 1–3)** | | | | | | |
| **Total** | 25.79 | 83.1 | 91.58 | 0.79 | 35.13 | 10.15 |
| Significance threshold | 10 | 10 | 100 | 27 | 15 | 15 |
| Exceed threshold—significant impact? | Yes | Yes | No | No | Yes | No |

| Source | Emissions (approx. tons per year) | | | | | |
|---|---|---|---|---|---|---|
| | ROG | $NO_X$ | CO | $SO_X$ | $PM_{10}$ | $PM_{2.5}$ |
| Notes:<br>CO = carbon monoxide<br>$NO_X$ = nitrogen oxides<br>$PM_{10}$ = particulate matter less than 10 microns in diameter<br>$PM_{2.5}$ = particulate matter less than 2.5 microns in diameter<br>ROG = reactive organic gases<br>$SO_X$ = sulfur oxides<br>Area source emissions include emissions from natural gas, landscape, and painting.<br>Source of Emissions: CalEEMod Output of Appendix B.<br>Source of Thresholds: San Joaquin Valley Air Pollution Control District (Valley Air District). 2015. Guidance for Assessing and Mitigating Air Quality Impacts. February 19. Website: https://www.valleyair.org/transportation/GAMAQI-2015/FINAL-DRAFT-GAMAQI.PDF. | | | | | | |

As shown in Table 3.3-15, regional operational emissions would exceed the Valley Air District's threshold of significance for ROG, $NO_X$, and $PM_{10}$; a potentially significant impact. The proposed project would not exceed thresholds for CO, $SO_X$, or $PM_{2.5}$.

As a result, this analysis has identified mitigation to help reduce emissions in this regard. Mitigation Measures (MM) AIR-2c, -2d, -2e, -2f, and -2g would contribute toward $NO_X$ emissions reductions. During operation of the proposed project, it is likely that on-site off-road and on-road service equipment, such as forklifts, pallet jacks, and flat trucks could be used to move goods throughout the project site. These sets of equipment typically include internal combustion engines that would emit $NO_X$ during use. MM AIR-2c would require 1) that all on-site off-road and on-road service equipment be zero-emission or all-electric, and 2) that all project buildings would be designed to support the use of zero-emission or all-electric service equipment. By utilizing zero-emission on-site service equipment, the proposed project would reduce $NO_X$ emissions to the extent feasible that would otherwise occur.

As shown in Table 3.3-15, another contribution of $NO_X$ emissions would be from passenger vehicles due to employees traveling to and from the project site. MM AIR-2d would require each project applicant, in connection with an individual specific development proposal, to include infrastructure for EV charging stations into a minimum of 20 percent of all vehicle parking spaces (including parking for trucks) for the subject proposal, consistent with the applicable California Green Building Standards Code Tier 1 Nonresidential Mandatory Measure (Section A5.106.5.3). Although this measure would not directly include functioning charging stations, the installation of the infrastructure needed to support charging stations would allow for the future charging stations to be installed. Furthermore, MM AIR-2d would require the design of the buildings' electrical room to hold additional panels that may be needed to supply power for the future installation of EV truck charging stations on-site. By providing EV charging infrastructure, this measure would allow for the installation of charging stations, which would provide a convenient location for employees to charge electric vehicles and incentivize employees to use electric vehicles.

MM AIR-2e would require the relevant project applicant to include signage and pavement markings along project site driveways and internal roadways to clearly identify on-site circulation patterns,

minimize unnecessary on-site vehicle travel, and reduce vehicle idling, which would otherwise result in excessive $NO_X$ and $PM_{10}$ emissions. As stated previously, the majority of operational $NO_X$ and $PM_{10}$ emissions would be from mobile sources and any reduction in operational vehicle travel would reduce the greatest share of the proposed project's operational emissions.

MM AIR-2f would require the proposed project to include a vegetative barrier along the south and east property boundaries. As stated in the Notice of Preparation (NOP) comment letter from the Valley Air District dated September 28, 2022, vegetative barriers can reduce exposure of gaseous pollutants on sensitive receptors. Vegetative barriers utilize the natural process of photosynthesis, where plants intake air particles including gaseous pollutants, such as $NO_X$, and release oxygen. By including a vegetative barrier along the south and east property boundaries, MM AIR-2f would reduce exposure of $NO_X$ and $PM_{10}$ emissions on nearby homes and sensitive receptors to the southeast.

Finally, MM AIR-2g would require each project applicant, in connection with an individual specific development proposal, to consider the feasibility of entering into a Voluntary Emission Reduction Agreement (VERA) with the Valley Air District in order to reduce ROG, $NO_X$, and $PM_{10}$ emissions. A VERA is a potential mitigation measure that provides pound-for-pound mitigation of emissions that exceed applicable thresholds. A VERA reduces construction and operational emissions through a process that develops, funds, and implements emission reduction projects, with the Valley Air District serving as the administrator of the emissions reduction projects and verifier of the successful mitigation effort. For example, funds generated by a VERA can be used to provide grants to municipalities, such as the City of Visalia, to replace diesel-powered transit vehicles with zero-emission vehicles. In addition, a VERA would give priority to emissions reduction projects near the project site to reduce emissions near the source. However, it should be noted a VERA is an entirely voluntary measure and is not required by the Valley Air District or any regulation. Also, for purposes of CEQA, because the terms of a specific VERA are not currently known, whether this would be feasible is speculative at this time.

Moreover, the proposed project would be subject to Valley Air District Rule 9510 – Indirect Source Review, because the proposed project would exceed the 25,000-square-foot light industrial District applicability threshold for this rule. This rule aims to reduce the impact of $NO_x$ and $PM_{10}$ emissions from growth within the Air Basin. As a result, compliance with the Indirect Source Review application would result in further reductions in $NO_x$ and $PM_{10}$.

However, at the time of this report, there is not sufficient information to guarantee that the proposed project could feasibly implement the reduction measures associated with these mitigation measures. Moreover, the project applicant would not have ownership over the operational truck fleets because they would be owned and operated by third party vendors, and as such, the proposed project applicant could not mitigate the impacts of the primary source of operational emissions. Therefore, in the absence of certainty that the identified mitigation can be feasibly mitigated such that project impacts would be reduced to a less than significant level, impacts would remain significant and unavoidable due to $NO_X$ during construction and ROG, $NO_X$, $PM_{10}$ during operation of the proposed project.

*CO Hotspot Analysis*

A CO hotspot represents a condition wherein high concentrations of CO may be produced by motor vehicles accessing a congested traffic intersection under heavy traffic volume conditions. It has long been recognized that CO exceedances are caused by vehicular emissions, primarily when idling at intersections. Accordingly, vehicle emissions standards have become increasingly more stringent to help remedy this impact.

The analysis prepared for CO attainment in the South Coast Air Basin (SoCAB) by the SCAQMD has been used to assist in evaluating potential for CO exceedances in other air basins. Although the SoCAB and the SCAQMD would not be the applicable air basin or air district for the proposed project, utilizing this guidance is appropriate here because CO exceedances are caused by idling vehicles and regardless of air district the same causes of CO exceedances would occur throughout the State and at the project site. For example, any project-generated vehicles trips would result in idling of passenger vehicles or trucks at the project site and on adjacent roadways that could lead to a CO exceedance. The CO hotspot analysis contained in the SCAQMD 1992 CO Plan is used to determine potential CO hotspot impacts from the proposed project, because by using the 1992 CO Plan as a worst-case scenario, the proposed project can measure CO impacts against intersections that experienced significantly more vehicle traffic than adjacent to the proposed project. The 1992 CO Plan is used a worst-case scenario because it included a CO hot spot analysis for four busy intersections in Los Angeles at the peak morning and afternoon time periods. The intersections evaluated included Long Beach Boulevard and Imperial Highway (Lynwood); Wilshire Boulevard and Veteran Avenue (Westwood); Sunset Boulevard and Highland Avenue (Hollywood); and La Cienega Boulevard and Century Boulevard (Inglewood). The busiest intersection evaluated was that at Wilshire Boulevard and Veteran Avenue, which has a daily traffic volume of approximately 100,000 vehicles per day. Subsequently the CO Plan determined that no CO hotspot would occur even with 100,000 vehicles per day at this one intersection.

As described in Table 3.3-9, the proposed project would generate up to 21,409 daily vehicle trips. According to the Visalia General Plan EIR, Chapter 3.2 Transportation, Table 3.2-6, Shirk Avenue would experience at most 24,900 Average Annual Daily Trips (AADT).[26] As a result, the addition of the proposed project's anticipated actual trips would result in up to 46,000 daily vehicle trips, which is not close to what was analyzed in the 1992 CO Plan. Therefore, none of the intersections near the project site would have peak-hour traffic volumes exceeding those at the intersections modeled in the 1992 CO Plan, nor would there be any reason unique to the local meteorology to conclude that this intersection would yield higher CO concentrations if modeled in detail because the project site is not located in an area where air flow would be severely restricted, such as a tunnel or canyon. In conclusion, the addition of the proposed project's daily trips would not generate a CO hotspot at local intersections and operational CO impact would be less than significant.

[26] City of Visalia. General Plan EIR, Chapter 3.2 Transportation.

*Construction Ambient Air Quality Analysis*

Valley Air District Rule 2201 requires that an Ambient Air Quality Analysis (AAQA) be conducted for a project when that project's maximum daily emissions exceed 100 pounds for any single criteria or precursor pollutant after incorporation of all mitigation.

Emissions occurring at or near the project site have the potential to create a localized impact, also referred to as an "air pollutant hotspot." Localized emissions are considered significant if, when combined with background emissions, they would result in exceedance of any health-based air quality standard. In locations that already exceed standards for these pollutants, the focus of the significance conclusion is based on whether a project's individual significant impact level, when combined with other cumulative development, would represent a cumulatively considerable contribution to an existing violation of an air quality standard.

The Valley Air District's GAMAQI includes screening thresholds for identifying projects that need detailed analysis for localized impacts. Projects with on-site emission increases from construction activities or operational activities that exceed the 100 pounds per day screening level of any criteria pollutant after compliance with Rule 9510 and implementation of all enforceable mitigation measures would require preparation of an Ambient Air Quality Analysis. The criteria pollutants of concern for localized impact in the Air Basin are $PM_{10}$, $PM_{2.5}$, $NO_X$, and CO.

An analysis of maximum daily emissions during construction and operation was conducted to determine whether emissions would exceed the 100 pounds per day screening threshold for any pollutant of concern. The results of the analysis are presented below.

**Table 3.3-16: Maximum On-site Daily Air Pollutant Emissions During Construction (Unmitigated)**

| Year | On-site Emissions (approx. pounds per day)[1] | | | |
|---|---|---|---|---|
| | $NO_x$ | CO | $PM_{10}$ | $PM_{2.5}$ |
| 2024 | 235.24 | 276.62 | 22.03 | 14.82 |
| 2025 | 273.78 | 360.14 | 19.42 | 12.86 |
| 2026 | 92.02 | 112.46 | 9.38 | 5.36 |
| 2027 | 93.78 | 126.70 | 5.50 | 3.89 |
| 2028 | 86.40 | 115.38 | 5.38 | 3.62 |
| **Maximum Daily Emissions** | **273.78** | **360.14** | **22.03** | **14.82** |
| Screening threshold | 100 | 100 | 100 | 100 |
| Exceed screening threshold? | Yes | Yes | No | No |

Notes:
CO = carbon monoxide
$NO_X$ = nitrogen oxides
$PM_{10}$ = particulate matter less than 10 microns in diameter
$PM_{2.5}$ = particulate matter less than 2.5 microns in diameter
[1] $PM_{10}$ and $PM_{2.5}$ emissions are from the mitigated output to reflect compliance with Regulation VIII—Fugitive $PM_{10}$ Prohibitions.
Source of Emissions: CalEEMod Output of Appendix B.

| Year | On-site Emissions (approx. pounds per day)[1] | | | |
|---|---|---|---|---|
| | $NO_x$ | CO | $PM_{10}$ | $PM_{2.5}$ |
| Source of Thresholds: San Joaquin Valley Air Pollution Control District (Valley Air District). 2015. Guidance for Assessing and Mitigating Air Quality Impacts. February 19. Website: https://www.valleyair.org/transportation/GAMAQI-2015/FINAL-DRAFT-GAMAQI.PDF. Accessed June 1, 2023.<br>The construction schedule is based on Table 8 and represents a conservative estimate. | | | | |

As noted in Table 3.3-16, emissions of $NO_X$ and CO would exceed the applicable screening threshold prior to the application of mitigation. Implementation of MM AIR-2a would require each applicant, in connection with an individual specific development proposal, to provide documentation to the City of Visalia demonstrating that all off-road diesel-powered construction equipment greater than 50 horsepower meets EPA or ARB Tier 4 Final off-road emissions standards, to the extent commercially available. An analysis of maximum daily emissions during construction after incorporation of MM AIR-2a was conducted to determine whether emissions would exceed the 100 pounds per day screening threshold for any pollutant of concern. As shown in the summarized results presented in Table 3.3-17, with incorporation of identified mitigation, the proposed project's construction emissions would not exceed the appliable daily emission threshold for $NO_X$ but would continue to exceed the applicable daily emission threshold for CO. It should be noted that if project construction moves to later years, resulting emissions are anticipated to reduce because equipment efficiency and fuel content standards generally improve with each year and construction fleet operators periodically replace old equipment with new, more efficient equipment. Therefore, the proposed project would exceed the applicable screening threshold for CO after inclusion of MM AIR-2a. However, no additional, feasible mitigation would be applicable to further reduce construction CO emissions because the primary source of CO emissions is due to the operation of fossil fuel powered construction equipment. Despite the implementation of MM AIR-2a requiring all construction equipment meet Tier IV or equivalent standards, all construction equipment would still emit CO and impacts would be significant and unavoidable. Electric construction equipment can be used in lieu of Tier IV equipment and would reduce CO emissions. However, because the availability of electric offroad equipment is limited compared to other clean equipment alternatives (such as Tier IV), it cannot be assumed that the project could replace enough offroad equipment with electric offroad equipment to reduce impacts to a less than significant level during construction.

**Table 3.3-17: Maximum On-site Daily Air Pollutant Emissions During Construction (Mitigated)**

| Year | On-site Emissions (pounds per day)[1] | | | |
|---|---|---|---|---|
| | $NO_x$ | CO | $PM_{10}$ | $PM_{2.5}$ |
| 2024 | 53.52 | 302.72 | 13.21 | 6.64 |
| 2025 | 74.08 | 391.72 | 10.36 | 4.46 |
| 2026 | 21.03 | 96.09 | 6.40 | 5.04 |
| 2027 | 27.75 | 138.48 | 2.67 | 1.10 |
| 2028 | 26.71 | 124.47 | 2.67 | 1.10 |
| **Maximum Daily Emissions** | **74.08** | **391.72** | **13.21** | **6.64** |

| Year | On-site Emissions (pounds per day)[1] | | | |
|---|---|---|---|---|
| | $NO_x$ | CO | $PM_{10}$ | $PM_{2.5}$ |
| Screening threshold | 100 | 100 | 100 | 100 |
| Exceed screening threshold? | No | Yes | No | No |

Notes:
CO = carbon monoxide
$NO_X$ = nitrogen oxides
$PM_{10}$ = particulate matter less than 10 microns in diameter
$PM_{2.5}$ = particulate matter less than 2.5 microns in diameter
$PM_{10}$ and $PM_{2.5}$ emissions are from the mitigated output to reflect compliance with Regulation VIII—Fugitive $PM_{10}$ Prohibitions.
Source of Emissions: CalEEMod Output of Appendix B.
Source of Thresholds: San Joaquin Valley Air Pollution Control District (Valley Air District). 2015. Guidance for Assessing and Mitigating Air Quality Impacts. February 19. Website: https://www.valleyair.org/transportation/GAMAQI-2015/FINAL-DRAFT-GAMAQI.PDF. Accessed June 1, 2023.

*Operational Ambient Air Quality Analysis*

Operational emissions include emissions generated on-site by area sources such as natural gas combustion and landscape maintenance, and on-site travel from motor vehicles accessing the project. The maximum on-site mobile emissions include vehicle ignition start up, idling, and travel across the project site internal roadways. As described in the CalEEMod Notes in the Air Quality Report, the operational localized significance threshold modeling analysis analyzed the maximum possible distance that a vehicle could travel on-site during operation, which is approximately 2.8 miles. This distance was determined by measuring from the northwest corner of the project site to the southeast corner of the project site along proposed roadways, which would be the longest, most direct route a vehicle would travel. Maximum daily on-site emissions during project operations are shown below.

**Table 3.3-18: Maximum On-site Daily Air Pollutant Emissions During Operations (Unmitigated)**

| Source | On-site Emissions (pounds per day)[1] | | | |
|---|---|---|---|---|
| | $NO_x$ | CO | $PM_{10}$ | $PM_{2.5}$ |
| Area | <0.01 | 0.39 | <0.01 | <0.01 |
| Energy | 12.99 | 10.91 | 0.99 | 0.99 |
| Mobile (Passenger Vehicles) | 10.22 | 129.75 | 22.15 | 5.96 |
| Mobile (Trucks) | 66.98 | 35.88 | 5.20 | 1.65 |
| **Total** | **90.19** | **176.94** | **28.34** | **8.6** |
| Screening threshold | 100 | 100 | 100 | 100 |
| Exceed screening threshold? | No | Yes | No | No |

| Source | On-site Emissions (pounds per day)[1] | | | |
|---|---|---|---|---|
| | $NO_x$ | CO | $PM_{10}$ | $PM_{2.5}$ |

Notes:
CO = carbon monoxide
$NO_X$ = nitrogen oxides
$PM_{10}$ = particulate matter less than 10 microns in diameter
$PM_{2.5}$ = particulate matter less than 2.5 microns in diameter
Source of Emissions: CalEEMod Output of Appendix B.
Source of Thresholds: San Joaquin Valley Air Pollution Control District (Valley Air District). 2015. Guidance for Assessing and Mitigating Air Quality Impacts. February 19. Website: https://www.valleyair.org/transportation/GAMAQI-2015/FINAL-DRAFT-GAMAQI.PDF. Accessed June 1, 2023.

The proposed project would exceed the Valley Air District screening thresholds for CO but would not exceed other operational screening thresholds. As shown in Table 3.3-18, the majority of CO emissions would be from mobile sources, such as passenger vehicles driven by employees to access the project site and trucks delivering and receiving goods. For example, it is reasonable to assume that the majority of employees would drive personal vehicles to the project site, which in order to reduce emissions, would require zero-emission vehicles. However, implementing such a measure would not be enforceable, due to a lack of realistic and legally available enforcement mechanisms the City could reasonably rely upon to enforce such a measure for the life of the proposed project. As presented previously, if MM AIR-2c through -2f were implemented, this would reduce operational emissions, but would not reduce emissions below the applicable thresholds. As a result, since feasible mitigation would not reduce project operational emissions below the applicable thresholds, the proposed project's operational impacts would be significant and unavoidable.

*Impact Summary*

Regional emissions generated by the proposed project would exceed applicable thresholds despite compliance with all applicable rules, regulations, and mitigation measures during construction and operation. Localized operational emissions would also present a potentially significant impact after incorporation of identified mitigation. Both of these impacts would be significant and unavoidable given the lack of certainty with respect to implementation of feasible mitigation.

### *Mitigation Measures*

**MM AIR-2a Use of Tier IV or Tier IV Equivalent Construction Off-Road Equipment**

Before a construction permit is issued for the proposed project, the project sponsors shall submit construction emissions minimization plans to the City of Visalia for review and approval. The construction emissions minimization plans shall detail compliance with the following requirements:

(1) Subject to same being commercially available, all off-road equipment utilized in connection with the subject individual development proposal shall have engines that meet either EPA or ARB Tier IV Final off-road emission standards. Provided, however, if engines that comply with Tier IV Final off-road emission standards are not commercially available, then the construction contractor shall use the

next cleanest piece of off-road equipment (e.g., Tier IV Interim) available. For purposes of this mitigation measure, "commercially available" shall mean the availability of Tier IV Interim engines taking into consideration factors such as (i) critical-path timing of construction; (ii) costs of utilizing same are commercially practicable; and (iii) geographic proximity to the project site of equipment. The relevant contractor's provision to the City letters from at least two rental companies for each piece of off-road equipment that reasonably documents the lack of commercially available off-road equipment shall be deemed sufficient for purposes of complying with this mitigation measure. The project applicant and contractor shall consider the use of near zero-emission or electric construction equipment if that type of equipment is commercially available at the time of grading permit submittal.

(2) Post signage on the project site stating that construction equipment idling times shall not exceed five minutes.

**MM AIR-2b Super Compliant Architectural Coating During Construction**

Prior to issuance of a grading permit in connection with an individual specific development proposal for the proposed project, the relevant project sponsor shall submit to the City of Visalia Planning Division construction contracts and/or subcontracts reasonably documenting that all architectural coating material utilized in connection with the subject individual specific development proposal would not exceed 10 grams of volatile organic compound (VOC) per liter of coating.

To satisfy the above, the relevant project sponsor shall include in any construction contracts and/or subcontracts for the subject individual specific development proposal a requirement that all interior and exterior architectural coatings used in project construction meet the "super-compliant" coating VOC content standard of 10 grams or less of VOC per liter of coating. The relevant project sponsor shall also specify in the subject construction contracts and/or subcontracts the requirement to use high-volume, low-pressure spray guns during coating applications to reduce coating waste.

**MM AIR-2c Electric or Zero-Emission On-site Off-Road and On-Road Service Equipment**

Prior to issuance of the construction grading permit in connection with an individual specific development proposal for the proposed project, the relevant project sponsor shall provide reasonable documentation to demonstrate to the City of Visalia Planning Division that all on-site off-road and on-road service equipment will utilize zero-emission technology, subject to the same being commercially practicable. Additionally, the relevant project sponsor shall provide reasonable documentation to the City of Visalia Planning Division that all proposed buildings in connection with the subject individual specific development proposal that would use on-site service equipment will be designed to include electric outlets to

equipment support the use of all-electric or zero-emission on-site service equipment, subject to the same being commercially practicable.

**MM AIR-2d Electric Vehicle Charging Infrastructure**

Prior to issuance of the grading or building permit in connection with an individual specific development proposal for the proposed project, whichever occurs first, the relevant project sponsor shall provide reasonable documentation to the City of Visalia Planning Division demonstrating that the subject individual specific development proposal shall incorporate infrastructure for electric vehicle (EV) charging stations into a minimum of 20 percent of all vehicle parking spaces (including parking for trucks), consistent with the applicable California Green Building Standards Code Tier 1 Nonresidential Mandatory Measure (Section A5.106.5.3). To satisfy the foregoing, EV charging spaces must provide electrical vehicle charging infrastructure to support future installation of EV supply equipment and shall meet the applicable design space requirements of California Green Building Standards Code Section 5.106.5.3.

In addition, the buildings' electrical room shall be sufficiently sized to hold additional panels that may be needed to supply power for the future installation of electric vehicle (EV) truck charging stations on the site. Conduit should be installed from the electrical room to tractor trailer parking spaces in a logical location(s) on the site determined by the project applicant during construction document plan check, for the purpose of accommodating the future installation of EV truck charging stations at such time this technology becomes commercially available and the buildings are being served by trucks with electric-powered engines.

**MM AIR-2e On-Site Signage and Pavement Markings**

In connection with an individual specific development proposal for the proposed project, whichever occurs first, the relevant project sponsor shall provide reasonable documentation to the City of Visalia Planning Division demonstrating signage and pavement marking that show on-site circulation routes have been or will be included along the relevant portions of the project site driveways and internal roadways.

**MM AIR-2f Vegetative Barrier**

Prior to issuance of the grading or building permit in connection with an individual specific development proposal for the proposed project, whichever occurs first, the relevant project sponsor shall provide reasonable documentation to the City of Visalia Planning Division demonstrating the inclusion of a vegetative barrier along the south and east property boundaries of the project site. Prior to issuance of first occupancy permit, the project applicant shall demonstrate to the Visalia Planning Division the installation of the vegetative barrier at the described locations.

**MM AIR-2g Voluntary Emission Reduction Agreement**

Prior to issuance of the grading or building permit in connection with an individual specific development proposal for the proposed project, whichever occurs first, the relevant project sponsor shall consult with the City of Visalia Planning Division about the feasibility of entering into a Voluntary Emissions Reduction Agreement (VERA) with the Valley Air District.

### *Level of Significance After Mitigation*

Significant and unavoidable impact.

## Sensitive Receptors Exposure to Pollutant Concentrations

**Impact AIR-3: Would the project expose sensitive receptors to substantial pollutant concentrations?**

### *Impact Analysis*

*Sensitive Receptors*

- Those who are sensitive to air pollution include children, the elderly, and persons with preexisting respiratory or cardiovascular illness. The Valley Air District considers a sensitive receptor to be a location that houses or attracts children, the elderly, people with illnesses, or others who are especially sensitive to the effects of air pollutants. Examples of sensitive receptors include hospitals, residences, convalescent facilities, and schools. The closest existing and planned sensitive receptors located near the project site include:
- Single-family residential homes located directly to the southeast across the intersection of Riggin Avenue and Shirk Street, with the closest home approximately 160 feet to the southwest.
- Denton Elementary School located approximately 2,200 feet to the southwest. The City of Visalia General Plan Land Use Element[27] designates an area as Multi-Family Residential approximately 2,700 feet to the east of the project site, which could result in new sensitive receptors.
- The Carleton Acres Specific Plan area located to the east of the North Shirk Avenue and West Riggin Avenue intersection, which could result in up to 3,368 residential units to the east of the project site.

### *Construction: ROG*

During construction, ROG is emitted during the application of architectural coatings (painting). The amount emitted is dependent on the amount of ROG (or VOC) in the paint. ROG emissions are typically an indoor air quality health hazard concern rather than an outdoor air quality health hazard concern because of the rapid dispersion of ROGs into the atmosphere when applied outdoors. Whereas indoors the enclosed spaces prevent the gases from escaping into the atmosphere and can accumulate in high concentrations. Furthermore, no sensitive receptors would be located on-site

[27] City of Visalia. General Plan Land Use Interactive Map. Website: https://www.visalia.city/depts/community_development/planning/gp.asp. Accessed June 1, 2023.

during construction that could be exposed to high levels of ROGs such that they would present a health risk concern. Therefore, exposure to ROG during architectural coatings is a less than significant health impact.

There are three types of asphalt that are typically used in paving: asphalt cements, cutback asphalts, and emulsified asphalts. However, Valley Air District Rule 4641 prohibits the use of the following types of asphalt: rapid cure cutback asphalt; medium cure cutback asphalt; slow cure asphalt that contains more than 0.5 percent of organic compounds that evaporate at 500°F or lower; and emulsified asphalt containing organic compounds, in excess of 3 percent by volume, that evaporate at 500°F or lower. An exception to this is medium cure asphalt when the National Weather Service official forecast of the high temperature for the 24-hour period following application is below 50°F.

The acute (short-term) health effects from worker direct exposure to asphalt fumes include irritation of the eyes, nose, and throat. Other effects include respiratory tract symptoms and pulmonary function changes. The studies were based on occupational exposure of fumes. Residents are not in the immediate vicinity of the fumes because asphalt paving activity would be temporary and only occur on the project site and in areas where roadway improvements would occur as part of construction activity. Consequently, exposure to asphalt fumes could only occur during the paving phase of construction which would only occur during permissible construction hours and would end once construction is complete; therefore, they would not be subjected to concentrations high enough to evoke a negative response. In addition, the restrictions that are placed on asphalt in the San Joaquin Valley by the Valley Air District reduce ROG emissions from asphalt and exposure because they reduce odor and fumes from burning of asphalt material. The impact to nearby sensitive receptors from ROG during construction is less than significant.

### *Operation: ROG*

During operation, ROG would be emitted primarily from motor vehicles and the use of consumer products. Direct exposure to ROG from project motor vehicles would not result in health effects, because the ROG would be distributed across miles of roadway and disperse rapidly into the air. In order for a significant impact to occur motor vehicles would need to be operating within an enclosed area, such as a tunnel or freeway overpass, adjacent to sensitive receptors, where ROGs would be highly concentrated. As a result, nearby residents would not be at risk from ROGs emitted by motor vehicles because they are separated by existing roadways and located in neighborhoods with no enclosed spaces where motor vehicles would operate and ROGs. In addition, ROG emissions generated by the use of consumer products would be limited to the immediate area in which they are used on-site and would only occur during activities that use those products, such as facility cleaning activities. Nearby sensitive receptors would not be exposed to significant amounts of consumer product ROGs during operation of the proposed project because residents would not be located on the project site and consumer product activities would only occur during scheduled cleaning activities. Therefore, nearby sensitive receptors would not be exposed to substantial ROG concentrations during project operations.

### *Construction: $NO_X$, $PM_{10}$, $PM_{2.5}$*

As discussed in Impact AIR-2, localized unmitigated concentrations of $PM_{10}$, and $PM_{2.5}$ generated during project construction would not exceed the ambient air quality standards, while localized

concentrations of $NO_X$ would not exceed ambient standards after incorporation of MM AIR-2a. However, localized concentrations of CO would exceed the 100 pounds per day ambient air quality standard set by the Valley Air District, even after the incorporation of mitigation. Therefore, CO emissions during construction would exceed the significance thresholds after incorporation of mitigation and would be expected to result in concentrations that would exceed ambient standards or contribute substantially to an existing exceedance of an ambient air quality standard. As a result, because these impacts could not be feasibly mitigated to a less than significant level for the reasons discussed above, impacts would be significant and unavoidable.

### *Operation: $NO_X$, $PM_{10}$, $PM_{2.5}$,*

As discussed in Impact AIR-2, localized concentrations of $NO_X$, $PM_{10}$, and $PM_{2.5}$ would not exceed the ambient air quality standards. However, localized concentrations of CO during operations would exceed the 100 pounds per day ambient air quality standard set by the Valley Air District. Therefore, CO emissions during construction would exceed the significance thresholds even after incorporation of mitigation, and would be expected to result in concentrations that would exceed ambient standards or contribute substantially to an existing exceedance of an ambient air quality standard. As a result, because these impacts could not be feasibly mitigated to a less than significant level for the reasons discussed above, impacts would be significant and unavoidable.

### *Toxic Air Contaminants*

Project construction would involve the use of diesel-fueled vehicles and equipment that emit DPM, which is considered a TAC. The Valley Air District's applicable threshold of significance for TAC emissions is an increase in cancer risk for the maximally exposed individual of 20 in a million (formerly 10 in a million). The Valley Air District's 2015 GAMAQI does not currently recommend analysis of TAC emissions from project construction activities, but instead focuses on projects with operational emissions that would expose sensitive receptors over a typical lifetime of 70 years.

#### *Toxic Air Pollutants—On-site Workers*

A variety of State and national programs, laws and regulations protect workers from safety hazards, including high air pollutant concentrations.[28,29]

On-site workers are not required to be addressed through this Health Risk Assessment (HRA) process, consistent with guidance published by CAPCOA, *Health Risk Assessments for Proposed Land Use Projects*, indicates that on-site receptors are included in risk assessments if they are persons not employed by the proposed project.[30] This makes sense since persons not employed by the proposed project would not remain on-site for any significant period. Therefore, an HRA for on-site receptors consisting of on-site workers is not required or recommended. No further discussion is necessary.

#### *Health Risk Assessment*

During construction and operation, the proposed project would result in emissions of several TACs that could potentially impact nearby sensitive receptors. The Valley Air District has defined health

[28] Occupational Safety and Health Administration (OSHA). 2003. United States Department of Labor. Safety and Health Topics: Methane. Website: www.osha.gov/dts/chemicalsampling /data/CH_250700.html. Accessed April 6, 2023.

[29] Centers for Disease Control and Prevention (CDC). 2012. Construction—website: www.cdc.gov/niosh/construction/. Indoor Environmental Quality—website: www.cdc.gov/niosh/topics/indoorenv/constructionieq.html. Accessed April 6, 2023.

[30] California Air Pollution Control Officers Association (CAPCOA). 2009. Health Risk Assessments for Proposed Land Use Projects.

risk significance thresholds. These thresholds are represented as a cancer risk to the public and a non-cancer hazard from exposures to TACs. Cancer risk represents the probability (in terms of risk per million individuals) that an individual would contract cancer resulting from exposure to TACs continuously over a period of several years. The Valley Air District's latest threshold of significance for TAC emissions is an increase in cancer risk for the maximally exposed individual of 20 in a million (formerly 10 in a million). The principal TAC emission analyzed in this assessment was DPM from operation of off-road equipment and diesel-powered delivery and worker vehicles during construction and operation. DPM has been identified by the ARB as a carcinogenic substance. For purposes of this analysis, DPM is represented as exhaust emissions of $PM_{10}$. DPM represented as exhaust $PM_{10}$ adequately addresses impacts from $PM_{10}$ and $PM_{2.5}$ emissions, as $PM_{2.5}$ comprises a component of $PM_{10}$. Fugitive dust components of $PM_{10}$ and $PM_{2.5}$ would be controlled through the use of required dust control practices during project construction and therefore fugitive dust would not be considered as part of this HRA.

Given the proposed gas station, the analysis considers specific emissions associated with this type of land use. The primary routine emission activities at gasoline service stations are classified into five categories of loading, breathing, fueling, spillage, and hose permeation. Benzene, toluene, ethylbenzene, xylene, naphthalene, hexane and propylene are the TACs of concern with cancer toxicity values from gasoline dispensing facilities, with benzene accounting for nearly 85 percent of cancer risk from gasoline. In this analysis, health risks associate with exposure to benzene from gasoline service stations are assessed as part of the operational HRA.

Two drive-through restaurants would operate in the southeast corner of the project site. The restaurants would emit cooking TACs, depending on the type of restaurants, for instance, charbroiler, fryer, griddle, etc. However, it is speculative to estimate such emissions at time of this analysis. The restaurant emissions would be subjected to Valley Air District permit review before the operation. Therefore, the restaurant cooking TACs are not considered in the operational HRA.

Exposures to TACs can result in both short-term (acute) or long-term (chronic) non-cancer health impacts. Such impacts could include illnesses related to reproductive effects, respiratory effects, eye sensitivity, immune effects, kidney effects, blood effects, central nervous system, birth defects, or other adverse environmental effects.

*Estimation of Cancer Risks*

Cancer risks are estimated as the upper-bound incremental probability that an individual will develop cancer as a direct result of exposure to potential carcinogens over a specified exposure duration. The cancer risk attributed to a chemical is calculated by multiplying the chemical intake or dose at the human exchange boundaries (e.g., lungs) by the chemical-specific cancer potency factor (CPF). A risk level of 20 in a million implies a likelihood (or risk) that up to 20 persons, out of one million equally exposed people would contract cancer if exposed continuously (24 hours per day) to the levels of TACs over a specified duration of time. This risk would be an excess cancer risk that is in addition to any environmental cancer risk borne by a person not exposed to these air toxics.

California Office of Environmental Health Hazard Assessment (OEHHA) has developed guidance for estimating cancer risks that considers the increased sensitivity of infants and adults to TAC

emissions, different breathing rates, and time spent at home. This guidance was applied in estimating cancer risks from the construction and operation of the proposed project.

The recommended method for the estimation of cancer risk is shown in the equations.

$$\text{Cancer Risk} = C_{DPM} \times \text{Inhalation Exposure Factor} \quad \text{(EQ-1)}$$

Where:

Cancer Risk = Total individual excess cancer risk defined as the cancer risk a hypothetical individual faces if exposed to carcinogenic emissions from a particular source for specified exposure durations; this risk is defined as an excess risk because it is above and beyond the background cancer risk to the population; cancer risk is expressed in terms of risk per million exposed individuals.

$C_{DPM}$ = Period average DPM air concentration calculated from the air dispersion model in $\mu g/m^3$

Inhalation is the most important exposure pathway to impact human health from DPM and the inhalation exposure factor is defined as follows:

$$\text{Inhalation Exposure Factor} = CPF \times EF \times ED \times DBR \times AAF/AT \quad \text{(EQ-2)}$$

Where:

CPF = Inhalation cancer potency factor for the TAC: 1.1 $(mg/kg\text{-}day)^{-1}$ for DPM
EF = Exposure frequency (days/year)
ED = Exposure duration (years of construction)
AAF = set of age-specific adjustment factors that include age sensitivity factors (ASF), daily breathing rates (DBR), and time at home factors (TAH)
AT = Averaging time period over which exposure is averaged (days)

*Estimation of Chronic Non-Cancer Hazards*

An evaluation of potential non-cancer effects of chronic chemical exposures was also conducted. Adverse health effects were evaluated by comparing the annual receptor concentration of each chemical compound with the appropriate Reference Exposure Level (REL). Available RELs promulgated by OEHHA were considered in the assessment.

Risk characterization for non-cancer health hazards from TACs is expressed as an HI. The HI is a ratio of the predicted concentration of the project's emissions to a concentration considered acceptable to public health professionals, termed the REL.

To quantify non-carcinogenic impacts, the HI approach was used.

$$HI = C_{ann}/REL \quad \text{(EQ-3)}$$

Where:

HI = chronic hazard index
$C_{ann}$ = annual average concentration of TAC as derived from the air dispersion model ($\mu g/m^3$)
REL = reference exposure level above which a significant impact is assumed to occur ($\mu g/m^3$)

The HI assumes that chronic exposures to TACs adversely affect a specific organ or organ system (toxicological endpoint) of the body. For each discrete chemical exposure, target organs presented in regulatory guidance were used. To calculate the HI, each chemical concentration or dose is divided by the appropriate toxicity REL. For compounds affecting the same toxicological endpoint, this ratio is summed. Where the total equals or exceeds 1, a health hazard is presumed to exist. OEHHA has defined a REL for DPM of 5 $\mu g/m^3$. The principal toxicological endpoint assumed in this assessment was through inhalation.

*Toxic Air Contaminant Construction Analysis*

Major sources of DPM during construction include off-road construction equipment and heavy-duty delivery truck activities. The results of the HRA prepared for project construction for cancer risk and long-term chronic non-cancer risk are summarized below. Air dispersion modeling was utilized to assess the proposed project's potential health risks using AERMOD Version 22112, which is an air dispersion model accepted by the EPA and the Valley Air District for preparing HRAs. Exhaust emissions of DPM (as $PM_{10}$ exhaust) were estimated using CalEEMod Version 2020.4.0. Construction emissions were estimated assuming adherence to all applicable rules, regulations, and the incorporation of identified project design features. The construction emissions were assumed to be distributed over the project site with a working schedule of eight hours per day and five days per week. Emissions were adjusted by a factor of 4.2 to convert for use with a 24-hour-per-day, 365 day-per-year averaging period. Detailed parameters, a description of methodology, and complete calculations are contained in Appendix B.

The estimated health and hazard impacts at the Maximally Impacted Sensitive Receptor (MIR) from the proposed project's construction emissions are provided below. Under both unmitigated reasonable and worst-case scenario, the proposed project's construction DPM emissions would not exceed the cancer risk significance threshold at the MIR. Although not required to reduce construction health risk impacts, the implementation of MM AIR-2a to reduce criteria pollutant emissions (as required by Impact AIR-2) would further reduce estimated health risks and hazards during project construction for reasonable (Table 3.3-19) and worst-case scenario (Table 3.3-20). The estimated health risks and hazards during project construction, after application of MM AIR-2a is presented below for informational purposes. The MIR is a unit located at the northwest corner within a single-family duplex complex located at 6714 W Oriole Drive, Visalia, CA 93291. The MIR's coordinates are 36.356176, -119.367478.

**Table 3.3-19: Estimated Health Risks and Hazards During Project Construction (Mitigated)–Reasonable Scenario**

| Source and Scenario | Cancer Risk (risk per million) | Chronic Non-Cancer HI[1] | Acute Non-Cancer HI[2] |
|---|---|---|---|
| Construction–Reasonable Scenario | 1.95 | 0.00093 | – |
| **Significance Threshold** | **20** | **1** | **1** |
| **Exceeds Individual Source Threshold?** | **No** | **No** | **No** |

Notes:
HI = hazard index
MIR = Maximally Impacted Sensitive Receptor
[1] Chronic non-cancer HI was estimated by dividing the maximum annual DPM concentration (as $PM_{10}$ exhaust) by the REL of 5 $\mu g/m^3$.
[2] The acute health effect of DPM is not significant and acute HI of DPM is not available in HARP.
Source: Health Risk Assessment of Appendix B.

**Table 3.3-20: Estimated Health Risks and Hazards During Project Construction (Mitigated)–Worst-Case/Concurrent Construction Scenario**

| Source | Cancer Risk (risk per million) | Chronic Non-Cancer HI[1] | Acute Non-Cancer HI[2] |
|---|---|---|---|
| Construction–Worst-case Scenario | 2.69 | 0.0015 | – |
| **Significance Threshold** | **20** | **1** | **1** |
| **Exceeds Individual Source Threshold?** | **No** | **No** | **No** |

Notes:
HI = hazard index
MIR = Maximally Impacted Sensitive Receptor
[1] Chronic non-cancer HI was estimated by dividing the maximum annual DPM concentration (as $PM_{10}$ exhaust) by the REL of 5 $\mu g/m^3$.
[2] The acute health effect of DPM is not significant and acute HI of DPM is not available in HARP.
Source: Health Risk Assessment of Appendix B.

*Toxic Air Contaminant Operation Analysis*

**DPM and Gasoline TAC Emissions**

Major sources of DPM during operation potentially include passenger vehicles from employees, HHD trucks, on-site off-road and on-road service equipment, such as forklifts and pallet jacks, because these vehicles use diesel as the fuel source. Although the gas station, drive-through restaurant, RV parking area, and self storage facilities would result in idling vehicles, which could result in small amounts of TAC emissions, the majority of these vehicles would be gasoline powered which do not run on diesel fuel or emit significant amounts of DPM emissions. Material handling equipment at the facility (pallet jacks and forklifts) would be electric and would not emit DPM.

The results of the HRA prepared for project operation for cancer risk and long-term chronic non-cancer risk are summarized below. Air dispersion modeling was utilized to assess the proposed project's potential health risks using AERMOD Version 22112, which is an air dispersion model

accepted by the EPA and the Valley Air District for preparing HRAs. Sources in the modeling included those from running and idle exhaust emissions from trucks on and operating off-site on adjacent roadways as well as gasoline service station emissions.

Emissions of DPM (as $PM_{10}$ exhaust) for running exhaust at speeds of 0–25 miles per hour as well as idling exhaust emissions of DPM were estimated using EMFAC 2021 using project-level inputs and the EMFAC-PL[31] (project level) web tool. On-Site idling was estimated at 20 minutes per truck visit to account for idling at several locations within the site including during entering and exiting, at the docks and at the truck parking areas. On-site truck travel at speeds of 0-15 mile per hour were accounted for in the on-site emissions. Off-site truck emissions at speeds ranging from 0-25 mph were modeled on the roadways adjacent to the site (Riggins Avene and Shirk Road). Truck distributions along each of these roadways were derived from the traffic study distribution data.

Benzene, toluene, ethylbenzene, xylene, naphthalene, hexane and propylene are the TACs of concern with cancer toxicity values from gasoline dispensing facilities, with benzene accounting for nearly 85 percent of cancer risk from gasoline.

As stated in the Project Description, the proposed project would include approximately 6,900 square feet of gas station and convenience store space, and as a result, the proposed project would generate TACs associated with gasoline loading and dispensing emissions during emissions. Accordingly, the proposed project's operational gas station TAC emission impacts on sensitive receptors were evaluated in the HRA. Emissions were calculated based on a project-specific throughput of 900,000 gallons per years and methodologies developed by the ARB and CAPCOA for Gasoline Service Stations.[32] Operational emissions were estimated assuming adherence to all applicable rules, regulations, and incorporation of identified project design features. Detailed parameters, a description of methodology, and complete calculations are contained in Appendix B.

The estimated health and hazard impacts at the MIR from the proposed project's operation is provided in Table 3.3-21. Because the same MIR is exposed to both project construction and operation, the cumulative risks are provided in Table 3.3-22.

**Table 3.3-21: Estimated Health Risks and Hazards During Project Operation (Unmitigated) at the MIR**

| Source | Cancer Risk (risk per million) | Chronic Non-Cancer HI | Acute Non-Cancer HI[1] |
|---|---|---|---|
| Gasoline Fueling Activities | 0.1 | <0.0001 | 0.06 |
| Operational DPM (On-Site) | 0.69 | 0.0002 | – |
| Operational DPM (Off-Site Trucks) | 2.56 | 0.0007 | – |
| Total Risk from Project Operations | 3.35 | 0.001 | 0.06 |

[31] California Air Resources Board, EMFAC2021 Project-Level Analysis Web Tool, Website: https://arb.ca.gov/emfac/project-analysis, Accessed on October 23, 2023.

[32] California Air Resources Board and California Air Pollution Control Officers Association Gasoline Service Station Industrywide Risk Assessment Technical Guidance February 18, 2022. https://ww2.arb.ca.gov/resources/documents/gasoline-service-station-industrywide-risk-assessment-guidance

| Source | Cancer Risk (risk per million) | Chronic Non-Cancer HI | Acute Non-Cancer HI[1] |
|---|---|---|---|
| **Significance Threshold** | **20** | **1** | **1** |
| **Exceeds Individual Source Threshold?** | **No** | **No** | **No** |

Notes:
DPM = diesel particulate matter
HI = hazard index
MIR = Maximally Impacted Sensitive Receptor
Source: Health Risk Assessment of Appendix B.

**Table 3.3-22: Cumulative Health Risks and Hazards During Reasonable Construction (Mitigated) and Operation (Unmitigated) at the MIR**

| Source | Cancer Risk (risk per million) | Chronic Non-Cancer HI | Acute Non-Cancer HI[1] |
|---|---|---|---|
| Reasonable Construction + Operation | 5.30 | 0.002 | 0.06 |
| **Significance Threshold** | **20** | **1** | **1** |
| **Exceeds Cumulative Threshold?** | **No** | **No** | **No** |

Notes:
DPM = diesel particulate matter
HI = hazard index
MIR = Maximally Impacted Sensitive Receptor
Source: Health Risk Assessment of Appendix B.

As noted in Table 3.3-21, the proposed project's operational DPM emissions would not exceed the cancer risk significance threshold or non-cancer hazard index significance threshold at the MIR. As shown in Table 3.3-22 and Air Quality Report, the combined impact from project construction and operation at the MIR would not exceed the cumulative health risk threshold. Therefore, the proposed project would not result in a significant impact on nearby sensitive receptors from TACs during operation. The proposed project would be required to implement MM AIR-2c through -2g during project operation to reduce emissions, which represents all feasible and enforceable mitigation measures. Health risk impacts from construction and operations, and construction with operations combined would be less than significant.

### *Mitigation Measures*

No mitigation measures are required.

### *Level of Significance*

Less than significant impact.

### *Objectionable Odors Exposure*

**Impact AIR-4: Would the project result in other emissions (such as those leading to odors) adversely affecting a substantial number of people?**

### *Impact Analysis*

In general, two situations typically create a potential for other emissions, such as those leading to odors, which can occur. The first occurs when a new odor source is located near an existing sensitive receptor. The second occurs when a new sensitive receptor locates near an existing source of odor. For purposes of review under CEQA, only the first circumstance typically involves a CEQA issue since the second involves an impact of the existing environment on the project (i.e., "CEQA in reverse").

Odor impacts on residential areas and other sensitive receptors, such as hospitals, daycare centers, schools, etc. warrant the closest scrutiny, but consideration should also be given to other land uses where people may congregate, such as recreational facilities, worksites, and commercial areas.

The Valley Air District has determined the common land use types that are known to produce odors in the Air Basin. These types are shown in Table 3.3-23.

**Table 3.3-23: Screening Levels for Potential Odor Sources**

| Odor Generator | Screening Distance |
|---|---|
| Wastewater Treatment Facilities | 2 miles |
| Sanitary Landfill | 1 mile |
| Transfer Station | 1 mile |
| Composting Facility | 1 mile |
| Petroleum Refinery | 2 miles |
| Asphalt Batch Plant | 1 mile |
| Chemical Manufacturing | 1 mile |
| Fiberglass Manufacturing | 1 mile |
| Painting/Coating Operations (e.g., auto body shop) | 1 mile |
| Food Processing Facility | 1 mile |
| Feed Lot/Dairy | 1 mile |
| Rendering Plant | 1 mile |
| Source: San Joaquin Valley Air Pollution Control District (Valley Air District). 2015. Guidance for Assessing and Mitigating Air Quality Impacts. February 19. Website: https://www.valleyair.org/transportation/GAMAQI-2015/FINAL-DRAFT-GAMAQI.PDF. Accessed October 21, 2022. | |

As summarized above, and as according to the Valley Air District GAMAQI, analysis of potential odor impacts should be conducted for the following two situations:

- **Generators:** projects that would potentially generate odorous emissions proposed to locate near existing sensitive receptors or other land uses where people may congregate, and
- **Receivers:** residential or other sensitive receptor projects or other projects built for the intent of attracting people locating near existing odor sources.

Because the proposed project would not introduce new sensitive receptors to an area near existing odor sources, this analysis implements the following methodology to evaluate potential impacts in this regard: Would the project generate significant amounts of odors during construction or operation?

### *Project Analysis*

*Project Construction*

Diesel exhaust and ROGs would be emitted during construction of the proposed project as a result of the various diesel-powered vehicles and equipment in use on-site, which would create localized odors. The proposed project would develop a total of approximately 284 acres over time, which would require the operation of construction equipment and vehicles throughout the project site. However, as the proposed buildings would be located within the interior of the project site and set back from the project boundaries and surrounding land uses, the operation of construction equipment and vehicles would predominantly occur in the interior of the project site and not along the project boundaries or near sensitive receptors located to the southeast. Moreover, emissions would disperse relatively rapidly from the project site given the nature of the emissions. Thus, these odors would be temporary and would not likely be noticeable for extended periods of time beyond the project's site boundaries. As such, construction odor impacts would be less than significant.

*Project Operation*

**Odor Generator**

As noted above, land uses that are typically identified as sources of objectionable odors include landfills, transfer stations, sewage treatment plants, wastewater pump stations, composting facilities, feed lots, coffee roasters, asphalt batch plants, and rendering plants. The proposed project would be occupied by multiple tenants/occupants in the light industrial buildings, a convenience store and gas station, a car wash, and two drive-thru restaurants. None of the proposed uses would be considered sources of significant odors; see, e.g., the types of uses identified in Table 3.3-23. Although the gas station use would emit some odors due to the re-fueling of gasoline and diesel, this land use would not include refining of fossil fuels and odors would disperse into the atmosphere relatively rapidly, similar to construction emissions, and the closest sensitive receptor would be located across the West Riggin Avenue and North Shirk Street intersection, such that odors would not be significant. As a result, the proposed project would not place an odor source within the screening distance to sensitive receptors.

**Odor Source**

For information purposes, the following is noted. The proposed project would not include residential, daycare, or other types of sensitive receptor land uses on the project site. As a result, the proposed project would not place new sensitive receptors within the screening distance of a significant source of odors.

### *Mitigation Measures*

No mitigation measures are required.

### *Level of Significance*

Less than significant impact.

## 3.3.10 - Cumulative Impacts

The geographic scope considered for cumulative impacts to air quality is the Air Basin. In developing mass emission thresholds of significance for criteria pollutants and ozone precursors, the Valley Air District considers the emission levels for which a project's individual emissions would be cumulatively considerable. Therefore, if a project would exceed the identified construction or operational significance thresholds, its emissions would be cumulatively considerable. The Air Basin is in nonattainment for ozone, $PM_{10}$, and $PM_{2.5}$, which means that the background levels of those pollutants are at times higher than the ambient air quality standards and a cumulative air quality impact currently exists for the region. Therefore, if a project exceeds the Valley Air District significance thresholds for ozone precursor emissions or emissions of $PM_{10}$ or $PM_{2.5}$, that project would be considered to contribute to an existing cumulative air quality impact. As discussed in Impact AIR-2, MMs AIR-1a through AIR-1g would reduce the proposed project's potentially significant air quality impacts related to ozone precursor emissions during construction; however, as discussed in Impact AIR-2, project construction emissions for $NO_X$ would remain potentially significant after implementation of identified mitigation should all three project phases be constructed concurrently. In addition, because the full implementation of MM AIR-1g cannot be guaranteed during project operation, the proposed project could result in potentially significant impact related to regional emissions significance threshold for ROGs, $NO_X$, and $PM_{10}$ during project operation. Moreover, because full implementation of MM AIR-1g cannot be guaranteed, the proposed project could result in a potentially significant localized violation during construction and operation from CO emissions.

As discussed in Impact AIR-2, District Rule 8021 would be required, which would further ensure that air quality impacts related to fugitive particulate matter during construction activities are less than significant. Nonetheless, after incorporation of identified mitigation and implementation of the required rules and regulations, the proposed project could result in construction and operational emissions which are greater than the respective Valley Air District significance thresholds and could therefore have a cumulatively considerable contribution to a cumulative impact. The proposed project would therefore result in significant and unavoidable cumulative air quality impacts. With regard to impacts on sensitive receptors, the DPM emissions from construction of the proposed project could result in significant health impacts if all three project phases are constructed concurrently. Therefore, the proposed project's impact could be cumulatively considerable. In addition, the operational DPM emissions and benzene emissions from the gasoline station land use of the proposed project would not result in significant health impacts. Nonetheless, the cumulative impact associated with construction and operation of the proposed project would be cumulatively considerable.

## Cumulative Mitigation Measures

Implement MM AIR-2a through MM AIR-2g.

## Level of Cumulative Significance After Mitigation

Significant and unavoidable impact.

# 3.4 - Biological Resources

## 3.4.1 - Introduction

This section describes the existing biological resources conditions on the project site and in the vicinity, as well as the relevant regulatory framework. This section also evaluates the potential impacts related to biological resources that could result from implementation of the proposed project and feasible mitigation measures to reduce potential impacts to a less than significant level. Information in this section is based, in part, on on-site reconnaissance surveys of the project site that included a Biological Resources Assessment (BRA). The BRA can be found in Appendix C.

The purpose of the BRA is to (1) document existing and potentially occurring biological resources on the project site and adjacent areas; (2) analyze potential project-related impacts on identified biological resources; (3) summarize relevant local, State, and federal laws and regulations; and (4) recommend feasible measures to mitigate potential impacts on biological resources to less than significant levels.

Public comments from the California Department of Fish and Wildlife (CDFW) were received during the Environmental Impact Report (EIR) scoping period related to biological resources.

- CDFW recommends that a qualified Biologist conduct a habitat assessment to determine whether the project site contains suitable habitat for Swainson's hawk.
- If suitable foraging or nesting habitat is present for the Swainson's hawk, CDFW recommends that a qualified Biologist conduct surveys for nesting Swainson's hawk following the entire survey methodology developed by the Swainson's Hawk Technical Advisory Committee[1] during analysis.
- If ground-disturbing activities take place during Swainson's hawk nesting season, CDFW recommends a minimum no-disturbance buffer of 0.5 mile until breeding season has ended or until a qualified Biologist has determined that birds have fledged and are no longer reliant upon the nest or parent care for survival.
- CDFW recommends that the City of Visalia assesses Crotch's bumblebee habitat areas near the project site for potential Crotch's bumblebee nesting sites.
- If suitable Crotch's bumblebee habitat exists in the project area or vicinity, CDFW advises that those areas would have to be avoided.
- CDFW recommends that a qualified Biologist conduct a habitat assessment to determine whether project areas contain potential habitat for the northern legless lizard.
- If suitable northern legless lizard habitat is present, CDFW recommends that a qualified Biologist conduct a focused survey for the northern legless lizard to evaluate potential impacts resulting from ground and vegetation disturbance.

[1] California Department of Fish and Wildlife (CDFW). 2000. Swainson's Hawk Technical Advisory Committee – Recommended Timing and Methodology for Swainson's Hawk Nesting Surveys in California's Central Valley. May. Website: https://nrm.dfg.ca.gov/FileHandler.ashx?DocumentID=83990. Accessed November 9, 2022.

## 3.4.2 - Environmental Setting

The project site lies within the central portion of the San Joaquin Valley which, together with the Sacramento Valley, makes up California's larger Central Valley. The San Joaquin Valley is bounded by the Sierra Nevada Mountains to the east and Coast Ranges to the west. The project site is surrounded by mixed agriculture to the north and east and industrial complexes to the west and south, plus a dairy farm to the south. Urbanized areas in the City are located primarily to the southeast.

### Elevation and Drainage

The topography of the project site and surrounding area is relatively flat, which is typical of the San Joaquin Valley. The topography of the eastern San Joaquin Valley rises gradually to the east toward the Sierra Nevada Mountains, while the topography of the western portion of the valley rises to the west toward the Coast Ranges.

### Soil

The Natural Resource Conservation Service (NRCS) Web Soil Survey (WSS) depicts two soil types within the project site.[2] These soil types and their primary characteristics are summarized in Table 3.4-1.

**Table 3.4-1: Soil Types Present within Project Site**

| Soil Name | Slope | Description | Percent of Site |
|---|---|---|---|
| Akers-Akers, saline-sodic, complex | 0–2% | The Akers series consists of very deep, well-drained soils formed in alluvium derived from granitic rock. Akers soils are on terraces. Saline-sodic soils are high in soluble salts and exchangeable sodium. | 32 |
| Grangeville sandy loam | 0–2% | The Grangeville series consists of very deep, somewhat poorly drained soils that formed in moderate coarse textured alluvium dominantly from granitic rock sources. Grangeville soils are on alluvial fans and floodplains. | 68 |

### Vegetation Communities and Land Cover

The following section describes vegetation communities and land cover types on the project site. The location and spatial extent of these types are shown on Exhibit 3.4-1.

#### *Almond Orchard*

An orchard is defined as an intentional plantation of trees or shrubs that is maintained for food production. Orchards comprise fruit or nut-producing trees which are generally grown for commercial production. Such trees are often arranged in rows. The project site currently consists of

[2] Natural Resources Conservation Service (NRCS). 2020. Web Soil Survey (WSS). United States Department of Agriculture (USDA). Website: https://websoilsurvey.nrcs.usda.gov/app/WebSoilSurvey.aspx. Accessed November 16, 2022.

an actively managed orchard of almond (*Prunus dulcis*) that is approximately 275 acres in size and was established around 2018. All orchard areas on the project site are actively managed, with sparse herbaceous understory plant cover that consists of managed ruderal non-native grasses and forbs.

### *Access Roads/Barren*

Barren areas on the project site consist of access roads, which are currently dirt with small amounts of managed, non-native invasive grasses and forbs on edges.

### *Planted Ornamental Trees*

An existing non-native planted ornamental tree cover includes a double row of 35 olives (*Olea europaea*; between approximately 1 and 2 feet diameter at breast height [DBH]) along the southern portion of the private access road bisecting the project site south to north; a cluster of two tall elm (*Ulmus sp*.) trees (approximately 3 feet DBH each); and one approximately 3-foot-DBH cedar (*Cedrus sp.*).

### *Valley Oak*

A substantial portion of the canopy of a mature valley oak (*Quercus lobata*) overlaps the northern boundary of the project site. The trunk of this oak is estimated to be over 3 feet DBH and is rooted on the neighboring property, at the northern bank of Modoc Ditch.

### *Retention Basin and Modoc Irrigation Canal*

Modoc Ditch is an artificial, actively managed irrigation canal aligned along the northern boundary of the project site. It is approximately 15 feet wide and carried approximately a foot of water at the time of the survey, though water levels are expected to fluctuate based on agricultural activity. Modoc Ditch flows from west to east through a dirt-bottom channel, but the channel is highly disturbed with broken pavement, boulders, and debris found throughout the bed and banks. Flows of the canal are sustained by water that is pumped in through the regional irrigation infrastructure, and the flows are typically disconnected from St. John's River to the east but can likely be connected to St. John's River under flooding conditions.

The project site contains a man-made and actively managed retention basin for irrigation purposes. Water levels likely fluctuate depending on agriculture activities and needs. Water is actively pumped into the retention basin from Modoc Canal. The retention basin was constructed during the establishment of the almond orchard in 2018.

### *Off-site Trees*

Several tall trees, predominantly of the genus *Eucalyptus,* are present on neighboring parcels south of the project site, as close as approximately 70 feet to the project site boundary. While these trees are not proposed to be impacted directly, they have the potential to provide nesting habitat for protected species, including Swainson's hawk (*Buteo swainsoni*), as detailed below.

## Common Wildlife Species

The vegetation community and land cover types discussed above provide habitat for a few local wildlife species adapted to agricultural land use. Wildlife activity was low during the field survey and

consisted primarily of avian species. The following discussions regarding the wildlife species observed or that have a potential to occur within the project site are organized by taxonomic group. Each discussion contains representative examples of a particular taxonomic group either observed or expected to occur on-site.

### *Amphibians*

Amphibian species observed on-site during the field survey include abundant bullfrog (*Lithobates catesbeianus*) tadpoles in the retention basin. It is possible that other disturbance-resistant common amphibian species such as Pacific chorus frog (*Pseudacris regilla*) or the western toad (*Anaxyrus boreas*) may be present at times in the retention basin and Modoc Ditch; however, presence of bullfrog significantly limits presence of other amphibians due to predation pressure. Therefore, and because of the artificial hydrological regime and regular maintenance, these features would likely act as population sinks for amphibians and would not be considered suitable habitat for self-sustaining native amphibian populations.

### *Birds*

Bird species observed on-site included mourning dove (*Zenaida macroura*), black phoebe (*Sayornis nigricans*), a resident pair of red-tailed hawks (*Buteo jamaicensis*), turkey vulture (*Cathartes aura*), Anna's hummingbird (*Calypte anna*), common sparrow (*Passer domesticus*), house finch (*Haemorhous mexicanus*), and a robust population of killdeer (*Charadrius vociferus*). A nesting cavity in a large elm tree points to potential site use of woodpecker or northern flicker (*Colaptes auratus*). Almost all trees on-site showed signs of previous nesting activities, including small nests built of grass and at least one larger stick nest.

Bird species not observed but potentially present within the orchards on-site include common and disturbance-resistant passerines and corvids, such as northern mockingbird (*Mimus polyglottos*), American crow (*Corvus brachyrhynchos*), American robin (*Turdus migratorius*), and others.

Swainson's hawk is known to occur near the project site. While almond orchards are not considered Swainson's hawk foraging habitat, this species is known to forage in alfalfa fields and open low crop and grasslands, and these habitat types are present adjacent to the project site.

### *Mammals*

Because of the project site's agricultural land use, mammal presence would likely be limited to small rodents, and potentially vagrant dispersing individuals of common mammal species, including potentially coyote (*Canis latrans*), cottontail rabbit (*Sylvilagus audubonii*), and striped skunk (*Mephitis mephitis*).

### *Reptiles*

Because of the agricultural land use, reptile presence would likely be limited to common reptile populations, potentially including gopher snake (*Pituophis catenifer*) and western fence lizard (*Sceloporus occidentalis*), which are common in disturbed and developed areas and were observed near the pump house during the field survey.

## State or Federally Protected Waters and Wetlands

The Modoc Ditch and the artificial retention basin (described above) are not expected to be regulated as State- or federally protected waters or wetlands under Clean Water Act (CWA) Sections 404/401, Porter-Cologne Water Quality Control Act, or Fish and Game Code Section 1602 *et seq*. because the irrigation canal and associated retention basin have all been excavated within upland habitat for the purpose of on-site agricultural irrigation and drainage. However, legal authority to determine whether these features are jurisdictional and thus regulated lies with the United States Army Corps of Engineers (USACE), Regional Water Quality Control Board (RWQCB), and CDFW, as discussed further below.

On February 22, 2023, a preliminary *Jurisdictional Delineation (JD) of Visalia-Kelsey Street Industrial Complex Project in Unincorporated, California* was completed by South Environmental for the proposed project and can be found in its entirety in Appendix C.

## Wildlife Movement Corridors

Most of the project site consists of actively managed orchards and does not contain habitat features such as riparian corridors that could function as wildlife corridors. Additionally, the project site is surrounded by active roadways, active agriculture, and industrial and residential development, all of which impede the movement of wildlife and limit the use of the project site as a potential corridor for wildlife movement. The project site is not within a known wildlife corridor.

## Sensitive Natural Communities

None of the vegetation communities (described above) are considered sensitive natural communities. No sensitive natural communities are present on-site.

## Special-status Plant Species Evaluated

An evaluation of the 17 special-status plant species and California Native Plant Society (CNPS) sensitive species that have been recorded within the *Goshen, California* United States Geological Survey (USGS) Topographic Quadrangle Map and its eight neighboring quadrangles by the California Natural Diversity Database (CNDDB) and California Native Plant Society Electronic Inventory (CNPSEI) was completed (Appendix C.2, Table 1).[3,4] The evaluation includes the species' status, required habitat, and potential to occur within the project site. As detailed in Appendix C, none of the special-status plant species were determined to have potential to occur on-site primarily due to the absence of suitable habitat, past and current land use, and the extent and frequency of ground disturbance.

## Valley Oak

As discussed above, although rooted on adjacent property, a substantial portion of the canopy of a valley oak is overhanging onto the project site (discussed above and shown in Exhibit 3.4-1). The valley oak can be considered a sensitive biological resource due to its local rarity, the locally unique

[3] California Department of Fish and Wildlife (CDFW). 2020. CNDDB RareFind 5 California Natural Diversity Database Query for Special-Status Species. Website: https://map.dfg.ca.gov/rarefind/view/RareFind.aspx. Accessed October 20, 2022.

[4] California Native Plant Society (CNPS). 2020. California Native Plant Society Rare and Endangered Plant Inventory. Website: http://www.rareplants.cnps.org/. Accessed October 20, 2022.

ecosystem services it provides (including shading, nesting, and roosting and foraging opportunities, nutrient cycling, and others), and its status as a protected tree under the City's Oak Tree Preservation Ordinance.

## Special-status Wildlife Species Evaluated

FCS evaluated 15 federal and State listed threatened and/or endangered wildlife species and State Species of Special Concern that have been recorded in the CNDDB as potentially occurring within the *Goshen, California* topographic quadrangle and its eight neighboring quadrangles (Appendix C.2, Table 2). The evaluation includes the species' status, required habitat types and features, and potential to occur within the project site and supporting analysis and rationale. Based on the field survey and background research, the only special-status species with a realistic potential to occur on-site is Swainson's hawk. This species, as well as other relevant special-status species, are discussed in more detail below.

### *Birds*

*Swainson's Hawk*

Swainson's hawk is listed as threatened under the California Endangered Species Act (CESA).[5] Swainson's hawk is a medium-sized bird of prey with relatively long, pointed wings that curve up somewhat in a slight dihedral while the bird is in flight. Adult females weigh between 900 and 1,100 grams (32 to 39 ounces) and males from 800 to 1,000 grams (28 to 35 ounces). The most marked identifying features of an adult Swainson's hawk are its dark head and breast band that is distinctive from the lighter colored belly and the lighter linings on the underside of the wing that are lighter than the dark gray flight feathers.

Swainson's hawk breeds in the western United States and Canada and winters in South America as far south as Argentina. The breeding season for Swainson's hawk in the Central Valley typically lasts from March to the end of July.[6] Swainson's hawk typically forages in open grasslands and has become increasingly dependent on agriculture, especially alfalfa crops, as native communities are converted to agricultural lands. The diet of the Swainson's hawk in California consists of small rodents such as voles; however, other small mammals, birds, and insects are also preyed upon. Swainson's hawk often nest near riparian woodlands. They will also use lone trees in agricultural fields or pastures, and roadside trees that are adjacent to suitable foraging habitat.[7]

CNDDB records indicate several Swainson's hawk nesting occurrences within 5 miles of the project site (Appendix C.1). Given these recent sightings and the existence of suitable nesting habitat in the form of several large trees near suitable foraging habitat present on adjacent properties, there is a moderate potential for this species to occur on-site.

[5] California Department of Fish and Wildlife (CDFW). 2020. California Natural Diversity Database (CNDDB). Special Animals List. Sacramento, CA. Updated July 2022.

[6] California Department of Fish and Wildlife (CDFW). 2000. Recommended Timing and Methodology for Swainson's Hawk Nesting Surveys in California's Central Valley. Swainson's Hawk Technical Advisory Committee. Sacramento, California. May 31, 2000.

[7] California Department of Fish and Wildlife (CDFW). 2020. Swainson's Hawks in California. Website: https://wildlife.ca.gov/Conservation/Birds/Swainson-Hawks. Accessed October 20, 2022.

*Western Burrowing Owl*

The western burrowing owl is a California Species of Special Concern. Western burrowing owls are year-round residents throughout much of California, especially in the Central Valley, San Francisco Bay region, Carrizo Plain, and Imperial Valley. Migrants from other parts of western North America can augment local populations in lowland areas in the winter. The breeding season in California is February 1 to August 31. Western burrowing owls prefer open, dry, short grassland habitats with few trees and often are associated with burrowing mammals such as California ground squirrels. They occupy burrows, typically abandoned by ground squirrels or other burrowing mammals, but also use artificial burrows such as abandoned pipes, culverts, and debris piles.

The project site does not contain the above-mentioned habitat requirements for western burrowing owl. No suitable burrows or signs of western burrowing owl were observed on-site. However, directly adjacent fields may provide marginal or temporary western burrowing owl habitat, and presence of western burrowing owl on an adjacent suitable property cannot be ruled out.

### *Mammals*

*San Joaquin Kit Fox*

The San Joaquin kit fox (*Vulpes macrotis mutica*) is federally listed as endangered under the Endangered Species Act and is State listed as threatened. Federal critical habitat for this species has not been designated. The historical range of San Joaquin kit fox included most of the San Joaquin Valley as well as low elevation basins and ranges along the eastern side of the central Coast Ranges. By 1930, this range had been reduced by more than half, with the largest populations occurring in the southern and western portions of the San Joaquin Valley. Today, the San Joaquin kit fox occurs in the remaining native valley and foothill grasslands and chenopod scrub communities of the valley floor and surrounding foothills, from southern Kern County north to Los Banos, Merced County. Smaller, less dense populations may be found farther north and in the narrow corridor between Interstate 5 (I-5) and the Interior Coast Ranges from Los Banos to Contra Costa County. The San Joaquin kit fox's range also includes portions of Monterey, Santa Clara, and San Benito Counties. The San Joaquin kit fox inhabits a variety of habitats, including grasslands; scrublands; vernal pool areas; alkali meadows and playas; and agricultural irrigated pastures, orchards, and vineyards. They prefer habitats with loose-textured soils and are found primarily in arid grasslands and open scrublands that are suitable for digging, but they occur on virtually every soil type. Dens generally are in open areas with grass or grass and scattered brush, and seldom occur in areas with thick brush. Preferred sites are relatively flat, well-drained terrain. They are seldom found in areas with shallow soils resulting from high water tables or impenetrable bedrock or hardpan layers.

No dens suitable for kit fox or other signs of kit fox presence were observed on-site. The project site is an actively managed orchard and may therefore provide only temporary dispersal habitat. As such, temporary presence of a transient individual on-site cannot be ruled out.

*American Badger*

The American badger (*Taxidea taxus*) is a California Species of Special Concern. The species is found throughout the State except in the north coast region. Badgers are most abundant in drier areas with friable soils and sparse vegetation. This species was last documented in the vicinity of Visalia in 1994,

consisting of one individual seen in a fallow field with abundant ground squirrel as a prey base. Because of the lack of required habitat elements on the project site, this species is very unlikely to occur on-site. No dens or burrows suitable for this species were observed.

### *Insects*

*Crotch's Bumblebee*

CNDDB records indicate that Crotch's bumblebee have been documented to occur within the City of Visalia. Suitable Crotch's bumblebee habitat includes areas of grasslands and upland scrub that contain requisite habitat elements, such as small mammal burrows. The project site consists of actively managed orchard, and no required habitat elements for this species are present. Therefore, this species is not expected to occur on-site. However, if adjacent agriculture fields cease to be actively managed and provide suitable habitat, a transient dispersing Crotch's bumblebee may traverse the site.

### *Reptiles*

*Northern California Legless Lizard*

The Northern California legless lizard occurs in moist, warm, and loose soil with plant coverage. Moisture is essential to this species. It often occurs in sparsely vegetated areas of beach dunes, chaparral, pine-oak woodlands, desert scrub, sandy washes, and stream terraces with sycamores, cottonwoods, or oaks. It also prefers to dwell within leaf litter under trees and bushes in sunny areas and dunes stabilized with bush lupine and mock heather. This species can often be found under surface objects such as rocks, boards, driftwood, and logs. The nearest CNDDB recorded occurrence of this species is from January 1934 and the next closest occurrence is over 11 miles away and was found within the Kaweah Oaks Preserve. The project site does not contain suitable habitat for this species due to heavy modification through extensive agriculture, unsuitable soils and vegetative communities, and high aridity. Because of these circumstances, the Northern California legless lizard does not have the potential to occur within the project site.

### *Protected Functional Groups*

Nesting birds and roosting bats include groups of species that are protected under federal and State laws and regulations and are considered sensitive and protected under certain conditions (e.g., when nesting, breeding), and are therefore included in this section.

*Nesting Birds*

The active nests of most bird species are protected by federal and/or State law and regulations (Migratory Bird Treaty Act [MBTA] and Fish and Game Code). Species that are protected pursuant to MBTA are identified by the United States Fish and Wildlife Service (USFWS).[8] Nests are generally defined as being "active" if they contain eggs or altricial young. The project site contains trees, shrubs, and structures that provide suitable habitat for protected migratory or native resident nesting bird species relatively tolerant of human disturbance.

[8] United States Fish and Wildlife Service (USFWS). 2020. Website: https://www.federalregister.gov/documents/2020/04/16/2020-06779/general-provisions-revised-list-of-migratory-birds. Accessed October 20, 2022.

*Roosting Bats*

The larger ornamental trees and the pump house next to the retention basin on-site are potentially capable of supporting protected bat roosts (e.g., maternity roosts) of non-listed bat species tolerant to agricultural settings, if active management ceases for more than approximately one month before demolition. Protection of bats is defined in the Regulatory Setting section, below.

## 3.4.3 - Regulatory Framework

### Federal

#### *Endangered Species Act*

The USFWS has jurisdiction over species listed as threatened or endangered under the federal Endangered Species Act. Section 9 of the Endangered Species Act protects listed species from "take," which is broadly defined as actions taken to "harass, harm, pursue, hunt, shoot, wound, kill, trap, capture, or collect, or attempt to engage in any such conduct." The Endangered Species Act protects threatened and endangered plants and animals and their critical habitat. Candidate species are those proposed for listing; during the environmental review process, these species are usually treated by resource agencies as if they were listed.

#### *Migratory Bird Treaty Act*

The MBTA implements international treaties between the United States and other nations devised to protect migratory birds, their parts, eggs, and nests from activities such as hunting, pursuing, capturing, killing, selling, and shipping, unless expressly authorized in the regulations or by permit.

All migratory birds and their nests are protected from take and other impacts under the MBTA (16 United States Code [USC] § 703, *et seq.*).

#### *Bald and Golden Eagle Protection Act*

The golden eagle (*Aquila chrysaetos*) and bald eagle (*Haliaeetus leucocephalus*) are afforded additional protection under the Eagle Protection Act, amended in 1973 (16 USC § 669, *et seq*.) and the Bald and Golden Eagle Protection Act (16 USC §§ 668–668d).

#### *Clean Water Act*

*Section 404*

The USACE administers Section 404 of the federal CWA, which regulates the discharge of dredge and fill material into waters of the United States. The USACE has established a series of nationwide permits that authorize certain activities in waters of the United States if a proposed activity can demonstrate compliance with standard conditions. Normally, USACE requires an individual permit for an activity that will affect an area equal to or in excess of 0.5 acre of waters of the United States. Projects that result in impacts to less than 0.5 acre can normally be conducted pursuant to one of the nationwide permits, if consistent with the standard permit conditions. The USACE also has discretionary authority to require an Environmental Impact Statement for proposed projects that result in impacts to an area between 0.1 and 0.5 acre. Use of any nationwide permit is contingent on the activities having no impacts to endangered species.

*Section 401*

As stated in Section 401 of the CWA, "any applicant for a federal permit for activities that involve a discharge to waters of the State, shall provide the federal permitting agency a certification from the State in which the discharge is proposed that states that the discharge will comply with the applicable provisions under the federal Clean Water Act." Therefore, before the USACE will issue a Section 404 permit, applicants must apply for and receive a Section 401 Water Quality Certification from the applicable RWQCB.

## State

### *California Endangered Species Act*

The State of California enacted the CESA in 1984. CESA is similar to the federal Endangered Species Act but pertains to State listed endangered and threatened species. CESA requires lead agencies to consult with CDFW when preparing California Environmental Quality Act (CEQA) documents. The purpose is to ensure that lead agency actions do not jeopardize the continued existence of a listed species or result in the destruction or adverse modification of habitat essential to the continued existence of those species, if there are reasonable and prudent alternatives available (Fish and Game Code [FGC] § 2080). CESA directs agencies to consult with CDFW on projects or actions that could affect listed species, directs CDFW to determine whether the project would jeopardize the continued existence of a species, and allows CDFW to identify "reasonable and prudent alternatives" to the project consistent with conserving the species. CESA allows CDFW to authorize exceptions to the State's prohibition against take of a listed species if the "take" of a listed species is incidental to carrying out an otherwise lawful project that has been approved under CEQA (FGC § 2081).

### *California Fish and Game Code*

Under CESA, CDFW has the responsibility for maintaining a list of endangered and threatened species (FGC § 2070). Sections 2050 through 2098 of the Fish and Game Code outline the protection provided to California's rare, endangered, and threatened species. Section 2080 of the Fish and Game Code prohibits the taking of plants and animals listed under the CESA. Section 2081 established an incidental take permit program for State listed species. The CDFW maintains a list of "Candidate species," which it formally notices as being under review for addition to the list of endangered or threatened species.

In addition, the Native Plant Protection Act of 1977 (NPPA) (FGC § 1900, *et seq*.) prohibits the taking, possessing, or sale within the State of any plants with a State designation of rare, threatened, or endangered (as defined by CDFW). An exception to this prohibition in the NPPA allows landowners to take listed plant species under specified circumstances, provided that the owners first notify CDFW and give the agency at least 10 days to come and retrieve (and presumably replant) the plants before they are plowed under or otherwise destroyed. Fish and Game Code Section 1913 exempts from "take" prohibition "the removal of endangered or rare native plants from a canal, lateral ditch, building site, or road, or other right-of-way." Project impacts to these species are not considered significant unless the species are known to have a high potential to occur within the area of disturbance associated with construction of the development at issue.

CDFW also maintains lists of "Species of Special Concern." CDFW has identified many Species of Special Concern. Species with this status have limited distribution or the extent of their habitats has been reduced substantially, such that their populations may be threatened. Thus, their populations are monitored, and they may receive special attention during environmental review. While they do not have statutory protection, they may be considered rare under CEQA and thereby warrant specific protection measures.

Sensitive species that would qualify for listing but are not currently listed are afforded protection under CEQA. CEQA Guidelines Section 15065 (Mandatory Findings of Significance) requires that a substantial reduction in numbers of a Rare or Endangered species be considered a significant effect. CEQA Guidelines Section 15380 (Rare or Endangered Species) provides for the assessment of unlisted species as Rare or Endangered under CEQA if the species can be shown to meet the criteria for listing. Unlisted plant species on the CNPS List ranked 1A, 1B, and 2 would typically be considered under CEQA.

Sections 3511, 4700, 5050, and 5515 of the Fish and Game Code outline protection for fully protected species of mammals, birds, reptiles, amphibians, and fish. Species that are fully protected by these sections may not be taken or possessed at any time. CDFW cannot issue permits or licenses that authorize the take of any fully protected species except under certain circumstances such as scientific research and live capture and relocation of such species pursuant to a permit for the protection of livestock.

Under Section 3503.5 of the Fish and Game Code, it is unlawful to take, possess, or destroy any birds in the orders of Falconiformes or Strigiformes (birds of prey) or to take, possess, or destroy the nest or eggs of any such bird except as otherwise provided by this code or any regulation adopted pursuant thereto. To comply with the requirements of CESA, an agency reviewing a proposed development within its jurisdiction must determine whether any State listed endangered or threatened species may be present in the relevant study area and determine whether the proposed development would have a potentially significant impact on such species. In addition, CDFW encourages informal consultation on any proposed development that may impact a candidate species.

Impacts to species on the CESA endangered or threatened list resulting from a proposed development would be considered significant. State listed species are fully protected under the mandates of CESA. "Take" of protected species incidental to otherwise lawful management activities may be authorized under Fish and Game Code Section 206.591. Authorization from CDFW would be in the form of an Incidental Take Permit.

Section 1602 of the Fish and Game Code requires any entity to notify CDFW before beginning any activity that "may substantially divert or obstruct the natural flow of, or substantially change or use any material from the bed, channel, or bank of any river, stream, or lake" or "deposit debris, waste, or other materials that could pass into any river, stream, or lake." "River, stream, or lake" includes waters that are episodic and perennial and ephemeral streams, desert washes, and watercourses with a subsurface flow. A Lake or Streambed Alteration Agreement will be required if CDFW

determines that project activities may substantially adversely affect fish or wildlife resources through alterations to a covered body of water.

Section 2000 and 4150 of the California Fish and Game Code state that it is unlawful to take or possess a number of species, including bats, without a license or permit as required by Section 3007.

### *California Department of Fish and Wildlife–Swainson's Hawk Nesting Survey Guidelines*

For locating nesting Swainson's hawk, CDFW recommends using the "Recommended Timing and Methodology for Swainson's Hawk Nesting Surveys in California's Central Valley" dated May 31, 2000. This set of survey recommendations was developed by the Swainson's Hawk Technical Advisory Committee to maximize the potential for locating nesting Swainson's hawks and thus reduce the potential for nest failures resulting from development activities/disturbances. In summary, surveys should be conducted in a manner that maximizes the potential to observe the adult Swainson's hawk, as well as the nest/chicks. To meet CDFW recommendations for mitigation and protection of Swainson's hawks, buffers should be established for a 0.5-mile radius around all development activities, and if active nesting is identified within the 0.5-mile radius, consultation with CDFW to determine nesting buffers is required under these guidelines. The guidelines provide specific recommendations regarding the number of surveys based on when the development at issue is scheduled to begin and the time of year the surveys are conducted.

### *Porter-Cologne Water Quality Control Act*

The RWQCB regulates actions that would involve "discharging waste, or proposing to discharge waste, within any region that could affect the waters of the State" (Water Code § 13260(a)), pursuant to provisions of the Porter-Cologne Water Quality Act. "Waters of the State" are defined as "any surface water or groundwater, including saline waters, within the boundaries of the State" (Water Code § 13050l).

*California State Water Resources Control Board/RWQCB Stormwater Management Permitting*

While federal CWA NPDES regulations allow two permitting options for construction-related stormwater discharges (individual permits and General Permits), the State Water Board has elected to adopt only one Statewide Construction General Permit at this time that will apply to all stormwater discharges associated with construction activity, except from those on Tribal Lands, in the Lake Tahoe Hydrologic Unit, and those performed by the California Department of Transportation (Caltrans).

The Construction General Permit requires all dischargers where construction activity disturbs greater than 1 acre of land, or those sites less than 1 acre that are part of a common plan of development or sale that disturbs more than one acre of land surface to:

1. Develop and implement a SWPPP that specifies BMPs that will prevent all construction pollutants from contacting stormwater with the intent of keeping all products of erosion from moving off-site into receiving waters.

2. Eliminate or reduce non-stormwater discharges to storm sewer systems and other waters of the nation. Achieve quantitatively defined (i.e., numeric) pollutant-specific discharge standards, and conduct much more rigorous monitoring based on the development's projected risk level.
3. Perform inspections of all BMPs.

### *California Native Plant Society*

The CNPS maintains a rank of plant species native to California that have low population numbers, limited distribution, or are otherwise threatened with extinction. This information is published in the Inventory of Rare and Endangered Vascular Plants of California. Potential impacts to populations of CNPS-ranked plants receive consideration under CEQA review. The following identifies the definitions of the California Rare Plant Rank:

- Rank 1A: Plants presumed extirpated in California and either rare or extinct elsewhere
- Rank 1B: Plants rare, threatened, or endangered in California and elsewhere
- Rank 2A: Plants presumed extirpated in California but common elsewhere
- Rank 2B: Plants rare, threatened, or endangered in California but more common elsewhere
- Rank 3: Plants about which more information is needed
- Rank 4: Watch List: Plants of limited distribution

All plants appearing on the CNPS List ranked 1 or 2 are considered to meet the CEQA Guidelines Section 15380 criteria. While only some of the plants ranked 3 and 4 meet the definitions of threatened or endangered species, potential impacts to these species or their habitats should be analyzed during the preparation of environmental documents relating to CEQA, as they may meet the definition of Rare or Endangered under CEQA Guidelines Section 15380 criteria.

## Regional and Local

### *Habitat Conservation Plan*

The project site does not lie within the boundaries of any adopted Habitat Conservation Plan (HCP), Natural Community Conservation Plan (NCCP), or other approved local, regional, or State Habitat Conservation Plan.

### *City of Visalia Municipal Code*

The City Municipal Code contains the following provisions regarding the protection and preservation of biological resources:

*Chapter 12.24 Oak Tree Preservation*

Articles 1–5 describe the City restrictions related to potential destruction, removal, and other activities affecting oak trees during development planning and implementation, including (see Code for more details):

**Article 1** **Purpose and Definitions–**Valley Oak Tree (Quercus lobata) and "Landmark" trees

**Article 2** **Destruction Prohibition–Removal Permit Requirements**

- Willful destruction of oak trees prohibited
- Oak tree removal permit required
- Removal standards
- Mitigation requirements

**Article 3** **Pruning Standards and Requirements**–Pruning notice required

**Article 4** **Development Proposals; Protection of Oak Trees**–Encroachment into canopy dripline of oak trees during construction

**Article 5** **Enforcement**–Enforcement proceedings and penalties

*Street Tree Ordinance*

Sections 12.20.010 *et seq*. of the City's Municipal Code regulates the planting, long-term care, maintenance, and protection of street trees within the City, including protection during construction and replacement.

A street tree is defined as any tree that is located between the curb and sidewalk or within a tree well in the sidewalk within the public right-of-way, or any tree within a street tree easement in or adjacent to the public right-of-way.

## 3.4.4 - Methodology

### Records Searches and Survey to Identify Existing Biological Resources

The literature review provides a baseline from which to evaluate the biological resources potentially occurring on the project site, as well as the surrounding area (e.g., the *Goshen, California* USGS 7.5-minute Topographic Quadrangle Map and its eight neighboring quadrangles) area, in accordance with applicable requirements under CEQA. This section summarizes the results of the literature search, database review, and survey conducted on July 5, 2022.

#### *Literature Review*

*Existing Documentation*

As part of the literature review, an FCS Biologist examined existing environmental documentation for the project site and vicinity. This documentation included biological studies for the area; literature pertaining to habitat requirements of special-status species potentially occurring on the project site and vicinity; and federal register listings, protocols, and species data provided by USFWS and CDFW.

*Topographic Maps and Aerial Photographs*

A FCS Biologist reviewed current USGS 7.5-minute topographic quadrangle map(s) and aerial photographs as a preliminary analysis of the existing conditions within the project site and the remainder of the study area.[9] Information obtained from the review of the topographic maps

[9] United States Geological Survey (USGS). 2020. National Geospatial Program. Website: https://www.usgs.gov/core-science-

included elevation range, general watershed information, and potential drainage feature locations using Google Earth in conjunction with the EPA Watershed Assessment, Tracking, and Environmental Results System (WATERS).[10] Aerial photographs provide a perspective of the most current site conditions relative to on-site and off-site land use, plant community locations, and potential locations of wildlife movement corridors.

*Soil Surveys*

The United States Department of Agriculture (USDA) has published soil surveys that describe the soil series (i.e., group of soils with similar profiles) occurring within a particular area.[11] These profiles include major horizons with similar thickness, arrangement, and other important characteristics. These series are further subdivided into soil mapping units that provide specific information regarding soil characteristics. Many special-status plant species have a limited distribution based exclusively on soil type. Therefore, pertinent USDA soil survey maps were reviewed to determine the existing soil mapping units within the project site and to establish if soil conditions on-site are suitable for any special-status plant species.

*Special-status Species Database Search*

An FCS Biologist compiled a list of threatened, endangered, and otherwise special-status species previously recorded on-site and the surrounding area. The list was based on a search of the CDFW CNDDB, the USFWS Information for Planning and Consultation (IPaC) database and the CNPSEI of Rare and Endangered Vascular Plants of California database for the *Goshen, California* USGS 7.5-minute Topographic Quadrangle Map and its eight neighboring quadrangles.[12,13]

The CNDDB Biogeographic Information and Observation System (BIOS 5) database was used to determine the distance between known recorded occurrences of special-status species and the project site.[14]

*Trees*

Prior to conducting the reconnaissance-level survey, a FCS Biologist reviewed applicable City and County ordinances pertaining to tree preservation and protective measures and their required tree replacement conditions or permits.

systems/national-geospatial-program/us-topo-maps-america?qt-science_support_page_related_con=4#qt-science_support_page_related_con. Accessed November 3, 2022.

[10] United States Environmental Protection Agency (EPA). 2020. Watershed Assessment, Tracking and Environmental Results System (WATERS). Website: https://www.epa.gov/waterdata/waters-watershed-assessment-tracking-environmental-results-system. Accessed November 3, 2022.

[11] Natural Resources Conservation Service (NRCS). 2020. Web Soil Survey (WSS). United States Department of Agriculture (USDA). Website: https://websoilsurvey.nrcs.usda.gov/app/WebSoilSurvey.aspx. Accessed November 3, 2022.

[12] California Department of Fish and Wildlife (CDFW). 2020. CNDDB RareFind 5 California Natural Diversity Database Query for Special-Status Species. Website: https://map.dfg.ca.gov/rarefind/view/RareFind.aspx. Accessed November 3, 2022.

[13] California Native Plant Society (CNPS). 2020. California Native Plant Society Rare and Endangered Plant Inventory. Website: http://www.rareplants.cnps.org/. Accessed November 3, 2022.

[14] California Department of Fish and Wildlife (CDFW). 2020. Biogeographic Information and Observation System (BIOS 5). Website: https://map.dfg.ca.gov/bios/. Accessed November 3, 2022.

*Jurisdictional Waters and Wetlands*

Prior to conducting the reconnaissance-level survey, a FCS Biologist reviewed EPA WATERS and aerial photography to identify any potential natural drainage features and water bodies.[15] In general, all surface drainage features identified as blue-line streams on USGS maps are expected to be potentially subject to State and federal regulatory authority as "waters of the United States and/or State." A preliminary assessment was conducted to determine the location of any existing drainages relative to the proposed limits of project-related activities involving grading or other ground disturbance.

### *Field Survey*

FCS Senior Biologist, Robert Carroll, conducted a reconnaissance-level field survey of the project site on July 5, 2022, between approximately 10:00 a.m. and 4:00 p.m. The objective of the survey was not to exhaustively search for every potential species occurring within the project site, but rather to ascertain general site conditions and identify potentially suitable habitat areas for special-status plant and wildlife species. Special-status or unusual biological resources identified during the literature review were confirmed during the reconnaissance-level survey for mapping accuracy. Special attention was paid to sensitive habitats and areas potentially supporting special-status floral and faunal species.

*Vegetation*

Common plant species observed during the reconnaissance-level survey were identified by visual characteristics and morphology in the field and recorded in a field notebook. Uncommon and less familiar plants were identified with the use of taxonomical guides, including Jepson eFlora and Calflora.[16,17] Taxonomic nomenclature used in this study follows The *Jepson Manual: Vascular Plants of California*.[18] Common plant names, when not available from The Jepson Manual, were taken from other regionally specific references. Vegetation types and boundaries were noted on aerial photos, verified through field observation, and digitized using ESRI ArcGIS software® ArcMap 10.0. By incorporating collected field data and interpreting aerial photography, a map of habitat types, land cover types, and other biological resources within the project site was prepared. Vegetation community and land cover types used to help classify habitat types are based on Manual of California Vegetation and cross-referenced with the CDFW Natural Communities List.[19,20]

*Wildlife*

All wildlife species that were detected during the on-site reconnaissance-level survey by sight, calls, tracks, scat, or other signs were recorded, and notations were made regarding suitable habitat for

[15] United States Environmental Protection Agency (EPA). 2020. Watershed Assessment, Tracking and Environmental Results System (WATERS). Website: https://www.epa.gov/waterdata/waters-watershed-assessment-tracking-environmental-results-system. Accessed October 20, 2022.

[16] Jepson Flora Project (eds.) 2020. Jepson eFlora. Website: https://ucjeps.berkeley.edu/eflora/. Accessed November 3, 2022.

[17] Calflora. 2020. Calflora: Information on California plants for education, research, and conservation. Website: http://www.calflora.org/. Accessed July 2022.

[18] Baldwin, B. et al. 2012. The Jepson Manual: Vascular Plants of California. Berkeley: University of California Press. County of San Bernardino (Bernardino). 2007 (amended 2015).

[19] Sawyer, J.O., T. Keeler-Wolf, and J.M. Evens. 2009. A Manual of California Vegetation, Second Edition. California Native Plant Society, Sacramento.

[20] California Department of Fish and Wildlife (CDFW). 2020. Natural Communities List, Sacramento: California Department of Fish and Wildlife. Website: https://wildlife.ca.gov/Data/VegCAMP/Natural-Communities#sensitive%20natural%20communities. Accessed November 3, 2022.

those special-status species determined to potentially occur within the project site.[21] FCS staff used appropriate field guides to assist with species identification during surveys, such as Peterson, Reid, and Stebbins.[22,23,24] Online resources such as eBird and California Herps were consulted, as necessary.[25,26]

*Wildlife Movement Corridors*

Wildlife movement corridors link areas of suitable wildlife habitat that are otherwise separated by rugged terrain, changes in vegetation, or human disturbance. Urbanization and the resulting fragmentation of open space areas create isolated "islands" of wildlife habitat, forming separated populations. Corridors act as an effective link between populations.

The project site was evaluated for evidence of a wildlife movement corridor during the reconnaissance-level survey. The scope of the BRA did not include a formal wildlife movement corridor study utilizing track plates, camera stations, scent stations, or snares. Rather, the focus of this study was to determine whether the proposed project's change of land use at the project site could have significant impacts on the regional movement of wildlife.

The following conclusions are based on the information compiled during the literature review, including aerial photographs, USGS topographic maps and resource maps for the vicinity; the field survey; and professional experience with the desired topography, habitat, and resource requirements of the special-status species potentially utilizing the project site and vicinity.

## Approach to Analysis

Impacts on biological resources were evaluated based on the likelihood that special-status species, sensitive habitats, wildlife corridors, and protected trees are present on the project site, and the likely effects of project construction or operation on these resources. For the purposes of this Draft EIR, the word "substantial" as used in the significance thresholds above is defined by the following three principal components:

- Magnitude and duration of the impact (e.g., substantial/not substantial),
- Uniqueness of the affected resource (rarity), and
- Susceptibility of the affected resource to disturbance.

The study area for the proposed project is defined as the project site as well as any areas surrounding the site that would be disturbed by the proposed project.

[21] California Department of Fish and Wildlife (CDFW). 2020. CNDDB RareFind 5 California Natural Diversity Database Query for Special-Status Species. Website: https://map.dfg.ca.gov/rarefind/view/RareFind.aspx. Accessed November 3, 2022.
[22] Peterson, T.R. 2010. A Field Guide to Birds of Western North America, 4th Edition. Boston: Houghton Mifflin Harcourt.
[23] Reid, F. 2006. A Field Guide to Mammals of North America, 4th Edition. Boston: Houghton Mifflin Harcourt.
[24] Stebbins, R.C. 2003. A Field Guide to Western Reptiles and Amphibians. Third Edition. Boston: Houghton Mifflin Harcourt.
[25] eBird. 2020. Online bird occurrence database. Website: http://ebird.org/content/ebird/. Accessed November 3, 2022.
[26] California Herps. 2020. A Guide to the Amphibians and Reptiles of California. Website: http://www.californiaherps.com/. Accessed November 3, 2022.

## 3.4.5 - Thresholds of Significance

### Significance Criteria

The lead agency derives its significance criteria based on the questions in the CEQA Guidelines Appendix G Environmental Checklist. Accordingly, impacts resulting from the implementation of the proposed project would be considered significant if the proposed project would:

a) Have a substantial adverse effect, either directly or through habitat modifications, on any species identified as a candidate, sensitive, or special-status species in local or regional plans, policies, or regulations, or by the California Department of Fish and Wildlife or United States Fish and Wildlife Service.

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

c) Have a substantial adverse effect on State or federally protected wetlands (including, but not limited to, marsh, vernal pool, coastal, etc.) through direct removal, filling, hydrological interruption, or other means.

d) Interfere substantially with the movement of any native resident or migratory fish or wildlife species or with established native resident or migratory wildlife corridors, or impede the use of wildlife nursery sites.

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

f) Conflict with the provisions of an adopted Habitat Conservation Plan, Natural Community Conservation Plan, or other approved local, regional, or State Habitat Conservation Plan.

For purposes of this analysis, the following criteria consistent with State CEQA Guidelines Section 15065 are considered in evaluating the significance of biological resources impacts resulting from implementation of the project. Specifically, whether the project would:

- Substantially reduce the habitat of a fish or wildlife species;
- Cause a fish or wildlife population to drop to below self-sustaining levels;
- Threaten to eliminate a plant or animal community; or
- Substantially reduce the number or restrict the range of an endangered, rare, or threatened species.

## 3.4.6 - Project Impacts and Mitigation Measures

This section discusses potential impacts associated with the development of the proposed project and provides feasible mitigation measures where appropriate.

## Special-status Species

**Impact BIO-1:** **Would the project have a substantial adverse effect, either directly or through habitat modifications, on species identified as a candidate, sensitive, or special-status species in local or regional plans, policies, or regulations, or by the California Department of Fish and Wildlife or United States Fish and Wildlife Service?**

### *Special-status Plant Species*

Seventeen special-status plant species and CNPS sensitive species that have been recorded within the *Goshen, California* USGS Topographic Quadrangle Map and its eight neighboring quadrangles by the CNDDB and CNPSEI were evaluated (Appendix C.2, Table 1).[27,28] The evaluation includes the species' status, required habitat, and potential to occur within the project site. As detailed more fully in Appendix C, none of the special-status plant species were determined to have potential to occur on-site primarily due to the absence of suitable habitat, past and current land use, and the extent and frequency of ground disturbance. Because of the absence of special-status plant species as well as the absence of suitable habitat for these species, the proposed project would not have a substantial adverse effect, either directly or through habitat modifications, on any special-status plant species.

### *Special-status Wildlife Species*

The following section analyzes potential project-related impacts on special-status wildlife species and establishes feasible avoidance and minimization measures to reduce potential project-related impacts to less than significant levels.

*Swainson's Hawk*

Suitable Swainson's hawk nesting trees are located on the project site and suitable Swainson's hawk foraging habitat is present on adjacent properties north and east of the project site. Swainson's hawks readily habituate to a variety of human disturbances including construction. Swainson's hawk nests are often found along busy roadways and in a variety of settings where substantial noise and other disturbances occur, including in agricultural areas. There are conditions, however, where the potential for abandonment is increased. This can occur when new disturbances are introduced to an otherwise open, rural setting. Under these conditions, no-disturbance buffers are important to avoid nest abandonment. No-disturbance buffers are intended to prevent all ground-disturbing activities and project-related entry of any sort into the buffer area. Although tolerant of human presence and activities, Swainson's hawks are most sensitive to direct observation of the nest by people. Therefore, restrictions within buffers should prohibit all entry and direct observation of the nest.

If a Swainson's hawk nest is active on or near the project site during construction, the proposed project could impact this species in several ways:

[27] California Department of Fish and Wildlife (CDFW). 2020. CNDDB RareFind 5 California Natural Diversity Database Query for Special-Status Species. Website: https://map.dfg.ca.gov/rarefind/view/RareFind.aspx. Accessed October 20, 2022.

[28] California Native Plant Society (CNPS). 2020. California Native Plant Society Rare and Endangered Plant Inventory. Website: http://www.rareplants.cnps.org/. Accessed October 20, 2022.

- The proposed project could cause direct harm to the species by the destruction of active nests during tree removal activities.
- The proposed project could cause indirect harm to the species through the noise, light and other man-made disturbances resulting from project construction and operation, which may result in this species abandoning its nests.

The project developer would be responsible for compliance with all applicable laws and regulations in place protecting Swainson's hawk, including applicable provisions of CESA, MBTA, and the Fish and Game Code. These laws and regulations are described in Section 3.4.3 and are designed to reduce potential project-related impacts on Swainson's hawk.

The project site does not currently provide foraging habitat due to the existing orchard operations. Therefore, development of the proposed project would not remove foraging area for this species.

To further reduce potential impacts on Swainson's hawk to less than significant levels under CEQA and avoid the "take" of a Swainson's hawk as defined by CESA, Mitigation Measures (MM) BIO-1a and MM BIO-1b will be required to increase the potential to detect Swainson's hawk nests and to establish adequate nest protection zones to decrease the chance of accidental violation of the above laws and to conform with applicable CDFW Guidelines.[29]

In 2000, the Swainson's Hawk Technical Advisory Committee prepared the above-noted Recommended Timing and Methodology for Swainson's Hawk Nesting Surveys in California's Central Valley that focused on the timing of surveys and, as an alternative to the 1994 CDFW guidance (requiring 0.5 mile no-disturbance buffer), provided information on disturbance buffers and the risk to active nests. Although the members of the Technical Advisory Committee and other biologists have years of supporting observational data from a variety of construction or other related disturbances, the distance guidance in the Technical Advisory Committee document primarily used data from the California Department of Water Resources Delta Temporary Barriers project and other Delta projects. Annual surveys and nest monitoring are conducted to avoid nest abandonment resulting from project activities. This has resulted in a more reasonable data-based approach to assessing disturbance impacts and establishing buffers. Based on these data, the Technical Advisory Committee guidance indicates that the lowest risk of nest abandonment is achieved at a distance of 600 feet. The Technical Advisory Committee guidance on distance buffers has been regularly used for many years as an alternative to the 1994 CDFW guidance. Therefore, it has been determined that a 600-foot no-disturbance buffer prohibiting all entry during the breeding season would be sufficient for the proposed project should an active Swainson's hawk nest become established.

**Western Burrowing Owl**

While no suitable habitat for western burrowing owl exists on-site (see Section 3.4.2), and no burrowing owl or signs thereof were observed on adjacent fields during the time of the survey, it cannot be ruled out that nesting burrowing owl may be present within disturbance distance of the proposed project, which is currently considered to be 500 feet. If project activities include a

[29] California Department of Fish and Wildlife (CDFW). 2000. Recommended Timing and Methodology for Swainson's Hawk Nesting Surveys in California's Central Valley. Swainson's Hawk Technical Advisory Committee. Sacramento, California. May 31, 2000.

significant increase in noise or other indirect disturbance of an active burrowing owl within 500 feet of an active burrowing nest were to occur, premature nest abandonment and loss of viable eggs or young could take place. Loss of burrowing owl would be considered a significant impact. However, with implementation of MM BIO-1c, detection and protection of active burrowing nests on adjacent fields would reduce this potential impact to less than significant.

**San Joaquin Kit Fox**

Potential presence of San Joaquin kit fox is unlikely because no signs of suitable denning habitat were observed during the field surveys, and if it occurred, San Joaquin kit fox presence would be limited to vagrant individuals dispersing across the project site in search of suitable habitat. The project site does not include suitable habitat and no suitable dens were observed on-site. However, a pre-construction survey to confirm absence of this species from the project site will be required (MM BIO-1d), and standard San Joaquin fox avoidance measures will follow to ensure that impacts would be less than significant.

**American Badger**

Potential presence of American badger is unlikely because no dens or burrows suitable for this species were observed during the field surveys, and if it occurred, American badger presence would be limited to vagrant individuals dispersing across the project site to find suitable habitat. The project site does not include suitable habitat and no suitable dens or burrows were observed on-site. However, a pre-construction survey to confirm absence of this species from the project site shall be required (MM BIO-1d) to ensure that impacts would be less than significant. Standard avoidance measures for the San Joaquin kit fox (MM BIO-1d) would also act to protect the American badger.

**Crotch's Bumblebee**

Potential presence of Crotch's bumblebee is unlikely because entire project site consists of actively managed orchard and no required habitat elements for this species are present, and if it occurred, it would be limited to vagrant individuals dispersing across the project site to find suitable habitat. The project site does not include suitable habitat. Therefore, implementation of the proposed project would not result in significant impacts on this species. However, a pre-construction survey to confirm absence of this species from the site shall be required (MM BIO-1d) to ensure that impacts would be less than significant.

**Nesting Birds**

Birds protected under the MBTA or California Fish and Game Code are legally protected and considered sensitive during the active nesting period and are therefore included in this impact analysis for special-status species. The extensive almond orchards, numerous ornamental trees, and the stand of large eucalyptus trees along (outside of) the southern boundary of the project site provide suitable habitat for a variety of species of nesting birds, including Swainson's hawk. Construction activities that occur during the avian nesting season (generally February 1 to August 31) could disturb nesting sites for bird species protected under the MBTA or the Fish and Game Code. Further, the removal of trees during the nesting season could result in direct harm to nesting birds, while noise, light and other man-made disturbances may cause nesting birds to abandon their nests.

The project developer would be required to comply with all applicable laws and regulations protecting active bird nests, including MBTA and Fish and Game Code. These laws and regulations are described in Section 3.4.3 and are designed to reduce potential project-related impacts on protected nesting birds.

To reduce potential impacts on protected bird nests to less than significant levels, MM BIO-1e will be required to increase the potential to detect protected bird nests and to establish adequate nest protection zones to decrease the chance of accidental violation of applicable laws.

#### Roosting Bats

If protected bat roosts are present on the project site or within disturbance distance, demolition activities have the potential to disturb/disrupt protected bat roosts, potentially leading to direct destruction or premature roost abandonment and loss of bats (including young or rare/sensitive bat species).

The project developer would be required to comply with all applicable laws and regulations (including the Fish and Game Code) related to the take of non-game mammals naturally occurring in California, including bats. These laws and regulations are listed in Section 3.4.3 and are intended to reduce potential project-related impacts on naturally occurring non-game mammals, including bats.

To reduce potential impacts on roosting bats to less than significant levels, MM BIO-1f will be required to increase the potential to detect protected bat roosts and reduce the likelihood of disturbing or disrupting such roosts.

### *Level of Significance Before Mitigation*

Potentially significant impact.

### *Mitigation Measures*

**MM BIO-1a Pre-construction Surveys for Swainson's Hawk**

Prior to initial ground disturbance or building permits of any project area, if during the nesting season for Swainson's hawk (March 20 to July 20), a qualified Biologist shall conduct Swainson's hawk nesting surveys on-site and within a 0.5-mile radius of the project site to determine whether nests are present and if so, occupied. Occupancy shall be determined through observation of all accessible areas, including from public roads or other publicly accessible observation areas of Swainson's hawk activity (e.g., foraging) on and near the project site. If ground disturbance occurs outside the nesting season, no further action is required.

A qualified Biologist shall follow the survey protocol outlined in the California Department of Fish and Wildlife (CDFW) Recommended Timing and Methodology for Swainson's Hawk Nesting Surveys in California's Central Valley, which recommends surveys according to the following survey periods:

1. **January–March 20**: Conduct one survey total.

2. **March 20–April 5:** Conduct three surveys total. Surveys shall be conducted between sunrise to 10:00 a.m. and/or 4:00 p.m. to sunset.
3. **April 5–April 20:** Conduct three surveys total. Surveys shall be conducted between sunrise to 12:00 p.m. and/or 4:30 p.m. to sunset.
4. **April 21–June 10:** Initiating surveys are not recommended. Monitoring of known nest sites only.
5. **June 10–July 30:** (post-fledging) Conduct three surveys total. Surveys shall be conducted between sunrise to 12:00 p.m. and/or 4:00 p.m. to sunset.

Pre-construction surveys shall be completed for at least the two survey periods immediately prior to the subject ground-disturbing activities being initiated, with the latest survey no more than 10 days prior to the start of the subject ground-disturbing A copy of the survey results shall be submitted to the lead agency as evidence of compliance.

**MM BIO-1b Swainson's Hawk Avoidance and Minimization and Construction Monitoring**

If nests are located and determined to be occupied, minimization measures must be implemented by the relevant applicant in connection with a specific individual development application, and construction monitoring conducted as follows:

1. Construction activities shall be prohibited within 600 feet of an active and occupied Swainson's hawk nest or within 600 feet of nests under construction to prevent nest abandonment unless a smaller buffer is approved pursuant to subsection (2) below. This incorporates the maximum avoidance buffer size stated in the California Department of Fish and Wildlife (CDFW) Recommended Timing and Methodology for Swainson's Hawk Nesting Surveys in California's Central Valley.
2. If site-specific conditions or the nature of the construction activity (e.g., other nearby development, limited activities) indicate that a smaller buffer, or no buffer at all, could be used, the project developer may seek approval from the qualified Biologist who, in coordination with the CDFW, shall determine the appropriate buffer size, which, once approved, shall govern.
3. No tree containing an active Swainson's hawk nest shall be removed.

   If (i) no nests are located or (ii) if nests are located and determined not to be occupied, then no minimization measures shall need to be implemented and no further mitigation under MM BIO-1b shall be required.

**MM BIO-1c Pre-construction Surveys for Burrowing Owl (includes avoidance and passive relocation if found)**

To determine whether burrowing owl have occupied the project site prior to its development, a qualified Biologist shall perform a pre-construction burrowing owl survey to determine burrow locations within 30 days prior to construction activities

using California Department of Fish and Wildlife (CDFW) Guidelines. If construction is delayed or suspended for more than 30 days after the survey, the area shall be resurveyed. Surveys for occupied burrows shall be completed within all construction areas and within 300 feet of the proposed project impact area (where possible and appropriate based on locations of barren or ruderal habitats). At least 15 days prior to the expected start, or restart, of any project-related ground disturbance activities, the project applicant shall provide a burrowing owl survey report with mapping exhibits to the CDFW. If no burrowing owl are detected during the pre-construction survey, no further action is necessary.

If burrowing owl are detected during the pre-construction survey, the following actions shall be taken to offset impacts during construction (as outlined in the CDFW 2012 Guidelines):

- During the nonbreeding season (September 1 through January 31), no disturbance shall occur within an approximately 160-foot radius of an occupied burrow. During the nesting season (February 1 through August 31), occupied burrows shall not be disturbed within a 300-foot radius unless a qualified Biologist approved by the CDFW verifies through non-invasive methods that either (1) the birds have not begun egg-laying and incubation or (2) that juveniles from the occupied burrows are foraging independently and are capable of independent survival.
- If owls must be moved away from the disturbance area, passive relocation techniques (as outlined by the CDFW [i.e., use of one-way doors]) should be used rather than trapping. At least one or more weeks will be necessary to accomplish this and to allow the owls to acclimate to alternate burrows.
- If unpaired owls or paired owls are present in or within 300 feet of areas scheduled for disturbance or degradation (e.g., grading) and nesting is not occurring, owls are to be removed per CDFW-approved passive relocation protocols. Passive relocation requires the use of one-way exclusion doors, which must remain in place at least 48 hours prior to site disturbance to ensure owls have left the burrow prior to construction. A CDFW-approved exclusion plan would be required to implement this measure.
- If paired owls are nesting in areas scheduled for disturbance or degradation, nest(s) shall be avoided from February 1 through August 31 by a minimum 300-foot buffer or until fledging has occurred. Following fledging, owls may be passively relocated.

**MM BIO-1d Pre-construction Special-status Species Wildlife Surveys and Protective Measures if Found, Including Standard Avoidance Measures for San Joaquin Kit Fox.**

Not more than 14 days before start of ground disturbance, a qualified Biologist shall conduct surveys to determine the presence/absence of the following special-status wildlife species: Crotch's bumblebee, San Joaquin kit fox, western burrowing owl, and American badger. Should any of the foregoing special-status wildlife species be

detected, the qualified Biologist shall coordinate with the California Department of Fish and Wildlife (CDFW) and/or the United States Fish and Wildlife Service (USFWS) (as appropriate) to determine adequate protection measures as may be required under applicable laws and regulations, and the relevant project developer shall implement all such measures in connection with the development proposal at issue. Copies of all reports and communication with the appropriate wildlife agencies shall be submitted to the lead agency as evidence of compliance.

The following standardized recommendations as outlined by the USFWS for the protection of San Joaquin Kit Fox shall be implemented during project construction:

1. 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.
2. 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 Game (CDFG) shall be contacted as noted under measure 13 referenced below.
3. 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 moved only once to remove it from the path of construction activity, until the fox has escaped.
4. 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.
5. No firearms shall be allowed on the project site.
6. 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.
7. 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.

8. 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.
9. 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 the previously referenced people and anyone else who may enter the project site.
10. 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.
11. 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.
12. 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 the CDFG immediately in the case of a dead, injured or entrapped kit fox.
13. The Sacramento Fish and Wildlife Office and CDFG 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.
14. 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 kit fox was observed should also be provided to the Service at the address below.

**MM BIO-1e Protection of Active Bird Nests (includes pre-construction survey and implementation of avoidance buffer, if found).**

1. Removal of trees shall occur in compliance with and as required by the City's Tree Preservation Ordinance
2. If project development requires trees to be removed during the nesting season, pre-construction nesting bird surveys shall be conducted 7 days prior to tree removal to determine whether active nests are present.
3. If an active nest is located during pre-construction surveys, a qualified Biologist shall determine an appropriately sized avoidance buffer based on species and anticipated disturbance level. The buffer shall be 250 feet for migratory bird species and 500 feet for raptors. That no-disturbance buffer can be reduced if it is determined whether a qualified on-site monitor determines through monitoring the effects of activities on the nest that the buffer can be reduced without nest abandonment or otherwise affecting nest success.
4. The relevant applicant of the proposed development at issue shall physically mark the nest protection zone with Environmentally Sensitive Area fencing, pin flags, and/or yellow caution tape. The nest protection zone shall be maintained around the active nest site(s) until the young have fledged and are foraging independently, as determined by a qualified Biologist. No construction activities or construction foot traffic is allowed to occur within the nest protection zones until the young have fledged and are foraging independently, as determined by a qualified Biologist.
5. The qualified Biologist shall monitor the active nest(s) periodically during construction activities to prevent any significant impacts that may result from the construction of the proposed project, until the young have fledged. Copies of the survey report shall be submitted to the lead agency as evidence of compliance.

   If no active nests are located, then no minimization measures shall need to be implemented and no further mitigation under this MM BIO-1e shall be required.

**MM BIO-1f Protection of Roosting Bats (includes pre-construction survey and implementation of avoidance buffer, if found).**

If tree removal or demolition of existing structures is proposed in connection with project development, trees and/or structures with features capable of supporting roosting bats shall be surveyed by a qualified Biologist for bat roosts or evidence of bat roosting (guano, urine staining and scent, dead bats) not more than 14 days before the start of ground disturbance, including vegetation removal. If active roosts are discovered, a protection zone of no less than 50 feet around the active roost shall be established by the qualified Biologist. Disturbance may occur within the buffer once active roosting ceases, as determined by the qualified Biologist.

If roosts are determined to be present and must be removed, the bats shall be excluded from the roosting site before the tree or structure is removed. A bat Exclusion Plan shall be reviewed and approved by the California Department of Fish and Wildlife (CDFW) prior to implementation. Exclusion methods may include use of one-way doors at roost entrances (bats may leave, but not reenter), or sealing roost entrances when the site can be confirmed to contain no bats. Exclusion efforts shall be restricted during periods of sensitive activity (e.g., during hibernation or while females in maternity colonies are nursing young). Copies of the survey report shall be submitted to the lead agency as evidence of compliance. If no active roosts are located, then no minimization measures shall need to be implemented and no further mitigation under this MM BIO-1f shall be required.

### *Level of Significance After Mitigation*

Less than significant impact with mitigation incorporated.

## Sensitive Natural Communities or Riparian Habitat

| | |
|---|---|
| **Impact BIO-2:** | **Would the project have a substantial adverse effect on any riparian habitat or other sensitive natural community identified in local or regional plans, policies, and regulations or by the California Department of Fish and Wildlife or United States Fish and Wildlife Service?** |

None of the vegetation communities on-site and described in Section 3.4.2 are considered riparian habitat or other sensitive natural communities. No sensitive natural communities are present on-site, and there is no riparian habitat present on-site. Impacts would be less than significant.

### *Mitigation Measures*

No mitigation measures are required.

### *Level of Significance*

Less than significant impact.

## Wetlands and Jurisdictional Features

| | |
|---|---|
| **Impact BIO-3:** | **Would the project have a substantial adverse effect on State or federally protected wetlands (including, but not limited to, marsh, vernal pool, coastal, etc.) through direct removal, filling, hydrological interruption, or other means?** |

The proposed project involves the removal or modification of the existing retention basin and would potentially require new culvert crossings over Modoc Ditch and extension of one existing culvert crossing (Exhibit 3.4-2).

As stated in Section 3.4.2, Modoc Ditch and the retention basin are not expected to be considered State- or federally protected aquatic resources pursuant to CWA Sections 404/401 and/or Fish and Game Code Section 1602. Moreover, because both features are parts of actively managed irrigation infrastructure, and therefore disconnected from natural flows downstream, it is not expected that

the proposed modifications would cause indirect impacts on State- or federally protected aquatic resources downstream.

A preliminary JD was conducted for the proposed project (Appendix C). According to the JD, the Modoc Ditch is likely an irrigation ditch that was solely constructed for the purposes of irrigation of agricultural areas. It has no downstream connection to federal or State water resources. The Modoc Ditch upstream connection to the Saint John's River is likely artificial, and if irrigation activities surround the Modoc Ditch were to end, water would stop flowing into the ditch and it would subsequently dry up. Therefore, impacts to the Modoc Ditch would likely be exempt from permitting with the RWQCB due to the lack of connection to waters of the State and the status as an irrigation ditch constructed in an otherwise upland area, solely for the purpose of agricultural irrigation. Modoc Ditch also lacks native plant communities or habitats and is of a low-quality habitat for wildlife. Therefore, impacts to Modoc Ditch would not likely require permitting with CDFW due to the project impacts not resulting in negative effects to habitat for wildlife or aquatic habitats. Regardless, the proposed project would be required to comply with all applicable federal and State water quality laws and regulations, including CWA 402 (NPDES), and the Porter-Cologne Water Quality Control Act (including stormwater control permits), and Fish and Game Code as described in Section 3.4.3. Compliance with all applicable provisions of the CWA and Porter-Cologne Water Quality Control Act would be sufficient for the proposed project to reduce potential impacts to State- and federally protected waters or wetlands to a less than significant level under CEQA.

It is notable that CDFW in its October 17, 2022, comment letter to the Shirk and Riggin Industrial Park Project NOP (State Clearinghouse No. 2022080658) from October 17, 2022, submitted to the City of Visalia, the CDFW does not request submittal of a Notification of Streambed Alteration, indicating that none is required. No additional mitigation measures would typically be warranted in such instances.

However, in accordance with City standards and to further confirm that the project site does not contain any State or federally protected aquatic resources, MM BIO-3 shall be required for the proposed project.

### *Level of Significance Before Mitigation*

Potentially significant impact.

### *Mitigation Measures*

**MM BIO-3** The project developer shall submit the preliminary Jurisdictional Delineation (JD) and coordinate with the appropriate regulating agencies (Central Valley Regional Water Quality Control Board [RWQCB], California Department of Fish and Wildlife [CDFW] and the United States Army Corps of Engineers [USACE]) to determine whether the Modoc Ditch is protected under Section 404 and 401 of the Clean Water Act (CWA), Porter-Cologne Water Quality Control Act, and/or Fish and Game Code 1602.

If Modoc Ditch is considered jurisdictional by the regulating agencies, the relevant project developer shall, in accordance with all applicable laws and regulations,

obtain the relevant permit applications based on coordination with the appropriate regulating agencies, if required prior to impacting any waters.

As part of these authorizations, compensatory mitigation may be required by the regulating agencies to offset the loss of aquatic resources. If so, and as part of the permit application process, a qualified professional shall draft a Mitigation and Monitoring Plan to address implementation and monitoring requirements under the permit(s) to ensure that the subject development proposal would result in no net loss of habitat functions and values. The Plan shall contain, at a minimum, mitigation goals and objectives, mitigation location, a discussion of actions to be implemented to mitigate the impact, monitoring methods and performance criteria, extent of monitoring to be conducted, actions to be taken in the event that the mitigation is not successful, and reporting requirements. The Plan shall be approved by the appropriate regulatory agencies and compensatory mitigation shall take place either on-site or at an appropriate off-site location, if required. Copies of the Plan and associated report shall be submitted to the lead agency as evidence of compliance.

Any material/spoils generated from project activities containing hazardous materials shall be located away from jurisdictional areas or special-status habitat and protected from stormwater runoff using temporary perimeter sediment barriers such as berms, silt fences, fiber rolls, covers, sand/gravel bags, and straw bale barriers, as appropriate and feasible. Protection measures should follow project-specific criteria as developed in a Storm Water Pollution Prevention and Protection Plan (SWPPP).

Equipment containing hazardous liquid materials shall be stored on impervious surfaces or plastic ground covers to prevent any spills or leakage from contaminating the ground and at least 50 feet outside the delineated boundary of jurisdictional water features.

Any spillage of material shall be stopped if it can be done safely and in a feasible manner. In the event of any such spillage, the contaminated area shall be cleaned by the party responsible for the spillage, and any contaminated materials properly disposed. For all spills, the project foreman or designated environmental representative shall be notified.

### *Level of Significance After Mitigation*

Less than significant impact with mitigation incorporated.

## Fish and Wildlife Movement Corridors

| | |
|---|---|
| **Impact BIO-4:** | **Would the project interfere substantially with the movement of any native resident or migratory fish or wildlife species or with established native resident or migratory wildlife corridors, or impede the use of wildlife nursery sites?** |

Most of the site consists of actively managed orchards and does not contain habitat features such as riparian corridors that could function as wildlife corridors. Additionally, the project site is surrounded by active roadways, active agriculture, and industrial and residential development, all of which impede the movement of wildlife and limit the use of the project site as a potential corridor for wildlife movement. The project site is not within a known wildlife corridor.

While the project site does is not within a known wildlife corridor, active bird nests and bat maternity roosts are potential wildlife nursery sites. Potential project-related impacts on active bird nests and bat roosts are analyzed and discussed under Impact BIO-1 and are considered potentially significant. However, implementation of MM BIO-1e and MM BIO-1f would avoid significant impacts on active bird nests and bat roosts by establishing protection zones if nests or roosts are found and would reduce this impact to less than significant.

### *Level of Significance Before Mitigation*

Potentially significant impact.

### *Mitigation Measures*

Implement MM BIO-1e and MM BIO-1f.

### *Level of Significance After Mitigation*

Less than significant impact with mitigation incorporated.

## Local Policies or Ordinances

| **Impact BIO-5:** | **Would the project conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance?** |
|---|---|

The valley oak (Section 3.4.2; Exhibit 3.4-1) rooted across Modoc Ditch with its canopy overhanging the project site is protected under the City's Oak Tree Preservation Ordinance, including against "Encroachment into canopy dripline of oak trees during construction" (Article 4; Section 3.4.3). The proposed project involves no vertical structures, soil disturbance or access road construction at this location (Exhibit 3.4-2). Therefore, impacts on the valley oak would be less than significant.

The proposed project would require removal of up to approximately 1.19 acre of non-native ornamental trees. These trees would only be considered protected or regulated if they are within the City's right-of-way. This may be the case for the cedar tree in the southeast corner of the project site, potentially within the right-of-way of Riggin Avenue.

With compliance with the City's Street Tree Ordinance, however, potential impacts on trees regulated by the City's Street Tree Ordinance would be less than significant without additional mitigation.

### *Mitigation Measures*

No mitigation measures are required.

### *Level of Significance*

Less than significant impact.

### Local, Regional, or State Habitat Conservation Plan

| | |
|---|---|
| **Impact BIO-6:** | **Would the project would not conflict with the provisions of an adopted Habitat Conservation Plan, Natural Community Conservation Plan, or other approved local, regional, or State Habitat Conservation Plan?** |

The proposed project does not lie within the boundaries of any adopted HCP, NCCP, or other approved local, regional, or State HCP. No impact would occur.

### *Mitigation Measures*

No mitigation measures are required.

### *Level of Significance*

No impact.

## 3.4.7 - Cumulative Impacts

The general geographic scope of the cumulative biological resources analysis is within the City of Visalia's Sphere of Influence (SOI) as shown on Table 3-1. Existing cumulative projects in the geographic scope of the biological resources analysis include active mixed agriculture to the north and east, industrial complexes to the west and south, and a dairy farm to the south. The planned developments listed in Chapter 3, Environmental Impact Analysis, Table 3-1 are predominantly located in areas that have already been built out with limited potential to support special-status wildlife and plant species, wildlife corridors and wildlife nursery sites, and protected trees. Furthermore, as noted below, there is a comprehensive regulatory framework that is imposed on cumulative projects to help ensure protected biological resources are identified and any significant impacts are feasibly mitigated. Accordingly, there is a low likelihood of special-status wildlife or plants, wildlife corridors or nursery sites, or protected trees occurring within these urban cumulative project areas due to past ground disturbance and planned for development.

### Special-status Species

Cumulative projects within the cumulative geographic context would be required to comply with applicable federal, State, and local laws, regulations, and policies and all applicable permitting requirements of the regulatory and oversight agencies intended to address potential impacts on biological resources. Cumulative projects would be required to adhere to standard pre-construction surveys and implement, if necessary, avoidance procedures would be required for projects with the potential to impact special-status wildlife species (see, e.g., MM BIO-1a through MM BIO-1d). Given the already urbanizing nature of the cumulative geographic context and because cumulative development would be required to comply with the above requirements, as well as applicable General Plan and Municipal Code requirements (as described in Section 3.4.3, Regulatory Framework) cumulative biological impacts related to special-status species would be less than significant.

### *Special-status Plant Species*

The proposed project's incremental contribution to less than significant cumulative impacts would not be cumulatively considerable. Based on reasonable assumptions, this analysis concludes that no cumulative impacts on special-status plant species would result from the cumulative projects shown on Exhibit 3-1 due to the low probability of special-status plants to occur on active agricultural lands, and the generally applicable laws and regulations protecting special-status plant species. Therefore, this would constitute a less than significant cumulative impact.

Moreover, there would be no direct or indirect impacts to special-status plant species or to designated or proposed critical habitat for plant species on the project site. No suitable habitat for these species occurs within the project site and none were identified during the field survey. Therefore, because none are present on the project site, implementation of the proposed project would not make a cumulatively considerable contribution to this already less than significant cumulative effects to special-status plants.

### *Special-status Wildlife Species*

As discussed above, because cumulative development would be required to comply with the applicable requirements as described in the Regulatory Framework section, cumulative biological impacts would be less than significant. Therefore, no significant cumulative impacts on these protected functional groups are expected.

Moreover, the proposed project's incremental contribution to less than significant cumulative impacts would not be cumulatively considerable. The project site is an actively managed orchard with a few ornamental trees, and provides negligible habitat value for special-status wildlife species. No special-status species are expected to successfully establish at the project site long term. Therefore, no cumulative impacts on special-status wildlife species are expected.

Additionally, upon compliance with applicable laws and regulations, and the implementation of recommended mitigation measures (MM BIO-1a, MM BIO-1b, MM BIO-1c, and MM BIO-1d), potential short-term impacts to special-status wildlife species due to the proposed project are not expected to be significant. Potential project-related impacts on protected active bird nests and bat roosts will be avoided by compliance with the MBTA and Fish and Game Code, and through implementation of MM BIO-1e and MM BIO-1f. Therefore, the proposed project is not expected to substantially affect regional populations and would not be cumulatively significant.

## Riparian Habitat or Other Sensitive Natural Communities

Within the cumulative project areas, development would not directly and significantly impact riparian habitat or other sensitive natural communities because they are largely located in previously developed or disturbed areas. Most of the current developments are designed to address future growth problems, prevent urban sprawl, and minimize developmental impacts to sensitive natural communities. Cumulative projects within the cumulative geographic context would be required to comply with applicable federal, State, and local laws, regulations, and policies relating to riparian habitat or other sensitive natural communities. Additionally, implementation of applicable General Plan and Municipal Code requirements (as described in Section 3.4.3, Regulatory Framework) would

result in less than significant cumulative impact to riparian habitat or other sensitive natural communities.

Additionally, because none of the vegetation communities on the project site are riparian or otherwise sensitive natural communities, the proposed project would not have a cumulatively considerable contribution to this cumulative impact on sensitive natural communities and riparian habitat.

### State or Federally Protected Waters and Wetlands

Within the cumulative project areas, development would not directly and significantly impact sensitive natural communities and/or the aquatic resources outlined above because they are largely sited in previously developed or highly disturbed areas. Furthermore, cumulative projects with the potential to impact wetlands, other waters, or riparian habitat would be required to adhere to any applicable laws and regulations including, for example, consultation that may be required with the applicable regulatory agencies, the quantification of their potential impacts in a formal JD, and implementation of any required mitigation pursuant to applicable laws and regulations. As such, there is a less than significant cumulative impact.

Additionally, the proposed project would not have a cumulatively considerable contribution to this already less than significant cumulative impact. The Modoc Ditch and the retention basin present on-site are not expected to be considered State- or federally protected aquatic resources pursuant CWA Sections 404/401 and/or Fish and Game Code Section 1602. However, in line with the City's standard practice, MM BIO-3a is included in the proposed project. The implementation of MM BIO-3a would ensure potential significant impacts to State or federally protected waters and wetlands would be identified and avoided to the extent feasible, and the proposed project would otherwise be required to comply with the comprehensive regulatory framework to the extent applicable. Therefore, the development of the proposed project would not have a cumulatively considerable contribution to this already less than significant cumulative impacts on State- or federally protected waters and wetlands.

### Local Policies or Ordinances

It is reasonably foreseeable that other cumulative projects identified in Table 3-1 may result in the removal of trees, which would be governed by the applicable local protection ordinance including the City's Street Tree Ordinance and relevant General Plan Policies. Therefore, impacts in this regard would not be cumulatively significant.

Moreover, development of the proposed project and any related development of cumulative projects would not result in any conflicts with local tree policies or ordinances protecting trees or other biological resources given that the proposed project would be required to adhere to all applicable standards and mandates, including, among others, the City's Tree Preservation Ordinance. As such, the proposed project would not have a cumulatively considerable contribution on this already less than significant cumulative impact. The proposed project would require removal of up to approximately 1.19 acres of non-native ornamental trees. These trees would only be considered protected or regulated if they are within the City's right-of-way. With compliance with the City's

Street Tree Ordinance, however, potential impacts on trees regulated by the City's Street Tree Ordinance would be less than significant without additional mitigation.

## Fish and Wildlife Movement Corridors

The planned developments listed in Chapter 3, Environmental Impact Analysis, Table 3-1 are predominantly located in areas that have already been built out or with limited potential to support wildlife corridors. Cumulative projects within the cumulative geographic context would be required to comply with applicable General Plan Policies and Municipal Code requirements (as described in Section 3.4.3, Regulatory Framework Section) that protect fish and wildlife movement corridors. With implementation of these policies cumulative projects would result in less than significant cumulative impact to fish and wildlife movement corridors.

The project site does not function as a wildlife corridor. Therefore, the implementation of the proposed project would not cause or contribute to any cumulative impacts in this regard.

### *Wildlife Nursery Sites*

The planned developments listed in Chapter 3, Environmental Impact Analysis, Table 3-1 are predominantly located in areas that have already been built out or have limited potential to support wildlife nursey sites. Cumulative projects within the cumulative geographic context would be required to comply with applicable General Plan Policies, Municipal Code requirements, and other applicable regulations (as described in Section 3.4.3, Regulatory Framework) that protect wildlife nursey sites. With implementation of these policies cumulative projects would result in less than significant cumulative impact to wildlife nursery.

Nesting birds and roosting bats, including groups of species that are protected under federal and State law and are considered sensitive and protected under certain conditions (e.g., when nesting, breeding), are known to use the sites within the cumulative development areas for nesting and roosting. Removal of tall nest trees that are critical for species reliant on taller nest trees (e.g., the ash and pine trees on-site), may contribute to significant cumulative impacts on loss of suitable nest trees for bird species reliant on tall trees (e.g., *Buteo* species), if similar trees nearby are also removed, and not replaced in kind. Therefore, there are potential cumulative impacts to wildlife nursery sites.

Potential project-related impacts on active bird nests and bat roosts are analyzed and discussed under Impact BIO-1 and are considered potentially significant. However, implementation of MM BIO-1e and MM BIO-1f would avoid impacts on active bird nests and bat roosts by establishing protection zones if nests or roosts are found and would reduce this impact to less than significant. Therefore, the implementation of the proposed project would not cause or contribute to any significant cumulative impacts in this regard.

## Habitat and Natural Community Conservation Plan Consistency

There is no adopted HCP, NCCP, or other approved local, regional, or State HCP within the geographic scope of this cumulative analysis. As such, cumulative impacts would be less than significant. Additionally, the proposed project does not lie within the boundaries of any adopted HCP, NCCP, or

other approved local, regional, or State HCP. Therefore, the implementation of the proposed project would not cause or contribute to any cumulative impacts in this regard.

### *Level of Cumulative Significance Before Mitigation*

Potentially significant impact.

### *Mitigation Measures*

Implementation of MM BIO-1a through MM BIO-1f and MM BIO-3.

### *Level of Cumulative Significance After Mitigation*

Less than significant impact with mitigation incorporated.




Source: Bing Aerial Imagery.

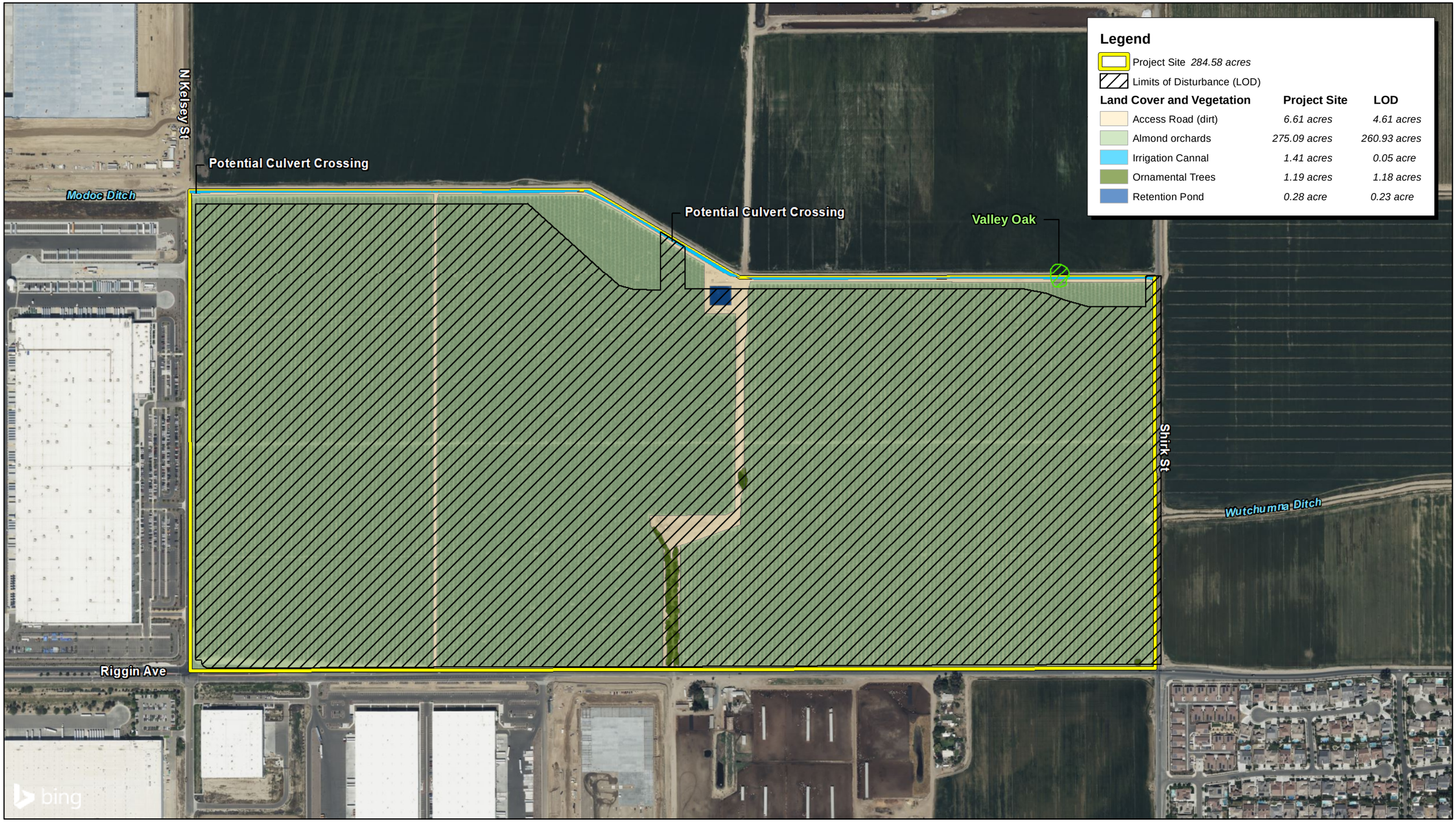
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Exhibit 3.4-1
Land Cover and Vegetation

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Source: Bing Aerial Imagery. 4-Creeks, July 2022.

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Exhibit 3.4-2
Impacts on Biological Resources

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# 3.5 - Cultural Resources and Tribal Cultural Resources

## 3.5.1 - Introduction

This section describes the existing cultural and Tribal Cultural Resources (TCRs) setting and potential effects that may result from project implementation on the project site and its surrounding area. The descriptions and analysis in this section are based, in part, on information provided by the Native American Heritage Commission (NAHC), a records search conducted at the Southern San Joaquin Valley Information Center (SSJVIC), archival research, and a pedestrian survey as presented in the Phase I Cultural Resource Assessment (Phase I CRA) prepared for the proposed project, which is included in Appendix D. This appendix contains sensitive information relating to cultural resources and is not available for public distribution pursuant to Public Resources Code Section 21082.3(C)(2). A copy of it is on file with the City and is available to qualified professionals upon request. The applicable regulatory framework is also discussed below. In addition, recommendations provided in the Phase I CRA pertaining to feasible mitigation of identified potential significant impacts to cultural and TCRs are also addressed in this section.

One comment letter was received from the NAHC with respect to the scope of environmental review, indicating the receipt of the Notice of Preparation (NOP) pertaining to this Draft Environmental Impact Report (Draft EIR) and including a request for consultation for the proposed project. The letter contained information pertaining to the lead agency's obligations under Assembly Bill (AB) 52.

### Overview

The term “cultural resources” encompasses historic resources, archaeological resources, TCRs and burial sites, which are generally defined as follows:

- **Historic Resources:** Historic resources are associated with the recent past. In California, historic resources are typically associated with the Spanish, Mexican, and American periods in the State’s history and are generally less than 200 years old. Historic resources often take the form of buildings, structures, and other elements of the built environment.
- **Archaeological Resources:** Archaeology is the study of artifacts and material culture with the aim of understanding human activities and cultures in the past. Archaeological resources may be associated with precontact indigenous cultures as well as later historic periods.
- **Tribal Cultural Resources:** TCRs include sites, features, places, or objects that are of cultural value to one or more California Native American Tribes.
- **Burial Sites and Cemeteries:** Burial sites and cemeteries are formal or informal locations where human remains have been interred. Burial sites may be associated with precontact indigenous cultures as well as later historic periods.

More specifically, cultural resources may be understood as resources that have been formally recognized by a lead agency and/or are listed or determined eligible for listing on the California Register of Historical Resources (CRHR) (Public Resources Code [PRC] § 5024.1, Title 14 California Code of Regulations [CCR] § 4852). However, the fact that a resource is not yet identified as a

historical resource or found eligible for the CRHR does not preclude a lead agency from determining that said resource is a historical resource pursuant to Public Resources Code Sections 5020.1(j) or 5024.1. Under the California Environmental Quality Act (CEQA), a substantial adverse change in the significance of a historical resource would constitute a significant effect on the environment.

## 3.5.2 - Environmental Setting

### Cultural Setting

Following is a brief overview of the relevant prehistory, ethnography, and historic background, providing context in which to understand the background and relevance of sites found in the general project vicinity. This section is not intended to be a comprehensive review of the current academic resources available; rather, it serves as a general overview. Unless otherwise stated, information contained in this section is drawn directly from the Phase I CRA conducted by FirstCarbon Solutions (FCS).[1] Further details can be found in ethnographic studies, mission records, and major published sources in the Phase I CRA.

#### *Prehistory*

Early archaeological investigations in the San Joaquin Valley of California have primarily been conducted at sites located in the Buena Vista and Tulare Lakes regions. These investigations of the artifacts of the San Joaquin Valley's prehistoric cultural groups have revealed a complex history of cultural change that has occurred over time. Through these studies, a cultural chronological framework encompassing three basic periods has been developed. These patterns include:

- Early Period (12,000 Before Present [BP] to 8000 BP)
- Middle Period (8000 BP to 2500 BP)
- Late Period (2500 BP to Ethnohistoric Present)

Brief descriptions of these temporal ranges and their unique characteristics follow.

*Early Period (12,000 BP to 8000 BP)*

Archaeological sites from the Early Period are not very well represented in the southern San Joaquin Valley, partially due to periodic episodes of erosion and deposition that have removed or buried large segments of the Early Period landscape. Currently, the earliest evidence of human occupation in the region comes from fluted and basally thinned projectile points in the Tulare Lake basin at the Witt Site (KIN-32). Hundreds of Late Pleistocene concave base points have been discovered from human occupation along the remnant shoreline of Tulare Lake in southern Kings County. Artifacts from the Witt Site include Clovis-like projectile points made of chert, chipped crescents, various scrapers, and other stone tools associated with the Fluted Point and/or Western Pluvial Lakes tradition. The Witt Site also contained faunal bones from horse, bison, ground sloth, and the tusk of a mammoth or mastodon. The bones, including some human bone, have been radiocarbon dated to 11,000 to 13,000 BP.

[1] FirstCarbon Solutions (FCS). 2022. Shirk and Riggin Industrial Project Phase I Cultural Resources Assessment.

*Middle Period (8000 BP to 2500 BP)*

The Middle Horizon is characterized by an increase in groundstone tools, including metates and manos. Middle Horizon site deposits include an abundance of expedient cobble-based pounding, chopping, scraping, and mulling tools, which reflect an increased dependence on vegetative foods that require processing. Archaeobotanical assemblages from foothill sites confirm that acorn and pine nuts were targeted food plants. However, the lithic technology remained relatively unchanged from the Early Period, in which stone tools were very similar to the Western Pluvial Lakes Tradition.

*Late Period (2500 BP to Ethnohistoric Present)*

The beginning of the Late Period corresponds with the onset of the Late Holocene environmental conditions, marked by an abrupt turn to cooler, wetter, and a more stable climate. Lakes that had dried or diminished during the later parts of the Middle Period returned to higher levels. Cultural diversity was more pronounced, marked by artifact styles, contrasting burial positions, and other elements of material culture. People were buried in flexed positions more frequently, and burial goods were more numerous than those from the Middle Period. Both the Olivella shell bead and bow-and-arrow technology made their first appearance in the area. There was also a greater reliance on groundstone tools, indicating an increased dependence on nuts, seeds, and acorns. Villages and smaller residential communities developed along the many streams of the foothills and along the river channels and sloughs of the valley bottom. Occupation sites were also larger, reflecting semi-sedentism.

### *Native American Background*

*Southern Valley Yokuts*

At the time of European contact, most of the San Joaquin Valley and the foothills of the western slope of the Sierra Nevada were occupied by 40 or so groups, classified together as the Yokuts, with a Foothills division and a Valley division of language dialects. The Yokuts were recognized as having three major subgroups: the Northern Valley, the Foothill, and the Southern Valley. Each of these ethnolinguistic groups was composed of autonomous, culturally and linguistically related Tribes or Tribelets. Ethnographic evidence suggests the City of Visalia is located in part of the Southern Valley Yokuts territory. The Southern Valley Yokuts were divided into true Tribes, with individual Tribelets having their own name, dialect, and territory, and there is no evidence to suggest that they practiced any formal religion.

Alfred Kroeber divided a Yokuts classification system into Valley Divisions and Foothill Divisions based on ethnographic lines, geographic habitat, and dialect. Here, the Foothill Division's worldview and economy were influenced more by their Shoshonean neighbors than the Valley Division Yokuts. Later, William Wallace divided the Yokuts into three subgroups, Southern Valley, Northern Valley, and Foothill, and shifted the known Tribelets among these divisions. The following is a review of ethnographic information associated with the Southern Valley Yokuts, given the ethnographic evidence suggests the City of Visalia is located in this Tribe's territory. The Southern Valley Yokuts occupied a rich environment with abundant water resources from the nearby sloughs, lake basins, and river systems. Swamps and tule marshes surrounded the waterways and teemed with wildlife, including aquatic mammals, fish, and waterfowl. Adjacent grasslands provided food for herds of elk, antelope, and (in the winter) deer. The regional flora was equally, if not more, diverse and was used as a main staple of the Yokuts diet. The Southern Valley Yokuts' dietary base relied on a mixed

strategy of fishing, waterfowl hunting, shellfish, and plant collecting, with less emphasis on large-game hunting. Important vegetal resources included cattail roots, grasses, nuts, seeds, tule, and bulbs. The resource-rich environment allowed for permanent village sites, which typically were occupied throughout the year.

### *Historic Background*

*The Spanish Period (1769–1821)*

The formalization of Spanish routes in California were established by Father Junípero Serra and Gaspar de Portolà in 1769, in what was known as the Portolà Expedition. Although the Portolà party were not the first Europeans nor the first people to pass through the region, it was their observations and discoveries that formalized the routes and locations of the Mission System and facilitate trade and travel through California. The route used by Portolà was further explored in detail by Lieutenant Colonel Juan Bautista de Anza and Father Pedro Font during the Anza Expedition that lasted from 1775-1776. The Anza Expedition was considered pivotal as it helped to establish practical relationships with the natives, who at the time were revolting in San Diego, and to further explore and map Monterey and the San Francisco Bay Area.

The region that would become San Joaquin Valley was periodically visited by Franciscan friars scouting the area for mission sites, but a military expedition was led by Gabriel Moraga in September and October of 1806. The expedition started in San Juan Bautista and to the San Joaquin Plain. Once there, Moraga traversed several tributaries that flow to the San Joaquin River and discovered and named the Merced River. Moraga additionally came upon the Tuolumne, Stanislaus, and Mokelumne Rivers. Moraga's expedition took him from the foot of the Sierras and the Rancherias between Kings River and Kern River. In 1808, Moraga traveled to Stockton and headed east to scouting sites for future missions. Moraga's discoveries and mapping of the region contributed to the knowledge of the geography and ethnography of the area. This information served pivotal to Father Narciso Duran, Father Ramón Abella, and Lieutenant Luis Antonio Argüello, who followed the San Joaquin River at least as far as the Stockton Channel in 1817, meticulously mapping the area for future mission establishments. The diary kept by Father Duran helped to illustrate how the region appeared prior to colonization as well as initial contact with the Yokut people.

*The Mexican Period (1821–1848)*

In 1821, Mexico overthrew Spanish rule and the monopoly that the missions had in the area began to decline. By 1833, the Mexican government passed the Secularization Act, and the missions were reorganized as parish churches and lost their vast land holdings. Following the Secularization Act, the Mexican government initially planned on redistributing the land to the Native Americans; however, it was instead redistributed to prominent non-native citizens. The last of the mission land holdings were relinquished in 1845, which led the way for the large ranchos common to California in the mid-1800s.

California experienced a period of success with the establishment of the ranchos, adopting the Spanish ranching traditions and focusing on the herding of cattle as well as adapting to the market trends of the time that included the trade of fur and pelts; however, the constant threat of Russian invasion, the illegal squatting of American immigrants, and a growing threat of rebellion from the mission Indians prevented the region from achieving socio-political stability. The growing tensions

between Mexicans and American settlers led to the Bear Flag Revolt of 1846, led by U.S. Army Captain John C. Fremont and Ezekiel Merritt against Mexican General Mariano Vallejo, who was attempting to bring aid to the Mexican governor of California in an effort to suppress the growing wave of support for an American coup of California. The rebellion concluded with the takeover of Sonoma, thus weakening the little control that Mexico had over Alta California and paving the way for the United States to seize control of the Pacific Coast shortly thereafter.

By 1846, on the eve of the Mexican-American War (1846 to 1848), the estimated population of California was 8,000 non-natives and 10,000 Native Americans. However, these estimates have been debated. Cook suggests the Native American population was 100,000 in 1850; the U.S. Census of 1880 reports the Native American population as 20,385.

### *Local History*

*Tulare County and City of Visalia*

The end of the Mexican-American War and the discovery of gold in California in 1848 brought new settlers into the San Joaquin Valley. The area was known as "Four Creeks," named after the watershed and creeks which flowed from snow melt in the Sierra Nevada Mountains. One of the first settlers in the region, Loomis St. John, built a cabin on the river that would bear his name in the northeast boundary of what would become the City of Visalia. In 1849, Nathaniel Vise surveyed the area and established a small settlement along the river near the cabin of Loomis St. John. Vise named the bourgeoning town "Visalia" after Visalia, Kentucky, where he was born. The town slowly grew, and by November 1852, Vise wrote that Visalia "contains from 60 to 80 inhabitants, 30 of whom are children of school age. The town is located upon one of the subdivisions of the Kaweah (River) and is destined to be the county seat of Tulare."

Tensions remained high in San Joaquin Valley between the new American settlers and the Yokuts Tribe in the early years of Visalia's establishment. On December 1, 1850, John Woods arrived in the region with 14 men and settled on the bank of the Kaweah River, 7 miles east of Visalia. The Kawia Yokuts asserted that one of Woods men had captured and killed members of their Tribes. In retribution, the Yokuts surrounded Woods' cabin and he was subsequently killed. Deemed the Woods Massacre, the California legislature sent soldiers from Fort Miller in the north down to Visalia in 1851 and constructed a fort along the Kaweah River. As more settlers moved into the region, the Yokuts were increasingly pushed out of their land.

On July 10, 1852, these settlers successfully petitioned the California State Legislature to establish Tulare County as a separate entity from the larger Mariposa County. Tulare County was further divided, creating Fresno, Kern, Kings, and Inyo counties. The county is named after Tulare Lake, which was at one point the largest freshwater lake west of the Great Lakes. The lake was drained for agricultural purposes and is now in Kings County, which was created in 1893 from the western portion of the formerly larger Tulare County. The county derives its name from the giant sedge plant called tule (too-lee), schoenoplectus acutus, which in the plant family Cyperaceae, that was native to freshwater marshes that lined the shores of Tulare Lake.

Visalia was made the seat of the new county and the City was officially incorporated on February 27, 1874. Although the search for gold initially brought settlers to Visalia, when gold failed to materialize

in the San Joaquin Valley, many ended up settling there. The large oak forests in Visalia provided an easily accessible source of lumber for construction and the nearby St. John and Kaweah Rivers provided irrigation for agriculture. From the 1860s onward, Visalia's economy was tied to agriculture with farms producing cotton, citrus, and olives for export to other regions in California.

During the Civil War, Visalia was divided between factions who supported either the North or South. Fearing a potential uprising, the federal government intervened to ban Visalia's Equal Rights Expositor newspaper, which supported the South. They also established Camp Babbitt as a military garrison in the area to quell any potential rebellion.

Today, Visalia remains the county seat of Tulare County with a population of over 141,300 persons. Agriculture remains a vital part of Visalia's economy, with large farms producing corn, almond, citrus fruit, and olives. The downtown area is graced by historic brick buildings and Beaux Arts structures dating from the late nineteenth century.

## 3.5.3 - Methodology

### Records Searches and Pedestrian Survey to Identify Existing Cultural Resources

The information in this section is based, in part, on the Phase I CRA prepared for the proposed project by FCS in September 2022. The Phase I CRA used the methods below to analyze the potential impacts of project implementation.

#### *Southern San Joaquin Valley Information Center*

On June 17, 2022, a records search was conducted at the SSJVIC located at the California State University, Bakersfield for the project site and a 0.5-mile radius[2] beyond the project site boundaries. The current inventories of the National Register of Historic Places (NRHP), the CRHR, the California Historical Landmarks (CHL) list, the California Points of Historical Interest (CPHI) list, and the California Built Environment Resource Directory (BERD) for Tulare County were also reviewed to determine the existence of previously documented local historical resources.

The results of the records search indicate that one historic era resource (Table 3.5-1) has been recorded off-site but within the 0.5-mile search radius, however, no resources were recorded within the project site boundary. In addition, three area-specific survey reports (Table 3.5-2) are on file with the SSJVIC for the project site and its 0.5-mile search radius. No reports address the project site specifically, indicating that it has not previously been surveyed for cultural resources.

**Table 3.5-1: Cultural Resources within 0.5-mile of the Project Site**

| Resource No. | Resource Description | Date Recorded |
|---|---|---|
| P-54-003602 | Modoc Ditch (Historic Site): HP20 | 2000 |
| Source: Southern San Joaquin Valley Information Center (SSJVIC) Records Search. June 17, 2022. | | |

[2] A 0.5-mile radius is a standard search radius used for California Historic Resources Information System requests.

**Table 3.5-2: Previous Investigations within 0.5-mile of the Project Site**

| Report No. | Report Title/Project Focus | Author | Date |
|---|---|---|---|
| TU-00628 | The Archaeological Section of the Environmental Impact Report for Road 92 (Shirk Road) from State Highway 198 to Avenue 312 (Riggins Road) | Charlotte Williams | 1974 |
| TU-01069 | Historic Properties Survey Report Road 80 Widening Project Tulare County, California | Mark Brown | 2000 |
| *TU-01069A* | Historic Evaluation Report for the Road 80 Widening Project, Tulare County, California | *Mark Brown* | *2000* |
| *TU-01069B* | Historic Architectural Survey Report for the Road 80 Widening Project, Tulare County, California | *Janice C. Calpo* | *2000* |
| TU-01149 | Finding of No Adverse Effect Road 80 Widening Project, Tulare County, California | Janice C. Calpo | 2001 |
| Source: Southern San Joaquin Valley Information Center (SSJVIC) Records Search. June 17, 2022. | | | |

### *Historic Maps and Aerial Photographs*

Prior to the pedestrian survey, readily available historical aerial photographs were reviewed to evaluate land development and obtain information concerning the history of development on and near the project site. Eleven historic aerial photographs from 1956 to 2018 indicate the project site was in continuous agricultural use. During this period, several residential neighborhoods and commercial buildings were also developed south of the project site; the project site's uses have remained relatively unchanged since 1956.

### *Native American Heritage Commission Record Search*

On June 16, 2022, FCS sent a request to the NAHC to determine whether any sacred sites are listed on its Sacred Lands File for the project site and/or in the vicinity. A response was received on July 19, 2022, indicating that the Sacred Lands File search failed to locate the presence of Native American TCRs on the project site or within the immediate 0.5-mile vicinity. The NAHC provided a list of eight tribal representatives available for consultation.

To ensure that all Native American knowledge and concerns over potential TCRs that may be affected by the proposed project are addressed, a letter containing project information requesting any additional information was sent to each tribal representative on July 19, 2022. Two responses were received, on July 19, 2022, and on August 31, 2022.

Tribal Chairperson, Ron Goode, of the North Fork Mono Tribe, stated that the Tribe had no comments at this time; however, Chairperson Goode expressed concern about the source of water used for the development of the proposed project. See Section 3.15, Utilities and Service Systems, for analysis related to project water demand and cumulative water use. Cultural Specialist Monitor,

Paige Berggren of the Santa Rosa Rancheria Tachi-Yokut Tribe, stated that the Tribe has concerns about ground disturbance within the project site and requested that the Tribe be retained for Native

American monitoring of any ground disturbance activities. The Tribe also requested a copy of the finalized cultural resources assessment report. No additional responses have been received to date. The NAHC received the NOP for the proposed project dated September 8, 2022. Tribal consultation pursuant to AB 52 was initiated by the City and is ongoing, in accordance with applicable laws and regulations. On September 13, 2022, the City sent AB 52 notification letters to Tribal Representatives on the consultation list provided by the NAHC. The City conducted follow-up phone calls on October 12, 2022. No replies were recievd within the 30-day consultion period.

### *Cultural Resources Pedestrian Survey*

On August 3 and August 4, 2022, FSC Senior Archaeologist Dana DePietro, PhD, RPA; Kweku Williams; Ti Ngo; and Sam Banderas conducted a pedestrian survey for unrecorded cultural resources in the project site. The survey began in the southwest corner of the project site and moved north and east, using north–south transects spaced at 15-meter intervals. All areas of the project site were closely inspected for culturally modified soils or other indicators of potential historic or prehistoric resources. The project site is located in an almond tree orchard. Visibility of native soils was high, averaging over 95 percent across the site. The soil in the western portion of the project site consisted of grayish brown (10 YR 5/2) sandy clay soil with little to no inclusions. Small granite stones less than 1 centimeter could be found in the northern boundary of the project site. The soil in the eastern portion of the project site was largely composed of light brownish yellow (10YR 6/4) silty and sandy clay soil, interspersed with quartz and basalt stones ranging from 2 to 5 centimeters.

Survey conditions were documented using digital photographs and field notes. During the survey, the team examined all areas of the exposed ground surface for prehistoric artifacts (e.g., fire-affected rock, milling tools, flaked stone tools, toolmaking debris, ceramics), soil discoloration, and depressions that might indicate the presence of a cultural midden, faunal and human osteological remains, features indicative of the former presence of structures or buildings (e.g., postholes, standing exterior walls, foundations), or historic debris (e.g., glass, metal, ceramics).

No indications of historic or prehistoric archaeological resources were found over the course of the pedestrian survey.

### *Buried Site Potential*

In addition to the pedestrian survey, the potential for yet-identified cultural resources on-site and in the vicinity was reviewed against geologic and topographic geographic information system data for the general area and information from other nearby projects. The project site, along with the lands within the 0.5-acre radius, were evaluated against a set of criteria identified by a geoarchaeological overview of the Central Valley that was prepared for the California Department of Transportation (Caltrans) Districts 6 and 9. This study mapped the “archaeological sensitivity,” or potential to support the presence of buried prehistoric archaeological deposits, throughout the Central Valley based on geology and environmental parameters including distance to water and landform slope. The methodology used in the study is applicable to other parts of California and concluded that sites consisting of flat, Holocene-era deposits in close proximity to water resources had a moderate to high probability of containing subsurface archaeological deposits when compared to earlier Pleistocene deposits situated on slopes or further away from drainages, lakes, and rivers.

The project site is situated on undeveloped agricultural land. According to the geological map of Matthew and Burnett, the project site is entirely situated upon Holocene Great Valley fan deposits. Applying the criteria set forth above, all Holocene-era deposits have the potential to contain archaeological deposits, which increases with the ease of the slope and proximity to a water resource. Although the record search results and pedestrian survey did not identify the presence of any prehistoric and/or historic resources, the project site is situated south of the St. John's River. Therefore, the project site has moderate potential for unanticipated buried cultural resources to be located on-site, which then could be impacted by project construction.

## 3.5.4 - Regulatory Framework

### Federal

#### *National Historic Preservation Act*

The National Historic Preservation Act (NHPA), as amended, established the NRHP, which contains an inventory of the nation's significant prehistoric and historic properties. Under 36 Code of Federal Regulations 60, a property is recommended for possible inclusion on the NRHP if it is at least 50 years old, has integrity, and meets one of the following criteria:

- It is associated with significant events in history, or broad patterns of events.
- It is associated with significant people in the past.
- It embodies the distinctive characteristics of an architectural type, period, or method of construction; or it is the work of a master or possesses high artistic value; or it represents a significant and distinguishable entity whose components may lack individual distinction.
- It has yielded, or may yield, information important in history or prehistory.

Certain types of properties are usually excluded from consideration for listing in the NRHP, but they can be considered if they meet special requirements in addition to meeting the criteria listed above. Such properties include religious sites, relocated properties, graves and cemeteries, reconstructed properties, commemorative properties, and properties that have achieved significance within the past 50 years.

#### *Archaeological Resources Protection Act*

The Archaeological Resources Protection Act (ARPA) amended the Antiquities Act of 1906 (16 United States Code [USC] 431–433), set a broad policy that archaeological resources are important to the nation and should be protected, and required special permits before the excavation or removal of archaeological resources from public or Indian lands. The purpose of ARPA was to secure, for the present and future benefit of the American people, the protection of archaeological resources and sites that are on public lands and Indian lands and to foster increased cooperation and exchange of information between governmental authorities, the professional archaeological community, and private individuals having collections of archaeological resources and data that were obtained before October 31, 1979.

### *American Indian Religious Freedom Act*

The American Indian Religious Freedom Act (AIRFA) established federal policy to protect and preserve the inherent rights of freedom for Native groups to believe, express, and exercise their traditional religions. These rights include but are not limited to access to sites, use and possession of sacred objects, and freedom to worship through ceremonials and traditional rites.

### *Native American Graves Protection and Repatriation Act*

The Native American Graves Protection and Repatriation Act of 1990 sets provisions for the intentional removal and inadvertent discovery of human remains and other cultural items from federal and tribal lands. It clarifies the ownership of human remains and sets forth a process for repatriation of human remains and associated funerary objects and sacred religious objects to the Native American groups claiming to be lineal descendants or culturally affiliated with the remains or objects. It requires any federally funded institution housing Native American remains or artifacts to compile an inventory of all cultural items within the museum or with its agency and to provide a summary to any Native American Tribe claiming affiliation.

## State

### *CEQA Guidelines Section 15064.5(a)—CEQA Definition of Historical Resources*

CEQA Guidelines Section 15064.5(a), in Title 14 of the California Code of Regulations, defines a "historical resource" as:

(1) A resource listed in, or determined to be eligible by the State Historical Resources Commission, for listing in the California Register of Historical Resources.

(2) A resource included in a local register of historical resources, as defined in Section 5020.1(k) of the Public Resources Code or identified as significant in a historical resource survey meeting the requirements of Section 5024.1(g) of the Public Resources Code, shall be presumed to be historically or culturally significant. Public agencies must treat any such resource as significant unless the preponderance of evidence demonstrates that it is not historically or culturally significant.

(3) Any object, building, structure, site, area, place, record, or manuscript which a lead agency determines to be historically significant or significant in the architectural, engineering, scientific, economic, agricultural, educational, social, political, military, or cultural annals of California may be considered a historical resource, provided the lead agency's determination is supported by substantial evidence in light of the whole record. Generally, a resource shall be considered by the lead agency to be "historically significant" if the resource meets the criteria for listing on the California Register of Historical Resources.

(4) The fact that a resource is not listed in, or determined to be eligible for listing in the California Register of Historical Resources, not included in a local register of historical resources (pursuant to Section 5020.1(k) of the Public Resources Code), or identified in a historical resources survey (meeting the criteria in Section 5024.1(g) of the Public Resources Code) does not preclude a lead agency from determining that the resource may be a historical resource as defined in Public Resources Code Sections 5020.1(j) or 5024.1.

Therefore, under CEQA, even if a resource is not included on any local, State, or federal register or identified in a qualifying historical resources survey, a lead agency may still determine that any resource is a historical resource for the purposes of CEQA if there is substantial evidence supporting such a determination. A lead agency must consider a resource to be historically significant if it finds that the resource meets the criteria for listing in the CRHR.

Archaeological and historical sites are protected pursuant to a wide variety of State policies, laws and regulations, as enumerated in the Public Resources Code Section 5024.1. Cultural resources are recognized as nonrenewable resources and receive additional protection under the Public Resources Code and CEQA.

### *Public Resources Code Section 5024.1 and CEQA Guidelines Section15064.5(a)—Definition of a Historic Resource*

Public Resources Code Section 5024.1 and CEQA Guidelines Section 15064.5(a), in Title 14 of the California Code of Regulations, define a "historical resource" as a resource that:

(1) Is associated with events that have made a significant contribution to the broad patterns of California's history and cultural heritage.

(2) Is associated with the lives of persons important in our past.

(3) Embodies the distinctive characteristics of a type, period, region, or method of construction, or represents the work of an important creative individual, or possesses high artistic values.

(4) Has yielded, or may be likely to yield, information important in prehistory or history.

### *CEQA Guidelines Section 15064.5(a)(3)—California Register of Historical Resources Criteria*

As defined by CEQA Guidelines, Section 15064.5(a)(3)(A-D), a resource shall be considered historically significant if the resource meets the criteria for listing on the CRHR. The CRHR and many local preservation ordinances have employed the criteria for eligibility to the NRHP as a model (see criteria described above under the description of the NHPA), since the NHPA provides the highest standard for evaluating the significance of historic resources. A resource that meets NRHP criteria is clearly significant. In addition, a resource that does not meet NRHP standards may still be considered historically significant at a local or State level.

### *CEQA Guidelines 15064.5(c)—Effects on Archaeological Resources*

CEQA Guidelines state that a resource need not be listed on any register to be found historically significant. CEQA Guidelines direct lead agencies to evaluate archaeological sites to determine whether they meet the criteria for listing in the CRHR. If an archaeological site is a historical resource, in that it is listed or eligible for listing in the CRHR, potential adverse impacts to it must be considered. If an archaeological site is considered not to be a historical resource but meets the definition of a "unique archaeological resource" as defined in Public Resources Code Section 21083.2, then it would be treated in accordance with the provisions of that section.

### *CEQA Guidelines Section 15064.5(d)—Effects on Human Remains*

- Native American human remains and associated burial items may be significant to descendant communities and/or may be scientifically important for their informational value. They may be significant to descendant communities for patrimonial, cultural, lineage, and religious reasons. Human remains may also be important to the scientific community, such as prehistorians, epidemiologists, and physical anthropologists. The specific stake of some descendant groups in ancestral burials is a matter of law for some groups, such as Native Americans (CEQA Guidelines § 15064.5(d); PRC § 5097.98). CEQA and other State laws and regulations regarding Native American human remains provide the following procedural requirements to assist in avoiding potential adverse effects on human remains within the contexts of their value to both descendant communities and the scientific community. When an initial study identifies the existence or probable likelihood that a project would affect Native American human remains, the lead agency is to contact and work with the appropriate Native American representatives identified through the NAHC to develop an agreement for the treatment and disposal of the human remains and any associated burial items (CEQA Guidelines § 15064.5(d); PRC § 5097.98).
- If human remains are accidentally discovered, the County Coroner must be contacted. If the County Coroner determines that the human remains are Native American, the Coroner must contact the NAHC within 24 hours. The NAHC must identify the Most Likely Descendant (MLD) to provide for the opportunity to make recommendations for the treatment and disposal of the human remains and associated burial items (CEQA Guidelines § 15064.5(e)).
- If the NAHC is unable to identify a MLD, the MLD fails to make recommendations within 24 hours of notification, or the project applicant rejects the recommendations of the MLD, the Native American human remains and associated burial items must be reburied in a location not subject to future disturbance on the property (CEQA Guidelines § 15064.5(e)).
- If potentially affected human remains or a burial site may have scientific significance, whether or not it has significance to Native Americans or other descendant communities, then under CEQA, the appropriate mitigation of effect may require the recovery of the scientific information of the remains/burial through identification, evaluation, data recovery, analysis, and interpretation (CEQA Guidelines § 15064.5(c)).

### *Health and Safety Code Section 7050.5*

Section 7050.5 of the Health and Safety Code sets forth provisions related to the treatment of human remains. As the code states, “every person who knowingly mutilates or disinters, wantonly disturbs, or willfully removes any human remains in or from any location other than a dedicated cemetery without authority of law is guilty of a misdemeanor” except under circumstances as provided in Section 5097.99 of the Public Resource Code. The regulations also provide guidelines for the treatment of human remains found in locations other than a dedicated cemetery including responsibilities of the Coroner.

### *Public Resources Code Section 5097.98*

Section 5097.98 provides protocol for the discovery of human remains. It states that “whenever the commission receives notification of a discovery of Native American human remains from a County

Coroner pursuant to subdivision (c) of Section 7050.5 of the Health and Safety Code, it shall immediately notify persons believed to be most likely descended from the deceased Native American." It also sets forth provisions for descendants' preferences for treatment of the human remains and what should be done if the commission is unable to identify a descendant.

### *California Public Resources Code Section 5097.91—Native American Heritage Commission*

Section 5097.91 of the Public Resources Code established the NAHC, whose duties include the inventory of places of religious or social significance to Native Americans and the identification of known graves and cemeteries of Native Americans on private lands. Under Section 5097.91 of the Public Resources Code, a State policy of noninterference with the free expression or exercise of Native American religion was articulated along with a prohibition of severe or irreparable damage to Native American sanctified cemeteries, places of worship, religious or ceremonial sites or sacred shrines located on public property. Section 5097.98 of the Public Resources Code specifies a protocol to be followed when the NAHC receives notification of a discovery of Native American human remains from a County Coroner. Section 5097.5 defines the unauthorized disturbance or removal of archaeological, historic, or paleontological resources located on public lands as a misdemeanor.

### *California Senate Bill 18—Protection of Tribal Cultural Places*

California Senate Bill (SB) 18 (California Government Code § 65352.3) incorporates the protection of California traditional tribal cultural places into land use planning for cities, counties, and agencies by establishing responsibilities for local governments to contact, refer plans to, and consult with California Native American Tribes as part of the adoption or amendment of any general or specific plan proposed on or after March 1, 2005. SB 18 requires public notice to be sent to Tribes listed on the NAHC SB 18 Tribal Consultation list within the geographical areas affected by the proposed changes. Tribes must respond to a local government notice within 90 days (unless a shorter time frame has been agreed upon by the Tribe), indicating whether or not they want to consult with the local government. Consultations are for the purpose of preserving or mitigating impacts to places, features, and objects described in Sections 5097.9 and 5097.993 of the Public Resources Code that may be affected by the proposed adoption or amendment to a general or specific plan.

### *California Assembly Bill 52—Effects on Tribal Cultural Resources*

California AB 52 was signed into law on September 25, 2014, and provides that any public or private "project with an effect that may cause a substantial adverse change in the significance of a tribal cultural resource is a project that may have a significant effect on the environment." TCRs include "[s]ites, features, places, cultural landscapes, sacred places, and objects with cultural value to a California Native American Tribe that are eligible for inclusion in the CRHR or included in a local register of historical resources." Under prior law, TCRs were typically addressed under the umbrella of "cultural resources," as discussed above. AB 52 formally added the category of "tribal cultural resources" to CEQA and extends the consultation and confidentiality requirements to all projects as provided for under CEQA, rather than just projects subject to SB 18 as previously discussed.

The parties must consult in good faith, and consultation is deemed concluded when either: (1) the parties agree to measures to mitigate or avoid a significant effect on a TCR (if such a significant effect exists); or (2) when a party concludes that mutual agreement cannot be reached. Mitigation measures agreed upon during consultation must be recommended for inclusion in the

environmental document. AB 52 also identifies mitigation measures that may be considered to avoid significant impacts if there is no agreement on appropriate mitigation. Recommended measures include:

- Preservation in place.
- Protecting the cultural character and integrity of the resource.
- Protecting the traditional use of the resource.
- Protecting the confidentiality of the resource.
- Permanent conservation easements with culturally appropriate management criteria.

### *California Public Resources Code Section 21074—Effects on Tribal Cultural Resources*

AB 52 amended the CEQA statute to identify an additional category of resource to be considered under CEQA called "tribal cultural resources." It added Public Resources Code Section 21074, which defines "tribal cultural resources" as follows:

(a) "Tribal cultural resources" are either of the following:
  (1) Sites, features, places, cultural landscapes, sacred places, and objects with cultural value to a California Native American Tribe that are either of the following:
    A) Included or determined to be eligible for inclusion in the CRHR.
    B) Included in a local register of historical resources as defined in subdivision (k) of Section 5020.1.
  (2) A resource determined by the lead agency, in its discretion and supported by substantial evidence, to be significant pursuant to criteria set forth in subdivision (c) of Section 5024.1. In applying the criteria set forth in subdivision (c) of Section 5024.1 for the purposes of this paragraph, the lead agency shall consider the significance of the resource to a California Native American Tribe.

(b) A cultural landscape that meets the criteria of subdivision (a) is a tribal cultural resource to the extent that the landscape is geographically defined in terms of the size and scope of the landscape.

(c) A historical resource described in Section 21084.1, a unique archaeological resource as defined in subdivision (g) of Section 21083.2, or a "nonunique archaeological resource" as defined in subdivision (h) of Section 21083.2 may also be a tribal cultural resource if it conforms with the criteria of subdivision (a).

## City of Visalia General Plan

### *Historic Preservation*

*Objectives*

**H-O-1** Assure the recognition of the City's history through the preservation of historic sites, structures and featuring zoning overlay designation and review procedures for the Historic District.

**H-O-2** Maintain historic residential areas as healthy, cohesive neighborhood units, and assure consistency of appearance within the historic area through conservation plans and historic preservation guidelines.

**H-O-3** Support efforts to use the Local Register of Historic Structures and the Historic District to identify and promote community history through the use of walking tours and other public outreach.

**H-O-4** Promote the maintenance and identification of historic resources in the community as key components of tourism and increased economic diversity for the City.

**H-O-5** Promote the benefits of historic property ownership through programs such as tax incentives, available grants and loans, including but not limited to Federal Tax credits and similar programs for properties within the Historic District or on the Local Register of Historic Structures.

*Policies*

**H-P-1** Pursue becoming a Certified Local Government in order to take advantage of grants, loans and other historic preservation programs. Under the National Historic Preservation Act, the Certified Local Government Program would allow Visalia to integrate its historic preservation efforts with those of the statewide historic preservation process and to be eligible, on a competitive basis, for special matching grants.

**H-P-2** Update the City's Historic Preservation Ordinance to include criteria for streamlining the process for issuing building permits for minor repairs and alterations as designated by the Historic Preservation Advisory Committee. Include, as appropriate, preservation incentives, such as use of the California Historic Building Code, where appropriate, and other available incentives.

**H-P-3** Expand the Historic Planned Office Conversion zone to preserve historically significant structures and facilitate office conversion in locations suited to commercial use and where a functional connection can be made between Downtown and adjacent neighborhoods with minimal parking impacts to the adjacent non-converted properties.

**H-P-4** Continue to ensure that proposed new development within any Historic District or on any properties listed on the Local Register of Historic Structures is compatible with its surroundings, using criteria of height and scale; spacing of buildings; materials and textures; street walls; landscaping; and other elements which contribute to the historical neighborhood character.

**H-P-5** Continue to facilitate the conversion of older structures to new uses, with minimal alterations to building or site appearance, by providing exceptions to zoning and building code requirements for structures on the Local Register of Historic Structures

and within the Historic District, where such exceptions shall contribute to and enhance the historic character of the area.

**H-P-6** Use any available funding sources to provide low-interest loans for the rehabilitation and restoration of structures listed on the Local Register of Historic Structures or located within the Historic District.

**H-P-7** Continue to use the Historic Preservation Ordinance development review process to protect structures listed on the Local Register of Historic Structures or located within the Historic District.

**H-P-8** Support the work of the Historic Preservation Advisory Committee, whose responsibilities include:

- Offering assistance in the form of information and referral to applicants who are developing restoration projects, and providing information on available grants and loans for restoration and rehabilitation of historic structures.
- Identifying and recognizing all historic areas, sites, structures, and features by placing them on the local register and providing technical assistance with registration in the National Register of Historic Places and inclusion in the California Inventory of Historic Resources.
- Initiating efforts to educate the public to the significance of historic areas, sites and structures and the cultural and social events associated with them.
- Facilitate the recognition of all structures, sites and features within the Historic District or on the Local Register of Historic Structures, along with significant historical landmarks or areas which are not contained within a District or Register where significant community history is represented. The owners of historic property shall be encouraged to display their plaques for public information.
- Pursuing support of the creation of a revolving loan fund for historic rehabilitation to be financed through public and private contributions with efforts to encourage banks to provide loans for the acquisition or rehabilitation of historic properties.

**H-P-9** Periodically survey historic resources and nominate historically and/or architecturally significant sites, structures, and neighborhoods to the Local Register of Historic Structures and/or Historic District, State of California Inventory of Historic Resources, National Register of Historic Places to ensure they are protected.

**H-P-10** Regularly review the Local Register of Historic Structures to ensure that properties are appropriately listed.

**H-P-11** Collaborate with Tulare County Historical Society and other civic organizations on appropriate monuments which publicize historic sites.

**H-P-12** Establish criteria for historic street sign name blades in Historic Districts and at Gateways to historic areas.

**H-P-13** Identify, survey and establish new additions to the Historic District and Local Register of Historic Structures.

**H-P-14** As needed, but no less than every 10 years, review and update the Historic Element and related implementing ordinances.

- The City's last comprehensive survey was completed for the 1979 Historic Preservation Ordinance. Many properties may be considered of historic value that were not reviewed at that time.

***Cultural Resources***

*Objectives*

**OSC-O-11** Preserve and protect historic features and archaeological resources of the Visalia planning area including its agricultural surrounding for aesthetic, scientific, educational and cultural values.

*Policies*

**OSC-P-39** Establish requirements to avoid potential impacts to sites suspected of being archaeologically, paleontologically, or historically significant or of concern, by:

- Requiring a records review for development proposed in areas that are considered archaeologically or paleontologically sensitive;
- Determining the potential effects of development and construction on archaeological or paleontological resources (as required by CEQA);
- Requiring pre-construction surveys and monitoring during any ground disturbance for all development in areas of historical and archaeological sensitivity; and
- Implementing appropriate measures to avoid the identified impacts, as conditions of project approval.

## 3.5.5 - Approach to Analysis

This evaluation focuses on whether implementation of the proposed project would have potentially significant impacts on historic resources, architectural resources, archaeological resources, human remains, or TCRs.

A project could have a significant impact on a historical resource if construction of the project would significantly impair a resource's eligibility for inclusion in the CRHR; thus, this information has been taken into account, as appropriate, as part of the methodology used in this evaluation. Analysis is based, in part, on information collected from record searches at the SSJVIC, additional archival research, pedestrian surveys, and information from the historic architectural assessment of existing properties more than 45 years in age (if any) located within the project site boundaries. If a project would leave an identified cultural resource no longer able to convey its significance, meaning that the resource would no longer be eligible for listing in the CRHR, then the proposed project's impact would be considered a significant adverse change. Pursuant to CEQA Guidelines Section15126.4(b)(1), if a project adheres to the Secretary of the Interior's Standards for the Treatment of Historic Properties with Guidelines for Preserving, Rehabilitating, Restoring, and

Reconstructing Historic Buildings, then the project's impact "shall generally be considered mitigated below a level of significance and thus is not significant."

A project may have an impact on an archaeological resource or human remains if construction of the project would physically damage or destroy archaeological data or human remains (including those interred outside of formal cemeteries). Analysis is based, in part, on information collected from record searches at the SSJVIC, the additional archival research, and pedestrian surveys.

Both direct and indirect effects of project implementation were considered for this analysis. Direct impacts are typically associated with construction and/or ground-disturbing activities, and have the potential to immediately alter, diminish, or destroy all or part of the character and quality of archaeological resources and/or historic architecture, human remains, or eligible TCRs. Indirect impacts are typically associated with post-project implementation conditions that have the potential to alter or diminish the historical setting of a cultural resource (generally historic architecture) by introducing visual intrusions on existing historical structures that are considered undesirable.

## 3.5.6 - Thresholds of Significance

According to CEQA Guidelines Appendix G Environmental Checklist, to determine whether the proposed project's impacts to cultural resources or TCRs are significant environmental impacts, the following questions are analyzed and evaluated. Would the proposed project:

a) Cause a substantial adverse change in the significance of a historical resource as pursuant to Section 15064.5?

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

c) Disturb any human remains, including those interred outside of formal cemeteries?

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

   i. Listed or eligible for listing in the California Register of Historical Resources, or in a local register of historical resources as defined in Public Resources Code Section 5020.1(k), or
   ii. A resource determined by the lead agency, in its discretion and supported by substantial evidence, to be significant pursuant to criteria set forth in subdivision (c) of Public Resources Code Section 5024.1?

## 3.5.7 - Project Impacts and Mitigation Measures

This section discusses potential impacts associated with the development of the proposed project and provides feasible mitigation measures where appropriate.

## Historic Resources

**Impact CUL-1: Would the proposed project cause a substantial adverse change in the significance of a historical resource pursuant to CEQA Guidelines Section 15064.5?**

### *Impact Analysis*

*Construction*

As detailed above, historic resources in this context refer to the built environment, mainly buildings and structures over 45 years in age that may be eligible for inclusion on the CRHR or NRHP. Records search results conducted at the SSJVIC identified one historic resource (P-54-003602) located within the 0.5-mile records search radius. This recorded historic era resource was evaluated in 2000 by Jones & Stokes Associates, Inc. and does not meet the criteria for listing in the CRHR or the NRHP, nor is it located on-site, and it would remain unaffected by the proposed project. Additionally, no historic resources were encountered during the pedestrian field survey. Thus, because there are no historic resources on-site or in close proximity, the proposed project would not cause a substantial adverse change in the significance of any such known resources.

However, while unlikely, subsurface construction activities always have the potential to damage or destroy previously undiscovered historic resources such as wood, stone, foundations, and other structural remains; debris-filled wells or privies; and deposits of wood, glass, ceramic, and other refuse, if encountered. This would represent a potentially significant impact related to historic resources.

Implementation of Mitigation Measure (MM) CUL-1 would require an inspection monitoring by a qualified Archaeologist and a Native American Monitor during initial ground disturbance but before digging and trenching, when any historic or cultural resources would be visible. This would reduce potential impacts to historic resources that may be discovered during project construction. If a potential resource is identified, construction would be required to stop in the area of the finding(s) until appropriate identification and treatment measures are implemented. This measure would be consistent with the City's standard conditions of approval that require monitoring of construction sites in proximity to known resources. Therefore, direct and indirect impacts related to historic resources would be less than significant with mitigation.

*Operation*

Impacts related to a project's potential to cause a substantial adverse change in the significance of a historical resource are limited to inadvertent discoveries. No respective operational impacts would occur.

Because of the foregoing, the proposed project would not have a significant adverse impact on any known historic era built environment resources but could have a significant adverse impact on any previously undiscovered historic resources.

### *Level of Significance Before Mitigation*

Potentially significant impact.

### *Mitigation Measures*

**MM CUL-1 Archaeological Spot-Monitoring and Halt of Construction Upon Encountering Historical or Archaeological Materials**

Prior to any ground disturbance in connection with project development, a surface inspection of the relevant portion(s) of the project site shall be conducted by a qualified Archaeologist; a Tribal Monitor/Cultural Staff from a culturally affiliated Native American Tribe identified by the Native American Heritage Commission (NAHC) shall be permitted to observe, subject to an executed agreement between the Tribe and the relevant applicant (as noted below). The Archaeologist (and Tribal Monitor/Cultural Staff, subject to an executed agreement with the relevant applicant) shall monitor the relevant portion(s) of the project site during initial ground disturbance activities that occur in connection with the subject proposal.

The relevant applicant shall offer, in good faith and based on commercially reasonable terms, a culturally affiliated Native American Tribe identified by the NAHC the opportunity to provide a Native American Monitor during ground-disturbing activities that occur in connection with the subject proposal. Tribal participation would be dependent upon the availability and interest of the Tribe as well as the parties being able to reach mutually acceptable terms.

In addition, the relevant applicant shall with diligence and good faith coordinate with the Tribal Monitor/Cultural Staff to enter into an agreement on commercially reasonable terms wherein the Tribal Monitor/Cultural Staff shall provide pre-project-related activities training to supervisory personnel and any excavation contractor, which shall include information on potential cultural material finds and on the procedures to be enacted if Tribal Cultural Resources (TCRs) are found. Subject to such an executed agreement, the Tribal Monitor/Cultural Staff shall provide the foregoing activities prior to any ground disturbance in connection with an individual specific development proposal.

In the event that TCRs are discovered during project-related subsurface construction activities, operations shall stop within 100 feet of the find and a qualified Archaeologist shall determine whether the resource requires further study. In consultation with the City of Visalia and consulting Tribes, the qualified Archaeologist shall determine the measures that shall be implemented to protect the discovered resources, including, but not limited to, excavation of the finds and evaluation of the finds in accordance with CEQA Guidelines Section 15064.5. Measures may include avoidance, preservation in place, recordation, additional archaeological resting, and data recovery, among other options. Any previously undiscovered resources found during project-related subsurface construction activities shall be recorded on appropriate California Department of Parks and Recreation (DPR) forms and evaluated for significance. No further ground disturbance shall occur in the immediate vicinity of the discovery until approved by the qualified Archaeologist.

### *Level of Significance After Mitigation*

Less than significant impact with mitigation incorporated.

## Archaeological Resources

**Impact CUL-2: Would the project cause a substantial adverse change in the significance of an archaeological resource pursuant to CEQA Guidelines Section 15064.5?**

### *Impact Analysis*

*Construction*

Records search results from the SSJVIC did not identify any prehistoric archaeological resources located within the project site or within the 0.5-mile search radius. Additionally, the Sacred Lands File search conducted by the NAHC were negative for TCRs within the project site as well as within the 0.5-mile search radius. In addition, no archaeological resources were encountered during the pedestrian field survey. However, the project site is situated on Holocene Great Valley fan deposits that have a moderate potential to contain archaeological deposits that could be encountered during project construction. Such resources could consist of but are not limited to stone, bone, wood, or shell artifacts or features, including hearths and structural elements. This represents a potentially significant impact related to archaeological resources.

Operation impacts related to a project's potential to cause a substantial adverse change in the significance of an archaeological resource are limited to construction impacts. No respective direct or indirect operational impacts related to archaeological resource would occur.

Implementation of MM CUL-1 through MM CUL-3 would reduce potential impacts to archaeological resources that may be discovered during project construction.

### *Level of Significance Before Mitigation*

Potentially significant impact.

### *Mitigation Measures*

Implement MM CUL-1.

**MM CUL-2** Prior to the initiation of ground disturbance activities for project development, the relevant developer shall ensure that all construction personnel conducting ground disturbance at the project site in connection with the subject individual specific development proposal shall be provided a Worker Environmental Awareness Program (WEAP) cultural resources "tailgate" training. The training shall include visual aids, a discussion of applicable laws and statutes relating to archaeological resources, types of resources that may be found within the project site, and procedures to be followed in the event such resources are encountered. The training shall be conducted by an Archaeologist who meets the Secretary of the Interior's Professional Qualification Standards for archaeology. Any Native American Monitors or representatives consulting on the proposed project shall be invited to attend and participate in the training session.

**MM CUL-3** In the event that prehistoric or historic-period archaeological resources are encountered during construction in connection with an individual specific development proposal, all construction activities associated therewith within 100 feet of the find shall halt and the City of Visalia and an Archaeologist who meets the Secretary of the Interior's Professional Qualification Standards for archaeology shall be notified by the relevant applicant. Prehistoric archaeological materials may include obsidian and chert flaked stone tools (e.g., projectile points, knives, scrapers) or toolmaking debris; culturally darkened soil ("midden") containing heat-affected rocks, artifacts, or shellfish remains; stone milling equipment (e.g., mortars, pestles, hand stones, or milling slabs); and battered stone tools, such as hammerstones and pitted stones. Historic-period materials might include stone, concrete, or adobe footings and walls; filled wells or privies; and deposits of metal, glass, and/or ceramic refuse.

The Archaeologist shall inspect the findings within 24 hours of discovery or as soon thereafter as is reasonable and commercially practicable. If it is determined that the construction associated with the subject individual specific development proposal could significantly damage a historical resource or a unique archaeological resource (as defined pursuant to the CEQA Guidelines), mitigation shall be implemented in accordance with Public Resources Code Section 21083.2 and Section 15126.4 of the CEQA Guidelines, with a preference for preservation in place. If avoidance is not feasible, a qualified Archaeologist shall prepare and the relevant applicant shall implement a detailed treatment plan in consultation with the City of Visalia. Treatment of unique archaeological resources shall follow the applicable requirements of Public Resources Code Section 21083.2. Treatment for most resources would consist of (but would not be limited to) sample excavation, artifact collection, site documentation, and historical research, with the aim to target the recovery of important scientific data contained in the portion(s) of the significant resource to be impacted by the proposed project. The treatment plan shall include provisions for analysis of data in a regional context, reporting of results within a timely manner, curation of artifacts and data at an approved facility, and dissemination of reports to local and State repositories, libraries, and interested professionals.

### *Level of Significance After Mitigation*

Less than significant impact with mitigation incorporated.

## Human Remains

| **Impact CUL-3:** | **Would the project disturb human remains, including those interred outside of formal cemeteries?** |
|---|---|

### *Impact Analysis*

*Construction*

The potential for human remains to be discovered during ground-disturbing activities is considered low because no formal cemeteries or areas containing human remains are known to be present on-site or within a 0.5-mile radius. However, while it is unlikely that the presence of human remains exists within or near the project site, there is always the possibility that construction-related subsurface ground disturbance (such as grading or trenching) could potentially damage or destroy previously undiscovered human remains. In the unlikely event such an accidental discovery is made during ground disturbance activities in connection with an individual specific development proposal, CEQA Guidelines Section 15064.5, Health and Safety Code Section 7050.5, and Public Resources Code Sections 5097.94 and 5097.98 must be followed by the relevant applicant. Along with compliance with these statutes and regulations, implementation of MM CUL-4, which details inadvertent discovery procedures, would reduce potential impacts to previously undiscovered human remains to a less than significant level.

*Operation*

Impacts related to a proposed project's potential to disturb human remains are limited to construction impacts. No respective operational impacts would occur.

### *Level of Significance Before Mitigation*

Potentially significant impact.

### *Mitigation Measures*

**MM CUL-4** In the event of the accidental discovery or recognition of any human remains during ground disturbance activities in connection with an individual specific development proposal, CEQA Guidelines Section 15064.5, Health and Safety Code Section 7050.5, and Public Resources Code Sections 5097.94 and 5097.98 shall be followed by the relevant applicant. Specifically, the following steps shall be taken:

1. There shall be no further excavation or disturbance within 100 feet of the remains until the County Coroner is contacted to determine whether the remains are Native American and if an investigation of the cause of death is required. If the Coroner determines the remains to be Native American, the Coroner shall contact the Native American Heritage Commission (NAHC) within 24 hours, and the NAHC shall identify the person or persons it believes to be the Most Likely Descendant (MLD) of the deceased Native American. The MLD may make recommendations to the landowner or the person responsible for the excavation work within 48 hours, for means of treating or disposing of, with appropriate dignity, the human remains, and any associated grave goods as provided in Public Resource Code Section 5097.98.
2. Where any of the following conditions occur, the landowner or his or her authorized representative shall rebury the Native American human remains and associated grave goods with appropriate dignity, either in accordance with the recommendations of the MLD or on the project site in a location not subject to further subsurface disturbance:

- The NAHC is unable to identify an MLD.
- The identified MLD fails to make a recommendation within 48 hours after being notified by the commission.
- The landowner or his or her authorized representative rejects the recommendation of the identified MLD and mediation by the NAHC fails to provide measures acceptable to the landowner.

Additionally, California Public Resources Code Section 15064.5 requires the following relative to Native American remains:

- When an initial study identifies the existence of, or the probable likelihood of, Native American remains within a project, a lead agency shall work with the appropriate Native Americans as identified by the NAHC as provided in Public Resources Code Section 5097.98. Each relevant applicant in connection with its individual specific development proposal may develop a plan for treating or disposing of, with appropriate dignity, the human remains and any items associated with Native American burials with the appropriate Native Americans as identified by the NAHC.

### *Level of Significance After Mitigation*

Less than significant impact with mitigation incorporated.

## Listed or Eligible Tribal Cultural Resources

| | |
|---|---|
| **Impact CUL-4:** | **Would the project cause a substantial adverse change in the significance of a Tribal Cultural Resource, defined in Public Resources Code Section 21074 as either a site, feature, place, cultural landscape that is geographically defined in terms of the size and scope of the landscape, sacred place, or object with cultural value to a California Native American Tribe, and that is listed or eligible for listing in the California Register of Historical Resources, or in a local register of historical resources as defined in Public Resources Code Section 5020.1(k)?** |

### *Impact Analysis*

See Section 3.5.30, Methodology, and Impact CUL-1 and CUL-2. Based on the foregoing and as described above, there are no known TCRs on-site or in the project vicinity. However, there is always the possibility that previously unknown TCRs could be damaged or destroyed as a result of subsurface construction activities. Therefore, implementation of MM CUL-1 through MM CUL-4 would reduce potential impacts to TCRs to a less than significant level.

*Operation*

Impacts related to a proposed project's potential to damage or destroy TCRs are limited to construction impacts. No respective operational impacts would occur.

### *Level of Significance Before Mitigation*

Potentially significant impact.

### *Mitigation Measures*

Implement MM CUL-1 through MM CUL-4.

### *Level of Significance After Mitigation*

Less than significant impact with mitigation incorporated.

## Lead Agency Determined Tribal Cultural Resources

**Impact CUL-5: Would the project cause a substantial adverse change in the significance of a tribal cultural resource, defined in Public Resources Code Section 21074 as either a site, feature, place, cultural landscape that is geographically defined in terms of the size and scope of the landscape, sacred place, or object with cultural value to a California Native American Tribe, and that is a resource determined by the lead agency, in its discretion and supported by substantial evidence, to be significant pursuant to criteria set forth in subdivision (c) of Public Resources Code Section 5024.1?**

### *Impact Analysis*

See Impacts CUL-1 through CUL-4.

On September 13, 2022, and pursuant to AB 52, the City sent notification letters to Tribal Representatives on the consultation list provided by the NAHC. The City conducted follow-up phone calls on October 12, 2022. No replies were recievd within the 30-day consultion period. The City, in its capacity as lead agency, has not identified any TCRs within the project site that are significant pursuant to the criteria set forth in subdivision (c) of Public Resources Code Section 5024.1. However, the possibility remains that TCRs in the form of subsurface archaeological resources or human remains may be encountered during project construction. Implementation of MM CUL-1 through MM CUL-4 would reduce impacts to TCRs to a less than siginificant level.

*Operation*

Impacts related to a proposed project's potential to damage or destroy TCRs are limited to construction impacts. No respective operational impacts would occur.

### *Level of Significance Before Mitigation*

Potentially significant impact.

### *Mitigation Measures*

Implement MM CUL-1 through MM CUL-4.

### *Level of Significance After Mitigation*

Less than significant impact with mitigation incorporated.

## 3.5.8 - Cumulative Impacts

The geographic scope for the cumulative analysis is described further below for each type of resource. This analysis evaluates whether the impacts of the proposed project, together with the impacts of other cumulative development, could result in a cumulatively significant impact related to historical, archaeological, and/or TCRs. This analysis then considers whether the incremental

contribution of the impacts associated with the implementation of the proposed project would be significant. Both conditions must apply for the proposed project's cumulative effects to rise to the level of significance.

## Historic Resources

The relevant geographic scope for potential cumulative impacts to historic, built environment resources is the land within the City's municipal boundaries. This is because the City provides the smallest geographic boundary of potential significance when a historic property is evaluated at the local, State, or federal level. The cumulative setting includes existing agricultural and industrial uses. No historic resources eligible for the CRHR were identified in the records search, literature review, or pedestrian survey of the project site. One historic era resource (Modoc Ditch) was identified within the project vicinity; however, the resource was evaluated and found to be ineligible for the CRHR and would remain unaffected by the proposed project. As a result, any potential impacts to the historic resource would be less than significant. With respect to the cumulative projects, these cumulative projects have the potential to result in impacts to historic resources. However, potential cumulative impacts would be mitigated at an individual project level by adherence to applicable current State and federal laws and regulations, as well as other City and County laws, regulations, and mitigations, such as adherence to standard conditions of approval that require monitoring of construction sites in proximity to known resources (similar to as MM CUL-1, e.g.). The combination of these efforts would reduce potential cumulative impacts related to historical resources to a less than significant level. Moreover, the proposed project would not have a considerably cumulative contribution to this already less than significant impact because there are no known historic resources that would be adversely impacted by the proposed project.

Based on the foregoing, with implementation of MM CUL-1, the proposed project would not have a significant cumulative impact on any historic resources.

## Archaeological Resources

The geographic scope of the cumulative archaeological resources analysis is the project vicinity. This is because archaeological resource impacts tend to be localized because the integrity of any given resource depends on what occurs in the immediate vicinity around that resource, such as disruption of soils, and the immediate vicinity provides the smallest geographic unit within which significant cumulative impacts spanning multiple projects may occur. Therefore, in addition to the project site itself, the area near the project site would be the area most affected by project activities (generally within a 0.5-mile radius). For the purposes of this analysis, the geographic scope is defined as the 0.5-mile SSJVIC records search radius. As discussed above, the geographic scope for this cumulative setting includes existing agricultural and industrial uses. All cumulative projects shown on Exhibit 3-1, Cumulative Project Map, are within the 0.5-mile geographic scope. As noted above, there are three area-specific survey reports (Table 3.5-2) on file with the SSJVIC for the project site and its 0.5-mile search radius. No reports address the project site specifically, indicating that it has not previously been surveyed for cultural resources. There are no known unique archaeological resources within this geographic scope; however, there is always the possibility of previously unknown archaeological resources that could be damaged or destroyed during subsurface construction activities associated with cumulative projects. Nevertheless, any such potential

cumulative impacts would be mitigated at an individual project level by adherence to applicable local, State and federal laws and regulations, as well as City and County laws, regulations, and mitigations as discussed in Section 3.5.4, such as adherence to standard conditions of approval that require monitoring of construction sites in proximity to known resources. Accordingly, cumulative impacts would be less than significant.

For the reasons noted above, the proposed project would not have a direct impact on any known archaeological resources, and potentially significant impacts to any previously unknown resources that could be damaged or destroyed during project construction would be mitigated to less than significant by adherence to applicable laws and regulations and compliance with the identified mitigation measures (MM CUL-1 through MM CUL-4), which requires monitoring of initial ground disturbance by a qualified Archaeologist and Native American Monitor, a WEAP training for construction staff, inadvertent discovery procedures, and an updated site survey following clearing and grubbing. Therefore, the proposed project would not have a cumulatively considerable contribution on this already less than significant cumulative archaeological resources impact.

Based on the foregoing, the proposed project would not have a significant cumulative impact on any archaeological resources.

### Tribal Cultural Resources

Significant impacts to TCRs may range from impacts to a resource meeting the CEQA definition of a significant historic resource to impacts to resources identified through consultation between a lead agency and Native American Tribe. As such, the scope and range of potential cumulative impacts to TCRs are highly contingent on the nature of the resource and status of consultation. In the absence of any known TCRs that would be significantly impacted by the proposed project, the appropriate geographic scope for assessing potential cumulative impacts to TCRs is the project vicinity. This is because any undiscovered TCRs would likely be archaeological in nature, and the immediate project vicinity provides the smallest geographic unit within which significant cumulative impacts spanning multiple projects may occur. Thus, for the purposes of this analysis, the immediate vicinity is defined as the 0.5-mile SSJVIC records search radius.

As discussed above, the geographic scope includes existing agricultural and industrial uses. Additionally, all cumulative projects shown on Exhibit 3-1, Cumulative Project Map, are within the 0.5-mile geographic scope. As noted above, there are three area-specific survey reports (Table 3.5-2) on file with the SSJVIC for the project site and its 0.5-mile search radius. No reports address the project site specifically, indicating that it has not previously been surveyed for cultural resources. There are no known TCRs or other archaeological resources within this geographic scope; however, there is always the possibility of previously unknown resources that could be damaged or destroyed during subsurface construction activities associated with cumulative projects. Nevertheless, any such potential cumulative impacts would be required to be mitigated at an individual project level through compliance with applicable federal, State, and local laws and regulations governing cultural resources, such as adherence to standard conditions of approval that require monitoring of construction sites in proximity to known resources. Therefore, cumulative impacts would be less than significant. As explained above, there are no known TCRs that would be impacted by the proposed project. Although subsurface construction activities associated with the proposed project

have the potential to encounter undiscovered TCRs and other archaeological resources, the proposed project would be required to mitigate for impacts through compliance with applicable federal, State, and local laws and regulations governing cultural resources. Additionally, the implementation of mitigation measures MM CUL-1 through MM CUL-4, which require WEAP training for construction staff, inadvertent discovery procedures, an updated site survey, and opportunities for a culturally affiliated Tribal Monitor, would ensure that any undiscovered TCRs are not substantially adversely affected by project-related construction activities. Therefore, the proposed project would not have a cumulatively considerable contribution to this already less than significant cumulative impact.

### *Level of Cumulative Significance Before Mitigation*

Potentially significant impact.

### *Mitigation Measures*

MM CUL-1 through MM CUL-4.

### *Level of Cumulative Significance After Mitigation*

Less than significant impact with mitigation incorporated*.*

# 3.6 - Energy

## 3.6.1 - Introduction

This section describes the existing energy setting in the project area as well as the relevant regulatory framework. This section also evaluates the possible impacts related to energy that could result from implementation of the proposed project. Information in this section is based on project-specific energy calculation outputs included in Appendix B. No public comments were received during the Environmental Impact Report (EIR) scoping period related to energy.

## 3.6.2 - Existing Setting

### Energy Basics

Energy is generally transmitted either in the form of electricity, measured in kilowatts (kW)[1] or megawatts (MW),[2] or natural gas measured in British Thermal Units (BTU), or cubic feet.[3] Fuel, such as gasoline or diesel, is measured in gallons or liters.

#### *Electricity*

Electricity is used primarily for lighting, appliances, and other uses associated with the proposed project.

#### *Natural Gas*

Natural gas is used primarily for heating, water heating, and cooking purpose and is typically associated with commercial and residential uses.

#### *Fuel*

Fuel is used primarily for powering off-road equipment, trucks, and passenger vehicles. The typical fuel types used are diesel and gasoline.

### Electricity Generation, Distribution, and Use

#### *State of California*

The State of California generates approximately 277,764 gigawatt-hours (GWh) of electricity, in 2021, which is the most recent year of reporting information available. Approximately 50.2 percent of the energy generation is sourced from natural gas, 34.8 percent from renewable sources (i.e., solar, wind, and geothermal), 6.2 percent from large hydroelectric sources, and the remaining 8.8 percent is sourced from coal, nuclear, oil, and other nonrenewable sources.[4]

[1] 1 kW = 1.000 watts; A watt is a derived unit of power that measure rate of energy conversion. 1 watt is equivalent to work being done at a rate of 1 joule of energy per second. In electrical terms, 1 watt is the power dissipated by a current of 1 ampere flowing across a resistance of 1 volt.

[2] 1 MW = 1 million watts

[3] A unit for quantity of heat that equals 100,000 British thermal units. A British thermal unit is the quantity of heat required to raise the temperature of 1 pound of liquid water 1 degree Fahrenheit at a constant pressure of 1 atmosphere.

[4] California Energy Commission (CEC). 2021. Website: https://www.energy.ca.gov/data-reports/energy-almanac/california-electricity-data/2021-total-system-electric-generation. Accessed June 1, 2023.

In 2022, California ranked third in the nation in conventional hydroelectric generation and fourth in net electricity generation from all other renewable energy resources combined. In addition, in 2022 renewable resources accounted for 49 percent of California in-state electricity generation.

Electricity and natural gas is distributed through the various electric load-serving entities (LSEs) in California. These entities include investor-owned utilities (IOUs), publicly owned LSEs, rural electric cooperatives, community choice aggregators, and electric service providers.[5]

### *Project Site*

The project site currently does not use natural gas as no habitable structures exist on-site that would use natural gas. Existing agricultural activity could use electricity and/or diesel fuel to power vehicles and water pumps.

## Natural Gas Generation, Distribution, and Use

### *State of California*

Natural gas is used for everything from generating electricity to cooking and space heating to an alternative transportation fuel. In 2021, total natural gas consumption in California was 2,172.8 Trillion BTUs. Natural gas-fired generation has become a major source of electricity in California, as it fuels about 42 percent of electricity consumption in the State in 2022 followed by renewable sources. Because natural gas is a resource that provides load when the availability of hydroelectric power generation and/or other sources decrease, use varies greatly from year to year. The availability of hydroelectric resources, the emergence of renewable resources for electricity generation, and overall consumer demand are the variables that shape natural gas use in electric generation.[6]

## Fuel Use

### *State of California*

The main category of fuel use in California is transportation fuel, specifically gasoline and diesel. Gasoline is the most used transportation fuel in California, with 97 percent of all gasoline sold in California being consumed by light-duty cars, pickup trucks, and sport utility vehicles. Diesel is the second largest transportation fuel used in California. Nearly all heavy-duty trucks, delivery vehicles, buses, trains, ships, boats and barges, farm, construction and heavy-duty military vehicles and equipment have diesel engines. In year 2021, it was estimated that 11,618 million gallons of gasoline and 1,611 million gallons of diesel were sold in California.[7]

### *Project Site*

Existing agricultural activity on the project site would consume gasoline and diesel fuel to power vehicles and water pumps.

[5] California Energy Commission (CEC). 2019. Electric Load-Serving Entities (LSEs) in California Website: https://www.energy.ca.gov/almanac/electricity_data/utilities.html. Accessed June 1, 2023.

[6] California Energy Commission (CEC). 2019. Supply and Demand of Natural Gas in California. Website: https://www.energy.ca.gov/data-reports/energy-almanac/californias-natural-gas-market. Accessed June 1, 2023.

[7] California Energy Commission (CEC). 2020. A15 Report Responses vs. California Department of Tax and Fee Administration. Website: https://www.energy.ca.gov/data-reports/energy-almanac/transportation-energy/california-retail-fuel-outlet-annual-reporting#notes. Accessed June 1, 2023.

## 3.6.3 - Regulatory Framework

### Federal

#### *Energy Independence and Security Act*

The Energy Policy Act of 2005 created the Renewable Fuel Standard Program. The Energy Independence and Security Act of 2007 expanded this program by:

- Expanding the Renewable Fuel Standard Program to include diesel in addition to gasoline.
- Increasing the volume of renewable fuel required to be blended into transportation fuel from 9 billion gallons in 2008 to 36 billion gallons by 2022.
- Establishing new categories of renewable fuel, and setting separate volume requirements for each one.
- Requiring the United States Environmental Protection Agency (EPA) to apply life-cycle greenhouse gas (GHG) emissions performance threshold standards to ensure that each category of renewable fuel emits fewer GHGs than the petroleum fuel it replaces.

This expanded Renewable Fuel Standard Program lays the foundation for achieving substantial reductions of GHG emissions from the use of renewable fuels, reducing the use of imported petroleum, and encouraging the development and expansion of the nation's renewable fuels sector.

Signed on December 19, 2007, the Energy Independence and Security Act of 2007 (EISA) aims to:

- Move the United States toward greater energy independence and security.
- Increase the production of clean renewable fuels.
- Protect consumers.
- Increase the efficiency of products, buildings, and vehicles.
- Promote research on and deploy GHG capture and storage options.
- Improve the energy performance of the federal government.
- Increase U.S. energy security, develop renewable fuel production, and improve vehicle fuel economy.

EISA reinforces the energy reduction goals for federal agencies put forth in Executive Order 13423, as well as introduces more aggressive requirements. The three key provisions enacted are the Corporate Average Fuel Economy Standards, the Renewable Fuel Standard Program, and the appliance/lighting efficiency standards.

The EPA is committed to developing, implementing, and revising both regulations and voluntary programs under the following subtitles in EISA, among others:

- Increased Corporate Average Fuel Economy Standards
- Federal Vehicle Fleets
- Renewable Fuel Standard
- Biofuels Infrastructure

- Carbon Capture and Sequestration[8]

### *EPA and National Highway Traffic Safety Administration Light-duty Vehicle GHG Emission Standards and Corporate Average Fuel Economy Standards Final Rule*

Congress first passed the Corporate Average Fuel Economy law in 1975 to increase the fuel economy of cars and light-duty trucks. The law has become more stringent over time. On May 19, 2009, former President Barack Obama put in motion a new national policy to increase fuel economy for all new cars and trucks sold in the United States. On April 1, 2010, the EPA and the United States Department of Transportation (USDOT) National Highway Traffic Safety Administration (NHTSA) announced a joint final rule establishing a national program that would reduce GHG emissions and improve fuel economy for new cars and trucks sold in the United States.

The first phase of the national program would apply to passenger cars, light-duty trucks, and medium-duty passenger vehicles, covering model years 2012 through 2016. They require these vehicles to meet an estimated combined average emissions level of 250 grams of $CO_2$ per mile, equivalent to 35.5 miles per gallon if the automobile industry were to meet this $CO_2$ level solely through fuel economy improvements. Together, these standards would cut $CO_2$ emissions by an estimated 960 million metric tons and 1.8 billion barrels of oil over the lifetime of the vehicles sold under the program (model years 2012-2016).

The EPA and the NHTSA issued final rules on a second phase joint rulemaking, establishing national standards for light-duty vehicles for model years 2017 through 2025 in August 2012.[9] The new standards for model years 2017 through 2025 apply to passenger cars, light-duty trucks, and medium-duty passenger vehicles. The final standards are projected to result in an average industry fleet wide level of 163 grams/mile of $CO_2$ in model year 2025, which is equivalent to 54.5 miles per gallon (mpg) if achieved exclusively through fuel economy improvements.

The EPA and NHTSA issued final rules for the first national standards to reduce GHG emissions and improve fuel efficiency of heavy-duty trucks and buses on September 15, 2011, which became effective November 14, 2011. For combination tractors, the agencies are proposing engine and vehicle standards that began in the 2014 model year and achieve up to a 20 percent reduction in $CO_2$ emissions and fuel consumption by the 2018 model year. For heavy-duty pickup trucks and vans, the agencies are proposing separate gasoline and diesel truck standards, which phase in starting in the 2014 model year and achieve up to a 10 percent reduction for gasoline vehicles, and a 15 percent reduction for diesel vehicles by 2018 model year (12 and 17 percent respectively if accounting for air conditioning leakage). Lastly, for vocational vehicles, the engine and vehicle standards would achieve up to a 10 percent reduction in fuel consumption and $CO_2$ emissions from the 2014 to 2018 model years.

The State of California has received a waiver from the EPA to have separate, stricter Corporate Average Fuel Economy Standards. Although global climate change did not become an international

[8] United States Environment Protection Agency (EPA). Summary of the Energy Independence and Security Act. Website: https://www.epa.gov/laws-regulations/summary-energy-independence-and-security-act. Accessed June 1, 2023.

[9] United States Environmental Protection Agency (EPA). 2012. EPA and NHTSA Set Standards to Reduce Greenhouse Gases and Improve Fuel Economy for Model Years 2017-2025 Cars and Light Trucks. Website: http://www.epa.gov/otaq/climate/documents/420f12051.pdf. Accessed June 1, 2023.

concern until the 1980s, efforts to reduce energy consumption began in California in response to the oil crisis in the 1970s, resulting in the incidental reduction of GHG emissions. In order to manage the State's energy needs and promote energy efficiency, Assembly Bill (AB) 1575 created the California Energy Commission (CEC) in 1975.

### *California Assembly Bill 1493: Pavley Regulations and Fuel Efficiency Standards*

California AB 1493, enacted on July 22, 2002, required the California Air Resources Board (ARB) to develop and adopt regulations that reduce GHGs emitted by passenger vehicles and light-duty trucks. Implementation of the regulation was delayed by lawsuits filed by automakers and by the EPA's denial of an implementation waiver. The EPA subsequently granted the requested waiver in 2009, which was upheld by the by the U.S. District Court for the District of Columbia in 2011.[10]

The standards are to be phased in during the 2009 through 2016 model years. When fully phased in, the near-term (2009–2012) standards will result in an approximately 22 percent reduction compared with the 2002 fleet, and the mid-term (2013–2016) standards will result in about a 30 percent reduction.

The second phase of the implementation for the Pavley Bill was incorporated into Amendments to the Low Emission Vehicle (LEV) Program referred to as LEV III or the Advanced Clean Cars program. The Advanced Clean Car program combines the control of smog-causing pollutants and GHG emissions into a single coordinated package of requirements for model years 2017 through 2025. The regulation will reduce GHGs from new cars by 34 percent from 2016 levels by 2025. The new rules will reduce pollutants from gasoline and diesel-powered cars, and deliver increasing numbers of zero-emission technologies, such as full battery electric cars, newly emerging plug-in hybrid electric vehicles and hydrogen fuel cell cars.

### *California Code of Regulations Title 13: Motor Vehicles*

California Code of Regulations, Title 13: Division 3, Chapter 10, Article 1, Section 2485: Airborne Toxic Control Measure to Limit Diesel-Fueled Commercial Motor Vehicle Idling.[11] This measure seeks to reduce public exposure to diesel particulate matter and other air contaminants by establishing idling restrictions, emission standards, and other requirements for heavy-duty diesel engines and alternative idle reduction technologies to limit the idling of diesel-fueled commercial motor vehicles. Any person that owns, operates, or causes to operate any diesel-fueled commercial motor vehicle must not allow a vehicle to idle for more than 5 consecutive minutes at any location, or operate a diesel-fueled auxiliary power system for greater than 5 minutes at any location when within 100 feet of a restricted area.

California Code of Regulations, Title 13: Division 3, Chapter 9, Article 4.8, Section 2449: General Requirements for In-Use Off-Road Diesel-Fueled Fleets. This measure regulates oxides of nitrogen ($NO_X$), diesel particulate matter (DPM), and other criteria pollutant emissions from in-use off-road

[10] California Air Resources Board (ARB). 2013. Clean Car Standards—Pavley, Assembly Bill 1493. Website: https://ww2.arb.ca.gov/californias-greenhouse-gas-vehicle-emission-standards-under-assembly-bill-1493-2002-pavley. Accessed June 1, 2023.

[11] Thomas Reuters Westlaw. 2019. California Code of Regulations, Title 13. Motor Vehicles. Website: https://govt.westlaw.com/calregs/Browse/Home/California/CaliforniaCodeofRegulations?guid=I143B9530D46811DE8879F88E8B0DAAAE&originationContext=documenttoc&transitionType=Default&contextData=(sc.Default). Accessed June 1, 2023.

diesel-fueled vehicles. This measure also requires each fleet to meet fleet average requirements or demonstrate that it has met "best available control technology" requirements. Additionally, this measure requires medium and large fleets to have a written idling policy that is made available to operators of the vehicles informing them that idling is limited to 5 consecutive minutes or less.

### *California Senate Bill 1078: Renewable Electricity Standards*

On September 12, 2002, former Governor Gray Davis signed Senate Bill (SB) 1078, requiring California to generate 20 percent of its electricity from renewable energy by 2017. SB 107 changed the due date to 2010 instead of 2017. On November 17, 2008, Governor Arnold Schwarzenegger signed Executive Order S-14-08, which established a Renewable Portfolio Standard target for California requiring that all retail sellers of electricity serve 33 percent of their load with renewable energy by 2020. Former Governor Schwarzenegger also directed the ARB (Executive Order S-21-09) to adopt a regulation by July 31, 2010, requiring the State's LSEs to meet a 33 percent renewable energy target by 2020. The ARB Board approved the Renewable Electricity Standard on September 23, 2010 by Resolution 10-23.

### *California SB 350: Clean Energy and Pollution Reduction Act*

In 2015, the State legislature approved and the Governor signed SB 350 which reaffirms California's commitment to reducing its GHG emissions and addressing climate change. Key provisions include an increase in the Renewables Portfolio Standard (RPS), higher energy efficiency requirements for buildings, initial strategies toward a regional electricity grid, and improved infrastructure for electric vehicle charging stations. Provisions for a 50 percent reduction in the use of petroleum Statewide were removed from the Bill due to opposition and concern that it would prevent the Bill's passage. Specifically, SB 350 requires the following to reduce Statewide GHG emissions:

- Increase the amount of electricity procured from renewable energy sources from 33 percent to 50 percent by 2030, with interim targets of 40 percent by 2024, and 25 percent by 2027.
- Double the energy efficiency in existing buildings by 2030. This target will be achieved through the California Public Utility Commission, the CEC, and local publicly owned utilities.
- Reorganize the Independent System Operator (ISO) to develop more regional electrify transmission markets and to improve accessibility in these markets, which will facilitate the growth of renewable energy markets in the western United States.[12]

### *California Code of Regulations Title 24*

*Part 6 (Energy Efficiency Standards for Residential and Nonresidential Buildings)*

California Code of Regulations Title 24 Part 6 (California's Energy Efficiency Standards for Residential and Nonresidential Buildings) was first adopted in 1978 in response to a legislative mandate to reduce California's energy consumption. The standards are updated periodically to allow consideration and possible incorporation of new energy efficient technologies and methods. Energy efficient buildings require less electricity; therefore, increased energy efficiency reduces fossil fuel consumption and decreases GHG emissions. The 2016 Building Energy Efficiency Standards went into

[12] California Legislative Information (California Leginfo). 2015. Senate Bill 350 Clean Energy and Pollution Reduction Act of 2015. Website: https://leginfo.legislature.ca.gov/faces/billNavClient.xhtml?bill_id=201520160SB350. Accessed June 1, 2023.

effect on January 1, 2017.[13] The 2019 Building Energy Efficiency Standards are scheduled to go into effect on January 1, 2020.

*Part 11 (California Green Building Standards Code)*

California Code of Regulations Title 24, Part 11, is a comprehensive and uniform regulatory code for all residential, commercial, and school buildings that went in effect January 1, 2011. The Code is updated on a regular basis, with the most recent update consisting of the 2022 California Green Building Standards Code (CALGreen) that became effective January 1, 2023.[14] Local jurisdictions are permitted to adopt more stringent requirements, as State law provides methods for local enhancements. CALGreen recognizes that many jurisdictions have developed existing construction and demolition ordinances, and defers to them as the ruling guidance provided they provide a minimum 50 percent diversion requirement. CALGreen also provides exemptions for areas not served by construction and demolition recycling infrastructure. The California Building Standards Code (CBC) provides the minimum standard that buildings need to meet in order to be certified for occupancy, which is generally enforced by the local building official.

### *California Public Utilities Code*

The California Public Utilities Commission (CPUC) regulates privately owned telecommunication, electric, natural gas, water, railroad, rail transit, and passenger transportation companies. It is the responsibility of the CPUC to (1) assure California utility customers safe, reliable utility service at reasonable rates; (2) protect utility customers from fraud; and (3) promote a healthy California economy. The Public Utilities Code, adopted by the legislature, defines the jurisdiction of the CPUC.

## Local

### *City of Visalia General Plan*

The City of Visalia General Plan does not include goals or policies that explicitly aim to improve energy efficiency or reduce energy consumption.[15] However, some policies would indirectly improve energy efficiency.

**AQ-P-9** Continue to mitigate short-term construction impacts and long-term stationary source impacts on air quality on a case-by-case basis and continue to assess air quality impacts through environmental review. Require developers to implement Best Management Practices (BMPs) to reduce air pollutant emissions associated with the construction and operation of development projects.

BMPs include Transportation Demand Management strategies for large development projects such as:

- Providing bicycle access and parking facilities;

[13] California Energy Commission (CEC). 2016. 2016 Building Energy Efficiency Standards Frequently Asked Questions. Website: http://www.energy.ca.gov/title24/2016standards/rulemaking/documents/2016_Building_Energy_Efficiency_Standards_FAQ.pdf. Accessed June 3, 2023.

[14] California Building Standards Commission (CBSC). 2022. Green Building Standards. Website: https://codes.iccsafe.org/content/CAGBC2022P1. Accessed June 3, 2023.

[15] City of Visalia. 2014. General Plan. Website: https://www.visalia.city/depts/community_development/planning/gp.asp. Accessed June 3, 2023.

- Providing preferential parking for high-occupancy vehicles, carpools, or alternative fuels vehicles;
- Establishing telecommuting programs or satellite work centers;
- Allowing alternative work schedules;
- Subsidizing public transit costs for employee;
- Scheduling Deliveries at off-peak traffic periods; and
- Providing recharge stations for plug-in electric vehicles (PEVs).

**AQ-P-13** Where feasible, replace City vehicles with those that employ low emission technology.

**AQ-P-14** Promote and expand the trip-reduction program for City employees to reduce air pollution and emissions of greenhouse gas. The program may include carpooling and ride sharing; reimbursement of transit costs; encouragement of flexible work schedules, telecommuting, and teleconferencing.

## 3.6.4 - Methodology

This analysis calculated the amount of energy consumed during both construction and operation. Energy use consumed by the proposed project was estimated and includes natural gas, electricity, and fuel consumption for project construction and operation. Energy calculations are included as part of Appendix B.

## 3.6.5 - Thresholds of Significance

The lead agency utilizes the criteria in the California Environmental Quality Act (CEQA) Guidelines Appendix G Environmental Checklist to determine whether impacts related to energy are significant environmental effects. Would the project:

a) Result in potentially significant environmental impact due to wasteful, inefficient, or unnecessary consumption of energy resources, during project construction or operation?

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

## 3.6.6 - Project Impacts and Mitigation Measures

This section discusses potential impacts associated with the development of the project and provides mitigation measures where appropriate.

### Energy Use

| | |
|---|---|
| **Impact ENER-1:** | **Would the project result in potentially significant environmental impact due to wasteful, inefficient, or unnecessary consumption of energy resources, during project construction or operation?** |

### *Impact Analysis*

The information provided below is derived from the Air Quality, Greenhouse Gas Emissions, and Energy Analysis Report (Air Quality Report) prepared by FirstCarbon Solutions (FCS) on May 4, 2023. A discussion of the proposed project's anticipated energy usage is presented below.

*Construction*

For purposes of a conservative analysis, the anticipated construction schedule for all three phases of development was assumed to begin in March 2024 and conclude in March 2028. It is important to note that if the construction schedule were to move to later year(s), construction energy demand would likely decrease because of improvements in technology and more stringent regulatory requirements as older, less efficient equipment is replaced by newer and cleaner equipment. Even in a scenario where all three construction phases overlap, the impacts related to energy consumption would not be materially different from the phased construction analyzed here. That is because concurrent construction would not result in an increased use of fuel and electricity beyond that needed for a phased construction. The proposed project would require demolition, site preparation, grading, building construction, architectural coating, and paving. The construction phase would require energy for the manufacture and transportation of building materials, preparation of the project site (e.g., demolition, site clearing, and grading), and the actual construction of the buildings and related on- and off-site improvements and infrastructure. Petroleum-based fuels such as diesel fuel and gasoline would be the primary sources of energy for these tasks.

The types of on-site equipment used during construction of the proposed project would include gasoline- and diesel-powered construction and transportation equipment, including trucks, bulldozers, frontend loaders, forklifts, and cranes. Construction equipment is estimated to consume a total of approximately 886,679 gallons of diesel fuel over the entire construction duration (Appendix B).

Fuel use associated with construction vehicle trips generated by the proposed project was also estimated; trips include construction worker trips, haul truck trips for material transport, and vendor trips for construction material deliveries. Fuel use from these vehicles traveling to the project site was based on (1) the projected number of trips the proposed project would generate during construction, (2) average trip distances by trip type, and (3) fuel efficiencies estimated in the ARB EMFAC mobile source emission model. The specific parameters used to estimate fuel usage are included in Appendix B. In total, the proposed project is estimated to generate approximately 17,099,450 Vehicle Miles Traveled (VMT) and a combined approximately 924,696 gallons of gasoline and diesel for vehicle travel during construction.

Other equipment would include construction lighting, field services (office trailers), and electrically driven equipment such as pumps and other tools. Chapter 8.36 of the Visalia Municipal Code defines permissible hours of construction as between the hours of 6:00 a.m. and 7:00 p.m. Monday through Friday and 9:00 a.m. to 7:00 p.m. on Saturday and Sunday. As construction activities would be restricted to these hours, it is anticipated that the use of construction lighting would be relatively minimal. Singlewide mobile office trailers, which are commonly used in construction staging areas, generally range in size from approximately 160 square feet to 720 square feet. A typical 720-square-

foot office trailer would consume approximately 6,548 kWh during the 12-month concurrent construction phase (Appendix B).

Limitations on the permissible idling time of vehicles and equipment along with requirements that equipment be properly maintained would result in fuel savings. Similarly, compliance with applicable State laws and regulations would limit idling from both on-road and off-road diesel-powered equipment and are part of a comprehensive regulatory framework that is implemented by the ARB. Additionally, as a practical matter, it is reasonable to assume that the overall construction schedule and process would be designed and implemented to be efficient as feasible in order to avoid excess monetary costs. For example, equipment and fuel are not typically used wastefully due to the added expense associated with renting the equipment, maintaining it, and fueling it. Therefore, the opportunities for future efficiency gains during construction beyond those already built in due to commercially practicable considerations are relatively limited. For the foregoing reasons, it is anticipated that the construction phase of the proposed project would not result in wasteful, inefficient, and unnecessary consumption of energy. Construction-related energy impacts would be less than significant.

*Operation*

The proposed project would consume energy as part of building operations and transportation activities. Project energy consumption is summarized in Table 3.6-1. For further details, see Appendix B.

**Table 3.6-1: Estimated Annual Project Energy Consumption**

| Energy Consumption Activity | Annual Consumption (approx.) |
|---|---|
| Electricity Consumption | 34,152,062 kWh/year |
| Natural Gas Consumption | 49,385,262 kBTU/year |
| Total Fuel Consumption | 7,576,169 gallons of gasoline and diesel |
| Operational Fuel Consumption–Passenger Vehicles | 1,237,261 gallons of gasoline and diesel |
| Operational Fuel Consumption–Trucks | 6,338,908 gallons of gasoline and diesel |

Notes:
kBTU = kilo-British Thermal Unit
kWh = kilowatt-hour
VMT = Vehicle Miles Traveled
Source: FirstCarbon Solutions (FCS) 2023. (Appendix B)

Operation of the proposed project would consume an estimated 34,152,062 kWh of electricity and an estimated 49,385,262 kBTU of natural gas on an annual basis. The proposed project's buildings and related improvements and infrastructure would be designed and constructed in accordance with the City's latest adopted energy efficiency standards, which are based on the State's Building Energy Efficiency Standards. These standards include minimum energy efficiency requirements related to building envelope, mechanical systems (e.g., heating, ventilation, and air conditioning [HVAC] and water heating systems), and indoor and outdoor lighting, are widely regarded as the some of the most advanced and stringent building energy efficiency standards in the country. Moreover, as

specified in Chapter 5, Part 11 of the Title 24 standards, the proposed project would be required to incorporate electrical conduit to facilitate future installation of electric vehicle (EV) charging infrastructure. In addition, as specified in Subchapter 6, Part 6 of the Title 24 standards, the proposed project would be required to either include rooftop solar systems or design the proposed buildings to structurally accommodate future installation of a rooftop solar system. As such, the design of the proposed project would facilitate the future commitment to renewable energy resources. Therefore, building energy consumption would not be considered wasteful, inefficient, or unnecessary.

Project-related vehicle trips would consume an estimated 7,576,169 gallons of gasoline and diesel annually. In addition, the proposed project would include the installation of bicycle parking fixtures consistent with the City of Visalia Municipal Code requirements for new development, encouraging the use of alternative modes of transportation for worker commutes. Regional access to the project site is provided via State Route (SR) 99, which is 0.85 mile to the east of the project site. As a result, the proposed project would be located within 1 mile of a major transportation corridor that provides interstate regional access. Moreover, as discussed in Section 3.15, Transportation, the proposed project would be required to implement various Transportation Demand Management (TDM) measures that would contribute to fuel savings through incentives for project staff to utilize non-motorized transportation modes. Furthermore, the proposed project would generate vehicle trips that would travel to other cities and states in order to deliver goods and the location of the proposed project would not result in excessive or wasteful vehicle travel. Thus, transportation fuel consumption would not be wasteful, inefficient, or unnecessary. Impacts would be less than significant.

### *Level of Significance*

Less than significant impact.

### *Mitigation Measures*

None required.

## Energy Efficiency and Renewable Energy Standards Consistency

**Impact ENER-2: Would the project conflict with or obstruct a State or local plan for renewable energy or energy efficiency?**

### *Impact Analysis*

The proposed project would be served with electricity provided by Southern California Edison (SCE). In 2021, SCE obtained 31.4 percent of its electricity from renewable energy sources (14.9 percent solar, 10.2 percent wind, 5.7 percent geothermal, 0.1 percent biomass and biowaste, and 0.5 percent eligible hydroelectric), while the remaining electricity was sourced from nuclear (9.2 percent), natural gas (22.3 percent), large hydroelectric (2.3 percent), and unspecified sources of power (34.8 percent).[16] Therefore, the proposed project's electricity provider does not meet the State's current objective of 33 percent of electricity from renewable energy sources. However, the utility would be

[16] California Energy Commission. 2021. Annual Power Content Labels for 2021. Website: https://www.sce.com/sites/default/files/custom-files/Web%20files/2021%20Power%20Content%20Label.pdf. Accessed June 1, 2023.

required pursuant to applicable laws and regulations to meet the future objective of 60 percent of electricity from renewable energy sources by 2030. As noted above, the proposed project's buildings and related improvements and infrastructure would be designed in accordance with then-current Title 24, California's Energy Efficiency Standards for Nonresidential Buildings. These standards include minimum energy efficiency requirements related to building envelope, mechanical systems (e.g., HVAC and water heating systems), and indoor and outdoor lighting. Based on the foregoing, including the incorporation of the Title 24 standards into the design of the proposed project, this would ensure that the proposed project would not result in the use of energy in a wasteful manner.

The City of Visalia Climate Action Plan (CAP) and General Plan contain policies that are related to energy conservation. While several of these policies are voluntary or cannot be implemented by an individual development project, these policies would contribute toward less water demand, energy efficient operational uses, and reduce the unnecessary use of fuel. For example, the proposed project would be consistent with CAP actions related to Energy by including Mitigation Measure (MM) GHG-2a, which would require **r**ooftop solar panel systems, solar-ready rooftop design, as feasible, or roofing material contains light coloring with a solar reflective index greater than 78. In addition, the proposed project would be consistent with other CAP actions related to reduction energy consumption such as, including drought tolerant landscaping that requires less water demand and consequently less electricity to convey that water to the project site.

Additionally, compliance with then-current Title 24 standards would ensure that the proposed project would not conflict with any of the General Plan energy conservation policies related to the proposed project's building envelope, mechanical systems, and indoor and outdoor lighting.

The proposed project would be required to comply with applicable State energy standards and with relevant energy conservation policies contained in the Visalia General Plan. As such, the proposed project would not conflict with State or local renewable or energy efficiency objectives. Impacts would be less than significant.

### *Level of Significance*

Less than significant impact.

### *Mitigation Measures*

None required.

## 3.6.7 - Cumulative Impacts

The geographic scope of the cumulative energy analysis is the portion of SCE's service area that covers incorporated and unincorporated Tulare County. Cumulative projects considered as part of this cumulative analysis include the project, other cumulative projects identified in Table 3-1 in Chapter 3, Environmental Impact Analysis, and other past, present, and reasonably foreseeable future projects within the SCE service area that covers the incorporated and unincorporated areas of Tulare County.

Electricity and Natural Gas During operation, cumulative projects would be required to comply with applicable provisions of Title 24 Building Energy Efficiency Standards and CALGreen. Specifically, the

buildings and other improvements that would be constructed as part of the various cumulative projects would be required to be designed in accordance with Title 24, California's Energy Efficiency Standards for Residential and Nonresidential Buildings as applicable. These standards include minimum energy efficiency requirements related to building envelope, mechanical systems (e.g., HVAC and water heating systems), and indoor and outdoor lighting. Future cumulative development would also be required to meet even more stringent energy efficiency requirements through local and Statewide policy, such as Title 24, Part 6, which would require, for example, that newly constructed residential homes include on-site photovoltaic solar systems, with some exceptions. Furthermore, SCE, which supplies electricity to the project site and vicinity, would be required by SB 100 to incrementally increase the proportion of renewable electricity generation supplying its in-state retail sales until it reaches 100 percent carbon-free electricity generation by 2045. Electricity would also be consumed during construction of the cumulative projects from the use of construction trailers and any electrically driven equipment, vehicles, or tools. Electricity consumed during construction of the cumulative projects would also be subject to the renewable electricity generation requirements established by SB 100, as SCE would be the anticipated electricity supplier for the cumulative project areas. The incorporation of these regulations into the design of the cumulative projects would ensure that they would not result in the inefficient, unnecessary, or wasteful consumption of electricity or natural gas, and thus they would not have a significant cumulative impact.

Similarly, the proposed project's energy use would be limited to that which is necessary for the construction and operation of the proposed project. As discussed above, the proposed project would be required to comply with applicable Statewide and local policies and standards pertaining to energy efficiency and can reasonably be assumed to pursue greater energy efficiencies to the extent commercially practicable in its operation, in the interest of reducing operating costs. As such, the proposed project's incremental contribution to the less than significant cumulative impact would not be considerable with respect to energy consumption in the form of electricity and natural gas. Cumulative projects would be required to comply with California Code of Regulations Title 13, Sections 2449(d)(3) and 2485, that limit idling from both on-road and off-road diesel-powered equipment and are enforced by the ARB. Additionally, various federal and State regulations, including the Low Carbon Fuel Standards (LCFS), Pavley Clean Car Standards, and LEV Program, would serve to reduce the transportation fuel demand of cumulative projects.

Compliance with these regulations by the cumulative projects would ensure that they would not result in the inefficient, unnecessary, or wasteful consumption of fuel and their cumulative impact would be less than significant. As discussed in more detail above, the proposed project would consume vehicle fuel during both construction and operation. As previously discussed, the proposed project would also be required to use fuels which conform to various federal and State regulations, such as the LCFS, Pavley Clean Car Standards, and LEV Program. In addition, the proposed project would consume fuels in an amount necessary to construct and operate the proposed project and would not consume excessive amounts of fuel beyond what is necessary in the interest of avoiding unnecessary construction or operation costs. Therefore, the proposed project's incremental contribution to the less than significant cumulative impact would not be considerable with respect to the wasteful or inefficient use of energy.

## Level of Cumulative Significance

Less than significant impact.

## Mitigation Measures

None required.

# 3.7 - Geology, Soils, and Seismicity

## 3.7.1 - Introduction

This section describes the existing geologic and soil characteristics of the project site and the potential effects from implementing the proposed project with respect to potential geology, soils, seismicity, and paleontological impacts. In addition, this section identifies feasible mitigation measures that would reduce these impacts, if and to the extent required. The descriptions and analysis in this section is based, in part, on the Geotechnical Evaluation[1] and the Paleontological Records Search.[2] These reports are provided in Appendix E of this Draft EIR.

No comments were received during the Notice of Preparation (NOP) comment period related to geology, soils, and seismicity.

## 3.7.2 - Environmental Setting

### Geologic Setting

#### *City of Visalia*

The City is part of the Central Valley province, one of several geomorphic provinces in California. The San Joaquin Valley is in a basin bounded by the Sierra Nevada foothills and mountains to the east and the Coast Ranges to the west, and it is filled with deep layers of sediment generally underlain by sequences of Tertiary- to Pleistocene-age marine and nonmarine sedimentary rock. The sedimentary rock is generally covered by Pleistocene to Holocene alluvium that has infilled the valley.[3] The City's topography is basically flat, lying at an elevation of approximately 330 feet above sea level. The St. Johns River flows through the northeastern portion of the City, which, along with smaller streams and canals, forms alluvial fans.

#### *Project Site*

The project site is located in the northwestern portion of the City's Sphere of Influence (SOI) and is located within the San Joaquin Valley of the Central Valley geomorphic province of California. The project site is generally flat and underlain by Holocene-age alluvial fan deposits.[4]

### Existing Soils

#### *City of Visalia*

The City has relatively flat topography and is distant from any delineated Alquist-Priolo Earthquake Fault Zone, as shown in Exhibit 3.7-1, Regional Earthquake Fault Map, and described further below. Although no specific liquefaction hazard areas have been identified, the potential for liquefaction is recognized throughout the San Joaquin Valley where unconsolidated sediments and high-water tables coincide. The City's Planning Area comprises all of the land within the City as well as neighboring unincorporated land, including the community of Goshen, and encompasses

[1] Ninyo & Moore. 2022. Preliminary Geotechnical Evaluation Shirk & Riggin Industrial Park. August 2.
[2] Finger, Kenneth L., PhD. 2022. Paleontological Records Search for the Shirk and Riggin Industrial Park Project (4119.0039), near the City of Visalia, Tulare County. June 20.
[3] Ninyo & Moore. 2022. Preliminary Geotechnical Evaluation Shirk & Riggin Industrial Park. August 2.
[4] Ibid.

approximately 66,640 acres.[5] Subsidence in the Planning Area from groundwater removal may also occur based on the fact that the Kaweah Subbasin underlying the Planning Area is considered to be in an overdraft on an average long-term basis.[6] Soils with moderate shrink-swell potential underlie about 2,480 acres in the Planning Area.[7]

### *Project Site*

The Geotechnical Evaluation for the project site included the collection of site-specific data through geotechnical borings and laboratory analysis of collected soil samples. The results indicate that the project site is underlain by undocumented fill soils and alluvium. Both soil types are composed of silt, sand, and clay at depths of up to approximately 51.5 feet.

Groundwater was not encountered in the borings at the time of drilling, although groundwater levels do have seasonal variations. However, groundwater monitoring well data from the State of California Water Resources Control Board's GeoTracker website indicate that the depth to groundwater ranges from approximately 100 to 200 feet at monitoring wells located approximately 0.5 mile south and approximately 2 miles southwest of the project site.[8] Based on the available information and the nature and location of the project site, it is anticipated that similar depths to groundwater are present at the project site.

## Seismicity

The term seismicity describes the effects of seismic waves that are radiated from an earthquake fault in motion. While most of the energy released during an earthquake result in the permanent displacement of the ground, as much as 10 percent of the energy may dissipate immediately in the form of seismic waves. Seismicity can result in seismic-related hazards such as fault rupture, ground shaking, and liquefaction faults form in rocks when stresses overcome the internal strength of the rock, and fault rupture occurs when movement on a fault breaks through to the surface and can result in damage to infrastructure and persons. Ground movement during an earthquake can vary depending on the overall magnitude, distance to the fault, focus of earthquake energy, and type of geologic material. The composition of underlying soils, even those relatively distant from faults, can intensify ground shaking. Strong ground shaking from an earthquake can result in damage, with buildings shifted off their foundations and underground pipes broken. Liquefaction occurs when an earthquake causes ground shaking that results in saturated soil to lose shear strength, deform, and act like a liquid. When liquefaction occurs, it can result in ground failure that can result in damage to roads, pipelines, and buildings.

### *City of Visalia*

The State of California is one of the most seismically active areas in the United States. That said, there are no known active earthquake faults in the City's Planning Area. The closest active faults are the Owens Valley Fault group and Sierra Nevada Fault Zone, located approximately 75 miles to the

[5] City of Visalia. 2014. General Plan 2030. Introduction. October.
[6] City of Visalia. 2014. General Plan Draft Environmental Impact Report. March.
[7] Ibid.
[8] California State Water Resources Control Board (State Water Board). 2022. GeoTracker: Kaweah Basin Water Quality Association (AGC100012325). Website: https://geotracker.waterboards.ca.gov/profile_report?global_id=AGC100012325. Accessed August 16, 2022.

east of the City's Planning Area, the San Andreas Fault Zone located approximately 60 miles to the west of the City's Planning Area, and the Pond Fault Zone located approximately 55 miles to the south of the City's Planning Area (Exhibit 3.7-1).[9] Historically, major earthquakes have been felt and caused some amount of property damage within the City's Planning Area. Moreover, it is possible, but unlikely, that previously unknown faults could become active in the area. The State Geologist has not delineated any Alquist-Priolo Earthquake Fault Zones within or near the City's Planning Area.[10]

### *Project Site*

Distant faults have low potential to cause ground shaking on the project site; this is because the magnitude of ground shaking experienced on-site is dependent on the distance to causative faults and the earthquake magnitude (or measure of the amount of energy released during an earthquake event). There are no known faults in close proximity to the project site.[11] The faults with the highest potential to affect the proposed project from a design standpoint are the Pond Fault (approximately 61 miles away), Southern Sierra Nevada Fault (approximately 68.4 miles away), and Owens Valley Fault (approximately 74.6 miles away).

## Slope Disturbance

Slope disturbance from long-term geologic cycle of uplift, mass wasting, intense precipitation or wind, as well as gravity can result in slope failure in the form of mudslides and rock fall. Uplift refers to the vertical elevation shift of the Earth's surface often attributed to plate tectonics. Mass wasting refers to a variety of erosional processes from gradual downhill soil creep to mudslides, debris flows, landslides, and rock fall—processes that are commonly triggered by intense precipitation or wind, which varies according to climactic shifts. Often, various forms of mass wasting are grouped together as landslides, which are generally used to describe the downhill movement of rock and soil. Soil creep is a long-term, gradual downhill migration of soil under the influence of gravity and is generally on the order of a fraction of an inch per year. These soils can creep away downslope sides of foundations and reduce lateral support.

### *City of Visalia*

According to the 2017 Tulare Multi-Jurisdictional Local Hazard Mitigation Plan, areas that are more prone to landslides, mudslides, or debris flows include the foothill and mountain areas where fractured and steep slopes are present, where less-consolidated or weathered soils overlie bedrock, or where inadequate groundcover accelerates erosion.[12] The City and the Planning Area is generally flat, with slopes of 0 to 2 percent. In the City, earthquake-induced slope disturbance such as mudslides are unlikely to occur due to the relatively stable geological formation and lack of active faults.

[9] California Geologic Survey (CGS). 2022. EQ Zapp. Website: https://maps.conservation.ca.gov/cgs/EQZApp/app/. Accessed August 16, 2022.
[10] City of Visalia. 2014. General Plan 2030. Safety and Noise Element. October.
[11] California Geologic Survey (CGS). 2022. EQ Zapp. Website: https://maps.conservation.ca.gov/cgs/EQZApp/app/. Accessed August 16, 2022.
[12] Tulare County Office of Emergency Services. 2018. Tulare County Multi-Jurisdictional Local Hazard Mitigation Plan. March.

### *Project Site*

The project site is located within a seismically stable region, and the City experiences relatively little tectonic activity as compared to other regions of the State. As noted above, the project site itself does not contain active faults that would cause geologic uplifting or other seismic-related hazards. The project site is relatively flat and does not include foothill or mountain areas; it is located approximately 17 miles from Sierra Nevada foothills, and the project site does not contain weathered soils over bedrock.[13]

### Paleontological Resources

### *Project Site*

The project site is solely underlain by Holocene Great Valley fan deposits. The southwestern portion of the half-mile search area surrounding the project site includes subjacent Holocene Great Valley basin deposits. Holocene Great Valley deposits are too young to be fossiliferous. The nearest Pleistocene deposits are more than five miles east of the project site. It is highly unlikely that Pleistocene deposits are in the shallow subsurface of the project site. Localist V6540, approximately 5.5 miles southeast of the project site, yielded mammoth tooth fragments. There is an absence of any potentially fossiliferous localities within 5 miles of the project site.[14]

## 3.7.3 - Regulatory Framework

### Federal

### *National Earthquake Hazards Reduction Program*

The National Earthquake Hazards Reduction Program (NEHRP) was established by the United States Congress when it passed the Earthquake Hazards Reduction Act of 1977, Public Law 95–124. In establishing the NEHRP, Congress recognized that earthquake-related losses could be reduced through improved design and construction methods and practices, land use controls and redevelopment, prediction techniques and early warning systems, coordinated emergency preparedness plans, and public education and involvement programs. The four basic goals remain unchanged:

- Develop effective practices and policies for earthquake loss reduction and accelerate their implementation.
- Improve techniques for reducing earthquake vulnerabilities of facilities and systems.
- Improve earthquake hazards identification and risk assessment methods, and their use.
- Improve the understanding of earthquakes and their effects.

Several key federal agencies contribute to earthquake mitigation efforts. There are four primary NEHRP agencies:

- National Institute of Standards and Technology of the Department of Commerce

[13] Ninyo & Moore Geotechnical and Environmental Science Consultants. 2022. Preliminary Geotechnical Investigation Shirk and Riggin Industrial Park. August 2.
[14] Finger, Kenneth L., PhD. 2022. Paleontological Records Search for the Shirk and Riggin Industrial Park Project. June 20.

- National Science Foundation
- United States Geological Survey (USGS) of the Department of the Interior
- Federal Emergency Management Agency (FEMA) of the Department of Homeland Security

Implementation of NEHRP priorities is accomplished primarily through original research, publications, and recommendations to assist and guide State, regional, and local agencies in the development of plans and policies to promote safety and emergency planning.

### *National Pollutant Discharge Elimination System*

The National Pollutant Discharge Elimination System (NPDES) permit program, authorized by Section 402(p) of the federal Clean Water Act, controls water pollution by regulating point sources, such as construction sites and industrial operations that discharge pollutants into waters of the United States. A Storm Water Pollution Prevention Plan (SWPPP) is required to control discharges from a project site, including soil erosion, to protect waterways. A SWPPP describes the measures or practices to control discharges during both the construction and operational phases of the proposed project. A SWPPP identifies project design features and structural and nonstructural Best Management Practices (BMPs) that will be used to control, prevent, remove, or reduce stormwater pollution from the site, including sediment from erosion.

### *Paleontological Resources Preservation Act*

The Paleontological Resources Preservation Act offers provisions of paleontological resources identified on federal, Native American, or State lands and guidance for their management and protection and promotes public awareness and scientific education regarding vertebrate fossils. The law also requires federal agencies to develop plans for inventory, collection, and monitoring of paleontological resources and establishes stronger criminal and civil penalties for the removal of scientifically significant fossils on federal lands.

### *Society of Vertebrate Paleontology Guidelines*

The Society of Vertebrate Paleontology (SVP), a national scientific organization of professional Vertebrate Paleontologists, has established standard guidelines that outline acceptable professional practices in the conduct of paleontological resource assessments and surveys, monitoring and mitigation, data and fossil recovery, sampling procedures, specimen preparation, analysis, and curation. Most practicing professional Paleontologists in the nation adhere to the SVP's assessment, mitigation, and monitoring requirements, as specifically spelled out in its standard guidelines.[15]

## State

### *Alquist-Priolo Earthquake Fault Zoning Act*

The Alquist-Priolo Earthquake Fault Zoning Act (Public Resources Code [PRC] §§ 2621–2630) was passed in 1972 to provide a Statewide mechanism for reducing the hazard of surface fault rupture to structures used for human occupancy. The main purpose of the Act is to prevent the siting of buildings used for human occupancy across the traces of active faults. It should be noted that the

[15] The Society of Vertebrate Paleontology (SVP). 2010. Standard Procedures for the Assessment and Mitigation of Adverse Impacts to Paleontological Resources. Website: http://vertpaleo.org/the-Society/Governance-Documents/SVP_Impact_Mitigation_Guidelines.aspx. Accessed February 22, 2023.

Act addresses the potential hazard of surface fault rupture and is not directed toward other earthquake hazards, such as seismically induced ground shaking or landslides.

The law requires the State Geologist to identify regulatory zones (known as Earthquake Fault Zones or Alquist-Priolo Zones) around the surface traces of active faults, and to depict these zones on topographic base maps, typically at a scale of 1 inch to 2,000 feet. Earthquake Fault Zones vary in width, although they are often 0.75-mile wide. Once published, the maps are distributed to the affected cities, counties, and State agencies for their use in planning and controlling new or renewed construction. With the exception of single-family wood frame and steel frame dwellings that are not part of a larger development (i.e., four units or more), local agencies are required to regulate development within the mapped zones. In general, construction within 50 feet of an active fault zone is prohibited.

### *Seismic Hazards Mapping Act*

The Seismic Hazards Mapping Act (PRC §§ 2690–2699.6), which was passed in 1990, addresses earthquake hazards other than surface fault rupture. These hazards include strong ground shaking, earthquake-induced landslides, liquefaction, or other ground failures. Much like the Alquist-Priolo Earthquake Fault Zoning Act discussed above, these seismic hazard zones are mapped by the State Geologist to assist local government in the land use planning process. The Act states, "it is necessary to identify and map seismic hazard zones in order for cities and counties to adequately prepare the safety element of their general plans and to encourage land use management policies and regulations to reduce and mitigate those hazards to protect public health and safety." The Act also states, "cities and counties shall require, prior to the approval of a project located in a seismic hazard zone, a geotechnical report defining and delineating any seismic hazard."

### *California Building Code*

The State of California provides minimum standards for building design through the California Building Standards Code (California Code of Regulations [CCR], Title 24). Where no other building codes apply, Chapter 29 regulates excavation, foundations, and retaining walls. The California Building Standards Code (CBC) applies to building design and construction in the State and is based on the federal Uniform Building Code (UBC) used widely throughout the country (generally adopted on a state-by-state or district-by-district basis). The CBC has been modified for California conditions with more detailed regulations and is often viewed as setting forth some of the most stringent mandates in the nation.

The State earthquake protection law (California Health and Safety Code § 19100 *et seq*.) requires that structures be designed to resist stresses produced by lateral forces caused by wind and earthquakes. Specific minimum seismic safety and structural design requirements are set forth in Chapter 16 of the CBC. The CBC identifies seismic factors that must be considered in structural design. Chapter 18 of the CBC regulates the excavation of foundations and retaining walls, and Appendix Chapter A33 regulates grading activities, including drainage and erosion control and construction on unstable soils, such as expansive soils and areas subject to liquefaction.

The 2019 edition of the CBC is based on the 2018 International Building Code (IBC) published by the International Code Council. The code is updated triennially, and the 2019 edition of the CBC was

published by the California Building Standards Commission in 2019 and took effect starting January 1, 2020. The new 2022 edition of the CBC became effective January 1, 2023. Building permit applications submitted after January 1, 2023, are subject to the 2022 edition of the CBC.

### *California Public Resources Code*

Other State requirements for paleontological resource management are included in Public Resources Code Section 5097.5 and Section 30244. These statutes prohibit the removal of any paleontological site or feature from public lands without permission of the jurisdictional agency, define the removal of paleontological sites or features as a misdemeanor, and require reasonable mitigation of adverse impacts to paleontological resources from developments on public (State, County, City, District) lands.

### *California State Water Resources Control Board*

The five-member California State Water Resources Control Board (State Water Board) allocates water rights, adjudicates water right disputes, develops Statewide water protection plans, establishes water quality standards, and guides the nine Regional Water Quality and Control Boards (RWQCBs) in the major watersheds of the State. The joint authority of water allocation and water quality protection enables the State Water Board to provide comprehensive protection for California's waters.

In 1999, the State adopted the NPDES General Permit for Stormwater Discharges Associated with Construction Activities (Construction Activities General Permit) (State Water Board Order No. 2012-0006-DWQ, NPDES No. CAS000002). The General Construction Permit requires that construction sites with 1 acre or greater of soil disturbance, or less than 1 acre but part of a greater common plan of development, apply for coverage for discharges under the General Construction Permit by submitting a Notice of Intent for coverage, developing a SWPPP, and implementing BMPs to address construction site pollutants.

The SWPPP should contain a site map(s) that shows the construction site perimeter, existing and proposed buildings, lots, roadways, stormwater collection and discharge points, general topography both before and after construction, and drainage patterns across the project site. The SWPPP must list the BMPs the discharger will use to protect stormwater runoff and the placement of those BMPs. Additionally, the SWPPP must contain a visual monitoring program, a chemical monitoring program for "non-visible" pollutants to be implemented if there is a failure of BMPs, and a sediment monitoring plan if the site discharges directly to a water body listed on the 303(d) list for sediment. Section A of the Construction General Permit describes the elements that must be contained in a SWPPP. Enrollment under the General Construction Permit is through the Stormwater Multiple Application and Report Tracking System. Additionally, the State Water Board is responsible for implementing the Clean Water Act (CWA) and issues NPDES permits to cities and counties through the individual regional boards.

## Local Regulations

### *Tulare County Multi-Jurisdictional Hazard Mitigation Plan*

A hazard mitigation plan is a formal document that outlays the plans to reduce or eliminate the long-term risk to human life and property from natural or man-made hazards. The City participates in the preparation of the Multi-Jurisdictional Local Hazard Mitigation Plan (MJ-LHMP) which covers Tulare County and 11 participating cities. The last MJ-LHMP was prepared in 2011. The plan has been designed to meet four goals: (1) significantly reduce life loss and injuries, (2) minimize damage to structures and property, as well as disruption of essential services and human activities, (3) protect the environment, and (4) promote hazard mitigation as an integrated public policy.

### *General Plan Seismic Safety Element*

The existing Visalia General Plan incorporates the Seismic Safety Element completed in 1974 by the Five-County Seismic Safety Committee, with participation from the Tulare Council of Governments. The Safety Element determines that ground shaking is the main potential hazard in the southern Central Valley and the risk of ground shaking in the Visalia area is low. The Element includes a number of policies, calling for the creation of a public relations and education program to build awareness; development of an Earthquake Disaster Plan; consideration of seismic hazards in the environmental impact assessment process; and adoption and enforcement of the UBC, among others.

### *Visalia General Plan*

Construction and operation of the proposed project would be subject to applicable policies, laws and regulations contained within the City of Visalia General Plan, City of Visalia Zoning Ordinance, and the City of Visalia Buildings and Construction Regulations, which include, among others, policies pertaining to the avoidance of geologic hazards and/or the protection of unique geologic features. The policies, goals, and implementation measures in the City of Visalia General Plan for geology, soils and seismicity that are relevant to this analysis are provided below.

*Chapter 6: Open Space and Conservation*

**6.1: Open Space Resources**

*Objective*

**OSC-O-4** Create and maintain open space for public health and safety in areas which require special management for regulation.

*Chapter 8: Safety and Noise Open Space and Conservation*

**8.1 Seismic and Geologic Hazards**

*Objective*

**S-O-1** Minimize risks of property damage and personal injury posed by geologic and seismic hazards.

*Policies*

**S-P-1** Work with Caltrans to seismically retrofit or replace local ramps and freeway overpass bridges that are categorized as structurally deficient by Caltrans, are located in high ground shaking areas, and/or are necessary for first responders to use during and/ or immediately after a disaster or emergency.

**S-P-2** Seismically retrofit or replace public works and/or emergency response facilities that are necessary during and/or immediately after a disaster or emergency.

**S-P-3** Update the City's Emergency Preparedness Plan to include an Earthquake Disaster Plan, and coordinate procedures with the County Emergency Services.

**S-P-4** Establish a public relations and education program to increase community awareness for emergency preparedness, including "community emergency preparedness teams." Involving residents and having voluntary programs to help people prepare is the key to an effective program.

**S-P-5** Update subdivision and zoning ordinance review criteria to include seismic considerations.

**S-P-6** Continue to inspect unoccupied existing unreinforced masonry structures and "critical facilities" constructed prior to 1948 and develop condemnation procedures to be included in a dangerous building ordinance.

### *City of Visalia Code*

*Building and Construction*

**Section 15.08.010: Adoption of the 2019 California Building Code**

The 2019 California Building Code, Title 24, Part 2, Volumes 1 and 2, and published by the International Code Council, is adopted as the Building Code of the City as Municipal Code Section 15.08.010.

Building permit applications submitted after January 1, 2023, are subject to the 2022 edition of the CBC.

*Grading, Soils, and Erosion Control Ordinances*

**Section 16.12.070: Grading and Erosion Control**

Every map approved pursuant to this title shall be conditioned on compliance with the requirements for grading and erosion control, including the prevention of sedimentation or damage to off-site property, and is subject to the review and approval of the City Engineer. (Ordinance 2017-01 (part), 2017: prior code § 9075).

## 3.7.4 - Methodology

Existing setting information about the project site as well as an evaluation of potentially significant impacts associated with the proposed project were identified based, in part, on a review of available literature, the *Geotechnical Evaluation*,[16] and the *Paleontological Records Search*,[17] all of which present findings, conclusions, and recommendations concerning development of the proposed project. These evaluations are based, in part, on an engineering analysis of geotechnical properties of the subsurface conditions and evaluation of the underlying soils, as well as review and

[16] Ninyo & Moore. 2022. Preliminary Geotechnical Evaluation Shirk & Riggin Industrial Park. August 2.
[17] Finger, Kenneth L., PhD. 2022. Paleontological Records Search for the Shirk and Riggin Industrial Park Project (4119.0039), near the City of Visalia, Tulare County. June 20.

consideration of available data, including, among others, the Visalia General Plan. This information is provided in Appendix E of this Draft EIR.

The loss of any identifiable fossil that could yield information important to prehistory, or that embodies the distinctive characteristics of a type of organism, environment, period of time, or geographic region, would be a significant environmental impact. Direct impacts to paleontological resources primarily concern the potential destruction of nonrenewable paleontological resources and the loss of information associated with these resources. This includes the unauthorized collection of fossil remains. If potentially fossiliferous bedrock or surficial sediments are disturbed, the disturbance could result in the destruction of paleontological resources and subsequent loss of information (significant impact). At the project-specific level, direct impacts can be mitigated to a less than significant level through the implementation of paleontological mitigation.

The California Environmental Quality Act (CEQA) threshold of significance for a significant impact to paleontological resources is reached when a project is determined to "directly or indirectly destroy a significant paleontological resource or unique geologic feature." In general, for projects that are underlain by paleontologically sensitive geologic units, the greater the amount of ground disturbance, the higher the potential for significant impacts to paleontological resources. For projects that are directly underlain by geologic units with no paleontological sensitivity, there is no potential for impacts to paleontological resources unless sensitive geologic units which underlie the non-sensitive unit are also affected.

## 3.7.5 - Thresholds of Significance

The lead agency derives its significance criteria based on the questions in the CEQA Guidelines Appendix G Environmental Checklist. Accordingly, impacts to geology, soils and seismicity would be considered significant environmental effects if the proposed project would:

a) Directly or indirectly cause potential substantial adverse effects, including the risk of loss, injury or death involving:
    i. Rupture of a known earthquake fault, as delineated on the most recent Alquist-Priolo Earthquake Fault Zoning Map issued by the State Geologist for the area or based on other substantial evidence of a known fault? Refer to Division of Mines and Geology Special Publication 42.
    ii. Strong seismic ground shaking.
    iii. Seismic-related ground failure, including liquefaction.
    iv. Landslides.

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

c) Be located on a geologic unit or soil that is unstable, or that would become unstable as a result of the proposed project, and potentially result in on- or off-site landslide, lateral spreading, subsidence, liquefaction or collapse.

d) Be located on expansive soil, as defined in Table 18-1-B of the UBC (1994), creating substantial direct or indirect risks to life or property.

e) Have soils incapable of adequately supporting the use of septic tanks or alternative wastewater disposal systems where sewers are not available for the disposal of wastewater.

f) Directly or indirectly destroy a unique paleontological resource or site or unique geologic feature.

## 3.7.6 - Project Impacts and Mitigation Measures

This section discusses potential impacts associated with the proposed project and provides feasible mitigation measures where necessary.

### Earthquakes

**Impact GEO-1a:** **Would the project directly or indirectly cause potential substantial adverse effects, including the risk of loss, injury or death involving:**

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

#### *Impact Analysis*

Primary fault rupture is ground deformation that occurs along the surface trace of the causative fault during an earthquake. The proposed project would introduce people to the project site (construction workers and on-site workers and visitors during operation) and could thus expose people and structures to seismic risks. While the project site is located in a highly seismic region within the influence of multiple faults, the project site is not located within or within close proximity to a known earthquake fault. As previously discussed, the nearest known earthquake fault, as delineated by the Alquist-Priolo Earthquake Fault Zoning Map, is associated with the Pond Fault that is approximately 61 miles south of the project site (Exhibit 3.7-1).[18] Because of the distance of this fault to the project site, the proposed project would not directly or indirectly cause potential substantial adverse effects, including the risk of loss, injury or death involving the rupture of a known fault; therefore, impacts in this regard would be less than significant.

In addition, construction of the proposed project would be subject to all applicable ordinances of the Visalia Building Code (Chapter 15.08) and other applicable standards and requirements. The City has adopted the CBC 2019 Edition (CCR Title 24), which incorporates substantially the same requirements as the IBC, 2018 Edition, with some modifications and amendments. Building permit applications submitted after January 1, 2023, are subject to the 2022 edition of the CBC. Adherence to all applicable laws and regulations would ensure that any potential fault rupture-related impacts associated with the proposed project would be less than significant.

Based on the absence of any known active faults within or within close proximity to the project site, and the requirement of the proposed project's compliance with applicable laws and regulations

[18] California Geologic Survey (CGS). 2022. EQ Zapp. Website: https://maps.conservation.ca.gov/cgs/EQZApp/app/. Accessed August 16, 2022.

including, among others, applicable provisions of the Visalia Building Code, impacts related to fault rupture would be less than significant.

### *Mitigation Measures*

No mitigation measures are required.

### *Level of Significance*

Less than significant impact.

## Seismic Ground Shaking

| | |
|---|---|
| **Impact GEO-1b:** | **Would the project directly or indirectly cause potential substantial adverse effects, including the risk of loss, injury or death involving:** |
| | **ii) Strong seismic ground shaking?** |

### *Impact Analysis*

According to the *Tulare County Multi-Jurisdictional Hazard Mitigation Plan*, the County rarely experiences the effects of even the largest earthquakes from the San Andreas fault, the nearest major fault line located approximately 75 miles away from the City. Only one active fault, the Kern Canyon fault, runs through the County. As noted above, the project site is not near any major faults, although given the active seismicity of the region generally, it is possible that strong seismic ground shaking could be experienced on the project site and thus directly or indirectly cause potential substantial adverse effects, including the risk of loss, injury, or death. Therefore, this is a potentially significant impact.

However, as explained above, there is a robust regulatory framework intended to reduce risk to people and structures associated with strong seismic shaking. Here, prior to the issuance of grading permits, the project applicant would be required to design project buildings and other improvements and infrastructure to withstand substantial ground shaking in accordance with all applicable standards and requirements including, among others, applicable provisions the CBC. The CBC contains seismic safety provisions with the aim of preventing building collapse and structural damage during an earthquake.

In addition, the proposed project would be required to incorporate all recommendations from the Geotechnical Evaluation within project construction and design plans, as outlined in Mitigation Measure (MM) GEO-1. All grading and construction that occurs as a result of the proposed project would be required to adhere to the specifications, procedures, and site conditions contained in the final approved design plans, which would be required to be fully compliant with the seismic recommendations provided by the Geotechnical Evaluation as well as all applicable provisions of the CBC and the Visalia Building Code requirements. The required measures would encompass such items as site preparation, earthwork, site-specific seismic design considerations, foundations, flatwork, utilities, and paving. As such, the proposed project would be required to be constructed in accordance with all applicable codes, which require property line and public roadway setbacks that have the goal of reducing risks to on-site employees from potential hazards associated with the proposed project that could result from an earthquake.

Therefore, based on the foregoing, the proposed project's required compliance with the robust regulatory framework including, among others, applicable provisions in the Visalia Building Code, the CBC, as well as implementation of MM GEO-1 would ensure that impacts related to ground shaking would be less than significant.

### *Level of Significance Before Mitigation*

Potentially significant impact.

### *Mitigation Measures*

**MM GEO-1** Prior to issuance of the grading permit for each project development, the final grading, foundation, and construction plans for the subject proposal shall incorporate all the site-specific earthwork, foundation, floor slab, lateral earth pressure, and pavement design recommendations, as detailed in a Geotechnical Evaluation prepared by a qualified Geotechnical Engineer. The final grading and construction plans for the subject individual specific development shall be reviewed by the City-approved Geotechnical Engineer to confirm compliance with this mitigation measure. Grading operations performed in connection with the subject individual specific development proposal shall satisfy all applicable recommendations included in the Geotechnical Evaluation.

During construction performed in connection with the specific development, the City-approved Geotechnical Engineer shall monitor this construction to ensure the earthwork operations are properly performed in accordance with the foregoing requirements.

### *Level of Significance After Mitigation*

Less than significant impact with mitigation incorporated.

## Seismic-Related Ground Failure

| | |
|---|---|
| **Impact GEO-1c:** | **Would the project directly or indirectly cause potential substantial adverse effects, including the risk of loss, injury or death involving:** |
| | **iii) Seismic-related ground failure, including liquefaction?** |

### *Impact Analysis*

Since saturated soils are a necessary condition for liquefaction, soil layers in areas where the groundwater table is near the surface have higher liquefaction potential than those in which the water table is located at greater depths. According to the Geotechnical Evaluation, no groundwater was encountered in borings during the site investigation; however, data from nearby wells indicate that historic groundwater levels were recorded at levels between 100 and 200 feet below ground surface (BGS). The project site is not mapped for liquefaction hazards by the California Geologic Survey (CGS); accordingly, as detailed more fully in the Geotechnical Evaluation, there are no

significant liquefaction-related seismic hazards that need to be considered as part of project design considerations.[19]

Based on the foregoing, potential impacts from liquefaction are considered to be low. Moreover, adherence to all applicable standards and requirements including, among others, those set forth in the CBC would help to further ensure that effects from seismic-related ground failure including the potential for liquefaction would be reduced and remain less than significant.

Therefore, with adherence to all required standards and mandates including, among others, implementation of the above-referenced building code requirements (with compliance confirmed by the City), the proposed project would not directly or indirectly cause potential substantial adverse effects, including the risk of loss, injury, or death involving seismic-related ground failure, including liquefaction; therefore, impacts would be less than significant.

### *Mitigation Measures*

No mitigation measures are required.

### *Level of Significance*

Less than significant impact.

## Landslides

| | |
|---|---|
| **Impact GEO-1d:** | **Would the project directly or indirectly cause potential substantial adverse effects, including the risk of loss, injury or death involving:** |
| | **iv) Landslides?** |

### *Impact Analysis*

The project site is relatively flat with a gentle slope toward the east with a ground surface elevation of approximately 300 to 305 feet above mean sea level. Therefore, the project site is not expected to have any significant landslide potential, as explained more fully in the Geotechnical Evaluation. Therefore, development of the proposed project would not directly or indirectly cause potential substantial adverse effects, including risk of loss, injury or death involving landslides, and thus impacts would be less than significant.

### *Mitigation Measures*

No mitigation measures are required.

### *Level of Significance*

Less than significant impact.

## Soil Erosion or Topsoil Loss

| | |
|---|---|
| **Impact GEO-2:** | **Would the project result in substantial soil erosion or the loss of topsoil?** |

[19] Ninyo & Moore. 2022. Preliminary Geotechnical Evaluation Shirk & Riggin Industrial Park. August 2.

### *Impact Analysis*

Topsoil refers to the uppermost 6 to 8 inches of soil, which have the highest concentration of organic matter and are where most biological soil activity occurs. Soil erosion occurs when soil is removed by wind and water at a greater rate than it is formed. Soil erosion removes the topsoil first and can continue to transport lower layers. Construction of the proposed project and associated improvements would involve earth-disturbing activities that could expose soils to the effects of wind or water erosion. Therefore, impacts in this regard are potentially significant.

However, the proposed project would disturb at least 1 acre of land and therefore would be required to obtain a Construction General Permit from the State Water Resources Control Board (State Water Board), consistent with the City's General Permit and required to comply with its conditions and standards, which are designed to minimize potential erosion issues. Compliance with the NPDES permit would require the developer to obtain and implement a SWPPP that would prevent sediments and other pollutants from entering the stormwater system. The SWPPP must include a detailed site map(s), including drainage patterns, and identify BMPs that will be used to manage stormwater. The SWPPP must contain measures for both the active construction phase and the post-construction phase. The above requirements have been incorporated as MM GEO-2. Therefore, construction-related impacts related to soil erosion and loss of topsoil would be less than significant with mitigation incorporated.

Post construction, the project site would be covered with a significant amount of impervious surfaces as well as ample landscape. This would help ensure that the topsoil would not be exposed and would not result in soil erosion during project operations. As a result, project operation would have a less than significant impact as it relates to substantial soil erosion or loss of topsoil.

### *Level of Significance Before Mitigation*

Potentially significant impact.

### *Mitigation Measures*

**MM GEO-2** In order to reduce on-site erosion due to project construction and operation, an erosion control plan and Storm Water Pollution Prevention Plan (SWPPP) shall be prepared for the site preparation, construction, and post-construction periods by a registered civil engineer or certified professional. The erosion control plan shall incorporate Best Management Practices (BMPs) consistent with the requirements of the National Pollutant Discharge Elimination System (NPDES). The erosion component of the plan must at least meet the requirements of the SWPPP required by the Central Valley Regional Water Quality Control Board (RWQCB). If earth-disturbing activities are proposed between October 15 and April 15, these activities shall be limited to the extent feasible to minimize potential erosion-related impacts. Additional erosion control measures may be implemented in consultation with the City of Visalia. Prior to the issuance of any permit, the project proponent shall submit detailed plans to the satisfaction of the City of Visalia. The components of the erosion control plan and SWPPP shall be monitored for effectiveness by the City

of Visalia. Erosion control measures may include, but not be limited to, the following:

**i.** Limit disturbance of soils and vegetation disturbance removal to the minimum area necessary for access and construction;

**ii.** Confine all vehicular traffic associated with construction to the right-of-way of designated access roads;

**iii.** Adhere to construction schedules designed to avoid periods of heavy precipitation or high winds;

**iv.** Ensure that all exposed soil is provided with temporary drainage and soil protection when construction activity is shut down during the winter periods; and

**v.** Inform construction personnel prior to construction and periodically during construction activities of environmental concerns, pertinent laws and regulations, and elements of the proposed erosion control measures.

### *Level of Significance After Mitigation*

Less than significant impact with mitigation incorporated.

## Unstable Geologic Location

| | |
|---|---|
| **Impact GEO-3:** | **Would the project be located on a geologic unit or soil that is unstable, or that would become unstable as a result of the proposed project, and potentially result in on- or off-site landslide, lateral spreading, subsidence, liquefaction or collapse?** |

### *Impact Analysis*

Because of the relatively flat topography of the project site, the risk of on-site or off-site landslides associated with development of the proposed project is considered negligible.

According to the Geotechnical Evaluation, groundwater fluctuates; however, data from a nearby well indicates that historic groundwater levels were recorded at greater than 100 feet BGS at a well approximately 0.5 miles south of the project site, and as noted above, it is anticipated that similar depths to groundwater are present at the project site.[20] As further described in the Geotechnical Evaluation, saturated unconsolidated sediments would need to be present within the upper 50 feet of ground surface to be considered potentially liquefiable.[21] Shallow groundwater is not expected at the project site and the project site is not mapped for liquefaction hazards by CGS.[22] Other geologic

[20] Ninyo & Moore. 2022. Preliminary Geotechnical Evaluation Shirk & Riggin Industrial Park. August 2.
[21] Ibid.
[22] California Geologic Survey (CGS). 2022. EQ Zapp. Website: https://maps.conservation.ca.gov/cgs/EQZApp/app/. Accessed August 16, 2022.

hazards related to liquefaction, such as lateral spreading and dynamic settlement, are therefore also considered low.[23]

Land subsidence on-site and in the vicinity could result from excessive pumping of the underground aquifer. Groundwater pumping may occur near the site boundary for nearby agricultural purposes, but it is likely that any such pumping would be at levels too small to contribute significantly to subsidence. A review of the aerial imagery for this area shows the presence of an agricultural water supply canal along the northern border of the project site (Modoc Ditch). This is the most likely source for water supplies for the intensive agriculture (orchards) used in the surrounding land uses. For this reason and as detailed in the Geotechnical Evaluation, the potential risk for land subsidence is considered to be low to negligible.

The potential for soil collapse at the project site is considered negligible as the project site is located on a relatively flat-lying plain. It was determined that the probability of damage from surface fault rupture is considered to be low.[24]

Moreover, the proposed project would be required to incorporate the recommendations provided by the Geotechnical Evaluation into the proposed project construction and design plans, as outlined in MM GEO-1, which would ensure that any risk associated with lateral spreading, subsidence, liquefaction, or collapse is reduced to a less than significant level. Furthermore, the proposed project would be required to comply with all applicable laws, regulations, policies, requirements and standards to further reduce potential impacts related to unstable geologic units.

Based on the foregoing, impacts associated with being located on a geologic unit or soil that is unstable, or that would become unstable as a result of the proposed project, would be considered less than significant with the implementation of MM GEO-1.

### *Level of Significance Before Mitigation*

Potentially significant impact.

### *Mitigation Measures*

Implement MM GEO-1.

### *Level of Significance After Mitigation*

Less than significant impact with mitigation incorporated.

## Expansive Soil

| | |
|---|---|
| **Impact GEO-4:** | **Would the project be located on expansive soil, as defined in Table 18-1-B of the Uniform Building Code (1994), creating substantial direct or indirect risks to life or property?** |

[23] Ninyo & Moore. 2022. Preliminary Geotechnical Evaluation Shirk & Riggin Industrial Park. August 2.
[24] Ibid.

### *Impact Analysis*

The Geotechnical Evaluation for the project site concluded the predominant soils are silt with sand, sandy silt, silty sand, poorly graded sand with silt, and poorly graded sand. The shrink-swell behavior of expansive soils can lead to damage of project buildings, infrastructure and improvements over time if not addressed appropriately prior to construction. According to the Geotechnical Evaluation, the soil at the project site has a low expansion potential; moreover, as described above, the proposed project would be required to incorporate recommendations from the Geotechnical Evaluation into project construction and design plans to reduce potential impacts related to unstable soil, in accordance with MM GEO-1. In addition, the proposed project would be required to be comply with all applicable standards and requirements including, among others, applicable provisions of the CBC to reduce potential adverse effects from expansive soils. All grading and construction associated with the proposed project would be required to adhere to the applicable specifications, procedures, and site conditions contained in the final design plans, which would be subject to approval by the City of Visalia Planning Division (Municipal Code 16.12.070). Therefore, while the proposed project could be located on expansive soil, as defined in Table 18-1-B of the UBC (1994), this impact would be reduced to a less than significant level with incorporation of MM GEO-1.

### *Level of Significance Before Mitigation*

Potentially significant impact.

### *Mitigation Measures*

Implement MM GEO-1.

### *Level of Significance After Mitigation*

Less than significant impact with mitigation incorporated.

## Wastewater Disposal Systems

| | |
|---|---|
| **Impact GEO-5:** | **Would the project have soils incapable of adequately supporting the use of septic tanks or alternative wastewater disposal systems where sewers are not available for the disposal of wastewater?** |

### *Impact Analysis*

The proposed project would use portable bathroom facilities to accommodate on-site workers throughout the construction process. Once constructed, the proposed project would connect to City-operated sewer and wastewater, water, and stormwater facilities. Therefore, the proposed would not require the use of septic tanks or alternative wastewater disposal systems.

### *Mitigation Measures*

No mitigation measures are required.

### *Level of Significance*

No impact.

## Destruction of Paleontological Resource or Unique Geologic Feature

**Impact GEO-6: Would the project directly or indirectly destroy a unique paleontological resource or site or unique geologic feature?**

### *Impact Analysis*

The Paleontological Report (Appendix E) concluded that the project site is located on Holocene alluvium, which is too young to be fossiliferous. The nearest localities of late Pleistocene or older deposits, which have the potential to be fossiliferous, are located approximately 5.5 miles southeast of the project site.[25]

Based on the Paleontological Records Search performed for the project site and geological map and paleontological literature review, the project site is located on undivided Holocene fan deposits that have no paleontological potential. The project site is not expected to disturb any pre-Holocene deposits that have a higher potential to be fossiliferous.

However, there is always the possibility to disturb or damage previously unknown paleontological resources during subsurface construction activities, which would be a significant impact. Therefore, MM GEO-3 shall be implemented, which would require appropriate identification and treatment of inadvertently uncovered paleontological resources, impacts to paleontological resources would be reduced to less than significant.

Impacts related to the potential to cause substantial adverse change in the significance of a unique paleontological resource or unique geologic feature are limited to construction. No respective operational impacts would occur.

### *Level of Significance Before Mitigation*

Potentially significant impact.

### *Mitigation Measures*

**MM GEO-3** In the event a fossil is discovered during construction performed in connection with project development, the relevant project developer/contractor shall cease ground-disturbing activities within 15 feet of the find. The qualified Paleontologist shall evaluate the significance of the resources and recommend appropriate treatment measures which shall be implemented by the relevant applicant. In addition, all recovered fossils should be deposited in an appropriate repository, such as the University of California Museum of Paleontology, located on the campus of the University of California, Berkeley, where they will be properly curated and made accessible for future study.

### *Level of Significance After Mitigation*

Less than significant impact with mitigation incorporated.

[25] Finger, Kenneth L., PhD. 2022. Paleontological Records Search for the Shirk and Riggin Industrial Park Project (4119.0039), near the City of Visalia, Tulare County. June 20.

## 3.7.7 - Cumulative Impacts

The geographic scope of the cumulative geology, soils, and seismicity analysis is the project site and its vicinity, which includes an area generally within a 0.5-mile radius of the project site. This is because adverse effects associated with many geological, soils, and seismicity issues tend to be localized; therefore, an area generally within a 0.5-mile radius of the project site would be the area most affected by such activities for purposes of this cumulative analysis. In addition, soil conditions associated with the proposed project, such as differential settlement, liquefaction, expansive soils, and soil creep, are specific to the project site and generally do not contribute to a cumulative effect. Some or all other cumulative projects may have similar conditions, but they also would not contribute to a general geologic or soil cumulative effect. Chapter 3, Environmental Impact Analysis, Table 3-1, Cumulative Developments No. 1, 2, 4, 5, 6, and 7 would be within 0.5 mile of the project site. The cumulative setting includes Cumulative Developments No. 1, 2, 4, 5, 6, and 7, along with existing agricultural, industrial, and residential uses.

### Seismic-related Hazards

Because the cumulative developments are within the project vicinity, they would have similar potential to experience ground shaking from earthquakes and would be exposed to the same ground shaking hazards. MM GEO-1 requires a geotechnical study to evaluate soil conditions and geologic hazards be performed by a qualified Geotechnical Engineer on the project site and to design the project facilities to withstand probable seismically induced ground shaking, liquefaction, and subsidence.

Likewise, they would be subject to the same requirements under the comprehensive regulatory framework. Cumulative developments would be required to adhere to all applicable requirements and standards including, among others, those set forth in the CBC, the General Plan, and Visalia Municipal Code reducing potential hazards associated with seismic ground shaking and ground failure. The purpose of these standards and requirements is to regulate and control the design, construction, quality of materials, use/occupancy, location, and maintenance of all buildings and structures within its jurisdiction, and by design, it is intended to reduce the risks, to the extent feasible, to people and structures resulting from seismic events. For example, cumulative developments would be subject to the mandatory requirements and standards of the CBC Title 24 (California Green Building Standards Code), which identify site preparation and construction techniques to attenuate the effects of strong ground shaking and seismic-related ground failure. Additionally, compliance with the CBC ensures proper site preparation and grading practices, adequate design of foundations, and guidelines for the appropriate selection and use of construction materials that would minimize potential impacts associated with seismic-related events. Cumulative developments would also be required to implement recommendations from project-specific geotechnical evaluations to reduce seismic impacts on people and structures. As such, cumulative impacts in this regard would be less than significant.

Additionally, for the reasons discussed above, the proposed project would not have a cumulatively considerable contribution to this already less than significant impact with incorporation of the identified mitigation. For example, the proposed project would be required to adhere to all

applicable standards and mandates set forth in the comprehensive regulatory framework, as well as to satisfy the identified mitigation measures noted above.

Therefore, the proposed project, in conjunction with other cumulative developments, would not result in a cumulatively considerable contribution to the already less than significant cumulative impact associated with seismic-related hazards.

### Soil-related Hazards

Soil conditions associated with the proposed project, such as differential settlement, liquefaction, expansive soils, and soil creep, are specific to the project site and generally do not contribute to a cumulative effect. MM GEO-2 requires the preparation of a SWPPP using BMPs to reduce the potential effects of erosion. Some or all other cumulative projects may have similar conditions, but they would comply with similar measures and would not contribute to a general geologic or soil cumulative effect. Therefore, there is no potentially significant cumulative impact related to soils.

With respect to the contribution of the proposed project to this already less than significant impact, the proposed project would be subject to a comprehensive regulatory framework including requirements and standards pursuant to all applicable General Plan policies, Municipal Code provisions, and the CBC, as well as being required to implement the identified mitigation measures MM GEO-1 and MM GEO-2, all of which would reduce soil-related hazard impacts to a less than significant level. Other cumulative projects would be required to adhere to similar requirements, thereby minimizing cumulative erosion impacts. As such, the proposed project, in conjunction with other cumulative projects, would not result in a cumulatively considerable contribution to this already less than significant cumulative impact associated with soil-related hazards.

### Paleontological Resources and Unique Geologic Feature

The geographic scope related to cumulative unique geologic resources and paleontological resources is the project site and its immediate vicinity. This is because geologic resources and paleontological resource impacts tend to be localized since the integrity of any given resource depends on what occurs only in the immediate vicinity around that resource, such as disruption of soils. The Cumulative Developments 1, 2, 4, 5, 6, and 7 listed on Chapter 3, Environmental Impact Analysis, Table 3-1 would fall within this cumulative geographic scope.

The likelihood that unique geologic resources and paleontological resources are present on the proposed project and the cumulative development areas is relatively low, given that the majority of soil disturbance associated with these cumulative developments would take place within Holocene soils too young to be fossiliferous. This is based on the Paleontological Records Search prepared for the project site, which concluded that the nearest vertebrate locality is 5.5 miles to the southeast of the project site. The Paleontological Records Search concluded that there is an absence of fossiliferous localities within 5 miles of the project site. However, in the unlikely event paleontological resources are uncovered during construction, implementation of MM GEO-3 requires construction work to stop within 15 feet of the find. The qualified Paleontologist would evaluate the significance of the resources and recommend appropriate treatment measures that would be implemented by the relevant applicant.

Nevertheless, construction activities associated with implementation of cumulative developments in the vicinity of the project site may have the potential to encounter undiscovered unique geologic resources and paleontological resources. However, these cumulative developments would be required to consider and mitigate, if necessary, for any identified impacts through compliance with applicable federal and State laws and regulations governing unique geologic resources and paleontological resources and other project-specific identified mitigation measures. Although there is the possibility that previously undiscovered resources could be encountered by subsurface earthwork activities, the implementation of mitigation measures would ensure that undiscovered geologic and paleontological resources are not adversely affected by cumulative project-related construction activities, which would prevent the destruction or degradation of potentially significant cultural resources in the vicinity of the project site. Therefore, potential cumulative impacts would be less than significant.

Additionally, for the reasons discussed above, the proposed project has a low potential for disruption of unique geologic resources and paleontological resources given the nature of the soils on-site. Moreover, the proposed project incorporates mitigation to ensure that impacts are reduced to a level of insignificance in the event previously unknown unique geologic resources and/or paleontological resources are uncovered during project construction. Although project construction has the potential to disturb paleontological resources, with the implementation of MM GEO-3, the project would not result in significant impacts to paleontological resources. Given this minimal impact and the requirement for similar mitigation for other projects in the area, cumulative impacts to paleontological resources would be less than significant.

Based on the foregoing, the proposed project, in conjunction with other cumulative developments, would not result in a cumulatively considerable contribution to this already less than significant impact related to unique geologic and paleontological resources.

### *Level of Cumulative Significance Before Mitigation*

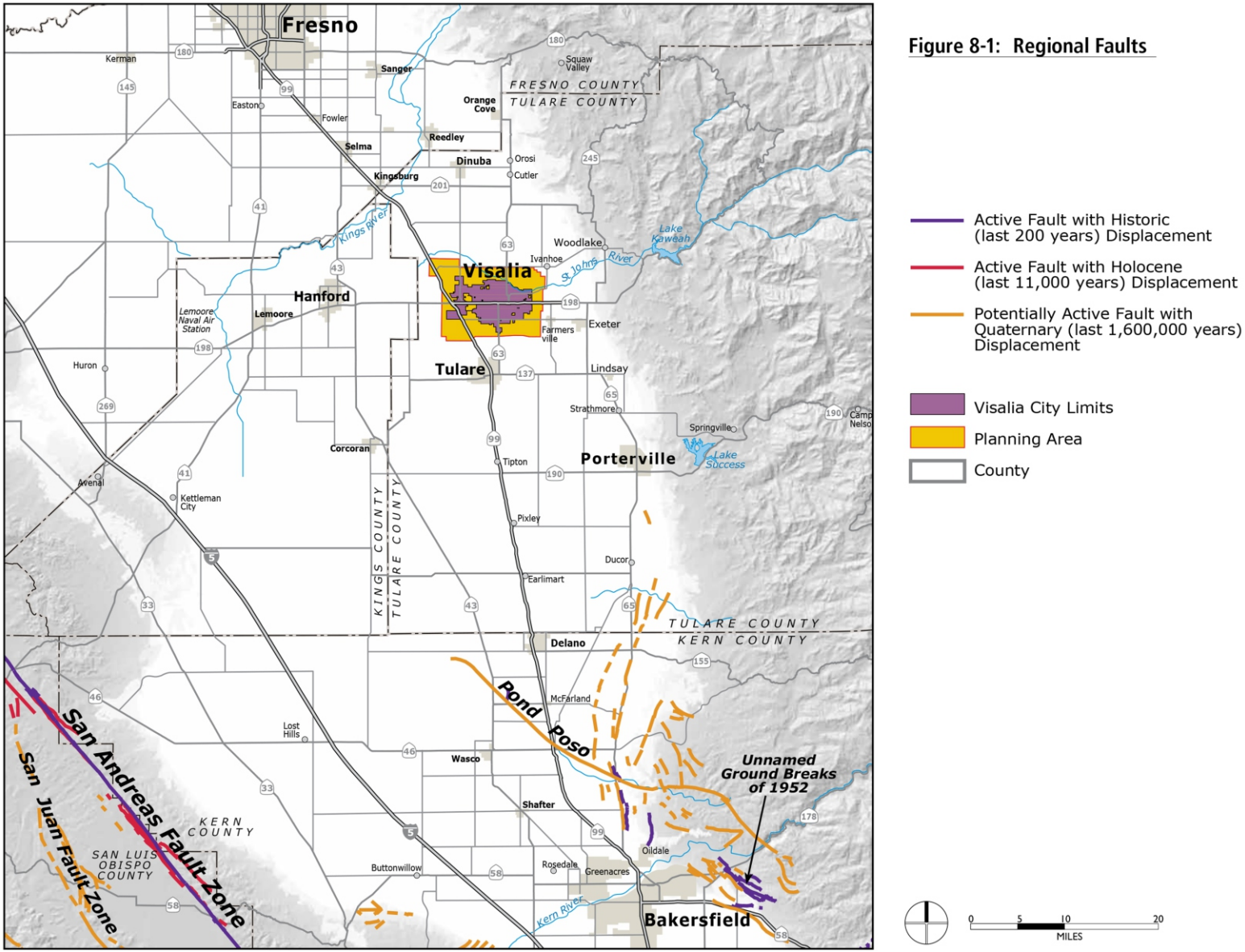
Potentially significant impact.

### *Mitigation Measures*

MM GEO-1, MM GEO-2, and MM GEO-3.

### *Level of Cumulative Significance After Mitigation*

Less than significant impact with mitigation incorporated.




Source: Department of Conservation, California Geological Survey, 2005.

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Exhibit 3.7-1
Regional Earthquake Fault Map

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# 3.8 - Greenhouse Gas Emissions

## 3.8.1 - Introduction

This section describes the existing greenhouse gas (GHG) emissions setting and potential effects from project implementation on the project site and its surrounding area. Information included in this section is based on the Air Quality, Greenhouse Gas Emissions, and Energy Analysis Report prepared for the proposed project (Appendix B). One public comment was received during the EIR scoping period related to GHG emissions.

- San Joaquin Valley Air Pollution Control District (Valley Air District) dated September 28, 2022, related to project construction and operational emissions, health risk assessment criteria, and recommended air pollutant reduction strategies.

## 3.8.2 - Environmental Setting

### Greenhouse Effect, Global Warming, and Climate Change

Climate change is a change in the average weather of the Earth that is measured by alterations in wind patterns, storms, precipitation, and temperature. These changes are assessed using historical records of temperature changes occurring in the past, such as during previous ice ages. Many of the concerns regarding climate change use this data to extrapolate a level of statistical significance specifically focusing on temperature records from the last 150 years (the Industrial Age) that differ from previous climate changes in rate and magnitude.

The United Nations Intergovernmental Panel on Climate Change (IPCC) constructed several emission trajectories of GHGs needed to stabilize global temperatures and climate change impacts. In its Fourth Assessment Report, the IPCC predicted that the global mean temperature changes from 1990 to 2100, given six scenarios, could range from 1.1°C (degrees Celsius) to 6.4°C. Regardless of analytical methodology, global average temperatures and sea levels are expected to rise under all scenarios.[1] The report also concluded that "[w]arming of the climate system is unequivocal," and that "[m]ost of the observed increase in global average temperatures since the mid-20th century is very likely due to the observed increase in anthropogenic greenhouse gas concentrations."

An individual project cannot generate enough GHG emissions to effect a discernible change in global climate. However, every development project participates in the potential for global climate change by its incremental contribution of GHGs combined with the cumulative increase of all other sources of GHGs, which when taken together constitute potential influences on global climate change.

### Greenhouse Gases and Global Emission Sources

Gases that trap heat in the atmosphere are referred to as GHGs. The effect is analogous to the way a greenhouse retains heat. Common GHGs include water vapor, carbon dioxide ($CO_2$), methane ($CH_4$),

[1] Intergovernmental Panel on Climate Change (IPCC). 2007. Climate Change 2007: The Physical Science Basis. Contribution of Working Group I to the Fourth Assessment Report of the Intergovernmental Panel on Climate Change [Solomon, S., D. Qin, M. Manning, Z. Chen, M. Marquis, K.B. Averyt, M. Tignor and H.L. Miller (eds.)]. Cambridge University Press, Cambridge, United Kingdom and New York, NY, USA. Website: www.ipcc.ch /publications_and_data/ar4/wg1/en/contents.html. Accessed June 1, 2023.

nitrous oxide ($N_2O$), chlorofluorocarbons, hydrofluorocarbons (HFC), perfluorocarbons (PFC), sulfur hexafluoride ($SF_6$), ozone, and aerosols. Natural processes and human activities emit GHGs. The presence of GHGs in the atmosphere affects the earth's temperature. It is believed that emissions from human activities, such as electricity production and vehicle use, have elevated the concentration of these gases in the atmosphere beyond the level of naturally occurring concentrations.

Individual GHG compounds have varying global warming potential and atmospheric lifetimes. The global warming potential is the potential of a gas or aerosol to trap heat in the atmosphere. To describe how much global warming a given type and amount of GHG may cause, the $CO_2$ equivalent ($CO_2e$) is used. The calculation of the $CO_2$ equivalent is a consistent methodology for comparing GHG emissions since it normalizes various GHG emissions to a consistent reference gas, $CO_2$. For example, $CH_4$'s warming potential of 25 indicates that $CH_4$ has 25 times greater warming effect than $CO_2$ on a molecule-per-molecule basis. A $CO_2$ equivalent is the mass emissions of an individual GHG multiplied by its global warming potential. As described in Table 3.8-1, the GHGs defined by Assembly Bill (AB) 32 (see the Climate Change Regulatory Environment section for a description) include $CO_2$, $CH_4$, $N_2O$, HFC, PFC, and $SF_6$. A seventh GHG, nitrogen trifluoride ($NF_3$), was added to Health and Safety Code Section 38505(g)(7) as a GHG of concern.

**Table 3.8-1: Description of Greenhouse Gases**

| Greenhouse Gas | Description and Physical Properties | Sources |
|---|---|---|
| Nitrous oxide | Nitrous oxide (laughing gas) is a colorless GHG. It has a lifetime of 114 years. Its global warming potential is 298. | Microbial processes in soil and water, fuel combustion, and industrial processes. |
| $CH_4$ | Methane is a flammable gas and is the main component of natural gas. It has a lifetime of 12 years. Its global warming potential is 25. | Methane is extracted from geological deposits (natural gas fields). Other sources are landfills, fermentation of manure, and decay of organic matter. |
| $CO_2$ | $CO_2$ is an odorless, colorless, natural GHG. $CO_2$'s global warming potential is 1. The concentration in 2005 was 379 parts per million (ppm), which is an increase of about 1.4 ppm per year since 1960. | Natural sources include decomposition of dead organic matter; respiration of bacteria, plants, animals, and fungus; evaporation from oceans; and volcanic outgassing. Anthropogenic sources are from burning coal, oil, natural gas, and wood. |
| HFCs | HFCs are a group of GHGs containing carbon, chlorine, and at least one hydrogen atom. Global warming potentials range from 140 to 11,700. | HFCs are synthetic man-made chemicals used as a substitute for chlorofluorocarbons in applications such as automobile air conditioners and refrigerants. |
| PFCs | PFCs have stable molecular structures and only break down by ultraviolet rays about 60 kilometers above Earth's surface. Because of this, they have long lifetimes, between 10,000 and 50,000 years. Global warming potentials range from 6,500 to 9,200. | Two main sources of PFCs are primary aluminum production and semiconductor manufacturing. |

| Greenhouse Gas | Description and Physical Properties | Sources |
|---|---|---|
| $SF_6$ | $SF_6$ is an inorganic, odorless, colorless, and nontoxic, nonflammable gas. It has a lifetime of 3,200 years. It has a high global warming potential, 23,900. | This gas is man-made and used for insulation in electric power transmission equipment in the magnesium industry, in semiconductor manufacturing, and as a tracer gas. |
| Nitrogen trifluoride | Nitrogen trifluoride ($NF_3$) was added to Health and Safety Code Section 38505(g)(7) as a GHG of concern. It has a high global warming potential of 17,200. | This gas is used in electronics manufacture for semiconductors and liquid crystal displays. |

Sources: Compiled from a variety of sources, primarily
Intergovernmental Panel on Climate Change (IPCC). 2007. Climate Change 2007: The Physical Science Basis. Contribution of Working Group I to the Fourth Assessment Report of the Intergovernmental Panel on Climate Change [Solomon, S., D. Qin, M. Manning, Z. Chen, M. Marquis, K.B. Averyt, M. Tignor and H.L. Miller (eds.)]. Cambridge University Press, Cambridge, United Kingdom and New York, NY, USA. Website: www.ipcc.ch/publications_and_data/ar4/wg1/en/contents.html. Accessed June 1, 2023.

Intergovernmental Panel on Climate Change (IPCC). 2007. Climate Change 2007: Synthesis Report. Contribution of Working Groups I, II and III to the Fourth Assessment Report of the Intergovernmental Panel on Climate Change [Core Writing Team, Pachauri, R.K. and Reisinger, A. (eds.)]. IPCC, Geneva, Switzerland. Website: https://www.ipcc.ch/report/ar4/syr/. Accessed June 1, 2023.

The State of California has begun the process of addressing pollutants referred to as short-lived climate pollutants. The short-lived climate pollutants include three main components: black carbon, fluorinated gases, and methane. The California Air Resources Board (ARB) approved the Short-Lived Climate Pollutant Reduction Strategy in March 2017. The ARB has completed an emission inventory of these pollutants, identified research needs, identified existing and potential new control measures that offer co-benefits, and coordinated with other State agencies and districts to develop measures.[2] Sources of black carbon are already regulated by the ARB, and air district criteria pollutant and toxic regulations that control $PM_{2.5}$ from diesel engines and other combustion sources.[3] Additional controls on the sources of black carbon specifically for their GHG impacts beyond those required for toxic and fine particulates are not likely to be needed.

## Human Health Effects of GHG Emissions

GHG emissions from development projects would not result in concentrations that would directly impact public health. However, the cumulative effects of GHG emissions on climate change have the potential to cause adverse effects to human health.

The United States Global Change Research Program, in its report, Global Climate Change Impacts in the United States,[4] has analyzed the degree to which impacts on human health are expected to impact the United States.

Potential effects of climate change on public health include:

[2] California Air Resources Board (ARB). 2016. Proposed Short-Lived Climate Pollutant Reduction Strategy. Website: http://www.arb.ca.gov/cc/shortlived/shortlived.htm. Accessed June 1, 2023.
[3] California Air Resources Board (ARB). 2015. Low Carbon Fuel Standard Regulation. Website: http://www.arb.ca.gov/regact/2015/lcfs2015/lcfs2015.htm. Accessed June 1, 2023.
[4] The United States Global Change Research Program. Global Climate Change Impacts in the United States. 2009. Website: https://downloads.globalchange.gov/usimpacts/pdfs/climate-impacts-report.pdf. Accessed June 1, 2023.

- **Direct Temperature Effects:** Climate change may directly affect human health through increases in average temperatures, which are predicted to increase the incidence of heat waves and hot extremes.
- **Extreme Events:** Climate change may affect the frequency and severity of extreme weather events, such as hurricanes and extreme heat and floods, which can be destructive to human health and well-being.
- **Climate-Sensitive Diseases:** Climate change may increase the risk of some infectious diseases, particularly those diseases that appear in warm areas and are spread by mosquitoes and other insects, such as malaria, dengue fever, yellow fever, and encephalitis.
- **Air Quality:** Respiratory disorders may be exacerbated by warming-induced increases in the frequency of smog (ground level ozone) events and particulate air pollution.[5]

Although there could be health effects resulting from changes in the climate and the consequences that can occur, inhalation of GHGs at levels currently in the atmosphere would not result in adverse health effects, with the exception of ozone and aerosols (PM). At very high indoor concentrations (not at levels existing outside), CO, $CH_4$, $SF_6$, and some chlorofluorocarbons can cause suffocation as the gases can displace oxygen.[6]

## Existing GHG Emissions

### *United States GHG Inventory*

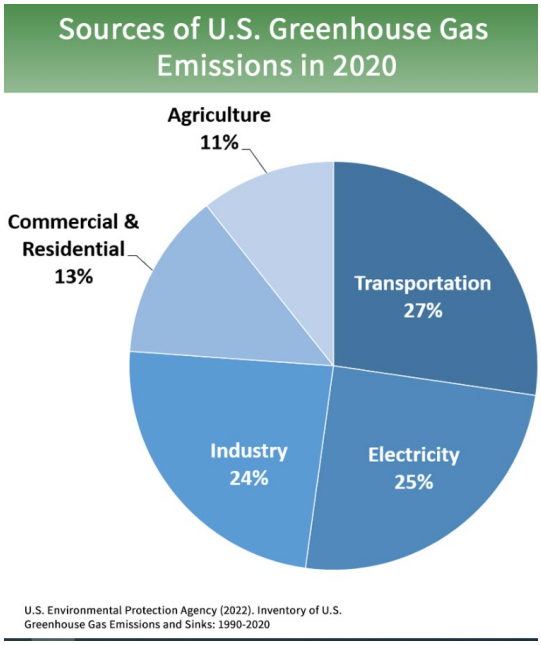
In 2020, United States GHG emissions totaled 5,222 million metric tons (MMT) $CO_2e$. Figure 3.8-1 presents 2020 United States GHG emissions by economic sector. Emissions decreased from 2019 to 2020 by 11 percent due to a 13 percent decrease in transportation emissions driven by decreased demand as a result of the ongoing COVID-19 pandemic. Electric power sector emissions also decreased 10 percent, reflecting both a slight decrease in demand from the COVID-19 pandemic and a continued shift from coal to less carbon intensive natural gas and renewables.

Since 1990, United States emissions have increased at an average annual rate of 0.1 percent. Greenhouse gas (GHG) emissions in 2020 (after accounting for sequestration from the land sector) were 21 percent below 2005 levels.[7]

[5] The United States Global Change Research Program. Global Climate Change Impacts in the United States. 2009. Website: https://downloads.globalchange.gov/usimpacts/pdfs/climate-impacts-report.pdf. Accessed June 1, 2023.

[6] Centers for Disease Control and Prevention (CDC). 2010. Department of Health and Human Services, the National Institute for Occupational Safety and Health. Carbon Dioxide. Website: www.cdc.gov/niosh/npg/npgd0103.html. Accessed June 1, 2023.

[7] United States Environmental Protection Agency (EPA). 2020. Inventory of U.S. Greenhouse Gas Emissions and Sinks. April. Website: https://www.epa.gov/ghgemissions/inventory-us-greenhouse-gas-emissions-and-sinks. Accessed June 1, 2023.




Note: Emissions and removals from Land Use, Land Use Change, and Forestry are excluded.

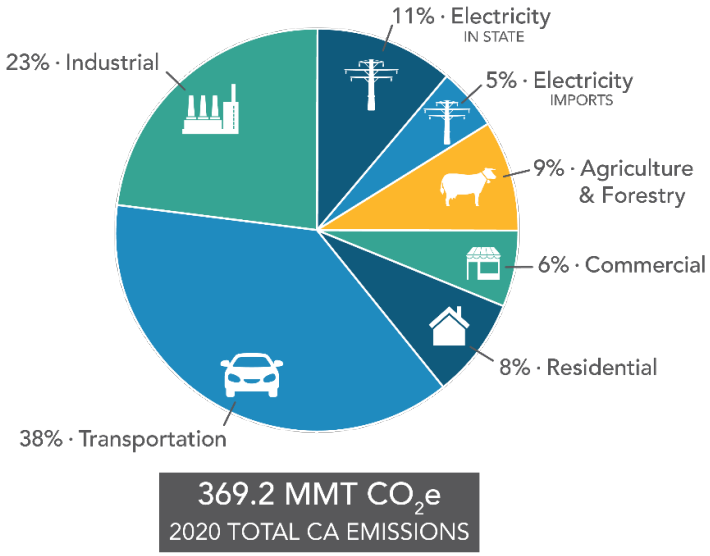
Source: United States Environmental Protection Agency (EPA). 2022. Inventory of U.S. Greenhouse Gas Emissions and Sinks. April. Website: https://www.epa.gov/ghgemissions/inventory-us-greenhouse-gas-emissions-and-sinks. Accessed June 1, 2023.

**Figure 3.8-1: U.S. Greenhouse Gas Emissions Allocated to Economic Sectors (1990-2020)**

### *California GHG Inventory*

As the second largest emitter of GHG emissions in the U.S., California contributes a large quantity (369.1 MMT $CO_2e$ in 2020) of GHG emissions to the atmosphere. Emissions of $CO_2$ are byproducts of fossil fuel combustion and are attributable in large part to human activities associated with transportation, industry/manufacturing, electricity and natural gas consumption, and agriculture. In California, the transportation sector is the largest emitter at 38 percent of GHG emissions, followed by industry/manufacturing at 23 percent of GHG emissions (Figure 3.8-2).[8]

[8] California Air Resources Board (ARB). 2019. California Greenhouse Gas Emission Inventory – 2019 Edition. August 12. Website: https://ww2.arb.ca.gov/ghg-inventory-data. Accessed June 1, 2023.




Source: California Air Resources Board (ARB). 2023. California Greenhouse Gas Emission Inventory – 2000-2020 Emissions Trends and Indicators Report. Website: https://ww2.arb.ca.gov/ghg-inventory-data. Accessed June 1, 2023.

**Figure 3.8-2: 2020 California Greenhouse Gas Emissions by Sector**

### *City of Visalia*

The baseline inventory year for the City of Visalia's Climate Action Plan (CAP) is 2005.[9] The City baseline inventory involves two components: a community sector inventory (i.e., the full geographic area of City's jurisdiction) and a separate inventory of the municipal sector, which includes government owned and operated facilities and activities. Table 3.8-2 provides the baseline inventory.

**Table 3.8-2: City of Visalia 2005 Community GHG Emissions Baseline Inventory by Sector**

| Sector | MT $CO_2e$/year | Percentage of Total |
|---|---|---|
| Transportation | 490,063 | 55% |
| Commercial/Industrial | 208,342 | 23% |
| Residential | 202,533 | 22% |
| Solid Waste[2] | -7,862[3] | -1% |
| Total | 3,745,115 | 100% |

Notes:
[1] Emissions from municipal operations only
[2] For the solid waste sector, $CO_2$ and $CH_4$ emissions could not be separated because the EPA WARM software utilized to calculate the emissions only provides results in $CO_2e$.
[3] The solid waste $CO_2e$ figure denotes a net GHG emissions figure resulting from landfilled solid waste, composting, and recycling activities in 2005. The negative figure is a result of the GHG emissions avoided specifically from composting and recycling efforts implemented by the City in 2005.
Source: Strategic Energy Innovations (SEI). 2013. City of Visalia Climate Action Plan (CAP). December.

[9] Strategic Energy Innovations (SEI). 2013. City of Visalia Climate Action Plan. Website: https://www.visalia.city/civicax/filebank/blobdload.aspx?blobid=28939. Accessed June 1, 2023.

The City's community activities emitted approximately 906,337 metric tons of $CO_2e$ in 2005**.** The transportation sector was the most significant of all community sectors, comprising 55 percent, followed by the commercial/industrial sector (23 percent), and then closely by the residential sector (22 percent). In addition, the City's municipal operations emitted approximately 16,446 metric tons of $CO_2e$ in 2005.

## 3.8.3 - Regulatory Framework

### Federal

The following are actions regarding the federal government, GHGs, and fuel efficiency that are relevant in this analysis.

#### *GHG Endangerment*

*Massachusetts v. EPA* (Supreme Court Case 05-1120) was argued before the United States Supreme Court on November 29, 2006, in which it was petitioned that the EPA regulate four GHGs, including $CO_2$, under Section 202(a)(1) of the CAA. A decision was made on April 2, 2007, in which the Supreme Court found that GHGs are air pollutants covered by the CAA. The Court held that the Administrator must determine whether emissions of GHGs from new motor vehicles cause or contribute to air pollution, which may reasonably be anticipated to endanger public health or welfare, or whether the science is too uncertain to make a reasoned decision.

#### *Clean Vehicles*

Congress first passed the Corporate Average Fuel Economy law in 1975 to increase the fuel economy of cars and light-duty trucks. The law has become more stringent over time. On May 19, 2009, former President Obama put in motion a new national policy to increase fuel economy for all new cars and trucks sold in the United States. On April 1, 2010, the EPA and the Department of Transportation's National Highway Safety Administration announced a joint final rule establishing a national program that would reduce GHG emissions and improve fuel economy for new cars and trucks sold in the United States.

The first phase of the national program applied to passenger cars, light-duty trucks, and medium-duty passenger vehicles, covering model years 2012 through 2016. The new standards for model years 2017 through 2025 applied to passenger cars, light-duty trucks, and medium-duty passenger vehicles. The final standards are projected to result in an average industry fleetwide level of 163 grams/mile of $CO_2$ in model year 2025, which is equivalent to 54.5 miles per gallon (mpg) if achieved exclusively through fuel economy improvements.

The EPA and the United States Department of Transportation (USDOT) issued final rules for the first national standards to reduce GHG emissions and improve fuel efficiency of heavy-duty trucks and buses on September 15, 2011, which became effective November 14, 2011. For combination tractors, the agencies proposed engine and vehicle standards that began in the 2014 model year and would achieve up to a 20 percent reduction in $CO_2$ emissions and fuel consumption by the 2018 model year. For heavy-duty pickup trucks and vans, the agencies proposed separate gasoline and diesel truck standards, which phase in starting in the 2014 model year and would achieve up to a 10 percent reduction for gasoline vehicles, and a 15 percent reduction for diesel vehicles by 2018 model

year (12 and 17 percent respectively if accounting for air conditioning leakage). Lastly, for vocational vehicles, the engine and vehicle standards would achieve up to a 10 percent reduction in fuel consumption and $CO_2$ emissions from the 2014 to 2018 model years.

The State of California received a waiver from the EPA to have separate, stricter Corporate Average Fuel Economy standards. Although global climate change did not become an international concern until the 1980s, efforts to reduce energy consumption began in California in response to the oil crisis in the 1970s, resulting in the incidental reduction of GHG emissions. To manage the State's energy needs and promote energy efficiency, AB 1575 created the California Energy Commission (CEC) in 1975. It should be noted that the EPA recently reinstated California's waiver for its GHG and Zero-Emission Vehicle (ZEV) mandates that were more stringent than other federal regulations implementing the CAA.[10] In September 2020, Governor Gavin Newsom issued Executive Order N-79-20, which requires sales of all new passenger vehicles to be zero-emission by 2035 and additional measures to eliminate harmful emissions from the transportation sector.

### *Consolidated Appropriations Act (Mandatory GHG Reporting)*

On September 22, 2009, the EPA issued the Final Mandatory Reporting of Greenhouse Gases Rule, which became effective January 1, 2010. Under the rule, suppliers of fossil fuels or industrial GHGs, manufacturers of vehicles and engines, and facilities that emit 25,000 metric tons or more per year of GHG emissions are required to submit annual reports to the EPA.

### *New Source Review*

The EPA issued a final rule on May 13, 2010, that established thresholds for GHGs that define when permits under the New Source Review Prevention of Significant Deterioration and Title V Operating Permit programs are required for new and existing industrial facilities.

The EPA estimates that facilities responsible for nearly 70 percent of the national GHG emissions from stationary sources will be subject to permitting requirements under this rule. This includes the nation's largest GHG emitters—power plants, refineries, and cement production facilities.

### *Standards of Performance for Greenhouse Gas Emissions for New Stationary Sources: Electric Utility Generating Units*

As required by a settlement agreement, the EPA proposed new performance standards for $CO_2$ emissions for new, affected, fossil fuel-fired electric utility generating units on March 27, 2012. New sources greater than 25 megawatts would be required to meet an output-based standard of 1,000 pounds of $CO_2$ per megawatt-hour (MWh) based on the performance of widely used natural gas combined cycle technology.

### *Cap-and-Trade*

Cap-and-trade refers to a policy tool where emissions are limited to a certain amount and can be traded, or provides flexibility on how the emitter can comply.

[10] Harvard Law School. 2022. EPA's Revived Clean Cars Waiver for California. April. Website: https://eelp.law.harvard.edu/2022/04/epas-revived-clean-cars-waiver-for-california/. Accessed June 1, 2023.

The Western Climate Initiative partner jurisdictions developed a comprehensive initiative to reduce regional GHG emissions to 15 percent below 2005 levels by 2020. The partners are California, British Columbia, Manitoba, Ontario, and Québec. Currently only California and Québec are participating in the Cap-and-Trade Program.[11]

## California

### Legislative Actions to Reduce GHGs

The State of California legislature has enacted a series of bills that constitute the most aggressive program to reduce GHGs of any state in the nation. Some legislation such as the landmark AB 32 California Global Warming Solutions Act of 2006 was specifically enacted to address GHG emissions. Other legislation, such as the Title 24 and Title 20 energy standards, were originally adopted for other purposes, such as energy and water conservation, but also provide GHG reductions. This section describes the major provisions of the legislation.

#### *Assembly Bill 1493 Pavley Regulations and Fuel Efficiency Standards*

California AB 1493, enacted on July 22, 2002, required the ARB to develop and adopt regulations that reduce GHGs emitted by passenger vehicles and light-duty trucks. It should be noted that the EPA reinstated California's waiver for its GHG and ZEV mandates that were more stringent than other federal regulations implementing the CAA.[12]

The second phase of the implementation for the Pavley Bill was incorporated into Amendments to the Low emission Vehicle Program referred to as low-emission vehicle (LEV) III or the Advanced Clean Cars program. The Advanced Clean Car program combines the control of smog-causing pollutants and GHG emissions into a single coordinated package of requirements for model years 2017 through 2025. The regulation is anticipated to reduce GHGs from new cars by 34 percent from 2016 levels by 2025. The new rules will reduce pollutants from gasoline and diesel-powered cars and will deliver increasing numbers of zero-emission technologies, such as full battery electric cars, newly emerging plug-in hybrid electric vehicles and hydrogen fuel cell cars.

#### *Assembly Bill 32*

The California State Legislature enacted AB 32, the California Global Warming Solutions Act of 2006. AB 32 requires that GHGs emitted in California be reduced to 1990 levels by the year 2020.

The ARB is the State agency charged with monitoring and regulating sources of GHGs. The ARB approved the 1990 GHG emissions level of 427 MMT $CO_2e$ on December 6, 2007.[13] Therefore, to meet the State's target, emissions generated in California in 2020 were required to be equal to or less than 427 MMT $CO_2e$. Emissions in 2020 in a Business as Usual (BAU) scenario were estimated to

[11] Center for Climate and Energy Solutions (C2ES). 2015. Cap-and-Trade Basics. Website: https://www.c2es.org/content/cap-and-trade-basics/. Accessed June 1, 2023.

[12] United States Environmental Protection Agency (EPA). 2022. WHAT THEY ARE SAYING: EPA Restoration of California Waiver Will Support State Climate Action, Improve Air Quality, and Advance our Electric Vehicle Future. March 11. Website: https://www.epa.gov/newsreleases/what-they-are-saying-epa-restoration-california-waiver-will-support-state-climate. Accessed June 1, 2023.

[13] California Air Resources Board (ARB). 2007. Staff Report. California 1990 Greenhouse Gas Level and 2020 Emissions Limit. November 16, 2007. Website: www.arb.ca.gov/cc/inventory/pubs/reports/staff_report_1990_level.pdf. Accessed June 1, 2023.

be 596 MMT $CO_2e$, which do not account for reductions from AB 32 regulations.[14] At that rate, a 28 percent reduction was required to achieve the 427 MMT $CO_2e$ 1990 inventory. In October 2010, the ARB prepared an updated 2020 forecast to account for the effects of the 2008 recession and slower forecasted growth. Under the updated forecast, a 21.7 percent reduction from BAU is required to achieve 1990 levels.[15]

### *California Air Resources Board Scoping Plan*

The ARB Climate Change Scoping Plan (Scoping Plan) contains measures designed to reduce the State's emissions to 1990 levels by the year 2020 to comply with AB 32.[16] The Scoping Plan identifies recommended measures for multiple GHG emission sectors and the associated emission reductions needed to achieve the year 2020 emissions target—each sector has a different emission reduction target. Most of the measures target the transportation and electricity sectors. As stated in the Scoping Plan, the key elements of the strategy for achieving the 2020 GHG target include:

- Expanding and strengthening existing energy efficiency programs as well as building and appliance standards;
- Achieving a Statewide renewables energy mix of 33 percent;
- Developing a California Cap-and-Trade Program that links with other Western Climate Initiative partner programs to create a regional market system;
- Establishing targets for transportation-related GHG emissions for regions throughout California and pursuing policies and incentives to achieve those targets;
- Adopting and implementing measures pursuant to existing State laws and policies, including California's clean car standards, goods movement measures, and the Low Carbon Fuel Standard (LCFS); and
- Creating targeted fees, including a public goods charge on water use, fees on high global warming potential gases, and a fee to fund the administrative costs of the State's long-term commitment to AB 32 implementation.

In addition, the Scoping Plan differentiates between "capped" and "uncapped" strategies. Capped strategies are subject to the proposed Cap-and-Trade Program. Implementation of the capped strategies was calculated to achieve a sufficient amount of reductions by 2020 to achieve the emission target contained in AB 32. Uncapped strategies that would not be subject to the cap-and-trade emissions caps and requirements were provided as a margin of safety by accounting for additional GHG emission reductions.[17] The ARB approved the First Update to the Scoping Plan on

[14] California Air Resources Board (ARB). 2008. (includes edits made in 2009) Climate Change Scoping Plan, a framework for change. Website: http://www.arb.ca.gov/cc/scopingplan/document/adopted_scoping_plan.pdf. Accessed June 1, 2023

[15] California Air Resources Board (ARB). 2010. 2020 Greenhouse Gas Emissions Projection and BAU Scenario Emissions Estimate. Website: https://ww2.arb.ca.gov/ghg-bau. Accessed June 1, 2023.

[16] California Air Resources Board (ARB). 2008. (includes edits made in 2009) Climate Change Scoping Plan, a framework for change. Website: http://www.arb.ca.gov/cc/scopingplan/document/adopted_scoping_plan.pdf. Accessed June 1, 2023.

[17] California Air Resources Board (ARB). 2008 (includes edits made in 2009). Climate Change Scoping Plan, a framework for change. Website: http://www.arb.ca.gov/cc/scopingplan/document/adopted_scoping_plan.pdf. Accessed June 1, 2023.

May 22, 2014. The First Update builds upon the Initial Scoping Plan with new strategies and recommendations.[18]

*Senate Bill 32 and the 2017 Climate Change Scoping Plan Update*

The Governor signed SB 32 in September 2016, giving the ARB the statutory responsibility to include the 2030 target previously contained in Executive Order B-30-15 in the 2017 Scoping Plan Update. SB 32 states: "In adopting rules and regulations to achieve the maximum technologically feasible and cost-effective greenhouse gas emissions reductions authorized by this division, the State [air resources] board shall ensure that Statewide greenhouse gas emissions are reduced to at least 40 percent below the Statewide greenhouse gas emissions limit no later than December 31, 2030." The 2017 Climate Change Scoping Plan Update addressing the SB 32 targets was adopted on December 14, 2017. The major elements of the framework proposed to achieve the 2030 target are as follows:

- SB 350
  - Achieve 50 percent Renewables Portfolio Standard (RPS) by 2030.
  - Doubling of energy efficiency savings by 2030.
- Low Carbon Fuel Standard
  - Increased stringency (reducing carbon intensity 18 percent by 2030, up from 10 percent in 2020).
- Mobile Source Strategy (Cleaner Technology and Fuels Scenario)
  - Maintaining existing GHG standards for light- and heavy-duty vehicles.
  - Put 4.2 million ZEVs on the roads.
  - Increase ZEV buses, delivery and other trucks.
- Sustainable Freight Action Plan
  - Improve freight system efficiency.
  - Maximize use of near-zero-emission vehicles and equipment powered by renewable energy.
  - Deploy over 100,000 zero-emission trucks and equipment by 2030.
- Short-Lived Climate Pollutant Reduction Strategy
  - Reduce emissions of methane and HFCs 40 percent below 2013 levels by 2030.
  - Reduce emissions of black carbon 50 percent below 2013 levels by 2030.
- SB 375 Sustainable Communities Strategies
  - Increased stringency of 2035 targets.
- Post-2020 Cap-and-Trade Program
  - Declining caps, continued linkage with Québec, and linkage to Ontario, Canada.
  - The ARB will look for opportunities to strengthen the program to support more air quality co-benefits, including specific program design elements. In fall 2016, ARB staff described potential future amendments including reducing the offset usage limit, redesigning the allocation strategy to reduce free allocation to support increased technology and energy investment at covered entities and reducing allocation if the covered entity increases criteria or toxics emissions over some baseline.

[18] California Air Resources Board (ARB). 2014. First Update to the Climate Change Scoping Plan. Website: http://www.arb.ca.gov/cc/scopingplan/document/updatedscopingplan2013.htm. Accessed June 1, 2023.

- 20 percent reduction in GHG emissions from the refinery sector.
- By 2018, develop Integrated Natural and Working Lands Action Plan to secure California's land base as a net carbon sink.

*2022 Scoping Plan*

The most recent version of the ARB's Scoping Plan, the 2022 Scoping Plan for Achieving Carbon Neutrality (2022 Scoping Plan), addresses the SB 32 targets and was adopted on December 15, 2022. It provides a detailed sector-by-sector guide to address climate change by cutting GHG emissions by 85 percent and achieving carbon neutrality in 2045, with the main focus of emission reductions efforts being the transportation and energy sectors.

The elements of the framework set forth in the 2022 Scoping Plan proposed to achieve the emission reduction targets are as follows:

- Transportation
  - Achieve 100 percent ZEV sales of light-duty vehicles by 2035 and medium heavy-duty vehicles by 2040.
  - Achieve a 20 percent zero-emission target for the aviation sector.
  - Prioritize and increase funding for clean transportation equity programs.
  - Accelerate the reduction and replacement of fossil fuel production and consumption in California.
  - Increase the stringency and scope of the LCFS.
  - Achieve a per capita Vehicle Miles Traveled (VMT) reduction of at least 25 percent below 2019 levels by 2030 and 30 percent below by 2045.
- Clean Electricity Grid
  - Per SB 350, double Statewide energy efficiency savings by 2030.
  - Use long-term planning processes to support grid reliability and expansion of renewable and zero-carbon development.
  - Per SB 100 and 1020, achieve 90 percent, 95 percent, and 100 percent renewable and zero-carbon retail sales by 2035, 2040, and 2045, respectively.
- Sustainable Manufacturing and Buildings
  - Maximize air quality benefits using the best available control technologies for stationary sources in communities most in need.
  - Implement SB 905.
  - Develop a net-zero cement strategy to meet SB 956 targets for the GHG intensity of cement use.
  - Leverage energy efficiency and low carbon hydrogen programs.
  - Prioritize most vulnerable residents with the majority of funds in the new $922 million Equitable Building Decarbonization program.
  - Achieve three million all-electric and electric-ready homes by 2030 and seven million by 2035 with six million heat pumps installed by 2030.
  - Adopt a zero-emission standard for new space and water heaters sold in California beginning in 2030.

  - Implement biomethane procurement targets for investor-owned utilities as specified in SB 1440.

- Carbon Dioxide Removal and Capture
  - Implement SB 905.
  - Achieve the 85 percent reduction in anthropogenic sources below 1990 levels per AB 1279 by incorporating Carbon Capture and Storage (CCS) into sectors and programs beyond transportation.
  - Evaluate and propose the role for CCS in cement decarbonization and as part of hydrogen peroxide pathways.
  - Explore carbon capture application for zero-carbon power for reliability needs per SB 100.
- Short-Lived Climate Pollutants (Non-Combustion Gases)
  - Install anaerobic digesters to maximize air and water quality protection, maximize biomethane capture, and direct biomethane to specific sectors.
  - Increase alternative manure management projects.
  - Expand markets for products made from organic waste.
  - Pursuant to SB 1137, develop leak detection and repair plans for facilities in health protection zones, implement emission detection system standards, and provide public access to emissions data.
  - Convert large HFC emitters to the lowest practical global warming potential (GWP) technologies.
- Natural and Working Lands
  - Implement AB 1757 and SB 27.
  - Implement the Climate Smart Strategy.
  - Accelerate the pace and scale of climate smart forest management to at least 2.3 million acres annually by 2025.
  - Accelerate the pace and scale of healthy soils practices to 80,000 acres annually by 2025, conserve at least 8,000 acres of annual crops annually, and increase organic agriculture to 20 percent of all cultivated acres by 2045.
  - Restore 60,000 acres of Delta wetlands annually by 2045.
  - Increase urban forestry investment annually by 200 percent, relative to BAU.

### *Senate Bill 375—the Sustainable Communities and Climate Protection Act of 2008*

Senate Bill (SB) 375 was signed into law on September 30, 2008. According to SB 375, the transportation sector is the largest contributor of GHG emissions, which emits over 40 percent of the total GHG emissions in California. SB 375 does the following:

1. Requires metropolitan planning organizations to include sustainable community strategies in their regional transportation plans for reducing GHG emissions,
2. Aligns planning for transportation and housing, and
3. Creates specified incentives for the implementation of the strategies.

### *Senate Bill 1368—Emission Performance Standards*

In 2006, the State Legislature adopted SB 1368, which was subsequently signed into law by the Governor. SB 1368 directs the California Public Utilities Commission to adopt a performance standard for GHG emissions for the future power purchases of California utilities. SB 1368 seeks to limit carbon emissions associated with electrical energy consumed in California by forbidding procurement arrangements for energy longer than 5 years from resources that exceed the emissions of a relatively clean, combined cycle natural gas power plant. The California Public Utilities Commission adopted the regulations required by SB 1368 on August 29, 2007.

### *Senate Bill 1078—Renewable Electricity Standards*

On September 12, 2002, Former Governor Gray Davis signed SB 1078, requiring California to generate 20 percent of its electricity from renewable energy by 2017. SB 107 changed the due date to 2010 instead of 2017. On November 17, 2008, Former Governor Arnold Schwarzenegger signed Executive Order S-14-08, which established an RPS target for California requiring that all retail sellers of electricity serve 33 percent of their load with renewable energy by 2020. Former Governor Schwarzenegger also directed the ARB (Executive Order S-21-09) to adopt a regulation by July 31, 2010, requiring the State's load serving entities to meet a 33 percent renewable energy target by 2020. The ARB approved the Renewable Electricity Standard on September 23, 2010 by Resolution 10-23.

### *Senate Bill 350—Clean Energy and Pollution Reduction Act of 2015*

The State Legislature approved, and the Governor signed SB 350, which reaffirms California's commitment to reducing its GHG emissions and addressing climate change. Key provisions include an increase in the RPS, higher energy efficiency requirements for buildings, initial strategies toward a regional electricity grid, and improved infrastructure for electric vehicle (EV) charging stations. Specifically, SB 350 requires the following to reduce Statewide GHG emissions:

- Increase the amount of electricity procured from renewable energy sources from 33 percent to 50 percent by 2030, with interim targets of 40 percent by 2024, and 25 percent by 2027.
- Double the energy efficiency in existing buildings by 2030. This target will be achieved through the California Public Utility Commission (CPUC), the CEC, and local publicly owned utilities.
- Reorganize the Independent System Operator to develop more regional electrify transmission markets and to improve accessibility in these markets, which will facilitate the growth of renewable energy markets in the western United States.[19]

### *SBX 7-7—The Water Conservation Act of 2009*

The legislation directs urban retail water suppliers to set individual 2020 per capita water use targets and begin implementing conservation measures to achieve those goals. Meeting this Statewide goal of 20 percent decrease in demand has resulted in a reduction of almost 2 million acre-feet in urban water use.

[19] California Legislative Information (California Leginfo). 2015. Senate Bill 350 Clean Energy and Pollution Reduction Act of 2015. Website: https://leginfo.legislature.ca.gov/faces/billNavClient.xhtml?bill_id=201520160SB350. Accessed June 1, 2023.

### *Senate Bill 100—The 100 Percent Clean Energy Act of 2018*

The legislation directs the CPUC, CEC, and the ARB to plan for 100 percent of total retail sales of electricity in California to come from eligible renewable energy resources and zero-carbon resources by December 31, 2045. This Act amends Sections 399.11, 399.15, and 399.30 of, and adds Section 454.53 to, the Public Utilities Code, relating to energy.

## Executive Orders Related to GHG Emissions

California's Executive Branch has taken several actions to reduce GHGs through the use of Executive Orders, which state mandatory requirements for the Executive Branch have the effect of law. Although not legislation, they set the tone for the State and guide the actions of State agencies.

### *Executive Order S-3-05*

Former California Governor Arnold Schwarzenegger announced on June 1, 2005, through Executive Order S3-05, the following reduction targets for GHG emissions:

- By 2010, reduce GHG emissions to 2000 levels.
- By 2020, reduce GHG emissions to 1990 levels.
- By 2050, reduce GHG emissions to 80 percent below 1990 levels.

The 2050 reduction goal represents what some scientists believe is necessary to reach levels that will stabilize the climate. The 2020 goal was established to be a mid-term target.

### *Executive Order S-01-07—Low Carbon Fuel Standard*

The Governor signed Executive Order S 01-07 on January 18, 2007. The order mandates that a Statewide goal shall be established to reduce the carbon intensity of California's transportation fuels by at least 10 percent by 2020. In particular, the Executive Order established a LCFS and directed the Secretary for Environmental Protection to coordinate the actions of the CEC, ARB, University of California, and other agencies to develop and propose protocols for measuring the "lifecycle carbon intensity" of transportation fuels. The ARB adopted the LCFS on April 23, 2009.

### *Executive Order S-13-08*

Executive Order S-13-08 states that "climate change in California during the next century is expected to shift precipitation patterns, accelerate sea level rise and increase temperatures, thereby posing a serious threat to California's economy, to the health and welfare of its population and to its natural resources." Pursuant to the requirements in the order, the 2009 California Climate Adaptation Strategy[20] was adopted, which is the ". . . first Statewide, multi-sector, region-specific, and information-based climate change adaptation strategy in the United States.". Objectives include analyzing risks of climate change in California, identifying and exploring strategies to adapt to climate change, and specifying a direction for future research.

[20] California Natural Resources Agency. 2009. 2009 California Climate Adaptation Strategy. Website: https://cawaterlibrary.net/wp-content/uploads/2017/05/Statewide_Adaptation_Strategy.pdf. Accessed June 1, 2023.

### *Executive Order B-30-15*

On April 29, 2015, Former Governor Edmund G. Brown Jr. issued an Executive Order to establish a California GHG reduction target of 40 percent below 1990 levels by 2030. The Governor's Executive Order aligns California's GHG reduction targets with those of leading international governments ahead of the United Nations Climate Change Conference in Paris late 2015. The Executive Order sets a new interim Statewide GHG emission reduction target to reduce GHG emissions to 40 percent below 1990 levels by 2030 in order to ensure California meets its target of reducing GHG emissions to 80 percent below 1990 levels by 2050, and directs the ARB to update the Climate Change Scoping Plan to express the 2030 target in terms of metric ton (MT) $CO_2e$.

## California Regulations and Building Codes

California has a long history of adopting regulations to improve energy efficiency in new and remodeled buildings. These regulations have kept California's energy consumption relatively flat even with rapid population growth and are viewed as some of the most stringent requirements in the nation.

### *California Code of Regulations Title 13: Motor Vehicles*

California Code of Regulations, Title 13: Division 3, Chapter 10, Article 1, Section 2485: Airborne Toxic Control Measure to Limit Diesel-Fueled Commercial Motor Vehicle Idling.[21] This measure seeks to reduce public exposure to diesel particulate matter (DPM) and other air contaminants by establishing idling restrictions, emission standards, and other requirements for heavy-duty diesel engines and alternative idle reduction technologies to limit the idling of diesel-fueled commercial motor vehicles. Any person that owns, operates, or causes to operate any diesel-fueled commercial motor vehicle must not allow a vehicle to idle for more than 5 consecutive minutes at any location, or operate a diesel-fueled auxiliary power system for greater than 5 minutes at any location when within 100 feet of a restricted area.

California Code of Regulations, Title 13: Division 3, Chapter 9, Article 4.8, Section 2449: General Requirements for In-Use Off-Road Diesel-Fueled Fleets. This measure regulates $NO_X$, DPM, and other criteria pollutant emissions from in-use off-road diesel-fueled vehicles. This measure also requires each fleet to meet fleet average requirements or demonstrate that it has met "best available control technology" requirements. Additionally, this measure requires medium and large fleets to have a written idling policy that is made available to operators of the vehicles informing them that idling is limited to 5 consecutive minutes or less.

### *Title 20 Appliance Efficiency Regulations*

California Code of Regulations, Title 20: Division 2, Chapter 4, Article 4, Sections 1601-1608: Appliance Efficiency Regulations regulates the sale of appliances in California. The Appliance Efficiency Regulations include standards for both federally regulated appliances and non-federally regulated appliances. Twenty-three categories of appliances are included in the scope of these regulations. The standards within these regulations apply to appliances that are sold or offered for

[21] Thomas Reuters Westlaw. 2020. California Code of Regulations, Title 13: Division 3, Chapter 10, Article 1, Section 2485: Airborne Toxic Control Measure to Limit Diesel-Fueled Commercial Motor Vehicle Idling. Website: https://govt.westlaw.com/calregs/Document/I6DACC2EF0D6441DDA5B788DFEDCD1A22?viewType=FullText&originationContext=documenttoc&transitionType=StatuteNavigator&contextData=(sc.Default). Accessed June 1, 2023.

sale in California, except those sold wholesale in California for final retail sale outside the State and those designed and sold exclusively for use in recreational vehicles or other mobile equipment.

### *Title 24 Energy Efficiency Standards*

California Code of Regulations Title 24 Part 6: California's Energy Efficiency Standards for Residential and Nonresidential Buildings, was first adopted in 1978 in response to a legislative mandate to reduce California's energy consumption. The standards are updated periodically to allow consideration and possible incorporation of new energy efficient technologies and methods. Energy efficient buildings require less electricity; therefore, increased energy efficiency reduces fossil fuel consumption and decreases GHG emissions. The newest version of Title 24 (2022 Tile 24) adopted by the CEC went into effect on January 1, 2023.

### *Title 24 California Green Building Standards Code*

California Code of Regulations Title 24 Part 11 code is a comprehensive and uniform regulatory code for all residential, commercial, and school buildings that went in effect January 1, 2011. The code is updated on a regular basis, with the most recent update consisting of the 2022 California Green Building Code Standards Code (CALGreen) that became effective January 1, 2023.[22] Local jurisdictions are permitted to adopt more stringent requirements, as State law provides methods for local enhancements. The State Building Code provides the minimum standard that buildings need to meet in order to be certified for occupancy, which is generally enforced by the local building official.

### *Model Water Efficient Landscape Ordinance*

The Model Water Efficient Landscape Ordinance (MWELO) was required by AB 1881 Water Conservation Act. The bill required local agencies to adopt a local landscape ordinance at least as effective in conserving water as the MWELO by January 1, 2010. Reductions in water use of 20 percent consistent with (SBX-7-7) 2020 mandate are expected for the MWELO. New development projects that include landscaped areas of 500 square feet or more are subject to the MWELO. The update requires:

- More efficient irrigation systems;
- Incentives for graywater usage;
- Improvements in on-site stormwater capture;
- Limiting the portion of landscapes that can be planted with high water use plants; and
- Reporting requirements for local agencies.

### *Senate Bill 97 and the CEQA Guidelines Revisions*

Passed in August 2007, SB 97 added Section 21083.05 to the Public Resources Code. The code states "(a) On or before July 1, 2009, the Office of Planning and Research shall prepare, develop, and transmit to the Resources Agency guidelines for the mitigation of GHG emissions or the effects of GHG emissions as required by this division, including, but not limited to, effects associated with transportation or energy consumption. (b) On or before January 1, 2010, the Resources Agency shall

[22] State of California. 2022. California Green Building Standards Code (CALGreen). Website: https://www.dgs.ca.gov/BSC/CALGreen. Accessed June 1, 2023.

certify and adopt guidelines prepared and developed by the Office of Planning and Research pursuant to subdivision (a)."

Section 21097 was also added to the Public Resources Code, which provided an exemption until January 1, 2010 for transportation projects funded by the Highway Safety, Traffic Reduction, Air Quality, and Port Security Bond Act of 2006 or projects funded by the Disaster Preparedness and Flood Prevention Bond Act of 2006, in stating that the failure to analyze adequately the effects of GHGs would not violate the California Environmental Quality Act (CEQA). The Natural Resources Agency completed the approval process, and the Amendments became effective on March 18, 2010.

The 2010 CEQA Amendments provide guidance to public agencies regarding the analysis and mitigation of the effects of GHG emissions in CEQA documents. The CEQA Amendments fit within the existing CEQA framework by amending existing CEQA Guidelines to reference climate change.

### California Supreme Court GHG Ruling

In a November 30, 2015 ruling, the California Supreme Court in *Center for Biological Diversity v. California Department of Fish and Wildlife* invalidated the EIR for the Newhall Ranch project due to insufficient evidence in the administrative record supporting that project's GHG analysis, among other reasons. The Court endorsed the use of AB 32's Statewide emission reduction goals as a legally permissible significance threshold for analyzing a project's GHG impacts under CEQA. However, comparisons to the AB 32 Scoping Plan must be supported by a reasoned explanation based on substantial evidence.

In other words, the Court approved the methodology used in the EIR's analysis in terms of reductions from projected BAU emissions consistent with AB 32's Statewide reductions mandate (rather than against some absolute numeric limit above the project site's baseline emissions), but the Court held the GHG analysis lacked supporting substantial evidence and a cogent explanation correlating the project-specific reductions to AB 32's mandated Statewide reductions so as to demonstrate consistency with the latter's goals under the approved methodology. The Court made the following key points with respect to its holding on the GHG analysis under CEQA, as summarized below: Specifically, the Court held that:

- **Substantiation of Project Reductions from BAU**. A lead agency may use a BAU comparison based on the Scoping Plan's methodology so long as it also substantiates the reduction a particular project must achieve to comply with Statewide goals (page 25). In so doing, the lead agency needs to ensure the administrative record establishes a "firm ground for the efficiency comparison" by documenting with substantial evidence in the record the EIR's conclusion that the individual project's percent emissions savings over BAU satisfies the EIR's significance criterion of consistency with the Scoping Plan's 29 percent Statewide savings by 2020. In so doing, this alleviates the analytical gap by establishing, through substantial evidence and reasoned explanation, a quantitative equivalence between the Scoping Plan's Statewide comparison and the EIR's individual project-level comparison.

- **Compliance with Regulatory Programs or Performance Based Standards**. A lead agency "might assess consistency with AB 32's goal in whole or part by looking to compliance with regulatory programs designed to reduce greenhouse gas emissions from particular activities" (page 26).
- **Compliance with GHG Reduction Plans or Climate Action Plans**. A lead agency may utilize "geographically specific GHG emission reduction plans" such as Climate Action Plans (CAPs) or GHG emission reduction plans to provide a basis for the tiering or streamlining of project-level CEQA analysis (page 26).
- **Compliance with Local Air District Thresholds**. A lead agency may rely on "existing numerical thresholds of significance for greenhouse gas emissions" adopted by, for example, local air districts (page 27).

## Regional

### San Joaquin Valley Air Pollution Control District Climate Change Action Plan

On August 21, 2008, the Valley Air District Board approved a proposal called the Climate Change Action Plan (CCAP). The CCAP began with a public process bringing together land use agencies, environmental groups, business groups, and other stakeholders to conduct public workshops to develop comprehensive policies for CEQA Guidelines to be used in the Air Basin, a carbon exchange bank, and voluntary GHG emissions mitigation agreements for the Valley Air District's Board's consideration. The CCAP contains the following goals and actions:

- Develop GHG significance thresholds to address CEQA projects with GHG emission increases.
- Develop the San Joaquin Valley Carbon Exchange for banking and trading GHG reductions.
- Authorize use of the Valley Air District's existing inventory reporting system to allow use for GHG reporting required by AB 32 regulations.
- Develop and administer GHG reduction agreements to mitigate proposed emission increases from new projects.
- Support climate protection measures that reduce GHG emissions as well as toxic and criteria pollutants. Oppose measures that result in a significant increase in toxic or criteria pollutant emissions in already impacted areas.

On December 17, 2009, the Valley Air District's Board adopted "Guidance for Valley Land-use Agencies in Addressing GHG Emission Impacts for New Projects under CEQA," and the policy "District Policy—Addressing GHG Emission Impacts for Stationary Source Projects Under CEQA When Serving as the Lead Agency." The Valley Air District concluded that the existing science is inadequate to support quantification of the impacts that project-specific GHG emissions have on global climatic change. The Valley Air District found the effects of project-specific emissions to be cumulative, and without mitigation, their incremental contribution to global climatic change could be considered cumulatively considerable. The Valley Air District found that this cumulative impact is best addressed by requiring all projects to reduce their GHG emissions, whether through project design elements or mitigation.

The Valley Air District's approach is intended to streamline the process of determining whether project-specific GHG emissions would have a significant effect. Projects exempt from the requirements of CEQA, and projects complying with an approved plan or mitigation program would be determined to have a less than significant cumulative impact. Such plans or programs must be specified in law or adopted by the public agency with jurisdiction over the affected resources and must have a certified final CEQA document.

For non-exempt projects, those projects for which there is no applicable approved plan or program, or those projects not complying with an approved plan or program, the lead agency must evaluate the project against performance-based standards and would require the adoption of design elements, known as a Best Performance Standard, to reduce GHG emissions. The Best Performance Standards (BPS) have not yet fully been established, though they must be designed to affect a 29 percent reduction when compared with the BAU projections identified in ARB's AB 32 Scoping Plan.

BAU represents the emissions that would occur in 2020 if the average baseline emissions during the 2002–2004 period were grown to 2020 levels, without control. These standards thus would carry with them pre-quantified emissions reductions, eliminating the need for project-specific quantification. Therefore, projects incorporating BPS would not require specific quantification of GHG emissions, and automatically would be determined to have a less than significant cumulative impact for GHG emissions.

For stationary source permitting projects, BPS means, "The most stringent of the identified alternatives for control of GHG emissions, including type of equipment, design of equipment and operational and maintenance practices, which are achieved-in-practice for the identified service, operation, or emissions unit class." The Valley Air District has identified BPS for the following sources: boilers; dryers and dehydrators; oil and gas extraction, storage, transportation, and refining operations; cogeneration; gasoline dispensing facilities; volatile organic compound (VOC) control technology; and steam generators.

For development projects, BPS means, "Any combination of identified GHG emission reduction measures, including project design elements and land use decisions that reduce project-specific GHG emission reductions by at least 29 percent compared with business as usual."

Projects not incorporating BPS would require quantification of GHG emissions and demonstration that BAU GHG emissions have been reduced or mitigated by 29 percent. As stated earlier, the ARB's adjusted inventory reduced the amount required by the State to achieve 1990 emission levels from 29 percent to 21.7 percent to account for slower growth experienced since the 2008 recession. According to Valley Air District guidance, quantification of GHG emissions would be required for all projects for which the lead agency has determined that an EIR is required, regardless of whether the project incorporates BPS.

## San Joaquin Valley Carbon Exchange

The Valley Air District initiated work on the San Joaquin Valley Carbon Exchange in November 2008. The purpose of the carbon exchange is to quantify, verify, and track voluntary GHG emissions reductions generated within the San Joaquin Valley. However, the Valley Air District has pursued an

alternative strategy that incorporates the GHG emissions into its existing Rule 2301—Emission Reduction Credit Offset Banking that formerly only addressed criteria pollutants. The Valley Air District is also participating with the California Air Pollution Control Officers Association (CAPCOA), of which it is a member, in the CAPCOA Greenhouse Gas Reduction Exchange (GHG Rx). The GHG Rx is operated cooperatively by air districts that have elected to participate. Participating districts have signed a Memorandum of Understanding (MOU) with CAPCOA and agree to post only those credits that meet the Rx standards for quality. The objective is to provide a secure, low-cost, high-quality, GHG exchange for credits created in California. The GHG Rx is intended to help fulfill compliance obligations, or mitigation needs of local projects subject to environmental review, reducing the uncertainty of using credits generated in distant locations.

#### *Rule 2301*

While the CCAP indicated that the GHG emission reduction program would be called the San Joaquin Valley Carbon Exchange, the District incorporated a method to register voluntary GHG emission reductions into its existing Rule 2301—Emission Reduction Credit Banking through amendments of the rule. Amendments to the rule were adopted on January 19, 2012. The purposes of the amendments to the rule include the following:

- Provide an administrative mechanism for sources to bank voluntary GHG emission reductions for later use.
- Provide an administrative mechanism for sources to transfer banked GHG emission reductions to others for any use.
- Define eligibility standards, quantitative procedures, and administrative practices to ensure that banked GHG emission reductions are real, permanent, quantifiable, surplus, and enforceable.

### Tulare County Association of Governments

#### *2018 Regional Transportation Plan/Sustainable Communities Strategy*

The Tulare County Association of Governments (TCAG) 2018 Regional Transportation Plan (RTP) includes a Sustainable Communities Strategy (SCS) component in accordance with SB 375, the Sustainable Communities and Climate Protection Act of 2008. TCAG adopted the 2018 SCS/RTP on August 20, 2018. In so doing, the TCAG Board of Directors made a determination that, if implemented, the SCS would achieve the per capita passenger vehicle GHG emissions targets established by its Board of Directors. The 2020 target is a 5 percent per capita reduction and the 2035 target is a 10 percent per capita reduction from the 2005 base year. The ARB accepted the determination that the TCAG 2018 SCS, if implemented, would achieve the region's per capita GHG emission reduction targets for 2020 and 2035. At the time of writing of this report, the TCAG 2022 RTP was still in the Draft phase and has not yet been formally adopted. [23]

The 2018 SCS/RTP strives to reduce air emissions from passenger vehicle and light-duty truck travel by better coordinating transportation expenditures with forecasted development patterns and, if feasible, help meet ARB GHG targets for the region. SB 375 requires the ARB to develop regional

[23] Tulare County Association of Governments (TCAG). 2022. Website: https://tularecog.org/tcag/about-us/. Accessed June 1, 2023.

GHG emission reduction targets for passenger vehicles. The ARB is to establish targets for the automobile and light-duty truck sector for 2020 and 2035 for each region covered by one of the State's 18 metropolitan planning organizations. Regional metropolitan planning organizations are responsible for preparing an SCS within their RTP. The key purpose of SB 375 and the TCAG SCS is to reduce per capita emissions originating from passenger vehicles and light-duty trucks. Accordingly, the 2018 SCS/RTP:

- Describes sources of emissions in the Tulare County region, 2020 and 2035 emission reduction targets established by the ARB for the San Joaquin Valley, and modeling techniques used to estimate and forecast emissions;
- Identifies Statewide strategies to reduce transportation-related emissions and their anticipated effect within the Tulare County region;
- Identifies regional strategies that complement the SCS by reducing emissions in other sectors (e.g., energy consumption);
- Quantifies the effect of policies and programs in the RTP that reduce transportation-related emissions in the region; and
- Compares the emissions reductions anticipated with implementation of the SCS/RTP with the regional targets.

The GHG emission targets for lowering emissions in the San Joaquin Valley, as set by the ARB and approved by the TCAG Board of Directors, call for a 5 percent reduction in per capita emissions from passenger vehicles and light trucks by 2020 and a 10 percent reduction by 2035 through land use and transportation planning. Based on the analysis of strategies included in the 2018 SCS/RTP, $CO_2$ emissions were anticipated to be 12.3 percent lower than 2005 levels by 2020 and 16.0 percent lower by 2035, exceeding the targets established by the ARB in 2010.

## Local

### City of Visalia General Plan

The City of Visalia General Plan was updated and adopted on October 14, 2014, and establishes the following applicable objectives and policies that are relevant to GHG emissions evaluated in this analysis: [24]

### Chapter 7: Air Quality and Greenhouse Gas Emissions

**Objective AQ-O-3** **Reduce emissions of greenhouse gases that contribute to global climate change in accord with federal and State law.**

**AQ-P-12** Support the implementation of Voluntary Emissions Reduction Agreements (VERA) with the San Joaquin Valley Air Pollution Control District (the District) for individual development projects that may exceed District significance thresholds. A VERA is a voluntary mitigation measure where a project proponent provides pound-for-pound mitigation of emissions increases through a process

[24] City of Visalia. 2014. General Plan. October 14.

that develops, funds, and implements emissions reduction projects, with the District serving a role of administrator of emissions reduction programs and verifier of successful mitigation effort. To implement a VERA, the project proponent and the District enter into a contractual agreement in which the project proponent agrees to mitigate project-specific emissions by providing funds for the District's Strategies and Incentives Program. The funds are disbursed in the form of grants for projects that achieve emissions reductions.

**AQ-P-13** Where feasible, replace City vehicles with those that employ low emission technology.

**AQ-P-14** Promote and expand the trip-reduction program for City employees to reduce air pollution and emissions of greenhouse gas. The program may include carpooling and ride sharing; reimbursement of transit costs; encouragement of flexible work schedules, telecommuting, and teleconferencing.

**AQ-P-15** Maintain an inventory of greenhouse gas emissions from City operations and track related solid waste, energy, economic, and environmental data. Update the inventory periodically as additional data and methodologies become available.

**AQ-P-16** Support State efforts to reduce greenhouse gases and emissions through local action that will reduce motor vehicle use, support alternative forms of transportation, require energy conservation in new construction, and energy management in public buildings, in compliance with AB 32. By proposing compact development, mixed use centers, walkable neighborhoods, green building technology, and jobs-housing balance, the City will be helping to implement many of the strategies and programs in the San Joaquin Valley 2007 Ozone Plan.

**AQ-P-17** Prepare and adopt a Climate Action Plan that incorporates a Greenhouse Gas (GHG) Emissions Reduction Plan. The GHG Emissions Reduction Plan will quantify current and anticipated future emissions and focus on feasible actions the City can take to minimize the adverse impacts of General Plan implementation on climate change and air quality.

## City of Visalia Climate Action Plan

The City of Visalia CAP was adopted in December 2013 and provides a policy document that includes strategies for reducing GHG emissions.[25] The CAP includes objectives and policies from the General Plan that address long-term emissions reduction efforts and the timeframe of the CAP extends through 2030. Visalia's CAP includes a baseline GHG emissions inventory of community and municipal sector GHG emissions, identification and analysis of existing and proposed GHG reduction measures, and GHG emission reduction targets to help Visalia work toward the State's goal of an 80 percent reduction below baseline emissions by 2050. The CAP sets 2020 and 2030 GHG emission

[25] City of Visalia. 2013. Climate Action Plan. December.

reduction targets, and includes reduction actions for energy, transportation, and waste and resource conservation. Additionally, the CAP includes targets and action steps for the municipal and community sectors. The CAP was prepared concurrently with the updated General Plan, was evaluated in the General Plan EIR together with the General Plan update, and includes objectives and specific policies from the proposed General Plan to address long-term emissions reduction efforts by the City.[26]

The CAP sets five major long-term objectives for the City government and community as a whole[27]:

- Reduce net GHG emissions from both municipal operations and community activities;
- Promote cleaner and healthier air to breathe;
- Help the City and its residents save on energy costs;
- Reduce vulnerability to changes in energy availability and price; and
- Increase public awareness of climate change issues.

The CAP sets a reduction target of 15 percent below 2005 baseline year level by 2020 and 30 percent below 2005 baseline year level by 2030. In order to meet these reduction targets the CAP includes a comprehensive set of actions and programs: Energy Systems, Transportation, Water and Resource Conservation, Transportation/Land Use, and Waste and Resource Conservation. However, the City has not monitored the progress of achieving the goals of the CAP. As such, without a mechanism to track the effectiveness of the CAP goals and measures, the CAP cannot be relied upon for the purposes of CEQA analysis. The proposed project's consistency with the CAP is discussed for informational purposes only.

## 3.8.4 - Thresholds of Significance

The lead agency utilizes the criteria in CEQA Guidelines Appendix G Environmental Checklist to determine whether greenhouse emissions impacts are significant environmental effects. Would the project:

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

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

### Section 15064.4 of the CEQA Guidelines

Section 15064.4(a) of the CEQA Guidelines notes that the significance determination with respect to GHG emissions "calls for a careful judgment" by the lead agency, making a "good-faith effort, based to the extent possible on scientific and factual data, to describe, calculate or estimate the amount of greenhouse gas emissions result from a project. A lead agency shall have discretion to determine, in the context of a particular project, whether to: (1) Quantify greenhouse gas emissions resulting from a project; and/or (2) Rely on a qualitative analysis or performance based standards."

[26] City of Visalia. 2014. General Plan Update EIR. Chapter 3.4, Greenhouse Gases and Climate Change.
[27] City of Visalia. 2013. Climate Action Plan. December.

Section 15064.4(b) of the CEQA Guidelines provides that a lead agency should take into account the following three considerations, among others, in assessing the significance of impacts from GHG emissions.

- **Consideration No. 1**: The extent to which the project may increase or reduce GHG emissions as compared to the existing environmental setting.
- **Consideration No. 2**: Whether the project emissions exceed a threshold of significance that the lead agency determines applies to the project.
- **Consideration No. 3**: The extent to which the project complies with regulations or requirements adopted to implement a Statewide, regional, or local plan for the reduction or mitigation of GHG emissions. Such regulations or requirements must be adopted by the relevant public agency through a public review process and must reduce or mitigate the project's incremental contribution of GHG emissions. If there is substantial evidence that the possible effects of a particular project are still cumulatively considerable notwithstanding compliance with the adopted regulations or requirements, an EIR must be prepared for the project. In determining the significance of impacts, the lead agency may consider a project's consistency with the State's long-term climate goals or strategies, provided that substantial evidence supports the agency's analysis of how those goals or strategies address the project's incremental contribution to climate change and its conclusion that the project's incremental contribution is not cumulatively considerable.

Section 15064.4(c) of the CEQA Guidelines provides that a lead agency may use a model or methodology to estimate GHG emissions resulting from a project. The lead agency has discretion to select the model or methodology it considers most appropriate to enable decision-makers to intelligently take into account the project's incremental contribution to climate change, so long as this selection is supported by substantial evidence in the record.

For the reasons explained below, this analysis contains both (1) a quantitative determination of the GHG emissions that would be generated by the proposed project, and (2) a qualitative assessment that addresses consistency with the SB 32 targets, the 2017 Scoping Plan and 2022 Scoping Plan Update. This approach provides estimates of project emissions in the new 2030 milestone year with the existing threshold to show the extent of progress achieved with existing regulations and the incorporation of specific project design features to address Considerations 1 and 2.

### *City of Visalia Climate Action Plan*

The City of Visalia CAP has established two GHG emission reduction targets: (1) a 15 percent reduction below 2005 baseline year levels by 2020, and (2) a 30 percent reduction below 2005 baseline year level by 2030. These two targets were selected to meet the ARB's recommended reduction target and the reduction target set by California Executive Order S-3-05. The CAP describes the GHG emission reduction targets for the community and municipal sectors compared to the baseline level:

- The community sector 2020 reduction target of reducing GHG emissions 15 percent below 2005 emissions levels equates to a reduction of 443,051 MT $CO_2e$.

- The community-wide 2030 reduction target of reducing GHG emissions 30 percent below 2005 emissions levels equates to a reduction of 759,887 MT $CO_2e$.
- The municipal sector 2020 reduction target of reducing GHG emissions 15 percent below 2005 emissions levels equates to a reduction of 13,979 MT $CO_2e$.
- The municipal sector 2030 reduction target of reducing GHG emissions 30 percent below 2005 emissions levels equates to a reduction of 11,512 MT $CO_2e$.

However, the CAP would not be considered an "approved GHG emission reduction plan or GHG mitigation program" for purposes of streamlining CEQA review. The standard elements of a Qualified GHG Reduction Strategy include the following steps:

- Quantify GHG emissions, both existing and projected over a specified time period, resulting from activities within a defined geographic range.
- Establish a level, based on substantial evidence below, which the contribution to GHG emissions from activities covered by the plan would not be cumulatively considerable.
- Identify and analyze the GHG emissions resulting from specific actions or categories of actions anticipated within the geographic area.
- Specify measures or a group of measures, including performance standards that substantial evidence demonstrates, if implemented on a project-by-project basis, would collectively achieve the specified emissions level.
- Monitor the plan's progress.
- Adopt the GHG reduction strategy in a public process following environmental review.

The Visalia CAP includes elements 1, 2, 3, 4, and 6, but does not meet element 5, which requires lead agencies to monitor their progress toward achieving and meeting the goals of a CAP. Based on information provided on the City's website and description of the CAP, the City has not published publicly available progress reports.

### *Valley Air District's Guidance for Providing a BAU Analysis and the State's Scoping Plan*

The Valley Air District 's Guidance for Valley Land-use Agencies in Addressing GHG Emission Impacts for New Projects under CEQA provides guidance for preparing a BAU analysis.[28] Under the Valley Air District guidance, projects meeting one of the following would have a less than significant impact on climate change:

- Exempt from CEQA.
- Complies with an approved GHG emission reduction plan or GHG mitigation program.
- Project achieves 29 percent GHG reductions by using approved Best Performance Standards.
- Project achieves AB 32 targeted 29 percent GHG reductions compared with "business as usual."

[28] San Joaquin Valley Air Pollution Control District (Valley Air District). 2009. "Final Staff Report, Addressing Greenhouse Gas Emissions Impacts under the California Environmental Quality Act." Website: http://www.valleyair.org/programs/CCAP/11-05-09/1_CCAP_FINAL_CEQA_GHG_Draft_Staff_Report_Nov_05_2009.pdf. December 2009. Accessed June 1, 2023.

With respect to the foregoing, the proposed project (1) is not exempt from CEQA; (2) the City's CAP does not qualify as an "approved GHG emission reduction plan or GHG mitigation program" for purposes of streamlining CEQA review; and (3) to date, the Valley Air District has not developed a pre-determined list of BPS to achieve a 29 percent reduction from BAU. Therefore, consistent with the Valley Air District guidance (see No. 4, above), this analysis evaluates whether the proposed project would achieve the AB 32 target GHG reduction compared with BAU. It is important to note that when the Valley Air District guidance was adopted in 2009, it referenced a need for development projects to have in excess of a 29 percent reduction from BAU to meet AB 32 targets, which was established by the ARB's AB 32 Scoping Plan, approved in 2008. However, the GHG reduction level for the State to reach 1990 emission levels by 2020 was reduced to 21.7 percent from BAU in 2020 in the 2014 First Update to the Scoping Plan to account for slower than projected growth after the 2008 recession.[29] In addition, the State has reported that the 2016 GHG inventory was below the 2020 target for the first time.[30] Furthermore, the 2017 Scoping Plan stated that California was on track to achieve the 2020 target.[31]

As explained further above, the 2030 target was codified under SB 32 and is now addressed by the 2017 Scoping Plan Update, which includes methodologies and threshold approaches required to determine the fair-share contributions development projects would need to make to achieve the 2030 target. The SB 32 target requires GHG emissions to be reduced from 1990 levels. However, no consensus has been reached around the State on a new quantitative target for new development based on consistency with the SB 32 targets. The ARB adopted the 2017 Scoping Plan Update on December 14, 2017. The plan provides the State's strategy to achieve the SB 32 2030 target of a 40 percent reduction in emissions compared to 1990 levels. The plan includes existing and new measures that when implemented are expected to achieve the SB 32 2030 target. The 2017 Scoping Plan Update would achieve substantial reductions beyond 2020 through continued implementation of existing regulations. Other regulations will be adopted to implement recently enacted legislation including SB 350, which requires an increase in renewable energy from 33 percent to 50 percent and doubling the efficiency of existing buildings by 2030.

The State Legislature extended the Cap-and-Trade Program through 2030. Cap-and-Trade provides a mechanism to make up shortfalls in other strategies if they occur.[32] In addition, the strategy relies on reductions achieved in implementing the ARB Short-Lived Climate Pollutant (SLCP) Reduction Strategy to reduce pollutants not previously controlled for climate change such as black carbon, $CH_4$, and hydrofluorocarbons.[33]

[29] California Air Resources Board (ARB). 2014. First Update to the Climate Change Scoping Plan. Website: http://www.arb.ca.gov/cc/scopingplan/document/updatedscopingplan2013.htm. Accessed June 1, 2023.
[30] California Air Resources Board (ARB). 2018. Climate Pollutants Fall Below 1990 Levels for the First Time. Website: https://ww2.arb.ca.gov/news/climate-pollutants-fall-below-1990-levelsfirst-time. Accessed June 1, 2023.
[31] California Air Resources Board (ARB). 2017. The 2017 Climate Change Scoping Plan Update, the Proposed Strategy for Achieving California's 2030 Greenhouse Gas Target. January 20, 2017. Website: https://www.arb.ca.gov/cc/scopingplan/2030sp_pp_final.pdf. Accessed June 1, 2023.
[32] California Air Resources Board (ARB). 2017. The 2017 Climate Change Scoping Plan Update, the Proposed Strategy for Achieving California's 2030 Greenhouse Gas Target. January 20, 2017. Website: https://www.arb.ca.gov/cc/scopingplan/2030sp_pp_final.pdf. Accessed June 1, 2023.
[33] California Air Resources Board (ARB). 2017. Short-Lived Climate Pollutant Reduction Strategy. March. Website: https://www.arb.ca.gov/cc/shortlived/meetings/03142017 /final_slcp_report.pdf. Accessed June 1, 2023.

As described previously, the 2022 Scoping Plan was recently adopted in December 2022. The 2022 Scoping Plan identifies strategies to meet the State's SB 32 GHG reduction goals as well as feasible methods to achieve carbon neutrality by 2045. Appendix D of the 2022 Scoping Plan identifies the importance of local jurisdiction actions, such as cities and counties, because these entities have direct control over land use decisions in much of the State. While local jurisdictions influence land use development and building GHG reduction measures, the State largely influences transportation GHG reduction measures. As such, the 2022 Scoping Plan provides a strategy that is capable of reaching the SB 32 target if the measures included in the plan are implemented and achieve reductions within the ranges expected. Nevertheless, to date, neither a new quantitative threshold nor BPS have been identified for projects constructed after 2020. Therefore, significance is based on making continued progress toward the SB 32 2030 goal.

### *Newhall Ranch*

As explained above at length, the California Supreme Court has set forth additional guidance in evaluating a project's potential GHG impact. In a November 30, 2015, ruling, the California Supreme Court in *Center for Biological Diversity v. California Department of Fish and Wildlife* invalidated the EIR for the Newhall Ranch project due to insufficient evidence in the administrative record supporting that project's GHG analysis, among other reasons. The Court endorsed the use of AB 32's Statewide emission reduction goals as a legally permissible significance threshold for analyzing a project's GHG impacts under CEQA. In particular, the Court upheld: (1) use of the Statewide emissions reduction goal in AB 32 as a significance criterion (pp. 15–19), (2) use of the Scoping Plan's BAU model "as a comparative tool for evaluating efficiency and conservation efforts" of the Project (pp. 18–19), and (3) a comparison of the project's expected emissions to a BAU model rather than a baseline of pre-project conditions (pp. 15–19).

However, comparisons to the AB 32 Scoping Plan must be supported by a reasoned explanation based on substantial evidence. In other words, the Court approved the methodology used in the EIR's analysis in terms of reductions from projected BAU emissions consistent with AB 32's Statewide reductions mandate (rather than against some absolute numeric limit above the project site's baseline emissions), but the Court held the GHG analysis lacked supporting substantial evidence and a cogent explanation correlating the project-specific reductions to AB 32's mandated Statewide reductions so as to demonstrate consistency with the latter's goals under the approved methodology. The Court suggested a lead agency could examine the "data behind the Scoping Plan's business-as-usual model" to determine the necessary project-level reductions from new land use development at the proposed location (p. 25). A lead agency "might assess consistency with AB 32's goal in whole or part by looking to compliance with regulatory programs designed to reduce GHG emissions from particular activities."

The substantial evidence needed to support a project BAU threshold can be derived from data used to develop the Scoping Plan inventory and control strategy, and from analysis conducted by the ARB to track progress in achieving the AB 32 2020 target. The critical factor in determining the appropriate project threshold is whether the State requires additional reductions beyond those achieved by existing regulations in order to achieve its target. If no additional reductions are required from individual projects, no nexus exists to require a project to mitigate its emissions. In

that case, the percentage reductions achieved by projects through compliance with regulations is the amount needed to reach the AB 32 target.

The State's regulatory program implementing the 2008 Scoping Plan is now fully mature. All regulations envisioned in the Scoping Plan have been adopted by the responsible agencies and the effectiveness of those regulations have been estimated by the agencies during the adoption process and then are tracked to verify their effectiveness after implementation. The combined effect of this successful effort is that the State now projects that it will meet the 2020 target and achieve continued progress toward meeting post-2020 targets.

The California Supreme Court was concerned that new development may need to do more than existing development to reduce GHGs to demonstrate that it is doing its fair share of reductions. As will be shown below, new development does do more than existing development and, because of the nature of the sources of GHG emissions related to development, existing development is equally responsible for reducing emissions from the most important sources of emissions. It is important to note that most of the State's regulatory program applies to both new and existing development.

The Scoping Plan reduction from BAU accounts for growth projected in the State and assumes that existing development would continue to emit GHGs at the same rate that occurred in the base year (2002-2004 average). The California Department of Finance (CDF) Report E-5 predicts that population growth in California from 2005 to 2020 will be 13.2 percent. This means that development that existed in 2005 will produce nearly 87 percent of the State's emissions in 2020. Conversely, new development is only responsible for about 13 percent of the emissions generated during this timeframe. If measures to reduce emissions from existing development were not available, new development could not provide sufficient reductions to reach the 2020 target even if their emissions were reduced to net-zero. This continues to apply to the 2030 target. The CDF forecasts California's population will grow by 8.1 percent between 2020 and 2030, so existing development will be responsible for 92 percent of the emissions that occur in 2030.

The State's regulatory program is able to target both new and existing development because the two most important strategies—motor vehicle fuel efficiency and emissions from electricity generation—obtain reductions equally from existing and new sources. This is because all vehicle operators use cleaner low carbon fuels and buy vehicles subject to the fuel efficiency regulations, and all building owners or operators purchase cleaner energy from the grid that is produced by increasing percentages of renewable fuels. This includes regulations on mobile sources such as: the Pavley standards that apply to all vehicles purchased in California, the LCFS that applies to all fuel used in California, and the RPS and Renewable Energy Standard that apply to utilities providing electricity to all California homes and businesses. The reduction strategy where new development is required to do more than existing development is building energy efficiency and energy use related to water conservation regulations. For example, new projects are subject to Title 24 Energy Efficiency Standards and CALGreen Code and Model Water Efficient Landscape Ordinance (MWELO) water conservation requirements. New buildings and landscapes are much more energy efficient and water efficient than the development that has been built over the past decades and will require much less energy. Title 24 is updated about every 3 years with the goal of reaching zero-net-energy from new residential buildings by 2020 and new commercial buildings by 2030. The proposed project's

industrial building would be constructed after 2023 and would be required to comply with the regulations in effect at the time building permits are issued.

As described above, the State requires an average reduction from all sources of the emission inventory of 21.7 percent to achieve the 2020 target. The Scoping Plan strategy will achieve greater than average reductions from energy and mobile source sectors that are the primary sources related to development projects, and lower than average reductions from other sources such as agriculture. The amount of reduction estimated by the ARB for each sector was based on technical feasibility and cost effectiveness. Review of the 2008 Scoping Plan inventory and strategy shows that the reduction from all development related sources is approximately 29 percent from BAU in order to make up for the below average sectors and achieve the required 21.7 percent average reduction. Achieving the SB 32 2030 target will require an approximate 40 percent reduction from 2020 levels assuming the State achieves the AB 32 target. The 2017 Scoping Plan Update identifies a range of reduction amounts expected from each emission sector, but an amount needed for development's fair share of reductions have not been determined. The 2022 Scoping Plan addresses the latest climate-related legislation, AB 1279, which required the State to reduce Statewide anthropogenic GHG emissions to at least 85 percent below 1990 levels by 2045 and to maintain net negative GHG emissions thereafter.

### *Approach to Methodology and Analysis*

Given the above regulatory framework and relevant caselaw, for purposes of this analysis, it incorporates both a quantitative evaluation as well as a qualitative consistency evaluation. Specifically, a quantitative analysis was prepared for the proposed project to determine the extent to which it may increase or reduce GHG emissions as compared to the existing environmental setting (see Consideration No. 1, above). The analysis also sets forth an evaluation of the proposed project's consistency with the SB 32 targets and the 2017 Scoping Plan Update based on an assessment of the proposed project's reduction from BAU based on emissions in 2030 compared with the 21.7 percent reduction and the with a consistency analysis. This approach provides estimates of project emissions in the new 2030 milestone year with the existing threshold to show the extent of progress achieved with existing regulations and project design features to address Considerations 1 and 2 above. Consistent with the guidance provided by the *Newhall Ranch* decision, a BAU analysis was prepared that assesses the proposed project's "consistency with AB 32's goal in whole or part by looking to compliance with regulatory programs designed to reduce greenhouse gas emissions from particular activities." To that end, this analysis shows the extent to which the proposed project complies with adopted regulations as well as the additional amount of GHG reductions that would be achieved through implementation of identified project design features.

At this point in time, no additional reductions are required from new development beyond existing regulations for the State to achieve its 2020 target. The recently adopted 2030 target will require a reduction from 431 MT $CO_2e$ to 260 MT $CO_2e$ or 40 percent from 1990 levels. After accounting for projected growth of approximately 0.8 percent per year, an average decrease of 5.2 percent per year from the State GHG inventory will be required to achieve the target. As noted above, the 2017 Scoping Plan Update includes a strategy for achieving the needed reductions, but does not identify an amount required specifically from new development. However, all GHG emission sources within development projects are subject to GHG regulations.

Therefore, this analysis considers the proposed project's consistency with the existing 2020 target and shows progress toward achieving the 2030 target. The quantitative analysis prepared for the proposed project sets forth the reduction from BAU in the 2030 target year to show the progress anticipated prior to applying reductions from new strategies contained in the 2017 Scoping Plan Update. The new reduction strategies from the plan are designed to close the gap between existing commitments and those needed to achieve the 2030 target, but many of the strategies must go through a regulatory process to be implemented. Therefore, the reduction levels needed from new development beyond regulations, if any, is uncertain.

The analysis prepared for the proposed project also includes qualitative assessments of compliance with the 2008 Scoping Plan, the 2017 Scoping Plan Update, and the 2022 Scoping Plan Update to support GHG significance findings under Impact GHG-2.

To determine significance, the analysis first quantifies project-related GHG emissions under a BAU scenario, and then compares these emissions with emissions that would occur when all project-related design features are accounted for, and when compliance with applicable regulatory measures is assumed. The standard and methodology are explained in further detail below.

## Greenhouse Gases Assessed

This analysis is appropriately limited to GHGs identified by AB 32, which include carbon dioxide, methane, $N_2O$, hydrofluorocarbons, perfluorocarbons, and sulfur hexafluoride.

The proposed project may emit GHGs that are not defined by AB 32. For example, the proposed project may generate aerosols through emissions of DPM from the vehicles and trucks that would access the project site. Aerosols are short-lived particles, as they remain in the atmosphere for about one week. Black carbon is a component of aerosols. Studies have indicated that black carbon has a high GWP; however, the IPCC states that these studies were not conclusive and the results are based on a low level of scientific certainty.[34]

In addition, water vapor could be emitted from evaporated water used for landscaping in connection with the proposed project, but water vapor concentrations in the upper atmosphere are primarily due to climate feedbacks rather than emissions from project-related activities, and therefore it was determined that it would be speculative to consider potential project impacts associated with water vapor.

The proposed project would emit $NO_x$ and VOCs, which are ozone precursors. However, this is distinct from ozone, which itself, is a GHG; however, unlike the other GHGs, ozone in the troposphere is relatively short-lived and can be reduced in the troposphere on a daily basis. Stratospheric ozone can be reduced through reactions with other pollutants.

Furthermore, certain GHGs defined by AB 32 would not be emitted by the proposed project given the proposed uses. Perfluorocarbons and sulfur hexafluoride are typically used in heavy industrial

[34] Intergovernmental Panel on Climate Change (IPCC). 2007. Climate Change 2007: The Physical Science Basis. Contribution of Working Group I to the Fourth Assessment Report of the Intergovernmental Panel on Climate Change (Solomon, S., D. Qin, M. Manning, Z. Chen, M. Marquis, K.B. Averyt, M. Tignor and H.L. Miller [eds.]). Cambridge University Press, Cambridge, United Kingdom and New York, NY, USA. Website: https://www.ipcc.ch/report/ar4/wg1/. Accessed June 1, 2023.

applications,[35] none of which would be used by the proposed project. Therefore, it is not anticipated that the proposed project would emit perfluorocarbons or sulfur hexafluoride, and thus these GHGs are not studied in this analysis.

## 3.8.5 - Project Impacts and Mitigation Measures

This section discusses potential impacts associated with the project and provides mitigation measures where necessary.

### Greenhouse Gas Emissions

**Impact GHG-1: Would the project generate greenhouse gas emissions, either directly or indirectly, that may have a significant impact on the environment?**

#### *Impact Analysis*

The following analysis is based on the Air Quality, Greenhouse Gas Emissions, and Energy Analysis Report (Air Quality Report), which is included in Appendix B.

#### *Construction Emissions*

Total GHG emissions generated during all phases of construction were combined and are presented in Table 3.8-3. The Valley Air District does not recommend assessing the significance of construction-related emissions. However, other jurisdictions, such as the South Coast Air Quality Management District (South Coast AQMD) and the Sacramento Metro Air Quality Management District (Sacramento Metro AQMD), have concluded that construction emissions should be included since they may remain in the atmosphere for years after construction is complete. For purposes of a conservative analysis, the City, in its discretion, has elected to account for the construction emissions by amortizing the total emissions generated during construction based on the life of the development (30 years) and then adding them to the operational emissions. Table 3.8-3 presents the amount of GHG emissions during construction assuming implementation of Mitigation Measure (MM) AIR-2a and MM AIR-2b.

**Table 3.8-3: Construction Greenhouse Gas Emissions (Mitigation Included)**

| Construction Year | Total MT $CO_2e$ per year (approx.) |
|---|---|
| 2024 | 7,013 |
| 2025 | 3,710 |
| 2026 | 3,081 |
| 2027 | 3,713 |
| 2028 | 874 |
| **Entire Construction Duration (2024-2028)** | |
| **Total** | **18,391** |
| ***Amortized over 30 years*** | ***613*** |

[35] Note: the heavy industrial land uses stated here include uses such as petroleum refineries and manufacturing of heavy metals. Light industrial uses would not engage in similar applications.

| Construction Year | Total MT $CO_2e$ per year (approx.) |
|---|---|
| Notes:<br>MT $CO_2e$ = metric tons of carbon dioxide equivalent<br>Because of rounding, total MT $CO_2e$ may be marginally different from CalEEMod output.<br>Source: Appendix B | |

### *Operational Emissions*

Operational or long-term emissions would occur over the life of the proposed project. Sources of emissions would consist of motor vehicles and trucks, energy usage, water usage, waste generation, and area sources, such as, for example, landscaping activities.

### *Business As Usual Operational Emissions*

Operational emissions under the BAU scenario were modeled using CalEEMod Version 2020.4.0. Modeling assumptions for the year 2005 were used to represent 2030 BAU conditions (without the benefit of regulations adopted to reduce GHG emissions). The Valley Air District guidance recommends using emissions in 2002–2004 in the baseline scenario to represent conditions—as if regulations had not been adopted—to allow the effect of projected growth on achieving reduction targets to be clearly defined.

### *2025 and 2030 Operational Emissions*

Operational emissions were modeled for the years 2025 and 2030 using CalEEMod. It should be noted that although Phase 1 of the proposed project is assumed to be operational in 2025, Phase 2 in 2026, and Phase 3 in 2028, in order to present a conservative evaluation, this BAU analysis assumed that full buildout of the project would be occur and be operational in 2025. CalEEMod assumes compliance with some, but not all, applicable rules and regulations regarding energy efficiency, vehicle fuel efficiency, renewable energy usage, and other GHG reduction policies, as described in the CalEEMod User's Guide.[36] The reductions obtained from each regulation and the source of the reduction amount used in the analysis are described below.

*Emissions Accounting for Applicable Regulations*

The following regulations are incorporated into the CalEEMod emission factors:

- Pavley I and Pavley II (LEV III) motor vehicle emission standards
- ARB Medium and Heavy-Duty Vehicle Regulation
- 2005, 2008, 2013, 2016, and 2019 Title 24 Energy Efficiency Standards

The following regulations have not been incorporated into the CalEEMod emission factors and require alternative methods to account for emission reductions provided by the regulations:

- Renewable Portfolio Standards
- Low Carbon Fuel Standard
- 2022 Title 24 Energy Efficiency Standards

[36] South Coast Air Quality Management District (South Coast AQMD). 2017. User's Guide for CalEEMod Version 2020.4.0. Website: http://www.aqmd.gov/caleemod/user's-guide. Accessed June 1, 2023.

- California Green Building Standards Code (indoor water use)
- California Model Water Efficient Landscape Ordinance (Outdoor Water)

Pavley II/LEV III standards have been incorporated in CalEEMod Version 2020.4.0. The ARB estimates a 3 percent reduction in 2020 and a 19 percent reduction from the vehicle categories subject to the regulation by 2030.[37,38]

The ARB GHG Regulation for Medium and Heavy-Duty Engines and Vehicles would apply to trucks accessing the project site. Therefore, the benefits of this regulation were incorporated into CalEEMod Version 2020.4.0. The ARB estimates that this regulation will reduce GHG emissions from the affected vehicles by 7.2 percent.[39]

Title 24 reductions for 2013 and 2016 updates are included in CalEEMod Version 2020.4.0. RPS is not accounted for in CalEEMod Version 2020.4.0. Energy savings from water conservation resulting from the Green Building Code Standards for indoor water use and California MWELO for outdoor water use are not included in CalEEMod. The Water Conservation Act of 2009 mandates a 20 percent reduction in urban water use that is implemented with these regulations.

Regulations applicable to project sources and the percent reduction anticipated from each source are shown in Table 3.8-4. The percentage reductions are only applied to the specific sources subject to the regulations. For example, the Pavley LEV Standards apply only to light-duty cars and trucks.

**Table 3.8-4: Summary of Applicable Greenhouse Gas Regulations**

| Regulation | Project Applicability |
|---|---|
| Pavley Low Emission Vehicle Standards | Light-duty cars and trucks accessing the project site are subject to the regulation. |
| Truck and Bus Regulation | Heavy-duty trucks accessing the project site for deliveries and services are subject to the regulation. |
| Low Carbon Fuel Standard (LCFS) | Vehicles accessing the project site would use fuel subject to the LCFS. |
| Title 24 Energy Efficiency Standards | The project buildings would be constructed to meet the latest version of Title 24 (currently 2022). The reduction applies only to energy consumption subject to the regulation. |
| Green Building Code Standards | The proposed project would include water conservation features required by the standard. |
| Water Efficient Land Use Ordinance | The project landscaping would be required to comply with the regulation. |

[37] California Air Resources Board (ARB). 2010. Pavley 1 + Low Carbon Fuel Standard Postprocessor Version 1.0 User's Guide. Website: https://ww3.arb.ca.gov/cc/sb375/tools/pavleylcfs-userguide.pdf. Accessed June 1, 2023.
[38] California Air Resources Board (ARB). 2013. Clean Car Standards—Pavley, Assembly Bill 1493. Website: http://www.arb.ca.gov/cc/ccms/ccms.htm. Accessed June 1, 2023.
[39] California Air Resources Board (ARB). 2013. Initial Statement of Reasons for Proposed Rulemaking, Proposed GHG Regulations for Medium and Heavy-Duty Engines and Vehicles. Website: https://www.arb.ca.gov/regact/2013/hdghg2013/hdghg2013isor.pdf. Accessed June 1, 2023.

| Regulation | Project Applicability |
|---|---|
| Renewable Portfolio Standard (RPS) | Electricity purchased for use at the project site is subject to the 33 percent RPS mandate and would be subject to the 60 percent mandate starting in the 2030 operational year. |

Reported operational emissions are considered to represent unmitigated project conditions to present a conservative analysis. Although MM AIR-2c through MM AIR-2g would reduce GHG emissions due to the use of more efficient on-site vehicles and equipment, reducing vehicle idling, providing EVs with charging infrastructure, these measures cannot be quantified in CalEEMod. Full assumptions and model outputs are provided in Appendix B including detailed results of this analysis for the year 2025.

As shown in the Air Quality Report (Appendix B), the proposed project would demonstrate compliance with applicable regulations and implement project design features to further reduce GHG emissions. In 2025, the proposed project would be expected to generate a total of approximately 63,290 MT $CO_2$e per year, which would be an approximately 37.05 percent reduction in GHG emissions from BAU (100,540 MT $CO_2$e per year).[40] This is above the 29 percent reduction required by the Valley Air District threshold and well exceeds the 21.7 percent average reduction from all sources of GHG emissions now required to achieve AB 32 targets. Thus, the 37.05 percent reduction from BAU is 15.35 percent beyond the average reduction required by the State from all sources to achieve the AB 32 2020 target.

Since the project buildout would occur after 2020, additional analysis was conducted to demonstrate consistency with the SB 32 2030 target. As shown in the Air Quality Report, the proposed project would achieve a reduction of 40.9 percent from BAU by the year 2030 with compliance with applicable regulations and identified project design features incorporated.

### *Summary*

In conclusion, the proposed project would achieve a reduction of 15.35 percent beyond the ARB 2020 21.7 percent target and 8.05 percent beyond the Valley Air District 29 percent reduction from BAU requirements with compliance with applicable regulations and incorporation of identified project design features in the 2025 operational year. Moreover, the proposed project would achieve a reduction of 40.9 percent from BAU by the year 2030 with compliance with applicable regulations and identified project design features incorporated.

Based on the foregoing progress, it is reasonable to conclude that the proposed project is consistent with the 2017 Scoping Plan and would contribute a reasonable fair share contribution to achieving the 2030 target. This fair share would be achieved through several mechanisms, including, for example, compliance with increasingly stringent State regulations that apply to new development, such as Title 24 and CALGreen, and regulations on energy production, fuels, and motor vehicles that

[40] FirstCarbon Solutions (FCS). 2023. Air Quality, Greenhouse Gas Emissions, and Energy Analysis Report, Shirk and Riggin Industrial Park Project.

apply to both new and existing development. Therefore, the proposed project would not generate significant direct or indirect GHG emissions and impacts would be less than significant.

### *Level of Significance*

Less than significant impact.

### *Mitigation Measures*

None required.

## Conflict with Plan, Policy, or Regulation that Reduces Emissions

| | |
|---|---|
| **Impact GHG-2:** | **Would the project conflict with any applicable plan, policy or regulation of an agency adopted for the purpose of reducing the emissions of greenhouse gases?** |

### *Impact Analysis*

The following analysis assesses the proposed project's compliance with Consideration No. 3 regarding consistency with adopted plans to reduce GHG emissions. This analysis is accomplished via an assessment of the proposed project's compliance with the Visalia CAP, Scoping Plan measures contained in the 2017 Scoping Plan and 2022 Scoping Plan Update, and the Visalia General Plan.

It should be noted that although the City of Visalia has adopted a CAP in December 2013 as part of the General Plan Update and corresponding EIR, the Visalia CAP does not meet the requirements of a qualified GHG reduction plan, which requires lead agencies to monitor their progress toward achieving and meeting the goals of a CAP. Table 3.8-5 assesses project consistency with the Visalia CAP.

**Table 3.8-5: Consistency with City of Visalia's CAP**

| CAP Actions | Project Consistency |
|---|---|
| **Energy** | |
| Solar Photovoltaic (PV) Institutional Barrier Removal. The City participated in an initiative called the Southwest Solar Transformation Initiative (SSTI), a regional team of public and private entities committed to advancing solar power adoption across the partner municipalities in the Southwest United States. | **Not Applicable.** This action applies to the City of Visalia and other municipalities, not individual development projects such as the proposed project. |
| Solar PV installations. This action emphasizes the benefit for community members to install solar photovoltaic systems. | **Consistent.** As currently designed, the proposed project would not include solar photovoltaic panels on building rooftops. In addition, the Notice of Preparation (NOP) comment letter sent from the Valley Air District recommends that the proposed project include rooftop solar, or solar-ready rooftops, or light colored roofing material. MM GHG-2a would require that the proposed project includes one of the following measures: rooftop solar panels, solar-ready rooftop design, as feasible, or roofing material contains light coloring with a solar reflective index greater than 78. Therefore, with |

| CAP Actions | Project Consistency |
|---|---|
| | implementation of MM GHG-2a the proposed project would be consistent with this action. |
| Energy Upgrade CA. Energy Upgrade California™ is a Statewide program that offers incentives to homeowners who complete select energy-saving home improvements on a single-family residence and two to four unit buildings such as a townhouse, condominium, as well as homeowners associations with either single-family homes or two to four unit buildings. | **Not Applicable.** The proposed project would not include residential uses. |
| Southern California Edison Small Business Direct Install Program. Southern California Edison will provide business owners free energy efficiency evaluations. | **Consistent.** The proposed project tenants would be able to freely consult with Southern California Edison (SCE) to conduct energy efficiency evaluations. |
| Southern California Gas Weatherization Program. This program offers weatherization upgrades for qualified property owners through the SoCalGas Energy Savings Assistance Programs. | **Not Applicable.** As a new development the proposed project buildings would be constructed according to Title 24 of the California Building Code standards. As a result, this action would not be necessary because no weatherization upgrades would be needed in brand new buildings. |
| CSET Weatherization Program. This program offers free weatherization of residential homes for low-income residents. | **Not Applicable.** The proposed project would not include residential uses. |
| Urban Forestry. The Street Tree Ordinance requires all new commercial and residential development to plant street trees, which can reduce electricity use due to shade reducing the need to cool buildings. | **Consistent.** The proposed project would include drought tolerant landscaping throughout the project site consistent with the City of Visalia Tree Ordinance. |
| Compact Fluorescent Light (CFL) Bulbs. Encourage the use of CFLs throughout the community. | **Consistent.** The proposed project would as a new development be constructed according to the latest adopted version of Title 24 of and the CALGreen Building Code Standards. These standards include requirements on energy efficient lighting fixtures, which would reduce energy demand. |
| **Transportation** | |
| Sequoia National Park Shuttle Bus. In 2007, the City began running a shuttle service from Visalia to Sequoia National Park. Sequoia Shuttle's external shuttle service provides affordable, convenient, and comfortable transportation from Visalia to the majestic Sequoia National Park, seven days a week, during summer. Though most park visitors arrive by private vehicle, the increasing number of motor vehicles in the nation's parks threatens the very resources the parks were intended to protect. Sequoia National Park receives over 1 million visitors every year. More visitors results in more traffic on park roads and parking areas, resulting in | **Not Applicable.** This action would be implemented by the City of Visalia. |

| CAP Actions | Project Consistency |
|---|---|
| lengthy delays and roadway congestion. This congestion translates to air and noise pollution which threatens the fragile natural and cultural resources within the parks. Sequoia Shuttle also operates four free in-park routes within Sequoia National Park. No tickets are required, and bus stops are clearly marked throughout the park. This bus service currently consists of a fleet of 12 gasoline-driven buses that operate 109 days of the year. The annual average ridership for this bus service is approximately 7,041. | |
| Bicycle Path Expansion. Visalia has an excellent system of multi-use paths that are well suited to biking. Currently, the cumulative distance of bicycle paths and trails within the City total 27.7 miles. Through acquisition and construction, the City plans on extending the total distance of bicycle paths, lanes and trails to 140 miles by 2020 and will continue expanding bicycle paths through 2030. | **Not Applicable.** This action would be implemented by the City of Visalia. |
| Vi-Cycle Pilot Program. The City of Visalia believes in the benefits of bikes, buses, and hybrid vehicles. Reducing our dependency on automobiles can help conserve natural resources and improve air quality. The City's "Vi-Cycle" program takes recovered bicycles from the Police Department, Transit and other sources, refurbishes them and then distributes them to businesses for use by employees or customers in the community. This program is intended to reduce car emissions and congestion, save money, improve air quality and utilize recycled bicycles in the community. The City hopes to keep expanding the program through 2020 and 2030. | **Not Applicable.** This action would be implemented by the City of Visalia. |
| Dare to Spare Program. Dare to Spare Challenge is a City-wide challenge implemented by the City's Transit Division that encourages teamwork, rewards clean practices, and educates the community on the simple things we can do to positively impact air quality. | **Not Applicable.** This action would be implemented by the City of Visalia. |
| Increase in Transit Ridership (City Transit Buses). The City has been working hard to promote the use of the City's public transit systems, in particular transit bus services. For example, Visalia Transit hosted the "Make an Impression" campaign where over 80 green footprints were painted around town prompting the largest Earth Day event to date and Transit continues to be an annual Earth Day participant. Visalia Transit also utilizes social media, and has a very active and ever-growing Facebook page that interacts with fans each day, | **Not Applicable.** This action would be implemented by the City of Visalia. |

| CAP Actions | Project Consistency |
|---|---|
| giving them different tips, facts, updates and promotions. | |
| Traffic Light Synchronization. The City of Visalia will be installing advanced technology systems and implementing effective management strategies in order to improve the operational efficiency of transportation systems and the movement of people, goods, and services, including synchronization of traffic lights and signals. | **Not Applicable.** This action would be implemented by the City of Visalia, not individual development projects such as the proposed project. |
| **Waste and Resource Conservation** | |
| Waste-To-Energy Program. The Waste-to-Energy Program began in 2005. The City of Visalia belongs to the Consolidated Waste Management Authority, a joint powers authority (includes seven cities and Tulare County) that ships a small percentage of its solid waste to be incinerated at a transformation facility in Long Beach. Based on estimates from 2006-2009, approximately 1,416 tons of waste from Visalia are incinerated each year. This percentage is subject to change, however, in subsequent years, depending on funding that is available. The program ended in 2009. | **Not Applicable.** This program no longer exists according to the CAP. |
| Construction and Demolition Recycling. Visalia's C&D debris recycling program began in 2006. It requires all major construction and demolition related projects in the City to recycle their waste including, waste building materials, packaging, and rubble resulting from construction, remodeling, repair, and demolition operations on pavements and structures. The requirement for C&D debris recycling for the City is 50 percent of all C&D waste generated. | **Consistent.** The proposed project contractor would be required to comply with these and all other applicable construction and demolition recycling requirements through the issuance of construction and grading permits. |
| Yard Waste/Food Scrap Composting. The City of Visalia has had a yard waste collection service specifically for the residential sector since 1985. The yard waste program was expanded to service the commercial sector in 2006. To promote this new service, the City implemented a commercial green waste/recycling audit program where the City visits individual businesses, studies their waste stream, and makes recommendations on how local businesses can save money by reducing the landfill solid waste content by increasing their green waste and recycling content. The City continues to offer the audit program to local businesses. The City's yard waste service was yet again expanded to include food scrap composting in 2009 with the start of a pilot program for the residential sector. The program was expanded to the commercial | **Consistent.** With respect to the removal of the existing orchards, green waste would be removed by construction contractors consistent with City requirements. In terms of operation, the proposed project would include typical landscaping maintenance and yard waste procedures, which would be disposed of according to the applicable City of Visalia requirements including, among others, those addressing the City's audit program. |

| CAP Actions | Project Consistency |
|---|---|
| sector in 2010. Starting in 2012, the City's Natural Resource Conservation Division and Solid Waste Division began targeting commercial accounts that would benefit from adding food scrap composting services. The City will continue to offer commercial waste audits and utilize every opportunity to educate the community on the benefits of yard/food waste composting. | |
| **Energy Systems** | |
| Energy Star Appliances and Equipment: Promote purchasing of energy efficient (e.g., ENERGY STAR) home and office appliances and equipment. | **Consistent.** The proposed project would be required to comply with the then-current Title 24 requirements (including those involving energy efficiency measures) and would consider Energy efficient Starr Appliances and Equipment, where feasible. |
| Community-wide Solar PV Bulk Purchasing: Continue to promote community-wide rooftop solar. Continue exploring the potential to collaborate with regional partners on a community- wide solar bulk purchase program. | **Not Applicable.** This action would be implemented by the City of Visalia, not individual development projects such as the proposed project. |
| Property Assessed Clean Energy (PACE) Program: Work to establish PACE financing which supports energy efficiency and renewable energy projects by providing up-front capital that is subsequently paid back through a special assessment on participants' property taxes, to be implemented in conjunction with SCE incentive opportunities. | **Not Applicable.** This action would be implemented by the City of Visalia, not individual development projects such as the proposed project. |
| Energy Efficiency Marketing and Programs: Providing public education on the need for energy efficiency, emissions reduction programs, and cost savings associated with energy- efficient buildings; continue co-branding programs with the VIEW, SCE and SoCalGas through Public Goods Funds, facility benchmarking through AB1103, and other energy efficiency program opportunities | **Not Applicable.** This action would be implemented by the City of Visalia, not individual development projects such as the proposed project. |
| Visalia Unified School District (VUSD) Solar Program: Through various funding sources, the VUSD has installed and will continue to implement renewable energy opportunities at school facilities. | **Not Applicable.** This action would be implemented by the VUSD, not individual development projects such as the proposed project. |
| **Water Resource and Conservation** | |
| Water Efficient Landscaping Policy: Continue working to reduce the amount of water used for landscaping through the development of a local Water Efficient Landscape Ordinance, updates to the Landscape Standards, and enforcement of the Water Conservation Ordinance | **Consistent.** The proposed project would be required to adhere to all landscape and water conservation standards and measures, including, among others, inclusion of drought tolerant landscaping consistent with applicable provisions of the City of Visalia Municipal Code. |

| CAP Actions | Project Consistency |
|---|---|
| Water Efficient Landscaping Promotion and Education: Educate the community on the benefits of using low- maintenance landscaping. | **Not Applicable.** This action would be implemented by the City of Visalia, not individual development projects such as the proposed project. |
| **Transportation and Land Use** | |
| Transit Oriented Development: Investigate and integrate transit-oriented development into all of the City's relevant long-term planning goals and projects when applicable. | **Not Applicable.** This action would be implemented by the City of Visalia, not individual development projects such as the proposed project. |
| Plug-in Electric Vehicle (PEV) Charging Stations: Continue working to expand the deployment of PEV through the development of infrastructure, including the installation of two PEV charging stations each at the transit parking lot and the two public parking structures. | **Consistent.** The proposed project would include MM AIR-2d, which would require each relevant the project applicant to include infrastructure for EV charging stations into a minimum of 20 percent of all vehicle parking spaces (including parking for trucks) in connection with each individual specific development proposal, consistent with the applicable California Green Building Standards Code Tier 1 Nonresidential Mandatory Measure (Section A5.106.5.3). MM AIR-2d would also require the design of the buildings' electrical room to hold additional panels that may be needed to supply power for the future installation of EV truck charging stations on-site. As a result, the proposed project would be consistent with this action by facilitating not inhibit this action intended to expand the deployment of EV charging infrastructure. |
| Local, Low-Carbon Transportation Education: Educate citizens on options for utilizing local, low-carbon transportation. | **Not Applicable.** This action would be implemented by the City of Visalia, not individual development projects such as the proposed project. |
| Infill and Higher Density Development: Through the 2030 General Plan Update and other tools, the City will continue to promote infill development | **Not Applicable.** This action would be implemented by the City of Visalia, not individual development projects such as the proposed project. |
| CNG Public Fueling Stations: The City will continue to remove barriers to the installation of public CNG fueling stations, and work with community stakeholders to advance the utilization of CNG as a cleaner alternate fuel source. | **Not Applicable.** This action would be implemented by the City of Visalia, not individual development projects such as the proposed project. |
| Anaerobic Digestion. Commercial compost will be processed through anaerobic digesters by 2015 and all other green waste and food scraps will be processed by anaerobic digesters by 2018. | **Not Applicable.** This action would be implemented by the City of Visalia, not individual development projects such as the proposed project. |
| Source: Strategic Energy Innovations (SEI). 2013. City of Visalia Climate Action Plan. December. Website: https://www.visalia.city/civicax/filebank/blobdload.aspx?blobid=28939. Accessed February 7, 2023. | |

As described in Table 3.8-5, although many actions in the City of Visalia's CAP would not apply as they are intended to be actions taken by the City as opposed to being implemented by individual development projects, the proposed project would be consistent with nearly all the City of Visalia CAP actions applicable to individual development, given the nature of the proposed project including

the incorporation of identified design features, as well as assumed implementation of recommended mitigation measures except CAP Action–Solar Panels. As currently designed, the proposed project would not include solar panels or solar-ready rooftop infrastructure, resulting in a potentially significant impact due to inconsistency with the CAP. However, implementation of MM GHG-2a would require the proposed project to include rooftop solar panels, solar-ready rooftop design, as feasible, or roofing material contains light coloring with a solar reflective index greater than 78 upon issuance of building permit. Therefore, impacts related to consistency with the Visalia CAP would be less than significant with implementation of mitigation.

### *Consistency with California's Post-2020 Targets*

The State's executive branch adopted several Executive Orders related to GHG emissions. Executive Orders S-3-05 and B-30-15 are two examples. Executive Order S-3-05 sets goals to reduce emissions to 1990 levels by 2020 and 80 percent below 1990 levels by 2050. The goal of Executive Order S-3-05 to reduce GHG emissions to 1990 levels by 2020 was codified by AB 32. The proposed project, as analyzed above, is consistent with AB 32. Therefore, the proposed project does not conflict with this component of Executive Order S-3-05. Executive Order B-30-15 establishes an interim goal to reduce GHG emissions to 40 percent below 1990 levels by 2030.

The 2030 goal was codified under SB 32 and is now addressed by the 2017 Scoping Plan Update. The 2017 Scoping Plan includes methodologies and threshold approaches required to determine the fair-share contributions City development projects would need to make to achieve the 2030 target. In the meantime, however, the discussion under "Consistency with SB 32" below addresses the consistency of the proposed project with SB 32, which provides the statutory underpinning of the 2017 Scoping Plan. The SB 32 target requires GHG emissions to be reduced from 1990 levels. No consensus has been reached around the State on a new quantitative target for new development based on consistency with the SB 32 targets.

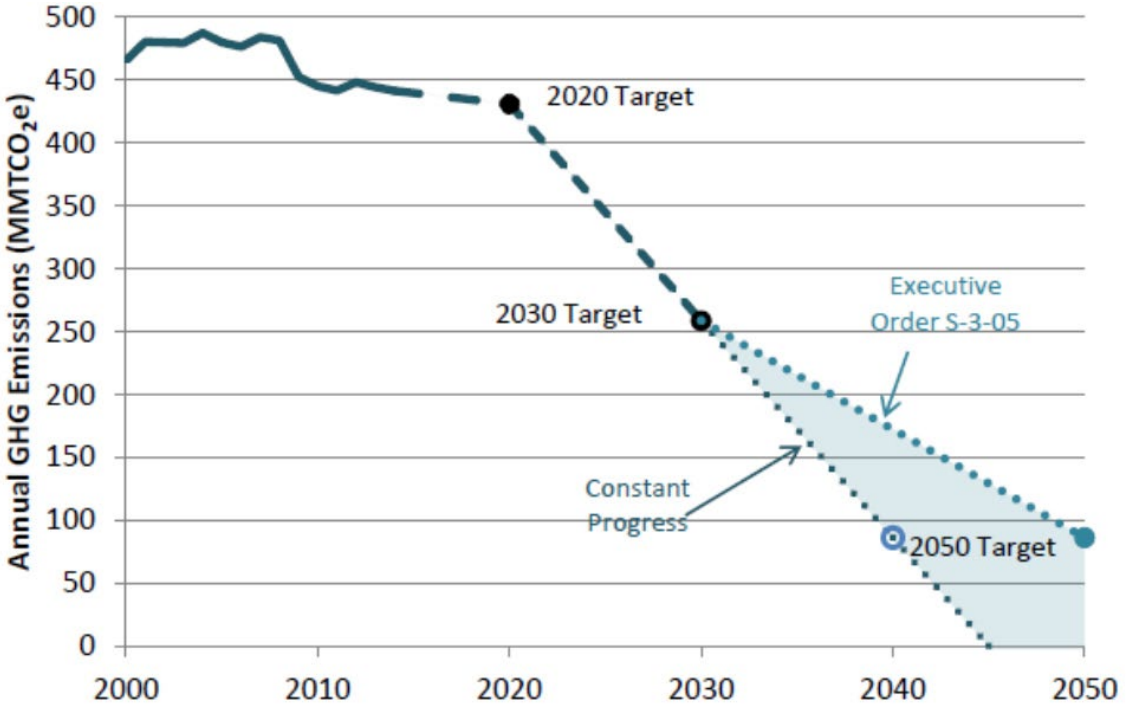
In 2022, AB 1279 codified requirements for achieving net-zero GHG emissions no later than 2045, and achieving and maintaining net negative GHG emissions thereafter. AB 1279 requires that by 2045, Statewide anthropogenic GHG emissions are reduced to at least 85 percent below the 1990 levels. To address the requirements, ARB 2022 Scoping Plan for Achieving Carbon Neutrality (2022 Scoping Plan) lays out a path to achieve targets for carbon neutrality as directed by AB1279. The actions and outcomes in the plan will achieve significant reductions in fossil fuel combustion by deploying clean technologies and fuels, further reductions in short-lived climate pollutants, support for sustainable development, increased action on natural and working lands to reduce emissions and sequester carbon, and the capture and storage of carbon.[41]

- **Energy Sector:** Continued improvements in California's appliance and building energy efficiency programs and initiatives, such as the State's zero-net-energy building goals, would serve to reduce the proposed project's emissions level. Additionally, further additions to California's renewable resource portfolio would favorably influence the project's emissions level.

[41] California Air Resource Board (ARB). Final 2022 Scoping Plan Update. Website: https://ww2.arb.ca.gov/our-work/programs/ab-32-climate-change-scoping-plan/2022-scoping-plan-documents. Accessed November 1, 2023.

- **Transportation Sector:** Anticipated deployment of improved vehicle efficiency, zero-emission technologies, lower carbon fuels, and improvement of existing transportation systems all will serve to reduce the project's emissions level.
- **Water Sector:** The project's emissions level will be reduced as a result of further desired enhancements to water conservation technologies.
- **Waste Management Sector:** Plans to further improve recycling, reuse and reduction of solid waste will beneficially reduce the project's emissions level.

For the reasons described above the proposed project's post-2020 emissions trajectory is expected to follow a declining trend, consistent with the 2030 and 2050 targets. The trajectory required to achieve the post-2020 targets is shown in Figure 3.8-3.




Source: California Air Resources Board (ARB). 2017. The 2017 Climate Change Scoping Plan Update. January 20. Website: https://www.arb.ca.gov/cc/scopingplan/2030sp_pp_final.pdf. Accessed June 1, 2023.

**Figure 3.8-3: California's Path to Achieving the 2050 Target**

In his January 2015 inaugural address, Former Governor Brown expressed a commitment to achieve "three ambitious goals" that he would like to see accomplished by 2030 to reduce the State's GHG emissions:

- Increasing the State's RPS from 33 percent in 2020 to 50 percent in 2030;
- Cutting the petroleum use in cars and trucks in half; and
- Doubling the efficiency of existing buildings and making heating fuels cleaner.

These expressions of executive branch policy may be manifested in adopted legislative or regulatory action through the State agencies and departments responsible for achieving the State's environmental policy objectives, particularly those relating to global climate change.[42]

Further, recent studies show that the State's existing and proposed regulatory framework will allow the State to reduce its GHG emissions level to 40 percent below 1990 levels by 2030, and to 80 percent below 1990 levels by 2050. Even though these studies did not provide an exact regulatory and technological roadmap to achieve the 2030 and 2050 goals, they demonstrated that various combinations of policies could allow the Statewide emissions level to remain very low through 2050, suggesting that the combination of new technologies and other regulations not analyzed in the studies could allow the State to meet the 2050 target.[43]

Given the proportional contribution of mobile source-related GHG emissions to the State's inventory, recent studies also show that relatively new trends—such as the increasing importance of web-based shopping, the emergence of different driving patterns, and the increasing effect of web-based applications on transportation choices—are beginning to substantially influence transportation choices and the energy used by transportation modes. These factors have changed the direction of transportation trends in recent years and will require the creation of new models to effectively analyze future transportation patterns and the corresponding effect on GHG emissions. For the reasons described above the proposed project's post-2020 emissions trajectory is expected to follow a declining trend, consistent with the 2030 and 2050 targets.

### *Consistency with SB 32*

As discussed previously, the 2022 Climate Change Scoping Plan Update was adopted on December 15, 2022. Appendix D of the Scoping Plan explains that local government actions, such as the City of Visalia, are crucial to achieving the State's climate goals. The actions of the 2022 Scoping Plan are focused on GHG reductions in the building and transportation sector, which are primarily associated with residential and mixed use development, not light industrial development such as the proposed project. As such, a discussion of the 2017 Scoping Plan's strategies and measures are discussed further. The 2017 Climate Change Scoping Plan Update (2017 Scoping Plan) includes the strategy that the State intends to pursue to achieve the 2030 targets of Executive Order S-3-05 and SB 32.

Table 3.8-6 provides an analysis of the proposed project's consistency with the 2017 Scoping Plan Update measures.

**Table 3.8-6: Consistency with SB 32 2017 Scoping Plan Update**

| Scoping Plan Measure | Project Consistency |
|---|---|
| **SB 350 50 percent Renewable Mandate.** Utilities subject to the legislation will be required to increase their renewable energy mix from 33 percent in 2020 to 50 percent in 2030. | **Not applicable.** This measure would apply to utilities and not to individual development projects. However, the proposed project would be required to purchase electricity from a utility subject to the SB 350 |

[42] Brown, Edmund G. Jr. 2015. Press Release: California Establishes Most Ambitious Greenhouse Gas Goal in North America. April 29. Website: https://www.ca.gov/archive/gov39/2015/04/29/news18938/index.html. Accessed June 1, 2023.

[43] Energy and Environmental Economics. 2015. Pathways to Deep Decarbonization in the United States. Website: https://irp.cdn-website.com/6f2c9f57/files/uploaded/US_Deep_Decarbonization_Technical_Report_Exec_Summary.pdf. Accessed June 1, 2023.

| Scoping Plan Measure | Project Consistency |
|---|---|
| | Renewable Mandate and the RPS requirements. SB 100 has increased the 2030 RPS standards to 60 percent by 2030, superseding the increase required by SB 350. |
| **SB 350 Double Building Energy Efficiency by 2030.** This is equivalent to a 20 percent reduction from 2014 building energy usage compared to current projected 2030 levels. | **Not applicable**. This measure applies to existing buildings. New structures are required to comply with Title 24 Energy Efficiency Standards that are expected to increase in stringency over time. However, the proposed project would be required to comply with the applicable Title 24 Energy Efficiency Standards in effect at the time building permits are received. |
| **Low Carbon Fuel Standard.** This measure requires fuel providers to meet an 18 percent reduction in carbon content by 2030. | **Not applicable.** This is a Statewide measure that cannot be implemented by a project applicant or lead agency. However, vehicles accessing the project site would benefit from the standards. |
| **Mobile Source Strategy (Cleaner Technology and Fuels Scenario).** Vehicle manufacturers will be required to meet existing regulations mandated by the LEV III and Heavy-Duty Vehicle programs. The strategy includes a goal of having 4.2 million ZEVs on the road by 2030 and increasing numbers of ZEV trucks and buses. | **Consistent with mitigation incorporated**. The proposed project is industrial in nature and would support truck and freight operations. It is expected that deliveries throughout the State would be made with an increasing number of ZEV delivery trucks, including trips that would be coming to and from the project site. The proposed project would not inhibit the Mobile Source Strategy because the implementation of MM AIR-2d would require the project applicant to include infrastructure for EV charging stations, including for trucks, into a minimum of 20 percent of all vehicle parking spaces (including parking for trucks), consistent with the applicable California Green Building Standards Code Tier 1 Nonresidential Mandatory Measure. MM AIR-2d would require the design of the buildings' electrical room to hold additional panels that may be needed to supply power for the future installation of EV truck charging stations on-site. As such, future ZEVs could access the project site to charge batteries as part of normal goods delivery operations. |
| **Sustainable Freight Action Plan.** The plan's target is to improve freight system efficiency 25 percent by increasing the value of goods and services produced from the freight sector, relative to the amount of carbon that it produces by 2030. This would be achieved by deploying over 100,000 freight vehicles and equipment capable of zero-emission operation and maximize near-zero-emission freight vehicles and equipment powered by renewable energy by 2030. | **Consistent with mitigation incorporated.** This measure applies to owners and operators of trucks and freight operations. The proposed project is industrial in nature and would support truck and freight operations. The proposed project would implement MM AIR-2e, which would require the project applicant to include infrastructure for EV charging stations, including for trucks, into a minimum of 20 percent of all vehicle parking spaces (including parking for trucks), consistent with the applicable California Green Building Standards Code Tier 1 Nonresidential Mandatory Measure. Additionally, MM AIR-2c would require (1) that all on-site off-road and on-road service equipment be zero-emission or all-electric and (2) that all project buildings would be designed to support the use of zero-emission or all-electric service equipment. These measures would |

| Scoping Plan Measure | Project Consistency |
|---|---|
| | support the sustainable Freight Action Plan by providing EV charging infrastructure and zero-emission support equipment. |
| **Short-Lived Climate Pollutant (SLCP) Reduction Strategy.** The strategy requires the reduction of SLCPs by 40 percent from 2013 levels by 2030 and the reduction of black carbon by 50 percent from 2013 levels by 2030. | **Consistent.** The proposed project would not include major sources of black carbon. This measure revolves around the ARB's SLCP Reduction Strategy that was released in April 2016 as a result of SB 650. SB 650 required the State to develop a strategy to reduce emissions of SLCPs. DPM reductions have come from strong efforts to reduce on-road vehicle emissions. Car and truck engines used to be the largest sources of anthropogenic black carbon emissions in California, but the State's existing air quality policies will virtually eliminate black carbon emissions from on-road diesel engines within 10 years. These policies are based on existing technologies. |
| **SB 375 Sustainable Communities Strategies.** Requires Regional Transportation Plans to include a Sustainable Communities Strategy for reduction of per capita vehicle miles traveled. | **Not applicable.** This measure applies to the public agencies involved in adopting and implementing RTP/SCS and is not intended to be implemented by individual development projects. |
| **Post-2020 Cap-and-Trade Program.** The Post 2020 Cap-and-Trade Program continues the existing program for another 10 years. The Cap-and-Trade Program applies to large industrial sources such as power plants, refineries, and cement manufacturers. | **Not applicable.** The proposed project is not one targeted by the cap-and-trade system regulations, and, therefore, this measure does not apply to the project. However, the post-2020 Cap-and-Trade Program indirectly affects people and entities who use the products and services produced by the regulated industrial sources when increased cost of products or services (such as electricity and fuel) are transferred to the consumers. |
| **Natural and Working Lands Action Plan.** The ARB is working in coordination with several other agencies at the federal, State, and local levels, stakeholders, and with the public, to develop measures as outlined in the Scoping Plan Update and the Governor's Executive Order B-30-15 to reduce GHG emissions and to cultivate net carbon sequestration potential for California's natural and working land. | **Not Applicable**. The project site is in a built-up urban area and would not be considered natural or working lands. |
| Source: California Air Resources Board (ARB). 2017. California's 2017 Climate Change Scoping Plan. November. Website: https://ww3.arb.ca.gov/cc/scopingplan/scoping_plan_2017.pdf. Accessed June 1, 2023. | |

Regarding goals for 2050 under Executive Order S-3-05, at this time it is not possible to quantify the emissions savings from future regulatory measures, as they have not yet been developed; nevertheless, it is reasonable to assume that operation of the proposed project would be required to comply with then-applicable measures that are enacted by State lawmakers to lead to an 80 percent reduction below 1990 levels by 2050. In its 2008 Scoping Plan, the ARB acknowledged that the "measures needed to meet the 2050 are too far in the future to define in detail." In the First Scoping

Plan Update, however, the ARB generally described the type of activities required to achieve the 2050 target: "energy demand reduction through efficiency and activity changes; large scale electrification of on-road vehicles, buildings, and industrial machinery; decarbonizing electricity and fuel supplies; and rapid market penetration of efficiency and clean energy technologies that requires significant efforts to deploy and scale markets for the cleanest technologies immediately." The 2017 Scoping Plan provides an intermediate target that is intended to achieve reasonable progress toward the 2050 target.

*2022 Scoping Plan*

As explained earlier, the 2022 Scoping Plan addresses the recent signing of AB 1279, which codified Executive Order B-55-18's target for California to achieve and maintain carbon net neutrality by 2045 (equivalent to a reduction in Statewide anthropogenic GHG emissions of 85 percent below 1990 levels). The 2022 Scoping Plan establishes a scenario by which the State may achieve this goal by 2045 or earlier.

The 2022 Scoping Plan reaffirms and clarifies the role of local governments in achieving the State's climate goals, particularly as it concerns the approval of new land use development projects and their environmental review under CEQA. It outlines three distinct approaches that lead agencies may consider for evaluating the consistency of proposed plans and residential and mixed use development projects with the State's climate goals:

- The first approach involves consistency with a GHG reduction plan, such as a CEQA-qualified CAP.
- The second approach involves determining whether a project would result in net-zero GHG emissions.
- The third approach involves assessing a project's consistency with key project attributes that have been demonstrated to reduce operational GHG emissions while advancing fair housing.

In other words, the 2022 Scoping Plan considers these approaches to evaluate whether a project may have a less than significant impact on GHG emissions. The proposed project is evaluated against the third approach because no CEQA-qualified CAP would be applicable to the City of Visalia and the project and the proposed project would not result in net-zero GHG emissions. Although the proposed project is not residential in nature, an evaluation of the project's consistency with the 2022 Scoping Plan by assessing the project's consistency with key project attributes identified in the 2022 Scoping Plan remains a valid approach. An evaluation of the project's consistency with the Scoping Plan serves as a roadmap for evaluating a project's current design, and to determine whether it complies with current policies and planned reduction measures for GHG emissions. The comparison of a project design to Scoping Plan proposals is not by itself a metric for determining project-level significance, but a step in showing how the project supports current regulations and is aligned with future GHG reduction strategies in development stages. The 2022 Scoping Plan acknowledges that projects incorporating some, but not all, of the key project attributes may also be consistent with the State's climate goals, at the discretion of the lead agency. Furthermore, consistency with other attributes of the 2022 Scoping Plan would reduce operational GHG emissions, as described in Table 3.8-7, by reducing operational energy use and increasing access to EV charging infrastructure.

Table 3.8-7 presents the project's consistency with the 2022 Scoping Plan.

**Table 3.8-7: Consistency with 2022 Scoping Plan Update**

| Scoping Plan Measure | Project Consistency |
|---|---|
| **Light-Duty Vehicles: Smart Growth/Reduce Vehicle Miles Traveled.** VMT per capita reduced 25 percent below 2019 levels by 2030, and 30 percent below 2019 levels by 2045. | **Consistent.** Based on the quantitative VMT analysis and described in Section 3.15 Transportation of the Draft EIR, the proposed project would have a less than significant VMT impact with implementation of mitigation measures to provide end-of-trip bicycle facilities and expanding the bicycle network. |
| **Deploy ZEVs. Medium Heavy and Heavy Heavy-Duty Trucks.** This measure is supported by Executive Order N79-20 and plans in the AB 74 ITS Report: 100 percent of MD/HDV sales are ZEV by 2040. It does not depend on VMT reductions from the freight and truck transportation sector. | **Consistent with mitigation.** Medium heavy and heavy heavy-duty trucks would be compliant with truck Fuel Economy Standards: California Phase II GHG Standards and would transition to ZEV by 2045. Infrastructure for the proposed project would be required to support this transition to ZEV; as such, MM AIR-2d and MM GHG-2b are required to demonstrate consistency with this measure. Implementation of MM AIR-2d would require the project applicant to include infrastructure for EV charging stations, including for trucks, into a minimum of 20 percent of all vehicle parking spaces (including parking for trucks), consistent with the applicable California Green Building Standards Code Tier 1 Nonresidential Mandatory Measure. Moreover, MM AIR-2d would require the any buildings that would include tractor trailer parking spaces would include an electrical room that is sufficiently sized to hold additional electrical panels that may be needed to supply power for the future installation of EV truck charging stations. |
| **Coordinate supply of liquid fossil fuels with declining CA fuel demand.** This measure involves the phase out oil and gas extraction operations by 2045 as well as CCS on majority of petroleum refining operations by 2030 Interim goals are to reduce petroleum production reduced in line with its demand. | **Not Applicable.** The proposed project would include light industrial land uses and is not related to the petroleum industry. |
| **Low Carbon Fuels for Fuels for Buildings and Industry.** In 2030s renewable natural gas (RNG) blended in pipeline, ramping up to 2040. Dedicated hydrogen pipelines constructed to serve certain industrial clusters | **Consistent.** Natural gas utilized by the proposed project would contain this RNG blend as implemented by the Scoping Plan and the energy providers. |
| **Low Carbon Fuels for Transportation.** Biomass supply is used to produce conventional and advanced biofuels, as well as hydrogen. | **Consistent.** Off-road construction equipment would utilize renewable diesel in compliance with the In-Use Off-Road rule. On-road diesel trucks would also utilize these fuels consistent with the LCFS. |
| **Generate clean electricity.** Electric sector GHG target of 38 MMT $CO_2e$ in 2030 and 31 MMT $CO_2e$ in 2045. This GHG target is determined to meet the loads | **Not Applicable**. The proposed project will benefit indirectly from these goals, however, there are no |

| Scoping Plan Measure | Project Consistency |
|---|---|
| associated with the scenario and corresponds to meeting the 2021 SB 100 Joint Agency Report's 100 percent of retail sales with eligible renewable and zero-carbon resources definition. | actions related to the project itself, because this measure would apply to passenger vehicle producers. |
| **Decarbonize industrial energy supply.** Electrification goals by industry sector specific to Food Industry, Agriculture, and Chemical and Allied Products and Pulp and Paper Industry for milestone years 2030 and 2045. Other Industrial Manufacturing: 0 percent energy electrified by 2030 and 50 percent by 2045.<br><br>Construction Equipment: 25 percent energy demand electrified by 2030 and 75 percent by 2045.<br><br>Retire all combined heat and power facilities by 2040. | **Consistent**. Construction equipment used for the proposed project would comply with ARB off-road regulations meeting milestones for electrification as required by regulations as promulgated. Starting in 2024, amendments to the off-road In-Use Diesel Rule require use of renewable diesel consistent with the 2022 Scoping Plan and implementing the LCFS. Other portions of this measure are not applicable to the proposed project. |
| **Decarbonize buildings.** All electric appliances beginning 2026 (residential) and 2029 (commercial), contributing to 6 million heat pumps installed Statewide by 2030. | **Consistent.** The proposed project is consistent with the AB197 commercial timeline. In addition, the proposed project would be required to comply with CALGreen measures for 2022 as part of MM GHG-2a, which require rooftop PV solar panels with battery storage for warehouses and heat pumps (in all climate zones) for office space in warehouses consistent with decarbonization strategies. |
| **Reduce non-combustion emissions.** This strategy involves a number of sectors and measures:<br>• Increase landfill and dairy digester methane capture.<br>• Capture of fugitive methane emissions from the oil and gas infrastructure components.<br>• The introduction of Low GWP refrigerants introduced as building electrification increases mitigating HFC emissions. | **Consistent.** The proposed project would use low GWP refrigerants as part of the building design consistent with current California Significant New Alternatives Policy (SNAP) regulations. Note, no cold storage is proposed as part of the project. |
| **Compensate for remaining emissions.** This measure encompasses using Carbon Dioxide Removal (CDR) to compensate for remaining emissions. Targets are demonstration projects by 2030 and CDR scaled to compensate for remaining GHG emissions in 2045. | **Not applicable.** This measure relates to remaining emissions and is not applicable at the individual project level. |
| Source: California Air Resources Board (ARB). 2022. Scoping Plan for Achieving Carbon Neutrality. November. | |

Although not quantified in this analysis, the MM GHG-2a would be required to ensure the implementation of one of the following as feasible: rooftop photovoltaic solar system, solar-ready rooftop design, or roofing material contains light coloring with a solar reflective index greater than 78. MM GHG-2a would further reduce GHG emissions due to a reduction in electricity demand and ensure that the proposed project and City would contribute to meeting the State's climate goals. Additionally, MM AIR-2d and MM GHG-2b are required to ensure that the proposed project would

not hinder the future transition to ZEV trucks. Accordingly, taking into account the proposed project's identified design features and the progress being made by the State toward reducing emissions in key sectors such as transportation, industry, and electricity, the proposed project would be consistent with State GHG Plans and would further the State's goals of reducing GHG emissions 40 percent below 1990 levels by 2030, 80 percent below 1990 levels by 2050, 85 percent below 1990 levels by 2045, and does not obstruct their attainment after incorporation of mitigation.

### *City of Visalia General Plan*

As described previously, the City of Visalia General Plan was updated and adopted on October 14, 2014 and establishes objectives and policies that are relevant to GHG emissions. Specifically, General Plan Objective AQ-O-3 aims to, "reduce emissions of greenhouse gases that contribute to global climate change in accord with federal and State law." The General Plan includes several policies to address GHG emissions, but only policy AQ-P-12 would apply to individual development projects. This policy applies to projects that would exceed district thresholds. However, as demonstrated in this analysis, with implementation of the indicated mitigation measures, the project would not exceed district thresholds, and therefore the policy would not apply to this project. Therefore, the proposed project would not conflict with the General Plan and impacts would be less than significant.

### *Level of Significance Before Mitigation*

Potentially significant impact.

### *Mitigation Measures*

Implement MM AIR-2d and:

**MM GHG-2a Rooftop Solar**

Prior to issuance of the first building permit in connection with an individual specific development proposal, the relevant project applicant shall provide the City of Visalia Planning Department reasonable documentation demonstrating that each of the buildings that are covered by the subject individual specific development proposal would be designed with one of the following: (i) rooftop photovoltaic solar panels, (ii) solar-ready rooftop design that shall support the installation of rooftop photovoltaic panel, as feasible, or (iii) roofing material contains light coloring with a solar reflective index greater than 78.

**MM GHG-2b** Warehouse usage shall be limited to dry storage. If the warehouse is used for cold storage, then prior to the issuance of occupancy permits, the City of Visalia shall confirm that tenant lease agreements include contractual language that requires all Transport Refrigeration Units (TRUs) entering the project site be plug-in capable. Electrical hookups shall be provided as part of the tenant improvements for any tenant that requires cold storage. The electrical hookups shall be provided at loading bays for truckers to plug in any onboard auxiliary equipment and power refrigeration units while their truck is stopped.

### *Level of Significance After Mitigation*

Less than significant impact with mitigation incorporated.

## 3.8.6 - Cumulative Impacts

GHG emissions and global climate change inherently represent cumulative impacts. GHG emissions cumulatively contribute to the significant adverse environmental impacts of global climate change. No single project could generate enough GHG emissions to noticeably change the global average temperature; instead, the GHG emissions from past, present, and reasonably foreseeable future projects and activities have contributed to and would contribute to global climate change and its associated environmental impacts. According to the Valley Air District, project GHG emissions are inherently cumulative and do not require the estimation of cumulative projects in the region of the project.[44] Thus, the determination of GHG cumulative impacts is based on: the State target established by AB 32 to reduce GHG emissions to 1990 levels by 2020, SB 32 to reduce GHG emissions to at least 40 percent below the Statewide greenhouse gas emissions limit no later than December 31, 2030, and AB 1279 which required the State to reduce GHG emissions to at least 85 percent below 1990 levels by 2045. In order to ensure that this goal would be achieved, as discussed above in detail, Air Districts and Lead Agencies developed GHG thresholds to ensure compliance with the State target. Projects with GHG emissions in conformance with these thresholds, therefore, would not be considered significant for purposes of CEQA. In addition, although the emissions from such cumulative projects would add an incremental amount to the overall GHG emissions that cause global climate change impacts, emissions from projects consistent with these thresholds would not be a "cumulatively considerable" contribution under CEQA. Such projects would not be "cumulatively considerable," because they would be helping to solve the cumulative problem as a part of the AB 32 and SB 32 process. Therefore, the proposed project would be consistent with the applicable thresholds as evaluated above in detail with mitigation incorporated, and as a result, the project would result in a less than significant cumulative impact related to generation of GHG emissions.

### Cumulative Significance Before Mitigation

Potentially significant impact.

### Mitigation Measures

Implement MM AIR-2d, MM GHG-2a and MM GHG-2b.

### Level of Cumulative Significance After Mitigation

Less than significant impact with mitigation incorporated.

[44] San Joaquin Valley Air Pollution Control District (Valley Air District). 2015. Guidance for Assessing and Mitigating Air Quality Impacts (GAMAQI), Chapter 8.9.1. Website: http://www.valleyair.org/transportation/ceqa_guidance_documents.htm. Accessed June 8, 2023.

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# 3.9 - Hazards and Hazardous Materials

## 3.9.1 - Introduction

This section of the Draft Environmental Impact Report (Draft EIR) describes the existing characteristics of the project site and vicinity with respect to hazards and hazardous materials, as well as the relevant regulatory setting. It also describes the proposed project's potential impacts with respect to hazards and hazardous materials and presents feasible mitigation measures, if and to the extent required. (For a discussion of potential hazards related to geology, soils, and seismicity, see Section 3.7, Geology and Soils, of this Draft EIR. For a discussion of potential impacts related to wildfire, see Section 3.16, Wildfire, of this Draft EIR.) The descriptions and analysis in this section are based, in part, on the site-specific Phase I Environmental Site Assessment (Phase I ESA) and Phase II Environmental Site Assessment (Phase II ESA),[1,2] prepared by Ninyo & Moore and provided in Appendix F of this Draft EIR, and publicly available databases including the California Department of Toxic Substances Control (DTSC) EnviroStor, California State Water Resources Control Board (State Water Board) GeoTracker, and the California Department of Conservation Geologic Energy Management (CalGEM) (formerly the California Division of Oil, Gas, and Geothermal Resources [DOGGR]).

During the Notice of Preparation (NOP) scoping period, no comments related to hazards and hazardous materials were received.

## 3.9.2 - Environmental Setting

### Hazards

This description of existing conditions focuses on hazardous materials and wastes as well as hazards from fire. A hazard is a situation that poses a level of threat to life, health, property, or the environment. Hazards can be dormant or potential, with only a theoretical risk of harm. However, once a hazard becomes active, it can create an emergency. A hazardous situation that has already occurred is called an incident. Emergency response is action taken in response to an unexpected and dangerous occurrence in an attempt to mitigate its impact on people, structures, or the environment. Emergency situations can range from natural disasters to hazardous materials problems and transportation incidents.

#### *Hazardous Materials*

Hazardous materials include but are not limited to hazardous materials, hazardous substances, and hazardous wastes, as defined in Section 25501 and Section 25117, respectively, of the California Health and Safety Code. A hazardous material is any material that, because of its quantity, concentration, or physical or chemical characteristics, poses a significant present or potential hazard to human health and safety or to the environment if released; and any material that a handler or an administering regulatory agency under Section 25501 has a reasonable basis for believing would be

[1] Ninyo & Moore Geotechnical and Environmental Sciences Consultants. 2022. Phase I Environmental Site Assessment Northeast Corner of West Riggin Avenue and Kelsey Street. July 20.
[2] Ninyo & Moore Geotechnical and Environmental Sciences Consultants. 2023. Limited Phase II Environmental Site Assessment Northeast Corner of West Riggin Avenue and Kelsey Street. January 27.

injurious to the health and safety of persons or harmful to the environment. Various properties may cause a substance to be considered hazardous, including:

- Toxicity—causes human health effects.
- Ignitability—has the ability to burn.
- Corrosivity—causes severe burns or damage to materials.
- Reactivity—causes explosions or generates toxic gases.

Recognized Environmental Concern (REC) is one of the terms used to identify environmental liability within the context of a Phase I ESA and a Phase II ESA. The American Society for Testing and Materials (ASTM) defines an REC as "the presence or likely presence of any hazardous substances or petroleum products in, on, or at a property: (1) due to release to the environment; (2) under conditions indicative of a release to the environment; or (3) under conditions that pose a material threat of a future release to the environment. *De minimis* conditions are not recognized environmental conditions."

### *Hazardous Building Materials*

Many older buildings contain building materials that consist of hazardous materials. These materials include lead-based paint, asbestos-containing material, and polychlorinated biphenyls (PCBs).

Prior to the United States Environmental Protection Agency (EPA) ban in 1978, lead-based paint was commonly used on interior and exterior surfaces of buildings. Disturbances such as sanding and scraping activities, renovation work, gradual wear and tear, old peeling paint, and paint dust particulates have been found to contaminate surface soils or cause lead dust to migrate and affect indoor air quality. Exposure to residual lead can cause severe health effects, especially in children.

Asbestos is a naturally occurring fibrous material that was extensively used as a fireproofing and insulating agent in building construction materials before such uses were banned by the EPA in the 1970s. In addition, many types of electrical equipment contained PCBs as an insulator, including transformers and capacitors. After PCBs were determined to be a carcinogen in the mid to late 1970s, the EPA banned PCB use in new equipment and began a program to phase out certain existing PCB-containing equipment. For example, fluorescent lighting ballasts manufactured after January 1, 1978, do not contain PCBs and are required to have a label clearly stating that PCBs are not present in the unit.

### *Hazardous Substances*

A hazardous substance can be any biological, natural, or chemical substance, whether solid, liquid, or gas, that may cause harm to human health. Hazardous substances are classified on the basis of their potential health effects, whether acute (immediate) or chronic (long-term). Dangerous goods are classified on the basis of immediate physical or chemical effects, such as fire, explosion, corrosion, and poisoning. An accident involving dangerous goods could seriously harm human health or damage property or the environment. Harm to human health may happen suddenly (acute), such as dizziness, nausea, and itchy eyes or skin; or it may happen gradually over years (chronic), such as dermatitis or cancer. Some people can be more susceptible than others. Hazardous substances and dangerous goods can include antiseptic used for a cut, paint for walls, a cleaning product for the bathroom, chlorine in a pool, carbon monoxide from a motor vehicle, fumes from welding, vapors

from adhesives, or dust from cement, stone, or rubber operations. Such hazardous substances can make humans very sick if they are not used properly.

### *Hazardous Wastes*

Hazardous waste is any hazardous material that is to be discarded, abandoned, or recycled. The criteria that define a material as hazardous also define a waste as hazardous. Specifically, materials and waste may be considered hazardous if they are poisonous (toxic); can be ignited by open flame (ignitable); corrode other materials (corrosive); or react violently, explode, or generate vapors when mixed with water (reactive). Soil or groundwater contaminated with hazardous materials above specified regulatory State or federal thresholds is considered hazardous waste if it is removed from a site for disposal. If handled, disposed, or otherwise treated improperly, hazardous materials and hazardous waste can result in public health hazards if released into the soil or groundwater or through airborne releases in vapors, fumes, or dust. Soil and groundwater having concentrations of hazardous constituents higher than specific regulatory levels must be handled and disposed of as hazardous waste when excavated or pumped from an aquifer. The California Code of Regulations, Title 22, Sections 66261.20-24 contains technical descriptions of toxic characteristics that could cause soil or groundwater to be classified as hazardous waste.

### *Hazardous Materials Listing*

The Cortese List is a list of known hazardous materials or hazardous waste facilities that meet one or more of the provisions of Government Code Section 65962.5, including:

- The list of hazardous waste and substances sites from the DTSC EnviroStor database.[3]
- The list of Leaking Underground Storage Tank (LUST) sites by county and fiscal year from the State Water Board GeoTracker database.[4]
- The list of solid waste disposal sites identified by the State Water Board with waste constituents exceeding hazardous waste levels outside the waste management unit.[5]
- The list of active cease-and-desist orders and cleanup and abatement orders from the State Water Board.[6]
- The list of hazardous waste facilities subject to corrective action pursuant to Section 25187.5 of the Health and Safety Code, as identified by the DTSC.[7]

[3] California Department of Toxic Substances Control (DTSC). Hazardous Waste and Substances Site List—Site Cleanup (Cortese List). Website: http://www.dtsc.ca.gov/ SiteCleanup/Cortese_List.cfm.
[4] California State Water Resources Control Board (State Water Board). Website: https://geotracker.waterboards.ca.gov/sites_by_county.
[5] California Environmental Protection Agency (Cal/EPA). Website: http://www.calepa.ca.gov/files/2016/10/SiteCleanup-CorteseList-CurrentList.pdf.
[6] California Environmental Protection Agency(Cal/EPA). Website: http://www.calepa.ca.gov/files/2016/10/SiteCleanup-CorteseList-CDOCAOList.xlsx.
[7] California Environmental Protection Agency (Cal/EPA). Website: https://www.calepa.ca.gov/sitecleanup/corteselist/section-65962-5a/.

## Existing Fire-Related Conditions and Presence of Hazardous Materials On-Site

The City of Visalia (City) contains mostly urban and suburban uses with relatively little open space or foothill areas susceptible to wildfire hazards. The southwestern areas within the City's Sphere of Influence (SOI) contain some "Moderate" fire hazard zones.

Public Resources Code Sections 4201 through 4204 direct the California Department of Forestry and Fire Protection (CAL FIRE) to map fire hazard within State Responsibility Areas (SRA) based on fuel loading, slope, fire weather, and other relevant factors present, including areas where winds have been identified by CAL FIRE as a major cause of wildfire spread. These zones, referred to as Fire Hazard Severity Zones (FHSZ), classify a wildland zone as Moderate, High, or Very High Fire Hazard based on the average hazard across the area included in the zone. There are also Fire Protection Responsibility Areas (non-SRA), delineated as either a Federal Responsibility Area (FRA) or a Local Responsibility Area (LRA). According to the CAL FIRE, there are no Very High Fire Hazard Severity Zones (VHFHSZs) within the City.

## Database Search

As shown in Table 3.9-1, the project site was not listed in any of the searched databases.

**Table 3.9-1: Project Site Hazardous Materials Search Results**

| Database | Search Result |
|---|---|
| DTSC EnviroStor: Hazardous Waste and Substances Site List (Cortese) | No hazardous waste and substances on-site. |
| California State Water Resources Control Board GeoTracker: Leaking Underground Storage Tank (LUST) Site List | No LUST on-site. |
| California State Water Resources Control Board: Sites Identified with Waste Constituents Above Hazardous Waste Levels Outside the Waste Management Unit | Project site not listed. |
| California State Water Resources Control Board: List of "Active" Cease and Desist Orders (CDOs) and Cleanup and Abatement Orders (CAOs) | No CDOs and/or CAOs on-site. |
| DTSC: List of Hazardous Waste Facilities Subject To Corrective Action Pursuant To Section 25187.5 Of The Health And Safety Code | Project site not listed. |
| Sources:<br>California Department of Toxic Substances Control (DTSC) 2023.<br>California State Water Resources Board (State Water Board) 2023. | |

## Table 3.9-2: Summary of Off-site Facilities of Potential Concern

| Facility Name/Address | Distance/Direction from Site (Approximation by EDR) | Database | Summary |
|---|---|---|---|
| Amazon Service LLC<br>3315 North Kelsey Street | Adjoining west of the site | HWTS CERS TANKS | The facility was listed in the California Environmental Reporting System (CERS) TANKS database for aboveground petroleum storage. Further information was not provided.<br><br>The facility was listed in the HWTS (Hazardous Waste Tracking System) for general warehousing and storage. Violations were not found.<br><br>This information is not considered an environmental concern. |
| Roadrunner Transportation<br>8711 West Riggin Avenue | Adjoining southeast of the site | RCRA NONGEN/NLR | The facility was listed as a non-generator of hazardous waste in Resource Conservation and Recovery Act (RCRA) NONGEN/NLR database. Violations were not noted.<br><br>This information is not considered an environmental concern. |
| UPS Freight<br>8711 West Riggin Avenue | Adjoining southeast of the site | HWTS CERS HAZ WASTE HAZNET CERS | The facility was listed in the Hazardous Waste Tracking System (HWTS). The status was inactive for the facility.<br><br>The facility was listed in the CERS HAZ WASTE database as a hazardous waste generator.<br><br>The facility was listed in the Facility and Manifest Data (HAZNET) for the removal of 0.085 ton of unspecified organic liquid mixture in 2017.<br><br>The facility was listed in the CERS facility as a chemical storage facility. Violations were recorded, including failure to complete and electronically submit the business activities page and/or business owner operator identification page, etc. The facility returned to compliance.<br><br>This information is not considered an environmental concern. |
| VWR International, LC<br>8711 West Riggin Avenue | Adjoining southeast of the site | HWTS CUPA LISTINGS | The facility was listed in Hazardous Materials/Certified Unified Program Agency (CUPA) Tulare database as a large generator. |

| Facility Name/Address | Distance/Direction from Site (Approximation by EDR) | Database | Summary |
|---|---|---|---|
| | | | The facility was listed as inactive in the HWTS database. Additional information was not provided.<br><br>This information is not considered an environmental concern. |
| Kawneer Company Inc<br>7200 West Doe Avenue | 0.713 mile south-southeast | RCRA-LQG ENVIROSTOR CPS-SLIC PADS CERS | The facility was listed as a large quantity generator in RCRA-LQG. The facility was described as aluminum-extruded product manufacturing, secondary smelting, refining, and alloying of nonferrous metal, and metal window and door manufacture. Violations were not found.<br><br>The facility was listed in the PCB Activity Database System (PADS). Further information was not provided.<br><br>The facility was listed in the Cleanup Program Sites (formerly known as Spills, Leaks, Investigations, and Cleanups (CPS-SLIC) and ENVIROSTOR database. The facility performed anodizing of aluminum architectural products from 1971 to 1993. Two lined evaporation ponds were used for disposal sludge and other wastes. 1,1,1-trichloroethane (TCA), dichloroethene (DCE), other organic/salt were reported leak to aquifer used for drinking water supply. In 1990, approximately 11,100 tons of residual materials from the ponds, pond liners, and visually observed impacted soil beneath the pond liners were excavated. The case was open for site assessment in the database. A recent groundwater sampling report was prepared by CDM Smith Inc. (CDM Smith), dated on July 8, 2021. According to the report, three groundwater samples (including one duplicate sample) were collected on February 16, 2021. 1,1- DCE was not detected from the samples.<br><br>Based on the distance and groundwater flow direction, this listing is not considered an environmental concern. |
| Heller Performance Polymers Inc.<br>7227 Doe Avenue | 0.729 mile south-southeast | SEMS Archive CORRACTS RCRA-TSDF RCRA-SQG ENVIROSTOR CPS- | According to the Superfund Enterprise Management System (SEMS) Archive |

| Facility Name/Address | Distance/Direction from Site (Approximation by EDR) | Database | Summary |
|---|---|---|---|
| | | SLIC RAATS FINDS ECHO CERS | database, this listing had a non-NPL status of "deferred to RCRA (subtitle C)."<br><br>The facility was listed as a small quantity generator in RCRA-SQG. A violation related to financial requirements was recorded in 1988 and the facility returned to compliance.<br><br>The facility was listed in the ENVIROSTOR and CPS-SLIC database due to volatile organic compounds contamination in 1989. The case was closed as of August 1, 1989.<br><br>Based on the distance, regulatory status, and groundwater flow direction, this listing is not considered an environmental concern. |
| Notes:<br>EDR = Environmental Data Resources, Inc. | | | |

Off-site properties/facilities listed in the database report were evaluated as to their potential to impact soil, soil vapor, and/or groundwater at the site. To supplement the information in the Environmental Data Resources, Inc. (EDR) report, the State Water Board GeoTracker and DTSC EnviroStor databases were reviewed. Information from the EDR database report and supplemental sources is included in the facilities of potential concern summaries below. The following properties/facilities were interpreted to represent a potential environmental concern to the site based on their proximity to the site, the nature of the database on which they are listed, and/or the assumed direction of the groundwater flow in the site vicinity (southwest).

According to the Phase I ESA, there is a low likelihood that the listings for the other off-site properties listed in the database report represent an REC to the site at the current time. This opinion is based on one or more of the following factors:

- The nature of the database(s) on which the property is listed, and/or because the property was not listed on a database that reports unauthorized releases of hazardous substances;
- Reported regulatory agency status (i.e., case closed);
- Reported nature of the case (i.e., soil contaminated only);
- Reported distance of the property from the site; and/or
- Location of the property in relation to the site with respect to topography or expected groundwater flow direction (southwest).

## 3.9.3 - Regulatory Framework

### Federal

#### *Resource Conservation and Recovery Act*

The Federal Toxic Substances Control Act (1976) and the Resource Conservation and Recovery Act of 1976 (RCRA) established a program administered by the EPA to regulate the generation, transportation, treatment, storage, and disposal of hazardous waste. RCRA was amended in 1984 by the Hazardous and Solid Waste Act (HSWA), which affirmed and extended the "cradle to grave" system of regulating hazardous wastes.

#### *Occupational Health and Safety Act*

The Occupational Safety and Health Administration (OSHA) of the United States Department of Labor is responsible for implementing and enforcing federal laws and regulations that address worker health and safety. OSHA requires specific training for use and handling of hazardous materials, provision of information (procedures for personal safety, hazardous materials storage and handling, and emergency response) to employees who may be exposed to hazardous materials, and acquisition of material safety data sheets from materials manufacturers. Material safety data sheets describe the risks, as well as proper handling and procedures, related to particular hazardous materials. Employee training must include response and remediation procedures for hazardous materials releases and exposures.

#### *Code of Federal Regulations, Titles 29 and 40*

Provisions in Code of Federal Regulations Title 29 include requirements to manage and control exposure to lead-based paint and asbestos-containing materials. In California, these requirements are implemented by the California Occupational Safety and Health Administration (Cal/OSHA) under California Code of Regulations Title 8 (see further discussion of California Code of Regulations Title 8 below). The removal and handling of asbestos-containing materials is governed primarily by EPA regulations under Code of Federal Regulations Title 40. The regulations require that the appropriate State agency be notified before any demolition, or before any renovations, of buildings that could contain asbestos or asbestos-containing materials above a specified threshold.

#### *Resource Conservation and Recovery Act and Comprehensive Environmental Response, Compensation, and Liability Act*

The EPA is responsible for implementing and enforcing federal laws and regulations pertaining to hazardous materials. The primary legislation includes RCRA and the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (CERCLA), as amended by the Superfund Amendments and Reauthorization Act (SARA) and the Emergency Planning and Community Right-to-Know Act (known as SARA Title III). RCRA and the 1984 RCRA Amendments regulate the treatment, storage, and disposal of hazardous and nonhazardous wastes and mandate that hazardous wastes be tracked from the point of generation to their ultimate fate in the environment, including detailed tracking of hazardous materials during transport and permitting of hazardous material handling facilities. As permitted by RCRA, in 1992, the EPA approved California's program called the Hazardous Waste Control Law (HWCL), administered by DTSC, to regulate hazardous wastes in California, as discussed further below. The purpose of CERCLA is to identify and clean up chemically contaminated

sites that pose a significant environmental health threat, and the Hazard Ranking System is used to determine whether a site should be placed on the National Priorities List for cleanup activities. SARA relates primarily to emergency management of accidental releases and requires annual reporting of continuous emissions and accidental releases of specified compounds that are compiled into a nationwide Toxics Release Inventory. Finally, SARA Title III requires formation of State and local emergency planning committees that are responsible for collecting material handling and transportation data for use as a basis for planning and provision of chemical inventory data to the community at large under the "right-to-know" provision of the law.

### *Hazardous Materials Transportation Act*

Under the Hazardous Materials Transportation Act of 1975, the United States Department of Transportation (USDOT), Office of Hazardous Materials Safety regulates the transportation of hazardous materials on water, rail, or highways, through air, or in pipelines and enforces guidelines created to protect human health and the environment and reduce potential impacts by creating hazardous material packaging and transportation requirements. It also includes provisions for material classification, packaging, marking, labeling, place-carding, and shipping documentation. The USDOT provides hazardous materials safety training programs and supervises activities involving hazardous materials. In addition, the USDOT develops and recommends regulations governing the multimodal transportation of hazardous materials.

### *Aboveground Petroleum Storage Act and Spill Prevention, Control, and Countermeasure Rule*

The Aboveground Petroleum Storage Act of 1990 and the Spill Prevention, Control, and Countermeasure (SPCC) Rule (amended 2010) of the Oil Pollution Prevention regulation (40 Code of Federal Regulations [CFR] 112) require the owner or operator of a tank facility with an aggregate storage capacity greater than 1,320 gallons to notify the local Certified Unified Program Agency (CUPA) and prepare an SPCC plan. The SPCC plan must identify appropriate spill containment measures and equipment for diverting spills from sensitive areas, and must discuss facility-specific requirements for the storage system, inspections, recordkeeping, security, and training.

### *Clean Water Act*

The Clean Water Act (CWA) (Title 33 § 1251, *et seq.* of the United States Code [33 USC 1251, *et seq.*]) is the major federal legislation governing water quality. The CWA established the basic structure for regulating discharges of pollutants into waters of the United States (not including groundwater). The objective of the act is "to restore and maintain the chemical, physical, and biological integrity of the nation's waters." The CWA establishes the basic structure for regulating the discharge of pollutants into waters of the United States. Responsibility for administering the CWA resides with the State Water Board and nine Regional Water Quality Control Boards (RWQCBs); the Central Valley RWQCB administers the CWA for Tulare County. Section 404 of the CWA regulates temporary and permanent fill and disturbance of waters of the United States, including wetlands. The United States Army Corps of Engineers (USACE) requires that a permit be obtained if a project proposes to place fill in navigable waters and/or to alter waters of the United States below the ordinary high-water mark in non-tidal waters. Section 401 of the CWA requires compliance with State water quality standards for actions within State waters. Compliance with the water quality standards required under Section 401 is a condition for issuance of a Section 404 permit. Under Section 401 of the CWA, every applicant

for a permit or license for any activity that may result in a discharge to a water body must obtain a State water quality certification from the RWQCB to demonstrate that the proposed activity would comply with State water quality standards.

## State

### *California Hazardous Waste Control Law*

The HWCL is the primary hazardous waste statute in the State of California, and implements RCRA as a "cradle to grave" waste management system for handling hazardous wastes in a manner that protects human health and the environment and would reduce potential resulting impacts. The law specifies that generators have the primary duty to determine whether their waste is hazardous and to ensure proper management. The HWCL also establishes criteria for the reuse and recycling of hazardous waste used or reused as raw materials. The law exceeds federal requirements by mandating source reduction planning, and a much broader requirement for permitting facilities that treat hazardous waste. It also regulates a number of types of waste and waste management activities that are not covered by federal law.

### *California Health and Safety Code*

The California Health and Safety Code (HSC § 25141) defines hazardous waste as a waste or combination of waste that may:

> . . . because of its quantity, concentration, or physical, chemical, or infection characteristics:
>
> (1) Cause or significantly contribute to an increase in mortality or an increase in serious irreversible or incapacitation-reversible illness.
>
> (2) Pose a substantial present or potential hazard to human health or the environment, due to factors including, but not limited to, carcinogenicity, acute toxicity, chronic toxicity, bioaccumulative properties, or persistence in the environment, when improperly treated, stored, transported, or disposed of or otherwise managed.

These laws and regulations establish criteria for identifying, packaging, and labeling hazardous wastes; prescribe management practices for hazardous wastes; establish permit requirements for hazardous waste treatment, storage, disposal, and transportation; and identify hazardous waste that commonly would be disposed of in landfills.

Under both the RCRA and the HWCL, hazardous waste manifests must be retained by the generator for a minimum of 3 years. The generator must match copies of the manifests with copies of manifest receipts from the treatment, disposal, or recycling facility.

In accordance with Chapter 6.11 of the California Health and Safety Code (HSC § 25404, et seq.), local regulatory agencies enforce many federal and State regulatory programs through the CUPA program, including:

- Hazardous Materials Business Plans (HMBPs) (HSC § 25501, *et seq*.).
- State Uniform Fire Code (UFC) requirements (UFC § 80.103, as adopted by the State Fire Marshal pursuant to HSC § 13143.9).
- Underground storage tanks (USTs) (HSC § 25280, *et seq*.).
- Aboveground storage tanks (HSC § 25270.5(c)).
- Hazardous waste generator requirements (HSC § 25100, *et seq*.).

### *California Code of Regulations, Title 8*

Worker health and safety is regulated at the federal level by OSHA. In California, worker health and safety protections are regulated by Cal/OSHA, which assumes primary responsibility for developing and enforcing workplace safety regulations and also provides consultant assistance to employers. These regulations concern the use of hazardous materials in the workplace, including requirements for employee safety training; availability of safety equipment; accident and illness prevention programs; hazardous substance exposure warnings; and preparation of emergency action and fire prevention plans.

Cal/OSHA also enforces hazard communication program regulations, including procedures for identifying and labeling hazardous substances, and requires that safety data sheets (formerly known as material safety data sheets) be available for employee information and training programs. Cal/OSHA standards are generally more stringent than federal regulations.

California standards for workers dealing with hazardous materials are contained in Title 8 California Code of Regulations and include practices for all industries (General Industrial Safety Orders), with specific practices for construction and other industries. Workers at hazardous waste sites (or workers who may be exposed to hazardous wastes that might be encountered during excavation of contaminated soils) must receive specialized training and medical supervision according to the Hazardous Waste Operations and Emergency Response regulations (Title 8 California Code of Regulations [CCR] § 5192).

California Code of Regulations, Title 8, Section 1529 authorizes Cal/OSHA to implement the survey requirements of Code of Federal Regulations Title 29 relating to asbestos. These federal and State regulations require facilities to take all necessary precautions to protect employees and the public from exposure to asbestos. Workers who conduct asbestos abatement must be trained in accordance with federal and State OSHA requirements. The San Joaquin Valley Air Pollution Control District (Valley Air District) oversees the removal of regulated asbestos-containing materials (see "Asbestos Demolition, Renovation, and Manufacturing Rule" below).

California Code of Regulations, Title 8, Section 1532.1 includes requirements to manage and control exposure to lead-based paint. These regulations cover the demolition, removal, cleanup, transportation, storage, and disposal of lead-containing material. The regulations outline the permissible exposure limit, protective measures, monitoring, and compliance to ensure the safety of construction workers exposed to lead-based material. Loose and peeling lead-based paint must be disposed of as a State and/or federal hazardous waste if the concentration of lead equals or exceeds

applicable hazardous waste thresholds. Federal and State OSHA regulations require a supervisor who is certified with respect to identifying existing and predictable lead hazards to oversee air monitoring and other protective measures during demolition activities in areas where lead-based paint may be present. Special protective measures and notification of Cal/OSHA are required for highly hazardous construction tasks related to lead, such as manual demolition, abrasive blasting, welding, cutting, or torch burning of structures, where lead-based paint is present.

Cal/OSHA enforcement units conduct on-site evaluations and issue notices of violation to enforce necessary improvements to health and safety practices.

### *California Code of Regulations Title 22, Division 4.5*

California Code of Regulations, Title 22, Division 4.5, contains the Environmental Health Standards for the Management of Hazardous Waste, which includes California waste identification and classification regulations. California Code of Regulations, Title 22, Chapter 11, Article 3, "Soluble Threshold Limits Concentrations/Total Threshold Limits Concentration Regulatory Limits," identifies the concentrations at which soil is determined to be a California hazardous waste. California's Universal Waste Rule (Title 22 CCR § 66273) provides an alternative set of management standards in lieu of regulation as hazardous wastes for certain common hazardous wastes, as defined in California Code of Regulations, Title 22, Section 66261.9. Universal wastes include fluorescent lamps, mercury thermostats, and other mercury-containing equipment. Existing structures may contain fluorescent light ballasts that could contain mercury or lead. The Alternative Management Standards for Treated Wood Waste (Title 22 CCR § 67386) were developed by the DTSC to allow for disposal of treated wood as a nonhazardous waste to simplify and facilitate the safe and economical disposal of such waste. Chemically treated wood can contain elevated levels of hazardous chemicals (e.g., arsenic, chromium, copper, pentachlorophenol, or creosote) that equal or exceed applicable hazardous waste thresholds. The Alternative Management Standards provide for less stringent storage requirements and extended accumulation periods, allow shipments without a hazardous waste manifest and a hazardous waste hauler, and allow disposal at specific nonhazardous waste landfills.

### *Porter-Cologne Act*

The Porter-Cologne Water Quality Control Act of 1969 (Porter-Cologne Act) is California's statutory authority for the protection of water quality. Under the Porter-Cologne Act, the State must adopt water quality policies, plans, and objectives that protect the State's waters for the use and enjoyment of the people. Regional authority for planning, permitting, and enforcement is delegated to the nine RWQCBs. The RWQCBs are required to formulate and adopt water quality control plans (also known as basin plans) for all areas of the region and establish water quality objectives in the plans. The Porter-Cologne Act sets forth the obligations of State Water Board and RWQCBs to adopt and periodically update water quality control plans that recognize and reflect the differences in existing water quality, the beneficial uses of the region's groundwater and surface water, and local water quality conditions and problems. It also authorizes the State Water Board and RWQCBs to issue and enforce waste discharge requirements and to implement programs for controlling pollution in State waters. Finally, the Porter-Cologne Act also authorizes the State Water Board and RWQCBs to oversee site investigation and cleanup for unauthorized releases of pollutants to soils and groundwater and in some cases to surface waters or sediments.

### *California Emergency Response Plan*

California has developed an emergency response plan to coordinate emergency services provided by federal, State, and local governments and private agencies. Responding to hazardous materials incidents is one part of this plan. The plan is administered by the California Governor's Office of Emergency Services, which coordinates the responses of other agencies. Emergency response team members respond and work with local fire and police agencies, emergency medical providers, the California Highway Patrol (CHP), CAL FIRE, California Department of Fish and Wildlife (CDFW), and California Department of Transportation (Caltrans).

### *California Department of Forestry and Fire Protection*

CAL FIRE has mapped fire threat potential throughout California. CAL FIRE maps fire threat based on the availability of fuel and the likelihood of an area burning (based on topography, fire history, and climate). The threat levels include no fire threat, moderate, high, and very high fire threat. Additionally, CAL FIRE produced a 2010 Strategic Fire Plan for California, which contains goals, objectives, and policies to prepare for and mitigate the effects of fire on California's natural and built environments. CAL FIRE's Office of the State Fire Marshal provides oversight of enforcement of the California Fire Code as well as overseeing hazardous liquid pipeline safety.

### *California Building Code*

The State of California provides a minimum standard for building design through the California Building Standards Code (CBC), which is located in Part 2 of Title 24 of the California Code of Regulations and is viewed as being some of the most stringent standards in the nation. The Code is updated triennially. The new 2022 edition of the CBC became effective January 1, 2023. It is generally adopted on a jurisdiction by-jurisdiction basis, subject to further modification based on local conditions. Commercial and residential buildings are plan-checked by local city and county building officials for compliance with the CBC. Typical fire safety requirements of the CBC include the installation of sprinklers in all new high-rise buildings and residential buildings; the establishment of fire resistance standards for fire doors, building material; and particular types of construction.

### *California Public Resources Code*

The California Public Resources Code includes fire safety regulations that restrict the use of equipment that may produce a spark, flame, or fire; require the use of spark arrestors[8] on construction equipment that use an internal combustion engine; specify requirements for the safe use of gasoline-powered tools in fire hazard areas; and specify fire suppression equipment that must be provided on-site for various types of work in fire-prone areas.

These laws and regulations include the following:

- Earthmoving and portable equipment with internal combustion engines would be equipped with a spark arrestor to reduce the potential for igniting a wildland fire (Public Resources Code [PRC] § 4442);

[8] A spark arrestor is a device that prohibits exhaust gases from an internal combustion engine from passing through the impeller blades where they could cause a spark. A carbon trap is commonly used to retain carbon particles from the exhaust.

- Appropriate fire suppression equipment would be maintained during the highest fire danger period—from April 1 to December 1 (PRC § 4428);
- On days when a burning permit is required, flammable materials would be removed to a distance of 10 feet from any equipment that could produce a spark, fire, or flame and the construction contractor would maintain the appropriate fire suppression equipment (PRC § 4427); and
- On days when a burning permit is required, portable tools powered by gasoline-fueled internal combustion engines would not be used within 25 feet of any flammable materials (PRC § 4431).

### *Department of Toxic Substance Control*

The DTSC is the agency authorized by the EPA to enforce and implement federal hazardous materials laws and regulations. State and federal laws mandate detailed planning to ensure that hazardous materials are properly stored, handled, used, and disposed of, and, if such materials are accidentally released, prevent or mitigate injury to health or the environment. Such laws include a required to prepare written plans, such as Hazard Communication Plans and HMBP. HMBPs are required for business that handle a hazardous material, a mixture containing a hazardous material (including hazardous waste), or an extremely hazardous substance (as defined in Section 355.61 of Title 40 of the Code of Federal Regulations) at reportable quantities, which are generally equal to or greater than 55 gallons of a liquid, 200 cubic feet of a gas, and 500 pounds of a solid).[9] (California Health and Safety Code, Division 20, Chapter 6.95, Article 1 [25500-25519]).

A HMBP contains detailed information including the following:

- An inventory of hazardous materials at a facility.
- Emergency response plans and procedures to be followed in the event of a reportable release or threatened release of a hazardous material.
- Requirements to train employees in safety procedures in the event of a release or threatened release of a hazardous material, including onboarding for new employees and annual refresher courses for existing employees.
- A site map that depicts north orientation, loading areas, internal roads, adjacent streets, storm and sewer drains, access and exit points, emergency shutoffs, evacuation staging areas, hazardous material handling and storages areas, and emergency response equipment.

California regulations pertaining to hazardous materials are equal to or exceed the federal regulation requirements. Most State hazardous materials regulations are contained in Title 22 of the California Code of Regulations. The DTSC generally acts as the lead agency for soil and groundwater cleanup projects that affect public health and establishes cleanup levels for subsurface contamination that

[9] California Environmental Protection Agency (Cal/EPA). 2022. Hazardous Materials Business Plan Program. Website: https://calepa.ca.gov/cupa/lawsregs/hazardous-materials-business-plan-program/. Accessed October 27, 2022.

are equal to, or more restrictive than, federal levels. The DTSC has also developed land disposal restrictions and treatment standards waste disposal in California.

### *California State Water Resources Control Board*

The State Water Board enforces, among other laws and regulations, those regulations pertaining to implementation of underground storage tank programs. It also allocates monies to eligible parties who request reimbursement of State funds to clean up soil and groundwater pollution from LUSTs. The State Water Board also enforces the Porter-Cologne Act through its nine regional boards, including the Central Valley RWQCB described below.

### *California Air Resources Board*

The California Air Resources Board (ARB) is responsible for coordination and oversight of State and local air pollution control programs in California, including implementation of the California Clean Air Act of 1988. The ARB has developed State air quality standards and is responsible for monitoring air quality in conjunction with the local air districts.

## Regional

### *Central Valley Regional Water Quality Control Board*

The Central Valley RWQCB can act as a responsible agency to provide oversight of sites where the quality of groundwater or surface waters is threatened. The Central Valley RWQCB has the authority to require investigations and remedial actions.

#### *San Joaquin Valley Air Pollution Control District*

The Valley Air District has primary responsibility for control of air pollution from sources other than motor vehicles and consumer products (which are the responsibility of the EPA and ARB). The Valley Air District is responsible for preparation of attainment plans for non-attainment criteria pollutants, control of stationary air pollutant sources, management of volatile organic compounds (VOC-containing soils (District Rules 4002, 4651, and 6130), and the issuance of permits for activities including asbestos removal, demolition, and renovation activities (District Rule 7050).

### *Tulare County Hazard Mitigation Plan*

The Tulare County Emergency Operations Plan (EOP), updated and adopted in 2011 and incorporated in the EOP, establishes responsibilities, threat levels and triggers for evacuation, evacuation areas, and evacuation routes to be used in case of catastrophic emergencies. The extent and the severity of a disaster will determine which routes and which direction people must take in order to escape or avoid the afflicted areas. The EOP places the City of Visalia in Zone 5 and identifies State Route (SR) 198, SR-99, and SR-63 as evacuation routes. The Agriculture Center in Tulare is identified as a County shelter. Visalia and other cities within the County are responsible for preparedness activities, including identifying equipment, vehicles, and critical supplies; identifying locations outside of potential impact areas to move resources; and keeping contact information updated for the County and State database. In the event of a natural or man-made disaster, the City of Visalia will coordinate with the Red Cross, Salvation Army, and State and federal agencies responsible for providing emergency shelter for displaced residents. The sites most commonly used

are schools, senior centers, community centers, public buildings, and churches. Kaweah Delta Health Care District provides emergency health care services.

### *Tulare County Division of Environmental Health*

In Visalia, the Tulare County Division of Environmental Health is the local agency responsible for the implementation of the State-mandated Unified Hazardous Waste and Hazardous Materials Management Regulatory Program.

Cal/EPA designated the Tulare County Division of Environmental Health as the CUPA for Tulare County. The role of the CUPA is to assure consolidation, consistency, and coordination of the hazardous materials programs within the County.

The Tulare County Division of Environmental Health is responsible for overseeing the six hazardous materials programs in the County. The Tulare County Division of Environmental Health is responsible for inspecting facilities that handle hazardous materials, generate hazardous waste, treat hazardous waste, own/operate USTs, own/operate aboveground petroleum storage tanks, or handle other materials subject to the California Accidental Release Program.

Tulare County has prepared an HMBP and a multi-jurisdictional Local Hazard Mitigation Plan (LHMP), which serve as the County's emergency response plan for hazardous materials emergency incidents. In addition, the Environmental Health Division acts as lead agency to ensure proper remediation of leaking underground petroleum storage tank sites and certain other contaminated sites. The Environmental Health Division provides three permanent Household Hazardous Waste (HHW) drop-off facilities in the County, including one in Visalia, and operates mobile collection events throughout the year.

### *Tulare County Comprehensive Airport Land Use Plan*

Article 3.5 of the California Public Utilities Code requires each county to create an airport land use commission and for this commission to prepare and adopt an airport land use plan for each public use airport in the county. In accordance with this mandate, the Tulare County Airport Land Use Commission (ALUC) prepared the current Comprehensive Airport Land Use Plan in 2012. The intention of the Comprehensive Airport Land Use Plan is to promote the safety and well-being of the public by ensuring adoption of land use regulations which minimize exposure of persons to hazards associated with the operation of these airports including aircraft accidents and aircraft noise.

The Comprehensive Airport Land Use Plan establishes various airport zoning designations, such as the Visalia Municipal Airport's Airport Influence Area. Land use compatibilities within these airport zoning designations are defined in the Tulare County Land Use Compatibility Matrix (Section 3 of the Comprehensive Airport Land Use Plan). Light and Flex Industrial and Commercial land uses are considered compatible within the Airport Influence Area with consistency determination requirements, such as the prohibition of aboveground storage of over 2,000 gallons of hazardous materials.

## Local

### *City of Visalia Fire Department*

The Visalia Fire Department (VFD) provides fire and life safety services for residents located within the city limits while the Tulare County Fire Department provides additional services for unincorporated areas within the Planning Area. As discussed in more detail in Section 3.13, Public Services, as of this writing, VFD staffs five paramedic engine companies, one truck company, and a Battalion Chief daily, from five fire station locations. The engines and truck are staffed with three personnel, giving the Fire Department a daily minimum staffing of 19. All apparatus are staffed with a paramedic at all times. The City requires all new development and subdivisions to meet UFC provisions, and the VFD reviews development applications during the plan check process.

The VFD also provides oversight of hazardous materials. The VFD is responsible for conducting inspections for code compliance and fire-safe practices and for scene management and investigation of fire and hazardous materials incidents. According to Chapter 8.32 (Hazardous Materials) of the City of Visalia Municipal Code (Municipal Code), an emergency situation created by a hazardous material release which poses an imminent risk to the life, health, or safety of persons, property, or to the environment shall be mitigated in the manner prescribed and pursuant to the direction of the VFD. The VFD regulates explosive and hazardous materials under the UFC, and permits the handling, storage, and use of any explosive or other hazardous material.

### *City of Visalia Municipal Code*

*Visalia Fire Code*

Chapter 8.20 of the Municipal Code details the Visalia Fire Code, which is an adoption of the 2019 California Fire Code with some amendments. The purpose of the Visalia Fire Code is to regulate the safeguarding of life, property, and public welfare to a reasonable degree from the hazards of fire, hazardous materials release, and/or explosion due to handling of dangerous and hazardous materials, conditions hazardous to life or property in the occupancy and use of buildings and premises, the operation, installation, construction, and location of attendant equipment, the installation and maintenance of adequate means of egress, and providing for the issuance of permits and collection of fees.

*Visalia Hydrant Ordinance*

Chapter 16.36.120 of the Municipal Code outlines the following requirements for water mains, fire hydrants, and fire department access as detailed more fully in Section 3.16, Wildfire.

### *City of Visalia General Plan*

Following are General Plan goals, policies, and objectives that are relevant to this analysis.

### *Chapter 8: Safety and Noise*

*Objectives*

**S-O-3** Protect soils, surface water, and groundwater from contamination from hazardous materials.

**S-P-15** Require remediation and cleanup of sites contaminated with hazardous substances.

*The level of remediation and cleanup will be determined based on the intended use and health risk to the public. At the minimum, remediation will be in compliance with federal and State standards. Clean up shall be required in conjunction with new development, reconstruction, property transfer of ownership, and/ or continued operation after the discovery of contamination.*

**S-P-17** Ensure that all specified hazardous facilities conform to the Tulare County Hazardous Materials Business Plan.

**S-P-18** Coordinate enforcement of the Hazardous Material Disclosure Law and the implementation of the Hazardous Material Emergency Response Plan with the Tulare County Health and Human Service Agency.

*State and federal legislation requires every business that handles hazardous materials report their inventories to the local fire department. The program's primary function is to identify, monitor, and assist businesses using or storing hazardous materials and allow the City to handle emergency incidents more effectively. The City will maintain and share this information with police, fire, and emergency services.*

**S-P-19** Coordinate with the Tulare County Environmental Health Division and other appropriate regulatory agencies during the review process of all proposals for the use of hazardous materials or those involving properties that may have toxic contamination, such as petroleum hydrocarbons, CAM 17 metals, asbestos, and lead.

**S-P-20** Require applicants of projects in areas of known or suspected hazardous materials occurrences such as petroleum hydrocarbon contamination, CAM 17 metals, USTs, location of asbestos rocks and other such contamination to perform comprehensive soil and groundwater contamination assessments in accordance with regulatory agency testing standards, and if contamination exceeds regulatory action levels, require the project applicant to undertake remediation procedures prior to grading and development under the supervision of appropriate agencies, such as Tulare County Department of Environmental Health, Department of Toxic Substances Control, or Regional Water Quality Control Board.

**S-P-26** Implement a program that provides vegetation management services to elderly, disabled, or low-income property owners who lack the resources to remove flammable vegetation from around their homes.

**S-P-27** Implement a fuel modification program, which also includes residential maintenance requirements and enforcement, plan submittal and approval process, guidelines for planting, and a listing of undesirable plant species. Require builders and developers to submit their plans, complete with proposed fuel modification zones, to the Fire Department for review and approval prior to beginning construction.

**S-O-6** Provide comprehensive emergency response and evacuation routes for Visalia area residents.

**S-P-30** Integrate the Tulare County Hazard Mitigation Plan, in particular the hazard analysis and mitigation strategy sections, into the development review process, the Emergency Operations Plan, and Capital Improvement Program, as appropriate.

### *City of Visalia*

The City's EOP was adopted in 2011. The City's EOP is designed to establish a framework for implementation of the California Standardized Emergency Management System for the City, which is located within the Governor's Office of Emergency Service's Mutual Aid Region V. The City's EOP is used in conjunction with the Tulare County's EOP, which incorporates the County's updated 2011 Evacuation Plan, establishes responsibilities, threat levels, and triggers for evacuation, evacuation areas, and evacuation routes to be used in case of catastrophic emergencies, including wildfire. As described more fully therein and below (see Regulatory Framework), the extent and the severity of a disaster will typically determine which routes and which direction people must take. Additionally, the City's EOP will be reviewed and revised annually by the City of Visalia Disaster Preparedness Manager (Fire Department Battalion Chief) and every four years the entire City EOP will be reviewed, updated, and redistributed.[10] It is reasonable, therefore, to assume that the City of Visalia will continue to upgrade preparedness strategies and techniques in all departments so as to be prepared when disaster, either natural or man-made, occurs in order to escape or avoid the afflicted areas. The County's Evacuation Plan places the City of Visalia in Zone 5 and identifies SR-198, SR-99, and SR-63 as evacuation routes. SR-198, SR-99 and SR-63 are all four-lane highways (two lanes in each direction) and thus can accommodate significant amounts of traffic. Additionally, because these highways are heavily traveled and commercially important corridors, they are regularly maintained by Caltrans. The Agriculture Center in Tulare is identified as a County shelter available to the community in the event of a catastrophic emergency.[11]

## 3.9.4 - Methodology and Approach to Analysis

This evaluation focuses on whether the proposed project would result in changes to the physical environment that would cause or exacerbate adverse effects related to the use, transportation, disposal, accidental release, or emission of hazardous materials. The evaluation also includes a determination of whether the proposed project would result in changes to the physical environment, or would impair or interfere with emergency response plans, or would expose people or structures to increased wildfire hazards (including dangers from overhead power lines). For the evaluation of potential construction-related and operational impacts from existing hazardous materials in project site soils, sediments, groundwater, surface water, and structures, the results of environmental sampling are compared to identified screening levels. The following analysis is based,

[10] City of Visalia. 2011. City of Visalia Emergency Operations Plan. Website: https://www.visalia.city/documents/Engineering/Flood%20Info/Complete%20EOP%20Binder%202011.pdf. Accessed February 15, 2023.

[11] City of Visalia. 2014. Visalia General Plan Chapter 8, Safety and Noise. October.

in part, on information provided by the General Plan, the Phase I ESA and Phase II ESA, and State of California websites.

Additional analyses regarding hazards and health risk related to emissions of toxic air contaminants (TACs) are addressed in Section 3.3, Air Quality. Flooding and inundation hazards, including those related to erosion and mudflow, are addressed in Section 3.10, Hydrology and Water Quality. Traffic-related safety hazards are addressed in Section 3.14, Transportation. Other geotechnical-related safety hazards, such as earthquakes, are addressed in Section 3.7, Geology and Soils. Finally, excessive noise exposure with respect to airport use or air traffic is addressed in Section 3.12, Noise.

## 3.9.5 - Thresholds of Significance

The City, as lead agency, has elected in its discretion to utilize the criteria in the California Environmental Quality Act (CEQA) Guidelines Appendix G Environmental Checklist to determine whether hazards and hazardous materials impacts resulting from the implementation of the proposed project would be considered significant. Specifically, it would be a significant impact if the proposed project would:

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

b) Create a significant hazard to the public or the environment through reasonably foreseeable upset and accident conditions involving the release of hazardous materials into the environment?

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

d) Be located on a site which is included on a list of hazardous materials sites compiled pursuant to Government Code Section 65962.5 and, as a result, would it create a significant hazard to the public or the environment?

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

f) Impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan?

g) Expose people or structures, either directly or indirectly to a significant risk of loss, injury, or death involving wildland fires?

## 3.9.6 - Project Impacts and Mitigation Measures

This section discusses potential impacts associated with the construction and operation of the proposed project and provides feasible mitigation measures, if and to the extent required.

## Routine Transport, Use, or Disposal of Hazardous Materials

**Impact HAZ-1: Would the project create a significant hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials?**

### *Impact Analysis*

As described further below and in Appendix F, a Phase I ESA was conducted for the project site and found the potential presence of pesticides or herbicides in site soil, due to the current and historic agricultural use of the project site, to be an REC. No Controlled RECs (CRECs) or Historical RECs (HRECs) were observed on the project site.[12]

Following the conclusions of the Phase I ESA, a limited Phase II ESA was conducted on the project site to address the REC identified in the Phase I ESA through evaluation of the site's current subsurface soil conditions by providing additional soil sampling and analysis.[13] No reportable concentrations of organochlorine pesticides, or groundwater, were encountered on-site. The Phase II ESA found detectable arsenic concentrations in soil samples, at concentrations of 1.22 to 7.78 mg/kg, which are above the EPA Regional Screening Levels (RSLs) and DTSC Screening Levels for industrial soil, but simultaneously below the 12 mg/kg background arsenic concentration in Southern California soil as identified by the DTSC.[14] The DTSC Human Health Risk Assessment (HHRA) Note Number 11 for Southern California Ambient Arsenic Screening Level states that mitigation or remediation is usually not undertaken to reduce the concentration of contaminants below ambient levels.[15] Ambient and background concentrations of some inorganic elements, which includes arsenic, can exceed risk-based concentrations. Furthermore, Ninyo & Moore performed statistical analysis using the arsenic concentrations reported at the site to determine the upper limit of local arsenic background concentrations in accordance with the DTSC Guidance. There is only one reported concentration of arsenic at the site (7.78 mg/kg) that exceeds the calculated background concentration of 7.5 mg/kg. It is determined the exceedance is not significant and does not indicate contamination from an anthropogenic source. As such, the Phase II ESA concluded that the soil within the project site would be characterized as nonhazardous waste.[16]

There are no identified HRECs or CRECs on the project site. However, there is the potential presence of pesticides or herbicides in site soil that is considered a REC.[17] During the site reconnaissance, a chemical storage and mixing area was observed along the central northern property boundary, containing a small storage shed (potentially used for storing chemicals), an approximately 1,000-gallon aboveground pesticide/algaecide mixing tank, three 2,000-gallon aboveground nutrient mixing tanks, a multimedia filtration system comprised of six small multimedia filtration aboveground tanks and pump/piping network, and a large water storage basin. Associated transformers and power/control boxes located on top of concrete slabs and gravel beds were also

[12] Ninyo & Moore Geotechnical and Environmental Sciences Consultants. 2022. Phase I Environmental Site Assessment Northeast Corner of West Riggin Avenue and Kelsey Street. July 20.
[13] Ninyo & Moore Geotechnical and Environmental Sciences Consultants. 2023. Limited Phase II Environmental Site Assessment Northeast Corner of West Riggin Avenue and Kelsey Street. January 27.
[14] Ibid.
[15] Ibid.
[16] Ibid.
[17] Ninyo & Moore Geotechnical and Environmental Sciences Consultants. 2022. Phase I Environmental Site Assessment Northeast Corner of West Riggin Avenue and Kelsey Street. July 20.

observed. Additionally, one abandoned tank and sump of unknown contents were observed south of the northern chemical mixing/storage area along the private road that traverses south to north. Evidence of chemical or petroleum leaks/staining on the soil were not observed.[18] According to aerial imagery in the Phase I ESA, all on-site improvements were constructed after 2016 and would not contain hazardous materials such as lead-based paint, asbestos-containing material, or PCBs.

It was determined that, based on the agricultural use of the project site and vicinity since 1937, commercial pesticides and herbicides may have been applied to the project site and vicinity. Concentrations of these substances and/or their breakdown derivatives may be present in the project site's soils. The historical aerial photographs indicated the presence of buildings or other structures on the project site where pesticides or herbicides may have been mixed or stored. Therefore, the potential presence of pesticides or herbicides in site soil is considered a REC.

The Phase II ESA concluded that no reportable concentration organochlorine pesticides were found on the project site.[19] As discussed previously, the project site also contains soils with detectable arsenic concentrations (1.22 to 7.78 mg/kg). However, the measured concentration in site soils is below the Southern California soil background level of 12 mg/kg and thus soil from the project site would be considered nonhazardous waste.

Valley Fever or coccidioidomycosis, is prevalent in the central San Joaquin Valley of California. This disease, which affects both humans and animals, is caused by inhalation of arthroconidia (spores) of the fungus *Coccidioides immitis* (CI). CI spores are found in the top few inches of soil and the existence of the fungus in most soil areas is temporary. The proposed project has the potential to generate fugitive dust and suspend Valley Fever spores within the dust that could then reach nearby sensitive receptors. It is possible that on-site workers could be exposed to Valley Fever as fugitive dust is generated during construction. Implementation of dust control measures throughout the construction period would reduce fugitive dust emissions. Therefore, the exposure to Valley Fever would be minimized. With the implementation of these dust control measures, dust from the construction of the proposed project would not add significantly to the existing exposure level of people to this fungus, including construction workers, and impacts would be reduced to less than significant levels.

*Construction*

Construction activities associated with the proposed project would entail the use of heavy equipment on the project site. Potential hazardous materials transported, used, or disposed of during project construction would be limited to commonly used substances such as gasoline, diesel, oil, grease, mechanical fluids, paints, cleaning solvents, and similar items. However, construction of the proposed project would not involve the routine transport, use, or disposal of substantial quantities of hazardous materials as defined by the Hazardous Materials Transportation Uniform Safety Act. Most of the hazardous materials used and hazardous waste generated by the proposed project would occur during the temporary construction period. Likely uses during construction

[18] Ninyo & Moore Geotechnical and Environmental Sciences Consultants. 2022. Phase I Environmental Site Assessment Northeast Corner of West Riggin Avenue and Kelsey Street. July 20.

[19] Ninyo & Moore Geotechnical and Environmental Sciences Consultants. 2023. Limited Phase II Environmental Site Assessment Northeast Corner of West Riggin Avenue and Kelsey Street. January 27.

would include cleaning fluids, solvents, petroleum products, dust palliative, and herbicides that are typical in nature and quantity. Some solid hazardous waste, such as welding materials and dried paint, may also be generated during construction. These materials would be transported to the project site during construction, and any hazardous wastes produced as a result of the construction of the proposed project would be collected and transported away from the project site pursuant to applicable laws and regulations. During construction of the proposed project, material safety data sheets for all applicable materials present at the project site would be made readily available to on-site personnel in accordance with required BMPs as part of a SWPPP (see Section 3.10, Hydrology and Water Quality). Workers would be trained to properly identify and handle all hazardous materials, and hazardous waste would either be recycled or disposed of at a permitted and licensed treatment and/or disposal facility. All hazardous waste shipped off-site for recycling or disposal would be transported by a licensed and permitted hazardous waste hauler and disposed of at an approved location.

During construction, nonhazardous construction debris would be generated and disposed of in local landfills pursuant to applicable laws and regulations. Sanitary waste would be managed using portable toilets located at a reasonably accessible on-site location. Compliance with applicable laws and regulations would ensure that construction of the proposed project would not create a significant hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials.

Hazardous materials such as petroleum fuels and lubricants used on field equipment would be subject to the Unified Hazardous Waste and Hazardous Materials Management Regulatory Program, the SPCC plan, the SWPPP, and other standard measures to limit releases of hazardous materials and wastes (see further discussion of BMP requirements in Section 3.10, Hydrology and Water Quality, of this Draft EIR). Recyclable materials, including wood, shipping materials, and metals, would be separated when practicable for recycling. The disposal of any oils or lubricants would be in accordance with all applicable laws and regulations, including, without limitation, the requirements of licensed receiving facilities. Overall, the relatively limited use and small quantities of typical hazardous materials, and subsequent transport and disposal of such materials, during construction would be controlled through compliance with applicable laws and regulations pursuant to a comprehensive regulatory framework administered by the DTSC and other relevant public agencies.

As discussed above, the potential presence of pesticides or herbicides in site soil due to past and current agricultural use was determined to potentially result in significant impacts due to transport, use, and disposal of hazardous levels of pesticides and herbicides on-site. Soil samples were taken to determine the presence of pesticides or herbicides in site soil. The Phase II ESA found that there were no reportable concentrations of pesticides or herbicides on-site and found the arsenic levels in the on-site soil to be below regional background levels. Therefore, the soil would be expected to be considered nonhazardous waste, and its transport and disposal would not result in a significant hazard to the public or environment. Furthermore, required compliance with applicable hazardous material laws and regulations would ensure that transport and disposal of any contaminated soils would not result in a significant hazard to the public or environment.

*Operation*

Operations and maintenance activities associated with the proposed project would not involve activities that would handle large quantities of hazardous materials and generation of hazardous waste given the nature of the proposed uses. Primary operations and maintenance activities that would occur on the project site would consist of light industrial and flex industrial uses as well as: a convenience store, gas station, car wash facility, RV/self-storage facilities, and drive-through restaurants. As part of its site design, the gas station would have two 20,000-gallon underground tanks on-site. In accordance with General Plan Policy S-P-17, the proposed project would be required to prepare an HMBP in accordance with the applicable Tulare County regulations outlined in the Tulare County HMBP. The proposed project's HMBP would be required to disclose the inventory of all hazardous materials on-site and would be made available to first responders in the City and County for emergency response activities. In addition, the project applicant for the gas station would be required to obtain a permit to operate the proposed UST system per California Code of Regulations Title 23, Division 3, Chapter 16, California Health and Safety Code Section (25280–25299.8). These regulations mandate the testing and frequent inspections of the UST facilities. Plans must be submitted to the Tulare County Division of Environmental Health prior to any underground storage tank installations, modifications, repairs, or removals.

Vehicles used during standard operations and maintenance would include delivery vehicles, trucks (pickup, flatbed), forklifts, and loaders for routine and unscheduled maintenance. Large heavy-haul transport equipment and cranes may be brought to the project site infrequently for equipment repair or replacement. Long-term maintenance and equipment replacement would be scheduled in accordance with manufacturer recommendations.

The California Environmental Protection Agency (Cal/EPA) oversees the Statewide implementation of the HMBP, which aims to prevent or minimize harm to public health and safety, and the environment from the release or threatened release of hazardous material. The minimum reporting quantities for hazardous materials is 55 gallons for liquids, 500 pounds for solids, or 200 cubic feet for compressed gas. If a business handles hazardous materials at or in excess of the minimum thresholds, a HMBP is required to be prepared and approved by the State and local jurisdictions. The project tenants/operator will be required to submit information to the California Environmental Reporting System (CERS), Tulare County Department of Public Health, and the City regarding the use and storage of hazardous materials. Both the proposed gas station/mini-mart and future industrial uses would be subject to the HMBP requirements if they handle hazardous materials in excess of minimum reporting quantities.

During operation, tenants/operators may use potentially hazardous substances that are typical for this type of light industrial and flex industrial uses as well as the proposed commercial uses, including lubricants, hydraulic oils, and other substances. Small quantities of hazardous materials would be used on-site during operation of the proposed project, but not in sufficient quantities to create significant hazard in the unlikely event of upset or accident. Any routine storage, handling, transport, use, or disposal of hazardous materials during operation of the proposed project would be required to comply with all applicable laws, regulations, policies, and programs set forth by various

federal, State, and local agencies, including, without limitation, the EPA, RCRA, Caltrans, the Hazardous Materials Transportation Act, and the Tulare County Hazard Mitigation Plan.

Operation of the proposed tenants would include a gas station, with the routine use and storage of hazardous materials, which includes storage of gasoline in the project's underground fuel storage tanks (USTs), as well as delivery of gasoline and subsequent refilling of the tanks. Gasoline is considered a hazardous waste, and therefore, the installation and operation of underground fuel storage tanks are regulated by a variety of State and local agencies.

Development of a gas station would include the installation of two 20,000-gallon gasoline or diesel USTs that would be regulated by the State Water Resources Control Board (State Water Board) and Tulare County Department of Public Health, which is the CUPA. The installation and operation of USTs will be in compliance with local and State regulations related to USTs and hazardous materials. Therefore, the construction of the gas station would not create a hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials. Development of uses associated with the industrial park portion of the project site would be subject to the same regulations and permitting standards as noted above.As a result, operation of the proposed project would not create a significant hazard to the public or the environment through the use, storage, and transport of hazardous materials, and impacts related to operation would be less than significant.

In conclusion, impacts during construction and operation of the proposed project would be less than significant.

### *Mitigation Measures*

No mitigation measures are required.

### *Level of Significance*

Less than significant impact.

## Risk of Upset

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| **Impact HAZ-2:** | **Would the project create a significant hazard to the public or the environment through reasonably foreseeable upset and accident conditions involving the likely release of hazardous materials into the environment?** |

### *Impact Analysis*

See Impact HAZ-1.

*Construction*

Construction activities required for the proposed project would involve trenching, excavation, grading, and other ground-disturbing activities. Construction activities would temporarily require use of equipment, such as trucks, excavators, and other powered equipment and would use potentially hazardous materials such as fuels (gasoline and diesel) and lubricants (oils and greases). In addition, construction would include the use of cleaning fluids, solvents, petroleum products, dust palliative, and small quantities of household herbicides. Some solid hazardous waste, such as welding materials and dried paint, may also be generated during construction. Such materials would be used in

quantities typically associated with construction of the proposed project and would be transported, handled, stored, and disposed of in accordance with applicable laws and regulations and manufacturers' instructions.

As discussed above, there were no reportable concentrations of hazardous contaminants except for arsenic found on the project site. Detectable concentrations of arsenic were found in collected soil samples at concentrations above EPA RSLs and DTSC Screening Levels for industrial soil but simultaneously below background arsenic concentration as identified by the DTSC.[20] DTSC's HHRA Note Number 11 states that mitigation or remediation is usually not undertaken to reduce the concentration of contaminants below ambient levels. As such, it was concluded that soil on the project site would be categorized as nonhazardous, and would not require mitigation.[21]

According to CalGEM, the project site is not located within a known active oil production field but does include one plugged and abandoned well. However, it was confirmed plugged and abandoned on April 6, 2015.[22] There was no evidence of chemical or petroleum leaks/staining on the soil at the project site. However, as there is a known well on-site, and in the unlikely event an unknown, abandoned, or unrecorded well may occur on-site and may be discovered during construction of the proposed project, Mitigation Measure MM HAZ-1 would require that any known well be indicated on engineered plans showing a minimum 10-foot no build radius area. Should any abandoned or unrecorded wells be uncovered or damaged during excavation or grading, the project developer would immediately contact CalGEM, and comply with established procedures for dealing with wells. With the implementation of MM HAZ-1, impacts related to potentially hazardous materials uncovered during construction would be considered less than significant.

In conclusion, the risk of accidental release of hazardous materials during construction would be less than significant with implementation of mitigation.

*Operation*

During operation, it is reasonable to assume that tenants/operators would use potentially hazardous substances that are typical for this type of light and flex industrial and compatible commercial uses, including, for example, lubricants, hydraulic oils, and other substances. Small quantities of hazardous materials would be used on-site during operation of the proposed project but not in sufficient quantities to create significant hazard in the unlikely event of upset or accident. These types of materials are common in such light/flex industrial and commercial projects and represent a low risk to people and the environment when used and handled as intended, pursuant to the requirements set forth in the comprehensive regulatory framework, and would not be expected to result in the release of hazardous materials into the environment. The handling, transport, and disposal of such substances must comply with all local, State, and federal laws and regulations, which would help reduce risks of upset and accident conditions. As such, operational impacts related to hazardous materials risk would be less than significant.

[20] Ninyo & Moore Geotechnical and Environmental Sciences Consultants. 2023. Limited Phase II Environmental Site Assessment Northeast Corner of West Riggin Avenue and Kelsey Street. January 27.

[21] Ibid.

[22] Ninyo & Moore Geotechnical & Environmental Sciences Consultants. 2022. Phase I Environmental Site Assessment Northeast Corner of West Riggin Avenue and Kelsey Street. July 20.

As noted above, the proposed project would include the installation of USTs. Accordingly, the proposed project would be required to submit a HMBP, and as such the hazardous materials that would be present on-site in connection with the proposed gas station would be contained within specifications that follow applicable federal, State, and local requirements. For example, and without limitation, OSHA requirements call for the inclusion of appropriate ventilation, acid resistant materials, and presence of spill protection supplies.

Overall, adherence to applicable laws and regulations and standard protocols during the storage, transportation, and usage of any hazardous materials would minimize or reduce potential impacts during construction related to reasonably foreseeable upset and accident conditions involving the release of hazardous materials to a less than significant level. Furthermore, impacts during operation of the proposed project would be less than significant.

### *Level of Significance Before Mitigation*

Potentially significant impact.

### *Mitigation Measures*

**MM HAZ-1**

(a) Any known wells on the project site shall be delineated on an engineered site plan with a minimum 10-foot radius no build area.

(b) In the event that any abandoned or unrecorded wells are uncovered or damaged during excavation or grading activities, all work shall cease in the vicinity of the well, and the California Department of Conservation Geologic Energy Management (CalGEM), shall be contacted for requirements and approval; copies of said approvals shall be submitted to the City of Visalia Community Development Department. CalGEM may determine that remedial plugging operations may be required.

(c) The following note shall appear on all final maps and grading plans: "If during grading or construction, any plugged and abandoned or unrecorded wells are uncovered or damaged, CalGEM will be contacted to inspect and approve any remediation required.

### *Level of Significance After Mitigation*

Less than significant impact with mitigation incorporated.

## Hazardous Emissions Proximate to a School

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| **Impact HAZ-3:** | **Would the project emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste within one-quarter mile of an existing or proposed school?** |

### *Impact Analysis*

The project site is not located within 0.25-mile of an existing or proposed school. The nearest school to the project site is Denton Elementary School, which is located approximately 0.46-mile southeast of the project site. As such, the proposed project would not emit hazardous materials or involve

handling hazardous or acutely hazardous materials, substances, or waste within 0.25-mile of an existing or proposed school. Therefore, impacts would be less than significant.

As noted above, construction activity would be expected to involve the transport, use, and disposal of hazardous materials that are typical for this type of light/flex industrial and compatible commercial uses, such as diesel fuels, aerosols, and paints. However, the handling, transport, use, and disposal of hazardous materials would be required to comply with the Hazardous Materials Transportation Act, California Public Resources Code, and other State and local laws and regulations, which further limits the risk of emissions or release of hazardous materials, substances, or waste. In addition, it is anticipated that construction trucks would travel west along Riggin Avenue to access SR-99, which is the nearest highway. The nearest schools are southeast of the project site and therefore it is unlikely that the construction trucks would travel past the schools. Therefore, construction impacts in this regard be less than significant.

During operation, because of the distance to the nearest school, the low probability of significant quantities of hazardous materials to be present on-site, and required project compliance with applicable laws and regulations pertaining to handling, storage, use, and transport of hazardous materials, substances, or waste, impacts would be less than significant. Therefore, operational impacts related to hazardous emissions proximate to a school would be less than significant.

### *Mitigation Measure*

No mitigation measures required.

### *Level of Significance*

Less than significant impact.

## Government Code Section 65962.5 Sites

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| **Impact HAZ-4:** | **Would the project be located on a site which is included on a list of hazardous materials sites compiled pursuant to Government Code Section 65962.5 and, as a result, would it create a significant hazard to the public or the environment?** |

### *Impact Analysis*

As noted above, the project site is not identified in any of the California hazardous materials databases, as shown in Table 3.9-1. Searches were completed for all lands within the project site in the following hazardous materials lists: Cal/EPA's Cortese List, including the DTSC's EnviroStor database of hazardous substances release sites; and GeoTracker, the California database of leaking underground storage tanks.[23,24]

Because the proposed project would not be located on a site that is included on a list of hazardous materials sites compiled pursuant to Government Code Section 65962.5, there is no potential of

[23] Department of Conservation. 2022. EnviroStor. Website: https://www.envirostor.dtsc.ca.gov/public/map/?myaddress=vasalia. Accessed August 11, 2022.

[24] California State Water Resources Control Board (State Water Board). 2022. Geotracker. Website: https://geotracker.waterboards.ca.gov/map/?CMD=runreport&myaddress=visalia. Accessed August 11, 2022.

creating a significant hazard to the public or the environment and, therefore, there would be no impact.

### *Mitigation Measures*

No mitigation measures are required.

### *Level of Significance*

No impact.

## Proximity to Public Airport Safety Hazard

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| **Impact HAZ-5:** | **For a project located within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project result in a safety hazard or excessive noise for people residing or working the project area?** |

### *Impact Analysis*

The nearest public airport to the proposed project would be Visalia Municipal Airport, located approximately 2.68 miles southwest of the project site. According to the Tulare County Comprehensive Airport Land Use Plan, the southwest corner of the project site lies within the Visalia Municipal Airport's Airport Influence Area but outside of the Airport Safety Zone.[25] Land use compatibility within the Airport Influence Area is defined in the Tulare County Land Use Compatibility Matrix (Section 3 of the Tulare County Comprehensive Airport Land Use Plan). The proposed light and flex industrial and compatible commercial uses are considered "compatible." Buildings within the Airport Influence Area are also subject to height restriction set forth in Federal Aviation Regulations (FAR) Part 77. The proposed project would have a maximum height of 45 feet, which is far lower than the FAR Part 77 height restriction of 200 feet, beyond which would require Federal Aviation Administration (FAA) notification.[26]

As such, the proposed project would not result in a safety hazard or excessive noise for people residing or working the project area. Impacts would be less than significant.

### *Mitigation Measures*

No mitigation measures are required.

### *Level of Significance*

Less than significant impact.

## Emergency Response and Evacuation

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| **Impact HAZ-6:** | **Would the project impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan?** |

[25] Aries Consultants Ltd. 2012. Tulare County Comprehensive Airport Land Use Plan. December.
[26] Federal Aviation Administration (FAA). Form FAA 7460-1- Notice of Proposed Construction or Alteration. Website: https://www.faa.gov/documentLibrary/media/Form/FAA_Form_7460-1_042023.pdf. Accessed December 15, 2022.

### *Impact Analysis*

The City has not previously experienced wildfire or other hazards that required evacuation.

The City of Visalia's EOP was adopted in 2011 and is used in conjunction with the Tulare County's EOP, which incorporates the County's updated 2011 Evacuation Plan. To keep Tulare County residents and businesses informed of emergencies and other time-sensitive messages, the County utilizes Alert TC. Notifications may include severe weather warnings, wildfire alerts, and road closures/detours. As discussed under Impact PUB-1 in Section 3.13, Public Services, Fire Station 55 is the nearest fire station to the project site, located approximately 0.43 mile to the south at 921 West Ferguson Avenue. The next closest station is Fire Station 53, located approximately 3.27 miles to the southeast at 5025 West Walnut Avenue. Based on this distance from the Fire Department's fire station, the response time for a fire engine traveling at an average speed of 35 miles per hour (mph) would be approximately 2 minutes. There are not currently any fire hydrants on the project site; however, the proposed project would be required to comply with the City's Hydrant Ordinance, including providing the mandated number of hydrants with adequate fire flow pressure (a minimum flow of 2,000 gallons per minute at 20 psi residual pressure).[27]

During construction, construction equipment and vehicles would access and leave the project site, which in turn could potentially impede evacuation or Emergency Vehicle Access (EVA). The City does not currently have any established evacuation routes; however, the General Plan designates SR-198, SR-99, and SR-63 as evacuation routes consistent with the County EOP.[28] The foregoing State Routes are located approximately 2 miles south, 3 miles west, and 4 miles east from the project site, respectively. In addition to these State Routes that would be likely evacuation routes in the event of a wildfire emergency, there are other main arterial roads that are in the vicinity and readily accessible, which could reasonably be assumed to serve as emergency evacuation routes in the project vicinity. The proposed project's primary access roads (Kelsey Street, Clancy Street, Shirk Street, and Riggin Avenue) allow adequate egress/ingress to the project site in the event of an emergency. These streets would connect to an internal road network within the project site, providing ample access for emergency vehicles in the case of an emergency. Given the availability of multiple State Routes identified as evacuation routes available to the proposed project as well as other community members, coupled with several alternative main arterial roads that provide access to these identified evacuation routes, the proposed project's construction would not substantially impair these evacuation routes and would not substantially impair any adopted emergency response plan or emergency evacuation plan. While construction would result in truck deliveries, hauling of materials, and construction crews, and operation of the proposed project would involve both passenger vehicles and truck trips associated with the flex/light industrial and compatible commercial uses, improvement plans and any work completed in existing roadways would be required to be approved by the City Engineer before they could occur. The proposed streets have been designed and would be required to be constructed to applicable City specifications and have adequate site access for emergency vehicles. In the event of an emergency response, the City's

[27] City of Visalia. 2001. Municipal Code Section 16.36.120 Water mains, fire hydrants and fire department access. Website: https://www.visalia.city/civicax/filebank/blobdload.aspx?blobid=4255. Accessed November 22, 2022.
[28] City of Visalia. 2014. Visalia General Plan Chapter 8: Safety and Noise.

Engineering, Police, and Fire Departments would coordinate to ensure that adequate access to and from the project site is maintained. Therefore, impacts would be less than significant.

### *Mitigation Measures*

No mitigation measures are required.

### *Level of Significance*

Less than significant impact.

## Wildland Fires

| **Impact HAZ-7:** | **Would the project expose people or structures, either directly or indirectly to a significant risk of loss, injury or death involving wildland fires?** |
|---|---|

### *Impact Analysis*

The project site is not located in or near an SRA and also does not contain lands classified as a VHFHSZ.[29] According to the CAL FIRE FHSZ Maps for the LRA, the project site is classified as LRA Unzoned, which means that the project site is located outside of areas identified by CAL FIRE as having substantial or very high risk.

The Unit Strategic Fire Plan for the CAL FIRE Tulare Unit designates the project site as being located within an Agriculture area by Tulare County (County).[30] The closest mapped FHSZ is an SRA Moderate Zone located approximately 15 miles east of the project site, at the outer city limits of the City of Exeter. There is an FRA Moderate Zone located approximately 23 miles to the southwest of the project site just outside of the City of Lemoore city limits.[31] The nearest VHFHSZ is located over 25 miles east of the project site.

In addition, the General Plan does not designate the project site as being in a fire hazard area. According to General Plan Figure 8-4, Fire Hazards and Public Safety Services, there is an area of moderate fire susceptibility located along North Plaza Drive between West Ferguson Avenue and Goshen Avenue, which is located approximately 3,700 feet southwest of the project site.[32] The nearest VHFHSZ is located over 25 miles east of the project site. Thus, the project site is not in a wildfire-prone area. Additionally, the project site is not located within a wildland urban interface area and has not previously experienced wildfire. The area surrounding the project site is mostly agricultural and industrial land. As such, the project site is surrounded either by urban development or by managed land that does not contain steep terrain or unmanaged open space areas that could be prone to wildfires. See also Section 3.16, Wildfire, of this Draft EIR for additional detail in this regard.

Slope and wind speed and can influence the spread of fires. Upslope topography eventually increases the spread rate of the fire in all fuel beds over flat conditions. As described in Chapter 2,

[29] City of Visalia. 2014. Visalia General Plan Chapter 8: Safety and Noise.
[30] California Department of Forestry and Fire Prevention (CAL FIRE). 2022. Unit Strategic Fire Plan CAL FIRE/Tulare Unit. May.
[31] Ibid.
[32] City of Visalia. 2014. Visalia General Plan Chapter 8: Safety and Noise, Figure 8-4: Fire Hazards and Public Safety Services. October.

Project Description, the project site has an elevation of approximately 303 feet above mean sea level (AMSL). The project site has is predominantly flat with a gentle slope to the northwest.

The nearest air monitoring station that measures meteorological data is the Visalia Municipal Airport Station, located approximately 2.87 miles southwest of the project site. According to the ARB, this station has an average wind speed of 6.9 mph and an annual maximum of 12 mph.[33] While these wind speeds could potentially spread wildfires, the project site and vicinity are not in or near a WUI zone and are bordered by urban development on two sides, with similar development planned in the area in the immediate future.[34] Annual prevailing winds in the City of Visalia are from the northwest; therefore, the prevailing winds would blow fire embers away from the project site and would not exacerbate fire risk.[35] As such, the project site and its surroundings do not embody conditions that would exacerbate wildfire in this regard.

The project site would be annexed into the City; as such, VFD would maintain responsibility for fire prevention and suppression over the project site. As discussed further in Section 3.13, Public Services, of this Draft EIR, the proposed project would be adequately served by fire protection services from VFD. Furthermore, project structures would be required to comply with applicable provisions of the California Fire Code with respect to emergency access and use of building materials that would limit the spread of wildfire to the greatest extent feasible. The City requires all new development and subdivisions to meet UFC provisions, and the VFD reviews all development applications during the plan check process.[36] Additionally, the City undertakes vegetation management activities that, in accordance with General Plan Policy S-P-27, require builders and developers to submit their plans, complete with proposed fuel modification zones, to the Fire Department for review and approval prior to beginning construction.[37]

Compliance with applicable State and local plans, laws, and regulations and adherence to General Plan Policy S-P-27 would further reduce any potential risk of impacts related to wildland fire hazards. Therefore, potential impacts from wildland fires would be less than significant.

See also Section 3.16, Wildfire, of this Draft EIR for additional discussion of wildfire issues.

### *Mitigation Measures*

No mitigation measures are required.

### *Level of Significance*

Less than significant impact.

[33] California Air Resources Board (ARB). 2022. Tulare County – All Networks Annual Resultant Wind Summary Data 2022. Website: https://www.arb.ca.gov/aqmis2/display.php?param=WINSPD_mph&year=2022&mon=8&day=18&hours=all&county_name=54-Tulare&basin=--AIR+BASIN--&latitude=--PART+OF+STATE--&report=ASRPT&order=state%2Cbasin%2Ccounty_name%2Cname&network%5B%5D=ALL&submit=Retrieve+Data&ptype=met. Accessed August 18, 2022.

[34] California Department of Forestry and Fire Prevention (CAL FIRE). 2019. Wildland Urban Interface (WUI). December.

[35] Western Regional Climate Center. 2022. Prevailing Wind Direction. Website: https://wrcc.dri.edu/Climate/comp_table_show.php?stype=wind_dir_avg. Accessed November 22, 2022.

[36] City of Visalia. 2014. Visalia General Plan Draft Environmental Impact Report, Chapter 3.11 Hazardous Materials.

[37] City of Visalia. 2014. Visalia General Plan Chapter 8: Safety and Noise.

## 3.9.7 - Cumulative Impacts

The geographic scope of the cumulative hazards and hazardous materials analysis is the project area. Adverse effects of hazards and hazardous materials tend to be localized; therefore, the area near the project area would be most affected by project activities. For the transport of hazardous materials, the geographic scope includes local and regional transportation facilities. The cumulative projects are those past, present, and reasonably foreseeable future projects, including those listed in Chapter 3, Environmental Impact Analysis, Table 3-1, Cumulative Projects.

### Hazards Materials Exposure Risk

Cumulative projects listed in Chapter 3, Environmental Impact Analysis, Table 3-1, may include demolition of existing structures that have the potential to contain hazardous building materials. Building materials may contain asbestos-containing materials (ACM) and lead-based paint (LBP). To address potential release of hazardous materials, the City would require the applicants of cumulative developments to assess structures and comply with standard conditions of approval/ mitigation measures (e.g., required testing, removal, and proper disposal) to minimize release prior to any demolition. Additionally, a comprehensive regulatory framework involving regional, State, and federal laws and regulations would apply to these cumulative projects, which would ensure a less than significant cumulative impact related to exposure to hazardous materials.

With respect to impacts related to the creation of a hazard through upset or accident conditions involving the release of a hazardous material, the following could occur during construction or operation of the project site: grading that would generate dust and the use and transport of petroleum-based lubricants, solvents, fuels, herbicides, and pesticides to and from the site. The potential exists for proposed project activities to result in mobilization of hazardous materials in the soil resulting in exposure of personnel and other sensitive receptors to contaminant levels that could result in short-term and/or long-term health effects. Project conformance with existing federal, State, and local regulations, approval of a HMBP, project safety design features, etc., would reduce this impact to less than significant.

As noted, the project site is not located within a known active oil production field but does include one plugged and abandoned well. However, in the unlikely event an unknown, abandoned, or unrecorded well may occur on-site and may be discovered during construction of the proposed project, Mitigation Measure MM HAZ-1 would require that, should any abandoned or unrecorded wells be uncovered or damaged during excavation or grading, the project developer would immediately contact CalGEM, and comply with established procedures for dealing with wells. Therefore, this impact does not have the potential to combine with contamination from the discovery of other unknown oil wells from other projects to result in a cumulative impact, due to the localized nature of the issue.

With respect to the proposed project, other proposed projects would similarly be required to adhere to standard conditions of approval and identified mitigation and otherwise ensure compliance with all applicable laws, regulations, plans, and policies related to transport, use, and disposal of hazardous materials, as discussed above. Therefore, impacts of the proposed project would not

combine with impacts from past, present, or reasonably foreseeable projects to result in a cumulative impact.

### Fire Hazard

The project site is not located in or near an SRA and also does not contain lands classified as a VHFHSZ.[38] The project site is classified as LRA Unzoned, which means that the project site is located outside of areas identified by CAL FIRE as having substantial or very high risk.

The Unit Strategic Fire Plan for the CAL FIRE Tulare Unit designates the project site as being located within an Agriculture area by the County.[39] The closest mapped FHSZ is an SRA Moderate Zone located approximately 15 miles east of the project site and there is an FRA Moderate Zone located approximately 23 miles to the southwest [40] The nearest VHFHSZ is located over 25 miles east of the project site.

Project-related activities at the project site are not expected to increase the risk of wildfires. The General Plan includes policies that would protect the project and the community from fire dangers. These include the enforcement of fire codes during project-related activities. In addition, developers are required to pay impact fees that offset the impact of development on public services, such as fire protection. In addition, implementation of appropriate safety measures during construction and operation of the project, as well as other cumulative projects, would reduce the impact to a level that would not contribute to cumulative effects related to fire hazards. Given the minimal risks of fire hazards at the project site, cumulative impacts are unlikely to occur. Therefore, impacts would not be cumulatively significant.

### Hazards and Emergency Response

The main arterial streets that would act as the most likely evacuation routes for cumulative developments out of the City are SR-198 (east–west), SR-99 (north–south), and SR-63 (north–south). Planned uses as proposed by the cumulative projects contemplated in the General Plan would result in planned development within the City and would not significantly increase the need for emergency services, including those related to wildfires. Furthermore, all construction would be required to adhere to all applicable laws and regulations, including those in the California Fire Code, which are designed to minimize the potential for the release of hazardous materials or uncontrolled fires. Once development is proposed, the City would assess the needs for fire protection services and inform efforts to improve or expand needed facilities.

As listed in Table 3-1, cumulative development in the City consists predominantly of residential, commercial, and industrial development, which would result in an additional number of persons and structures with the geographic scope. The types of cumulative development would increase the population, as contemplated in the City's General Plan. All cumulative development would, however, be required to comply with emergency access requirements as standard conditions of approval. Furthermore, the cumulative development in the City would be required to ensure no permanent

[38] City of Visalia. 2014. Visalia General Plan Chapter 8: Safety and Noise.
[39] California Department of Forestry and Fire Prevention (CAL FIRE). 2022. Unit Strategic Fire Plan CAL FIRE/Tulare Unit. May.
[40] Ibid.

road closures, would not be permitted to impede established emergency access routes, and would not interfere with emergency response requirements. Given the location of the relevant cumulative developments, it is anticipated that the identified evacuation routes of SR-198 (east–west), SR-99 (north–south), and SR-63 (north–south) would be available and would not be substantially impaired. As such, there would be a less than significant cumulative impact associated with hazards and emergency response.

With respect to the proposed project, similarly, it would be required to adhere to standard conditions of approval and identified mitigation and otherwise ensure compliance with all applicable laws, regulations, plans, and policies related to emergency access routes and emergency response requirements. For these reasons, the proposed project's incremental contribution to this less than significant cumulative impact would not be cumulatively considerable.

### *Mitigation Measures*

Implementation of MM HAZ-1.

### *Level of Cumulative Significance After Mitigation*

Less than significant impact with mitigation incorporated.

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# 3.10 - Hydrology and Water Quality

## 3.10.1 - Introduction

This section describes the existing hydrology and water quality setting and potential effects from project implementation on the site and its surrounding area. Descriptions and analysis in this section are based, in part, on the Water Supply Assessment prepared for the proposed project by 4Creeks, Inc., in September 2022, included as Appendix G of this document and the Urban Water Management Plan (UWMP).

During the Environmental Impact Report (EIR) scoping period, no public comments were received related to the project's potential hydrologic impacts.

## 3.10.2 - Environmental Setting

### Surface Hydrology

The City of Visalia (City) is located in the Kaweah River's Delta system, which results in many rivers and creeks that flow through the City.[1] The Kaweah River travels to the south of the Planning Area, and the St. John's River splits off from the Kaweah River and travels on the northern border of Visalia. Surface runoff in the Planning Area generally flows from east to west and terminates in the Tulare Lake Basin. Major surface water resources in the area include the St. John's River, Modoc Ditch, Mill Creek Ditch, Mill Creek, Tulare Irrigation District Canal, Packwood Creek, Cameron Creek, Deep Creek, Evans Creek, Persian Ditch, and several other local ditches. Except for the Tulare Irrigation District Canal, most watercourses are intermittent drainages that receive a significant portion of flow from stormwater runoff during the rainy season. This intermittent flow is typically supplemented from water released from Terminus Dam, which was constructed in 1962 and is operated by the United States Army Corps of Engineers (USACE). When drier conditions return in the spring, groundwater generally provides base flow for a portion of the summer.

The City operates and maintains a vast municipal storm drainage system that consists of drainage channels, 23 detention and retention basins, 33 pump stations and 250 miles of pipe. Historically, runoff was disposed of by directing it to the natural creeks, rivers, and irrigation ditches that flow through the City including the St. John's River, Mill Creek, Packwood Creek, Modoc Ditch, Evans Ditch and Persian Ditch. To mitigate the increased runoff due to urbanization, the City has invested heavily in the purchase of land and the construction of permanent retention basins.

### Surface Water Quality

The surface water quality of the Kaweah River Delta system is considered excellent and typical of Sierra Nevada snowmelt runoff.[2] There are no known water quality impairments in the area according to the Clean Water Act (CWA) Section 303(d) List of impaired waters. The City complies with the terms of the General Permit for stormwater discharges from small Municipal Separate Storm Sewer Systems (MS4s). As a result, the City is proactively involved in protecting water quality.

[1] City of Visalia. 2014. General Plan Environmental Impact Report. Website: https://www.visalia.city/civicax/filebank/blobdload.aspx?BlobID=30496. Accessed December 13, 2022.
[2] Ibid.

In November 2005, the City adopted a Storm Water Management Plan that includes a detailed analysis of its plans to handle stormwater runoff from increased amounts of impervious surface. Plans include retention/detention facilities, street sweeping, establishment of a water quality hotline, and an Illicit Discharge Protection System which will allow the City to determine whether there is a serious water quality problem from illegal discharges.

The quality of stormwater in the urbanized area of Visalia varies greatly depending on climatic and land use conditions. Urban and industrial runoff is known to contribute significantly to the levels of toxic materials, such as metals and organic pesticides, transported to streams. Stormwater discharges may contain unacceptable levels of petroleum fuels and oils; organic matter such as pet and domestic livestock wastes; pesticides; and metals such as copper, lead, cadmium, and zinc. Fertilizers such as nitrogen and phosphorus may also be present.

## Groundwater Basin Hydrology

### *Kaweah Subbasin*

The sole source of water supply for the Visalia residents is groundwater. California Water Service (Cal Water) Visalia District pumps from the Kaweah Subbasin of the San Joaquin Valley Basin. The total surface area of the Kaweah Subbasin is 446,000 acres or 696 square miles. The subbasin lies between the Kings Groundwater Subbasin on the north, the Tule Subbasin on the south, crystalline bedrock of the Sierra Nevada foothills on the east, and the Kings River Conservation District on the west. Major rivers and streams in the subbasin include the Kaweah and St. Johns Rivers, with the former being the primary source of recharge in the area. Groundwater flow is generally southwestward. In 1999, small groundwater depressions occurred to the north and south of Visalia and at the northwest corner of the subbasin, and a groundwater mound was present in the central western subbasin. Based on current and historical groundwater elevation maps, horizontal groundwater barriers do not appear to exist in the subbasin.[3] California Department of Water Resources (DWR) determined that the subbasin is in a condition of critical overdraft.

### *California Water Service Visalia District*

Cal Water Visalia District provides water services within the City. Cal Water is an urban water supplier that provides the main source of water supply for the City and surrounding communities. The Visalia District is an urban retail water supplier, as defined by California Water Code Section 10608.12. The Visalia District does not provide water wholesale.

The Visalia District also serves the communities of Goshen, Mullen, and Tulco. California Water Service operates 72 wells to meet the water demands of Visalia and Goshen customers. Visalia District is part of a regional group of agencies and providers as follows:

- Mid-Kaweah Groundwater Sustainability Agency (MKGSA)
- Kaweah Delta Water Conservation District (KDWCD)
- Kaweah River Basin Regional Water Management Group

[3] City of Visalia. 2014. General Plan EIR Utilities Section. Website: https://www.visalia.city/civicax/filebank/blobdload.aspx?BlobID=30499. Accessed January 30, 2023.

In the region in which the Visalia District is located, Cal Water participates with the KDWCD. In this District, the City of Visalia and others established the Groundwater Management Plan (GMP) under the provisions of Assembly Bill (AB) 3030. KDWCD is the lead agency in this effort. KDWCD has historically focused on the conservation of flows of the Kaweah River for groundwater recharge. Cal Water is also a stakeholder group participant in the Kaweah River Basin Integrated Regional Water Management Plan, adopted in December 2018.

*Conservation Measures*

Cal Water's conservation program has reduced per capita usage and demands on critical water sources and will continue to do so. Cal Water is committed to helping its customers use water efficiently and has developed a range of water conservation programs to support this goal. To ensure that it is providing the right mix of programs in the most cost-effective manner possible, Cal Water routinely conducts comprehensive conservation program analysis and planning. This is done on a five-year cycle in tandem with the UWMP. Cal Water's current Conservation Master Plan (April 2021) provides the basis for the information on the implementation of and expected water savings from Demand Management Measures (DMMs).

### Flooding and Inundation

Visalia experienced major floods in 1950, 1955, 1966, and 1969. The waterways described above have historically been used for flood control, stormwater conveyance, riparian, and recreational uses. In addition, the City maintains parks and detention ponds that serve to detain stormwater runoff when significant storm events occur. Most of the City is located in Zone X and X02, defined as areas of moderate to low risk of flooding. However, some areas along the creeks and drainages are within Zone A and Zone AE, which are high risk areas prone to the 100-year storm event.

## 3.10.3 - Regulatory Framework

### Clean Water Act

The CWA (33 United States Code [USC] § 1251, *et seq*.) is the major federal legislation governing the water quality aspects of construction and operation of the proposed project or variant. The CWA established the basic structure for regulating discharges of pollutants into waters of the United States (not including groundwater) and waters of the State. The objective of the CWA is "to restore and maintain the chemical, physical, and biological integrity of the nation's waters." The CWA establishes the basic structure for regulating the discharge of pollutants into waters of the United States.

The CWA authorizes the United States Environmental Protection Agency (EPA) to implement pollution control programs. Under the CWA, it is unlawful for any person to discharge any pollutant from a point source into navigable waters, unless a National Pollutant Discharge Elimination System (NPDES) permit is obtained. In addition, the CWA requires each state to adopt water quality standards for receiving water bodies and to have those standards approved by the EPA. Water quality standards consist of designated beneficial uses for a particular receiving water body (e.g., wildlife habitat, agricultural supply, fishing), along with water quality objectives necessary to support those uses.

Responsibility for protecting water quality in California resides with the California State Water Resources Control Board (State Water Board) and nine Regional Water Quality Control Boards (RWQCBs). The State Water Board establishes Statewide policies and regulations for the implementation of water quality control programs mandated by federal and State water quality statutes and regulations. The RWQCBs develop and implement water quality control plans (basin plans) that consider regional beneficial uses, water quality characteristics, and water quality problems. Water quality standards applicable to the project are listed in the Central Valley RWQCB Basin Plan.

### *Section 303—Water Quality Standards and Total Maximum Daily Loads*

Section 303(c)(2)(b) of the CWA requires states to adopt water quality standards for all surface waters of the United States based on the water body's designated beneficial use. Where multiple uses exist, water quality standards must protect the most sensitive use. Water quality standards are typically numeric, although narrative criteria based on biomonitoring methods may be employed where numerical standards cannot be established or where they are needed to supplement numerical standards.

CWA Section 303(d) requires states and authorized Native American tribes to develop a list of water quality-impaired segments of waterways. The list includes waters that do not meet water quality standards necessary to support a waterway's beneficial uses even after the minimum required levels of pollution control technology have been installed. Listed water bodies are to be priority ranked for development of a total maximum daily load (TMDL). A TMDL is a calculation of the total maximum daily load (amount) of a pollutant that a water body can receive on a daily basis and still safely meet water quality standards. The TMDLs include waste load allocations for urban stormwater runoff as well as municipal and industrial wastewater discharges, with allocations apportioned for individual Municipal Separate Storm Sewer Systems (MS4s) and wastewater treatment plants. For stormwater, load reductions would be required to meet the TMDL waste load allocations within the 20 years required by the TMDLs.

The State Water Board, RWQCBs, and EPA are responsible for establishing TMDL waste load allocations and incorporating approved TMDLs into water quality control plans, NPDES permits, and Waste Discharge Requirements (WDRs) in accordance with a specified schedule for completion. The Central Valley RWQCB develops TMDLs.

### *Section 401—Water Quality Certification*

Section 401 of the CWA requires compliance with State water quality standards for actions within State waters. Under CWA Section 401, an applicant for a Section 404 permit (to discharge dredged or fill material into waters of the United States) must first obtain a certificate from the appropriate agency stating that the fill is consistent with the State's water quality standards and criteria. In California, the State Water Board delegates authority to either grant water quality certification or waive the requirements to the nine RWQCBs. The Central Valley RWQCB is responsible for the project site.

### *Section 402—National Pollution Discharge Elimination System Permits*

The RWQCBs administer the NPDES stormwater permitting program, under Section 402(d) of the federal CWA, on behalf of the EPA. The objective of the NPDES program is to control and reduce levels of pollutants in water bodies from discharges of municipal and industrial wastewater and stormwater runoff. CWA Section 402(d) establishes a framework for regulating nonpoint-source stormwater discharges (33 USC 1251). Under the CWA, discharges of pollutants to receiving water are prohibited unless the discharge complies with an NPDES permit. The NPDES permit specifies discharge prohibitions, effluent limitations, and other provisions, such as monitoring deemed necessary to protect water quality based on criteria specified in the National Toxics Rule (NTR), the California Toxics Rule (CTR), and the basin plan.

Discharge prohibitions and limitations in an NPDES permit for wastewater treatment plants are designed to maintain public health and safety, protect receiving water resources, and safeguard the water's designated beneficial uses. Discharge limitations typically define allowable effluent quantities for flow, biochemical oxygen demand, total suspended matter, residual chlorine, settleable matter, total coliform, oil and grease, pH, and toxic pollutants. Limitations also typically encompass narrative requirements regarding mineralization and toxicity to aquatic life. Under the NPDES permits issued to a city/county to operate the treatment plants, the city/county is required to implement a pretreatment program. This program must comply with the regulations incorporated in the CWA and the General Pretreatment Regulations (Code of Federal Regulations [CFR] Title 40, Part 403 [40 CFR 403]).

### *Section 401—Water Quality Certification*

Section 404 of the CWA regulates temporary and permanent fill and disturbance of wetlands and waters of the United States. Under Section 404, the discharge (temporary or permanent) of dredged or fill material into waters of the United States, including wetlands, typically must be authorized by the USACE through either the Nationwide Permit (general categories of discharges with minimal effects) or the Individual Permit.

### *River and Harbors Act Section 10*

Section 10 of the Rivers and Harbors Act of 1899 requires that regulated activities conducted below the ordinary high-water elevation of navigable waters of the United States be approved and permitted by the USACE. Regulated activities include the placement or removal of structures, work involving dredging, disposal of dredged material, filling, excavation, or any other disturbance of soils/sediments or modification of a navigable waterway. Navigable waters of the United States are those waters of the United States that are subject to the ebb and flow of the tide shoreward to the mean high-water mark and/or are presently used, or have been used in the past, or may be susceptible to use, to transport interstate or foreign commerce. Section 10 also regulates tributaries and backwater areas that are associated with navigable waters of the United States and are located below the ordinary high-water elevation of the adjacent navigable waterway.

A project proponent can apply for a permit/letter of permission for work regulated under Section 404 (CWA) and Section 10 (Rivers and Harbors Act) by completing and submitting one application

form. An application for a USACE permit will serve as an application for both Section 404 and Section 10 permits.

### *Federal Antidegradation Policy*

The federal antidegradation policy is designed to protect existing water uses, water quality, and national water resources. The federal policy directs states to adopt a statewide policy that includes the following primary provisions:

- Existing instream uses and the water quality necessary to protect those uses shall be maintained and protected.
- Where existing water quality is better than necessary to support fishing and swimming conditions, that quality shall be maintained and protected unless the state finds that allowing lower water quality is necessary for important local economic or social development.
- Where high-quality waters constitute an outstanding national resource, such as waters of national and state parks, wildlife refuges, and waters of exceptional recreational or ecological significance, that water quality shall be maintained and protected.

### *National Toxics Rule and California Toxics Rule*

In 1992, the EPA promulgated the NTR under the CWA to establish numeric criteria for priority toxic pollutants for 14 states to bring all states into compliance with the requirements of CWA Section 303(c)(2)(B). The NTR established water quality standards for 42 pollutants not covered under California's Statewide water quality regulations at that time. As a result of the court-ordered revocation of California's Statewide basin plans in September 1994, the EPA initiated efforts to promulgate additional federal water quality standards for California. In May 2000, the EPA issued the CTR, which includes all the priority pollutants for which the EPA has issued numeric criteria not included in the NTR.

### *Executive Order 11988*

Executive Order 11988, "Floodplain Management," directs all federal agencies to avoid, to the extent possible, long- and short-term adverse impacts of occupancy and modification of floodplains, and to avoid supporting development in a floodplain either directly or indirectly wherever there is a practicable alternative. Compliance requirements are outlined in 23 Code of Federal Regulations 650, Subpart A, "Location and Hydraulic Design of Encroachment on Floodplains."

If a project involves significant encroachment into the floodplain, the final environmental document must include:

- The reasons why the proposed action must be located in the floodplain,
- Alternatives considered and the reasons they were not practicable, and
- A statement indicating whether the action conforms to applicable state or local floodplain protection standards.

### *National Toxics Rule and California Toxics Rule*

The National Flood Insurance Act of 1968 and the Flood Disaster Protection Act of 1973 were enacted to reduce the need for flood protection structures and limit disaster relief costs by restricting development in floodplains. FEMA, established in 1979, is responsible for predicting hazards from flooding events and forecasting the level of inundation under various conditions. As part of its duty to develop standards for delineating fluvial and coastal floodplains, FEMA provides information on Flood Insurance Rate Maps (FIRMs) about the potential for flood hazards and inundation and, where appropriate, designates regions as special flood hazard areas. Special flood hazard areas are defined as areas that have a 1 percent chance of flooding in a given year.

FEMA also administers the National Flood Insurance Program (NFIP), a federal program that enables property owners in participating communities to purchase insurance as protection against flood losses in exchange for state and community floodplain management regulations that reduce future flood damages.

## State

### *Porter-Cologne Water Quality Control Act*

The Porter-Cologne Water Quality Control Act of 1969 (Porter-Cologne Act) is California's statutory authority for the protection of water quality. Under the Porter-Cologne Act, the State must adopt water quality policies, plans, and objectives that protect the State's waters for the use and enjoyment of the people. Regional authority for planning, permitting, and enforcement is delegated to the nine RWQCBs. The RWQCBs are required to formulate and adopt basin plans for all areas in the region and establish water quality objectives in the plans. The Porter-Cologne Act sets forth the obligations of the State Water Board and RWQCBs to adopt and periodically update basin plans. The Central Valley RWQCB is responsible for the project site.

Basin plans are the regional water quality control plans required by both the CWA and the Porter-Cologne Act that establish beneficial uses, water quality objectives, and implementation programs for each of the nine regions in California. The Act also requires waste dischargers to notify the RWQCBs of their activities by filing reports of waste discharge and authorizes the State Water Board and RWQCBs to issue and enforce WDRs, NPDES permits, CWA Section 401 water quality certifications, or other approvals. The RWQCBs are also authorized to issue waivers to reports of waste discharge and WDRs for broad categories of "low threat" discharge activities that have minimal potential to cause adverse water quality effects when implemented according to prescribed terms and conditions.

### *National Pollutant Discharge Elimination System*

The NPDES permits all involve similar processes, which include submitting notices of intent for discharging to water in areas under the Central Valley RWQCB's jurisdiction and implementing Best Management Practices (BMPs) to minimize those discharges. The Central Valley RWQCB may also issue site-specific WDRs, or waivers to WDRs, for certain waste discharges to land or waters of the State.

*Construction Activity*

The State Water Board stormwater general permit for construction activity (Order 2009-009-DWQ, as amended by Order Nos. 2010-0014-DWQ and 2012-0006-DWQ) applies to all construction activities that would disturb 1 acre of land or more. Construction activities subject to the general construction activity permit include clearing, grading, stockpiling, and excavation. Dischargers are required to eliminate or reduce non-stormwater discharges to storm sewer systems and other waters.

Through the NPDES and WDR processes, the State Water Board seeks to ensure that the conditions at a project site during and after construction do not cause or contribute to direct or indirect impacts on water quality (i.e., pollution and/or hydromodification) upstream and downstream. To comply with the requirements of the Construction General Permit, the project applicant must file a Notice of Intent (NOI) with the State Water Board to obtain coverage under the permit; prepare a Storm Water Pollution Prevention Plan (SWPPP); and implement inspection, monitoring, and reporting requirements appropriate to the proposed project's risk level as specified in the SWPPP. The SWPPP includes a site map, describes construction activities and potential pollutants, and identifies BMPs that will be employed to prevent soil erosion and discharge of other construction-related pollutants that could contaminate nearby water resources, such as petroleum products, solvents, paints, and cement. The permit also requires the discharger to consider using post-construction permanent BMPs that will remain in service to protect water quality throughout the life of the project. All NPDES permits also have inspection, monitoring, and reporting requirements.

Project sites served by the combined sewer system are not required to obtain coverage under the NPDES Construction General Permit.

*Industrial General Stormwater Permit*

The Statewide stormwater NPDES permit for general industrial activity (Order 2014-0057-DWQ, superseding Order 97-03-DWQ) regulates discharges associated with 10 broad categories of industrial activities, such as operation of wastewater treatment works, and with recycling facilities. The industrial general permit requires the implementation of Best Available Technology Economically Achievable and Best Conventional Pollutant Control Technology to achieve performance standards. The permit also requires development of a SWPPP that identifies the site-specific sources of pollutants and describes the measures at the facility applied to reduce stormwater pollution. A monitoring plan is also required.

*Stormwater*

In November 1990, the EPA published regulations establishing NPDES permit requirements for municipal and industrial stormwater discharges. Phase I of the permitting program applied to municipal discharges of stormwater in urban areas where the population exceeded 100,000 persons. Phase II of the NPDES stormwater permit regulations, which became effective in March 2003, required that NPDES permits be issued for construction activity for projects disturbing 1–5 acres. Phase II of the municipal permit system (known as the NPDES General Permit for Small MS4s, Order No. 2003-0005-DWQ as amended by 2013-0001-DWQ) required small municipalities of fewer than 100,000 persons to develop stormwater management programs. This permit authorizes discharges

of stormwater and some categories of non-stormwater that are not "significant contributors of pollutants."

### *California Toxics Rule and State Implementation Policy*

The CTR, presented in 2000 in response to requirements of the EPA's NTR, establishes numeric water quality criteria for approximately 130 priority pollutant trace metals and organic compounds. The CTR criteria are regulatory criteria adopted for inland surface waters, enclosed bays, and estuaries in California that are on the CWA Section 303(c) list for contaminants. The CTR includes criteria for the protection of aquatic life and human health. Human health criteria (water- and organism-based) apply to all waters with a municipal and domestic water supply beneficial use designation as indicated in the basin plans. The Policy for Implementation of Toxics Standards for Inland Surface Waters, Enclosed Bays, and Estuaries of California, also known as the State Implementation Policy, was adopted by the State Water Board in 2000. It establishes provisions for translating CTR criteria, NTR criteria, and basin plan water quality objectives for toxic pollutants into:

- NPDES permit effluent limits,
- Effluent compliance determinations,
- Monitoring for 2,3,7,8-tcdd (dioxin) and its toxic equivalents,
- Chronic (long-term) toxicity control provisions,
- Site-specific water quality objectives, and
- Granting of effluent compliance exceptions.

The goal of the State Implementation Plan is to establish a standardized approach for permitting discharges of toxic effluent to inland surface waters, enclosed bays, and estuaries throughout the State.

### *MWELO*

The California Water Commission approved the State's updated Model Water Efficient Landscape Ordinance (MWELO) on July 15, 2015. The updated MWELO supersedes the State's MWELO developed under AB 1881. The size of landscapes subject to MWELO has been lowered from 2500 square feet to 500 square feet. The size threshold applies to residential, commercial, industrial, and institutional projects that require a permit, plan check, or design review. Additionally, the maximum applied water allowance (MAWA) has been lowered from 70 percent of the reference evapotranspiration (ETo) to 55 percent for residential landscape projects and 45 percent of ETo for nonresidential projects. This water allowance reduces the landscape area that can be planted with high water use plants such as cool season turf. For typical residential projects, the reduction in the MAWA reduces the percentage of landscape area that can be planted to high water use plants from 33 percent to 25 percent. In typical nonresidential landscapes, the reduction in MAWA limits the planting of high-water use plants to special landscape areas (such as play fields or parks) or landscaping irrigated with recycled water. The revised MWELO allows irrigation efficiency to be entered for each area of the landscape.

## Local

### *Cal Water*

Cal Water filed Schedule 14.1 with the California Public Utilities Commission (CPUC) in the spring of 2015; it went into effect on June 1, 2015. Cal Water's Schedule 14.1 filing, which applies to both residential and nonresidential customers, was responsive to Governor Brown's emergency drought declaration and an executive order requiring a statewide 25 percent reduction in urban potable water use. The following measures were put into place to reduce wasteful water use at all times for all customers:

- Applying water to outdoor landscapes that can cause runoff onto adjacent property, non-irrigated areas, private and public walkways, roadways, parking lots, or structures is prohibited.
- Using a hose to wash motor vehicles unless the hose is fitted with a shut-off nozzle or device that causes it to cease dispensing water immediately when not in use is prohibited.
- Applying water to driveways and sidewalks is prohibited.
- Using water in a fountain or other decorative water feature, except where the water is part of a recirculating system is prohibited.
- Applying water to outdoor landscapes during and within 48 hours after measurable rainfall is prohibited.
- Using potable water to irrigate outside of new construction without drip or micro-spray systems is prohibited.
- The serving or drinking water other than upon request in eating and drinking establishments, including but not limited to restaurants, hotels, cafés, cafeterias, bars, or other public places where food or drink are served and/or purchased is prohibited.
- Hotel/motel operators must provide an option to not have towels or linens laundered daily during a guest's stay and must provide clear notice of this option in easy-to-understand language.
- Customers must fix leaks within their control within five business days of notification.
- Irrigating ornamental landscapes with potable water is prohibited during the hours between 8:00 a.m. and 6:00 p.m.

In addition to the DMMs above, Cal Water operates rebate, giveaway, and direct installation programs aimed at plumbing fixture replacement, irrigation equipment, and landscape efficiency improvements, including but not limited to smart irrigation controller installation, high-efficiency sprinkler nozzle rebates, and turf replacement rebates.

### *General Plan*

The Open Space and Conservation Element of the City of Visalia General Plan contains the following goals and policies related to water resources that may be applicable to the proposed project:

**Objective OSC-O-6** Protect water resources vital to the health of the community's residents and important to the Planning Area's ecological and economic stability.

**Objective OSC-O-7** Preserve and enhance Planning Area waterways and adjacent corridors as valuable community resources which serve as plant and wildlife habitats, as groundwater recharge facilities, as flood control and irrigation components, and as connections between open space areas.

### *Municipal Code*

The City of Visalia Municipal Code (Municipal Code) contains the following requirements related to water resources that may be applicable to the proposed project:

**16.12.070** **Grading and erosion control**: Every map approved pursuant to this title shall be conditioned on compliance with the requirements for grading and erosion control, including the prevention of sedimentation or damage to off-site property, and is subject to the review and approval of the City Engineer. (Ord. 2017-01 (part), 2017: prior code § 9075).

**City of Visalia Floodplain Management Ordinance (Chapter 15.60: Floodplain Management Regulations):** Applies to all special flood hazard areas within the jurisdiction of the City.

**Chapter 16.54** **Groundwater Overdraft Mitigation:** This chapter is intended to fund activities and projects to mitigate impacts to conditions of groundwater overdraft. Such activities will include, but not be limited to, the following:

A. Acquisition of surface water rights and surface water supplies.
B. Development of groundwater recharge facilities.
C. Reconfiguration of stormwater facilities designed to retain as much stormwater as possible within and near the City.
D. Enhancement of cooperative programs with local water management agencies and companies.
E. Development of more efficient water delivery systems. (Ord. 2017-01 (part), 2017: Ord. 2005-09 § 2 (part), 2005).

## 3.10.4 - Methodology

4Creeks prepared a Water Supply Assessment (WSA) that analyzed the proposed project's water demand and the available groundwater supply to serve the proposed project. The WSA is included in Appendix J.

## 3.10.5 - Thresholds of Significance

The lead agency utilizes the criteria in the California Environmental Quality Act (CEQA) Guidelines Appendix G Environmental Checklist to determine whether hydrology and water quality impacts resulting from the implementation of the proposed project would be considered significant if the project would:

a) Violate any water quality standards or Waste Discharge Requirements or otherwise substantially degrade surface or ground water quality.

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

c) Substantially alter the existing drainage pattern of area, including through the alteration of the course of a stream or river or through the addition of impervious surfaces, in a manner which would:
   (i) Result in substantial erosion or siltation on- or off-site.
   (ii) Substantially increase the rate or amount of surface runoff in a manner which would result in flooding on- or off-site.
   (iii) Create or contribute runoff water which would exceed the capacity of existing or planned stormwater drainage systems or provide substantial additional sources of polluted runoff.
   (iv) Impede or redirect flood flows.

d) In flood hazard, tsunami, or seiche zones, risk release of pollutants due to project inundation.

e) Conflict with or obstruct implementation of a water quality control plan or sustainable Groundwater Management Plan.

## 3.10.6 - Project Impacts and Mitigation Measures

This section discusses potential impacts associated with the development of the project and provides mitigation measures where appropriate.

### Surface and Groundwater Quality

| **Impact HYD-1:** | **Would the project violate any water quality standards or Waste Discharge Requirements or otherwise substantially degrade surface or groundwater quality?** |
|---|---|

#### *Impact Analysis*

*Construction*

Construction activity for the proposed project would expose soils on the project site to potential erosion and to potential pollutants related to the use of construction equipment during excavation, grading, and other earthwork activities. Runoff from graded areas could carry eroded soils and pollutants into the storm drainage systems, increasing sedimentation, degrading downstream water quality, and potentially affecting the groundwater table. This would represent a potentially significant construction impact related to surface and groundwater quality.

The Central Valley RWQCB requires an NPDES Permit and SWPPP for projects disturbing more than one acre of total land area. Because the proposed project is greater than 1 acre, an NPDES Permit and SWPPP will be required. MM GEO-2 would require preparation of a SWPPP that would include BMPs to reduce pollutants from construction activities that could potentially enter surface waters. Compliance with the permit requires each qualifying development project to file an NOI with the State Water Board. Permit conditions require development of a SWPPP, which must describe the site, facility, erosion and sediment controls, runoff water quality monitoring, means of waste

disposal, implementation of approved local plans, control of construction sediment and erosion control measures, maintenance responsibilities, and non-stormwater management controls. Inspection of construction sites before and after a storm is also required to identify stormwater discharge from construction activity and to identify and implement erosion controls, where necessary. Typical BMPs may include measures such as biofiltration and bioretention, swales, and other measures to prevent pollutants from moving off-site through the treatment of stormwater on-site. The intention would be to keep all products of erosion from moving off-site into receiving waters by treatment on-site. Furthermore, compliance with Chapter 16.12.070 of the Municipal Code would ensure that the applicant complies with the requirements for grading and erosion control, including the prevention of sedimentation or damage to off-site property, and that the proposed project is subject to the review and approval of the City engineer. All grading would be done in conformance with the latest edition of the CBC, the City of Visalia Improvement Standards, and the project's preliminary geotechnical evaluation.

During storm events, exposed construction areas across the project site may cause runoff to carry pollutants, such as chemicals, oils, sediment, and debris. However, the SWPPP would identify all potential sources of pollution that could affect stormwater discharges from the project site and would identify BMPs related to stormwater runoff.

Although construction activities have the potential to generate increased sedimentation, compliance with applicable policies, laws, and regulations and implementation of MM GEO-2 would minimize the potential to degrade water quality in downstream water bodies to the maximum extent feasible. As a result, construction-related project impacts would not violate any water quality standards or WDRs or otherwise substantially degrade surface or groundwater quality. Therefore, impacts in this regard related to surface and groundwater and water quality would be less than significant.

*Operation*

The proposed project would result in approximately 218 acres of new impervious surfaces compared to existing conditions, which would in turn, generate stormwater runoff, which may carry pollutants such as pesticides, fertilizers, and deposits of fluids and metals from motor vehicles into Modoc Ditch or allow seepage of such pollutants into the associated groundwater table. This would represent a potentially significant operational impact related to surface and groundwater quality.

The proposed project would include seven Water Quality Management Basins that would surround the parking and loading areas on the project site. The basins would total approximately 31.3 acres in size and would be planted with species including the Berkeley sedge, Canyon Prince wild rye, Hummingbird sage, and California goldenrod, consisting of species with very low to medium water needs. All slopes greater than a 4 (horizontal):1 (vertical) would receive an erosion control mat, and all disturbed areas would receive seed and straw or a stabilization mat. The basins would be designed to promote infiltration, which would serve to sequester pollutants in the soil.

The proposed project would install an on-site storm drainage system consisting of inlets, underground piping, and basins. Runoff would be directed to a drainage system including the aforementioned approximately 31.3 acres of detention basins located throughout the project site. The basins would be designed to meet all applicable standards and requirements, including

accommodating a 100-year storm event, and would detain runoff and release it at a rate no greater than the pre-development condition of the project site. The proposed project would be required to retain the stormwater per the City's drainage requirements and all other applicable standards. Therefore, pursuant to the foregoing and with each applicants' compliance with all other applicable laws and regulations, operation-related project impacts related to surface and groundwater and respective water quality would be less than significant.

Post construction, the project site would be covered with a significant amount of impervious surfaces as well as ample landscaping. This would help ensure that the topsoil would not be exposed and would not result in soil erosion during project operations. As a result, proposed project operation would have a less than significant impact as it relates to substantial soil erosion or loss of topsoil.

### *Level of Significance Before Mitigation*

Potentially significant impact.

### *Mitigation Measures*

Implement MM GEO-2.

### *Level of Significance After Mitigation*

Less than significant impact.

## Groundwater Supply/Recharge

| | |
|---|---|
| **Impact HYD-2:** | **Would the project substantially decrease groundwater supplies or interfere substantially with groundwater recharge such that the project may impede sustainable groundwater management of the basin?** |

## Impact Analysis

Groundwater is the sole source of water for the Visalia District, and there are no new sources of supply currently planned. Cal Water's Visalia District would provide water for the proposed project.

Cal Water's Visalia District pumps groundwater from the Kaweah Subbasin (DWR Basin No. 5-022.11) and the Tule Subbasin (DWR Basin No. 5-022.13) of the San Joaquin Valley Basin. The KDWCD manages the Basin. KDWCD and other irrigation districts and companies have historically managed groundwater through the conjunctive use of surface water. KDWCD regularly provides programs that benefit local agricultural customers by making available additional surface water supplies for irrigation. These programs effectively reduce the withdrawals of groundwater, resulting in less recharge to the aquifer. Groundwater is normally used by agriculture as an alternate source when surface supplies are not available and is the sole source in areas within KDWCD jurisdiction that do not have access to surface water.

KDWCD also operates about 40 dedicated water management basins with a total area of approximately 2,100 acres for the multiple purposes of flood control and groundwater replenishment. The basins have the capacity to recharge approximately 983 acre-feet per day under optimal conditions.

There are three public water systems that comprise the Visalia District which overlies the Kaweah Subbasin and the Tule Subbasin of the San Joaquin Valley Basin. Visalia District operates the public water systems listed in Table 3.10-1. Public water systems are the systems that provide drinking water for human consumption and these systems are regulated by the State Water Board, Division of Drinking Water.

**Table 3.10-1: Public Water Systems**

| Public Water System Number | Public Water System Name | Number of Municipal Connections, 2020 | Volume of Water Supplied, 2020 (AF) |
|---|---|---|---|
| 5410016 | Visalia | 45,325 | 30,034 |
| 5400935 | Mullen | 42 | 21 |
| 5410041 | Tulco | 183 | 97 |

The WSA calculated the proposed project's water demand using information from the U.S. Energy Information Administration (EIA) and the EPA. The different proposed land uses are grouped into the Industrial, Light Industrial, Commercial, and Landscaping categories to calculate water demand. Based on the assumptions provided in the WSA and as shown in Table 3.10-2 below, the proposed project would use a total of approximately 124.1 acre-feet per year (AFY) of water at buildout. This includes an Industrial water demand of 11,466,345 gallons per year, or 35.2 AFY, upon full buildout; a Light Industrial water demand of 1,723,392 gallons per year, or 5.3 AFY, upon full buildout; and a Commercial water demand of 1,720,162 gallons per year, or 5.3 AFY, upon full buildout. Project landscaping would require approximately 76.8 AFY of the total water demand at buildout.[4]

**Table 3.10-2: Operational Project Water Demands**

| Land Use Category for Water Usage Calculations | Land Use | Square Footage | Water Usage Factor | Water Usage in Phase (Gal/Year) | Water Usage in Phase (AFY) | Total Water Usage (AFY) |
|---|---|---|---|---|---|---|
| **Phase One** | | | | | | |
| Industrial | Industrial | 1,864,680 | 3.3 gallons/square feet/year | 6,153,444 | 18.9 | 18.9 |
| Light Industrial | Flex Industrial | – | – | – | – | – |
| Light Industrial | Self storage | – | – | – | – | – |
| Commercial | Drive-Thru Restaurant | – | – | – | – | – |
| Commercial | Convenience Store | – | – | – | – | – |

[4] 4Creeks, Inc. 2022. Water Supply Technical Memorandum – Shirk and Riggin Industrial Park. September.

| Land Use Category for Water Usage Calculations | Land Use | Square Footage | Water Usage Factor | Water Usage in Phase (Gal/Year) | Water Usage in Phase (AFY) | Total Water Usage (AFY) |
|---|---|---|---|---|---|---|
| Commercial | Car Wash | – | – | – | – | – |
| Landscaping | Landscaping | 6.99 Acres | 2.5 AFY/Acre | 5,696,413 | 17.5 | 17.5 |
| | | | **2025 Usage:** | **11,849,857** | **36.4** | **36.4** |
| **Phase Two** | | | | | | |
| Industrial | Industrial | 830,700 | 3.3 gallons/square feet/year | 2,741,310 | 8.4 | 27.3 |
| Light Industrial | Flex Industrial | – | – | – | – | – |
| Light Industrial | Self storage | – | – | – | – | – |
| Commercial | Drive-Thru Restaurant | 4,796 | – | 483,625 | 1.5 | 1.5 |
| Commercial | Convenience Store | 6,922 | – | 443,840 | 1.3 | 1.3 |
| Commercial | Car Wash | 4,560 | – | 840,230 | 2.6 | 2.6 |
| Landscaping | Landscaping | 10.52 Acres | 2.5 AFY/Acre | 8,571,170 | 26.3 | 43.8 |
| | | | **2026 Usage:** | **13,080,175** | **40.1** | **76.5** |
| **Phase Three** | | | | | | |
| Industrial | Industrial | 779,270 | 3.3 gallons/square feet/year | 2,571,591 | 7.9 | 35.2 |
| Light Industrial | Flex Industrial | 84,480 | 20.4 gallons/square feet/year | 1,723,392 | 5.3 | 5.3 |
| Light Industrial | Self storage | 144,800 | 3.3 gallons/square feet/year | 477,840 | 1.5 | 1.5 |
| Commercial | Drive-Thru Restaurant | – | – | – | – | 1.4 |
| Commercial | Convenience Store | – | – | – | – | 1.3 |
| Commercial | Car Wash | – | – | – | – | 2.6 |
| Landscaping | Landscaping | 13.1 acres | 2.5 AFY/acre | 10,724,706 | 33.0 | 76.8 |
| | | | **2028 Usage:** | **15,527,523** | **47.6** | **124.1** |

In the Cal Water Visalia District UWMP,[5] projections for future population growth and future residential water use are based on data from the California Department of Transportation's (Caltrans) long-term socioeconomic forecast model, which utilizes historic growth to forecast future population growth. The Caltrans long-term socioeconomic forecast model provides a county-wide forecast, so growth occurring outside of the existing Visalia City limits was incorporated into the Visalia UWMP's assessment of future water conditions and projections for future water use. As such, the adequacy of the water supply for the proposed project would be analyzed based on the analysis of the Visalia District's water supply in the UWMP.

The WSA calculated the project site's baseline water demand based on the site's land use designation that was accounted for in the UWMP. According to the General Plan, the floor area ratio (FAR) for Industrial uses is assumed at 0.15, and a FAR of 0.2 is assumed for Light Industrial. Using the baseline values, it was determined that the site is expected to have 1,929,716 square feet of buildings, with an expected annual demand of 111.8 AFY. Because the proposed project would have a higher FAR than the baseline that was assumed for the project site in the UWMP, the proposed project's water demand (124.1 AFY) would be 12.3 acre-feet more than what was assumed in the UWMP (111.8 AFY).

However, the total water supplies given in the UWMP are determined by the demand, not necessarily the actual maximum supply. The UWMP states, "It should be noted that the Kaweah and Tule Subbasins are not adjudicated, and the projected groundwater supply volumes are not intended to and do not determine, limit or represent Cal Water's water rights or maximum pumping volumes." The proposed project would add additional Industrial and Commercial water demand. This would not impact other uses in the Visalia District, as Cal Water will be able to increase the amount of water pumped. The UWMP states, "Cal Water expects that, under all hydrologic conditions, its groundwater supply for the Visalia District will fully meet future demands."

Cal Water can expect to meet the increased demand because Municipal and Industrial (M&I) pumping accounted for 9 percent of the total pumping in the Kaweah Subbasin and 3 percent of the total pumping in the Tule Subbasin. From this, the UWMP concludes, "It is therefore likely that management of agricultural groundwater use, rather than M&I use, will be a much larger determining factor in maintaining groundwater sustainability in both the Kaweah and Tule Subbasins in the future." The increase in Industrial and Commercial demand would most likely impact water used for agricultural uses.

The UWMP adds, "Further, under California law, municipal water rights and uses have a higher priority and are entitled to more protection than other uses of water, including in connection with the Sustainable Groundwater Management Act (SGMA). The use of water for domestic purposes is recognized as the 'highest use' of water in the State of California pursuant to California Water Code (CWC) Section 106, and the rights of urban water purveyors should be protected to the fullest extent necessary for existing and future uses, pursuant to CWC § 106.5."

[5] California Water Service (Cal Water) Visalia District. 2021. 2020 Urban Water Management Plan. June. Website: https://www.calwater.com/docs/uwmp2020/VIS_2020_UWMP_FINAL.pdf. Accessed December 14, 2022.

The proposed project would convert irrigated agricultural land into other uses with reduced water demand. An analysis from the Pacific Institute of DWR found that almond farms require 4.49 AFY per acre. The approximately 284-acre site includes a current almond farm is estimated to use 1,257 AFY. The UWMP states, "Irrigated agriculture typically uses more water on a per-acre basis than urban uses; thus, some future growth will likely result in a net decrease in water use within the subbasins." Therefore, the proposed project would use significantly less water than the existing use on-site. However, while the overall water usage at the project site would be significantly less under the proposed uses, the water demand projections in the UWMP and WSA are based on annexation of the site into the Cal Water service area, and projected availability is based on planned land uses in the City of Visalia. Because the existing orchard is not currently connected to the Cal Water service area, the existing uses are not reflected in the WSA. For this reason, the proposed project would increase demand for potable water to the Cal Water Visalia District water system, which is reliant on groundwater to serve its customers.

Table 3.10-3 shows Cal Water's projected supply volumes through 2045. Projected water use is estimated as a function of expected service growth and a forecast of average water use per service for each of the use types shown in the table. Cal Water is assuming that current and planned basin recharge activities and land use conversions will result in sufficient groundwater supplies to meet demand through 2045. Therefore, the groundwater supply amounts shown in Table 3.10-3 equal the projected demand each year.

**Table 3.10-3: Cal Water Visalia District Retail Water Supplies**

| Water Supply | Projected Water Supply | | | | | |
|---|---|---|---|---|---|---|
| | 2020 | 2025 | 2030 | 2035 | 2040 | 2045 |
| | Actual Supply Volume | Reasonably Available Volume | Reasonably Available Volume | Reasonably Available Volume | Reasonably Available Volume | Reasonably Available Volume |
| | **30,152 acre-feet** | **32,520 acre-feet** | **35,276 acre-feet** | **38,310 acre-feet** | **41,258 acre-feet** | **44,529 acre-feet** |

The proposed project's estimated water demand in 2025 would be approximately 0.1 percent of the projected water supply, which is a nominal amount. Furthermore, Cal Water's current Conservation Master Plan includes water conservation measures such as limited irrigation during severe drought conditions, recycled water, economic incentives, and DMMs that reduce water use.

According to the Visalia General Plan Update EIR, Cal Water estimated that the maximum groundwater pumping capacity is 100,829 AFY. At the time, Cal Water determined that capacity was adequate to meet a projected 2030 demand of 57,364 AFY. Updated estimates from the UWMP project a demand of 44,529 AFY in 2045, mainly due to slowed growth and improved conservation methods. The demand in the service area with the proposed project was calculated to be 44,541.3 AFY in 2045. As discussed above, because the proposed project would have a higher FAR than the baseline assumed for the project site in the UWMP, the service area water demand forecasted by the

UWMP is 12.3 AFY lower than the estimated water demand with the proposed project. The proposed project is expected to add an additional 12.3 AFY to the Visalia District water demand beginning in 2028; therefore, with the proposed project, the Visalia District would demand 44,541.3 AFY. Because Cal Water has determined the system can meet 57,364 AFY of demand and the Visalia District's water demand is 44,541.3 AFY including the proposed project, with an available capacity of at least 12,835 AFY, there would be enough water supply for the proposed project.

As shown in Table 3.10-4, during project construction, water demand will increase more than the operating demand.

**Table 3.10-4: Total Project Demands by Year**

| Year | Construction Demand (AFY) | Operational Demand (AFY) | Total Demand (AFY) |
|---|---|---|---|
| 2024 | 302.4 | 0 | 302.4 |
| 2025 | 235.2 | 36.4 | 271.6 |
| 2026 | 268.8 | 76.5 | 345.3 |
| 2027 | 302.4 | 76.5 | 378.9 |
| 2028 | 100.8 | 124.1 | 224.9 |
| 2029 through 2045 | – | 124.1 | 124.1 |

Notes:
AFY = acre feet per year

During project construction, water demand would increase more than the operating demand. The project construction would occur in 2024. The UWMP expects a demand of 31,951 acre-feet in 2024. With the project construction, the Visalia District is expected to have a total demand of 32,253.6 AF, an increase of 302.4 AF. The UWMP states that the driest year since 1991 was 2013, and during 2013 there was an available water supply of 45,400 AF. Therefore, even if 2024 is a dry year, there would be at least 13,449 acre-feet available. This would be able to supply the one-time increase in 302.4 AF. Additionally, the proposed project would contain storm drainage detention basins. The project site would produce 111.5 AFY of stormwater runoff, and the proposed basins would be capable of retaining 123.4 AFY, representing an additional 11.9 AFY of capacity than what would be needed for the proposed project. The proposed project would also pay its fair share in fees for new and expanded groundwater recharge projects and would therefore not affect groundwater supplies beyond what was analyzed and approved in the General Plan and by Cal Water.

According to the WSA, there is a continuing decline in groundwater levels of the aquifer system below Cal Water's Visalia District. To assist in mitigating this groundwater decline, the City has established a Groundwater Overdraft Mitigation Fee and Special Revenue Funds that would fund groundwater recharge and other water resource projects within the City. The proposed project would comply with the City's Water Resource Management and Groundwater Overdraft Mitigation Fee Ordinance (Municipal Code Chapter 16.54, Groundwater Overdraft Mitigation), which states, "conversion of land from agricultural to urban uses increases the local groundwater overdraft," and

requires impact fees for new development and a volumetric fee for existing urban water supplies to fund programs to mitigate the impact of new development and existing water extractions upon conditions of groundwater overdraft. According to the ordinance, the fee shall be paid as a condition of final map approval or other final discretionary development approval, and the fee paid shall be in addition to all other impact fees paid prior to issuance of a building permit. The proposed project would be required to pay $382,480 ($1,366/acre) in the Groundwater Overdraft Mitigation Fee. Current Special Revenue Funds to support the City's water services include the following:

- **Groundwater Recharge Fund–Fund 223:** Established to account for the costs of recharging the City's underground water system. The funding is provided by monthly rates and development fees.
- **Kaweah Lake and Local Stormwater Maintenance Fund–Fund 224**: Established to account for the costs of adding to the water holding capacity of Lake Kaweah (a source of the City's water) and was expanded to include the maintenance of local storm channels. The funding is provided by monthly rates and development fees.

Projects from Visalia's 2018/19-2023/24 Capital Improvement Program (CIP), regarding water services, are:

- **Construct East Side Regional Park Basins:** 100 acres of recharge basins in accordance with the overall Master Plan.
- **Construct Groundwater Recharge Facilities:** Includes modification of existing basins to allow for groundwater recharge.
- **Purchase Water Rights:** Purchase surface water rights and water supply for ground water recharge to help reduce groundwater overdraft. Surface water is purchased in wet years, but not in drought years.
- **Water Resource Management:** Includes consultations and engineering services as needed for guidance on water management issues, specifically those regarding surface and irrigation-water allocations, grant application, and certain SGMA issues.
- **Acquire Land for Basins:** Acquire properties to develop into groundwater recharge facilities. The focus will be on vacant or agricultural properties that can receive waters from a nearby waterway. The overarching goal of this program is maximizing groundwater recharge within the City and pursuing groundwater sustainability under SGMA.
- **Cameron Creek Park and K Road Park/Basin:** Locate and acquire site for an 8–10 acre neighborhood park and storm/recharge basin along the southerly extension of McAuliff adjacent to Cameron Creek.

Furthermore, the Visalia District's 2020 Water Shortage Contingency Plan (WSCP) identifies six shortage levels that increase with the severity of the water supply shortage. A level 1 water shortage necessitates a demand reduction of up to 10 percent, while a level 6 shortage necessitates a demand reduction of 50 percent or greater. The Visalia District's 2020 WSCP provides a full spectrum of measures to reduce the City's water consumption (See Appendix G of the WSA [Appendix J]). The

urban water supplier may use any combination of consumption reduction measures to achieve the necessary water demand reductions depending on the water shortage level. The City's contingency planning is designed to ensure that necessary water supply will be available under each water shortage scenario. These water supply contingency measures, applicable to the entire Visalia District water service area, are fully applicable to the proposed project and protective of the adequacy of the proposed project's water supply.

The WSA concluded that the City's water system has sufficient groundwater capacity to supply the proposed project and other projected demands within the City's service area through the year 2045.

The proposed project would result in development of the site, which would convert approximately 218 acres from pervious surfaces to impervious surfaces. However, this would not significantly interfere with groundwater recharge because all stormwaters would be collected and diverted to approximately 31.3 acres of Water Quality Management Basins to retain stormwater on-site that would facilitate groundwater recharge. Thus, the addition of impervious surfaces would not interfere substantially with groundwater recharge.

Therefore, the proposed project would not substantially decrease groundwater supplies and would not significantly lower the groundwater table of the aquifer or interfere substantially with the recharge of the underground aquifer, and there would be adequate water supply for the proposed project, the City of Visalia, and surrounding communities. With compliance with the applicable policies and regulations, payment of the required fees, and implementation of the water conservation measures and CIP, impacts would be less than significant.

### *Mitigation Measures*

No mitigation measures are required.

### *Level of Significance*

Less than significant impact.

## Drainage Leading to Erosion/Siltation, Flooding, Additional Sources of Polluted Runoff, or Impedance of Flood Flows

| | |
|---|---|
| **Impact HYD-3:** | **The project would not substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river or through the addition of impervious surfaces, in a manner which would:** |
| | **i) Result in substantial erosion or siltation on- or off-site.** |
| | **(ii) Substantially increase the rate or amount of surface runoff in a manner which would result in flooding on- or off-site.** |
| | **(iii) Create or contribute runoff water which would exceed the capacity of existing or planned stormwater drainage systems or provide substantial additional sources of polluted runoff.** |
| | **(iv) Impede or redirect flood flows.** |

### *Impact Analysis*

*Construction*

Construction activity could result in substantial erosion or siltation and increase in surface runoff due to a drainage pattern alteration and an increase of impervious surfaces, which could potentially lead to flooding on- or off-site and could therefore result in polluted runoff entering the City's stormwater drainage system. However, the proposed project would be required to implement a SWPPP as part of its Construction General Permit as required by MM GEO-2. SWPPPs include mandated erosion control measures, which are developed to prevent significant impacts related to erosion caused by runoff during construction. Furthermore, Chapter 16.12.070 of the Municipal Code would ensure compliance with the requirements for grading and erosion control, including the prevention of sedimentation or damage to off-site property, and the proposed project would be subject to the review and approval of the City engineer. Therefore, although construction activities have the potential to generate increased erosion and siltation, compliance with applicable policies, laws and regulations and implementation of MM GEO-2 would minimize the potential for erosion, siltation, and surface runoff.

The majority of the project site is located in Zone X, which is an area with an 0.2 percent annual chance of flood hazard. The southeast corner of the project site is located in Zone X with a 1 percent annual chance of flood hazard. Therefore, the project site is not located within a flood hazard zone. The nearest flood hazard zone is located 1,950 feet north of the project site in Zone AE, which is a regulatory floodway.[6] The proposed project site is not in proximity to a stream or river and would not alter the course of a stream or river. Therefore, although construction activities have the potential to generate increased erosion and siltation, compliance with applicable policies, laws and regulations would minimize the potential for erosion or siltation.[7]

During the flooding of March 2023, Lake Kaweah reached capacity and flooding occurred in the City, resulting in a local state of emergency and implementation of the City's emergency response plan. During the flooding, City crews successfully diverted water and avoided major flooding in most areas of the City.[8]

Therefore, with implementation of MM GEO-2, construction impacts related to alteration of drainage pattern, erosion, siltation, surface runoff, and flooding would be less than significant.

*Operation*

Development of the project site would create approximately 218 acres of impervious surfaces compared to existing conditions.

The proposed project would implement DMMs required by Cal Water. The DMMs include prohibitions to runoff from irrigation, prohibitions against applying water to outdoor irrigation

[6] Federal Emergency Management Agency (FEMA). 2009. FEMA Flood Map Number 06107C0930E. Website: https://www.fema.gov/flood-maps. Accessed October 10, 2022.

[7] The City of Visalia is prepared to respond to emergency situations throughout the City and alerts the public through social media, text alerts, and on their emergency update web page at www.visalia.city/emergency. The City also maintains a 24-hour flooding hotline at 559.713.4600.

[8] Frederiksen, S. 2023. State of Emergency issued for City of Visalia. March 13. Website: https://www.yourcentralvalley.com/news/local-news/state-of-emergency-issued-for-city-of-visalia/. Accessed March 23, 2023.

during and within 48 hours after rainfall, and requirements limiting the hours that irrigation may be applied would help to limit impacts related to runoff. Furthermore, the proposed project would be required to implement MWELO for the proposed project's landscaping. Under the revised MWELO irrigation efficiency guidelines, the proposed project's 76.8 acres of landscaping would require recycled water, or utilize low water demand landscaping, which would minimize the potential impacts of runoff from irrigation. Additionally, during project operations, stormwater on the existing and proposed impervious surfaces would be collected and conveyed to the on-site stormwater system. The proposed project would include seven Water Quality Management Basins, on approximately 31.3 acres, that would be designed to meet all applicable standards and requirements, including accommodating a 100-year storm event, and would detain runoff and release it at a rate no greater than the pre-development condition. The proposed project would be required to retain the stormwater per the City's drainage requirements and all other applicable standards. Therefore, impacts related to runoff from irrigation or stormwater during operation of the proposed project would be less than significant.

Because the project site is not located in a flood hazard zone and would not alter the course of a stream or river, operational impacts would be less than significant.

Therefore, operation impacts related to alteration of drainage pattern, erosion, siltation, surface runoff, and flooding would be less than significant.

### *Level of Significance Before Mitigation*

Potentially significant impact.

### *Mitigation Measures*

Implement MM GEO-2**.**

### *Level of Significance After Mitigation*

Less than significant impact.

## Risk of Pollutant Release Due to Inundation

| **Impact HYD-4:** | **Would the project be located in a flood hazard, tsunami, or seiche zone, or risk release of pollutants due to project inundation?** |
|---|---|

### *Impact Analysis*

As discussed above, the project site is located in Zone X, which is not considered a flood hazard zone. The nearest flood hazard zone is located 1,950 feet north of the project site in Zone AE, which is a regulatory floodway.[9] Furthermore, there are no large inland bodies of water near the project site, a condition that precludes the possibility of seiche inundation. The project site is more than 100 miles from the Pacific Ocean and therefore is not susceptible to tsunami inundation. The project site is located in a relatively flat area and does not contain any steep slopes that may be susceptible to mudflows or landslides. The proposed project site is not located within a 100- or 500-year flood

[9] Federal Emergency Management Agency (FEMA). 2009. FEMA Flood Map Number 06107C0930E. Website: https://www.fema.gov/flood-maps. Accessed October 10, 2022.

hazard zone. Therefore, the proposed project would not be located in a flood hazard, tsunami, or seiche zone, or risk release of pollutants due to project inundation, and impacts would be less than significant.

**Mitigation Measures**

No mitigation measures are required**.**

### *Level of Significance*

Less than significant impact.

## Water Quality Control or Sustainable Groundwater Management Plans Consistency

| **Impact HYD-5:** | **Would the project conflict with or obstruct implementation of a water quality control plan or sustainable Groundwater Management Plan?** |
|---|---|

### *Impact Analysis*

Implementation of the General Plan Policies, UWMP, the KDWCD Groundwater Management Plan, and the City's involvement with the KDWCD Integrated Regional Water Management Planning program, in addition to the City's Stormwater Master Plan and Management Program and the Waterways and Trails Master Plan, would address the issues of providing an adequate, reliable, and sustainable water supply for the proposed project's future urban domestic and public safety consumptive purposes.

The City has established fees that fund groundwater recharge and other water resource projects within the City. The proposed project would comply with the City's Water Resource Management and Groundwater Overdraft Mitigation Fee Ordinance (Municipal Code Chapter 16.54, Groundwater Overdraft Mitigation), which states, "conversion of land from agricultural to urban uses increases the local groundwater overdraft," and requires impact fees for new development and a volumetric fee for existing urban water supplies to fund programs to mitigate the impact of new development and existing water extractions upon conditions of groundwater overdraft. According to the ordinance, the fee shall be paid as a condition of final map approval or other final discretionary development approval, and the fee paid shall be in addition to all other impact fees paid prior to issuance of a building permit.

The proposed project is planned for Industrial and Light Industrial uses. As such, the proposed project would not affect groundwater supplies beyond what has already been analyzed and approved in the General Plan and Cal Water UWMP, and the proposed project would therefore not conflict with the implementation of the Mid-Kaweah River Basin Groundwater Management Plan. Furthermore, the proposed project would comply with all applicable regulations and policies and payment of fees pursuant to the City of Visalia Water Resource Management and Groundwater Overdraft Mitigation Fee Ordinance. Therefore, impacts would be less than significant.

**Mitigation Measures**

No mitigation measures are required**.**

### *Level of Significance*

Less than significant impact.

## 3.10.7 - Cumulative Impacts

### Hydrology

Cumulative impacts related to hydrology and water quality typically occur within a defined watershed or basin. Therefore, all cumulative developments within the Tulare Lake Basin, including those cumulative projects listed in Chapter 3, Environmental Impact Analysis, Table 3-1, Cumulative Projects, have been considered in this analysis since they are located within the basin. All cumulative projects would be required to comply with applicable laws and regulations implemented by the relevant public agencies including the Central Valley RWQCB, as well as relevant policies in the General Plan and other applicable codes, ordinances, and policies, which prevent a project from increasing off-site surface water flow from existing conditions and further ensures that projects adhere to BMPs during construction to prevent pollutants from being carried off-site. Additionally, regional development would be required to comply with applicable regional, State, and federal laws and regulations regarding flooding to ensure impacts are less than significant in this regard. These regulations, in combination with implementation of applicable provisions in the General Plan, would result in a less than significant cumulative impact related to hydrology.

As discussed in detail above, the proposed project would also be required to comply with applicable laws and regulations implemented by the relevant public agencies, including the Central Valley RWQCB, and to demonstrate consistency with the General Plan and other applicable codes, ordinances, and policies related to preventing pollutants from being conveyed off-site. The combination of the requirement to adhere to these laws, regulations, and policies as well as identified BMPs would ensure that the proposed project's contribution to the less than significant cumulative impact would not be cumulatively considerable. Thus, there would be a less than significant cumulative impact related to hydrology.

### Water Supply

The geographic scope of the cumulative water supply analysis is the service area of the Visalia District of Cal Water, which provides potable water to residents and businesses within the City. The WSA evaluates the adequacy of Visalia District's total project water supplies, including existing water supplies and future planned water supplies, to meet the Visalia District's existing and projected future water demands, including those future water demands associated with the proposed project.

Cumulative projects, including those listed in Table 3-1 (refer to Chapter 3, Environmental Impact Analysis, Table 3-1, Cumulative Projects), are located within the City's Urban Growth Boundary. A WSA was completed for the proposed project that evaluated projected water demand associated with the proposed project, in addition to existing and other planned future users within Visalia District's service area. The WSA concluded that the City's water system has sufficient groundwater capacity to supply the proposed project and other projected demands within the City's service area through the year 2045.

Developers of the other cumulative projects would be required to pay their proportionate share of required funding to the City for completion of water infrastructure improvements as included in the City's CIP. In addition, cumulative projects, such as those listed in Table 3-1, would be required to demonstrate that they would be served with potable water service as a standard requirement of the development review process, and would be required to comply with provisions of the applicable laws and regulations in the Municipal Code and The California Green Building Standards Code (CALGreen) related to water conservation. Therefore, cumulative impacts would be less than significant.

As discussed above, the proposed project would also be required to comply with City ordinances and General Plan Policies, as well as other laws and regulations that address water supply. The proposed project would also be required to pay applicable impact fees to help facilitate the completion of necessary water infrastructure. For these reasons, the proposed project would not have a cumulatively considerable contribution toward this less than significant cumulative impact related to water supply and treatment.

### Water Quality

The geographic context for consideration of cumulative impacts related to surface water quality is the Tulare Lake Basin. All cumulative projects would involve short-term construction and long-term operational activities that would have the potential to degrade water quality in downstream water bodies, including the St. Johns River and Kaweah River. All cumulative project construction would be required to obtain a Construction General Permit from the State Water Board, which would require preparation of a SWPPP that would control potential discharges of contaminants into downstream water bodies. These cumulative projects would also be required to prepare a SWPPP and comply with the applicable General Plan Policies and relevant provisions of the Municipal Code during operation. For these reasons, and with implementation of MM GEO-2, there would be a less than significant cumulative impact with respect to surface water quality.

The proposed project would also be required to obtain a Construction General Permit from the State Water Board and to prepare a SWPPP. Similarly, the proposed project would also be mandated to comply with applicable General Plan Policies and applicable provisions of the Municipal Code during operation. For these reasons and as further discussed above, there would be a less than significant cumulative impact related to surface water quality and the proposed project's contribution to the less than significant cumulative impact would not be cumulatively considerable.

The geographic context for consideration of cumulative impacts related to groundwater quality and management is the Kaweah Basin. All cumulative projects would involve short-term construction and long-term operational activities that would have the potential to impact groundwater quality and management. Construction related to cumulative projects would be required to obtain a Construction General Permit from the State Water Board, which would require preparation of a SWPPP that would control pollutants that could seep into groundwater. Operations of these cumulative projects would be required to comply with all applicable laws and regulations imposed by the relevant public agencies, including the Central Valley RWQCB, thereby ensuring that stormwater is pre-treated via bioretention and is otherwise handled pursuant to all applicable

standards and requirements to ensure that percolation to the groundwater table would not result in degradation of groundwater quality. In addition, the cumulative projects would include measures such as bioretention areas to remove sediments and organic materials that might reduce groundwater percolation rates and other project features that would help to facilitate groundwater recharge. For these reasons, there would be a less than significant cumulative impact to groundwater quality.

Similarly, as discussed in detail above, the proposed project would be mandated to comply with applicable General Plan Policies and applicable provisions of the Municipal Code, as well as other governing laws and regulations, during operation. For these reasons and as further discussed above, there would be a less than significant cumulative impact related to groundwater quality, and the proposed project's contribution to the less than significant cumulative impact would not be cumulatively considerable.

### *Level of Cumulative Significance Before Mitigation*

Potentially significant impact.

### *Mitigation Measures*

Implement MM GEO-2.

### *Level of Cumulative Significance After Mitigation*

Less than significant impact.

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# 3.11 - Land Use and Planning

## 3.11.1 - Introduction

This section of the Draft Environmental Impact Report (Draft EIR) describes existing conditions of the project site and vicinity related to land use and planning as well as the relevant regulatory framework. This section also evaluates the proposed project's potential impacts related to land use and planning and presents feasible mitigation measures, if and to the extent required. The descriptions and analysis in this section are based, in part, on review of applicable land use policies, provisions, and regulations, including those set forth in the City of Visalia (City) General Plan (General Plan), the City Municipal Code (Municipal Code), and Tulare County Local Agency Formation Commission (LAFCo) adopted Policies and Procedures dated June 13, 2022, as well as review of project submittal information.

During the Notice of Preparation (NOP) scoping period, no comments were received related to land use and planning.

## 3.11.2 - Environmental Setting

### Land Use

#### *Project Site*

The project site consists of three existing parcels (Assessor's Parcel Numbers [APNs] 077-840-001, 077-840-002, and 077-840-003) and is generally bound by Riggin Avenue to the south, Shirk Street to the east, Kelsey Street to the west, and Modoc Ditch to the north. The project site is within the City's Planning Area,[1] the Urban Development Boundary (UDB) Tier 1 of the City (Chapter 2, Project Description, Exhibit 2-3), and the City's Sphere of Influence (SOI).

The project site gently slopes upward to the east with a ground surface elevation of approximately 300 to 305 feet above mean sea level. The project site has been used for agricultural purposes since 1937. Currently, the project site is used for an almond orchard that was established around 2018 and is considered Prime Farmland as mapped by the California Department of Conservation Farmland Mapping and Monitoring Program. The project site is currently designated Industrial and Light Industrial under the General Plan adopted in 2014 (Chapter 2, Project Description, Exhibit 2-7). A private road intersects the project site from south to north.

#### *Surrounding Area*

*West*

Kelsey Street serves as the western boundary of the project site. Beyond Kelsey Street are warehouse uses including a warehouse distribution center and a United Parcel Service (UPS) distribution hub. This area has a General Plan Industrial Land Use designation and is within the municipal boundaries of the City.

[1] Planning Area refers to the land area addressed by a General Plan, including land within the city limits and land outside the city limits that bears a relation to the City's planning. This area is not all intended for development; the Urban Growth Boundary shows the future areas within the City envisioned for urban development.

*North*

Modoc Ditch forms the northern boundary of the project site. Beyond Modoc Ditch are agricultural lands in unincorporated Tulare County with a General Plan Industrial and Light Industrial Land Use designation.

*East*

Shirk Street forms the eastern boundary of the project site. Beyond Shirk Street are agricultural land uses as well as Ridgeview Middle School. This area has General Plan Land Use designations of Residential Low Density, Residential Medium Density, Residential High Density, Commercial Neighborhood, Public/Institutional, and Parks/Recreation.

*South*

Riggin Avenue forms the southern boundary of the project site. Additionally, the boundary of the City is along the southwest border of the project site. Beyond Riggin Avenue are industrial, agricultural, and commercial land uses, including warehouses, distribution, and manufacturing buildings, and four mobile homes. This area has a General Plan Industrial and Light Industrial Land Use designation.

## 3.11.3 - Regulatory Framework

### Federal

#### *Federal Aviation Administration*

Private and public development projects that propose structures whose heights penetrate the Federal Aviation Regulation Part 77 imaginary surfaces require Airport Land Use Commission (ALUC) review. In addition, Federal Aviation Administration (FAA) notification in accordance with Code of Federal Regulations, Part 77 is required for any proposal for construction or alteration under the following conditions:

a) If requested by the FAA.

b) Any construction or alteration that is more than 200 feet above ground level at its site.

c) Any construction or alteration that exceeds an imaginary surface extending outward and upward at any of the following slopes:
   - 100 to 1 for a horizontal distance of 20,000 feet of a public use or military airport from any point on the runway of each airport with its longest runway more than 3,200 feet.
   - 50 to 1 for a horizontal distance of 10,000 feet of a public use or military airport from any point on the runway of each airport with its longest runway no more than 3,200 feet.
   - 25 to 1 for a horizontal distance of 5,000 feet of the nearest takeoff and landing area of a public use heliport.

d) Any highway, railroad, or other traverse way whose prescribed adjusted height would exceed the above noted standards.

e) Any construction or alteration located on a public use airport or heliport regardless of height or location.

## Regional

### *Regional Transportation Plan/Sustainable Communities Strategy*

The 2018 Regional Transportation Plan (2018 RTP), presented by the Tulare County Association of Governments (TCAG), is a long-range planning document that defines how the region plans to invest in the transportation system until 2042 based on regional goals, multimodal transportation needs for people and goods, and estimates of available funding. The Sustainable Communities Strategy (SCS) is a component of the 2018 RTP, required by Senate Bill (SB) 375, that sets forth a forecasted development pattern for the region which, when integrated with the transportation network and other transportation measures and policies, will reduce greenhouse gas (GHG) emissions from passenger vehicles and light trucks to achieve the GHG reduction targets set by the California Air Resources Board. The future land use and transportation scenario presented in the SCS must accommodate forecast population, employment, and housing sufficient to meet the needs of all economic segments of population, including the State-mandated Regional Housing Needs Assessment (RHNA), while considering State housing goals.[2]

As of the writing of this Draft EIR, the TCAG has drafted the 2022 Regional Transportation Plan (2022 RTP) and its SCS component. Once public comments are incorporated into the final document, it is expected that the 2022 RTP and SCS will supersede the prior 2018 RTP and SCS. The 2022 RTP and SCS would present updated long-range planning for investment in the region's transportation system, covering 20 plus years of investment in the transportation system based on regional goals, multimodal transportation needs for people and goods, and estimates of available funding.[3] This analysis evaluates project consistency with the 2018 RTP since it is the most recently adopted plan as of this writing.

### *Tulare County Local Agency Formation Commission*

Established by State law in 1963, each LAFCo is responsible for approving changes in local governmental agency boundaries, including annexations and detachments of territory; incorporations of cities; formations of special districts; and consolidations, mergers, and dissolutions of districts. A LAFCo also reviews ways to reorganize, simplify, and streamline governmental structures. A LAFCo also has the authority to initiate proposals involving district consolidation, mergers, and reorganizations. In addition, a LAFCo is responsible for reviewing out-of-agency service agreements between property owners and service providers. In California, each of the 58 counties has a LAFCo. The primary purpose of a LAFCo is to (1) facilitate orderly growth and development by determining logical local agency boundaries; (2) preserve prime agricultural lands by guiding development away from presently undeveloped prime agricultural preserves; and (3) discourage urban sprawl and encourage the preservation of open space by promoting development of vacant land within cities before annexation of vacant land adjacent to cities. A LAFCo also ensures that agency boundaries logically relate to one another, thereby minimizing inefficiencies in service provision and overlapping responsibilities.

[2] Tulare County Association of Governments (TCAG). 2018. 2018 Regional Transportation Plan/Sustainable Communities Strategy. Website https://tularecog.org/tcag/planning/rtp/rtp-20181/. Accessed March 24, 2023.

[3] Tulare County Association of Governments (TCAG). 2022. 2022 Regional Transportation Plan/Sustainable Communities Strategy. Website: https://tularecog.org/tcag/planning/rtp/rtp-2022/. Accessed October 12, 2022.

A LAFCo also establishes, amends and updates SOI for each city and special district within the county. An SOI is a plan for the probable physical boundaries and service area of a local government agency. The SOI, therefore, is a planning tool used to provide guidance for individual proposals involving jurisdictional changes and is intended to encourage efficient provision of community services and prevent duplication of service delivery. Territory must be within a city or district's SOI in order to be annexed.

A LAFCo is an independent public agency with countywide jurisdiction. A LAFCo has approval authority regarding boundary changes in organization to cities and special districts including annexations, detachments, formations, and incorporations. As noted above, LAFCo approval is necessary for changes to a city's municipal limits or a city's SOI. Under the California Environmental Quality Act (CEQA), for purposes of the proposed project, a LAFCo is a responsible agency that will consider the information in this Draft EIR in its review of the anticipated annexation application.

The Tulare County LAFCo is responsible for coordinating logical and timely changes in local governmental boundaries; conducting special studies which review ways to reorganize, simplify, and streamline governmental structure; and preparing SOIs for each city and special district within Tulare County. The Tulare LAFCo's efforts are directed to seeing that services are provided efficiently and economically while agricultural and open space lands are protected.[4]

As detailed in Government Code Section 56668, a LAFCo must consider the 17 factors in Government Code Section 56668 when reviewing a proposal for a boundary change or reorganization (i.e., LAFCo proceeding involving two or more boundary changes), as noted further below.

**Government Code Section 56668**

When reviewing a proposal for a boundary change, a LAFCo must consider the following factors:

- Population and population density; land area and land use; per capita assessed valuation; topography, natural boundaries, and drainage basins; proximity to other populated areas; the likelihood of significant growth in the area, and in adjacent incorporated and unincorporated areas, during the next 10 years.
- The need for organized community services; the present cost and adequacy of governmental services and controls in the area; probable future needs for those services and controls; probable effect of the proposed incorporation, formation, annexation, or exclusion and of alternative courses of action on the cost and adequacy of services and controls in the area and adjacent areas.
- The effect of the proposed action and of alternative actions, on adjacent areas, on mutual social and economic interests, and on the local governmental structure of the county.
- The conformity of both the proposal and its anticipated effects with both the adopted LAFCo policies on providing planned, orderly, efficient patterns of urban development, and the policies and priorities in Government Code Section 56377.

[4] Tulare County Local Agency Formation Commission (Tulare County LAFCo). 2022. Welcome to Tulare County LAFCo. Website: https://lafco.co.tulare.ca.us/. Accessed October 12, 2022.

- The effect of the proposal on maintaining the physical and economic integrity of agricultural lands, as defined by Government Code Section 56016 to mean land currently used for the purpose of producing an agricultural commodity for commercial purposes, land left fallow under a crop rotational program, or land enrolled in an agricultural subsidy or set-aside program.
- The definiteness and certainty of the boundaries of the territory, the nonconformance of proposed boundaries with lines of assessment or ownership, the creation of islands or corridors of unincorporated territory, and other similar matters affecting the proposed boundaries.
- A regional transportation plan adopted pursuant to Government Code Section 65080, and its consistency with city or county general and specific plans.
- The SOI of any local agency which may be applicable to the proposal being reviewed.
- The comments of any affected local agency or other public agency.
- The ability of the newly formed or receiving entity to provide the services that are the subject of the application to the area, including the sufficiency of revenues for those services following the proposed boundary change.
- Timely availability of water supplies adequate for projected needs as specified in Government Code Section 65352.5.
- The extent to which the proposal will affect a city or cities and the county in achieving their respective fair shares of the regional housing needs.
- Any information or comments from the landowner or landowners, voters, or residents of the affected territory.
- Any information relating to existing land use designations.
- The extent to which the proposal will promote environmental justice.
- Information contained in a local hazard mitigation plan, information contained in a safety element of a general plan, and any maps that identify land as a very high fire hazard zone or maps that identify land determined to be in a State Responsibility Area (SRA).

Annexation to a city is considered a proceeding for change in organization, which is subject to LAFCo review and approval, pursuant to the Cortese-Knox-Hertzberg Local Government Reorganization Act of 2000 (Government Code § 56000, *et seq*.).[5]

Tulare County LAFCo Policy C-5.11(C) defines a Disadvantaged Community as an area that has a median household income 80 percent or less of the statewide average pursuant to Public Resources Code Section 75005(g) and contains at least 20 dwelling units at a density not less than one unit per acre. The nearest disadvantaged unincorporated community is Goshen, located on State Route (SR) 99 to the west of the City, approximately 1.15 miles southwest of the project site.[6] Therefore, the

[5] See also Tulare County LAFCo Policies and Procedures, Section C(1.1).
[6] City of Visalia. 2013. Municipal Service Review. Website: https://lafco.co.tulare.ca.us/msr/city-of-visalia-msr-update/. Accessed March 30, 2023.

proposed project is not in an unincorporated Disadvantaged Community as defined by Tulare County LAFCo. However, the project site is located in a Census Tract that is considered a Disadvantaged Community as per SB 535.[7,8]

**LAFCo Additional Requirements for City Annexations**

Additionally, the LAFCo must measure a proposal's consistency with its adopted policies when reviewing an application for annexation. The following Tulare County LAFCo Additional Requirements for City Annexations are relevant to this analysis:[9]

A. The boundaries of the proposed annexation must be definite and certain and must conform to lines of assessment whenever possible.

B. There is a demonstrated need for municipal services and controls.

C. The City has the capability of meeting the need for services and controls.

D. There is a mutual social and economic interest between the residents of the City and the proposed territory.

E. The proposed annexation is compatible with the City's General Plan.

F. The proposed annexation represents a logical and reasonable expansion of the annexing municipality.

G. Boundary lines shall be located so that entire road rights-of-way are placed within the same jurisdiction as the properties fronting the roads.

A Municipal Services Review (MSR) for the City of Visalia was prepared by Tulare LAFCo staff in 2012. It was adopted by the Commission on February 6, 2013. This is a process that the LAFCo is required to conduct in connection with establishing and updating SOIs. MSRs are designed to be a tool for collecting information and evaluating the provision of services from a broader perspective. Specifically, service reviews are designed to ensure that the proposed extension of services or creation of new service providers is consistent with the LAFCo's purposes, policies, and procedures, including promoting orderly development, discouraging urban sprawl, preserving open space and prime agricultural lands, providing housing for persons and families of all incomes, and the efficient extension of government services.[10]

The Visalia MSR provides the required information for project annexation. As a responsible agency, Tulare County LAFCo will utilize this Draft EIR to make the CEQA findings required to take action on

[7] California Climate Investments are funds (Greenhouse Gas Reduction Fund and appropriated by the Legislature) from the proceeds of the State's Cap-and-Trade Program specifically targeted for investment in disadvantaged communities in California. These funds must be used for programs that further reduce emissions of greenhouse gases. Senate Bill 535 (De León, Statutes of 2012) directed that at least a quarter of the proceeds go to projects that provide a benefit to disadvantaged communities and at least 10 percent of the funds go to projects located within those communities. The legislation gives Cal/EPA the responsibility for identifying those communities.

[8] California Environmental Protection Agency (Cal/EPA). 2023. SB 535 Disadvantaged Communities (2022 Update). Website: https://experience.arcgis.com/experience/1c21c53da8de48f1b946f3402fbae55c/page/SB-535-Disadvantaged-Communities/. Accessed March 30, 2023.

[9] Tulare County Local Agency Formation Commission (Tulare County LAFCo). 2022. Welcome to Tulare County LAFCo. Tulare LAFCo Policies and Procedures. Website: https://lafco.co.tulare.ca.us/. Accessed October 12, 2022.

[10] See also Tulare County LAFCo Policies and Procedures, Section (C)5.7.

the anticipated annexation proposal for the proposed project and will utilize the MSR as well as the proposed Plan for Services[11] and other application materials in considering the merits of the annexation request. A copy of the NOP was sent to the Tulare County LAFCo during the NOP scoping period, and Tulare County LAFCo did not comment on the scope of the Draft EIR for the proposed project.

## Local

### *County of Tulare*

*Tulare County Comprehensive Airport Land Use Plan*

Article 3.5 of the California Public Utilities Code requires each county to create an ALUC and for this commission to prepare and adopt an airport land use plan for each public use airport in the county. In accordance with this mandate, the Tulare County ALUC prepared the current Comprehensive Airport Land Use Plan in 2012. The intention of the Comprehensive Airport Land Use Plan is to promote the safety and well-being of the public by ensuring adoption of land use regulations which minimize exposure of persons to hazards associated with the operation of these airports including aircraft accidents and aircraft noise.

Actions that are subject to mandatory ALUC review include:

- Amendment of a general plan or specific plan, or the adoption or approval of a zoning ordinance or building regulation that affects lands within the Airport Influence Areas (Public Utilities Code § 21676(b));
- Construction of a new airport within Tulare County and adoption of its airport master plan (Public Utilities Code § 21676(c)); and
- Any school site proposed within 2 miles of an airport runway by a public or private entity (Public Utilities Code § 21655).

### *City of Visalia*

*City of Visalia General Plan*

The project site is designated under the General Plan as Industrial and Light Industrial. (See Exhibit 2-7.) Land designated Light Industrial is intended for light manufacturing, warehousing, storage, distribution, research and development enterprises, and secondary office (limited customer access) uses. The maximum floor area ratio (FAR) for the Light Industrial designation is 0.5. Lands designated Industrial allow primary manufacturing, processing, refining, and similar activities including those with outdoor facilities. It also accommodates warehousing and distribution with supporting

[11] A plan for services is a requirement of the annexation submittal process, which must include all of the information set forth in Government Code Section 56653, such as: an enumeration and description of the services currently provided or to be extended to the affected territory; the level and range of those services; an indication of when those services can feasibly be extended to the affected territory, if new services are proposed; an indication of any improvement or upgrading of any structures, roads, or service or water facilities, or other conditions the local agency would impose or require within the affected territory if the change of organization/reorganization is completed; and information with respect to how those services will be financed. See also Tulare LAFCo Policies and Procedures, Section (C)1.5.

commercial services and office space. Retail is not permitted. The maximum FAR for the Industrial designation is 0.6.

The General Plan establishes the following guiding goals, objectives and implementing policies associated with land use planning that are relevant to this analysis:

**Objective LU-O-9** Implement and periodically update a growth management system that will guide the timing, type, and location of growth; preserve resource lands, natural features, and open space; and promote infill and redevelopment.

**Objective LU-O-10** Protect agricultural land from premature urban development.

**Policy LU-P-19** Ensure that growth occurs in a compact and concentric fashion by implementing the General Plan's phased growth strategy.

**Policy LU-P-20** Allow annexation and development of residential, commercial, and industrial land to occur within the "Tier I" Urban Development Boundary (UDB) at any time, consistent with the City's Land Use Diagram.

**Policy LU-P-39** Improve tree planting, landscaping, and site design standards to minimize the visual impact of large parking lots and buildings, to enhance and promote natural characteristics compatible with urban form, to minimize heat gain and promote energy conservation, and to improve stormwater infiltration.

**Policy LU-P-40** Where possible, through the Site Plan Review process, retain native trees as landscape elements and for shading.

**Objective LU-O-33** Provide adequate land in a variety of parcel sizes for industrial development, and strengthen the City's role as a regional manufacturing center.

**Objective LU-O-34** Ensure compatibility between industrial lands and adjacent dissimilar land uses.

**Policy LU-P-100** Establish zoning standards to assure high-quality design and site planning for large-scale industrial development.

**Policy LU-P-101** As part of industrial developments, allow secondary uses such as restaurants, cafés, small convenience stores and day care facilities, to serve area employees.

**Policy LU-P-102** Ensure the timely completion of necessary infrastructure to support new industrial development.

**Policy LU-P-103** Require buffering land uses adjacent to existing or planned residential areas adjacent to industrial designations. Such uses may include parks, drainage ponds, open space, or other such uses.

**Policy LU-P-104** Preserve land designated for light and heavy industrial uses by limiting the intrusion of freestanding retail commercial or service commercial uses.

**Policy LU-P-106** Develop performance standards to supplement and augment design standards to minimize the negative impacts (glare, signage, noise, dust, traffic) associated with the establishment of new or expansion of existing service commercial and industrial development.

**Policy LU-P-107** Reserve adequate sewage treatment plant capacity and sewerage capacity to meet the projected needs of industrial growth, and allow "package plants" where they represent a more fiscally appropriate solution if approved by the Department of Public Works.

**Objective OSC-6** Protect water resources vital to the health of the community's residents and important to the Planning Area's ecological and economic stability.

**Objective OSC-O-7** Preserve and enhance Planning Area waterways and adjacent corridors as valuable community resources which serve as plant and wildlife habitats, as groundwater recharge facilities, as flood control and irrigation components, and as connections between open space areas.

**Objective OSC-O-11** Preserve and protect historic features and archaeological resources of the Visalia Planning Area including its agricultural surrounding for aesthetic, scientific, educational, and cultural values.

**Objective OSC-P-23** Where no urban development exists, maintain a minimum riparian habitat development setback from the discernible top of the bank—50 feet for both sides of the Mill, Packwood and Cameron Creek corridors and 25 feet for both sides of Modoc, Persian and Mill Creek Ditches—provided that where riparian trees are located within 100 feet of the discernible top of the banks of the Creek corridors and 50 from the banks for the ditches, the setback shall be wide enough to include five feet outside the drip line of such trees. Restore and enhance the area within the setback with native vegetation.

- Where existing development or land committed to development prohibits the 50-foot setback on Mill, Packwood and Cameron Creek corridors, provide the maximum amount of land available for a development setback.
- Where existing development or land committed to development prohibits the 25-foot setback along Modoc, Persian, and Mill Creek Ditches, provide the maximum amount of land available for a development setback.

**Policy OSC-P-39** Establish requirements to avoid potential impacts to sites suspected of being archaeologically, paleontologically, or historically significant or of concern, by:

- Requiring a records review for development proposed in areas that are considered archaeologically or paleontologically sensitive;
- Determining the potential effects of development and construction on archaeological or paleontological resources (as required by CEQA);

- Requiring pre-construction surveys and monitoring during any ground disturbance for all development in areas of historical and archaeological sensitivity; and
- Implementing appropriate measures to avoid the identified impacts, as conditions of project approval.

**Policy T-P-23** Require that all new developments provide right-of-way, which may be dedicated or purchased, and improvements (including necessary grading, installation of curbs, gutters, sidewalks, parkway/landscape strips, bike, and parking lanes) other City street design standards. Design standards will be updated following General Plan adoption.

**Policy T-P-24** Require that proposed developments make necessary off-site improvements if the location and traffic generation of a proposed development will result in congestion on major streets or failure to meet LOS D during peak periods or if it creates safety hazards.

**Policy PSCU-P-2** Strive to achieve and maintain a citywide standard of at least five acres of neighborhood and community parks per 1,000 residents. Credits for pocket parks can be granted under the Park Acquisition and Development Fee Program, subject to the design review criteria of Policy PSCU-P-8. These credits may be on a less than 1:1 basis.

**Policy PSCU-P-9** Continue to implement a Park Acquisition and Development Fee Program updated to be consistent with this General Plan, including the following:

- Land and fees received shall support a standard of five acres of neighborhood and community parks per 1,000 residents and provide park and recreation facilities serving the neighborhood quadrant in which the contributing development occurs;
- A portion of the fees collected are to be used for community-wide recreation facilities;
- Dedicated park land meeting specified criteria for community parks, neighborhood parks and pocket parks may be provided at the City's discretion, in lieu of fees, or earn fee credits (the City will not accept undevelopable, unusable land); and
- Fee credits may also be given for storm drainage basins designed and built for dual recreational use, but these credits may be on a less than 1:1 basis depending on the amenities and facilities provided and their availability throughout the year.

**Objective S-O-1** Minimize risks of property damage and personal injury posed by geologic and seismic hazards.

**Objective S-O-3** Protect soils, surface water, and groundwater from contamination from hazardous materials.

**Objective S-O-6** Provide comprehensive emergency response and evacuation routes for Visalia area residents.

**Policy S-P-15** Require remediation and cleanup of sites contaminated with hazardous substances.

**Policy S-P-17** Ensure that all specified hazardous facilities conform to the Tulare County Hazardous Materials Business Plan.

**Policy S-P-18** Coordinate enforcement of the Hazardous Material Disclosure Law and the implementation of the Hazardous Material Emergency Response Plan with the Tulare County Health and Human Service Agency.

**Policy S-P-19** Coordinate with the Tulare County Environmental Health Division and other appropriate regulatory agencies during the review process of all proposals for the use of hazardous materials or those involving properties that may have toxic contamination, such as petroleum hydrocarbons, CAM 17 metals, asbestos, and lead.

**Policy S-P-20** Require applicants of projects in areas of known or suspected hazardous materials occurrences such as petroleum hydrocarbon contamination, CAM 17 metals, USTs, location of asbestos rocks and other such contamination to perform comprehensive soil and groundwater contamination assessments in accordance with regulatory agency testing standards, and if contamination exceeds regulatory action levels, require the project applicant to undertake remediation procedures prior to grading and development under the supervision of appropriate agencies, such as Tulare County Department of Environmental Health, Department of Toxic Substances Control, or Regional Water Quality Control Board.

**Policy S-P-21** Develop a community wildfire mitigation plan that identifies and prioritizes areas for hazard fuel reduction treatments, and recommend the types of methods of treatments.

**Policy S-P-22** Manage vegetation in areas within and adjacent to public rights-of-way and in close proximity to critical facilities in order to reduce the risk of tree failure and property damage and avoid creation of wind acceleration corridors within vegetated areas.

**Policy S-P-24** Continue to bolt down the roofs of critical facilities in wind gust hazard areas in order to prevent wind damage.

**Policy S-P-27** Implement a fuel modification program, which also includes residential maintenance requirements and enforcement, plan submittal and approval process, guidelines for planting, and a listing of undesirable plant species. Require builders and developers to submit their plans, complete with proposed fuel modification zones, to the Fire Department for review and approval prior to beginning construction.

**Policy S-P-28** Assist in solving the incendiary problem by improving law enforcement and investigation equipment, adapting equipment available in other fields; and purchasing new equipment where needed. Implement "no burn" programs, particularly in areas outside of immediate response zones of fire stations.

**Policy S-P-29** Ensure availability of adequate water supplies to meet public health and safety needs, and for resource protection, by maintaining the following order of priority for water use:

- Potable water supply, fire protection, and domestic use
- Resource protection and preservation
- Industrial, irrigation and commercial uses
- Water-oriented recreation
- Air conditioning

**Policy S-P-30** Integrate the Tulare County Hazard Mitigation Plan, in particular the hazard analysis and mitigation strategy sections, into the development review process, the emergency operations plan, and capital improvement program, as appropriate.

*City of Visalia Municipal Code*

Because the project site is currently adjacent to but outside of the City's municipal boundaries, the City's Zoning Map does not currently provide a zoning designation for the project site. Upon completion of the annexation process and LAFCo approval of the anticipated annexation proposal, the project site would be zoned Industrial (I) and Light Industrial (I-L) consistent with the project site's current General Plan Land Use designation as shown in Chapter 2, Project Description, Exhibit 2-7. In anticipation thereof, the City would pre-zone the project site as Industrial (I) and Light Industrial (I-L) as part of the proposed project's City entitlement process.

The purpose and intent of the Light Industrial zone district is to provide an area for uses that are characterized by low intensity research and development, warehousing, and limited manufacturing and production, processing, assembling, and packaging or treatment of food products from previously prepared materials. Uses that may restrict the operation of the above due to sensitivity to noise, truck traffic, etc., are not provided in this district.

The purpose and intent of the Industrial zone district is to provide an area for uses that are characterized by the manufacturing, processing, or assembling of semi-finished or finished products

from raw materials. Uses that may restrict the operation of the above due to sensitivity to noise, truck traffic, etc., are not provided in this district.

The Municipal Code contains the following development standards for the I and I-L zones:

A. Minimum site area: five (5) acres.

B. Maximum building height: seventy-five (75) feet.

C. Minimum required yards (building setbacks):
   1. Frontage on major road: twenty-five (25) feet. (Major roads are defined as roads shown as arterials or collectors on the Circulation Element Map, including but not limited to Goshen Avenue, Plaza Drive, and Avenue 308).
   2. Frontage on minor road: fifteen (15) feet. (Minor roads are defined as roads shown as local streets on the Circulation Element Map, including but not limited to Elowin Court, Clancy Drive, and Rasmussen Avenue).
   3. Frontage on interior roads: ten (10) feet. (Interior roads provide access only to parcels within a development.).
   4. Rear: zero (0) feet.
   5. Rear yards abutting an R-1 or R-M zone district: twenty (20) feet.
   6. Side: zero (0) feet.
   7. Side yards abutting an R-1 or R-M zone district: twenty (20) feet.
   8. Side abutting railroad right-of-way: twenty-five (25) feet.

D. Minimum required landscaped yard (setback) areas:
   1. Frontage on major road: twenty-five (25) feet. (Major roads are defined as roads shown as arterials or collectors on the Circulation Element Map, including but not limited to Goshen Avenue, Plaza Drive, and Avenue 308).
   2. Frontage on minor road: fifteen (15) feet. (Minor roads are defined as roads shown as local streets on the Circulation Element Map, including but not limited to Elowin Court, Clancy Drive, and Rasmussen Avenue).
   3. Frontage on interior roads: ten (10) feet. (Interior roads provide access only to parcels within a development.).
   4. Rear: zero (0) feet.
   5. Rear yards abutting an R-1 or R-M zone district: ten (10) feet.
   6. Side: zero (0) feet.
   7. Side yards abutting an R-1 or R-M zone district: ten (10) feet.
   8. Side abutting railroad right-of-way: twenty-five (25) feet.

E. Additional standards:
   1. Properties subdivided into parcels of less than five acres shall provide a common or joint storm drainage facility or pond, to be maintained through a private property owners' association formed at the time of subdivision.
   2. An eight-foot masonry wall is required along a property line where a site abuts an R-1 or R-M zone district. (Ord 2017-01 (part), 2017).[12]

[12] City of Visalia. 2017. Visalia Municipal Code 17.22.060 Development standards in the I-L and I zones.

**Oak Tree Preservation Chapter**

The purpose of Chapter 12.24, Oak Tree Preservation, is to establish basic standards, measures and compliance requirements for the preservation and protection of native Valley oak trees and landmark trees. As such, removal of oak trees is prohibited except when under removal permit. Furthermore, removal of an oak tree under permit requires the application of removal standards and mitigation measures, as described in further detail within Municipal Code Chapter 12.24.

*Active Transportation Plan*

The Active Transportation Plan (ATP) was adopted by the City on March 6, 2017. The ATP incorporates and updates goals set in the following prior documents: the 2030 Visalia General Plan, the 2011 Visalia Bikeway Plan, the 2010 Waterways and Trails Master Plan, and the Regional ATP for the Tulare County Region. The purpose of the ATP is to guide pedestrian and bikeway policies, programs, and facility improvements to improve safety, comfort, and convenience for pedestrians and bicyclists in Visalia.

## 3.11.4 - Methodology

FirstCarbon Solutions (FCS) evaluated the potential for land use and planning impacts through site reconnaissance, use of aerial photos, and review of applicable land use policy documents with a focus on plans, policies and regulations that were adopted for the purpose of avoiding or mitigating environmental effects. Photographs were taken of the project site and surrounding land uses to document existing conditions. FCS reviewed the General Plan and the Municipal Code, among other relevant plans, policies, and regulations, to identify applicable policies and provisions that would be relevant to this analysis. In connection therewith, FCS reviewed the proposed project for consistency with the General Plan and Municipal Code as well as other relevant plans, policies, and regulations as necessary to adhere to the requirements under CEQA.[13]

## 3.11.5 - Thresholds of Significance

The City, as lead agency, has elected in its discretion to utilize the criteria in CEQA Guidelines Appendix G environmental checklist to determine whether the proposed project's impacts to land use and planning would be significant environmental effects. Specifically, it would be a significant impact if the proposed project would:

a) Physically divide an established community?

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

It should be noted that the significance criteria set forth in Impact (b), above, is also separately analyzed in Section 3.12, Noise, to address potential impacts related to noise conflicts with land use

[13] While not all of the plans, policies and regulations set forth in this Section 3.11 may have been adopted for the purpose of avoiding or mitigating environmental effects, for purposes of a conservative analysis, this Draft EIR identifies and considers a broad range of plans, policies, and regulations in evaluating project consistency.

plans, which would include project-related conflicts to the noise land use compatibility standards of the General Plan and Municipal Code.

## 3.11.6 - Project Impacts Mitigation Measures

This section analyzes potential impacts associated with the construction and operation of the proposed project and provides feasible mitigation measures, if and to the extent required.

### Divide an Established Community

| **Impact LAND-1:** | **Would the project physically divide an established community?** |
|---|---|

#### *Impact Analysis*

*Construction*

Impacts related to physical division of an established community are limited to operational impacts. No respective construction impacts would occur.

*Operation*

The physical division of an already established community typically refers to construction of a linear feature, such as an interstate highway, railroad tracks, or the removal of a means of access that would impact mobility within an existing community and an outlying area. The proposed project would consist of an industrial and flex industrial park with parking and loading areas and related improvements along with compatible commercial uses consisting of self-storage/RV facility, a gas station, a convenience store, a car wash, and two drive-through restaurants within the City's municipal boundaries upon annexation. The project site is currently developed with agricultural uses. The development of the proposed project would not involve the construction of any type of linear feature that would impair mobility with an existing community, nor would it remove a means of access in a manner that would impede travel or otherwise constitute division of an established community. Rather, the proposed project would be designed in accordance with relevant General Plan policies and other standards and requirements, which would help ensure a cohesive, integrated site and circulation plan, and compatibility with nearby uses. Therefore, impacts would be less than significant.

#### *Mitigation Measures*

No mitigation measures are required.

#### *Level of Significance*

Less than significant impact.

### Conflict with Applicable Plans, Policies, or Regulations

| **Impact LAND-2:** | **Would the project cause a significant environmental impact due to a conflict with any land use plan, policy, or regulation adopted for the purpose of avoiding or mitigating an environmental effect?** |
|---|---|

## *Impact Analysis*

*Construction*

Impacts related to consistency with applicable land use plans and policies are limited to operational impacts. No respective construction impacts would occur.

*Operation*

**Regional Transportation Plan/Sustainable Communities Strategy**

The TCAG 2018 RTP establishes regional transportation policy for Tulare County based on specific transportation goals and objectives. The RTP focuses on achieving a coordinated and balanced multimodal transportation system, while maintaining the integrity of the existing system. The RTP includes projects located throughout Tulare County for all forms or modes of transportation, including automobiles, transit, nonmotorized (including bicycle), passenger rail, freight, and aviation facilities. The goals and objective contained in the RTP are focused on transportation initiatives, infrastructure, planning, and funding on the regional level. The proposed project would support these policies and strategies to the maximum extent feasible at the project level.

The project site is within the City's SOI and its Tier 1 UDB and would represent a progressive step toward infill of the SOI in this area of the City, consistent with the long-term planning vision of the City for Industrial and Light Industrial uses, as reflected in the General Plan. The RTP/SCS accounts for growth in the project area, including industrial developments such as the proposed project.

Goal 6 is to provide a transportation system that efficiently and effectively transports goods to, from, within, and through Tulare County. The proposed project would be located adjacent to nearby existing industrial uses, and in proximity to SR-99, to provide for an orderly development that contributes to efficient and effective goods movement. Goal 8 is to expand the region's bicycle and pedestrian systems. The proposed project would provide sidewalk improvements along project frontage which would expand the pedestrian system. Goal 10 is to improve air quality through congestion management, coordination of land use, housing and transportation system, provision of alternative modes of transportation and provision of incentives that reduce vehicle miles traveled. Though the proposed project would result in significant and unavoidable impacts with respect to air quality, the project would be required to implement feasible mitigation as detailed in Section 3.3 Air Quality, which would reduce air quality emissions to the maximum extent feasible thereby improving air quality, consistent with Goal 10. Therefore, the proposed project is considered to be consistent with the RTP/SCS.

**Local Agency Formation Commission Requirements for City Annexations**

California Government Code Section 56668 establishes factors that LAFCo's must use in reviewing annexation proposals to encourage well-planned, well-ordered, efficient urban development and discouraging urban sprawl. Table 3.11-1 provides a consistency analysis with California Government Code Section 56668. As shown in the table, the proposed annexation of the proposed project would be consistent with Section 56668. Impacts would be less than significant.

## Table 3.11-1: LAFCo Consistency Analysis (Government Code § 56668)

| Section | | Consistency Determination |
|---|---|---|
| **Section 5668(a):** Population and population density; land area and land use; per capita assessed valuation; topography, natural boundaries, and drainage basins; proximity to other populated areas; the likelihood of significant growth in the area, and in adjacent incorporated and unincorporated areas, during the next 10 years | | **Consistent:** The project site is within the City's SOI and its Tier 1 UDB and would represent a progressive step toward infill of the SOI in this area of the City, consistent with the long-term planning vision of the City for Industrial and Light Industrial uses, as reflected in the General Plan. |
| **Section 56668(b):** The need for organized community services; the present cost and adequacy of governmental services and controls in the area; probable future needs for those services and controls; probable effect of the proposed incorporation, formation, annexation, or exclusion and of alternative courses of action on the cost and adequacy of services and controls in the area and adjacent areas. "Services," as used in this subdivision, refers to governmental services whether or not the services are services which would be provided by local agencies subject to this division, and includes the public facilities necessary to provide those services. | | **Consistent:** The proposed project would include infrastructure improvements, such as tie in with existing water line and wastewater line, and stormwater basins and storm drainage improvements throughout the site, in order to properly serve the new development. As discussed in Section 3.13, Public Services, and Section 3.15, Utilities and Service Systems, the proposed project would be required to pay all necessary fees for utility service connections. |
| **Section 56668(c):** The effect of the proposed action and of alternative actions, on adjacent areas, on mutual social and economic interests, and on the local governmental structure of the county. | | **Consistent:** The project site is within the City's SOI and its Tier 1 UDB and would represent a progressive step toward infill of the SOI in this area of the City, consistent with the long-term planning vision of the City for Industrial and Light Industrial uses, as reflected in the General Plan. The proposed project is consistent with the surrounding industrial uses. The development would generate sales tax and new employment opportunities. |
| **Section 56668(d):** The conformity of both the proposal and its anticipated effects with both the adopted commission policies on providing planned, orderly, efficient patterns of urban development, and the policies and priorities in Section 56377. (Section 56377 is reproduced below) | | **Consistent:** As discussed in Section 3.2, Agricultural and Forestry resources, although the project site contains Prime Farmland, the proposed project is consistent with the land use designation and intensity of development previously approved by the City and established by the General Plan; thus, conversion to industrial use was envisioned as part of buildout under the General Plan. Although previously addressed in the certified General Plan EIR, for purposes of a comprehensive and conservative analysis, this Draft EIR acknowledges that the proposed project would result in the loss of Prime Farmland as a result of the construction of the proposed urban uses. The project site's surrounding area contains many industrial uses, and thus the proposed project is a logical expansion of industrial uses in the area and siting the proposed industrial use |
| **56377** | In reviewing and approving or disapproving proposals which could reasonably be expected to induce, facilitate, or lead to the conversion of existing open space lands to uses other than open space uses, the commission shall consider all of the following policies and priorities:<br>(a) Development or use of land for other than open space uses shall be guided away from existing prime agricultural | |

| Section | | Consistency Determination |
|---|---|---|
| | lands in open space use toward areas containing nonprime agricultural lands, unless that action would not promote the planned, orderly, efficient development of an area.<br>(b) Development of existing vacant or nonprime agricultural lands for urban uses within the existing jurisdiction of a local agency or within the Sphere of Influence of a local agency should be encouraged before any proposal is approved which would allow for or lead to the development of existing open space lands for non-open space uses which are outside of the existing jurisdiction of the local agency or outside of the existing Sphere of Influence of the local agency. | elsewhere would not promote planned, orderly, efficient development of the area. |
| **Section 56668(e):** The effect of the proposal on maintaining the physical and economic integrity of agricultural lands, as defined by Section 56016. (Section 56016 is reproduced below.) | | **Consistent:** As discussed in Section 3.2, Agricultural and Forestry Resources, although the project site contains Prime Farmland, the proposed project is consistent with the land use designation and intensity of development established by the General Plan; thus, conversion to industrial use was envisioned as part of buildout under the General Plan. |
| **56016** | "Agricultural lands" means land currently used for the purpose of producing an Agricultural commodity for commercial purposes, land left fallow under a crop rotational program, or land enrolled in an agricultural subsidy or set-aside program. | |
| **Section 56668(f):** The definiteness and certainty of the boundaries of the territory, the nonconformance of proposed boundaries with lines of assessment or ownership, the creation of islands or corridors of unincorporated territory, and other similar matters affecting the proposed boundaries. | | **Consistent:** The project site boundaries that would be presented in the annexation application would be definite, would conform to Assessor's Parcel Number (APN) lines and/or ownership of legal lots, and would not contain any split parcels. |
| **Section 56668(g):** A regional transportation plan adopted pursuant to Section 65080, and consistent with city or county general and specific plans. (Section 65080 is not reproduced below due to length; however, its information was used in this analysis and the link is provided in the table sources further reference.) | | **Consistent:** As discussed throughout this Land Use section, the proposed project would be consistent with all transportation policies that are relevant to the proposed project. |
| **Section 56668(h):** The Sphere of Influence of any local agency which may be applicable to the proposal being reviewed. | | **Consistent:** The proposed project is within the City's SOI. |
| **Section 56668(i):** The comments of any affected local agency or other public agency. | | **Consistent:** Notification of the annexation will be circulated to local and affected agencies. |

| Section | | Consistency Determination |
|---|---|---|
| **Section 56668(j):** The ability of the newly formed or receiving entity to provide the services which are the subject of the application to the area, including the sufficiency of revenues for those services following the proposed boundary change. | | **Consistent:** The proposed project would be served by municipal services, fire services, police services, and other public services as demonstrated in Sections 3.14, Public Services, and 3.16, Utilities and Service Systems. The project applicant would provide the fair share costs of all infrastructure necessary to serve the proposed project. Additionally, the proposed project would pay its share of development impact fees. |
| **Section 56668(k):** Timely availability of water supplies adequate for projected needs as specified in Section 65352.5. (Section 65352.5 is reproduced below.) | | **Consistent:** A Water Supply Assessment (WSA) was prepared for the proposed project and is included as Appendix J. As discussed in Section 3.10, Hydrology and Water Quality, and Section 3.15, Utilities and Service Systems, there are sufficient water supplies for the proposed project. |
| **65352.5** | (a) The Legislature finds and declares that it is vital that there be close coordination and consultation between California's water supply agencies and California's land use approval agencies to ensure that proper water supply planning occurs in order to accommodate projects that will result in increased demands on water supplies.<br>(b) It is, therefore, the intent of the Legislature to provide a standardized process for determining the adequacy of existing and planned future water supplies to meet existing and planned future demands on these water supplies.<br>(c) Upon receiving, pursuant to Section 65352, notification of a city's or a county's proposed action to adopt or substantially amend a general plan, a public water system, as defined in Section 116275 of the Health and Safety Code, with 3,000 or more service connections, shall provide the planning agency with the following information, as is appropriate and relevant:<br>(1) The current version of its urban water management plan, adopted pursuant to Part 2.6 (commencing with Section 10610) of Division 6 of the Water Code.<br>(2) The current version of its capital improvement program or plan, as reported pursuant to Section 31144.73 of the Water Code.<br>(3) A description of the source or sources of the total water supply currently available to the water | |

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| | supplier by water right or contract, taking into account historical data concerning wet, normal, and dry runoff years.<br>(4) A description of the quantity of surface water that was purveyed by the water supplier in each of the previous five years.<br>(5) A description of the quantity of groundwater that was purveyed by the water supplier in each of the previous five years.<br>(6) A description of all proposed additional sources of water supplies for the water supplier, including the estimated dates by which these additional sources should be available and the quantities of additional water supplies that are being proposed.<br>(7) A description of the total number of customers currently served by the water supplier, as identified by the following categories and by the amount of water served to each category:<br>(A) Agricultural users.<br>(B) Commercial users.<br>(C) Industrial users.<br>(D) Residential users.<br>(8) Quantification of the expected reduction in total water demand, identified by each customer category set forth in paragraph (7), associated with future implementation of water use reduction measures identified in the water supplier's urban water management plan.<br>(9) Any additional information that is relevant to determining the adequacy of existing and planned future water supplies to meet existing and planned future demands on these water supplies. | |
| **Section 56668(l):** The extent to which the proposal will affect a city or cities and the county in achieving their respective fair shares of the regional housing needs as determined by the appropriate council of governments consistent with Article 10.6 (commencing with Section 65580) of Chapter 3 of Division 1 of Title 7. | | **Not Applicable:** The proposed project is consistent with the General Plan designations of the site. The General Plan does not envision the site to be developed for residential uses. |

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| **65580** | The Legislature finds and declares as follows:<br>(a) The availability of housing is of vital statewide importance, and the early attainment of decent housing and a suitable living environment for every Californian, including farmworkers, is a priority of the highest order.<br>(b) The early attainment of this goal requires the cooperative participation of government and the private sector in an effort to expand housing opportunities and accommodate the housing needs of Californians of all economic levels.<br>(c) The provision of housing affordable to low- and moderate-income households requires the cooperation of all levels of government.<br>(d) Local and State governments have a responsibility to use the powers vested in them to facilitate the improvement and development of housing to make adequate provision for the housing needs of all economic segments of the community.<br>(e) The Legislature recognizes that in carrying out this responsibility, each local government also has the responsibility to consider economic, environmental, and fiscal factors and community goals set forth in the general plan and to cooperate with other local governments and the State in addressing regional housing needs. | |
| **Section 56668(m):** Any information or comments from the landowner or owners, voters, or residents of the affected territory. | | **Consistent:** The site owner is in support of the proposed project. The project's Notice of Preparation (NOP) was sent to the neighboring property owners in August 2022. Neighboring property owners would also be noticed about the availability of the CEQA documents and public meetings. These individuals will have the opportunity to submit comments to both the City. |
| **Section 56668(n):** Any information relating to existing land use designations. | | **Consistent:** The proposed project would be consistent with the General Plan Land Use designation of Industrial and Light Industrial for the project site and would reflect the planned urban development vision for the project site, which consists of light industrial and flex industrial uses as well as compatible commercial uses (permitted by |

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| | right or issuance of a conditional use permit), along with parking and loading areas and related improvements. |
| **Section 56668(o):** The extent to which the proposal will promote environmental justice. As used in this subdivision, "environmental justice" means the fair treatment of people of all races, cultures, and incomes with respect to the location of public facilities and the provision of public services. | **Consistent:** With approval of the proposed annexation into the City, all future public services would be provided by the City, and water services would be provided by California Water Service Company (Cal Water). Therefore, the proposed project would not result in environmental injustice issues with respect to the provision of public services. In addition, as discussed in Section 3.13, Public Services, and Section 3.15, Utilities and Services Systems, any impacts related to public services and utilities would be less than significant. |
| Sources: California Legislative Information. 2023. California Law. Government Code Title 7. Planning and Land Use and Planning and Zoning. Website: https://leginfo.legislature.ca.gov/faces/codes_displaySection.xhtml?sectionNum=65080.&lawCode=GOV. | |

**Additional Tulare County LAFCo Policies**

*The boundaries of the proposed annexation must be definite and certain and must conform to lines of assessment whenever possible.*

In accordance with LAFCo requirements, the project site boundaries that would be presented in the annexation application would be definite, would conform to APN lines and/or ownership of legal lots, and would not contain any split parcels.

*There is a demonstrated need for municipal services and controls, and the City has the capability of meeting the need for services and controls.*

As shown in Chapter 2, Project Description, Exhibit 2-3, the project site is contiguous to the City's municipal boundaries and other existing urban development and is within the Tier 1 of the City's UDB, which would facilitate the efficient extension of existing utilities. As described more fully herein, the proposed project would connect to and/or otherwise utilize existing utility lines for service to the proposed project and would also pay applicable development impact fees toward the construction of identified infrastructure and improvements, consistent with the City's Master Plans.

*There is a mutual social and economic interest between the residents of the City and the proposed territory.*

The project site is within the City's UDB Tier 1, which is the first stage of future development envisioned by the City. The General Plan Land Use Policy LU-P-20 allows "annexation and development of residential, commercial, and industrial land to occur within the "Tier I" UDB at any time, consistent with the City's Land Use Diagram." Therefore, the proposed project would be consistent with and would implement the General Plan policy LU-P-20. The proposed project would also generate an estimated 4,100 jobs at buildout, which would enhance economic opportunities within the City and facilitate a positive jobs/housing balance.

*The proposed annexation is compatible with the City's General Plan.*

The proposed project would be consistent with the General Plan Land Use designation of Industrial and Light Industrial for the project site and would reflect the planned urban development vision for the project site, which consists of light industrial and flex industrial uses as well as compatible commercial uses (permitted by right or issuance of a conditional use permit), along with parking and loading areas and related improvements (Chapter 2, Project Description, Exhibits 2-8 and 2-9). Therefore, the proposed project would be consistent with the applicable General Plan Land Use designations. Also, see below for a detailed consistency analysis with relevant General Plan goals, policies, and objectives.

*The proposed annexation represents a logical and reasonable expansion of the annexing municipality.*

The project site is within the City's SOI and its Tier 1 UDB and would represent a progressive step toward infill of the SOI in this area of the City, consistent with the long-term planning vision of the City for Industrial and Light Industrial uses, as reflected in the General Plan as well as the MSR approved by LAFCo in connection with the City's SOI. Additionally, the project site is adjacent to existing city limits and would reflect a logical and orderly extension of growth that is not isolated, nor would it constitute "leapfrog" development or otherwise facilitate urban sprawl. Rather, the anticipated annexation that would occur as part of the proposed project would reflect a logical and orderly extension of the City's boundaries.

*Boundary lines shall be located so that entire road rights-of-way are placed within the same jurisdiction as the properties fronting on the roads.*

The proposed project's frontage on Riggin Avenue, Kelsey Street, and Shirk Street are all within the City's SOI and would be included in the annexation proposal (thereby ensuring these lands also fall within the City's boundaries). Therefore, all road rights-of-way are already placed within the same jurisdiction as the project site fronting the roads.

One of the factors LAFCo must consider when reviewing a proposal for change in organization is the effect of the proposal on maintaining the physical and economic integrity of agricultural lands, as defined by Government Code Section 56016. Similar to the discussion above, although the proposed project would result convert existing agricultural land to urban uses, the proposed project would be consistent with the project site's General Plan Land Use designations of Industrial and Light Industrial and would reflect the long-planned urban development vision for the project site upon annexation and would otherwise be consistent with relevant City land use goals, policies and objectives (as discussed further below). Furthermore, as discussed in Section 3.15, Utilities and Service Systems, the City can accommodate the wastewater, water, and storm drainage demands of the proposed project, and the proposed project would provide the necessary infrastructure and improvements, which would be constructed in accordance with all applicable City requirements and specifications, to ensure it would be adequately served by the various City services and utilities and Accordingly, the proposed project would be consistent with LAFCo's requirements for City annexations, which requires a determination that the proposed annexation is compatible with the General Plan and that the City has the capability of meeting the need for services and controls.

**General Plan Consistency**

The County General Plan designates the project site as the City of Visalia Urban Area Boundary (UAB)[14] and is zoned AE-40 on the County's Zoning Map (Chapter 2, Project Description, Exhibit 2-6).[15] However, with the City's approval of the proposed pre-zoning and related City entitlements, along with LAFCo's approval of the related annexation proposal, the County General Plan would no longer apply to the proposed project, as the project site would be annexed into the City of Visalia. For these reasons, the City is serving as the lead agency and the local land use agency and is processing the land use entitlement applications for the proposed project.

The proposed project would be consistent with the General Plan Land Use designations of Industrial and Light Industrial for the project site, and reflects the long-planned urban development vision for the project site, which would consist of light industrial and flex industrial uses as well as compatible commercial uses (permitted by right or with issuance of a conditional use permit), along with parking and loading areas and related on- and off-site improvements. Therefore, the proposed project would be consistent with the City's land use designations.

Table 3.11-2 summarizes the proposed project's consistency with relevant goals, objectives, and policies of the General Plan. As shown in Table 3.11-2, the proposed project would be consistent with the relevant General Plan goals, objectives, and policies.

**Table 3.11-2: General Plan Consistency Analysis**

| Element | Goal/Objective/Policy | | Consistency Determination |
|---|---|---|---|
| | No. | Text | |
| **Air Quality and Greenhouse Gases** | **Objective AQ-O-1** | Coordinate air quality planning efforts with other local, regional, and State agencies. | **Consistent:** This objective does not apply to individual projects but is rather a broader City directive. However, the proposed project would be consistent with the Air Quality Plan (AQP) as discussed in Section 3.3, Air Quality. |
| | **Objective AQ-O-2** | Strive to improve air quality by implementing emissions reduction efforts targeting mobile sources, stationary sources and construction-related sources. | **Consistent.** The proposed project would include Mitigation Measure (MM) AIR-2a through MM AIR-2h to reduce emissions to the extent feasible. |
| | **Policy AQ-P-1** | Amend the Zoning Ordinance to prohibit locating new "sensitive receptor" uses—hospitals, residential care facilities and child care | **Consistent:** This policy does not apply to individual projects but is rather a broader City directive. However, the proposed project |

[14] Tulare County. 2012.
[15] County of Tulare. Public Parcel Zoning Lookup. Website: https://tularecounty.maps.arcgis.com/apps/webappviewer/index.html?id=e7d7da648dab43e1a9eb0233889b7c32. Accessed August 17, 2022.

| Element | Goal/Objective/Policy | | Consistency Determination |
|---|---|---|---|
| | No. | Text | |
| | | facilities—within 500 feet of a limited access State Highway (SR-99 and SR-198), except as provided by approved master plans. | would not conflict with this policy. |
| | **Policy AQ-P-2** | Require use of Best Management Practices (BMPs) to reduce particulate emission as a condition of approval for all subdivisions, development plans and grading permits, in conformance with the San Joaquin Valley Air Pollution Control District Fugitive. | **Consistent.** The proposed project would be developed in accordance with Valley Air District thresholds and methodologies, including basic dust control measures required by Valley Air District, a Dust Mitigation Plan if appropriate, a vegetative barrier, and other BMPs. See Policy AQ-P-9 below. |
| | **Policy AQ-P-3** | Support implementation of the San Joaquin Valley Air Pollution Control District's regulations on the use of wood-burning fireplaces, as well as their regulations for the installation of EPA-certified wood heaters or approved wood-burning appliances in new residential development and a "No Burn" policy on days when the air quality is poor. | **Consistent:** This policy does not apply to industrial projects but is rather a broader City directive for residential development. However, the proposed project would not conflict with this policy. |
| | **Policy AQ-P-4** | Support the San Joaquin Valley Air Pollution Control District's "change-out" program, which provides incentives to help homeowners replace old word-burning fireplaces with EPA-certified non-wood-burning appliances. | **Consistent:** This policy does not apply to industrial projects but is rather a broader City directive for residential development. However, the proposed project would not conflict with this policy. |
| | **Policy AQ-P-5** | When asbestos has been identified in the preliminary soils report, require all new development and public works projects to comply with all provisions of State and regional ATCM regulations for control of airborne asbestos emissions relating to construction, road | **Consistent.** The Phase I ESA indicated there is no asbestos on the project site. |

| Element | Goal/Objective/Policy | | Consistency Determination |
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| | No. | Text | |
| | | maintenance, and grading activities. | |
| | **Policy AQ-P-6** | Amend the Street Tree Ordinance to promote use of plants and trees that are efficient pollutant absorbers. | **Consistent:** This policy does not apply to individual projects but is rather a broader City directive. However, the proposed project would not conflict with this policy. |
| | **Policy AQ-P-7** | Be an active partner with the Air District in its "Spare the Air" program. Encourage businesses and residents to avoid pollution-producing activities such as the use of fireplaces and wood stoves, charcoal lighter fluid, pesticides, aerosol products, oil-based paints, and automobiles and other gasoline engines on days when high ozone levels are expected, and promote low emission vehicles and alternatives to driving. | **Consistent:** This policy does not apply to individual projects but is rather a broader City directive. However, the proposed project would not conflict with this policy. |
| | **Policy AQ-P-8** | Update the Zoning Ordinance to strictly limit the development of drive-through facilities, only allowing them in auto-oriented areas and prohibiting them in Downtown and East Downtown. | **Consistent:** This policy does not apply to individual projects but is rather a broader City directive. However, the proposed project would not conflict with this policy. |
| | **Policy AQ-P-9** | Continue to mitigate short-term construction impacts and long-term stationary source impacts on air quality on a case-by-case basis and continue to assess air quality impacts through environmental review. Require developers to implement Best Management Practices (BMPs) to reduce air pollutant emissions associated with the | **Consistent.** The proposed project would be developed in accordance with Valley Air District thresholds and methodologies, including basic dust control measures required by Valley Air District, a Dust Mitigation Plan if appropriate, a vegetative barrier, and other Best Management Practices, and would include MM AIR-2a through MM AIR-2h to reduce emissions to the extent feasible. |

| Element | Goal/Objective/Policy | | Consistency Determination |
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| | No. | Text | |
| | | construction and operation of development projects.<br><br>BMPs include transportation demand management strategies for large development projects such as:<br>• Providing bicycle access and parking facilities;<br>• Providing preferential parking for high-occupancy vehicles, carpools, or alternative fuels vehicles;<br>• Establishing telecommuting programs or satellite work centers;<br>• Allowing alternative work schedules;<br>• Subsidizing public transit costs for employee;<br>• Scheduling Deliveries at off-peak traffic periods; and<br>• Providing recharge stations for plug-in electric vehicles (PEVs). | Additionally, the proposed project would include new bicycle facilities which would improve bicycle access in the area, including new bike lanes along Riggin Avenue and Class II bike lanes along Kelsey Street, Clancy Street, and Shirk Street.<br><br>Additionally, the proposed project would enhance connectivity to the future transit stop adjacent to the project site through the installation of the sidewalk and bicycle facilities. |
| | **Policy AQ-P-10** | Develop public information regarding high- and low-pollen producing landscape species, to be made available at City Hall and other relevant locations throughout the City. Work with Chamber of Commerce, local landscape architects, nursery contractors, and arborists to promote landscaping with low-pollen plants. | **Consistent:** This policy does not apply to individual projects but is rather a broader City directive. However, the proposed project would not conflict with this policy. |
| | **Policy AQ-P-11** | Continue to work in conjunction with the San Joaquin Valley Air Pollution Control District and others to put in place additional Transportation Control Measures that will reduce vehicle travel and improve | **Consistent.** This policy does not apply to individual projects but is rather a broader City directive. However, the proposed project would not conflict with this policy. |

| Element | Goal/Objective/Policy | | Consistency Determination |
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| | | air quality and to implement Air Quality Plans. | |
| **Historic Preservation** | **Policy H-P-10** | Regularly review the Local Register of Historic Structures to ensure that properties are appropriately listed. | **Consistent.** As discussed in Section 3.5, Cultural Resources and Tribal Cultural Resources, a review of the applicable records indicated that there are no historic resources on-site or in close proximity of the project site. |
| **Land Use** | **Objective LU-O-9** | Implement and periodically update a growth management system that will guide the timing, type, and location of growth; preserve resource lands, natural features, and open space; and promote infill and redevelopment. | **Consistent:** This objective does not apply to individual projects but is rather a broader City directive. However, the proposed project would facilitate achievement of the long-planned development pattern envisioned in the General Plan. The project site is within the City's SOI and its Tier 1 UDB and would represent a progressive step toward infill of the SOI in this area of the City, consistent with the long-term planning vision of the City for Industrial and Light Industrial uses, as reflected in the General Plan. The proposed project would be a logical expansion of the existing industrial uses in the surrounding area and would preserve more sensitive areas by clustering development. |
| | **Objective LU-O-10** | Protect agricultural land from premature urban development. | **Consistent:** The proposed project site is currently used for agriculture and is considered Prime Farmland; however, proposed project would be consistent with the long-planned industrial land use vision for the project site as well as relevant goals, objectives and policies as set forth in the General Plan, including, among others. See also Section 3.2, Agricultural Resources and Forestry Resources, of this Draft EIR for additional discussion . |

| Element | Goal/Objective/Policy | | Consistency Determination |
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| | **Policy LU-P-19** | Ensure that growth occurs in a compact and concentric fashion by implementing the General Plan's phased growth strategy. | **Consistent:** The proposed project is adjacent to existing City municipal boundaries and is within the City's SOI and UDB Tier 1 and would be consistent with the General Plan Land Use designations, which reflect the long-planned land use vision for the project site. Therefore, the proposed project would represent a logical and orderly extension of the planned urban development pattern envisioned in the General Plan. |
| | **Policy LU-P-20** | Allow annexation and development of residential, commercial, and industrial land to occur within the "Tier I" Urban Development Boundary (UDB) at any time, consistent with the City's Land Use Diagram. | **Consistent:** The project site is within the UDB Tier 1 of the City as well as its SOI and would include annexation and development of lands that have long been planned and designated by the General Plan for Industrial and Light Industrial uses. |
| | **Policy LU-P-32** | Continue to maintain a 20-acre minimum for parcel map proposals in areas designated for Agriculture to encourage viable agricultural operations in the Planning Area. | **Consistent:** The project site is currently used for agricultural purposes but has been long planned by the City for light industrial and industrial uses, as reflected in the project site's applicable Industrial and Light Industrial General Plan Land Use designations; therefore, the proposed project would not conflict with this policy. See also Section 3.2, Agricultural Resources and Forestry Resources, of this Draft EIR for additional discussion. |
| | **Policy LU-P-34** | Work with Tulare County and other State and regional agencies, neighboring cities, and private land trust entities to prevent urban development of agricultural land outside of the current growth boundaries and to promote the use of agricultural preserves, where | **Consistent:** This objective does not apply to individual projects but is rather a broader City directive. However, while the project site is currently used for agricultural purposes, it has been long planned by the City for light industrial and industrial uses pursuant to the project site's General Plan Land Use |

| Element | Goal/Objective/Policy | | Consistency Determination |
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| | | they will promote orderly development and preservation of farming operations within Tulare County. Conduct additional investigation of the efficacy of agricultural conservation easements by engaging local, regional, and State agencies and stakeholders in order to further analyze their ongoing efforts and programs that attempt to mitigate impacts from the conversion of agricultural lands through the use of agricultural conservation easements. Support regional efforts to prevent urban development of agricultural lands, specifically at the county level. Tulare County's General Plan 2030 Update Policy contains two policies (AG-1.6 Conservation Easements and AG-1.18 Farmland Trust and Funding Sources) that discuss establishing and implementing an Agricultural Conservation Easement Program (ACEP). The City supports the implementation of these measures by the County, in which the City may then participate. Such a regional program could include a fee to assist and support agricultural uses and would be most feasibly and strategically developed on a countywide or other regional basis.<br><br>In addition to supporting regional efforts to prevent urban development of agricultural lands, the City shall create and adopt a mitigation program to | designations. The project site is within the City's SOI and UDB Tier 1, which reflects the City's land use vision that balances and takes into consideration competing interests of allowing urban development while preserving agricultural lands and open space. Properties in Tier 1, however, are exempt from being applicable to the agricultural mitigation program described in the policy. See also Section 3.2, Agricultural Resources and Forestry Resources, of this Draft EIR for additional discussion. |

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| | | address conversion of Prime Farmland and Farmland of Statewide Importance in Tiers II and III. This mitigation program shall require a 1:1 ratio of agricultural land preserved to agricultural land converted and require agricultural land preserved to be equivalent to agricultural land converted. The mitigation program shall also require that the agricultural land preserved demonstrate adequate water supply and agricultural zoning, and shall be located outside the City UDB, and within the southern San Joaquin Valley. The mitigation program shall, to the extent feasible and practicable, be integrated with the agricultural easement programs adopted by the County and nearby cities. The City's mitigation program shall allow mitigation to be provided by purchase of conservation easement or payment of fee but shall indicate a preference for purchase of easements. The mitigation program shall require easements to be held by a qualifying entity, such as a local land trust, and require the submission of annual monitoring reports to the City. The mitigation program shall specifically allow exemptions for conversion of agricultural lands in Tier I, or conversion of agricultural lands for agricultural processing uses, agricultural buffers, public facilities, and roadways. | |

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| | **Policy LU-P-35** | Adopt the County's Right-to-Farm ordinance to support continued agricultural operations at appropriate locations within the City limits, with no new provisions. This ordinance should not limit urban development contemplated by the General Plan. | **Consistent:** This objective does not apply to individual projects but is rather a broader City directive. However, while the project site is currently used for agricultural purposes, it has been long planned by the City for light industrial and industrial uses pursuant to the project site's General Plan Land Use designations. Moreover, the proposed project would be subject to any applicable Right-to-Farm ordinance. See also Section 3.2, Agricultural Resources and Forestry Resources, of this Draft EIR for additional discussion. |
| | **Policy LU-P-39** | Improve tree planting, landscaping, and site design standards to minimize the visual impact of large parking lots and buildings, to enhance and promote natural characteristics compatible with urban form, to minimize heat gain and promote energy conservation, and to improve stormwater infiltration. | **Consistent:** The proposed project would include ample landscaping in accordance with applicable provisions of the City's Landscape Standard Specifications. |
| | **Policy LU-P-40** | Where possible, through the Site Plan Review process, retain native trees as landscape elements and for shading. | **Consistent:** Ample landscaping would be provided in accordance with applicable provisions of the City's Landscape Standard Specifications and would be subject to City review during the Site Plan Review process. |
| | **Policy LU-O-12** | Provide for an orderly and efficient transition from rural to urban land uses. | **Consistent:** This objective does not apply to individual projects but is rather a broader City directive. However, while the project site is currently used for agricultural purposes, it has been long planned by the City for light industrial and industrial uses pursuant to the project |

| Element | Goal/Objective/Policy | | Consistency Determination |
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| | | | site's General Plan Land Use designations. The project site is within the City's SOI and UDB Tier 1, which reflects the City's land use vision that balances and takes into consideration competing interests, including those relating to allowing urban development while preserving agricultural lands and open space. Moreover, the proposed project would be located adjacent to nearby existing industrial and other urban uses, which help to provide for an orderly and efficient planned transition to urban land uses. |
| | **Objective LU-O-33** | Provide adequate land in a variety of parcel sizes for industrial development and strengthen the City's role as a regional manufacturing center. | **Consistent:** This objective does not apply to individual projects but is rather a broader City directive. However, the proposed project would be consistent with the long-planned industrial uses for the project site pursuant to the Light Industrial and Industrial General Plan Land Use designations. The proposed project would include annexation of Industrial and Light Industrial lands into the City, and would implement this objective by developing light industrial, flex industrial and compatible commercial uses, consistent with the industrial land use vision. By developing industrial uses, consistent with the General Plan, as contemplated by the proposed project, manufacturing opportunities on land that has ready access to available infrastructure, including major transportation corridors and utilities, would be expanded in the City. While the ultimate end user(s) are not currently known, the proposed project would facilitate industrial |

| Element | Goal/Objective/Policy | | Consistency Determination |
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| | | | opportunities, which could then enhance the project site for uses as part of the Central Valley supply chain and goods movement network. |
| | **Objective LU-O-34** | Ensure compatibility between industrial lands and adjacent dissimilar land uses. | **Consistent:** The project site has been planned for industrial uses, such as those contemplated by the proposed project, consistent with the applicable Industrial and Light Industrial land use designations; it is within the City's SOI and UDB (Tier 1); and is adjacent to industrial uses to the west and south, which is part of the area designated for industrial development in the General Plan. In addition, the proposed project would incorporate a number of features to further ensure compatibility, including proper setback and landscaping as required by the Municipal Code. |
| | **Policy LU-P-100** | Establish zoning standards to assure high-quality design and site planning for large-scale industrial development. | **Consistent:** This objective does not apply to individual projects but is rather a broader City directive. However, the proposed project would be required to comply with all applicable zoning standards and other requirements for Industrial and Light Industrial zones, which would assure high-quality design and site planning appropriate to the proposed large-scale industrial/commercial development. |
| | **Policy LU-P-101** | As part of industrial developments, allow secondary uses such as restaurants, cafés, small convenience stores and day care facilities, to serve area employees. | **Consistent:** The proposed project includes compatible commercial uses consisting of self-storage/RV facilities, a gas station, a convenience store, a car wash, and two drive-through restaurants. All of the foregoing is anticipated to serve the proposed project's employees as |

| Element | Goal/Objective/Policy | | Consistency Determination |
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| | | | well as those from nearby employment-generating uses. |
| | **Policy LU-P-102** | Ensure the timely completion of necessary infrastructure to support new industrial development. | **Consistent:** As demonstrated in Section 3.13, Public Services and Section 3.15, Utilities, the proposed project would be adequately served in terms of water, sewer, stormwater, fire, and police services. The proposed project would involve the development of all necessary infrastructure to serve the proposed uses. Further, each project applicant, in connection with an individual specific development proposal, would be required to pay applicable impact fees, which funding would be used by the City (in combination with other fees received in connection with other development proposals) to construct various master plan infrastructure consistent with the City's master planning documents. |
| | **Policy LU-P-103** | Require buffering land uses adjacent to existing or planned residential areas adjacent to industrial designations. Such uses may include parks, drainage ponds, open space, or other such uses. | **Consistent:** The proposed project is bound by existing roadways to the east, south, and west, and by an irrigation canal (Modoc Ditch) and agricultural use to the north. Therefore, the project site is not adjacent to existing or planned residential uses. |
| | **Policy LU-P-104** | Preserve land designated for light and heavy industrial uses by limiting the intrusion of freestanding retail commercial or service commercial uses. | **Consistent:** This objective does not apply to individual projects but is rather a broader City directive. However, the proposed project consists of light industrial and flex industrial uses, along with compatible commercial uses (which would serve project visitors and employees as well as other uses in the vicinity–including industrial uses), as well as parking and loading areas and |

| Element | Goal/Objective/Policy | | Consistency Determination |
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| | | | related on- and off-site improvements. The proposed project would be constructed and operated on the project site, which has long been envisioned to provide such uses, as reflected in the Industrial and Light Industrial General Plan land use designations. |
| | **Policy LU-P-106** | Develop performance standards to supplement and augment design standards to minimize the negative impacts (glare, signage, noise, dust, traffic) associated with the establishment of new or expansion of existing service commercial and industrial development. | **Consistent:** This objective does not apply to individual projects but is rather a broader City directive. However, the proposed project would be required to comply with all federal, State, and local laws, regulations, requirements, and standards to minimize impacts associated with the establishment of the proposed industrial and commercial uses, including those related to glare, signage, noise dust, and traffic. See Section 3.1, Aesthetics, regarding light, glare, and signage. See Section 3.3, Air Quality, regarding dust impacts. See Section 3.12, Noise, regarding noise impacts. See Section 3.14, Transportation, regarding traffic impacts. |
| | **Policy LU-P-107** | Reserve adequate sewage treatment plant capacity and sewerage capacity to meet the projected needs of industrial growth and allow "package plants" where they represent a more fiscally appropriate solution if approved by the Department of Public Works. | **Consistent:** This objective does not apply to individual projects but is rather a broader City directive. However, the proposed project would be adequately served by the City's sewer facilities. See Section 3.15, Utilities and Service Systems. |
| **Open Space and Conservation** | **Objective OSC-O-6** | Protect water resources vital to the health of the community's residents and important to the Planning Area's ecological and economic stability. | **Consistent:** As discussed in detail in Section 3.10, Hydrology and Water Quality, the proposed project would adhere to all applicable laws, regulations, standards, and requirements, including, among others, |

| Element | Goal/Objective/Policy | | Consistency Determination |
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| | | | preparation and implementation of a Storm Water Pollution Prevention Plan (SWPPP), all of which would serve to protect water resources and prevent significant impacts related thereto. |
| | **Objective OSC-O-7** | Preserve and enhance Planning Area waterways and adjacent corridors as valuable community resources which serve as plant and wildlife habitats, as groundwater recharge facilities, as flood control and irrigation components, and as connections between open space areas. | **Consistent:** Modoc Ditch, an irrigation canal, lines the northern boundary of the project site. While the proposed project involves the removal or modification of the existing retention basin and would potentially require two new culvert crossings over Modoc Ditch, and the extension of one existing culvert crossing, it would be required to comply with all applicable federal and State water quality laws and regulations, including those set forth in the Clean Water Act (CWA) 402 (National Pollutant Discharge Elimination System [NPDES]), and the Porter-Cologne Water Quality Control Act (including stormwater control permits), and the Fish and Game Code to preserve water quality. |
| | **Objective OSC-O-11** | Preserve and protect historic features and archaeological resources of the Visalia Planning Area including its agricultural surrounding for aesthetic, scientific, educational, and cultural values. | **Consistent:** As discussed in detail in Section 3.5, Cultural Resources and Tribal Cultural Resources, of the Draft EIR, there are no known historic features and archaeological resources on the project site. However, because there is always the potential of previously unknown resources being discovered during construction, MM CUL-1, MM CUL-2, MM CUL-3, and MM CUL-4, would require specific actions such as records reviews, |

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| | | | monitoring, worker education, and other specific measures to reduce potential impacts related to impacts to any previously unknown historic features or archaeological resources that are discovered during construction. Accordingly, any historic features or archaeological resources would be appropriately treated consistent with this objective and the detailed MMs. |
| | **Policy OSC-P-23** | Where no urban development exists, maintain a minimum riparian habitat development setback from the discernible top of the bank—50 feet for both sides of the Mill, Packwood and Cameron Creek corridors and 25 feet for both sides of Modoc, Persian and Mill Creek Ditches—provided that where riparian trees are located within 100 feet of the discernible top of the banks of the Creek corridors and 50 from the banks for the ditches, the setback shall be wide enough to include five feet outside the drip line of such trees. Restore and enhance the area within the setback with native vegetation.<br><br>Where existing development or land committed to development prohibits the 50 foot setback on Mill, Packwood and Cameron Creek corridors, provide the maximum amount of land available for a development setback.<br><br>Where existing development or land committed to development prohibits the | Consistent: The proposed project is designated for Industrial and Light Industrial uses; therefore, it is considered to be land committed to development. In order to provide proper stormwater management, the proposed project would not be setback from the Modoc Ditch and would potentially require new culvert crossings over Modoc Ditch, and extension of one existing culvert crossing. However, during construction, the proposed project would comply with Chapter 16.12.070 of the Municipal Code requirements for grading and erosion control, including the prevention of sedimentation. Compliance with MM TRANS-1 would ensure compliance with the City's ATP by dedicating 28 feet for a pedestrian trail along the south side of Modoc Ditch. |

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| | | 25 foot setback along Modoc, Persian, and Mill Creek Ditches, provide the maximum amount of land available for a development setback. | |
| | **Policy OSC-P-39** | Establish requirements to avoid potential impacts to sites suspected of being archaeologically, paleontologically, or historically significant or of concern, by:<br>• Requiring a records review for development proposed in areas that are considered archaeologically or paleontologically sensitive.<br>• Determining the potential effects of development and construction on archaeological or paleontological resources (as required by CEQA).<br>• Requiring pre-construction surveys and monitoring during any ground disturbance for all development in areas of historical and archaeological sensitivity.<br>• Implementing appropriate measures to avoid the identified impacts, as conditions of project approval. | **Consistent:** As discussed in detail in Section 3.5, Cultural Resources and Tribal Cultural Resources, and in Section 3.7, Geology and Soils, of the Draft EIR, there are no known cultural or paleontological resources on the project site. However, because there is always the potential of previously unknown resources being discovered during construction, this analysis includes MM CUL-1, MM CUL-2, MM CUL-3, MM CUL-4 and MM GEO-6, which would require specific actions such as records reviews, monitoring, worker education, development of appropriate treatment measures upon discovery of any significant finds, and other specific measures to reduce potential impacts related to discovery of previously unknown archaeological, paleontological, or historically significant resources. With the implementation of these MMs, impacts to archaeological, paleontological, and historic resources would be less than significant. |
| **Circulation** | **Policy T-P-23** | Require that all new developments provide right-of-way, which may be dedicated or purchased, and improvements (including necessary grading, installation of curbs, gutters, sidewalks, parkway/landscape strips, bike, and parking lanes) other City street design | **Consistent:** As discussed in Chapter 2, Project Description, the proposed project would involve the dedication of easements (and related improvements) along the east side of Kelsey Street, west side of Shirk Street, and Clancy Street to the City after construction of the road improvements to be completed pursuant to all |

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| | | standards. Design standards will be updated following General Plan adoption. | applicable design standards and requirements as part of the proposed project, consisting of sidewalk improvements, curb and gutter, and signing and striping. |
| | **Policy T-P-24** | Require that proposed developments make necessary off-site improvements if the location and traffic generation of a proposed development will result in congestion on major streets or failure to meet LOS D during peak periods or if it creates safety hazards. | **Consistent:** As discussed in Section 3.14, Transportation, the proposed project would not result in congestion on major streets or failure to meet LOS D during peak-hours following recommendations established by the project-specific Transportation Impact Study. The proposed project would construct off-site street and intersection improvements to improve existing safety hazards and reduce congestion. |
| **Parks, Schools, Community Facilities, and Utilities** | **Policy PSCU-P-2** | Strive to achieve and maintain a citywide standard of at least five acres of neighborhood and community parks per 1,000 residents. Credits for pocket parks can be granted under the Park Acquisition and Development Fee Program, subject to the design review criteria of Policy PSCU-P-8. These credits may be on a less than 1:1 basis. | **Consistent:** The proposed project does not trigger any requirements associated with the provision of parkland since it only involves nonresidential uses. Related thereto, because the proposed project would not include residential units, it would not directly result in the creation of additional park demand that would result in a significant increase in population or existing park use and would therefore not affect the City's park standard. See Section 3.13, Public Services, for additional information in this regard. |
| | **Policy PSCU-P-9** | Continue to implement a Park Acquisition and Development Fee Program updated to be consistent with this General Plan, including the following:<br>• Land and fees received shall support a standard of five acres of neighborhood and community parks per | **Consistent:** The proposed project does not trigger any requirements associated with the provision of parkland (or payment of fees in lieu thereof) since it only involves nonresidential uses. See Section 3.13, Public Services, for additional information in this regard. |

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| | | 1,000 residents and provide park and recreation facilities serving the neighborhood quadrant in which the contributing development occurs.<br>• A portion of the fees collected are to be used for community-wide recreation facilities.<br>• Dedicated park land meeting specified criteria for community parks, neighborhood parks and pocket parks may be provided at the City's discretion, in lieu of fees, or earn fee credits (the City will not accept undevelopable, unusable land).<br>• Fee credits may also be given for storm drainage basins designed and built for dual recreational use, but these credits may be on a less than 1:1 basis depending on the amenities and facilities provided and their availability throughout the year. | |
| | **Policy PSCU-P-59** | Implement public facility master plans through various funding mechanisms including assessment districts, user fees,<br>development impact fees, reimbursement agreements and/or other mechanisms<br>which provide for equitable distribution of development costs. | **Consistent.** The proposed project would be required to pay its fair share of development impact fees, as discussed in Section 3.13, Public Services. |
| **Safety and Noise** | **Objective S-O-1** | Minimize risks of property damage and personal injury | **Consistent:** As discussed in Section 3.7, Geology and Soils, the proposed project would |

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| | | posed by geologic and seismic hazards. | implement MM GEO-1 through MM GEO-6b, which would reduce potential impacts from seismic and geologic hazards to a level of less than significant. |
| | **Objective S-O-3** | Protect soils, surface water, and groundwater from contamination from hazardous materials. | **Consistent:** As discussed in detail in Section 3.10, Hydrology and Water Quality, the proposed project would be required to adhere to all applicable laws, regulations, standards, and requirements, including, among others, preparation and implementation of a SWPPP and stormwater facilities, which would serve to protect soils, surface water, and groundwater from contamination from hazardous materials. See also Section 3.7, Geology and Soils, including discussion of Impact GEO-2, as well as Section 3.9, Hazards and Hazardous Materials, of this Draft EIR. |
| | **Policy S-P-15** | Require remediation and cleanup of sites contaminated with hazardous substances. | **Consistent:** As discussed in Section 3.9, Hazards and Hazardous Materials, MM HAZ-1 would require remediation of any identified hazardous materials (including, among others, the potential for removal and disposal) would be required to be performed in accordance with all applicable laws and regulations and conducted by a permitted and licensed contractor. The foregoing would serve to ensure any required remediation occurs consistent with this objective. |
| | **Policy S-P-17** | Ensure that all specified hazardous facilities conform to the Tulare County Hazardous Materials Business Plan. | **Consistent:** As discussed in detail in Section 3.9, Hazards and Hazardous Materials, the proposed project would be required to comply with all applicable laws and regulations including preparation and implementation of the Tulare |

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| | | | County Hazardous Materials Business Plan as applicable, prior to obtaining a permit to operate the proposed gas station from the Tulare County Environmental Health Division. |
| | **Policy S-P-18** | Coordinate enforcement of the Hazardous Material Disclosure Law and the implementation of the Hazardous Material Emergency Response Plan with the Tulare County Health and Human Service Agency. | **Consistent:** As discussed in detail in Section 3.9, Hazards and Hazardous Materials, the proposed project would be required to comply with all applicable laws and regulations including the implementation of relevant provisions of the Hazardous Material Disclosure Law and the Hazardous Material Emergency Response Plan in coordination with the Tulare County Health and Human Service Agency, as necessary. |
| | **Policy S-P-19** | Coordinate with the Tulare County Environmental Health Division and other appropriate regulatory agencies during the review process of all proposals for the use of hazardous materials or those involving properties that may have toxic contamination, such as petroleum hydrocarbons, CAM 17 metals, asbestos, and lead. | **Consistent:** As discussed in detail in Section 3.9, Hazards and Hazardous Materials, the proposed project would be required to adhere to all applicable laws and regulations as well as being required to implement MM HAZ-1, which includes implementation of and coordination with the Tulare County Environmental Health Division prior to the issuance of grading permits. |
| | **Policy S-P-20** | Require applicants of projects in areas of known or suspected hazardous materials occurrences such as petroleum hydrocarbon contamination, CAM 17 metals, USTs, location of asbestos rocks and other such contamination to perform comprehensive soil and groundwater contamination assessments in accordance with regulatory agency testing standards, and if | **Consistent:** As discussed in detail in Section 3.9, Hazards and Hazardous Materials, the project site does not contain hazardous materials occurrences such as petroleum hydrocarbon contamination, CAM 17 metals, USTs, location of asbestos rocks. However, due to the historic and current agricultural uses, the proposed project would incorporate MM HAZ-1, which would require residual soil remediation, if required. Furthermore, if hazardous |

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| | | contamination exceeds regulatory action levels, require the project applicant to undertake remediation procedures prior to grading and development under the supervision of appropriate agencies, such as Tulare County Department of Environmental Health, Department of Toxic Substances Control, or Regional Water Quality Control Board. | contaminants related to the former agricultural use of the site (such as lead or arsenic) were to be found, a construction worker health and safety plan shall be prepared and shall be implemented during construction. The proposed project would also be required to adhere to all other laws, regulations, requirements, and standards with respect to the appropriate identification and remediation of any contamination, in coordination with the relevant regulatory agencies. |
| | **Policy S-P-21** | Develop a community wildfire mitigation plan that identifies and prioritizes areas for hazard fuel reduction treatments, and recommend the types of methods of treatments. | **Consistent:** This objective does not apply to individual projects but is rather a broader City directive. However, as discussed in Section 3.16, Wildfire, the project site is not in a fire-prone area and does not have previous fire damage or post-fire drainage pattern changes and would have less than significant impacts with respect to wildfire. Moreover, the proposed project would be required to comply with all applicable laws, regulations, standards, and requirements, which would serve to further reduce risks associated with wildfire, including, among others, adherence to any required fuel reduction treatments and other applicable provisions of the Tulare Unit Strategic Fire Plan. |
| | **Policy S-P-22** | Manage vegetation in areas within and adjacent to public rights-of-way and in close proximity to critical facilities in order to reduce the risk of tree failure and property damage and avoid creation of wind acceleration | **Consistent:** As discussed in Section 3.16, Wildfire, the project site is not in a fire-prone area and does not have previous fire damage or post-fire drainage pattern changes and would have less than significant impacts with respect to wildfire. Moreover, the proposed project |

| Element | Goal/Objective/Policy | | Consistency Determination |
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| | | corridors within vegetated areas. | would be required to comply with all applicable laws, regulations, standards, and requirements, including those set forth in the California Public Resources Code Sections 4291–4299, *et seq*., which require that brush, flammable vegetation, or combustible growth within 100 feet of buildings be maintained. |
| | **Policy S-P-24** | Continue to bolt down the roofs of critical facilities in wind gust hazard areas in order to prevent wind damage. | **Consistent:** As discussed in Section 3.16, Wildfire, the proposed project has an average wind speed of 6.9 miles per hour (mph) and an annual maximum of 12 mph and is not in a wind hazard area. The proposed project also does not involve any "critical facilities" subject to this objective; in addition, the project site is not in a fire-prone area and does not have previous fire damage or post-fire drainage pattern changes and would have less than significant impacts with respect to wildfire. |
| | **Policy S-P-27** | Implement a fuel modification program, which also includes residential maintenance requirements and enforcement, plan submittal and approval process, guidelines for planting, and a listing of undesirable plant species. Require builders and developers to submit their plans, complete with proposed fuel modification zones, to the Fire Department for review and approval prior to beginning construction. | **Consistent:** As discussed in Section 3.17, Wildfire, the proposed project is located within a Local Responsibility Area (LRA) but is not located within a high fire hazard severity zone. The proposed project plans would be subject to the Fire Department's review and approval prior to construction and would be required to adhere to all applicable laws, regulations, standards, and requirements including, among others, those related to fuel modification. |
| | **Policy S-P-28** | Assist in solving the incendiary problem by improving law enforcement and investigation equipment, adapting equipment | **Consistent:** This objective does not apply to individual projects but is rather a broader City directive. However, the proposed project would be |

| Element | Goal/Objective/Policy | | Consistency Determination |
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| | | available in other fields; and purchasing new equipment where needed. Implement "no burn" programs, particularly in areas outside of immediate response zones of fire stations. | required to pay applicable review and development impact fees toward fire protection and police protection facilities and apparatus, which would facilitate the ability of Visalia Fire Department (VFD) and Visalia Police Department (VPD) to implement programs related to this policy. See Section 3.13, Public Services, for additional information in this regard. |
| | **Policy S-P-29** | Ensure availability of adequate water supplies to meet public health and safety needs, and for resource protection, by maintaining the following order of priority for water use:<br>• Potable water supply, fire protection, and domestic use<br>• Resource protection and preservation<br>• Industrial, irrigation and commercial uses<br>• Water-oriented recreation<br>• Air conditioning. | **Consistent:** This objective does not apply to individual projects but is rather a broader City directive. However, as discussed in Section 3.15, Utilities and Service Systems, the proposed project would not result in inadequate water supplies under normal, single-dry and multiple-dry years; the proposed project would also be required to adhere to all applicable laws, regulations, standards and requirements with respect to the inclusion of water conservation measures, which would further reduce water demand. |
| | **Policy S-P-30** | Integrate the Tulare County Hazard Mitigation Plan, in particular the hazard analysis and mitigation strategy sections, into the development review process, the emergency operations plan, and capital improvement program, as appropriate. | **Consistent:** This objective does not apply to individual projects but is rather a broader City directive. As discussed in Section 3.9, Hazards and Hazardous Materials, the proposed project would be required to adhere to all applicable laws, regulations, requirements, and standards including relevant provisions of the Tulare County Hazard Mitigation Plan, as applicable. |
| | **Objective S-O-6** | Provide comprehensive emergency response and evacuation routes for Visalia area residents. | **Consistent:** This objective does not apply to individual projects but is rather a broader City directive. As discussed in detail in Section 3.16, Wildfire, Section 3.9, Hazards and Hazardous |

| Element | Goal/Objective/Policy | | Consistency Determination |
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| | | | Materials, and Section 3.13, Public Services, the proposed project would not impair emergency response and evacuation routes. The City does not currently have any established evacuation routes; however, the General Plan designates SR-198, SR-99, and SR-63 as evacuation routes consistent with the Tulare County Evacuation Plan.[16] Main arterial roads that are in the vicinity and readily accessible, which could reasonably be assumed to serve as emergency evacuation routes in the project vicinity. The proposed project's primary access roads (Kelsey Street, Clancy Street, Shirk Street, and Riggin Avenue) allow adequate egress/ingress to the project site in the event of an emergency. Additionally, the City participates in Alert TC, the County's public mass notification system, designed to keep those who live or work in Tulare County informed of important information during emergency events. |

*Municipal Code Consistency*

**Zoning Ordinance**

As part of the land use entitlements for the proposed project, the applicant is seeking pre-zoning approval from the City to change the project site to Industrial and Light Industrial. In connection therewith, the proposed project includes annexation to the City. Upon completion of the annexation process to the City, the project site would be zoned Industrial and Light Industrial. The proposed industrial and flex industrial uses with parking and loading areas and related improvements along with compatible commercial uses consisting of self-storage/RV facilities, a gas station, a convenience store, a car wash, and two drive-through restaurants car, and related on- and off-site improvements would be consistent with this zoning, either treated as permitted uses by right or via the issuance of conditional use permit(s).

[16] City of Visalia. 2014. Visalia General Plan Chapter 8: Safety and Noise.

Development of the proposed project would be required to adhere to all applicable development standards and design guidelines set forth in the Zoning Ordinance Section 17.22.060 Development Standards in the I-L and I Zones, including, among others, those related to height, setbacks, intensity (FAR), lighting and landscaping.

Furthermore, development of the proposed project would comply with all relevant portions of the Municipal Code, including Chapter 12.24, Oak Tree Preservation. The proposed project would also comply with the City's ATP, which sets standards, goals, and design recommendations for the development of bike paths and pedestrian networks in the City.

### *Mitigation Measures*

No mitigation measures are required.

### *Level of Significance*

Less than significant impact.

## 3.11.7 - Cumulative Impacts

The geographic scope of this cumulative analysis is the City and its SOI. The cumulative setting includes past, present and reasonably foreseeable probable future developments within the City and its SOI.

Development within the City is governed primarily by the General Plan and Municipal Code. These guiding regulations and planning documents set forth the land use vision for the community, facilitate logical and orderly development, and ensure consistency with the General Plan as required under State Planning and Zoning laws. All cumulative developments would be required to be consistent with and conform to these planning documents and all other governing regulations, with this consistency determination typically confirmed as part of the land use entitlement/permitting process. For cumulative projects that are within the City's SOI and would be annexed into the City, these would be required to demonstrate consistency with applicable provisions of the applicable laws and regulations under LAFCo law as well as the local Tulare County LAFCo Policies and Procedures. In addition, none of the cumulative projects involves the construction of a linear feature, such as an interstate highway, railroad tracks, or the removal of a means of access that would impact mobility within an existing community and an outlying area.

For the foregoing reasons, there would not be a significant cumulative impact related to division of an established community or conflict with a land use plan, policy, or regulation adopted for the purpose of avoiding or mitigating an environmental effect.

Moreover, as discussed above, the proposed project would have less than significant land use impacts on an individual level and would not make a cumulatively considerable contribution to this less than significant cumulative land use impact because the proposed project would be consistent with the City's long-range land use vision and goals. Moreover, the proposed project would help to implement numerous General Plan policies, objectives, and goals and would be required to adhere to applicable federal, State, and local laws and regulations as discussed throughout this Draft EIR.

Accordingly, the proposed project would not make a cumulatively considerable contribution to this already less than significant cumulative impact.

Therefore, the proposed project in conjunction with other past, present, and reasonably foreseeable probable future projects would not result in a cumulatively significant impact related to land use.

### *Mitigation Measures*

No mitigation measures are required.

### *Level of Cumulative Significance*

Less than significant impact.

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# 3.12 - Noise

## 3.12.1 - Introduction

This section describes the existing noise setting and potential effects from project implementation on the site and its surrounding area. Descriptions and analysis in this section are based on noise modeling, included in this Draft EIR as Appendix H. No public comments were received during the EIR scoping period related to noise.

## Environmental Setting

### Noise Fundamentals

#### *Characteristics of Noise*

Noise is generally defined as unwanted or objectionable sound. Sound becomes unwanted when it interferes with normal activities, when it causes actual physical harm or when it has adverse effects on health. The effects of noise on people can include general annoyance, interference with speech communication, sleep disturbance, and in the extreme, hearing impairment. Noise effects can be caused by pitch or loudness. *Pitch* is the number of complete vibrations or cycles per second of a wave that result in the range of tone from high to low; higher-pitched sounds are louder to humans than lower-pitched sounds. *Loudness* is the intensity or amplitude of sound.

Sound is produced by the vibration of sound pressure waves in the air. Sound pressure levels are used to measure the intensity of sound and are described in terms of decibels. The decibel (dB) is a logarithmic unit, which expresses the ratio of the sound pressure level being measured to a standard reference level. The 0 point on the dB scale is based on the lowest sound level that the healthy, unimpaired human ear can detect. Changes of 3 dB or less are only perceptible in laboratory environments. Audible increases in noise levels generally refer to a change of 3 dB or more, as this level has been found to be barely perceptible to the human ear in outdoor environments. Only audible changes in existing ambient or background noise levels are considered potentially significant.

The human ear is not equally sensitive to all frequencies within the audible sound spectrum, so sound pressure level measurements can be weighted to better represent frequency-based sensitivity of average healthy human hearing. One such specific “filtering” of sound is called “A-weighting.” A-weighted decibels (dBA) approximate the subjective response of the human ear to a broad frequency noise source by discriminating against very low and very high frequencies of the audible spectrum. They are adjusted to reflect only those frequencies that are audible to the human ear. Because decibels are logarithmic units, they cannot be added or subtracted by ordinary arithmetic means. For example, if one noise source produces a noise level of 70 dB, the addition of another noise source with the same noise level would not produce 140 dB; rather, they would combine to produce a noise level of 73 dB.

#### *Noise Descriptors*

There are many ways to rate noise for various intervals, but an appropriate rating of ambient noise affecting humans also accounts for the annoying effects of sound. Equivalent continuous sound level ($L_{eq}$) is the total sound energy of time-varying noise over a sample period. However, the predominant

rating scales for human communities in the State of California are the $L_{eq}$ and Community Noise Equivalent Level (CNEL) or the day-night average level ($L_{dn}$) based on dBA. CNEL is the time-varying noise over a 24-hour period, with a 5 dBA weighting factor applied to the hourly $L_{eq}$ for noises occurring from 7:00 p.m. to 10:00 p.m. (defined as relaxation hours) and a 10 dBA weighting factor applied to noise occurring from 10:00 p.m. to 7:00 a.m. (defined as sleeping hours). $L_{dn}$ is similar to the CNEL scale but without the adjustment for events occurring during the evening hours. CNEL and $L_{dn}$ are within one dBA of each other and are normally exchangeable. The noise adjustments are added to the noise events occurring during the more sensitive hours.

Other noise rating scales of importance when assessing the annoyance factor include the maximum noise level ($L_{max}$), which is the highest exponential time-averaged sound level that occurs during a stated time period. The noise environments discussed in this analysis are specified in terms of maximum levels denoted by $L_{max}$ for short-term noise impacts. $L_{max}$ reflects peak operating conditions and addresses the annoying aspects of intermittent noise.

### *Noise Propagation*

From the noise source to the receiver, noise changes both in level and frequency spectrum. The most obvious is the decrease in noise as the distance from the source increases. The manner in which noise reduces with distance depends on whether the source is a point or line source, as well as ground absorption, atmospheric conditions (wind, temperature gradients, and humidity) and refraction, and shielding by natural and manmade features. Sound from point sources, such as an air conditioning condenser, a piece of construction equipment, or an idling truck, radiates uniformly outward as it travels away from the source in a spherical pattern.

The attenuation or sound drop-off rate is dependent on the conditions of the land between the noise source and receiver. To account for this ground-effect attenuation (absorption), two types of site conditions are commonly used in noise models: soft-site and hard-site conditions. Soft-site conditions account for the sound propagation loss over natural surfaces such as normal earth and ground vegetation. For point sources, a drop-off rate of 7.5 dBA per each doubling of the distance (dBA/DD) is typically observed over soft ground with landscaping, as compared with a 6 dBA/DD drop-off rate over hard ground such as asphalt, concrete, stone and very hard packed earth. For line sources, such as traffic noise on a roadway, a 4.5 dBA/DD is typically observed for soft-site conditions compared to the 3 dBA/DD drop-off rate for hard-site conditions. Table 3.12-1 briefly defines these measurement descriptors and other sound terminology used in this section.

**Table 3.12-1: Sound Terminology**

| Term | Definition |
|---|---|
| Sound | A vibratory disturbance created by a vibrating object which, when transmitted by pressure waves through a medium such as air, can be detected by a receiving mechanism such as the human ear or a microphone. |
| Noise | Sound that is loud, unpleasant, unexpected, or otherwise undesirable. |

| Term | Definition |
|---|---|
| Ambient Noise | The composite of noise from all sources near and far in a given environment. |
| Decibel (dB) | A unitless measure of sound on a logarithmic scale, which represents the squared ratio of sound pressure amplitude to a reference sound pressure. The reference pressure is 20 micropascals, representing the threshold of human hearing (0 dB). |
| A-Weighted Decibel (dBA) | An overall frequency-weighted sound level that approximates the frequency response of the human ear. |
| Equivalent Noise Level ($L_{eq}$) | The average sound energy occurring over a specified time period. In effect, $L_{eq}$ is the steady-state sound level that in a stated period would contain the same acoustical energy as the time-varying sound that actually occurs during the same period. |
| Maximum and Minimum Noise Levels ($L_{max}$ and $L_{min}$) | The maximum or minimum instantaneous sound level measured during a measurement period. |
| Day-Night Level (DNL or $L_{dn}$) | The energy average of the A-weighted sound levels occurring during a 24-hour period, with 10 dB added to the A-weighted sound levels occurring between 10 p.m. and 7 a.m. (nighttime). |
| Community Noise Equivalent Level (CNEL) | The energy average of the A-weighted sound levels occurring during a 24-hour period, with 5 dB added to the A-weighted sound levels occurring between 7 p.m. and 10 p.m. and 10 dB added to the A-weighted sound levels occurring between 10 p.m. and 7 a.m. |
| Statistical Descriptor ($L_X$) | $L_X$ is used to represent the noise level exceeded X percent of a specified time period. For example, $L_{90}$ represents the noise level that is exceeded 90 percent of a specified time period. $L_{90}$ is commonly used to represent ambient or background steady-state noise levels. |
| Source: Data compiled by FirstCarbon Solutions (FCS) 2023. | |

### *Traffic Noise*

The level of traffic noise depends on the three primary factors: (1) the volume of the traffic, (2) the speed of the traffic, and (3) the number of trucks in the flow of traffic. Generally, the loudness of traffic noise is increased by heavier traffic volumes, higher speeds, and greater number of trucks. Vehicle noise is a combination of the noise produced by the engine, exhaust, and tires. Because of the logarithmic nature of noise levels, a doubling of the traffic volume (assuming that the speed and truck mix do not change) results in a noise level increase of 3 dBA. Based on the Federal Highway Administration (FHWA) community noise assessment criteria, this change is “barely perceptible”; for reference, a doubling of perceived noise levels would require an increase of approximately 10 dBA. The truck mix on a given

roadway also has an effect on community noise levels. As the number of heavy trucks increases and becomes a larger percentage of the vehicle mix, adjacent noise levels increase.

### *Stationary Noise*

A stationary noise producer is any entity in a fixed location that emits noise. Examples of stationary noise sources include machinery, engines, energy production, and other mechanical or powered equipment and activities such as loading and unloading or public assembly that may occur at commercial, industrial, manufacturing, or institutional facilities. Furthermore, while noise generated by the use of motor vehicles over public roads is preempted from local regulation, although the use of these vehicles is considered a stationary noise source when operated on private property such as at a construction site, a truck terminal, or warehousing facility. The emitted noise from the producer can be mitigated to acceptable levels either at the source or on the adjacent property through the use of proper planning, setbacks, block walls, acoustic-rated windows, dense landscaping, or by changing the location of the noise producer.

The effects of stationary noise depend on factors such as characteristics of the equipment and operations, distance and pathway between the generator and receptor, and weather. Stationary noise sources may be regulated at the point of manufacture (e.g., equipment or engines), with limitations on the hours of operation, or with provision of intervening structures, barriers or topography.

Construction activities are a common source of stationary noise. Construction-period noise levels are higher than background ambient noise levels but eventually cease once construction is complete. Construction is performed in discrete steps, each of which has its own mix of equipment and, consequently, its own noise characteristics. These various sequential phases would change the character of the noise generated on each construction site and, therefore, would change the noise levels as construction progresses. Despite the variety in the type and size of construction equipment, similarities in the dominant noise sources and patterns of operation allow construction-related noise ranges to be categorized by work phase. Table 3.12-2 shows typical noise levels of construction equipment as measured at a distance of 50 feet from the operating equipment.

**Table 3.12-2: Typical Construction Equipment Maximum Noise Levels**

| Type of Equipment | Impact Device? (Yes/No) | Specification Maximum Sound Levels for Analysis (dBA at 50 feet) |
|---|---|---|
| Impact Pile Driver | Yes | 95 |
| Auger Drill Rig | No | 85 |
| Vibratory Pile Driver | No | 95 |
| Jackhammers | Yes | 85 |
| Pneumatic Tools | No | 85 |
| Pumps | No | 77 |
| Scrapers | No | 85 |
| Cranes | No | 85 |
| Portable Generators | No | 82 |
| Rollers | No | 85 |

| Type of Equipment | Impact Device? (Yes/No) | Specification Maximum Sound Levels for Analysis (dBA at 50 feet) |
|---|---|---|
| Bulldozers | No | 85 |
| Tractors | No | 84 |
| Front-End Loaders | No | 80 |
| Backhoe | No | 80 |
| Excavators | No | 85 |
| Graders | No | 85 |
| Air Compressors | No | 80 |
| Dump Truck | No | 84 |
| Concrete Mixer Truck | No | 85 |
| Pickup Truck | No | 55 |

Notes:
dBA = A-weighted decibel
Source: Federal Highway Administration (FHWA) 2006. Highway Construction Noise Handbook, August.

### *Noise from Multiple Sources*

Because sound pressure levels in decibels are based on a logarithmic scale, they cannot be added or subtracted in the usual arithmetical way. Therefore, sound pressure levels in decibels are logarithmically added on an energy summation basis. In other words, adding a new noise source to an existing noise source, both producing noise at the same level, will not double the noise level. Instead, if the difference between two noise sources is 10 dBA or more, the louder noise source will dominate, and the resultant noise level will be equal to the noise level of the louder source. In general, if the difference between two noise sources is 0–1 dBA, the resultant noise level will be 3 dBA higher than the louder noise source, or both sources if they are equal. If the difference between two noise sources is 2–3 dBA, the resultant noise level will be 2 dBA above the louder noise source. If the difference between two noise sources is 4–10 dBA, the resultant noise level will be 1 dBA higher than the louder noise source.

## Characteristics of Vibration

Groundborne vibration consists of rapidly fluctuating motion through a solid medium, specifically the ground, which has an average motion of zero and in which the motion's amplitude can be described in terms of displacement, velocity, or acceleration. The effect of groundborne vibration typically only causes a nuisance to people, but in extreme cases, excessive groundborne vibration has the potential to cause structural damage to buildings. Although groundborne vibration can be felt outdoors, it is typically only an annoyance to people indoors where the associated effects of the shaking of a building can be notable. Groundborne noise is an effect of groundborne vibration and only exists indoors, since it is produced from noise radiated from the motion of the walls and floors of a room and may also consist of the rattling of windows or dishes on shelves.

Several different methods are used to quantify vibration amplitude such as the maximum instantaneous peak in the vibrations velocity, which is known as the peak particle velocity (PPV) or

the root mean square (rms) amplitude of the vibration velocity. Because of the typically small amplitudes of vibrations, vibration velocity is often expressed in decibels—denoted as LV—and is based on the reference quantity of 1 microinch per second. To distinguish vibration levels from noise levels, the unit is written as "VdB."

Although groundborne vibration can be felt outdoors, it is typically only an annoyance to people indoors where the associated effects of the shaking of a building can be notable. When assessing annoyance from groundborne vibration, vibration is typically expressed as *rms* velocity in units of decibels of 1 microinch per second, with the unit written in VdB. Typically, developed areas are continuously affected by vibration velocities of 50 VdB or lower. Human perception to vibration starts at levels as low as 67 VdB. Annoyance due to vibration in residential settings starts at approximately 70 VdB.

Off-site sources that may produce perceptible vibrations are usually caused by construction equipment, steel-wheeled trains, and traffic on rough roads, while smooth roads rarely produce perceptible groundborne noise or vibration. Construction activities, such as blasting, pile driving and operating heavy earthmoving equipment, are common sources of groundborne vibration. Construction vibration impacts on building structures are generally assessed in terms of PPV. Typical vibration source levels from construction equipment are shown in Table 3.12-3.[1]

**Table 3.12-3: Vibration Levels of Construction Equipment**

| Construction Equipment | PPV at 25 Feet (inches/second) | rms Velocity in Decibels (VdB) at 25 Feet |
|---|---|---|
| Water Trucks | 0.001 | 57 |
| Scraper | 0.002 | 58 |
| Bulldozer—small | 0.003 | 58 |
| Jackhammer | 0.035 | 79 |
| Concrete Mixer | 0.046 | 81 |
| Concrete Pump | 0.046 | 81 |
| Paver | 0.046 | 81 |
| Pickup Truck | 0.046 | 81 |
| Auger Drill Rig | 0.051 | 82 |
| Backhoe | 0.051 | 82 |
| Crane (Mobile) | 0.051 | 82 |
| Excavator | 0.051 | 82 |
| Grader | 0.051 | 82 |
| Loader | 0.051 | 82 |
| Loaded Trucks | 0.076 | 86 |
| Bulldozer—Large | 0.089 | 87 |

[1] Federal Highway Administration (FHWA). 2006. Highway Construction Noise Handbook. August.

| Construction Equipment | PPV at 25 Feet (inches/second) | rms Velocity in Decibels (VdB) at 25 Feet |
|---|---|---|
| Caisson drilling | 0.089 | 87 |
| Vibratory Roller (small) | 0.101 | 88 |
| Compactor | 0.138 | 90 |
| Clam shovel drop | 0.202 | 94 |
| Vibratory Roller (large) | 0.210 | 94 |
| Pile Driver (impact-typical) | 0.644 | 104 |
| Pile Driver (impact-upper range) | 1.518 | 112 |

Notes:
PPV = peak particle velocity
rms = root mean square
VdB = velocity in decibels
Source: Compilation of scientific and academic literature, generated by Federal Transit Administration (FTA) and Federal Highway Administration (FHWA).

The propagation of groundborne vibration is not as simple to model as airborne noise. This is because noise in the air travels through a relatively uniform medium, while groundborne vibrations travel through the earth, which may contain significant geological differences. Factors that influence groundborne vibration include:

- **Vibration source:** Type of activity or equipment, such as impact or mobile, and depth of vibration source;
- **Vibration path:** Soil type, rock layers, soil layering, depth to water table, and frost depth; and
- **Vibration receiver:** Foundation type, building construction, and acoustical absorption.

Among these factors that influence groundborne vibration, there are significant differences in the vibration characteristics when the source is underground compared to at the ground surface. In addition, soil conditions are known to have a strong influence on the levels of groundborne vibration. Among the most important factors are the stiffness and internal damping of the soil and the depth to bedrock. Vibration propagation is more efficient in stiff clay soils than in loose sandy soils, and shallow rock seems to concentrate the vibration energy close to the surface, and can result in groundborne vibration problems at large distance from the source. Factors such as layering of the soil and depth to the water table can have significant effects on the propagation of groundborne vibration. Soft, loose, sandy soils tend to attenuate more vibration energy than hard, rocky materials. Vibration propagation through groundwater is more efficient than through sandy soils. There are three main types of vibration propagation: surface, compression, and shear waves. Surface waves, or Rayleigh waves, travel along the ground's surface. These waves carry most of their energy along an expanding circular wave front, similar to ripples produced by throwing a rock into a pool of water. P-waves, or compression waves, are body waves that carry their energy along an expanding spherical wave front. The particle motion in these waves is longitudinal (i.e., in a "push-pull" fashion). P-waves are analogous to airborne sound waves. S-waves, or shear waves, are also body waves that carry

energy along an expanding spherical wave front. However, unlike P-waves, the particle motion is transverse, or side-to-side and perpendicular to the direction of propagation.

As vibration waves propagate from a source, the vibration energy decreases in a logarithmic nature and the vibration levels typically decrease by 6 VdB per doubling of the distance from the vibration source. As stated above, this drop-off rate can vary greatly depending on the soil type, but it has been shown to be effective enough for screening purposes, in order to identify potential vibration impacts that may need to be studied through actual field tests. The vibration level (calculated below as "PPV") at a distance from a point source can generally be calculated using the vibration reference equation:

$$PPV = PPV_{ref} * (25/D)^n \text{ (in/sec)}$$

Where:

$PPV_{ref}$ = reference measurement at 25 feet from vibration source
D = distance from equipment to the receptor
n = vibration attenuation rate through ground

According to Chapter 12 of the Federal Transit Administration (FTA) Transit Noise and Vibration Impact Assessment manual, an "n" value of 1.5 is recommended to calculate vibration propagation through typical soil conditions.[2]

## 3.12.2 - Existing Noise Environment

### Project Location

The project site is located in an area developed with industrial warehouse buildings to the west and to the south, residential homes to the southeast, and agricultural land to the east and north. The dominant noise source currently impacting the project site and surrounding area is traffic on adjacent roadways.

### Existing Noise Levels

#### *Traffic Noise*

In addition to reviewing available information about ambient noise levels set out in the City's General Plan, existing peak-hour traffic noise levels were also modeled using the FHWA Traffic Noise Model, Version 2.5 (TNM 2.5). Hourly noise levels were estimated for select roadway segments based on roadway-specific parameters and existing (year 2022) traffic volumes obtained from the traffic analysis prepared for the proposed project .[3] The results are shown below in Table 3.12-4 and they are generally consistent with the noise levels set out in the City's General Plan. Modeling outputs are provided in Appendix H.

[2] Federal Transit Administration (FTA). 2006. Transit Noise and Vibration Impact Assessment. May.
[3] Kimley-Horn. 2023. Transportation Impact Analysis Shirk & Riggin Industrial Park. October.

**Table 3.12-4: Existing Traffic Noise Levels**

| Roadway Segment | Peak-hour | 2022 Existing Noise Level (dBA $L_{eq}$) |
|---|---|---|
| Riggin Avenue, West of Shirk Street | AM | 64.0 |
| | PM | 63.7 |
| Riggin Avenue, East of Shirk Street | AM | 63.6 |
| | PM | 63.3 |
| Shirk Street, South of Riggin Avenue | AM | 62.9 |
| | PM | 62.7 |
| Shirk Street, North of Riggin Avenue | AM | 58.5 |
| | PM | 57.7 |
| Riggin Avenue, West of Akers Street | AM | 66.1 |
| | PM | 65.1 |
| Riggin Avenue, East of Akers Street | AM | 66.3 |
| | PM | 67.6 |
| Akers Street, North of Riggin Avenue | AM | 63.3 |
| | PM | 67.2 |
| Akers Street, South of Riggin Avenue | AM | 66.5 |
| | PM | 65.2 |

Notes:
dBA = A-weighted decibel
$L_{eq}$ = equivalent sound level
[1] Modeling results do not take into account mitigating features such as topography, vegetative screening, fencing, building design, or structure screening. Rather, it assumes a worst-case of having a direct line of sight on flat terrain.
Source: FirstCarbon Solutions (FCS) 2023.

### *Existing Stationary Noise Levels*

There are no existing stationary sources of noise on the project site.

## Noise-Sensitive Land Uses

Noise-sensitive land uses generally consist of those uses where exposure to noise would result in adverse effects, as well as uses for which quiet is an essential element of their intended purpose. Residential dwellings are of primary concern, because of the potential for increased and prolonged exposure of individuals to both interior and exterior noise levels. Other typical noise-sensitive land uses include hospitals, convalescent facilities, hotels, religious institutions, libraries, and other uses where low noise levels are essential.

The closest noise-sensitive land uses near the project site would be single-family residences located approximately 150 feet to the southeast across West Riggin Avenue and North Shirk Street intersection.

## 3.12.3 - Regulatory Framework

### Federal

#### *Noise Control Act*

The adverse impact of noise was officially recognized by the federal government in the Noise Control Act of 1972, which serves three purposes:

- Promulgating noise emission standards for interstate commerce
- Assisting State and local abatement efforts
- Promoting noise education and research

The Federal Office of Noise Abatement and Control (ONAC) was initially tasked with implementing the Noise Control Act. However, the ONAC has since been eliminated, leaving the development of federal noise policies and programs to other federal agencies and interagency committees.

Among the agencies now regulating noise are the Occupational Safety and Health Administration (OSHA), which limits noise exposure of workers to 90 dB $L_{eq}$ or less for 8 continuous hours or 105 dB $L_{eq}$ or less for 1 continuous hour; the United States Department of Transportation (USDOT), which assumed a significant role in noise control through its various operating agencies; and the Federal Aviation Administration (FAA), which regulates noise of aircraft and airports. Surface transportation system noise is regulated by a host of agencies, including the FTA. Transit noise is regulated by the federal Urban Mass Transit Administration, while freeways that are part of the interstate highway system are regulated by the FHWA. Finally, the federal government actively advocates that local jurisdictions use their land use regulatory authority to arrange new development in such a way that "noise-sensitive" uses are either prohibited from being sited adjacent to a highway, or alternatively, that developments are planned and constructed in such a manner that minimize potential noise impacts.

Since the federal government has preempted the setting of standards for noise levels that can be emitted by transportation sources, local jurisdictions are limited to regulating the noise generated by the transportation system through nuisance abatement ordinances and land use planning.

### Occupational Safety and Health Administration, Occupational Noise Exposure

Occupational Safety and Health Administration (OHSA), *Occupational Noise Exposure; Hearing Conservation* Amendment (Federal Register 48 [46], 9738–9785, 1983) stipulates that protection against the effects of noise exposure shall be provided for employees when sound levels exceed 90 dBA over an 8-hour exposure period. Protection shall consist of feasible administrative or engineering controls. If such controls fail to reduce sound levels to within acceptable levels, personal protective equipment shall be provided and used to reduce exposure of the employee. Additionally, a Hearing Conservation Program must be instituted by the employers whenever employee noise exposure equals or exceeds the action level of an 8-hour time-weighted average sound level of 85 dBA $L_{eq(8)}$. The Hearing Conservation Program requirements consist of periodic area and personal noise monitoring, performance and evaluation of audiograms, provision of hearing protection, annual employee training, and record keeping.

### *Federal Transit Administration Standards and Guidelines*

FTA has established industry accepted standards for vibration impact criteria and impact assessment. These guidelines are published in its Transit Noise and Vibration Impact Assessment document (FTA 2006). The FTA guidelines include thresholds for construction vibration impacts for various structural categories as shown in Table 3.12-5.

**Table 3.12-5: Federal Transit Administration Construction Vibration Impact Criteria**

| Building Category | PPV (in/sec) | Approximate VdB |
|---|---|---|
| I. Reinforced-Concrete, Steel or Timber (no plaster) | 0.5 | 102 |
| II. Engineered Concrete and Masonry (no plaster) | 0.3 | 98 |
| III. Non-engineered Timber and Masonry Buildings | 0.2 | 94 |
| IV. Buildings Extremely Susceptible to Vibration Damage | 0.12 | 90 |

Notes:
PPV = peak particle velocity
VdB = velocity in decibels
Source: Federal Aviation Administration (FAA) 2006. Transit Noise and Vibration Impact Assessment.

The FTA has also established construction noise criteria for residential land uses. They are 80 dBA $L_{eq}$ during daytime hours and 70 dBA $L_{eq}$ during nighttime hours. Over 30-day periods of construction, the criteria is a 75 dBA $L_{dn}$ average.

## State

### *California General Plan Guidelines*

Established in 1973, the California Department of Health Services Office of Noise Control was instrumental in developing regularity tools to control and abate noise for use by local agencies. One significant model is the "Land Use Compatibility for Community Noise Environments Matrix," which allows the local jurisdiction to delineate compatibility of sensitive uses with various incremental levels of noise.[4]

Government Code Section 65302 mandates that the legislative body of each county and city in California adopt a noise element as part of its comprehensive general plan. The local noise element must recognize the land use compatibility guidelines published by the State Department of Health Services. The guidelines rank noise/land use compatibility in terms of normally acceptable, conditionally acceptable, normally unacceptable, and clearly unacceptable. The project is also subject to review under the State of California Environmental Quality Act (CEQA). Appendix G of the CEQA Guidelines provides impact thresholds for potential noise and vibration impacts. The City of Santa Rosa had developed its own CEQA thresholds, which are listed in the Thresholds of Significance section below.

[4] California Department of Health Services Office of Noise Control, "Land Use Compatibility for Community Noise Environments Matrix," 1976.

### *California Building Standards Code*

The State of California has established noise insulation standards for new hotels, motels, apartment houses, and dwellings (other than single-family detached housing). These requirements are provided in the 2016 California Building Standards Code (CBC) (California Code of Regulations [CCR] Title 24).[5] As provided in the CBC, the noise insulation standards set forth an interior standard of 45 dBA CNEL as measured from within the structure's interior. When such structures are located within a 65-dBA CNEL (or greater) exterior noise contour associated with a traffic noise along a roadway, an acoustical analysis is required to ensure that interior levels do not exceed the 45-dBA CNEL threshold.

Title 24 standards are typically enforced by local jurisdictions through the building permit application process.

## Local

The project site is located within the City of Visalia's Sphere of Influence (SOI), in Tulare County, California. The City is the relevant land use agency since the project site would be annexed into the City of Visalia prior to commencement of any construction activities, and therefore the City's noise standards would apply. The City of Visalia addresses noise in its adopted General Plan and its Municipal Code.[6]

It should be noted that the General Plan points to the Tulare County Comprehensive Airport Land Use Plan for noise/land use guidance concerning the Visalia Municipal Airport.

### *City of Visalia General Plan*

The City of Visalia establishes land use compatibility standards and noise policies in the Safety and Noise Chapter of the City's General Plan.[7] Objectives and policies most relevant to this analysis consist of the following:

*Safety and Noise Chapter*

**Objectives**

**N-O-1** Strive to achieve an acceptable noise environment for present and future residents of Visalia.

**N-O-2** Protect the City's economic base by preventing the encroachment of incompatible land uses near known noise-producing industries, railroads, airports and other sources.

**N-O-3** Protect noise-sensitive land uses such as schools, hospitals, and senior care facilities from encroachment of and exposure to excessive levels of noise.

[5] California Building Standards Commission. 2017. California Building Standards Code (CCR Title 24), January 1.
[6] City of Visalia, 2021. City of Visalia, California, Municipal Code.
[7] City of Visalia, 2014. Visalia General Plan Update. October 14.

**Policies**

**N-P-2** Promote the use of noise attenuation measures to improve the acoustic environment inside residences where existing single-family residential development is located in a noise-impacted environment such as along an arterial street or adjacent to a noise-producing use.

**N-P-3** Establish performance standards for noise reduction for new housing that may be exposed to community noise levels above 65 dB DNL/CNEL, as shown on the Noise Contour Maps, based on the target acceptable noise levels for outdoor activity levels and interior spaces in Tables 8-2 and 8-3. Noise mitigation measures that may be considered to achieve these noise level targets include but are not limited to the following:

- Construct façades with substantial weight and insulation.
- Use sound-rated windows with enhanced noise reduction for primary sleeping and activity areas.
- Use sound-rated doors for all exterior entries at primary sleeping and activity areas.
- Use minimum setbacks and exterior barriers.
- Use acoustic baffling of vents for chimneys, attic, and gable ends.
- Install a mechanical ventilation system that provides fresh air under closed window conditions.
- Alternative acoustical designs that achieve the prescribed noise level standards may be approved, provided that a qualified Acoustical Consultant submits information demonstrating that the alternative designs will achieve and maintain the specific targets for outdoor activity areas and interior spaces.

**N-P-4** Where new development of industrial, commercial or other noise-generating land uses (including roadways, railroads, and airports) may result in noise levels that exceed the noise level exposure criteria established by Tables 8-2 and 8-3, require a noise study to determine impacts, and require developers to mitigate these impacts in conformance with Tables 8-2 and 8-3 as a condition of permit approval through appropriate means. Noise mitigation measures may include but are not limited to:

- Screen and control noise sources, such as parking and loading facilities, outdoor activities, and mechanical equipment.
- Increase setbacks for noise sources from adjacent dwellings.
- Retain fences, walls, and landscaping that serve as noise buffers.
- Use soundproofing materials and double glazed windows.
- Use open space, building orientation and design, landscaping and running water to mask sounds.
- Control hours of operation, including deliveries and trash pickup, to minimize noise impacts.
- Alternative acoustical designs that achieve the prescribed noise level reduction may be approved, provided a qualified Acoustical Consultant submits information demonstrating that the alternative designs will achieve

and maintain the specific targets for outdoor activity areas and interior spaces. As a last resort, developers may propose to construct noise walls along State highways and arterials when compatible with aesthetic concerns and neighborhood character. This would be a developer responsibility, with no City funding.

**N-P-7** Use the land use compatibility zone guidelines contained in the Airport Master Plan or more current information on airport noise to assess noise compatibility of airport operation with proposed land uses.

The City's noise land use compatibility standards are established by Table 8-3 and Table 8-4 of the City's adopted General Plan (shown in Figures 3.12-1 and 3.12-2, respectively, below). Table 8-3 and Table 8-4 do not contain quantitative standards for light industrial land uses (as receivers) such as the proposed project (since light industrial land uses are not considered to be noise-sensitive). The City General Plan's guidance surrounding the siting of industrial uses primarily concerns minimizing the noise impacts of new and existing industrial uses on noise-sensitive uses (e.g., residences, schools, churches, hospitals, etc.), not the effect of noise impacts to industrial uses (i.e., as a receiving use). However, it is worth noting that State's 2017 General Plan Guidelines suggest that noise environments up to 75 dBA CNEL are "normally acceptable" for industrial uses.[8]

**Table 8-3: Transportation Noise Sources**

| *Noise-Sensitive Land Use* | *Outdoor Activity Areas*[1] | | *Interior Spaces* |
|---|---|---|---|
| | *DNL/CNEL*[2]*, dB* | *DNL/CNEL*[2]*, dB* | *$L_{eq}$ dB*[3] |
| Residential | 65 | 45 | --- |
| Transient Lodging | 65 | 45 | --- |
| Hospitals, Nursing Homes | 65 | 45 | --- |
| Theaters, Auditoriums, Music Halls | --- | --- | 35 |
| Churches, Meeting Halls | 65 | --- | 45 |
| Office Buildings | --- | --- | 45 |
| Schools, Libraries, Museums | --- | --- | 45 |

Notes:

(1) Outdoor activity areas generally include backyards of single-family residences and outdoor patios, decks or common recreation areas of multi-family developments.

(2) The CNEL is used for quantification of aircraft noise exposure as required by CAC Title 21.

(3) As determined for a typical worst-case hour during periods of use.

**Figure 3.12-1: Visalia General Plan–Transportation Noise Sources**

[8] Governor's Office of Planning and Research (OPR). 2017. State of California General Plan Guidelines. Figure 2 Appendix D.

| Table 8-4: Stationary Noise Sources[1] | | |
|---|---|---|
| | *Daytime (7:00 a.m. – 10:00 p.m.)* | *Nighttime (10:00 p.m. – 7:00 a.m.)* |
| Hourly Equivalent Sound Level ($L_{eq}$), dBA | 50 | 45 |
| Maximum Sound Level ($L_{max}$), dBA | 70 | 65 |
| (1) As determined at the property line of the receiving noise-sensitive use. | | |

**Figure 3.12-2: Visalia General Plan–Stationary Noise Sources**

### *City of Visalia Municipal Code*

Chapter 8.36 of the Visalia Municipal Code contains a number of regulations that would apply to noise generated by the proposed project's temporary construction activities and long-term operations. Regulations that are relevant to the analysis of the proposed project's potential construction and operational noise impacts are addressed below:

***Section 8.36.040: Exterior Noise Standards–Fixed Noise Sources***

A. It is unlawful for any person at any location within the City to create any noise, or to allow the creation of any noise, on property owned, leased, occupied or otherwise controlled by such person which causes the exterior noise level, when measured at the property line of any affected noise-sensitive land use, to exceed any of the categorical noise level standards as set forth in the following table [table shown in Figure 3]:

| NOISE LEVEL STANDARDS, dBA | | | |
|---|---|---|---|
| Category | Cumulative Number of minutes in any one-hour time period | Evening and Daytime 6 a.m. to 7 p.m. | Nighttime 7 p.m. to 6 a.m. |
| 1 | 30 | 50 | 45 |
| 2 | 15 | 55 | 50 |
| 3 | 5 | 60 | 55 |
| 4 | 1 | 65 | 60 |
| 5 | 0 | 70 | 65 |

**Figure 3.12-3: Section 8.36.040 Exterior Noise Standards for Fixed Noise Sources**

B. In the event the measured ambient noise level without the alleged offensive source in operation exceeds an applicable noise level standard in any category above, the applicable standard or standards shall be adjusted so as to equal the ambient noise level.

C. Each of the noise level standards specified above shall be reduced by five dB for pure tone noises, noises consisting primarily of speech or music, or for recurring impulsive noises.

D. If the intruding noise source is continuous and cannot reasonably be discontinued or stopped for a time period whereby the ambient noise level without the source can be measured, the noise level measured while the source is in operation shall be compared directly to the noise level standards.

The Visalia Municipal Code defines a "fixed noise source" as "a device, machine or combination thereof which creates sound which is affixed or installed on real property, including but not limited to residential, agricultural, industrial and commercial machinery and equipment, pumps, fans, compressors, air conditioners and refrigeration equipment." Based on this definition, the proposed project's construction vehicles would not be considered "fixed noise sources." Thus, Section 8.36.040 standards would not apply to the proposed project's construction vehicle activities.

***Section 8.36.050: Exterior Noise Standards–Mobile Noise Sources Prohibition Against Use***

According to Municipal Code Section 8.36.050, it is unlawful to operate any of the below-listed devices, appliances, equipment or vehicles on public or private property abutting noise-sensitive land uses between the weekday hours of 7:00 p.m. and 6:00 a.m., or between the weekend hours of 7:00 p.m. and 9:00 a.m.

A. Power-assisted leaf blowers, lawn mowers, edgers or other power equipment used for the maintenance of property;

B. Vehicle equipment, which equipment is not expressly regulated by State or federal statute, such as car radios or sound amplification equipment which is audible more than twenty-five (25) feet from the exterior of the vehicle;

C. Construction equipment including jackhammers, portable generators, pneumatic equipment, trenchers, or other such equipment, except for emergency repair purposes as provided in Section 8.36.070.

***8.36.060: Residential Interior Noise Standards***

Municipal Code Section 8.36.060 sets out noise standards based on noise levels experienced within a dwelling unit. Relevant portions of that section are set out below.

A. It is unlawful for any person, at any location within the City, to operate or cause to be operated, any source of sound or to allow the creation of any noise which causes the noise level when measured inside a dwelling unit to exceed any of the categorized noise level standards as set forth in the following table [table shown in Figure 4]:

| NOISE LEVEL STANDARDS, dBA | | | |
|---|---|---|---|
| Category | Cumulative Number of minutes in any one-hour time period | Evening and Daytime 6 a.m. to 7 p.m. | Nighttime 7 p.m. to 6 a.m. |
| 1 | 5 | 45 | 35 |
| 2 | 1 | 50 | 40 |
| 3 | 0 | 55 | 45 |

**Figure 3.12-4: Section 8.36.060 Residential Interior Noise Standards**

B. In the event the measured ambient noise level without the alleged offensive source in operation exceeds an applicable noise level standard in any category above, the applicable standard or standards shall be adjusted so as to equal the ambient noise level.

C. Each of the noise level standards specified above shall be reduced by five dB for pure tone noises, noises consisting primarily of speech or music, or four recurring impulsive noises.

## 3.12.4 - Methodology

### Construction Noise Analysis Methodology

A worst-case scenario was analyzed assuming each piece of modeled equipment would operate simultaneously at the nearest reasonable locations to the closest noise-sensitive receptor for the loudest phase of construction. Noise emission levels recommended by FHWA's Highway Construction Noise Handbook were used to ascertain the noise generated by specific types of construction equipment.

### Traffic Noise Modeling Methodology

The FHWA Traffic Noise Model Version 2.5 (TNM 2.5) was used to evaluate traffic-related noise conditions in the vicinity of the project site. TNM 2.5 uses traffic volumes, vehicle mix, average speeds, roadway geometry, and other inputs to calculate average noise levels along roadway segments. Traffic volume data used in the model was obtained from the traffic impact analysis prepared for this Draft EIR by Kimley-Horn.[9]

### Stationary Noise Source Analysis Methodology

The proposed project would generate noise from future development that could contain new exterior mechanical equipment sources, such as rooftop ventilation systems on proposed industrial uses, car wash tunnels with fans, vehicles idling in drive throughs, and potential new parking lot activities. To provide a conservative analysis, the highest end of the range of reference noise levels for these stationary noise sources was used to calculate the reasonable worst-case hourly average noise levels from each noise source as measured at the nearest sensitive receptor land uses.

### Vibration Impact Analysis Methodology

The State does not have adopted criteria for construction or operational groundborne vibration impacts. Therefore, the FTA's vibration impact criteria and modeling and analysis methodology were utilized to evaluate potential vibration impacts. The FTA has established industry accepted standards for vibration impact criteria and impact assessment. These guidelines are published in its Transit Noise and Vibration Impact Assessment document,[10] and are summarized in Table 3.12-5 above. A reasonable worst-case scenario was analyzed assuming the piece of equipment that would generate the highest groundborne vibration levels would operate at the nearest reasonable location to an off-site structure. FTA and FHWA reference vibration levels for construction equipment, summarized in Table 3.11-3 were used to calculate reasonable worst-case construction vibration levels.

[9] Kimley-Horn. 2023. Transportation Impact Analysis Shirk & Riggin Industrial Park. October.
[10] Federal Transit Administration (FTA). 2006. Transit Noise and Vibration Impact Assessment. May.

## 3.12.5 - Thresholds of Significance

The lead agency utilizes the criteria in CEQA Guidelines Appendix G Environmental Checklist to determine whether noise impacts resulting from the implementation of the proposed project would be considered significant if the project would cause:

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

b) Generation of excessive groundborne vibration or groundborne noise levels?

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

## 3.12.6 - Project Impacts and Mitigation Measures

This section discusses potential impacts associated with the development of the project and provides mitigation measures where appropriate.

### Substantial Noise Increase in Excess of Standards

| | |
|---|---|
| **Impact NOI-1:** | **Would the project generate a substantial temporary or permanent increase in ambient noise levels in the vicinity of the project in excess of standards established in the local general plan or noise ordinance, or applicable standards of other agencies?** |

#### *Impact Analysis*

*Construction Noise*

Noise would be generated by construction of the proposed project, which is estimated to occur over an approximately four-year period. The proposed project is anticipated to utilize a standard five-day work week, and construction would occur during standard daytime hours, which are generally between 7:00 a.m. and 5:00 p.m. Construction would not occur during prohibited hours, as set forth by Section 8.36.050(C) of the Visalia Municipal Code. The prohibited hours are between 7:00 p.m. and 6:00 a.m. on weekdays and between 7:00 p.m. and 9:00 a.m. on weekends. As such, construction activities would not have the potential to result in exceedances of the FTA's nighttime construction noise criteria – there would be no nighttime construction.

Noise from grading activities is typically the foremost concern when evaluating a project's construction noise impact, as grading activities often require extensive use of heavy-duty, diesel-powered earthmoving equipment. For the proposed project, grading would have the greatest–and noisiest–construction vehicle requirements, as a fleet of grading vehicles would be required to grade the approximately 284-acre site over the course of construction. Other construction phases would have reduced vehicle requirements. For example, construction of the proposed tilt-up warehouse buildings could at times require a crane truck, several construction forklifts, and skid steer loaders, but these vehicles are much less powerful than the types of heavy-duty scrapers, graders, and

bulldozers that would be required to grade the project site. As such, the following analysis assesses noise impacts that may result from the proposed project's grading activities as the indicator of the loudest equipment and thus the reasonable worst-case for purposes of identifying significant effects and ensuring an appropriately conservative evaluation.

Grading for the proposed project would be required for each of the three development phases. Grading for the Phase 1 land uses would require grading vehicles to operate in the western portion of the project site, over 400 feet from the nearest residential land uses. Grading for the Phase 2 and Phase 3 land uses would require grading vehicles to operate near the proposed project's southern boundary along Riggin Avenue, within 100 feet of residential land uses that are also located along this roadway. The loudest grading activities would be characterized by extensive use of graders, which would be utilized across the project site to level the site and establish proper slopes and drainages. Bulldozers may operate in conjunction with grader activities. Given these considerations, the maximum noise impact associated with the proposed project's grading activities has been evaluated by modeling the noise levels that would be associated with a grader and a bulldozer grading a 0.5-acre parcel of land in proximity to surrounding residential land uses, which would occur as part of Phase 2 and Phase 3.[11] As noted, Phase 1 areas are located over 400 feet from the nearest residential land uses. Therefore, Phase 1 grading would have reduced noise impacts to nearby residential land uses.

While the above-described preliminary construction schedule for the proposed project assumes that Phases 1 through 3 would be built sequentially (i.e., none of the three phases would overlap), the potential remains for project phases to be constructed concurrently. Therefore, for the purpose of analyzing the reasonable worst-case scenario and fully disclosing all potential impacts, this paragraph discusses impacts that could occur if there were concurrent (rather than sequential) phasing for the proposed project. If concurrent phasing were to occur (i.e., if all phases were graded simultaneously), noise levels would still be similar to what is estimated by this analysis. This is because the analysis addresses a scenario in which grading vehicles operate across a 0.5-acre parcel that is located within 100 feet of residential land uses. Concurrent grading on other phases' parcels would occur over 400 feet away at a minimum and would therefore have a limited effect on construction noise levels. Given the size of the project site and its parcels, it is rather unlikely that grading for multiple phases would occur at minimum project-to-receptor distances simultaneously. Concurrent grading activities are more likely to be thousands of feet apart on any given workday.

Table 3.12-1 compares the proposed project's estimated grading-related noise levels at nearby residential land uses to the FTA's 80 dBA $L_{eq}$ daytime construction noise criteria for residential uses. As shown, estimated noise levels would not exceed this criterion. Noise levels also would not exceed 75 dBA $L_{eq}$, meaning that they would not result in 30-day exceedances of the FTA's 75 dBA $L_{dn}$ criterion, as well. Other construction phases would result in noise levels that are less than the grading-related noise levels shown in Table 3.12-6 because they would utilize equipment that is less noisy than the equipment utilized by this analysis or because they would involve activities that are

[11] These vehicles are estimated to grade roughly a 0.5-acre parcel on any given workday. As such, this modeling scenario addresses noise impacts that may occur during workdays in which graders and bulldozers are operating in nearest proximity to residential land uses.

located farther from receptors than the activities analyzed herein. Therefore, the proposed project's construction-related noise impact would be less than significant. No mitigation would be required.

**Table 3.12-6: Unmitigated Construction Noise Levels–Grading**

| Receptor | Location | Grading Noise Level (dBA $L_{eq}$) | Significance Criteria (dBA $L_{eq}$) | Potentially Significant? |
|---|---|---|---|---|
| Residences near intersection of Riggin Avenue and Road 88 | Exterior | 72.8 | 80 | No |
| Residences south of Riggin Avenue | Exterior | 72.8 | 80 | No |
| Residences near intersection of Riggin Avenue and Shirk Street | Exterior | 66.4 | 80 | No |
| Notes:<br>dBA = A-weighted decibel<br>$L_{eq}$ = equivalent noise level | | | | |

**Construction-related Traffic Noise**

Haul trips, construction worker vehicle trips, and other construction-related trips would occur over the course of the proposed project's construction. The greatest off-site traffic noise impacts would be associated with haul trips generated by the proposed project's grading phase. The proposed project is anticipated to require approximately 130,000 cubic yards of soil import, which would equate to approximately 5,650 truckloads of imported soils. Over the course of the proposed project's grading phase, this would correlate with approximately 35 truck trips per day, or a few truck trips per hour. This level of haul truck activity would have a relatively minor effect on roadside ambient noise levels and would not be capable of causing or materially contributing to exceedances of the exterior or interior significance criteria at roadside residential land uses in the vicinity of the project site.

*Mobile Source Operational Noise*

Table 3.12-7 shows a summary of existing peak-hour traffic-related noise levels that were modeled using TNM 2.5 for select roadway segments in the vicinity of the proposed project. Noise levels were modeled based on roadway-specific parameters and peak-hour traffic volumes obtained from the traffic analysis prepared for the project.[12] The "2022 Existing Without Project" scenario represents year 2022 traffic conditions and is intended to estimate existing roadside peak-hour ambient noise conditions, without the proposed project. The "2022 Existing With Project" scenario represents year 2022 traffic conditions with the addition of proposed project-related traffic. This is a hypothetical scenario to highlight the individual noise increases that could be generated by the proposed project's traffic solely. In reality, due to the development of related projects and ambient traffic

[12] Kimley-Horn. 2023. Transportation Impact Analysis Shirk & Riggin Industrial Park. October.

growth, traffic conditions—and therefore roadside noise levels—would be markedly different by the time of proposed project buildout, which is assumed to be no earlier than 2028.

Table 3.12-8 assesses the impacts of the proposed project at full buildout in 2028. Year 2028 is chosen as it represents the earliest year in which full buildout of the proposed project may occur. The "2028 Without Project" scenario is intended to estimate roadside peak-hour ambient noise conditions that could exist even without development of the proposed project. The "2028 With Project" scenario represents year 2028 traffic conditions (as explained above) with the addition of proposed project-related traffic at full buildout. This scenario is intended to estimate roadside peak-hour ambient noise conditions that could exist with full buildout of the proposed project at the earliest potential year. Modeling outputs are provided in Appendix H.

It should be noted that, while the traffic analysis also analyzed year 2033 "With and Without Project" traffic scenarios, the year 2033 peak-hour and Average Daily Traffic (ADT) volumes all show that the percent contribution of the proposed project would be less in future years compared to the reasonable worst-case scenario of traffic conditions in year 2028. This is because the proposed project is assumed to be at full buildout in 2028, while background (non- project-related) traffic volumes will only continue to increase in future years past 2028 as other growth occurs in the City. Therefore, this analysis presents the reasonable worst-case traffic noise level contribution of the proposed project.

As shown in Table 3.12-7, many roadway segments already experience hourly noise levels in excess of 65 dBA $L_{eq}$, suggesting that their 24-hour CNEL levels may also exceed 65 dBA. Even without development of the proposed project, nearly every roadway segment is estimated to experience noise increases from a minimum 0.9 dBA $L_{eq}$ to a maximum 9.5 dBA $L_{eq}$ by 2028, compared to existing traffic noise levels. As shown in Table 3.12-8, the addition of the proposed project's traffic would increase noise levels up to an additional 2.6 dBA $L_{eq}$ upon full buildout, compared to "2028 Without Project" estimated conditions. With the addition of the proposed project's traffic, all studied segments would be estimated to experience hourly noise levels in excess of 65 dBA $L_{eq}$, suggesting that 24-hour CNEL levels may also exceed the 65 dBA threshold of significance.

Consistent with the respective land use visions for the project site and vicinity as reflected in the General Plans of both the City and the County, the area surrounding the proposed project has undergone, and is continuing to undergo, substantial growth and transformative land use changes via the conversion of primarily agricultural uses into residential, commercial, and industrial uses that are associated with significantly greater traffic generation. Given this rapid growth and the proliferation of related urban commercial, industrial, and residential subdivision projects in the area, it is difficult to ascertain the individual effects that the proposed project's traffic alone would have on the area's roadside ambient noise levels. However, taken together, the noise levels shown in Table 3.12-7 and Table 3.12-8 indicate that the proposed project would contribute – at times considerably– to future traffic-related noise increases. For example, without the proposed project, some roadway segments (such as Shirk Street, north of Riggin Avenue) would experience hourly noise levels that are approximately 65 dBA $L_{eq}$ or lower by 2028. However, with the proposed project, it is estimated that every studied roadway segment would experience hourly noise levels in excess of 65 dBA $L_{eq}$ by 2028.

Ultimately, the proposed project would contribute to increasing traffic volumes—and therefore traffic-related noise levels—in its primary trip distribution area, which is generally bounded by the project site/Riggin Avenue to the north, State Route (SR) 99 to the west, Akers Street to the east, and SR 198 to the south. Riggin Avenue and major north–south thoroughfares in this area such as Shirk Street and Akers Street already experience noise levels of approximately 65 dBA CNEL or higher, or they would experience these approximate noise levels by the proposed project's earliest buildout year of 2028. A substantial portion of the proposed project's traffic would also utilize these roadways and thus would exacerbate this situation by contributing further trips to areas that would already be experiencing exceedances beyond the 65 dBA CNEL threshold of significance. As a result, residential land uses and other noise-sensitive receptors that are adjacent to these roadways would be exposed to exterior ambient noise levels in excess of 65 dBA CNEL, depending on their setback from these roadways and whether there are any noise barriers in place.

Although many roadway-adjacent residential uses do possess permanent roadway noise barriers (such as residential uses along Riggin Avenue and Shirk Street near the project site where there are substantial masonry barriers) that would shield their exposure to excess ambient noise levels from traffic, some residential uses are not shielded by such barriers. As one such example, there are single-family residences located along Akers Street, south of Riggin Avenue, that face this roadway without any shielding to afford them reductions in traffic-related noise levels. Existing noise levels along this roadway segment are below 65 dBA CNEL. Without the proposed project, this roadway segment's noise levels are projected to increase beyond 65 dBA CNEL by 2028, which would expose unshielded roadside residences to significant noise levels. Traffic from the proposed project would further exacerbate these 2028 conditions.

It would be infeasible to install permanent roadway noise barriers at every roadside residential receptor (and other sensitive land uses) within the proposed project's trip distribution area due to, among other factors, ingress and egress access requirements for properties, zoning requirements, limitations on the acquisition of property for construction of noise barriers, and traffic safety constraints such as line of sight and minimum setback requirements for installation of noise barriers. Therefore, as there is no feasible mitigation available to reduce this impact to less than significant, the proposed project's off-site mobile source operational noise impact from traffic generation would be considered significant and unavoidable. This significant and unavoidable impact is consistent with the General Plan EIR, which analyzed full buildout of this area and its impact upon nearby noise sensitive land uses.

**Table 3.12-7: Traffic Noise Increase Summary–Existing Conditions**

| Roadway Segment | Peak-hour | 2022 Existing Without Project (dBA $L_{eq}$) | 2022 Existing With Project (dBA $L_{eq}$) | Increase Over Existing? (dBA) | Significant? |
|---|---|---|---|---|---|
| Riggin Avenue, West of Shirk Street | AM | 64.0 | 66.3 | 2.3 | No |
| | PM | 63.7 | 65.8 | 1.9 | No |
| Riggin Avenue, East of Shirk Street | AM | 63.6 | 65.1 | 1.5 | No |

| Roadway Segment | Peak-hour | 2022 Existing Without Project (dBA $L_{eq}$) | 2022 Existing With Project (dBA $L_{eq}$) | Increase Over Existing? (dBA) | Significant? |
|---|---|---|---|---|---|
| | PM | 63.3 | 64.8 | 1.5 | No |
| Shirk Street, South of Riggin Avenue | AM | 62.9 | 66.7 | 3.8 | Yes |
| | PM | 62.7 | 66.2 | 3.5 | Yes |
| Shirk Street, North of Riggin Avenue | AM | 58.5 | 64.0 | 5.5 | Yes |
| | PM | 57.7 | 63.4 | 5.7 | Yes |
| Riggin Avenue, West of Akers Street | AM | 66.1 | 67.3 | 1.2 | No |
| | PM | 65.1 | 66.4 | 1.3 | No |
| Riggin Avenue, East of Akers Street | AM | 67.6 | 68.3 | 0.7 | No |
| | PM | 66.3 | 67.1 | 0.8 | No |
| Akers Street, North of Riggin Avenue | AM | 67.2 | 67.3 | 0.1 | No |
| | PM | 63.3 | 63.5 | 0.2 | No |
| Akers Street, South of Riggin Avenue | AM | 66.5 | 66.7 | 0.2 | No |
| | PM | 65.2 | 65.4 | 0.2 | No |

Notes:
dBA = A-weighted decibel
$L_{eq}$ = equivalent noise level
[1] Modeling results do not take into account mitigating features such as topography, vegetative screening, fencing, building design, or structure screening. Rather, it assumes a worst-case of having a direct line of sight on flat terrain. The modeling also does not consider that increased traffic conditions along roadway segments may result in reduced average travel speeds, which could have a moderating effect on noise increases.
Source: FirstCarbon Solutions (FCS) 2023.

## Table 3.12-8 Traffic Noise Increase Summary–Future Conditions

| Roadway Segment | Peak-hour | 2028 Without Project (dBA $L_{eq}$) | 2028 With Project (dBA $L_{eq}$) | Increase over 2028 Without Project? (dBA) | Significant? |
|---|---|---|---|---|---|
| Riggin Avenue, West of Shirk Street | AM | 65.8 | 67.5 | 1.7 | No |
| | PM | 66.4 | 67.7 | 1.3 | No |
| Riggin Avenue, East of Shirk Street | AM | 65.6 | 67.5 | 1.9 | No |
| | PM | 67.2 | 67.8 | 0.6 | No |
| Shirk Street, South of Riggin Avenue | AM | 65.3 | 67.9 | 2.6 | No |
| | PM | 67.9 | 69.3 | 1.4 | No |
| Shirk Street, North of Riggin Avenue | AM | 62.3 | 65.8 | 2.5 | No |
| | PM | 67.2 | 68.5 | 1.3 | No |

| Roadway Segment | Peak-hour | 2028 Without Project (dBA $L_{eq}$) | 2028 With Project (dBA $L_{eq}$) | Increase over 2028 Without Project? (dBA) | Significant? |
|---|---|---|---|---|---|
| Riggin Avenue, West of Akers Street | AM | 68.2 | 69.0 | 0.8 | No |
| | PM | 69.3 | 70.2 | 0.9 | No |
| Riggin Avenue, East of Akers Street | AM | 68.9 | 69.4 | 0.5 | No |
| | PM | 68.8 | 69.3 | 0.5 | No |
| Akers Street, North of Riggin Avenue | AM | 68.1 | 68.2 | 0.1 | No |
| | PM | 65.3 | 65.5 | 0.2 | No |
| Akers Street, South of Riggin Avenue | AM | 67.9 | 68.0 | 0.1 | No |
| | PM | 68.6 | 68.7 | 0.1 | No |

Notes:
[1] Modeling results do not take into account mitigating features such as topography, vegetative screening, fencing, building design, or structure screening. Rather, it assumes a worst-case of having a direct line of sight on flat terrain. The modeling also does not consider that increased traffic conditions along roadway segments may result in reduced average travel speeds, which could have a moderating effect on noise increases.
Source: FirstCarbon Solutions (FCS) 2023.

*Stationary Source Operational Noise*

**Parking Lot Activities**

The proposed project would include approximately 3,797 surface parking spaces spread across the approximately 284-acre site. Its parking facilities and the intermittent noises associated with them (e.g., doors slamming, engines starting, backup monitors, drive-through intercoms, etc.) would have a nominal effect on surrounding exterior noise levels. Parking areas associated with the gas station, convenience store, and fast food restaurant uses constructed and the industrial buildings constructed would have the greatest potential to expose surrounding residential land uses to substantial parking-related noise levels because of their proximities to surrounding residential land uses and their greater relative trip generation, but even these uses' parking areas would be spread across dozens of acres, which would have the effect of reducing parking-related noise levels at surrounding residential land uses. Parking lot noise impacts have been estimated based on a daytime hourly activity of 602 cars and trucks per hour and a nighttime hourly activity of 539 cars and trucks per hour for the proposed gas station, convenience store, and fast food restaurant uses. These figures are equivalent to the aforementioned land uses' maximum vehicle trip generation. In other words, the analysis fully accounts for the peak hourly vehicle activities that may be associated with these land uses.

For the proposed industrial buildings, parking lot noise impacts have been estimated based on a daytime hourly activity of 265 cars and trucks per hour and a nighttime hourly activity of 265 cars and trucks per hour (also equivalent to these uses' maximum vehicle trip generation). Noise levels at nearby residential uses were calculated based on these trip generation rates and distances to nearby parking areas. Table 3.12-9 shows the parking lot-related noise levels that are estimated to occur at the nearest residential uses. As shown, parking lot-related noise levels would not exceed the

daytime or nighttime significance criteria for residential land uses. They also would have little to no effect on the area's 24-hour CNEL noise levels, which are indicated to range between 60 dBA and 65 dBA according to the General Plan.

Parking lot activities also would not be expected to expose surrounding residential land uses to noises that are in excess of the General Plan instantaneous (i.e., $L_{max}$) noise standards, which are a minimum 65 dBA $L_{max}$ during nighttime hours. Moreover, sporadic noises from sources such as car alarms or audible indicators would not be considered a significant environmental effect because of their sporadic nature.

**Table 3.12-9: Parking Lot Activities Noise Levels**

| Receptor | Time of Day | Parking Lot Activities Noise Level (dBA $L_{eq}$) | Significance Criteria (dBA $L_{eq}$) | Potentially Significant? |
|---|---|---|---|---|
| Residences near intersection of Riggin Avenue and Road 88 | Day | 25 | 50 | No |
| | Night | 25 | 45 | No |
| Residences south of Riggin Avenue | Day | 33 | 50 | No |
| | Night | 33 | 45 | No |
| Residences near intersection of Riggin Avenue and Shirk Street | Day | 31 | 50 | No |
| | Night | 31 | 45 | No |

Notes:
dBA = A-weighted decibel
$L_{eq}$ = equivalent noise level

**Mechanical Ventilation Equipment Operations**

At the time of preparation of this analysis, details were not available pertaining to the proposed rooftop mechanical ventilation systems for the proposed project. Therefore, a reference noise level for typical rooftop mechanical ventilation systems was used. Noise levels from commercially available rooftop mechanical ventilation equipment range from 50 dBA to 60 dBA $L_{eq}$ at a distance of 25 feet. The proposed project's rooftop mechanical ventilation equipment would be located hundreds of feet from the nearest residential receptors. In addition, in most cases they would be located behind parapets or otherwise screened, due to buildings or other structures that would block the line of sight to off-site receptors. However, based on distance attenuation alone, it is reasonable to conclude that noise levels from this equipment would be less than 40 dBA $L_{eq}$ at these residential land uses simply. There is no potential for this equipment to expose residential land uses to noise levels in excess of the minimum 45 dBA $L_{eq}$ nighttime significance criteria because, as noted, noise levels would be less than 40 dBA $L_{eq}$ at residential land uses. Additionally, because ambient noise levels near Riggin Avenue are indicated to be between 60 dBA and 65 dBA CNEL according to the Visalia General Plan Update, the proposed project's mechanical ventilation equipment-related noise levels would have a negligible effect on 24-hour CNEL noise levels at surrounding residential land uses.

**Truck Loading Activities**

Noise would also be generated by truck loading and unloading activities at the proposed industrial buildings. The proposed project is estimated to generate a total of approximately 737 truck trips per day. As the proposed project would have 24-hour operations, truck loading activity would correspond with roughly 31 truck trips per hour, on average. Typical maximum noise levels from truck loading and unloading activity are 70 dBA $L_{max}$ at a reference distance of 50 feet.

A total of approximately 814 dock-high doors and approximately 24 grade-level doors would be spread across the proposed eight industrial buildings, but the proposed project has been designed to orient these loading areas away from surrounding residential uses. (See Exhibit 3.) Residential uses would be no less than approximately 450 feet from all truck loading areas, and they would also be shielded from these areas by the massing of the proposed project's industrial and other buildings. Based on this distance and shielding, truck loading-related noise levels at surrounding residential uses would not be expected to exceed 40 dBA $L_{max}$ or 40 dBA $L_{eq}$. These noise levels would be below the minimum 45 dBA $L_{eq}$ and 65 dBA $L_{max}$ nighttime significance criteria. Additionally, because ambient noise levels near Riggin Avenue, as documented in the Visalia General Plan Update, are indicated to be between 60 dBA and 65 dBA CNEL, the proposed project's truck loading-related noise levels would have a negligible effect on 24-hour CNEL noise levels at surrounding residential uses.

**Drive-through Car Wash Land Use**

The proposed project would include the construction and operation of a drive-through car wash facility. At the time of preparation of this analysis, details were not available pertaining to the design of the facility or its mechanical equipment. Therefore, reference noise levels for typical drive-through (i.e., "tunnel") car washes were used to evaluate whether operations of the proposed project's car wash may result in significant noise impacts. The car wash facility would be located to the north of the proposed drive-through restaurant uses, in the southeastern quadrant of the proposed project. The nearest residential uses at the intersection of Riggin Avenue and Shirk Street would be located approximately 500 feet south of the car wash facility.

Typical drive-through car wash facilities contain numerous noise sources. Vehicles themselves generate noise when accessing the facilities, and self-service vacuum equipment generates noise when used by car wash patrons. Car washing equipment within the drive-through tunnel generates noise. The loudest noise levels are commonly associated with dryer blower equipment at the tunnel exit. Measured noise levels from car wash blower operations have been documented to range from 70 dBA to 83 dBA $L_{eq}$ at a reference distance of 40 feet. During busy periods, car wash blowers have been observed to operate continuously for extended periods.

Table 3.12-10 shows noise levels that could be generated at surrounding residential land uses by the proposed project's drive-through car wash facility, based on the reasonable worst-case 83 dBA $L_{eq}$ at 40 feet noise level described above. As shown, residential land uses south of Riggin Avenue and residential land uses near the intersection of Riggin Avenue and Shirk Street may be exposed to noise levels in excess of the 50 dBA $L_{eq}$ daytime and 45 dBA $L_{eq}$ nighttime significance criteria as a result of the proposed project's drive-through car wash operations. Without mitigation, this impact would be potentially significant.

Instantaneous $L_{max}$ noise levels from the proposed project's drive-through car wash would not be substantially greater than the noise levels shown in Table 11 because drive-through car wash equipment typically generate consistent noise levels. Therefore, this equipment would not result in exceedances of the General Plan's $L_{max}$ noise standards for residential land uses, which are a minimum 65 dBA $L_{max}$ during nighttime hours. Additionally, because ambient noise levels near Riggin Avenue are indicated to be between 60 dBA and 65 dBA CNEL according to the Visalia General Plan Update, the drive-through car wash-related noise levels would not have the potential to cause 24-hour CNEL noise levels to increase by greater than the 5 dBA significance criteria because noise levels would not exceed 60 dBA $L_{eq}$ without mitigation.

**Table 3.12-10: Drive-through Car Wash Noise Levels**

| Receptor | Time of Day | Drive-thru Car Wash Noise Level (dBA $L_{eq}$) | Significance Criteria (dBA $L_{eq}$) | Potentially Significant? |
|---|---|---|---|---|
| Residences near intersection of Riggin Avenue and Road 88 | Day | 39 | 50 | No |
| | Night | 39 | 45 | No |
| Residences south of Riggin Avenue | Day | 55 | 50 | Yes |
| | Night | 55 | 45 | Yes |
| Residences near intersection of Riggin Avenue and Shirk Street | Day | 60 | 50 | Yes |
| | Night | 60 | 45 | Yes |

Notes:
dBA = A-weighted decibel
$L_{eq}$ = equivalent noise level

MM NOI-1 is recommended to ensure that noise impacts from the proposed project's drive-through car wash do not exceed the 50 dBA $L_{eq}$ daytime and 45 dBA $L_{eq}$ nighttime significance thresholds, which are based on the standards established by Visalia Municipal Code Section 8.36.040 and Table 8-4 of the General Plan. Implementation of MM NOI-4 would ensure that noise impacts associated with the drive-thru car wash are in compliance with the Visalia Municipal Code's regulations concerning fixed noise sources and the General Plan's guidance concerning stationary noise sources.

MM NOI-1 would require the proposed project to conduct an in-depth acoustical study of the drive-through car wash prior to the issuance of its building permits. The study would assess whether the car wash's design, mechanical equipment, and hours of operation would be capable of ensuring that car wash-related noise levels at surrounding residential uses are in compliance with the Visalia Municipal Code and consistent with the General Plan (as described above). If these details have yet to be established at the time of the study, the study would indicate how the drive-through car wash may be designed and operated in order to ensure compliance and consistency with these standards. Building permits would not be issued unless it has been demonstrated by a qualified acoustic professional that operations of the drive-through car wash would not exceed the applicable 50 dBA $L_{eq}$ daytime and 45 dBA $L_{eq}$ nighttime limits established by the General Plan and Municipal Code. Further, if noise reduction measures are recommended by the acoustical study, they would be included in the car wash's plans, specifications, and other related permitting documents. Therefore, after implementation of MM NOI-1, this impact would be less than significant.

**Drive-through Restaurant Land Uses**

The proposed project would include the construction of two drive-through restaurant land uses. At the time of preparation of this analysis, details were not available pertaining to the design of the drive-thru restaurants, though it is known that they would be located in the southeastern corner of the project site, as shown in Exhibit 2-8. Therefore, reference noise levels for typical drive-through restaurants were used to evaluate whether operations of the proposed project's drive-through restaurants may result in significant noise impacts.

Typical drive-through restaurants contain numerous noise sources. Vehicles themselves generate noise when accessing the facilities and idling in queues, and drive-through speakers also generate noise. The potential for on-site vehicle activities (i.e., cars accessing and parking at the project site, including the drive-through restaurants) to generate significant noise levels was assessed under the analysis for parking lot activities and determined to be less than significant. Regarding drive-through queueing, data on car idling noise levels is fairly limited but the following screening analysis rules out the potential for idling in the drive-through lanes to be a significant source of noise. In order to generate a noise level of approximately 45 dBA at the nearest residential uses near the intersection of Riggin Avenue and Shirk Street, which would be approximately 200 feet from the proposed project's nearest drive-through lane, noise from car idling would have to be approximately 77 dBA at 5 feet—the noise level of a busy highway. Reasonably, car idling noise would be significantly less than this because vehicle idling noise is not as loud as a busy highway. Therefore, this screening analysis demonstrates that noise due to car idling at the nearest residential land uses would be significantly less than the minimum 45 dBA $L_{eq}$ nighttime noise threshold.

The proposed drive-through speakers would be located more than 200 feet the nearest residential uses near the intersection of Riggin Avenue and Shirk Street. Assuming that the noise level from a drive-through speaker is approximately 75 dBA at 5 feet, based on distance attenuation alone, the noise level at 200 feet would be less than 40 dBA. And because drive-through speakers would only produce intermittent noises, this further demonstrates that noise due to drive-through speakers at the nearest residential land uses would be significantly less than the minimum 45 dBA $L_{eq}$ nighttime noise threshold.

Instantaneous $L_{max}$ noise levels from the proposed project's drive-through restaurants would not result in exceedances of the General Plan's $L_{max}$ noise standards for residential land uses, which are a minimum 65 dBA $L_{max}$ during nighttime hours, because noise levels at residential land uses would be less than 40 dBA. Additionally, because ambient noise levels near Riggin Avenue are indicated to be between 60 dBA and 65 dBA CNEL according to the Visalia General Plan, the drive-through restaurant-related noise levels would not have the potential to cause 24-hour CNEL noise levels to increase by greater than the 5 dBA significance criteria because noise levels would be less than 40 dBA.

**Prospective Warehouses**

The proposed project requests that the project site be zoned Industrial and Light Industrial, which allows for the development of warehouses. It is highly likely that some sort of warehouse uses will be constructed on the site, which could house any number of uses that are permitted by this zoning. Therefore, future uses in these buildings–more specifically, noise generated by future uses–may have the potential to affect surrounding noise-sensitive receptors, especially those that are located along

or near Riggin Avenue. Although it is unlikely that the interior operations of future warehouse, distribution, storage, and light manufacturing uses would be audible, much less be considered significantly considerable, there are residential land uses that are located within hundreds of feet from the proposed warehouse buildings. To be conservative, MM NOI-2 is recommended to prevent significant impacts from occurring. MM NOI-2 would require specific uses with the potential to result in noise-related conflicts between operations and existing or future noise-sensitive receptors to provide an acoustical analysis demonstrating compliance with the City's noise standards prior to issuance of operational permits. Permits would not be issued unless it has been demonstrated by a qualified acoustic professional that operations would not exceed the City's noise standards. Therefore, after implementation of MM NOI-2, impacts related to future warehouse uses would be less than significant.

### *Level of Significance Before Mitigation*

Potentially significant impact.

### *Mitigation Measures*

**MM NOI-1** (a) Prior to the issuance of building permit for a drive-through car wash, an in-depth acoustical study prepared by a qualified acoustic professional shall be submitted for review and approval to the City Community Development Department that demonstrates that the design and operations of a proposed drive-through car wash would not result in exceedances of the Visalia Municipal Code's applicable daytime and nighttime noise limits for residential land uses. The study shall evaluate factors such as:

- The location and orientation of noise-generating equipment, such as dryer blowers and vacuums.
- The location and orientation of the drive-through car wash tunnel.
- The hours of operation.
- The location of the drive-through car wash on the project site.

(b) Based on the results of the acoustical study, the project applicant shall be required to incorporate, at a minimum, design features or reduction measures to reduce any identified operational noise impact to meet applicable noise performance criteria. These reduction measures shall be included on all relevant plans, specifications, and other permitting documents. Measures and design features may include, but are not limited to the following:

- Locating the car wash facility further away from sensitive receptors, therefore reducing its noise impacts at nearby residential land uses.
- Orienting the facility so that the carwash exit (where the drying blowers would be located) is located facing away from nearby residential land uses.
- Providing sound blankets to hang around the edge of the carwash exit tunnel to help shield the dryer blower noise.
- Locating the dryer blowers further inside the car wash tunnel to help shield the dryer blower noise.

- Providing screening, such as a structure or sound wall, to shield the carwash exit where the dryer blowers would be located from nearby residential land uses.

**MM NOI-2**

(a) When specific uses within the project area are proposed that could result in a noise-related conflict between an industrial or other stationary noise source and existing or future noise-sensitive receptors, an acoustical analysis shall be required by the City that quantifies the proposed use's operational noise levels and recommends appropriate reduction measures, as necessary, to achieve compliance with the City's noise standards. The analysis shall be prepared by a qualified acoustic professional. All recommended design features or reduction measures shall be noted on plans, specifications, and other relevant permitting documents prior to the issuance of building permits.

(b) Based on the results of the acoustical study, the project applicant shall be required to incorporate, at a minimum, design features or reduction measures to reduce any identified operational noise impact to meet applicable noise performance criteria. Reduction measures and design features may include, but are not limited to the following:

- Locating the warehouse facility further away from sensitive receptors, therefore reducing its noise impacts at nearby residential land uses.
- Orienting the facility so that the warehouse truck loading/unloading areas are located facing away from nearby residential land uses.
- Providing gasket loading dock doors to help shield truck loading and unloading noise.
- Providing screening, such as a structure or sound wall, to shield truck loading and unloading areas from nearby residential land uses.

### *Level of Significance After Mitigation*

Significant and unavoidable impact.

## Groundborne Vibration/Noise Levels

| **Impact NOI-2:** | **Would the project result in generation of excessive groundborne vibration or groundborne noise levels?** |
|---|---|

### *Impact Analysis*

*Construction*

Construction of the proposed project would require a variety of large, steel-tracked earthmoving vehicles. According to the FTA, large bulldozers and similar heavy-equipment can generate groundborne vibration levels up to 0.089 in/sec PPV at a reference distance of 25 feet. In other words, these vehicles' construction activities could expose buildings within 25 feet to groundborne vibration levels up to 0.089 in/sec PPV. However, there are no buildings within 25 feet of the proposed project or its construction activities, meaning that construction of the proposed project would not expose surrounding buildings to groundborne vibration levels in excess of 0.089 in/sec PPV. This groundborne vibration level is below even the most stringent significance criteria for FTA's

category of "Buildings Extremely Susceptible to Vibration Damage." Therefore, it reasons that construction of the proposed project would not expose any surrounding buildings to potentially damaging levels of groundborne vibration.

*Operation*

Given the nature of the proposed uses and the fact that such land uses are located hundreds of feet from the project site's primary use areas, implementation of the project would not include any permanent sources that would expose persons in the project vicinity to groundborne vibration levels that could be perceptible without instruments at any existing sensitive land use in the project vicinity. The analysis above indicates that it is unlikely any vibration generated on-site would be potentially damaging or perceptible at off-site sensitive land uses and structures. Additionally, the proposed project's related truck and vehicle travel would not be considered a significant source of vibration, as truck and vehicle travel rarely generates perceptible groundborne vibration. Therefore, project operational activities would not generate excessive groundborne vibration levels as measured at off-site receptors, and this impact would be less than significant. In addition, there are no existing significant permanent sources of groundborne vibration in the project vicinity to which the proposed project would be exposed.

### *Level of Significance*

Less than significant impact.

### *Mitigation Measures*

None required.

## Excessive Noise Levels from Airport Activity

| | |
|---|---|
| **Impact NOI-3:** | **Would the project expose people residing or working in the project area to excessive noise levels for a project located within the vicinity of a private airstrip or an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport?** |

### *Impact Analysis*

A significant impact would occur if the proposed project would expose people residing or working in the project area to excessive noise levels for a project located in the vicinity of a private airstrip or airport land use plan or, where such a plan has not been adopted, within 2 miles of a public airport or public use airport.

The project site is not located in the vicinity of a private airstrip. The nearest public airport to the project site is the Visalia Municipal Airport, located approximately 2.68 miles southwest of the project site. The Tulare County Comprehensive Airport Land Use Compatibility Plan (ALUCP) shows the southwest corner of the project site to lie within the Visalia Municipal Airport's Airport Influence Area but outside the aircraft 55 dBA CNEL noise contours. Based on this distance and the proposed project's orientation to the airport's runways, the proposed project would not be exposed to excessive noise levels from aircraft. Therefore, the project is consistent with the goals and policies of the ALUCP.

Implementation of the proposed project would not expose persons at the project site to noise levels from aircraft that would be in excess of acceptable standards for the proposed land uses, and no impact would occur.

### *Level of Significance*

No impact.

### *Mitigation Measures*

None required.

## 3.12.7 - Cumulative Impacts

The geographic scope for the cumulative analysis for noise and vibration impacts is limited to areas within 1,000 feet of the project site boundary for on-site noise sources, because of the localized nature of noise and vibration impacts. This analysis first evaluates whether the impacts of cumulative development could result in a cumulatively significant noise or vibration impact. If there is a cumulative significant impact, this analysis then considers whether the incremental contribution of the impacts associated with the implementation of the proposed project would be cumulatively considerable. Both conditions must apply for the project's cumulative effects to rise to the level of significance.

### Construction Noise

As noted above, the geographic scope of the cumulative noise analysis would be approximately 1,000 feet surrounding the project site. Cumulative development would be required to comply with all applicable construction hour restrictions and would also be anticipated to incorporate appropriate BMPs to help reduce construction noise. In addition, applicable design review regulations directing the siting, design, and insulation of new development and redevelopment and all applicable noise policies, standards and requirements in the General Plan and Municipal Code would ensure that noise impacts are less than significant. Because there is not a cumulative significant construction noise impact to existing or planned land uses in the project vicinity, the incremental contribution of project construction noise would not be cumulatively considerable. Therefore, the proposed project would result in a less than significant cumulative impact related to construction noise. This cumulatively significant and unavoidable impact is consistent with the General Plan EIR, which analyzed full buildout of this area and its impact upon nearby noise sensitive land uses.

### Operational Traffic Noise

If there is an identified cumulative traffic noise impact in the project vicinity, and if the proposed project would result in an incremental contribution to an identified cumulative traffic noise impact, then the project's impact would be cumulatively considerable. As shown in Tables 3.12-7 and 3.12-8, there are roadway segments in the project vicinity that experience traffic noise levels in excess of noise levels that the City considers to be "normally acceptable" for some adjacent land uses., The tables show that project traffic would result in noise increases along these impacted roadway segments. Therefore, the incremental contribution of project traffic would also be cumulatively considerable and would be a significant impact.

As noted in the mobile source noise impact discussion above, it would be infeasible to install permanent roadway noise barriers along every roadside sensitive receptor within the proposed project's trip distribution area due to, among other factors, ingress and egress access requirements for properties, zoning requirements, limitations on acquisition of property for construction of noise barriers, and traffic safety constraints such as line of sight and minimum setback requirements for installation of noise barriers. Therefore, there is no feasible mitigation available to reduce this impact to less than significant, and the proposed project's incremental contribution of project traffic would also be cumulatively considerable and would be considered significant and unavoidable.

### Operational Stationary Noise

For stationary operational noise sources, a significant impact would occur if the cumulative projects would cause the $L_{dn}$ at noise-sensitive uses to increase by 3 dB or more and exceed the "normally acceptable" level, or cause the $L_{dn}$ at noise-sensitive uses to increase 5 dB or more and remain "normally acceptable," or cause new noise levels to exceed the City Noise Ordinance thresholds of the minimum 45 dBA $L_{eq}$ and 65 dBA $L_{max}$ nighttime significance criteria at any point on or beyond the project boundary.

The source of operational stationary noise within 1,000 feet of the project site that would produce the highest noise levels would be drive-through car wash activities or truck loading and unloading activities at future warehouses. However, as shown in the stationary source operational noise impact discussion above, implementation of MM NOI-1 and NOI-2 would reduce these potential project-related stationary noise source impacts to meet the City's noise performance standards. Permits would not be issued unless it has been demonstrated by a qualified acoustic professional that operations would not exceed the City's noise performance standards. In addition, there are not any existing stationary operational noise sources in the project vicinity that currently exceed the City's noise performance thresholds. Therefore, the incremental contribution of project operational stationary source noise would not result in a significant contribution to any existing stationary operational noise impact, and would not be cumulatively considerable.

### Noise Land Use Compatibility Consistency

Cumulative development would be required to comply with all applicable design review regulations directing the siting, design, and insulation of new development and redevelopment and all applicable noise policies, standards and requirements in the General Plan and Municipal Code, which would ensure that noise impacts are less than significant. As described previously, Riggin Avenue and major north–south thoroughfares in this area such as Shirk Street and Akers Street already experience noise levels of approximately 65 dBA CNEL or higher, or they would experience these approximate noise levels by the proposed project's earliest buildout year of 2028. A substantial portion of the proposed project's and cumulative development in the area's traffic would also utilize these roadways and thus would exacerbate this situation by contributing further trips to areas that would already be experiencing exceedances beyond the 65 dBA CNEL threshold of significance. Moreover, no feasible mitigation would be available to reduce this impact because it would be infeasible to install permanent roadway noise barriers for every roadside sensitive receptor within the proposed project's trip distribution area due to, among other factors, ingress and egress access requirements for properties, some zoning requirements and limitations on acquisition of property for construction of noise barriers, and traffic safety constraints such as line of sight and minimum setback requirements for installation of noise barriers. This is the only noise land use compatibility

category that would apply to existing and planned development for parcels adjacent to the modeled roadway segments. Therefore, cumulative traffic noise impacts would be significant and unavoidable because it would result in operational traffic noise levels that would conflict with the City 65 dBA CNEL exterior and 45 dBA $L_{eq}$ interior significance criteria for residential land uses.

### Construction Vibration

The geographic scope of the cumulative construction vibration analysis is the project vicinity, including surrounding sensitive receptors. Construction vibration impacts are very localized; therefore, the area surrounding the project site (approximately 100 feet) would be the area most affected by proposed project construction activities. While there would be cumulative projects undergoing construction in the general vicinity, none of these are within 100 feet of the site and therefore, do not have to potential to create significant cumulative construction vibration impacts that would exceed potential impact criteria as measured at any sensitive receptor in the project vicinity. Thus, there would be a less than significant cumulative impact related to construction vibration. Because there is not a cumulative significant construction noise impact to existing or planned land uses in the project vicinity, the incremental contribution of project construction noise would not be cumulatively considerable.

### Operational Vibration

Because operational vibration impacts are very localized, the only potential sources of cumulatively considerable contribution to vibration conditions in the project vicinity would result from introduction of past, present and reasonably foreseeable future permanent sources of groundborne vibration in the project site vicinity. The only major sources of groundborne vibration in the project vicinity is railroad activity along the rail line located approximately 2.15 miles east of the project site. Groundborne vibration levels from these cumulative sources would not be perceptible without instruments at any sensitive receptor in the project vicinity, therefore there is no significant cumulative impact. In addition, the project's incremental contribution to this less than significant cumulative operational vibration levels would not be cumulatively considerable. As discussed above, implementation of the proposed project would not introduce any new permanent sources to the project vicinity that would result in groundborne vibration levels that would be perceptible without instruments as measured at sensitive receptors in the project vicinity and would also not increase railroad activity. Therefore, implementation of the proposed project would not result in a cumulatively considerable contribution to vibration conditions in the project vicinity. This impact would be less than significant.

#### *Mitigation Measures*

MM NOI-1 and MM NOI-2.

### Level of Cumulative Significance

Significant and unavoidable impact related to cumulative traffic noise impacts.

# 3.13 - Public Services

## 3.13.1 - Introduction

This section describes the existing conditions related to public services in the City in the project site and vicinity, as well as the relevant regulatory framework. This section also evaluates the potential impacts related to public services that could result from implementation of the proposed project. Descriptions and analysis in this section are based, in part, on information provided by the City of Visalia General Plan (General Plan) and City of Visalia Municipal Code (Municipal Code), as well as information available on the City's website, information received from relevant service providers (the Visalia Police Department, Visalia Fire Department, and Visalia Unified School District), and Master Planning Documents.

No comments were received during the Notice of Preparation (NOP) scoping period related to public services.

## 3.13.2 - Environmental Setting

### Fire Protection and Emergency Medical Services

#### *City of Visalia*

The Visalia Fire Department (VFD) provides fire protection and emergency services to over 139,254 people within the City's jurisdiction.[1] The VFD maintains six stations and an administrative division within the city limits.[2]

Based on available information as of this writing, the VFD consists of a Fire Administration Division, an Emergency Services/Operations Division, and a Fire Prevention Division. Across these three divisions, the VFD staffs five fire engines, two ladder trucks, one Type II Tech Rescue Team, a Type 1 Hazardous Materials Team, and a Lighting/Air Support Team and employs 70 safety personnel and eight civilian firefighters. The City's fire stations are staffed 24 hours a day, 365 days a year, with each apparatus being staffed by a minimum of three firefighters at all times.[3] The VFD strives to adhere to the National Fire Protection Association (NFPA) response time standard, aiming to respond to 95 percent of calls within 5 minutes, including 1 minute of "turnout" and 4 minutes of driving. However, areas of southwest Visalia and smaller areas in the northwest and northeast of the City located more than 0.5-mile from the VFD stations cannot reasonably be served within the Department's target response time.[4] Currently, the VFD has an average response time of 6 minutes and 16 seconds for fire emergency calls and 5 minutes 37 seconds for medical/rescue calls.[5] In 2019, the VFD responded to 636 fire emergency calls and 11,170 medical/rescue calls.[6] In 2022, the VFD responded to 16,522

[1] City of Visalia. 2021. Visalia Fire Annual Report 2021. Website: https://www.visalia.city/documents/Fire/Annual/VFD%202021%20Annual%20Report.pdf. Accessed December 16, 2022.
[2] Visalia Fire Department (VFD). 2022. Facilities. Website: https://www.visalia.city/depts/fire/info/facilities/default.asp. Accessed September 9, 2022.
[3] Visalia Fire Department (VFD). 2022. Visalia Fire Department Information. Website: https://www.visalia.city/depts/fire/info/default.asp. Accessed December 9, 2022.
[4] City of Visalia. 2014. Visalia General Plan Safety and Noise Element. October.
[5] City of Visalia. 2023. Personal communication: CEQA coordination on April 28, 2023.
[6] Ibid.

calls for service. The great majority of these calls (95 percent) were not fire-related, with over half of calls being for emergency medical or rescue services.[7]

Construction of a replacement fire station located at the southeast portion of the City is currently underway.[8] Engine 56 will relocate from the California Department of Forestry and Fire Protection (CAL FIRE) Tulare campus once construction is complete.

### *Project Site*

Fire Station 55 is the nearest VFD fire station to the project site, located approximately 0.40 miles to the south at 6921 West Ferguson Avenue. The next closest VFD station is Fire Station 53, located approximately 4.1 miles to the southeast at 5025 West Walnut Avenue.

## Police Protection

### *City of Visalia*

The Visalia Police Department (VPD) is currently headquartered at 303 South Johnson Street. The VPD consists of three divisions: Operations Division, Operations Support Division, and Administration Division.[9] The more than 250 members of the VPD include sworn police personnel, community service officers, parking enforcement officers, communications operators, records specialists, administrative support personnel, crime lab technicians, property and evidence technicians, and civilian investigators.[10] The Operations Division consists of uniformed personnel of the VFD who respond to emergency and non-emergency calls for service and have regular contact with the public.[11] The Operations Support Division consists of the Investigations Bureau, the Professional Standards Bureau, and the Support Services Bureau. The Operations Support Division encompasses the areas of administration, emergency dispatch, and investigations.[12] According to the General Plan, the VPD does not have established service standards in terms of officers per thousand residents or incident response time.[13] The VPD responded to 135,682 calls for service in 2019 and 134,738 calls for service in 2020.[14] Police response time was less than 20 minutes for 71 percent of all calls in 2022; the average response time for Priority 1 calls was 7 minutes and 4 seconds.[15]

The City opened the Visalia Emergency Communication Center (VECC) in 2017. The two-story, 18,872-square-foot building was designed as an essential services facility. Located near School Avenue and Burke Street, the VECC is the home for the Emergency Communication Center (911 Dispatch), VPD Administration including the Emergency Operation Center, Traffic Management Center, and the City's secure Data Center for Information Services.

[7] City of Visalia. 2023. Personal communication: CEQA coordination on April 28, 2023.
[8] City of Visalia. 2023. Visalia Breaks Ground on New Fire Station. Website: https://www.visalia.city/news/displaynews.asp?NewsID=2602&TargetID=1. Accessed March 27, 2023.
[9] City of Visalia. 2022. Divisions, Bureaus, and Units. Website: https://www.visalia.city/depts/police/divisions_bureaus_n_units/default.asp. Accessed December 9, 2022.
[10] Visalia Police Department. 2020. Visalia Police Department Annual Report. Accessed September 14, 2022.
[11] Ibid.
[12] Ibid.
[13] Visalia General Plan 2030. 2014. Safety and Noise Element. October.
[14] Visalia Police Department (VPD). 2020. Visalia Police Department Annual Report. Accessed September 14, 2022.
[15] City of Visalia. 2023. Personal communication: CEQA coordination on April 28, 2023.

### *Project Site*

The VPD headquarters are located approximately 4.30 miles southeast of the project site. There are no residences located on the project site currently; however, several warehouses and industrial centers are located on nearby properties. Other surrounding uses consist of residential neighborhoods, parks, and schools.

## Schools

### *City of Visalia*

Visalia Unified School District (VUSD) provides K-12 education to the residents of Visalia. Providing educational services to a jurisdiction of 214 square miles, based on available information as of this writing, VUSD comprises 26 elementary schools, a newcomer language center, five middle schools, four comprehensive high schools, a continuation high school, an adult school, a charter independent school, a K-8 charter home school, and a charter technical early college high school.[16] Three of VUSD's elementary schools and a charter school are located outside of the General Plan Planning Area.[17] Over 32,000 students in total are served by VUSD.[18]

### *Project Site*

The project site is within the service areas of Denton Elementary School, Ridgeview Middle School, and Redwood High School within the VUSD.

## Parks and Other Recreational Facilities

### *City of Visalia*

Based on available information, there are approximately 640 acres of parks and recreational facilities within the City, consisting of neighborhood parks, community parks, large city parks, pocket parks, and other parkland.[19] Additionally, the City owns three larger facilities, Plaza Park, Mooney Grove Park, and Riverway Sports Park, on the periphery of its jurisdiction.[20]

The General Plan establishes the parkland standard of five acres per 1,000 residents. Based on the park acreage referenced in the General Plan, the City had a ratio of 5.1 acres of parkland per 1,000 residents. However, the General Plan includes plans to add an additional 430 acres of new parkland by 2030 in order to accommodate its assumed population of approximately 210,000.[21] It is notable that the City's actual population growth has been slower than previously anticipated in the General Plan. According to the United States Census Bureau, the City had a population of 142,384 in 2020.[22]

The City has prepared an EIR for the construction of the East Side Regional Park and Groundwater Recharge Project, which will provide approximately 139 acres of active recreational amenities and 130 acres of passive amenities in the eastern portion of the City. That project would contribute to the City's park ratio goal. The proposed project would pay into a capital improvement program (CIP)

[16] Visalia Unified School District (VUSD). 2022. About VUSD. Website: https://www.vusd.org/domain/9. Accessed September 14, 2022.
[17] Visalia General Plan 2030. 2014. Parks, Schools, Community Facilities, and Utilities. October 2014.
[18] Visalia Unified School District (VUSD). 2022. About VUSD. Website: https://www.vusd.org/domain/9. Accessed September 14, 2022.
[19] Visalia General Plan 2030. 2014. Parks, Schools, Community Facilities, and Utilities. October 2014.
[20] Ibid.
[21] Ibid.
[22] United States Census Bureau. 2023. Visalia Quick Facts. Website: https://www.census.gov/quickfacts/visaliacitycalifornia. Accessed March 28, 2023.

to fund the East Side Regional Park and Groundwater Recharge Project and other future parks projects to offset impacts to park and recreation facilities. The Draft EIR for this project State Clearinghouse [SCH] No. 2014121076) was circulated for public comments between February 2, 2023 and March 20, 2023, and was certified by the City Council on November 20, 2023.

#### *Project Site*

The closest park to the project site is Lions Park (an approximately 4-acre park with recreational amenities such as playground and basketball court), located approximately 0.40 mile southeast of the project site. However, given its current entirely agricultural use (with no residential use), the project site does not generate any demand for parkland.

### Libraries

#### *City of Visalia*

The Visalia Branch Library of the Tulare County Public Library system is located at 200 W Oak Avenue in central Visalia. Based on available information, the Tulare County Library system includes 17 library branches, five book machines, and an online website.[23]

#### *Project Site*

The Visalia Branch Library is located approximately 4.5 miles southeast of the project site. However, given its current entirely agricultural use (with no residential use), the project site does not generate any associated library service needs.

## 3.13.3 - Regulatory Framework

### State

#### *California Fire Code and California Building Code*

The International Fire Code and the International Building Code, established by the International Code Council (ICC) and amended by the State of California, prescribe performance characteristics and materials to be used with the goal of achieving acceptable levels of fire protection. Standard fire safety requirements necessary to demonstrate compliance with the California Fire Code include the installation of fire sprinklers in all high-rise buildings; the establishment of fire resistance standards for fire doors building materials, and particular types of construction; and the clearance of debris and vegetation within a prescribed distance from occupied structures within wildfire hazard areas. The California Fire Code also regulates fire department access, fire protection systems and devices, fire and explosion hazards safety, hazardous materials storage and use, and standards for building inspection.

#### *California Health and Safety Code*

California Health and Safety Code, Sections 13100–13135, establish the following policies related to fire protection that are relevant to this analysis:

**Section 13100.1** The functions of the office of the State Fire Marshall, including the California Department of Forestry and Fire Protection (CAL FIRE), shall be to foster,

[23] Tulare County Library. 2021. Visalia Branch Library. Website: https://www.tularecountylibrary.org/locations-visalia. Accessed December 13, 2022.

promote, and develop strategies to protect life and property against fire and panic.

**Section 13104.6** The Fire Marshall has the authority to require fire hazards to be removed in accordance with the law relating to removal or public nuisances on tax-deeded property.

### *California Senate Bill 50*

California Senate Bill (SB) 50 (funded by Proposition 1A, approved in 1998) limits the power of cities and counties to require mitigation of school facilities impacts as a condition of approving new development, and provides instead for a standardized developer fee. SB 50 generally provides for a 50/50 State and local school facilities funding match. SB 50 also provides for three levels of statutory impact fees. The application level depends on whether State funding is available, whether the school district is eligible for State funding, and whether the school district meets certain additional criteria involving bonding capacity, year-round school, and the percentage of moveable classrooms in use.

SB 50 added the following language to Government Code Section 65996, set forth in relevant part:

. . . (b) The provisions of this chapter are hereby deemed to provide full and complete school facilities mitigation and, notwithstanding Section 65858, or Division 13 (commencing with Section 21000) of the Public Resources Code, or any other provision of state or local law, a state or local agency may not deny or refuse to approve a legislative or adjudicative act, or both, involving, but not limited to, the planning, use, or development of real property or any change in governmental organization or reorganization, as defined in Section 56021 or 56073, on the basis that school facilities are inadequate.

(c) For purposes of this section, "school facilities" means any school-related consideration relating to a school district's ability to accommodate enrollment.

(d) Nothing in this chapter shall be interpreted to limit or prohibit the ability of a local agency to utilize other methods to provide school facilities if these methods are not levied or imposed in connection with, or made a condition of, a legislative or adjudicative act, or both, involving, but not limited to, the planning, use, or development of real property or a change in governmental organization or reorganization, as defined in Section 56021 or 56073. Nothing in this chapter shall be interpreted to limit or prohibit the assessment or reassessment of property in conjunction with ad valorum taxes, or the placement of a parcel on the secured roll in conjunction with qualified special taxes as that term is used in Section 50079.

### *California Government Code, Section 65995(b) and Education Code, Section 17620*

SB 50 amended Section 65995 of the California Government Code, which contains limitations on Section 17620 of the Education Code, the statute that authorizes school districts to assess development fees within school district boundaries. Section 65995(b)(3) of the Government Code requires the maximum square footage assessment for development to be increased every 2 years,

according to inflation adjustments. In 2022, the State approved increasing the allowable amount of statutory school facilities fees (Level I School Fees) to $4.79 per square foot of assessable space for residential development of 500 square feet or more, and to $0.78 per square foot of chargeable covered and enclosed space for commercial/industrial development.[24] School districts may levy higher fees if they apply to the State and meet certain conditions as set forth in the applicable laws and regulations.

## Local

### *Resolution 2022-30*

Development impact fees apply to industrial development in the City. Public safety impact fees are $2,279.00 per gross acre for fire protection facilities and $304 per gross acre for police facilities. The school facility fee for new industrial construction is $0.78 per square foot. Park fees and library fees apply to residential development only and do not apply to industrial development. [25]

### *City of Visalia Fire Department Plan Check and Hydrant Ordinance*

Visalia's requirements for new construction include provisions for the VFD to review building and site plans prior to the issuance of any building permit. The VFD ensures that proposed projects will be adequately served by water (for purposes of fire flow) and will be accessible to emergency vehicles and have adequate emergency evacuation access generally. The VFD also enforces the City's Hydrant Ordinance, which states that applicants are responsible for the installation of water mains and hydrants, and determines the minimum spacing for fire hydrants. Street dimensions are scrutinized to ensure that space will be preserved for ladder trucks to be stabilized, and for emergency vehicles to turn around.

### *Master Mutual Aid Plan*

The City actively participates in the California Master Mutual Aid Plan. Formal mutual aid agreements have been written between the City and surrounding jurisdictions, including the Tulare County Fire Department. A broad automatic aid agreement encompassing 59 square miles surrounding Visalia exists between Tulare County and the City.[26]

### *Multi-Jurisdictional Local Hazards Mitigation Plan*

The City is one of 11 member jurisdictions of a Multi-Jurisdictional Local Hazards Mitigation Plan (MJ-LHMP) led by the Tulare County Office of Emergency Services. The MJ-LHMP is a formal document designed to significantly reduce loss of life and injuries resulting from a disaster; minimize damage to structures and property, as well as disruption of essential services and activities; protect the environment; and promote hazard mitigation as an integrated public policy.[27] The most recent

[24] California Office of Public School Construction. 2022. Annual Adjustment to SFP Grants and Developer Fee History. Website: https://www.dgs.ca.gov/OPSC/Resources/Page-Content/Office-of-Public-School-Construction-Resources-List-Folder/Annual-Adjustment-to-SFP-Grants-and-Developer-Fee-History. Accessed December 13, 2022.

[25] City of Visalia. 2022. Development Fee Schedule, Effective August 20, 2022. Website: https://www.visalia.city/civicax/filebank/blobdload.aspx?BlobID=5702. Accessed December 14, 2022.

[26] California Office of Public School Construction. 2022. Annual Adjustment to SFP Grants and Developer Fee History. Website: https://www.dgs.ca.gov/OPSC/Resources/Page-Content/Office-of-Public-School-Construction-Resources-List-Folder/Annual-Adjustment-to-SFP-Grants-and-Developer-Fee-History. Accessed December 13, 2022.

[27] City of Visalia. 2022. Hazard Mitigation Plan. Website: https://www.visalia.city/depts/fire/preparedness/hazard_mitigation_plan.asp. Accessed December 13, 2022.

version of the MJ-LHP as of this writing was updated in March 2018; updates to the plan are carried out every 5 years.[28]

### *Visalia Emergency Operations Plan*

The California Emergency Services Act (Government Code §§ 8550-8668) requires each city to prepare and maintain an Emergency Plan for natural, manmade, or war-caused emergencies that result in conditions of disaster or extreme peril to life. The Visalia Emergency Operations Plan (EOP) was updated and adopted in 2011 pursuant to this Act. The EOP includes planning and response scenarios for seismic hazards, extreme weather conditions, landslides, dam failure and other flooding, wildland fires, hazardous materials incidents, transportation emergencies, civil disturbance, and terrorist attacks. It is meant to work in conjunction with the Tulare County EOP and the State EOP. The Emergency Council of the Tulare County Operational Area meets for regional coordination purposes at least four times per year. In addition, the VFD has specific procedures for hazardous materials emergency response.[29]

### *City of Visalia*

*General Plan*

The City of Visalia General Plan sets forth the following goals, objectives, policies, and actions that are relevant to public services for purposes of this analysis:

**Parks, Schools, Community Facilities, and Utilities Element**

**PSCU-P-2** Strive to achieve and maintain a citywide standard of at least five acres of neighborhood and community parks per 1,000 residents. Credits for pocket parks can be granted under the Park Acquisition and Development Fee Program, subject to the design review criteria of Policy PSCU-P-8. These credits may be on a less than 1:1 basis.

**PSCU-P-9** Continue to implement a Park Acquisition and Development Fee Program updated to be consistent with this General Plan, including the following:

- Land and fees received shall support a standard of five acres of neighborhood and community parks per 1,000 residents and provide park and recreation facilities serving the neighborhood quadrant in which the contributing development occurs;
- A portion of the fees collected are to be used for community-wide recreation facilities;
- Dedicated park land meeting specified criteria for community parks, neighborhood parks and pocket parks may be provided at the City's discretion, in lieu of fees, or earn fee credits (the City will not accept undevelopable, unusable land); and

[28] Tulare County is in the process of updating the MJ-LHMP. This analysis relies on the most recently adopted 2018 MJ-LHMP as of the NOP issuance date of August 2022.
[29] City of Visalia. 2014. Visalia General Plan, Safety and Noise Element. October.

- Fee credits may also be given for storm drainage basins designed and built for dual recreational use, but these credits may be on a less than 1:1 basis depending on the amenities and facilities provided and their availability throughout the year.

Storm drainage basins can be under water and not available for public use three to four months a year; they also are difficult to maintain, and turf is usually in poor condition compared to turf on year-round playing fields. For these reasons, full fee credit will not be granted.

**PSCU-P-10** Adopt and implement parkland dedication requirements for all subdivisions, consistent with the Quimby Act and Policy PSCU-P-2. This requirement will be integrated with the City's Park Acquisition Development Fee Program.

**Safety and Noise Element**

**S-P-27** Implement a fuel modification program, which also includes residential maintenance requirements and enforcement, plan submittal and approval process, guidelines for planting, and a listing of undesirable plant species. Require builders and developers to submit their plans, complete with proposed fuel modification zones, to the Fire Department for review and approval prior to beginning construction.

**S-P-29** Ensure availability of adequate water supplies to meet public health and safety needs, and for resource protection, by maintaining the following order of priority for water use:

- Potable water supply, fire protection, and domestic use
- Resource protection and preservation
- Industrial, irrigation and commercial uses
- Water-oriented or water-enhanced recreation
- Air conditioning

**S-P-30** Integrate the Tulare County Hazard Mitigation Plan, in particular the hazard analysis and mitigation strategy sections, into the development review process, the emergency operations plan, and capital improvement program, as appropriate.

**S-P-32** Continue to make available fire alarm systems, as referred to in this Element, to be tied directly and automatically to the Visalia City Fire Chief's alarm-receiving center.

**S-P-38** Continue to rely on the Tulare County Office of Emergency Services to maintain inventories of available resources to be used during disasters.

**S-P-39** Continue to upgrade preparedness strategies and techniques in all departments so as to be prepared when disaster, either natural or man-made, occurs.

*Municipal Code*

Municipal Code Title 8 Health and Safety adopts the California Fire Code and establishes requirements for automatic fire extinguishing systems consistent with the CBC and California Fire Code.

## 3.13.4 - Methodology

This analysis identifies potential impacts to fire protection, police protection, schools, libraries, parks, and recreational facilities based on development anticipated from the proposed project. This analysis is based, in part, on review of relevant materials, plans, and other documentation including the General Plan and Municipal Code, information provided on the City's website, and consultation with VPD and VFD. Impacts to public services, parks, and recreational facilities were assessed using the City's significance criteria as well as relevant State and local plans, regulations, and ordinances.

## 3.13.5 - Thresholds of Significance

The City, as lead agency, has elected in its discretion to utilize Appendix G of the CEQA Guidelines as thresholds of significance for the proposed project. According to CEQA Guidelines Appendix G Environmental Checklist, to determine whether impacts to public services resulting from implementation of the proposed project would be significant. Specifically, it would be a significant impact if the proposed project would:

> Result in substantial adverse physical impacts associated with the provision of new or physically altered governmental facilities, need for new or physically altered governmental facilities, the construction of which could cause significant environmental impacts, in order to maintain acceptable service ratios, response times or other performance objectives for any of the public services:
>
> a) Fire protection?
> b) Police protection?
> c) Schools?
> d) Parks?
> e) Other public facilities?

## 3.13.6 - Project Impacts and Mitigation Measures

This section discusses potential impacts associated with the construction and operation of the proposed project and provides feasible mitigation measures if and to the extent required.

### Need for New or Altered Fire Protection Facilities

| | |
|---|---|
| **Impact PUB-1:** | **Would the project result in substantial adverse physical impacts associated with the provision of new or physically altered governmental facilities, need for new or physically altered governmental facilities, the construction of which could cause significant environmental impacts, in order to maintain acceptable service ratios, response times or other performance objectives for fire protection and emergency medical services?** |

### *Impact Analysis*

*Construction*

Upon annexation, the project site would be within the VFD service area. Therefore, the VFD would provide fire protection to the proposed project. Fire Station 55 is the nearest VFD station, located approximately 0.39 mile south of the project site at 6921 West Ferguson Avenue. The next closest station is Fire Station 53, located 3.27 miles southeast of the project site at 5025 West Walnut Avenue.

During construction, it is anticipated there would be a nominal increase in demand for fire protection and emergency medical services, primarily related to typical risks associated with fire and construction safety issues. During the construction phase, heavy construction equipment and passenger vehicles driving on vegetated areas before clearing and grading could increase the danger of fire. Temporary electrical power lines, the storage and use of combustible materials, and heated mufflers could ignite surrounding vegetation and increase fire risk. If a fire were to occur, it is anticipated that personnel and equipment from VFD would have sufficient capacity to respond to a fire at the project site. Therefore, impacts to fire protection services resulting from project construction activities would be less than significant.

Based on this analysis, project construction would not create the need for new or altered fire protection facilities to maintain acceptable service ratios, response times, or other performance objectives for fire protection. Therefore, construction impacts related to fire protection and emergency medical services would be less than significant.

*Operation*

The proposed project would be required to comply with applicable provisions of the California Building Standards Code (CBC), which is adopted by Municipal Code Chapter 15.08 California Building Code, and the California Fire Code, which is adopted by Municipal Code Chapter 8.20 California Fire Code. In compliance with applicable provisions of the California Fire Code, included as Title 24 Part 9 of the CBC, during construction the proposed project would be required to follow applicable fire safety standards related to provision of sufficient water supply for fire flow, adequate fire apparatus access, and acquisition of building permits. Specifically, CBC Section 105.7.17 requires plans be submitted and a permit issued to install, improve, modify, or remove public or private roadways, driveways, and bridges for which VFD access is required by the Fire Code; adherence to this requirement would ensure adequate driveway/entry turning radius, height clearance, and fire hydrant access for fire trucks and engines at the project site during construction. In addition, CBC Section 105.7.18 requires plans be submitted to the Fire Code official for all land developments or for the construction, alteration, or renovation of a building within the jurisdiction where a building permit is required; adherence to this requirement would ensure that construction of the proposed project would not obstruct the VFD from delivering adequate levels of fire protection services and otherwise help to ensure that all applicable standards and requirements are satisfied. Furthermore, Municipal Code Section 16.36.120 establishes specific requirements for fire hydrants, water mains, and fire department access to ensure adequate fire protection services to the project site, and Chapter 8.16 establishes requirements for automatic fire-extinguishing systems consistent with the CBC and California Fire Code.

Operation of the proposed project including new flex industrial, light industrial, and compatible commercial uses such as self-storage/RV parking, a convenience store, a car wash, and two drive-through restaurants on the project site would result in new employees, patrons and visitors, which would result in an increase in calls for fire protection and emergency medical services and thus an increase in demand in this regard. Additionally, in general, industrial occupancy and associated hazardous use (if any) may also increase calls for service or require special equipment. The VFD and County provide some oversight of hazardous materials. However, given the nature of the proposed project, the only types of hazardous materials used that would be used are anticipated to be lubricants, hydraulic oils, and other substances (as discussed further in Section 3.9, Hazards and Hazardous Materials), and thus would not result in any substantial increase in demand for fire protection and/or emergency medical services beyond the typical demand that would be expected to occur with this type of industrial and other compatible commercial uses. As part of operation, the proposed project would be required to comply with applicable provisions of the Visalia Municipal Code, the CBC, and the California Fire Code as discussed above. Specifically, the proposed project would be required to follow standards for fire safety such as fire flow requirements for buildings, fire hydrant location and distribution criteria, automated sprinkler systems, and fire-resistant building materials, as well as provision for adequate emergency vehicle access.

As noted above, the VFD strives to achieve the NFPA response time standard, aiming to respond to 95 percent of calls within 5 minutes.[30] Currently, the VFD has an average response time of 5 minutes 37 seconds for medical calls and 6 minutes and 1 second for fire calls.[31] According to the General Plan, areas of southwest Visalia and smaller areas in the northwest and northeast located more than 0.5 mile of the VFD stations cannot reasonably be served within the VFD's target response time.

The proposed project, which would result in indirect population growth (i.e., employees and their families, patrons, and other visitors) would generate an increase in demand for fire protection and emergency response services. However, such indirect population growth, which occurs as a result of new employment opportunities consistent with the City's land use vision as set forth in the General Plan, is considered planned growth, as discussed in detail in Section 4.2.2, Population and Housing. Moreover, the nature of the proposed project's uses would not result in atypical service demand needs with respect to fire protection and/or emergency medical services.

Furthermore, to the extent calls for VFD service provision occur due to the proposed project, because Fire Station 55 is the nearest VFD station, located 0.39 miles south of the project site, the proposed project could be reached within 2 minutes and therefore would not be expected to significant impair or otherwise substantially affect response times or other VFD performance objectives. As discussed further in Section 3.9, Hazards and Hazardous Materials, Riggin Avenue, Shirk Street, and Kelsey Street are public City streets that run east–west and north–south, respectively, along the project frontages, facilitating emergency vehicle access to the project site during project operation.

[30] City of Visalia. 2014. Visalia General Plan Safety and Noise Element. October.
[31] Visalia Fire Department (VFD). 2019 Information Sheet. Website: https://www.visalia.city/civicax/filebank/blobdload.aspx?BlobID=37488. Accessed September 9, 2022.

Based on the foregoing, it is not anticipated that any new or altered fire protection facilities would be triggered to accommodate the demand generated by the proposed project to maintain acceptable service ratios, response times or other performance objectives for fire protection.

Finally, each individual specific development proposed for the project would be required to pay the required applicable plan review and development impact fees toward fire protection facilities and equipment in accordance with the applicable Development Fee Schedule, which would reflect its pro rata fair share contribution to help ensure that the VFD can meet any increased demand for services associated with the proposed project (and other planned growth) and adequate levels of service.[32]

Therefore, operational impacts related to a need for new or altered fire protection facilities would be less than significant.

### *Mitigation Measures*

No mitigation measures are required.

### *Level of Significance*

Less than significant impact.

## Need for New or Altered Police Protection Facilities

| | |
|---|---|
| **Impact PUB-2:** | **Would the project result in substantial adverse physical impacts associated with the provision of new or physically altered governmental facilities, need for new or physically altered governmental facilities, the construction of which could cause significant environmental impacts, in order to maintain acceptable service ratios, response times or other performance objectives for police protection?** |

### *Impact Analysis*

*Construction*

Once the project site is annexed into the City, the VPD would provide law enforcement services. VPD headquarters is approximately 4.31 miles southwest of the project site; however, response is not likely to originate from the station but rather from officers who are routinely patrolling the area. During construction, it is anticipated there would be a nominal increase in demand for police protection. However, the proposed project would implement appropriate, standard security measures, such as provision of adequate lighting and a project boundary fence around the subject construction area to prohibit access by unauthorized persons to the site. With the provision of such security measures, project construction would not create the need for new or altered police protection facilities, and therefore impacts in this regard would be less than significant.

*Operation*

Project operation would result in an increase in calls for police protection services on the project site. Primary access to the project site during operation would be from Riggin Avenue, Shirk Street, and Kelsey Street. Responses to calls for service would likely be from patrolling officers. In addition to calls for service related to the number of new employees, patrons and visitors occupying the

[32] City of Visalia. 2022. Development Fee Schedule, Effective August 20, 2022. Website: https://www.visalia.city/civicax/filebank/blobdload.aspx?BlobID=5702. Accessed December 14, 2022.

project site, a significant increase in vehicle traffic, both personal vehicles and delivery trucks, is expected. This would likely create need for an increase of personnel involved in traffic enforcement, including commercial vehicle regulations.

As discussed in the General Plan, it is anticipated that the VPD's area of responsibility would increase over time through the annexation of properties (including, among others, the project site) and contemplated development consistent with the General Plan land use vision, and thus the need may arise to construct new or expand police facilities to accommodate additional staffing (sworn and professional staff) in order to maintain and improve any applicable response standards and quality of services currently provided by the VPD to serve its area of responsibility over time.

The industrial uses and compatible commercial uses that would occur over time through implementation of the proposed project are part of the anticipated growth contemplated by the City in its General Plan, as indicated by the project site's current Industrial and Light Industrial General Plan land use designations. Indirect population growth that occurs as a result of new employment opportunities (such as those that would occur pursuant to the proposed project) is considered planned growth, as discussed in detail in Section 4.2.2, Population and Housing. The General Plan projects for the City's population to grow from 125,000 people in 2014 to 210,000 people by 2030 and outlines plans for the VPD to expand to meet these growing needs associated with General Plan buildout over that time period within growth areas. The General Plan estimates that a total of 360 officers would be needed to fully staff and serve the City's anticipated population by 2030.[33] The City currently has 250 employees with the VPD according to the VPD's 2020 annual report.[34] It is notable that the City's actual population growth has been slower than previously anticipated in the General Plan. According to the United States Census Bureau, the City had a population of 142,384 in 2020.[35]

The VPD does not identify specific service standards in terms of officers per thousand residents or incident response time. Police response time was less than 20 minutes for 71 percent of all calls in 2022; the average response time for Priority 1 calls was 7 minutes and 4 seconds.

While the proposed project would result in an increased demand for police protection, the nature of the proposed project's uses would not result in atypical service demand needs in this regard and is not anticipated to trigger a need to construct new or expand existing police protection facilities to accommodate this relatively minor increase in demand.

Moreover, each project applicant in connection with its individual specific development proposal for the proposed project would be required to pay the required applicable plan review and public safety development impact fees toward police facilities in accordance with the applicable Development Fee Schedule, which would reflect its pro rata fair share contribution to help ensure that the VPD can meet any increased demand for services associated with the proposed project (and other planned

[33] City of Visalia. 2014. Visalia General Plan Draft Environmental Impact Report (DEIR), Public Service, Facilities, and Utilities. October.
[34] Visalia Police Department (VPD). 2020. Visalia Police Department Annual Report. Accessed September 14, 2022.
[35] United States Census Bureau. 2023. Visalia Quick Facts. Website: https://www.census.gov/quickfacts/visaliacitycalifornia. Accessed March 28, 2023.

growth) and maintain adequate levels of service.[36] For the foregoing reasons, impacts would be less than significant.

### *Mitigation Measures*

No mitigation measures are required.

### *Level of Significance*

Less than significant impact.

## Need for New or Altered Schools

| | |
|---|---|
| **Impact PUB-3:** | **Would the project result in substantial adverse physical impacts associated with the provision of new or physically altered governmental facilities, need for new or physically altered governmental facilities, the construction of which could cause significant environmental impacts, in order to maintain acceptable service ratios, response times or other performance objectives for schools?** |

### *Impact Analysis*

*Construction*

Impacts related to provision of or need for construction of new or expanded school facilities are limited to operational impacts. No construction impacts would occur.

*Operation*

Upon annexation to the City, the project site would be located in the service areas for Denton Elementary School, Ridgeview Middle School, and Redwood High School of the VUSD.

As described in Section 4, Effects Found not to be Significant, the proposed project would result in some amount of indirect population growth due to the creation of employment opportunities during operation. Because there are no residential units proposed, the proposed project would not result in direct population growth and would not directly increase enrollment numbers in the VUSD. The proposed project is anticipated to generate a total of approximately 4,100 new employees at full buildout. Once operational, given the nature of the proposed project, the project site would likely be staffed by employees local to the City and nearby areas. Nonetheless, it is reasonable to assume that some number of employees could potentially transfer into the area as a result of the proposed project, resulting in a certain degree of indirect population growth.

The industrial uses and compatible commercial uses that would occur over time through implementation of the proposed project are part of the anticipated growth contemplated by the City in its General Plan, as indicated by the project site's current Industrial and Light Industrial General Plan land use designations. Indirect population growth that occurs as a result of new employment opportunities (such as those that would occur pursuant to the proposed project) is considered planned growth, as discussed in detail in Section 4.2.2, Population and Housing. Thus, the employment increase would be within the employment projections provided in the General Plan, and it is reasonable to conclude that any relatively minor increase in potential housing demand

[36] City of Visalia. 2022. Development Fee Schedule, Effective August 20, 2022. Website: https://www.visalia.city/civicax/filebank/blobdload.aspx?BlobID=5702. Accessed December 14, 2022.

could be readily absorbed by the local housing inventory and/or the pending and approved residential projects in the City and the surrounding area. Because the proposed project would not result in substantial unplanned increase in population growth, and further because any such growth would be nominal at most, the proposed project would not increase school enrollment in such a way to trigger the need to construct new or expanded existing school facilities. Moreover, each individual specific development proposal for the proposed project would be required to pay school facility fees in accordance with the applicable Development Fee Schedule, which would reflect its pro rata fair share contribution to help ensure that local schools can meet any increased demand associated with the proposed project (and other planned growth) and maintain adequate levels of service. Pursuant to Government Code Section 65995, payment of adopted development fees is considered "full and complete mitigation" for impacts to school facilities, and local governments are prohibited from assessing additional fees or exactions for school impacts.

For the foregoing reasons, impacts in this regard would be less than significant.

### *Mitigation Measures*

No mitigation measures are required.

### *Level of Significance*

Less than significant impact.

## Need for New or Altered Parks and Other Recreational Facilities

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|---|---|
| **Impact PUB-4:** | **Would the project result in substantial adverse physical impacts associated with the provision of new or physically altered governmental park facilities, need for new or physically altered governmental facilities, the construction of which could cause significant environmental impacts, in order to maintain acceptable service ratios, response times or other performance objectives for parks or other recreational facilities?** |

### *Impact Analysis*

*Construction*

Impacts related to provision of and need for construction of new or expanded park facilities are limited to operational impacts. No construction impacts would occur.

*Operation*

The General Plan establishes the parkland standard of five acres per 1,000 residents.

The City recently approved the East Side Regional Park and Groundwater Recharge Project, which will provide approximately 139 acres of active recreational amenities and 130 acres of passive amenities in the eastern portion of the City. That project would contribute to the City's park ratio goal. The proposed project would pay into the CIP to fund the East Side Regional Park and Groundwater Recharge Project and other future park projects to offset impacts to park and recreation facilities. As stated above, the Draft EIR for this project was certified by the City Council on November 20, 2023.

The industrial and compatible commercial uses that would occur over time through implementation of the proposed project are part of the anticipated growth contemplated by the City in its General Plan, as indicated by the project site's current Industrial and Light Industrial General Plan land use designations. Indirect population growth that occurs as a result of new employment opportunities (such as those that would occur pursuant to the proposed project) is considered planned growth. As noted above, the proposed project is anticipated to generate a total of approximately 4,100 new employees at full buildout and would likely be staffed primarily by local employees once operational. The closest park to the project site is Lions Park, located approximately 0.40 mile southeast of the project site; this is a neighborhood park that contains amenities such as a playground and basketball court. While it is reasonable to assume that some employees would utilize park facilities during their workday to a certain degree, this use would be limited given the nature of the industrial and related commercial uses and the location of the project site. Project employees and their families would utilize the City's park and recreational amenities, but the limited amount of demand generated by the proposed project would not trigger the need to construct new or expand existing park facilities. Based on the foregoing reasons, operational impacts related to need for new or altered park and recreational facilities would be less than significant.

### *Mitigation Measures*

No mitigation measures are required.

### *Level of Significance*

Less than significant impact.

## Need for New or Altered Other Public Facilities

| | |
|---|---|
| **Impact PUB-5:** | **Would the project result in substantial adverse physical impacts associated with the provision of new or physically altered governmental library facilities, need for new or physically altered governmental facilities, the construction of which could cause significant environmental impacts, in order to maintain acceptable service ratios, response times or other performance objectives for other public facilities, such as libraries?** |

### *Impact Analysis*

*Construction*

Impacts related to provision of and need for construction of new or expanded library facilities are limited to operational impacts. No construction impacts would occur.

*Operation*

The Visalia Branch Library in downtown Visalia serves the project area.

The industrial uses and compatible commercial uses that would occur over time through implementation of the proposed project are part of the anticipated growth contemplated by the City in its General Plan, as indicated by the project site's current Industrial and Light Industrial General Plan land use designations. Indirect population growth that occurs as a result of new employment opportunities (such as those that would occur pursuant to the proposed project) is considered planned growth.

As noted above, the proposed project is anticipated to generate a total of approximately 4,100 new employees at full buildout and would likely be staffed primarily by local employees once operational. While it is reasonable to assume that some employees would utilize library facilities during their workday to a certain degree, this use would be limited given the nature of the industrial and related commercial uses and the location of the project site. Project employees and their families would use the library and its services, but the limited amount of demand generated by the proposed project would not trigger the need to construct new or expand existing library facilities.

Based on the foregoing reasons, operational impacts related to need for library facilities would be less than significant.

#### *Mitigation Measures*

No mitigation measures are required.

#### *Level of Significance*

Less than significant impact.

## 3.13.7 - Cumulative Impacts

The geographic scope of the cumulative public service analysis is the service area of each of the public service providers serving the proposed project. Because of differences in the nature of the public service topical areas, they are discussed separately.

Cumulative projects (which consist of past, present and reasonably foreseeable future developments, including those listed in Table 3-1) in conjunction with the proposed project, would result in single- and multi-family residential, warehouse and distribution, commercial, and mixed-use development. All cumulative developments are within City jurisdiction or its UDB, within areas designated and zoned for urban development. While most planned future cumulative projects consist of warehouse and distribution development (and thus relate in only indirect population growth), the planned future residential projects would directly increase population within the City.

### Need for New or Altered Fire Protection Facilities

The geographic scope of the cumulative fire protection and emergency medical services analysis is the VFD's service area, which encompasses 37.49 square miles and 136,246 people.[37] An increase in population due to the relevant cumulative projects would result in an increased demand for fire protection and emergency medical services, which could trigger the need to construct new or expand existing fire protection facilities.

The General Plan projects a population growth of 85,000 new residents by 2030. To help offset this increased demand, the proposed project and other relevant cumulative projects would be required to pay all applicable plan review and development impact fees to the VFD. All cumulative developments would also be required to adhere applicable provisions of the California Fire Code, Part 9 of the CBC, in terms of meeting standards for fire safety such as fire flow requirements for

[37] Visalia Fire Department (VFD). 2019. Information Sheet. Website: https://www.visalia.city/civicax/filebank/blobdload.aspx?BlobID=37488. Accessed December 9, 2022.

buildings, fire hydrant location and distribution criteria, automated sprinkler systems, fire-resistant building materials, adequate access for emergency vehicles, and adequate emergency evacuation access. In addition, typical safety and security measures would be incorporated into the design and operation of cumulative developments. With adherence to applicable requirements and standards set forth in the CBC and otherwise incorporating typical safety and security measures, this would help to reduce cumulative impacts to fire protection and emergency response services.

Moreover, as part of the related environmental review process that may be necessary as part of the future development of such facilities, payment of applicable plan review and development impact fees would be anticipated to help fund any required expansion of fire protection and emergency medical services. To the extent construction of any new or expanded fire protection and emergency response facilities would be triggered by this increased demand, any impacts would be considered mitigated, to the extent feasible. Based on the foregoing, cumulative impacts with respect to new or altered fire protection facilities would be less than significant.

While the proposed project would generate an increased demand for fire protection and emergency response services, it would be typical for the type of uses proposed (i.e., industrial and compatible commercial); it would be required to adhere applicable provisions of the California Fire Code, Part 9 of the CBC, in terms of meeting standards for fire safety such as fire flow requirements for buildings, fire hydrant location and distribution criteria, automated sprinkler systems, fire-resistant building materials, adequate access for emergency vehicles, and adequate emergency evacuation access. The project would incorporate typical safety and security measures into its design and operation, and it would pay all applicable plan review and development impact fees to ensure its pro rata fair share contribution to support fire protection and emergency medical services.

Based on the foregoing, the proposed project would not have a cumulatively considerable contribution to the already less than significant cumulative impact related to fire protection and emergency medical services.

### Need for New or Altered Police Protection Facilities

The geographic scope of the cumulative police protection analysis is the service area of the VPD, consists of the Visalia city limits. An increase in population as a result of the relevant cumulative projects would result in an increased demand for police protection services, which could trigger the need to construct new or expand existing police protection facilities.

Because demand for law enforcement services varies substantially by project (type of services offered, clientele, hours of operation, crime prevention measures, etc.), it is unlikely that there would be substantial overlap in demand that would result in a cumulatively significant impact such that new or expanded police protection facilities are necessary beyond the City's existing capacity and regular review of service levels for future developments.

To help offset this increased demand, the proposed project and other relevant cumulative projects would be required to pay all applicable plan review and development impact fees to the VPD. In addition, typical safety and security measures would be incorporated into the design and operation of cumulative developments. With adherence to applicable requirements and standards and otherwise incorporating typical safety and security measures, this would help to reduce the need for

police protection. Moreover, payment of applicable plan review and development impact fees would be anticipated to help fund any required expansion of police protection. To the extent construction of any new or expanded police protection facilities would be triggered by this increased demand, impacts would be considered mitigated, to the extent feasible, as part of the related environmental review process that may be necessary as part of the future development of such facilities. Based on the foregoing, cumulative impacts with respect to new or altered police protection facilities would be less than significant.

While the proposed project would generate an increased demand for police protection, it would be typical for the types of uses proposed (i.e., industrial and compatible commercial) and would not be cumulatively considerable because: it would be required to adhere applicable standards set forth in Municipal Code Chapter 8 Health and Safety, and it would incorporate typical safety and security measures into its design and operation. Based on the foregoing, the proposed project would not have a cumulatively considerable contribution to the already less than significant cumulative impact related to police protection.

### Need for New or Altered School Facilities

The geographic scope of the cumulative school facilities analysis is the service area of the VUSD, where over 32,000 students are enrolled. An increase in population as a result of the relevant cumulative projects would result in an increased student demand, which could trigger the need to construct new or expand existing school facilities.

The relevant cumulative developments include residential projects that would directly generate student demand. In addition, there may be some nominal student demand indirectly generated by the nonresidential cumulative developments, including the proposed project (i.e., employees transferring into the area). None of the relevant cumulative developments propose the construction of new educational facilities. To help offset this increased demand, the proposed project and other relevant cumulative projects would be required to pay all applicable plan review and development impact fees to the VUSD, which would be anticipated to help fund any required expansion of school facilities. To the extent construction of any new or expanded school facilities would be triggered by this increased demand, impacts would be considered mitigated, to the extent feasible, as part of the related environmental review process that may be necessary as part of the future development of such facilities. Based on the foregoing, cumulative impacts with respect to new or altered school facilities would be less than significant.

Since the proposed project does not involve any residential uses, it would not directly generate an increased demand for school facilities. To the extent some number of employees may transfer to the area, this type of indirect student demand generation would be expected to be nominal at most. However, as noted above, payment of applicable development impact fees pursuant to State law would ensure its pro rata fair share contribution to support school facilities.

Based on the foregoing, the proposed project would not have a cumulatively considerable contribution to the already less than significant cumulative impact related to school facilities.

## Need for New or Altered Park and Recreational Facilities

The geographic scope of the cumulative park facilities analysis is the city limit. An increase in population the cumulative projects would result in an increased demand for park facilities. To help offset this increase, residential cumulative projects would be required to provide parkland or pay applicable development fees. With payment of applicable park impact fees and/or otherwise satisfying park dedication obligations by cumulative residential projects, there would be a less than significant cumulative impact related to additional increased use and physical deterioration of existing parks and recreational facilities.

Because the proposed project would not include the development of any residences, and therefore, would not increase the population in the area, the proposed project would not contribute to cumulative impacts associated with parks.

## Need for New or Altered Library Facilities

The geographic scope of the cumulative libraries analysis is the City. An increase in population as a result of the relevant cumulative projects would result in an increased demand for library services, which could trigger the need to construct new or expand existing library facilities.

The relevant cumulative developments include residential projects that would directly generate demand for library services as well as nonresidential projects that could also indirectly generate demand as well (albeit minor in nature). To the extent construction of any new or expanded library facilities would be triggered by increased demand of new residential development, the related environmental review process and payment of fees would mitigate impacts to the library, to the extent feasible. Based on the foregoing, cumulative impacts with respect to new or altered library facilities would be less than significant.

Since the proposed project does not involve any residential uses, it would not directly generate an increased demand for library facilities. While some employees may periodically use the Visalia Branch Library, given the nature of the proposed uses and the location of the project site, any such increased demand would be nominal.

Based on the foregoing, the proposed project would not have a cumulatively considerable contribution to the already less than significant cumulative impacts associated with library facilities.

### *Mitigation Measures*

No mitigation measures are required.

## Level of Cumulative Significance

Less than significant impact.

# 3.14 - Transportation

## 3.14.1 - Introduction

This section describes existing conditions related to transportation on the project site and in the project area as well as the relevant regulatory framework. This section also evaluates the potential impacts related to transportation that could result from implementation of the proposed project. Information in this section is based, in part, on the project-specific Transportation Impact Analysis (TIA) and the project-specific Vehicle Miles Traveled (VMT) Analysis, included as Appendix I. One public comment was received during the Environmental Impact Report (EIR) scoping period related to transportation:

- San Joaquin Valley Air Pollution Control District, September 28, 2022–Construction and operational emissions may exceed significance thresholds, requiring mitigation measures to reduce VMT.

## 3.14.2 - Existing Conditions

### Roadway Facilities

#### *State*

*State Route 99*

State Route (SR) 99 is a six-lane, north–south divided highway. SR-99 intersects SR-198 approximately 1 mile from the study area. The posted speed limit within the study area is 70 miles per hour (mph).

*State Route 198*

SR-198 is a four-lane, east–west divided highway connecting to U.S. Highway 101 (US-101) in the west near King City and SR-180 in the east at the Sequoia National Park entrance. SR-198 provides connection for residential, commercial, industrial, and agricultural land uses from the Central Coast to the Central Valley through the counties of Monterey, Fresno, Kings, and Tulare. SR-198 intersects the north–south routes Interstate 5 (I-5) and SR-99. The posted speed limit within the study area is 65 mph.

#### *Local*

*Arterials*

**Plaza Drive**

Plaza Drive is a classified arterial and a future Class II bike facility running north–south between Avenue 320 and SR-198. Plaza Drive is currently constructed as a four-lane, divided road. The speed limit ranges from 45 to 55 mph. Within the study area, there are limited existing bicycle and pedestrian improvements.

**Shirk Street**

Shirk Street is a classified arterial and a future Class II bike facility running north–south between Avenue 320 and Avenue 272. The roadway is currently constructed as a two-lane, undivided road. The speed limit on the segment ranges between 40 to 45 mph. The roadway is classified as a

greenway and as a future Class II bike facility. There are limited pedestrian improvements and no existing bicycle features.

**Akers Street**

Akers Street is a classified arterial and a future Class III bike facility running north–south between Avenue 320 and Avenue 272. The roadway is currently constructed as a four-lane, divided road north of Visalia Parkway. South of West Visalia Parkway, the roadway is currently constructed as a two-lane, undivided road. The speed limit on the segment ranges from 35 to 50 mph. Bike lanes are present between Porter Avenue and Ferguson Avenue. A sidewalk is present along a significant portion of the street but missing adjacent to undeveloped parcels.

**Avenue 320**

Avenue 320 is a classified arterial roadway running east–west between Road 38 and Road 108. The roadway is currently constructed as a two-lane, undivided road. There is no posted speed limit within the study area, therefore, the speed limit is 55 mph per County Ordinance. There are no existing bicycle features and limited pedestrian improvements.

**Riggin Avenue**

Riggin Avenue is a classified arterial roadway and future Class II bike facility running east–west between SR-99 and St. Johns Parkway. The roadway is currently constructed as a four-lane, divided road west of Kelsey Street. Between Demaree Street and Mooney Boulevard, the roadway is constructed as a four-lane, divided road. Between Mooney Boulevard and Dinuba Boulevard, the roadway is constructed as a two-lane, undivided road. Between Dinuba Boulevard and St. Johns Parkway, the roadway is constructed as a two-lane, undivided road. West of Linwood Street, there is no posted speed limit within the study area. Between Linwood Street and St. Johns Parkway, the posted speed limit ranges from 45 to 50 mph. There is no posted speed limit within the study area. There are limited existing bicycle and pedestrian facilities.

**Goshen Avenue**

Goshen Avenue is a classified arterial roadway and existing Class I bike facility running east–west between SR-99 and Lovers Lane. The roadway is currently constructed as a four-lane, divided road. The speed limit ranges from 35 to 55 mph. Within the study area, there are limited existing bicycle and pedestrian improvements. A Class I bike lane is present on the north side of Goshen, between SR-99 and South Giddings Street. There are limited pedestrian improvements on the south side of the road.

*Collectors*

**Kelsey Street**

Kelsey Street is a classified collector running north–south between Avenue 320 and Hurley Avenue. The roadway is currently constructed as a two-lane, undivided road. There is a 2,300-foot section that is undeveloped south of Riggin Avenue to just north of Doe Avenue. There is no posted speed limit within the study area. There are no existing bicycle features and limited pedestrian improvements.

**Shannon Parkway-Riverway Avenue**

Shannon Parkway-Riverway Avenue is a classified collector roadway running east–west between Akers Street and Demaree Street. The roadway is currently constructed as a two-lane, undivided road between Demaree Street and Mooney Boulevard, and a four-lane, divided road between Mooney Boulevard and Dinuba Boulevard. The segment between Demaree Street and Dinuba Boulevard has a posted speed of 40 mph. Outside of these limits, the speed limit is 55 mph per County Ordinance. There are no existing bicycle features and limited pedestrian improvements.

### *Study Area*

The study area includes the main roadways and intersections around the project site that would be most impacted by the proposed project's traffic volumes. The study intersections were selected in adherence with the City's requirement of all site access drives, major intersections within 1 mile, either signalized or unsignalized, and driveways/intersections where traffic movements could be affected by new driveway traffic movements. Based on this coordination with City staff, the intersections shown in Table 3.14-1 were evaluated.

**Table 3.14-1: Study Intersections**

| # | Intersection | # | Intersection |
|---|---|---|---|
| 1 | North American Street/West Riggin Avenue (S) | 14 | North Shirk Street/West Riggin Avenue (U) |
| 2 | North Plaza Drive/Avenue 320 (U) | 15 | North Shirk Street/ West Sunnyview Avenue and West Ferguson Avenue (U) |
| 3 | North Plaza Drive/West Riggin Avenue (S) | 16 | North Shirk Street/West Doe Avenue (U) |
| 4 | North Plaza Drive/West Ferguson Ave (S) | 17 | North Shirk Street/West Goshen Avenue (S) |
| 5 | North Plaza Drive/Future Access Road (U) | 18 | North Shirk Street/West Hurley Avenue (S) |
| 6 | North Plaza Drive/West Goshen Avenue (S) | 19 | North Roeban Street/West Riggin Avenue (U) |
| 7 | North Kelsey Street/Riverway Avenue and Shannon Parkway (U) | 20 | North Roeban Street/West Ferguson Avenue (U) |
| 8 | North Kelsey Street/West Riggin Avenue (S) | 21 | North Akers Street/Avenue 320 (U) |
| 9 | North Kelsey Street/West Goshen Avenue (S) | 22 | North Akers Street/Shannon Parkway (U) |
| 10 | Future North Clancy Street/Unnamed North Road (U) | 23 | North Akers Street/West Riggin Avenue (S) |
| 11 | Future North Clancy Street/West Riggin Avenue (U) | 24 | North Akers Street/West Ferguson Avenue (S) |
| 12 | North Shirk Street/Avenue 320 (U) | 25 | North Akers Street/West Goshen Avenue (S) |
| 13 | North Shirk Street/Shannon Parkway (U) | 26 | North Shirk Street/Shannon Parkway (U) |

Notes:
(S)–Signalized Intersection
(U)–Unsignalized Intersection

## Vehicle Level of Service

Although the California Environmental Quality Act (CEQA) now recognizes VMT as the primary analysis methodology for transportation impacts, intersection Level of Service (LOS) and queueing were also analyzed in this section. This analysis will determine the operational effects of nearby intersections as a result of the proposed project, to be installed by the subject development or to have the relevant contribution of a proportionate fair share be made by the subject applicant. This analysis is in accordance with applicable legal requirements related to nexus. The City is continuing to review traffic LOS as the means by which it plans for roadway improvements in support of its General Plan. LOS analysis is still appropriate and necessary to determine consistency with General Plan policies as they relate to LOS and to determine necessary roadway infrastructure improvements and capacity.

Analysis of intersection deficiencies were based on the concept of LOS, which is a qualitative measure used to describe operational conditions. LOS A (best) represents minimal delay, and F (worst) represents heavy delay and a facility that is operating at or near its functional capacity.

Intersection LOS for this study were determined using methods defined in the Highway Capacity Manual, 6th Edition (HCM 6) within the Synchro 11 analysis software. HCM 6 includes procedures for analyzing side street stop controlled (SSSC), all-way stop controlled (AWSC), and signalized intersections. The SSSC procedure defines LOS as a function of average control delay for the worst minor street movement or major street left turn. Conversely, the AWSC and signalized intersection procedures define LOS as a function of average control delay for the intersection as a whole. Table 3.14-2 relates the operational characteristics associated with each LOS category for signalized and unsignalized intersections.

**Table 3.14-2: Signalized and Unsignalized Intersection LOS Criteria**

| Level of Service | Description | Signalized (Average control delay per vehicle in seconds/vehicle) | Unsignalized (Average control delay per vehicle in seconds/vehicle) |
|---|---|---|---|
| A | Free Flow or Insignificant Delays: Vehicles are completely unimpeded in their ability to maneuver within the traffic stream. Control delay at signalized intersections is minimal. | <= 10.0 | <= 10.0 |
| B | Stable Operation or Minimal Delays: The ability to maneuver within the traffic stream is only slightly restricted, and control delay at signalized intersections are not significant. | > 10 and < 20.0 | >10 and < 15.0 |
| C | Stable Operation or Acceptable Delays: The ability to maneuver and change lanes is somewhat restricted, and average travel speeds may be about 50 percent of the free flow speed. | >20 and < 35.0 | >15 and < 25.0 |
| D | Approaching Unstable or Tolerable Delays: Small increases in flow may cause substantial increases in delay and decreases in travel speed. | >35 and < 55.0 | >25 and < 35.0 |

| Level of Service | Description | Signalized (Average control delay per vehicle in seconds/vehicle) | Unsignalized (Average control delay per vehicle in seconds/vehicle) |
|---|---|---|---|
| E | Unstable Operation or Significant Delays: Significant delays may occur and average travel speeds may be 33 percent or less of the free flow speed. | >55 and < 80.0 | >35 and < 50.0 |
| F | Forced Flow or Excessive Delays: Congestion, high delays, and extensive queueing occur at critical signalized intersections with urban street flow at extremely low speeds. | > 80.0 | > 50.0 |

Source: City of Visalia. Visalia General Plan Circulation Element.

Project deficiencies were determined by comparing conditions with the proposed project to those without the proposed project. Project-related deficiencies at study intersections are created when traffic from the proposed project causes the LOS to fall below the maintaining agency's LOS threshold or causes deficient intersections to deteriorate further based on applicable thresholds.

The LOS threshold for the City's intersections analysis is LOS D. A project-induced deficiency occurs if the addition of project traffic would cause an intersection operating at LOS A, B, C, or D, to begin to operate at LOS E or F. For intersections already operating at LOS E or F without project traffic, any addition of project traffic resulting in increased delay of 5.0 seconds or more would also result in a project deficiency.

### *Peak-Hour Turning Movement Volumes*

Intersection turning movement volumes for the signalized study area intersections were collected during the typical 7:00 a.m. to 9:00 a.m. and 4:00 p.m. to 6:00 p.m. commuter peak periods. For the unsignalized intersections, volumes were collected for a 14-hour period between 6:00 a.m. and 8:00 p.m. Data was collected at 18 of the study intersections in April and May 2022, when local schools were in session. Forty-eight-hour roadway directional volumes were also collected along Riggin Avenue, Kelsey Street, and Shirk Street, adjacent to the project site, for the development of driveway volumes. Vehicular classification was obtained from the intersection data.

Seven additional intersection turning movement volumes were collected in June 2022, after the summer break had commenced. To normalize this supplemental traffic data collected during the summer, 48-hour roadway counts were recollected at the same three locations along Riggin Avenue, Kelsey Street, and Shirk Street for determination of growth factor to be applied to summer volumes collected. Based on the assessment of roadway volumes collected in May and June, it was determined that the traffic volumes collected during the summer at the collected locations were higher for daily and AM and PM peak-hours. Therefore, a growth factor was not applied to the summer counts collected.

## Queueing

Queues that exceed the turn pocket length can create potentially hazardous conditions by blocking or disrupting through-traffic in adjacent travel lanes. However, these potentially hazardous queues are generally associated with left-turn movements. Locations where the right-turn pocket storage is exceeded are generally not considered hazardous because the right-turn movements generally receive "green indications" at the same time as the adjacent through movement. Therefore, any additional vehicles that spill out of the right-turn pocket will likely not hinder nor disrupt the adjacent through traffic, as would be the case in most left-turn pockets.

The effects of vehicle queueing for all exclusive turn-lanes were analyzed by reporting the 95th percentile queues. The 95th percentile queue length represents a condition where 95 percent of the time during the peak-hour, traffic queues are expected to be less than or equal to the queue length estimated by the analysis. This is referred to as the "95th percentile queue," which is less than the average queueing. The 95th percentile queue length was determined using HCM 6 methodology via Synchro 11 Software.

### *Study Area*

Unacceptable or extended queueing may be defined as spillover from turn pockets into through lanes and/or spillover into adjacent intersections. The City does not have specific thresholds for identifying a project-related queueing deficiency. The TIA assumed spillover when the estimated 95th percentile queue for a turn pocket exceeds available storage by more than one car length, or 25 feet. If a turn pocket is anticipated to exceed available storage under no-project conditions, the proposed project would be expected to cause constrained access for that movement if it increases the deficient queue by more than 25 feet.

## Existing Public Transit Service and Facilities

Visalia Transit provides a local fixed route bus system for City residents and visitors, with multiple bus routes operating within the study area.

### *Study Area*

*Bus Routes*

**Route 6** is a local bus service that operates between the Visalia Transit Center and the Visalia Medical Clinic. On weekdays, the bus route operates from 6:00 a.m. to 9:55 p.m. On weekends, service is available from 8:00 a.m. to 6:55 p.m. Within the study area, the route runs along Akers Street between SR-198 and Goshen Avenue, and along Goshen Avenue east of Akers Street. The nearest bus stop to the study area is located at Visalia Medical Clinic.

**Route 7** is a local bus service that operates between the Visalia Medical Center and Target Shannon Ranch. On weekdays, the bus route operates from 6:00 a.m. to 9:48 p.m. On weekends, service is available from 8:00 a.m. to 5:48 p.m. Within the study area, the route runs along Akers Street between SR-198 and Riggin Avenue, and along Riggin Avenue east of Akers Street. Bus stops within the study area are located near the intersections of Akers Street/Goshen Avenue and Akers Street/Riggin Avenue.

**Route 15** is a local bus service that operates between the Visalia Transit Center and Goshen Elementary School. On weekdays, the bus route operates from 6:00 a.m. to 10:20 p.m. On weekends, service is available from 7:30 a.m. to 6:35 p.m. Within the study area, the route runs along Shirk Street between SR-198 and Doe Avenue, Doe Avenue between Kelsey Street and Shirk Street, Goshen Avenue west of Kelsey Street, and Kelsey Street between Doe Avenue and Mineral King Avenue. A bus stop is located within the study near the intersection of Shirk Street/Doe Avenue. Bus stops are also located near the study area at San Joaquin Valley College and along Mineral King Avenue.

**Route 17** is a local bus service that operates between the Visalia Medical Clinic and the intersection Kelsey Street/Hillsdale Court. On weekdays, the bus route operates from 6:00 a.m. to 10:30 p.m. On weekends, service is available from 8:00 a.m. to 6:30 p.m. Within the study area, the route runs along Shirk Street north of SR-198, along Riggin Avenue between Shirk Street and Plaza Drive, and along Plaza Drive south of Goshen Avenue. Bus stops within the study area are located near the Kelsey Street/Riggin Avenue intersection and along Riggin Avenue east of Plaza Drive.

Table 3.14-3 provides a summary of the bus services in the study area.

**Table 3.14-3: Existing Transit Service**

| Route | Description | Weekdays | | Weekends | |
|---|---|---|---|---|---|
| | | Operating Hours | Headway[1] (minutes) | Operating Hours | Headway[1] (minutes) |
| 6 | Transit Center–Medical Clinic | 6:00 a.m.–9:55 p.m. | 60 | 8:00 a.m.–6:55 p.m. | 60 |
| 7 | Medical Clinic–Target | 6:00 a.m.–9:48 p.m. | 60 | 8:00 a.m.–5:48 p.m. | 60 |
| 15 | Transit Center–Goshen Elementary School | 6:00 a.m.–10:20 p.m. | 45 | 7:30 a.m.–6:35 p.m. | 45 |
| 17 | Medical Clinic–Kelsey/Hillsdale | 6:00 a.m.–10:30 p.m. | 30 | 8:00 a.m.–6:30 p.m. | 30 |

Notes:
Table reflects transit schedule effective September 24, 2020 for Route 6 and Route 7, October 14, 2020 for Route 15, and October 10, 2021 for Route 17.
[1] Headways are defined as the time between transit vehicles on the same route. Listed headways are the modes of the headways and rounded to the nearest 5 minutes.

## Bicycle Facilities

California Department of Transportation (Caltrans) Highway Design Manual and National Association of City Transportation Officials Urban Bikeway Design Guide define four major types of bicycle facilities:

- **Class I: Multiuse Path—**These paths provide a completely separate right-of-way and are designated for the exclusive use of bicycles and pedestrians with vehicle cross-flow minimized.

- **Class II: Bicycle Lane—**These bicycle lanes provide a restricted right-of-way and are designated for the use of bicycles for one-way travel with a striped lane on a street or highway. These bicycle lanes are generally a minimum of 5 feet wide, and vehicle/pedestrian cross-flow is permitted.
- **Class III: Bicycle Route with Sharrows—**These bikeways provide right-of-way designated by signs or pavement markings for shared use with motor vehicles. These bikeways include sharrows or "shared-lane markings" to highlight the presence of bicyclists.
- **Class IV: Buffered Bicycle Lanes—**These bicycle lanes consist of a physically separate lane for increased comfort and protection of bicyclists. These bicycle lanes can be physically separated by a barrier, such as planters or on-street parking, grade-separated from the roadway, or a painted buffer area. These can also be called cycle-tracks and can allow for one-way or two-way bicycle travel.

### *Project Site*

Within the study area, there are limited existing bicycle improvements. New bike lanes are proposed along Riggin Avenue as part of the Riggin Avenue Widening and Improvements Capital Improvement Plan (CIP). The proposed project would construct Class II bike lanes adjacent to the project site along Kelsey Street, Clancy Street, and the west side of Shirk Street.

## Pedestrian and Bike Facilities

### *Project Site*

Within the study area, there are limited existing pedestrian improvements. Pedestrian access would be provided via new sidewalk constructed adjacent to the project site along the north side of Riggin Avenue, east side of Kelsey Street, both sides of Clancy Street, and west side of Shirk Street. Pedestrian ramps and signalized crossings would be provided at the intersections of Kelsey Street and Riggin Avenue, Clancy Street and Riggin Avenue, and Shirk Street and Riggin Avenue. The proposed project would dedicate a 25-foot setback (measured from top toe of the bank) along Modoc Ditch to meet storm drain and flood control requirements. This setback would provide space for the planned Class I bikeway along the Modoc Ditch.

## Emergency Access and Routes

### *Study Area*

The Tulare County Preparedness Guide provides guidelines regarding disaster preparedness and evacuation planning for Tulare County residents.[1] Although there are no specific designated evacuation routes, the recommended evacuation routes during an emergency would likely be main arterial roads into and out of the project vicinity, such as SR-198 in the east–west direction and SR-99 in the north–south direction. Although not expressly designated as such, given their nature and location, these roads would likely act as the main evacuation routes into and out of the project vicinity.

[1] Tulare County Office of Emergency Services (OES). 2011. Disaster Preparedness Guide. Website: https://oes.tularecounty.ca.gov/sites/oes/assets/File/Tulare%20County%20Disaster%20Preparedness%20Guide%20(2011)%20-%20English.pdf. Accessed February 28, 2023.

### *Project Site*

Access to the proposed project would be established through the construction of 19 unsignalized driveways, which meet or exceed the minimum spacing requirements identified by the City's Design and Improvement Standards. Emergency access would be provided via these 19 points.

## 3.14.3 - Regulatory Framework

### Federal

No federal plans, policies, regulations, or laws related to transportation are applicable to the proposed project.

### State

#### *California Department of Transportation Level of Service Goals*

Caltrans builds, operates, and maintains the State highway system, including the interstate highway system. Caltrans's mission is to improve mobility Statewide. The department operates under strategic goals to provide a safe transportation system, optimize throughput and ensure reliable travel times, improve the delivery of State highway projects, provide transportation choices, and improve and enhance the State's investments and resources. Caltrans controls the planning of the State highway system and accessibility to the system. Caltrans establishes LOS goals for highways and works with local and regional agencies to assess impacts and develop funding sources for improvements to the State highway system. Caltrans requires encroachment permits from agencies for new development before any construction work may be undertaken within the State's right-of-way. For projects that would impact traffic flow and levels of service on State highways, Caltrans reviews measures to mitigate the traffic impacts. SB 743 requires that project VMT be analyzed for CEQA purposes and determination of significant impacts. Caltrans has identified an LOS objective of C/D (i.e., on the "cusp" between levels of service C and D) as the acceptable service level for signalized intersections.

#### *Senate Bill 743*

In November 2017, the Governor's Office of Planning and Research (OPR) released a technical advisory containing recommendations regarding the assessment of VMT, proposed thresholds of significance, and potential mitigation measures for lead agencies to use while implementing the required changes contained in SB 743. Also in November 2017, OPR released the proposed text for Section 15064.3, "Determining the Significance of Transportation Impacts," which summarized the criteria for analyzing transportation impacts for land use projects and transportation projects and directs lead agencies to "choose the most appropriate methodology to evaluate a project's VMT, including whether to express the change in absolute terms, per capita, per household or in any other measure." OPR recommends that for most instances a per service population threshold should be adopted and that a 15 percent reduction below that of existing development would be a reasonable threshold.

For land use projects, SB 743 provides applicants the ability to streamline transportation analysis under CEQA for qualifying urban infill development near major transit stops in metropolitan regions throughout the State. The legislation established a new CEQA exemption for a residential, mixed-use, or employment center project if it is: (1) proposed in a Transit Priority Area (TPA) (i.e., an area within

0.5 mile of a major transit stop that is existing or planned); (2) consistent with a specific plan for which an EIR was certified, and (3) consistent with the use, intensity, and policies of a Sustainable Communities Strategy (SCS) or Alternative Planning Strategy (APS) that is certified by the California Air Resources Board (ARB) as meeting its greenhouse gas reduction targets. In addition, SB 743 establishes that parking impacts of these projects are not considered significant impacts on the environment.

Accordingly, as of July 1, 2020, under the statute and CEQA Guidelines, localities are required to rely on VMT instead of traffic delay as the primary metric for evaluating transportation impacts in CEQA documents. The existence of automobile delay impacts, or the adequacy of an LOS analysis, is not a basis under CEQA for challenging an EIR (*Citizens for Positive Growth & Preservation v. City of Sacramento (2019)* 43 CA5th 609, 624).

## Regional Regulations

### *Regional Transportation Plan/Sustainable Communities Strategy*

The Draft 2022 Regional Transportation Plan/Sustainable Communities Strategy (2022 RTP/SCS) for Tulare County was prepared by TCAG with the assistance of its member jurisdictions. The Regional Transportation Plan (RTP) is a long-range planning document that defines how the region plans to invest in the transportation system over 20+ years based on regional goals, multimodal transportation needs for people and goods, and estimates of available funding.

The SCS is a component of the RTP, required by SB 375, that sets forth a forecasted development pattern for the region, which, when integrated with the transportation network and other transportation measures and policies, will reduce greenhouse gas (GHG) emissions from passenger vehicles and light trucks to achieve the GHG reduction targets set by the ARB. The future land use and transportation scenario presented in the SCS must accommodate forecast population, employment, and housing sufficient to meet the needs of all economic segments of population, including the State-mandated Regional Housing Needs Assessment (RHNA), while considering State housing goals.[2]

The plan sets priorities for funding and implementation of transportation-related projects throughout the County. The 2022 RTP/SCS identifies performance measures and indicators for transportation projects and improvements, including transit trips, peak-hour travel speed, cost of deferred street maintenance, and VMT.

## Local Regulations

### *City of Visalia*

*Visalia General Plan Circulation Element*

The Circulation Element of Visalia's existing General Plan outlines the City's standards for roadway design, improvements, and levels of service. The Circulation Element also calls for consistency and coordination of local transportation actions with State and County agencies and plans. It also

[2] Tulare County Association of Governments (TCAG). 2022. Draft 2022 Regional Transportation Plan/Sustainable Communities Strategy (2022 RTP/SCS). Website: https://tularecog.org/tcag/planning/rtp/rtp-2022/. Accessed February 28, 2023.

considers other modes of travel and includes policies pertaining to aviation, rail, transit, and non-motorized transportation (bicycle and pedestrian).

The General Plan sets the following goals and policies that are relevant to transportation in the Circulation Element:

**Objective T-O-5** Plan and develop a transportation system for Visalia that contributes to community livability, recognizes and respects community characteristics, and minimizes negative impacts on adjacent land uses.

**Policy T-P-22** Require all residential subdivisions to be designed to discourage use of local streets as a bypass to congested arterials, and when feasible, require access to residential development to be from collector streets.

**Policy T-P-23** Require that all new developments provide right-of-way, which may be dedicated or purchased, and improvements (including necessary grading, installation of curbs, gutters, sidewalks, parkway/landscape strips, bike and parking lanes) other City street design standards. Design standards will be updated following General Plan adoption.

**Policy T-P-24** Require that proposed developments make necessary off-site improvements if the location and traffic generation of a proposed development will result in congestion on major streets or failure to meet LOS D during peak periods or if it creates safety hazards.

**Policy T-P-25** Require that where arterial streets are necessary through residential areas, residential development shall be oriented away (side-on or rear-on) from such streets and be properly buffered so that traffic carrying capacity of the street will be preserved and the residential environment will be protected from the adverse characteristics of the arterial street.

**Policy T-P-26** Require that future commercial developments or modifications to existing developments be designed with limited points of automobile ingress and egress, including shared access, onto major streets.

**Policy T-P-27** Work with Caltrans to modify the State Route 198 Route Concept Report to ensure that the facility is designated as a six-lane freeway from Downtown Visalia east to Lovers Lane.

**Policy T-P-28** Promote traffic safety by requiring that ingress and egress to shopping centers be carefully designed, with minimal use of left-turn movements into and out of these centers.

**Policy T-P-29** Require, where possible, that arterials and collectors form four-leg, right-angle intersections. Jogged, offset, and skewed intersections at major streets in near proximity shall be avoided, where possible.

**Policy T-P-34** Develop design and development standards to improve transit service in the community, such as wider sidewalks to accommodate bus stops and bus shelters at intersections; bus pads with shelter and shading vegetation; widened rights-of-way for buses; dedicated bus lanes; on-site transit stops for commercial public, institutional and industrial facilities; and bus facilities adjacent to daycare centers, schools, and major residential areas.

**Policy T-P-35** Schedule public transportation improvement projects in the Capital Improvements Program.

**Policy T-P-39** Develop bikeways consistent with the Visalia Bikeway Plan and the General Plan's Circulation Element.

- Provide Class I bikeways (right-of-way for bicyclists and pedestrians separated from vehicles) along the St. Johns River, Cameron Creek, Packwood Creek, Mill Creek, Modoc Ditch, the Santa Fe Railroad right-of- way and the San Joaquin Railroad right-of-way.
- Provide Class II bikeways (striped bike lanes) along selected collector and arterial streets.
- Provide Class III bikeways (shared use bike routes) along selected local, collector, and arterial streets.

**Policy T-P-41** Integrate the bicycle transportation system into new development and infill redevelopment. Development shall provide short term bicycle parking and long-term bicycle storage facilities, such as bicycle racks, stocks, and rental bicycle lockers. Development also shall provide safe and convenient bicycle and pedestrian access to high activity land uses such as schools, parks, shopping, employment, and entertainment centers.

**Policy T-P-44** Increase the safety of those traveling by bicycle by:

- Sweeping and repairing bicycle paths and lanes on a regular basis;
- Ensuring that bikeways are signed and delineated according to Caltrans or City standards, and that lighting is provided as needed;
- Providing bicycle paths and lanes on bridges and overpasses;
- Ensuring that all new and improved streets have bicycle-safe drainage grates and are free of hazards such as uneven pavement or gravel;
- Providing adequate signage and markings warning vehicular traffic of the existence of merging or crossing bicycle traffic where bike lanes and routes make transitions into or across roadways.

**Policy T-P-45** Require that collector streets that are identified to function as links for the bicycle transportation system be provided with Class II bikeways (bike lanes) or signed as Class III bike route facilities.

**Policy T-P-48** Require construction of minimum sidewalk widths and pedestrian "clear zones" consistent with the Complete Streets cross-sections in this General Plan and with the City's Engineering and Street Design Standards for each designated street type.

**Policy T-P-50** Provide pedestrian facilities that are accessible to persons with disabilities and ensure that roadway improvement projects address accessibility and use universal design concepts.

**Objective OSC-P-23** Where no urban development exists, maintain a minimum riparian habitat development setback from the discernible top of the bank—50 feet for both sides of the Mill, Packwood and Cameron Creek corridors and 25 feet for both sides of Modoc, Persian and Mill Creek Ditches—provided that where riparian trees are located within 100 feet of the discernible top of the banks of the Creek corridors and 50 from the banks for the ditches, the setback shall be wide enough to include five feet outside the drip line of such trees. Restore and enhance the area within the setback with native vegetation.

- Where existing development or land committed to development prohibits the 50-foot setback on Mill, Packwood, and Cameron Creek corridors, provide the maximum amount of land available for a development setback.
- Where existing development or land committed to development prohibits the 25-foot setback along Modoc, Persian, and Mill Creek Ditches, provide the maximum amount of land available for a development setback.

*Visalia Active Transportation Plan*

The Active Transportation Plan (ATP) is meant to provide the means to support active transportation, specifically bicycling and walking, as an alternative mode of transportation for work, daily activities, and recreational trips.

The Modoc Ditch Trail is listed in the ATP as a trail with opportunities for key linkages to other trails.

*Overall Circulation System Planning*

**Objective T-0-4** Ensure that new development pays its fair share of the costs of new and improved transportation facilities.

*Planned Improvement*

**Policy T-P-23** Require that all new developments provide right-of-way, which may be dedicated or purchased, and improvements (including necessary grading, installation of curbs, gutters, and sidewalks, parkway/landscape strips, bike and parking lanes) or other City street design standards. Design standards will be updated following General Plan adoption.

*Bicycle Transportation and Trails System*

**Policy T-P-39** Develop bikeways consistent with the Visalia Bikeway Plan and the General Plan's Circulation Element.

- Provide Class I bikeways (rights-of-way for bicyclists and pedestrians separated from vehicles) along the St. Johns River, Cameron Creek, Packwood Creek, Mill Creek, Modoc Ditch, the Santa Fe Railroad right-of-way and the San Joaquin Railroad right-of-way.
- Provide Class II bikeways (striped bike lanes) along selected collector and arterial streets.
- Provide Class III bikeways (shared use bike routes) along selected local, collector, and arterial streets.

**Policy T-P-41** Integrate the bicycle transportation system into new development and infill redevelopment. Development shall provide short term bicycle parking and long-term bicycle storage facilities, such as bicycle racks, stocks, and rental bicycle lockers. Development also shall provide safe and convenient bicycle and pedestrian access to high activity land uses such as schools, parks, shopping, employment, and entertainment centers.

*Pedestrian Circulation*

**Policy T-P-48** Require construction of minimum sidewalk widths and pedestrian "clear zones" consistent with the Complete Streets cross-sections in this General Plan and with the City's Engineering and Street Design Standards for each designated street type.

**Policy T-P-50** Provide pedestrian facilities that are accessible to persons with disabilities and ensure that roadway improvement projects address accessibility and use universal design concepts.

*Implementation Plan.*

**Policy 1.9** Require proposed new development to create landscape and lighting districts to fund the maintenance of infrastructure, including active transportation elements, along major roadways.

**Policy 2.3** Include facilities that support active transportation in all new development projects. This should include pedestrian/bicycle connections from contemporary subdivision designs to surrounding arterials and collectors, bicycle parking at shopping, employment, and recreational centers, and bikeways on new collector and arterial roadways.

**Policy 2.5** Ensure that on-street parking does not conflict with Class II bike lanes, and restrict parking near intersections and crosswalks to improve visibility and enhance safety for pedestrians and bicyclists.

**Policy 2.6** Identify safety counter measures at areas of high collision activity. Recommend and implement safety improvements.

**Policy 8.3** Encourage new large scale commercial, office, and industrial development to provide a variety of support facilities such as secure and convenient bicycle parking and shower/locker facilities.

*Engineering Design and Improv*ement Standards

SD-3 of the City's Engineering Design and Improvement Standards outlines the Sight Distance Requirements for Arterial and Collector Streets.

## 3.14.4 - Methodology

Impacts related to transportation resulting from implementation of the proposed project are discussed below. The impact analysis is based on the TIA and the VMT analysis prepared for the proposed project and review of the General Plan and the 2022 RTP/SCS. Additionally, the impact analysis is based on review of the City's *VMT Threshold and Implementation Guidelines* and review of the applicable federal, State, and local policies and regulations.

### *Project VMT*

Screening thresholds from the City's VMT Guidelines related to the proposed land use is broken into the following three steps:

1. TPA Screening: As described in the OPR Technical Advisory, projects located within 0.5 mile from an existing major transit stop or within half of a mile from an existing stop along a high-quality transit corridor can be screened out.
2. Low VMT Area Screening: Projects that are consistent with the City's General Plan and are located within low VMT efficient areas can be screened out. These areas are identified in the City's guidelines.
3. Low Project Type Screening: Projects that are consistent with the City's General Plan and generate fewer than 1,000 daily trips could be considered not to lead to a significant impact and can be screened out. For projects that are not consistent with the City's General Plan, the trip threshold is 500 daily trips.

A land use project must only meet one of the above screening thresholds to be presumed to not result in a significant impact under CEQA pursuant to SB 743. However, the proposed project does not meet any of the screening thresholds. Therefore, a complete VMT analysis is required to further evaluate the proposed project's potential VMT impacts.

Because the project site would be annexed into the City, the evaluation of VMT was conducted in accordance with the City's adopted VMT Thresholds and Implementation Guidelines, consistent with other recently approved/annexed projects. These guidelines provide direction to reviewing agency staff, consultants, and project applicants regarding the methodologies and thresholds to be used for VMT analysis within the City. The guidelines also provide basic principles for conducting VMT

analysis based on OPR Technical Advisory, with revisions made to reflect local characteristics of the City, specifically nonresidential/office/retail land uses.

The County's thresholds of significance, as adopted by the City, are summarized below:

- Residential–exceeds a level of 16 percent below existing regional average VMT per capita;
- Office–exceeds a level of 16 percent below existing regional average VMT per employee;
- Retail–any net increase in total VMT;
- Other (consistent with some refinements made to reflect the predominantly rural character of General Plan)–any net increase in VMT per employee; and
- Other (not consistent with General Plan)–exceeds a level of 16 percent below existing regional average VMT per employee.

Based on the available land use category options, it was determined that the proposed project would fall under the category of "Other" uses as the VMT related to the proposed project is primarily produced by industrial employees. As discussed in Chapter 2, Project Description, the proposed project involves an industrial use and is consistent with the Industrial and Light Industrial land use designations that currently apply to the project site and should be treated as "consistent with General Plan."

Therefore, the proposed project would result in a significant CEQA transportation impact if the project VMT per employee exceeds the average VMT per employee for the Traffic Analysis Zone (TAZ) where the project is located.

For consistency with the City, the VMT metric for the proposed project conditions was calculated by using the same Tulare County Association of Governments (TCAG) Travel Demand Model and recommended methodology. TCAG model is a tool used to forecast travel patterns in Tulare County based on estimated future land use and roadway network changes, as well as determination of VMTs.

### Trip Generation

Trip generation estimates are based on the Institute of Transportation Engineers (ITE) Trip Generation Manual, 11th Edition. A trip is defined as a single or one-directional vehicle movement with either the origin or destination at the project site. In other words, a trip can be either "to" or "from" the site and therefore, a single visitor to a site is counted as two. Trips generated by the proposed project are estimated for the AM and PM commuter peak-hours between 7:00 a.m. to 9:00 a.m. and 4:00 p.m. to 6:00 p.m. on a typical weekday. Trips generated were based on the average rates for ITE Land Use 130 (Industrial Park) for the warehouse buildings, ITE Land Use 151 (Mini-Warehouse) for the mini-storage/RV parking, ITE Land Use 934 (Fast-Food Restaurant with Drive-Through) for the fast-food restaurant, Land Use 945 (Convenience Store with Gas Station) for the convenience market, and ITE Land Use 947 (Self-Service Car Wash) for car wash facility. Consistent with the Highway Capacity Manual (HCM) and the City of Visalia's Procedures for Traffic Impact

Analysis (Updated March 2021), a Passenger Car Equivalent (PCE) of 2.0 was applied to the truck volumes to analyze their effects more accurately on roadway capacity and queueing.

Trip reductions were taken into account for internal capture and pass-by trips. With multiuse development, there is potential for interaction among uses within the site. These types of trips are considered internal to the site and are "captured" within the site. Typically, internal capture is derived by methodology and data set forth in the ITE Trip Generation Handbook, 3rd Edition. However, these percentages exceed the 5 percent maximum reduction that is accepted by Caltrans. Therefore, the VMT analysis conservatively assumes an internal capture of 5 percent maximum reduction that is accepted by Caltrans. Additionally, commercial uses like ITE Land Uses 934 and 945 generate pass-by trips. These trips represent vehicles already on the road that stop as they pass by the site on their route to another destination. For the purposes of the VMT analysis, pass-by trips enter and exit the project site at the project driveways but are not new/added trips on the external street and roadway network. Pass-By trip reductions are based on information from ITE Trip Generation Manual, 11th Edition, which recommend 50 percent/55 percent for Land Use 934, and 76 percent AM/75 percent PM for the Land Use 945. Since the half of the site east of Clancy Street is composed of mixed uses, internal capture and pass-by trip reductions are applied to the traffic generated by this side of the proposed project only.

### Employment Generation

The proposed project is expected to generate 4,177 employees, which is estimated by comparing the ITE trip rate per employee to the expected daily traffic generated.[3]

## 3.14.5 - Thresholds of Significance

The lead agency utilizes the criteria in CEQA Guidelines Appendix G Environmental Checklist to determine whether transportation and traffic impacts are significant environmental effects. Would the project:

a) Conflict with a program plan, ordinance or policy of the circulation system, including transit, roadway, bicycle and pedestrian facilities?

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

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

d) Result in inadequate emergency access?

## 3.14.6 - Project Impacts and Mitigation Measures

This section discusses potential impacts associated with the proposed project and provides mitigation measures where necessary.

[3] For the purpose of conservative analysis, 4,180 employees were utilized in the VMT analysis.

## Affect to Circulation System

**Impact TRANS-1: Would the project conflict with a program plan, ordinance or policy of the circulation system, including transit, roadways, bicycle and pedestrian facilities?**

### *Impact Analysis*

*Construction*

**Bicycle**

There are currently limited existing bicycle improvements on Plaza Drive, Riggin Avenue, and Goshen Avenue. A Class I bike lane is present on the north side of Goshen Avenue, between the SR-99 and South Giddings Street. There are no bicycle improvements on Kelsey Street, Shirk Street, Avenue 320, Avenue 316, or other roadways in the existing roadway network. There are no Class II or Class III facilities within the existing roadway network. Because there are no existing Class II or Class III bicycle facilities and limited Class I facilities, road construction of the proposed project would not result in the temporary closure of bicycle facilities during construction. Therefore, construction impacts related to circulation system performance in terms of bicycle facilities would be less than significant.

**Pedestrian**

There are currently limited pedestrian improvements on Plaza Drive, Kelsey Street, Shirk Street, Avenue 320, Avenue 316, Riggin Avenue and Goshen Avenue, including a sidewalk along the south side of Riggin Avenue. Because the existing pedestrian improvements are limited, construction of the proposed project would not result in significant impacts. Should any sidewalks be temporarily shut down during construction, there are alternative pedestrian facilities in the vicinity, and access to alternative pedestrian facilities would remain available. Therefore, construction impacts related to circulation system performance in terms of pedestrian facilities would be less than significant.

**Transit**

The nearest existing bus stops to the study area are located at Visalia Medical Clinic, near the intersections of Akers Street/Goshen Avenue and Akers Street/Riggin Avenue, near the intersection of Shirk Street/Doe Avenue, at San Joaquin Valley College, along Mineral King Avenue, near Kelsey Street/Riggin Avenue, and along Riggin Avenue east of Plaza Drive. Construction of the proposed project would not adversely affect or otherwise conflict with existing pedestrian access to these bus stops. Should any sidewalks be temporarily shut down during construction, there are alternative roadway connections to these bus stops, and pedestrian access to these bus stops would remain available throughout construction. Therefore, construction impacts related to circulation system performance in terms of transit facilities would be less than significant.

*Operation*

**Bicycle**

According to the TIA, no bicycle-related deficiencies are anticipated due to the proposed project. Bicycle connectivity would be improved by the bike facilities that are proposed, including new bike lanes along Riggin Avenue and Class II bike lanes along Kelsey Street, Clancy Street, and Shirk Street. Therefore, operational impacts related to circulation system performance in terms of bicycle facilities would be less than significant.

**Pedestrian**

Proposed pedestrian improvements include new sidewalks, pedestrian ramps and signalized crossings. New sidewalk improvements would be located adjacent to the project site along the north side of Riggin Avenue, east side of Kelsey Street, both sides of Clancy Street, and west side of Shirk Street. The proposed project would also construct pedestrian ramps and signalized crossings at the intersections of Kelsey Street and Riggin Avenue, Clancy Street and Riggin Avenue, Shirk Street and Riggin Avenue. The proposed improvements are expected to enhance pedestrian connectivity.

The City's ATP requires a 25-foot setback for construction of appropriate storm drainage and flood control. In addition, the ATP relies on that setback for a planned Class I bikeway along the south side of the Modoc Ditch. The proposed project would comply with the City's ATP by dedicating 28 feet for a pedestrian trail along the south side of Modoc Ditch. This is incorporated as Mitigation Measure (MM) TRANS-1. Per MM TRANS-2, storm drainage and waterways impact fees would be collected to allow the City to construct appropriate trails along waterways.

Therefore, no pedestrian-related deficiencies are anticipated due to the proposed project. Operational impacts to pedestrian facilities associated with the proposed project would be less than significant.

**Transit**

Visalia Transit Route 17 provides services along Riggin Avenue. The separate, already-approved Riggin Avenue Widening and Improvements CIP that would be constructed by the City and other third parties involves the installation of an additional bus stop adjacent to the project site at the northwest corner of Shirk Street and Riggin Avenue. The proposed project would enhance connectivity to this future transit stop through its installation of the sidewalk and bicycle facilities discussed above. Therefore, no transit-related deficiencies are anticipated due to the proposed project. Operational impacts related to circulation system performance in terms of transit facilities would be less than significant.

## Queueing

*Intersection No. 3–Plaza Drive and Riggin Avenue*

The LOS analysis shows this intersection is expected to operate at an acceptable LOS during the AM and PM peak periods of all Near-Term and Long-Term scenarios analyzed. Since LOS is acceptable and since the westbound left-turns movements are projected to just exceed 300 turning movements for the Near-Term (2028) Plus Project Buildout scenario (242 AM peak-hour/302 PM peak-hour), dual left-turn pockets are not suggested at this time. It is recommended that the proposed project modify the raised median to extend the existing westbound left-turn pocket by 100 feet, to provide 400-foot left-turn pocket. It is also recommended that the existing northbound right-turn stripe be extended to 300 feet. This is included as MM TRANS-3.

*Intersection No. 14–Shirk Street and Riggin Avenue*

The proposed project is expected to result in a queueing deficiency for the following conditions:

- Near-Term (2025) Plus Phase 1 (AM and PM peak-hours)–NBL/EBR
- Near-Term (2026) Plus Phase 2 (AM and PM peak-hours)–NBL/EBR
- Near-Term (2028) Plus Project Buildout (AM and PM peak-hours)–NBL/EBR

Under Near-Term (2025) Conditions Plus Phase 1, the proposed project is projected to cause a queueing deficiency since one or more queues would extend beyond the turn pockets, and since it would increase the queue length by more than 25 feet. Under the ensuing scenarios, the queueing increases further. This is included as MM TRANS-4.

## 3.14.7 - LOS Analysis

### Level of Service

The General Plan Policy TC-1.16 and the City TIA Guidelines set a minimum acceptable LOS standard of LOS D. According to the TIA, a LOS operational analysis was conducted in accordance with the significance criteria provided in the City's TIA Guidelines. Project deficiencies were determined based on criteria established in the City's TIA Guidelines.

#### *Existing (2022) Conditions*

The intersection LOS analysis results under Existing (2022) Conditions shows that all intersections are expected to operate at LOS D or better during the commuter peak periods. Construction of the proposed project would not adversely affect or otherwise conflict with the existing LOS conditions.

#### *Near-Term (2025) Conditions*

Under Near-Term (2025) Conditions, all intersections are expected to operate at LOS D or better during the commuter peak periods with the exception of:

- Intersection No. 15–Shirk Street and Ferguson Avenue (LOS F–PM peak-hour).
- Intersection No. 19–Roeben Street and Riggin Avenue (LOS F–AM peak-hour and PM peak-hour).
- Intersection No. 23–Akers Street and Riggin Avenue (LOS E–AM peak-hour/LOS F–PM peak-hour).

#### *Near-Term (2025) Conditions Plus Phase 1*

Under Near-Term (2025) Conditions Plus Phase 1, all intersections are expected to operate at LOS D or better during the commuter peak periods with the exception of:

- Intersection No. 15–Shirk Street and West Ferguson Avenue (LOS F–PM peak-hour).
- Intersection No. 19–Roeben Street and Riggin Avenue (LOS F–AM and PM peak-hours).
- Intersection No. 23–Akers Street and Riggin Avenue (LOS E–AM peak-hour and peak-hour).
- Intersection No. 24–Akers Street and Ferguson Avenue (LOS E–AM peak-hour).

#### *Near-Term (2026)*

Under Near-Term (2026) Conditions, all intersections are expected to operate at LOS D or better during the commuter peak periods with the exception of:

- Intersection No. 15–Shirk Street and Ferguson Avenue (LOS F–PM peak-hour).
- Intersection No. 19–Roeben Street and Riggin Avenue (LOS F–AM peak-hour and PM peak-hour).

- Intersection No. 23–Akers Street and Riggin Avenue (LOS E–AM peak-hour/LOS F–PM peak-hour).

***Near-Term (2026) Plus Phase 2***

Under Near-Term (2026) Conditions Plus Phase 2, all intersections are expected to operate at LOS D or better during the commuter peak periods with the exception of:

- Intersection No. 15–Shirk Street and Ferguson Avenue (LOS E–AM peak-hour/LOS F–PM peak-hour).
- Intersection No. 19–Roeben Street and Riggin Avenue (LOS F–AM and PM peak-hours).
- Intersection No. 23–Akers Street and Riggin Avenue (LOS E–AM peak-hour/LOS F–PM peak-hour).
- Intersection No. 24–Akers Street Ferguson Avenue (LOS E–AM peak-hour).

***Near-Term (2028) Level of Service***

Under Near-Term (2028) Conditions, all intersections are expected to operate at LOS D or better during the commuter peak periods with the exception of:

- Intersection No. 15–Shirk Street and Ferguson Avenue (LOS F– PM peak-hour).
- Intersection No. 23–Akers Street and Riggin Avenue (LOS E–AM peak-hour/LOS F–PM peak-hour).
- Intersection No. 24–Akers Street and Ferguson Avenue (LOS E–AM peak-hour).

***Near-Term (2028) Plus Project Buildout***

Under Near-Term (2028) Conditions Plus Project Buildout, all intersections are expected to operate at LOS D or better during the commuter peak periods with the exception of:

- Intersection No. 15–Shirk Street and Ferguson Avenue (LOS F–AM and PM peak-hours).
- Intersection No. 23–Akers Street and Riggin Avenue (LOS F–AM and PM peak-hours).
- Intersection No. 24–Akers Street and Ferguson Avenue (LOS E–AM peak-hours).

***Long-Term (2033)***

Under Long-Term (2033) Conditions, all intersections are expected to operate at LOS D or better during the commuter peak periods with the exception of:

- Intersection No. 15–Shirk Street and Ferguson Avenue (LOS F–PM peak-hour)
- Intersection No. 23–Akers Street and Riggin Avenue (LOS F–AM and PM peak-hour)
- Intersection No. 24–Akers Street and Ferguson Avenue (LOS E–AM peak-hour)

***Long-Term (2033) Plus Project Buildout***

Under Long-Term (2033) Conditions Plus Project Buildout, all intersections are expected to operate at LOS D or better during the commuter peak periods with the exception of:

- Intersection No. 15–Shirk Street and Ferguson Avenue (LOS F–AM and PM peak-hours).
- Intersection No. 23–Akers Street and Riggin Avenue (LOS F–AM and PM peak-hours).
- Intersection No. 24–Akers Street and Ferguson Avenue (LOS E–AM peak-hour).

***Long-Term (2038)***

Under Long-Term (2038) Conditions, all intersections are expected to operate at LOS D or better during the commuter peak periods with the exception of:

- Intersection No. 15–Shirk Street and Ferguson Avenue (LOS F–PM peak-hour).
- Intersection No. 23–Akers Street and Riggin Avenue (LOS F–AM and PM peak-hours).
- Intersection No. 24–Akers Street and Ferguson Avenue (LOS E–AM peak-hour).

***Long-Term (2038) Plus Project Buildout***

Under Long-Term (2038) Conditions Plus Project Buildout, all intersections are expected to operate at LOS D or better during the commuter peak periods with the exception of:

- Intersection No. 15–Shirk Street and Ferguson Avenue (LOS F–AM and PM peak-hours).
- Intersection No. 23–Akers Street and Riggin Avenue (LOS F–AM and PM peak-hours).
- Intersection No. 24–Akers Street and Ferguson Avenue (LOS E–AM peak-hour).

***Long-Term (2048)***

Under Long-Term (2048) Conditions, all intersections are expected to operate at LOS D or better during the commuter peak periods with the exception of:

- Intersection No. 15–Shirk Street and Ferguson Avenue (LOS F–PM peak-hour).
- Intersection No. 20–Roeben Street and Ferguson Avenue (LOS E–PM peak-hour).
- Intersection No. 23–Akers Street and Riggin Avenue (LOS F–AM and PM peak-hours).
- Intersection No. 24–Akers Street and Ferguson Avenue (LOS E–AM peak-hour).

***Long-Term (2048) Plus Project Buildout***

Under Long-Term (2048) Conditions Plus Project Buildout, all intersections are expected to operate at LOS D or better during the commuter peak periods with the exception of:

- Intersection No. 15–Shirk Street and Ferguson Avenue (LOS F–AM and PM peak-hours).
- Intersection No. 20–Roeben Street and Ferguson Avenue (LOS F–AM and PM peak-hours).
- Intersection No. 23–Akers Street and Riggin Avenue (LOS F–AM and PM peak-hours).
- Intersection No. 24–Akers Street and Ferguson Avenue (LOS E–AM peak-hour).

According to the LOS operational analysis, the proposed project would result in queueing deficiencies at several intersections and would require implementation of the improvements recommended in the TIA. These recommendations are incorporated as the following mitigation measuresto reduce project impacts related to LOS. With implementation of MM TRANS-1 through MM TRANS-8, impacts would be less than signficant.

### *Level of Significance Before Mitigation*

Potentially significant impact.

### *Mitigation Measures*

**MM TRANS-1** Prior to the issuance of building permits, the project shall comply with the City's Active Transportation Plan (ATP) and dedicate 28 feet for a pedestrian trail along the south side of Modoc Ditch.

**MM TRANS-2** Prior to the building permits, the developer shall appropriate Storm Drainage and Waterways impact fees.

**MM TRANS-3** Plaza Drive and Riggin Avenue: Prior to the issuance of grading permits the proposed project shall provide site plans that show modification of the raised median to extend the existing westbound left-turn pocket by 100 feet, to provide a 400-foot left-turn pocket. The existing northbound right-turn stripe shall be extended to 300 feet. These improvements shall occur in the year 2026. The project proponent shall be financially responsible for these improvements. "Financially responsible" shall equate to implementing the project as well as paying for the project.

**MM TRANS-4** Shirk Street and Riggin Avenue: The proposed project shall provide dual northbound left-turn pockets (300-foot minimum) and a 300-foot minimum southbound left-turn pocket. Since a 300-foot eastbound right-turn pocket would already be installed by the Capital Improvement Plan (CIP) project, additional recommendations are not proposed. These improvements shall occur in the year 2025. The project's contribution to the Transportation Impact Fees (TIF) will assist in paying for these improvements.

**MM TRANS-5** Shirk Street and Ferguson Avenue: Prior to the issuance of final occupancy of any project area, the proposed project shall signalize the intersection, subject to pro rata cost sharing with the adjacent Carlton Acres Specific Plan project. This improvement would allow the intersection to operate at an acceptable Level of Service (LOS) for the deficient scenarios, while reducing the vehicles queues for all intersection turn pockets below the storage capacity. Costs of implementing MM TRANS-5 are expected to be shared by Carlton Acres Specific Plan (CASP) and the proposed project as it provides access to both sites.

**MM TRANS-6** Roeben Street and Ferguson Avenue: Prior to final occupancy of any portion of Phase 3, the proposed project shall make a 26.2 percent fair share contribution toward signalizing this intersection. Based on the estimated signalization and interconnect cost of $500,000, the proposed project shall contribute up to $131,000 for these future improvements.

**MM TRANS-7** Akers Street and Riggin Avenue: The proposed project shall provide an additional northbound left-turn pocket and through lane and provide an additional eastbound/westbound through lane. Costs of implementing MM TRANS-7 are expected to be shared by Carlton Acres Specific Plan (CASP), the proposed project, and others as it provides access to multiple sites under development.

**MM TRANS-8** Akers Street and Ferguson Avenue: The proposed project shall provide an additional northbound/southbound through lane and right-turn pocket (150-foot minimum) and provide an eastbound right-turn pocket (150-foot minimum). Costs of implementing MM TRANS-8 are expected to be shared by Carlton Acres Specific Plan (CASP) and the proposed project as it provides access to both sites.

**MM TRANS-9** Akers Street and Goshen Avenue: The proposed project shall modify the raised median to extend the existing southbound left-turn pocket to 400 feet. It is not recommended to exceed this length further in order to maintain access to the existing driveway north of the intersection. The existing southbound right-turn stripe shall be extended to 400 feet minimum. Costs of implementing MM TRANS-9 are expected to be shared by Carlton Acres Specific Plan (CASP) and the proposed project as it provides access to both sites.

### *Level of Significance After Mitigation.*

Less than significant impact with mitigation incorporated.

## Conflict with CEQA Guidelines Section 15064.3, Subdivision (b)

**Impact TRANS-2: Would the project conflict or be inconsistent with CEQA Guidelines Section 15064.3, subdivision (b)?**

### *Impact Analysis*

The VMT analysis identified project-related VMT impacts based on applicable criteria within the City VMT Guidelines and recommended feasible mitigation measures to address any identified VMT impacts. VMT refers to the amount and distance of automobile travel that is, "attributable to a project." The proposed project will be built in three phases over a period of approximately 4 years. However, for the purposes of the VMT analysis, only the project's full buildout condition was assessed to fully capture the project's VMT impacts in the region.

As shown in Table 3.14-4 below, It is estimated that Phase 1 of development would generate approximately 7,347 daily PCE trips, with 709 PCE trips (548 inbound/161 outbound) during the AM commuter peak-hour and 709 trips (167 inbound/542 outbound) during the PM commuter peak-hour. It is estimated that the proposed project's Phase 1 and 2 developments (combined) would generate approximately 17,790 daily PCE trips, with 1,183 PCE trips (870 inbound/313 outbound) during the AM commuter peak-hour and 1,162 trips (315 inbound/847 outbound) during the PM commuter peak-hour. It is estimated that buildout of the proposed project (Phase 1, 2 and 3 combined) would generate a total of approximately 21,409 daily PCE trips, with approximately 1,508 PCE trips (1,119 inbound/389 outbound) during the AM commuter peak-hour and approximately 1,495 trips (399 inbound/1,097 outbound) during the PM commuter peak-hour.

**Table 3.14-4: Trip Generation Summary**

| Phase | Daily PCE Trips | AM Peak-hour Trips | PM Peak-hour Trips |
|---|---|---|---|
| 1 | 7,347 | 709 | 709 |
| 1 and 2 | 17,790 | 1,183 | 1,162 |
| 1, 2, and 3 | 21,409 | 1,508 | 1,495 |

Notes:
PCE = Passenger Car Equivalent
Source: Kimley-Horn. 2023. Transportation Impact Analysis Shirk & Riggin Industrial Park. October.

In addition, the proposed project is expected to generate 4,177 employees.[4]

Based on the City's SB 743 Guidelines, the proposed project would have a significant impact if it does not meet screening thresholds and if the average VMT/employee would be greater than or equal to the VMT/employee of the TAZ in which the project is located. The proposed project would not meet any of the screening criteria that would allow it to be presumed to have a less than significant impact. Therefore, a VMT analysis was performed.

The proposed project is expected to increase VMT per employee within the TAZ it is located by approximately 0.15 mile, or 1.54 percent of the total miles traveled. Therefore, the proposed project would result in a significant VMT impact, requiring mitigation.

MM TRANS-10a and MM TRANS-10b would be implemented in order to reduce VMT impact. Combining these two mitigation measures would reduce the proposed project's VMT per employee by 1.75 percent, exceeding the proposed project's 1.54 percent impact. Therefore, the proposed project's VMT impact would be mitigated.

In addition to the proposed mitigation measures, VMT is expected to be further reduced with the construction of the adjacent Carlton Acres development, which contains a high number of residential units. The interaction between the proposed project's employment opportunities adjacent to the added residential units was not considered by the TCAG travel demand model, but would further reduce VMTs. Additionally, the construction of a bike path along Modoc Ditch is expected to reduce the miles traveled of nearby existing and future developments as it provides an important bicycle and pedestrian connection for the City and County.

### *Level of Significance Before Mitigation*

Potentially significant impact.

[4] For the purpose of conservative analysis, 4,180 employees were utilized in the VMT analysis.

### *Mitigation Measures*

**MM TRANS-10a** Prior to the issuance of building permits, the site plan shall include the location of up to six secured bicycle storage lockers near each of the buildings entrances and the future transit stop. Up to 10 potential locations shall be included, for a total of up to 60 lockers throughout the site.

Lockers shall be provided for approximately 1.5 percent of the 4,178 site's daily employees with flexibility to add future lockers based on demand.

**MM TRANS-10b** Prior to final occupancy of any portion of Phase 1, the developer shall construct a bike path along Modoc Ditch, between Kelsey Street and Shirk Street (approximately 1-mile).

The existing Class I bike path along Modoc ditch runs to the east of the proposed project, between Dinuba Boulevard and the St. John's River Trail. The Carlton Acres Specific Plan (CASP) project also proposed to construct a portion of the Class I path within the site. Therefore, the bike path shall connect to a new path proposed within the CASP site and future segments to the east and west. This mitigation is subject to contractability and approval by Cal Water.

### *Level of Significance*

Less than significant impact with mitigation incorporated.

## Hazards

**Impact TRANS-3: Would the project substantially increase hazards due to a geometric design feature (e.g., sharp curves or dangerous intersections) or incompatible uses (e.g., farm equipment)?**

### *Impact Analysis*

*Construction*

Construction of the proposed project would require regular deliveries of equipment and materials to the project site as well as daily trips by construction workers. Given the location of the project site, construction traffic would be expected to access the project site from Riggin Avenue via SR-99. This routing would generally avoid residential streets. For the purposes of the TIA and in accordance with the applicant's project development goals, construction of the proposed project is anticipated to begin in March 2024 and be completed in March 2028, with operations commencing upon the completion of construction of the proposed project. However, the resulting daily and peak-hour traffic volumes during the construction period are anticipated to be less than during project operation as analyzed in the TIA. It should be noted that while the construction schedule assumes that none of the three project phases may overlap, the potential remains for project phases to be constructed concurrently. Therefore, a conservative analysis considers both scenarios (i.e., sequential and concurrent phasing). In a reasonable worst-case scenario where all three project phases overlap, it is estimated that construction traffic would result in less than 50 percent of the trips generated under Phase I development analyzed in the TIA.

During construction, the proposed project would require the delivery of heavy construction equipment using area roadways, some of which may require transport by oversize vehicles. Heavy equipment associated with these components would not be hauled to/from the site daily, but rather would be hauled in and out on an as needed basis. Nevertheless, the use of oversize vehicles during construction could create a hazard to the public by limiting motorist views on roadways and by the obstruction of space, which is considered a potentially significant impact. In addition, the project construction activities may result in some temporary lane closures in the area. The proposed project would be required under existing regulations to obtain California Highway Patrol escorts, as well as coordinate the timing of transport, in oversize load permits from Caltrans and Kings County, as appropriate. Therefore, a reasonable worst-case concurrent construction of all phases would not worsen the LOS or impact traffic movement or create roadway hazards to a greater extent than the project as analyzed in the TIA.

Furthermore, MM TRANS-11, would require standard construction traffic control measures be implemented as is consistent with applicable Caltrans and City policies. Measures would require the preparation and implementation of a Construction Traffic Control Plan that would reduce the potential for construction vehicle conflicts with other roadway users. Therefore, construction impacts related to roadway safety hazards would be less than significant with mitigation incorporated.

*Operation*

A sight distance analysis for each project driveway was conducted to determine whether outbound vehicles would have adequate sight distance to observe conflicting traffic along the intersecting public roadways. Intersection sight distance for the project driveways were evaluated following methodology outlined by the City of Visalia Design and Improvement Standard SD-3, which is based on guidance outlined by the American Association of State Highway and Transportation Officials, A Policy on Geometric Design of Highway and Street, 7th Edition. The proposed project would be required to satisfy the required sight lines and clear zone requirements for all project driveways, to ensure roadway hazards are minimized.

Additionally, a collision analysis was conducted as part of the TIA. The collision analysis determined any historic trends that may indicate existing safety hazards present in the study area. Collision data was obtained from the Statewide Integrated Traffic Record System (SWITRS) between January 1, 2018 to December 31, 2020. Over the 3-year period, there was a total of 74 documented collisions, mostly occurring along Goshen Avenue. The most common collision type was a broadside collision. On the proposed project's frontage, along Riggin Avenue and Shirk Road, a total of 11 collisions occurred during the same time period. The most common collision type was a hit object collision.

The study intersections with the most collisions over the 3-year period are the following:

- Intersection No. 6–Plaza Drive and Goshen Avenue
  - 10 collisions (most common collision was rear end)
- Intersection No. 12–Shirk Street and Avenue 320
  - 12 collisions (all collisions were broadside)

- Intersection No. 25–Akers Street and Goshen Avenue
  - 11 collisions (most common collision was rear end).

Considering the generally low traffic volumes at Shirk Street and Avenue 320, the 12 collisions indicate a much higher accident frequency than the rest of study area and a potential safety concern. The County has installed large "STOP" signs and advance "STOP AHEAD" signs on each intersection approach. A street light has also been approved for the intersection, which is currently awaiting approval from the Southern California Edison (SCE). No further intersections are required.

Access to the project site would be provided via 19 new driveways and would contain an internal network of drive aisles. The entrances and roadways providing access to the proposed project would be required to obtain City encroachment permits, comply with applicable provisions of the City's Fire Code and other applicable laws and regulations and would implement improvement measures and would thus operate at acceptable service levels. Furthermore, proposed roadway improvements would further increase roadway safety by being designed according to applicable City, Caltrans, and industry standards. Therefore, impacts associated with roadway design safety hazards would be less than significant.

### *Level of Significance Before Mitigation*

Potentially significant impact.

### *Mitigation Measures*

**MM TRANS-11** Prior to the issuance of construction permits, the project developer shall prepare and submit a Construction Traffic Control Plan to the City of Visalia for approval and implement the approved Construction Traffic Control Plan during construction. The Construction Traffic Control Plan shall be prepared in accordance with both the California Department of Transportation Manual on Uniform Traffic Control Devices and Work Area Traffic Control Handbook and shall include, but not be limited to, the following issues:

a. Timing of deliveries of heavy equipment and building materials;
b. Directing construction traffic with a flag person;
c. Placing temporary signing, lighting, and traffic control devices if required, including, but not limited to, appropriate signage along access routes to indicate the presence of heavy vehicles and construction traffic;
d. Ensuring access for emergency vehicles to the project site;
e. Temporarily closing travel lanes or delaying traffic during materials delivery, transmission line stringing activities, or any other utility connections;
f. Maintaining access to adjacent property; and,
g. Specifying both construction-related vehicle travel and oversize load haul routes, minimizing construction traffic during the AM and PM peak-hour, distributing construction traffic flow across alternative routes to access the project sites, and avoiding residential neighborhoods to the maximum extent feasible.

### *Level of Significance After Mitigation*

Less than significant impact with mitigation incorporated.

## Emergency Access

**Impact TRANS-4: Would the project result in inadequate emergency access?**

### *Impact Analysis*

*Construction*

As discussed above, project construction activities could result in potential vehicular access issues due to potential temporary road detours and/or closures to accommodate the proposed project, which could impede emergency access. MM TRANS-11 would require the preparation and implementation of a Construction Traffic Control Plan that would reduce the potential for construction vehicle conflicts with other roadway users. The Construction Traffic Control Plan would so include measures to ensure that construction would not interfere with emergency response or evacuation plans. With implementation of MM TRANS-11, less than significant impacts are anticipated. Therefore, no significant impacts to vehicular and emergency access would occur during construction activities.

*Operation*

Several factors determine whether a project has sufficient access for emergency vehicles, including:

- Location of closest fire stations.
- Number of access points (both public and emergency access only).
- Width, height, and turning radius of access points.
- Width, height, and turning radius of internal roadways.

Each of these factors is discussed in further detail below.

Fire Station 55 is the nearest Visalia Fire Department (VFD) station, located approximately 0.39 mile south of the project site at 6921 West Ferguson Avenue. Primary fire protection access to the project site would occur from existing roadways that would not be changed as part of the proposed project. Vehicular access for the proposed project consists of 19 driveways, 18 of which would be unsignalized, that would intersect the public streets, detailed below:

- Phase 1
  - Kelsey Street: five full-access driveways
  - Clancy Street: four full-access driveways
- Phase 2
  - Riggin Avenue: one limited-access driveway
  - Riggin Avenue: one right-in/right-out driveway
  - Clancy Street: four full-access driveways
  - Shirk Street: one right-in/right-out driveway
- Phase 3
  - Riggin Avenue: one limited-access driveway

- Shirk Street: one right-in/right-out driveway
- Shirk Street: one limited-access driveway

An internal network of drive aisles would connect the overall project. Proposed off-site roadway improvements would be constructed by the proposed project along Riggin Avenue, Kelsey Street, Clancy Street and Shirk Street, and City encroachment permits would be obtained prior to the start of construction.

The provision of these access points would satisfy the applicable California Fire Code's emergency access requirements. Moreover, the width of these access points and internal roadways would adhere to all other applicable local and State requirements and standards to ensure that access roadways can accommodate fire apparatus vehicles and adequate turning radius, including Section 503, Fire Apparatus Access Roads, of the California Fire Code,[5] as well as Chapter 8.20 of the Visalia Municipal Code.[6] For the foregoing reasons, impacts related to adequate emergency access would be less than significant with mitigation implemented.

### *Mitigation Measures*

Implementation of MM TRANS-11.

### *Level of Significance After Mitigation*

Less than significant impact with mitigation incorporated.

## 3.14.8 - Cumulative Impacts

The geographic scope of the cumulative transportation analysis is the roadway network and the transit, pedestrian, and bicycle facilities in the vicinity of the project site. Cumulative projects analyzed here are developments identified by City to be in the planning process or approved, but not constructed (Exhibit 3-1). Transportation impacts tend to be localized, depending on trip generation and as detailed by traffic distribution. Therefore, the transportation network in the vicinity of the project site would be most affected by project activities. This analysis evaluates whether the impacts of the proposed project, together with the impacts of cumulative development, would result in a cumulatively significant impact related to transportation. This analysis then considers whether incremental contribution to cumulative impacts associated with the implementation of the proposed project would be significant. Both conditions must apply for a proposed project's cumulative effects to rise to a level of significance.

### Transit, Bicycle, and Pedestrian Circulation and Facilities

With respect to transit facilities, should construction or operation of the cumulative projects temporarily or permanently conflict with existing transit connections, each project sponsor for the relevant cumulative project(s) would be required to coordinate with the City and the transit providers to provide alternative transit access.

[5] International Code Council, Digital Codes. 2020. 2019 California Fire Code, Title 24, Part 9 with Jan 2020 Errata. Website: https://codes.iccsafe.org/content/CFC2019P2. Accessed May 2, 2023.

[6] City of Visalia. 2019. Visalia Municipal Code Chapter 8.20, California Fire Code. Website: https://codelibrary.amlegal.com/codes/visalia/latest/visalia_ca/0-0-0-25779. Accessed May 2, 2023.

With respect to pedestrian and bicycle facilities, Cumulative Projects 1, 2, 4, 6, and 7 share a street with the proposed project. Since the project area contains many agricultural uses that did not require frontage improvement, there are limited existing pedestrian and bicycle facilities. The proposed project would dedicate a 28-foot setback for a pedestrian trail along the south side of Modoc Ditch. This is incorporated as MM TRANS-1 Neither the proposed project nor the cumulative projects would remove existing bicycle or pedestrian infrastructure or make a cumulatively considerable contribution to this less than significant cumulative impact. Moreover, as part of the proposed project's frontage improvements, the proposed project would construct new bike lanes along Riggin Avenue and Class II bike lanes along Kelsey Street, Clancy Street, and Shirk Street, which would improve pedestrian and bicycle infrastructure. Therefore, cumulative impacts related to the circulation system in terms of transit, bicycle, and pedestrian facilities would be less than significant.

### Level of Service

As discussed in Impact TRANS-1, all intersections in the study area operate at an acceptable LOS under existing conditions. Under Near-Term (2025) Conditions and later, even without the proposed project, three of the intersections studied are expected to operate below acceptable levels of service. The proposed project would result in a net increase of 21,409 daily trips, including 1,508 trips during the morning peak-hour and 1,495 trips during the afternoon peak-hour. The proposed project would contribute trips already operating below acceptable LOS standards. However, with implementation of MM TRANS-3 through MM TRANS-9, impacts would be less than significant.

Cumulative Projects listed in Table 3-1 would also generate new vehicle trips that may trigger or contribute to unacceptable intersection, roadway, and freeway operations. All projects would be required to mitigate their fair share of impacts. Therefore, the proposed project, in conjunction with other projects, would result in a cumulatively less than significant impact with mitigation incorporated.

### Vehicle Miles Traveled

Transportation impact analysis is inherently cumulative because it is important to analyze a project's impact within the context of existing and future traffic conditions to which all projects contribute and, where appropriate, provide mitigation measures to reduce a project's contribution to any cumulative significant impacts identified to the degree feasible. Cumulative impacts associated with transportation are analyzed throughout this section. Cumulative projects would be required to comply with applicable State and local laws and regulations. If found to result in significant VMT impacts, the cumulative projects would be required to implement feasible Transportation Demand Management (TDM) measures that would reduce VMT and encourage alternative modes of transportation, such as transit, bicycle use, and walking. The provision of transit, bicycle, and pedestrian facilities would depend on the nature of the cumulative project at issue and its location. Cumulative projects would also be required to include facilities and provide TDM measures based on future transportation studies prepared for that project. Because the proposed project's VMT impacts are less than signficant with mitigation incorporated, the proposed project's contribution would not be cumulatively considerable.

## Roadway Safety and Emergency Access

Trucks used during the construction of cumulative projects, including those listed in Table 3-1, Chapter 3, Environmental Impact Analysis, would be required to utilize truck routes designated by the City and therefore would not conflict with the automobile traffic and bicycle and pedestrian activity along public streets. In addition, the relevant local engineering and planning departments would review project plans prior to construction permits in order to determine whether any construction traffic control plans would be required and would require the implementation of same, as necessary.

If any cumulative projects, including those listed in Table 3-1, would redesign City streets in such a way that would significantly impact roadway safety, they would be required to mitigate such impacts as feasible. Roadways constructed as part of the cumulative projects would be constructed to meet applicable City and California Fire Code design standards. Cumulative project driveways and access points would be constructed in compliance with applicable provisions of the California Fire Code and other applicable regulations related to roadway safety and emergency access. As such, cumulative roadway safety and emergency access impacts would be less than significant. Further, as described more fully above, the proposed project, in conjunction with other cumulative projects, would not make a cumulatively considerable contribution to this less than significant cumulative impact associated with roadway safety or emergency access with the implementation of MM TRANS-12.

As described in Impact TRANS-3, the proposed project would be required to implement MM TRANS-11 (Construction Traffic Control Plan) and MM TRANS-11 (fund additional safety roadway feature). The proposed project's contribution to the less than significant cumulative impact would not be cumulatively considerable with implementation of MM TRANS-8 and MM TRANS-9. As such, the proposed project, in conjunction with other cumulative projects, would have a less than significant cumulative impact with respect to roadway safety and hazards, and the proposed project's contribution would not be cumulatively considerable.

### *Level of Significance Before Mitigation*

Potentially significant impact.

### *Mitigation Measures*

Implementation of MM TRANS-1 though TRANS-11.

### *Level of Cumulative Significance After Mitigation*

Less than significant cumulative impact with mitigation incorporated.

# 3.15 - Utilities and Service Systems

## 3.15.1 - Introduction

This section describes the existing conditions related to utilities and service systems (water, wastewater, stormwater, solid waste, electric power, natural gas, and telecommunications facilities) in the City and project area as well as the relevant regulatory framework. This section also evaluates the possible impacts related to such utilities and service systems that could result from implementation of the project. Information in this section is based, in part, on information provided in the Water Supply Assessment (WSA) (Appendix J), 2020 Urban Water Management Plan (2020 UWMP), the California Department of Resources Recycling and Recovery (CalRecycle), and the Visalia General Plan (General Plan).

No public comments were received during the Environmental Impact Report (EIR) scoping period regarding utilities and service systems. During tribal outreach, North Fork Mono Tribe expressed concerns about cumulative water use by recent and proposed development in the area.

## 3.15.2 - Environmental Setting

### Project Site

The project site lies within the Modoc Ditch Drainage Basin, which is the northwesternmost drainage basin in the Sphere of Influence (SOI), encompassing 8,242 acres including areas of the City as well unincorporated areas of the County and areas included in the City's Urban Growth Boundary (UGB).[1] Modoc Ditch is an open channel irrigation canal that provides irrigation service to approximately 6,500 acres with a capacity of approximately 154 to 674 cubic feet per second (cfs).[2] The Modoc Ditch Drainage Basin can generally be characterized as encompassing predominantly agricultural and industrial land uses, stretching as far east as Bridge Street and as far north as Patterson Tract.

The project site abuts Modoc Ditch on its northern border and contains a retention basin diverting from Modoc Ditch on-site. The site topography is generally flat and drains to the north or northwest toward Modoc Ditch.[3]

### Water

The California Water Service (Cal Water) Visalia District, provides water supplies for the City of Visalia (City). The proposed project involves the annexation of the project site into the City; upon annexation, the site will be added to the Cal Water Visalia District service area. Cal Water Visalia District is part of a regional group of agencies and providers as follows:

- Mid-Kaweah Groundwater Sustainability Agency (MKGSA)
- Kaweah Delta Water Conservation District (KDWCD)
- Kaweah River Basin Regional Water Management Group

[1] Boyle Engineering Company. 1994. City of Visalia Storm Water Master Plan and Management Program.
[2] Ibid.
[3] Ninyo & Moore. 2022. Phase I Environmental Site Assessment Northeast Corner of West Riggin and Kelsey Street. July 20.

Cal Water is an urban water supplier that provides the main source of water supply for the City and surrounding communities. The Visalia District is an urban retail water supplier, as defined by the California Water Code Section 10608.12. The Visalia District does not provide water wholesale. The sole source of water supply for the customers of the Visalia District is groundwater. The Visalia District of Cal Water pumps from the Kaweah basin, which has been designated by the California Department of Water Resources (DWR) as critically over drafted.

The Cal Water Visalia District is in Tulare County and serves the City and segments of unincorporated Tulare County including the communities of Goshen, Mullen, and Tulco.[4] The Visalia District service area lies approximately 42 miles southeast of the City of Fresno and 75 miles north of the City of Bakersfield. The Cal Water system includes 75 operational groundwater wells, about one-third of which have auxiliary power for backup. There are 519 miles of main pipeline in the system, ranging in size from two inches in diameter to 12 inches in diameter.[5] The Visalia District had 45,550 municipal connections and supplied 30,152 acre-feet of water in 2020. As future developments within the Urban Development Boundary (UDB) are approved, they will be annexed into the City and be served by Cal Water, Visalia District's supply.

### *Water Supply*

Groundwater is the primary source of drinking water within the Planning Area, meaning that the City's water comes from large, underground aquifers, rather than rivers, lakes, or reservoirs. The San Joaquin Groundwater Basin encompasses all of the Central Valley counties between Sacramento County and Kern County and also includes portions of Sacramento County and El Dorado County at the north end and a portion of Kern County at the south end.

Visalia is within the Kaweah Groundwater Subbasin. The total surface area of the Kaweah Subbasin is 446,000 acres or 696 square miles. Major rivers and streams in the subbasin include the Kaweah and St. Johns Rivers, with the former being the primary source of recharge in the area. Groundwater flow is generally southwestward. In 1999, small groundwater depressions occurred to the north and south of Visalia and at the northwest corner of the subbasin, and a groundwater mound was present in the central western subbasin. Based on current and historical groundwater elevation maps, horizontal groundwater barriers do not appear to exist in the subbasin.

Cal Water's 75 active supply wells in the Visalia District extract groundwater from the Kaweah Groundwater Subbasin and distribute it over approximately 519 miles of pipeline. The Cal Water system includes two elevated 300,000-gallon storage tanks, an ion exchange treatment plant, four granular activated carbon filter plants and one nitrate blending facility. These facilities are in place to provide Cal Water's customers with safe drinking water of a quality and quantity to meet State and federal drinking water standards such as the federal Safe Drinking Water Act and the California Safe Drinking Water Act.

The Visalia District extracts water from the Kaweah and Tule Subbasins using a total of 59 wells, and also extracts water from wells in adjacent public water systems. The Visalia District has four surface

[4] California Water Service (Cal Water). 2021. 2020 Urban Water Management Plan. June.
[5] City of Visalia. 2014. General Plan EIR Section 3.9 Public Services, Facilities and Utilities.

storage structures that can be used to pump groundwater to storage during non-peak-hours and subsequently aid demand during peak demand periods.

The water supplies needed to serve the City's water service area, including the existing water demands and planned future uses on the project site, are described in the 2020 UWMP.[6] Therefore, the descriptions provided below for the City's water supplies have been taken from the 2020 UWMP.

Table 3.15-1 lists the amount of groundwater pumped by Cal Water over the past 5 years. The available groundwater supply has been sufficient to meet all of the District's demands in the past five years and all prior years. It is also important to note that the majority of groundwater pumping in the Kaweah Subbasin is for agricultural use. From a regional and basin-wide standpoint, the Visalia District is only a small fraction of total groundwater pumping. Based on the Kaweah Subbasin water budget information presented in the Mid-Kaweah Groundwater Sustainability Plan (GSP), average annual groundwater pumping from 1981 through 2017 totaled approximately 754,415 acre-feet per year (AFY), including approximately 685,375 AFY for irrigated agriculture and 69,040 AFY for Municipal and Industrial (M&I) use. These data show that M&I pumping accounted for approximately 9 percent of total pumping in the Kaweah Subbasin, and Visalia District pumping in the Visalia and Tulco public water systems accounts for only a portion of the total M&I pumping.

**Table 3.15-1: Groundwater Volume Pumped**

| Location/Basin Name | 2016 (AFY) | 2017 (AFY) | 2018 (AFY) | 2019 (AFY) | 2020 (AFY) |
|---|---|---|---|---|---|
| Kaweah Subbasin | 25,802 | 27,856 | 29,218 | 28,900 | 30,131 |
| Tule Subbasin | 41 | 26 | 25 | 19 | 21 |
| **Total** | **25.843** | **27,882** | **29,243** | **28,919** | **30,152** |

Notes:
AFY = acre-feet per year
Source: California Water Service (Cal Water). 2021. 2020 Urban Water Management Plan. June.

### *Water Demand and Use*

*Historical and Existing Water Demand*

The Visalia District's water demand per capita has been steadily decreasing since the early 2000s due to a combination of Cal Water implementing conservation pricing, the City becoming fully metered, strict appliance efficiency standards and plumbing codes, and conservation programs.[7]

Water use in 2020 was 30,152 AFY. Residential customers account for most of the Visalia District's service connections and 69 percent of its water uses. Nonresidential water uses account for 28 percent of total demand, while distribution system losses account for 3 percent.

[6] California Water Service (Cal Water). 2021. 2020 Urban Water Management Plan. June.
[7] Ibid.

*Future Water Use*

Although water demand per capita has been decreasing, the Visalia District's water demand is anticipated to continue to increase as approved projects are constructed and new developments are approved and constructed in accordance with the General Plan within the City's water service area. Projected population and services are based on population and employment forecasts for Tulare County generated by the California Department of Transportation's (Caltrans) long-term socioeconomic forecast model. Over the 25-year planning period (2020-2045), the Visalia District's water demand is expected to increase at an average rate of 1.8 percent annually. For comparison's sake, between 2000 and 2020, demand increased at an average rate of 2.4 percent annually. Visalia District per capita water use in 2020 was 30 percent below its 2004 peak.[8] The 2020-2045 water demand projections include consideration for reduced future water use as a result of effects of appliance standards and plumbing codes, demand management measures, and increases in the real cost of water service and household income.[9] Table 3.15-2 shows the Visalia District's projected water use through 2045 based on future normal hydrologic years.[10] These forecasts incorporate the effects of several State codes and regulations which are discussed in section 3.15.3 below.

**Table 3.15-2: Use for Potable and Nonpotable Water–Projected**

| Use Types | Projected Water Use (AFY) | | | | |
|---|---|---|---|---|---|
| | 2025 | 2030 | 2035 | 2040 | 2045 |
| Single-family | 20,815 | 22,593 | 24,604 | 26,513 | 28,705 |
| Multi-family | 1,583 | 1,686 | 1,815 | 1,945 | 2,070 |
| Commercial | 5,634 | 6,009 | 6,448 | 6,891 | 7,364 |
| Institutional/Government | 2,854 | 3,152 | 3,483 | 3,819 | 4,164 |
| Industrial | 308 | 308 | 308 | 308 | 308 |
| Other Potable | 223 | 223 | 223 | 223 | 223 |
| Landscape[1] | 0 | 0 | 0 | 0 | 0 |
| Losses[2] | 1,102 | 1,304 | 1,429 | 1,559 | 1,695 |
| Total | 32,520 | 35,276 | 38,310 | 41,258 | 44,529 |

Notes:
AFY = acre-feet per year
[1] District's billing system does not track this use type separate from other use types.
[2] Real and apparent losses.

The future conservation savings of 811 acre-feet in 2025, 1,421 acre-feet in 2030, 1,900 acre-feet in 2035, 2,605 acre-feet in 2040, and 3,156 acre-feet in 2045, are included in these projections

Table 3.15-3 shows the City's projected supply and demand totals for a single normal year.

[8] California Water Service (Cal Water). 2021. 202 Urban Water Management Plan. June.
[9] Ibid.
[10] Ibid.

**Table 3.15-3: Normal Year Supply and Demand Comparison**

| | 2025 | 2030 | 2035 | 2040 | 2045 |
|---|---|---|---|---|---|
| Supply totals | 32,520 | 35,276 | 38,310 | 41,258 | 44,529 |
| Demand totals | 32,520 | 35,276 | 38,310 | 41,258 | 44,529 |
| Difference | 0 | 0 | 0 | 0 | 0 |

Notes:
* Volumes are in units of acre-foot.
** Neither the Kaweah nor Tule Subbasins are adjudicated, and this projected supply volumes do not comprise a determination of water rights or maximum allowable pumping.

#### Single and Multiple Dry Year Water Demand

Table 3.15-4 shows the projected supply and demand totals for the single dry year, and Table 3.15-5 shows the projected supply and demand totals for multiple dry year periods extending 5 years. As shown in these tables, the Visalia District will have sufficient supplies to meet demands during both single dry year and multiple dry year conditions.

**Table 3.15-4: Single Dry Year Supply and Demand Comparison**

| | 2025 | 2030 | 2035 | 2040 | 2045 |
|---|---|---|---|---|---|
| Supply totals | 33,152 | 35,962 | 39,057 | 42,063 | 45,400 |
| Demand totals | 33,152 | 35,962 | 39,057 | 42,063 | 45,400 |
| Difference | 0 | 0 | 0 | 0 | 0 |

Notes:
* Volumes are in units of acre-foot.
** Neither the Kaweah nor Tule Subbasins are adjudicated, and this projected supply volumes do not comprise a determination of water rights or maximum allowable pumping.

**Table 3.15-5: Multiple Dry Years Supply and Demand Comparison**

| | | 2025 | 2030 | 2035 | 2040 | 2045 |
|---|---|---|---|---|---|---|
| First Year | Supply totals | 33,543 | 36,387 | 39,520 | 42,562 | 45,939 |
| | Demand totals | 33,543 | 36,387 | 39,520 | 42,562 | 45,939 |
| | Difference | 0 | 0 | 0 | 0 | 0 |
| Second Year | Supply totals | 33,543 | 36,387 | 39,520 | 42,562 | 45,939 |
| | Demand totals | 33,543 | 36,387 | 39,520 | 42,562 | 45,939 |
| | Difference | 0 | 0 | 0 | 0 | 0 |
| Third Year | Supply totals | 33,543 | 36,387 | 39,520 | 42,562 | 45,939 |
| | Demand totals | 33,543 | 36,387 | 39,520 | 42,562 | 45,939 |
| | Difference | 0 | 0 | 0 | 0 | 0 |

| | | 2025 | 2030 | 2035 | 2040 | 2045 |
|---|---|---|---|---|---|---|
| Fourth Year | Supply totals | 33,543 | 36,387 | 39,520 | 42,562 | 45,939 |
| | Demand totals | 33,543 | 36,387 | 39,520 | 42,562 | 45,939 |
| | Difference | 0 | 0 | 0 | 0 | 0 |
| Fifth Year | Supply totals | 33,543 | 36,387 | 39,520 | 42,562 | 45,939 |
| | Demand totals | 33,543 | 36,387 | 39,520 | 42,562 | 45,939 |
| | Difference | 0 | 0 | 0 | 0 | 0 |

Notes:
* Volumes are in units of acre-feet.
** Neither the Kaweah or Tule Subbasins are adjudicated, and this projected supply volumes do not comprise a determination of water rights or maximum allowable pumping.

### *Water Distribution*

In general, the water distribution system is a looped system with deep wells spaced throughout a distribution pipeline grid system. The deep well and pipeline grid has expanded with the growth of the City. Because of the area's flat topography, the entire system is in one pressure zone, with wells spaced throughout the system. Modeling analysis done for the WSA and Facilities Master Plan indicate that the grid system pipe sizes and well spacing have kept normal operating pressures in the system above 40 pounds per square inch (psi) and fire flow pressure residuals at fire hydrants above 20 psi.

### *Recycled Water and Nonpotable Irrigation Water Supply*

In 2018, through its Water Conservation Plant Upgrade Project, the City of Visalia began producing Title 22 Recycled Water for delivery to the Tulare Irrigation District (TID) in exchange for surface water used to recharge the City's groundwater. The City provides 11,000 acre-feet of treated water to TID annually in exchange for 5,500 acre-feet of surface water for groundwater recharge to be stored in recharge basins east of Visalia. These basins have greater potential to recharge the underlying aquifers and should help lessen the overdraft situation in the long term.[11,12] In addition to recharge, treated water may also be used to irrigate the areas noted above, reducing the amount of pumped groundwater.

Currently, no wastewater is recycled for potable reuse within the Visalia District service area and will likely only be considered if conditions related to Visalia District supply change significantly in the future.

## Wastewater

### *City of Visalia*

The City owns and operates a Water Conservation Plant (WCP), located west of State Route (SR) 99 and south of SR-198. The City's wastewater collection system consists of gravity sewers, pump

[11] Mid-Kaweah Groundwater Sustainability Agency. 2019. Groundwater Sustainability Plan. December. Website: https://www.midkaweah.org/_files/ugd/55be79_0dd4bb3a882641efa526ccc63e4c07a0.pdf. Accessed May 3, 2023.
[12] City of Visalia. 2014. General Plan EIR Section 3.9 Public Services, Facilities and Utilities.

stations, and force mains. The collected wastewater is discharged to trunk sewers and interceptors and conveyed to the City's WCP. In 2017, the City completed an upgrade project at the WCP which included replacement of the secondary and tertiary treatment processes with a membrane bioreactor system and ultraviolet (UV) light disinfection system, among other upgrades. The WCP has a capacity to treat 22 million gallons per day (GPD).[13] As of 2010, the plant operates at an average daily flow of 13 GPD.

The City's sewer collection system facilities consist of gravity sewer pipelines ranging in size from 6-inch to 42-inch, as well as 13 sewage lift stations and associated force mains. All of the pipelines within the city limits convey wastewater to the WCP.

## Stormwater

### *Generation and Collection*

*City of Visalia*

The City's Public Works Department manages the City's storm drainage system. The City contains seven major drainage basins, including:[14]

- St. John's Basin
- Modoc Ditch Basin
- Mill Creek Basin
- Evans Ditch Basin
- Packwood Creek Basin
- Cameron Creek Basin
- Persian/Watson Basin

Stormwater drains through natural rivers and watercourses, irrigation ditches, storage reservoirs, and discharge locations.[15] The planned system takes street and lot drainage into a storm drain pipeline system that is directed generally by gravity and augmented with lift pumps toward the main drain system. The system relies on detention basins and several retention basins to slow and divert stormwater for larger storms. This allows the creeks and ditches to convey stormwater both during and after a storm and permits the existing creek and ditch system to handle larger storms than would otherwise be the case. The creeks and ditches used for stormwater also convey irrigation flows, a shared use system that is managed based on formal agreements between the City and irrigation agencies and companies.[16]

Stormwater runoff from the City is transported to the WCP located west of SR-99 and south of SR-198 before being discharged into Mill Creek and/or stored in basins owned by the City.[17] The State of California requires small communities to implement development standards to protect water quality under the "General Permit for Waste Discharge Requirements for Storm Water Discharges from Small Municipal Separate Storm Sewer Systems (MS4s) Order No. 2013-0001-DWQ." These

[13] California Water Service (Cal Water). 2021. 202 0Urban Water Management Plan. June.
[14] Boyle Engineering Company. 1994. City of Visalia Storm Water Master Plan and Management Program.
[15] City of Visalia. 2014. Visalia General Plan – Parks, Schools, Community Facilities, and Utilities Element. October 14.
[16] Ibid.
[17] Ibid.

requirements are an extension of similar requirements imposed on larger communities (e.g., the cities of Visalia and Tulare, and parts of the County of San Joaquin.) The development standards, also known as post-construction stormwater requirements, will become part of every regulated community's development process.

## Solid Waste

Solid waste disposal is provided by the Tulare County Resource Management Agency, which operates the Visalia Disposal Site, northwest of Visalia; the Woodville Disposal Site, southeast of Tulare; and the Teapot Dome Disposal Site, southwest of Porterville.[18] The Visalia Landfill is approximately 1.5 miles north of the project site. The facility serves the cities of Visalia, Farmersville, Dinuba, Exeter, Tulare, Woodlake, Fresno, and unincorporated areas of northern Tulare County and southern Fresno County. As of this writing, these landfills have a combined maximum capacity of 40,071,173 cubic yards and a remaining capacity of 22,340,353 cubic yards (see Table 3.15-6). The City generated approximately 138,821.08 tons of solid waste in 2021, the most recent year with data available.[19]

The City provides refuse collection for residential and commercial customers and contracts with Sunset Waste Systems to provide recycling service.[20] The City's solid waste is taken to one of three disposal sites operated discussed above. The City provides split containers for residential trash and recycling, and green waste containers for residential green waste and compostable materials. The City also actively encourages commercial recycling and provides refuse, green waste and recycling bins or boxes to the commercial accounts it services.

**Table 3.15-6: Disposal Site Capacity**

| Disposal Site | Max Permitted Throughput (tons/day) | Maximum Permitted Capacity (cubic yards) | Remaining Capacity (cubic yards) | Projected Closure date |
|---|---|---|---|---|
| Teapot Dome | 800 | 8,320,307 | 431,707 | 02/2024 |
| Visalia | 2,000 | 18,630,666 | 14,815,501 | 01/2024 |
| Woodville | 1,078 | 13,120,200 | 7,093,145 | 01/2043 |

Sources:
California Department of Resources Recycling and Recover (CalRecycle). 2023. Solid Waste Information System (SWIS)–Teapot Dome Disposal Site. Website: https://www2.calrecycle.ca.gov/SolidWaste/Site/Summary/3834. Accessed May 3, 2023.
California Department of Resources Recycling and Recover (CalRecycle). 2023. Solid Waste Information System (SWIS)–Visalia Disposal Site. Website: https://www2.calrecycle.ca.gov/SolidWaste/SiteActivity/Details/822?siteID=3839. Accessed May 3, 2023.

[18] City of Visalia. 2014. Visalia General Plan Draft Environmental Impact Report – Public Services, Facilities, and Utilities. October 14.
[19] California Department of Resources Recycling and Recovery (CalRecycle). 2022. Disposal Rate Calculator: Jurisdiction Review Reports. Website: https://www2.calrecycle.ca.gov/LGCentral/AnnualReporting/DisposalRateCalculator. Accessed December 7, 2022.
[20] City of Visalia. 2014. Visalia General Plan – Parks, Schools, Community Facilities, and Utilities Element. October 14.

## Energy

### *Electricity*

Southern California Edison (SCE) provides natural gas and electricity services to the City. SCE provides natural gas and electricity to approximately 15 million people throughout a 50,000-square-mile service area in central, coastal, and Southern California. SCE produces or buys its energy from a mix of conventional and renewable generating sources, which travel through our electric transmission and distribution systems to reach customers. SCE charges connection and user fees for all new development and sliding use-based rates for electrical and natural gas service.

The California Energy Commission reports electricity consumption by County on a yearly basis. The total electricity consumption, including residential and nonresidential, attributable to Tulare County from 2011 to 2021 is provided in Table 3.15-7.

**Table 3.15-7: Electricity Consumption in Tulare County 2011–2021**

| Year | Millions of kWh (GWh) |
|---|---|
| 2011 | 3746.71 |
| 2012 | 4163.27 |
| 2013 | 4316.70 |
| 2014 | 4492.36 |
| 2015 | 4477.12 |
| 2016 | 4363.20 |
| 2017 | 4243.88 |
| 2018 | 4438.02 |
| 2019 | 4249.14 |
| 2020 | 4642.81 |
| 2021 | 4878.46 |

Notes:
GWh = gigawatt-hours
kWh = kilowatt-hour
Source: California Energy Commission. 2023. Electricity Consumption by County. Website: https://ecdms.energy.ca.gov/elecbycounty.aspx. Accessed June 7, 2023.

### *Natural Gas*

Natural gas service is primarily provided by the Southern California Gas Company (SoCalGas). The California Energy Commission reports gas consumption by County on a yearly basis. The total natural gas consumption, including residential and nonresidential, attributable to Tulare County from 2011 to 2021 is provided in Table 3.15-8.

**Table 3.15-8: Natural Gas Consumption in Tulare County 2011–2021**

| Year | Millions of Therms |
|---|---|
| 2011 | 159.47 |
| 2012 | 157.72 |
| 2013 | 157.84 |
| 2014 | 151.22 |
| 2015 | 149.48 |
| 2016 | 151.40 |
| 2017 | 150.41 |
| 2018 | 157.28 |
| 2019 | 155.13 |
| 2020 | 159.46 |
| 2021 | 167.90 |
| Source: California Energy Commission. 2023. Gas Consumption by County. Website: http://www.ecdms.energy.ca.gov/gasbycounty.aspx. Accessed June 7, 2023. | |

### *Telecommunications*

Three major communication companies provide communications services in the City: AT&T, Sprint, and Verizon. Comcast is the primary provider of internet and cable television.[21]

## 3.15.3 - Regulatory Framework

### Federal

### *Safe Drinking Water Act*

The Safe Drinking Water Act authorizes the United States Environmental Protection Agency (EPA) to establish national standards for drinking water, called the National Primary Drinking Water Regulations, to protect against both naturally occurring and man-made contaminants. These standards set enforceable maximum contaminant levels in drinking water and require all water providers in the United States to treat water to remove contaminants, except for private wells serving fewer than 25 people. In California, the State Department of Health Services conducts most enforcement activities.

### *Clean Water Act*

The Water Pollution Control Act of 1972, more commonly known as the Clean Water Act (CWA), regulates the discharge of pollutants into watersheds throughout the nation. Under the CWA, the EPA implements pollution control programs and sets wastewater standards.

[21] City of Visalia. 2014. Visalia General Plan–Parks, Schools, Community Facilities, and Utilities Element. October 14.

The National Pollutant Discharge Elimination System (NPDES) permit program was established within the CWA to regulate M&I discharges to surface waters of the United States. Federal NPDES permit regulations have been established for broad categories of discharges, including point-source municipal waste discharges and nonpoint-source stormwater runoff. NPDES permits generally identify effluent and receiving water limits on allowable concentrations and/or mass emissions of pollutants contained in the discharge; prohibitions on discharges not specifically allowed under the permit; and provisions that describe required actions by the discharger, including industrial pretreatment, pollution prevention, self-monitoring, and other activities. Wastewater discharge is regulated under the NPDES permit program for direct discharges into receiving waters and by the National Pretreatment Program for indirect discharges to a sewage treatment plant.

### *Resource Conservation and Recovery Act (Amended 1986)*

The Resource Conservation and Recovery Act (RCRA) is a federal act regulating the potential health and environmental problems associated with solid waste hazards and non-hazardous wastes. Specific regulations addressing solid waste issues are contained in Title 40, Code of Federal Regulations.

### *Energy Policy and Conservation Act*

Water use standards for residential and commercial clothes washers and dishwashers are established by the United States Department of Energy through its authority under the federal Energy Policy and Conservation Act. Water use efficiency is summarized by the water factor for the appliance which measures the gallons of water used per cycle per cubic foot of capacity. A typical top-loading residential clothes washer manufactured in the 1990s had a water factor of around 12. In 2018, the water factor standard for top-loading residential clothes washers was reduced to 6.5. The maximum water factor for Energy Star compliant top- and front-loading washers is 3.7 and 4.3, respectively. An Energy Star compliant washer uses about two-thirds less water per cycle than washers manufactured in the 1990s.

## State

### *California Porter-Cologne Water Quality Control Act*

Under the Porter-Cologne Water Quality Control Act (Porter-Cologne), which was passed in California in 1969, the California State Water Resources Control Board (State Water Board) has the ultimate authority over State water rights and water quality policy. Porter-Cologne also establishes nine Regional Water Quality Control Boards (RWQCBs) to oversee water quality on a day to-day basis at the local and regional level. The RWQCBs engage in a number of water quality functions in their respective regions, and regulate all pollutant or nuisance discharges that may affect either surface water or groundwater.

### *California Urban Water Management Planning Act*

The Urban Water Management Planning Act (California Water Code §§ 10610–10656) requires that all urban water suppliers with at least 3,000 customers prepare UWMPs and update them every 5 years. The act requires that UWMPs include a description of water management tools and options used by that entity that will maximize resources and minimize the need to import water from other regions. Specifically, UWMPs must:

- Provide current and projected population, climate, and other demographic factors affecting the supplier's water management planning.
- Identify and quantify, to the extent practicable, the existing and planned sources of water available to the supplier.
- Describe the reliability of the water supply and vulnerability to seasonal or climatic shortage.
- Describe plans to supplement or replace that source with alternative sources or water demand management measures.
- Describe the opportunities for exchanges or transfers of water on a short-term or long-term basis (associated with systems that use surface water).
- Quantify past and current water use.
- Provide a description of the supplier's water demand management measures, including schedule of implementation, program to measure effectiveness of measures, and anticipated water demand reductions associated with the measures.
- Assess the water supply reliability.

### *California Health and Safety Code*

Section 64562 of the California Health and Safety Code establishes water supply requirements for service connections to public water systems. Before additional service connections can be permitted, enough water must be available to the public water system from its water sources and distribution reservoirs to adequately, dependably, and safely meet the total requirements of all water users under maximum-demand conditions.

### *California Senate Bills 610 and 221*

Senate Bill (SB) 610 and SB 221 (Water Code § 10910(c)(2)) amended State law, effective January 1, 2002, to improve the link between information on water supply availability and certain land use decisions made by cities and counties. SB 610 and SB 221 seek to promote more collaborative planning between local water suppliers and cities and counties by requiring that detailed information regarding water availability be provided to decision-makers prior to approval of specified large development projects. SB 610 requires that detailed information be included in a WSA, which is then included in the administrative record that serves as the evidentiary basis for an approval action by a city or county. SB 221 requires that the detailed information be included in a verification of water supply. Under SB 610, WSAs must be furnished to local governments for inclusion in any environmental documentation for certain projects (as defined in Water Code § 10912(a)) subject to the California Environmental Quality Act (CEQA).

### *California Water Conservation Act*

The California Water Conservation Act (SB X7-7) was enacted in November 2009 and requires each urban water supplier to select one of four water conservation targets contained in California Water Code Section 10608.20 with the Statewide goal of achieving a 20 percent reduction in urban per capita water use by 2020. Under SBX7-7, urban retail water suppliers are required to develop water use targets and submit a water management plan to the DWR by July 2011. The plan must include

the baseline daily per capita water use, water use target, interim water use target, and compliance daily per capita water use.

### *California Model Water Efficient Landscape Ordinance*

The California Model Water Efficient Landscape Ordinance (MWELO) was adopted by the California Office of Administrative Law in September 2009, and requires local agencies to implement water efficiency measures as part of its review of landscaping plans. Local agencies can either adopt the MWELO or incorporate provisions of the ordinance into its own code requirements for landscaping. The County has not adopted a local ordinance.

### *Assembly Bill 1881*

Assembly Bill (AB) 1881 expanded previous legislation related to landscape water use efficiency. AB 1881, the Water Conservation in Landscaping Act of 2006, enacted landscape efficiency recommendations of the California Urban Water Conservation Council (CUWCC) for improving the efficiency of water use in new and existing urban irrigated landscapes in California. AB 1881 required the DWR to update the existing Model Local Water Efficient Landscape Ordinance and local agencies to adopt the updated model ordinance or an equivalent. The law also requires the CEC to adopt performance standards and labeling requirements for landscape irrigation equipment, including irrigation controllers, moisture sensors, emission devices, and valves to reduce the wasteful, uneconomic, inefficient, or unnecessary consumption of energy or water.

### *Assembly Bill 2882*

AB 2882 was passed in 2008 and encourages public water agencies throughout California to adopt conservation rate structures that reward consumers who conserve water. AB 2882 clarifies the allocation-based rate structures and establishes standards that protect consumers by ensuring a lower base rate for those who conserve water.

### *California Integrated Waste Management Act*

To minimize the amount of solid waste that must be disposed of by transformation and land disposal, the State Legislature passed Assembly Bill 939, the California Integrated Waste Management Act of 1989 (AB 939), effective January 1990. The legislation required each local jurisdiction in the State to set diversion requirements of 25 percent in 1995 and 50 percent in 2000; established a comprehensive Statewide system of permitting, inspections, enforcement, and maintenance for solid waste facilities; and authorized local jurisdictions to impose fees based on the types or amounts of solid waste generated. In 2007, amendments to the California Integrated Waste Management Act introduced a new per capita disposal and goal measurement system that moves the emphasis from an estimated diversion measurement number to using an actual disposal measurement number as a per capita disposal rate factor. As such, the new disposal-based indicator (pounds per person per year) uses only two factors: a jurisdiction's population (or in some cases employment) and its disposal as reported by disposal facilities.

### *The California Solid Waste Reuse and Recycling Access Act*

Subsequent to the California Integrated Waste Management Act, additional legislation was passed to assist local jurisdictions in accomplishing the goals of AB 939. The California Solid Waste Reuse and Recycling Access Act of 1991 directs the California Integrated Waste Management Board to draft a

model ordinance relating to adequate areas for collecting and loading recyclable materials in development projects. The model ordinance is used by the County as the basis for imposing recycling conditions on new development projects and on existing projects that add 30 percent or more to their existing floor area. Beginning in 1994, the model ordinance requires that any new development project for which an application is submitted include adequate, accessible, and convenient areas for collecting and loading recyclable materials.

### *Senate Bill 1383*

SB 1383 was approved in September 2016 and went into effect on January 1, 2022. In an effort to reduce organic waste from landfills, it requires that all food waste and any organic items associated with food and drink items shall be segregated and placed into separate trash receptacles.

### *Assembly Bill 341*

A general Statewide recycling goal of 75 percent to be achieved by 2020 was established by AB 341 in 2011. The previous recycling goal of 50 percent was met in 2005. It is recognized by CalRecycle that the State did not reach the 75 percent recycling goal by 2020.

### *Assembly Bill 32*

Mandatory Commercial Recycling was one of the measures adopted in the AB 32 Scoping Plan by the California Air Resources Board (ARB) pursuant to the California Global Warming Solutions Act (Chapter 488, Statutes of 2006). The Mandatory Commercial Recycling Measure focuses on increased commercial waste diversion as a method to reduce GHG emissions. It is designed to achieve a reduction in GHG emissions of 5 million metric tons of carbon dioxide ($CO_2$) equivalents. To achieve the measure's objective, an additional 2 to 3 million tons of materials annually will need to be recycled from the commercial sector by the year 2020 and beyond.

### *The Solid Waste Disposal Measurement System Act*

The Solid Waste Disposal Measurement System Act of 2008, SB 1016, amended the California Integrated Waste Management Act procedures for measuring and reporting diversion requirements. Starting in 2009, jurisdictions are required to calculate the 50 percent diversion requirement in a per capita disposal rate equivalent. CalRecycle will determine the per capita disposal rate equivalent for each jurisdiction.

CalRecycle delegates local permitting, enforcement, and inspection responsibilities to Local Enforcement Agencies. The Visalia Municipal Code contains regulations related to solid waste and recycling in Title 8, Chapters 28 and 29.

### *Sustainable Groundwater Management Act*

The 1992 Groundwater Management Act, AB 3030, established provisions by which local water agencies could develop and implement Groundwater Management Plans (GMP). GMPs are generally designed to prevent local and regional aquifer over drafting, which reduces available groundwater resources and which, under certain conditions, can lead to degradation of water quality and to land subsidence. The City has been, and continues to be, involved in both regional and local groundwater management efforts.

On August 29, 2014, the California Legislature passed comprehensive groundwater legislation contained in SB 1168, SB 1319, and AB 1739, which are collectively referred to as the Sustainable Groundwater Management Act (SGMA). This legislation was signed by former Governor Brown on September 16, 2014, and it became effective on January 1, 2015. The legislative intent of SGMA is to provide sustainable management of groundwater basins, enhance local management of groundwater, establish minimum standards for sustainable groundwater management, and provide local groundwater agencies with the authority and the technical and financial assistance necessary to sustainably manage groundwater.

The Kaweah Subbasin is designated by DWR as a high priority basin that is critically over drafted.[22] As such, the Kaweah Subbasin is subject to the requirements of SGMA, which include the formation of one or more GSAs and the development and implementation of one or more GSPs. The Greater Kaweah GSA submitted its Initial Draft GSP on September 16, 2019. The Greater Kaweah GSA Board of Directors took action to approve the Kaweah Sub basin Coordination Agreement and adopt the Greater Kaweah GSA GSP on January 22, 2020.[23]

The Tule Subbasin is also designated by DWR as a high priority basin that is critically over drafted.[24] As such, the Tule Subbasin is subject to the requirements of SGMA, which include the formation of one or more GSAs and the development and implementation of one or more GSPs. The Tule Subbasin is divided into six GSAs, five of which have published draft GSPs.[25]

### *Central Valley Regional Water Quality Control Board*

The primary responsibility for the protection of water quality in California rests with the California State Water Resources Water Board (State Water Board) and nine RWQCBs. The State Water Board sets Statewide policy for the implementation of State and federal laws and regulations. The RWQCBs adopt and implement Water Quality Control Plans (Basin Plans) that recognize regional differences in natural water quality, actual and potential beneficial uses, and water quality problems associated with human activities.

### *California Department of Water Resources*

The DWR is a department within the California Resources Agency. The DWR is responsible for the State's management and regulation of water usage.

### *California Water Code Section 13260*

California Water Code Section 13260 requires any person who discharges waste, other than into a community sewer system, or proposes to discharge waste that could affect the quality of waters of the State, to submit a report of waste discharge to the applicable RWQCB. Any actions of the proposed project that would be applicable under California Water Code Section 13260 would be reported to the RWQCB.

[22] California Water Service (Cal Water). 2021. 202 Urban Water Management Plan. June.
[23] Greater Kaweah Groundwater Sustainability Agency. 2022. Groundwater Sustainability Plan. Website: https://greaterkaweahgsa.org/resources/gsp/. Accessed December 7, 2022.
[24] California Water Service (Cal Water). 2021. 202 Urban Water Management Plan. June.
[25] Tule Subbasin Sustainable Groundwater Management Act. n.d. Which GSA do you belong to? Website :https://www.tulesgma.com/. Accessed June 20, 2023.

### *Assembly Bill 715*

Enacted in 2007, AB 715 requires that any toilet or urinal sold or installed in California on or after January 1, 2014, cannot have a flush rating exceeding 1.28 and 0.5 gallons per flush, respectively. On April 8, 2015, in response to the Governor's Emergency Drought Response Executive Order (EO B-29-15), the California Energy Commission approved new standards for urinals requiring that they not consume more than 0.125 gallon per flush, 75 percent less than the standard set by AB 715.

### *CALGreen*

New construction and renovations in California are subject to the California Green Building Standards Code (CALGreen) requirements which include prescriptive indoor provisions for maximum water consumption of plumbing fixtures and fittings in new and renovated properties. CALGreen also allows for an optional performance path to compliance, which requires an overall aggregate 20 percent reduction in indoor water use from a calculated baseline using a set of worksheets provided with the CALGreen guidelines.

For construction and demolition waste, the CALGreen Code (California Building Code 2022, Part 11, Title 24, California Code of Regulations) requires the recycling of 65 percent of construction waste. The CALGreen Code is incorporated into the City's Development Code, and this recycling requirement is subject to enforcement by the City. The recycling of 65 percent of waste construction material, which comprises by far the largest portion of the overall project solid waste generation, would result in a greater than 50 percent recycling rate for solid waste generated by the construction and operation of the facility as a whole.

### *Senate Bill 407*

Enacted in 2009, SB 407 mandates that all buildings in California come up to current State plumbing fixture standards. This law also requires, effective January 1, 2017, that a seller or transferor of single-family residential property show to the purchaser or transferee, in writing, the specified requirements for replacing plumbing fixtures and whether the real property includes noncompliant plumbing. Similar disclosure requirements went into effect for multi-family and commercial transactions January 1, 2019. SB 837, passed in 2011, reinforces the disclosure requirement by amending the statutorily required transfer disclosure statement to include disclosure about whether the property follows SB 407 requirements.

## Local

### *City of Visalia Water Conservation Ordinance*

The City's Water Conservation Ordinance was adopted in 1989 and can be found in Chapter 13.20 of the Municipal Code. The Ordinance sets regulations to minimize outdoor water use and reduce unnecessary consumption of potable water. It defines and places restrictions on wasteful uses of water and establishes water conservation alert stages to be enacted during periods of water shortage.

### *Cal Water Urban Water Management Plan–Visalia District*

The most recent UWMP was prepared by Cal Water in 2015 and updated in 2021. in compliance with the Urban Water Management Planning Act. The UWMP describes the Visalia District service area,

system demand and usage, available water resources, reliability of the water supply, and contingency planning for water shortage. It also contains a conservation section in compliance with SB X7-7 describing water usage reduction targets and implementation measures. The UWMP identifies five core programs for water conservation in the Visalia District that involve promotion of high-efficiency fixtures in residential settings, promotion of high-efficiency irrigation systems, and public information and education.

### *City of Visalia 2020 Urban Water Management Plan*

The City prepared the 2020 UWMP to meet the requirements of the California Urban Water Management Planning Act. The 2020 UWMP evaluates sources of the water supply for the City's projected population and future water demand until 2045, which is the planning horizon. The UWMPs are intended to help facilitate implementation of SB 610 and SB 221.

### *City of Visalia*

*General Plan*

**Public Services Park and Facilities Element**

*Objectives*

**PSCU-O-14** Provide for long-range community water needs by adopting best management practices for water use, conservation, groundwater recharge and wastewater and stormwater management.

**PSCU-O-15** Preserve groundwater resources.

**PSCU-O-16** Ensure that adequate wastewater collection, treatment, recycling and disposal facilities are provided in a timely fashion to serve existing and future needs.

**PSCU-O-17** Manage solid waste such that City needs are met, opportunities for waste reduction and recycling are maximized, and high-quality service is provided.

*Policies*

**PSCU-P-44** Continue to improve and expand the City's Water Conservation Program, consistent with the Urban Water Management Plan as appropriate, including an active public outreach component and an online presence. The program should provide information and links to additional resources on water efficient plumbing fixtures and planting and irrigation methods, and the development of safe and effective gray water systems. It should also maintain an up-to-date list of incentive programs.

**PSCU-P-45** Continue the City's active role in regional and local water management planning, building on partnerships with Kaweah Delta Water Conservation District and participation in the Integrated Regional Water Management Planning (IRWM) in implementing the Urban Water Management Plan and the Groundwater Management Plan. Continue to develop and implement projects that address groundwater overdraft mitigation, and support additional groundwater recharge, using funds generated from the Water Resources Management and Groundwater Overdraft Mitigation Fee Ordinance and other sources.

**PSCU-P-50** Require that industrial development projects submit plans for water recycling and conservation and demonstrate how water use will meet requirements of the National Pollution Discharge Elimination System during the plan review process.

**PSCU-P-51** Ensure that City building plan inspectors are adequately prepared to implement the requirements of the California Green Building Code (CalGreen), including mandatory low-water-use plumbing and water meters.

**PSCU-P-52** Continue development of a conveyance system to allow for the reuse of treated wastewater for groundwater recharge, irrigation for farmland, ornamental landscaping, and golf courses, and expand the use of recycled water with a "purple pipe" delivery system, to the greatest extent feasible.

**PSCU-P-55** Periodically review and update development impact fees, wastewater connection charges, groundwater mitigation fees, and monthly service charges to ensure that adequate funds are collected to operate and maintain existing facilities and to construct new facilities.

**PSCU-P-58** Coordinate urban growth management planning with public and private utilities. Develop and carry- out an infrastructure and public services assessment during annexation reviews to determine infrastructure needs, feasibility, timing, and financing.

**PSCU-P-59** Implement public facility master plans through various funding mechanisms including assessment districts, user fees, development impact fees, reimbursement agreements and/or other mechanisms which provide for equitable distribution of development costs.

**PSCU-P-60** Require new developments to incorporate flood water detention basins into project designs where consistent with the Stormwater Master Plan and the Groundwater Recharge Plan.

*Stormwater drainage basins can provide groundwater recharge, and may be combined with recreational uses. Additional policies for drainage basins designed for recreational use are provided in the Parks and Open Space section, which follows.*

**PSCU-P-61** Control urban and stormwater runoff, and point and nonpoint discharge of pollutants. As part of the City's Stormwater Management Program, adopt and implement a Stormwater Management Ordinance to minimize stormwater runoff rates and volumes, control water pollution, and maximize groundwater recharge. New development will be required to include Low Impact Development features that reduce impermeable surface areas and increase infiltration. Such features may include, but are not limited to:

- Canopy trees or shrubs to absorb rainwater;
- Grading that lengthens flow paths over permeable surfaces and increases runoff travel time to reduce the peak-hour flow rate;

- Partially removing curbs and gutters from parking areas where appropriate to allow stormwater sheet flow into vegetated areas;
- Use of permeable paving in parking lots and other areas characterized by significant impervious surfaces;
- On-site stormwater detention, use of bioswales and bioretention basins to facilitate infiltration; and
- Integrated or subsurface water retention facilities to capture rainwater for use in landscape irrigation and other nonpotable uses.

## 3.15.4 - Methodology

### Water

A WSA was completed for the proposed project and is provided in Appendix J. [26] The purpose of the WSA was to perform the evaluation required by California Water Code Sections 10910 through 10915, as established by SB 610. The WSA evaluates the adequacy of the total project water supplies of the City (as the water purveyor to the proposed project), including existing water supplies and future planned water supplies, to meet the City's existing and projected future water demands, including those future water demands associated with the proposed project, under all hydrological conditions (Normal Years, Single Dry Years, and Multiple Dry Years).

### Wastewater

Wastewater production was calculated and compared with the City's treatment capacity to determine whether wastewater treatment requirements would be exceeded. The City's wastewater discharge permitting requirements were also reviewed.

### Stormwater

Stormwater production was calculated and compared with the City's stormwater facility treatment capacity to determine whether stormwater collection requirements would be exceeded.

### Solid Waste

Solid waste production was calculated and compared with the applicable landfill capacity to determine whether landfill daily permitted capacity and total storage capacity would be exceeded. The City's and RecycleSmart's solid waste regulations and policies were also reviewed.

### Electricity and Natural Gas

Electricity and natural gas usage were calculated and compared to existing capacity to determine whether existing sources would meet project demands. Section 3.6, Energy, and Section 3.8, Greenhouse Gas Emissions, also address electricity and natural gas demands.

### Telecommunications

The telecommunications providers in the City were identified.

[26] 4Creeks Inc. 2022. Water Supply Technical Memorandum Shirk and Riggin Industrial Park. December.

## 3.15.5 - Thresholds of Significance

The lead agency utilizes the criteria in CEQA Guidelines Appendix G Environmental Checklist to determine whether impacts to utilities and service systems are significant environmental effects. Would the project:

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

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

c) Result in a determination by the wastewater treatment provider which serves or may serve the project that it has adequate capacity to serve the project's projected demand in addition to the provider's existing commitments?

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

e) Comply with federal, State, and local statutes and regulations related to solid waste?

## 3.15.6 - Project Impacts and Mitigation Measures

This section discusses potential impacts associated with the development of the project and provides mitigation measures where appropriate.

### Water or Wastewater Treatment Facilities

| | |
|---|---|
| **Impact UTIL-1:** | **Would the project require or result in the relocation or construction of new or expanded water, wastewater treatment or stormwater drainage, electric power, natural gas, or telecommunications facilities, the construction or relocation of which could cause significant environmental effects?** |

#### *Impact Analysis*

The proposed project would involve both flex industrial and light industrial uses as described in Chapter 2, Project Description. Flex industrial uses would consist of small incubator space available for small manufacturing, storage, limited warehouse space, while the light industrial uses would consist of warehouse, distribution, storage, and light manufacturing.

#### *Construction*

*Water Supply*

As discussed in Section 3.10, Hydrology and Water Quality, project construction would occur in 2024. The UWMP expects a demand of 31,951 acre-feet in 2024. With the project construction, the Visalia District is expected to have a total demand of 32,253.6 acre-feet, which represents an increase of 302.4 acre-feet.

The UWMP states that 2013 was the driest year since 1991 and during 2013 there was an available water supply of 45,400 AFY. Therefore, even if 2024 is a dry year, there would be at least 13,449 acre-feet available. This would be able to supply the one-time increase in 302.4 AFY. Therefore, construction impacts related to the need for new water supply infrastructure facilities due to water demand would be less than significant.

As shown in Table 3.10-4, water demand during construction (2024 through 2028) is anticipated to be a total of 1,210 acre-feet of water. The implementation of the proposed project would result in the construction of new water line connections extending from an existing water line located within Kelsey Street. Service laterals would be extended from an existing water line located within Kelsey Street. As shown in Exhibit 2-13, the proposed project would be served by a series of new 8-inch and 12-inch water lines throughout the project site. Based on the data presented from the WSA, there is sufficient water available to support the proposed project, and there are no additional impacts associated with the construction or expansion of water infrastructure that would result in potentially significant impacts. No additional mitigation would be required to address potential impacts related to construction or expansion of water supply infrastructure facilities. Therefore, construction impacts related to planned construction, expansion, and relocation of water infrastructure facilities would be less than significant.

*Wastewater Treatment*

Construction of the proposed project would result in the generation of wastewater associated with water used for dust control, mixing concrete, washing equipment and vehicles, and other activities as well as wastewater generated from construction workers. The WCP would treat wastewater generated by construction of the proposed project consistent with applicable standards established by the Central Valley RWQCB. The WCP would have sufficient capacity to serve the proposed project during construction and a new or expanded wastewater treatment facility would not be required. Therefore, construction impacts related to the need for new wastewater infrastructure facilities as a result of wastewater generation would be less than significant.

No new or expanded wastewater treatment facilities would be required as a result of construction of the proposed project. The proposed project would include connections to the existing City sanitary sewer system operated by the Public Works Department via the existing wastewater line extended from an existing sewer line located within Riggin Avenue and Kelsey Street. Service laterals would be extended from an existing sewer line located within Riggin Avenue and Kelsey Street. As shown in Exhibit 2-14, the proposed project would be served by a series of new 8-inch and 12-inch sewer lines throughout the project site. Beyond the foregoing, there are no additional impacts associated with the construction or expansion of wastewater infrastructure that would result in potentially significant impacts, and no additional mitigation would be required to address potential construction impacts related to the need for expansion of wastewater infrastructure. Therefore, impacts related to the planned construction, expansion, and relocation of wastewater infrastructure facilities would be less than significant.

*Stormwater*

The construction of the proposed project itself would not result in the need for increased stormwater infrastructure improvements beyond those proposed on-site to serve the proposed

project. Specifically, the proposed project is anticipated to construct various storm drainage improvements including the proposed project's on-site stormwater detention basins and stormwater pipelines connecting to the existing stormwater pipes on Riggin Avenue and Shirk Street. There are no additional impacts associated with the construction of new or expanded stormwater facilities that would result in potentially significant impacts, and no additional mitigation would be required to address potential impacts related to construction or expansion of these facilities. Therefore, construction impacts related to planned construction, expansion, and relocation of stormwater facilities would be less than significant.

*Electricity*

Construction of the proposed project would consume electricity for construction work areas, field services (office trailers), and electric-driven equipment such as pumps and other tools. As on-site construction activities would be restricted between permitted construction hours (6:00 a.m. and 7:00 p.m. on weekdays or between the hours of 9:00 a.m. and 7:00 p.m. on weekends and federal holidays),[27] it is anticipated that the use of construction lighting would be relatively limited. As discussed in Section 3.6, Energy, construction equipment is estimated to consume a total of approximately 886,679 gallons of diesel fuel over the entire construction duration, and the proposed project is estimated to use a combined approximately 924,696 gallons of gasoline and diesel for vehicle travel during construction. A typical 720-square-foot office trailer would consume approximately 6,548 kilowatt hours (kWh) each year during the construction. As discussed more fully in Section 3.6, Energy, due to the temporary nature of construction and the financial incentives for developers and contractors to use energy-consuming equipment in an efficient manner, construction demand and consumption of electricity would not be significant. Therefore, construction impacts related to the need for new electrical supply infrastructure facilities because of electricity demand would be less than significant.

Construction of the proposed project would include new connections from existing electrical lines. However, due to the relatively short duration of construction activities, there are no additional impacts associated with the construction or expansion of electrical connections that would result in potentially significant impacts, and no additional mitigation would be required to address potential impacts related to the need for relocation or construction of expanded electrical facilities. Therefore, construction impacts related to planned construction, expansion, and relocation of electrical infrastructure facilities would be less than significant.

*Natural Gas*

The proposed project would not consume natural gas for construction purposes. Therefore, there would be no construction impact related to a need for new or expanded natural gas supply infrastructure facilities as a result of natural gas demand.

There are no additional impacts associated with the expansion of existing natural gas infrastructure, and no additional mitigation would be required to address potential impacts related to the need for construction of expanded natural gas facilities. Therefore, construction impacts related to planned

[27] City of Visalia. 2023. Municipal Code Chapter 8.36.050 Exterior noise standards—Mobile noise sources prohibition against use. Website: https://codelibrary.amlegal.com/codes/visalia/latest/visalia_ca/0-0-0-26473. Accessed June 11, 2023.

construction, expansion, and relocation of electrical infrastructure facilities would be less than significant.

*Telecommunications*

During construction, construction crew would use their personal devices (phone and internet). Construction office field services (office trailers) would require new telecommunications hookups or equipment, which would be provided by existing communication and internet providers in the area. Implementation of the proposed project would not result in a substantial demand for service. There are no additional impacts associated with extension and expansion of existing telecommunications infrastructure, and no additional mitigation measures would be required to address potential impacts related to construction of these facilities. Therefore, construction impacts related to planned construction, expansion, and relocation of telecommunications infrastructure facilities would be less than significant.

### *Operation*

For the purposes of this analysis, buildout is assumed to be 2028.

*Water*

The proposed project is currently an almond farm. An analysis from the Pacific Institute of DWR found that almond farms require 4.49 acre-feet annually per acre. The site is currently developed with over 280 acres in agricultural production as an almond orchard that is conservatively estimated to use 1,257 AFY.

However, while the overall project's operational water usage of approximately 124.1 AFY at buildout in 2028 would be significantly less under the proposed uses, water projection estimates in the UWMP and WSA are based on annexation of the site into the Cal Water service area, and projected availability is based on planned land uses in the City. The proposed project would convert irrigated agricultural land into other uses with reduced water demand. The UWMP states, "Irrigated agriculture typically uses more water on a per acre basis than urban uses; thus, some future growth will likely result in a net decrease in water use within the subbasins." Therefore, the proposed project would use significantly less water than the existing use on-site.

The UWMP and WSA did not reflect the current agricultural use of the site due to the aforementioned reason. Because the existing orchard is not currently connected to the Cal Water service area, the proposed project would increase demand for potable water from the Cal Water Visalia District water system, which is reliant on groundwater to serve its customers. Nevertheless, based on analysis in the UWMP and WSA, and as summarized below, the water system would maintain sufficient supply in normal year, single dry year, and multiple dry years.

The information herein is based, in part, on the WSA that was prepared for the project (Appendix J). As discussed in Section 3.10–Hydrology and Water Quality, accounting for the planned expanded 2045 population, the UWMP states that the District would require 44,529 acre-feet in a normal year, 45,400 acre-feet in a single dry year, and 45,939 acre-feet each year for multiple dry years.

This includes the expected demand from the planned Industrial and Light Industrial use of the site in the General Plan. Factoring in the proposed project's estimated water demand of 124.1 AFY, the total District demand would increase by 12.3 AFY due to the project's floor area ratio (FAR) being higher than the baseline FAR assumed in the UWMP. This would require the Visalia District to supply 45,541.3 acre-feet in an average year, 45,412.3 acre-feet in a single dry year, and 45,951.3 acre-feet every year over multiple dry years. These demands are higher than the supply given by the UWMP by 12.3 acre-feet, however the UWMP states "It should be noted that the Kaweah and Tule Subbasins are not adjudicated, and the projected groundwater supply volumes are not intended to and do not determine, limit or represent Cal Water's water rights or maximum pumping volumes." Since Cal Water has stated that the maximum pumping capacity is 100,829 AFY and the capacity is adequate to meet a projected 2030 demand of 57,364 AFY, it can be reasonably be expected that there would be sufficient water supplies available during normal, dry, and multiple dry years. The UWMP states "Cal Water expects that, under all hydrologic conditions, its groundwater supply for the Visalia District will fully meet future demands."

Cal Water can expect to meet the increased demand because M&I pumping accounted for 9 percent of the total pumping in the Kaweah Subbasin, and 3 percent of the total pumping in the Tule Subbasin. From this, the UWMP is able to conclude that "It is therefore likely that management of agricultural groundwater use, rather than M&I use, will be a much larger determining factor in maintaining groundwater sustainability in both the Kaweah and Tule Subbasins in the future."

The proposed project would be adequately served by the existing water system and would not require the relocation or construction of new or expanded water facilities. Impacts would be less than significant.

The proposed project is consistent with land use and zoning growth projections from the General Plan and is located within the UGB, thus making it planned growth. In its future projections, the UWMP anticipates increases in supply, demand, and service area under planned growth. Therefore, the proposed project is considered planned growth and would not create the need for unplanned connection or increases in service demands to Cal Water. Impacts would be less than significant.

*Wastewater*

The UWMP provided estimates of the volume of wastewater collected by the WCP from the Visalia District customers in year 2020. According to the UWMP, the WCP received approximately 14,635 acre-feet of wastewater that was collected from the City service area in year 2020. This estimate was calculated by annualizing 90 percent of January water use from the Visalia Water District service area for that year. This equates to approximately 13.1 million GPD of wastewater generation. Based on the City's existing capacity to process up to 22.0 million GPD, there is additional capacity to handle approximately 8.9 million GPD of additional wastewater.

As discussed above, the proposed project's operational water demand is estimated to be approximately 124.1 AFY at full buildout. To determine the proposed project's wastewater generation, it is assumed that 90 percent of the water used by the proposed project would be treated at the WCP (utilizing the same calculation as shown in the UWMP to determine year 2020

wastewater flows in the City). This would equate to approximately 111.7 AFY or 99,719 GPD of wastewater.

The City's existing WCP has capacity to process up to 22.0 MGD of wastewater. According to the City's UWMP, the WCP processed approximately 13.1 MGD in year 2020, leaving approximately 8.9 MGD of additional capacity. The proposed project would conservatively add approximately 99,719 gallons of wastewater per day, or approximately 1.1 percent of the existing available capacity.

Based on the WCP's existing capacity of 22.0 MGD, the WCP can adequately serve the proposed project in addition to other growth/development in the City. The proposed project would also be required to pay all applicable fees associated with the City's sewer system outlined in Municipal Code Section 13.08.710. The proposed project would be adequately served by the existing wastewater system and would not require the relocation or construction of new or expanded water facilities. Impacts would be less than significant.

*Stormwater*

Compared to existing conditions, the proposed project would result in a substantial increase of impervious surfaces, with a commensurate increase in stormwater runoff. As a result, the proposed project would result in the need for new or expanded storm drainage facilities.

As described in Chapter 2, Project Description, the proposed project includes construction of an on-site storm drainage system consisting of inlets, underground piping, and retention basins. Approximately 31.3 acres of retention basins would be installed. Runoff would drain to drainage system located throughout the project site. The system would be designed to meet the City's drainage requirements and all applicable standards and requirements would include accommodating a 100-year storm event, retaining runoff and releasing it at a rate no greater than the pre-development condition of the project site.

The proposed project's on-site stormwater retention basin would be sized to accommodate the stormwater discharge for the proposed project prior to the start of operations. Therefore, pursuant to the proposed project's compliance with all other applicable laws and regulations, the proposed project would not require the relocation or construction of new or expanded stormwater drainage facilities. Impacts would be less than significant.

*Electric Power*

SCE would provide electricity to the project site for lighting, appliances, and other associated operational uses. The proposed project would be required to comply with the State's applicable Title 24 energy efficiency standards (including designing structures to be solar-ready). These standards contain advanced energy efficiency standards and would ensure that the proposed project would not require significant or unplanned new electrical sources. Therefore, operational impacts related to the need for new electrical infrastructure facilities as a result of electricity demand would be less than significant.

The proposed project would include new connections from existing electrical lines, which have the capacity to serve project operations. The proposed project is required to obtain will and can serve letters from SCE prior to connecting to SCE's existing system. As such, the proposed project would

not require the relocation or expansion of electrical infrastructure to serve the increased demand, because it would be served by SCE with adequate electrical supplies. Therefore, operational impacts related to adequacy and capacity of electrical infrastructure facilities would be less than significant.

*Natural Gas*

Implementation of the proposed project would include new connections from existing natural gas lines. The proposed project could utilize natural gas for heating, which would be provided by SoCalGas. As discussed in Section 3.6, Energy, the proposed project would be required to be designed and constructed consistent with the State's current Title 24 energy efficiency standards. These standards would ensure that the proposed project would not require significant or unplanned new natural gas sources. Therefore, operational impacts related to the need for new natural gas supply would be less than significant.

*Telecommunications*

At operation, the proposed project would increase demand for internet and telephone services provided by local telecommunications providers. The proposed project is located in an area where existing telecommunications providers already offer internet and telephone services and have sufficient capacity to meet project operational demands. The building tenants/operators would coordinate with telecommunication providers in order to provide service, which have the capacity to serve project operations. Therefore, operational impacts related to the need for new or expanded telecommunications infrastructure facilities as a result of telecommunications demand would be less than significant.

### *Level of Significance*

Less than significant impact.

### *Mitigation Measures*

None required.

## Water Supplies

| | |
|---|---|
| **Impact UTIL-2:** | **Would the project have sufficient water supplies available to serve the project and reasonably foreseeable future development during normal, dry and multiple dry years?** |

As discussed in Impact UTIL-1, the proposed project would have sufficient water supplies available to serve the project and reasonably foreseeable future development during normal, dry, and multiple dry years.[28] Therefore, the impact would be less than significant.

### *Level of Significance*

Less than significant impact.

[28] 4Creeks Inc. 2022. Water Supply Technical Memorandum Shirk and Riggin Industrial Park. September.

### *Mitigation Measures*

None required.

## Wastewater Treatment Capacity

| | |
|---|---|
| **Impact UTIL-3:** | **Would the project result in a determination by the wastewater treatment provider which serves or may serve the project that it has adequate capacity to serve the project's projected demand in addition to the provider's existing commitments?** |

As discussed in Impact UTIL-1, the City has adequate wastewater capacity to serve the projected project in addition to the City's existing commitments. Impacts would be less than significant.

### *Level of Significance*

Less than significant impact.

### *Mitigation Measures*

None required.

## Attainment of Solid Waste Reduction Goals

| | |
|---|---|
| **Impact UTIL-4:** | **Would the project generate solid waste in excess of State or local standards, or in excess of the capacity of local infrastructure, or otherwise impair the attainment of solid waste reduction goals?** |

### *Construction*

During construction, the proposed project would generate solid waste from demolition and removal of existing structures on the project site. The EPA estimates 4.34 pounds per square foot for a nonresidential construction project (defined as lodging, office, commercial, health care, educations, religious, public safety, and manufacturing facilities).[29] Common construction waste may include metals, masonry, plastic pipe, rocks, dirt, cardboard, or green waste related to land development. The proposed project would not generate any acutely hazardous material, and any other hazardous waste, such as fuels greases and solvents, generated or used during construction would be disposed of at an approved facility. Waste should be diverted from disposal in landfills (particularly Class III landfills) and maximize source reduction, reuse, and recycling of construction and demolition debris.

The proposed industrial and flex industrial buildings would cover approximately 3,720,149 square feet; therefore, the proposed project is expected to generate approximately 16,145,447 pounds or 8,073 tons of solid waste during the four years of construction.[30] Assuming construction would occur only on the weekdays, there would be approximately 980 construction days. Spread over the 980-working day demolition and construction schedule, this equates to approximately 8.3 tons per day. The County's three landfills are permitted to receive between 800 and 2,000 tons of waste per day.[31] One of the landfills has an expected closure date in 2024, which is before the close of the

[29] United States Environmental Protection Agency (EPA). 2003. Estimating 2003 Building-Related Construction and Demolition Materials Amounts. Website: https://www.epa.gov/sites/production/files/2017-09/documents/estimating2003buildingrelatedcanddmaterialsamounts.pdf. Accessed: June 20, 2023.

[30] Calculation: 3,720,149 square feet * 4.34 pounds per square foot = 16,145,447 pounds; 16,145,447 pounds/2,000 = 8,073 tons.

[31] California Department of Resources Recycling and Recover (CalRecycle). 2022. Solid Waste Information System (SWIS). Website: https://www2.calrecycle.ca.gov/SolidWaste/Site/Search. Accessed December 7, 2022.

construction periods; however, the City is undertaking measures to expand the landfills and extend their lifespans.[32] Construction/demolition debris generated by the proposed project represents a nominal percent (approximately 1 percent) of the quantity of solid waste that the landfill currently accepts on a daily basis. Mitigation Measure (MM) UTIL-1 would require that a recycling coordinator be identified to ensure the separation and proper disposal of recyclable materials and solid waste during construction. MM UTIL-1 also requires having recycling areas and receptacles on-site during construction to encourage recycling of materials to the extent feasible. In addition, compliance with applicable local and State laws and regulations would ensure that all construction waste would be conveyed to the appropriate solid waste facility and would be disposed of properly. Therefore, construction impacts related to landfill capacity would be less than significant.

### *Operation*

Using 8.93 pounds per employee per day solid waste generation rate[33] (the most recent source provided by CalRecyle), the proposed project's approximately 4,177 employees would generate an estimated 37,300 pounds of solid waste per day (18.65 tons),[34] and 13,614,500 pounds per year (6,807 tons), assuming operation 365 days per year. As of this writing, these landfills have a combined maximum capacity of 40,071,173 cubic yards and a remaining capacity of 22,340,353 cubic yards. The three landfills have expected closure dates ranging between 2024 and 2043; however, the City is undertaking measures to expand the landfills and extend their lifespans.[35] As a result, the proposed project's estimated 18.65 tons of solid waste per day and 6,807 tons per year represent less than 1 percent of daily permitted capacity and overall landfill capacity. Pursuant to AB 939, cities are required to redirect at least 50 percent of municipal waste; as of 2009, the City reduced its annual waste tonnage collected by 25 percent, however no other data is provided by the City on its progress of achieving diversion rates in adherence to AB 939.[36] Implementation of MM UTIL-1 (e) would require each development project to provide a recycling storage area for recyclable materials during operations. Therefore, the proposed project would be served by a landfill that contains sufficient capacity, and operational impacts related to landfill capacity and solid waste reduction goals consistency would be less than significant.

### *Level of Significance Before Mitigation*

Potentially significant impact.

### *Mitigation Measures*

**MM UTIL 1** The provisions listed below shall apply to the project during construction activities in connection with project development.

a. An on-site Recycling Coordinator shall be designated by the project proponent/contractor to facilitate recycling.
b. The Recycling Coordinator shall facilitate recycling of all construction waste through coordination with contractors, local waste haulers, and/or other facilities that recycle construction/demolition wastes.

[32] City of Visalia. 2014. Visalia General Plan Draft Environmental Impact Report – Public Services, Facilities, and Utilities. October 14.
[33] California Department of Resources Recycling and Recovery (CalRecycle). 2019. Estimated Solid Waste Generation Rates. Website: https://www2.calrecycle.ca.gov/wastecharacterization/general/rates. Accessed: December 9, 2022.
[34] Calculation: 8.93 pounds/employee/day * 4,100 = 36,613 pounds/day; 36,613 pound/day/2,000 = 18.3 tons/day.
[35] City of Visalia. 2014. Visalia General Plan Draft Environmental Impact Report – Public Services, Facilities, and Utilities. October 14.
[36] Ibid.

c. The on-site Recycling Coordinator shall also be responsible for ensuring wastes requiring special disposal are handled according to State and County regulations that are in effect at the time of disposal.
d. Contact information of the coordinator shall be provided to the City of Visalia prior to issuance of building permits.
e. The project proponent/operator shall provide a storage area for recyclable materials within the fenced project area that is clearly identified for recycling. This area shall be maintained on the site during construction and operations. A site plan showing the recycling storage area shall be submitted prior to the issuance of any grading or building permit for the site.

### *Level of Significance After Mitigation*

Less than significant impact with mitigation incorporated.

## Solid Waste Regulations

| **Impact UTIL-5:** | **Would the project comply with federal, State, and local statutes and regulations related to solid waste?** |
|---|---|

### *Construction*

During construction, the proposed project would be required to comply with Municipal Code Chapter 8.29 related to construction and demolition materials management. Compliance with this regulation would ensure compliance with AB 939 by ensuring construction waste is transferred to facilities that can adequately recycle solid waste. Thus, with compliance with the Visalia Municipal Code and AB 939, the proposed project would be required to comply with applicable solid waste regulations and statutes. Therefore, impacts related to solid waste regulations consistency are less than significant.

### *Operation*

During operation, the proposed project would be required to comply with applicable State and local laws and regulations related to solid waste such as AB 939, SB 1383 related to organic waste, AB 341 and AB 32 related to recycling, and Municipal Code Chapter 8.28 related to solid waste collection and disposal. Adherence to AB 939, SB 1383, AB 341, AB 32, and the Municipal Code would ensure sufficient solid waste collection and transportation is available and would ensure that disposal sites contain sufficient capacity through permit review and inspections and recycling programs are implemented to divert waste. As such, operation of the proposed project would not impede the ability of the City to meet waste diversion requirements or cause the City to violate State and local statutes and regulations related to solid waste. Therefore, with compliance with applicable State and City laws and regulations requiring recycling and waste diversion from landfills, operational impacts related to solid waste regulations consistency would be less than significant.

### *Level of Significance*

Less than significant impact.

### *Mitigation Measures*

None required.

## 3.15.7 - Cumulative Impacts

### Water

The geographic scope of the cumulative potable water analysis is the service area of Cal Water Visalia District, which provides potable water to residents and businesses within the City service area. The WSA evaluates the adequacy of the City's total project water supplies, including existing water supplies and future planned water supplies, to meet the City's existing and projected future water demands, including those future water demands associated with the proposed project, under all hydrological conditions (Normal Years, Single Dry Years, and Multiple Dry Years).

Cumulative projects, including those listed in Chapter 3, Environmental Impact Analysis, Table 3-1, Cumulative Projects, are located within the areas of the City. As discussed under Impact UTIL-2, a WSA was completed for the proposed project that evaluated projected water demand associated with the proposed project, in addition to existing and other planned future users within the Visalia District service area. Water demand within the City's water service area is not expected to exceed the City's supplies at buildout under normal hydrologic conditions based on the City's existing supplies coupled with the implementation of its additional future planned projects. Furthermore, some of the cumulative projects would convert the existing agricultural use to other uses which have a significantly smaller water demand.

Developers of the other cumulative projects would be required to pay their proportionate share of required funding to the City for completion of water infrastructure improvements (which includes recycled water infrastructure) as included in the City's Capital Improvement Program (CIP). In addition, cumulative projects, such as those listed in Table 3-1, would be required to comply with provisions of the applicable laws and regulations in the Municipal Code and CALGreen related to water conservation. Therefore, cumulative impacts would be less than significant. As discussed above, the proposed project would also be required to comply with City/County ordinances and General Plan policies, as well as other laws and regulations that address water supply. The proposed project would also be required to pay applicable impact fees to help facilitate the completion of necessary water infrastructure. For these reasons, the proposed project would not have a cumulatively considerable contribution toward this less than significant cumulative impact related to water supply and treatment.

### Wastewater

The geographic scope of the cumulative wastewater analysis is the service area of the City, which provides wastewater collection and treatment services for the City and its service area.

The City has estimated wastewater generated from its existing and future development in the service area and forecasted the needed facility upgrades. The forecast included treatment facility upgrades needed to accommodate existing needs and the planned growth in the service area and to maintain compliance with applicable regulatory standards for wastewater treatment and discharge.

The City has recently upgraded its WCP. The WCP has a capacity to treat 22 million GPD and currently treats approximately 13 million GPD.

The cumulative projects, including those listed in Chapter 3, Environmental Impact Analysis, Table 3-1, located in the City are within the service area and would generate volumes of wastewater conveyed to and treated at the WCP. Cumulative projects not located in the City or its service area would convey wastewater to the applicable wastewater treatment plant and are not included in this cumulative analysis. The City has anticipated planned growth and determined that capacity would exist to service the demand for wastewater treatment facilities given the existing capacity coupled with the upgrades discussed in Impact UTL-3. Projects within the service area would be required to pay applicable fees in effect at the time building permits are issued. Therefore, the proposed project's contribution to this less than significant impact related to wastewater generation and treatment would not be cumulatively considerable.

### Storm Drainage

The geographic scope of the cumulative analysis of storm drainage is projects within the City, consisting of areas that drain to the storm drainage system and to the Kaweah River's Delta system.

The cumulative projects within the City would undergo its own CEQA review, which would evaluate and be required to mitigate any potential significant impacts with storm drainage pursuant to applicable laws and regulations. In addition, consistent with measures in the Municipal Code and other applicable standards and requirements, all development in the City would be required to incorporate a stormwater control plan and stormwater collection systems into the development that would in turn reduce the volume and velocity of stormwater runoff that cumulative projects would generate to adhere to applicable performance standards. Therefore, cumulative impacts in this regard would be less than significant.

As discussed above, the proposed project would have a less than significant impact on storm drainage. Therefore, the proposed project's contribution to this less than significant impact related to storm drainage would not be cumulatively considerable. (See also Section 3.10, Hydrology and Water Quality).

### Solid Waste

The geographical area for considering cumulative impacts associated with solid waste is the geographic area covered by the Tulare County Solid Waste Division.

Cumulative projects, including those listed in Chapter 3, Environmental Impact Analysis, Table 3-1 consist predominantly of industrial and residential uses. However, as with the surrounding areas, new cumulative development (residential and nonresidential) would increase demand on solid waste facilities to receive, process, and store solid waste. Existing solid waste facilities provide sufficient capacity to serve all development anticipated in the City, as well as existing, planned, and probable future land uses in the City for the foreseeable future.

As of this writing, these landfills have a combined maximum capacity of 40,071,173 cubic yards and a remaining capacity of 22,340,353 cubic yards. Additionally, other cumulative projects within the cumulative geographic context, would be required to comply with applicable federal, State, and local laws, regulations and policies to address and mitigate, as necessary, any potentially significant

impacts related to solid waste. For these reasons, cumulative impacts to solid waste would be less than significant.

The proposed project's contribution to this less than significant cumulative impact would not be cumulatively considerable. The anticipated waste volume of development associated with the proposed project represents less than 1 percent of the landfill's permitted daily capacity. Furthermore, implementation of MM UTIL-1 would require that a recycling coordinator be identified to ensure the separation and proper disposal of recyclable materials and solid waste during construction. MM UTIL-1 also requires having recycling areas and receptacles on-site during construction to encourage recycling of materials to the extent feasible. Therefore, the proposed project, in conjunction with other cumulative projects, would result in a less than significant cumulative impact related to solid waste generation and landfill capacity.

## Energy

Cumulative analysis with respect to Energy is addressed in Section 3.6, Energy.

## Telecommunications

Cumulative projects would increase demand for internet and telephone services provided by local telecommunications providers. These cumulative projects would coordinate with telecommunication providers to provide service, and would be required to ensure there is sufficient capacity to serve each project, through analysis and adequate mitigation, as necessary. For these reasons, cumulative impacts with respect to telecommunications would be less than significant.

The proposed project would also coordinate with telecommunication providers to provide service, which has capacity to serve project operations, and the proposed project's contribution to the less than significant cumulative impact would not be cumulatively considerable. Therefore, the proposed project, in conjunction with other cumulative projects, would result in a less than significant cumulative impact related to telecommunications.

### *Mitigation Measures*

Implement MM UTIL-1.

### *Level of Cumulative Significance*

Less than significant impact with mitigation incorporated.

# 3.16 - Wildfire

## 3.16.1 - Introduction

This section describes the existing wildfire conditions on the project site and vicinity as well as the regulatory framework related to the potential environmental effects associated with wildfire. The section also explains the methodologies used in evaluating these potential impacts, the criteria used to evaluate the significance of potential impacts, and an analysis of potential impacts related to wildfire that could result from implementation of the proposed project. The analysis in this section is based, in part, on review of the project plans, the City's General Plan and General Plan Environmental Impact Report, information from the California Department of Forestry and Fire Protection (CAL FIRE), and CAL FIRE Tulare County Fire Hazards Severity Zone (FHSZ) Maps, the Biological Resources Assessment provided in Appendix C, and the Phase I Environmental Site Assessment provided in Appendix F of this Draft EIR.

No public comments were received during the Notice of Preparation (NOP) scoping period related to wildfire.

### Wildfire Hazard Area Designations

CAL FIRE is responsible for mapping fire hazards within State Responsibility Areas (SRAs) based on fuel loading, slope, fire weather, and other relevant factors present, including areas where winds have been identified as a major cause of wildfire spread.

These zones, referred to as FHSZ classify a wildland zone as Moderate, High, or Very High fire hazard based on the average hazard across the area included in the zone. There are also "Fire Protection Responsibility Areas" (non-SRA), delineated as either a Federal Responsibility Area (FRA) or a Local Responsibility Area (LRA).

## 3.16.2 - Environmental Setting

### *Project Site*

Pursuant to the CAL FIRE's Fire Hazard Severity Zone Map, the project site is not located in or near an SRA and also does not contain lands classified as a Very High Fire Hazard Severity Zone (VHFHSZ).[1] According to the CAL FIRE FHSZ Maps for the LRA, the project site is classified as LRA Unzoned, which means that the project site is outside of areas identified by CAL FIRE as having substantial or very high risk. The Unit Strategic Fire Plan for the CAL FIRE Tulare Unit designates the project site as being located within an Agriculture area by the County.[2]

The closest mapped FHSZ is an SRA Moderate Zone located approximately 15 miles east of the project site, at the outer city limits of the City of Exeter. There is a FRA Moderate Zone located

[1] California Department of Fire and Forest Protection (CAL FIRE). 2023. FHSZ Viewer. Website: https://egis.fire.ca.gov/FHSZ/. Accessed February 15, 2023.
[2] California Department of Forestry and Fire Prevention (CAL FIRE). 2022. Unit Strategic Fire Plan CAL FIRE/Tulare Unit. May.

approximately 23 miles to the southwest of the project site just outside of the City of Lemoore city limits.[3] The nearest VHFHSZ is located over 25 miles east of the project site.

In addition, the City of Visalia General Plan (General Plan) does not designate the project site as a fire hazard area. According to General Plan Figure 8-4, Fire Hazards and Public Safety Services, there is an area of moderate fire susceptibility located along North Plaza Drive between West Ferguson Avenue and Goshen Avenue, which is located approximately 3,700 feet southwest of the project site.[4]

## Wildfire-conducive Conditions

Grassland or other vegetation in California is easily ignited, particularly in dry seasons. Wildfire is a serious hazard in high dry fuel load areas, particularly near areas of natural vegetation and steep slopes since fires tend to burn more rapidly on steeper terrain. Wildfire is also a serious hazard in areas of high wind, given that fires will travel faster and farther geographically when winds are higher. Furthermore, wildfire is more likely in areas where electric power lines are located above ground where they may encounter vegetation or building materials.

### *Project Site*

The vast majority of the project site (approximately 284 acres) consists of an active almond orchard, with the remaining portions of the project site consisting of some non-native planted ornamental trees, access roads and small amounts of vegetation. All orchard areas are actively managed, with sparce herbaceous understory plant cover that consists of managed ruderal non-native grasses and forbs, and tree cover. Barren areas on the project site consist of access roads, which are currently dirt with small amounts of managed, non-native invasive grasses and forbs on edges. In addition, there are streetlights and above ground power and telecommunication lines in various locations adjacent to the project site. The project site is gently sloping toward the east but does not contain significant slopes. Additionally, the project site is surrounded by agricultural and industrial areas and is not located adjacent to wildlands or grasslands or in a wildland urban interface (WUI) area.

## Emergency and Evacuation Routes/Access

### *Project Site*

Based on its location, the most likely evacuation routes from the project site would be SR-198 (in the east–west direction), and SR-99 and SR-63 (in the north–south direction). These routes are approximately 2 miles, 2.15 miles, and 3.66 miles away from the project site, respectively.

## Post-fire Slope Instability and Drainage Pattern Changes

Slope instability from wildfire scarring of the landscape can result in slope instability in the form of more intensive flooding and landslides. These post-fire slope soils and altered drainage patterns can more easily creep away downslope sides of foundations and reduce lateral support.

[3] California Department of Forestry and Fire Prevention (CAL FIRE). 2022. Unit Strategic Fire Plan CAL FIRE/Tulare Unit. May.
[4] City of Visalia. 2014. Visalia General Plan Chapter 8: Safety and Noise, Figure 8-4: Fire Hazards and Public Safety Services. October.

### *Project Site*

The project site has not been impacted from previous wildfire damage or post-fire drainage pattern changes.[5] As described previously, the project site contains relatively level elevation and does not contain steep slopes. The prevailing wind pattern is from the northwest.

### *Water Supply and Infrastructure*

Water supplies and water infrastructure is needed to address firefighting capacity within the project site. Potential loss of water pressure during a fire may decrease available water supplies, and the potential loss of power may eliminate the supply of water to the project site. Therefore, the following discussion addresses water supplies, infrastructure, and power to evaluate potential wildfire risk impacts.

### *Project Site*

Water for the proposed project would be provided by the City's water supply (provided by Cal Water). The proposed project would require connection to City-owned utility and infrastructure. The applicant would be required to comply with all applicable standards, including public and private fire hydrants, to ensure the provision of adequate water pressure and durations as specified by the City's Hydrant Ordinance. According to the Hydrant Ordinance, light industrial developments require a minimum flow of 2,000 gallons per minute at 20 psi residual pressure at any required fire hydrant.[6] During the development review process for the proposed project, City staff and the Visalia Fire Department would review water flow and distribution requirements as well as infrastructure to confirm adequate water pressure for firefighting.

## 3.16.3 - Regulatory Framework

### Federal

### *United States Department of Interior, Office of Wildland Fire*

This federal agency develops, reviews and updates federal policy related to wildland fire management to ensure consistent and effective program implementation across the Department of the Interior and its many partners. To that end, this federal agency adopted the 1995 Federal Wildland Fire Management Policy (January 2001), which sets forth the following that are relevant to this analysis:

1. **Safety—**Firefighter and public safety is the first priority. All Fire Management Plans and activities must reflect this commitment.
2. **Fire Management and Ecosystem Sustainability—**The full range of fire management activities will be used to help achieve ecosystem sustainability, including its interrelated ecological, economic, and social components.
3. **Response to Wildland Fire—**Fire, as a critical natural process, will be integrated into land and resource management plans and activities on a landscape scale, and across agency boundaries. Response to wildland fire is based on ecological, social, and legal consequences

[5] California Department of Forestry and Fire Prevention (CAL FIRE). 2022. History of Wildfires. Website: https://projects.capradio.org/california-fire-history/#9.77/36.3423/-119.3612. Accessed November 9, 2022.
[6] City of Visalia. 2001. Municipal Code Section 16.36.120 Water mains, fire hydrants and fire department access. Website: https://www.visalia.city/civicax/filebank/blobdload.aspx?blobid=4255. Accessed November 22, 2022.

of the fire. The circumstances under which a fire occurs, and the likely consequences on firefighter and public safety and welfare, natural and cultural resources, and values to be protected dictate the appropriate management response to the fire.

4. **Use of Wildland Fire—**Wildland fire will be used to protect, maintain, and enhance resources and, as nearly as possible, be allowed to function in its natural ecological role. Use of fire will be based on approved Fire Management Plans and will follow specific prescriptions contained in operational plans.

5. **Rehabilitation and Restoration—**Rehabilitation and restoration efforts will be undertaken to protect and sustain ecosystems, public health, and safety, and to help communities protect infrastructure.

6. **Protection Priorities—**The protection of human life is the single, overriding priority. Setting priorities among protecting human communities and community infrastructure, other property and improvements, and natural and cultural resources will be based on the values to be protected, human health and safety, and the costs of protection. Once people have been committed to an incident, these human resources become the highest value to be protected.

7. **Wildland Urban Interface—**The operational roles of federal agencies as partners in the WUI are wildland firefighting, hazardous fuels reduction, cooperative prevention and education, and technical assistance. Structural fire suppression is the responsibility of tribal, State, or local governments. Federal agencies may assist with exterior structural protection activities under formal Fire Protection Agreements that specify the mutual responsibilities of the partners, including funding. (Some federal agencies have full structural protection authority for their facilities on lands they administer and may also enter into formal agreements to assist State and local governments with full structural protection.)

8. **Planning—**Every area with burnable vegetation must have an approved Fire Management Plan. Fire Management Plans are strategic plans that define a program to manage wildland and prescribed fires based on the area's approved land management plan. Fire Management Plans must provide for firefighter and public safety; include fire management strategies, tactics, and alternatives; address values to be protected and public health issues; and be consistent with resource management objectives, activities of the area, and environmental laws and regulations.

9. **Science—**Fire Management Plans and programs will be based on a foundation of sound science. Research will support ongoing efforts to increase our scientific knowledge of biological, physical, and sociological factors. Information needed to support fire management will be developed through an integrated interagency fire science program. Scientific results must be made available to managers in a timely manner and must be used in the development of land management plans, Fire Management Plans, and implementation plans.

10. **Preparedness—**Agencies will ensure their capability to provide safe, cost-effective fire management programs in support of land and resource management plans through appropriate planning, staffing, training, equipment, and management oversight.

11. **Suppression—**Fires are suppressed at minimum cost, considering firefighter and public safety, benefits, and values to be protected, consistent with resource objectives.

12. **Prevention—**Agencies will work together and with their partners and other affected groups and individuals to prevent unauthorized ignition of wildland fires.
13. **Standardization—**Agencies will use compatible planning processes, funding mechanisms, training and qualification requirements, operational procedures, values to be protected methodologies, and public education programs for all fire management activities.
14. **Interagency Cooperation and Coordination—**Fire management planning, preparedness, prevention, suppression, fire use, restoration and rehabilitation, monitoring, research, and education will be conducted on an interagency basis with the involvement of cooperators and partners.
15. **Communication and Education—**Agencies will enhance knowledge and understanding of wildland fire management policies and practices through internal and external communication and education programs. These programs will be continuously improved through the timely and effective exchange of information among all affected agencies and organizations.
16. **Agency Administrator and Employee Roles—**Agency administrators will ensure that their employees are trained, certified, and made available to participate in the wildland fire program locally, regionally, and nationally as the situation demands. Employees with operational, administrative, or other skills will support the wildland fire program as necessary. Agency administrators are responsible and will be held accountable for making employees available.
17. **Evaluation—**Agencies will develop and implement a systematic method of evaluation to determine effectiveness of projects through implementation of the 2001 Federal Fire Policy. The evaluation will assure accountability, facilitate resolution of areas of conflict, and identify resource shortages and agency priorities.

## State

### *California Emergency Response Plan*

California has developed an emergency response plan to coordinate emergency services provided by federal, State, and local governments and private agencies. Responding to hazardous materials incidents is one part of this plan. The plan is administered by the California Governor's Office of Emergency Services, which coordinates the responses of other agencies. When Tulare County experiences an emergency, an Emergency Operations Center may be opened. In the event an Emergency Operations Center is opened, emergency response team members coordinate efforts and work with local fire and police agencies, emergency medical providers, the California Highway Patrol, CAL FIRE, California Department of Fish and Wildlife (CDFW), and Caltrans.

### *California Department of Forestry and Fire Protection Threat Potential Mapping*

CAL FIRE has mapped fire threat potential throughout California. CAL FIRE maps fire threat based on the availability of fuel and the likelihood of an area burning (based on topography, fire history, and climate). The threat levels include no fire threat, Moderate, High, and Very High fire threat. While FHSZs do not predict when or where a wildfire will occur, they do identify areas where wildfire hazards could be more severe and, therefore, are of greater concern. According to the CAL FIRE FHSZ

Maps for the LRA, the project site is classified as LRA Unzoned. Given this designation, the project site is outside of areas identified by CAL FIRE as having substantial or very high risk. The land immediately east, west, and south of the project site consists of agricultural uses with a mix of row crops and orchards, while the land to the south and west is used for industrial warehouses and residential uses. The land surrounding the project site is categorized as LRA Unzoned. The nearest VHFHSZ is located over 25 miles east of the project site. In addition, the Unit Strategic Fire Plan for the CAL FIRE Tulare Unit designates the project site as being located within an Agriculture area by the County.[7]

### *California Building Code*

Chapter 7 of the 2022 California Building Standards Code (CBC) details the materials, systems, and/or assemblies used in the exterior design and construction of new buildings located within a WUI Fire Area. A WUI Area is defined in Section 702A as a geographical area identified by the State as a FHSZ in accordance with the Public Resources Code Sections 4201–4204 and Government Code Sections 51175–51189, or other areas designated by the enforcing agency to be at a significant risk from wildfires. The CBC details the materials, systems, and assemblies used for structural fire resistance and fire-resistance-rated construction separation of adjacent spaces to safeguard against the spread of fire and smoke within a building and the spread of fire to or from buildings. The City adopted the CBC in Chapter 15 of the City of Visalia Municipal Code (Municipal Code).

### *California Public Resources Code*

California Public Resources Code Sections 4201-4204 and Government Code Sections 51175-51189 directs CAL FIRE to map FHSZ within SRAs and LRAs. Areas of significant fire hazards are identified based on fuels, terrain, weather, and other relevant factors. The FHSZs define the type of mitigation strategies to be applied to reduce risks associated with wildland fires. SRAs and were originally mapped by CAL FIRE in 1985 and LRAs in 1996. Within SRAs, the Director of CAL FIRE has designated areas as Moderate, High, and VHFHS. Outside of SRAs, but within LRAs, the Director of CAL FIRE was charged with recommending the locations of VHFHSZs. California Public Resources Code Sections 4291–4299 *et seq*. requires that brush, flammable vegetation, or combustible growth within 100 feet of buildings be maintained. Vegetation that is more than 30 feet from the building, less than 18 inches high, and is important for soil stability may be maintained, as may single specimens of trees or other vegetation that is maintained to manage fuels and would not form a means of rapid fire transmission from other nearby vegetation to a structure. California Public Resources Code Sections 4291–4299 *et seq*. applies to both high fire threat districts, as determined by the California Public Utilities Commission (CPUC) pursuant to its rulemaking authority, and SRAs. Additionally, the Public Resources Code outlines infraction fees, certification, and compliance procedures applicable with State and local building standards, including those described in Government Code Section 51189(b). The California Public Resources Code includes fire safety regulations that restrict the use of equipment that may produce a spark, flame, or fire; require the use of spark arrestors[8] on construction equipment that use an internal combustion engine; specify requirements for the safe

[7] California Department of Forestry and Fire Prevention (CAL FIRE). 2022. Unit Strategic Fire Plan CAL FIRE/Tulare Unit. May.

[8] A spark arrestor is any device that prevents the emission of flammable debris from a combustion source (i.e., fireplaces, internal combustion engines, and wood burning stoves).

use of gasoline-powered tools in fire hazard areas; and specify fire suppression equipment that must be provided on-site for various types of work in fire-prone areas.

These regulations include the following:

- Earthmoving and portable equipment with internal combustion engines will be equipped with a spark arrestor to reduce the potential for igniting a wildland fire (Public Resources Code [PRC] § 4442).
- Appropriate fire suppression equipment will be maintained during the highest fire danger period—from April 1 to December 1 (PRC § 4428).
- On days when a burning permit is required, flammable materials will be removed to a distance of 10 feet from any equipment that could produce a spark, fire, or flame, and the construction contractor will maintain the appropriate fire suppression equipment (PRC § 4427).
- On days when a burning permit is required, portable tools powered by gasoline-fueled internal combustion engines will not be used within 25 feet of any flammable materials (PRC § 4431).

## Regional

### *CAL FIRE Tulare Unit Strategic Fire Plan*

The CAL FIRE Tulare Unit Strategic Fire Plan (Fire Plan), updated in May 2022, is the most current document that assesses the wildland fire situation throughout the SRA within CAL FIRE jurisdiction. The Fire Plan was created to assist the CAL FIRE Tulare Unit with pre-suppression projects which exist within each Battalion. The CAL FIRE Tulare Unit plans, identifies, and evaluates priority landscape, fire hazards, and wildfire risk. Additionally, it identifies opportunities for reducing structural ignitability, and identifies potential fuel reduction projects and techniques for minimizing those risks. The Fire Plan gives an overview of CAL FIRE Tulare Unit Battalions and ranks these areas in terms of priority needs as well as identifies the areas of SRA. According to the Fire Plan, 19.3 percent of Tulare County areas are within an SRA. Tulare County is broken up into four different fuel management areas, including Badger, Kaweah, Tule, and Fountain Springs. The project site is located adjacent to Kaweah Battalion 4112, but is not within an SRA and is not directly within the jurisdiction of a fuel management area.[9] The CAL FIRE Tulare Unit has mutual aid agreements with the Visalia Fire Department.

### *Multi-Jurisdictional Local Hazard Mitigation Plan*

The Multi-Jurisdictional Local Hazard Mitigation Plan (MJLHMP), updated in 2017, assesses the natural, technological, and human-caused risks to County communities, and reduces the potential impact of the hazards by creating mitigation strategies. The MJLHMP complies with The Federal Disaster Mitigation Act of 2000 (DMA 2000), Federal Register 44 Code of Federal Regulations Parts 201 and 206. This law, as of November 1, 2004, requires local governments to develop and submit hazard mitigation plans as a condition of receiving Federal Emergency Management Agency (FEMA) Hazard Mitigation Grant Program (HMGP) and other mitigation project grants. The County; the Cities

[9] California Department of Forestry and Fire Prevention (CAL FIRE). 2022. Unit Strategic Fire Plan CAL FIRE/Tulare Unit. May.

of Dinuba, Exeter, Farmersville, Lindsay, Porterville, Tulare, Visalia, and Woodlake; the Tule River Tribe; and Tulare County Office of Education staffs coordinated to prepare the MJLHMP.

## Local

### *City of Visalia Municipal Code*

*Visalia Fire Code*

Chapter 8.20 of the Municipal Code details the Visalia Fire Code, which is an adoption of the 2019 California Fire Code with some amendments. The purpose of the Visalia Fire Code is to regulate the safeguarding of life, property, and public welfare to a reasonable degree from the hazards of fire, hazardous materials release, and/or explosion due to handling of dangerous and hazardous materials, conditions hazardous to life or property in the occupancy and use of buildings and premises, the operation, installation, construction, and location of attendant equipment, the installation and maintenance of adequate means of egress, and providing for the issuance of permits and collection of fees.

*Visalia Hydrant Ordinance*

Chapter 16.36.120 of the Municipal Code outlines the following requirements for water mains, fire hydrants, and fire department access:

The subdivider shall install water mains, fire hydrants and provide fire department access when required. The costs associated with such installations shall be at the expense of the subdivider. Fire hydrants, water mains and fire department access shall be installed in accordance with the following:

A. The water system, including water mains and fire hydrants, shall be installed and in operation prior to the commencement of building construction on any site within the subdivision unless otherwise authorized by the fire marshal, fire chief and/or their designee.

B. Fire hydrants shall be of a type approved by the fire marshal, fire chief and/or their designee.

C. The minimum water main line size to serve any fire hydrant shall be 6 inches in diameter.

D. A gate valve shall be installed between the tee in the main and the fire hydrant.

E. Minimum water flow shall comply with the following requirements:
    1. Single-family developments shall require a minimum flow of 1,000 gallons per minute at 20 psi residual pressure at any required fire hydrant.
    2 Multi-family, one or two story, zero lot line clearance, condominiums, and mobile home parks, light commercial and light industrial developments shall require a minimum flow of 2,000 gallons per minute at 20 psi residual pressure at any required fire hydrant.
    3. Multi-family, three stories or higher, heavy commercial and heavy industrial development shall require a minimum flow of 2,500 gallons per minute at 20 psi residual pressure at any required fire hydrant.

F. Water systems, other than California Water Service Company mains, supplying fire hydrants shall comply with the current adopted Fire Code.

1. A backup pump shall be provided with an alternative source of power and the backup pump shall be capable of supplying the required fire flow.
2. The alternative source of power must be different from the primary course of power and must be installed with the capacity of delivering the minimum flow requirements specified above and comply with the flow duration established in the Uniform Fire Code.
3. The alternative source of power shall automatically turn on in the event of failure of the primary source of power.

G. Fire hydrant spacing shall comply with the following requirements:
   1 Single-family residential developments shall be provided with fire hydrants every 600 lineal feet of residential frontage. In isolated developments, no less than two fire hydrants shall be provided not more than 600 lineal feet apart from one another.
   2. Multi-family, zero lot line clearance, mobile home park or condominium developments shall be provided with fire hydrants every 400 feet of residential frontage. In isolated developments, no less than two fire hydrants shall be provided not more than 400 lineal feet apart from one another.
   3. Multi-family or condominium developments with 100 percent coverage fire sprinkler systems shall be provided with fire hydrants every 600 lineal feet of multi-family or condominium frontage. In isolated developments, no less than two fire hydrants shall be provided not more than 600 lineal feet apart from one another.
   4 Commercial and industrial shall be provided with fire hydrants every 300 hundred feet of commercial or industrial frontage. In isolated developments, no less than two fire hydrants shall be provided not more than 300 lineal feet apart from one another.
   5. Commercial or industrial developments with 100 percent coverage fire sprinkler systems shall be provided with fire hydrants every five hundred lineal feet of commercial or industrial frontage. In isolated developments, no less than two fire hydrants shall be provided not more than 5000 lineal feet apart from one another.
   6. When any portion of a building is in excess of 150 feet from a water supply on a public street, there shall be provided, when required by the fire marshal, fire chief and/or their designee, on-site fire hydrants and water mains capable of supplying the required fire flow, or suitable fire appliances of a type approved by the fire marshal, fire chief and/or their designee.
   7. Any building provided with a fire sprinkler system shall provide a fire hydrant within 50 feet of the fire department connection.
   8. The exact location of fire hydrants within or adjacent to subdivisions and the final decision as to the number of fire hydrants shall be at the discretion of the fire marshal, fire chief, and/or their designee.

H. Fire department access shall comply with current adopted Fire Code.

I. Every building constructed shall be accessible to fire department apparatus by way of access roadways with an all weather driving surface of not less than 20 feet of unobstructed width, capable of supporting the imposed loads of fire apparatus and having a minimum of 13 feet 6 inches in vertical clearance. Dead-end access roadways longer than 150 feet shall have a turn-around area designed and constructed in accordance to City standards. When deemed

necessary by the fire marshal, fire chief and/or their designee, access road will be declared fire lanes and will comply with the requirements established in the Uniform Fire Code. Fire department access shall be provided prior to the commencement of building construction on any site within the subdivision unless otherwise authorized by the fire marshal, fire chief and/or their designee.

J. Nothing in the above regulations shall prevent the fire marshal, fire chief, and/or their designee from making special requirements as based on the appropriate level of fire protection for a particular system.

K. The fire chief may adopt, amend and enforce regulations necessary to implement this section, in accordance with the procedures outlined in the City's policy permitting adoption, amendment or repeal of regulations. (Ord. 2017-01 (part), 2017: Ord. 2013-07, 2013).

### *City of Visalia Emergency Operations Plan*

The City's Emergency Operations Plan (EOP) was adopted in 2011. The City's EOP is designed to establish a framework for implementation of the California Standardized Emergency Management System for the City, which is located within the Governor's Office of Emergency Service's Mutual Aid Region V. The City's EOP is used in conjunction with the Tulare County's EOP, which incorporates the County's updated 2011 Evacuation Plan, establishes responsibilities, threat levels, and triggers for evacuation, evacuation areas, and evacuation routes to be used in case of catastrophic emergencies, including wildfire. The EOP also addresses the planned response to extraordinary emergency situations associated with natural disasters, technological incidents, and national security emergencies in or affecting the City of Visalia.

This plan accomplishes the following:

- Establishes the emergency management organization required to mitigate any significant emergency or disaster affecting the City of Visalia.
- Identifies the policies, responsibilities and procedures required to protect the health and safety of the City of Visalia community, public and private property and the environmental effects of natural and technological emergencies and disasters.
- Establishes the operational concepts and procedures associated with Initial Response Operations (field response) to emergencies, the Extended Response Operations (City Emergency Operations Center [EOC] activities) and the recovery process.

### *City of Visalia General Plan*

*Chapter 8: Safety and Noise*

**Policies and Objectives**

**S-O-5** Provide a comprehensive program of safety services including police, fire and medical response in all parts of the Visalia Planning Area.

**S-O-6** Provide comprehensive emergency response and evacuation routes for Visalia area residents.

**S-P-21** Develop a community wildfire mitigation plan that identifies and prioritizes areas for hazard fuel reduction treatments, and recommend the types of methods of treatments.

**S-P-22** Manage vegetation in areas within and adjacent to public rights-of-way and in close proximity to critical facilities in order to reduce the risk of tree failure and property damage and avoid creation of wind acceleration corridors within vegetated areas.

**S-P-25** Implement a fuel reduction program, such as the collection and disposal of dead fuel, within publicly-owned open spaces and around critical facilities located within a high and very high wildfire zones.

**S-P-27** Implement a fuel modification program, which also includes residential maintenance requirements and enforcement, plan submittal and approval process, guidelines for planting, and a listing of undesirable plant species. Require builders and developers to submit their plans, complete with proposed fuel modification zones, to the Fire Department for review and approval prior to beginning construction.

**S-P-28** Assist in solving the incendiary problem by improving law enforcement and investigation equipment, adapting equipment available in other fields; and purchasing new equipment where needed. Implement "no burn" programs, particularly in areas outside of immediate response zones of fire stations.

**S-P-29** Ensure availability of adequate water supplies to meet public health and safety needs, and for resource protection, by maintaining the following order of priority for water use:

- Potable water supply, fire protection, and domestic use
- Resource protection and preservation
- Industrial, irrigation and commercial uses
- Water-oriented recreation
- Air conditioning

**S-P-30** Integrate the Tulare County Hazard Mitigation Plan, in particular the hazard analysis and mitigation strategy sections, into the development review process, the Emergency Operations Plan, and Capital Improvement Program, as appropriate.

## 3.16.4 - Methodology

Wildfire impacts are considered on the basis of: (1) off-site wildland fires that could result due to the proposed project, and (2) on-site generated combustion that could affect surrounding areas. The proposed project's potential impacts associated with wildfires have been evaluated using a variety of resources, including CAL FIRE maps showing FHSZs, Fire and Resource Assessment Program (FRAP) and fire history, vegetation data from the Biological Resources Assessment and Phase I Environmental Site Assessment,[10] project location maps, and a review of the project site's

[10] Ninyo & Moore. 2022. Phase I Environmental Site Assessment Northeast Corner of West Riggin Avenue and Kelsey Street. July 20.

characteristics. Using the aforementioned resources and professional judgment, impacts were analyzed according to California Environmental Quality Act (CEQA) significance criteria described below.

## 3.16.5 - Thresholds of Significance

The Lead Agency derives its significance criteria based on the questions in the CEQA Guidelines Appendix G Environmental Checklist. Accordingly, wildfire impacts from implementation of the proposed project would be considered significant:

If located in or near SRAs or lands classified as VHFHSZ, the proposed project would:

a) Substantially impair an adopted emergency response plan or emergency evacuation plan.

b) Due to slope, prevailing winds, and other factors, exacerbate wildfire risks, and thereby expose project occupants to, pollutant concentrations from a wildfire or the uncontrolled spread of a wildfire.

c) Require the installation or maintenance of associated infrastructure (such as roads, fuel breaks, emergency water sources, power lines or other utilities) that may exacerbate fire risk or that may result in temporary or ongoing impacts to the environment.

d) Expose people or structures to significant risks, including downslope or downstream flooding or landslides, as a result of runoff, post-fire slope instability, or drainage changes.

## 3.16.6 - Project Impacts and Mitigation Measures

This section discusses potential impacts associated with the development of the proposed project and provides feasible mitigation measures if required.

### Emergency Response/Evacuation Plan Consistency

| | |
|---|---|
| **Impact WILD-1:** | **If located in or near an SRA or lands classified as a VHFHSZ, would the project substantially impair an adopted emergency response plan or emergency evacuation plan?** |

#### *Impact Analysis*

As noted in the Hazards and Hazardous Materials section under Impact HAZ-7, the project site is not located in or near an SRA or lands classified as a VHFHSZ, pursuant to the CAL FIRE's Fire Hazard Severity Zone Map.[11] According to the CAL FIRE FHSZ Maps for the LRA, the project site is classified as LRA Unzoned, which means that the project site is outside of areas identified by CAL FIRE as having substantial or very high risk. The Unit Strategic Fire Plan for the CAL FIRE Tulare Unit designates the project site as being located within an Agriculture area by the County.[12]

Additionally, as discussed above, there is no history of wildfires on or near the project site. Accordingly, the project site is not considered a high wildfire prone area. Therefore, because the

[11] Ibid.
[12] California Department of Forestry and Fire Prevention (CAL FIRE). 2022. Unit Strategic Fire Plan CAL FIRE/Tulare Unit. May.

project site is not located in or near an SRA or lands classified as a VHFHSZ, there would be a less than significant wildfire impact.

During construction, construction equipment and vehicles would access and leave the project site, which in turn could potentially impede evacuation or Emergency Vehicle Access (EVA). The City General Plan designates SR-198, SR-99, and SR-63 as evacuation routes consistent with the Tulare County Evacuation Plan.[13] The foregoing State Routes are located 2 miles, 2.15 miles, and 3.66 miles from the project site, respectively. In addition to these evacuation routes that would likely be used in the event of a wildfire emergency, there are other main arterial roads that are in the vicinity and readily accessible, which could reasonably be assumed to serve as emergency evacuation routes in the project vicinity.

The proposed project's primary access roads (Kelsey Street, Clancy Street, Shirk Street, and Riggin Avenue) allow adequate egress/ingress to the project site in the event of an emergency. These streets would connect to an internal road network within the project site, providing ample access for emergency vehicles in case of an emergency. Given the multiple evacuation routes available to the proposed project as well as other community members, coupled with several alternate main arterial roads that provide access to these identified evacuation routes, the proposed project's construction would not substantially impair these evacuation routes.

Furthermore, the proposed project would be designed in accordance with the applicable City standards and the Tulare County MJLHMP to accommodate emergency evaluation by providing safe and ready access for emergency equipment and provide alternate routes for evacuation. As such, the proposed project would not substantially impair any adopted emergency response plan or emergency evacuation plan.

In conclusion, because the project site is not located in or near an SRA or lands classified as a VHFHSZ, the proposed project would have a less than significant impact in this regard. Moreover, the project site is not considered a high wildfire prone area, and the proposed project would not introduce environmental or public safety hazards that would increase the risk of ignition and or impede evacuation such that any existing environmental hazards would be exacerbated. Impacts would be less than significant.

During operation, the proposed project would be readily and adequately served by police and fire services (see Section 3.13, Public Services). Given the industrial nature of the proposed project, it would not create a permanent residential increase in population unaccounted for in the General Plan that could lead to overwhelming calls for emergency services. Additionally, the proposed project is not expected to trigger the need for significant additional law enforcement, fire protection, or emergency services. As noted above, given the availability of multiple evacuation routes available to the proposed project as well as other community members, coupled with several alternate main arterial roads that provide access to these identified evacuation routes, the proposed project's operation would not substantially impair these evacuation routes and would not substantially impair any adopted emergency response plan or emergency evacuation plan. Furthermore, the proposed

[13] City of Visalia. 2014. Visalia General Plan Chapter 8: Safety and Noise.

project would be designed to be consistent with all applicable Fire Code requirements and standards. Therefore, no mitigation is required and impacts would be less than significant.

### *Mitigation Measures*

No mitigation measures are required.

### *Level of Significance*

Less than significant impact.

## Expose Project Occupants to Pollutant Concentrations from Wildfire

| | |
|---|---|
| **Impact WILD-2:** | **If located in or near an SRA or lands classified as a VHFHSZ, would the project due to slope, prevailing winds, and other factors, exacerbate wildfire risks and thereby expose project occupants to pollutant concentrations from a wildfire or the uncontrolled spread of a wildfire?** |

### *Impact Analysis*

A significant impact would occur if the project site were located in or near an SRA or lands classified as a VHFHSZ, and also contained specific conditions that would exacerbate wildfire risks, including exposure to wildfire related pollutants or uncontrolled spread of a wildfire. As noted above, the project site is not located in or near an SRA or lands classified as a VHFHSZ. Therefore, because this is the case, there would be a less than significant wildfire impact.

Slope and wind speed and can influence the spread of fires. Upslope topography eventually increases the spread rate of the fire in all fuel beds over flat conditions. As described previously, the project site has an elevation of approximately 303 feet above mean sea level (AMSL). The project site is predominantly flat with a gentle slope to the northwest.

The nearest air monitoring station that measures meteorological data is the Visalia Municipal Airport Station, located approximately 2.87 miles southwest of the project site. According to the California Air Resources Board (ARB), this station has an average wind speed of 6.9 mph and an annual maximum of 12 mph.[14] While these wind speeds could potentially spread wildfires, the project site and vicinity are not in or near a WUI zone, and are bordered by urban development on two sides, with similar development planned in the area in the immediate future.[15] Annual prevailing winds in the City of Visalia are from the northwest; therefore, the prevailing winds would blow fire embers away from the project site and would not exacerbate fire risk.[16] As such, the project site and its surroundings do not embody conditions that would exacerbate wildfire in this regard.

[14] California Air Resources Board (ARB). 2022. Tulare County – All Networks Annual Resultant Wind Summary Data 2022. Website: https://www.arb.ca.gov/aqmis2/display.php?param=WINSPD_mph&year=2022&mon=8&day=18&hours=all&county_name=54-Tulare&basin=--AIR+BASIN--&latitude=--PART+OF+STATE--&report=ASRPT&order=state%2Cbasin%2Ccounty_name%2Cname&network%5B%5D=ALL&submit=Retrieve+Data&ptype=met. Accessed August 18, 2022.

[15] California Department of Forestry and Fire Prevention (CAL FIRE). 2019. Wildland Urban Interface (WUI). December.

[16] Western Regional Climate Center. 2022. Prevailing Wind Direction. Website: https://wrcc.dri.edu/Climate/comp_table_show.php?stype=wind_dir_avg. Accessed November 22, 2022.

As noted in Impact WILD-1, the project site is not in a wildfire prone area. Additionally, the proposed project would not exacerbate exposure to pollutant concentrations due to wildfires.

The project site is designated as LRA Unzoned, which are considered areas with low fire frequency. The potential for wildfire on the project site is not considered high. In addition, the project site has not previously experienced wildfire. The reduction in fuel load and relatively flat slope, as well as agricultural irrigation, further reduces the potential for wildfire to spread on-site. The proposed project would be adequately served by fire hydrant water pressure in accordance with applicable water distribution design criteria.

Given that the project site does not experience consistent high winds, is not located in or near an area of steep terrain or an area experiencing historical wildfire, and would be adequately served by water supplies, the project site would not be prone to greater wildfire risk.

During construction and operation, the proposed project would comply with applicable existing California Fire Code (Municipal Code 8.20) standards and requirements related to the maintenance of mechanical equipment, handling and storage of flammable materials, and cleanup of spills of flammable materials, as well as the installation of sprinkler systems and fire/smoke detection devices. The proposed project is not anticipated to expose project occupants to pollutant concentrations from a wildfire or the uncontrolled spread of wildfire due to slope, prevailing winds, and other factors during construction.

In conclusion, because the project site is not located in or near an SRA or a VHFHSZ, it does not meet the threshold for a potentially significant impact. Moreover, the relatively flat terrain, lack of prevailing winds or other factors, the proposed project would not exacerbate wildfire risks and thereby expose project occupants to pollutant concentrations from a wildfire or the uncontrolled spread of a wildfire. Therefore, no mitigation is required and impacts would be less than significant.

### *Mitigation Measures*

No mitigation measures are required.

### *Level of Significance*

Less than significant impact.

## Infrastructure That Exacerbates Fire Risk

| | |
|---|---|
| **Impact WILD-3:** | **If located in or near SRAs or lands classified as VHFHSZ would the project require the installation or maintenance of associated infrastructure (such as roads, fuel breaks, emergency water sources, power lines or other utilities) that may exacerbate fire risk or that may result in temporary or ongoing impacts to the environment?** |

### *Impact Analysis*

See Impacts WILD-1 and WILD-2. The project site is not located in or near an SRA or lands classified as a VHFHSZ. Therefore, there would be a less than significant wildfire impact.

Development of the proposed project would include road improvements and internal roadways to allow for vehicular travel. However, the proposed project would not require the installation of firebreaks, because it is in a generally urbanized area surrounded by existing urban development with little natural vegetation and is not considered a high wildfire prone area, as discussed at length above. The proposed project would be required to implement applicable provisions of the Fire Code, including, among others, adhering to the minimum fire flows, the minimum spacing for and numbers of fire hydrants, sprinkler systems, smoke detection devices, and fire department access requirements. Fire hydrants must be of a type approved by the Fire Marshal or Fire Chief. Therefore, the project site would have adequate water supplies for firefighting purposes and would have adequate access to fire hydrants, as well as adequate emergency access. New utilities such as electrical power and natural gas lines would be installed below ground, helping to reduce potential ignition and related fire risk above ground, as well as reducing the possibility of a power outage during a fire since underground power lines are less likely to be damaged by falling branches or flying debris.

In conclusion, due, in part to its location and the incorporation of project design features such as road improvements, availability of adequate water supply for firefighting purposes, undergrounding of new utility lines, and adherence to applicable laws and regulations relating to fire protection, the proposed project would not require the installation or maintenance of associated infrastructure (such as roads, fuel breaks, emergency water sources, power lines or other utilities) that may exacerbate fire risk or that may result in temporary or ongoing impacts to the environment. Therefore, no mitigation is required, and impacts would be less than significant.

### *Mitigation Measures*

No mitigation measures are required.

### *Level of Significance*

Less than significant impact.

## Flooding and Landslide Hazards Due to Post-fire Slope Instability/Drainage Changes

| | |
|---|---|
| **Impact WILD-4:** | **If located in or near an SRA or lands classified as a VHFHSZ, would the project expose people or structures to significant risks, including downslope or downstream flooding or landslides, as a result of runoff, post-fire slope instability, or drainage changes?** |

### *Impact Analysis*

See Impacts WILD-1 through WILD-3.

The project site is not located on or near steep slopes susceptible to landslides or downstream flooding. As discussed previously, the project site has also not been affected by previous wildfires that could have resulted in drainage changes or loss of vegetation. Additionally, the project site is not located in or near fire-prone areas, such as unmanaged open space or a designated fire hazard zone.

In addition, the proposed project would be required to implement a SWPPP pursuant to applicable laws and regulations, which would include erosion and sediment control BMPs during construction, thereby reducing the potential of erosion and siltation during construction and would control potential flooding events that could occur during construction. Also, the proposed project would

install an on-site storm drainage system consisting of inlets, underground piping, and detention basins that would be required to adhere to all applicable standards and requirements pursuant to applicable laws and regulations. Runoff would drain to the proposed project's drainage system located throughout the project site. The system would be designed to meet all applicable standards and requirements including accommodating a 100-year storm event and would be required to detain runoff and release it at a rate no greater than the pre-development condition of the project site.

In conclusion, the project site is not considered a high wildfire prone area; it would be required to implement all applicable standards and requirements related to wildfires and fire protection. Therefore, the proposed project would not expose people or structures to significant risks, including downslope or downstream flooding or landslides, as a result of runoff, post-fire slope instability, or drainage changes. No mitigation is required, and impacts would be less than significant.

### *Mitigation Measures*

No mitigation measures are required.

### *Level of Significance*

Less than significant impact.

## 3.16.7 - Cumulative Impacts

The geographic scope of the cumulative wildfire analysis is the City of Visalia and the western portion of Tulare County because based on the overall topography and existing development (including natural and man-made fire breaks), a fire event beyond this geographic scope is unlikely to affect the proposed project, and any fires starting in the project site and vicinity would not likely significantly affect lands beyond this geographic scope. The cumulative setting includes the built development and the wildland areas within the foregoing geographic scope. The cumulative projects relevant to this analysis include those listed in Chapter 3, Project Description, Table 3-1, Cumulative Projects. The City contains mostly urban and suburban uses with relatively little open space or foothill areas that would be susceptible to wildfire hazards. The western portion of Tulare County, which lies west of Sequoia National Park, contains the cities of Visalia, Tulare, Farmersville, Exeter, Woodlake, Lindsay, Porterville, and Dinuba as well as many "Urban Development" areas as identified by the Tulare County General Plan.[17] The western portion of Tulare County is predominantly within an LRA, with areas to the east of the cities of Woodlake, Exeter, Lindsay and Porterville identified as areas of "Moderate" and "High) FHSZ within a SRA.[18] According to CAL FIRE, there are no VHFHSZs within City boundaries or its Sphere of Influence (SOI). With respect to the western portion of Tulare County, which is predominantly within an LRA, there are no areas identified as VHFHSZ.[19] In addition, there are no SRA within the City or the western portion of Tulare County, and none of the cumulative projects are located in or near an SRA or lands classified as a VHFHSZ.

Because none of the cumulative projects are located in or near an SRA or lands classified as a VHFHSZ cumulative impacts would be less than significant.

[17] Tulare County. 2021. Tulare County General Plan 2030 Update. August.
[18] California Department of Forestry and Fire Protection (CAL FIRE). 2023. FHSZ Viewer. Website: https://egis.fire.ca.gov/FHSZ/. Accessed February 23, 2023.
[19] Ibid.

Moreover, a combination of federal, State, and local laws and regulations help to limit or minimize the potential for exposure to wildfires by reducing the amount of development in WUI areas, ensuring new projects are developed according to the CBC and Fire Code and related standards and requirements, and incorporating mandates for fire-resistant construction into land use planning. There are several plans at the County and City level that further help to implement various requirements, recommendations and guidelines to further reduce risks associated with wildfires.

The Cumulative Development listed in Table 3-1 (See Chapter 3: Environmental Impact Analysis) consists predominantly of residential, commercial, and industrial developments, which would result in an additional number of persons and structures with the geographic scope. Planned uses proposed by the cumulative projects would increase the need for emergency services to a certain degree, and all development would be required to comply with applicable emergency access requirements and other Fire Code related mandates (e.g., relating to fire hydrants, fire flow, etc.), which would be imposed as enforceable standard conditions of approval. Given the location of the relevant cumulative developments, it is anticipated that the identified evacuation routes of SR-198 (east–west), SR-99 (north–south), and SR-63 (north–south) would be available and would not be substantially impaired. The cumulative developments would also need to comply with applicable laws and regulations relating to erosion and sediment control, thereby helping to further reduce significant risks, including downslope or downstream flooding or landslides, as a result of runoff, post-fire slope instability, or drainage changes.

There would be cumulative project construction (including the installation and/or maintenance of associated infrastructure such as roads, fuel breaks, emergency water sources, power lines or other utilities. However, adherence to applicable laws and regulations would help to ensure that cumulative development would not result in permanent road closures, nor impede established emergency access routes or interfere with emergency response requirements. Accordingly, cumulative projects would not exacerbate wildfire risk.

The proposed project's contribution would not be cumulatively considerable. Moreover, the project site is not in a high fire-prone area, is relatively flat and not prone to flooding, does not have a history of prior wildfires, and would be required to adhere to all applicable laws and regulations relating to emergency access, use of fire-resistant materials, availability of adequate fire hydrants and fire flow supply/pressure, and sediment and erosion control. The proposed project is therefore not expected to exacerbate wildfire hazards or substantially impair emergency/evacuation response. No mitigation is required and cumulative impacts would be less than significant.

### *Mitigation Measures*

No mitigation measures are required.

## Level of Cumulative Significance

Less than significant impact.

# CHAPTER 4: EFFECTS FOUND NOT TO BE SIGNIFICANT

## 4.1 - Introduction

This chapter is based, in part, on the Notice of Preparation (NOP) of an Environmental Impact Report (EIR), dated August 30, 2022, and contained in Appendix A of this Draft EIR. The NOP was prepared to identify the potentially significant effects of the proposed project and was circulated for public review between August 30, 2022, and September 28, 2022. During the NOP scoping period, certain impacts were anticipated to be less than significant given the nature of the various project components and the project site. In addition, in preparing this Draft EIR, certain other impacts have been determined to be less than significant in accordance with applicable provisions of the California Environmental Quality Act (CEQA) as detailed more fully herein and based on substantial evidence in the record.

This chapter provides a brief description of effects found not to be significant or less than significant, based on the NOP and NOP public comments received, as well as more detailed analysis conducted as part of the EIR preparation process. No NOP public comments were received during the NOP scoping period related to Mineral Resources, Population and Housing, and Parks and Recreation. Further information and analysis is set forth below as to the basis for concluding that the foregoing environmental topic areas would not result in any significant impacts. In addition to these topic areas, there are certain impacts in other environmental topic areas that were found to be less than significant, which are addressed in the various EIR topical sections (Sections 3.1 through 3.16), providing further comprehensive discussion to support the conclusion of less than significant, in order to better inform decision-makers and the general public.

## 4.2 - Environmental Effects Found Not To Be Significant

### 4.2.1 - Mineral Resources

#### Loss of Mineral Resources of Statewide or Local Importance

There are no mineral resource recovery sites on the project site or in the vicinity; in fact, there are none within the entire City of Visalia Planning Area.[1] Therefore, implementation of the proposed project would not result in the loss of a locally important mineral resource recovery site delineated by an applicable land use plan. A Mineral Resource Zones (MRZ) and Resources Sectors map prepared by the California Geological Survey indicates that the project site is located outside of known mineral deposits of significance. Furthermore, given available information, the project site does not contain any known mineral resources. In addition, the project site is currently zoned for agricultural purposes, which does not include any mineral resource-related operations. As such, no known mineral resources would be impacted by the proposed project, and there would be no impact.

[1] California Geological Survey. 2022. CGS Information Warehouse: Mineral Land Classification. Website: https://maps.conservation.ca.gov/cgs/informationwarehouse/mlc/. Accessed August 19, 2022.

## 4.2.2 - Population and Housing

### Growth Inducement

The proposed project's potential growth-inducing impacts are discussed in Chapter 5, Other CEQA Considerations. As detailed more fully therein, growth-inducing impacts consider whether a project could foster economic or population growth, or the construction of additional housing, either directly or indirectly, in the surrounding environment. For example, direct population growth would result if the proposed project were to include residential units. Because the proposed project is industrial in nature and would not develop single-family or multi-family residential uses, no direct population growth would be expected to occur as a result of the proposed project. In terms of the removal of any direct barriers to growth, this would not occur due to the proposed project because it does not propose removing any existing obstacles that currently prevent growth within the City. For example, the proposed project would not require expansion of existing water, wastewater, and/or other public facilities and services beyond what was already planned for in the General Plan. Furthermore, the utility infrastructure installed as part of the proposed project would be sized and located expressly to serve the proposed project and would not, therefore, induce growth in the project vicinity.

Indirect population growth occurs when a project creates substantial employment opportunities or provides new, upsized infrastructure that could lead to additional unplanned growth. The proposed project is anticipated to generate a total of approximately 4,100 new employees at full buildout. Given the nature of the proposed project, it would likely be staffed primarily by local employees once operational. As of July 2022, the City had an unemployment rate of 4.2 percent, indicating a presence of approximately 6,005 unemployed workers.[2] Approximately 22.5 percent of the City's workforce works in industry sectors that the proposed project would occupy, including wholesale trade, manufacturing, retail trade, and transportation and warehousing.[3] Therefore, it is reasonable to conclude there are at least 1,352 workers eligible to work in wholesale trade, manufacturing, retail trade, and transportation and warehousing sectors in the City.[4] Thus, the proposed project would likely be able to hire from the City's existing labor force. Furthermore, according to the U.S. Census Bureau 2011–2015 5-Year American Community Survey (ACS) Commuting Flows, there are a total of 140,091 workers who both live in Tulare County and commute to work within the County.[5] It is reasonable to assume that workers who currently reside in the Tulare County near the City of Visalia would continue to commute to work and thus also would be available to serve as employees for the proposed project. Nonetheless, a certain number of additional employees could potentially transfer into the area as a result of the proposed project, resulting in a certain amount of population growth. However, the General Plan projected that the population would grow from 125,000 people in 2014 to 210,000 people by 2030, which corresponds to an average annual growth rate of 2.6 percent. Employment in the City was projected to increase by 39 percent between 2010 and 2030, with a total of 25,520 new jobs projected during this time frame.[6] The population growth caused by increased employment would be within the planned growth anticipated in the General Plan.

[2] State of California.2022. Monthly Labor Force Data for Cities and Census Designated Placed (CDP) July 2022. August 19.
[3] United States Census. "OnTheMap" Tool. Website: https://onthemap.ces.census.gov/. Accessed August 26,2022.
[4] 6005 * .225 = 1,352
[5] United States Census. 2011–2015 5-Year ACS Commuting Flows. Website: https://www2.census.gov/programs-surveys/demo/tables/metro-micro/2015/commuting-flows-2015/table1.xlsx. Accessed November 17, 2022.
[6] City of Visalia. 2014. Visalia General Plan Chapter 2: Land Use. October.

Additionally, the industrial uses on the project site were anticipated by the City in the General Plan, and thus the City generally assumed this number of employees needed for such a project. It is reasonable to conclude that any increase in potential housing demand could be readily absorbed by the local housing inventory and/or the pending and approved residential projects in the City and the surrounding area. As of this writing, the current housing vacancy rate in the City is approximately 3.9 percent, and the County current vacancy rate is approximately 5.7 percent.[7] Thus, the proposed project would not result in a significant, unplanned change to the population of the City or alter the location, distribution, density, intensity, or growth rate of the anticipated population planned for the City. Therefore, direct and indirect impacts would be less than significant.

Further, implementation of the proposed project would not make a cumulatively considerable contribution to this already less than significant cumulative impact because the City is not experiencing unplanned growth and the project site has already been planned for industrial development; thus, the proposed project would be consistent with the City's long-range planning and land use vision for the project site and vicinity and would improve the overall jobs/housing projections by providing job opportunities within the City. Therefore, project implementation would not result in potentially significant cumulative impacts to population and housing.

### Displacement of Persons or Housing

The project site does not currently have any residential structures on the premises and consists entirely of agricultural land used as an almond grove. Because there are no residential structures located on the project site, no people would be directly or indirectly displaced by the proposed project. Furthermore, because the proposed project would not result in the displacement of any persons or housing, it would not contribute to any potential cumulative impact in this regard. There would be no impact.

## 4.2.3 - Parks and Recreation

### Physical Deterioration of Park and Recreational Facilities

As of 2014, the City has maintained approximately 640 acres of park and recreational lands within its jurisdiction. The City would need to provide a minimum of 429 additional acres of park land to reach a total of 1,048 acres by 2030 to meet its park standard for neighborhood and community parks of 5.0 acres per 1,000 residents at General Plan buildout.[8] According to the City of Visalia General Plan, as of October 2014, the City has provided parks at a rate of 5.1 acres for every 1,000 residents and continues to implement a successful strategy preserving and providing parks.[9] The City currently has approximately 4.74 acres of park per 1,000 residents. The City recently approved the East Side Regional Park and Groundwater Recharge Project, which will provide approximately 139 acres of active recreational amenities and 130 acres of passive amenities in the eastern portion of the City. That project would contribute to the City's park ratio goal. The proposed project would pay into capital improvement program to fund the East Side Regional Park and Groundwater Recharge Project and other future parks projects to offset impacts to park and recreation facilities.

[7] California Department of Finance. 2022. E-5 Population and Housing Estimates for Cities, Counties, and the State, 2020-2022.
[8] City of Visalia. 2014. General Plan–Parks, Schools, Community Facilities, and Utilities. October 14.
[9] Ibid.

Furthermore, the nearest public park to the project site is Lion's Park, located approximately 0.38 miles southeast of the project site. As discussed above, the proposed project is anticipated to generate a total of approximately 4,100 new employees at full buildout, and it is thus reasonable to assume that some of these employees would utilize, at least to some degree, the City's available park and recreational facilities during the workday. However, given the nonresidential, industrial nature and location of the proposed project, it is likely that any such use would be limited and thus would not result in substantial physical deterioration of park and recreational facilities occurring or being accelerated. Moreover, as discussed in detail above, because the proposed project would not be expected to result in a significant increase to the population of the City (given the primarily local nature of the anticipated workforce), the quantity of existing visitors and total facility usage would not likely increase significantly as a result of the proposed project. As such, the proposed project would not result in substantial physical deterioration of existing park and recreational facilities, and therefore impacts in this regard would be less than significant.

### New or Expanded Recreational Facilities

Because the proposed project is not located within or adjacent to any designated natural or open space areas and would not likely significantly increase the City's residential population (given the primarily local nature of the anticipated workforce), coupled with the limited likely employee usage of such facilities, the proposed project would not trigger the need to construct new or expanded park and recreational facilities to ensure that the applicable ratio of parks to residents would be maintained. Accordingly, there would be less than significant impact in this regard.

# CHAPTER 5: OTHER CEQA CONSIDERATIONS

California Environmental Quality Act (CEQA) Guidelines Section 15126 requires that all aspects of a project be considered when evaluating its impact on the environment, including planning, acquisition, development, and operation. As part of this analysis, the Draft Environmental Impact Report (Draft EIR) must identify (1) significant environmental effects of the proposed project; (2) significant environmental effects which could not be avoided if the proposed project were implemented; (3) significant irreversible environmental changes which would be involved in the proposed project should it be implemented; (4) growth-inducing impact of the proposed project; (5) mitigation measures proposed to minimize the significant effects; and (6) alternatives to the proposed project.

This chapter provides a discussion of other CEQA-mandated topics, including significant unavoidable impacts, growth inducement, and significant irreversible environmental changes, if any, which would be involved in the proposed project should it be implemented. Chapter 3, Environmental Impact Analysis, describes the significant environmental effects of the proposed project and provides mitigation measures proposed to minimize significant effects to the extent feasible. Chapter 6, Alternatives to the Proposed Project discusses a reasonable range of potential alternatives to the proposed project.

## 5.1 - Significant Unavoidable Impacts

CEQA Guidelines Section 15126.2(a)(c) requires an EIR to identify and focus on the significant environmental effects of the proposed project, including effects that could not be avoided if the proposed project were implemented. This includes those significant impacts that can be mitigated but not reduced to a level of insignificance.

As required under CEQA, the proposed project was analyzed for potentially significant impacts related to each of the environmental topic areas discussed in Sections 3.1 through 3.16. The results of the analysis indicate that the proposed project would result in the following significant and unavoidable impacts:

- **Project-Level Conversion of Prime Farmland:** Although the proposed project is consistent with the project site's General Plan designation and conversion of the project site to industrial use has long been envisioned as part of buildout under the General Plan, the proposed project would result in the loss of agricultural land and conversion of Prime Farmland to urban uses. There are no feasible mitigation measures available to reduce this impact. Accordingly, despite the fact that this conversion was previously evaluated and disclosed as part of the General Plan EIR, this Draft EIR has evaluated and hereby discloses that the proposed project would result in significant and unavoidable impacts related to the conversion of Important Farmland identified by Farmland Mapping and Monitoring Program (FMMP) mapping to nonagricultural use.
- **Cumulative Conversion of Prime Farmland:** Much of the City's Urban Development Boundary (UDB) consists of Important Farmland that would be converted to nonagricultural uses with

implementation of future development already envisioned by the General Plan Land Use Element. Development within Tier II and III of the UDB that would convert Prime Farmland is subject to the 1:1 ratio of agricultural land preservation elsewhere outside of the City's UDB. Although cumulative projects occurring in Tier II and III of the UDB would be required to preserve agricultural land elsewhere, loss of Prime Farmland would still occur and the cumulative impact remains significant. The development of the proposed project would further contribute to this already significant cumulative impact, due to the loss of approximately 284 acres of Prime Farmland, which has been identified as an individual significant and unavoidable impact due to lack of feasible mitigation. Moreover, the proposed project's contribution to this significant cumulative effect to agricultural resources would be considered cumulatively considerable.

- **Project-Level Impact Related to Implementation of the Applicable Air Quality Plan:** The proposed project is consistent with the project site's General Plan designation which means the proposed industrial use was accounted for in the Air Quality Plan (AQP) land use projections. However, the proposed project could create a localized violation of State or federal air quality standards, significantly contribute to cumulative nonattainment pollutant violations, and could expose sensitive receptors to substantial pollutant concentrations. The proposed project would be required to implement Mitigation Measure (MM) AIR-2a through MM AIR-2g. However, because MM AIR-2a through MM AIR-2f would not reduce construction or operational impacts below the applicable thresholds and full implementation of MM AIR-2g cannot be guaranteed due to potential technical and/or financial feasibility, the proposed project's potentially significant impact is conservatively identified as significant and unavoidable. Therefore, the proposed project is inconsistent with Criterion 1 of the AQP even after the incorporation of feasible mitigation. The impact would be significant and unavoidable.

- **Project-Level Impact Related to Cumulatively Considerable Net Increase of Nitrogen Oxide ($NO_X$) During Construction, and ROG, $NO_X$, and $PM_{10}$ During Operation:** For purposes of a conservative analysis, this Draft EIR evaluated the potential impacts assuming that none of the three anticipated project phases overlapped (sequential), and also considered the potential impacts if the project phases did, in fact, overlap (concurrent). In the sequential phasing scenario, after the incorporation of MM AIR-2a and MM AIR-2b, construction of the proposed project would not exceed the applicable San Joaquin Valley Air Pollution Control District (Valley Air District) daily emission screening levels for an Ambient Air Quality Analysis (AAQA), pursuant to District Rule 2201. However, if the three phases of construction occur concurrently, emissions of CO and $NO_X$ would exceed the applicable Valley Air District's significance thresholds even after implementation of feasible mitigation. As such, this impact would remain significant and unavoidable after implementation of identified mitigation.

  During operation, unmitigated emissions would exceed applicable Valley Air District thresholds of significance for CO, ROG, and $NO_X$. Therefore, MMs AIR-2c through MM AIR-2g would be required to mitigate operational emissions to below Valley Air District thresholds. However, the full implementation of MMs AIR-2c through MM AIR-2f would not reduce emissions below the applicable thresholds and MM AIR-2g cannot be guaranteed during project operation; therefore, the reasonable worst-case operational emissions would exceed

the applicable Valley Air District significance thresholds for CO, ROG, $NO_X$, and $PM_{10}$ and this impact would remain significant and unavoidable.

- **Cumulative Significant Air Quality Impact:** Because the proposed project would exceed certain identified construction and operational significance thresholds, its emissions would also be cumulatively considerable.
- **Project-Level Impact Related to Mobile Source Operational Noise:** Without development of the proposed project, nearly every roadway segment is estimated to experience noise increases from a minimum 0.9 dBA $L_{eq}$ to a maximum 8.6 dBA $L_{eq}$ by 2028, compared to existing traffic noise levels. The addition of the proposed project's traffic would increase noise levels up to an additional 3.7 dBA $L_{eq}$ upon full buildout. The proposed project would contribute to increasing traffic volumes–and therefore traffic-related noise levels–in its primary trip distribution area, which is generally bounded by the project site/Riggin Avenue to the north, State Route (SR) 99 to the west, Akers Street to the east, and SR-198 to the south. There are no feasible mitigation measures available to reduce this impact to less than significant. The proposed project's off-site mobile source operational noise impact from traffic generation would be considered significant and unavoidable.
- **Cumulative Noise Impact:** The proposed project would exceed the identified operational significance threshold, its impact would also be cumulatively considerable.

## 5.2 - Growth-inducing Impacts

CEQA requires a discussion of the ways in which a project could foster economic or population growth, or the construction of additional housing, in the surrounding environment or may tax existing community service facilities, requiring construction of new facilities that could cause significant environmental effects. Therefore, to assess the potential for growth-inducing impacts, a project's characteristics that may encourage and facilitate activities that individually or cumulatively could affect the environment must be evaluated (CEQA Guidelines § 15126(d) and 15126.2(e)).

Pursuant to the CEQA Guidelines, there would be a significant growth-inducing impact if the proposed project would:

- Induce substantial population growth in an area (for example, by proposing new homes or commercial or industrial businesses beyond the land use density/intensity envisioned in the general plan);
- Substantially alter the planned location, distribution, density, or growth rate of the population of an area; or
- Remove obstacles to population growth such as, for example, extensions of roads or expansions of other infrastructure not assumed in the general plan or adopted capital improvements project list, or otherwise upsize infrastructure (i.e., exceeds the needs of the project and could accommodate future developments) to serve unplanned growth.

The City recognizes that certain forms of growth are beneficial, both economically and socially. The proposed project would include the construction of flex industrial and light industrial uses and

related improvements as well as other compatible non-industrial uses, such as self storage and RV parking, a gas station, convenience store, a car wash, and two drive-through restaurants. The proposed project would be expected to employ a total of approximately 4,100 employees at full buildout. As described in Chapter 4, Effects Found not to be Significant, direct population growth would result if the proposed project were to include residential units. Because the proposed project is industrial in nature and would not develop single-family or multi-family residential uses, no direct population growth would be expected to occur.

In terms of the removal of any direct barriers to growth, this would not occur as a result of the proposed project because it would not remove any existing obstacles that currently prevent growth within the City. For example, the proposed project would not require expansion of existing water, wastewater and public facilities and services beyond what was already planned for in the City General Plan. Instead, the proposed project only involves the connection to various City-operated existing utility and infrastructure systems for water, wastewater, and stormwater facilities, as well as connection to existing non-City provided infrastructure such as natural gas (to be provided by Southern California Gas Company [SoCalGas]) and electrical services (to be provided by Southern California Edison [SCE]). The utility infrastructure installed as part of the proposed project would be sized and located expressly to serve only the proposed project and would not, therefore, induce growth in the project vicinity. The proposed project does not involve any extensions of roads or other infrastructure not assumed in the General Plan or adopted capital improvements project list, which would exceed the needs of the proposed project and thus accommodate future developments.

Therefore, because the proposed project does not involve housing, nor would it remove any direct barriers to growth, the proposed project would not directly increase population.

Indirect population growth occurs when a project creates substantial employment opportunities or provides new, upsized infrastructure that could lead to additional unplanned growth. As noted, the proposed project is anticipated to create approximately 4,100 new employees at full buildout. Given the nature of the proposed project, it would likely be staffed primarily by local employees. In 2022, the City had an unemployment of 4.2 percent, indicating a presence of approximately 6,005 unemployed workers.[1] Approximately 22.5 percent of the City's workforce works in industry sectors that the proposed project would occupy, including employment opportunities with potential tenants/operators involving wholesale trade, manufacturing, retail trade, and transportation and warehousing consistent with the proposed flex industrial, light industrial and other commercial uses.[2] Therefore, it is reasonable to conclude there are at least 1,352 workers eligible to in the City who could fill a portion of the jobs that are expected to result from the proposed project.[3] Furthermore, Tulare County currently has an unemployment rate of 9.7 percent, or 20,800 people of the working population.[4] There are a total of 140,091 workers who both live in Tulare County and

[1] State of California. 2022. Monthly Labor Force Data for Cities and Census Designated Places (CDP) July 2022. August 19.
[2] United States Census. "OnTheMap" Tool. Website: https://onthemap.ces.census.gov/. Accessed August 26, 2022.
[3] 6005 * .225 = 1,352
[4] Employment Development Department – Labor Market Information Division. 2023. Visalia Porterville MSA (Tulare County). May 19. Website: https://labormarketinfo.edd.ca.gov/file/lfmonth/visa$pds.pdf. Accessed May 25, 2023.

commute to work within the County.[5] It is reasonable to assume that a number of unemployed county residents living near the City of Visalia could accept a job working at one of the proposed project businesses, and would commute to the City to work.

Nonetheless, additional employees could potentially transfer into the area as a result of the proposed project, resulting in population growth. However, the General Plan contemplated a certain amount of population growth, projecting that its population would grow from 125,000 people in 2014 to 210,000 people by 2030, which corresponds to an average annual growth rate of 2.6 percent. Employment in the City was projected to increase by 39 percent between 2010 and 2030, with a total of 25,520 new jobs projected during this time frame.[6] Therefore, any population growth caused by increased employment opportunities provided by the proposed project would be within the planned growth anticipated in the General Plan. To the extent people transfer into the City and vicinity to fill the positions provided by the proposed project, it is reasonable to conclude that any such increase in potential housing demand could be readily absorbed by the local housing inventory and/or the pending and approved residential projects in the City and the surrounding area. As of this writing, the current housing vacancy rate in the City is 3.9 percent, and the County vacancy rate is 5.7 percent.[7] Thus, the proposed project would not result in a significant, unplanned change to the population of the City or alter the location, distribution, density, or growth rate of the anticipated population planned for the City.

As noted above, existing infrastructure and services would be extended to make the necessary connections to serve the proposed project, but would not involve any upsizing of infrastructure that was not already planned for in the General Plan and relevant City master infrastructure plans and thus would not encourage additional unplanned growth. For these reasons, implementation of the proposed project would not induce substantial indirect population growth within the City.

Based on the foregoing reasons, the proposed project would not result in direct or indirect growth. It would not negatively alter the existing jobs/housing balance, be inconsistent with the General Plan or relevant City master infrastructure plans, or remove a barrier to growth through the extension of infrastructure or utilities to an unserved area or upsize infrastructure to serve unplanned growth. Therefore, growth-inducing impacts would be less than significant.

## 5.3 - Significant Irreversible Environmental Changes

The environmental effects of the proposed project are summarized in the Executive Summary and are analyzed in detail in Section 3, Environmental Impact Analysis, of this Draft EIR.

As mandated by CEQA Guidelines Section 15126.2(c), the Draft EIR must address significant irreversible environmental changes (if any) that would result from implementation of the proposed project. Primary impacts and, particularly, secondary impacts (such as a highway improvement that

[5] United States Census. 2011–2015 5-Year ACS Commuting Flows. Website: https://www2.census.gov/programs-surveys/demo/tables/metro-micro/2015/commuting-flows-2015/table1.xlsx. Accessed November 17, 2022.
[6] City of Visalia. 2014. Visalia General Plan Chapter 2: Land Use. October.
[7] California Department of Finance. 2022. E-5 Population and Housing Estimates for Cities, Counties, and the State, 2020-2022.

provides access to a previously inaccessible area) generally commit future generations to similar uses. Specifically, such an irreversible environmental change would occur if:

- The proposed project would involve a large commitment of nonrenewable resources, which makes removal or nonuse thereafter unlikely.
- Irreversible damage could result from environmental accidents associated with the proposed project.
- Any irretrievable commitments of resources are not justified (e.g., the proposed project results in the wasteful use of energy). (Refer to Section 3.6, Energy, which addresses this topic in accordance with CEQA Guidelines Appendix F.)

The proposed project involves construction and operation of light industrial, flex industrial, as well as compatible commercial uses, consisting of self storage/RV parking, a gas station, convenience store, a car wash, and two drive-through restaurants, which, at buildout, would total approximately 3.7 million square feet.

Stringent construction and demolition debris recycling practices consistent with applicable laws and regulations, which would be imposed on the proposed project, would be expected to facilitate the recovery and reuse of building materials such as concrete, lumber, and steel and would limit disposal of these materials, some of which are nonrenewable.

Construction of the proposed project would include the consumption of resources that are not replenishable, or that may renew so slowly to be considered nonrenewable. These resources would include the following: certain types of lumber and other forest products; aggregate materials used in concrete and asphalt, such as sand, gravel, and stone; metals such as steel, copper, and lead; petrochemical construction materials such as plastics; and water. Fossil fuels such as gasoline and oil would also be consumed in the use of construction vehicles and equipment. However, anticipated consumption of these common building materials and energy would be typical and consistent with other similar developments in the region and commitments of resources would not be unique or unusual to the proposed project. Given its nature and scope, development of the proposed project would not be expected to involve an unusual commitment of nonrenewable resources, nor would it be expected to consume resources in a wasteful manner.

At operation, day-to-day activities would involve the typical use of nonrenewable resources such as petroleum and natural gas during operations. However, the new buildings and related infrastructure would be required to adhere to the latest adopted edition of the California Building Standards Code (CBC), which are viewed as some of the most stringent in the nation; this would include a number of standards that would reduce energy demand, water consumption, wastewater generation, and solid waste generation that would collectively reduce the demand for resources. This would result in the emission and generation of less pollution and effluent and would lessen the severity of corresponding environmental effects. Although the proposed project would result in an irretrievable commitment of nonrenewable resources, the commitment of these resources would not be significantly inefficient, unnecessary, or wasteful.

Furthermore, given its nature and scope, the proposed project does not have the potential to cause significant environmental accidents through releases into the environment, as it would not involve large quantities of hazardous materials, as discussed in Section 3.9, Hazards and Hazardous Materials. The project site is designated as Local Responsibility Area (LRA) Un-zoned, which identifies areas with low fire frequency. The potential for wildfire on the project site is not considered high. In addition, the project site has not previously experienced wildfire and is not located in or near an area of steep terrain or historical wildfire burn, nor does it experience consistent high winds; therefore, the project site would not be prone to wildfire risk (see Section 3.17, Wildfire). During operation, the proposed project would be readily and adequately served by police and fire protection services. The proposed project does not contain any uses or features that would exacerbate wildfire risks or place occupants at a greater risk to wildfire pollutants or uncontrolled wildfire. The proposed project would also be required to comply with applicable provisions of the California Fire Code with regard to access and building materials. Public Resources Code 4291 further requires the proposed project to maintain, at all times, a minimum of 30 feet of defensible space in every direction from structures adjacent to forest, brush, grass, or lands covered with flammable material. In addition, new construction would be required to comply with applicable requirements as set forth in Chapter 7A of the most current adopted CBC, which would further reduce risk due to wildland fire. As such, the design of the proposed project would be required to incorporate fire safety features and comply with the applicable fire safety provisions of the CBC, thereby further reducing the risk of loss, injury, or death involving wildland fires.

Thus, implementation of the proposed project's light industrial, flex industrial and other compatible commercial uses would not have the potential to result in significant environmental accidents and would not result in significant irreversible environmental changes.

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# CHAPTER 6: ALTERNATIVES TO THE PROPOSED PROJECT

## 6.1 - Introduction

In accordance with California Environmental Quality Act (CEQA) Guidelines Section 15126.6, this Draft Environmental Impact Report (Draft EIR) contains a comparative impact assessment of alternatives to the proposed project. The purpose of this section is to provide decision-makers, other interested organizations, and the public with a reasonable number of potentially feasible project alternatives that could attain most of the basic project objectives, while avoiding or reducing any of the project's significant adverse environmental effects. Important considerations for this alternatives analysis are noted below pursuant to CEQA Guidelines Section 15126.6.

- An EIR need not consider every conceivable alternative to a project;
- An EIR should identify alternatives that were considered by the lead agency, but rejected as infeasible during the scoping process;
- Reasons for rejecting an alternative include:
  - Failure to meet most of the basic project objectives;
  - Infeasibility; or
  - Inability to avoid significant environmental effects.

### 6.1.1 - Significant Unavoidable Impacts

The proposed project would result in the following significant unavoidable impacts:

- **Project-level conversion of Prime Farmland:** Although the proposed project is consistent with the project site's General Plan designation and conversion of the project site to industrial use has long been envisioned as part of buildout under the General Plan, the proposed project would result in the loss of agricultural land and conversion of Prime Farmland to urban uses. There are no feasible mitigation measures available to reduce this impact. Accordingly, despite the fact that this conversion was previously evaluated and disclosed as part of the General Plan EIR, this Draft EIR has evaluated and hereby discloses that the proposed project would result in significant and unavoidable impacts related to the conversion of Important Farmland identified by Farmland Mapping and Monitoring Program (FMMP) mapping to nonagricultural use.
- **Cumulative conversion of Prime Farmland:** Much of the City's Urban Development Boundary (UDB) consists of Important Farmland that would be converted to nonagricultural uses with implementation of future development already envisioned by the General Plan Land Use Element. Development within Tier II and III of the UDB that would convert Prime Farmland is subject to the 1:1 ratio of agricultural land preservation elsewhere outside of the City's UDB. Although cumulative projects occurring in Tier II and III of the UDB would be required to preserve agricultural land elsewhere, loss of Prime Farmland would still occur and the cumulative impact remains significant. The development of the proposed project would further contribute to this already significant cumulative impact, due to the loss of

approximately 284 acres of Prime Farmland, which has been identified as an individual significant and unavoidable impact due to lack of feasible mitigation. Moreover, the proposed project's contribution to this significant cumulative effect to agricultural resources would be considered cumulatively considerable.

- **Project-level impact related to implementation of the applicable Air Quality Plan:** The proposed project is consistent with the project site's General Plan designation which means the proposed industrial use was accounted for in the Air Quality Plan (AQP) land use projections. However, the proposed project could create a localized violation of State or federal air quality standards, significantly contribute to cumulative nonattainment pollutant violations, and could expose sensitive receptors to substantial pollutant concentrations. The proposed project would be required to implement Mitigation Measure (MM) AIR-2a through MM AIR-2g. However, because MM AIR-2a through MM AIR-2f would not reduce construction or operational impacts below the applicable thresholds and full implementation of MM AIR-2g cannot be guaranteed due to potential technical and/or financial feasibility, the proposed project's potentially significant impact is conservatively identified as significant and unavoidable. Therefore, the proposed project is inconsistent with Criterion 1 of the AQP even after the incorporation of feasible mitigation. The impact would be significant and unavoidable.
- **Project-level impact related to cumulatively considerable net increase of nitrogen oxide ($NO_X$) during construction, and reactive organic gas (ROG), $NO_X$, and particulate matter 10 micrometers or less in diameter ($PM_{10}$) during operation:** For purposes of a conservative analysis, this Draft EIR evaluated the potential impacts assuming that none of the three anticipated project phases overlapped (sequential), and also considered the potential impacts if the project phases did, in fact, overlap (concurrent). In the sequential phasing scenario, after the incorporation of MM AIR-2a and MM AIR-2b, construction of the proposed project would not exceed the applicable San Joaquin Valley Air Pollution Control District (Valley Air District) daily emission screening levels for an Ambient Air Quality Analysis (AAQA), pursuant to District Rule 2201. However, if the three phases of construction occur concurrently, emissions of carbon monoxide (CO) and $NO_X$ would exceed the applicable Valley Air District's significance thresholds even after implementation of feasible mitigation. As such, this impact would remain significant and unavoidable after implementation of identified mitigation.

  During operation, unmitigated emissions would exceed applicable Valley Air District thresholds of significance for CO, ROG, and $NO_X$. Therefore, MM AIR-2c through MM AIR-2g would be required to mitigate operational emissions to below Valley Air District thresholds. However, the full implementation of MM AIR-2c through MM AIR-2f would not reduce emissions below the applicable thresholds and MM AIR-2g cannot be guaranteed during project operation; therefore, the reasonable worst-case operational emissions would exceed the applicable Valley Air District's significance thresholds for CO, ROG, $NO_X$, and $PM_{10}$ and this impact would remain significant and unavoidable.
- **Cumulative significant air quality impact:** Because the proposed project would exceed certain identified construction and operational significance thresholds, its emissions would also be cumulatively considerable.

- **Project-level impact related to mobile source operational noise:** Without development of the proposed project, nearly every roadway segment is estimated to experience noise increases from a minimum 0.9 A-weighted decibel (dBA) equivalent sound level ($L_{eq}$) to a maximum 8.6 dBA $L_{eq}$ by 2028, compared to existing traffic noise levels. The addition of the proposed project's traffic would increase noise levels up to an additional 3.7 dBA $L_{eq}$ upon full buildout. The proposed project would contribute to increasing traffic volumes—and therefore traffic-related noise levels—in its primary trip distribution area, which is generally bounded by the project site/Riggin Avenue to the north, State Route (SR) 99 to the west, Akers Street to the east, and SR-198 to the south. There are no feasible mitigation measures available to reduce this impact to less than significant. The proposed project's off-site mobile source operational noise impact from traffic generation would be considered significant and unavoidable.
- **Cumulative noise impact:** The proposed project would exceed the identified operational significance threshold, its impact would also be cumulatively considerable.

Potential significant impacts were identified with respect to biological resources, cultural resources, geology and soils, noise, and transportation; however, mitigation measures were identified that would reduce the impacts to less than significant.

## 6.1.2 - Alternatives to the Proposed Project

Following is an analysis of a reasonable range of potentially feasible alternatives to the proposed project for evaluation of their comparative merits, pursuant to CEQA Guidelines Section 15126.6.

The three alternatives to the proposed project analyzed in this section are as follows:

- **No Project Alternative:** Under this alternative, development of the project site would not occur, and the project site would remain in its current existing condition.
- **Reduced Footprint Alternative:** Under this alternative, the proposed project would be developed in such a way as to reduce some construction and operational air quality impacts, operational noise impacts, and protect some of the on-site Prime Farmland by reducing the overall footprint of the developed areas. The eastern half of the project site, approximately 142 acres, would be preserved and would remain in agricultural production, and half of the total warehouse and industrial park land uses would be developed. The proposed associated commercial uses would be relocated to the western half of the site. The stormwater basins would be sized accordingly. It is assumed that culvert crossings over Modoc Ditch would be required, similar to the proposed project.
- **Alternative Location:** Under this alternative, the proposed project would be constructed in the approximately 284-acre parcels west of Plaza Drive and Riggin Avenue (APNs 077-840-001, 077-840-002, and 077-840-003). These parcels are selected as they are few of the remaining parcels within Tier I of the UDB that is designated as Industrial therefore generally suitable for the proposed development. The proposed project would require a General Plan Amendment to re-designate a portion of the site as Light Industrial for the proposed associated flex industrial/commercial uses conditionally allowed under Light Industrial. This site would be approximately 650 feet from the nearest sensitive receptors located to the southwest.

The boundaries of Alternative 2 and Alternative 3 are shown in Exhibit 6-1. The three alternatives to the proposed project are analyzed below. These analyses compare the proposed project and each individual project alternative. In several cases, the description of the impact may be the same under each alternative when compared with the CEQA Thresholds of Significance (i.e., both the project and the alternative would result in a less than significant impact). The actual degree of impact may be slightly different between the proposed project and each alternative, and this relative difference will factor into this analysis in terms of a conclusion of greater or lesser impacts.

CEQA Guidelines Section 15126.6(f)(2) sets forth considerations to be used in evaluating an alternative location. The section states that the "key question" is whether any of the significant effects of the project would be avoided or substantially lessened by relocating the project.

The CEQA Guidelines identify the following factors that may be taken into account when addressing the feasibility of an alternative location:

1) Site suitability
2) Economic viability
3) Availability of infrastructure
4) General Plan consistency
5) Other plans or regulatory limitations
6) Jurisdictional boundaries
7) Whether the project applicant can reasonably acquire, control, or otherwise have access to the alternative site.

## 6.2 - Alternative Eliminated from Further Consideration

An EIR must describe a reasonable range of alternatives to the proposed project, or to its location, which would feasibly attain most of the project's basic objectives while reducing or avoiding any of its significant effects. An EIR must briefly describe the rationale for selection and rejection of alternatives. The lead agency may make an initial determination as to which alternatives are potentially feasible and, therefore, merit in-depth consideration, and which are clearly infeasible. "The discussion of alternatives shall focus on alternatives to the project or its location which are capable of avoiding or substantially lessening any significant effects of the project, even if these alternatives would impede to some degree the attainment of the project objectives or would be more costly" (CEQA Guidelines § 15126.6(b)). Alternatives that are remote or speculative, or the effects of which cannot be reasonably predicted, need not be considered (CEQA Guidelines § 15126.6(f)(3)). CEQA Guidelines Section 15126.6(a) states that an EIR need not evaluate every conceivable alternative to a project. The discussion of alternatives is subject to a rule of reason and the scope of alternatives to be analyzed must be evaluated on the facts of each case.

Following is the identification of one alternative initially considered by the lead agency, but rejected as infeasible, along with a brief explanation of the reasons for its exclusion. As noted below, this

alternative was eliminated from detailed consideration in the Draft EIR since it fails to meet most of the project objectives and is infeasible.

**Self Storage/Lighter Use Alternative:** Under this alternative, the proposed project would be developed as self storage or other uses allowed or allowed with a conditional use permit under the land use designations that would involve fewer use of heavy heavy-duty trucks that use diesel as the fuel source, such as office, selected types of eateries, and gas station. Operation may increase passenger trips but decrease heavy heavy-duty truck trips. However, due to the sheer size of the project site, it would not be economically viable to have these types of uses to fill the entire site. It would not be consistent with applicable goals and policies as set forth in the General Plan, including the land use vision set forth therein that contemplates light industrial and industrial uses. It also would not maximize development of the currently underutilized site and would not create as many employment opportunities for the region. For these reasons, this alternative to develop the site as other uses is considered but rejected.

## 6.3 - Project Objectives

The fundamental purpose and goal of the proposed project is to accomplish the orderly development of the project site as proposed, consistent with the General Plan's industrial land use designation, which would provide economic benefits to the City, among others. As stated in Chapter 2, Project Description, the objectives of the proposed project are to:

1. Ensure that development of the project site is accomplished in an economically viable manner consistent with applicable goals and policies as set forth in the City's General Plan, including the land use vision set forth therein that contemplates light industrial and industrial uses, taking into account necessary site plan considerations including efficient access and loading.
2. Maximize development of the existing underutilized project site and generate increased revenue and economic development for the City in order to support the City's ongoing City operations.
3. Develop of a mixed-use industrial park, with light manufacturing, warehouse, distribution, and/or flex industrial uses, in the City that is designed to meet market demand and contemporary industry standards including building size and clear height requirements, modern façades, articulated concrete panels, a natural color palette, and expansive glass entry features.
4. Create employment-generating businesses in the City to reduce the need for members of the local workforce to commute outside the area for employment and to improve the jobs-to-housing balance.
5. Maximize placement of industrial uses in close proximity to the State Highway system (SR-99) and other major transportation corridors to avoid or shorten truck-trip lengths, as feasible, on other roadways and to avoid locating industrial buildings in close proximity to residential uses or other sensitive receptors.

6. Develop innovative industrial uses providing a range of building sizes with cross dock and rear load capability that have ready access to available infrastructure, including major transportation corridors and utilities to be used as part of the Central Valley supply chain and goods movement network.

## 6.4 - Alternative 1—No Project Alternative

CEQA Guidelines Section 15126.6(e) requires EIRs to evaluate a "No Project Alternative," which is defined as the "circumstance under which the project does not proceed." Under the No Project Alternative, the 3,720,149 square feet of light industrial and flex industrial development, infrastructure improvements, roadway frontage improvements would not be constructed on the project site and in its vicinity. In this scenario, the project site's existing agricultural uses would remain; road improvements would not occur; trees and crops would not be removed or impacted; and grading would not take place. This alternative would not require annexation or conditional use permit.

### 6.4.1 - Impact Analysis

#### Aesthetics, Light, and Glare

The proposed project's impacts related to aesthetics would be less than significant (See Section 3.1, Aesthetics, Light, and Glare). Under the No Project Alternative, the existing orchards, tree cover, retention basin, and pump station would not be converted and could remain on-site. The infrastructure improvements to utilities and roadway frontage improvements would not occur. There would be no change in visual character, views, nighttime lighting, daytime glare, or shadow, as there would be no change to the existing on-site buildings, parking area, streets, utility lines, topography, or vegetation/landscaping, or conflict with zoning. Thus, there would be no aesthetics impacts under this alternative.

Because there would be no impacts under the No Project Alternative, this alternative would have a lesser impact as compared to the proposed project.

#### Agriculture and Forest Resources

The proposed project's impacts related to agriculture would be significant and unavoidable, and there would be no impact related to forestry resources (See Section 3.2, Agricultural Resources and Forestry Resources). The No Project Alternative would not convert any Prime Farmland as identified by the FMMP to nonagricultural use, nor would it conflict with zoning or a Williamson Act Contract. This alternative would have no impacts to existing conditions with respect to agriculture or forestry resources.

The No Project Alternative would avoid the significant and unavoidable impact on agricultural resources that would result from the proposed project and would therefore have reduced impacts as compared to the proposed project. However, this alternative would not meet any of the proposed project's objectives, fulfill the underlying purpose of the proposed project, or meet the General Plan's development vision.

## Air Quality

Under the proposed project, air quality impacts would be significant and unavoidable because construction and operational emissions would exceed applicable thresholds even after compliance with all applicable rules, regulations, and implementation of feasible mitigation.

Under the No Project Alternative, the project site would not be developed with 3,720,149 square feet of light industrial and flex industrial uses, and existing site conditions would remain the same. There would be no ground disturbance within the project site and within the areas proposed for the off-site improvements, and no construction or operation of the facilities would occur. Therefore, no impacts to air quality would occur under this alternative during construction**,** and the significant and unavoidable impacts in this regard would be avoided. Similarly, the significant and unavoidable air quality impacts related to operations would not occur. Therefore, this alternative would result in reduced impacts as compared to the proposed project.

However, this alternative would not meet any of the project objectives related to air quality because it would not reduce commutes for regional residents by proving local employment opportunities or maximize the placement of industrial sites in proximity to major transportation corridors to avoid or shorten truck-trip lengths.

## Biological Resources

The proposed project's impacts related to biological resources would be less than significant with mitigation incorporated (see Section 3.4, Biological Resources). Under the No Project Alternative, there would be no change related to wildlife or habitat on-site, and the No Project Alternative would not have any potential impacts to special-status wildlife species or jurisdictional wetlands. Thus, there would be no biological resources impacted under this alternative. Therefore, this alternative would result in reduced impacts as compared to the proposed project.

## Cultural Resources and Tribal Cultural Resources

The proposed project's impacts related to cultural resources would be less than significant with mitigation incorporated (see Section 3.5, Cultural Resources and Tribal Cultural Resources). Under the No Project Alternative, there would be no change in historic, archaeological, or tribal resources, as there would be no change to the existing on-site structures and no ground disturbance. Thus, there would be no cultural or tribal resources impacts under this alternative, and there would be reduced impacts as compared to the proposed project.

This alternative would not meet the project objectives in terms of employment opportunities and infrastructure and services.

## Energy

The proposed project's impacts related to energy use and conservation would be less than significant (see Section 3.6, Energy). Under the No Project Alternative, there would be no change related to energy consumption, as there would be no change to the existing land uses or daily vehicle trips. Thus, there would be no impact related to energy use under this alternative, and the level of impacts would be reduced as compared to the proposed project.

The No Project Alternative would not result in the construction of industrial and flex industrial buildings or infrastructure improvements, and would therefore have no impact related to energy consumption. However, this alternative would not meet the project objectives related to energy because it would not provide local jobs to reduce the commute for regional residents, which would reduce energy impacts resulting from the use of car fuels, nor would it maximize the placement of industrial sites in proximity to major transportation corridors to reduce truck fuel usage.

### Geology and Soils

The proposed project's impacts related to geology and soils would be less than significant with mitigation incorporated (see Section 3.7, Geology and Soils). Under the No Project Alternative, there would be no impact related to potential exposure of persons and property to seismic- and soil-related hazards, nor would there be any potential paleontological impacts. The No Project Alternative would not construct warehouses in a seismically active area and on soil that is expansive, unstable, and susceptible to liquefaction and other seismic-related ground failure. Therefore, there would be no impact with regard to geology and soils and paleontological resources under the No Project Alternative.

Therefore this alternative would have reduced impacts compared to the proposed project.

### Greenhouse Gas Emissions

The proposed project's impacts related to greenhouse gas (GHG) emissions would be less than significant with mitigation incorporated (see Section 3.8, Greenhouse Gas Emissions). Under the No Project Alternative, there would be no change related to GHG emission generation, as there would be no change to the existing land uses or daily vehicle trips. Thus, there would be no impact related to GHG emissions under this alternative. The No Project Alternative would have no impact related to GHG emissions, as it would not create emissions from construction or operation of the warehouses. Therefore, it would have reduced impacts compared to the proposed project. However, it would not meet any of the project objectives related to GHG emissions, because this alternative would not reduce commutes for regional residents by proving local employment opportunities or place industrial sites in proximity to major transportation corridors to avoid or shorten truck-trip lengths.

### Hazards and Hazardous Material

The proposed project's impacts related to hazards and hazardous materials would be less than significant with mitigation incorporated (see Section 3.9, Hazards and Hazardous Materials). Under the No Project Alternative, there would be no demolition of the existing on-site buildings, and no potential exposure to lead-based paint or asbestos-containing materials (ACM) would occur from demolition activities.

The No Project Alternative would have no impact related to hazards and hazardous materials. Therefore, it would have a lesser level of hazards and hazardous materials impact compared to the proposed project.

## Hydrology and Water Quality

The proposed project's impacts related to hydrology and water quality would be less than significant (see Section 3.10, Hydrology and Water Quality). Under the No Project Alternative, there would be no change related to hydrology, stormwater runoff and drainage, water quality, groundwater recharge and depletion, or flooding, as there would be no change to the existing on-site buildings, hardscape, or landscaping resulting in changes in impervious vs. pervious surfaces on-site. The stormwater detention basin would eventually be constructed by the City as part of their Stormwater Master Plan. Thus, there would be no hydrology and water quality impacts or improvements under this alternative.

The No Project Alternative would have no impacts related to hydrology and water quality; thus, the impacts would be reduced as compared to the proposed project. However, the No Project Alternative would not meet the project objectives in terms of infrastructure improvements.

## Land Use and Planning

The proposed project's impacts related to land use and planning would be less than significant, and the proposed project would meet many of the project objectives, including applying the goals and policies of the General Plan (see Section 3.11, Land Use and Planning). Under the No Project Alternative, the project site would not be developed with 3,720,149 square feet of warehouse development, and the improvements to utilities, roadway frontage, and infrastructure would not occur.

This alternative would not be consistent with the project objective to apply the goals and policies of the General Plan, which focuses on developing employment opportunities and expanding the City's industrial base. The No Project Alternative would not be consistent with the General Plan's land use vision or with the goals and policies outlined in the General Plan. Therefore, impacts under this alternative would be less than significant, which is similar to the proposed project. This alternative would not reduce impacts as compared to the proposed project and may result in somewhat increased impacts due to the land use inconsistency, although the impacts under this alternative would still be considered less than significant.

In addition, this alternative would not meet any of the project objectives related to employment opportunities, land use, and industrial uses.

## Noise

The proposed project would result in a significant and unavoidable impact related to mobile source operational noise, less than significant impact with mitigation for temporary increase in ambient noise levels during construction, and less than significant impacts for noise land use compatibility, groundborne vibration, and airport noise (see Section 3.12, Noise). Under the No Project Alternative, there would be no change in groundborne vibration and noise sources (including from traffic-related noise), as there would be no changes to the existing land uses or daily vehicle trips. Noise and vibration levels in the project vicinity would remain the same as under existing conditions. Thus, there would be no noise impacts under this alternative.

Compared to the project, the No Project Alternative would have reduced noise impacts and would avoid the proposed project's significant and unavoidable noise impact.

### Public Services

The proposed project's impacts to public services would be less than significant (see Section 3.13, Public Services). Under the No Project Alternative, there would be no change related to fire, police, school, or library services, as there would be no change to the existing land uses on the project site. There would be no impact.

The No Project Alternative would have a lower level of public services impacts compared to the proposed project. However, the No Project Alternative would not meet the project objectives related to public services, such as providing buildings that meet contemporary industry standards, providing industrial uses with ready access to available infrastructure, or applying the land use vision that is contemplated for this site. Furthermore, the infrastructure improvements associated with the proposed project would not be implemented.

### Transportation and Traffic

The proposed project's transportation impacts would be less than significant with mitigation incorporated. Mitigation would include the preparation and implementation of a construction traffic control plan that would reduce the potential for construction vehicle conflicts with other roadway users, as well as funding the addition of two flashing beacons/solar panels to be mounted on existing stop signs at the intersection, installing new STOP pavement markings and limit lines for the northbound and southbound approaches, and funding the addition of an advance intersection warning sign for the eastbound and westbound approaches.

Under the No Project Alternative, transportation and traffic conditions would remain the same as the existing conditions because no development would occur on the project site. However, the proposed improvements to roadways and circulation, including new bike and pedestrian facilities, would not be implemented under this alternative. Under the No Project Alternative, there would be no impact, no mitigation would be required, and impacts would be reduced compared to the proposed project.

While the project site conditions would remain the same as existing conditions under the No Project Alternative, this alternative would not meet any of the project objectives related to transportation because this alternative would not reduce the need for members of the local workforce to commute outside the area for employment, place industrial sites in proximity to major transportation corridors to avoid or shorten truck-trip lengths, or place innovative industrial facilities in proximity to the Central Valley supply chain and goods movement network.

### Utilities and Service Systems

The proposed project's impacts to utility and service systems would be less than significant with mitigation incorporated (see Section 3.15, Utilities and Service Systems). Under the No Project Alternative, the infrastructure improvements to utilities and roadway frontage improvements would not occur. There would be no change related to water supply and wastewater utilities and

stormwater and solid waste collection service systems, as there would be no change to the existing on-site buildings and agricultural operations and associated utilities demand and infrastructure facilities. However, as discussed in Section 3.15, Utilities, the proposed project would use significantly less water than the existing almond farm on-site. As such, water demand would be greater under the No Project Alternative than under the proposed project. The Pacific Institute of California Department of Water Resources found that almond farms require 4.49 acre-feet per year (AFY) per acre, which is among the most water-intensive crops. Therefore, the No Project Alternative would demand more water than the proposed project. Furthermore, other project benefits related to utilities would not be implemented under this alternative, such as installation of stormwater retention basins, payment of impact fees for new water services, and reduced water use implementations from the policies outlined in the Visalia General Plan. However, because the existing water use on the project site is not considered a significant impact, no mitigation measures would be required, and this impact is considered less than significant. Thus, impacts related to utility and service systems would be less than significant under this alternative, which is less than the proposed project. The No Project Alternative would lessen impacts related to utilities and service systems.

Additionally, this alternative would not meet the project objectives related to utilities and service systems because it would not provide buildings that meet contemporary industry standards and ready access to available infrastructure, including utilities.

### Wildfire

The proposed project would have less than significant impacts related to wildfire (See Section 3.16, Wildfire). The project site is not located in a “Fire Hazard Severity Zone,” nor is it located in an State Responsibility Area (SRA) or a “Very High Fire Hazard Severity Zone” in a local, State, or federal responsibility area. Under the No Project Alternative, there would be no change to the project site with regard to wildfire susceptibility. Thus, there would be no impact related to wildfire under this alternative.

The No Project Alternative would not exacerbate existing wildfire conditions and would have a lower level of wildfire risk, as the existing agricultural operations would remain on-site and would not add additional facilities and associated employees, potentially exposing additional persons to wildfire risk. However, the No Project Alternative would not add enhancements to reduce roadway safety hazards or improve emergency access, which would incrementally reduce impacts associated with wildfires. As such, under this alternative, there would be no impact, which is less than the proposed project.

## 6.4.2 - Conclusion

Under the proposed project, the implementation of mitigation measures would be required to reduce the potentially significant impacts associated with biological resources; cultural resources and tribal cultural resources; geology and soils; GHG emissions; hazards and hazardous materials; transportation; and utilities and service systems to less than significant levels. Agriculture and forest resource impacts related to the conversion of farmland would be significant and unavoidable. Air quality impacts related to criteria pollutants would be significant and unavoidable. Noise impacts

related to mobile source and operational noise would be significant and unavoidable. None of the mitigation measures required for biological resources; cultural resources and tribal cultural resources; geology and soils; GHG emissions; hazards and hazardous materials; transportation; and utilities and service systems would be implemented under this alternative; thus, these impacts would be lesser than the proposed project.

The No Project Alternative would further reduce the proposed project's less than significant impacts related to aesthetics, light, and glare; energy; hydrology and water quality; public services; and wildfire.

The No Project Alternative would have similar impacts as compared to the proposed project's less than significant impacts on land use and planning. This alternative would not result in any increased impacts.

The No Project Alternative would avoid the majority of the project's impacts by leaving the site in its existing condition, thus avoiding impacts caused by the demolition of on-site buildings, construction of industrial and flex industrial buildings, infrastructure and off-site improvements, and impacts caused by the operation of the proposed project. Additionally, this alternative would avoid all of the proposed project's significant and unavoidable impacts related to agriculture and forest resources, air quality, and noise. However, the No Project Alternative would not offer any of the benefits of the proposed project and would not advance any of the overall project objectives.

## 6.5 - Alternative 2—Reduced Footprint Alternative

Under this alternative, the alternative project would be developed in such a way as to reduce some construction and operational air quality impacts, operational noise impacts, and protect some of the on-site Prime Farmland by reducing the overall footprint of the developed areas. The eastern half of the project site, approximately 142 acres, would be preserved and would remain in agricultural production, and half of the total warehouse and industrial park land uses would be developed. The proposed associated commercial uses would be relocated to the western half of the site. The stormwater basins would be sized accordingly. It is assumed that culvert crossings over Modoc Ditch would be required, similar to the proposed project.

### 6.5.1 - Impact Analysis

#### Aesthetics, Light, and Glare

The proposed project's impacts related to aesthetics would be less than significant (See Section 3.1, Aesthetics, Light, and Glare). Under Alternative 2, the square footage of the industrial park would be reduced, and approximately 142 acres would be preserved, which would result in reduced impacts to aesthetics, light, and glare as compared to the proposed project. Construction-related impacts including light and glare from construction equipment, construction machinery, and nighttime security lighting would be reduced because of the smaller development footprint. Additionally, the change in lighting and glare sources and changes to the existing character would not occur on 142 acres of the project site, resulting in incrementally reduced impacts. However, under Alternative 2, there would still be changes to the existing character of the project site, as well as the addition of

new light and glare sources, resulting in less than significant impacts. Therefore, impacts under this alternative would be similar to the proposed project.

## Agriculture and Forest Resources

The proposed project's impacts related to agriculture would be significant and unavoidable, and there would be no impact related to forestry resources. Most of the project site is designated as Prime Farmland and is subject to a Williamson Act Contract. The proposed project would result in the conversion of 284 acres of farmland to urban uses (See Section 3.2, Agricultural Resources and Forestry Resources). Under this alternative, 142 acres on the eastern half of the project site would be preserved and would remain in agricultural production, resulting in a 50 percent reduction in the number of acres that would be converted from farmland to urban uses. This alternative would preserve approximately half of the agricultural lands as compared to the proposed project. However, a partial Nonrenewal of the Williamson Act Contract was approved by the Tulare County Board of Supervisors on May 3, 2022 (Resolution No. 2022-0677). Cancellation of the Williamson Act Contract was approved by the Board of Supervisors on November 29, 2022 (Resolution No. 2022-1005). Accordingly, the Williamson Act Contract will be issued a Certificate of Cancellation upon payment of cancellation fees. Under Alternative 2, half of the farmland on the project site would be preserved, but the Williamson Act Contract would still expire because of the County-approved cancellation.

The General Plan EIR planned for the conversion of approximately 14,265 acres of farmland to be converted into urban uses, including the project site. This conversion was evaluated and disclosed as part of the General Plan EIR. By reducing the amount of farmland to be converted, the impacts that were evaluated in the General Plan would be slightly reduced. However, even with the preservation of 142 acres on the project site, the overall loss of farmland in the General Plan area would still be significant and unavoidable with no available mitigation measures. Under this alternative, the project would result in a loss of 142 acres of farmland. While the total loss of acres in the General Plan area would be lower, the Draft EIR would still need to conservatively conclude that the project impacts are significant and unavoidable due to the loss of Prime Farmland on the project site. The preservation of 142 acres would not be substantial enough to change the conclusions of the General Plan EIR or of the Draft EIR prepared for the proposed project. Therefore, similar to the proposed project, impacts would remain significant and unavoidable under this alternative.

Furthermore, the preservation of an additional 142 acres of farmland would prevent the project from fully meeting several project objectives, including ensuring that development of the project site is consistent with applicable goals and policies as set forth in the City's General Plan, including the land use vision set forth therein that contemplates light industrial and industrial uses; and maximizing development of the existing underutilized project site.

## Air Quality

Under the proposed project, air quality impacts related to consistency with the applicable AQP and criteria pollutant emissions would be significant and unavoidable because construction and operational emissions and health risks would exceed applicable thresholds even after compliance with all applicable rules, regulations, and implementation of feasible mitigation. Whereas impacts related to odors would be less than significant.

Under Alternative 2, the square footage of the industrial park would be reduced, and approximately 142 acres would be preserved, which would result in reduced construction and operational air quality impacts as compared to the proposed project. Reducing the size of development by 50 percent would reduce construction criteria pollutant emissions, such as CO and $NO_X$, below the applicable thresholds, because 50 percent less development would result in fewer days of construction, fewer hours of operation of heavy equipment, less grading and hauling of soils, and fewer construction worker vehicles trips. In addition, Alternative 2 would reduce operational criteria pollutant emissions because 50 percent less development would result in fewer mobile emissions from trucks and passenger vehicles. However, despite the reduction of at least half of the proposed warehouse and industrial park uses and proportional heavy heavy-duty trucks trips during this alternative, operational criteria pollutant emissions would still exceed thresholds for CO, ROG, and $NO_X$ because the vast majority of operational emissions would still be from the use of heavy heavy-duty trucks as part of warehouse and industrial park land uses. MM AIR-2c through MM Air-2f would reduce operational emissions. No additional mitigation measures would be feasible beyond what was proposed in the EIR, because the applicant would not have ownership over any of the heavy heavy-duty truck fleets. Therefore, although Alternative 2 would reduce some operational air quality criteria pollutants, air quality impacts related to operational emissions of criteria pollutants would remain significant and unavoidable. By reducing the project footprint and preserving the eastern half of the site, the project's distance from the nearest sensitive receptors is significantly increased to over 2,700 feet. Health risk impacts during construction would be reduced to less than significant levels because diesel particulate matter (DPM) emissions would no longer be significantly concentrated in close proximity to sensitive receptors. This alternative would result in the same impacts related to odors because the type of land uses and development considered would be the same as analyzed in the EIR.

This alternative would meet the project objectives of developing innovative industrial uses as part of the Central Valley supply chain and goods movement network. However, because the project site would not be built out to its full potential, it would only partially meet the project objectives related to air quality, such as creating employment-generating businesses to reduce the need for members of the local workforce to commute outside the area for employment, and maximizing the placement of industrial uses in close proximity to the State Highway system and other major transportation corridors to avoid or shorten truck-trip lengths.

## Biological Resources

Under the proposed project, impacts to biological resources would be less than significant with mitigation incorporated. Under Alternative 2, approximately 142 acres would be preserved, which would protect some of the project site's farmland and reduce potential impacts to biological resources, including Swainson's hawk, special-status wildlife such as San Joaquin kit fox, active bird's nests, and roosting bats, because fewer habitats could be disturbed. Overall, Alternative 2 would have marginally reduced impacts to biological resources as compared to the proposed project, although mitigation to prevent impacts to birds, kit fox, and bats would still be required under this alternative. Additionally, under this alternative, culvert crossings over Modoc Ditch and mitigation related to the jurisdictional delineation would still be required. Therefore, with implementation of MM BIO-1a through MM BIO-1f, and MM BIO-3 impacts to special-status species and to wetlands

and jurisdictional features under this alternative would be less than significant with mitigation incorporated, which is similar to the proposed project.

### Cultural Resources and Tribal Cultural Resources

Under the proposed project, impacts to cultural resources and tribal cultural resources would be less than significant with mitigation incorporated. Under Alternative 2, the overall footprint of the developed areas would be reduced, and approximately 142 acres would be preserved. Because of the reduced square footage of development, there would be less ground disturbance and potentially fewer impacts on cultural resources and tribal cultural resources. However, because ground will be disturbed under this alternative, the possibility of inadvertent discovery remains similar to the proposed project and the mitigation measures to prevent impacts to cultural resources and tribal cultural resources from ground disturbance would still be required under this alternative. Therefore, with implementation of MM CUL-1, MM CUL-2, MM CUL-3, and MM CUL-4, impacts to historic resources, archaeological resources, human remains, and to tribal cultural resources under this alternative would be less than significant with mitigation, which is similar to the proposed project.

### Energy

Under the proposed project, impacts related to energy would be less than significant. Under Alternative 2, the overall footprint of the developed areas would be reduced. Under Alternative 2, there would be a smaller change related to energy consumption during construction because the overall amount of construction activity, including building square footage, would be smaller. In addition, during operation less energy would be needed for lighting and energy due to smaller overall building space and fewer vehicle fuel consumption due to less demand for employees and truck deliveries. As a result, impacts would remain less than significant, similar to the proposed project.

This alternative would meet the project objectives of developing innovative industrial uses as part of the Central Valley supply chain and goods movement network. However, because the project site would not be built out to its full potential, it would only partially meet the project objectives related to energy, such as creating employment-generating businesses to reduce the need for members of the local workforce to commute outside the area for employment, and maximizing the placement of industrial uses in close proximity to the State Highway system and other major transportation corridors to reduce fuel usage from truck trips.

### Geology and Soils

The proposed project's impacts related to geology and soils would be less than significant with mitigation incorporated (see Section 3.7, Geology and Soils). Development under Alternative 2 could cause potential substantial adverse impacts associated with seismic ground shaking because of the project's location in a highly seismic region within the influence of multiple faults, similar to the proposed project. Because geological impacts such as seismic hazards are due to the project's location, this alternative would still require the same mitigation measures as the proposed project to reduce geological impacts to less than significant. Implementaiton of MM GEO-1 and MM GEO-2 would reduce impacts related to earthquakes, seismic ground shaking, soil erosion and topsoil loss, unstable geologic location, and expansive soil. Furthermore, similar to the proposed project,

structures would be designed in accordance with the current California Building Standards Code (CBC) and Visalia Building Code (Chapter 15.08) to reduce hazards posed by seismic ground shaking and the proximity to known active faults. Additionally, this alternative would have a reduced impact on paleontological resources because the development footprint is smaller than the proposed project; however, because this alternative would still result in ground disturbance, mitigation would still be required during construction. Implementation of MM GEO-3 would reduce impacts to paleontological resources. Therefore, this alternative would be less than significant with mitigation incorporated. With the implementation of mitigation, this alternative would have a similar level of impacts as the proposed project.

### Greenhouse Gas Emissions

Under the proposed project, impacts related to GHG emissions would be less than significant with mitigation incorporated. Mitigation measures to reduce GHG emissions impacts would require rooftop solar panels or a solar-ready rooftop design, as well as roofing material with light coloring, electric vehicle (EV) charging infrastructure, and limiting warehouse uses to dry storage. Under Alternative 2, the overall footprint of the developed areas would be reduced. Because of the reduced size of the facility and a smaller construction footprint and fewer operational vehicle trips, GHG emissions generation would be reduced as compared to the proposed project. However, under this alternative, mitigation measures such as rooftop solar and EV charging infrastructure would still be required in order to ensure the project would not conflict with applicable policies and plans with goals of reducing GHG emissions. Implementation of MM AIR-2d, MM GHG-2a, and MM GHG-2b would reduce impacts related to conflict with a plan, policy, or regulation that reduces GHG emissions. Therefore, similar to the proposed project, impacts related to GHG emissions would be less than significant with mitigation incorporated.

Additionally, because of the reduced development, this alternative would only partially meet the project objectives related to GHG emissions, such as reducing the need for members of the local workforce to commute outside the area for employment and maximizing the placement of industrial uses in close proximity to the State Highway system and other major transportation corridors to reduce emissions from trucks.

### Hazards and Hazardous Material

The proposed project's impacts related to hazards and hazardous materials would be less than significant with mitigation incorporated (see Section 3.9, Hazards and Hazardous Materials). Under this alternative, the overall square footage of buildings would be reduced, and a portion of the site would be preserved for agricultural uses. The reduced development footprint would likely reduce the total amount of hazardous materials present on-site during both construction and operation; however, the hazardous materials on-site would require the same level of compliance with applicable regulations as the proposed project. Therefore, although impacts associated with hazards and the handling of hazardous materials may slightly decrease, the level of impacts would be less than significant, which would not be substantially lower than the proposed project such that there would be no impacts. However, similar to the proposed project, an unknown, abandoned, or unrecorded well may occur on-site and may be discovered during construction of this alternative,

which would require adherence to MM HAZ-1. Therefore, similar to the proposed project, impacts would be less than significant with mitigation incorporated under this alternative.

### Hydrology and Water Quality

The proposed project's impacts related to hydrology and water quality would be less than significant (see Section 3.10, Hydrology and Water Quality). Under this alternative, the overall square footage of development would be reduced, and ground disturbance would be reduced. Because of the reduced impervious hardscape due to preservation of existing agricultural lands, impacts related to hydrology, stormwater runoff and drainage, water quality, groundwater recharge and depletion, or flooding would be reduced. However, the level of impacts would not be reduced significantly such that there would be no impacts. Thus, hydrology and water quality impacts or improvements under this alternative would be less than significant, which is similar to the proposed project.

### Land Use and Planning

The proposed project's impacts related to land use and planning would be less than significant, and the proposed project would meet many of the project objectives, including of applying the goals and policies of the General Plan (see Section 3.11, Land Use and Planning). Under this alternative, the total square footage of development would be reduced, and 142 acres of agricultural land would be preserved.

This alternative would be only partially consistent with the project objective of applying the goals and policies of the General Plan, which focuses on developing employment opportunities and expanding the City's industrial base. This alternative would not fully implement the General Plan's land use vision, which planned the project site for industrial and light industrial uses. Therefore, this alternative would result in the same or slightly increased land use and planning impacts as compared to the proposed project. Impacts under this alternative would still be considered less than significant, which is similar to the proposed project.

In addition, this alternative would only partially meet the project objectives related to employment opportunities, land use, and industrial uses.

### Noise

Under the proposed project, mitigation would be required to reduce impacts from noise-generating equipment associated with the drive-through carwash during operation of the proposed project, as well as noise impacts from potential conflicts between noise-generating operations and noise-sensitive receptors. However, impacts related to off-site mobile source operational noise impact from traffic generation would be significant and unavoidable.

Under Alternative 2, there would be a change in noise sources from traffic-related noise as a result of the reduced project footprint, and a fewer number of employees would result in fewer daily vehicle trips and fewer truck trips when compared to the proposed project. Operational noise levels from traffic generation in the project vicinity would be somewhat reduced as compared to the proposed project. However, this alternative would still have the potential to result in impacts due to the drive-through carwash and conflicts between noise generators and noise-sensitive receptors and

would therefore require implementation of the same mitigation measures as the proposed project. implementation of MM NOI-1 and NOI-2 would reduce impacts related to substantial noise increase in excess of standards. Additionally, the significant and unavoidable off-site mobile source operational noise impact from traffic generation would be reduced under this alternative. Therefore, impacts would be less than significant with mitigation incorporated, and Alternative 2 would result in lesser noise impacts as compared to the proposed project.

Under Alternative 2, on-site construction activities would be located at the same distances from surrounding sensitive land uses (i.e., residences), meaning that construction-related noise impacts from on-site activities would be similar to the proposed project and also less than significant. However, due to the reduction in land uses, Alternative 2 would require a shorter construction schedule. So, in this sense, the impact may be considered reduced compared to the proposed project.

Off-site construction noise impacts from sources such as haul trucks would be similar to the proposed project and also less than significant because haul trucks and other construction vehicles would likely utilize the same roadways as they would for the proposed project. But, as explained, Alternative 2 would require a shorter construction schedule and involve reduced construction requirements. As a result, Alternative 2 may require a shorter construction schedule. Overall, this alternative would result in lesser impacts as compared to the proposed project.

This alternative would not meet the project objectives related to placement of industrial uses to avoid locating industrial buildings in close proximity to residential uses and other sensitive receptors.

### Public Services

The proposed project's impacts to public services would be less than significant (see Section 3.13, Public Services). Because of the reduced square footage, the demand for public services would be reduced under this alternative. However, development under this alternative would still generate a demand for public services, which would be considered a less than significant impact. Therefore, impacts under this alternative would be similar to the proposed project.

This alternative would only partially meet the project objectives related to public services, such as providing buildings that meet contemporary industry standards, providing industrial uses with ready access to available infrastructure, and applying the land use vision that is contemplated for this site.

### Transportation and Traffic

The proposed project's transportation impacts would be less than significant with mitigation incorporated. Mitigation would include the preparation and implementation of a construction traffic control plan that would reduce the potential for construction vehicle conflicts with other roadway users, funding the addition of two flashing beacons/solar panels to be mounted on existing stop signs at the intersection, installing new STOP pavement markings and limit lines for the northbound and southbound approaches, and funding the addition of an advance intersection warning sign for the eastbound and westbound approaches, and additional improvements to intersections, drive approaches, and sidewalks, as well as installation of end-of-trip bicycle facilities and expansion of bicycle network. Implementation of MM TRANS-1 through MM TRANS-9, MM TRANS-10a, MM

TRANS-10b, and MM TRANS-11 would reduce impacts related to circulation system, Vehicle Miles Traveled (VMT), hazards, and emergency access.

Although the building footprint would be reduced, the proposed infrastructure improvements would still be required under this alternative. As such, this alternative would still generate potential conflicts between construction vehicles and other roadway users, and would require similar mitigation measures as the proposed project to reduce potential roadway safety hazards. Therefore, impacts would be less than significant with mitigation under this alternative. This alternative would result in similar impacts related to transportation as compared to the proposed project.

This alternative would only partially meet the project objectives related to transportation, such as creating local employment opportunities to reduce the commute for regional residents and placing industrial facilities close to major transportation corridors.

### Utilities and Service Systems

The proposed project's impacts to utility and service systems would be less than significant with mitigation incorporated (see Section 3.15, Utilities and Service Systems). Under this alternative, the overall development would be reduced, but the infrastructure improvements to utilities would still be developed to serve the project. Because of the reduced square footage, the demand for wastewater and solid waste collection service systems would be reduced under this alternative. However, under this alternative, approximately 142 acres of farmland would remain in agricultural production. As discussed in Section 3.15, Utilities and Service Systems, the proposed project would use significantly less water than the existing almond farm. As such, because half of the existing almond farm would remain in production, water demand would be greater under this alternative than under the proposed project. However, water demand under this alternative would be reduced as compared to the existing conditions. Similar to the proposed project, development under this alternative would be adequately served by the existing water system and would not require the relocation or construction of new or expanded water facilities. Similar to the proposed project, development under this alternative would be required to adhere to MM UTIL-1, which would require that debris and waste generated shall be recycled to the extent feasible, allowing the development to be served by a landfill that contains sufficient capacity. Therefore, impacts under this alternative would be less than significant with mitigation incorporated, which is similar to the proposed project.

This alternative would only partially meet the project objectives related to utilities, such as providing buildings that meet contemporary industry standards, providing industrial uses with ready access to available infrastructure, and applying the land use vision that is contemplated for this site.

### Wildfire

The proposed project would have no impacts related to wildfire (See Section 3.16, Wildfire). The project site is not located in a "Fire Hazard Severity Zone" nor is it located in an SRA or a "Very High Fire Hazard Severity Zone" in a local, State, or federal responsibility area. Under this alternative, there would be no change to the project site with regard to wildfire susceptibility. Thus, there would be no impact related to wildfire under this alternative, which is similar to the proposed project.

### 6.5.2 - Conclusion

Based on the above, this project alternative would result in lesser impacts related to noise. There are no greater impacts under this alternative. Alternative 2 would have similar impacts as compared to the proposed project regarding aesthetics, light, and glare; agricultural and forestry resources; air quality; biological resources; cultural resources and tribal cultural resources; energy; geology and soils; GHG emissions; hazards and hazardous materials; hydrology and water quality; land use and planning; public services; transportation; utilities and service systems; and wildfire. While these impacts would be marginally reduced under this alternative due to the reduced footprint of development and preservation of agriculture, it would not eliminate the significant and unavoidable impacts or reduce the need for mitigation, with the exception of noise impacts.

This alternative would meet the project objectives of developing a mixed-use industrial park, placing industrial uses near the State Highway system, and developing innovative industrial uses as part of the Central Valley supply chain and goods movement network, and applying the goals and policies of the General Plan, which focuses on developing light industrial and industrial uses. However, because the project site would not be built out to its full potential, it would only partially meet the project objectives of maximizing development of the site to generate increased revenue and economic development, and creating employment-generating businesses to reduce commuting and improve the jobs-to-housing balance.

Therefore, Alternative 2 would be environmentally inferior to the proposed project.

## 6.6 - Alternative 3—Alternative Location

Under this alternative, the alternative project would be constructed in the approximately 284-acre parcels west of Plaza Drive and Riggin Avenue. These parcels are selected as they are few of the remaining parcels within Tier I of the UDB that is designated as Industrial therefore generally suitable for the proposed development. The proposed project would require a General Plan Amendment to re-designate a portion of the site as Light Industrial for the proposed associated flex industrial/commercial uses conditionally allowed under Light Industrial. This site would be approximately 650 feet from the nearest sensitive receptors located southwest.

### 6.6.1 - Impact Analysis

#### Aesthetics, Light, and Glare

The proposed project's impacts related to aesthetics would be less than significant (See Section 3.1, Aesthetics, Light, and Glare). Under the Alternative Location alternative, the project site would be located on a parcel west of the proposed project site (See Exhibit 6-1). Construction-related impacts including light and glare from construction equipment, construction machinery, and nighttime security lighting would be similar to the proposed project. Additionally, the change in lighting and glare sources and changes to the existing character of the alternative site would result in similar impacts. However, under this alternative, the nearest sensitive receptors would be located farther from the site, which would potentially reduce the light and glare impacts to the nearest sensitive receptors. However, the overall level of impacts would remain less than significant. Therefore, impacts under this alternative would be similar to the proposed project.

## Agriculture and Forest Resources

The proposed project's impacts related to agriculture would be significant and unavoidable, and there would be no impact related to forestry resources. Most of the project site is designated as Prime Farmland and is subject to a Williamson Act Contract. The proposed project would result in the conversion of 284 acres of farmland to urban uses (See Section 3.2, Agricultural Resources and Forestry Resources).

Under this alternative, the project site would be located on a site currently designated Industrial. A majority the alternative site is designated Prime Farmland, while the northern portion of the alternative site is designated Farmland of Statewide Importance.[1] A partial Nonrenewal of the project site's Williamson Act Contract was approved by the Tulare County Board of Supervisors on May 3, 2022 (Resolution No. 2022-0677). Cancellation of the Williamson Act Contract was approved by the Board of Supervisors on November 29, 2022 (Resolution No. 2022-1005). Accordingly, the Williamson Act Contract will be issued a Certificate of Cancellation upon payment of cancellation fees. Therefore, under this alternative, the Prime Farmland and Farmland of Statewide Importance would be converted to nonagricultural uses; however, the Williamson Act Contract would still expire regardless of the alternative development because of the County-approved cancellation.

Similar to the project site, the alternate site is located within Tier 1 of the City's UDB.[2] Therefore, similar to the proposed project, the mitigation program required in LU-P-34 is not applicable to the alternative site. This alternative would result in the loss of Prime Farmland, which was evaluated and disclosed as part of the General Plan EIR. Therefore, this alternative would not reduce the significant and unavoidable impacts associated with the proposed project. Impacts under this alternative would conservatively be considered significant and unavoidable, similar to the proposed project.

This alternative would meet the project objectives related to the conversion of agriculture, including ensuring that the development of the project site is consistent with applicable goals and policies as set forth in the City's General Plan.

## Air Quality

Under the proposed project, air quality impacts related to consistency with the applicable AQP and criteria pollutant emissions would be significant and unavoidable because construction and operational emissions and health risks would exceed applicable thresholds even after compliance with all applicable rules, regulations, and implementation of feasible mitigation. Under the proposed project, odor impacts were less than significant.

Under Alternative 3, the proposed project would be constructed in the parcels west of Plaza Drive and Riggin Avenue, but the square footage would be the same as the proposed project, and the construction and operations of this alternative would be the same as the proposed project. Accordingly, there would be significant and unavoidable air quality impacts from construction and operational activities associated with generation of criteria pollutants, such as CO, ROG, $NO_X$, and $PM_{10}$ in Alternative 3. Since this alternative would be of the same size and scale and within close

[1] California Department of Conservation. 2022. California Important Farmland Finder. Website: https://maps.conservation.ca.gov/dlrp/ciff/. Accessed June 13, 2023.
[2] City of Visalia. 2014. Visalia General Plan Figure 6-4: Farmland.

proximity of the proposed project, impacts related to emissions of criteria pollutants would be significant and unavoidable, which is the same as the proposed project. Similar to the proposed project, under this alternative the same odor impacts would occur because the type of development-warehouse, industrial, and commercial uses would not generate significant odors.

This alternative would meet the project objectives of developing innovative industrial uses as part of the Central Valley supply chain and goods movement network. Because the project would be of similar size and scale under Alternative 3, it would achieve the project objectives related to air quality, such as creating employment-generating businesses to reduce the need for members of the local workforce to commute outside the area for employment, and maximizing the placement of industrial uses in close proximity to the State Highway system and other major transportation corridors to avoid or shorten truck-trip lengths.

### Biological Resources

Under the proposed project, impacts to biological resources would be less than significant with mitigation incorporated. With development of a similar project on an alternate site under Alternative 3, biological impacts could occur from development of a site previously used for agricultural purposes. The alternate location would potentially have similar biological resources as the proposed project (e.g., a project site used in an agricultural capacity), such as Swainson's hawk, special-status wildlife such as San Joaquin kit fox, active bird's nests, and roosting bats, which would require the same mitigation as the proposed project.

However, the Modoc Ditch runs through the center of the Alternative 3 site and would likely require multiple crossings or may require filling the Ditch in order to link the northern and southern parcels. In contrast, the Ditch is located on the border of the current project site and would not require linking parcels between the Ditch. Therefore, mitigation measures to reduce potential impacts to the Ditch would be less practicable under this alternative as compared to the potential project impacts on the current project site.

With implementation of MM BIO1a through MM BIO-1f and MM BIO-3 impacts to special-status species and to wetlands and jurisdictional features would be reduced. Therefore, although impacts associated with biological resources would likely be less than significant with mitigation incorporated, this alternative would have greater impacts than the proposed project.

### Cultural Resources and Tribal Cultural Resources

Under the proposed project, impacts to cultural resources and tribal cultural resources would be less than significant with mitigation incorporated. Under Alternative 3, there would be similar amounts of ground disturbance in a location near the proposed project site. The alternate site has not been evaluated for cultural resources and tribal cultural resources. Because ground will be disturbed under this alternative, the mitigation measures to prevent impacts to cultural resources and tribal cultural resources from ground disturbance would likely still be required under this alternative. Additionally, a pedestrian survey or records search result could potentially indicate a greater sensitivity for cultural and tribal cultural resources. Therefore, with implementation of MM CUL-1, MM CUL-2, MM CUL-3, and MM CUL-4, impacts to historic resources, archaeological resources,

human remains, and to tribal cultural resources under this alternative would likely be less than significant with mitigation, which is similar to the proposed project.

### Energy

Under the proposed project, impacts related to energy would be less than significant. Under Alternative 3, the overall footprint of the developed areas would be the same as the proposed project. With development of a similar project on an alternate site, energy impacts would occur from construction activities that utilize electricity and fuel and operational activities that utilize electricity, natural gas, and fuel. Since Alternative 3 would be of similar size and scale as the proposed project, impacts would be less than significant, which is the same as the proposed project.

Additionally, because Alternative 3 would be of a similar size, location, and scale and the proposed project, this alternative would meet the project objectives related to energy, such as reducing the need for members of the local workforce to commute outside the area for employment and maximizing the placement of industrial uses in close proximity to the State Highway system and other major transportation corridors to reduce energy use from trucks.

### Geology and Soils

The proposed project's impacts related to geology and soils would be less than significant with mitigation incorporated (see Section 3.7, Geology and Soils). Development under Alternative 3 could cause potential substantial adverse impacts associated with seismic ground shaking because of the project's location in a highly seismic region within the influence of multiple faults, similar to the proposed project.

The alternate site would be approximately 3,000 feet (0.57 mile) west of the proposed project site, which is in a similar geological setting as the proposed project site. Furthermore, development under this alternative would be of a similar size and scale as the propsed project. Furthermore, similar to the proposed project, structures would be designed in accordance with the current CBC and Visalia Building Code (Chapter 15.08) to reduce hazards posed by seismic ground shaking and the proximity to known active faults. Additionally, this alternative would have a similar potential to result in the discovery of previously unknown paleontological resources, so mitigation would still be required during construction. Therefore, the same mitigation measures that would be required for the proposed project, MM GEO-1, MM GEO-2, and MM GEO-3 would also be required under this alternative, and impacts related to earthquakes, seismic ground shaking, soil erosion and topsoil loss, unstable geologic location, expansive soil, and paleontological resources under this alternative would be less than significant with mitigation incorporated, which is similar to the proposed project.

### Greenhouse Gas Emissions

Under the proposed project, impacts related to greenhouse gas emissions would be less than significant with mitigation incorporated. Mitigation measures to reduce greenhouse gas emissions impacts would require requiring rooftop solar panels or a solar-ready rooftop design, as well as roofing material with light coloring, EV charging infrastructure, and limiting warehouse uses to dry storage. Under Alternative 3, the project would be of a similar size and scale and would result in the same type of construction activities such as grading, hauling of soils, and building construction and

operational activities such as heavy heavy-duty trucks trips. Since this alternative would be of similar size and scale to the proposed project and is approximately the same distance to urbanized areas of Visalia, impacts would be similar to the proposed project. Furthermore, the mitigation measures that would be implemented under the proposed project for solar-ready rooftop and EV charging would need to be implemented under this alternative. Implementation of MM AIR-2d, MM GHG-2a, and MM GHG-2b would reduce impacts related to conflict with a plan, policy, or regulation that reduces GHG emissions. Therefore, similar to the proposed project, impacts would be less than significant with mitigation incorporated.

Additionally, because Alternative 3 would be of a similar size, location, and scale and the proposed project, this alternative would meet the project objectives related to greenhouse gas emissions, such as reducing the need for members of the local workforce to commute outside the area for employment, and maximizing the placement of industrial uses in close proximity to the State Highway system and other major transportation corridors to reduce emissions from trucks.

### Hazards and Hazardous Material

The proposed project's impacts related to hazards and hazardous materials would be less than significant with mitigation incorporated (see Section 3.9, Hazards and Hazardous Materials). Under this alternative, the overall square footage of development would be similar to the proposed project, and the hazardous materials on-site would require the same level of compliance with applicable regulations as the proposed project. Therefore, impacts associated with hazards and the handling of hazardous materials would be the same as the proposed project. In addition, similar to the proposed project, an unknown, abandoned, or unrecorded well may occur on-site and may be discovered during construction of this alternative, which would require adherence to MM HAZ-1. The level of impacts would be less than significant with mitigation incorporated, which would be the same as the proposed project. Therefore, similar to the proposed project, impacts would be less than significant with mitigation incorporated under this alternative.

### Hydrology and Water Quality

The proposed project's impacts related to hydrology and water quality would be less than significant (see Section 3.10, Hydrology and Water Quality). Under this alternative, the addition of new impervious surfaces would be the same as the proposed project, and associated improvements such as stormwater drainage would be similar to the proposed project. Impacts related to hydrology, stormwater runoff and drainage, water quality, groundwater recharge and depletion, or flooding would be similar to the proposed project. Thus, hydrology and water quality impacts or improvements under this alternative would be less than significant, which is similar to the proposed project.

### Land Use and Planning

The proposed project's impacts related to land use and planning would be less than significant, and the proposed project would meet many of the project objectives, including of applying the goals and policies of the General Plan (see Section 3.11, Land Use and Planning).

This alternative would not fully meet the project objectives related to land use and planning. Although this alternative would be consistent with the project objective of applying the goals and policies of the General Plan, which focuses on developing employment opportunities and expanding the City's industrial base, this alternative would not fully implement the General Plan's land use vision because it would not implement the site of the proposed project for industrial and light industrial uses. Instead, it would develop on an alternate site that would require a General Plan Amendment to re-designate a portion of the site as Light Industrial for the proposed associated commercial uses conditionally allowed under Light Industrial. "General Plan consistency" is an important factor. CEQA case law is clear that EIRs for proposed private projects consistent with governing General Plan designations generally need not address alternative sites, given that such existing General Plan designations embody policy decisions already made by governing city councils and boards of supervisors. "[T]he keystone of regional planning is consistency—between the general plan, its internal elements, subordinate ordinances, and all derivative land use decisions." *(Citizens of Goleta Valley v. Board of Supervisors (1990)* 52 Cal.3d 553, 572.) "Case-by-case reconsideration of regional land use policies, in the context of a project-specific EIR, is the very antithesis of that goal." (*Id.* at p. 573.) "[A]n EIR is not ordinarily an occasion for the reconsideration or overhaul of fundamental land use policy." *(Ibid.)*

Therefore, this alternative would result in slightly increased land use and planning impacts as compared to the proposed project. However, with a General Plan Amendment, impacts under this alternative would still be considered less than significant, which is similar to the proposed project.

### Noise

Under the proposed project, mitigation would be required to reduce impacts from noise-generating equipment associated with the drive-through carwash during operation of the proposed project, as well as noise impacts from potential conflicts between noise-generating operations and noise-sensitive receptors. However, impacts related to off-site mobile source operational noise impact from traffic generation would be significant and unavoidable.

Under Alternative 3, on-site construction activities would be located farther from surrounding sensitive land uses (i.e., residences), meaning that construction-related noise impacts from on-site activities would be slightly less than the proposed project and similarly less than significant. Off-site construction noise impacts from sources such as haul trucks would be similar to the proposed project and less than significant because haul trucks and other vehicles would likely utilize the same roadways as they would for the proposed project.

However, because Alternative 3 would result in a similar number of new vehicle trips as the proposed project, it would have similar impacts on roadside noise levels in the vicinity of the project site, and mobile source operational impacts would therefore remain significant and unavoidable. Overall, the level of impacts would be similar to the proposed project.

This alternative would meet the project objectives related to placement of industrial uses to avoid locating industrial buildings in close proximity to residential uses and other sensitive receptors, which would have the benefit of limiting noise impacts to residences and other noise-sensitive receptors.

## Public Services

The proposed project's impacts to public services would be less than significant (see Section 3.13, Public Services). Because of the similar scale and size of development under this alternative, as well as the close proximity to the proposed project site, the demand for public services would be similar to the proposed project under this alternative. Development under this alternative would generate a similar demand for public services, which would be considered a less than significant impact. Therefore, impacts under this alternative would be similar to the proposed project.

This alternative would not fully meet the project objectives related to public services. Although it would meet the project objectives of providing buildings that meet contemporary industry standards and providing industrial uses with ready access to available infrastructure, this alternative would not meet the project objective of applying the land use vision that is contemplated for the proposed project site.

## Transportation and Traffic

The proposed project's transportation impacts would be less than significant with mitigation incorporated. Mitigation would include the preparation and implementation of a construction traffic control plan that would reduce the potential for construction vehicle conflicts with other roadway users, as well as funding the addition of two flashing beacons/solar panels to be mounted on existing stop signs at the intersection, installing new STOP pavement markings and limit lines for the northbound and southbound approaches, and funding the addition of an advance intersection warning sign for the eastbound and westbound approaches.

With development of a similar project on an alternate site, transportation impacts would occur from construction (vehicles and equipment, which would require a Traffic Control Plan) and operation (vehicles associated with the residential and commercial development). Since Alternative 3 would be of similar size and scale to the proposed project, impacts are determined to be similar to the proposed project. Additionally, similar to the proposed project, the alternate site would be adjacent to Riggin Avenue, which would likely result in similar impacts as the proposed project regarding construction traffic and roadway safety, and mitigation would need to be implemented. Implementation of MM TRANS-1 through MM TRANS-9, MM TRANS-10a, MM TRANS-10b, and MM TRANS-11 would reduce impacts related to circulation system, VMT, hazards, and emergency access. Although the specific mitigation measures would be modified due to the alternate location, this alternative would not substantially reduce transportation impacts and would not eliminate the need for mitigation measures to reduce potential impacts related to construction vehicles and safety. Therefore, impacts would be less than significant with mitigation incorporated, which is similar to the proposed project.

This alternative would meet the project objectives related to transportation, such as creating local employment opportunities to reduce the commute for regional residents and placing industrial facilities close to major transportation corridors.

### Utilities and Service Systems

The proposed project's impacts to utility and service systems would be less than significant with mitigation incorporated (see Section 3.15, Utilities and Service Systems). Under this alternative, the location of the project would change, but the infrastructure improvements to utilities would still be developed to serve the alternate project site, which is currently undeveloped. Because the project would be of similar scale and size, the demand for wastewater and solid waste collection service systems would be similar under this alternative. Furthermore, development under this alternative would demand the same amount of water as the proposed project and would therefore be adequately served by the existing water system, and would not require the relocation or construction of new or expanded water facilities. Similar to the proposed project, development under this alternative would be required to adhere to MM UTIL-1, which would require that debris and waste generated shall be recycled to the extent feasible, allowing the development to be served by a landfill that contains sufficient capacity. Therefore, impacts under this alternative would be less than significant with mitigation incorporated, which is similar to the proposed project.

This alternative would only partially meet the project objectives related to utilities and service systems. Although it would meet the project objectives of providing buildings that meet contemporary industry standards, providing industrial uses with ready access to available infrastructure, it would not meet the project objective of building out the land use vision that is contemplated for the proposed project site.

### Wildfire

The proposed project would have no impacts related to wildfire (See Section 3.16, Wildfire). The project site is not located in a "Fire Hazard Severity Zone" nor is it located in an SRA or a "Very High Fire Hazard Severity Zone" in a local, State, or federal responsibility area. Under this alternative, there would be no change to the project site with regard to wildfire susceptibility. Thus, there would be no impact related to wildfire under this alternative, which is similar to the proposed project.

## 6.6.2 - Conclusion

Based on the above, this project alternative would not increase or decrease any impacts, but it would meet most of the project objectives. Alternative 3 would have similar impacts as compared to the proposed project regarding aesthetics, light, and glare; agricultural resources and forest resources; air quality; cultural resources and tribal cultural resources; energy; geology and soils; GHG emissions; hazards and hazardous materials; hydrology and water quality; land use and planning; noise; public services; transportation; utilities; and wildfire.

This alternative would result in marginal increases or decreases to several impacts, as well as a substantial reduction in noise impacts due to conflicts between noise generators and noise-sensitive receptors, but it would not reduce the overall level of impacts for any of the topical areas analyzed under Alternative 3 above. Biological resources impacts would be slightly greater due to the location relative to the Modoc Ditch.

Overall, this alternative would meet most of the project objectives. These include developing a mixed-use industrial park, placing industrial uses near the State Highway system, and developing

innovative industrial uses as part of the Central Valley supply chain and goods movement network, maximizing development of the site to generate increased revenue and economic development, and creating employment-generating businesses to reduce commuting and improve the jobs-to-housing balance, and applying the goals and policies of the General Plan, which focuses on developing light industrial and industrial uses. However, this alternative would not meet the project objective of building out the land use vision that is contemplated for the proposed project site.

Furthermore, the alternative site that was analyzed under Alternative 3 is not currently under the ownership of the Applicant, and the project applicant cannot reasonably acquire, control, or otherwise have access to the alternative site that was selected (CEQA Guidelines § 15126.6(f)(2)). Additionally, this property would require a General Plan Amendment and is therefore less consistent with the General Plan than the proposed project site.

Therefore, this alternative is environmentally inferior to the proposed project.

## 6.7 - Environmentally Superior Alternative

CEQA Guidelines Section 15126(e)(2) requires identification of an environmentally superior alternative. If the No Project Alternative is environmentally superior, CEQA requires selection of the "environmentally superior alternative other than the No Project Alternative" from among the project and the alternatives evaluated. The qualitative environmental effects of each alternative in relation to the proposed project are summarized in Table 6-1 below. As shown in Table 6-1, the No Project Alternative is the environmentally superior alternative, as future development within the planning area under the current General Plan and Zoning would result in fewer and less severe impacts.

**Table 6-1: Summary of Alternatives**

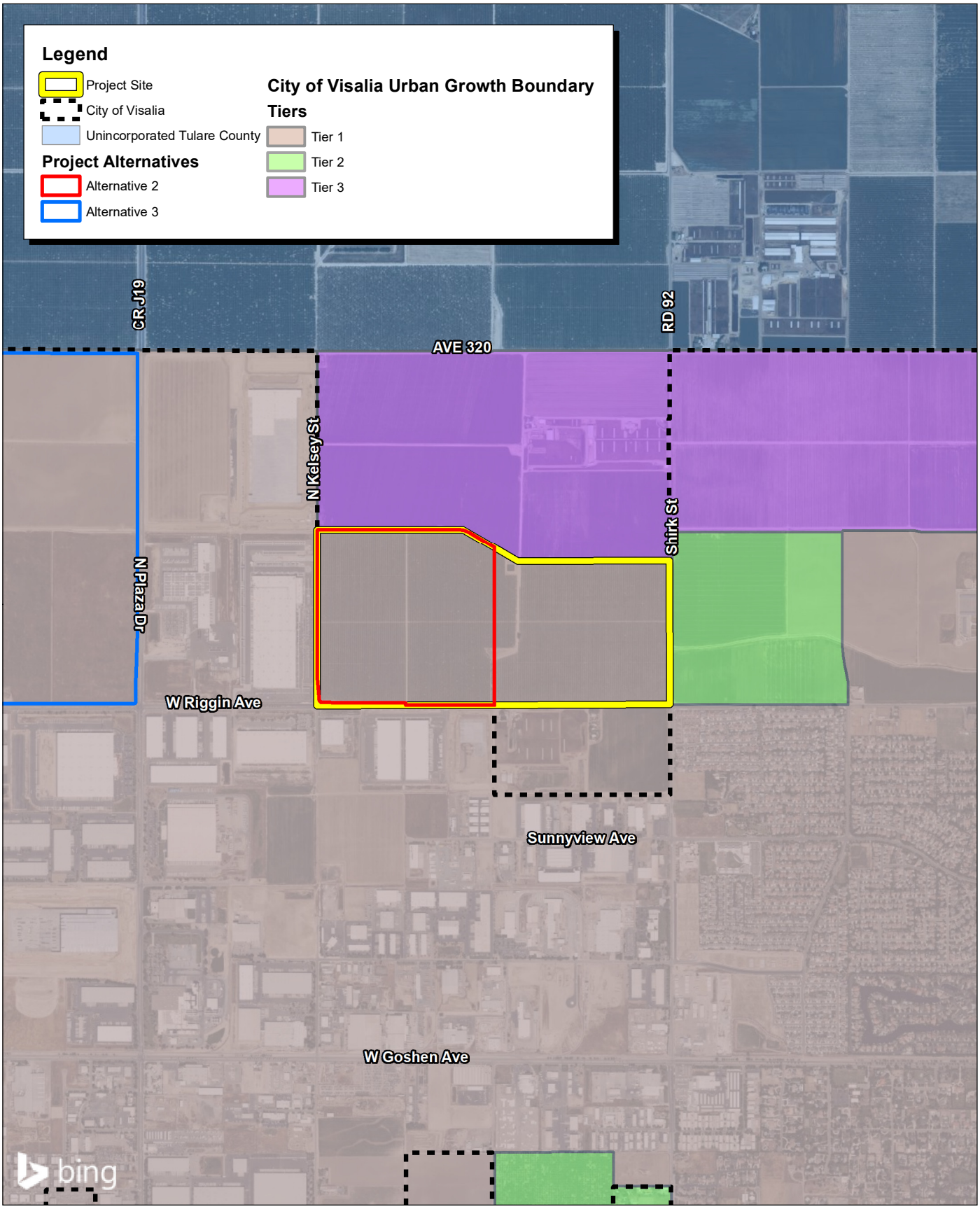
| Environmental Topic Area | No Project | Reduced Footprint | Alternate Location |
|---|---|---|---|
| Aesthetics, Light, and Glare | Lesser | Similar | Similar |
| Agricultural Resources and Forestry Resources | Lesser | Similar | Similar |
| Air Quality | Lesser | Similar | Similar |
| Biological Resources | Lesser | Similar | Greater |
| Cultural Resources and Tribal Cultural Resources | Lesser | Similar | Similar |
| Energy | Lesser | Similar | Similar |
| Geology and Soils | Lesser | Similar | Similar |
| Greenhouse Gas Emissions | Lesser | Similar | Similar |
| Hazards and Hazardous Materials | Lesser | Similar | Similar |
| Hydrology and Water Quality | Lesser | Similar | Similar |
| Land Use and Planning | Similar | Similar | Similar |
| Noise | Lesser | Lesser | Similar |
| Public Services | Lesser | Similar | Similar |
| Transportation | Lesser | Similar | Similar |

| Environmental Topic Area | No Project | Reduced Footprint | Alternate Location |
|---|---|---|---|
| Utilities and Service Systems | Lesser | Similar | Similar |
| Wildfire | Lesser | Similar | Similar |
| Source: FirstCarbon Solutions (FCS) 2023. | | | |

CEQA Guidelines Section 15126(e)(2) requires an EIR to identify an environmentally superior alternative. If the No Project Alternative is the environmentally superior alternative, the EIR must also identify an environmentally superior alternative from among the other alternatives.

Of the two remaining alternatives, the Reduced Footprint Alternative (Alternative 2) has the greatest potential to yield reductions in the severity of the proposed significant and unavoidable impacts because the significant and unavoidable off-site mobile source operational noise impacts from traffic generation would be reduced under this alternative. However, this alternative would not meet the project objectives of maximizing development of the site to generate increased revenue and economic development, and would only partially meet the project objective of creating employment-generating businesses to reduce commuting and improve the jobs-to-housing balance.

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Source: Bing Aerial Imagery. City of Visalia, March 2024.

FIRSTCARBON SOLUTIONS™

2,000 1,000 0 2,000 Feet

Exhibit 6-1
Project Alternatives - Site Boundary

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# CHAPTER 7: PERSONS AND ORGANIZATIONS CONSULTED/LIST OF PREPARERS

## 7.1 - Persons and Organizations Consulted

### 7.1.1 - CEQA Lead Agency

**City of Visalia**

***Planning Division***

Principal Planner..... Brandon Smith

***Economic Development Division***

Economic Development Manager ..... Devon Jones

***Community Development Department***

Community Development Director ..... Paul Bernal

**CEQA Consultant- QK**

Principal Planner..... Jaymie L. Brauer

### 7.1.2 - Other Agency Support

**State Agencies**

***California Department of Fish and Wildlife***

Regional Manager..... Julie Vance
Environmental Scientist..... Jaime Marquez

***Native American Heritage Commission***

Cultural Resources Analyst ..... Cameron Vela

***San Joaquin Valley Air Pollution Control District***

Director of Permit Services..... Brian Clements
Air Quality Specialist..... Michael Corder

## 7.2 - Project Sponsor and Project Consultants

### 7.2.1 - Seefried Industrial Properties

Vice President..... Bryan Frarey

### 7.2.2 - Kimley-Horn (Transportation Impact Analysis)

Project Engineer ..... Joe Schultz

### 7.2.3 - 4Creeks (Water Supply Assessment)

Assistant Planner ..... Nate Antepenko
Planner/Project Manager ..... Molly Baumeister

### 7.2.4 - Ninyo & Moore (Phase I and II Environmental Site Assessment and Geotechnical Report)

Senior Staff Geologist ..... Shayna Avila
Principal Environmental Operations Manager ..... Jeff Aguilar, PG
Principal Toxicologist ..... Heriberto Robles, MS, PhD, DABT

## 7.3 - City of Visalia Consultants

### 7.3.1 - FirstCarbon Solutions (Environmental Impact Report)

Project Director ..... Mary Bean
Project Manager ..... Yael Marcus
Project Manager ..... Tsui Li
Assistant Project Manager ..... Stephanie Shepard
Environmental Services Intern ..... Spencer Churchill
Legal Counsel ..... Megan Starr, JD
Director of Cultural Resources ..... Dana DePietro, PhD, RPA
Archaeologist ..... Stefanie Griffin
Director of Noise and Air Quality ..... Phil Ault, LEED® AP
Senior Air Quality Scientist ..... Kimber Johnson
Senior Noise and Air Quality Scientist ..... Noah Tanski
Air Quality Associate ..... Spencer Pignotti
Senior Biologist ..... Robert Carroll
Intern ..... Kelly Evans
Publications Manager ..... Susie Harris
Publications Coordinator ..... Alec Harris
Document Specialist ..... Melissa Ramirez
GIS/Graphics ..... Karlee McCracken
GIS Specialist ..... Sebastian Macias

### 7.3.2 - FirstCarbon Solutions Subconsultants

#### South Environmental (Jurisdictional Delineation)

Principal Biologist ..... Matthew R. South, CWB

# FINAL
# Environmental Impact Report
# Shirk and Riggin Industrial Project
# City of Visalia, Tulare County, California

## State Clearinghouse Number 2022080658

Prepared for:
**City of Visalia**
315 E. Acequia Avenue
Visalia, CA 93291
559.713.4636

Contact: Brandon Smith, Principal Planner

Prepared by:
**FirstCarbon Solutions**
7726 N. First Street, #413
Fresno, CA 93720
714.508.4100

Contact: Mary Bean, Project Director
Yael Marcus, Project Manager

Report Date: January 17, 2025

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# SECTION 1: INTRODUCTION

The City of Visalia (City) is the Lead Agency for the Environmental Impact Report (EIR) (State Clearinghouse No. 2022080658) for the Shirk and Riggin Industrial Project (proposed project). In accordance with California Environmental Quality Act (CEQA) Guidelines Sections 15084 and 15087, the City prepared the Shirk and Riggin Industrial Project Draft Environmental Impact Report and appendices attached thereto (collectively, Draft EIR) and circulated the Draft EIR for public review in full compliance with CEQA Guidelines. The Draft EIR identifies significant effects on the environment which may occur as a result of implementation of the proposed project. After circulating the Draft EIR for the required 45-day public review and comment period, and pursuant to CEQA Guidelines Section 15088, the City has evaluated the comments received on the Draft EIR and prepared this Final Environmental Impact Report (Final EIR).

Pursuant to CEQA Guidelines Section 15132, this Final EIR includes: a list of persons, organizations, and agencies that provided comments on the Draft EIR during the public review and comment period that ran from April 11, 2024, to May 28, 2024; the Responses to Comments containing the responses to the comments received regarding the Draft EIR; an Errata containing revisions to the Draft EIR; and a Mitigation Monitoring and Reporting Program (MMRP) for the purpose of ensuring the enforceability of the identified mitigation measures to be utilized by the City of Visalia in connection therewith. This document is organized into three sections:

- **Section 1—Introduction.** Provides an introduction to the Final EIR.
- **Section 2—Responses to Written Comments.** Provides a list of the agencies, organizations, and individuals who commented on the Draft EIR. Copies of all of the letters received regarding the Draft EIR, annotated with numbered comments, and responses thereto are included in this section.
- **Section 3—Errata.** Includes an addendum listing refinements and clarifications on the Draft EIR which have been incorporated.

The Final EIR consists of, collectively, the following contents:

- Draft EIR (provided under separate cover)
- Draft EIR Appendices (provided under separate cover)
- Introduction and Responses to Written Comments on the Draft EIR (Sections 1 and 2 of this document)
- Errata (Section 3 of this document)
- Mitigation Monitoring and Reporting Program (provided under separate cover)

The EIR consists, collectively, of the Draft EIR and the Final EIR.

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# SECTION 2: RESPONSES TO WRITTEN COMMENTS

## 2.1 - List of Commenters

A list of public agencies, organizations, and individuals that provided comments during the public review period, which ran from April 11, 2024, to May 28, 2024, on the Shirk and Riggin Industrial Project Draft EIR (Draft EIR) is presented below. Each comment has been assigned a code. Individual comments within each communication have been numbered so comments can be cross-referenced with responses. Following this list, the text of the communication is reprinted and followed by the corresponding response.

After the close of the public comment period, two additional comment letters were received. A letter from the California Department of Fish and Wildlife (CDFW) was received by the City of Visalia (City) on June 4, 2024, and a letter from the San Joaquin Valley Air Pollution Control District (SJVAPCD) was received on June 6, 2024. Although not required to do so under California Environmental Quality Act (CEQA) Guidelines, the City chose to respond to these late comment letters as though they had been submitted during the regular public comment period. Accordingly, although the City is not required to provide a written response to late comment letter(s), the City has elected to respond, but without waiving its position that written responses to late comment letters are not required by law.

**Commenter** **Commenter Code**

### State Agencies

California Department of Conservation ..... CDOC

### Organizations

Advocates for the Environment ..... AFTE
Golden State Environmental Justice Alliance ..... GSEJA
Laborers International Union of North America, Local 294 ..... LIUNA
Carpenters Union Local 1109 ..... LOCAL1109

### Comments Received after the May 29, 2024 Close of Public Comment Period

California Department of Fish and Wildlife ..... CDFW
San Joaquin Valley Air Pollution Control District ..... SJVAPCD

# 2.2 - Response to Comments

## 2.2.1 - Introduction

In accordance with CEQA Guidelines Section 15088, the City of Visalia, as the Lead Agency, evaluated the comments received on the Draft EIR (State Clearinghouse [SCH] No. 2022080658) for the Shirk and Riggin Industrial Project (proposed project) and has prepared the following responses to the comments received. This Response to Comments document becomes part of the Final EIR for the proposed project in accordance with CEQA Guidelines Section 15132.

## 2.2.2 - Comment Letters and Responses

The comment letters reproduced in the following pages follow the same organization as used in the List of Commenters.

CEQA requires recirculation of a Draft EIR when the Lead Agency adds "significant new information" to an EIR after public notice is given of the availability of a Draft EIR for public review, but before EIR certification (CEQA Guidelines § 15088.5). Recirculation is not required unless the EIR is changed in a way that would deprive the public of the opportunity to comment on significant new information, including a new significant impact for which no feasible mitigation is available to fully mitigate the impact (thus resulting in a significant and unavoidable impact), a substantial increase in the severity of a disclosed environmental impact, or development of a new feasible alternative or mitigation measures that would clearly lessen environmental impacts but which the project proponent declines to adopt (CEQA Guidelines § 15088.5(a)). Recirculation is not required where the new information added to the EIR merely clarifies or amplifies or makes insignificant modifications in an adequate EIR (CEQA Guidelines § 15088.5(b)).

These responses to comments include discussion providing clarification, amplification and/or minor modifications to specific environmental analyses. Neither the clarifications, amplifications, nor modifications constitute "significant new information" requiring recirculation of the Draft EIR pursuant to CEQA Guidelines Section 15088.5.

MAY 16, 2024

VIA EMAIL: BRANDON.SMITH@VISALIA.CITY
CITY OF VISALIA
ATTN: BRANDON SMITH, PRINCIPAL PLANNER
315 E. ACEQUIA AVENUE
VISALIA, CA 93291

Dear Mr. Smith:

ENVIRONMENTAL IMPACT REPORT FOR THE SHIRK AND RIGGIN INDUSTRIAL PROJECT, SCH# 2022080658

The Department of Conservation's (Department) Division of Land Resource Protection (Division) has reviewed the Environmental Impact Report for the Shirk and Riggin Industrial Project (Project).

The Division monitors and maps farmland conversion on a statewide basis, provides technical assistance regarding the Williamson Act, and administers various agricultural land conservation programs. Public Resources Code, section 614, subdivision (b) authorizes the Department to provide soil conservation advisory services to local governments, including review of CEQA documents.

Protection of the state's agricultural land resources is part of the Department's mission and central to many of its programs. The CEQA process gives the Department an opportunity to acknowledge the value of the resource, identify areas of Department interest, and offer information on how to assess potential impacts or mitigation opportunities. 1

The Department respects local decision-making by informing the CEQA process, and is not taking a position or providing legal or policy interpretation.

We offer the following comments for consideration with respect to the project's potential impacts on agricultural land and resources within the Department's purview.

PROJECT ATTRIBUTES

The project applicant proposes to convert existing agricultural lands and develop the approximately 284-acre project site into an industrial park, consisting of eight industrial buildings used for warehouse, distribution, and light manufacturing; six flex industrial buildings; two drive-through restaurants; a convenience store; a recreational vehicle and self-storage facility; gas station; and a car wash.

The project site would include sufficient amounts of trailer stalls and car parking stalls to serve the proposed uses in accordance with applicable City requirements. The proposed project would also involve necessary infrastructure and improvements sufficient to serve the proposed uses. These would include detention basins on the east, west, and central portions of the project site and other necessary stormwater facilities to be sized and installed in accordance with all applicable requirements and standards. The project site contains Prime Farmland as designated by DOC's Farmland Mapping and Monitoring Program.

1 CONT

PROJECT CONSIDERATIONS

The conversion of agricultural land represents a permanent reduction and impact to California's agricultural land resources. The Department generally advises discussion of the following in any environmental review for the loss or conversion of agricultural land:

- Type, amount, and location of farmland conversion resulting directly and indirectly from implementation of the proposed project.
- Impacts on any current and future agricultural operations in the vicinity; e.g., land-use conflicts, increases in land values and taxes, loss of agricultural support infrastructure such as processing facilities, etc.
- Incremental impacts leading to cumulative impacts on agricultural land. This would include impacts from the proposed project, as well as impacts from past, current, and likely future projects.
- Proposed mitigation measures for impacted agricultural lands within the proposed project area.

2

MITIGATING AGRICULTURAL LAND LOSS OR CONVERSION

Consistent with CEQA Guidelines, the Department advises that the environmental review address mitigation for the loss or conversion of agricultural land. An agricultural conservation easement is one potential method for mitigating loss or conversion of agricultural land. (*See* Cal. Code Regs., tit. 14, § 15370 [mitigation includes "compensating for the impact by replacing or providing substitute resources or environments, including through permanent protection of such resources in the form of conservation easements."]; *see also King and Gardiner Farms, LLC v. County of Kern* (2020) 45 Cal.App.5th 814.)

3

Mitigation through agricultural conservation easements can take at least two forms: the outright purchase of easements or the donation of mitigation fees to a local, regional, or statewide organization or agency whose purpose includes the acquisition and stewardship of agricultural easements. The conversion of agricultural land may be viewed as an impact of at least regional significance. Hence, the search for replacement lands may not need to be limited strictly to lands within the project's surrounding area. A helpful source for regional and statewide agricultural mitigation banks is the California Council of Land Trusts. They provide helpful insight into farmland

mitigation policies and implementation strategies, including a guidebook with model policies and a model local ordinance. The guidebook can be found at:

California Council of Land Trusts

Of course, the use of conservation easements is only one form of mitigation, and the Department urges consideration of any other feasible measures necessary to mitigate project impacts. 3 CONT

Thank you for giving us the opportunity to comment on the Environmental Impact Report for the Shirk and Riggin Industrial Project. Please provide the Department with notices of any future hearing dates as well as any staff reports pertaining to this project. If you have any questions regarding our comments, please contact Farl Grundy, Associate Environmental Planner via email at Farl.Grundy@conservation.ca.gov. 4

Sincerely,

Monique Wilber

Monique Wilber

Conservation Program Support Supervisor

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## State Agencies

### *California Department of Conservation (CDOC)*

*Comment CDOC-1*
The CDOC notes their role as a Trustee Agency for agricultural resources and a Responsible Agency under CEQA. The commenter also summarizes the project's proposed entitlements and project description. It does not raise any specific project-related environmental issues under CEQA and therefore no response is required.

*Response to CDOC-1*
The comment has been noted for the record and revisions to the Draft EIR are not necessary.

*Comment CDOC-2*
The comment states that the conversion of agricultural land represents a permanent reduction and impact to California's agricultural land resources and sets forth CDOC's general recommendations for four discussion items in environmental review when there is loss or conversion of agricultural land.

*Response to CDOC-2*
The Draft EIR addresses all discussion items recommended for consideration by CDOC. As discussed further below and in the Draft EIR, there is a description of existing agricultural resources on the project site and its surrounding area and potential environmental effects resulting from the proposed project. Descriptions and analyses in Section 3.2, Agricultural Resources and Forestry Resources, were based, in part, on information contained in the City of Visalia General Plan (General Plan), the Land Evaluation and Site Assessment for the project site (Draft EIR Appendix G), and CDOC Farmland Mapping and Monitoring Program (FMMP) maps.

Specifically, the Draft EIR addresses the four discussion items listed in the comment as described below.

- *Type, amount, and location of farmland conversion resulting directly and indirectly from implementation of the proposed project*.
  - The Draft EIR, Section 3.2, Agricultural Resources and Forestry Resources, Impact AG-1, discloses the amount of Prime Farmland that would be converted with the development of the proposed project (both directly and indirectly) and specifically discussed the type, amount and location of farmland conversion from the proposed project. For example, the Draft EIR explains that the project site is in current agricultural use, and that almost the entire 284-acre project site (except for approximately 0.31 acre that is designated "Other Land" under the FMMP) is considered Prime Farmland. The Draft EIR also described at length the amount of agricultural land within the City and its Planning Area that would be converted to nonagricultural uses at full buildout of the General Plan vision. Furthermore, it noted areas within the County that are north, east and south of the project site that are designated for agricultural uses that could conceivably be converted in the future for urban uses.

    In addition, the Draft EIR explained the City's approach to growth, which focuses on ensuring that growth occurs in a compact and concentric fashion through the implementation of the General Plan's phased growth strategy. The General Plan Land Use

Diagram establishes three growth rings to accommodate estimated City population for the years 2020 and 2030. The Urban Development Boundary (UDB) Tier I shares its boundaries with the 2012 city limits. Within Tier I, annexation and development of residential, commercial, and industrial land is allowed to occur at any time, consistent with the City's Land Use Diagram. The project site is located within Tier 1 of the UDB and is designated as Light Industrial and Industrial under the General Plan.

The comment has been noted for the record and revisions to the Draft EIR are not necessary.

- *Impacts on any current and future agricultural operations in the vicinity; e.g., land use conflicts, increases in land values and taxes, loss of agricultural support infrastructure such as processing facilities,* etc.
  - Section 3.2, Agricultural Resources and Forestry Resources, addresses whether the proposed project would involve other changes in the existing environment which, due to their location or nature, could result in conversion of Farmland to nonagricultural uses, and confirms there would be less than significant impacts in this regard. The conversion of the project site from agricultural land to urban uses would be localized to the project site and would not significantly and adversely affect other agricultural operations in the area by, for example, causing land use conflicts, eliminating agricultural support infrastructure, etc. In part, this is due to the City's phased approach to growth, which is focused on directing growth to appropriate locations, thereby balancing various land uses with well-planned supporting infrastructure within compact, concentric rings.

    Moreover, as discussed in detail in the Draft EIR, the County Board of Supervisors confirmed the above conclusions in its findings when it voted to allow for the cancellation of the project site's Williamson Act Contract.[1] Specifically, the Board found, among other things, that cancellation:
    - is not likely to result in the removal of adjacent lands from agricultural use;
    - is for an alternate use that is consistent with the adopted General Plan; and
    - will not result in discontinuous patterns of urban development.

The comment has been noted for the record and revisions to the Draft EIR are not necessary.

- *Incremental impacts leading to cumulative impacts on agricultural land. This would include impacts from the proposed project, as well as impacts from past, current, and likely future projects*.
  - The Draft EIR, Section 3.2 Agricultural Resources and Forestry Resources, includes a discussion of cumulative impacts as required under CEQA. As a preliminary matter, the Draft EIR discusses the analysis contained in the General Plan EIR, which recognized that implementation of the General Plan vision, including the development of lands designated for Industrial and Light Industrial uses such as the project site, would result in significant and

[1] The project site is encumbered by a Williamson Act Contract. The landowner moved forward with cancellation proceedings under State law. To that end, the landowner obtained approval, subject to compliance with certain conditions, from the Board of Supervisors of Tulare County to remove the project site from the subject County Agricultural Preserve No. 0293 and to tentatively cancel the contract (WAC No. 2880) pursuant to Government Code Sections 51281 and 51282 on November 29, 2022 (see Tulare County Board of Supervisors Resolution No. 2022-1005, attached as Appendix G2 to the Draft EIR).

unavoidable impacts related to the conversion of agricultural resources to urban uses for which there was no feasible mitigation. Accordingly, this impact has already been fully disclosed as set forth in the certified General Plan EIR. Nevertheless, for purposes of a conservative analysis, the Draft EIR addressed the proposed project's individual and cumulative impacts with respect to the agricultural resources. In terms of cumulative impacts, this discussion acknowledged that the conversion of agricultural land associated with the project, combined with other past, present and reasonably foreseeable future projects within the identified geographic scope (i.e., City's Planning Area), would constitute a significant cumulative impact. The Draft EIR then concluded that the proposed project would result in a cumulatively considerable contribution to this significant cumulative impact related to conversion of Prime Farmland to urban uses. Finally, the Draft EIR, consistent with the General Plan EIR, determined there was no feasible mitigation to reduce this cumulative impact to less than significant (as discussed further below).

The comment has been noted for the record and revisions to the Draft EIR are not necessary.

- *Proposed mitigation measures for impacted agricultural lands within the proposed project area*.
  - The Draft EIR considers and evaluates potential mitigation strategies to feasibly avoid or reduce the identified significant impact. Ultimately, for the reasons set forth below and in the Draft EIR, it concludes that no feasible mitigation measure(s) are available and thus determines that the proposed project would result in significant unavoidable impacts related to the loss of agricultural land and conversion of Prime Farmland to urban uses. The foregoing is consistent with the impact conclusions set forth in the General Plan EIR as a result of the long- envisioned buildout under the General Plan.

    The comment has been noted for the record the Lead Agency is of the opinion that potential project impacts related to biological resources have been fully disclosed, adequately analyzed and appropriately mitigated to the extent feasible under CEQA, therefore no further analysis or revisions are required.

*Comment CDOC-3*
The commenter states that the Draft EIR should address mitigation for the loss or conversion of agricultural land and explains that an agricultural conservation easement is one potential mitigation option, which can take at least two forms: either as purchase of easement or donation of mitigation fees to an appropriate entity. The commenter further states that conversion of agricultural land may be viewed as an impact of at least regional significance, and thus the search for replacement lands may not need to be limited strictly to lands within the project's surrounding area and then references resources for regional or Statewide mitigation banking strategies. The comment also notes that the use of conservation easements is only one form of mitigation and urges consideration of any other feasible measures necessary to mitigate project impacts.

*Response to CDOC-3*
As disclosed in the Draft EIR and in Response to CDOC-2 above, the proposed project would result in the conversion of Prime Farmland to urban uses, which would constitute a significant impact. As the Draft EIR explains, the project site is located within Tier 1 of the UDB, which is contiguous with the

City's municipal boundaries and is designated as Light Industrial and Industrial under the General Plan. Within Tier I, "annexation and development of residential, commercial, and industrial land is allowed to occur at any time, consistent with the City's Land Use Diagram" (General Plan Policy LU-P-20). Development of the proposed project would help to implement the long-planned vision for the City; the General Plan recognizes the need to convert Important Farmland (such as the project site) to urban uses to accomplish a balance of land uses, which would be achieved by providing for ". . . an orderly and efficient transition from rural to urban land uses" consistent with General Plan Policy LU-0-12.

Given the competing interests of (1) the City's goal to implement full buildout of its General Plan land use vision with a balance of uses, while (2) taking into appropriate consideration the importance of agricultural resources, General Plan Policy LU-P-34 requires the City to create and adopt a mitigation program via adoption of an Agricultural Preservation Ordinance to address the conversion of Prime Farmland and Farmland of Statewide Importance in Tiers II and III of the UDB. While this policy identifies specific requirements for properties located in Tiers II and III, it specifically exempts lands located in Tier I from these mitigation requirements. This makes sense because of the City's concentric growth pattern strategy, which prioritizes conversion of agricultural lands that are closest to the City's municipal boundaries. Development in this fashion will help to maintain the maximum amount of contiguous Important Farmland, avoiding "patchwork" easements and dispersed development in a manner that cannot be guaranteed through the requirement of purchasing agricultural easements.

The City adopted the above-referenced Agricultural Preservation Ordinance (Title 18 of Municipal Code) in May 2023. Pursuant to General Plan Policy LU-P-34, it would contain a specific exemption for lands within Tier 1, such as the project site. Accordingly, as disclosed in the Draft EIR, there is no available legally feasible mechanism for the City to impose mitigation requiring the acquisition of an off-site conservation easement, payment of in lieu funding for same, or some other unspecified mitigation. Therefore, the Draft EIR properly determined this impact would be significant and unavoidable.

Several factors must be considered in determining the feasibility of potential mitigation for the conversion of agricultural lands. First, an off-site conservation easement (or funding for same) does not create new farmland to replace the agricultural lands being converted and thus does not offset the loss of farmland resulting from the subject project (e.g., *King & Gardiner Farms, LLC v. County of Kern* (2020) 45 Cal.App.5th 814, 875). While a 2018 amendment to CEQA Guidelines Section 15370(e) added language indicating permanent protection of resources "in the form of conservation easements" can provide compensatory mitigation, the amendment does not explain how and to what extent such a measure might be viewed as offsetting or reducing the loss of farmland that results when it is converted to another use. Thus, the legal propriety of a lead agency finding that requiring an off-site conservation easement (or funding in lieu thereof) as mitigation is sufficient to "avoid," "minimize," or "substantially lessen" the impact to farmland that results when it is developed remains potentially unclear, particularly to the extent such reliance is intended to reduce the impact to less than significant (PRC §§ 21002, 21100(b)(3), and 21081(a)(1); CEQA Guidelines §§ 15091(a)(1) and 15092(b)(2)).

As stated in the Draft EIR Section 3.2 Agricultural Resources and Forestry Resources page 3.2-10, the City adopted its Agricultural Preservation Ordinance (APO) on May 15, 2023, in order to implement an Agricultural Mitigation Program (as outlined in General Plan Policy LU-P-34). As stated in the Draft EIR pages 3.2-10–3.2-12, Policy LU-P-34 [and the subsequently adopted APO] explicitly exempts conversions of agricultural lands located in UDB Tier I, such as the project site, from the mitigation program. Therefore, the mitigation program required in LU-P-34, and included in the APO, is not applicable to the proposed project. Although implementation of policies in the General Plan would reduce some agricultural impacts for General Plan buildout, over 14,000 acres of the existing Important Farmland would be lost. Therefore, the General Plan EIR determined that conversion of farmland from General Plan buildout would be significant and unavoidable.

Although previously addressed in the certified General Plan EIR, for purposes of a comprehensive and conservative analysis, the Draft EIR acknowledged that the proposed project would result in the loss of Prime Farmland as a result of the construction of the proposed urban uses. Furthermore, despite the fact this conversion was already evaluated and disclosed as part of the General Plan EIR, this Draft EIR conservatively concludes that the proposed project would result in significant and unavoidable impacts related to the conversion of Farmland. Because Policy LU-P-34 [and the adopted APO] does not apply to Tier 1 lands and further because there is no adopted APO, there is no feasible method to mitigate the loss of this Important Farmland. However, as noted in the Draft EIR, the project site has long been identified for conversion to urban uses.

Public agencies may use their discretionary powers granted by laws other than CEQA to mitigate environmental impacts. CEQA does not, however, expand the powers granted by other laws or otherwise confer an independent grant of authority to impose mitigation measures on a project. When imposing mitigation for a project's significant environmental effects, a public agency may only exercise those powers provided by legal authority independent of CEQA (PRC § 21004). The CEQA Guidelines specify that CEQA does not grant new or independent powers to public agencies (CEQA Guidelines § 15040). Accordingly, an agency's exercise of discretionary powers must be within the scope of the power granted by laws and be consistent with express or implied limitations (CEQA Guidelines § 15040(d),(e)). Mitigation measures that are beyond the powers conferred by law on lead agencies are legally infeasible. Accordingly, here, because the City has not yet adhered to the specific procedural requirements necessary under the law to authorize imposition of such mitigation (i.e., lawfully adopting an APO that applied to the project site), it has no separate and independent authority to require conservation easements or mitigation fees in lieu thereof (e.g., *Pinewood Investors v. City of Oxnard* (1982) 133 Cal.App.3d 1030, 1040; court help that a requirement to pay an increased sewer fee was not authorized by CEQA, noting that a city's general police power did not override specific procedural limitations on sewer fees.)

In summary, although previously addressed in the certified General Plan EIR, for purposes of a comprehensive and conservative analysis, this Draft EIR evaluated the proposed project's impact on agricultural resources and disclosed that it would result in the loss of Prime Farmland as a result of the construction of the proposed urban uses. Furthermore, despite the fact this conversion was already evaluated and disclosed as part of the General Plan EIR, this Draft EIR conservatively concluded that the proposed project would result in significant and unavoidable impacts related to the conversion of Farmland. Because, however, Policy LU-P-34 does not apply to Tier 1 lands; and

further, because there is no adopted APO, there is no legally feasible method to mitigate the loss of this Prime Farmland. However, as noted above, the project site has long been identified for conversion to urban uses. This reflects the City's overall land use strategy that ensures the areas identified for growth are contiguous to existing development and to each other, and policies clearly require sequencing of growth so that minimal fragmentation of agricultural land will occur. The General Plan's three-tier growth management system reinforces the City's compact form, minimizing the interface between farming and urban uses. The General Plan establishes greenbelt buffers along the urban edge in some places, while providing requirements for buffering and screening of private development elsewhere. Furthermore, the City's urbanized land use vision for the project site vicinity is evident in that the adjacent surrounding uses consist of industrial uses such as nearby existing distribution center/hub. However, as discussed above, impacts would be significant and unavoidable and no feasible mitigation is available.

The comment has been noted for the record and revisions to the Draft EIR are not necessary.

*Comment CDOC-4*
The concluding paragraph includes a request to be notified of future hearings and staff reports for this project.

*Response to CDOC-4*
The comment has been noted for the record and revisions to the Draft EIR are not necessary.

May 10, 2024

**Advocates for the Environment**

A non-profit public-interest law firm
and environmental advocacy organization



Brandon Smith
Principal Planner
City of Visalia
315 E. Acequia Avenue,
Visalia, CA 93291

Via U.S. Mail and email to brandon.smith@visalia.city

Re: Comments on the Draft Environmental Impact Report for Shirk & Riggin Industrial Park Project, SCH No. 2022080658

Dear Mr. Smith:

Advocates for the Environment submits the comments in this letter regarding the proposed Shirk & Riggin Industrial Park Project (**Project**), located near the intersection of North Shirk Street and West Riggin Avenue in the City of Visalia (**City**). This Project proposes to convert agricultural land to an industrial park with eight warehouse buildings, six flex industrial buildings, two drive-through restaurants, a convenience store, a recreational vehicle, self-storage facility, and a car wash, for a total of 3,820,000 square feet. 1

We are a non-profit public-interest law firm that uses environmental law to fight to improve the environment in California. We have reviewed the Environmental Impact Report (**EIR**) released in April 2024 and submit comments regarding the sufficiency of the EIR's Greenhouse-Gas (**GHG**) analysis under the California Environmental Quality Act (**CEQA**).

## *The City Should Require the Project to be Net-Zero*

Given the current regulatory context and technological advancements, a net-zero significance threshold is feasible and extensively supportable. GHG emissions from buildings, including indirect emissions from offsite generation of electricity, direct emissions produced onsite, and from construction with cement and steel, amounted to 21% of global GHG emissions in 2019. (IPCC Sixth Assessment Report, Climate Change 2022, WGIII, Mitigation of Climate Change, p. 9-4.) This is a considerable portion of global GHG emissions. 2

It is much more affordable to construct new building projects to be net-zero than to obtain the same level of GHG reductions by expensively retrofitting older buildings to comply with climate change regulations. Climate damages will keep increasing until we reach net zero GHG emissions, and there is a California state policy requiring the state to be net-zero by 2045. It therefore is economically unsound to construct new buildings that are not net-zero.

Environmental groups have achieved tremendous outcomes by litigation under CEQA. Two of the largest mixed-use development projects in the history of California, Newhall Ranch (now FivePoint Valencia), and Centennial (part of Tejon Ranch) decided to move forward as net-zero communities after losing CEQA lawsuits to environmental groups. The ability for these large projects to become net-zero indicates that it is achievable, even for large-scale developments. The Applicant for this Project should do the same. 2 CONT

We urge the City to adopt net-zero as the GHG significance threshold for this project. This threshold is well-supported by plans for the reduction of GHG emissions in California, and particularly the CARB Climate Change Scoping Plans. The CARB 2017 Scoping Plan states that "achieving no net additional increase in GHG emissions, resulting in no contribution to GHG impacts, is an appropriate overall objective for new development." (CARB 2017 Scoping Plan, p. 101.) Additionally, the CARB 2022 Scoping Plan reaffirms the necessity of a net zero target by expressing: "it is clear that California must transition away from fossil fuels to zero-emission technologies with all possible speed … in order to meet our GHG and air quality targets." (CARB 2022 Scoping Plan, p. 184.) CARB further encourages a net-zero threshold in its strategies for local actions in Appendix D to the 2022 Scoping Plan. (CARB 2022 Scoping Plan, Appendix D p. 24-26.) 3

Moving this Project forward as a net-zero project would not only be the right thing for the City to do, but also would also help protect the City and the Applicant from CEQA GHG litigation.

## CEQA GHG Significance Analysis

The EIR derived its GHG significance thresholds from the CEQA Appendix G Guidelines and concluded that the Project would have a potentially significant impact because the Project could conflict with applicable plans, policies, and regulations for the reduction of GHG emissions. (EIR, p. 3.8-50.) The EIR used CalEEMod to quantify the Project's operational emissions at 63,290 metric tons carbon dioxide equivalent (**MTCO2e**) per year. (EIR, p. 3.8-35.) The EIR erroneously claimed that the Project's GHG impact would be reduced to a less than significant level after mitigation. The Project would have a remaining significant impact even after the proposed mitigation, and therefore the City should have adopted more measures to mitigate the full extent of the Project's cumulative GHG impact as required by CEQA. 4

### *Consistency with Identified Applicable Plans*

To support the City's conclusion that the Project would not conflict with an applicable plan, policy, or regulation for GHG emissions reductions, the EIR included a discussion of the 2022 Scoping Plan, 2017 Scoping Plan, Visalia Climate Action Plan (**CAP**), and the Visalia 5

General Plan. This significance analysis violates CEQA by overlooking the Project's conflict with the 2022 Scoping Plan and the 2017 Scoping Plan, as well as failing to acknowledge and analyze all applicable plans for the reduction of GHGs. 5 CONT

The 2022 Scoping Plan sets a goal for 50% of all industrial energy demand to be electrified by 2045 (2022 CARB Scoping Plan, p. 77).[1] The EIR includes a table to demonstrate consistency but does not make an adequate showing that the Project is consistent with this goal. The 2022 CARB Scoping Plan incorporates more aspects than the chosen areas of analysis, placing particular emphasis on decarbonizing industrial facilities by "displacing fossil fuel use with a mix of electrification, solar thermal heat, biomethane, low- or zero-carbon hydrogen, and other low-carbon fuels to provide energy for heat and reduce combustion emissions" (2022 CARB Scoping Plan, p. 208). The Project does not appear to be consistent with this goal, according to the analysis provided in the EIR which demonstrates that the Project would use renewable natural gas blend for its heating, the Project would not fully displace its fossil fuel use with low-carbon alternatives. Thus, the Project creates a conflict with the 2022 Scoping Plan by its considerable reliance on diesel fuel and other non-renewable energy sources in its operations. 6

The 2017 Scoping Plan was developed to facilitate California's compliance with SB 32, which requires statewide GHG emissions to be reduced to 40% below 1990 levels by 2030. (Health & Safety Code § 38566.) In the chart analyzing consistency with the 2017 Scoping Plan, the EIR did not discuss how the Project is consistent with any of the goals, including the 2050 goal of 80% below 1990 levels. (DEIR, p. 3.8-44 – 3.8-46.) The 2017 Scoping Plan also sets out statewide goals for total GHG emissions targets of 6 MTCO2e/capita by 2030, and 2 MTCO2e/capita by 2050 (CARB Scoping Plan, p. 99). The Project's per-service population GHG emissions would be over 15 MTCO2e/capita, greatly exceeding the 2050 target. This target would need to be achieved within the Project's 30-year lifespan, making the Project inconsistent with the goals set out by the CARB 2017 Scoping Plan.[2] 7

Without mitigation, the Project would have a significant GHG impact, as the City acknowledges by concluding a "potentially significant" impact before implementation of mitigation. (DEIR, p. 3.8-50.) 8

**The EIR Should Have Analyzed All Applicable Plans**

The City chose, as its second GHG threshold, whether the Project would "conflict with any applicable plan, policy or regulation of an agency adopted for the purpose of reducing the emissions of greenhouse gases." (EIR, p.3.8-36.) This language requires that the EIR analyze the Project's consistency with all other applicable plans, not just the plans that the City prefers 9

[1] 2022 Scoping Plan located at: https://ww2.arb.ca.gov/sites/default/files/2023-04/2022-sp.pdf
[2] $63{,}290\ MTCO2e\ per\ year\ \div 4{,}177\ employees = 15.15\ MTCO2e\ per\ capita$

to analyze. In particular, the EIR must also demonstrate consistency with Executive Order B-55-18 (**EO B- 55-18**).

EO B-55-18 requires the State of California to achieve carbon neutrality—net zero GHG emissions—by 2045. The Project is inconsistent with EO B-55-18 because it does not prohibit the use of gasoline, diesel, and natural gas. In fact, the Project would use heavy-duty vehicle fleets powered by non-renewable energy such as diesel fuel. Burning such non-renewable fuels results in substantial GHG emissions, preventing the Project from ever achieving carbon neutrality, unless it enters into agreements with the applicant or future tenant to ensure that fossil fuel use is on track to be eliminated by 2045. Thus, the Project would conflict with EO B-55-18. As stated by the City's chosen threshold, conflict with *any* applicable policy would be a significant GHG impact. 9 CONT

Consequently, because the Project is inconsistent with applicable plans for the reduction of GHGs, it is significant under the City's chosen threshold.

**The GHG Mitigation Measures are Insufficient to Mitigate the Project's Potentially Significant Impact**

Once a lead agency determines that the Project could have a significant impact, CEQA requires that impact to be mitigated to the appropriate extent. The proposed mitigation measures would not mitigate the Project's GHG impact to the level CEQA requires. The City claimed that the Project's GHG impact would be less than significant with implementation of Mitigation Measure (**MM**) AIR-2d, MM GHG-2a, and MM GHG-2b. However, these mitigation measures would not be sufficient to reduce the Project's impact to a less-than-significant level. 10

Further, these mitigation measures are insufficient because CEQA requires that the Project include fair-share mitigation for all significant cumulative impacts. (*Napa Citizens for Honest Gov't v. Napa County Board of Supervisors* (2001) 91 Cal.App.4th 342, 364.) Here, this means mitigation of the full extent of the Project's GHG impacts. The three mitigation measures that would be incorporated do not constitute the Project's fair share of emissions, and therefore the City should have adopted more mitigation measures to mitigate the Project's significant impact.

MM GHG-2a would incorporate rooftop solar, but without specifically mentioning the number of solar panels that would be installed. As such, it is vague and ambiguous and, consequently, violates CEQA. Even with this mitigation measure, the Project would have a significant impact because it would conflict with the Visalia CAP that emphasizes solar panels be installed, whereas MM GHG-2a at minimum would only implement "solar-ready" rooftop design. (DEIR, p. 3.8-36.) Therefore, even after mitigation, the Project would still pose a 11

conflict with the Visalia CAP, one of the City's chosen plans for demonstrating a less than significant impact. 11 CONT

MM GHG-2b would limit warehouse usage to dry storage, but is unenforceable because it does not commit the City to the dry storage usage, because it contains provisions that must be complied with if the warehouse is used for cold storage. 12

MM Air-2d would incorporate electric vehicle charging infrastructure for 20% of the Project's parking spaces, representing the minimum requirement of California's building code. This would not be sufficient to mitigate the Project's potentially significant impact from vehicle GHG emissions. 13

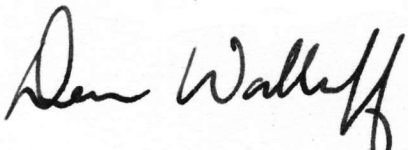
There is no evidence that these mitigation measures would mitigate the Project's impact to a less-than-significant extent, let alone the fair share of the Project's significant GHG impact. Even with these mitigation measures incorporated, the Project would still conflict with applicable plans, policies, and regulations for the reduction of GHGs and would therefore be a significant impact that would require further mitigation to the extent CEQA requires. 14

## Conclusion

In conclusion, the determination of less-than-significant GHG impact after mitigation violates CEQA because the lead agency is required to mitigate significant cumulative impacts to the fair share extent when it finds a potentially significant impact, not just to the point of "less than significant." Nonetheless, the proposed mitigation measures would not be capable of reducing the Project's GHG impact to a less-than-significant level because it would still conflict with the Scoping Plans and the Visalia CAP. 15

Please put Advocates for the Environment on the list of interested parties to receive updates about the progress of this potential project approval. We make this request under Public Resources Code, section 21092.2.

Sincerely,



Dean Wallraff, Attorney at Law
Executive Director, Advocates for the Environment

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## Organizations

### *Advocates for the Environment (AFTE)*

*Comment AFTE-1*
The comment provides a brief summary of the project description, introduces Advocates for the Environment as a non-profit public interest law firm, and states the commenter's mission. The commenter has reviewed the Draft EIR for the proposed project and hereby provides comments on the sufficiency of the Draft EIR's greenhouse gases (GHG) analysis under CEQA.

*Response to AFTE-1*
This comment does not directly pertain to the EIR analysis, does not directly apply to the CEQA process, and does not change the conclusions in the EIR; therefore, no changes to the document have been made or are required.

*Comment AFTE-2*
The commenter asserts that given the current regulatory context and technological advancements, a net-zero significance threshold is feasible and "extensively supportable." The commenter provides general information regarding the source of GHG emissions, and notes that it is more affordable to construct new projects as net-zero than seek to obtain the same level of GHG reductions through retrofitting of existing buildings. The commenter goes on to note how climate damage will continue until net-zero emissions is required, references State law mandates addressing net-zero emissions in 2045 and concludes summarily that it is "economically unsound to construct new buildings that are not net-zero." The commenter purports to provide examples of several large-scale projects that have moved forward as net-zero communities after losing CEQA lawsuits to environmental groups and notes that the project should do the same (i.e., move forward as a net-zero community).

*Response to AFTE-2*
The comment is noted for the record. To the extent the comment is general in nature and does not raise any specific project-related environmental issues under CEQA, no further changes to the document have been made or are required.

With respect to the commenter's conclusion that the project should "move forward as a net-zero community," the following response is provided.

As a preliminary matter, the commenter does not specifically question the GHG impact analysis or less than significant determination made in the Draft EIR. As previously noted, the City is not legally authorized under CEQA to impose mitigation measures or require applicants to incorporate project design features for impacts that have been determined to be less than significant. Therefore, imposing an obligation on the project to be "net-zero" would not be permitted under the law.

Furthermore, regarding the commenter's conclusory statements as to the economic feasibility of constructing new projects as net-zero, this is not supported by substantial evidence in the record and is not relevant to the City's exercise of its discretion as to the appropriate threshold to utilize in evaluating GHG impacts. The economic feasibility of requiring industrial buildings, specifically, and industrial operations more generally to be "net-zero" is highly questionable given that most of the operational GHG emissions are the result of heavy-duty truck traffic. Except in very limited circumstances not relevant here, most industrial users do not own or control their own truck fleets,

and do not have any ability to control in perpetuity the truck fleets utilized by tenants. Moreover, given the volume of trucks anticipated to access the project site, the current high cost and relatively limited availability of electric trucks, and the current limitations related to electric vehicle (EV) infrastructure to serve heavy and medium-duty electric trucks, the commenter's assertion that it is economically feasible for the project to be net-zero is not accurate or supported by substantial evidence in the record. The comment has been noted for the record. The commenter does not otherwise raise a substantive issue on the content of the EIR. The Lead Agency is of the opinion that potential project impacts related to air quality and GHG have been fully disclosed, adequately analyzed and appropriately mitigated to the extent feasible under CEQA, therefore no further analysis.

*Comment AFTE-3*
The commenter builds on what was presented in Comment AFTE-2. It specifically requests that the City utilize a net-zero significance threshold, which it claims is "well-supported" by GHG reduction plans such as ARB's Scoping Plans. The commenter concludes by proclaiming that doing so would not only "be the right thing" but also "protect[ing] the City and applicant from CEQA litigation."

*Response to AFTE-3*
Contrary to the commenter's assertion, neither the 2017 Scoping Plan, the 2022 Scoping Plan Update, nor any requirements under CEQA require lead agencies such as the City, to utilize a net-zero significance threshold. As described in the ARB 2017 Scoping Plan, "achieving net-zero increases in GHG emissions, resulting in no contribution to GHG impacts, may not be feasible or appropriate for every project. . . and the inability of a project to mitigate its GHG emissions to net-zero does not imply the project results in a substantial contribution to the cumulatively significant environmental impact of climate change under CEQA" (page 102).

In addition, the commenter erroneously cites language from the 2022 Scoping Plan that is not applicable to the proposed project. The net-zero threshold recommendation as stated in Appendix D of the 2022 Scoping Plan, was intended for residential and mixed-use development that is not applicable to the proposed mixed-use industrial project. As discussed in Draft EIR Section 3.8, Greenhouse Gas Emissions, consistent with Section 15064.4(b) of the CEQA Guidelines, the City, as Lead Agency, can take into account the following three considerations, among others, in assessing the significance of impacts from GHG emissions.

- **Consideration No. 1**: The extent to which the project may increase or reduce GHG emissions as compared to the existing environmental setting.
- **Consideration No. 2**: Whether the project emissions exceed a threshold of significance that the lead agency determines applies to the project.
- **Consideration No. 3**: The extent to which the project complies with regulations or requirements adopted to implement a Statewide, regional, or local plan for the reduction or mitigation of GHG emissions. Such regulations or requirements must be adopted by the relevant public agency through a public review process and must reduce or mitigate the project's incremental contribution of GHG emissions. If there is substantial evidence that the possible effects of a particular project are still cumulatively considerable notwithstanding compliance with the adopted regulations or requirements, an EIR must be prepared for the

> project. In determining the significance of impacts, the lead agency may consider a project's consistency with the State's long-term climate goals or strategies, provided that substantial evidence supports the agency's analysis of how those goals or strategies address the project's incremental contribution to climate change and its conclusion that the project's incremental contribution is not cumulatively considerable.

Section 3.8, Greenhouse Gas Emissions, of the Draft EIR robustly evaluates the proposed project's GHG impacts, both from a quantitative and qualitative perspective. Section 3.8.4 describes the significance criteria, assumptions and methodologies used by the City, in its discretion, to conduct this impact analysis.

With respect to the quantitative analysis, as detailed in the Draft EIR, it sets forth the reduction from Business As Usual (BAU) in the 2030 target year to show the progress anticipated prior to applying reductions from new strategies contained in the 2017 Scoping Plan Update. To determine significance, the analysis first quantifies project-related GHG emissions under a BAU scenario, and then compares these emissions with emissions that would occur when all project-related design features are accounted for, and when compliance with applicable regulatory measures is assumed. The standard and methodology are explained in further detail in the Draft EIR.

The analysis also included qualitative assessments of compliance with the 2017 Scoping Plan Update and the 2022 Scoping Plan Update to support GHG significance findings under Impact GHG-2.

For the reasons described above, CEQA does not require the City to utilize a quantitative net-zero GHG emissions as a significance threshold to evaluate the proposed project. Achieving net-zero GHG emissions to evaluate the proposed project is not necessary to provide a legally defensible GHG threshold and, as acknowledged by the State of California, may not be feasible or appropriate for every project. Contrary to the commenter's statements, ARB's Scoping Plans support the Draft EIR's threshold and methodologies. For example, as described in the ARB 2017 Scoping Plan:

> *"achieving net-zero increases in GHG emissions, resulting in no contribution to GHG impacts, may not be feasible or appropriate for every project, however, and the inability of a project to mitigate its GHG emissions to net-zero does not imply the project results in a substantial contribution to the cumulatively significant environmental impact of climate change under CEQA.* Lead agencies have the discretion to develop evidence-based numeric thresholds (mass emissions, per capita, or per service population) consistent with this Scoping Plan, the State's long-term GHG goals, and climate change science." (emphasis added)

The fact that the commenter reports that two very large developments (i.e., Newhall and Tejon Ranch projects) eventually decided to move forward as net-zero communities as a means of resolving ongoing litigation, does not mean that the City is required to adopt a quantitative net-zero emissions threshold under CEQA, nor does it constitute substantial evidence that achieving net-zero emissions would be feasible for the project.

Additionally, for informational purposes, it is noted that the proposed project would develop a mixed-use industrial park without residential uses, whereas the examples in this comment refer to mixed-use residential projects. Unlike Newhall Ranch and Tejon Ranch, each of which contemplated

about 20,000 dwelling units as well as other nonresidential uses, mixed-use industrial developments, such as the proposed project involve different uses and thus different considerations. For instance, the vast majority of operational GHG emissions from the project, similar to other industrial developments, would result from mobile-source emissions associated with trucks. For the reasons noted above, imposing a net-zero emissions requirement on the project, including the truck fleets used during operations, is not feasible and not required under the law.

Therefore, the Draft EIR's quantitative and qualitative thresholds utilized to evaluate the proposed project's GHG impacts are appropriate under CEQA and within the City's discretion. The commenter does not otherwise raise a substantive issue on the content of the EIR, and the comment does not contain any information requiring changes to the Draft EIR. The Draft EIR further explained its analytical approach for purposes of evaluating GHG impacts. Under applicable provisions of CEQA and as held in the California Supreme Court's decision in *Center for Biological Diversity v. California Department of Fish and Wildlife*, GHG impacts would be considered significant if the proposed project would:

- Conflict with a compliant GHG Reduction Plan if adopted by the lead agency;
- Exceed threshold of significance that the lead agency determines applies to the project; or
- Conflict with an applicable plan, policy or regulation adopted for the purpose of reducing the emission of GHGs.

The foregoing considerations utilized in applying the selected thresholds are consistent with the Appendix G Environmental Checklist questions of the CEQA Guidelines. The first impact criterion, "conflict with a compliant GHG Reduction Plan if adopted by the lead agency," cannot be applied to the proposed project since the City's Climate Action Plan (CAP) is not considered a qualified GHG Reduction Plan as discussed in the Draft EIR Section 3.8.4 Greenhouse Gas Emissions -Thresholds of Significance. Moreover, the other two impact criteria presented closely align with the two Appendix G Environmental Checklist questions for GHG emissions. Therefore, the City, in its discretion, properly utilized the above considerations in selecting the thresholds and conducting the GHG impact analysis.

The analysis contained in the Draft EIR included both (1) a quantitative determination of the GHG emissions that would be generated by the proposed project, and (2) a qualitative assessment that addresses consistency with the robust regulatory framework, including SB 32 targets, the 2017 Scoping Plan and 2022 Scoping Plan Update.

With respect to the quantitative threshold, as discussed in detail in the Draft EIR, the SJVAPCD *Guidance for Valley Land Use Agencies in Addressing GHG Emission Impacts for New Projects under CEQA* includes thresholds based on whether the project would reduce or mitigate GHG levels by 29 percent from BAU levels compared with 2005 levels. This level of GHG reduction is based on the target established by ARB's AB 32 Scoping Plan, approved in 2008. The ARB recognizes that AB 32 establishes an emissions reduction trajectory that will allow California to achieve the more stringent 2050 target: "These [greenhouse gas emission reduction] measures also put the State on a path to meet the long-term 2050 goal of reducing California's GHG emissions to 80 percent below 1990 levels."

Consistent with the *Newhall Ranch* court decision and as further detailed in the robust analysis set forth in Draft EIR Section 3.8, Greenhouse Gas Emissions, a project BAU analysis based on substantial evidence in the record was prepared for the project, which assessed "consistency with AB 32's goal in whole or part by looking to compliance with regulatory programs designed to reduce greenhouse gas emissions from particular activities." Therefore, the Draft EIR evaluated project GHG emissions against an appropriate threshold that also evaluates consistency with Statewide GHG emissions reduction goals. In addition, the City of Visalia identifies the following thresholds in its CAP: 15 percent reduction from BAU levels in the year 2020 and a 30 percent reduction from BAU levels in the year 2030.

As explained in more detail in Section 3.8, Greenhouse Gas Emissions, of the Draft EIR, the proposed project is expected to become operational in phases beginning in 2025 and assumes full buildout in 2028, which is beyond the AB 32 target year. As a result, until a new threshold is identified for projects constructed after 2020, the only threshold to address significance is based on making continued progress toward the SB 32 2030 goal. As noted in the Draft EIR, this approach compares estimates of project emissions in the 2030 milestone year with the existing threshold to show the extent of progress achieved with existing regulations and the incorporation of specific project design features to address Considerations 1 and 2.

The Draft EIR also employed a qualitative evaluation by analyzing the project's consistency with the 2017 and 2022 Scoping Plans as well as relevant provisions from the City's CAP and General Plan. See Response to AFTE-4, below.

Therefore, the Draft EIR used the appropriate thresholds to evaluate GHG impacts. The comment has been noted for the record. The commenter does not otherwise raise a substantive issue on the content of the EIR the Lead Agency is of the opinion that potential project impacts related to air quality and GHG have been fully disclosed, adequately analyzed and appropriately mitigated to the extent feasible under CEQA, therefore no further analysis is required.

*Comment AFTE-4*
The comment notes that the Draft EIR derived the significance threshold by relying on Appendix G of the CEQA Guidelines, and then summarizes the Draft EIR's conclusion that the project could have a potentially significant GHG impact because the project could conflict with applicable plans, policies, and regulations for the reduction of GHG emissions. The comment also notes that the Draft EIR presented the project's estimated annual GHG emissions, which were quantified using CalEEMod, and then asserts that the Draft EIR erroneously concluded these potentially significant impacts could be reduced to less than significant with implementation of the identified mitigation. The commenter alleges that the project would still have a significant impact even after implementation of mitigation, and therefore the City should have adopted more measures to fully mitigate "the full extent" of the project's GHG impacts.

*Response to AFTE-4*
The comment is noted for the record. To the extent the comment is general in nature and does not raise any specific project-related environmental issues under CEQA, no further response is required.

To the extent the commenter raises specific issues with respect to the nature of the GHG threshold utilized in the Draft EIR, CEQA does not require the City to utilize a quantitative net-zero significance threshold to evaluate the proposed project's GHG impacts. To the contrary, lead agencies, such as the City, have discretion to formulate their own significance thresholds (State CEQA Guidelines § 15064.7). The determination by a lead agency of whether a project may have a significant effect on the environment calls for careful judgment, based to the extent possible, on scientific and factual data (State CEQA Guidelines §§ 15064(b)(1) and 15064.4(a)).

Thus, establishing a single threshold of significance, while perhaps desirable in certain instances, may not be feasible for every environmental impact, because the significance of an impact may vary with the setting. CEQA Guidelines Section 15064.4, explains as follows:

> "(a) The determination of the significance of greenhouse gas emissions calls for a careful judgment by the lead agency consistent with the provisions in Section 15064. A lead agency shall make a good faith effort, based to the extent possible on scientific and factual data, to describe, calculate or estimate the amount of greenhouse gas emissions resulting from a project.
>
> A lead agency shall have discretion to determine, in the context of a particular project, whether to:
>
> (1) Quantify greenhouse gas emissions resulting from a project; and/or
> (2) Rely on a qualitative analysis or performance based standards."

CEQA Guidelines Appendix G includes sample questions for determining whether impacts related to GHG emissions and energy consumption are significant. These questions reflect the significant input of planning and environmental professionals at the California Governor's Office of Planning and Research (OPR) and the California Natural Resources Agency, based on robust input from stakeholder groups and experts in various other governmental agencies, nonprofits, and leading environmental consulting firms. They also reflect the requirements of laws other than CEQA, such as Assembly Bill (AB) 32 and Senate Bill (SB) 32. As a result, most lead agencies derive their significance criteria from the questions posed in Appendix G. The City has chosen, in its discretion, to do so for this project. The final determination of whether a project is significant is within the purview of the City, as Lead Agency pursuant to Section 15064(b) of the CEQA Guidelines

The basis for the commenter's opinion that the Draft EIR's impact conclusions are flawed is not clear. However, this response provides a summary of the methodology used by the Draft EIR in making the GHG impact conclusions in a good faith attempt to respond to the concerns raised.

See Responses to AFTE-2 and AFTE-3, above, regarding the basis for the City's selection of significance thresholds and a summary of the quantitative and qualitative evaluations that were conducted.

With respect to the qualitative consistency analysis referenced in the comment, an evaluation of the project's consistency with the 2017 and 2022 Scoping Plans (as well as the City's CAP and General Plan) serves as a roadmap for evaluating a project's current design, and to determine whether it

complies with current policies and planned reduction measures for GHG emissions. The comparison of a project design to Scoping Plan proposals is not by itself a metric for determining project-level significance, but a step in showing how the project supports current regulations and is aligned with future GHG reduction strategies in development stages.

As discussed in detail in the Draft EIR, the 2022 Scoping Plan was recently adopted in December 2022. The 2022 Scoping Plan identifies strategies to meet the State's SB 32 GHG reduction goals as well as feasible methods to achieve carbon neutrality by 2045. Appendix D of the 2022 Scoping Plan identifies the importance of local jurisdiction actions, such as cities and counties, because these entities have direct control over land use decisions in much of the State. While local jurisdictions influence land use development and building GHG reduction measures, the State largely influences transportation GHG reduction measures. As such, the 2022 Scoping Plan provides a strategy that is capable of reaching the SB 32 target if the measures included in the plan are implemented and achieve reductions within the ranges expected. Nevertheless, to date, neither a new quantitative threshold nor Best Performance Standards (BPS) have been identified for projects constructed after 2020. Therefore, significance is based on making continued progress toward the SB 32 2030 goal.

The State's regulatory program is able to target both new and existing development because the two most important strategies—motor vehicle fuel efficiency and emissions from electricity generation—obtain reductions equally from existing and new sources. This is because all vehicle operators use cleaner low carbon fuels and buy vehicles subject to the fuel efficiency regulations, and all building owners or operators purchase cleaner energy from the grid that is produced by increasing percentages of renewable fuels. As the Draft EIR sets forth in detail, this includes regulations on mobile sources such as: the Pavley standards that apply to all vehicles purchased in California, the Low Carbon Fuel Standard (LCFS) that applies to all fuel used in California, and the Renewables Portfolio Standard (RPS) and Renewable Energy Standard that apply to utilities providing electricity to all California homes and businesses.

The reduction strategy where new development is required to do more than existing development is building energy efficiency and energy use related to water conservation regulations. For example, new projects are subject to Title 24 Energy Efficiency Standards, CALGreen Code Standards, and Model Water Efficient Landscape Ordinance (MWELO) water conservation requirements. New buildings and landscapes are much more energy-efficient and water efficient than the development that has been built over the past decades and will require much less energy. Title 24 is updated about every 3 years with the goal of reaching zero-net-energy from new residential buildings by 2020 and new commercial buildings by 2030. The proposed project's commercial and industrial buildings would be constructed in and after 2025 and would be required to comply with the regulations in effect at the time building permits are issued.

Taking the foregoing into appropriate account, the Draft EIR provides a robust analysis that discloses potential impacts and identifies feasible mitigation, and therefore the commenter incorrectly asserts that the project would have a remaining significant impact even after the proposed mitigation. The substantial evidence in the record in this regard includes facts, reasonable assumptions predicated upon facts, and expert opinion supported by facts to support the Draft EIR's impact conclusions

(CEQA Guidelines § 15064(f)(5)). This comment has been noted for the record and revisions to the Draft EIR are not necessary.

As noted in the Executive Summary of the Draft EIR on pages ES-30 through ES-31, and described in detail in Section 3.8, Greenhouse Gas Emissions, the proposed project was found to be less than significant under Impact GHG-1 and less than significant with mitigation incorporated under Impact GHG-2. As noted in Responses to AFTE-2 and AFTE-3 above, the Draft EIR used appropriate thresholds to evaluate GHG impacts and CEQA does not require a quantitative net-zero threshold to properly evaluate GHG impacts under CEQA. The Draft EIR identified several mitigation measures to address GHG impacts; in addition, the Draft EIR identified numerous measures that would not only mitigation air quality impacts but would further support the State's efforts at reducing GHG emissions.

For example, as described in Section 3.3 Air Quality, the Draft EIR included MM AIR-2c, which would require (1) that all on-site off-road and on-road service equipment be zero-emission or all-electric, and (2) that all project buildings would be designed to support the use of zero-emission or all-electric service equipment. MM AIR-2d would require each project applicant, in connection with an individual specific development proposal, to include infrastructure for EV charging stations into a minimum of 20 percent of all vehicle parking spaces (including parking for trucks) for the subject proposal, consistent with the applicable CALGreen Tier 1 Nonresidential Mandatory Measure (Section A5.106.5.3). Furthermore, MM AIR-2d would require the design of the buildings' electrical room to hold additional panels that may be needed to supply power for the future installation of EV truck charging stations on-site. MM AIR-2e would require the relevant project applicant to include signage and pavement markings along project site driveways and internal roadways to clearly identify on-site circulation patterns, minimize unnecessary on-site vehicle travel, and reduce vehicle idling.

The commenter provides no evidence for these assertions other than their unsubstantiated assertion to the same effect. The Draft EIR's impact conclusions are supported by substantial evidence in the record. The Draft EIR includes full disclosure of potential impacts and identified mitigation under Impact GHG-2 reduced any potentially significant impacts to less than significant levels. The Lead Agency is of the opinion that potential project impacts related to air quality impacts and GHG have been fully disclosed, adequately analyzed and appropriately mitigated to the extent feasible under CEQA, therefore no further analysis or revisions are required.

*Comment AFTE-5*
The commenter notes that the Draft EIR included a discussion of the 2022 Scoping Plan, 2017 Scoping Plan, Visalia CAP, and the Visalia General Plan to support the City's conclusion that the proposed project would not conflict with any applicable plan, policy, or regulation for GHG emissions reductions. The commenter asserts that the significance analysis violated CEQA by "overlooking the project's conflict" with the 2022 Scoping Plan and the 2017 Scoping Plan, as well as failing to acknowledge and analyze all applicable plans for the reduction of GHGs.

*Response* to *AFTE-5*
To the extent the comment is general in nature and does not raise any specific project-related environmental issues under CEQA, no further response is required.

While that comment makes the general assertion that the Draft EIR failed to acknowledge and analyze all applicable plans for the reduction of GHGs, the commenter does not explicitly indicate any additional plans that should have been included in this portion of the comment. Response to AFTE-9 clarifies what the commenter purports should have been analyzed.

To the extent the comment is framing the concern as one that relates to the appropriate significance threshold, see Responses to AFTE-2 and AFTE-3 above (CEQA does not require an evaluation of impacts against a threshold that requires net-zero GHG emissions).

Moreover, the robust regulatory framework in place on a State, regional and local level, including, without limitation, EO B-55-18, does not contain provisions that "prohibit the use of gasoline, diesel and natural gas." Thus, the commenter's assertion that the use of these fuels creates a conflict for purposes of CEQA review is inaccurate under the law.

The Draft EIR contains a thoughtful consistency analysis addressing all relevant plans and policies designed to reduce GHG emissions, including taking into appropriate account EO B-55-18. For example, in evaluating Impact GHG-2, the Draft EIR explains that its "analysis is accomplished via an assessment of the proposed project's compliance with the Visalia CAP, Scoping Plan measures contained in the 2017 Scoping Plan and 2022 Scoping Plan Update, and the Visalia General Plan."

Moreover, as detailed in Section 3.8, Greenhouse Gas Emissions, each of the project phases would achieve reductions beyond the ARB 2020 21.7 percent target and the SJVAPCD 29 percent reduction from BAU requirements from adopted regulations in their respective operational years. As shown in the emission estimates discussed in the Draft EIR and detailed in the Air Quality Report (Appendix B), in 2025, the proposed project would be expected to generate a total of approximately 63,290 metric tons carbon dioxide equivalent (MT $CO_2e$) per year, which would be an approximately 37.05 percent reduction in GHG emissions from BAU (100,540 MT $CO_2e$ per year). This is above the 29 percent reduction required by the SJVAPCD threshold and well exceeds the 21.7 percent average reduction from all sources of GHG emissions now required to achieve AB 32 targets. Thus, the 37.05 percent reduction from BAU is 15.35 percent beyond the average reduction required by the State from all sources to achieve the AB 32 2020 target. Since the project buildout would occur after 2020, additional analysis was conducted to demonstrate consistency with the SB 32 2030 target. As shown in the Air Quality Report, the proposed project would achieve a reduction of 40.9 percent from BAU by the year 2030 with compliance with applicable regulations and identified project design features incorporated.

As described more fully in the Draft EIR, the 2022 Scoping Plan addresses AB 1279, which codified EO B-55-18's target for California to achieve and maintain carbon net neutrality by 2045 (equivalent to a reduction in Statewide anthropogenic GHG emissions of 85 percent below 1990 levels). The 2022 Scoping Plan establishes a scenario by which the State may achieve this goal by 2045 or earlier. The Draft EIR includes an evaluation of the project's consistency with the 2022 Scoping Plan and found that the proposed project would be consistent, based on its design features, compliance with the robust regulatory framework, and with incorporation of MM AIR-2c, MM AIR-2d, MM AIR-2e, MM AIR-2f, MM GHG-2a (revised), and MM GHG-2b. Based on the foregoing, the Draft EIR disclosed in Impact GHG-2, on page 3.8-50 of the Draft EIR, "the proposed project would be consistent with State

GHG Plans and would further the State's goals of reducing GHG emissions 40 percent below 1990 levels by 2030, 80 percent below 1990 levels by 2050, 85 percent below 1990 levels by 2045, and does not obstruct their attainment after incorporation of mitigation." As detailed in the Draft EIR, the proposed project's post-2020 emissions trajectory is expected to follow a declining trend, consistent with the 2030 and 2050 targets.

Regarding the use of diesel-powered heavy-duty vehicles, see Responses to AFTE-2 through 8 above, which explain how the Draft EIR properly evaluated and disclosed the GHG emissions that would result from the project's commercial and industrial components, including the use of diesel-powered heavy-duty vehicles during operations. See also Responses to AFTE-2 and AFTE-3 above, which confirms that CEQA does not require each individual project to demonstrate carbon neutrality and thus the assertion that the Draft EIR is required to use a quantitative net-zero-emission threshold is inaccurate under the law.

Moreover, the commenter's assertion that a determination that a subject development would be "inconsistent" with "any applicable policy" would constitute a significant impact is also incorrect under the law. The Draft EIR contains a thoughtful analysis that considers the project's consistency with all applicable plans and policies and takes a holistic approach as to the determination whether the project would help or hinder the State's achievement of its GHG emission reduction goals.

With respect to the assertion that the project "conflicts" with the 2022 Scoping Plan and 2017 Scoping Plan, the City, in its discretion, disagrees with the commenter in this regard. The Draft EIR considered this issue at length and included evaluations of the project's consistency with the 2022 Scoping Plan and the 2017 Scoping Plan (as well as the City's CAP and General Plan). As detailed more fully therein, the project was determined to be consistent with both plans. The basis for this consistency includes the following.

The Draft EIR and Final EIR (1) properly assume compliance with a robust regulatory framework (including, without limitation, citing relevant General Plan policies as well as guidance from the ARB and the Air District and set forth a thoughtful consistency analysis related thereto; (2) fully disclose all significant impacts; (3) identify all feasible mitigation measures to mitigate, avoid or reduce the identified significant impacts; and (4) include a summary of all such measures that will be incorporated into the Mitigation Monitoring and Reporting Program (MMRP) that will be considered for adoption by the City Council in connection with its certification of the EIR and thereafter imposed as enforceable conditions of approval.

The proposed project is consistent with its existing General Plan land use designation of Industrial and Light Industrial; this reflects the long-planned urban development vision for the project site, which contemplates a variety of commercial, industrial and light industrial uses including, among others, warehousing and distribution. The proposed project has been designed to incorporate applicable development standards and design guidelines to help ensure it would be consistent with the urbanizing, industrial character of this portion of the City of Visalia. The proposed project would incorporate a number of design features and be required to comply with a robust regulatory framework, all of which would enhance its sustainability and help to reduce GHG emissions. For example, see Table 3.8-4 of the Draft EIR (Summary of Applicable Greenhouse Gas Regulations).

Furthermore, as discussed in detail in Section 3.14, Transportation, the proposed project would implement the Transportation Demand Management (TDM) measures including installation of up to 60 secure bicycle storage lockers (MM TRANS-10a) and installation of a bike path along Modoc Ditch, which would connect to other planned trail improvements (MM TRANS-10b). The foregoing would reduce GHG impacts associated with VMT.

Moreover, the proposed project would be required to comply with the following mitigation measures: MM AIR-2c, MM AIR-2d, MM GHG-2a, MM GHG-2a, and MM GHG-2b.

Moreover, from a construction-related standpoint, MM AIR-2a requires the use of Tier IV or Tier IV Equivalent Construction Off-Road Equipment. In addition, there are extensive existing regulations to which the proposed project would be required to comply that would other further net-zero-emission objectives. For example and among others, ARB has adopted its 2013 Optional Low-$NO_X$ Standard of 0.02 gram of oxides of nitrogen ($NO_X$) per brake horsepower-hour for all heavy-duty trucks; there are also regulations that govern idling restrictions for heavy-duty vehicles (see, e.g., ARB On-Road Heavy-Duty Vehicle Program would require heavy-duty truck owners to limit idling to 5 minutes). In addition, the new ARB Advanced Clean Cars II Regulations Resolution 22-12 would require new gasoline powered cars purchased in the State to be zero-emission, which would lead to future tenants' vehicle fleets containing some Zero-Emission Vehicles (ZEVs).

MM AIR-2c requires that all on-site off-road and on-road service equipment utilize zero-emission technology, subject to the same being commercially practicable. MM AIR-2d requires infrastructure for EV charging stations into a minimum of 20 percent of all vehicle parking spaces (including parking for trucks), consistent with the applicable CALGreen Tier 1 Nonresidential Mandatory Measure (Section A5.106.5.3).

Originally, MM GHG-2a required that the proposed project install one of the following: (i) rooftop PV solar panels, (ii) solar-ready rooftop design that shall support the installation of rooftop PV panel, as feasible, or (iii) roofing material contains light coloring with a solar reflective index greater than 78. A Notice of Preparation (NOP) for the proposed project was issued on August 30, 2022. These options were suggested by the SJVAPCD in their NOP comment letter dated September 2, 2022 (see Appendix A, of the Draft EIR). The latest 2022 California Building Standards Code (CBC) went into effect on January 1, 2023. The latest California Building Energy Efficiency Standards Section 140.10 now requires solar PV systems for the land uses such as warehouses, retail, and restaurants. The proposed project, which includes warehouse, self storage facility, drive-through restaurants, and convenience store would be subject to the solar PV requirements, unless otherwise exempt per Section 140.10. The required solar PV size is calculated based on the proposed project's climate zone, amount of conditioned space, and space usage. The required solar PV system is intended to offset the annual electrical consumption of a mixed-fuel building such that it would self-utilize about 80 percent of the annual solar PV generation without battery storage, and about 90 percent with battery storage, over a year.[2] In response to comments, the City agreed to modify MM GHG-2a to reflect the obligation under State law that the proposed project would be required to adhere to. This is an inadvertent omission of solar panel requirements, The subsequent modification of mitigation

[2] California Energy Commission. 2022. Nonresidential Solar PV General Information. Website: https://www.energy.ca.gov/programs-and-topics/programs/building-energy-efficiency-standards/online-resource-center/2022-0. Accessed June 20, 2024.

measure adds clarity to the EIR, it does not reflect a new or substantially increase significant impact or otherwise trigger recirculation under CEQA Guidelines Section 15088.5 MM GHG-2b includes requirements that would limit GHG emissions from Transport Refrigeration Units (TRUs) in the event that any portion of the warehouse land use is used for cold storage uses. If any project warehouse(s) are used for cold storage, then prior to the issuance of occupancy permits for those building(s), the City of Visalia shall confirm that tenant lease agreements include contractual language that requires all TRUs entering the project site be plug-in capable.

As such, given the nature of the project combined with the requirement to adhere to all applicable laws and regulations as part of a robust regulatory framework, along with incorporation of identified mitigation, there is substantial evidence in the record to support the City's determination that the project would not conflict with either the 2022 Scoping Plan or the 2017 Scoping Plan. Therefore, no revisions to the Draft EIR are warranted. In fact, contrary to the commenter's assertions, given the foregoing, the project would contribute to the State's overall climate goal of decarbonization that is a central theme of the 2017 and 2022 Scoping Plans.

Consistent with the comment, as discussed in the Draft EIR (see Chapter 3.6, Energy, and Chapter 3.8, Greenhouse Gas Emissions), the proposed project would be required to be designed in compliance with the applicable CBC, which reflect some of the most stringent requirements in the nation.

MM GHG-2a has been revised as follows:

**MM GHG-2a** **~~Rooftop Solar~~ Solar Photovoltaic System**

~~Prior to issuance of the first building permit in connection with an individual specific development proposal, the relevant project applicant shall provide the City of Visalia Planning Department reasonable documentation demonstrating that each of the buildings that are covered by the subject individual specific development proposal would be designed with one of the following: (i) rooftop photovoltaic solar panels, (ii) solar-ready rooftop design that shall support the installation of rooftop photovoltaic panel, as feasible, or (iii) roofing material contains light coloring with a solar reflective index greater than 78.~~

Prior to issuance of the first building permit in connection with an individual specific development proposal, the City of Visalia shall confirm that the subject proposal has been designed to include the following: a solar photovoltaic (PV) system in accordance with 2022 Building Energy Efficiency Standards (Energy Code) Section 140.10. The required solar PV system shall be sized based on calculations provided in Section 140.10(a) of the Energy Code, which includes a number of factors such as the amount of conditioned space. Unconditioned buildings, except unoccupied or unused first-time tenant improvement spaces, do not need to be part of the solar sizing calculations. All buildings required to have a solar PV system pursuant to this MM GHG-2a must also have a battery storage system.

See also solar photovoltaic (PV) system to be included in accordance with 2022 Energy Code Section 140.10. The required solar module size would be calculated based on the proposed project's climate zone, amount of conditioned space, and space usage. The Draft EIR determined that the proposed project would result in a less than significant impact after implementation of MM AIR-2d, MM GHG-2a, and MM GHG-2b; this determination remains accurate with the updated MM GHG-2a, which would further increase opportunities for the use of on-site renewable solar power generation. An obligation to supply 100 percent of the power needed to operate all non-refrigerated portions of the project is not required under CEQA. Therefore, no further mitigation is required and no change to the conclusions in the Draft EIR are warranted.

Under *Laurel Heights Improvement Ass'n v. Regents of Univ. of Cal.* (1993) 6 C4th 1112 (Laurel Heights II) and the CEQA Guidelines (14 California Code of Regulations [CCR] § 15088.5(a)(3)), when information added to the Final EIR includes a new mitigation measure, recirculation is required only if the new mitigation measure meets all of the following criteria:

- It is feasible;
- It is considerably different from the alternatives or mitigation measures already evaluated in the Draft EIR;
- It would clearly lessen the project's significant environmental impacts; and
- It is not adopted.

Recirculation is required only if each of the above is established. *South County Citizens for Smart Growth v. County of Nevada* (2013) 221 CA4th 316, 330. These modifications to MM GHG-2 add clarity to the EIR and do not reflect a new or substantially increased significant impact or otherwise trigger recirculation under CEQA Guidelines Section 15088.5.

See also Response to AFTE-4. These comments have been noted for the record. Based on the information presented above, the Lead Agency is of the opinion that project impacts related to air quality have been fully disclosed, adequately analyzed and appropriately mitigated to the extent feasible under CEQA, therefore no further analysis or revisions are required except for clarification as noted above.

*Comment AFTE-6*
The commenter notes that the 2022 Scoping Plan sets goals for 50 percent of all industrial energy demand to be electrified by 2045, and "displacing fossil fuel mix" with various low carbon alternatives. The commenter goes on to assert that the proposed project does not appear to be consistent with these goals because the proposed project would use renewable natural gas blends for heating and would not fully displace its fossil fuel use with low carbon alternatives. Thus, the commenter asserts that the proposed project is in conflict with the 2022 Scoping Plan due to its "considerable reliance on diesel fuel and other nonrenewable energy sources in its operations."

*Response* to *AFTE-6*
As a preliminary matter, the City disagrees with the commenter's interpretation of the nature of consistency review under CEQA. The law does not require a finding of inconsistency if a project is not

able to fully accomplish every aspect of an applicable plan designed to reduce GHG emissions. Rather, the consistency analysis is focused on whether the subject development would impede achievement of the goals and policies set forth in such plans.

Contrary to the commenter's assertions, the Draft EIR contains a detailed discussion of the robust regulatory framework that would apply to the project as well as a thoughtful consistency analysis. For example, as described in Section 3.6, Energy, on pages 3.6-12 through 3.6-13 of the Draft EIR, the proposed project would be subject to then-current Title 24 Energy Efficiency and CALGreen Standards, which are some of the most stringent in the nation and which include, among other things, minimum energy efficiency requirements related to building envelope, mechanical systems (e.g., heating, ventilation, and air conditioning [HVAC] and water heating systems), and indoor and outdoor lighting. In addition, Southern California Edison (SCE), which supplies electricity to the project site and vicinity, would be required by SB 100 to incrementally increase the proportion of renewable electricity generation supplying its in-state retail sales until it reaches 100 percent carbon-free electricity generation by 2045. Furthermore, the proposed project would provide solar photovoltaic systems in compliance with 2022 California Building Energy Efficiency Standards Section 140.10. As such, there is substantial evidence in the record to support the Draft EIR's conclusion that the project is consistent with the 2022 Scoping Plan and would not impede the State from achieving the goals for 50 percent of all industrial energy demand to be electrified by 2045 and displacing fossil fuels with various low carbon alternatives.

See also Responses to AFTE-4 and AFTE -5 regarding the Draft EIR's consistency analysis with the 2022 Scoping Plan. The comments have been noted for the record. The commenter does not raise an issue related to the adequacy of the Draft EIR, no and revisions to the Draft EIR are not necessary.

Therefore, no revisions are required in response to this comment.

*Comment AFTE-7*
The commenter notes that the 2017 Scoping Plan was adopted to facilitate compliance with SB 32, which requires Statewide GHG emissions to be reduced by 40 percent below 1990 levels by 2030. The commenter then asserts that the consistency analysis in the Draft EIR does not explain how the project is consistent with "any of the goals" including GHG reductions by 2050 of 80 percent below 1990 levels. Rather, the comment states that the project's per service population GHG emissions would "greatly exceed" the 2050 target and instead the Draft EIR should have been compared to the targets of 6 MT $CO_2$e/capita by 2030 and 2 MT $CO_2$e/capita by 2050. The commenter concludes by asserting that the proposed project would have a significant impact without the required mitigation.

*Response to AFTE-7*
With respect to the proper significance thresholds to be utilized here, those that the commenter suggested are intended for Plan-level Greenhouse Gas Emissions reduction goals, such as a CAP, not project-specific thresholds. The targets of 6 MT $CO_2$e/capita by 2030 and 2 MT $CO_2$e/capita by 2050 set forth in the 2017 Scoping Plan, page 99 of the 2017 Scoping Plan clearly states that these goals are appropriate for the plan level (city, county, subregional, or regional level, as appropriate), but not for specific individual projects because they include all emissions sectors in the State. Therefore, these targets are not appropriate targets to be analyzed in the proposed project's Draft EIR. As such, this threshold would not apply to the proposed project. Moreover, the commenter presents no

evidence to substantiate the assertion that the project is inconsistent with "any of the goals" including GHG reductions or that the proposed mitigation is ineffective to reduce impacts.

As explained further herein, the Draft EIR evaluated GHG impacts against the appropriate thresholds as required by CEQA. Lead agencies have the discretion to develop evidence-based numeric thresholds (mass emissions, per capita, or per service population) consistent with this Scoping Plan, the State's long-term GHG goals, and climate change science. As noted in Responses to AFTE-2 and AFTE-3, the analysis contained in the Draft EIR included both (1) a quantitative determination of the GHG emissions that would be generated by the proposed project, and (2) a qualitative assessment that addressed consistency with the SB 32 targets, the 2017 Scoping Plan and 2022 Scoping Plan Update (as well as the City's CAP and General Plan), which includes measures beyond the 2017 Scoping Plan to meet SB 32 targets. As disclosed in detail in the Draft EIR, this approach compares estimates of project emissions in the 2030 milestone year with the existing target to show the extent of progress that would be achieved by the project based on compliance with existing laws and regulations and the incorporation of specific project design features to address Considerations 1 and 2. The Draft EIR contained a thoughtful consistency analysis, and documents how the project—based on its design features, compliance with a robust regulatory framework and implementation of identified mitigation—would assist the State to make progress toward the emission reduction goals set forth in the 2017 and 2022 Scoping Plans and SB 32. Therefore, the Draft EIR used the appropriate thresholds to evaluate GHG impacts and no revisions are required. See also Responses to AFTE-2 and AFTE -3 for additional discussion as to the thresholds and methodologies used in the GHG impact analysis. This comment does not otherwise raise a substantive issue on the content of the EIR and does not raise an issue related to the adequacy of the analysis therein. Based on the information presented above, the Lead Agency is of the opinion that project impacts related to air quality and greenhouse gases have been fully disclosed, adequately analyzed and appropriately mitigated to the extent feasible under CEQA, therefore no further analysis or revisions are required except for clarification as noted above and no changes to the EIR are warranted.

*Comment AFTE-8*
The commenter makes a general assertion that the Draft EIR found that the proposed project would result in a potentially significant impact prior to the incorporation of mitigation.

*Response to AFTE-8*
The Draft EIR properly identified a potentially significant GHG impact in connection with Impact GHG-2 and identified feasible mitigation. As discussed in Responses to AFTE-2 through AFTE-7 herein, the Draft EIR appropriately analyzed the project's GHG impacts and concluded GHG impacts would be less than significant with mitigation incorporated.

To the extent the comment is general in nature and does not raise any specific project-related environmental issues under CEQA. The comment has been noted for the record and revisions to the Draft EIR are not necessary.

*Comment AFTE-9*
The commenter provides a summary of Executive Order B-55-18 (EO B-55-18) and notes that the EIR must evaluate consistency with "all other applicable plans" including demonstrating consistency with

EO B-55-18. It then asserts that the project is inconsistent with EO B-55-18 because it does not prohibit the use of gasoline, diesel, and natural gas.

*Response to AFTE-9*
As explained in Responses to AFTE-2 and AFTE-5 above, it is not feasible to prohibit the use of gasoline, diesel and natural gas for this type of large, mixed-use industrial development or for it to be required to control in perpetuity the types of vehicles used by tenants during project operations. Neither the future tenants nor the City would have control over the vehicles accessing the project site and thus neither would have the ability to enforce any obligation requiring that trucks utilize alternative low carbon fuels during the life of the proposed project. Given the volume of medium-duty vehicles that would be involved as part of the tenants' business operations, practical limitations on the owner's ability to control and enforce such an obligation, along with the current substantial cost and concerns regarding widespread availability of EVs, the suggested mitigation is not feasible. Moreover, the project applicants would be required to provide EV charging infrastructure throughout all parking areas as part of MM AIR-2d, which would improve charging infrastructure in the City and help facilitate the transition to electric vehicles.

Rather, the emissions resulting from the vehicles accessing the project site would largely be influenced by laws and regulations (current and future) that would apply to vehicle manufacturers based on determinations made by the ARB, which is the expert public agency charged to address these issues via a comprehensive regulatory framework applied Statewide based on robust data and evaluation with consideration of multiple complicated factors.

For example, among others, the Advanced Clean Fleet Regulation (CCR, Title 13, §§ 2013, 2013.1, 2013.2, 2013.3, 2013.4, 2014,2014.1, 2014.2, 2014.3, 2015, 2015.1, 2015.2, 2015.3, 2015.4, 2015.5, 2015.6, and 2016) is the latest development in the ARB's decades-long history of setting increasingly stringent emission standards for mobile sources. The Advanced Clean Fleet Regulation will help advance the introduction of zero-emission technologies into California's truck and bus fleets requiring fleets that are well suited for electrification to reduce emissions through requirements to both phase-in the use of ZEVs for targeted fleets. In addition, the Advanced Clean Trucks regulation requires that manufacturers only manufacture ZEV trucks starting in the 2036 model year. Truck fleets that serve the proposed project would be required to meet these ZEV requirements which would further reduce GHG emissions and phase out fossil fuel use.

Therefore, the Draft EIR properly determined that the proposed project is consistent with all applicable plans and policies seeking to reduce GHG emissions and would not prohibit, prevent or impede the State of California from achieving the goals set therein, including, without limitation, EO B-55-18 (i.e., the proposed project would not result in barriers to the State achieving net-zero emissions). As such, all applicable plans and policies, including EO B- 55-18, were addressed in the Draft EIR. The comment has been noted for the record. The comment does not raise an issue related to the adequacy of the Draft EIR, no and revisions to the Draft EIR are warranted.

*Comment AFTE-10*
The commenter provides a general summary of CEQA requirements with respect to the identification of impacts and mitigation, and purports that the mitigation measures identified to reduce GHG impacts are insufficient because CEQA requires that the project include fair share

mitigation for all significant cumulative impacts, consistent with the findings of *Napa Citizens for Honest Gov't v. Napa County Board of Supervisors* (2001) 91 Cal.App.4th 342, 364. The commenter claims that, for this project, this means mitigation of the full extent of the project's GHG impacts and therefore more mitigation is necessary.

*Response* to *AFTE-10*
To the extent the comment is general in nature and does not raise any specific project-related environmental issues under CEQA or provides sustantiation of the claims asserted.

As detailed more fully in the Draft EIR and described in Responses to AFTE-4 and AFTE-5, numerous feasible mitigation measures were identified under Impact GHG-2 that would fully mitigate for the project's potential GHG impacts. Moreover, GHG-2a has been further refined, which would further ensure that GHG impacts are reduced to a less than significant level. The commenter does not raise an issue related to the adequacy of the Draft EIR. The comments have been noted for the record and revisions to the Draft EIR are not necessary.

*Comment AFTE-11*
The commenter notes that MM GHG-2a allows the project to implement "solar-ready" rooftop design rather than specifying a specific number of solar panels to be installed. The commenter also purports that, as written in the Draft EIR, MM GHG-2a poses a conflict with the Visalia CAP because the CAP emphasizes solar panels be installed. Therefore, the commenter concludes that the project would have a significant, unmitigated impact.

*Response* to *AFTE-11*
As noted in Responses to AFTE-5 and AFTE-6, the Draft EIR provides a thoughtful and thorough analysis of the project's potential GHG impacts and identifies feasible mitigation to reduce those impacts to less than significant. The Draft EIR sets forth the detailed regulatory framework that would govern the project and explains that the proposed project would be required to comply with the requirement of these laws and regulations, which are some of the most stringent in the nation. For example, the project would be required to adhere to applicable California Building Energy Efficiency and CALGreen Standards, including, among others, those set forth Section 140.10, which requires solar PV system for the land uses such as warehouses, retail, and restaurants. The proposed project, which includes warehouse, self storage facility, drive-through restaurants, and convenience store would be subject to the solar PV requirements, unless otherwise exempt per Section 140.10. The required solar PV size is calculated based on the project's climate zone, amount of conditioned space, and space usage. The required solar PV system is intended to offset the annual electrical consumption of a mixed-fuel building such that it will self-utilize about 80 percent of the annual solar PV generation without battery storage, and about 90 percent with battery storage, over a year.[3] The foregoing, which is reflected in modified MM GHG-2a, further ensures the project's GHG impacts would be less than significant through compliance with the foregoing, which incorporates a quantitative performance standard. This requirement has replaced the original language in MM GHG-2a. (See also AFTE-5 and Section 3, Errata, of the Final EIR).

[3] California Energy Commission. 2022. Nonresidential Solar PV General Information. Website: https://www.energy.ca.gov/programs-and-topics/programs/building-energy-efficiency-standards/online-resource-center/2022-0. Accessed June 20, 2024.

Therefore, consistent with the analysis set forth in the Draft EIR, the proposed project would be consistent with the CAP policy which encourages the installation of solar PV systems. The Draft EIR properly determined that the proposed project would result in a less than significant impact after implementation of identified measures, including MM AIR-2d, MM GHG-2a, and MM GHG-2b. The commenter offers no evidnece or substantation of this assertion, which has been noted for the record and revisions to the Draft EIR are not necessary.

*Comment AFTE-12*
The commenter notes that MM GHG-2b would limit warehouse usage to dry storage but is unenforceable because it does not commit the City to the dry storage usage because it contains provisions that must be complied with if the warehouse is used for cold storage.

*Response to AFTE-12*
The commenter does not accurately reflect the contents of MM GHG-2b. The Draft EIR's GHG analysis considered the impacts associated with emissions that would result if TRUs were involved as a result of any portion of the warehouses being used for cold storage. To reduce impacts in this regard, as noted in both the comment and the Draft EIR, MM GHG-2b contains provisions that must be complied with if any portion of warehouse(s) are used for cold storage. Specifically, MM GHG-2b would ensure that in the event there would be cold storage uses such that TRUs would be entering the project site, then all such TRUs would need to be plug-in capable. The intent of the mitigation measure is to limit the GHG emissions that would be produced if any portion of the project is used for cold storage. By requiring that the foregoing mandatory be incorporated in every lease, thereby making it contractually binding, this measure's enforceability can be appropriately assured. This comment has been noted for the record. and no revisions to mitigation measures are warranted.

*Comment AFTE-13*
The commenter notes that MM AIR-2d would incorporate electric vehicle charging infrastructure for 20 percent of the project's parking spaces. The commenter also notes that this represents the minimum requirement of the CBC, and then makes a general assertion that this amount would not be sufficient to mitigate the project's potentially significant impact from vehicle GHG emissions.

*Response* to *AFTE-13*
To the extent the comment is general in nature and does not raise any specific project-related environmental issues under CEQA. The commenter is not clear nor offers evidence as to the basis for the assertion that compliance with applicable mandates under State law, which are some of the most stringent in the nation, would not be sufficient to mitigate the project's potential impacts associated with vehicle GHG emissions. The Draft EIR contains a detailed analysis that quantifies construction- and operational-related GHG emissions, including those resulting from mobile sources. As noted in the Draft EIR, MM AIR-2 requires each development within the proposed project incorporate infrastructure for EV charging stations into a minimum of 20 percent of all vehicle parking spaces (including parking for trucks). In so doing, this would facilitate achievement of the State's GHG emission reduction goals by incorporating substantial opportunities for EV infrastructure to be available to serve the vehicles utilized during project operations. Furthermore, beyond what is required by the CBC, MM AIR-2d specifies that the buildings' electrical room shall be sufficiently sized to hold additional panels that may be needed to supply power for the future installation of EV truck charging stations on the project site.

The Draft EIR appropriately analyzed the project's GHG impacts and it was found, based on substantial evidence in the record, that impacts would be reduced to less than significant levels with mitigation incorporated. Therefore, there is no legal nexus to implement additional mitigation measures and no requirement under CEQA to do so. The comment has been noted for the record, and revisions to the Draft EIR or additional mitigation measure are not warranted.

See also Responses to AFTE-4 and AFTE-5.

*Comment AFTE-14*
The commenter makes the general assertion that there is no evidence that the mitigation measures identified in the GHG section of the Draft EIR would mitigate the project's impact to a less than significant extent, let alone the fair share of the project's significant GHG impact.

*Response* to *AFTE-14*
The comment is general in nature and does not raise any specific project-related environmental issues under CEQA.

See Responses to AFTE-2, AFTE-3, AFTE-4, AFTE-5, AFTE-9, AFTE-10, AFTE-11, and AFTE-12. Contrary to the comment's assertions, the Draft EIR and the responses to comments set forth in the Final EIR, constitute substantial evidence in the record that the project's impacts would be reduced to less than significant levels with incorporation of the identified mitigation. The scope of the measures that would be imposed on the project are sufficient under the law to mitigate the project's impacts as required under CEQA. The comment has been noted for the record and revisions to the Draft EIR are not necessary.

*Comment AFTE-15*
The commenter reiterates the prior assertion that the determination of less than significant GHG impact after mitigation violates CEQA because the Lead Agency is required to mitigate significant cumulative impacts to the fair share extent when it finds a potentially significant impact, not just to the point of "less than significant." The comment also restates that the proposed mitigation measures would not be capable of reducing the project's GHG impact to a less than significant level because it would still conflict with the Scoping Plans and the Visalia CAP. The commenter also requests to be added to the public interest list for the proposed project.

*Response to AFTE-15*
The comment is general in nature and does not raise any specific project-related environmental issues under CEQA.

See Responses to AFTE-4, AFTE-5, AFTE-10, AFTE-11, and AFTE-14. The Draft EIR describes its analysis, which determined that the proposed project would have less than significant GHG impacts with the incorporation of mitigation. The City is not permitted under CEQA to impose mitigation measures or require applicants to incorporate project design features for impacts that have been determined to be less than significant. The commenter is added to the public interest list for the proposed project. The comment has been noted for the record and revisions to the Draft EIR and new mitigation measures are not necessary.

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*SUBJECT: Comments on Shirk and Riggin Industrial Park Project EIR (SCH NO. 2022080658)*

Dear Mr. Smith,

Thank you for the opportunity to comment on the Environmental Impact Report (EIR) for the proposed Shirk and Riggin Industrial Park Project. Please accept and consider these comments on behalf of Golden State Environmental Justice Alliance. Also, Golden State Environmental Justice Alliance formally requests to be added to the public interest list regarding any subsequent environmental documents, public notices, public hearings, and notices of determination for this project. Send all communications to Golden State Environmental Justice Alliance P.O. Box 79222 Corona, CA 92877.

**1.0 Summary**

The Project site is approximately 284 acres and currently consists of an actively managed almond orchard with an onsite pump house and small structures supportive of the orchard operations. The proposed project would discontinue the existing agricultural uses, demolish remaining on-site structures that serve agricultural uses, and develop a mixed-use industrial park totaling approximately 3,720,149 square feet of light industrial, flex industrial, and commercial uses along with car/trailer parking areas and related on- and off-site improvements. The industrial park would involve both flex industrial and light industrial uses. Flex industrial uses would consist of small incubator space available for small manufacturing, storage, limited warehouse space, while the light industrial uses would consist of warehouse, distribution, storage, and light manufacturing. The project site proposes construction of eight light industrial buildings (3,474,650 total sf), six flex industrial buildings (84,480 total sf), Self-Storage/Recreation Vehicle (RV) Buildings (144,800 total sf), Convenience Store and Gas Station (6,922 sf), two 2,368 sf Drive-through Restaurants (4,736 total sf), and a Car Wash (4,560 sf). The project site is located within the 1

boundaries of Tulare County. The proposed project would need to be annexed into the city limits, and upon annexation, would be served by the City of Visalia for purposes of water and wastewater.

The proposed project would require the certification of the EIR and the following discretionary approvals from the City:

1. Approval of a Development Agreement
2. Approval of Resolution Initiating Annexation Proceedings
3. Approval of the Site Plan
4. Approval of Tentative Parcel Map
5. Conditional Use Permit for the conditionally permitted uses proposed (convenience store, drive-through restaurants), some of the proposed lot sizes in the light industrial zoning, and lots without public street frontage.

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**1.1 Project Piecemealing**

The EIR does not accurately or adequately describe the project, meaning "the whole of an action, which has a potential for resulting in either a direct physical change in the environment, or a reasonably foreseeable indirect physical change in the environment" (CEQA § 15378). The project proposed by Shirk & Riggin Industrial Park is a piecemealed portion of a larger overall project to be developed within the larger Seefried Logistics Center in the City of Visalia. Other piecemealed projects include at minimum SPR21071[1] (construction of a 1,044,950 sf warehouse/distribution center building at the southwest corner of Plaza and Ferguson - Ace Hardware), and SPR22041[2] (construction of a 535,540 sf warehouse building at the southwest corner of Goshen and American, immediately south of Ace Hardware). Cumulatively, the three piecemealed applications construct a total of 5,300,639 sf of building floor area.

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A project EIR must be prepared that accurately represents the whole of the action without piecemealing the project into separate, smaller development projects to present unduly low environmental impacts. CEQA Section 15161 describes project EIRs as examining "the environmental impacts of a specific development project. This type of EIR should focus primarily on the changes in the environment that would result from the development project. The EIR shall

[1] https://cd.visalia.city/CitizenAccess/Cap/CapDetail.aspx?Module=Engineering&TabName=Engineering&capID1=ENG21&capID2=00000&capID3=00278&agencyCode=VISALIA

[2] https://cd.visalia.city/CitizenAccess/Cap/CapDetail.aspx?Module=Engineering&TabName=Engineering&capID1=ENG22&capID2=00000&capID3=00142&agencyCode=VISALIA

examine all phases of the project including planning, construction, and operation." The specific development project is the construction and operation of all Seefried buildings.

Additionally, CEQA Section 15146 requires that the degree of specificity in an EIR "will correspond to the degree of specificity involved in the underlying activity which is described in the EIR. (a) An EIR on a construction project will necessarily be more detailed in the specific effects of the project than will be an EIR on the adoption of a local general plan or comprehensive zoning ordinance because the effects of the construction can be predicted with greater accuracy." Because there are multiple proposed buildings as part of a single project, the project EIR must be more detailed in the specific effects of the project. A project EIR must be prepared which accurately represents the whole of the action without piecemealing the project into separate, smaller development projects, development areas, or development phases to present unduly low environmental impacts. 2 CONT

**2.0 Project Description**

The EIR does not include a floor plan, detailed site plan, detailed building elevations for each proposed building, or a conceptual grading plan. The basic components of a Planning Application include a detailed site plan, floor plan, conceptual grading plan, written narrative, and detailed elevations. Only a representative elevation for one each of the warehousing and flex industrial buildings is provided; there are no elevations for the Self-Storage/Recreation Vehicle (RV) Buildings, Convenience Store and Gas Station, two 2,368 sf Drive-through Restaurants, or Car Wash. Additionally, the site plan provided in Exhibit 2-8 has been edited to remove pertinent information from public view. For example, it does not provide any detailed information such a, floor area ratio, earthwork quantity notes, or maximum building height. Providing the earthwork quantity notes via a complete conceptual grading plan is vital as the EIR states that, "the proposed project includes approximately 130,000 cubic yards of material to be cut, approximately 260,000 cubic yards of fill material, and a net import of approximately 130,000 cubic yards of new material," and there is no method for the public or decision makers to verify this statement. Verification of the earthwork quantities is vital as it directly informs the quantity of any necessary truck hauling trips due to soil import/export during the grading phase of construction, thereby impacts mobile source emissions. A revised EIR must be prepared to include wholly accurate and unedited detailed project site plan, floor plan, grading plan, elevations, and project narrative for public review. 3

Additionally, the Project Description states that a necessary action to implement the proposed project is approval of a Development Agreement. However, the EIR has not included the Development Agreement for review by the public and decision makers. This does not comply 4

with CEQA's requirements for adequate informational documents and meaningful disclosure (CEQA § 15121 and 21003(b)). Incorporation by reference (CEQA § 15150 (f)) is not appropriate as the Development Agreement contributes directly to analysis of the problem at hand and is a component of the proposed project. A revised EIR must be prepared to include the Development Agreement for review, analysis, and comment by the public and decision makers. 4 CONT

The Project Description and EIR are insufficient in adequately describing the proposed project. The Project Description states that a necessary action to implement the proposed project is approval of a "Conditional Use Permit for the conditionally permitted uses proposed (convenience store, drive-through restaurants), some of the proposed lot sizes in the light industrial zoning, and lots without public street frontage." However, there is no specific information given in the EIR regarding which lots are affected, the deviations in lot sizes from the requirements, and which lots do not have public street frontage. This does not comply with CEQA's requirements for adequate informational documents and meaningful disclosure (CEQA § 15121 and 21003(b)). Incorporation by reference (CEQA § 15150 (f)) is not appropriate as the complete and specific details of the Conditional Use Permit requests contribute directly to analysis of the problem at hand and is a component of the proposed project. A revised EIR must be prepared to include the complete and specific details of the Conditional Use Permit requests for review, analysis, and comment by the public and decision makers. 5

**3.0 Environmental Impact Analysis**

It must be noted that Table 3-1: Cumulative Projects excludes YS Industrial Park Phase 3 (SPR22130[3]), which is immediately adjacent to the south of the project site and currently under review. The EIR must be revised to include this project for cumulative analysis in order to provide an accurate environmental analysis and an adequate informational document. 6

**3.3 - Air Quality, 3.6 - Energy, and 3.8 - Greenhouse Gas Emissions**

The EIR does not include for analysis relevant environmental justice issues in reviewing potential impacts, including cumulative impacts from the proposed project. This is especially significant as the surrounding community is highly burdened by pollution. According to CalEnviroScreen 4.0[4], CalEPA's screening tool that ranks each census tract in the state for pollution and socioeconomic vulnerability, the proposed project's census tract (6107001003) is ranked in the 99th percentile for overall pollution burden, meaning it is among the most polluted census tracks in the state. The 7

[3] https://cd.visalia.city/CitizenAccess/Cap/CapDetail.aspx?Module=Engineering&TabName=Engineering&capID1=ENG22&capID2=00000&capID3=00585&agencyCode=VISALIA&IsToShowInspection=

[4] CalEnviroScreen 4.0 https://oehha.ca.gov/calenviroscreen/report/calenviroscreen-40

surrounding community bears the impact of multiple sources of pollution and is more polluted than average on several pollution indicators measured by CalEnviroScreen. For example, the project census tract ranks in the 91st percentile for ozone burden, the 98th percentile for particulate matter (PM) 2.5 burden, and the 55th percentile for diesel PM. All of these environmental factors are attributed to heavy truck activity in the area. Ozone can cause lung irritation, inflammation, and worsening of existing chronic health conditions, even at low levels of exposure[5]. The very small particles of diesel PM can reach deep into the lung, where they can contribute to a range of health problems. These include irritation to the eyes, throat and nose, heart and lung disease, and lung cancer[6].

The census tract also ranks in the 78th percentile for contaminated drinking water. Poor communities and people in rural areas are exposed to contaminants in their drinking water more often than people in other parts of the state[7]. The census tract also ranks in the 85th percentile for groundwater threats. People who live near contaminated groundwater may be exposed to chemicals moving from the soil into the air inside their homes[8].

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The census tract bears more impacts from cleanup sites than 95% of the state. Chemicals in the buildings, soil, or water at cleanup sites can move into nearby communities through the air or movement of water[9]. The census tract also ranks in the 99th percentile for toxic releases. People living near facilities that emit toxic releases may breathe contaminated air regularly or if contaminants are released during an accident[10].

The census tract also ranks in the 72nd percentile for solid waste facility impacts and 87th percentile for hazardous waste facility impacts. Solid waste facilities can expose people to hazardous chemicals, release toxic gases into the air (even after these facilites are closed), and chemicals can leach into soil around the facility and pose a health risk to nearby populations[11]. Hazardous waste generators and facilities contribute to the contamination of air, water and soil near waste generators and facilities can harm the environment as well as people[12].

[5] OEHHA Ozone Burden https://oehha.ca.gov/calenviroscreen/indicator/air-quality-ozone
[6] OEHHA Diesel Particulate Matter https://oehha.ca.gov/calenviroscreen/indicator/diesel-particulate-matter
[7] OEHHA Drinking Water https://oehha.ca.gov/calenviroscreen/drinking-water
[8] OEHHA Groundwater Threats https://oehha.ca.gov/calenviroscreen/indicator/groundwater-threats
[9] OEHHA Cleanup Sites https://oehha.ca.gov/calenviroscreen/indicator/cleanup-sites
[10] OEHHA Toxic Releases https://oehha.ca.gov/calenviroscreen/indicator/toxic-releases-facilities
[11] OEHHA Solid Waste Facilities https://oehha.ca.gov/calenviroscreen/indicator/solid-waste-sites-and-facilities
[12] OEHHA Hazardous Waste Generators and Facilities https://oehha.ca.gov/calenviroscreen/indicator/hazardous-waste-generators-and-facilities

Further, the census tract is a diverse community including 50% Hispanic and 8% Asian-American residents, whom are especially vulnerable to the impacts of pollution. The community has a high rate of poverty, meaning 39% of the households in the census tract have a total income before taxes that is less than the poverty level. Income can affect health when people cannot afford healthy living and working conditions, nutritious food and necessary medical care[13]. Poor communities are often located in areas with high levels of pollution[14]. Poverty can cause stress that weakens the immune system and causes people to become ill from pollution[15]. Living in poverty is also an indication that residents may lack health insurance or access to medical care. Medical care is vital for this census tract as it ranks in the 70th percentile for incidence of cardiovascular disease and 52nd percentile for incidence of asthma. The community also has a high rate of linguistic isolation, meaning 40% of the census tract speaks little to no English and faces further inequities as a result.

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Additionally, the proposed project's census tract (6107001003) and the census tracts adjacent to the project site (6107000900 (north/west) and 6107001004 (east)) are identified as SB 535 Disadvantaged Communities[16]. This indicates that cumulative impacts of development and environmental impacts in the area are disproportionately impacting these communities. The negative environmental, health, and quality of life impacts resulting from an over-saturation of the warehousing and logistics industry in the area have become distinctly inequitable. The severity of significant and unavoidable impacts particularly on these Disadvantaged Communities must be included for analysis as part of a revised EIR. Each section of the EIR must include the specific analysis of each environmental impact on the Disadvantaged Communities, including cumulative analysis and irreversible environmental effects.

The State of California lists three approved compliance modeling softwares[17] for non-residential buildings: CBECC-Com, EnergyPro, and IES VE. CalEEMod is not listed as an approved software. The CalEEMod modeling does not comply with the 2022 Building Energy Efficiency Standards and under-reports the project s significant Energy impacts and fuel consumption to the public and decision makers. Since the EIR did not accurately or adequately model the energy impacts in compliance with Title 24, it cannot conclude the project will generate less than significant impacts and a finding of significance must be made. A revised EIR with modeling using one of the approved software types must be prepared and circulated for public review in

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[13] OEHHA Poverty https://oehha.ca.gov/calenviroscreen/indicator/poverty
[14] Ibid.
[15] Ibid.
[16] OEHHA SB 535 Census Tracts https://oehha.ca.gov/calenviroscreen/sb535
[17] California Energy Commission 2022 Energy Code Compliance Software https://www.energy.ca.gov/programs-and-topics/programs/building-energy-efficiency-standards/2022-building-energy-efficiency-1

order to adequately analyze the project s significant environmental impacts. This is vital as the EIR utilizes CalEEMod as a source in its methodology and analysis, which is clearly not an approved software. 8 CONT

**3.11 Land Use and Planning**

The EIR does not discuss or analyze the project's compliance with the General Plan's Land Use Buildout Scenario. Table 1-4: Non-Residential Floor Area within the General Plan[18] projected new development of 9,690,000 s.f. of building area in the industrial land use designations between 2010 and 2030. Table 1-5: Employment by Sector projects the associated creation of 9,670 jobs in the industrial sector. The EIR has not provided evidence that the growth generated by the proposed project was anticipated by the General Plan, RTP/SCS, or AQMP. The whole of the action proposed by the project (inclusive of SPR21071 and SPR22041) proposes the development of 5,300,639 square feet of building area, which is 54% of the City's industrial buildout. A revised EIR must be prepared to include this analysis, and also provide a cumulative analysis discussion of projects approved since General Plan adoption and projects "in the pipeline" to determine if the project will exceed the General Plan buildout scenarios. For example, other development such as recent YS Industries projects (SPR19213, SPR21150 and SPR22130) proposes construction of 2,507,328 sf of building area on industrial lands. Combined with the proposed project (all Seefried buildings) will cumulatively generate 7,807,967 square feet of building area on industrial designated lands. This represents 80.5% of the City's industrial buildout through 2030 accounted for by only two recent developers. These totals increase when other industrial development approved, submitted, or "in the pipeline" since General Plan adoption are added to the total. A revised EIR must be prepared to include a cumulative analysis on this topic. 9

Further, Table 3.11-2: General Plan Consistency Analysis provides an erroneous and misleading analysis of the proposed project and its significant and unavoidable impacts, and excludes several goals and policies from the General Plan for analysis. The EIR does not provide a consistency analysis with all land use plans, policies, or regulations adopted for the purpose of avoiding or mitigating an environmental effect. The project has significant potential to conflict with many of these items, including but not limited to the following from the General Plan: 10

1. T-P-9 Maintain acceptable levels of service for all modes and facilities, as established in Tables 4-1, Intersection Level of Service Definitions and 4-2, Level of Service Criteria for Roadway Segments.

[18] https://www.visalia.city/depts/community_development/planning/gp.asp

2. T-P-15 Require additional right-of-way and improvements of Circulation Element facilities where needed for turning movements or to provide access to adjacent properties wherever access is not feasible from the lower classification street system. 11
3. T-P-61 Encourage high-security off-street parking areas for tractor-trailer rigs in industrial areas. 12
4. AQ-O-3 Reduce emissions of greenhouse gases that contribute to global climate change in accord with federal and State law. 13

Additionally, several goals and policies analyzed within Table 3.11-2 provide erroneous and misleading statements regarding the proposed project. For example, the EIR concludes the project is consistent with "Objective AQ-O-2: Strive to improve air quality by implementing emissions reduction efforts targeting mobile sources, stationary sources and construction-related sources," because "the proposed project would include Mitigation Measure (MM) AIR-2a through MM AIR-2h to reduce emissions to the extent feasible." The EIR excludes from analysis that the project will have a significant and unavoidable direct project-level and cumulative impact to air quality after mitigation is implemented. The EIR must be revised to include a finding of significance due to the direct inconsistency with the General Plan. 14

The EIR also concludes the project is consistent with "T-P-24: Require that proposed developments make necessary off-site improvements if the location and traffic generation of a proposed development will result in congestion on major streets or failure to meet LOS D during peak periods or if it creates safety hazards," because "As discussed in Section 3.14, Transportation, the proposed project would not result in congestion on major streets or failure to meet LOS D during peak-hours following recommendations established by the project-specific Transportation Impact Study. The proposed project would construct off-site street and intersection improvements to improve existing safety hazards and reduce congestion." However, the Transportation analysis has not provided a project-specific safety hazard analysis. The EIR has not adequately analyzed the project's potential to substantially increase hazards due to a geometric design feature (e.g., sharp curves or dangerous intersections) or incompatible uses; or the project's potential to result in inadequate emergency access. There are no exhibits depicting the available truck turning radius at the intersection of the project driveways and adjacent streets. There are also no exhibits adequately depicting the onsite turning radius available for trucks maneuvering throughout the site. 15

The Transportation analysis within the EIR states that, "A sight distance analysis for each project driveway was conducted to determine whether outbound vehicles would have adequate sight distance to observe conflicting traffic along the intersecting public roadways. Intersection sight distance for the project driveways were evaluated following methodology outlined by the City of

Visalia Design and Improvement Standard SD-3, which is based on guidance outlined by the American Association of State Highway and Transportation Officials, A Policy on Geometric Design of Highway and Street, 7th Edition. The proposed project would be required to satisfy the required sight lines and clear zone requirements for all project driveways, to ensure roadway hazards are minimized." However, the EIR has not included the sight distance analysis for review by the public and decision makers. This does not comply with CEQA's requirements for adequate informational documents and meaningful disclosure (CEQA § 15121 and 21003(b)). Incorporation by reference (CEQA § 15150 (f)) is not appropriate as the sight distance analysis contributes directly to analysis of the problem at hand in reviewing the project's potentially significant impacts related to threshold Impact TRANS-3, and therefore it does not comply with General Plan Policy T-P-24. A revised EIR must be prepared to include the sight distance analysis for review, analysis, and comment by the public and decision makers. 15 CONT

Further, Appendix I includes Table 23: Summary of Access Recommendations, which provides recommendations to the site plan and offsite street areas to related project traffic queuing and safety. None of these recommendations are included as mitigation measures in the EIR, indicating that they are not required to be completed by the proposed project and outstanding project traffic queuing and safety exist. The EIR must be revised to include a finding of significance as it has not provided meaningful evidence to support the conclusion that the project will result in less than significant impacts under threshold Impact TRANS-3, and therefore has not complied with General Plan Policy T-P-24.

Further, the EIR does not discuss that the site is identified in the City's Draft Housing Element[19]. Table 41: Vacant Parcels Available for Emergency Shelters list the project site as a vacant site available to accommodate an emergency shelter and contributes to statutorily required capacity to accommodate the City's homeless individuals. A revised EIR must be prepared to include this information for analysis. The project also cannot be approved until and unless the City's Housing Element is revised to remove the project site from the sites inventory for statutorily required capacity to accommodate the City's homeless individuals. 16

Further, the EIR does not provide a consistency analysis with TCAG's 2018 RTP/SCS. Due to errors in modeling, modeling without supporting evidence (as noted throughout this comment letter and attachments), and the EIR's determination that the project will have significant and unavoidable cumulatively considerable impacts to Air Quality, the proposed project is directly inconsistent with Goal 10 to improve air quality through congestion management, coordination of land use, housing and transportation system, provision of alternative modes of transportation and 17

[19] https://hcdpowerbi.blob.core.windows.net/housing-elements/visalia-6th-adopted-122823.pdf

provision of incentives that reduce vehicle miles traveled. The EIR relies upon the flawed reasoning that since the project is required to implement mitigation measures that reduce air quality emissions to the maximum extent feasible, this will "thereby improv(e) air quality, consistent with Goal 10." This is erroneous and misleading to the public and decision makers as the project will have a significant and unavoidable direct project-level and cumulative impact to air quality after mitigation is implemented. The EIR must be revised to include a finding of significance due to the direct inconsistency with TCAG s 2018 RTP/SCS. 17 CONT

Table 3.11-1: LAFCo Consistency Analysis (Government Code § 56668) also provides an erroneous and misleading constituency analysis with statutory requirements for annexation requests. For example, Government Code Section 56668(g) requires analysis of the project's consistency with the RTP and City/County General Plans. The EIR concludes that the proposed project is consistent with this section in stating that, "As discussed throughout this Land Use section, the proposed project would be consistent with all transportation policies that are relevant to the proposed project." However, as shown above, the proposed project is not consistent with the RTP nor the General Plan. The EIR must be revised to include a finding of significance due to the direct inconsistency with LAFCo statutory requirements regarding annexation requests. 18

**3.14 Transportation**

The EIR states that the, "The proposed project is expected to increase VMT per employee within the TAZ it is located by approximately 0.15 mile, or 1.54 percent of the total miles traveled. Therefore, the proposed project would result in a significant VMT impact." The EIR provides Mitigation Measures TRANS-10a and TRANS-10b to justify mitigating impacts to less than significant levels:

"MM TRANS-10a: Prior to the issuance of building permits, the site plan shall include the location of up to six secured bicycle storage lockers near each of the buildings entrances and the future transit stop. Up to 10 potential locations shall be included, for a total of up to 60 lockers throughout the site. Lockers shall be provided for approximately 1.5 percent of the 4,178 site s daily employees with flexibility to add future lockers based on demand. 19

MM TRANS-10b: Prior to final occupancy of any portion of Phase 1, the developer shall construct a bike path along Modoc Ditch, between Kelsey Street and Shirk Street (approximately 1-mile). The existing Class I bike path along Modoc ditch runs to the east of the proposed project, between Dinuba Boulevard and the St. John s River Trail. The Carlton Acres Specific Plan (CASP) project also proposed to construct a portion of the Class I path within the site. Therefore, the bike path shall connect to a new path proposed within the CASP site and future segments to the east and west. This mitigation is subject to contractability and approval by Cal Water."

Notably, the EIR has not provided meaningful evidence to support the conclusion that Mitigation Measures TRANS-10a and TRANS-10b will reduce VMT to below the significance threshold. Mitigation Measures TRANS-10a and TRANS-10b are unenforceable mitigation in violation of CEQA § 21081.6 (b). The EIR has not provided an accurate, quantified calculation of the reduced VMT as a result of Mitigation Measures TRANS-10a and TRANS-10b. The EIR refers to the City's VMT Guidelines[20], which state that per "CAPCOA SDT- [Bike Parking in Non-Residential projects has minimal impacts as a standalone strategy and should be grouped with the LUT-9 (Improve Design of Development) strategy to encourage bicycling by providing strengthened street network characteristics and bicycle facilities]," and also that, "The benefits of Land Dedication for Bike Trails have not been quantified and should be grouped with the LUT-9 (Improve Design of Development) strategy to strengthen street network characteristics and improve connectivity to off-site bicycle networks." Appendix M within Appendix I indicates that the consultant used a proprietary software to calculate the VMT reductions of the proposed mitigation measures. The data inputs utilized for modeling are not provided to the public and decision makers and the outputs sheets from the software are blurry and illegible, which does not comply with CEQA's requirements for meaningful disclosure and adequate informational documents (CEQA § 15121 and PRC 21003(b)). CAPCOA also notes that the proposed VMT mitigations do not stand alone to reduce VMT and must be paired with other strategies, which has not been proposed as part of the project.

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Further, it is not possible for the City to ensure that Mitigation Measures TRANS-10a and TRANS-10b will result in reduced VMT by project employees and be implemented continuously, at all times, throughout the life of the project and maintain a VMT reduction to less than significant levels at all times. Notably, MM TRANS-10b states that, "This mitigation is subject to contractability and approval by Cal Water," indicating that it is further infeasible as mitigation and will not achieve any reduction of VMT. The efficacy of the proposed mitigation measures and reduction of VMT impacts below the applicable thresholds cannot be assured, and the project's VMT impact is therefore considered significant and unavoidable. A revised EIR must be prepared to include a finding of significance because there is no possible assurance of the percentage of project employees that would utilize non-automobile or non-single occupant vehicle travel associated with the mitigation measures and mitigation of the project's VMT impact to less than significant is not feasible.

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Further, the EIR has underreported the quantity VMT generated by the proposed project operations. The operational nature of industrial/warehouse uses involves high rates of truck/trailer/delivery van VMT due to traveling from large import hubs to regional distribution centers to smaller industrial parks and then to their final delivery destinations. Once employees

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[20] https://www.visalia.city/civicax/filebank/blobdload.aspx?BlobID=47045

arrive at work at the proposed project, they will conduct their jobs by driving delivery vans across the region as part of the daily operations as a warehouse, which will drastically increase project-generated VMT. The project's truck/trailer and delivery van activity is unable to utilize public transit or active transportation and it is misleading to the public and decision makers to exclude this activity from VMT analysis. The project's actual VMT generated by all aspects of project operation is not consistent with the significance threshold and legislative intent of SB 743 to reduce greenhouse gas emissions by reducing VMT. A revised EIR must be prepared to reflect a quantified VMT analysis that includes all truck/trailer and delivery van activity. 21

The EIR has not adequately analyzed the project's potential to substantially increase hazards due to a geometric design feature (e.g., sharp curves or dangerous intersections) or incompatible uses; or the project's potential to result in inadequate emergency access. There are no exhibits depicting the available truck turning radius at the intersection of the project driveways and adjacent streets. There are also no exhibits adequately depicting the onsite turning radius available for trucks maneuvering throughout the site. The EIR states that, "A sight distance analysis for each project driveway was conducted to determine whether outbound vehicles would have adequate sight distance to observe conflicting traffic along the intersecting public roadways. Intersection sight distance for the project driveways were evaluated following methodology outlined by the City of Visalia Design and Improvement Standard SD-3, which is based on guidance outlined by the American Association of State Highway and Transportation Officials, A Policy on Geometric Design of Highway and Street, 7th Edition. The proposed project would be required to satisfy the required sight lines and clear zone requirements for all project driveways, to ensure roadway hazards are minimized." However, the EIR has not included the sight distance analysis for review by the public and decision makers. This does not comply with CEQA's requirements for adequate informational documents and meaningful disclosure (CEQA § 15121 and 21003(b)). Incorporation by reference (CEQA § 15150 (f)) is not appropriate as the sight distance analysis contributes directly to analysis of the problem at hand in reviewing the project's potentially significant impacts related to threshold Impact TRANS-3. A revised EIR must be prepared to include the sight distance analysis for review, analysis, and comment by the public and decision makers. 22

Further, Appendix I includes Table 23: Summary of Access Recommendations, which provides recommendations to the site plan and offsite street areas to related project traffic queuing and safety. None of these recommendations are included as mitigation measures in the EIR, indicating that they are not required to be completed by the proposed project and outstanding project traffic queuing and safety exist. The EIR must be revised to include a finding of significance as it has not provided meaningful evidence to support the conclusion that the project will result in less than significant impacts under threshold Impact TRANS-3. 23

### 4.2.2 Environmental Effects Found Not To Be Significant: Population and Housing

The EIR does not address the proposed project's annexation requirements in this analysis. The EIR states that, "In terms of the removal of any direct barriers to growth, this would not occur due to the proposed project because it does not propose removing any existing obstacles that currently prevent growth within the City." The annexation of the proposed project site into the City's boundaries will remove an existing obstacle that currently prevents growth within the City, and contribute towards the development thresholds that unlock development in the Tier II and Tier III Urban Development Boundary of the General Plan. The EIR must be revised to include a finding of significance due to this impact. 24

The EIR also states that, "The proposed project is anticipated to generate a total of approximately 4,100 new employees at full buildout," which was calculated based on ITE vehicle trip rates for the proposed project. This does not represent the best available data as local data is available in the City's General Plan. The City's General Plan[21] provides employment generation rates, including the rate of 1 employee for every 750 square feet of light industrial building area.

Applying this ratio results in the following calculation:

Proposed Project: 3,720,149 sf / 750 sf = 4,961 employees

Seefried Piecemealed Projects: 5,300,639 sf / 750 = 7,068 employees

The EIR utilizes uncertain and misleading language which does not provide any meaningful analysis of the project s population and employment generation. In order to comply with CEQA s requirements for meaningful disclosure, a revised EIR must be prepared to provide an accurate estimate of employees generated by all uses of the proposed project. It must also provide demographic and geographic information on the location of qualified workers to fill these positions. A construction worker employment analysis must also be included to adequately and accurately analyze all potentially significant environmental impacts. It must also provide a job buildout analysis of the City's General Plan. Table 1-5: Employment by Sector within the General Plan indicates that the Industrial land use designation will allow for the creation of 9,670 new jobs from 2010-2030. The whole of the action proposed by the project (inclusive of SPR21071 and SPR22041) will create 2,071 new jobs, which is 21% of the City's industrial job buildout accounted for by a single project. Piecemealed Seefried projects combined with the proposed project cumulatively generate 7,068 employees, which is 73% of the City's industrial land use job buildout. A revised EIR must be prepared to include this analysis, and also provide a cumulative 25

[21] https://www.visalia.city/civicax/filebank/blobdload.aspx?BlobID=30474

analysis discussion of projects approved since General Plan adoption and projects "in the pipeline" to determine if the project will exceed the General Plan buildout scenarios. For example, other recent industrial projects such as recent YS Industries projects (SPR19213, SPR21150 and SPR22130; 2,507,328 sf of building area and 3,344 employees) combined with the proposed project will cumulatively generate 10,412 employees on land with industrial designations. This represents 107% of the City's industrial job buildout through 2030 accounted for by only a few recent projects. These totals increase when other industrial development approved, submitted, or "in the pipeline" since General Plan adoption are added to the total.

The EIR also has not provided evidence that the local unemployed population is qualified for or interested in work in the industrial sector. The EIR states that, "*Given the nature* of the proposed project, it would *likely* be staffed *primarily* by *local* employees once operational." However, there is no specific information given about the "nature" of the proposed project in this context. The EIR also uses uncertain language in stating that the project will "primarily" and "likely" have a staff of "local" employees, and the geographic boundaries of the "local" area are undefined. The EIR relies upon Census data to improperly conclude that because 22.5% of the City's *active* workforce is employed within the "wholesale trade, manufacturing, retail trade, and transportation and warehousing" sectors, this translates to 22.5% of the *unemployed* workforce being available for work in these sectors. The EIR has not provided any information about the unemployed workforce and their qualifications/interest in work in the industrial sector. Even if the EIR's theory that "1,352" workers within the City was viable, it would only account for 27% of the proposed project's employees and 19% of the piecemealed Seefried project employees, meaning that the majority of employees will commute from outside the City to the project. The EIR states here that, "U.S. Census Bureau 2011–2015 5-Year American Community Survey (ACS) Commuting Flows, there are a total of 140,091 workers who both live in Tulare County and commute to work within the County. It is reasonable to *assume* that workers who currently reside in the Tulare County *near* the City of Visalia would continue to commute to work and thus also would be available to serve as employees for the proposed project." The EIR provides no information about the Tulare County workers and their interest/qualifications for work in the industrial sector, therefore this group cannot be relied upon to provide adequate staffing. Additionally, the EIR "reasonably assumes" that the theoretical Tulare County workers also live "near" the City of Visalia, and has not provided any meaningful evidence to support this claim, either. Relying on the entire labor force within the greater east bay region (Tulare, Kings, and Fresno Counties) to fill the project's construction and operational jobs will increase VMT and emissions during all phases of construction and operations and a revised EIR must be prepared to account for longer worker trip distances. A revised EIR must also include a cumulative analysis on this topic and a finding of significance due to the significant and unavoidable impacts discussed above.

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**5.2 Growth-inducing Impacts and 5.3 Significant Irreversible Environmental Changes**

The EIR does not address the proposed project's annexation requirements in this analysis. The EIR states that, "In terms of the removal of any direct barriers to growth, this would not occur due to the proposed project because it does not propose removing any existing obstacles that currently prevent growth within the City." The annexation of the proposed project site into the City's boundaries will remove an existing obstacle that currently prevents growth within the City, and contribute towards the development thresholds that unlock development in the Tier II and Tier III Urban Development Boundary of the General Plan. The EIR must be revised to include a finding of significance due to this impact.

The EIR provides the same reasoning as provided in the Population and Housing analysis to conclude that the project will not result in significant growth inducing impacts. The EIR states that, "The proposed project is anticipated to generate a total of approximately 4,100 new employees at full buildout," which was calculated based on ITE vehicle trip rates for the proposed project. This does not represent the best available data as local data is available in the City's General Plan. The City's General Plan[22] provides employment generation rates, including the rate of 1 employee for every 750 square feet of light industrial building area. 26

Applying this ratio results in the following calculation:

Proposed Project: 3,720,149 sf / 750 sf = 4,961 employees

Seefried Piecemealed Projects: 5,300,639 sf / 750 = 7,068 employees

The EIR utilizes uncertain and misleading language which does not provide any meaningful analysis of the project s population and employment generation. In order to comply with CEQA s requirements for meaningful disclosure, a revised EIR must be prepared to provide an accurate estimate of employees generated by all uses of the proposed project. It must also provide demographic and geographic information on the location of qualified workers to fill these positions. A construction worker employment analysis must also be included to adequately and accurately analyze all potentially significant environmental impacts. It must also provide a job buildout analysis of the City's General Plan. Table 1-5: Employment by Sector within the General Plan indicates that the Industrial land use designation will allow for the creation of 9,670 new jobs from 2010-2030. The whole of the action proposed by the project (inclusive of SPR21071 and SPR22041) will create 2,071 new jobs, which is 21% of the City's industrial job buildout accounted for by a single project. Piecemealed Seefried projects combined with the proposed

[22] https://www.visalia.city/civicax/filebank/blobdload.aspx?BlobID=30474

project cumulatively generate 7,068 employees, which is 73% of the City's industrial land use job buildout. A revised EIR must be prepared to include this analysis, and also provide a cumulative analysis discussion of projects approved since General Plan adoption and projects "in the pipeline" to determine if the project will exceed the General Plan buildout scenarios. For example, other recent industrial projects such as recent YS Industries projects (SPR19213, SPR21150 and SPR22130; 2,507,328 sf of building area and 3,344 employees) combined with the proposed project will cumulatively generate 10,412 employees on land with industrial designations. This represents 107% of the City's industrial job buildout through 2030 accounted for by only a few recent projects. These totals increase when other industrial development approved, submitted, or "in the pipeline" since General Plan adoption are added to the total.

The EIR also has not provided evidence that the local unemployed population is qualified for or interested in work in the industrial sector. The EIR states that, "*Given the nature* of the proposed project, it would *likely* be staffed *primarily* by *local* employees once operational." However, there is no specific information given about the "nature" of the proposed project in this context. The EIR also uses uncertain language in stating that the project will "primarily" and "likely" have a staff of "local" employees, and the geographic boundaries of the "local" area are undefined. The EIR relies upon Census data to improperly conclude that because 22.5% of the City's *active* workforce is employed within the "wholesale trade, manufacturing, retail trade, and transportation and warehousing" sectors, this translates to 22.5% of the *unemployed* workforce being available for work in these sectors. The EIR has not provided any information about the unemployed workforce and their qualifications/interest in work in the industrial sector. Even if the EIR's theory that "1,352" workers within the City was viable, it would only account for 27% of the proposed project's employees and 19% of the piecemealed Seefried project employees, meaning that the majority of employees will commute from outside the City to the project. The EIR states here that, "U.S. Census Bureau 2011–2015 5-Year American Community Survey (ACS) Commuting Flows, there are a total of 140,091 workers who both live in Tulare County and commute to work within the County. It is reasonable to *assume* that workers who currently reside in the Tulare County *near* the City of Visalia would continue to commute to work and thus also would be available to serve as employees for the proposed project." The EIR provides no information about the Tulare County workers and their interest/qualifications for work in the industrial sector, therefore this group cannot be relied upon to provide adequate staffing. Additionally, the EIR "reasonably assumes" that the theoretical Tulare County workers also live "near" the City of Visalia, and has not provided any meaningful evidence to support this claim, either. Relying on the entire labor force within the greater east bay region (Tulare, Kings, and Fresno Counties) to fill the project's construction and operational jobs will increase VMT and emissions during all phases of construction and operations and a revised EIR must be prepared to account for longer worker trip

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distances. A revised EIR must also include a cumulative analysis on this topic and a finding of significance due to the significant and unavoidable impacts discussed above. 26 CONT

**6.0 Alternatives**

The EIR is required to evaluate a reasonable range of alternatives to the proposed project which will avoid or substantially lessen any of the significant effects of the project (CEQA § 15126.6.) The alternatives chosen for analysis include the CEQA required "No Project" alternative and only two others - Reduced Footprint Alternative and Alternative Location Alternative. The EIR does not evaluate a reasonable range of alternatives as only two alternatives beyond the required No Project alternative is analyzed. The EIR does not include an alternative that meets the project objectives and also eliminates all of the project's significant and unavoidable impacts. The EIR must be revised to include analysis of a reasonable range of alternatives and foster informed decision making (CEQA § 15126.6). This must include alternatives such as development of the site with a project that reduces all of the proposed project's significant and unavoidable impacts to less than significant levels. 27

Sincerely,



Gary Ho
Blum, Collins & Ho LLP

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## *Golden State Environmental Justice Alliance (GSEJA)*

*Comment GSEJA-1*
The comment provides general background information regarding the commenter and offers a summary of the proposed project. The commenter also requests to be added to the public interest list for the proposed project.

*Response to GSEJA-1*
This comment is noted for the record. As it does not raise any project-specific environmental issues under CEQA or otherwise provide information specific to the proposed project or the environmental document, no further response is necessary. The commenter has been added to the public interest list for the proposed project pursuant to applicable procedures. No changes to the document have been made or are required.

*Comment GSEJA-2*
The commenter states that the Draft EIR does not describe the proposed project accurately or adequately, and purports that the proposed project is a piecemealed portion of a larger overall project to be developed within a larger industrial center in the project vicinity. The commenter notes two other industrial projects in the project vicinity (i.e., SPR21071 and SPR22041), which would total approximately 5,300,639 square feet of building floor area when combined with the proposed project. The commenter suggests that the proposed project should be analyzed with these two other projects, at a minimum, as a whole. It characterizes the "whole of the action" being "the construction and operation of all Seefried buildings." The commenter then purports to set forth various legal principles under CEQA addressing the proper definition of the "whole of the action" and the asserted "degree of specificity" of the required CEQA analysis to ensure that the "unduly low environmental impacts" are not presented.

*Response* to *GSEJA-2*
The comment is noted for the record. To the extent the comment does not provide concerns regarding project-specific environmental issues under CEQA, then no further response is required. This generalized comment does not provide substantial evidence regarding any significant impact that was not adequately addressed.

In terms of the specific comment regarding the definition of "project" for purposes of CEQA, the comment is mistaken as to the nature of the two non-related development applications it references, as well as the relevant legal principles under CEQA. The fact that the same or similar entities may be seeking entitlements for distinct developments from the same local jurisdiction does not mean that these separate, different, and independent developments must or should be treated as a single overall "project."

Pursuant to CEQA Guidelines Section 15378, the entire project being proposed for consideration for approval must be described to ensure the environmental impacts of the entire project are considered and disclosed. A lead agency may not split a single large project into smaller ones resulting in piecemeal environmental review that fails to consider the environmental consequences of the entire project.

Contrary to the commenter's assertion, the Draft EIR does not improperly artificially narrow the project description to evade environmental review. Instead, Chapter 2, Project Description, of the Draft EIR provides a detailed description of all project components that are the subject of the discretionary land use entitlements being sought by the applicant, including all phases thereof. The comment has provided no substantial evidence to demonstrate otherwise.

For purposes of CEQA. the distinct development proposals referenced in the comment are the result of entirely distinct application processes, are independently functional separate actions, and are neither a part of, nor a consequence of, the proposed project. Except for referencing the name of Seefried that is common to the proposed project and the other two non-related proposals, the commenter has provided no basis to claim the proposed project: (1) is in any way dependent on the other referenced proposal(s); (2) is the necessary first step toward a larger development; or (3) requires or presumes completion of one or both of the other referenced proposal(s). To the contrary, the proposed project has substantial independent utility from the other distinct proposal(s); for example, and among other things, the two proposals mentioned in the comment (SPR21071 [Seefried-Visalia] and SPR22041 [Visalia Plaza 39/Seefried]) are located at different sites within the City, separated by existing development and intervening topography from the proposed project. Additionally, the proposed project and two other proposals are independent in terms of utility and site planning and are able to move forward on independent tracks from the proposed project and from each other.

In terms of the comment regarding the "required specificity," Chapter 2, Project Description of the Draft EIR contains a detailed discussion of all project components during all phases, setting forth sufficient information to provide the public, interested organizations and the decision-makers with an adequate opportunity to make a decision that intelligently takes into account the project's environmental consequences. As provided for under CEQA Guidelines Section 15146, the degree of specificity in an EIR corresponds to the degree of specificity involved in the underlying activity that is described in the EIR, the level of required specificity is determined on the basis of the nature of the project and the rule of reason. Here, the Draft EIR describes the different types of proposed uses; the total maximum amount of square footage to be developed for each type of proposed use; the overall site plan including locations of each proposed use; the on-site vehicular circulation, access, and parking plan; building and related materials design; the on-site lighting, landscaping, and utilities; and off-site improvements and infrastructure necessary to serve the proposed project. The Draft EIR contains a sufficient detailed description of the proposed project as required by CEQA Guidelines Section 15124(c). Final design specifications are not required in the EIR where, as here, there is sufficient information to enable the public and the decision-makers to understand the environmental impacts of the proposed project. The Draft EIR is based on facts and analysis supported by reasonably available information, as well as informed estimates, where appropriate, particularly in light of the size and nature of the project.

The commenter does not raise a legitimate issue related to the adequacy of the Draft EIR; therefore, no further response is necessary and no change is warranted.

*Comment GSEJA-3*
The commenter states that the project description of the Draft EIR does not include a floor plan, detailed site plan, detailed building elevations, or a conceptual grading plan for the proposed project. The commenter further asserts that there is no plan depicting earthwork quantity notes or information regarding import/export of soils/materials. The commenter also notes that grading haul truck trips have the potential to add significant quantities of truck trips during project construction and therefore increases emissions. The commenter further states that the Draft EIR must be revised to include all application items for review, analysis, and comment by the public and decision-makers.

*Response* to *GSEJA-3*
The comment is noted for the record. The project description set forth in the Draft EIR fully complies with CEQA's requirements. For example, it is noted that, as demonstrated by *Citizens for a Sustainable Treasure Island v. City & County of San Francisco* (2014) 227 CA4th, 1053, a CEQA document's description of the project description should identify the project's main features and other information needed for an analysis of the proposed project's environmental impacts. The project description "should not supply extensive detail beyond that needed for evaluation and review of the environmental impact" (State CEQA Guidelines § 15124).

The proposed project is thoroughly described within the Draft EIR (as well as supporting documents in the administrative record), which provide the level of detail necessary for a robust evaluation and disclosure of the potential environmental impacts from the proposed project for review by the public, interested organizations and decision-makers.

As such, detailed plans such as grading plans, floor plans, or detailed architectural elevations of each specific building are not required to be included in the Draft EIR's project description and a general description of the proposed project and conceptual plans are allowed and appropriate here; the Draft EIR contains sufficient specificity as to all project components during all phases, setting forth substantial information to provide the public, interested organizations and the decision-makers with an adequate opportunity to make a decision that intelligently takes into account the project's environmental consequences.

The commenter does not provide substantial evidence regarding any significant environmental impact. The proposed project involves discretionary land use entitlements necessary to implement the project, including, among others, a site plan review, which further delineates such details as, among others, parking and truck movements consistent with the project description set forth in Chapter 2, Project Description of the Draft EIR. All components of the proposed project that are necessary to study under CEQA are fully described, considered, evaluated and disclosed therein.

The proposed project, as with most larger projects, would involve subsequent approvals. To the extent those subsequent approvals are discretionary in nature, then CEQA compliance would be required. For those subsequent approvals that are ministerial in nature, such as the review and approval of interior tenant improvements, this would be governed by the applicable provisions of the California Fire Code, the CBC, and other related construction codes. The EIR project description provides sufficient information to adequately analyze the environmental impacts of the proposed project.

The extent and nature of the grading and related drainage and any potential flooding items are sufficiently described and evaluated in Chapter 2, Project Description, Section 3.7, Geology, Soils, and Seismicity, Section 3.10, Hydrology and Water Quality, and referenced in all other chapters as appropriate. The Draft EIR is supported by facts and analysis and, where appropriate, informed estimates, based on available information and is sufficiently detailed for purposes of conducting environmental review. For instance, as detailed more fully therein, based on the assumptions related to the estimated amount of cut and fill, the Draft EIR properly considered the amount of construction-related truck trips that would occur as a result of the off-haul demands generated by the project, and disclosed all potential environmental impacts associated therewith. Specifically, these assumptions are based on CalEEMod default values for trip lengths and vehicle fleets as explained in Appendix B, Air Quality, Greenhouse Gas, and Energy Supporting Information, of the Draft EIR, for the proposed demolition of approximately 1,065 square feet of existing outbuildings and foundations and the approximately 130,000 cubic yards of fill being imported to the project site. The comment does not provide any basis for calling into question the Draft EIR's assumptions utilized. To the contrary, there is substantial evidence in the record to support these assumptions as described more fully above and in the Draft EIR and supporting technical materials.

As will be detailed in the adopted MMRP, feasible mitigation would be imposed that require specified actions before a grading or building permit is issued that ensures compliance with applicable mitigation before any grading or other ground disturbance or other construction-related activities occur. For example and among others, the Draft EIR has properly identified the following: MM AIR-2a through MM AIR-2g, MM BIO-1a through MM BIO-1f, MM BIO-3, MM CUL-1, MM CUL-2, MM GEO-1, MM GEO-2, MM GHG-2a through MM GHG-2c, MM HAZ-1, MM NOI-1, and MM TRANS-1 through MM TRANS-11. Note that the following mitigation measures were revised, as shown in Section 3, Errata, of this Final EIR: MM BIO-1d, MM BIO-3, and MM GHG-2a.

With respect to heavy-duty trucks, the delivery vans/trucks that would access the project site during operations are anticipated to be from third-party vendors. Because it is not anticipated that future tenants occupying the proposed project would own these vehicles, neither the future tenants nor the City would have control over the nature and type of vehicles accessing the project site and thus neither would have the ability to enforce any such obligation during the life of the proposed project. Rather, the emissions resulting from the vehicles accessing the project site would largely be influenced by the comprehensive body of laws and regulations (current and future) that would apply to vehicle manufacturers based on determinations made by the California Air Resource Board (ARB), which is the expert public agency charged to address these issues via a comprehensive regulatory framework applied Statewide based on robust data and evaluation with consideration of multiple complicated factors. For example, with compliance with ARB regulations such as Advanced Clean Fleet, it is assumed that over the lifetime of the project, heavy heavy-duty (HHD) truck fleets traveling to and from the project will include increasingly zero and near-zero technologies as the project moves to later years.

Given the volume of medium-duty vehicles that would be involved as part of the future tenants' business operations, practical limitations on the owner's ability to control and enforce such an obligation, along with the current substantial cost and concerns regarding widespread availability of electric vehicles and related charging infrastructure, the suggested mitigation is not feasible.

Moreover, the project applicants would be required to provide EV charging infrastructure throughout all parking areas as part of MM AIR-2d, which would improve charging infrastructure in the City and help facilitate the transition to EVs. Furthermore, MM AIR-2d requires the building's electrical room to be sufficiently sized to hold additional panels that may be needed to supply power for the future installation of EV truck charging stations on the project site. In addition, it would be speculative to attempt to quantify the amount of emission reduction that would occur from the suggested measure, and it also cannot be enforced in a way that would ensure a reduction to potential health impacts. Therefore, based on the foregoing reasons and as further documented in Section 3.3, Air Quality, and Section 3.8, Greenhouse Gas Emissions of the Draft EIR as well as this Final EIR, the suggested mitigation is not required under CEQA.

Regarding off-road equipment, MM AIR-2c requires all off-road equipment to utilize zero-emission technology, subject to the same being commercially available. Furthermore, on-site service equipment shall be designed to include electric outlets to support the use of all-electric or zero-emission on-site service equipment, subject to the same being commercially available. Therefore, this suggested mitigation measure is similar to recommended measures already identified in the Draft EIR. The comment has been noted for the record and revisions to the Draft EIR are not necessary.

As described further in the Draft EIR, Health Risk Assessments (HRAs) for both construction and operational were conducted based on a recognition that during construction and operation, the proposed project would result in emissions of several toxic air contaminants (TACs) that could potentially impact nearby sensitive receptors. The principal TAC emission analyzed in this assessment was diesel particulate matter (DPM) from operation of off-road equipment and diesel-powered delivery and worker vehicles during construction and operation.

For purposes of the operational HRA, air dispersion modeling was utilized to assess the proposed project's potential health risks using American Meteorological Society/United States Environmental Protection Agency (EPA) Regulatory Model (AERMOD) Version 22112, which is an air dispersion model accepted by the EPA and the District for preparing HRAs. Sources in the modeling included those from running and idle exhaust emissions from trucks on and operating off-site on adjacent roadways as well as gasoline service station emissions.

As illustrated in Appendix B of the Draft EIR, the operational HRA prepared for the proposed project to support the analysis under Impact AIR-3 in Section 3.3, Air Quality, accounted for all possible local arterials that could support the future trucking activities of the proposed project. This consideration in the HRA accounted for known trucking information including the possible local route network (i.e., current and future truck routes), the quantity, type, volume of truck trips and Vehicle Miles Traveled (VMT), and associated exhaust emissions. For example, the CalEEMod operational scenarios used project-specific truck trip lengths based on applicant information of three points of origin for truck trips, which provided an accurate representation of the potential exhaust emissions associated with operations.

As noted in Section 3.3, Air Quality, Table 3.3-21 of the Draft EIR, the proposed project's operational DPM emissions would not exceed the cancer risk significance threshold or non-cancer hazard index

significance threshold at the MIR. As shown in Table 3.3-22 and within the Air Quality Report, the combined impact from project construction and operation at the MIR would not exceed the cumulative health risk threshold. Therefore, the proposed project would not result in a significant impact on nearby sensitive receptors from TACs during operation. The proposed project would be required to implement MM AIR-2c through MM AIR-2g during project operation to reduce emissions, which represents all feasible and enforceable mitigation measures. Health risk impacts from construction and operations and construction with operations combined would be less than significant.

Moreover, trucks as part of the proposed project would utilize designated truck routes as specified by the City Municipal Code, Chapter 10.24, Commercial Vehicles. These truck routes have been designated as such due, in part, to goals of attempting to limit exposure to sensitive receptors; thus, utilizing these routes would help to achieve this underlying goal, consistent with the suggested measure. Therefore, this requested measure is similar to an existing enforceable regulation that would be applied to the proposed project. The comment has been noted for the record and revisions to the Draft EIR are not necessary.

The ARB's Regulation for In-use Off-road Diesel Vehicles currently limits idling to no more than five consecutive minutes. As discussed in the Draft EIR, the proposed project would be required to adhere to the foregoing restriction. Therefore, this requested measure is similar to an existing regulation that would be applied to the proposed project. The comment has been noted for the record and revisions to the Draft EIR are not necessary.

As disclosed in the Draft EIR, the current design of the proposed project is shown to have less than significant health risk impacts, and thus the Lead Agency would not have the legal authority to require such a project redesign. Furthermore, the project site would be located approximately 400 feet from the property line of MIR. Furthermore, the proposed flex industrial uses, self-storage/recreational vehicle (RV) parking, a convenience store, a car wash, and two drive-through restaurants would provide a buffer between the proposed light industrial uses and sensitive receptors, thereby helping to achieve the objective of the suggested measure. Landscaping would provide an additional buffer between loading docks and sensitive receptors. Based on the foregoing and as further supported by the analysis in the Draft EIR, no change is warranted. The comment has been noted for the record.

Consistent with this recommendation and as discussed further in the Draft EIR, all proposed loading docks are at least 300 feet away from the property line of sensitive receptors. The current project design satisfies the requested measure. The comment has been noted for the record and revisions to the Draft EIR are not necessary.

Trucks that are used during project operations would utilize designated truck routes as specified by the City Municipal Code, Chapter 10.24, Commercial Vehicles. Trucks would access and leave the project site via Shirk Street, Riggin Avenue, and Kelsey Street. Shirk Street and Riggin Avenue are classified "arterials," which are high occupancy roads that connect freeways to collector roads. These streets are also designated truck routes per Municipal Code Chapter 10.24. Kelsey Street is a

collector road that provides access to Riggin Avenue. Therefore, the project design satisfies this requested measure and thus no change is warranted.

The proposed project does not include cold storage and would not have refrigerated trucks. This requested measure is not applicable to the proposed project. The comment has been noted for the record and revisions to the Draft EIR are not necessary.

This measure is not considered feasible because use of electric-powered equipment may not be commercially available or feasible given a construction site that is not currently connected to the power grid. In addition, due to the size (284 acres) and the relatively rural nature of the project site, it is unknown whether there is sufficient availability of grid power that could service the entire site during construction, prior to installation of utility lines. Based on the foregoing, it would also be speculative to assume there would be a substantial quantifiable reduction in emissions if this suggested measure were implemented. Because temporary power would not likely be available and given that electric powered construction vehicles and equipment may not be commercially available, the suggested mitigation would not be feasible and would also not clearly lessen any significant environmental impacts. The comment has been noted for the record and revisions to the Draft EIR are not necessary.

As discussed above, the availability and use of grid power during construction cannot be guaranteed. Therefore, it is infeasible to prohibit the use of non-emergency diesel-powered generators as they are essential to power equipment during construction. However, any diesel generator over 25 horsepower shall have engines that meet either EPA or ARB Tier IV Final off-road emission standards per MM AIR-1a, which would significantly reduce $NO_X$ emissions and associated health risks. Furthermore, as shown in Section 3.3, Air Quality, Table 3.3-20 of the Draft EIR, the proposed project would have less than significant construction health risk impacts with implementation of MM AIR-1a. Because the suggested measure is not necessary to reduce an environmental impact caused by the proposed project, there is no legal nexus of this measure to any identified impacts of the proposed project and therefore the City does not have legal authority to impose such measure. Furthermore, as noted above, the suggested measure is not necessary to reduce construction health risk impacts to less than significant in any event. Therefore, the suggested mitigation is not feasible, would not be necessary to reduce the identified significant impact from the proposed project, and is not required under CEQA. The comment has been noted for the record and revisions to the Draft EIR are not necessary.

The comment has been noted for the record. Providing tenants with information on incentive programs with goals to reduce emissions from heavy-duty trucks would not ensure that the tenants could or would apply for any of the programs, as applying for programs would be a voluntary action. In addition, the information would not be relevant to tenants that use third-party carriers, further limiting the potential benefit of including this suggestion mitigation. Finally, such a measure is not necessary to reduce any significant impacts. The suggested mitigation would not clearly lessen any significant environmental impacts and is not required under CEQA; therefore, no change is warranted. The commenter does not otherwise raise a substantive issue on the content of the EIR and further response is necessary.

See also Response to AFTE-5 and GSEJA-2.

For the reasons set forth above and as detailed further in Chapter 2, Project Description, the Draft EIR contains a thoughtful, detailed and robust project description that is sufficient for ensuring adequate analysis and disclosure as required under CEQA. The commenter does not raise an issue related to the adequacy of the Draft EIR, no revisions to the Draft EIR are warranted, and no further response is necessary.

*Comment GSEJA-4*
The commenter states that while the EIR acknowledges that a Development Agreement is a discretionary entitlement being sought, the Draft EIR does not include a copy of the full Development Agreement for review by the public and decision-makers. It alleges that the Development Agreement is a "component of the proposed project," and therefore it purports that inclusion of the full Development Agreement in the EIR is required to satisfy CEQA's mandate for adequate informational documents and meaningful disclosure. The commenter asserts that a revised EIR must be prepared to include the Development Agreement for review, analysis, and comment by the public and decision-makers.

*Response* to *GSEJA-4*
The comment is noted for the record. It, however, does not provide substantial evidence regarding any significant environmental impact that has not been adequately addressed in the Draft EIR or raise an issue related to the adequacy of the Draft EIR. With respect to the Development Agreement, the commenter's assertion as to the legal requirements under CEQA is inaccurate. The Development Agreement is a binding contract between the project site owner and the City that vests rights to develop the proposed project as well as related rights and obligations governing project implementation, which will be considered by the City Council concurrent with its review of this Draft EIR. Thus, the Development Agreement is not a "component of the proposed project;" rather, it is a legal mechanism to implement the proposed project that is being studied in the Draft EIR. It is not a distinct and different project element or component that requires separate and/or additional environmental review beyond what is already reflected in the Draft EIR and this Final EIR.

As required by CEQA, the Project Description identifies, to the extent known by the Lead Agency, a list of discretionary permits, entitlements and other approvals required to implement the project and for which the EIR would be utilized in the consideration of same (CEQA Guidelines § 15124(d)). CEQA does not, however, require that detailed specific application materials themselves for such discretionary approvals be included in an EIR. Here, consistent with CEQA's requirements, the Draft EIR expressly identified the required discretionary approvals, entitlements and permits, including, among others, the Development Agreement, in Section 2.6, Required Actions and Approvals. See, e.g., *East Sacramento Partnership for a Livable City v. City of Sacramento* (2016) 5 Cal.App.5th 281, 291 (Draft EIR is sufficient if it makes reference to a required Development Agreement to alert persons interested in the document to its relevance but need not include the Development Agreement itself in the Draft EIR). To the extent the Development Agreement and/or other specific entitlement applications contemplate improvements or other physical changes in the environment, those improvements are identified and analyzed in the EIR as part of the project being studied. Pursuant to applicable State and local laws and regulations, the Development Agreement will be

considered for a recommendation by the Planning Commission prior to its consideration by the City Council; consideration by both of the foregoing bodies will occur as part of a duly noticed public hearing process. A draft of the proposed Development Agreement will be made available to the public pursuant to applicable procedures before its consideration by the advisory and decision-making bodies in accordance with the requirements of the Government Code and other applicable law.

For the reasons set forth above and as detailed further in Chapter 2, Project Description, the Draft EIR contains a thoughtful, robust project description that is sufficient for ensuring adequate analysis and disclosure as required under CEQA. The commenter does not raise an issue related to the adequacy of the Draft EIR, no revisions to the Draft EIR are warranted, and no further response is necessary.

*Comment GSEJA-5*
The commenter states that the project description and EIR are insufficient in adequately describing the proposed project because they do not provide specific information regarding which lots are affected by the Conditional Use Permit (CUP), deviations in lot sizes from requirements, and which lots do not have public street frontage. The comment suggests that a revised EIR must be prepared to include the complete details of the CUP.

*Response to GSEJA-5*
The comment is noted for the record. It does not provide substantial evidence regarding any significant environmental impact or otherwise raise a substantive issue on the content of the EIR.

See also Response to GSEJA-2.

Regarding the details of the related CUP process, the Draft EIR properly described the need for an approval of this and other discretionary land use entitlements and disclosed that, among other things, the CUP would involve consideration of certain site planning elements such as deviations in lot sizes and lots that would not have public street frontage, as permitted under the City's Municipal Code. The Draft EIR incorporated sufficient information to properly consider the potential environmental impacts of the proposed project, including, among others, those relating to air quality, transportation, land use, noise, hydrology and water quality. The commenter fails to identify any specific areas of environmental review that have not been evaluated and disclosed as these specifically relate to the relatively minor planning issues referenced therein. The related CUP process will involve consideration of the non-CEQA related planning issues associated therewith pursuant to applicable provisions in the City's Municipal Code.

As required by CEQA, the Project Description identifies, to the extent known by the Lead Agency, a list of discretionary permits, entitlements and other approvals required to implement the project and for which the EIR would be utilized (CEQA Guidelines § 15124(d)). CEQA does not, however, require the detailed specific application materials themselves for such permits associated with such approvals to be included in an EIR. Here, consistent with CEQA's requirements, the Draft EIR expressly identified the required discretionary approvals, entitlements and permits, including, among others, the CUP(s), in Chapter 2, Project Description, Section 2.6, Required Actions and Approvals.

Pursuant to applicable State and local laws and regulations, the applicant is currently submitting a CUP application. The applicant may, in the future, pursue additional CUP(s) to address all project elements. The CUP(s) will be considered by the relevant City decision-making bod(ies) as part of the duly noticed public hearing process. No action may be taken on any CUPs without CEQA compliance. The CUP referenced by the comment would involve all parcels involved in the proposed project. According to the Visalia Zoning Ordinance, Table 17.25.030 and as discussed in more detail in Chapter 2, Project Description, the proposed project's objective of providing an automated car wash and fast-food restaurant(s) with a drive-through would be allowed subject to approval of a CUP, and the self storage and fueling station uses would be permitted by right as permitted uses under the applicable Zoning District. The CUP(s) would allow the proposed convenience store and drive-through restaurants, as well as a reduction in the minimum parcel size of 5 acres and approval of lots not facing public street frontage, as prescribed by and pursuant to the governing provisions of the Zoning and Subdivision Ordinances. All proposed improvements would be required to be constructed in accordance with applicable City development standards, including, among others, those relating to height, floor area ratio (FAR), lot coverage, setbacks, undergrounding of utilities, loading/parking requirements, and landscaping. As such, to the extent the CUP(s) contemplate improvements or other physical changes in the environment, those improvements are identified and analyzed in the Draft EIR since they are reflective of the fundamental components of the proposed project.

For the reasons set forth above and as detailed further in Chapter 2, Project Description, the Draft EIR contains a thoughtful, detailed, robust project description that is sufficient for ensuring adequate analysis and disclosure as required under CEQA. No revisions to the Draft EIR or further response are warranted.

*Comment GSEJA-6*
The commenter states that Table 3-1 of the Draft EIR excludes the YS Industrial Park- Phase 3, which is adjacent to the southern boundary of the project site. The comment suggests that the Draft EIR must be revised to include this project within the cumulative analysis.

*Response* to *GSEJA-6*
The comment is noted for the record. To provide the impact assessment that is fundamental of an EIR, the EIR must describe environmental conditions in place without the project, which then serves as the baseline against which predicted effects can be described and quantified. Pursuant to applicable requirements under CEQA, the baseline utilized in the Draft EIR, including for use in evaluating potential cumulative impacts, is the date when environmental review commenced, defined as the date of publication of the NOP (published August 29, 2022) (e.g., CEQA Guidelines § 15125(a)(1)).

Accordingly, for purposes of reasonably foreseeable future cumulative projects, the list is limited to those projects that: (1) were approved but not yet built, (2) were currently being processed pursuant to a formal application that had been submitted by or before August 29, 2022, and (3) those approved and under construction, as identified in the Draft EIR, including in the Transportation Impact Analysis (TIA). The YS Industrial Park Phase 3 application was not deemed complete by the

City as of the issuance of the NOP, and therefore the City did not include it in the cumulative projects analysis.

Therefore, the Draft EIR's cumulative projects analysis, including its description of other cumulative developments considered therein, is adequate under CEQA. This comment does not otherwise raise a substantive issue on the content of the EIR. No changes are warranted, and no further response is required.

*Comment GSEJA-7*
The commenter states that the Draft EIR did not include an analysis of relevant environmental justice impacts to nearby communities, which are overly burdened by and especially burdened by existing sources of pollution as identified by CalEnvironScreen, Cal/EPA's screening tool. Additionally, the commenter notes that the project's census tract and the adjacent census tracts are identified as SB 535 Disadvantaged Communities, and provides a general description of the implications of this designation, including impacts associated air quality/health risk, water quality and soils/hazardous materials generally, which the commenter asserts have not been discussed or presented for analysis in the Draft EIR.

*Response* to *GSEJA-7*
The comments are noted for the record. To the extent the comment raises only generalized concerns and does not identify a project-specific environmental concern, no further response is necessary.

CEQA does not require analysis of environmental justice considerations in this, or any Draft EIR and the City does not have any applicable thresholds of significance related to environmental justice for purposes of CEQA. Of relevance here, neither the ARB nor the SJVAPCD, both of which are expert public agencies charged with addressing air quality and GHG emissions, has recommended significance thresholds be adjusted for environmental justice considerations, and thus neither entity recommends the evaluation of same as part of the CEQA process.

As discussed in more detail in Section 3.3, Air Quality, of the Draft EIR, it utilized the currently recommended SJVAPCD significance thresholds to determine construction- and operational-related potential health risk impacts resulting from the proposed project in accordance with the mandates of CEQA. The Draft EIR evaluated potential impacts to nearby sensitive receptors located southeast of the project site, Air Quality, through the analysis of cumulatively considerable criteria pollutant emissions and health risks under Impact AIR-2 and Impact AIR-3. The Draft EIR acknowledged that the project site is adjacent to existing sensitive receptors, some of which live in adjacent areas identified by the comment. Therefore, the Draft EIR identifies the potential health risk impacts that could occur as a result of project construction and operation and includes feasible mitigation to reduce these impacts. See also Response to GSEJA-3 and Response to AFTE-4.

For purposes of conducting the health risk impact analysis, the Draft EIR's analysis properly identified the closest sensitive receptors to the proposed project in the dispersion modeling; it also identified the MIR during each construction phase of the proposed project, which may be different since the MIR during pollutant-generating activity is influenced by the distance of that receptor to the pollutant source(s), the amount and type of pollutants generated by each source, the

topography and direction of the MIR as it relates to the pollutant source(s), and the prevailing meteorological conditions.

As discussed in Section 3.3, Air Quality, the proposed project's construction and operational DPM emissions would not exceed the cancer risk significance threshold or non-cancer hazard index significance threshold at the MIR.

In terms of potential impacts with respect to water quality, GHG, soils and/or hazardous materials, the Draft EIR contains a thoughtful and robust analysis in the relevant chapters (see Sections 3.10, Hydrology and Water Quality; 3.8, Greenhouse Gas Emissions; 3.7, Geology, Soils, and Seismicity; and 3.9, Hazards and Hazardous Materials respectively). The commenter merely asserts generalized concerns but does not raise any project-specific issues with respect to these environmental topic areas, nor does the commenter raise a legitimate issue related to the adequacy of the Draft EIR For the reasons set forth above and as otherwise detailed therein, the Draft EIR contains sufficient analysis and disclosure with respect to all relevant environmental topic areas and no changes are warranted and no further response is necessary.

In contrast, an off-site worker is a worker receptor who is not an employee of or a contractor for proposed project. The analysis of a residential receptor as the Maximally Impacted Sensitive Receptor (MIR) during construction and operation would be the most conservative approach because for residential receptors. Age sensitivity factors are applied as multipliers to the cancer risks for exposures during infancy and childhood to account for increased sensitivity to carcinogens during early-in-life exposures. The proposed project's HRA determined that the MIR is a single-family residence approximately 400 feet southeast of the project site. The MIR represents the maximally impacted, or the worst-case, receptor risks. Because residential receptors have higher sensitivity factors compared to workers, no off-site worker would experience health risks greater than the MIR. As shown in Section 3.3, Air Quality, Tables 3.3-19 through 3.3-22, the MIR would not experience health risks beyond thresholds set forth by the SJVAPCD. As shown in Section 3.3, Air Quality, the proposed project would have less than significant impacts related to health risks.

The construction HRA was prepared and followed the methodologies prescribed in the California Environmental Protection Agency (Cal/EPA) OEHHA Air Toxics Hot Spots Program Risk Assessment Guidelines–Guidance Manual for Preparation of Health Risk Assessments (OEHHA 2015), which was adopted in 2015 replacing the previous 2003 guidance manual. Section 3.3, Air Quality, pages 3.3-62 through 3.3-68 of the Draft EIR provide an overview of the HRA assumptions, as well as a summary of the HRA results. Detailed HRA assumptions and results are provided in Appendix B of the Air Quality, Greenhouse Gas Emissions, and Energy Report included as Appendix B of the Draft EIR. As detailed more fully therein, the HARP2 program was used to automatically calculate the health risk for the proposed project. Use of the HARP2 program ensures that the calculational procedures for cancer and non-cancer risk follow the OEHHA 2015 Guidelines and that Age Sensitivity Factors (ASF) and Fraction of Time at Home (FAH) parameters are applied correctly. The HARP2 output files which are included in Appendix B, Health Risk Appendix Supporting Information of the Air Quality, Greenhouse Gas Emissions, and Energy Analysis Report detail how the HARP2 model was applied and document the appropriate HRA parameters for ASF and FAH for exposure. As set forth therein,

the ASF appropriately started in the third trimester for residential receptors and the FAH was set to 100 percent for residential receptors.

With respect to the assertion that the Draft EIR HRA also includes emissions from the drive-through restaurants, considering PAH risk from commercial cooking operations, as mentioned on pages 3.3–63 of Section 3.3, Air Quality, of the Draft EIR, there are several types of different cooking sources/configurations that could be used at the quick serve restaurants (QSRs) from the proposed project and while the restaurants may utilize char broilers, they may also utilize other cooking technologies (such as griddles and/or deep fryers). With this in mind, SJVAPCD references were reviewed for commercial cooking including emission factors, emission inventories and toxicity data for the various TACs emitted.

Considering the range of combination of cooking quantities, cooking types and toxicity data, the predicted risk from a QSR could vary significantly, by orders of magnitude. For example, a QSR utilizing only griddles and low-to-average values of poultry cooking might result in a risk of 0.01 in a million, while a chain driven char broiler used primarily for hamburgers might predict a risk of 0.5 in a million, while an underfired char broiler for steak might result in a risk of 10 in a million. Stack design and exhaust parameters could also influence the predicted health risk results by another order of magnitude (1–10), introducing even more uncertainty.

Accordingly, because the nature, type, and usage of the QSRs is not currently known, the consideration of PAH risk in the HRA is speculative in nature and thus not required by CEQA. Moreover, the commenter recognizes the health risks associated with commercial cooking operations such as char broiler emissions and, as such, has promulgated Rule 4692, which addresses emissions and controls for underfired and chain driven char broilers. If the future QSRs built and operated as part of the proposed project are char broilers, they would be captured and controlled by provisions under SJVAPCD Stationary Source Rules and permitting processes and risks would be addressed at such time.

*Comment GSEJA-8*
The commenter generally asserts that there are three “approved compliance modeling software” (i.e., CBECC-Com, EnergyPro, and IES VE) for nonresidential buildings and purports that CalEEMod is not listed as an approved software. The commenter purports that CalEEMod modeling “does not comply with the 2022 Building Energy Efficiency Standards” and therefore “under-reports” the proposed project’s significant energy impacts and fuel consumption. The comment further states that because the Draft EIR did not accurately or adequately model the energy impacts in compliance with Title 24, a revised EIR with modeling using one of the approved software types must be prepared and circulated for public review in order to adequately analyze the proposed project’s significant environmental impacts.

*Response to GSEJA-8*
The comment is noted for the record. The commenter does not provide substantial evidence regarding any significant environmental impact that was not evaluated and disclosed in the Draft EIR. The basis for the commenter’s assertion that CalEEMod is “not approved” is unclear and unsubstantiated. Additionally, the commenter does not identify any project-specific impact that the Draft EIR failed to consider and disclose.

Use of CalEEMod for purposes of modeling potential air quality and related health risk assessments is appropriate. As detailed more fully in Section 3.3, Air Quality, of the Draft EIR, the City, in its discretion as Lead Agency, has determined to utilize the applicable SJVAPCD thresholds and methodologies, which are contained under each impact statement in Section 3.3 and are based on scientific and factual data appropriately considered and incorporated therein by SJVAPCD, as the expert regulatory public agency charged with addressing air quality and GHG emissions within SJVAPCD boundaries.

Specifically, the City utilized approved models from the SJVAPCD, which is the authority for this air basin, the expert agency with respect to air emissions and which directed that CalEEMod be used. CalEEMod is a Statewide land use emissions computer model designed to provide a uniform platform to calculate construction and operational emissions from land use development projects, such as the proposed project. CalEEMod was developed for CAPCOA in collaboration with the California Air Districts. The model is a comprehensive tool for quantifying air quality impacts from land use projects located throughout California, is used throughout California, and can properly be used for a variety of situations where an air quality analysis is necessary, such as preparing CEQA or National Environmental Policy Act (NEPA) documents, conducting pre-project planning, and verifying compliance with local air quality rules and regulations. CalEEMod includes the gas and electric utility emissions factors pursuant to the location of the proposed project, as well as building energy zones. CalEEMod also generates default electricity and natural gas consumption that consider Title 24 standards.

The commenter referenced CBECC, EnergyPro, IES VE software, which are approved specifically for Title 24 compliance; however, they are used to confirm that a final building design (with detailed information included in its construction drawings) is Title 24 compliant. They are not required or appropriate for the purposes of conducting air quality analysis under CEQA prior to the submission of final designs.

The final designs and construction drawings are not currently available for the proposed project and are not typically prepared until after a proposed development project is approved/entitled. Exact as-built design specifications are not required, nor are they possible in the early stages of a project when an EIR is prepared. Rather, an EIR's project description may allow for flexibility and leave room for future design decisions. See *Citizens for a Sustainable Treasure Island v. City and County of San Francisco* (2014) 227 Cal.App.4th 1036, 1052-55 (upholding an EIR's project description that "provide[d] for flexibility needed to respond to changing conditions and unforeseen events that could possibly impact the Project's final design," since "courts [have not] required resolution of all hypothetical details prior to approval of an EIR"); see also *City of Antioch v. City Council* (1986) 187 Cal.App.3d 1325, 1336-37 (holding that it was unreasonable and unrealistic to demand that an EIR "must describe in detail each and every conceivable development scenario"). In other words, an EIR need not contain a design-level description of the project; a conceptual description of project components is permissible as long as the description contains sufficient detail to enable the public and the decision-makers to understand the environmental impacts of the proposed project. *Creek Citizens Coalition v. County of Tulare (1999*) 70 Cal.App.4th 20, 26, 36 ("Appellants have not established that the general description of the [proposed project] in the EIR coupled with approval of final designs after the project is approved violated any CEQA mandate."). These software are not

used for disclosing air emissions, and there is no substantial evidence provided that supports the commenter's position that these software should be used for discussing air emissions in connection with the proposed project (e.g., *Maintain Our Desert Env't v. Town of Apple Valley* (2004) 124 Cal.App.4th430).

The City has the authority under CEQA to rely upon its experts and the methodologies recommended by relevant expert public agencies, based on substantial evidence in the record, in terms of selecting the appropriate methodologies to utilize in conducting the CEQA analysis.

The Draft EIR and underlying technical studies correctly used CalEEMod to estimate energy demand for CEQA purposes based on average intensity factors for similar land use types. Since the occupants of the proposed project's buildings are unknown at this time, and specific, detailed information about the future specific building users' energy use is also not available at this time, it is appropriate to rely upon the CalEEMod default assumptions which have been derived by CAPCOA and accepted by the SJVAPCD. To do otherwise would involve improper speculation.

There is no requirement in CEQA to show specific compliance with 2022 Building Energy Efficiency Standards based on conceptual building designs that are proposed at the entitlement stage of a project's approval process. As is consistent with typical practice, a required showing of compliance with the above-referenced Energy-Efficient Standards as well as other applicable building code and CALGreen Code requirements would be addressed pursuant to State law prior to issuance of each building permit and verified by the City's Building Safety Division.

For the reasons set forth above and as otherwise detailed therein, the Draft EIR contains sufficient analysis and disclosure with respect to all relevant environmental topic areas and no changes are warranted. The commenter does not raise a legitimate issue related to the adequacy of the Draft EIR. No changes are warranted and no further response is necessary.

*Comment GSEJA-9*
The commenter states that the Draft EIR does not discuss or analyze the proposed project's compliance with the General Plan's Land Use Buildout Scenario. The commenter asserts that the General Plan projected approximately 9,689,000 square feet of industrial building area between 2010 and 2030, as well as approximately 9,670 industrial jobs, and the project (inclusive of two other non-related developments) would collectively represent about 54 percent of that assumed growth. The commenter suggests that the Draft EIR has not provided adequate evidence that the growth generated by the proposed project was anticipated by the General Plan, Regional Transportation Plan/Sustainable Communities Strategy (RTP/SCS), or Air Quality Management Plan (AQMP). Additionally, the commenter discusses other industrial development projects in the City, which when combined with the proposed project and other projects proposed by Seefried Industrial Properties, Inc., represent approximately 80.5 percent of the City's industrial buildout through 2030. The comment notes that these totals increase further when other industrial development approved, submitted, or "in the pipeline" since General Plan adoption are added to the total. As such, the commenter states that a revised EIR must be prepared to include a cumulative analysis on this topic.

*Response to GSEJA-9*

The comment is noted for the record. It is not clear if the commenter is criticizing the cumulative impact analysis in general or the land use impact analysis specifically. Furthermore, besides making general conclusory statements, the comment does not provide substantial evidence regarding any deficiency in the cumulative impact analysis or identify any significant environmental impact that was not properly disclosed and/or mitigated in the Draft EIR.

The project site is currently designated under the General Plan as Industrial and Light Industrial and would be developed with uses permitted under those designations and pursuant to applicable FAR and other development standards in accordance with the City's land use vision reflected in its General Plan. Thus, the project is consistent with the buildout scenario contemplated in the General Plan and is therefore properly accounted for in the growth projections of the General Plan as well as the RTP/SCS and AQMP (which rely on and incorporate in General Plan growth/population projections). The fact that the City may be considering requested entitlements for a range of other industrial projects consistent with the General Plan vision does not trigger any type of additional "consistency" analysis under CEQA, as alleged by the commenter, particularly where, as here, the City has prepared a full and complete environmental analysis as reflected in the Draft EIR, as opposed to tiering from the General Plan EIR. Thus, the commenter does not raise a legitimate issue related to the adequacy of the Draft EIR. No further response or revision of the Draft EIR is warranted.

Regarding the commenter's assertion to combine the proposed project with other related projects and treat them as one overall project that constitutes the "whole of the action," this is unsupported and inaccurate. The specifically referenced projects (inclusive of SPR21071 and SPR22041) are separate and distinct from each other and have independent utility, and thus are not part of the proposed project. Therefore, it would be improper to analyze them in the Draft EIR as such. See also Response to GSEJA-2.

To the extent the commenter then shifts its reference to specifically identified projects (SPR21071 and SPR22041), as well as other unspecified projects, and attempts to frame this as a cumulative analysis issue, the comment in this regard also lacks merit. There is no deficiency with the cumulative effects analysis as it relates to cumulative impacts. As is discussed in more detail in the Draft EIR, every topical section utilized Table 3-1, Cumulative Projects, contains a proper cumulative analysis, which includes an identification of the appropriate geographic scope for the particular topic at issue, and then identifies and considers relevant past, present and reasonably probable future projects that could potentially combine with the project to create significant cumulative impacts. In so doing, the Cumulative Projects List approach was utilized, which is a method that is expressly authorized by CEQA Guidelines Section 15130, subdivision (b)(1)(A). Table 3-1 includes reasonably probable future projects that are either awaiting approval based on a formal application having been submitted, approved but not yet constructed, or under construction, as of the date of NOP publication. This approach fully satisfies CEQA. Nothing in the law requires the City to use buildout in the General Plan as the basis for conducting cumulative impact analysis. Notably, YS Industry projects are listed in Table 3-1 and included in the cumulative analysis. Regarding the specific comment about the scope of cumulative projects considered in the analysis. The YS Industrial Park Phase 3 application was not deemed complete by the City when the NOP was circulated, and

therefore the City did not include it in the cumulative projects analysis. See also Response to GSEJA-6. Thus, the commenter does not raise a legitimate issue related to the adequacy of the Draft EIR. No further response or revision of the Draft EIR is warranted.

*Comment GSEJA-10*
The commenter states that Table 3.11-2, General Plan Consistency Analysis, of the Draft EIR provides an "erroneous and misleading" analysis of the proposed project and its significant and unavoidable impacts because it does not provide consistency analysis with all land use plans, policies, or regulations adopted for the purpose of avoiding or mitigating an environmental effect. The commenter claims that the proposed project has significant potential to conflict with many of these policies, including General Plan Policy T-P-9, which requires maintaining acceptable levels of service for all transportation modes and facilities as established in General Plan Table 4-1, Intersection Level of Service Definitions, and Table 4-2, Level of Service Criteria for Roadway Segments.

*Response to GSEJA-10*
The comment is noted for the record. To the extent the comment involves general concerns about the consistency analysis and does not raise project-specific issues relating to environmental concerns, no further comment is required.

In preparing a land use consistency analysis for purposes of CEQA, the relevant goals and policies are those that were adopted for the purpose of avoiding or mitigating an environmental impact. It specifically does not require an analysis of all policies.

Also, to the extent the commenter raises concerns about the analysis's treatment of certain specific goals and policies, the comment has not provided substantial evidence that the above-referenced goals and policies were adopted by the City for purposes of avoiding or mitigating environmental impacts. For example, Policy T-P-9 addresses Level of Service (LOS) issues at intersections. Pursuant to SB 743, CEQA was amended to confirm that such LOS items are no longer typically cognizable under CEQA and thus LOS is no longer used as a metric to identify environmental effects. The traffic analysis included in the Draft EIR as Appendix I is consistent with the City's current traffic impact analysis guidelines (adopted in March 2021), which completely exclude roadway segment analysis and thresholds for the purpose of determining transportation deficiencies under CEQA.

Roadway segment analysis relies on assumptions of peak-hour traffic to estimate roadway capacities. While this analysis is a good estimation of conditions along highways and freeways, it is generally not representative of the actual operations of roadways, which is directly related to the intersection operations during peak-hour conditions. For this reason, the City has moved away from roadway segment LOS requirements and relies on analysis of peak-hour conditions to determine transportation capacity needs.

Despite this, the Draft EIR includes an LOS as well as a queueing analysis that fully addresses the issues being raised in this comment. Furthermore, General Plan Policy T-P-18 states, "To ensure that citywide traffic service levels are maintained, require a traffic study, as a condition of development, of surrounding arterials, collectors, access roads, and regionally significant roadways for any major project that would require a General Plan amendment, and for projects where the proposed use could create traffic congestion because needed improvements identified by this General Plan would

not be completed before project occupancy or are not funded under the [Capital Improvement Plan] CIP." Because the project land uses are consistent with the General Plan land use designations and because Riggin Avenue and Shirk Street have funded and designed CIP improvements, roadway segment analysis was not required to be considered. This comment does not otherwise raise a substantive issue on the content of the EIR. No changes to the Draft EIR are warranted and no further response is required.

*Comment GSEJA-11*
The commenter claims that the proposed project has significant potential to conflict with many of these policies, including General Plan Policy T-P-15, which requires additional right-of-way and improvements of Circulation Element facilities where needed for turning movements or to provide access to adjacent properties wherever access is not feasible from the lower classification street system.

*Response to GSEJA-11*
See Responses to GSEJA-10 and GSEJA-12.

As noted by the commenter, the referenced policy requires "additional right-of-way and improvements of Circulation Element facilities where needed for turning movements or to provide access to adjacent properties wherever access is not feasible from the lower classification street system."

As a preliminary matter, the commenter does not provide substantial evidence that the referenced policy was adopted for the purpose of avoiding or mitigating an environmental impact. Given the nature of the policy, it is reasonable for the City to conclude this policy is focused on planning and policy issues related to appropriate circulation improvements.

Moreover, the commenter does not indicate how the project would be inconsistent with this policy or provide substantial evidence regarding any significant environmental impact. To the contrary, the project proposes to construct or make fair share payments toward various identified circulation improvements, as discussed in Chapter 2, Project Description and Section 3.14, Transportation (including MM TRANS-1 through MM TRANS-9). The foregoing improvements are based, in part, on the City's technical assessment of the appropriate and relevant circulation facilities that should be provided, either via construction or through proportionate fair share payment(s), in order to serve the project and consistent with the City's overall CIP. These street and other transportation-related improvements, which were delineated, in part, via the LOS and queueing analysis conducted by the City and its transportation experts can be implemented within the General Plan roadway classifications right-of-way. Access to adjacent properties is maintained, consistent with the circulation element classifications. Additional right-of-way beyond the scope of the street standards is not necessary for the construction of the identified project circulation improvements.

The commenter does not provide evidence to contradict the conclusions of the Draft EIR, and as such, the document has adequately addressed this issue under CEQA. No change is warranted, and no further response is necessary.

*Comment GSEJA-12*
The commenter claims that the proposed project has significant potential to conflict with many of these policies, including General Plan Policy T-P-61, to encourage high-security off-street parking areas for tractor-trailer rigs in industrial areas.

*Response to GSEJA-12*
See Responses to GSEJA-10 and GSEJA-11. Note that California courts have held that parking is appropriately recognized as a social issue and is not typically recognized as an environmental concern. San Franciscans Upholding the Downtown Plan v. City & County of San Francisco (2002) 102 CA4th 656, 697; Save Our Access–San Gabriel Mountains v Watershed Conserv. Auth. (2021) 68 CA5th 8, 27 n10.)

As a preliminary matter, the commenter does not provide substantial evidence that the referenced policy was adopted for the purpose of avoiding or mitigating an environmental impact. Given the nature of the policy, it is reasonable for the City to conclude this policy is focused on planning and policy issues related to security in identified parking areas, which is typically not treated as a cognizable CEQA concern.

Moreover, the commenter does not indicate how the project would be inconsistent with this policy or provide substantial evidence regarding any significant environmental impact that was not identified and disclosed in the Draft EIR. A consistency analysis was completed for the goals and policies adopted for the purpose of avoiding or mitigating an environmental impact that were relevant to the analysis.

Furthermore, the commenter's approach to a consistency analysis for purposes of CEQA is inaccurate under the law. "The City, in its sole discretion, shall determine a proposed project's consistency with the City's General Plan. Consistency is achieved if a project will further the overall objectives and policies of the General Plan and not obstruct their attainment, recognizing that a proposed project may be consistent with the overall objectives of the General Plan, but not with each and every policy thereof. In all instances, in making a determination of consistency, the City may use its discretion to balance and harmonize policies with other complementary or countervailing policies in a manner that best achieves the City's overall goals." *Citizens for Positive Growth & Preservation v. City of Sacramento* (2019) 43 Cal.App.5th 609. The courts have repeatedly held that "an action, program, or project is consistent with the general plan if, considering all its aspects, it will further the objectives and policies of the general plan and not obstruct their attainment." *See, e.g., Friends of Lagoon Valley v. City of Vacaville* (2007) 154 Cal.App.4th 807, 817.

Thus, contrary to the commenter's assertion, a project is not required to comply with each and every General Plan goal and policy. CEQA does not contain any specific requirements for determining whether a project is inconsistent with an applicable plan. Courts will defer to a lead agency's decision on consistency with its own plan unless, on the basis of evidence before the decision-making body, a "reasonable person" could not have found the project to be consistent. See, e.g., *The Highway 68 Coalition v. County of Monterey* (2017) 14 Cal.App.5th 883, 896; *Clover Valley Found. V. City of Rocklin* (2011) 197 Cal.App.4th 200, 239.

Moreover, simply identifying a handful of policies (as noted in Comments GSEJA-10 through GSEJA-13), which have not been specifically and expressly addressed in the EIR, but not explaining the alleged inconsistency or significant environmental impact the omission would create (as these comments fail to do), is not sufficient to demonstrate that a reasonable person could not have found the project to be consistent. Also, CEQA is focused only on planning conflicts with policies that have been adopted for purposes of avoiding or mitigating environmental impacts (see, e.g., *The Highway 68 Coalition v. County of Monterey* (2017) 14 Cal.App.5th 883), and as noted above, it is reasonable for the City to conclude that a number of the cited policies were not adopted for the purpose of avoiding o or mitigating environmental impacts, in which case they are not relevant for CEQA purposes. As explained above, under the Planning and Zoning Law, perfect consistency with all aspects of a general plan is not possible or required. As indicated above, a lead agency may find a proposed project to be consistent with relevant goals and policies in the local general plan if it determines that the subject project would further one or more policies and would not obstruct other policies. See, e.g., 67 Ops Cal Atty Gen 75 (1984); OPR, State of California General Plan Guidelines (2003). Generally, given that land use plans reflect a range of competing interests, a project should be compatible with the plan's overall goals and objectives but need not be in perfect conformity with every plan policy. See, e.g., *Golden Door Props., LLC v. County of San Diego* (2020) 50 Cal.App.5th 467, 502 (EIR finding that climate action plan would not be inconsistent with general plan was supported by substantial evidence); *Friends of Lagoon Valley v. City of Vacaville* (2007) 154 Cal.App.4th 807, 815 (upholding overall consistency finding even though project deviated from some plan provisions because plan allowed for balancing of competing policies); *Sequoyah Hills Homeowners Ass'n v. City of Oakland* (1993) 23 Cal.App.4th 704, 719 (although a project should be "in harmony" with a general plan's goals and objectives, it need not completely satisfy plan policies that allow for flexibility in interpretation and application).

As noted above, the commenter does not provide substantial evidence that the referenced policy was adopted for the purpose of avoiding or mitigating environmental impacts nor does it provide any specific information as to a potential project inconsistency therewith. Furthermore, Policy T-P-61 does not create any mandatory provisions that would apply to the proposed project. Additionally, the proposed project would provide parking for automobiles, trailers, and trucks in accordance with the City's applicable Municipal Code requirements, as well as include mounted outdoor lighting for maximum security.

Therefore, the Draft EIR properly concludes that the proposed project is consistent with the relevant provisions of the General Plan. The commenter does not provide evidence to contradict the conclusions of the Draft EIR, and as such, the City, as Lead Agency, has adequately addressed this issue under CEQA. No further response is necessary.

*Comment GSEJA-13*

As a continuation of Comment GSEJA-10 through GSEJA-12, the commenter states that the proposed project has the potential to conflict with Policy AQ-O-3 of the General Plan, which aims to reduce GHG emissions that contribute to global climate change in accordance with federal and State law.

*Response to GSEJA-13*
The commenter does not provide any substantial evidence to support its claim of inconsistency. To the contrary, as detailed more fully in the Draft EIR, the GHG emissions analysis demonstrates that the proposed project would result in less than significant impacts with respect to the consistency of the proposed project with applicable plans, policies, and regulations for reducing GHG emissions. See also Response AFTE-4.

Thus, there is substantial evidence to support the City's conclusion that the proposed project would be consistent with AQ-O-3. To be responsive to the comment, AQ-O-3 is added to the GP consistency analysis table, see Errata section of this Final EIR. This minor revision reflects a clarification and amplification and would not result in a new significant impact or an increase in severity of a previously identified significant impact or otherwise trigger recirculation of the Draft EIR under CEQA Guidelines Section 15088.5. This comment does not otherwise raise a substantive issue related to the content of the EIR commenter does not provide evidence to contradict the conclusions of the Draft EIR, and as such, the document has adequately addressed this issue under CEQA, and no further response or change is warranted.

See also Responses GSEJA-10, GSEJA-11, and GSEJA-12.

*Response* to *GSEJA-14*
The commenter states that the analysis of several goals and policies within Table 3.11-2, General Plan Consistency Analysis, of the Draft EIR, provides "erroneous and misleading" statements, such as concluding that the proposed project is consistent with Objective AQ-O-2 of the General Plan (strive to improve air quality by implementing emissions reduction efforts targeting mobile sources, stationary sources and construction-related sources). The basis for the comment's assertion is that while the consistency analysis refers to the identified mitigation measures, it did not mention in this table that the proposed project would have significant and unavoidable air quality impacts after mitigation is implemented, which reflects a "direct conflict."

See Responses to GSEJA-10, GSEJA-11, and GSEJA-12. As explained more fully in Response to GSEJA-12, the commenter's reference to a "direct conflict" equating to a significant and unavoidable impact is not accurate under CEQA.

Furthermore, the commenter does not provide any substantial evidence to support its claim of inconsistency. The Draft EIR provides a detailed and thoughtful basis for a consistency determination, which is within the purview of the City based on substantial evidence in the record. Objective AQ-O-2 specifically concerns the implementation of emissions reduction efforts for mobile sources, stationary sources, and construction-related sources. The proposed project is consistent with the plain reading of Objective AQ-O-2, because the proposed project, with implementation of MM AIR-2a through MM AIR-2h, would include a range of strategies to reduce emissions from mobile and construction-related sources (the proposed project would not involve major stationary emissions sources). For example, MM AIR-2d would require robust EV charging infrastructure for vehicles and future EV trucks. MM AIR-2c would require that all on-site off-road and on-road service equipment be zero emissions, to the extent that the appropriate technologies are commercially available. Both of these measures would lead to direct and future reductions in emissions from mobile sources. MM AIR-2a would require the use of off-road construction equipment that meets

EPA or ARB Tier IV Final off-road emission standards, to the extent that such equipment is commercially available. MM AIR-2b would require "super compliant" volatile organic compound (VOC) coatings during construction. Both of these measures would reduce the project's construction-related emissions. See also Responses to AFTE-4 and AFTE-5.

As explained in Response to GSEJA-12, a project is not required to comply with all General Plan goals and policies, and CEQA does not contain any specific requirements for determining whether a project is inconsistent with an applicable plan. Courts will defer to a lead agency's decision on consistency with its own plan unless, on the basis of evidence before the decision-making body, a "reasonable person" could not have found the project to be consistent. See *The Highway 68 Coalition v. County of Monterey* (2017) 14 Cal.App.5th 883, 896; *Clover Valley Found. V. City of Rocklin* (2011) 197 Cal.App.4th 200, 239.

The City, as Lead Agency, has determined based on substantial evidence in the record that, due in part to the proposed project's obligation to comply with MM AIR-2a through MM AIR-2h, the proposed project would be consistent with Objective AQ-O-2, which specifically involves the implementation of emissions reduction efforts and not whether a project would result in exceedances of SJVAPCD thresholds (i.e., whether a project would result in significant air quality impacts).

However, contrary to the commenter's assertion, the Draft EIR does not exclude from analysis the fact that the proposed project would have significant and unavoidable project-level and cumulative-level impact to air quality. The Draft EIR provides a detailed, 72-page discussion of the proposed project's air quality impacts—including significant and unavoidable impacts—in addition to hundreds of pages of detailed air quality modeling worksheets in the appendix. The consistency analysis within Table 3.11-2 addressing Objective AQ-O-2 does not conflict with this broader air quality analysis and its conclusions.

Therefore, the Draft EIR properly concludes that the proposed project is consistent with the relevant provisions of the General Plan. This comment does not otherwise raise a substantive issue related to the content of the EIR, nor does it provide evidence to contradict the conclusions of the Draft EIR, and as such, the document has adequately addressed this issue under CEQA.

*Response to GSEJA-15*

The commenter states that the Draft EIR has not adequately analyzed the proposed project's potential to substantially increase hazards due to a geometric design feature or incompatible uses, as well as its potential to result in inadequate emergency access. The comment therefore suggests that the proposed project would not be consistent with Objective T-P-24 of the General Plan, as stated in Table 3.11-2 of the Draft EIR. The commenter asserts that the Draft EIR did not include a project-specific safety hazard analysis and discusses that there are no exhibits depicting the available truck turning radius at the intersection of the proposed project driveways and adjacent streets or within the project site. The commenter further states that the EIR does not include the sight distance analysis for review by the public and decision-makers, and thus the comment alleges this does not comply with CEQA's requirements for adequate informational documents and meaningful disclosure. Additionally, the commenter asserts that the recommendations within Table 23, Summary of Access

Recommendations, of Appendix I were not incorporated as mitigation measures in the Draft EIR. As such, the commenter suggests that outstanding project traffic queueing and safety exist, resulting in potentially significant impacts related to Impact TRANS-3.

See Responses to GSEJA-10, GSEJA-11, and GSEJA-12.

Regarding Objective T-P-24, as noted in the comment, it provides: "Require that proposed developments make necessary off-site improvements if the location and traffic generation of a proposed development will result in congestion on major streets or failure to meet LOS D during peak periods or if it creates safety hazards."

As conceded by the commenter, the Draft EIR explained the basis of the City's consistency determination. The City, as Lead Agency, determined the appropriate scope of CEQA review, in consultation with its expert transportation consultant, with respect to the project's potential to substantially increase hazards due to a geometric design feature or incompatible uses, as well as its potential to result in inadequate emergency access. Contrary to the commenter's assertions, CEQA does not require a separate and distinct "project-specific safety hazard analysis" nor does CEQA mandate the inclusion of specific exhibits with respect to this topic. The City's expert transportation consultant, in consultation with the City's transportation engineer and planning staff, conducted a robust transportation study, including queueing and LOS analyses, which addressed all CEQA significance thresholds, including the one referenced by the comment.

Consistent with the City's adopted traffic impact analysis guidelines, a collision analysis was conducted as part of the transportation study. The project proposes typical intersection and roadway improvements consistent with the City's applicable street standards and, as explained in detail in the transportation study and Section 3.14, Transportation, the project would not substantially increase hazards due to a geometric design feature or incompatible uses. The transportation study identifies driveways that are proposed to accommodate truck turning movements. All improvements would be constructed "to the satisfaction of the City Engineer," per applicable State/local design standards/requirements, and would be designed to accommodate appropriate vehicle types. The project would also require fire approvals for the emergency access and emergency vehicle maneuvers throughout the project site prior to issuance of any building permits, which would be considered in light of applicable Fire and Building Code standards and requirements, among others.

As conceded by the commenter, the transportation analysis within the Draft EIR states in relevant part provides:

> "A sight distance analysis for each project driveway was conducted to determine whether outbound vehicles would have adequate sight distance to observe conflicting traffic along the intersecting public roadways. Intersection sight distance for the project driveways were evaluated following methodology outlined by the City of Visalia Design and Improvement Standard SD-3, which is based on guidance outlined by the American Association of State Highway and Transportation Officials, A Policy on Geometric Design of Highway and Street, 7th Edition. The proposed project would be required to satisfy the required sight lines and clear zone requirements for all project driveways, to ensure roadway hazards are minimized."

The transportation study was not incorporated by reference, but instead was attached as an appendix to the Draft EIR and the analytical basis and conclusions set forth therein were described in Section 3.14, Transportation, of the Draft EIR for purposes of disclosure to the public, interested organizations and the decision-makers.

There is no roadway curvature or unusual circumstances near the access driveways that indicate sight distance constraints might occur. As part of the final site design for each individual specific development proposal that is pursued under the project, intersection sight distance assessment would be performed during the design of the street improvements by the civil engineer to confirm compliance with all applicable standards and requirements, and would include considerations of landscaping, street lighting, utilities and all other potential sight obstructions. The project's Civil Engineer would certify/approve the visibility prior to approval of street improvement plans pursuant to the City's adopted procedures and other standards and requirements.

The recommendations identified in Table 23, which are included in the transportation study that is attached as an appendix to the Draft EIR, are consistent with, and incorporated into, the proposed site plan as design features. As such, the recommendations are incorporated into the project itself and none of the recommendations would be mitigation for a potential adverse environmental impact.

Therefore, the Draft EIR properly concludes that the proposed project is consistent with the relevant provisions of the General Plan. This comment does not otherwise raise a substantive issue related to the content of the EIR, and no further response or change is warranted. No further response or change is warranted.

*Comment GSEJA-16*
The commenter states that the Draft EIR does not discuss that the project site is identified in the City's Draft Housing Element as a vacant site available to accommodate an emergency shelter and contributing to the required capacity to accommodate the City's homeless individuals. The commenter further suggests that the proposed project cannot be approved until and unless the City's Housing Element is revised to remove the project site from the sites inventory for capacity to accommodate the City's homeless individuals. The commenter purports that a revised EIR must be prepared to discuss the project site's listing in the Draft Housing Element.

*Response to GSEJA-16*
The comment is noted for the record. This comment does not raise a specific concern related to the proposed project's physical impacts on the environment or otherwise raise a substantive issue related to the content of the EIR, and no further response, change or recirculation of the Draft EIR under CEQA Guidelines Section 15088.5 is warranted. Nonetheless, for informational purposes, the following is noted. The project site is designated under the General Plan Land Use Element as Industrial and Light Industrial, and the proposed uses are consistent with these land use designations. It is noted that the Housing Element Table 41 identifies vacant parcels where homeless shelters can be developed by right. However, the City's identification of parcels where emergency shelters can be developed by right does not mandate that those areas to be reserved for such shelters, be developed as such or preclude the sites from being developed with other appropriate uses as permitted by the relevant General Plan and zoning designations. Although the project site is

identified as a potential location for an emergency shelter, it is not identified as a housing opportunity. Accordingly, as noted above, the commenter's assertions are based on a mistaken understanding of legal requirements under State Housing Element Law and do not raise credible CEQA issues. The City adopted its Housing Element in December 2023; thereafter, the City submitted it to the California Department of Housing and Community Development (HCD) for review. Since this time, the City has continued to work with HCD to respond to its comments, as reflected in the revised Housing Element Update (August 2024). Consistent with Housing Element Program 5.2 Homeless Shelter Program, the City continues to work with experienced public and non-profit agencies to seek out opportunities to provide permanent, transitional, or emergency housing. Moreover, the Housing Element identified more sites than needed to accommodate emergency shelter needs. As noted in the Housing Element, the nine vacant/underutilized parcels identified in Table 41 could conservatively provide almost double the capacity to accommodate the City's homeless individuals. Accordingly, contrary to the commenter's assertion, the City may appropriately approve one or more of those sites for other uses without requiring a revision of the Housing Element. This commenter does not otherwise raise a substantive issue related to the content of the EIR, nor provides evidence to contradict the conclusions of the Draft EIR, and as such, the document has adequately addressed this issue under CEQA and no further response or change is warranted.

*Comment GSEJA-17*
The commenter states that the EIR does not provide a consistency analysis with the Tulare County Association of Governments (TCAG) 2018 RTP/SCS. The commenter suggests that the proposed project is inconsistent with Goal 10 to improve air quality through congestion management, coordination of land use, housing and transportation system, and provision of alternative modes of transportation and incentives that reduce VMT, which inconsistency is based on "errors in modeling, modeling without supporting evidence," and the determination that the project will have significant and unavoidable cumulatively considerable impacts to Air Quality. The commenter further asserts that the Draft EIR relies upon flawed reasoning because the Draft EIR states that the proposed project would implement mitigation measures that reduce air quality emissions to the greatest extent feasible, which the commenter purports is erroneous and misleading.

*Response to GSEJA-17*
Contrary to the commenter's assertion, the Draft EIR includes a detailed discussion of the TCAG 2018 RTP/SCS, and consistency with Goal 10 (among others) specifically, in Impact LAND-2. The commenter does not provide substantial evidence regarding any significant environmental impact requiring a revision of the Draft EIR. Nor does the comment identify a specific inconsistency with a mandatory provision in the 2018 RTP/SCS or Goal 10. It is important to note that Goal 10 is a broadly-framed goal that is part of a larger, regional policy document that seeks to provide, from a regional perspective, opportunities to coordinate land use, housing and the transportation system—based on localities' growth projections. The notion that a specific development proposal that is identified to have significant air quality or GHG impacts that cannot be fully mitigated constitutes an improper inconsistency that automatically equates to a significant impact under CEQA is not supported by the law. The 2018 RTP/SCS does not govern local land use decisions; the City, in its discretion, has designated the project site for Industrial and Light Industrial uses, which are reflected in the City's land use vision and the population and employment projections relied upon in the 2018 RTP/SCS. See Section 3.11, Land Use and Planning, for additional discussion in this regard.

In reviewing CEQA documents, courts generally recognize that plan goals and consistency therewith, in particular, are designed to provide policy guidance rather than to mandate specific regulatory requirements. See, e.g., *Napa Citizens for Honest Gov't v. Napa County Bd. of Supervisors* (2001) 91 Cal.App.4th 342, 378. Moreover, courts have consistently held that lead agencies have particularly broad discretion in determining a project's consistency with such goals. See, e.g., *North Coast Rivers Alliance v. Marin Mun. Water Dist.* (2013) 216 Cal.App.4th 614, 632; *Pfeiffer v. City of Sunnyvale* (2011) 200 Cal.App.4th 1552, 1563. Accordingly, the City may determine that the proposed project is consistent with a goal to improve air quality when it approves projects that mitigate impacts to the fullest extent feasible, even if the project-specific environmental impacts remain significant. See also Response to GSEJA-12.

The Draft EIR robustly and appropriately modeled and analyzed air quality emissions in accordance with all applicable guidance and pursuant to the requirements of CEQA. It was found that the proposed project would have a significant and unavoidable impact with regard to air quality even with the implementation of feasible mitigation. Goal 10 of the 2018 RTP/SCS aims to improve air quality through congestion management, coordination of land use, housing and transportation system, provision of alternative modes of transportation, and provision of incentives that reduce VMT. The proposed project would implement MM AIR-2a through MM AIR-2h, which would require the use and/or inclusion of Tier IV or equivalent construction equipment, super compliant architectural coating, electric or zero-emission service equipment, EV charging infrastructure, vegetative barrier, and good faith consideration of a potential Voluntary Emission Reduction Agreement (VERA) with the SJVAPCD. Moreover, MM TRANS-10a and MM TRANS-10b facilitate the use of alternative modes of transportation. Furthermore, the project would be consistent with the General Plan land use vision and the City's approach to growth, which focuses on ensuring that growth occurs in a compact and concentric fashion through the implementation of the General Plan's phased growth strategy. See also Response to CDOVC-2.

As such, although the proposed project would result in significant and unavoidable impacts with regard to air quality, the proposed project would reflect anti-sprawl policies consistent with the City's land use vision, implement all feasible mitigation and would further the underlying goals of the 2018 RTP/SCS.

As such and as further detailed in the Draft EIR, there is substantial evidence in the record to support the City's determination that the proposed project would be consistent with the 2018 RTP/SCS. This comment does not otherwise raise a substantive issue related to the content of the EIR, nor does it provide evidence to contradict the conclusions of the Draft EIR, and as such, the document has adequately addressed this issue under CEQA and no further response or change is warranted.

*Comment GSEJA-18*
The commenter states that Table 3.11-1, Local Agency Formation Commission (LAFCo) Consistency Analysis, of the Draft EIR is not accurate with regard to the statutory requirements for annexation. The Draft EIR found that the proposed project would be consistent with all transportation policies relevant to the proposed project, but the commenter purports that the proposed project is not consistent with the RTP/SCS or the General Plan. Therefore, the commenter states that the EIR must

be revised to include a finding of significance due to inconsistency with LAFCo statutory requirements regarding annexation.

*Response to CSEJA-18*
The commenter does not provide any substantial evidence to support the claim of inconsistency with LAFCo policies. The Draft EIR provides a detailed and thoughtful basis for a consistency determination, which is within the purview of the City based on substantial evidence in the record.

Please see Responses to GSEJA-10 through GSEJA-17. As discussed in the Draft EIR, the proposed project would be consistent with relevant provisions of the RTP/SCS and the General Plan. Additionally, as explained further in Response to GSEJA-12, it is important to note that inconsistency with a plan or policy by itself is not an environmental impact. See *Orinda Ass'n v. Board of Supervisors* (1986) 182 Cal.App.3d 1145. Many potential inconsistencies are more appropriately characterized as legal issues related to planning and policy considerations, not a physical impact on the environment. See *Lighthouse Field Beach Rescue v. City of Santa Cruz* (2005) 131 Cal.App.4th 1170.

Contrary to the commenter's assertion, Section 3.11, Land Use and Planning, of the Draft EIR contains a detailed consistency analysis with all relevant LAFCo annexation policies, which constitutes substantial evidence in support of a consistency determination. This comment has been noted for the record and revisions to the Draft EIR are not necessary.

*Comment GSEJA-19*
The commenter briefly summarizes the findings in the Draft EIR regarding the outcome of the VMT analysis and states that the Draft EIR does not provide adequate evidence to support the conclusion that MM TRANS-10a and MM TRANS-10b would reduce VMT to below the significance threshold. Additionally, the commenter suggests that the MM TRANS-10a and MM TRANS-10b are unenforceable mitigation in violation of CEQA Guidelines Section 21081.6(b) and that the Draft EIR does not provide an accurate, quantified calculation of the reduced VMT as a result of these mitigation measures. The commenter further states that the data inputs utilized for modeling must be provided to the public, while the output sheets are blurry and illegible. Finally, the commenter suggests that the proposed VMT mitigations must be paired with other strategies to reduce VMT effectively.

*Response to GSEJA-19*
The comment is noted for the record. The Draft EIR contains a thoughtful, accurate analysis of the project's potential VMT impacts, which discloses a small, albeit significant impact under the applicable threshold, of 1.54 percent. The mitigation measures proposed by the project are based on the latest available guidelines published by CAPCOA in December 2021, taking into account the nature and location of the proposed uses. The CAPCOA guidelines include calculation methods that were developed from various studies and research conducted throughout the State and nation. The mitigation measure to provide End-of-Trip Bicycle Facilities that is proposed would be sufficient to mitigate the impacts generated by the project, particularly when combined with the construction of adjacent planned bicycle facilities to be installed as part of the City's CIP improvements on Riggin Avenue.

The quantified calculation of the percent reduction resulting from this mitigation measure is included below. The mitigation measure to expand the bike network would provide further

reductions to the project's VMT impacts but is not necessary to meet the required reduction. The quantification of this measure is not included since this measure is required to connect to future path that is to be constructed by other projects.

**Employee Trip Reduction Measures: Provide End-of-Trip Bicycle Facilities (T-10)**

This measure will install and maintain end-of-trip facilities for employee use. End-of-trip facilities include bike parking, bike lockers, showers, and personal lockers. The provision and maintenance of secure bike parking and related facilities encourages commuting by bicycle, thereby reducing VMT and GHG emissions.

| ID | Variable | Value | Unit |
|---|---|---|---|
| | Constants, Assumptions, and Available Defaults | | |
| B | Bike mode adjustment factor | 4.86 | Unitless |
| C | Existing bicycle trip length for all trips in region | 2.3 | Miles |
| D | Existing vehicle trip length for all trips in region | 10.3 | Miles |
| E | Existing bicycle mode share for work trips in region | 1.60% | % |
| F | Existing vehicle mode share for work trips in region | 90.1% | % |

Formula $= \frac{C \times (E - (B \times E))}{D \times F}$

VMT Reduction -1.53%

Sources:

[1] Buehler, R. 2012. Determinants of bicycle commuting in the Washington, DC region: The role bicycle parking, cyclist showers, and free car parking at work. Transportation Research Part D, 17, 525–531. Available: http://www.pedbikeinfo.org/cms/downloads/DeterminantsofBicycleCommuting.pdf

[2] Federal Highway Administration (FHWA). 2017a. National Household Travel Survey–2017 Table Designer. Travel Day PT by TRPTRANS by HH_CBSA. Available: https://nhts.ornl.gov/

[3] Federal Highway Administration (FHWA). 2017b. National Household Travel Survey–2017 Table Designer. Workers by WRKTRANS by HH_CBSA. Available: https://nhts.ornl.gov/

All descriptions and methods from California Air Pollution Control Officers Association's *Handbook for Analyzing Greenhouse Gas Emission Reductions, Assessing Climate Vulnerabilities, and Advancing Health and Equity. Default parameters for the calculations were derived using the average of Southern and*

The Lead Agency reminds the commenter that CEQA requires neither scientific certainty nor exhaustiveness but rather adequacy, completeness, and a good faith effort at full disclosure in light of what is reasonably feasible. See, e.g., *Sierra Club v. City of Orange* (2008) 163 Cal.App.4th 523, 544 ("CEQA requires an EIR to reflect a good faith effort at full disclosure; it does not mandate perfection, nor does it require an analysis to be exhaustive."). This information adds clarity to the Draft EIR and does not reflect a new or substantially increased significant impact or otherwise trigger recirculation under CEQA Guidelines Section 15088.5. The comment has been noted for the record and revisions to the Draft EIR are not necessary.

*Comment GSEJA-20*

The commenter states that it is not possible to ensure that MM TRANS-10a and MM TRANS-10b would result in reduced VMT and be implemented continuously throughout the life of the project and maintain a VMT reduction to less than significant levels at all times. The commenter further suggests that MM TRANS-10b is not feasible as mitigation because it is subject to "contractability and approval" by California Water Service (Cal Water). Therefore, the commenter states that the Draft EIR be revised to find a significant and unavoidable VMT impact.

*Response to GSEJA-20*

The mitigation measures were selected specifically for the City's ability to confirm these features are implemented as part of the site plan design and street improvements. The City does not currently support the majority of on-site TDM measures (ride sharing, cash-out programs, on-site commute programs, etc.) but is supportive of the measures selected because of the ability to verify with aerial

imagery. Moreover, the appropriateness of TDM measures also takes into appropriate account the nature and location of the subject project and related considerations. Finally, the commenter is mistaken to the extent it assumes that TDM measures and related reductions are defined and calculated based on assumptions that they would be implemented by all potential users continuously throughout the life of the subject project. To the contrary, the appropriateness and effectiveness of TDM measures take into account reasonable assumptions as to overall usage, etc., as noted below.

The guidelines and reduction calculations are based on the latest CAPCOA Handbook. As indicated in the CAPCOA guidelines, the end-of-trip facilities are recommended to be installed at a size proportional to the number of commuting bicyclists and regularly maintained. This measure is included as part of the proposed project's infrastructure costs and related ongoing obligations and would be maintained regularly along with other facilities within the parking area. As stated in the CAPCOA guidelines, the efficacy of mitigation measures that are based on employer-based programs may vary highly and depend on individual employers. Since the proposed measure is infrastructure based and embedded within the project's infrastructure, the efficacy of this measure can be anticipated to be consistent throughout the life of the project as long as the facilities are maintained.

Moreover, a mitigation measure requiring coordination with Cal Water to implement bike lanes is appropriate when these approvals are subject to performance standards such as those typically found in Cal Water's rules and standards. *Gentry v. City of Murrieta* (1995) 36 CA4th 1359, 1395. See Sections 6.55, 14.15.

*Comment GSEJA-21*
The commenter makes a generalized assertion that the Draft EIR has underreported the quantity of VMT generated by the proposed project operations. The commenter notes that the operational nature of industrial/warehouse uses involves high rates of truck/trailer/delivery van VMT due to traveling from large import hubs to regional distribution centers to smaller industrial parks and then to their final delivery destinations. The comment asserts that once employees arrive at work at the proposed project, they will conduct their jobs by driving delivery vans across the region as part of the daily operations as a warehouse, which will drastically increase project generated VMT. The project's truck/trailer and delivery van activity is unable to utilize public transit or active transportation and it is misleading to the public and decision-makers to exclude this activity from VMT analysis. The project's actual VMT generated by all aspects of project operation is not consistent with the significance threshold and legislative intent of SB 743 to reduce GHG emissions by reducing VMT. The comment concludes by stating that a revised EIR must be prepared to reflect a quantified VMT analysis that includes all truck/trailer and delivery van activity.

*Response* to *GSEJA-21*
See Response to GSEJA-20.

The commenter asserts that the Draft EIR has underreported the quantity VMT generated by the proposed project operations that includes all truck/trailer and delivery van activity. As a preliminary matter, the commenter does not provide any evidence beyond mere speculation that project VMT was underestimated in the Draft EIR.

Contrary to the commenter's assertion, the Draft EIR accurately reported the VMT results for the proposed project. The VMT analysis adhered to the metrics and threshold adopted in the City of Visalia VMT Thresholds and Implementation Guidelines, which are based on the OPR. CEQA Guidelines Section 15064.3 establishes VMT as the most appropriate measure of transportation impacts. However, OPR guidelines exclude truck traffic from consideration in calculating project VMT. Section 15064.3, subdivision (a) of the CEQA Guidelines, states, "For the purposes of this section, 'vehicle miles traveled' refers to the amount and distance of automobile travel attributable to a project." OPR further clarified in their 2018 Technical Advisory that "automobile" refers to on-road passenger vehicles, particularly cars and light trucks. Consistent with OPR guidance, the City adopted VMT thresholds of significance that only considers the commute-based efficiency metric, 'VMT per Employee that accounts for passenger vehicles.' This widely adopted threshold aligns with OPR guidelines. All trip types and vehicle types are typically included in the VMT analysis for a customer-based land use project where the VMT evaluation metric would be net change in total regional VMT. The total absolute VMT is generally assessed for retail-based land uses, where all trip types and vehicle types are considered. If this project had been evaluated based on the net change in absolute VMT as the comment suggests, it would likely result in a net decrease in regional VMT, as these projects, as is the case here, are strategically located near delivery points, thereby reducing trip lengths by providing additional regional warehouses. CEQA VMT analysis is intended to consider how far the project's vehicle trips are estimated to travel rather than how many additional trips the project is adding. Therefore, only trips associated with employee commute trips were considered for the purposes of evaluating VMT per Employee metric. Based on the foregoing and as further discussed and disclosed in the Draft EIR and related TIA, the project's VMT analysis complies with CEQA's requirements. Therefore, no change is warranted, and no further response is necessary.

*Comment GSEJA-22*

The commenter states that the Draft EIR has not adequately analyzed the project's potential to substantially increase hazards due to a geometric design feature (e.g., sharp curves or dangerous intersections) or incompatible uses; or the project's potential to result in inadequate emergency access. The commenter reiterates the basis for this position as asserted in Comment GSEJA-15, as well as repeating its concerns about a lack of purported exhibits depicting the available truck turning radius at the intersection of the project driveways and adjacent streets as well as the on-site turning radius available for trucks maneuvering throughout the site. The commenter concludes that a revised EIR must be prepared to include the sight distance analysis for review, analysis, and comment by the public and decision-makers.

*Response* to *GSEJA-22*

See Response to GSEJA-15. This comment does not provide evidence that the project would pose unacceptable risks to the traveling public or otherwise raise a substantive issue related to the content of the EIR. The commenter does not contradict or contradict the determination made in the Draft EIR of a less than significant impact. This comment does not raise a specific concern related to the proposed project's physical impacts on the environment or otherwise raise a substantive issue related to the content of the EIR, and no further response, change or recirculation of the Draft EIR under CEQA Guidelines Section 15088.5.is warranted.

No further response or change is warranted.

*Comment GSEJA-23*
The commenter reiterates the assertion made in Comment GSEJA-15; it states that Appendix I Table 23: Summary of Access Recommendations, which provides recommendations to the site plan and off-site street areas to related project traffic queueing and safety, are not included as mitigation measures in the Draft EIR. For this reason, the commenter concludes that they are not required to be completed by the proposed project and outstanding project traffic queueing and safety issues exists, and the EIR must be revised to include a finding of significance as it has not provided meaningful evidence to support the conclusion that the proposed project would result in less than significant impacts under Impact TRANS-3.

*Response* to *GSEJA-23*
See Response to GSEJA-15.

As noted above, the transportation study identifies driveways that are proposed to accommodate truck turning movements. All improvements would be constructed "to the satisfaction of the City Engineer," per applicable State/local design standards/requirements, and would be designed to accommodate appropriate vehicle types. The commenter does not provide evidence that the project would pose unacceptable risks to humans or contradict the determination made in the Draft EIR of a less than significant impact. This comment does not raise a specific concern related to the proposed project's physical impacts on the environment or otherwise raise a substantive issue related to the content of the EIR, and no further response, change or recirculation of the Draft EIR under CEQA Guidelines Section 15088.5.is warranted.

*Comment GSEJA-24*
The commenter states that the Draft EIR does not address the proposed project's annexation requirements in the population and housing analysis because annexation of the project site into the City's boundaries would remove an existing obstacle that prevents growth within the City. As such, the commenter states that the proposed project would contribute toward the development thresholds that unlock development in the Tier II and Tier III UDB of the General Plan. The commenter asserts that the Draft EIR must be revised to include a finding of significance for this impact.

*Response* to *GSEJA-24*
The commenter does not provide substantial evidence regarding any significant environmental impact that has not already been disclosed in the Draft EIR. The applicable threshold of significance with regard to population and housing focuses on the question whether a project would result in substantial unplanned population growth such that new housing would be required, which would in turn, trigger the need for the construction of such housing that would result in environmental effects.

The Draft EIR contains a robust discussion of the project's consistency with various annexation requirements and policies as well as addressing potential population and housing related growth-inducing impacts. (See Section 3.11, Land Use and Planning, Section 5.2, Growth-Inducing Impacts.) As detailed therein, given the size of the available workforce and the current unemployment numbers in the City and County and the anticipated length of construction phases, there is no

evidence that the proposed project would necessitate the construction of more housing units than anticipated as a result of employment opportunities associated with the proposed project.

In terms of potential growth-inducing impacts, the Draft EIR contains a thoughtful review in this regard (see, e.g., Chapter 5, Other CEQA Considerations, 5.2, Growth-Inducing Impacts). Among other things, the Draft EIR disclosed the anticipated employees to be generated by the project, based on the conversion of Institute of Transportation Engineering (ITE) trip generation for building size and employee. The ITE is an international professional association of transportation professionals including transportation engineers, transportation planners, consultants, educators, technologists, and researchers. The ITE Trip Generation Manual is the most commonly used data source for the purpose of estimating trip and employee generation because it is based on a robust set of land use, employee, and trip data. Furthermore, the proposed project involves multiple types of land use including an industrial park, two drive-through restaurants, a convenience store, an RV and a self storage facility, gas station, and a car wash. The ITE manual contains trip and employee generation for these specific uses, whereas the General Plan utilizes a broad assumption of 1,000 jobs per square-foot for all industrial uses.[4] Therefore, the ITE manual is a more appropriate source to estimate employment generation.

It is reasonable to assume, given the nature of the local employment population combined with the nature of the project, that employment needs generated by the proposed project would primarily be able to be filled primarily by employees who live within the City and nearby unincorporated areas in the County. As such and as further addressed in the analysis in the Draft EIR, although increased industrial growth may occur, it would not result in unanticipated growth that would lead to the need for unplanned housing.

Regarding assumptions with respect to employment generation and potential growth-inducing impacts, as described in Chapter 5, Other CEQA Considerations, the City had an unemployment rate of 4.2 percent in 2022, indicating the presence of approximately 6,005 unemployed workers. As approximately 22.5 percent of the City's workforce works in industry sectors that the proposed project would occupy, it is reasonable to conclude there are at least 1,352 eligible workers in the City who could fill a portion of the jobs that are expected to result from the proposed project. Furthermore, Tulare County currently has an unemployment rate of 9.7 percent, or 20,800 people of the working population. There are a total of approximately 140,091 workers who both live in Tulare County and commute to work within the County. Given the foregoing plus the nature of the proposed project, it is reasonable to assume that a number of unemployed county residents living near the City of Visalia could accept a job working at one of the proposed project businesses, and would commute to the City to work.

Nonetheless, additional employees could potentially transfer into the area as a result of the proposed project, resulting in population growth. However, the General Plan contemplated a certain amount of population growth, projecting that its population would grow from 125,000 people in 2014 to 210,000 people by 2030, which corresponds to an average annual growth rate of 2.6 percent. It is notable that the City's actual population growth has been slower than previously

[4] City of Visalia. General Plan - Introduction. Website: https://www.visalia.city/civicax/filebank/blobdload.aspx?BlobID=30473. Accessed August 29, 2024.

anticipated in the General Plan. According to the United States Census Bureau, the City had a population of 143,966 in 2022. Employment in the City was projected to increase by 39 percent between 2010 and 2030, with a total of 25,520 new jobs projected during this time frame. Therefore, any population growth caused by increased employment opportunities provided by the proposed project would be within the planned growth anticipated in the General Plan. To the extent people transfer into the City and vicinity to fill the positions provided by the proposed project, it is reasonable to conclude that any such increase in potential housing demand could be readily absorbed by the local housing inventory and/or the pending and approved residential projects in the City and the surrounding area. As of this writing, the current housing vacancy rate in the City is 3.9 percent, and the County vacancy rate is 5.7 percent. Thus, the proposed project would not result in a significant, unplanned change to the population of the City or alter the location, distribution, density, or growth rate of the anticipated population planned for the City.

Furthermore, contrary to the commenter's assertion, the contemplated annexation is entirely consistent with and helps to implement the General Plan land use vision and the City's approach to growth, which focuses on ensuring that it occurs in a compact and concentric fashion through the implementation of the General Plan's phased growth strategy. See Response to CDOC-2. This helps to ensure the logical extension of City boundaries in a planned fashion consistent with the General Plan's population and employment projections.

As such, the Draft EIR adequately and accurately describes potential environmental effects associated with annexation, construction workers, and the construction and operation of the proposed project. This comment does not raise a substantive issue related to the content of the EIR, and no further response, change or recirculation of the Draft EIR under CEQA Guidelines Section 15088.5.is warranted.

*Comment GSEJA-25*
The commenter states that the projected number of employees does not represent the best available data as local data is available in the General Plan. The commenter further states that the General Plan includes the rate of one employee for every 750 square feet of light industrial building area. The commenter then suggests that the proposed project would generate approximately 4,961 employees based on this generation rate; the commenter then seeks to combine the employment generation with two other projects the commenter suggests are improperly piecemealed, which would generate a total of 7,068 employees. The commenter asserts that these three projects would create 2,071 new jobs, which represents 73 percent of the City's industrial land use job buildout because the General Plan indicates the creation of 9,670 jobs from industrial land uses between 2010 and 2030. Furthermore, the commenter describes that the cumulative analysis of the proposed project be revised because approved projects and projects under review would exceed the General Plan buildout scenarios.

The commenter further claims that the Draft EIR uses uncertain, misleading language with regard to population and employment generation. The commenter also states that the Draft EIR relies upon Census data to improperly conclude that 22.5 percent of the City's active workforce is employed within this sector, translating to 22.5 percent of the unemployed workforce being available for work in these sectors. Additionally, the commenter contends that the Draft EIR does not provide

information on whether the unemployed workforce is interested or qualified for work in construction and/or industrial sectors, and concludes that the Draft EIR needs to be revised and recirculated to address these issues.

*Response* to *GSEJA-25*
See Response to GSEJA-24.

The comments are noted for the record. However, the commenter does not provide substantial evidence regarding any significant environmental impact that is not already disclosed in the Draft EIR. An EIR must be prepared with a sufficient degree of analysis to provide decision-makers with information needed to make an intelligent decision concerning the project's environmental effects (e.g., CEQA Guidelines § 15151.) An EIR must contain facts and analysis, not just an agency's mere conclusions or opinions. However, the data used in an EIR need not be exact. When precise data are not readily available, an EIR may rely on informed estimates. As the California Supreme Court has emphasized, an EIR need not achieve "technical perfection or scientific certainty." *Sierra Club v. County of Fresno* (2018) 6 Cal.5th 502, 515. Instead, CEQA requires "adequacy, completeness, and a good faith effort at full disclosure." CEQA Guidelines § 15003(i). The appropriate degree of specificity and analysis a given issue warrants depends on "the nature of the project and the rule of reason." *North Coast Rivers Alliance v. Kawamura* (2015) 243 Cal.App.4th 647, 679; *see also* CEQA Guidelines Section 15151 ("An evaluation of the environmental effects of a proposed project need not be exhaustive, but the sufficiency of an EIR is to be reviewed in the light of what is reasonably feasible.").

The Lead Agency exercised its discretion in selecting the appropriate methodology and assumptions to be utilized when determining the number of employees that would be generated by the project for purposes of the CEQA review. Specifically, the Draft EIR estimated the employee amount at buildout based on the conversion of ITE trip generation rates for building size and employee, consistent with the project transportation study. The ITE Trip Generation Manual is regularly updated and was most recently updated in 2022. In contrast, the General Plan's estimates for industrial employment generation are from 2011. Although the General Plan is more specific to the project site, the more regularly updated ITE trip generation rates associated employee estimates would likely be more accurate. Furthermore, the ITE trip generation rates take into account the different land uses that would occur on the project site, including warehouse and flex buildings, mini-storage/RV parking, fast-food restaurants, convenience markets, and the car wash facility, while the General Plan only has general estimates for Light Industrial and Industrial. Accordingly, the Draft EIR's assumptions and methodologies used to determine employee generation are supported by substantial evidence.

This comment does not raise a specific concern related to the proposed project's physical impacts on the environment or otherwise raise a substantive issue related to the content of the EIR, and no further response, change or recirculation of the Draft EIR under CEQA Guidelines Section 15088.5 is warranted.

The comment's suggestion that the Draft EIR was required to speculate as to whether referenced unemployed individuals have the qualifications and/or interest to seek project employment is inaccurate under the law.

The environmental effects (i.e., air pollutant and greenhouse emissions associated with VMT for worker trips) associated with employees have been accounted for throughout the Draft EIR, for example within the project's air quality and greenhouse gas emission analyses. In this case, because the exact locations of where workers trips would originate are too speculative to identify precisely, the analyses assumed a default worker trip. This default is a reasonable estimate of the average trip.

With respect to the commenter's erroneous attempt to combine the project's employment generation with other unrelated, separate projects based on an allegation of improper segmentation, see Response to GSEJA-2.

Based on the foregoing and as further detailed in the Draft EIR, the CEQA evaluation adequately analyzed the project's impacts (both individual and cumulative) as required under CEQA, and no revisions to the Draft EIR are warranted.

*Comment GSEJA-26*
The commenter appears to reiterate statements made in Comment GSEJA-24 regarding the Draft EIR not addressing the proposed project's annexation requirements in the population and housing analysis because annexation of the project site into the City's boundaries would remove an existing obstacle that prevents growth within the City. The commenter also repeats statements made in Comment GSEJA-25 regarding the way in which the projected number of employees does not represent the best available data as local data is available in the General Plan.

*Response* to *GSEJA-26*
See Responses to GSEJA-24 and GSEJA-25.

The commenter requests a number of additional studies and analyses (construction worker employment analysis, job buildout analysis). These studies are not required by CEQA. "CEQA does not require a lead agency to conduct every recommended test and perform all recommended research to evaluate the impacts of a proposed project. The fact that additional studies might be helpful does not mean that they are required." *Ass'n of Irritated Residents v. Cty. of Madera*, (2003) 107 Cal.App 4th 1383, 1396, 133 Cal. Rptr. 2d 718. Consequently, CEQA does not contain a blanket requirement that agencies conduct exhaustive studies to cover every potentiality.

The OPR Technical Advisory on Evaluating Transportation Impact in CEQA (December 2018) does not identify construction worker VMT as an issue that needs to be evaluated in a project VMT analysis. Additionally, the ultimate end-users and construction schedule are unknown, making a construction worker employment analysis too speculative at this point.

This comment does not raise a specific concern related to the proposed project's physical impacts on the environment or otherwise raise a substantive issue related to the content of the EIR, and no further response, change or recirculation of the Draft EIR under CEQA Guidelines Section 15088.5.is warranted.

*Comment GSEJA-27*
The commenter purports to set forth various legal principles under CEQA related to alternatives analysis, including stating that the EIR is required to evaluate a reasonable range of alternatives to the proposed project which will avoid or substantially lessen any of the significant effects of the proposed project. The commenter asserts that the alternatives chosen for analysis include the CEQA required "No Project" alternative and only two others. The commenter states that the EIR does not evaluate a reasonable range of alternatives beyond the No Project Alternative, and fails to include an alternative that meets the project objectives and also eliminates all of the project's significant and unavoidable impacts.

*Response to GSEJA-27*
The commenter does not provide substantial evidence regarding any significant environmental impact that has not already been disclosed in the Draft EIR. A general response to a general comment is sufficient (CEQA Guidelines §15088(c)). This comment provides a general objection to the alternatives discussion; however, it does not propose any specific alternatives for evaluation.

The Draft EIR reflects CEQA's requirements with respect to an adequate alternatives analysis. As explained therein, in accordance with CEQA Guidelines Section 15126.6, the Draft EIR contained a comparative impact assessment of alternatives to the proposed project. The purpose of this analysis was to provide decision-makers, other interested organizations, and the public with a reasonable number of potentially feasible project alternatives that could attain most of the basic project objectives, while avoiding or reducing any of the project's significant adverse environmental effects.

Important considerations for this alternatives analysis are noted below pursuant to CEQA Guidelines Section 15126.6.

- An EIR need not consider every conceivable alternative to a project;
- An EIR should identify alternatives that were considered by the lead agency, but rejected as infeasible during the scoping process;
- Reasons for rejecting an alternative include:
  - Failure to meet most of the basic project objectives;
  - Infeasibility; or
  - Inability to avoid significant environmental effects.

Adhering to the foregoing parameters, the analysis briefly discussed another alternative initially considered and then rejected from further consideration. It then evaluated three different alternatives in Chapter 6, Alternatives to the proposed project. Although none of the alternatives eliminated all of the project's significant and unavoidable impacts, there is no requirement for such an alternative in CEQA. Contrary to the comment's assertions, CEQA merely requires a reasonable range of potentially feasible alternatives be considered, taking into account whether each alternative would reduce significant impacts and also whether it would meet most of the project objectives and be feasible to implement. All of the foregoing considerations are relevant and were taken into appropriate account in the Draft EIR's alternatives analysis. The comments have been noted for the record and revisions to the Draft EIR are not necessary.

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May 28, 2024

**VIA EMAIL**

Brandon Smith, Principal Planner
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**Re: Comment on Draft Environmental Impact Report**
**Shirk & Riggin Industrial Project**
**State Clearinghouse Number 2022080658**

To Principal Planner Smith:

This comment is submitted on behalf of Eddie Torres, Francisco Nunez, Laborers International Union of North America, Local 294, and its members living and working in and around Visalia, California (collectively "LIUNA") regarding the Draft Environmental Impact Report (State Clearinghouse No. 2022080658) ("DEIR") prepared for Shirk & Riggin Industrial Park Project.

LIUNA is concerned that the DEIR fails to comply with the California Environmental Quality Act, Public Resources Code 21000 *et seq*., ("CEQA") by: (1) failing to adopt feasible mitigation measures for significant and unavoidable impacts identified in the DEIR; (2) failing to adopt the environmentally superior Reduced Footprint Alternative; (3) failing to account for all cumulative projects in vicinity of the Project; (4) failing to adequately disclose and mitigate impacts to sensitive biological resources; (5) failing to adequately analyze the Project's impacts on energy; and (6) failing to provide substantial evidence that the Project will not result in significant increased cancer risk to nearby residents. 1

LIUNA's review of the Project and DEIR was assisted by expert ecologist Dr. Shawn Smallwood, Ph.D., and air quality experts Matt Hagemann, P.G., C.Hg., and Paul E. Rosenfeld, Ph.D., of Soil/Water/Air Protection Enterprise ("SWAPE"). Dr. Smallwood's comment and CV are attached hereto as **Exhibit A**. SWAPE's comment and the CVs of Dr. Rosenfeld and Mr. Hagemann are attached hereto as **Exhibit B**.

LIUNA requests that the DEIR be revised and recirculated to address the issues raised in

this comment. 1 CONT

**PROJECT DESCRIPTION**

Seefried Industrial Properties, Inc. has proposed to develop the Project, a mixed-use industrial park and related improvements and infrastructure on an approximately 284-acre site. The Project site (APNs 077-840-004, 077-840-005, and 077-840-006) is generally bound by Riggin Avenue to the south, Shirk Street to the east, Kelsey Street to the west, and Modoc Ditch to the north in the City of Visalia.

Agricultural uses have existed on the Project site since 1937, and several structures previously existed in the central, northern, and southeastern portions of the site to support these agricultural uses. Several of the structures in the northern and southeastern portion were demolished by 1969, and the central portion of the site was graded. The graded land in the central portion of the site was redeveloped for agricultural use by 1984. The remaining structures were demolished, and the project site was developed in its current configuration by 1984. The Project site currently consists of an actively managed almond orchard, established around 2018. A pump house and small structures are adjacent to the detention basin.

The Project would discontinue the existing agricultural uses at the site, demolish remaining on-site structures that serve agricultural uses, and develop a mixed-use industrial park totaling approximately 3,720,149 square feet of light industrial and flex industrial uses along with car/trailer parking areas and related on- and off-site improvements. The Project development summary is as follows: 2

| | |
|---|---|
| Light Industrial Building No. 1 | +/- 786,240 square feet |
| Light Industrial Building No. 2 | +/- 1,078,440 square feet |
| Light Industrial Building No. 3 | +/- 144,300 square feet |
| Light Industrial Building No. 4 | +/- 173,160 square feet |
| Light Industrial Building No. 5 | +/- 156,140 square feet |
| Light Industrial Building No. 6 | +/- 109,890 square feet |
| Light Industrial Building No. 7 | +/- 513,240 square feet |
| Light Industrial Building No. 8 | +/- 513,240 square feet |
| Flex Industrial Buildings | +/- 84,480 square feet |
| Self-Storage/Recreation Vehicle (RV) Buildings | +/- 144,800 square feet |
| Convenience Store and Gas Station | +/- 6,922 square feet |
| Drive-through Restaurant No. 1 | +/- 2,368 square feet |
| Drive-through Restaurant No. 2 | +/- 2,368 square feet |
| Car Wash | +/- 4,560 square feet |
| Water Quality Management Basins | +/- 31.3 acres |
| Landscaping | +/- 30.68 acres |

Access would be provided via three access points along Shirk Street, three access points

along Riggin Avenue, and three access points along Kelsey Street. Clancy Street south of the project site would be extended to replace the existing private road and would traverse south to north of the site. There would also be other compatible non-industrial uses, consisting of self-storage/RV parking, a convenience store, a car wash, a gas station, and two drive-through restaurants.

2
CONT

**LEGAL STANDARD**

CEQA requires that an agency analyze the potential environmental impacts of its proposed actions in an EIR (except in certain limited circumstances). (See, e.g., Pub. Resources Code, § 21100.) The EIR is the very heart of CEQA. (*Dunn-Edwards v. BAAQMD* (1992) 9 Cal.App.4th 644, 652.) "The 'foremost principle' in interpreting CEQA is that the Legislature intended the act to be read so as to afford the fullest possible protection to the environment within the reasonable scope of the statutory language." (*Communities for a Better Environment v. Cal. Resources Agency* (2002) 103 Cal.App.4th 98, 109.)

CEQA has two primary purposes. First, CEQA is designed to inform decision makers and the public about the potential, significant environmental effects of a project. (14 CCR § 15002(a)(1).) "Its purpose is to inform the public and its responsible officials of the environmental consequences of their decisions before they are made. Thus, the EIR 'protects not only the environment but also informed self-government.'" (*Citizens of Goleta Valley v. Board of Supervisors* (1990) 52 Cal.3d 553, 564.) The EIR has been described as "an environmental 'alarm bell' whose purpose it is to alert the public and its responsible officials to environmental changes before they have reached ecological points of no return." (*Berkeley Keep Jets Over the Bay v. Bd. of Port Comm'rs*. (2001) 91 Cal.App.4th 1344, 1354 (*Berkeley Jets*); *County of Inyo v. Yorty* (1973) 32 Cal.App.3d 795, 810.)

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Second, CEQA requires public agencies to avoid or reduce environmental damage when "feasible" by requiring "environmentally superior" alternatives and all feasible mitigation measures. (14 CCR § 15002(a)(2) and (3); see also *Berkeley Jets*, 91 Cal.App.4th at 1354; *Citizens of Goleta Valley,* 52 Cal.3d at 564.) The EIR serves to provide agencies and the public with information about the environmental impacts of a proposed project and to "identify ways that environmental damage can be avoided or significantly reduced." (14 CCR § 15002(a)(2).) If the project will have a significant effect on the environment, the agency may approve the project only if it finds that it has "eliminated or substantially lessened all significant effects on the environment where feasible" and that any unavoidable significant effects on the environment are "acceptable due to overriding concerns." (Pub. Res. Code, § 21081; 14 CCR § 15092(b)(2)(A) and (B).)

While the courts review an EIR using an "abuse of discretion" standard, "the reviewing court is not to 'uncritically rely on every study or analysis presented by a project proponent in support of its position. A 'clearly inadequate or unsupported study is entitled to no judicial deference.'" (*Berkeley Jets*, 91 Cal.App.4th at 1355 [quoting, *Laurel Heights Improvement Assn. v. Regents of University of California* (1988) 47 Cal. 3d 376, 391, 409, n. 12.) "A prejudicial

abuse of discretion occurs 'if the failure to include relevant information precludes informed decisionmaking and informed public participation, thereby thwarting the statutory goals of the EIR process.'" (*Berkeley Jets*, 91 Cal.App.4th at 1355.)

An EIR must "include[] sufficient detail to enable those who did not participate in its preparation to understand and to consider meaningfully the issues the proposed project raises." (*Sierra Club v. Cty. of Fresno* (2018) 6 Cal.5th 502, 510.) "Whether or not the alleged inadequacy is the complete omission of a required discussion or a patently inadequate one-paragraph discussion devoid of analysis, the reviewing court must decide whether the EIR serves its purpose as an informational document." (*Id*. at 516.) "The determination whether a discussion is sufficient is not solely a matter of discerning whether there is substantial evidence to support the agency's factual conclusions." (*Id*.) As the Court emphasized:

> [W]hether a description of an environmental impact is insufficient because it lacks analysis or omits the magnitude of the impact is not a substantial evidence question. A conclusory discussion of an environmental impact that an EIR deems significant can be determined by a court to be inadequate as an informational document without reference to substantial evidence.

(*Id.* at 514.)

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CONT

In general, mitigation measures must be designed to minimize, reduce or avoid an identified environmental impact or to rectify or compensate for that impact. (14 CCR § 15370.) Where several mitigation measures are available to mitigate an impact, each should be discussed and the basis for selecting a particular measure should be identified. (14 CCR § 15126.4(a)(1)(B).) A lead agency may not make the required CEQA findings unless the administrative record clearly shows that all uncertainties regarding the mitigation of significant environmental impacts have been resolved.

When a significant environmental issue is raised in comments on the draft EIR, the response must be detailed and must provide a reasoned, good faith analysis. (14 CCR §15088(c); *Banning Ranch Conservancy v. City of Newport Beach* (2017) 2 Cal.5th 918, 940; *Covington v. Great Basin Unified Air Pollution Control Dist*. (2019) 43 Cal.App.5th 867, 878 [rejecting adequacy of response that did not explain why suggested mitigation was infeasible].) The failure of a lead agency to respond to comments raising significant environmental issues before approving a project frustrates CEQA's informational purpose and may render the EIR legally inadequate. (See *Flanders Found. v. City of Carmel-by-the-Sea* (2012) 202 Cal.App.4th 603, 615; *Rural Landowners Ass'n v. City Council* (1983) 143 Cal.App.3d 1013, 1020.)

**DISCUSSION**

**I. The DEIR Fails to Include All Feasible Mitigation Measures for the Project's Significant and Unavoidable Air Quality Impacts.**

CEQA prohibits a lead agency from approving a project with significant environmental effects if there are feasible mitigation measures or alternatives that can substantially lessen or avoid those effects. (Pub. Res. Code §21002; *Mountain Lion Found. v. Fish & Game Comm'n* (1997) 16 Cal.4th 105, 134; *Laurel Heights*, 47 Cal.3d at 403 ["The chief goal of CEQA is mitigation or avoidance of environmental harm"].) CEQA defines "feasible" as "capable of being accomplished in a successful manner within a reasonable period of time, taking into account economic, environmental, social and technological factors." (PRC §21061.1; 14 CCR §15364.) "The core of an EIR is the mitigation and alternatives sections." (*Citizens of Goleta Valley*, 52 Cal.3d at 564.) When an EIR concludes that a project will have significant impacts, the lead agency has two duties: to meaningfully consider feasible mitigation measures and alternatives, and to identify mitigation measures and alternatives rejected as infeasible. (See *Preservation Action Council v. City of San Jose* (2006) 141 Cal.App.4th 1336, 1353.)

The lead agency may not approve a project with significant impacts unless it makes one or more of three findings: 4

(1) that changes or alternations have been required in, or incorporated into, the project that mitigate or avoid the significant effects on the environment;

(2) that the agency making the findings lacks jurisdiction to make the change, but that another agency does have such authority, and either has made or can and should make, the change; and/or

(3) that specific economic, legal, social, technological, or other considerations … make infeasible the mitigation measures or project alternatives identified in the EIR.

(Pub. Res. Code §21081(a); 14 CCR §15091(a.).)

When a comment suggests "better ways to avoid or mitigate the significant environmental impacts" (14 CCR §§15088(c), 15204(a)), the lead agency must respond to the comment by either explaining why further consideration of the alternative or mitigation was rejected or by providing an evaluation of the alternative. (*Marin Mun. Water Dist. v. KG Land Cal. Corp*. (1991) 235 Cal.App.3d 1652, 1666; *Cal. Native Plant Soc'y v. City of Santa Cruz* (2009) 177 Cal.App.4th 957, 992 (*CNPS*).) "'[A]n adequate EIR must respond to specific suggestions for mitigating a significant environmental impact unless the suggested mitigation is facially infeasible.' [citation omitted] 'While the response need not be exhaustive, it should evince good faith and a reasoned analysis.'" (*CNPS*, 177 Cal.App.4th at 992 [citing *L.A. Unified School Dist. v. City of L.A*. (1997) 58 Cal.App.4th 1019, 1029; see also, *Citizens for Quality*

*Growth v. City of Mount Shasta* (1988) 198 Cal.App.3d 433, 442, fn. 8.)

The DEIR identifies several significant and unavoidable impacts to air quality:

- Project-level impact related to implementation of the applicable air quality plan
- Project-level impact related to cumulatively considerable net increase of nitrogen oxide (NOx) during construction, and ROG, NOx, and PM10 during operation
- Cumulatively significant air quality impacts during construction and operation

(DEIR, p. 5-2 to 5-3.) Due to these significant and unavoidable air quality impacts identified in the DEIR, the FEIR must require all feasible mitigation measures to reduce air quality impacts. (Pub. Res. Code §21081(a); 14 CCR §15091(a.).)

LIUNA's air quality experts, SWAPE, concluded that "additional feasible mitigation is available" and that "[b]y failing to discuss the implementation of potential mitigation measures and failing to include additional available measures, the DEIR does not make a good-faith effort at full disclosure." (Ex. B, pp. 2-3.) SWAPE identified the following feasible mitigation measures to reduce the Project's significant and unavoidable air quality impacts, which should be added to the FEIR:

- **ROG Emissions.** The DEIR only mitigates ROG emissions from architectural coatings during construction (MM-AIR-2b). This mitigation must be expanded in the FEIR to cover architectural coatings during operation as well.

4
CONT

- **NOx and PM10 Emissions**. The following are feasible mitigation measures to reduce NOx and PM10 emissions:
  - Minimize unnecessary vehicular and machinery activities.
  - Require contractors to assemble a comprehensive inventory list (i.e., make, model, engine year, horsepower, emission rates) of all heavy-duty off-road (portable and mobile) equipment (50 horsepower and greater) that could be used an aggregate of 40 or more hours for the construction project. Prepare a plan for approval by the applicable air district demonstrating achievement of the applicable percent reduction for a CARB-approved fleet. Daily logging of the operating hours of the equipment should also be required.
  - Ensure that all construction equipment is properly tuned and maintained.
  - Minimize idling time to 5 minutes or beyond regulatory requirements —saves fuel and reduces emissions.
  - Projects located within the South Coast Air Basin should consider applying for South Coast AQMD "SOON" funds which provides funds to applicable fleets for the purchase of commercially available, low-emission heavy-duty engines to

> achieve near-term reduction of NOx emissions from in-use off-road diesel vehicles.

(Ex. B, pp. 6-7.)

These feasible mitigation measures must be included in a revised DEIR to determine whether the impacts remain significant and unavoidable. If the Project's impacts remain significant and unavoidable after imposing all feasible mitigation measures, including but not limited to those listed above, only then can the City adopt a statement of overriding consideration approving the Project based on "specific overriding economic, legal, social, technological, or other benefits of the project outweigh the significant effects on the environment." (Pub. Res. Code § 21081(b).) 4 CONT

## II. The City Should Adopt the Environmentally Superior Reduced-Footprint Alternative.

Where a project is found to have significant and unavoidable impacts, CEQA requires the adoption of a feasible alternative that meets most of the project objectives but results in fewer significant impacts. (*Citizens of Goleta Valley v. Bd. of Supervisors* (1988) 197 Cal.App.3d 1167, 1180-81; see also *Burger v. County of Mendocino* (1975) 45 Cal.App.3d 322) A "feasible" alternative is one that is capable of being accomplished in a successful manner within a reasonable period of time, taking into account economic, environmental, legal, social and technological factors. (Pub. Res. Code § 21061.1; 14 CCR § 15364.)

Here, the DEIR concluded that the Project will have a significant and unavoidable impacts on: (1) Project-level and cumulative conversion of Prime Farmland; (2) Project-level impact related to implementation of the applicable Air Quality Plan: (3) Project-level impact related to cumulatively considerable net increase of nitrogen oxide (NOx) during construction, and reactive organic gas (ROG), NOx, and particulate matter 10 micrometers or less in diameter (PM10) during operation; (4) Cumulative significant air quality impact; (5) Project-level impact related to mobile source operational noise; and (6) Cumulative noise impact. (DEIR, pp. 6-1 to 6-3.) 5

The DEIR included an analysis of a Reduced Footprint Alternative, under which the eastern half of the Project site, approximately 142 acres, would be preserved and would remain in agricultural production, and half of the total warehouse and industrial park land uses would be developed. (DEIR, p. 6-3.) The DEIR concluded that the Reduced Footprint Alternative would eliminate the Project's significant construction emissions of NOx and CO and eliminate the Project's significant construction-related health risk. (DEIR, p. 6-13.) The DEIR also concluded that the Reduced Footprint Alternative "would protect some of the project site's farmland and reduce potential impacts to biological resources, including Swainson's hawk, special-status wildlife such as San Joaquin kit fox, active bird's nests, and roosting bats, because fewer habitats could be disturbed" (DEIR, p. 6-14) and would reduce noise impacts from construction and

operation of the Project. (DEIR, pp. 6-17 to 6-18.)

In order to approve the Project with its significant and unavoidable impacts, the City must make a finding that "[s]pecific economic, legal, social, technological, or other considerations . . . ***make infeasible*** the . . . .project alternatives identified in the final EIR." (Pub. Res. Code, § 21081(a)(3); 14 CCR § 15091(a)(3).) Here, the City has not—and cannot—support a finding that the Reduced Footprint Alternative is infeasible. Instead, the DEIR states that "because the project site would not be built out to its full potential, [the Reduced Footprint Alternative" would only partially meet the project objectives of maximizing development of the site to generate increased revenue and economic development, and creating employment-generating businesses to reduce commuting and improve the jobs-to-housing balance." (DEIR p. 6-20.)

However, the Reduced Footprint Alternative may not be rejected as *infeasible* simply because it might not be as fiscally sound or generate as much employment as the Project. (*Citizens of Goleta Valley v. Bd. of Supervisors* (1988) 197 Cal.App.3d 1167, 1180-81.) Rather, "[w]hat is required is evidence that the additional costs or lost profitability are sufficiently severe as to render it impractical to proceed with the project." (*Id.*; see also *Burger v. County of Mendocino* (1975) 45 Cal.App.3d 322.) Therefore, the fact that the Reduced Footprint Alternative does not satisfy the stated objectives for increased revenue and employment does not render the alternative *infeasible*.

5 CONT

Because the City lacks the foundation to reject the Reduced Footprint Alternative as infeasible, the City will not be able to make the required findings for the Project's significant and unavoidable impacts. (See Pub. Res. Code, § 21081(a); 14 CCR § 15091(a).) The DEIR should be revised and recirculated to either adopt the Reduced Footprint Alternative or adequately justify why the Reduced Footprint Alternative is infeasible.

## III. The DEIR Fails to Adequately Disclose and Mitigate the Project's Impacts on Biological Resources.

An EIR must discuss a cumulative impact if the project's incremental effect combined with the effects of other projects is "cumulatively considerable." (14 CCR § 15130(a).) This determination is based on an assessment of the project's incremental effects "viewed in connection with the effects of past projects, the effects of other current projects, and the effects of probable future projects." (14 CCR § 15065(a)(3); *Banning Ranch Conservancy v City of Newport Beach* (2012) 211 CA4th 1209, 1228; see also 14 CCR § 15355(b).)

6

The CEQA Guidelines set forth two methods for satisfying the cumulative impacts analysis requirement: the list-of-projects approach and the summary-of-projections approach. Under either method, the EIR must summarize the expected environmental effects of the project and related projects, provide a reasonable analysis of cumulative impacts, and examine reasonable options for mitigating or avoiding the project's contribution to any significant

cumulative impacts. (14 CCR §§ 15130(b)(1)(A)-(B), 15130(b)(4)-(5).)

The DEIR relies on the list-of-projects approach and provides a list of eight (8) projects considered for the Project's cumulative impacts. (DEIR, p. 3-5.) However, the list is incomplete. The DEIR fails to include the industrial development proposed just south of the Project site at the southwest corner of North Shirk Street and West Riggin Avenue (APNs 077-200-057, -058, -059, -060). In April 2024, the City released a mitigated negative declaration for the "Shirk and Riggin Annexation Project," which contemplates the development of four approximately 245,025 square-foot warehouse and/or combined office/warehouse type buildings. Because this development is reasonably foreseeable, it must be included in the list of cumulative projects and included in any analysis of the Project's cumulative impacts. 6 CONT

## IV. The DEIR Fails to Adequately Disclose and Mitigate the Project's Impacts on Biological Resources.

LIUNA retained expert ecologist Dr. Shawn Smallwood, Ph.D., to review the EIR, including the Biological Resources Assessment prepared by the applicant's consultant FirstCarbon Solutions ("Biological Report"), and to provide an analysis of the Project's impacts on biological resources. Dr. Smallwood's comment and CV are attached hereto as **Exhibit A**.

As discussed below, Dr. Smallwood found that: (1) the Biological Report underestimates the diversity of species on site and the Project's likely impacts to those species; (2) the Biological Report fails to provide substantial evidence of the Project's impacts; (3) the DEIR fails to assess or mitigate the Project's impacts to species due to habitat loss, movement impacts, traffic mortality, and cumulative impacts; and (4) the EIR's mitigation measures are inadequate to reduce the Project's impacts to less-than-significant levels.

### A. The DEIR underestimates the diversity of species using the Project site. 7

Dr. Smallwood conducted 2 site visits to evaluate the Project site's value for biological resources. The first site visit took place on February 22, 2022 for ~2.5 hours. The second site visit took place April 25, 2024 for ~3.25 hours on March 16, 2024. (Ex. A, p. 1.) During the site visits, Dr. Smallwood detected 50 species of vertebrate wildlife, 12 of which are special-status bird species, including Swainson's hawk, Red-tailed hawk, Northern harrier, Merlin, Oak titmouse, and Lawrence's goldfinch. (*Id*., pp. 15-16.)

Dr. Smallwood calculated that more thorough site visits would reveal an even greater diversity of wildlife. (Ex. A, pp. 17-19.) Given more time to survey the site, Dr. Smallwood predicts that he would have detected 137 species of vertebrate wildlife, 33 of which would be special-status species. (*Id*., p. 19.)

Dr. Smallwood's observations stand in stark contrast to the DEIR's assertion that Swainson's hawk is "the only special-status species with a realistic potential to occur on-site."

(DEIR, p. 6.4-6.) Dr. Smallwood's observations confirm that additional special-status species not only have "realistic potential" to occur but also have actually been observed on site by Dr. Smallwood. The DEIR should be revised and recirculated to correct for this glaring omission in the DEIR's description of the environmental baseline for the Project's impacts on biological resources. 7 CONT

**B. The DEIR's Biological Report cannot be relied upon to determine the Project's impacts to biological resources.**

Dr. Smallwood identified numerous deficiencies in the EIR's Biological Report. (Ex. A, pp. 19-27.) As a result of the Biological Report's deficiencies, the DEIR's conclusion that impacts to biological resources will be less than significant is unsupported by substantial evidence. The biological resources section of the DEIR should be revised and recirculated for public review and comment in order to fully disclose the extent of the Project's impacts.

First, Dr. Smallwood found that the site survey conducted for the Biological Report in 2022 was inadequate. (Ex. A, pp. 20.) The Biological Report's site survey was conducted on July 5, 2022 for six hours starting at 10 a.m. (*Id.*) As Dr. Smallwood explains,

> The start time of this survey was late in the day for July. By about this time of day in July, most wildlife are in search of or have already found refuge from the heat, such as a burrow, tree cavity or the shade of a tree. By 10:00 hours, wildlife detections during reconnaissance surveys are in steep decline . . . In other words, the FirstCarbon Solutions biologist ***could not have surveyed at a slower time of day*** for wildlife.

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(*Id.* [emphasis added].) The fact that the Biological Report's survey detected only 18% of the species observed on-site by Dr. Smallwood is likely due to the Biological Report's survey occurring at such a slow time for wildlife. (*Id.*) Based on the shortcomings of the Biological Report's survey, Dr. Smallwood concludes that it "fails to adequately represent the wildlife community of the project site, and gives a false impression that few species occur there." (*Id.*)

Second, to the extent that the Biological Report attempts to downplay the importance of detecting species during the survey by focusing on general site conditions and potentially suitable habitat, Dr. Smallwood notes that the Biological Report fails to explain how it conducted habitat assessments. (Ex. A, pp. 21-22.) As Dr. Smallwood explains,

> It is unclear how "general site conditions" were assessed, such as by a rating system or some other method. No explanation is provided. It is also unclear how FirstCarbon Solutions (2023) identified potentially suitable habitat . . . . No gradient of habitat suitability is described, nor is there any evidence of a check-off sheet between known habitat associations and what the biologist saw on the site.

(*Id.* at p. 22.) Without such information, detection surveys remain "the most effective means to assess habitat," which, as discussed above, were lacking here (*Id.*) As a result, the DEIR fails to disclose the Project's impacts to biological resources because the Biological Report "lacks the means to assess whether the site supports habitat to most of the species that likely occur at the site." (*Id.*)

Third, the Biological Report improperly screened out many special-status species from further consideration in the DEIR by improperly using information from the California Natural Diversity Data Base ("CNDDB") and US Fish and Wildlife Service's Information for Planning and Consultation database ("IPaC"). (Ex. A, p. 22-23.) As Dr. Smallwood explains, "CNDDB is not designed to support absence determinations or to screen out species from characterization of a site's wildlife community." (*Id.*) Based on his own site visits and database reviews, Dr. Smallwood identified 93 special-status species that warrant further discussion in the EIR, where the DEIR identified only 12 special-status species. (*Id.* at p. 23.) As a result, "[t]he site is far richer in special-status species than is characterized in the DEIR." (*Id.*) 8 CONT

For the above reasons, the Biological Resources section of the DEIR should be revised and recirculated in order to disclose the full extent of the Project's impacts and to ensure that those impacts are mitigated to the extent feasible.

**C. The DEIR fails to disclose and mitigate the Project's biological impacts due to habitat loss, wildlife movement, window collisions, and road mortality.**

Dr. Smallwood found that the DEIR failed to adequately discuss numerous significant impacts on biological resources, including habitat loss, movement impacts, traffic mortality, and cumulative impacts. (Ex. A, pp. 28-33.) By failing to disclose and mitigate these impacts, the DEIR cannot be relied upon to conclude that impacts will be less than significant. As such, the DEIR should be revised and recirculated to account for the impacts discussed below.

1. <u>Habitat loss.</u> 9

Dr. Smallwood found that the EIR failed to fully account for the impacts to wildlife from the loss of habitat, which "not only results in the immediate numerical decline of wildlife, but it also results in permanent loss of productive capacity." (Ex. A, pp. 28-29.) Dr. Smallwood calculates that Project-related loss of habitat for bird nests would result in 21,645 birds born per year, which "would be very substantial and highly significant." (*Id.* at p. 29.) The EIR does not disclose, discuss, or mitigate this impact. The DEIR should be revised and recirculated to adequately disclose and mitigate the impacts to biological resources from habitat loss.

2. <u>Wildlife Movement</u> 10

Dr. Smallwood found that the DEIR applied improper standards to conclude that the Project's impacts on wildlife movement would not be significant. (Ex. A, pp. 29.) According to

the DEIR, impacts to wildlife movement would not be significant because "[t]he project site does not function as a wildlife corridor." (*Id.*) However, the DEIR's reasoning is "based on a flawed premise that the only way that a project can interfere with wildlife movement in the region is by disrupting a wildlife movement corridor." (*Id.*) Under CEQA, a project can have an impact on wildlife movement "***regardless of whether the movement is channeled by a corridor***." (*Id.* [emphasis added].) Even if the Project site is not a wildlife corridor, the impacts can still be significant because, as Dr. Smallwood explains,

> [A] site such as the project site is critically important for wildlife movement because it composes an increasingly diminishing area of open space within a growing expanse of anthropogenic uses, forcing more species of volant wildlife to use the site for stopover and staging during migration, dispersal, and home range patrol (Warnock 2010, Taylor et al. 2011, Runge et al. 2014). The project, due to its elimination of 284 acres of trees. would cut wildlife off from one of the last remaining stopover and staging opportunities in the project area, forcing volant wildlife to travel even farther between remaining stopover sites.

(*Id.*) Dr. Smallwood concludes, "This impact would be significant, and as the project is currently proposed, it would be unmitigated." (*Id.*) The DEIR should be revised and recirculated to adequately disclose and mitigate the impacts to biological resources from impacts to wildlife movement. .

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3. Traffic Mortality

The DEIR fails to address the impacts to wildlife from collisions with traffic generated by the Project. (Ex. A, pp. 30-32.) According to the DEIR, the Project would result in 17,099,450 annual vehicle miles traveled ("VMT"). (*Id.* at p. 32.) Based on the Project's annual VMT, Dr. Smallwood calculates that traffic from the Project will kill at least 9,370 vertebrate animals per year. (*Id.*) Especially due to the special-status species likely to occur at or near the Project, these collisions represent a significant impact to wildlife that must be addressed, discussed, and mitigated in a revised DEIR.

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4. Cumulative Impacts

The DEIR's conclusion that that the Project will not result in significant cumulative impacts to biological resources is flawed for three reasons: (1) the conclusion is based on the flawed premise that special-status species are not present on the Project site; (2) the conclusion is based on the flawed premise that the site is unimportant to wildlife movement; and (3) the conclusion is based on the flawed premise that compliance with existing laws and regulations will result in less-than-significant impacts. (Ex. A, pp. 32-33.) Based on these shortcomings, the DEIR's conclusion that cumulative impacts will be less than significant is not supported by substantial evidence.

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**D. The DEIR's proposed mitigation measures for biological resources are inadequate.**

The DEIR contains six (6) mitigation measures, which rely on pre-construction surveys for Swainson's hawk (MM BIO-1a, MM BIO-1b), burrowing owl (MM BIO-1c), Crotch's bumblebee, San Joaquin kit fox, western burrowing owl, and American badger (MM BIO-1d), active bird nests (MM BIO-1e), and roosting bats (MM BIO-1f). (DEIR, pp. 3.4-22 to 3.4-28.) However, pre-construction surveys alone are unlikely to adequately mitigate the Project's impacts to those species. (Ex. A, pp. 33-34.)

Pre-construction surveys must be informed by adequate protocol-level detection surveys to determine "whether and how many of each of the special-status species occurs at the project site." (Ex. A, p. 33.) Whereas protocol-level detection surveys often require multiple surveys on a determined schedule, "preconstruction surveys typically consist of a single survey with no guidance on time of day or specific methodology." (*Id.*) Dr. Smallwood concludes that "[t]he DEIR misleadingly proposes preconstruction surveys for burrowing owls, San Joaquin kit fox, nesting birds, and roosting bats as if they are protocol-level detection surveys, which they are not." (*Id.*)

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For the pre-construction surveys for bird and bat nests (MM BIO-1e and MM BIO-1f), Dr. Smallwood notes that the "preconstruction surveys [would] achieve very little in terms of avoidance and minimization of impacts" due to the ability of many species to hide their nests and the need for multiple surveys throughout the breeding season for accurate results. (Ex. A, p. 33-34.) As a result, "[i]t is unrealistic to imply – as the DEIR does – that preconstruction nest surveys would salvage more than a very small fraction of the nearly 5,000 nests on the 284-acre project site." (*Id*. at p. 33.)

Dr. Smallwood suggests several feasible mitigation measures that should be required for the Project to reduce the Project's impacts to biological resources. (Ex. A, pp. 34-35.) These mitigation measures include: (1) requiring protocol-level detection surveys for special-status species prior to pre-construction surveys; (2) preserving open space as close to the Project site as possible as compensatory mitigation for habitat loss; and (3) compensatory mitigation payments to wildlife research and rehabilitation. (*Id.*) These mitigation measures proposed by Dr. Smallwood should be required for the Project in addition to the measures included in the DEIR.

**V. The DEIR Fails to Adequately Analyze the Project's Potentially Significant Energy Impacts.**

CEQA provides that all Projects must include measures "to reduce the wasteful, inefficient, and unnecessary consumption of energy." (Pub. Res. Code § 21100(b)(3).) Energy conservation under CEQA is defined as the "wise and efficient use of energy." (CEQA Guidelines, app. F, § I.) The "wise and efficient use of energy" is achieved by "(1) decreasing overall per capita energy consumption, (2) decreasing reliance on fossil fuels such as coal,

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natural gas and oil, and (3) increasing reliance on renewable energy resources." (*Id.*)

The DEIR concludes that the Project will not result in a wasteful, inefficient, or unnecessary consumption of energy resources based, in part, on the fact that the Project will be required to comply the California Building Energy Efficiency Standards (Cal. Code Regs., tit. 24, part 6) ("Title 24") by providing *either* rooftop solar panels *or* "buildings to structurally accommodate future installation of a rooftop solar system." (DEIR, p. 3.6-11.) However, mere compliance with Title 24 does not constitute an adequate analysis of energy. (*League to Save Lake Tahoe Mountain Area Preservation Foundation v. County of Placer* (2022) 75 Cal.App.5th 63, 165 (*League to Save Lake Tahoe*); *Ukiah Citizens for Safety First v. City of Ukiah* (2016) 248 Cal. App. 4th 256, 264-65; *California Clean Energy Committee v. City of Woodland* (2014) 225 Cal.App.4th 173, 209-13.) Even where an agency has concluded that a project's impacts on energy resources would be less than significant, a lead agency must still analyze implementation of all "renewable energy options that might have been available or appropriate for [a] project." (*League to Save Lake Tahoe*, *supra*, 75 Cal.App.5th at 166-67.) A lead agency's failure to consider implementation of all feasible renewable energy proposals raised during the environmental review process constitutes a "prejudicial error." (*Id*. at 168.) 13 CONT

The Project should be required to include the actual installation of rooftop solar panels to ensure that the Project does not result in a wasteful, inefficient, or unnecessary consumption of energy resources. The DEIR cannot rely on the more relaxed standards of Title 24 that allow for the rooftops to only be solar-ready without requiring the actual installation of solar panels. A requirement for the installation of rooftop solar panels should be included in a revised DEIR. Installation of rooftop solar panels would also ensure that the Project complies with the City's Climate Action Plan. (Ex. B, p. 5.)

## VI. The DEIR Fails to Provide Substantial Evidence that the Project's Health Risk Impact Will Be Less Than Significant.

Construction and operation of the Project would result in emissions of diesel particulate matter ("DPM"), a known human carcinogen. As explained in the DEIR, 14

> A 10-year research program demonstrated that DPM from diesel-fueled engines is a human carcinogen and that chronic (long-term) inhalation exposure to DPM poses a chronic health risk. In addition to increasing the risk of lung cancer, exposure to diesel exhaust can have other health effects. Diesel exhaust can irritate the eyes, nose, throat, and lungs, and it can cause coughs, headaches, lightheadedness, and nausea. Diesel exhaust is a major source of fine particulate pollution as well, and studies have linked elevated particle levels in the air to increased hospital admissions, emergency room visits, asthma attacks, and premature deaths among those suffering from respiratory problems.

(DEIR, p. 3.3-3.) The DEIR contained a Health Risk Assessment ("HRA"), which concluded that

the increased cancer risk from DPM emissions to nearby sensitive receptors would not exceed the Jan Joaquin Valley Air Pollution Control District significance threshold of 20 in one million. (DEIR, pp. 3.3-63 to 3.3-68; Ex. B, p. 3.)

SWAPE's review of the DEIR and Air Quality Report found that the DEIR's conclusion that the increased cancer risk would be less than significant was unable to be verified. (Ex. B, pp. 3-4.) Specifically, the DEIR and its supporting documentation do not provide the values used in the HRA for Age Sensitivity Factors ("ASF") and Fraction of Time at Home ("FAH"), both of which are used in the HRA to determine the increased cancer risk posed by the Project. (*Id.*) Without providing the ASF and FAH factors, the DEIR's conclusions cannot be verified and may underestimate the Project's impacts. (*Id.* at p. 4.)

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**CONCLUSION**

The DEIR does not comply with CEQA by: (1) failing to adopt feasible mitigation measures for significant and unavoidable impacts identified in the DEIR; (2) failing to adopt the environmentally superior Reduced Footprint Alternative; (3) failing to account for all cumulative projects in vicinity of the Project; (4) failing to adequately disclose and mitigate impacts to sensitive biological resources; (5) failing to adequately analyze the Project's impacts on energy; and (6) failing to provide substantial evidence that the Project will not result in significant increased cancer risk to nearby residents. For those reasons, LIUNA requests that DEIR be revised and recirculated to address the concerns discussed above.

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Sincerely,



Brian B. Flynn
Lozeau Drury LLP

# EXHIBIT A

Shawn Smallwood, PhD
3108 Finch Street
Davis, CA 95616

Attn: Brandon Smith, Principal Planner
City of Visalia
315 E. Acequia Avenue
Visalia, CA 93291

15 May 2024

RE: Shirk & Riggin Industrial Park

Dear Mr. Smith,

I write to comment on the analysis of potential project impacts to wildlife that is presented in the Draft Environmental Impact Report (DEIR) prepared for the proposed Shirk and Riggin Industrial Project, which I understand would convert 284 acres of agricultural land to 3,720,149 square feet of floor space among eight industrial buildings and six flex industrial buildings along with commercial businesses. I am concerned that the characterization of the existing environmental setting is grossly deficient, and also that the impacts analysis is incomplete and inaccurate.

My qualifications for preparing expert comments are the following. I hold a Ph.D. degree in Ecology from University of California at Davis, where I also worked as a post-graduate researcher in the Department of Agronomy and Range Sciences. My research has been on animal density and distribution, habitat selection, wildlife interactions with the anthrosphere, and conservation of rare and endangered species. I authored many papers on these and other topics. I served as Chair of the Conservation Affairs Committee for The Wildlife Society – Western Section. I am a member of The Wildlife Society and Raptor Research Foundation, and I've lectured part-time at California State University, Sacramento. I was Associate Editor of wildlife biology's premier scientific journal, The Journal of Wildlife Management, as well as of Biological Conservation, and I was on the Editorial Board of Environmental Management. I have performed wildlife surveys in California for thirty-seven years. My CV is attached. 16

**SITE VISITS**

I visited the proposed project site from 06:46 to 09:11 hours on 22 February 2022, and from 16:12 to 19:27 hours on 25 April 2024, for a total 5.67 hours. Conditions were a rainy 45° F during my first visit and 75° F and clear during my second visit. Conditions for detecting wildlife were less than ideal during my first visit, as moisture covered my binocular lenses, and wildlife sought cover from the cold rain. 17

I used binoculars to scan for wildlife. During both surveys, the site was covered by almond orchards with grass and leaf-litter floors. The site includes mature olive trees, ornamental trees, and large Valley oaks (*Quercus lobata*) along with one Valley oak that grows out of Modoc Ditch and hangs over the project site (Photos 1 – 5).




***Photos 1 and 2.*** *Views of the project site from the north (top) and south (bottom), 22 February 2022.*

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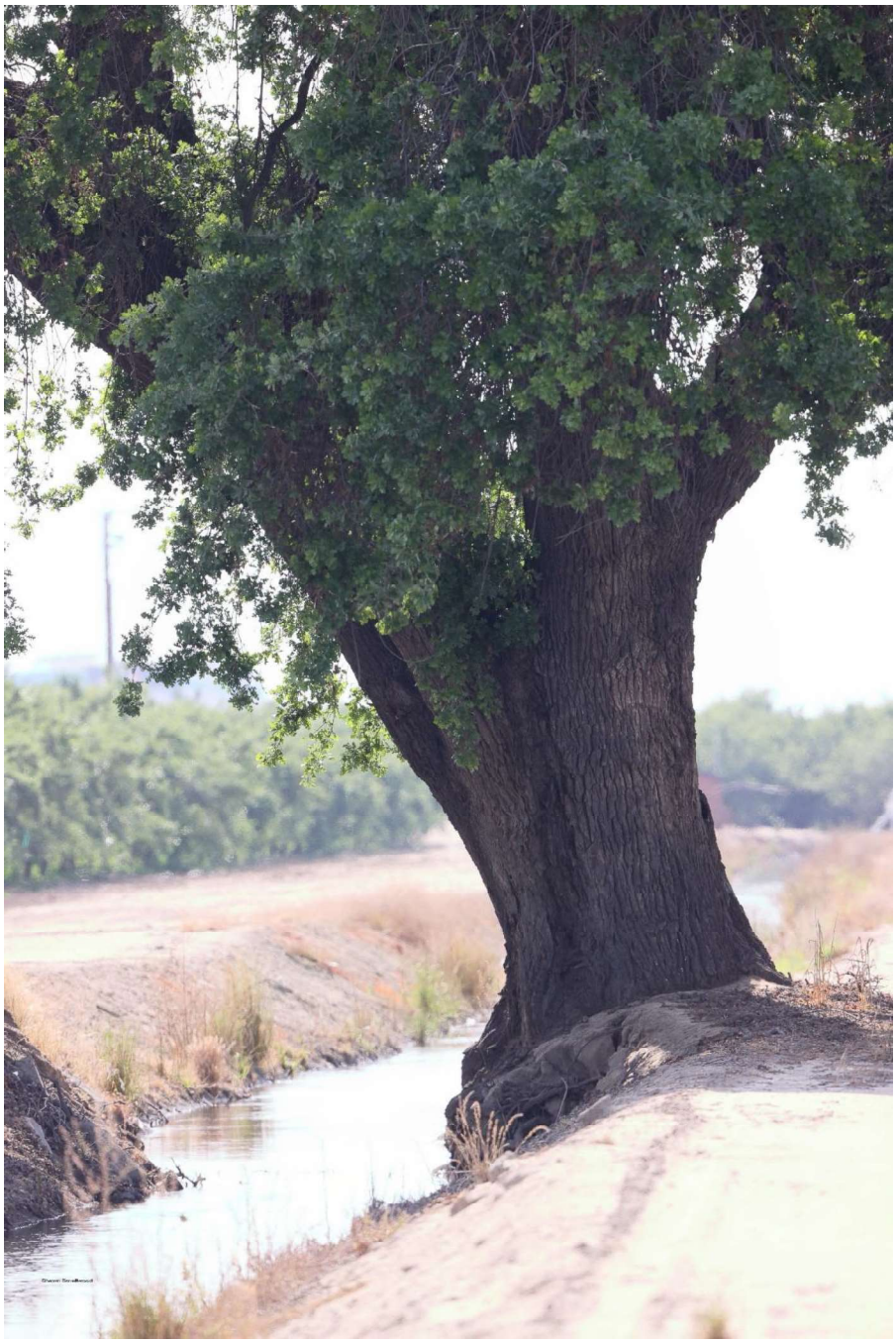
***Photos 3 and 4.*** *The almond orchard serves as habitat to many birds such as the American robin in the top photo, and the Valley oak on the north side by itself supported hundreds of birds of many species including the mourning dove visible at left of the bottom photo.*

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During my surveys, I saw California scrub-jays (Photo 6), red-tailed hawks, Swainson's hawk and merlin (Photos 6–8), a northern harrier (Photo 9), many California gulls (Photo 10), ruby-crowned kinglets and yellow-rumped warblers (Photos 11 and 12), American robins and Lincoln's sparrows (Photos 13 and 14), lesser and Lawrence's goldfinches (Photos 15, 16, and 26), mourning doves and white-crowned sparrows (Photos 17 and 18), savannah sparrows and house finches (Photos 19 and 20), black phoebe (Photo 21), Anna's hummingbirds and yellow-rumped warblers (Photos 22 and 23), mallards and Brewer's blackbirds (Photos 24 and 25), western fence lizards (Photo

27), long-billed curlew sign of Botta's pocket gopher (Photos 28 and 29), western kingbirds and red-winged blackbirds (Photos 20 and 31), and many other species.

***Photo 5.*** *Valley oak growing out of Modoc Ditch, 25 April 2024.*



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The almond orchard was full of birds, but the single Valley oak growing from Modoc Ditch hosts one of the highest densities of birds I have ever encountered. There were hundreds of birds representing multiple species in that one Valley oak. That Valley oak also supported the nest of red-tailed hawks in both years of my surveys. Despite the inclement conditions during my first survey visit, I detected 29 species of vertebrate wildlife at the project site, including 6 special-status species (Table 1). However, after my second visit, my species detections from both surveys increased to 50, including 12 special-status species of wildlife (Table 1).

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***Photo 5.*** *California scrub-jay near its nest in almonds on the project site, 25 April 2024.*




***Photo 6.*** *One member of a breeding pair of red-tailed hawks nesting on the Valley oak along the north side of the project site, 22 February 2022.*

***Photos 7 and 8.*** *Swainson's hawk foraging just south of the project site, 25 April 2024 (Left), and Merlin in flight over the almond orchard and toward the Valley oak at the north edge of the project, 22 February 2022 (right).*



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***Photo 9.*** *Northern harrier forages over the almond trees on the project site, 22 February 2022.*



***Photo 10.*** *California gulls fly over the project site, 22 February 2022.*



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***Photos 11 and 12.*** *Ruby-crowned kinglet (left) and yellow-rumped warbler (right) on the Valley oak along the north side of the project site, 22 February 2022.*

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***Photos 13 and 14.*** *American robin on the orchard floor (left) and Lincoln's sparrow on the canal bank (right) of the project site, 22 February 2022.*



***Photos 15 and 16.*** *Lesser goldfinch on a security fence just west of the project site (left) and Lawrence's goldfinch on an almond tree on the project site, 22 February 2022.*

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***Photos 17 and 18.*** *Mourning dove on a security fence just west of the project site (left) and white-crowned sparrow on the orchard floor of the project site (right), 22 February 2022.*



***Photos 19 and 20.*** *Savannah sparrow (left) and house finch (right) on almond trees on the project site, 22 February 2022.*



***Photo 21.*** *A black phoebe with a bill full of insects … or something with legs, on the project site, 25 April 2024.*

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***Photos 22 and 23.*** *Anna's hummingbird and yellow-rumped warbler on the project site, 25 April 2024.*

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***Photo 24.*** *Mallard on the project site, 25 April 2024.*



***Photo 25.*** *Brewer's blackbird on Modoc Ditch, 25 April 2024.*

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***Photos 26 and 27.*** *Lawrence's goldfinch and western fence lizard on the project site, 25 April 2024.*

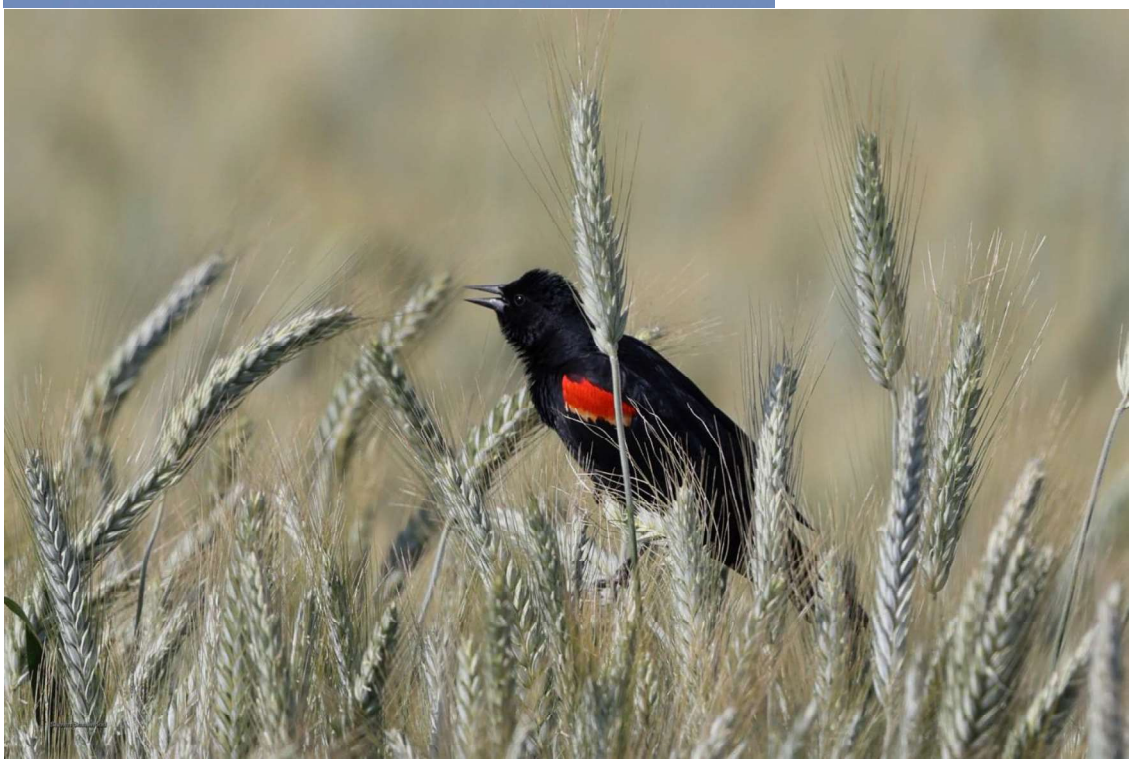
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***Photos 28 and 29.*** *Long-billed curlew over the project site, and soil mounds excavated by one of the many Botta's pocket gophers on the project site, 25 April 2024.*



***Photos 30 and 31.*** *Western kingbird at the project site, and one of many nesting red-winged blackbirds in a stand of wheat adjacent to the project site, but which frequently flew into the almond on the site, 25 April 2024.*



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***Table 1.*** *Wildlife species I observed on site during 3.75 hours of survey on 22* February 2022 and 3.25 hours of survey 25 April 2024.

| Species | Scientific name | Status[1] | 2/22/22 | 4/25/24 | Notes |
|---|---|---|---|---|---|
| Western fence lizard | *Sceloporus occidentalis* | | | X | On olives and Valley oak |
| Western side-blotched lizard | *Uta stansburiana elegans* | | | X | Modoc Ditch |
| Bullfrog | *Lithobates catesbeianus* | Non-native | | X | Modoc Ditch |
| Canada goose | *Branta canadensis* | | X | | Flyover |
| Mallard | *Anas platyrhynchos* | | X | X | Flyby |
| Killdeer | *Charadrius vociferus* | | X | X | |
| Long-billed curlew | *Numenius americanus* | TWL | | X | Flyover |
| California gull | *Larus californicus* | BCC, TWL | X | | Flyover |
| Mourning dove | *Zenaida macroura* | | X | X | Many nesting in almonds |
| Rock pigeon | *Columba livia* | Non-native | X | X | |
| Eurasian collared-dove | *Streptopelia decaocto* | Non-native | | X | |
| Turkey vulture | *Cathartes aura* | BOP | | X | |
| Swainson's hawk | *Buteo swainsoni* | CT, BOP | | X | Foraging south of project site |
| Red-tailed hawk | *Buteo jamaicensis* | BOP | X | X | Nesting on Valley oak |
| Northern harrier | *Circus hudsonicus* | BCC, SSC3, BOP | X | | Foraged over almonds |
| American kestrel | *Falco sparverius* | BOP | | X | |
| Merlin | *Falco columbarius* | TWL, BOP | X | | Valley oak to almonds |
| Northern flicker | *Colaptes auratus* | | X | | Flyby |
| Anna's hummingbird | *Calypte anna* | | X | X | Nesting in almonds in ≥2 places |
| Western kingbird | *Tyrannus verticalis* | | | X | |
| Black phoebe | *Sayornis nigricans* | | X | X | Fed on flies on dead dog; breeding pair |
| Oak titmouse | *Baeolophus inornatus* | BCC | X | | On Valley oak |
| Chestnut-backed chickadee | *Poecile rufescens* | | X | | Valley oak |
| Ruby-crowned kinglet | *Regulus calendula* | | X | | Valley oak |
| California scrub-jay | *Aphelocoma californica* | | X | X | Food deliveries to nests in almonds |

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| Species | Scientific name | Status[1] | 2/22/22 | 4/25/24 | Notes |
|---|---|---|---|---|---|
| American crow | *Corvus brachyrhynchos* | | | X | |
| Common raven | *Corvus corax* | | X | X | |
| Northern mockingbird | *Mimus polyglottos* | | | X | Nest in almonds or olives |
| European starling | *Sturnus vulgaris* | Non-native | | X | |
| American robin | *Turdus migratorius* | | X | X | Many in almonds; food deliveries |
| Yellow-rumped warbler | *Setophaga coronata* | | X | X | Valley oak |
| White-crowned sparrow | *Zonotrichia leucophrys* | | X | | Almonds |
| Lincoln's sparrow | *Melospiza lincolnii* | | X | | Almonds |
| Savannah sparrow | *Passerculus sandwichensis* | | X | | |
| House sparrow | *Passer domesticus* | Non-native | X | X | Valley oak |
| Bullock's oriole | *Icterus bullockii* | | | X | Valley oak and almonds |
| Red-winged blackbird | *Agelaius phoeniceus* | | X | X | Nesters in wheat flew to almonds |
| Brewer's blackbird | *Euphagus cyanocephalus* | | | X | |
| Great-tailed grackle | *Quiscalus mexicanus* | | | X | Flew over almonds with food item |
| House finch | *Haemorphous mexicanus* | | X | X | Nesting in oak |
| American goldfinch | *Spinus tristis* | | X | X | Valley oak and in almonds |
| Lesser goldfinch | *Spinus psaltria* | | X | X | |
| Lawrence's goldfinch | *Spinus lawrenci* | BCC | X | X | Pair in Valley oak visited almonds |
| American goldfinch | *Spinus tristis* | | | X | Valley oak and in almonds |
| California ground squirrel | *Otospermophilus beecheyi* | | | X | |
| Coyote | *Canis latrans* | | | X | Tracks |
| Virginia opossum | *Didelphis virginianus* | Non-native | | X | Tracks |
| House cat | *Felis catus* | Non-native | | X | Killed by auto traffic |
| Botta's pocket gopher | *Thomomys bottae* | | X | X | Many burrow systems |
| California vole | *Microtus californicus* | | | X | |

[1] Listed as FT or FE = federal threatened or endangered, CT or CE = California threatened or endangered, CFP = California Fully Protected (CFG Code 3511), SSC = California Species of Special Concern, BCC = U.S. Fish and Wildlife Service Bird of Conservation Concern, TWL = Taxa to Watch List (Shuford and Gardali 2008), and BOP = Birds of Prey (California Fish and Game Code 3503.5).

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I saw evidence of a high abundance and diversity of wildlife at the project site. However, I must point out that the species of wildlife I detected at the project site comprised only a sampling of the species that were present during my surveys. I fit nonlinear regression models to the cumulative number of vertebrate species detected with time into each of my surveys to predict the number of species that I would have detected with a longer survey or perhaps with additional biologists available to assist. The model I fit to data from both surveys is a logistic growth model which reaches an asymptote that corresponds with the maximum number of vertebrate wildlife species that could have been detected during the surveys. In this case, the models predict that 41 and 53 species of vertebrate wildlife were available to be detected during the morning of the first survey and the evening of the second survey, respectively, which numbered 15 more species than I actually detected in either survey (Figure 1).

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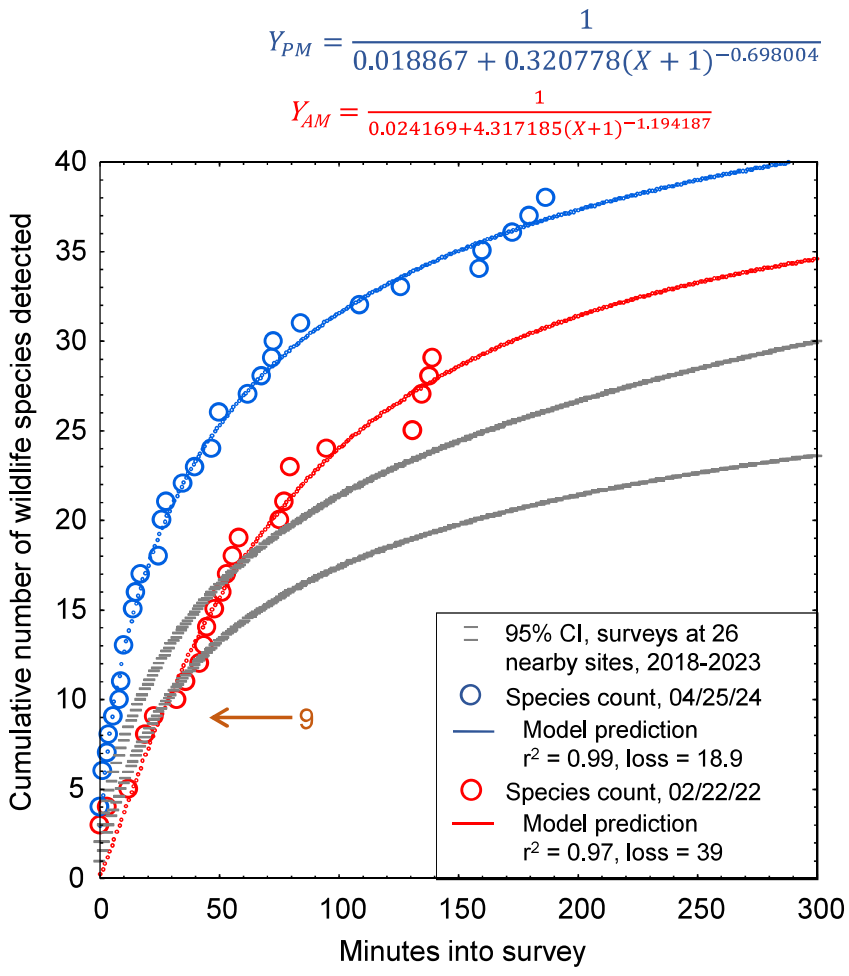



***Figure 1***. *Actual and predicted relationships between the number of vertebrate wildlife species detected and the elapsed survey time based on my visual-scan surveys on 22 February 2022 (red) and 25 April 2024 (blue). Note that the relationships would differ if the surveys were based on another method or during another season. The arrow corresponds with the number of species detected by FirstCarbon Solutions (2023) and points to the 5 to 18 minutes it took me to detect the same number of 9 species.*

I do not know the identities of the undetected species, but the patterns in my data indicate relatively high use of the project site compared to 26 surveys at other sites I have surveyed in the south Central Valley (Figure 1). Compared to models I fit to data collected from other sites in the Valley between 2019 and 2023, the data from the morning survey on the project site followed the average rate of increase of species detections until about an hour into the survey, after which time the rate exceeded the upper bound of the 95% confidence interval. The data from the evening survey immediately exceeded the upper bound of the 95% confidence interval of the rate of accumulated species detections with time into the survey (Figure 1). Importantly, however, the species that I did and did not detect on between these surveys composed only a fraction of the species that would occur at the project site over the period of a year or longer. This is because many species are seasonal in their occurrence.

At least a year's worth of surveys would be needed to more accurately report the number of vertebrate species that occur at the project site, but I only my two surveys. However, by use of an analytical bridge, a modeling effort applied to a large, robust data set from a research site can predict the number of vertebrate wildlife species that likely make use of the site over the longer term. As part of my research, I completed a much larger survey effort across 167 km$^2$ of annual grasslands of the Altamont Pass Wind Resource Area, where from 2015 through 2019 I performed 721 1-hour visual-scan surveys, or 721 hours of surveys, at 46 stations. I used binoculars and otherwise the methods were the same as the methods I and other consulting biologists use for surveys at proposed project sites. At each of the 46 survey stations, I tallied new species detected with each sequential survey at that station, and then related the cumulative species detected to the hours (number of surveys, as each survey lasted 1 hour) used to accumulate my counts of species detected. I used combined quadratic and simplex methods of estimation in Statistica to estimate least-squares, best-fit nonlinear models of the number of cumulative species detected regressed on hours of survey (number of surveys) at the station: $\hat{R} = \frac{1}{1/a+b\times(Hours)^c}$, where $\hat{R}$ represented cumulative species richness detected. The coefficients of determination, $r^2$, of the models ranged 0.88 to 1.00, with a mean of 0.97 (95% CI: 0.96, 0.98); or in other words, the models were excellent fits to the data.

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I projected the predictions of each model to thousands of hours to find predicted asymptotes of wildlife species richness. The mean model-predicted asymptote of species richness was 57 after 11,857 hours of visual-scan surveys among the 46 stations of my research site. I also averaged model predictions of species richness at each incremental increase of number of surveys, i.e., number of hours (Figure 2). On average I would have detected 20.78 species over my first 7 hours of surveys at my research site in the Altamont Pass (7 hours to match the 7 hours I surveyed at the project site), which composed 36.5% of the predicted total number of species I would detect with a much larger survey effort at the research site. Given the example illustrated in Figure 2, the 50 species I detected after 7 hours of survey at the project site likely represented 36.5% of the species to be detected after many more visual-scan surveys over another year or longer. With many more repeat surveys through the year, I would likely detect $50/0.365 = 137$ species of vertebrate wildlife at the site. Assuming my ratio of special-

status to non-special-status species was to hold through the detections of all 137 predicted species, then continued surveys would eventually detect 33 special-status species of vertebrate wildlife.

Because my prediction of 137 species of vertebrate wildlife, including 33 special-status species of vertebrate wildlife, is derived from daytime visual-scan surveys, and would detect few nocturnal mammals such as bats, the true number of species composing the wildlife community of the site must be larger. My reconnaissance surveys demonstrate the presence of a high abundance and diversity of wildlife at the project site. These surveys serve as a starting point toward characterization of the site's wildlife community. Additional surveys should be performed, particularly nocturnal surveys, to characterize additional wildlife at the site. An inventory or a reasonable approximation of an inventory is essential for characterizing the existing environmental setting, and for serving as the baseline from which to predict project impacts to wildlife.

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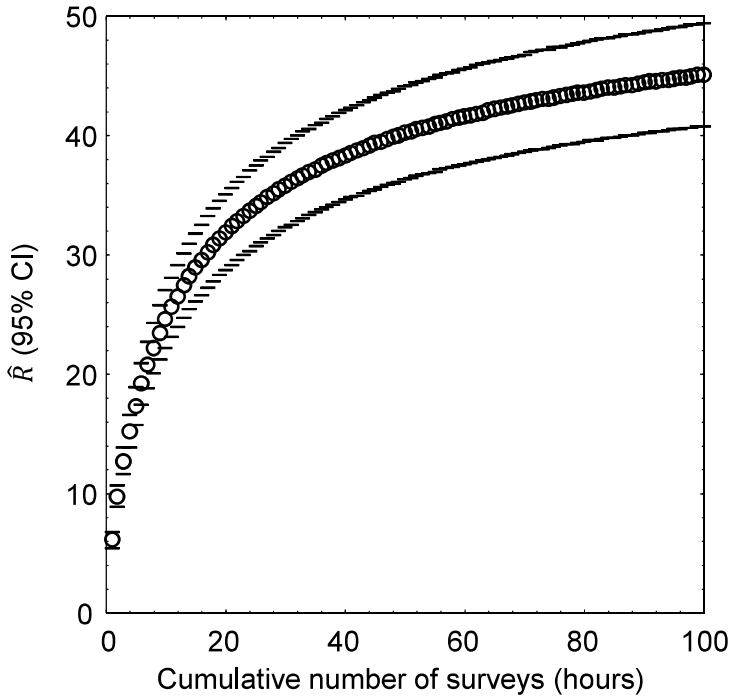



***Figure 2.*** *Mean (95% CI) predicted wildlife species richness, $\hat{R}$, as a nonlinear function of hour-long survey increments across 46 visual-scan survey stations across the Altamont Pass Wind Resource Area, Alameda and Contra Costa Counties, 2015–2019. Note that the location of the study is largely irrelevant to the utility of the graph to the interpretation of survey outcomes at the project site. It is the pattern in the data that is relevant, because the pattern is typical of the pattern seen elsewhere.*

## EXISTING ENVIRONMENTAL SETTING

The first step in analysis of potential project impacts to biological resources is to accurately characterize the existing environmental setting, including the biological species that use the site, their relative abundances, how they use the site, key ecological relationships, and known and ongoing threats to those species with special status. A reasonably accurate characterization of the environmental setting can provide the basis

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for determining whether the site holds habitat value to wildlife, as well as a baseline against which to analyze potential project impacts. For these reasons, characterization of the environmental setting, including the project site's regional setting, is one of CEQA's essential analytical steps. Methods to achieve this first step typically include (1) surveys of the site for biological resources, and (2) reviews of literature, databases and local experts for documented occurrences of special-status species. In the case of the proposed project, these needed steps were incomplete and misleading.

For example, referring to the Valley oak that grows out of Modoc Ditch, South Environmental (2023:18) reports, "this tree would not be impacted by project activities as no pruning is expected and the trunk and roots are on the north side of the ditch away from construction and would avoid impacts as a result." And at page 24, "The project site developments will not facilitate the need to remove or trim T1 [i.e., the Valley oak in Modoc Ditch] and the root zone will remain entirely intact." FirstCarbon Solutions (2023:46) finds that "The proposed project involves no vertical structures, soil disturbance or access road construction at this location … impacts on the valley oak would be less than significant." However, given the orientation of the lean of the Valley oak, it is hard to believe that no roots extend south of Modoc Ditch. Without roots extending south, the Valley oak would likely have fallen over many years ago. South Environmental and FirstCarbon Solutions provide no evidence that this Valley oak's roots are confined to the north side of Modoc Ditch.

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**Environmental Setting informed by Field Surveys**

To CEQA's primary objective to disclose potential environmental impacts of a proposed project, the analysis should be informed of which biological species are known to occur at the proposed project site, which special-status species are likely to occur, as well as the limitations of the survey effort directed to the site. Analysts need this information to characterize the environmental setting as a basis for opining on, or predicting, potential project impacts to biological resources.

A biologist from FirstCarbon Solutions surveyed the project site for about six hours starting at 10:00 hours on 5 July 2022. The start time of this survey was late in the day for July. By about this time of day in July, most wildlife are in search of or have already found refuge from the heat, such as a burrow, tree cavity or the shade of a tree. By 10:00 hours, wildlife detections during reconnaissance surveys are in steep decline, and they reach their nadir toward the time when the FirstCarbon Solutions biologist completed his survey (Figure 3). In other words, the FirstCarbon Solutions biologist could not have surveyed at a slower time of day for wildlife. It is likely for this reason that even though his survey lasted nearly as long as my two surveys combined, he detected only 18% of the species that I did. But whatever the reason for the shortfall, the reconnaissance survey completed by FirstCarbon Solutions fails to adequately represent the wildlife community of the project site, and gives a false impression that few species occur there.

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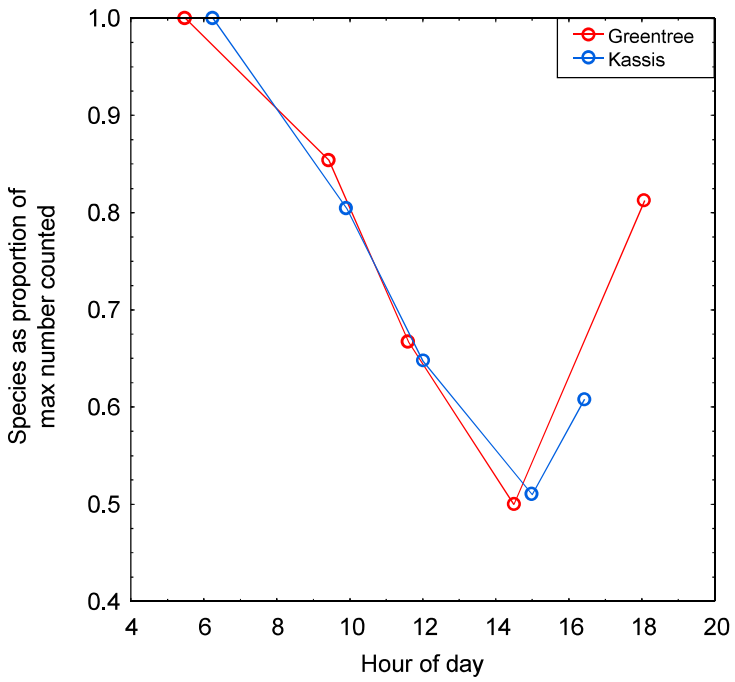



***Figure 3.*** *Effects of time of day when reconnaissance-level survey is begun. Data were from five 2-hour-long surveys at a project site in Vacaville and at another in Rancho Cordova in May and June 2022.* (K. S. Smallwood, unpublished data)

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FirstCarbon Solutions (2023) attempts to downplay the importance of wildlife species detections during a reconnaissance survey. The objective of the survey is stated, "not to exhaustively search for every potential species occurring within the project site, but rather to ascertain general site conditions and identify potentially suitable habitat areas for special-status plant and wildlife species." By its nature, a reconnaissance survey is never "exhaustive," but then what is if for, if it is not for detecting a reasonably representative sample of the wildlife community? Within the time that is reasonably feasible for a reconnaissance survey effort to be completed, the participating biologists should detect as many of the detectable species as possible. This is important because the detection of a species at a particular site is the best means of ascertaining whether the site supports habitat for the species. The confirmed presence of the species provides certainty of the presence of habitat. However, failing to detect the species leaves uncertain whether habitat is present, because wildlife populations are spatially dynamic, meaning that activity centers typically shift locations every generation of so (Taylor and Taylor 1979). At any given time, 75% of a species' habitat is typically unoccupied (vacant) because members of the species need to temporarily escape predator or parasite loads, allow forage to rest, or because young of the year naturally disperse away from natal areas to form new activity centers in unoccupied habitat. Whatever the reason(s), seemingly unoccupied habitat is still habitat and is still available to be occupied at a later date. Developing a project on "unoccupied habitat" is just as destructive to the species as developing it on occupied habitat.

For the foregoing reasons, biologists often rely on habitat associations, which are documented occurrences, or ideally measured intensities of use (Smallwood 2002), of

environmental categories such as vegetation complexes, soils, or terrain. Such habitat associations are used to assess occurrence likelihoods of the species based on how closely the existing environmental setting matches the habitat associations of the species. In assessing habitat in this manner, it is also important to err on the side of caution because wildlife habitat associations have never been perfectly characterized and surprises are therefore common.

It is unclear, however, how FirstCarbon Solutions (2023) performed its habitat assessments. It is unclear how "general site conditions" were assessed, such as by a rating system or some other method. No explanation is provided. It is also unclear how FirstCarbon Solutions (2023) identified potentially suitable habitat, which is a tautological term; after all, a site that is suitable for a species is also habitat. No gradient of habitat suitability is described, nor is there any evidence of a check-off sheet between known habitat associations and what the biologist saw on the site. Again, instead of implementing vague methods such as ascertaining site conditions and identifying areas of habitat suitability, the most effective means to assess habitat is to either detect the species or to detect associates of the species, where associates can be other species of wildlife or vegetation complexes or environmental conditions with which the species has been known to associate. 19 CONT

The 50 wildlife species I detected at the project site is only about a third of the species that I would detect over a longer term of reconnaissance surveys. I do not believe that even 50 species reasonably represent the wildlife community at the project site. FirstCarbon Solutions (2023) detected only 9 species of wildlife, or about 6% of the species I estimate to compose the local wildlife community. Except for those 9 species that were detected, FirstCarbon Solutions (2023) lacks the means to assess whether the site supports habitat to most of the species that likely occur at the site (see below).

**Environmental Setting informed by Desktop Review**

The purpose of literature and database review and of consulting with local experts is to inform the field survey, and to augment interpretation of its outcome. Analysts need this information to identify which species are known to have occurred at or near the project site, and to identify which other special-status species could conceivably occur at the site due to geographic range overlap and migration flight paths.

FirstCarbon Solutions (2023) performed a desktop review composed of reviewing the California Natural Diversity Database (CNDDB) and the US Fish and Wildlife Service's Information for Planning and Consultation (IPaC) database. No explanations are provided of how these data bases were used to determine which species warranted analysis of occurrence likelihoods on the project site. It is clear, however, that too few special-status species were analyzed for occurrence potential. Only 12 special-status species are analyzed. 20

If FirstCarbon Solutions (2023) uses CNDDB and iPaC to screen out species for analysis of occurrence potential, then this approach is flawed. CNDDB is not designed to support

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absence determinations or to screen out species from characterization of a site's wildlife community. As noted by CNDDB, "*The CNDDB is a positive sighting database. It does not predict where something may be found. We map occurrences only where we have documentation that the species was found at the site. There are many areas of the state where no surveys have been conducted and therefore there is nothing on the map. That does not mean that there are no special status species present*." It is my opinion that the DEIR misuses CNDDB.

CNDDB relies entirely on volunteer or permit reporting from biologists who were allowed access to whatever properties they report from. Many properties have never been surveyed by biologists. Many properties have been surveyed, but the survey outcomes never reported to CNDDB. Many properties have been surveyed multiple times, but not all survey outcomes reported to CNDDB. Furthermore, CNDDB is interested only in the findings of special-status species, which means that species more recently assigned special status will have been reported many fewer times to CNDDB than were species assigned special status since CNDDB's inception. The lack of CNDDB records for species only recently assigned special status would have been due to insufficient time having elapsed since the assignments. And because negative findings are not reported to CNDDB, CNDDB cannot provide the basis for estimating occurrence likelihoods, either. The DEIR's analysis of special-status species occurrence likelihoods is fundamentally flawed.

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CONT

In my assessment based on database reviews and site visits, 93 special-status species of wildlife are known to occur near enough to the site to warrant analysis of occurrence potential (Table 2). Of these 93 species, 12 (13%) were recorded on or adjacent to the project site, and another 14 (15%) species have been documented within 1.5 miles of the site ('Very close'), another 21 (26%) within 1.5 and 4 miles ('Nearby'), and another 44 (47%) within 4 to 30 miles ('In region'). More than half (51%) of the species in Table 2 have been reportedly seen within 4 miles of the project site. The site therefore supports multiple special-status species of wildlife and carries the potential for supporting many more special-status species of wildlife based on proximity of recorded occurrences. The site is far richer in special-status species than is characterized in the DEIR.

The DEIR includes occurrence likelihood analysis of only 12 special-status species, one of which (Swainson's hawk) is determined to have moderate occurrence potential and the other 11 species are determined to have no occurrence potentials (Table 2). One of these species with no chance for occurrence, according to FirstCarbon Solutions, is tricolored blackbird. However, tricolored blackbird has been reported only 1.85 miles from the project site. According to FirstCarbon Solutions, two of the species with no chance for occurrence are burrowing owl and loggerhead shrike, but burrowing owl has been seen 0.8 miles from the project site, and loggerhead shrike has been seen 0.76 miles away. These distances are within two to five minutes of flight time for any of these species, meaning that the distances are insignificant.

In light of the flaws noted above, I recommend that the DEIR be withdrawn from circulation and revised.

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***Table 2.*** *Occurrence likelihoods of special-status bird species at or near the proposed project site, according to eBird/iNaturalist records (https://eBird.org, https://www.inaturalist.org) and on-site survey findings, where 'Very close' indicates within 1.5 miles of the site, "nearby" indicates within 1.5 and 4 miles, and "in region" indicates within 4 and 30 miles, and 'in range' means the species' geographic range overlaps the site. Entries in bold font identify species I detected. Entries in bold font identify those species I detected.*

| **Common name** | ***Species name*** | **Status**[1] | **DEIR occurrence potential** | **Data base records, Site visits** |
|---|---|---|---|---|
| Monarch | *Danaus plexippus* | FC | | Nearby |
| Crotch's bumble bee | *Bombus crotchii* | CCE | None | In region |
| California tiger salamander | *Ambystoma californiense* | FT, CT, WL | None | In region |
| Western spadefoot | *Spea hammondii* | SSC | None | In region |
| Western pond turtle | *Emys marmorata* | SSC | None | In region |
| Blunt-nosed leopard lizard | *Gambelia sila* | FE, CE, CFP | | In region |
| Northern California legless lizard | *Anniella pulchra* | SSC | None | In region |
| Cackling goose (Aleutian) | *Branta hutchinsii leucopareia* | WL | | Nearby |
| Redhead | *Aythya americana* | SSC2 | | Nearby |
| Western grebe | *Aechmophorus occidentalis* | BCC | | Nearby |
| Clark's grebe | *Aechmophorus clarkii* | BCC | | Nearby |
| Black swift | *Cypseloides niger* | SSC3, BCC | | In region |
| Vaux's swift | *Chaetura vauxi* | SSC2, BCC | | Nearby |
| Costa's hummingbird | *Calypte costae* | BCC | | Very close |
| Rufous hummingbird | *Selasphorus rufus* | BCC | | Very close |
| Allen's hummingbird | *Selasphorus sasin* | BCC | | In region |
| American avocet[4] | *Recurvirostra americana* | BCC | | Nearby |
| Mountain plover | *Charadrius montanus* | SSC2, BCC | | In region |
| Snowy plover | *Charadrius nivosus* | BCC | | Nearby |
| Whimbrel[2] | *Numenius phaeopus* | BCC | | Nearby |
| Long-billed curlew | *Numenius americanus* | WL | | **Next to site** |
| Marbled godwit | *Limosa fedoa* | BCC | | In region |
| Short-billed dowitcher | *Limnodromus griseus* | BCC | | Nearby |
| Willet | *Tringa semipalmata* | BCC | | In region |
| Western gull | *Larus occidentalis* | BCC | | In region |

20 CONT

| **Common name** | ***Species name*** | **Status[1]** | **DEIR occurrence potential** | **Data base records, Site visits** |
|---|---|---|---|---|
| California gull | *Larus californicus* | BCC, WL | | **On site** |
| Black tern | *Chlidonias niger* | SSC2, BCC | | Nearby |
| Common loon | *Gavia immer* | SSC | | In region |
| Double-crested cormorant | *Phalacrocorax auritus* | WL | | Very close |
| American white pelican | *Pelacanus erythrorhynchos* | SSC1, BCC | | Very close |
| White-faced ibis | *Plegadis chihi* | WL | | Nearby |
| Turkey vulture | *Cathartes aura* | BOP | | **On site** |
| Osprey | *Pandion haliaetus* | WL, BOP | | In region |
| White-tailed kite | *Elanus luecurus* | CFP, BOP | | In region |
| Golden eagle | *Aquila chrysaetos* | BGEPA, CFP, BOP, WL | | Nearby |
| Northern harrier | *Circus cyaneus* | BCC, SSC3, BOP | | **On site** |
| Sharp-shinned hawk | *Accipiter striatus* | WL, BOP | | Very close |
| Cooper's hawk | *Accipiter cooperii* | WL, BOP | | On site |
| Bald eagle | *Haliaeetus leucocephalus* | CE, BGEPA, BOP | | In region |
| Red-shouldered hawk | *Buteo lineatus* | BOP | | Very close |
| Swainson's hawk | *Buteo swainsoni* | CT, BOP | Moderate | **Next to site** |
| Red-tailed hawk | *Buteo jamaicensis* | BOP | | **On site** |
| Ferruginous hawk | *Buteo regalis* | WL, BOP | | Nearby |
| Rough-legged hawk | *Buteo lagopus* | BOP | | In region |
| Barn owl | *Tyto alba* | BOP | | Very close |
| Western screech-owl | *Megascops kennicotti* | BOP | | Nearby |
| Great horned owl | *Bubo virginianus* | BOP | | Very close |
| Burrowing owl | *Athene cunicularia* | BCC, SSC2, BOP | None | Very close |
| Long-eared owl | *Asio otus* | BCC, SSC3, BOP | | In region |
| Short-eared owl | *Asia flammeus* | BCC, SSC3, BOP | | In region |
| Lewis's woodpecker | *Melanerpes lewis* | BCC | | In region |
| Nuttall's woodpecker | *Picoides nuttallii* | BCC | | Very close |
| American kestrel | *Falco sparverius* | BOP | | **On site** |
| Merlin | *Falco columbarius* | WL, BOP | | **On site** |
| Peregrine falcon | *Falco peregrinus* | BOP | | Very close |

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| Common name | *Species name* | Status[1] | DEIR occurrence potential | Data base records, Site visits |
|---|---|---|---|---|
| Prairie falcon | *Falco mexicanus* | WL, BOP | | Very close |
| Olive-sided flycatcher | *Contopus cooperi* | BCC, SSC2 | | In region |
| Willow flycatcher | *Empidonax trailii* | CE | | In region |
| Vermilion flycatcher | *Pyrocephalus rubinus* | SSC2 | | Nearby |
| Loggerhead shrike | *Lanius ludovicianus* | SSC2 | None | Very close |
| Yellow-billed magpie | *Pica nuttalli* | BCC | | In region |
| Oak titmouse | *Baeolophus inornatus* | BCC | | **On site** |
| California horned lark | *Eremophila alpestris actia* | WL | | Nearby |
| Bank swallow | *Riparia riparia* | CT | | Nearby |
| Purple martin | *Progne subis* | SSC2 | | Nearby |
| Wrentit | *Chamaea fasciata* | BCC | | In region |
| California thrasher | *Toxostoma redivivum* | BCC | | In region |
| Cassin's finch | *Haemorhous cassinii* | BCC | | In region |
| Lawrence's goldfinch | *Spinus lawrencei* | BCC | | **On site** |
| Grasshopper sparrow | *Ammodramus savannarum* | SSC2 | | In region |
| Black-chinned sparrow | *Spizella atrogularis* | BCC | | In region |
| Gray-headed junco | *Junco hyemalis caniceps* | WL | | In region |
| Bell's sparrow | *Amphispiza b. belli* | WL | | In region |
| Yellow-breasted chat | *Icteria virens* | SSC3 | | In region |
| Yellow-headed blackbird | *Xanthocephalus xanthocephalus* | SSC3 | | Nearby |
| Bullock's oriole | *Icterus bullockii* | BCC | | **On site** |
| Tricolored blackbird | *Agelaius tricolor* | CT, BCC, SSC1 | None | Nearby |
| Virginia's warbler | *Leiothlypis virginiae* | WL, BCC | | In region |
| Yellow warbler | *Setophaga petechia* | SSC2 | | **Very close** |
| Summer tanager | *Piranga rubra* | SSC1 | | In region |
| Pallid bat | *Antrozous pallidus* | SSC, WBWG:H | | In region |
| Townsend's big-eared bat | *Corynorhinus townsendii* | SSC, WBWG:H | | In region |
| Silver-haired bat | *Lasionycteris noctivagans* | WBWG:M | | In range |
| Hoary bat | *Lasiurus cinereus* | WBWG:M | | In region |
| Western small-footed myotis | *Myotis cililabrum* | WBWG:M | | In range |

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| Common name | *Species name* | Status[1] | DEIR occurrence potential | Data base records, Site visits |
|---|---|---|---|---|
| Miller's myotis | *Myotis evotis* | WBWG:M | | In region |
| Little brown myotis | *Myotis lucifugus* | WBWG:M | | In region |
| Yuma myotis | *Myotis yumanensis* | WBWG:LM | | In region |
| Western mastiff bat | *Eumops perotis* | SSC, WBWG:H | None | In region |
| Fresno kangaroo rat | *Dipodomys nitratoides exilis* | FE, CE | | In region |
| Tipton kangaroo rat | *Dipodomys nitratoides nitratoides* | FE, CE | | In region |
| American badger | *Taxidea taxus* | SSC | None | In region |
| San Joaquin kit fox | *Vulpes macrotis mutica* | FE, ST | None | In region |

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CONT

[1] Listed as FT or FE = federal threatened or endangered, FC = federal candidate for listing, BCC = U.S. Fish and Wildlife Service Bird of Conservation Concern, CT or CE = California threatened or endangered, CCT or CCE = Candidate California threatened or endangered, CFP = California Fully Protected (California Fish and Game Code 3511), SSC = California Species of Special Concern (not threatened with extinction, but rare, very restricted in range, declining throughout range, peripheral portion of species' range, associated with habitat that is declining in extent), SSC1, SSC2 and SSC3 = California Bird Species of Special Concern priorities 1, 2 and 3, respectively (Shuford and Gardali 2008), WL = Taxa to Watch List (Shuford and Gardali 2008), and BOP = Birds of Prey (CFG Code 3503.5), and WBWG = Western Bat Working Group with priority rankings, of low (L), moderate (M), and high (H).
[2] Uncertain if BCC based on 2021 Bird of Conservation Concern list.

## BIOLOGICAL IMPACTS ASSESSMENT

An impacts analysis should consider whether and how a proposed project would affect members of a species, larger demographic units of the species, the whole of a species, and ecological communities. The accuracy of this analysis depends on an accurate characterization of the existing environmental setting. In the case of the proposed project, the existing environmental setting has not been accurately characterized, and several important types of potential project impacts have been inadequately analyzed. These types of impacts include habitat loss, interference with wildlife movement, and wildlife-automobile collision mortality.

### HABITAT LOSS

The loss of the habitat on the project site would result in substantial reductions in species richness and the number of wild animals in the area (Smallwood and Smallwood 2023). To measure the impacts of habitat loss to wildlife caused by development projects, Noriko Smallwood and I revisited 80 sites of proposed projects that we had originally surveyed in support of comments on CEQA review documents (Smallwood and Smallwood 2023). We revisited the sites to repeat the survey methods at the same time of year, the same start time in the day, and the same methods and survey duration in order to measure the effects of mitigated development on wildlife. We structured the experiment in a before-after, control-impact experimental design, as some of the sites had been developed since our initial survey and some had remained undeveloped. All of the developed sites had included mitigation measures to avoid, minimize or compensate for impacts to wildlife. Nevertheless, we found that mitigated development resulted in a 66% loss of species on site, and 48% loss of species in the project area. Counts of vertebrate animals declined 90%. “Development impacts measured by the mean number of species detected per survey were greatest for amphibians (-100%), followed by mammals (-86%), grassland birds (-75%), raptors (-53%), special-status species (-49%), all birds as a group (-48%), non-native birds (-44%), and synanthropic birds (-28%). Our results indicate that urban development, including the development of commercial and industrial projects, substantially reduces vertebrate species richness and numerical abundance, even after richness and abundance had likely already been depleted by the cumulative effects of loss, fragmentation, and degradation of habitat in the urbanizing environment, and despite all of the mitigation measures and existing policies and regulations.

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Habitat loss not only results in the immediate numerical decline of wildlife, but it also results in permanent loss of productive capacity. Habitat fragmentation multiplies the negative effects of habitat loss on the productive capacities of biological species (Smallwood 2015). None of these impacts, however, are specifically addressed in the DEIR. In the case of birds, two methods exist for estimating the loss of productive capacity that would be caused by the project. One method would involve surveys to count the number of bird nests and chicks produced. The alternative method is to infer productive capacity from estimates of total nest density elsewhere. Two study sites in grassland-wetland-woodland complexes had total bird nesting densities of 32.8 and

35.8 nests per acre (Young 1948, Yahner 1982). These densities, however, are probably too high for the project site, which is largely composed of a production orchard, although the orchard's trees are obviously also used by birds for nesting.

Assuming the total nest density of the project site is 50% of the mean of the estimates of total nest density reported by Young (1948) and Yahner (1982), then I predict 17.2 nest sites per acre. This prediction is only slightly more nests per acre than the 14.4 nests per acre that I estimated for a 9.42-acre Rancho Cordova walnut orchard that I surveyed 30 times over the breeding season of 2023. Projecting 17.2 nests per acre over 284 acres predicts 4,885 nest sites. Assuming 1.39 broods per nest site based on a review of 322 North American bird species, which averaged 1.39 broods per year, then I predict the project supports 6,790 nest attempts/year. Assuming Young's (1948) study result2.9 fledglings per year typifies productivity on the project site, then I predict 19,691 fledglings are produced annually on the project site. Assuming an average bird generation time of 5 years, the lost capacity of both breeders and annual fledgling production can be estimated from an equation in Smallwood (2022): {(nests/year × chicks/nest × number of years) + (2 adults/nest × nests/year) × (number of years ÷ years/generation)} ÷ (number of years) = 21,645 birds per year denied to California. This level of loss would be very substantial and highly significant, but yet it is not analyzed nor mitigated in the DEIR.

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**WILDLIFE MOVEMENT**

The DEIR's analysis of whether the project would interfere with wildlife movement is flawed. According to the DEIR, "The project site does not function as a wildlife corridor. Therefore, the implementation of the proposed project would not cause or contribute to any cumulative impacts in this regard." This is a conclusory statement, as it is based on no evidence. It is also based on a flawed premise that the only way that a project can interfere with wildlife movement in the region is by disrupting a wildlife movement corridor. However, whether the site includes or is within a wildlife movement corridor is not the only consideration when it comes to the standard CEQA Checklist question of whether the project would interfere with wildlife movement in the region. The primary phrase of the CEQA standard goes to wildlife movement regardless of whether the movement is channeled by a corridor. In fact, a site such as the project site is critically important for wildlife movement because it composes an increasingly diminishing area of open space within a growing expanse of buildings and impervious surfaces, forcing more species of volant wildlife to use the site for stopover and staging during migration, dispersal, and home range patrol (Warnock 2010, Taylor et al. 2011, Runge et al. 2014). The project, due to its elimination of 284 acres of trees. would cut wildlife off from one of the last remaining stopover and staging opportunities in the project area, forcing volant wildlife to travel even farther between remaining stopover sites. This impact would be significant, and as the project is currently proposed, it would be unmitigated.

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**TRAFFIC IMPACTS TO WILDLIFE**

Project-generated traffic would endanger wildlife that must, for various reasons, cross roads used by the project's traffic to get to and from the project site (Photos 32–35), including along roads far from the project footprint. Vehicle collisions have accounted for the deaths of many thousands of amphibian, reptile, mammal, bird, and arthropod fauna, and the impacts have often been found to be significant at the population level (Forman et al. 2003). Across North America traffic impacts have taken devastating tolls on wildlife (Forman et al. 2003). In Canada, 3,562 birds were estimated killed per 100 km of road per year (Bishop and Brogan 2013), and the US estimate of avian mortality on roads is 2,200 to 8,405 deaths per 100 km per year, or 89 million to 340 million total per year (Loss et al. 2014). Local impacts can be more intense than nationally.

***Photo 32.*** *A Gambel's quail dashes across a road* on *3 April 2021. Such road crossings are usually successful, but too often prove fatal to the animal. Photo by Noriko Smallwood.*



***Photo 33.*** *Great-tailed grackle walks onto a rural road in Imperial County, 4 February 2022.*

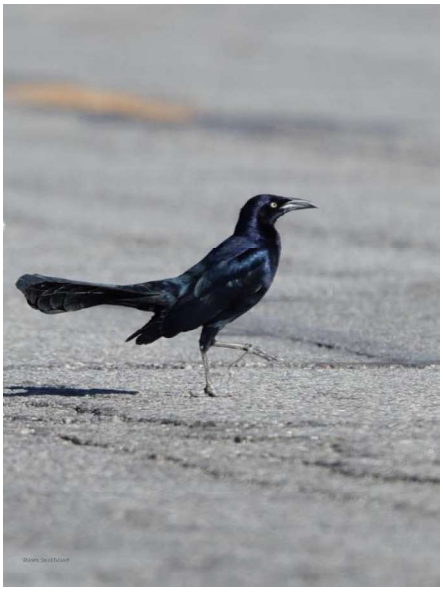


***Photo 34.*** *A mourning dove killed by vehicle traffic on a California road. Photo by Noriko Smallwood, 21 June 2020.*



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***Photo 35.*** *Raccoon killed on Road 31 just east of Highway 505 in Solano County. Photo taken on 10 November 2018.*

The nearest study of traffic-caused wildlife mortality was performed along a 2.5-mile stretch of Vasco Road in Contra Costa County, California. Fatality searches in this study found 1,275 carcasses of 49 species of mammals, birds, amphibians and reptiles over 15 months of searches (Mendelsohn et al. 2009). This fatality number needs to be adjusted for the proportion of fatalities that were not found due to scavenger removal and searcher error. This adjustment is typically made by placing carcasses for searchers to find (or not find) during their routine periodic fatality searches. This step was not taken at Vasco Road (Mendelsohn et al. 2009), but it was taken as part of another study next to Vasco Road (Brown et al. 2016). Brown et al.'s (2016) adjustment factors for carcass persistence resembled those of Santos et al. (2011). Also applying searcher detection rates from Brown et al. (2016), the adjusted total number of fatalities was estimated at 12,187 animals killed by traffic on the road. This fatality number over 1.25 years and 2.5 miles of road translates to 3,900 wild animals per mile per year. In terms comparable to the national estimates, the estimates from the Mendelsohn et al. (2009) study would translate to 243,740 animals killed per 100 km of road per year, or 29 times that of Loss et al.'s (2014) upper bound estimate and 68 times the Canadian estimate. An analysis is needed of whether increased traffic generated by the project site would similarly result in local impacts on wildlife.

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CONT

For wildlife vulnerable to front-end collisions and crushing under tires, road mortality can be predicted from the study of Mendelsohn et al. (2009) as a basis. My analysis of the Mendelsohn et al. (2009) data resulted in an estimated 3,900 animals killed per mile along a county road in Contra Costa County. Two percent of the estimated number of fatalities were birds, and the balance was composed of 34% mammals (many mice and pocket mice, but also ground squirrels, desert cottontails, striped skunks, American badgers, raccoons, and others), 52.3% amphibians (large numbers of California tiger salamanders and California red-legged frogs, but also Sierran treefrogs, western toads, arboreal salamanders, slender salamanders and others), and 11.7% reptiles (many western fence lizards, but also skinks, alligator lizards, and snakes of various species). VMT is useful for predicting wildlife mortality because I was able to quantify miles traveled along the studied reach of Vasco Road during the time period of the

Mendelsohn et al. (2009), hence enabling a rate of fatalities per VMT that can be projected to other sites, assuming similar collision fatality rates.

Predicting project-generated traffic impacts to wildlife

The DEIR predicts 17,099,450 annual VMT. During the Mendelsohn et al. (2009) study, 19,500 cars traveled Vasco Road daily, so the vehicle miles that contributed to my estimate of non-volant fatalities was 19,500 cars and trucks × 2.5 miles × 365 days/year × 1.25 years = 22,242,187.5 vehicle miles per 12,187 wildlife fatalities, or 1,825 vehicle miles per fatality. This rate divided into the predicted annual VMT, above, would predict 9,370 vertebrate wildlife fatalities per year. Assuming the roads traveled by project-generated traffic are through areas of wildlife densities that are 30% of the wildlife densities at the Vasco Road study site, the predicted annual mortality would be 2,811, which would still be a very substantial and highly significant level of impact. 23 CONT

Based on my analysis, the project-generated traffic would cause significant impacts to wildlife. The DEIR does not address this potential impact, let alone propose to mitigate it. Mitigation measures to improve wildlife safety along roads are available and are feasible, and they need exploration for their suitability with the proposed project. Given the predicted level of project-generated, traffic-caused mortality, and the lack of any proposed mitigation, it is my opinion that the proposed project would result in potentially significant adverse biological impacts. The DEIR withdrawn and revised to appropriately analyze the potential impacts of project-generated automobile traffic on wildlife.

**CUMULATIVE IMPACTS**

The DEIR's cumulative effects analysis is flawed in multiple ways. It starts with the false premise that special-status species of wildlife do not occur at the project site. I detected 12 special-status species at and adjacent to the project site (see Table 1 and the photos above). Many species of wildlife occur at the project site.

The DEIR's next false premise is that the site is unimportant to wildlife movement because it is not part of a wildlife movement corridor. This premise relies on a false standard that a corridor must exist in order for a project to interfere with wildlife movement, It is also contrary to the abundant evidence of wildlife movement at the site. I observed many birds flying to the site or away from the site. None of the wildlife that occur at the site could have occurred there without having first moved to the site during dispersal from natal areas or during migration. The project site is obviously important to wildlife movement in the region. 24

Another of the DEIR's flaws is reliance on the false standard that there exists "a comprehensive regulatory framework that is imposed on cumulative projects to help ensure protected biological resources are identified and any significant impacts are feasibly mitigated." And, "Cumulative projects within the cumulative geographic context would be required to comply with applicable federal, State, and local laws, regulations,

and policies and all applicable permitting requirements of the regulatory and oversight agencies intended to address potential impacts on biological resources." The regulatory framework that is cited is the "applicable General Plan and Municipal Code." However, according to CEQA Guidelines §15064(h)(3), "a project's incremental contribution to a cumulative impact can be found not cumulatively considerable if the project would comply with an approved plan or mitigation program that provides specific requirements that would avoid or substantially lessen the cumulative problem within the geographic area of the project." And "When relying on a plan, regulation or program, the lead agency should explain how implementing the particular requirements in the plan, regulation or program ensure that the project's incremental contribution to the cumulative effect is not cumulatively considerable." The specific requirements cited in the DEIR consist of MM BIO-1a through MM BIO-1f, all of which are preconstruction surveys. Preconstruction surveys might avoid take of a few specific individual animals found to be in harm's way just prior to construction, but they do nothing to avoid or minimize the loss of productive capacity of each species at issue. Preconstruction surveys do not mitigate cumulative impacts.

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**MITIGATION MEASURES**

Most of the mitigation plan consists of preconstruction surveys: MM BIO-1a through MM BIO-1f. I concur that preconstruction surveys should be performed. However, these surveys need to be preceded by protocol-level detection surveys, and the detection surveys need to precede certification of the EIR. The public and decision-makers need to know whether and how many of each of the special-status species occurs at the project site. Preconstruction surveys performed without the benefit of detection surveys would fail to disclose potential impacts to the species at issue because the surveys would come too late in the CEQA review process.

It needs to be understood that preconstruction surveys do not carry the same probabilities of detection as do detection surveys. Except for the Swainson's hawk survey protocol, whereas detection survey protocols typically recommend multiple surveys according to a carefully formulated schedule, preconstruction surveys typically consist of a single survey with no guidance on time of day or specific methodology. The DEIR misleadingly proposes preconstruction surveys for burrowing owls, San Joaquin kit fox, nesting birds, and roosting bats as if they are protocol-level detection surveys, which they are not.

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Furthermore, it must be understood that preconstruction surveys achieve very little in terms of avoidance and minimization of impacts to the species of wildlife subject to the surveys. In the case of nesting birds (MM BIO 1-e), the majority of bird nests would not be found by biologists assigned to the survey. Birds are highly adept at hiding their nest sites in order to prevent losing their nests to predators. For this reason, scientists have long struggled to obtain estimates of nesting density of such species as lesser goldfinch. It is unrealistic to imply – as the DEIR does – that preconstruction nest surveys would salvage more than a very small fraction of the nearly 5,000 nests on the 284-acre project site. The same is true of bat roosts.

Surveys to locate all of the bird nests within a defined area consist of two steps, both of which are very difficult. First, the biologist(s) performing the survey must identify birds that are breeding. Second, the biologist(s) must locate the breeding birds' nests. The first step is typically completed by observing bird behaviors such as food deliveries and nest territory defense. For two reasons, these types of observations typically require many surveys on many dates spread throughout the breeding season. First, species if bird vary in their nest phenology, which is their seasonal timing. Some species begin nesting in February or March, whereas others do not begin until July or August. Second, breeding birds attempt to fool observers into believing their nest sites are at locations other than where they are truly located. Finding the true nest site typically requires a lot of perseverance.

For perspective, the project site includes about 36,100 trees. MM BIO 1-e would require that biologists search these trees for bird nests within 7 days prior to removals of these trees. It took me 127 hours of survey time just to estimate total nest density at my Rancho Cordova study site in 2023, and that is without having identified the exact locations of most of the nests. My total nest density survey effort encompassed 102 walnut trees on 9.42 acres, or about 13.5 hours per acre where the tree density was 10.8 per acre. In the almond orchard of the project site and assuming the same per-acre survey effort as I had to commit to my study site, preconstruction surveys to estimate total nest density would require at least 3,834 person-hours, or 160 person-days. However, the tree density is about 12 times higher than on my study site, so would require many more person-hours than 3,834. The proposed mitigation measure is not achievable. MM BIO 1-e is not a serious measure. 25 CONT

Lastly, the mitigation language in MM BIO 1-e allows a single individual to make a subjective decision, outside the public's view, to determine the buffer area for any given bird species. This measure lacks objective criteria, and is unenforceable.

MM BIO-3 would require that the project developer submit the preliminary Jurisdictional Delineation (JD) and coordinate with the appropriate regulating agencies (Central Valley Regional Water Quality Control Board [RWQCB], California Department of Fish and Wildlife [CDFW] and the United States Army Corps of Engineers [USACE]) to determine whether the Modoc Ditch is protected under Section 404 and 401 of the Clean Water Act (CWA), Porter-Cologne Water Quality Control Act, and/or Fish and Game Code 1602. However, this is not a legitimate mitigation measure, but rather a required administrative step to obtain take authorization. This administrative step should be completed prior to certification of the EIR, so that the public and the decision-makers can learn whether Modoc Ditch is considered jurisdictional by the regulating agencies.

**RECOMMENDED MEASURES**

**Detection Surveys:** Although not truly mitigation, protocol-level detection surveys should be implemented for special-status species. These surveys are needed to disclose 26

potential impacts to wildlife, and to inform the preconstruction surveys of where special-status species might occur.

**Habitat Loss:** If the project goes forward, compensatory mitigation would be warranted for habitat loss. An equal area of open space should be protected in perpetuity as close to the project site as possible.

**Road Mortality:** Compensatory mitigation is needed for the increased wildlife mortality that will be caused by the project's contribution to increased road traffic in the region. I suggest that this mitigation can be directed toward funding research to identify fatality patterns and effective impact reduction measures such as reduced speed limits and wildlife under-crossings or overcrossings of particularly dangerous road segments. Compensatory mitigation can also be provided in the form of donations to wildlife rehabilitation facilities (see below). 26 CONT

**Fund Wildlife Rehabilitation Facilities:** Compensatory mitigation ought also to include funding contributions to wildlife rehabilitation facilities to cover the costs of injured animals that will be delivered to these facilities for care. Many animals would likely be injured by collisions with automobiles.

Thank you for your attention,



Shawn Smallwood, Ph.D.

**REFERENCES CITED**

Bishop, C. A. and J. M. Brogan. 2013. Estimates of avian mortality attributed to vehicle collisions in Canada. Avian Conservation and Ecology 8:2. http://dx.doi.org/10.5751/ACE-00604-080202.

Brown, K., K. S. Smallwood, J. Szewczak, and B. Karas. 2016. Final 2012-2015 Report Avian and Bat Monitoring Project Vasco Winds, LLC. Prepared for NextEra Energy Resources, Livermore, California.

FirstCarbon Solutions. 2023. Biological Resources Assessment Shirk and Riggin Industrial Park Project City of Visalia, Tulare County, California. Report to Seefried Industrial Properties, Inc., El Segundo, California.

Forman, T. T., D. Sperling, J. A. Bisonette, A. P. Clevenger, C. D. Cutshall, V. H. Dale, L. Fahrig, R. France, C. R. Goldman, K. Heanue, J. A. Jones, F. J. Swanson, T. Turrentine, and T. C. Winter. 2003. Road Ecology. Island Press, Covello, California.

Loss, S. R., T. Will, and P. P. Marra. 2014. Estimation of Bird-Vehicle Collision Mortality on U.S. Roads. Journal of Wildlife Management 78:763-771.

Mendelsohn, M., W. Dexter, E. Olson, and S. Weber. 2009. Vasco Road wildlife movement study report. Report to Contra Costa County Public Works Department, Martinez, California.

Runge, C. A., T. G. Martin, H. P. Possingham, S. G. Willis, and R. A. Fuller. 2014. Conserving mobile species. Frontiers in Ecology and Environment 12(7): 395–402, doi:10.1890/130237.

Santos, S. M., F. Carvalho, and A. Mira. 2011. How long do the dead survive on the road? Carcass persistence probability and implications for road-kill monitoring surveys. PLoS ONE 6(9): e25383. doi:10.1371/journal.pone.0025383

Shuford, W. D., and T. Gardali, [eds.]. 2008. California bird species of special concern: a ranked assessment of species, subspecies, and distinct populations of birds of immediate conservation concern in California. Studies of Western Birds 1. Western Field Ornithologists, Camarillo, California.

Smallwood, K. S. 2015. Habitat fragmentation and corridors. Pages 84-101 in M. L. Morrison and H. A. Mathewson, Eds., Wildlife habitat conservation: concepts, challenges, and solutions. John Hopkins University Press, Baltimore, Maryland, USA.

Smallwood, K. S. 2022. Utility-scale solar impacts to volant wildlife. Journal of Wildlife Management: e22216. https://doi.org/10.1002/jwmg.22216

Smallwood, K. S., and N. L. Smallwood. 2023. Measured effects of anthropogenic development on vertebrate wildlife diversity. Diversity 15, 1037. https://doi.org/10.3390/d15101037.

South Environmental. 2023. Jurisdictional Delineation of Visalia - Kelsey Street Industrial Complex Project in unincorporated, California. Report to FirstCarbon Solutions.

Taylor, R. A. J., and L. R. Taylor. 1979. A behavioral model for the evolution of spatial dynamics. Pp. 1-28 in R. M. Anderson, B. D. Turner, and L. R. Taylor (editors). Population dynamics. Blackwell Scientific Publications, Oxford.

Taylor, P. D., S. A. Mackenzie, B. G. Thurber, A. M. Calvert, A. M. Mills, L. P. McGuire, and C. G. Guglielmo. 2011. Landscape movements of migratory birds and bats reveal an expanded scale of stopover. PlosOne 6(11): e27054. doi:10.1371/journal.pone.0027054.

Warnock, N. 2010. Stopping vs. staging: the difference between a hop and a jump. Journal of Avian Biology 41:621-626.

Yahner, R. H. 1982. Avian nest densities and nest-site selection in farmstead shelterbelts. The Wilson Bulletin 94:156-175.

Young, H. 1948. A comparative study of nesting birds in a five-acre park. The Wilson Bulletin 61:36-47.

# Kenneth Shawn Smallwood
# Curriculum Vitae

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Born May 3, 1963 in
Sacramento, California.
Married, father of two.

## Ecologist

### Expertise

- Finding solutions to controversial problems related to wildlife interactions with human industry, infrastructure, and activities;
- Wildlife monitoring and field study using GPS, thermal imaging, behavior surveys;
- Using systems analysis and experimental design principles to identify meaningful ecological patterns that inform management decisions.

### Education

Ph.D. Ecology, University of California, Davis. September 1990.
M.S. Ecology, University of California, Davis. June 1987.
B.S. Anthropology, University of California, Davis. June 1985.
Corcoran High School, Corcoran, California. June 1981.

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### Experience

- 762 professional reports, including:
- 90 peer reviewed publications
- 24 in non-reviewed proceedings
- 646 reports, declarations, posters and book reviews
- 8 in mass media outlets
- 92 public presentations of research results

Editing for scientific journals: Guest Editor, *Wildlife Society Bulletin*, 2012-2013, of invited papers representing international views on the impacts of wind energy on wildlife and how to mitigate the impacts. Associate Editor, *Journal of Wildlife Management*, March 2004 to 30 June 2007. Editorial Board Member, *Environmental Management*, 10/1999 to 8/2004. Associate Editor, *Biological Conservation*, 9/1994 to 9/1995.

Member, Alameda County Scientific Review Committee (SRC), August 2006 to April 2011. The five-member committee investigated causes of bird and bat collisions in the Altamont Pass Wind Resource Area, and recommended mitigation and monitoring measures. The SRC reviewed the science underlying the Alameda County Avian Protection Program, and advised

the County on how to reduce wildlife fatalities.

Consulting Ecologist, 2004-2007, California Energy Commission (CEC). Provided consulting services as needed to the CEC on renewable energy impacts, monitoring and research, and produced several reports. Also collaborated with Lawrence-Livermore National Lab on research to understand and reduce wind turbine impacts on wildlife.

Consulting Ecologist, 1999-2013, U.S. Navy. Performed endangered species surveys, hazardous waste site monitoring, and habitat restoration for the endangered San Joaquin kangaroo rat, California tiger salamander, California red-legged frog, California clapper rail, western burrowing owl, salt marsh harvest mouse, and other species at Naval Air Station Lemoore; Naval Weapons Station, Seal Beach, Detachment Concord; Naval Security Group Activity, Skaggs Island; National Radio Transmitter Facility, Dixon; and, Naval Outlying Landing Field Imperial Beach.

Part-time Lecturer, 1998-2005, California State University, Sacramento. Instructed Mammalogy, Behavioral Ecology, and Ornithology Lab, Contemporary Environmental Issues, Natural Resources Conservation.

Senior Ecologist, 1999-2005, BioResource Consultants. Designed and implemented research and monitoring studies related to avian fatalities at wind turbines, avian electrocutions on electric distribution poles across California, and avian fatalities at transmission lines.

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Chairman, Conservation Affairs Committee, The Wildlife Society--Western Section, 1999-2001. Prepared position statements and led efforts directed toward conservation issues, including travel to Washington, D.C. to lobby Congress for more wildlife conservation funding.

Systems Ecologist, 1995-2000, Institute for Sustainable Development. Headed ISD's program on integrated resources management. Developed indicators of ecological integrity for large areas, using remotely sensed data, local community involvement and GIS.

Associate, 1997-1998, Department of Agronomy and Range Science, University of California, Davis. Worked with Shu Geng and Mingua Zhang on several studies related to wildlife interactions with agriculture and patterns of fertilizer and pesticide residues in groundwater across a large landscape.

Lead Scientist, 1996-1999, National Endangered Species Network. Informed academic scientists and environmental activists about emerging issues regarding the Endangered Species Act and other environmental laws. Testified at public hearings on endangered species issues.

Ecologist, 1997-1998, Western Foundation of Vertebrate Zoology. Conducted field research to determine the impact of past mercury mining on the status of California red-legged frogs in Santa Clara County, California.

Senior Systems Ecologist, 1994-1995, EIP Associates, Sacramento, California. Provided consulting services in environmental planning, and quantitative assessment of land units for their conservation and restoration opportunities basedon ecological resource requirements of 29 special-status species. Developed ecological indicators for prioritizing areas within Yolo County

to receive mitigation funds for habitat easements and restoration.

Post-Graduate Researcher, 1990-1994, Department of Agronomy and Range Science, *U.C. Davis*. Under Dr. Shu Geng's mentorship, studied landscape and management effects on temporal and spatial patterns of abundance among pocket gophers and species of Falconiformes and Carnivora in the Sacramento Valley. Managed and analyzed a data base of energy use in California agriculture. Assisted with landscape (GIS) study of groundwater contamination across Tulare County, California.

Work experience in graduate school: Co-taught Conservation Biology with Dr. Christine Schonewald, 1991 & 1993, UC Davis Graduate Group in Ecology; Reader for Dr. Richard Coss's course on Psychobiology in 1990, UC Davis Department of Psychology; Research Assistant to Dr. Walter E. Howard, 1988-1990, UC Davis Department of Wildlife and Fisheries Biology, testing durable baits for pocket gopher management in forest clearcuts; Research Assistant to Dr. Terrell P. Salmon, 1987-1988, UC Wildlife Extension, Department of Wildlife and Fisheries Biology, developing empirical models of mammal and bird invasions in North America, and a rating system for priority research and control of exotic species based on economic, environmental and human health hazards in California. Student Assistant to Dr. E. Lee Fitzhugh, 1985-1987, UC Cooperative Extension, Department of Wildlife and Fisheries Biology, developing and implementing statewide mountain lion track count for long-term monitoring.

Fulbright Research Fellow, Indonesia, 1988. Tested use of new sampling methods for numerical monitoring of Sumatran tiger and six other species of endemic felids, and evaluated methods used by other researchers.

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**Projects**

Repowering wind energy projects through careful siting of new wind turbines using map-based collision hazard models to minimize impacts to volant wildlife. Funded by wind companies (principally NextEra Renewable Energy, Inc.), California Energy Commission and East Bay Regional Park District, I have collaborated with a GIS analyst and managed a crew of five field biologists performing golden eagle behavior surveys and nocturnal surveys on bats and owls. The goal is to quantify flight patterns for development of predictive models to more carefully site new wind turbines in repowering projects. Focused behavior surveys began May 2012 and continue. Collision hazard models have been prepared for seven wind projects, three of which were built. Planning for additional repowering projects is underway.

Test avian safety of new mixer-ejector wind turbine (MEWT). Designed and implemented a before-after, control-impact experimental design to test the avian safety of a new, shrouded wind turbine developed by Ogin Inc. (formerly known as FloDesign Wind Turbine Corporation). Supported by a $718,000 grant from the California Energy Commission's Public Interest Energy Research program and a 20% match share contribution from Ogin, I managed a crew of seven field biologists who performed periodic fatality searches and behavior surveys, carcass detection trials, nocturnal behavior surveys using a thermal camera, and spatial analyses with the collaboration of a GIS analyst. Field work began 1 April 2012 and ended 30 March 2015 without Ogin installing its MEWTs, but we still achieved multiple important scientific advances.

Reduce avian mortality due to wind turbines at Altamont Pass. Studied wildlife impacts caused by 5,400 wind turbines at the world's most notorious wind resource area. Studied how impacts are perceived by monitoring and how they are affected by terrain, wind patterns, food resources, range management practices, wind turbine operations, seasonal patterns, population cycles, infrastructure management such as electric distribution, animal behavior and social interactions.

Reduce avian mortality on electric distribution poles. Directed research toward reducing bird electrocutions on electric distribution poles, 2000-2007. Oversaw 5 founds of fatality searches at 10,000 poles from Orange County to Glenn County, California, and produced two large reports.

Cook *et al.* v. Rockwell International *et al.*, No. 90-K-181 (D. Colorado). Provided expert testimony on the role of burrowing animals in affecting the fate of buried and surface-deposited radioactive and hazardous chemical wastes at the Rocky Flats Plant, Colorado. Provided expert reports based on four site visits and an extensive document review of burrowing animals. Conducted transect surveys for evidence of burrowing animals and other wildlife on and around waste facilities. Discovered substantial intrusion of waste structures by burrowing animals. I testified in federal court in November 2005, and my clients were subsequently awarded a $553,000,000 judgment by a jury. After appeals the award was increased to two billion dollars.

Hanford Nuclear Reservation Litigation. Provided expert testimony on the role of burrowing animals in affecting the fate of buried radioactive wastes at the Hanford Nuclear Reservation, Washington. Provided three expert reports based on three site visits and extensive document review. Predicted and verified a certain population density of pocket gophers on buried waste structures, as well as incidence of radionuclide contamination in body tissue. Conducted transect surveys for evidence of burrowing animals and other wildlife on and around waste facilities. Discovered substantial intrusion of waste structures by burrowing animals.

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Expert testimony and declarations on proposed residential and commercial developments, gas-fired power plants, wind, solar and geothermal projects, water transfers and water transfer delivery systems, endangered species recovery plans, Habitat Conservation Plans and Natural Communities Conservation Programs. Testified before multiple government agencies, Tribunals, Boards of Supervisors and City Councils, and participated with press conferences and depositions. Prepared expert witness reports and court declarations, which are summarized under Reports (below).

Protocol-level surveys for special-status species. Used California Department of Fish and Wildlife and US Fish and Wildlife Service protocols to search for California red-legged frog, California tiger salamander, arroyo southwestern toad, blunt-nosed leopard lizard, western pond turtle, giant kangaroo rat, San Joaquin kangaroo rat, San Joaquin kit fox, western burrowing owl, Swainson's hawk, Valley elderberry longhorn beetle and other special-status species.

Conservation of San Joaquin kangaroo rat. Performed research to identify factors responsible for the decline of this endangered species at Lemoore Naval Air Station, 2000-2013, and implemented habitat enhancements designed to reverse the trend and expand the population.

Impact of West Nile Virus on yellow-billed magpies. Funded by Sacramento-Yolo Mosquito and Vector Control District, 2005-2008, compared survey results pre- and post-West Nile Virus epidemic for multiple bird species in the Sacramento Valley, particularly on yellow-billed magpie and American crow due to susceptibility to WNV.

Workshops on HCPs. Assisted Dr. Michael Morrison with organizing and conducting a 2-day workshop on Habitat Conservation Plans, sponsored by Southern California Edison, and another 1-day workshop sponsored by PG&E. These Workshops were attended by academics, attorneys, and consultants with HCP experience. We guest-edited a Proceedings published in Environmental Management.

Mapping of biological resources along Highways 101, 46 and 41. Used GPS and GIS to delineate vegetation complexes and locations of special-status species along 26 miles of highway in San Luis Obispo County, 14 miles of highway and roadway in Monterey County, and in a large area north of Fresno, including within reclaimed gravel mining pits.

GPS mapping and monitoring at restoration sites and at Caltrans mitigation sites. Monitored the success of elderberry shrubs at one location, the success of willows at another location, and the response of wildlife to the succession of vegetation at both sites. Also used GPS to monitor the response of fossorial animals to yellow star-thistle eradication and natural grassland restoration efforts at Bear Valley in Colusa County and at the decommissioned Mather Air Force Base in Sacramento County.

Mercury effects on Red-legged Frog. Assisted Dr. Michael Morrison and US Fish and Wildlife Service in assessing the possible impacts of historical mercury mining on the federally listed California red-legged frog in Santa Clara County. Also measured habitat variables in streams.

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Opposition to proposed No Surprises rule. Wrote a white paper and summary letter explaining scientific grounds for opposing the incidental take permit (ITP) rules providing ITP applicants and holders with general assurances they will be free of compliance with the Endangered Species Act once they adhere to the terms of a "properly functioning HCP." Submitted 188 signatures of scientists and environmental professionals concerned about No Surprises rule US Fish and Wildlife Service, National Marine Fisheries Service, all US Senators.

Natomas Basin Habitat Conservation Plan alternative. Designed narrow channel marsh to increase the likelihood of survival and recovery in the wild of giant garter snake, Swainson's hawk and Valley Elderberry Longhorn Beetle. The design included replication and interspersion of treatments for experimental testing of critical habitat elements. I provided a report to Northern Territories, Inc.

Assessments of agricultural production system and environmental technology transfer to China. Twice visited China and interviewed scientists, industrialists, agriculturalists, and the Directors of the Chinese Environmental Protection Agency and the Department of Agriculture to assess the need and possible pathways for environmental clean-up technologies and trade opportunities between the US and China.

Yolo County Habitat Conservation Plan. Conducted landscape ecology study of Yolo County to spatially prioritize allocation of mitigation efforts to improve ecosystem functionality within the County from the perspective of 29 special-status species of wildlife and plants. Used a hierarchically structured indicators approach to apply principles of landscape and ecosystem ecology, conservation biology, and local values in rating land units. Derived GIS maps to help guide the conservation area design, and then developed implementation strategies.

Mountain lion track count. Developed and conducted a carnivore monitoring program throughout California since 1985. Species counted include mountain lion, bobcat, black bear, coyote, red and gray fox, raccoon, striped skunk, badger, and black-tailed deer. Vegetation and land use are also monitored. Track survey transect was established on dusty, dirt roads within randomly selected quadrats.

Sumatran tiger and other felids. Upon award of Fulbright Research Fellowship, I designed and initiated track counts for seven species of wild cats in Sumatra, including Sumatran tiger, fishing cat, and golden cat. Spent four months on Sumatra and Java in 1988, and learned Bahasa Indonesia, the official Indonesian language.

Wildlife in agriculture. Beginning as post-graduate research, I studied pocket gophers and other wildlife in 40 alfalfa fields throughout the Sacramento Valley, and I surveyed for wildlife along a 200 mile road transect since 1989 with a hiatus of 1996-2004. The data are analyzed using GIS and methods from landscape ecology, and the results published and presented orally to farming groups in California and elsewhere. I also conducted the first study of wildlife in cover crops used on vineyards and orchards.

Agricultural energy use and Tulare County groundwater study. Developed and analyzed a data base of energy use in California agriculture, and collaborated on a landscape (GIS) study of groundwater contamination across Tulare County, California.

Pocket gopher damage in forest clear-cuts. Developed gopher sampling methods and tested various poison baits and baiting regimes in the largest-ever field study of pocket gopher management in forest plantations, involving 68 research plots in 55 clear-cuts among 6 National Forests in northern California.

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Risk assessment of exotic species in North America. Developed empirical models of mammal and bird species invasions in North America, as well as a rating system for assigning priority research and control to exotic species in California, based on economic, environmental, and human health hazards.

**Peer Reviewed Publications**

Smallwood, K. S. 2022. Utility-scale solar impacts to volant wildlife. Journal of Wildlife Management: e22216. https://doi.org/10.1002/jwmg.22216

Smallwood, K. S., and N. L. Smallwood. 2021. Breeding Density and Collision Mortality of Loggerhead Shrike (*Lanius ludovicianus*) in the Altamont Pass Wind Resource Area. Diversity 13, 540. https://doi.org/10.3390/d13110540.

Smallwood, K. S. 2020. USA wind energy-caused bat fatalities increase with shorter fatality search intervals. Diversity 12(98); https://doi.org/10.3390/d12030098

Smallwood, K. S., D. A. Bell, and S. Standish. 2020. Dogs detect larger wind energy impacts on bats and birds. Journal of Wildlife Management 84:852-864. DOI: 10.1002/jwmg.21863.

Smallwood, K. S., and D. A. Bell. 2020. Relating bat passage rates to wind turbine fatalities.

Diversity 12(84); doi:10.3390/d12020084.

Smallwood, K. S., and D. A. Bell. 2020. Effects of wind turbine curtailment on bird and bat fatalities. Journal of Wildlife Management 84:684-696. DOI: 10.1002/jwmg.21844

Kitano, M., M. Ino, K. S. Smallwood, and S. Shiraki. 2020. Seasonal difference in carcass persistence rates at wind farms with snow, Hokkaido, Japan. Ornithological Science 19: 63–71.

Smallwood, K. S. and M. L. Morrison. 2018. Nest-site selection in a high-density colony of burrowing owls. Journal of Raptor Research 52:454-470.

Smallwood, K. S., D. A. Bell, E. L. Walther, E. Leyvas, S. Standish, J. Mount, B. Karas. 2018. Estimating wind turbine fatalities using integrated detection trials. Journal of Wildlife Management 82:1169-1184.

Smallwood, K. S. 2017. Long search intervals under-estimate bird and bat fatalities caused by wind turbines. Wildlife Society Bulletin 41:224-230.

Smallwood, K. S. 2017. The challenges of addressing wildlife impacts when repowering wind energy projects. Pages 175-187 in Köppel, J., Editor, Wind Energy and Wildlife Impacts: Proceedings from the CWW2015 Conference. Springer. Cham, Switzerland.

May, R., Gill, A. B., Köppel, J. Langston, R. H.W., Reichenbach, M., Scheidat, M., Smallwood, S., Voigt, C. C., Hüppop, O., and Portman, M. 2017. Future research directions to reconcile wind turbine–wildlife interactions. Pages 255-276 in Köppel, J., Editor, Wind Energy and Wildlife Impacts: Proceedings from the CWW2015 Conference. Springer. Cham, Switzerland.

Smallwood, K. S. 2017. Monitoring birds. M. Perrow, Ed., Wildlife and Wind Farms - Conflicts and Solutions, Volume 2. Pelagic Publishing, Exeter, United Kingdom. www.bit.ly/2v3cR9Q

Smallwood, K. S., L. Neher, and D. A. Bell. 2017. Turbine siting for raptors: an example from Repowering of the Altamont Pass Wind Resource Area. M. Perrow, Ed., Wildlife and Wind Farms - Conflicts and Solutions, Volume 2. Pelagic Publishing, Exeter, United Kingdom. www.bit.ly/2v3cR9Q

Johnson, D. H., S. R. Loss, K. S. Smallwood, W. P. Erickson. 2016. Avian fatalities at wind energy facilities in North America: A comparison of recent approaches. Human–Wildlife Interactions 10(1):7-18.

Sadar, M. J., D. S.-M. Guzman, A. Mete, J. Foley, N. Stephenson, K. H. Rogers, C. Grosset, K. S. Smallwood, J. Shipman, A. Wells, S. D. White, D. A. Bell, and M. G. Hawkins. 2015. Mange Caused by a novel Micnemidocoptes mite in a Golden Eagle (*Aquila chrysaetos*). Journal of Avian Medicine and Surgery 29(3):231-237.

Smallwood, K. S. 2015. Habitat fragmentation and corridors. Pages 84-101 in M. L. Morrison and H. A. Mathewson, Eds., Wildlife habitat conservation: concepts, challenges, and solutions. John Hopkins University Press, Baltimore, Maryland, USA.

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# EXHIBIT B

SWAPE Technical Consultation, Data Analysis and Litigation Support for the Environment

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May 10, 2024

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**Subject: Comments on the Shirk & Riggin Industrial Park Project (SCH No. 2022080658)**

Dear Mr. Flynn,

We have reviewed the April 2024 Draft Environment Impact Report ("DEIR") for the Shirk & Riggin Industrial Park Project ("Project") located in the City of Visalia ("City"). The Project proposes to construct 3,720,149-square-feet ("SF") of industrial space and 3,750 parking spaces on the 284-acre site.

Our review concludes that the DEIR fails to adequately evaluate the Project's air quality, health risk, and greenhouse gas ("GHG") impacts. As a result, emissions and health risk impacts associated with construction and operation of the proposed Project may be underestimated and inadequately addressed. A revised Environmental Impact Report ("EIR") should be prepared to adequately assess and mitigate the potential air quality, health risk, and GHG impacts that the project may have on the environment. 28

# Air Quality

## Failure to Implement All Feasible Mitigation Measures to Reduce Emissions

The DEIR estimates that the Project's construction-related and operational emissions would exceed the applicable San Joaquin Valley Air Pollution Control District ("SJVAPCD") thresholds. Specifically, regarding construction-related impacts, the DEIR states: 29

> "[I]f construction Phases 1, 2, and 3 were to overlap (i.e., concurrent phasing), the proposed project would exceed Valley Air District thresholds for $NO_X$ and ROG even with implementation of MM AIR-2a. Moreover, no other feasible mitigation measures exist that could reduce $NO_X$ emissions further because the majority of emissions would be due to the amount of construction equipment in use. Even with MM AIR-2a, the concurrent schedule would result in

such a large amount of construction activity occurring at the same time that it would not reduce the resulting $NO_X$ emissions to below thresholds. Therefore, construction emission impacts of the concurrent worst-case scenario would be significant and unavoidable" (p. 3.3-49).

The DEIR claims that, while the Project's construction-related emissions would exceed applicable thresholds for both reactive organic gases ("ROG") and nitrogen oxides ("$NO_x$"), no feasible mitigation measures exist to further reduce $NO_x$ emissions. Furthermore, regarding operational impacts, the DEIR states:

"However, at the time of this report, there is not sufficient information to guarantee that the proposed project could feasibly implement the reduction measures associated with these mitigation measures. Moreover, the project applicant would not have ownership over the operational truck fleets because they would be owned and operated by third party vendors, and as such, the proposed project applicant could not mitigate the impacts of the primary source of operational emissions. Therefore, in the absence of certainty that the identified mitigation can be feasibly mitigated such that project impacts would be reduced to a less than significant level, impacts would remain significant and unavoidable due to $NO_X$ during construction and ROG, $NO_X$, $PM_{10}$ during operation of the proposed project" (p. 3.3-52).

The DEIR concludes that, even with the implementation of mitigation measures, the Project would exceed SJVAPCD ROG, $NO_x$ and Particulate Matter 10 ("$PM_{10}$") operational thresholds.

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As discussed, the DEIR concludes the criteria air pollutant impacts associated with both construction and operation of the Project would be significant-and-unavoidable. While we agree that the Project would result in significant air quality impacts, the DEIR's assertion that this impact is significant-and-unavoidable is incorrect. According to the California Environmental Quality Act ("CEQA") Guidelines § 15096(a)(1):

"An EIR shall describe feasible measures which could minimize significant adverse impacts, including where relevant, inefficient and unnecessary consumption of energy."

Per CEQA guidelines, the DEIR is required to consider the implementation of all feasible mitigation to reduce impacts to the maximum extent possible. However, although the Project implements Mitigation Measures ("MM") Air-2a through Air-2g, further review demonstrates additional feasible mitigation is available. The DEIR therefore fails to comply with CEQA, and the significant-and-unavoidable impact conclusion should not be relied upon.

Furthermore, CEQA requires that EIRs conduct a good-faith effort at fully disclosing environmental impacts, stating:

"CEQA does not require technical perfection in an EIR, but rather adequacy, completeness, and a good-faith effort at full disclosure."[1]

By failing to discuss the implementation of potential mitigation measures and failing to include additional available measures, the DEIR does not make a good-faith effort at full disclosure. We will recommend additional feasible mitigation, such as those suggested in the section of this letter titled "Feasible Mitigation Measures Available to Reduce Emissions", for the Project to implement to reduce the significant construction-related and operational criteria pollutant emissions to the maximum extent possible. 29 CONT

## Diesel Particulate Matter Emissions Inadequately Evaluated

The DEIR concludes that the proposed Project would result in a less-than-significant health risk impact based on a quantified construction and mobile-source operational health risk assessment ("HRA"). Specifically, the Air Quality, Greenhouse Gas Emissions, and Energy Analysis Report ("AQ & GHG Analysis") provided as Appendix B to the DEIR, estimates that the maximum incremental cancer risk posed to nearby, existing residential sensitive receptors associated with exposure to diesel particulate matter ("DPM") emissions during Project construction and operation would be 6.04 in one million, which would not exceed the SJVAPCD significance threshold of 20 in one million (see excerpt below) (p. 111, Table 27).

**Table 27: Cumulative Health Risks and Hazards During Worst-Case/Concurrent Construction (Mitigated) and Operation (Unmitigated) at the MIR**

| Source | Cancer Risk (risk per million) | Chronic Non-Cancer HI | Acute Non-Cancer HI[1] |
|---|---|---|---|
| Worst-case Construction + Operation | 6.04 | 0.0025 | 0.06 |
| **Significance Threshold** | **20** | **1** | **1** |
| **Exceeds Cumulative Threshold?** | **No** | **No** | **No** |

Notes:
DPM = diesel particulate matter
HI = hazard index
MIR = Maximally Impacted Sensitive Receptor
Source: Health Risk Assessment (Appendix B).

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However, the DEIR's evaluation of the Project's potential health risk impacts, as well as the subsequent less-than-significant impact conclusion, is incorrect.

The DEIR fails to provide the HRA's exposure assumptions, such as Age Sensitivity Factors ("ASF") and Fraction of Time at Home ("FAH") values mentioned in the cancer risk assessment methodology equations. Specifically, the Project relies on the following dose and risk equation (p. 3.3-64):

[1] "2024 CEQA Statue & Guidelines." Association of Environmental Professionals, *available at:* https://www.califaep.org/statute_and_guidelines.php, p. 174.

Inhalation Exposure Factor=CPF x EF x ED x DBR x AAF/AT (EQ-2)

Where:

CPF = Inhalation cancer potency factor for the TAC: 1.1 $(mg/kg\text{-}day)^{-1}$ for DPM
EF = Exposure frequency (days/year)
ED = Exposure duration (years of construction)
AAF = set of age-specific adjustment factors that include age sensitivity factors (ASF), daily breathing rates (DBR), and time at home factors (TAH)
AT = Averaging time period over which exposure is averaged (days)

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As demonstrated above, the HRA's relies upon an equation that fails to implement specific exposure assumptions, such as ASF and FAH values. As a result, we cannot verify the calculation of the Project's construction cancer risk is accurate. Until further information is provided regarding the Project's specific exposure assumptions, the Project's cancer risks may be underestimated.

## Greenhouse Gas

### Failure to Adequately Evaluate Greenhouse Gas Impacts

The AQ & GHG Analysis estimates that the Project would generate net annual GHG emissions of 59,467 metric tons of carbon dioxide equivalents per year ("MT $CO_2e$/year") (see excerpt below) (p. 126, Table 32).

**Table 32: Project Operational Greenhouse Gases 2030**

| Source | Emissions (MT $CO_2e$ per year) (approx.) | |
|---|---|---|
| | Business as Usual | 2030 |
| Area | 0.070 | 0.0724 |
| Energy | 10,806 | 4,947 |
| Mobile–Passenger Vehicles | 15,098 | 9,811 |
| Mobile–Trucks | 69,786 | 40,127 |
| Waste | 2,271 | 2,001 |
| Water | 1,969 | 1,969 |
| Amortized Construction Emissions | 611 | 611 |
| **Total** | **100,540** | **59,467** |
| Reduction from BAU | | 41,074 |
| Percent Reduction | | 40.9% |
| City of Visalia Significance Threshold | | 30% |
| Valley Air District Significance Threshold | | 29% |
| **Are emissions significant?** | | **No** |

Notes:
BAU = Business as Usual
MT $CO_2e$ = metric tons of carbon dioxide equivalent
The project achieves the Valley Air District 29 percent reduction from BAU threshold, and the 21.7 percent required to show consistency with AB 32 targets.
Source of BAU emissions: CalEEMod output using 2005 modeling year to represent emissions in 2020 without regulations (Appendix A).
Source of 2030 emissions: CalEEMod output (Appendix A).

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The DEIR states the Project will demonstrate consistency with the City's Climate Action Plan ("CAP"), stating:

> "As described in Table 33, although many actions in the City of Visalia's CAP would not apply as they are intended to be actions taken by the City as opposed to being implemented by individual development projects, the proposed project would be consistent with nearly all the City of Visalia CAP actions applicable to individual development, given the nature of the proposed project including the incorporation of identified design features, as well as assumed implementation of recommended mitigation measures except CAP Action–Solar Panels" (p. 133).

In order to demonstrate consistency with the City's CAP, the DEIR includes various mitigation measures. Specifically, the DEIR implements MM GHG-2a, which states:

> "MM GHG-2a would require that the proposed project includes one of the following measures: rooftop solar panels, solar-ready rooftop design, as feasible, or roofing material contains light coloring with a solar reflective index greater than 78. Therefore, with implementation of MM GHG-2a the proposed project would be consistent with this action" (p. 128)

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As discussed, the Project proposes to include either rooftop solar panels, solar-ready rooftop designs, or roofing material that contains a solar reflective index greater than 78 in order to reduce GHG emissions. However, the implementation of these three options would yield varying results. CEQA guidelines requires the use of 'conservative analysis' to afford 'fullest possible protection of the environment.'[2] Consequently, to be consistent with CEQA guidelines, the Project should demonstrate consistency with the most conservative approach.

Similarly, to be consistent with the City's CAP, the Project should implement solar panels specifically, as suggested above. As such, we recommend the Project specifically implements rooftop solar panels as a formal mitigation measure.

## Mitigation

### Feasible Mitigation Measures Available to Reduce Emissions

According to California Environmental Quality Act ("CEQA") Guidelines § 15096(g)(2):

> "When an updated EIR has been prepared for a project, the Responsible Agency shall not approve the project as proposed if the agency finds any feasible alternative or feasible mitigation measures within its powers that would substantially lessen or avoid any significant effect the project would have on the environment."

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Consequently, the DEIR is required under CEQA to implement all feasible mitigation to reduce the Project's potential impacts. We will recommend various mitigation measure specific to this project,

[2] "Warehouse Truck Trip Study Data Results and Usage" Presentation. SCAQMD Inland Empire Logistics Council, June 2014, *available at*: http://www.aqmd.gov/docs/default-source/ceqa/handbook/high-cube-warehouse-trip-rate-study-for-air-quality-analysis/final-ielc_6-19-2014.pdf?sfvrsn=2

alongside referring to the Department of Justice's ("DOJ") advice regarding "best practices" for warehouse projects. [3]

As discussed above in the section titled "Failure to Implement All Feasible Mitigation to Reduce Emissions," our analysis demonstrates that the Project would result in potentially significant air quality impacts from ROG, $NO_x$, and $PM_{10}$ emissions. The CalEEMod User's Guide states that ROG, or volatile organic compounds ("VOC"), emissions are calculated from both the application of architectural coating and the exhaust of mobile sources.[4] Specifically, the Environmental Protection Agency ("EPA") details that VOCs are emitted from the use of "paints, solvents, aerosol sprays, cleansers, tobacco smoke" as well as "combustion and fuel evaporation," outlined in Table 3.3-1 to the DEIR (p. 3.3-7 – 8). [5]

While the DEIR incorporates MM AIR-2b for construction-related architectural coatings titled "Super Compliant Architectural Coating During Construction," it fails to mention operational architectural coatings whatsoever. As operational architectural coatings emit ROGs, the DEIR should consequently mitigate the associated impacts.[6]

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Furthermore, the EPA explains that $NO_x$ emissions originate from "motor vehicle internal combustion engines and fossil fuel-fired electric utility and industrial boilers."[7] Similarly, according to the EPA, sources of $PM_{10}$ emissions include "vehicle exhaust and road dust." [8] To reduce $NO_x$ and $PM_{10}$ emissions during Project construction and operations from engine exhaust, we recommend several mitigation measures from SCAG's 2020 *RTP/SCS* PEIR's Air Quality Project Level Mitigation Measures ("PMM-AQ-1") that target Project-related $NO_x$ and $PM_{10}$ sources: [9]

- Minimize unnecessary vehicular and machinery activities.
- Require contractors to assemble a comprehensive inventory list (i.e., make, model, engine year, horsepower, emission rates) of all heavy-duty off-road (portable and mobile) equipment (50 horsepower and greater) that could be used an aggregate of 40 or more hours for the

[3] "Warehouse Projects: Best Practices and Mitigation Measures to Comply with the California Environmental Quality Act." State of California Department of Justice, September 2022, *available at*: https://oag.ca.gov/system/files/media/warehouse-best-practices.pdf, p. 8 – 10.
[4] "Calculation Details for CalEEMod." CAPCOA, May 2021, *available at:* http://www.aqmd.gov/docs/default-source/caleemod/user-guide-2021/appendix-a2020-4-0.pdf?sfvrsn=6, Appendix A, p. 3.
[5] "Indoor Air Quality. Sources of Indoor Air Pollution—Organic Gases (Volatile Organic Compounds—VOCs)." EPA, November 2017, *available at*: https://www.epa.gov/indoor-air-quality-iaq/volatile-organic-compounds-impact-indoor-air-quality.
[6] "Calculation Details for CalEEMod." AQMD, May 2021, *available at:* https://www.aqmd.gov/docs/default-source/caleemod/user-guide-2021/appendix-a2020-4-0.pdf?sfvrsn=6.
[7] "Proposed Revisions to the National Ambient Air Quality Standards for Nitrogen Dioxide." EPA, July 2009, *available at*: https://www.gpo.gov/fdsys/pkg/FR-2009-07-15/pdf/E9-15944.pdf.
[8] "Particle Pollution and your Health." EPA, September 2003, *available at*: https://www.airnow.gov/publications/air-quality-andyour-health/partical-pollution-and-your-health/.
[9] "4.0 Mitigation Measures." Connect SoCal Program Environmental Impact Report Addendum #1, September 2020, available at: https://scag.ca.gov/sites/main/files/file-attachments/fpeir_connectsocal_addendum_4_mitigationmeasures.pdf?1606004420, p. 4.0-2 – 4.0-10; 4.0-19 – 4.0-23; See also: "Certified Final Connect SoCal Program Environmental Impact Report." Southern California Association of Governments (SCAG), May 2020, *available at:* https://scag.ca.gov/peir.

construction project. Prepare a plan for approval by the applicable air district demonstrating achievement of the applicable percent reduction for a CARB-approved fleet. Daily logging of the operating hours of the equipment should also be required.

- Ensure that all construction equipment is properly tuned and maintained.
- Minimize idling time to 5 minutes or beyond regulatory requirements —saves fuel and reduces emissions.
- Projects located within the South Coast Air Basin should consider applying for South Coast AQMD "SOON" funds which provides funds to applicable fleets for the purchase of commercially available, low-emission heavy-duty engines to achieve near-term reduction of NOx emissions from in-use off-road diesel vehicles.

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As demonstrated above, we have provided several mitigation measures that would reduce operational ROG emissions, and operational and construction-related $NO_x$ and $PM_{10}$ emissions, respectively. These measures offer a cost-effective, feasible way to incorporate lower-emitting design features into the proposed Project, which subsequently reduce emissions released during Project construction and operation.

A revised EIR should be prepared to include all feasible mitigation measures, as well as include an updated air quality analysis to ensure that the necessary mitigation measures are implemented to reduce emissions to below thresholds. The revised EIR should also demonstrate a commitment to the implementation of these measures prior to Project approval, to ensure that the Project's potentially significant emissions are reduced to the maximum extent possible.

## Disclaimer

SWAPE has received limited discovery regarding this project. Additional information may become available in the future; thus, we retain the right to revise or amend this report when additional information becomes available. Our professional services have been performed using that degree of care and skill ordinarily exercised, under similar circumstances, by reputable environmental consultants practicing in this or similar localities at the time of service. No other warranty, expressed or implied, is made as to the scope of work, work methodologies and protocols, site conditions, analytical testing results, and findings presented. This report reflects efforts which were limited to information that was reasonably accessible at the time of the work, and may contain informational gaps, inconsistencies, or otherwise be incomplete due to the unavailability or uncertainty of information obtained or provided by third parties.

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Sincerely,



Matt Hagemann, P.G., C.Hg.



Paul E. Rosenfeld, Ph.D.

Attachment A: Matt Hagemann CV
Attachment B: Paul Rosenfeld CV

**Attachment A**

SWAPE Technical Consultation, Data Analysis and Litigation Support for the Environment

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## Matthew F. Hagemann, P.G., C.Hg., QSD, QSP

**Geologic and Hydrogeologic Characterization**
**Investigation and Remediation Strategies**
**Litigation Support and Testifying Expert**
**Industrial Stormwater Compliance**
**CEQA Review**

**Education:**

M.S. Degree, Geology, California State University Los Angeles, Los Angeles, CA, 1984.
B.A. Degree, Geology, Humboldt State University, Arcata, CA, 1982.

**Professional Certifications:**

California Professional Geologist
California Certified Hydrogeologist
Qualified SWPPP Developer and Practitioner

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**Professional Experience:**

Matt has 30 years of experience in environmental policy, contaminant assessment and remediation, stormwater compliance, and CEQA review. He spent nine years with the U.S. EPA in the RCRA and Superfund programs and served as EPA's Senior Science Policy Advisor in the Western Regional Office where he identified emerging threats to groundwater from perchlorate and MTBE. While with EPA, Matt also served as a Senior Hydrogeologist in the oversight of the assessment of seven major military facilities undergoing base closure. He led numerous enforcement actions under provisions of the Resource Conservation and Recovery Act (RCRA) and directed efforts to improve hydrogeologic characterization and water quality monitoring. For the past 15 years, as a founding partner with SWAPE, Matt has developed extensive client relationships and has managed complex projects that include consultation as an expert witness and a regulatory specialist, and a manager of projects ranging from industrial stormwater compliance to CEQA review of impacts from hazardous waste, air quality and greenhouse gas emissions.

Positions Matt has held include:

- Founding Partner, Soil/Water/Air Protection Enterprise (SWAPE) (2003 – present);
- Geology Instructor, Golden West College, 2010 – 2104, 2017;
- Senior Environmental Analyst, Komex H2O Science, Inc. (2000 -- 2003);

- Executive Director, Orange Coast Watch (2001 – 2004);
- Senior Science Policy Advisor and Hydrogeologist, U.S. Environmental Protection Agency (1989– 1998);
- Hydrogeologist, National Park Service, Water Resources Division (1998 – 2000);
- Adjunct Faculty Member, San Francisco State University, Department of Geosciences (1993 – 1998);
- Instructor, College of Marin, Department of Science (1990 – 1995);
- Geologist, U.S. Forest Service (1986 – 1998); and
- Geologist, Dames & Moore (1984 – 1986).

**Senior Regulatory and Litigation Support Analyst:**

With SWAPE, Matt's responsibilities have included:

- Lead analyst and testifying expert in the review of over 300 environmental impact reports and negative declarations since 2003 under CEQA that identify significant issues with regard to hazardous waste, water resources, water quality, air quality, greenhouse gas emissions, and geologic hazards. Make recommendations for additional mitigation measures to lead agencies at the local and county level to include additional characterization of health risks and implementation of protective measures to reduce worker exposure to hazards from toxins and Valley Fever.
- Stormwater analysis, sampling and best management practice evaluation at more than 100 industrial facilities.
- Expert witness on numerous cases including, for example, perfluorooctanoic acid (PFOA) contamination of groundwater, MTBE litigation, air toxins at hazards at a school, CERCLA compliance in assessment and remediation, and industrial stormwater contamination.
- Technical assistance and litigation support for vapor intrusion concerns.
- Lead analyst and testifying expert in the review of environmental issues in license applications for large solar power plants before the California Energy Commission.
- Manager of a project to evaluate numerous formerly used military sites in the western U.S.
- Manager of a comprehensive evaluation of potential sources of perchlorate contamination in Southern California drinking water wells.
- Manager and designated expert for litigation support under provisions of Proposition 65 in the review of releases of gasoline to sources drinking water at major refineries and hundreds of gas stations throughout California.

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With Komex H2O Science Inc., Matt's duties included the following:

- Senior author of a report on the extent of perchlorate contamination that was used in testimony by the former U.S. EPA Administrator and General Counsel.
- Senior researcher in the development of a comprehensive, electronically interactive chronology of MTBE use, research, and regulation.
- Senior researcher in the development of a comprehensive, electronically interactive chronology of perchlorate use, research, and regulation.
- Senior researcher in a study that estimates nationwide costs for MTBE remediation and drinking water treatment, results of which were published in newspapers nationwide and in testimony against provisions of an energy bill that would limit liability for oil companies.
- Research to support litigation to restore drinking water supplies that have been contaminated by MTBE in California and New York.

- Expert witness testimony in a case of oil production-related contamination in Mississippi.
- Lead author for a multi-volume remedial investigation report for an operating school in Los Angeles that met strict regulatory requirements and rigorous deadlines.
- Development of strategic approaches for cleanup of contaminated sites in consultation with clients and regulators.

**Executive Director:**

As Executive Director with Orange Coast Watch, Matt led efforts to restore water quality at Orange County beaches from multiple sources of contamination including urban runoff and the discharge of wastewater. In reporting to a Board of Directors that included representatives from leading Orange County universities and businesses, Matt prepared issue papers in the areas of treatment and disinfection of wastewater and control of the discharge of grease to sewer systems. Matt actively participated in the development of countywide water quality permits for the control of urban runoff and permits for the discharge of wastewater. Matt worked with other nonprofits to protect and restore water quality, including Surfrider, Natural Resources Defense Council and Orange County CoastKeeper as well as with business institutions including the Orange County Business Council.

**Hydrogeology:**

As a Senior Hydrogeologist with the U.S. Environmental Protection Agency, Matt led investigations to characterize and cleanup closing military bases, including Mare Island Naval Shipyard, Hunters Point Naval Shipyard, Treasure Island Naval Station, Alameda Naval Station, Moffett Field, Mather Army Airfield, and Sacramento Army Depot. Specific activities were as follows:

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- Led efforts to model groundwater flow and contaminant transport, ensured adequacy of monitoring networks, and assessed cleanup alternatives for contaminated sediment, soil, and groundwater.
- Initiated a regional program for evaluation of groundwater sampling practices and laboratory analysis at military bases.
- Identified emerging issues, wrote technical guidance, and assisted in policy and regulation development through work on four national U.S. EPA workgroups, including the Superfund Groundwater Technical Forum and the Federal Facilities Forum.

At the request of the State of Hawaii, Matt developed a methodology to determine the vulnerability of groundwater to contamination on the islands of Maui and Oahu. He used analytical models and a GIS to show zones of vulnerability, and the results were adopted and published by the State of Hawaii and County of Maui.

As a hydrogeologist with the EPA Groundwater Protection Section, Matt worked with provisions of the Safe Drinking Water Act and NEPA to prevent drinking water contamination. Specific activities included the following:

- Received an EPA Bronze Medal for his contribution to the development of national guidance for the protection of drinking water.
- Managed the Sole Source Aquifer Program and protected the drinking water of two communities through designation under the Safe Drinking Water Act. He prepared geologic reports, conducted

public hearings, and responded to public comments from residents who were very concerned about the impact of designation.

- Reviewed a number of Environmental Impact Statements for planned major developments, including large hazardous and solid waste disposal facilities, mine reclamation, and water transfer.

Matt served as a hydrogeologist with the RCRA Hazardous Waste program. Duties were as follows:

- Supervised the hydrogeologic investigation of hazardous waste sites to determine compliance with Subtitle C requirements.
- Reviewed and wrote "part B" permits for the disposal of hazardous waste.
- Conducted RCRA Corrective Action investigations of waste sites and led inspections that formed the basis for significant enforcement actions that were developed in close coordination with U.S. EPA legal counsel.
- Wrote contract specifications and supervised contractor's investigations of waste sites.

With the National Park Service, Matt directed service-wide investigations of contaminant sources to prevent degradation of water quality, including the following tasks:

- Applied pertinent laws and regulations including CERCLA, RCRA, NEPA, NRDA, and the Clean Water Act to control military, mining, and landfill contaminants.
- Conducted watershed-scale investigations of contaminants at parks, including Yellowstone and Olympic National Park.
- Identified high-levels of perchlorate in soil adjacent to a national park in New Mexico and advised park superintendent on appropriate response actions under CERCLA.
- Served as a Park Service representative on the Interagency Perchlorate Steering Committee, a national workgroup.
- Developed a program to conduct environmental compliance audits of all National Parks while serving on a national workgroup.
- Co-authored two papers on the potential for water contamination from the operation of personal watercraft and snowmobiles, these papers serving as the basis for the development of nation-wide policy on the use of these vehicles in National Parks.
- Contributed to the Federal Multi-Agency Source Water Agreement under the Clean Water Action Plan.

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**Policy:**

Served senior management as the Senior Science Policy Advisor with the U.S. Environmental Protection Agency, Region 9.

Activities included the following:

- Advised the Regional Administrator and senior management on emerging issues such as the potential for the gasoline additive MTBE and ammonium perchlorate to contaminate drinking water supplies.
- Shaped EPA's national response to these threats by serving on workgroups and by contributing to guidance, including the Office of Research and Development publication, Oxygenates in Water: Critical Information and Research Needs.
- Improved the technical training of EPA's scientific and engineering staff.
- Earned an EPA Bronze Medal for representing the region's 300 scientists and engineers in negotiations with the Administrator and senior management to better integrate scientific

principles into the policy-making process.
- Established national protocol for the peer review of scientific documents.

**Geology:**

With the U.S. Forest Service, Matt led investigations to determine hillslope stability of areas proposed for timber harvest in the central Oregon Coast Range. Specific activities were as follows:

- Mapped geology in the field, and used aerial photographic interpretation and mathematical models to determine slope stability.
- Coordinated his research with community members who were concerned with natural resource protection.
- Characterized the geology of an aquifer that serves as the sole source of drinking water for the city of Medford, Oregon.

As a consultant with Dames and Moore, Matt led geologic investigations of two contaminated sites (later listed on the Superfund NPL) in the Portland, Oregon, area and a large hazardous waste site in eastern Oregon. Duties included the following:

- Supervised year-long effort for soil and groundwater sampling.
- Conducted aquifer tests.
- Investigated active faults beneath sites proposed for hazardous waste disposal.

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**Teaching:**

From 1990 to 1998, Matt taught at least one course per semester at the community college and university levels:

- At San Francisco State University, held an adjunct faculty position and taught courses in environmental geology, oceanography (lab and lecture), hydrogeology, and groundwater contamination.
- Served as a committee member for graduate and undergraduate students.
- Taught courses in environmental geology and oceanography at the College of Marin.

Matt is currently a part time geology instructor at Golden West College in Huntington Beach, California where he taught from 2010 to 2014 and in 2017.

**Invited Testimony, Reports, Papers and Presentations:**

**Hagemann, M.F**., 2008. Disclosure of Hazardous Waste Issues under CEQA. Presentation to the Public Environmental Law Conference, Eugene, Oregon.

**Hagemann, M.F**., 2008. Disclosure of Hazardous Waste Issues under CEQA. Invited presentation to U.S. EPA Region 9, San Francisco, California.

**Hagemann, M.F.,** 2005. Use of Electronic Databases in Environmental Regulation, Policy Making and Public Participation. Brownfields 2005, Denver, Coloradao.

**Hagemann, M.F.,** 2004. Perchlorate Contamination of the Colorado River and Impacts to Drinking Water in Nevada and the Southwestern U.S. Presentation to a meeting of the American Groundwater Trust, Las Vegas, NV (served on conference organizing committee).

**Hagemann, M.F.**, 2004. Invited testimony to a California Senate committee hearing on air toxins at schools in Southern California, Los Angeles.

Brown, A., Farrow, J., Gray, A. and **Hagemann, M.**, 2004. An Estimate of Costs to Address MTBE Releases from Underground Storage Tanks and the Resulting Impact to Drinking Water Wells. Presentation to the Ground Water and Environmental Law Conference, National Groundwater Association.

**Hagemann, M.F.,** 2004. Perchlorate Contamination of the Colorado River and Impacts to Drinking Water in Arizona and the Southwestern U.S. Presentation to a meeting of the American Groundwater Trust, Phoenix, AZ (served on conference organizing committee).

**Hagemann, M.F.,** 2003. Perchlorate Contamination of the Colorado River and Impacts to Drinking Water in the Southwestern U.S. Invited presentation to a special committee meeting of the National Academy of Sciences, Irvine, CA.

**Hagemann, M.F**., 2003. Perchlorate Contamination of the Colorado River. Invited presentation to a tribal EPA meeting, Pechanga, CA.

**Hagemann, M.F**., 2003. Perchlorate Contamination of the Colorado River. Invited presentation to a meeting of tribal repesentatives, Parker, AZ.

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CONT

**Hagemann, M.F**., 2003. Impact of Perchlorate on the Colorado River and Associated Drinking Water Supplies. Invited presentation to the Inter-Tribal Meeting, Torres Martinez Tribe.

**Hagemann, M.F**., 2003. The Emergence of Perchlorate as a Widespread Drinking Water Contaminant. Invited presentation to the U.S. EPA Region 9.

**Hagemann, M.F**., 2003. A Deductive Approach to the Assessment of Perchlorate Contamination. Invited presentation to the California Assembly Natural Resources Committee.

**Hagemann, M.F**., 2003. Perchlorate: A Cold War Legacy in Drinking Water. Presentation to a meeting of the National Groundwater Association.

**Hagemann, M.F**., 2002. From Tank to Tap: A Chronology of MTBE in Groundwater. Presentation to a meeting of the National Groundwater Association.

**Hagemann, M.F**., 2002. A Chronology of MTBE in Groundwater and an Estimate of Costs to Address Impacts to Groundwater. Presentation to the annual meeting of the Society of Environmental Journalists.

**Hagemann, M.F**., 2002. An Estimate of the Cost to Address MTBE Contamination in Groundwater (and Who Will Pay). Presentation to a meeting of the National Groundwater Association.

**Hagemann, M.F**., 2002. An Estimate of Costs to Address MTBE Releases from Underground Storage Tanks and the Resulting Impact to Drinking Water Wells. Presentation to a meeting of the U.S. EPA and State Underground Storage Tank Program managers.

**Hagemann, M.F**., 2001. From Tank to Tap: A Chronology of MTBE in Groundwater. Unpublished report.

**Hagemann, M.F**., 2001. Estimated Cleanup Cost for MTBE in Groundwater Used as Drinking Water. Unpublished report.

**Hagemann, M.F**., 2001. Estimated Costs to Address MTBE Releases from Leaking Underground Storage Tanks. Unpublished report.

**Hagemann, M.F**., and VanMouwerik, M., 1999. Potential Water Quality Concerns Related to Snowmobile Usage. Water Resources Division, National Park Service, Technical Report.

VanMouwerik, M. and **Hagemann, M.F**. 1999, Water Quality Concerns Related to Personal Watercraft Usage. Water Resources Division, National Park Service, Technical Report.

**Hagemann, M.F**., 1999, Is Dilution the Solution to Pollution in National Parks? The George Wright Society Biannual Meeting, Asheville, North Carolina.

**Hagemann, M.F**., 1997, The Potential for MTBE to Contaminate Groundwater. U.S. EPA Superfund Groundwater Technical Forum Annual Meeting, Las Vegas, Nevada.

**Hagemann, M.F**., and Gill, M., 1996, Impediments to Intrinsic Remediation, Moffett Field Naval Air Station, Conference on Intrinsic Remediation of Chlorinated Hydrocarbons, Salt Lake City.

**Hagemann, M.F**., Fukunaga, G.L., 1996, The Vulnerability of Groundwater to Anthropogenic Contaminants on the Island of Maui, Hawaii. Hawaii Water Works Association Annual Meeting, Maui, October 1996.

**Hagemann, M. F**., Fukanaga, G. L., 1996, Ranking Groundwater Vulnerability in Central Oahu, Hawaii. Proceedings, Geographic Information Systems in Environmental Resources Management, Air and Waste Management Association Publication VIP-61.

**Hagemann, M.F**., 1994. Groundwater Characterization and Cleanup at Closing Military Bases in California. Proceedings, California Groundwater Resources Association Meeting.

**Hagemann, M.**F. and Sabol, M.A., 1993. Role of the U.S. EPA in the High Plains States Groundwater Recharge Demonstration Program. Proceedings, Sixth Biennial Symposium on the Artificial Recharge of Groundwater.

**Hagemann, M.F**., 1993. U.S. EPA Policy on the Technical Impracticability of the Cleanup of DNAPL-contaminated Groundwater. California Groundwater Resources Association Meeting.

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**Hagemann, M.F**., 1992. Dense Nonaqueous Phase Liquid Contamination of Groundwater: An Ounce of Prevention... Proceedings, Association of Engineering Geologists Annual Meeting, v. 35.

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**Other Experience:**

Selected as subject matter expert for the California Professional Geologist licensing examinations, 2009-2011.

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# *Paul Rosenfeld, Ph.D.*

**Chemical Fate and Transport & Air Dispersion Modeling**

*Principal Environmental Chemist*

**Risk Assessment & Remediation Specialist**

## Education

Ph.D. Soil Chemistry, University of Washington, 1999. Dissertation on volatile organic compound filtration.

M.S. Environmental Science, U.C. Berkeley, 1995. Thesis on organic waste economics.

B.A. Environmental Studies, U.C. Santa Barbara, 1991. Focus on wastewater treatment.

## Professional Experience

Dr. Rosenfeld has over 25 years of experience conducting environmental investigations and risk assessments for evaluating impacts to human health, property, and ecological receptors. His expertise focuses on the fate and transport of environmental contaminants, human health risk, exposure assessment, and ecological restoration. Dr. Rosenfeld has evaluated and modeled emissions from oil spills, landfills, boilers and incinerators, process stacks, storage tanks, confined animal feeding operations, industrial, military and agricultural sources, unconventional oil drilling operations, and locomotive and construction engines. His project experience ranges from monitoring and modeling of pollution sources to evaluating impacts of pollution on workers at industrial facilities and residents in surrounding communities. Dr. Rosenfeld has also successfully modeled exposure to contaminants distributed by water systems and via vapor intrusion.

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Dr. Rosenfeld has investigated and designed remediation programs and risk assessments for contaminated sites containing lead, heavy metals, mold, bacteria, particulate matter, petroleum hydrocarbons, chlorinated solvents, pesticides, radioactive waste, dioxins and furans, semi- and volatile organic compounds, PCBs, PAHs, creosote, perchlorate, asbestos, per- and poly-fluoroalkyl substances (PFOA/PFOS), unusual polymers, fuel oxygenates (MTBE), among other pollutants. Dr. Rosenfeld also has experience evaluating greenhouse gas emissions from various projects and is an expert on the assessment of odors from industrial and agricultural sites, as well as the evaluation of odor nuisance impacts and technologies for abatement of odorous emissions. As a principal scientist at SWAPE, Dr. Rosenfeld directs air dispersion modeling and exposure assessments. He has served as an expert witness and testified about pollution sources causing nuisance and/or personal injury at sites and has testified as an expert witness on numerous cases involving exposure to soil, water and air contaminants from industrial, railroad, agricultural, and military sources.

## Professional History:

Soil Water Air Protection Enterprise (SWAPE); 2003 to present; Principal and Founding Partner
UCLA School of Public Health; 2007 to 2011; Lecturer (Assistant Researcher)
UCLA School of Public Health; 2003 to 2006; Adjunct Professor
UCLA Environmental Science and Engineering Program; 2002-2004; Doctoral Intern Coordinator
UCLA Institute of the Environment, 2001-2002; Research Associate
Komex $H_2O$ Science, 2001 to 2003; Senior Remediation Scientist
National Groundwater Association, 2002-2004; Lecturer
San Diego State University, 1999-2001; Adjunct Professor
Anteon Corp., San Diego, 2000-2001; Remediation Project Manager
Ogden (now Amec), San Diego, 2000-2000; Remediation Project Manager
Bechtel, San Diego, California, 1999 – 2000; Risk Assessor
King County, Seattle, 1996 – 1999; Scientist
James River Corp., Washington, 1995-96; Scientist
Big Creek Lumber, Davenport, California, 1995; Scientist
Plumas Corp., California and USFS, Tahoe 1993-1995; Scientist
Peace Corps and World Wildlife Fund, St. Kitts, West Indies, 1991-1993; Scientist

## Publications:

**Rosenfeld P. E.,** Spaeth K., Hallman R., Bressler R., Smith, G., (2022) Cancer Risk and Diesel Exhaust Exposure Among Railroad Workers. *Water Air Soil Pollution.* **233,** 171.

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CONT

Remy, L.L., Clay T., Byers, V., **Rosenfeld P. E.** (2019) Hospital, Health, and Community Burden After Oil Refinery Fires, Richmond, California 2007 and 2012. *Environmental Health.* 18:48

Simons, R.A., Seo, Y. **Rosenfeld, P**., (2015) Modeling the Effect of Refinery Emission On Residential Property Value. Journal of Real Estate Research. 27(3):321-342

Chen, J. A, Zapata A. R., Sutherland A. J., Molmen, D.R., Chow, B. S., Wu, L. E., **Rosenfeld, P. E.,** Hesse, R. C., (2012) Sulfur Dioxide and Volatile Organic Compound Exposure To A Community In Texas City Texas Evaluated Using Aermod and Empirical Data. *American Journal of Environmental Science*, 8(6), 622-632.

**Rosenfeld, P.E**. & Feng, L. (2011). *The Risks of Hazardous Waste.* Amsterdam: Elsevier Publishing.

Cheremisinoff, N.P., & **Rosenfeld, P.E.** (2011). *Handbook of Pollution Prevention and Cleaner Production: Best Practices in the Agrochemical Industry*, Amsterdam: Elsevier Publishing.

Gonzalez, J., Feng, L., Sutherland, A., Waller, C., Sok, H., Hesse, R., **Rosenfeld, P.** (2010). PCBs and Dioxins/Furans in Attic Dust Collected Near Former PCB Production and Secondary Copper Facilities in Sauget, IL. *Procedia Environmental Sciences*. 113–125.

Feng, L., Wu, C., Tam, L., Sutherland, A.J., Clark, J.J., **Rosenfeld, P.E.** (2010). Dioxin and Furan Blood Lipid and Attic Dust Concentrations in Populations Living Near Four Wood Treatment Facilities in the United States. *Journal of Environmental Health*. 73(6), 34-46.

Cheremisinoff, N.P., & **Rosenfeld, P.E.** (2010). *Handbook of Pollution Prevention and Cleaner Production: Best Practices in the Wood and Paper Industries.* Amsterdam: Elsevier Publishing.

Cheremisinoff, N.P., & **Rosenfeld, P.E.** (2009). *Handbook of Pollution Prevention and Cleaner Production: Best Practices in the Petroleum Industry*. Amsterdam: Elsevier Publishing.

Wu, C., Tam, L., Clark, J., **Rosenfeld, P**. (2009). Dioxin and furan blood lipid concentrations in populations living near four wood treatment facilities in the United States. *WIT Transactions on Ecology and the Environment, Air Pollution,* 123 (17), 319-327.

Tam L. K.., Wu C. D., Clark J. J. and **Rosenfeld, P.E.** (2008). A Statistical Analysis Of Attic Dust And Blood Lipid Concentrations Of Tetrachloro-p-Dibenzodioxin (TCDD) Toxicity Equivalency Quotients (TEQ) In Two Populations Near Wood Treatment Facilities. *Organohalogen Compounds*, 70, 002252-002255.

Tam L. K.., Wu C. D., Clark J. J. and **Rosenfeld, P.E.** (2008). Methods For Collect Samples For Assessing Dioxins And Other Environmental Contaminants In Attic Dust: A Review. *Organohalogen Compounds*, 70, 000527-000530.

Hensley, A.R. A. Scott, J. J. J. Clark, **Rosenfeld, P.E.** (2007). Attic Dust and Human Blood Samples Collected near a Former Wood Treatment Facility. *Environmental Research.* 105, 194-197.

**Rosenfeld, P.E.,** J. J. J. Clark, A. R. Hensley, M. Suffet. (2007). The Use of an Odor Wheel Classification for Evaluation of Human Health Risk Criteria for Compost Facilities. *Water Science & Technology* 55(5), 345-357.

**Rosenfeld, P. E.,** M. Suffet. (2007). The Anatomy Of Odour Wheels For Odours Of Drinking Water, Wastewater, Compost And The Urban Environment. *Water Science & Technology* 55(5), 335-344.

Sullivan, P. J. Clark, J.J.J., Agardy, F. J., **Rosenfeld, P.E.** (2007). *Toxic Legacy, Synthetic Toxins in the Food, Water, and Air in American Cities.* Boston Massachusetts: Elsevier Publishing

**Rosenfeld, P.E.,** and Suffet I.H. (2004). Control of Compost Odor Using High Carbon Wood Ash. *Water Science and Technology*. 49(9),171-178.

**Rosenfeld P. E.,** J.J. Clark, I.H. (Mel) Suffet (2004). The Value of An Odor-Quality-Wheel Classification Scheme For The Urban Environment. *Water Environment Federation's Technical Exhibition and Conference (WEFTEC) 2004.* New Orleans, October 2-6, 2004.

**Rosenfeld, P.E.,** and Suffet, I.H. (2004). Understanding Odorants Associated With Compost, Biomass Facilities, and the Land Application of Biosolids. *Water Science and Technology*. 49(9), 193-199.

**Rosenfeld, P.E.,** and Suffet I.H. (2004). Control of Compost Odor Using High Carbon Wood Ash, *Water Science and Technology*, 49( 9), 171-178.

**Rosenfeld, P. E**., Grey, M. A., Sellew, P. (2004). Measurement of Biosolids Odor and Odorant Emissions from Windrows, Static Pile and Biofilter. *Water Environment Research*. 76(4), 310-315.

**Rosenfeld, P.E.,** Grey, M and Suffet, M. (2002). Compost Demonstration Project, Sacramento California Using High-Carbon Wood Ash to Control Odor at a Green Materials Composting Facility. *Integrated Waste Management Board Public Affairs Office*, Publications Clearinghouse (MS–6), Sacramento, CA Publication #442-02-008.

**Rosenfeld, P.E**., and C.L. Henry. (2001). Characterization of odor emissions from three different biosolids. *Water Soil and Air Pollution*. 127(1-4), 173-191.

**Rosenfeld, P.E.,** and Henry C. L., (2000). Wood ash control of odor emissions from biosolids application. *Journal of Environmental Quality.* 29, 1662-1668.

**Rosenfeld, P.E.,** C.L. Henry and D. Bennett. (2001). Wastewater dewatering polymer affect on biosolids odor emissions and microbial activity. *Water Environment Research*. 73(4), 363-367.

**Rosenfeld, P.E.,** and C.L. Henry. (2001). Activated Carbon and Wood Ash Sorption of Wastewater, Compost, and Biosolids Odorants. *Water Environment Research*, 73, 388-393.

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CONT

**Rosenfeld, P.E.,** and Henry C. L., (2001). High carbon wood ash effect on biosolids microbial activity and odor. *Water Environment Research*. 131(1-4), 247-262.

Chollack, T. and **P. Rosenfeld. (**1998). Compost Amendment Handbook For Landscaping. Prepared for and distributed by the City of Redmond, Washington State.

**Rosenfeld, P. E.** (1992). The Mount Liamuiga Crater Trail. *Heritage Magazine of St. Kitts*, 3(2).

**Rosenfeld, P. E.** (1993). High School Biogas Project to Prevent Deforestation On St. Kitts. *Biomass Users Network*, 7(1).

**Rosenfeld, P. E. (**1998). Characterization, Quantification, and Control of Odor Emissions From Biosolids Application To Forest Soil. Doctoral Thesis. University of Washington College of Forest Resources.

**Rosenfeld, P. E.** (1994). Potential Utilization of Small Diameter Trees on Sierra County Public Land. Masters thesis reprinted by the Sierra County Economic Council. Sierra County, California.

**Rosenfeld, P. E. (**1991). How to Build a Small Rural Anaerobic Digester & Uses Of Biogas In The First And Third World. Bachelors Thesis. University of California.

## Presentations:

**Rosenfeld, P.E**., "The science for Perfluorinated Chemicals (PFAS): What makes remediation so hard?" Law Seminars International, (May 9-10, 2018) 800 Fifth Avenue, Suite 101 Seattle, WA.

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CONT

**Rosenfeld, P.E.,** Sutherland, A; Hesse, R.; Zapata, A. (October 3-6, 2013). Air dispersion modeling of volatile organic emissions from multiple natural gas wells in Decatur, TX. *44th Western Regional Meeting, American Chemical Society.* Lecture conducted from Santa Clara, CA.

Sok, H.L.; Waller, C.C.; Feng, L.; Gonzalez, J.; Sutherland, A.J.; Wisdom-Stack, T.; Sahai, R.K.; Hesse, R.C.; **Rosenfeld, P.E.** (June 20-23, 2010). Atrazine: A Persistent Pesticide in Urban Drinking Water. *Urban Environmental Pollution*. Lecture conducted from Boston, MA.

Feng, L.; Gonzalez, J.; Sok, H.L.; Sutherland, A.J.; Waller, C.C.; Wisdom-Stack, T.; Sahai, R.K.; La, M.; Hesse, R.C.; **Rosenfeld, P.E.** (June 20-23, 2010). Bringing Environmental Justice to East St. Louis, Illinois. *Urban Environmental Pollution.* Lecture conducted from Boston, MA.

**Rosenfeld, P.E**. (April 19-23, 2009). Perfluoroctanoic Acid (PFOA) and Perfluoroactane Sulfonate (PFOS) Contamination in Drinking Water From the Use of Aqueous Film Forming Foams (AFFF) at Airports in the United States. *2009 Ground Water Summit and 2009 Ground Water Protection Council Spring Meeting*, Lecture conducted from Tuscon, AZ.

**Rosenfeld, P.E.** (April 19-23, 2009). Cost to Filter Atrazine Contamination from Drinking Water in the United States" Contamination in Drinking Water From the Use of Aqueous Film Forming Foams (AFFF) at Airports in the United States. *2009 Ground Water Summit and 2009 Ground Water Protection Council Spring Meeting*. Lecture conducted from Tuscon, AZ.

Wu, C., Tam, L., Clark, J., **Rosenfeld, P**. (20-22 July, 2009). Dioxin and furan blood lipid concentrations in populations living near four wood treatment facilities in the United States. Brebbia, C.A. and Popov, V., eds., *Air Pollution XVII: Proceedings of the Seventeenth International Conference on Modeling, Monitoring and Management of Air Pollution*. Lecture conducted from Tallinn, Estonia.

**Rosenfeld, P. E.** (October 15-18, 2007). Moss Point Community Exposure To Contaminants From A Releasing Facility. *The 23rd Annual International Conferences on Soils Sediment and Water.* Platform lecture conducted from University of Massachusetts, Amherst MA.

**Rosenfeld, P. E.** (October 15-18, 2007). The Repeated Trespass of Tritium-Contaminated Water Into A Surrounding Community Form Repeated Waste Spills From A Nuclear Power Plant. *The 23rd Annual International Conferences on Soils Sediment and Water*. Platform lecture conducted from University of Massachusetts, Amherst MA.

**Rosenfeld, P. E.** (October 15-18, 2007). Somerville Community Exposure To Contaminants From Wood Treatment Facility Emissions. The *23rd Annual International Conferences on Soils Sediment and Water*. Lecture conducted from University of Massachusetts, Amherst MA.

**Rosenfeld P. E.** (March 2007). Production, Chemical Properties, Toxicology, & Treatment Case Studies of 1,2,3-Trichloropropane (TCP). *The Association for Environmental Health and Sciences (AEHS) Annual Meeting*. Lecture conducted from San Diego, CA.

**Rosenfeld P. E.** (March 2007). Blood and Attic Sampling for Dioxin/Furan, PAH, and Metal Exposure in Florala, Alabama. *The AEHS Annual Meeting.* Lecture conducted from San Diego, CA.

Hensley A.R., Scott, A., **Rosenfeld P.E.,** Clark, J.J.J. (August 21 – 25, 2006). Dioxin Containing Attic Dust And Human Blood Samples Collected Near A Former Wood Treatment Facility. *The 26th International Symposium on Halogenated Persistent Organic Pollutants – DIOXIN2006*. Lecture conducted from Radisson SAS Scandinavia Hotel in Oslo Norway.

Hensley A.R., Scott, A., **Rosenfeld P.E.,** Clark, J.J.J. (November 4-8, 2006). Dioxin Containing Attic Dust And Human Blood Samples Collected Near A Former Wood Treatment Facility. *APHA 134 Annual Meeting & Exposition.* Lecture conducted from Boston Massachusetts.

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CONT

**Paul Rosenfeld Ph.D**. (October 24-25, 2005). Fate, Transport and Persistence of PFOA and Related Chemicals. Mealey's C8/PFOA. *Science, Risk & Litigation Conference.* Lecture conducted from The Rittenhouse Hotel, Philadelphia, PA.

**Paul Rosenfeld Ph.D**. (September 19, 2005). Brominated Flame Retardants in Groundwater: Pathways to Human Ingestion, *Toxicology and Remediation PEMA Emerging Contaminant Conference*. Lecture conducted from Hilton Hotel, Irvine California.

**Paul Rosenfeld Ph.D**. (September 19, 2005). Fate, Transport, Toxicity, And Persistence of 1,2,3-TCP. *PEMA Emerging Contaminant Conference.* Lecture conducted from Hilton Hotel in Irvine, California.

**Paul Rosenfeld Ph.D**. (September 26-27, 2005). Fate, Transport and Persistence of PDBEs. *Mealey's Groundwater Conference.* Lecture conducted from Ritz Carlton Hotel, Marina Del Ray, California.

**Paul Rosenfeld Ph.D**. (June 7-8, 2005). Fate, Transport and Persistence of PFOA and Related Chemicals. *International Society of Environmental Forensics: Focus On Emerging Contaminants*. Lecture conducted from Sheraton Oceanfront Hotel, Virginia Beach, Virginia.

**Paul Rosenfeld Ph.D**. (July 21-22, 2005). Fate Transport, Persistence and Toxicology of PFOA and Related Perfluorochemicals. *2005 National Groundwater Association Ground Water And Environmental Law Conference*. Lecture conducted from Wyndham Baltimore Inner Harbor, Baltimore Maryland.

**Paul Rosenfeld Ph.D**. (July 21-22, 2005). Brominated Flame Retardants in Groundwater: Pathways to Human Ingestion, Toxicology and Remediation. *2005 National Groundwater Association Ground Water and Environmental Law Conference.* Lecture conducted from Wyndham Baltimore Inner Harbor, Baltimore Maryland.

**Paul Rosenfeld, Ph.D.** and James Clark Ph.D. and Rob Hesse R.G. (May 5-6, 2004). Tert-butyl Alcohol Liability and Toxicology, A National Problem and Unquantified Liability. *National Groundwater Association. Environmental Law Conference*. Lecture conducted from Congress Plaza Hotel, Chicago Illinois.

**Paul Rosenfeld, Ph.D.** (March 2004). Perchlorate Toxicology. *Meeting of the American Groundwater Trust*. Lecture conducted from Phoenix Arizona.

Hagemann, M.F., **Paul Rosenfeld, Ph.D.** and Rob Hesse (2004). Perchlorate Contamination of the Colorado River. *Meeting of tribal representatives*. Lecture conducted from Parker, AZ.

**Paul Rosenfeld, Ph.D.** (April 7, 2004). A National Damage Assessment Model For PCE and Dry Cleaners. *Drycleaner Symposium. California Ground Water Association*. Lecture conducted from Radison Hotel, Sacramento, California.

**Rosenfeld, P. E**., Grey, M., (June 2003) Two stage biofilter for biosolids composting odor control. *Seventh International In Situ And On Site Bioremediation Symposium Battelle Conference* Orlando, FL.

**Paul Rosenfeld, Ph.D.** and James Clark Ph.D. (February 20-21, 2003) Understanding Historical Use, Chemical Properties, Toxicity and Regulatory Guidance of 1,4 Dioxane. *National Groundwater Association. Southwest Focus Conference. Water Supply and Emerging Contaminants*.. Lecture conducted from Hyatt Regency Phoenix Arizona.

**Paul Rosenfeld, Ph.D.** (February 6-7, 2003). Underground Storage Tank Litigation and Remediation. *California CUPA Forum*. Lecture conducted from Marriott Hotel, Anaheim California.

**Paul Rosenfeld, Ph.D**. (October 23, 2002) Underground Storage Tank Litigation and Remediation. *EPA Underground Storage Tank Roundtable*. Lecture conducted from Sacramento California.

**Rosenfeld, P.E**. and Suffet, M. (October 7- 10, 2002). Understanding Odor from Compost, *Wastewater and Industrial Processes. Sixth Annual Symposium On Off Flavors in the Aquatic Environment. International Water Association*. Lecture conducted from Barcelona Spain.

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**Rosenfeld, P.E**. and Suffet, M. (October 7- 10, 2002). Using High Carbon Wood Ash to Control Compost Odor. *Sixth Annual Symposium On Off Flavors in the Aquatic Environment. International Water Association*. Lecture conducted from Barcelona Spain.

**Rosenfeld, P.E.** and Grey, M. A. (September 22-24, 2002). Biocycle Composting For Coastal Sage Restoration. *Northwest Biosolids Management Association*. Lecture conducted from Vancouver Washington..

**Rosenfeld, P.E**. and Grey, M. A. (November 11-14, 2002). Using High-Carbon Wood Ash to Control Odor at a Green Materials Composting Facility. *Soil Science Society Annual Conferenc*e. Lecture conducted from Indianapolis, Maryland.

**Rosenfeld. P.E.** (September 16, 2000). Two stage biofilter for biosolids composting odor control. *Water Environment Federation.* Lecture conducted from Anaheim California.

**Rosenfeld. P.E. (**October 16, 2000). Wood ash and biofilter control of compost odor. *Biofest.* Lecture conducted from Ocean Shores, California.

**Rosenfeld, P.E. (**2000). Bioremediation Using Organic Soil Amendments. *California Resource Recovery Association*. Lecture conducted from Sacramento California.

**Rosenfeld, P.E**., C.L. Henry, R. Harrison. (1998). Oat and Grass Seed Germination and Nitrogen and Sulfur Emissions Following Biosolids Incorporation With High-Carbon Wood-Ash. *Water Environment Federation 12th Annual Residuals and Biosolids Management Conference Proceedings*. Lecture conducted from Bellevue Washington.

**Rosenfeld, P.E.**, and C.L. Henry. (1999). An evaluation of ash incorporation with biosolids for odor reduction. *Soil Science Society of America*. Lecture conducted from Salt Lake City Utah.

**Rosenfeld, P.E.**, C.L. Henry, R. Harrison. (1998). Comparison of Microbial Activity and Odor Emissions from Three Different Biosolids Applied to Forest Soil. *Brown and Caldwell.* Lecture conducted from Seattle Washington.

**Rosenfeld, P.E.**, C.L. Henry. (1998). Characterization, Quantification, and Control of Odor Emissions from Biosolids Application To Forest Soil. *Biofest.* Lecture conducted from Lake Chelan, Washington.

**Rosenfeld, P.E,** C.L. Henry, R. Harrison. (1998). Oat and Grass Seed Germination and Nitrogen and Sulfur Emissions Following Biosolids Incorporation With High-Carbon Wood-Ash. Water Environment Federation 12th Annual Residuals and Biosolids Management Conference Proceedings. Lecture conducted from Bellevue Washington.

**Rosenfeld, P.E.**, C.L. Henry, R. B. Harrison, and R. Dills. (1997). Comparison of Odor Emissions From Three Different Biosolids Applied to Forest Soil. *Soil Science Society of America*. Lecture conducted from Anaheim California.

## Teaching Experience:

UCLA Department of Environmental Health (Summer 2003 through 20010) Taught Environmental Health Science 100 to students, including undergrad, medical doctors, public health professionals and nurses. Course focused on the health effects of environmental contaminants.

National Ground Water Association, Successful Remediation Technologies. Custom Course in Sante Fe, New Mexico. May 21, 2002. Focused on fate and transport of fuel contaminants associated with underground storage tanks.

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National Ground Water Association; Successful Remediation Technologies Course in Chicago Illinois. April 1, 2002. Focused on fate and transport of contaminants associated with Superfund and RCRA sites.

California Integrated Waste Management Board, April and May, 2001. Alternative Landfill Caps Seminar in San Diego, Ventura, and San Francisco. Focused on both prescriptive and innovative landfill cover design.

UCLA Department of Environmental Engineering, February 5, 2002. Seminar on Successful Remediation Technologies focusing on Groundwater Remediation.

University Of Washington, Soil Science Program, Teaching Assistant for several courses including: Soil Chemistry, Organic Soil Amendments, and Soil Stability.

U.C. Berkeley, Environmental Science Program Teaching Assistant for Environmental Science 10.

## Academic Grants Awarded:

California Integrated Waste Management Board. $41,000 grant awarded to UCLA Institute of the Environment. Goal: To investigate effect of high carbon wood ash on volatile organic emissions from compost. 2001.

Synagro Technologies, Corona California: $10,000 grant awarded to San Diego State University.
Goal: investigate effect of biosolids for restoration and remediation of degraded coastal sage soils. 2000.

King County, Department of Research and Technology, Washington State. $100,000 grant awarded to University of Washington: Goal: To investigate odor emissions from biosolids application and the effect of polymers and ash on VOC emissions. 1998.

Northwest Biosolids Management Association, Washington State. $20,000 grant awarded to investigate effect of polymers and ash on VOC emissions from biosolids. 1997.

James River Corporation, Oregon: $10,000 grant was awarded to investigate the success of genetically engineered Poplar trees with resistance to round-up. 1996.

United State Forest Service, Tahoe National Forest: $15,000 grant was awarded to investigating fire ecology of the Tahoe National Forest. 1995.

Kellogg Foundation, Washington D.C. $500 grant was awarded to construct a large anaerobic digester on St. Kitts in West Indies. 1993

## Deposition and/or Trial Testimony:

In the Superior Court of the State of California, County of San Bernardino
Billy Wildrick, Plaintiff vs. BNSF Railway Company
Case No. CIVDS1711810
Rosenfeld Deposition 10-17-2022

In the State Court of Bibb County, State of Georgia
Richard Hutcherson, Plaintiff vs Norfolk Southern Railway Company
Case No. 10-SCCV-092007
Rosenfeld Deposition 10-6-2022

In the Civil District Court of the Parish of Orleans, State of Louisiana
Millard Clark, Plaintiff vs. Dixie Carriers, Inc. et al.
Case No. 2020-03891
Rosenfeld Deposition 9-15-2022

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In The Circuit Court of Livingston County, State of Missouri, Circuit Civil Division
Shirley Ralls, Plaintiff vs. Canadian Pacific Railway and Soo Line Railroad
Case No. 18-LV-CC0020
Rosenfeld Deposition 9-7-2022

In The Circuit Court of the 13th Judicial Circuit Court, Hillsborough County, Florida Civil Division
Jonny C. Daniels, Plaintiff vs. CSX Transportation Inc.
Case No. 20-CA-5502
Rosenfeld Deposition 9-1-2022

In The Circuit Court of St. Louis County, State of Missouri
Kieth Luke et. al. Plaintiff vs. Monsanto Company et. al.
Case No. 19SL-CC03191
Rosenfeld Deposition 8-25-2022

In The Circuit Court of the 13th Judicial Circuit Court, Hillsborough County, Florida Civil Division
Jeffery S. Lamotte, Plaintiff vs. CSX Transportation Inc.
Case No. NO. 20-CA-0049
Rosenfeld Deposition 8-22-2022

In State of Minnesota District Court, County of St. Louis Sixth Judicial District
Greg Bean, Plaintiff vs. Soo Line Railroad Company
Case No. 69-DU-CV-21-760
Rosenfeld Deposition 8-17-2022

In United States District Court Western District of Washington at Tacoma, Washington
John D. Fitzgerald Plaintiff vs. BNSF
Case No. 3:21-cv-05288-RJB
Rosenfeld Deposition 8-11-2022

In Circuit Court of the Sixth Judicial Circuit, Macon Illinois
Rocky Bennyhoff Plaintiff vs. Norfolk Southern
Case No. 20-L-56
Rosenfeld Deposition 8-3-2022

In Court of Common Pleas, Hamilton County Ohio
Joe Briggins Plaintiff vs. CSX
Case No. A2004464
Rosenfeld Deposition 6-17-2022

In the Superior Court of the State of California, County of Kern
George LaFazia vs. BNSF Railway Company.
Case No. BCV-19-103087
Rosenfeld Deposition 5-17-2022

In the Circuit Court of Cook County Illinois
Bobby Earles vs. Penn Central et. al.
Case No. 2020-L-000550
Rosenfeld Deposition 4-16-2022

In United States District Court Easter District of Florida
Albert Hartman Plaintiff vs. Illinois Central
Case No. 2:20-cv-1633
Rosenfeld Deposition 4-4-2022

In the Circuit Court of the 4th Judicial Circuit, in and For Duval County, Florida
Barbara Steele vs. CSX Transportation
Case No.16-219-Ca-008796
Rosenfeld Deposition 3-15-2022

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In United States District Court Easter District of New York
Romano et al. vs. Northrup Grumman Corporation
Case No. 16-cv-5760
Rosenfeld Deposition 3-10-2022

In the Circuit Court of Cook County Illinois
Linda Benjamin vs. Illinois Central
Case No. No. 2019 L 007599
Rosenfeld Deposition 1-26-2022

In the Circuit Court of Cook County Illinois
Donald Smith vs. Illinois Central
Case No. No. 2019 L 003426
Rosenfeld Deposition 1-24-2022

In the Circuit Court of Cook County Illinois
Jan Holeman vs. BNSF
Case No. 2019 L 000675
Rosenfeld Deposition 1-18-2022

In the State Court of Bibb County State of Georgia
Dwayne B. Garrett vs. Norfolk Southern
Case No. 20-SCCV-091232
Rosenfeld Deposition 11-10-2021

In the Circuit Court of Cook County Illinois
Joseph Ruepke vs. BNSF
Case No. 2019 L 007730
Rosenfeld Deposition 11-5-2021

In the United States District Court For the District of Nebraska
Steven Gillett vs. BNSF
Case No. 4:20-cv-03120
Rosenfeld Deposition 10-28-2021

In the Montana Thirteenth District Court of Yellowstone County
James Eadus vs. Soo Line Railroad and BNSF
Case No. DV 19-1056
Rosenfeld Deposition 10-21-2021

In the Circuit Court Of The Twentieth Judicial Circuit, St Clair County, Illinois
Martha Custer et al.cvs. Cerro Flow Products, Inc.
Case No. 0i9-L-2295
Rosenfeld Deposition 5-14-2021
Trial October 8-4-2021

In the Circuit Court of Cook County Illinois
Joseph Rafferty vs. Consolidated Rail Corporation and National Railroad Passenger Corporation d/b/a AMTRAK,
Case No. 18-L-6845
Rosenfeld Deposition 6-28-2021

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In the United States District Court For the Northern District of Illinois
Theresa Romcoe vs. Northeast Illinois Regional Commuter Railroad Corporation d/b/a METRA Rail
Case No. 17-cv-8517
Rosenfeld Deposition 5-25-2021

In the Superior Court of the State of Arizona In and For the Cunty of Maricopa
Mary Tryon et al. vs. The City of Pheonix v. Cox Cactus Farm, L.L.C., Utah Shelter Systems, Inc.
Case No. CV20127-094749
Rosenfeld Deposition 5-7-2021

In the United States District Court for the Eastern District of Texas Beaumont Division
Robinson, Jeremy et al vs. CNA Insurance Company et al.
Case No. 1:17-cv-000508
Rosenfeld Deposition 3-25-2021

In the Superior Court of the State of California, County of San Bernardino
Gary Garner, Personal Representative for the Estate of Melvin Garner vs. BNSF Railway Company.
Case No. 1720288
Rosenfeld Deposition 2-23-2021

In the Superior Court of the State of California, County of Los Angeles, Spring Street Courthouse
Benny M Rodriguez vs. Union Pacific Railroad, A Corporation, et al.
Case No. 18STCV01162
Rosenfeld Deposition 12-23-2020

In the Circuit Court of Jackson County, Missouri
Karen Cornwell, Plaintiff, vs. Marathon Petroleum, LP, Defendant.
Case No. 1716-CV10006
Rosenfeld Deposition 8-30-2019

In the United States District Court For The District of New Jersey
Duarte et al, Plaintiffs, vs. United States Metals Refining Company et. al. Defendant.
Case No. 2:17-cv-01624-ES-SCM
Rosenfeld Deposition 6-7-2019

In the United States District Court of Southern District of Texas Galveston Division
M/T Carla Maersk vs. Conti 168., Schiffahrts-GMBH & Co. Bulker KG MS "Conti Perdido" Defendant.
Case No. 3:15-CV-00106 consolidated with 3:15-CV-00237
Rosenfeld Deposition 5-9-2019

In The Superior Court of the State of California In And For The County Of Los Angeles – Santa Monica
Carole-Taddeo-Bates et al., vs. Ifran Khan et al., Defendants
Case No. BC615636
Rosenfeld Deposition 1-26-2019

In The Superior Court of the State of California In And For The County Of Los Angeles – Santa Monica
The San Gabriel Valley Council of Governments et al. vs El Adobe Apts. Inc. et al., Defendants
Case No. BC646857
Rosenfeld Deposition 10-6-2018; Trial 3-7-19

In United States District Court For The District of Colorado
Bells et al. Plaintiffs vs. The 3M Company et al., Defendants
Case No. 1:16-cv-02531-RBJ
Rosenfeld Deposition 3-15-2018 and 4-3-2018

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In The District Court Of Regan County, Texas, 112th Judicial District
Phillip Bales et al., Plaintiff vs. Dow Agrosciences, LLC, et al., Defendants
Cause No. 1923
Rosenfeld Deposition 11-17-2017

In The Superior Court of the State of California In And For The County Of Contra Costa
Simons et al., Plaintifs vs. Chevron Corporation, et al., Defendants
Cause No. C12-01481
Rosenfeld Deposition 11-20-2017

In The Circuit Court Of The Twentieth Judicial Circuit, St Clair County, Illinois
Martha Custer et al., Plaintiff vs. Cerro Flow Products, Inc., Defendants
Case No.: No. 0i9-L-2295
Rosenfeld Deposition 8-23-2017

In United States District Court For The Southern District of Mississippi
Guy Manuel vs. The BP Exploration et al., Defendants
Case No. 1:19-cv-00315-RHW
Rosenfeld Deposition 4-22-2020

In The Superior Court of the State of California, For The County of Los Angeles
Warrn Gilbert and Penny Gilber, Plaintiff vs. BMW of North America LLC
Case No. LC102019 (c/w BC582154)
Rosenfeld Deposition 8-16-2017, Trail 8-28-2018

In the Northern District Court of Mississippi, Greenville Division
Brenda J. Cooper, et al., Plaintiffs, vs. Meritor Inc., et al., Defendants
Case No. 4:16-cv-52-DMB-JVM
Rosenfeld Deposition July 2017

In The Superior Court of the State of Washington, County of Snohomish
Michael Davis and Julie Davis et al., Plaintiff vs. Cedar Grove Composting Inc., Defendants
Case No. 13-2-03987-5
Rosenfeld Deposition, February 2017
Trial March 2017

In The Superior Court of the State of California, County of Alameda
Charles Spain., Plaintiff vs. Thermo Fisher Scientific, et al., Defendants
Case No. RG14711115
Rosenfeld Deposition September 2015

In The Iowa District Court In And For Poweshiek County
Russell D. Winburn, et al., Plaintiffs vs. Doug Hoksbergen, et al., Defendants
Case No. LALA002187
Rosenfeld Deposition August 2015

In The Circuit Court of Ohio County, West Virginia
Robert Andrews, et al. v. Antero, et al.
Civil Action No. 14-C-30000
Rosenfeld Deposition June 2015

In The Iowa District Court for Muscatine County
Laurie Freeman et. al. Plaintiffs vs. Grain Processing Corporation, Defendant
Case No. 4980
Rosenfeld Deposition May 2015

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In the Circuit Court of the 17th Judicial Circuit, in and For Broward County, Florida
Walter Hinton, et. al. Plaintiff, vs. City of Fort Lauderdale, Florida, a Municipality, Defendant.
Case No. CACE07030358 (26)
Rosenfeld Deposition December 2014

In the County Court of Dallas County Texas
Lisa Parr et al, Plaintiff, vs. Aruba et al, Defendant.
Case No. cc-11-01650-E
Rosenfeld Deposition: March and September 2013
Rosenfeld Trial April 2014

In the Court of Common Pleas of Tuscarawas County Ohio
John Michael Abicht, et al., Plaintiffs, vs. Republic Services, Inc., et al., Defendants
Case No. 2008 CT 10 0741 (Cons. w/ 2009 CV 10 0987)
Rosenfeld Deposition October 2012

In the United States District Court for the Middle District of Alabama, Northern Division
James K. Benefield, et al., Plaintiffs, vs. International Paper Company, Defendant.
Civil Action No. 2:09-cv-232-WHA-TFM
Rosenfeld Deposition July 2010, June 2011

In the Circuit Court of Jefferson County Alabama
Jaeanette Moss Anthony, et al., Plaintiffs, vs. Drummond Company Inc., et al., Defendants
Civil Action No. CV 2008-2076
Rosenfeld Deposition September 2010

In the United States District Court, Western District Lafayette Division
Ackle et al., Plaintiffs, vs. Citgo Petroleum Corporation, et al., Defendants.
Case No. 2:07CV1052
Rosenfeld Deposition July 2009

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### *Laborers International Union of North America, Local 294 (LIUNA)*

*Comment LIUNA-1*
The commenter provides background information on LIUNA and its technical consultants. It further states the commenter's general position is that the Draft EIR fails to comply with CEQA because it (1) does not adopt feasible mitigation measures for significant and unavoidable impacts of the proposed project, (2) does not adopt the environmentally superior Reduced Footprint Alternative, (3) does not account for all of the cumulative projects in the project vicinity, (4) does not adequately disclose and mitigate impacts to biological resources, (5) does not adequately analyze the proposed project's energy impacts, and (6) does not provide substantial evidence that the proposed project would not result in increased cancer risk to nearby residents. As such, the comment requests that the Draft EIR be revised and recirculated to address the issues raised in the comment.

*Response to LIUNA-1*
The comment is noted for the record. It does not raise any specific project-related environmental issues under CEQA and therefore no further response is required.

*Comment LIUNA-2*
The comment provides a description of the proposed project.

*Response to LIUNA-2*
The comment is noted for the record. It does not raise any specific project-related environmental issues under CEQA, and therefore no further response is necessary.

*Comment LIUNA-3*
The commenter purports to provide a description of the general legal standard and other legal principles that govern environmental review under CEQA. The commenter reiterates assertions regarding the inadequacy of the Draft EIR and the proposed mitigation measures, as well as the omission of analysis. These comments are separately reiterated below and are specifically addressed in Responses to LIUNA-4 through LIUNA-34, below.

*Response to LIUNA-3*
The comment is noted. The Lead Agency concurs that the Draft EIR is an informational document. The Shirk and Riggin Industrial Project Draft EIR was prepared and reviewed by City staff and technical experts and is consistent with State CEQA Guidelines. The document includes analysis related to Aesthetics, Agricultural Resources, Air Quality, Biological Resources, Cultural/Tribal Resources, Energy, Geology and Soils, Greenhouse Gas Emissions, Hazards and Hazardous Materials, Hydrology and Water Quality, Land Use and Planning, Noise, Public Service, Transportation and Traffic, Utilities and Service Systems, and Wildfire. Furthermore, Chapter 1, Introduction, of the Draft EIR specifically states the purpose of the document (see Section 1.1.2, Purpose and Authority, on pages 1-1 and 1-2).

The Lead Agency concurs that the Draft EIR is a public informational document used in the planning and decision-making process. The Draft EIR also discloses potential impacts found not to be significant and significant cumulative impacts of past, present, and reasonably foreseeable future projects. CEQA requires an EIR to reflect the independent judgment of the lead agency with respect

to impacts, disclose the level of significance of the impacts both with and without mitigation, and describe the mitigation measures proposed to reduce the impacts.

This project-level Draft EIR analyzes the environmental impacts of the proposed project. The City of Visalia Planning Commission and City Counsel will consider the information in the Draft EIR, including public comments and responses to those comments, during the public hearing process. The Lead Agency is of the opinion that this Draft EIR and the public review process has sufficiently complied with State CEQA Guidelines. The commenter does not provide evidence to contradict the conclusions of the Draft EIR, and as such, the document has adequately addressed this issue under CEQA.

*Comment LIUNA-4*
The first part of the comment sets forth various legal principles addressing CEQA requirements relating to consideration of mitigation measures and alternatives.

The second part of the comment notes the significant and unavoidable impacts identified in the Draft EIR; states that the Final EIR must require all feasible mitigation measures to reduce air quality impacts; and includes other suggested mitigation measures. The commenter also asserts that the air quality analysis in the Draft EIR included ROG emissions from architectural coatings during constructino but did not include an analysis of ROG emissions from architectural coatings during operations. The commenter states this is necessary because there is additional feasible mitigation available, and by failing to discuss and include these additional measures, the Draft EIR does not make a good faith effort at full disclosure.

*Response to LIUNA-4*
See Response to LIUNA-3, above. The first part of the comment does not raise any project-related environmental issues under CEQA, and thus no further response is necessary.

Regarding the second part of the comment, the Draft EIR adheres to CEQA's requirement that the EIR describe feasible measures that could minimize the project's significant adverse impacts (CEQA Guidelines § 15126.4(a)(1)). An EIR may decline to propose a mitigation measure that would not effectively address a significant impact. *Napa Citizens for Honest Gov't v. Napa County Bd. of Supervisors* (2001) 91 Cal.App.4th 342, 365.

An EIR also need not identify and discuss mitigation measures that are infeasible. "Nothing in CEQA requires an EIR to explain why certain mitigation measures are infeasible." *Clover Valley Found. v. City of Rocklin* (2011) 197 Cal.App.4th 200, 245. Nor must an EIR analyze in detail mitigation measures it concludes are infeasible. *Cherry Valley Pass Acres & Neighbors v. City of Beaumont* (2010) 190 Cal.App.4th 316, 351. *See also Kostka & Zischke*, Practice Under the California Environmental Quality Act, 2nd Edition. While an EIR must respond to comments making specific suggestions for mitigating a significant impact unless the suggested mitigation is "facially infeasible," a response that provides a reasoned analysis of the City's determination that a proposed measure is infeasible or would not be useful is sufficient. An EIR need not explain why suggested mitigation measures that are described in general terms and are not specific to the project are infeasible. While the City is required to respond to such comments, it is not required to accept the suggested mitigation measures.

The commenter purports to assert legal principles under CEQA related to mitigation, and then claims that the proposed project would result in potentially significant air quality impacts from ROG, $NO_x$ and $PM_{10}$ and did not implement all feasible mitigation measures to reduce its significant impacts, and provides a list of recommended mitigation measures. Each suggested mitigation measure is discussed below.

The following responses include discussion of new mitigation measures suggested by the commenter. Under *Laurel Heights Improvement Ass'n v. Regents of Univ. of Cal.* (1993) 6 C4th 1112 and CEQA Guidelines Section 15088.5(a)(3)), when information added to the Final EIR consists of a suggested new mitigation measure, recirculation is only required if the mitigation measure meets each of the following criteria (*South County Citizens for Smart Growth v. County of Nevada* (2013) 221 CA4th 316, 330):

- It is feasible;
- It is considerably different from the alternatives or mitigation measures already evaluated in the Draft EIR;
- It would clearly lessen the project's significant environmental impacts; and
- It is not adopted.

For the reasons described herein, none of the above triggers has occurred with respect to the suggested measures.

The first requested measure relates to expanding MM AIR-2b to include architectural coating requirements during project operation to reduce operation ROG emissions. The Draft EIR adequately addressed potential ROG impacts that could occur during project construction and operation; disclosed identified impacts; and then identified a range of mitigation measures that would reduce these impacts to the extent feasible.

Moreover, the Draft EIR considered potential health risk impacts associated with ROG emissions generated by the use of consumer products, which would be limited to the immediate area in which they are used on-site and would only occur during activities that use those products, such as facility cleaning activities. As the Draft EIR explained, nearby sensitive receptors would not be exposed to significant amounts of consumer product ROGs during operation of the proposed project because residents would not be located on the project site and consumer product activities would only occur during scheduled cleaning activities. Therefore, nearby sensitive receptors would not be exposed to substantial ROG concentrations during project operations.

Finally, the suggested measure would not be feasible to implement. This is because future occupants would have access to consumer products available on the marketplace. Regulation of consumer products available on the marketplace is not within the control of any individual project applicant or lead agency. Therefore, requiring the use of only low ROG supplies and equipment in perpetuity is neither feasible nor enforceable.

As detailed more fully in the Draft EIR, the analysis identified mitigation to help reduce operational emissions. For example, MM AIR-2c, MM AIR-2d, MM AIR-2e, MM AIR-2f, and MM AIR-2g would contribute toward $NO_X$ emissions reductions. For example, MM AIR-2c would require (1) that all on-

site off-road and on-road service equipment be zero-emission or all-electric, and (2) that all project buildings would be designed to support the use of zero-emission or all-electric service equipment. By utilizing zero-emission on-site service equipment, the proposed project would reduce $NO_X$ emissions to the extent feasible that would otherwise occur.

MM AIR-2d would require each project applicant, in connection with an individual specific development proposal, to include infrastructure for EV charging stations into a minimum of 20 percent of all vehicle parking spaces (including parking for trucks) for the subject proposal, consistent with the applicable California Green Building Standards Code (CALGreen) Tier 1 Nonresidential Mandatory Measure (Section A5.106.5.3). Although this measure would not directly include functioning charging stations, the installation of the infrastructure needed to support charging stations would allow for the future charging stations to be installed. Furthermore, MM AIR-2d would require the design of the building's electrical room to hold additional panels that may be needed to supply power for the future installation of EV truck charging stations on-site. By providing EV charging infrastructure, this measure would allow for the installation of charging stations, which would provide a convenient location for employees to charge EVs and incentivize employees to use EVs.

MM AIR-2e would require the relevant project applicant to include signage and pavement markings along project site driveways and internal roadways to clearly identify on-site circulation patterns, minimize unnecessary on-site vehicle travel, and reduce vehicle idling, which would otherwise result in excessive $NO_X$ and particulate matter 10 micrometers or less in diameter ($PM_{10}$) emissions.

MM AIR-2f would require the proposed project to include a vegetative barrier along the south and east property boundaries. Vegetative barriers utilize the natural process of photosynthesis, where plants intake air particles including gaseous pollutants, such as $NO_X$, and release oxygen. By including a vegetative barrier along the south and east property boundaries, MM AIR-2f would reduce exposure of $NO_X$ and $PM_{10}$ emissions on nearby homes and sensitive receptors to the southeast.

Finally, MM AIR-2g would require each project applicant, in connection with an individual specific development proposal, to consider the feasibility of entering into a VERA District in order to reduce reactive organic gases (ROG), $NO_X$, and $PM_{10}$ emissions. As the Draft EIR explained, a VERA is a potential mitigation measure that provides pound-for-pound mitigation of emissions that exceed applicable thresholds. A VERA reduces construction and operational emissions through a process that develops, funds, and implements emission reduction projects, with the District serving as the administrator of the emissions reduction projects and verifier of the successful mitigation effort. However, a VERA is a voluntary recommendation, it is not a requirement of by the District or any regulation. Also, for purposes of CEQA, because the terms of a specific VERA are not currently known, whether this would be feasible is speculative at this time.

In addition to the foregoing measures, due to the proposed project's size (i.e., the proposed project would result in the development of greater than 25,000 square feet of light industrial building space), the proposed project would be required to pay emission reduction fees associated with its Indirect Source Review application, consistent with the requirements contained in District Rule 9510. The Indirect Source Review application and fees to the SJVAPCD would reduce project emissions

since the Air District would direct the fees to fund other air quality improvement measures throughout the San Joaquin Valley Air Basin. Although the mitigation does not require a VERA, it does require consultation with the SJVAPCD regarding the feasibility of entering into a VERA. Moreover, the incorporation of Indirect Source Review application measures and payment of applicable fees, as well as the implementation of the other identified mitigation, would further offset proposed project air pollutant emissions.

The comment has been noted for the record. The commenter does not otherwise raise a substantive issue on the content of the EIR, and revisions to the Draft EIR are not necessary.

*Comment LIUNA-5*
The commenter purports to set forth legal principles under CEQA with respect to the adoption and rejection of alternatives. The commenter then goes on to summarize the significant and unavoidable impacts identified in the Draft EIR and provide a summary of the Reduced Footprint Alternative. The comment states that the City has not and cannot support a finding that the Reduced Footprint Alternative is infeasible.

*Response to LIUNA-5*
To the extent the comment makes general assertions but does not raise any specific project-related environmental issues under CEQA, and therefore no response is necessary.

The basic purpose of an EIR's discussion of alternatives is to suggest ways project objectives might be achieved at less environmental cost. An alternative that would substantially reduce the project's environmental impacts should not be excluded from the analysis simply because it would not fully achieve all of the project's objectives or be more costly (CEQA Guidelines § 15126.6(a)). An EIR need not, however, present alternatives that are incompatible with the project's fundamental purpose or would otherwise change the basic nature of the proposed project.

An EIR must examine a range of alternatives that are "potentially feasible." *Id.* The term "feasible" is defined as capable of being accomplished in a successful manner within a reasonable period of time, taking into account economic, environmental, social, technological and legal factors (PRC § 21061.1, CEQA Guidelines § 15364). An EIR must contain a reasonable range of feasible alternatives to the project, or to the location of the project, which can attain most of the project's objectives and would avoid or substantially lessen any of the project's significant effects. (PRC § 21100(b)(4); 14 CCR § 15126.6(a)). The selection of alternatives to be discussed in an EIR is governed by the rule of reason. Id. See also *Laurel Heights Improvement Association v. Regents of the University of California* (1988) 47 Cal.3d 376. An agency may eliminate from consideration alternatives that do not avoid or substantially lessen the project's significant environmental impacts. *Mann v. Community Redevelopment Agency* (1991) 233 Cal.App.3d 1143, 1150-51. Courts reject ironclad rules for determining feasibility and have concluded that a pragmatic standard for weighing the feasibility of alternatives applies. An EIR does not need to determine whether the alternatives included for evaluation could feasibly be implemented (CEQA Guidelines § 15126.6(d)). However, if the EIR finds that an included alternative is infeasible, it should disclose the supporting evidence and analysis.

With respect to the comment regarding the alternatives analysis, contrary to its assertion that only economic issues were considered with respect to this alternative, there is substantial evidence in the

record that supports a conclusion that the Reduced Footprint Alternative (1) would not achieve most of the project alternatives and (2) is not feasible.

The Draft EIR sets forth a thoughtful comparison of a reasonable range of potentially feasible alternatives. As detailed in the Draft EIR, the Reduced Footprint Alternative would not meet any of the project objectives to the same degree as the proposed project (and, in fact, would impair achievement of same to a great degree in a number of cases) and would be infeasible due to social, economic and other reasons.

For example. a substantial reduction in project size (by half, from 284 to 142 acres) would significantly reduce the multiple "beneficial" aspects of the project, such as property taxes received by the City, generation of substantial employment and resulting improvement of the area's jobs-to-housing ratio. It would also significantly undercut the fundamental purpose of developing a mixed-use industrial and commercial development in an economically viable manner given that this alternative would reduce the development opportunity by 50 percent, and require the remaining portion of the project site to be utilized for agricultural uses already determined to no longer be appropriate by the County Board of Supervisors during the Williamson Act cancellation process. Such marked economic infeasibility is in stark contrast to the case cited in the comment letter, *Citizens of Goleta Valley v Board of Supervisors* (1988) 197 CA3d 1167, 1179, in which the decision to reject an alternative was based simply on fact that it would be more expensive or less profitable. Additionally, to satisfy that requirement, a project is not obligated to include an alternative that will not substantially reduce or avoid the project's significant impacts. In Tracy First v. City of Tracy (2009) 177 Cal.App.4th 912, a case involving a proposed specific plan amendment and conditional use permit to build a 95,900-square-foot WinCo Foods store, the petitioners argued that the project EIR's range of alternatives was insufficient because it did not include a "reduced-store-size" alternative. The court rejected this argument as "without merit" because the record did not establish that "a reduced-size alternative would substantially diminish any of the significant environmental impacts of the project.

The Reduce Footprint Alternative would also substantially hamper the ability of the City to implement its longtime vision for the project site and instead increase land use incompatibilities, thereby creating inconsistencies with applicable goals and policies as set forth in the General Plan, including the designations and policies that contemplate light industrial and industrial uses (rather than agricultural uses). This alternative also would severely impair the objectives that seek to: maximize development of the existing underutilized project site; create employment-generating businesses to reduce the need for members of the local workforce to commute outside the area for employment, and maximize the placement of industrial uses in close proximity to the State Highway system and other major transportation corridors to avoid or shorten truck trip lengths. It would also not meet the project objectives related to placement of industrial uses to avoid locating industrial buildings in close proximity to residential uses and other sensitive receptors.

Moreover, even with this drastic reduction-cutting the project in half-significant and unavoidable impacts would remain.

CEQA does not require the lead agency to approve the environmentally superior alternative. When determining whether to approve a project, it is up to the lead agency's decision-makers to weigh the

relative advantages and disadvantages of the project and the alternatives examined in the EIR. The lead agency has discretion to weigh environmental factors together with the entire range of legal and policy considerations relevant to its action on the project (PRC § 21081(a)(3); State CEQA Guidelines § 15091). The Draft EIR, along with other substantial evidence in the record, are adequate for the City to reject the Reduced Footprint Alternative. Accordingly, this comment will be forwarded to the decision-makers for their consideration together with the entire record. However, the Lead Agency is of the opinion that this Draft EIR and the public review process has sufficiently complied with State CEQA Guidelines. The commenter does not provide evidence to contradict the conclusions of the Draft EIR, and as such, the document has adequately addressed this issue under CEQA.

*Comment LIUNA-6*
The commenter provides a summary of CEQA requirements in conducting a cumulative impact analysis, and states that the Cumulative Impacts section of the Draft EIR located within the Biological Resources, Section 3.4, is not complete as it does not include the industrial development proposed just south of the project site at the southwest corner of North Shirk Street and West Riggin Avenue. The commenter then notes that the proposed project's cumulative impact analysis needs to be revised to include the foregoing cumulative development.

*Response to LIUNA-6*
The Draft EIR appropriately considers all relevant cumulative developments, as described more fully therein. The City released a Mitigated Negative Declaration (MND) for the above-referenced "Shirk and Riggin Annexation Project" in April 2024. The physical conditions existing when the NOP for the subject development is published normally are used to establish the baseline for cumulative impacts (CEQA Guidelines § 15125 (a)(1). The NOP for the proposed project was issued August 29, 2022. The City has discretion to determine a reasonable date as a cutoff for which projects are to be included and considered in the cumulative impacts analysis. See, e.g., *Communities for a Better Environment v. South Coast Air Quality Management Dist.* (2010) 48 Cal.4th 310, 328 (agency has discretion to determine existing conditions baseline, subject to review for substantial evidence); *Gray v. County of Madera* (2008) 167 Cal.App.4th 1099 (county had discretion to set date of application for current project as cutoff date for deciding which projects to include in cumulative impacts analysis). In defining what constituted a "cumulative project" for purposes of this analysis, for purposes of "reasonably foreseeable future projects," the City, in its discretion as lead agency, determined to include the following: (1) all approved but not yet constructed developments; and (2) all developments that had submitted formal applications with the City. When the project's NOP was published, and the baseline for evaluation was set by the City, the application for the separate Shirk and Riggin Annexation Project had not been deemed complete, and therefore was not considered to be a reasonably foreseeable future project. Accordingly, the commenter's suggestion that the Cumulative Impacts section of the Draft EIR is flawed for not including the Shirk and Riggin Annexation Project is not accurate under the law; and the Draft EIR fully accounts for all relevant cumulative development projects known at the time environmental review commenced (i.e., NOP publication date). The commenter does not provide evidence to contradict the conclusions of the Draft EIR, and as such, the document has adequately addressed this issue under CEQA. No further response is required.

For informational purposes, the following is noted. All proposed projects that involve discretionary review, regardless of whether they are included in the cumulative project list, including, without limitation, the "Shirk and Riggin Annexation Project" would be subject to review in separate environmental documents and required to conform with the applicable General Plan and City development standards and other requirements under applicable laws and regulations. For example, during the site-specific evaluation for the Shirk and Riggin Annexation Project, its CEQA analysis determined that the foregoing development would not have any significant biological resources impacts, either individually or cumulatively, due to the fact that there is no suitable habitat for special-status species.

The Draft EIR includes adequate mitigation for cumulative impacts to biological resources. Those measures include MM BIO-1a through MM BIO-1f and MM BIO-3. MM BIO-1a through MM BIO-1f mitigate for potential impacts to Swainson's hawk, burrowing owl, Crotch's bumblebee, San Joaquin kit fox, and American badger. If any of these species are found to be on-site prior to project-related activities, implementation of MM BIO-1a through MM BIO-1f would reduce impacts to these species to a less than significant level under CEQA.

The commenter's specifies their approach to cumulative analysis as using the appropriate geographical context, identifying the relevant cumulative developments being considered, and accounting for cumulative impacts related to special-status species, including Swainson's hawk, Crotch's bumblebee, San Joaquin kit fox, western burrowing owl, and American badger. However, the analysis in the Draft EIR confirms that, due to the already-urbanizing nature of the relevant geographic context, as well as the requirements that the relevant cumulative projects comply with applicable federal, State, and local laws, regulations, and policies, all applicable permitting requirements of the regulatory and oversight agencies intended to address potential impacts on biological resources, and all other site-specific mitigation measures, cumulative impacts in this regard would be less than significant.

It should be noted that CDFW reviewed these mitigations and did not find them inadequate to mitigate impacts to these species. MM BIO-1d and MM BIO-3 have been revised to further meet CDFW standards. MM BIO-3 requires a Jurisdictional Delineation which, in association with applicable agencies will mitigate any impacts to jurisdictional features on-site. Implementation of these mitigations would mitigate potential project-related impacts to biological resources on-site and adequately mitigation for cumulative impacts to biological resources.

The Lead Agency concluded that a less than significant cumulative biological impact with mitigation incorporated. This is especially so where, as here, the impacts to sensitive species are small and the amount of habitat actually being used by those species is even smaller. CEQA requires that the project be adequately analyzed and that its environmental impacts are mitigated to the fullest extent feasible. The proposed mitigation measures satisfy CEQA by providing mitigation for the cumulative impacts to biological resources. Based on the information presented above, the lead agency is of the opinion that potential project impacts related to cumulative impacts and biological resources have been fully disclosed, adequately analyzed and appropriately mitigated to the extent feasible under CEQA, therefore no further analysis or revisions are required.

The Cumulative Impacts portion of Section 3.4, Biological Resources, of the Draft EIR adheres to the commenter's suggested approach; for example, it specifies an appropriate geographical context, identifies the relevant cumulative developments being considered, and accounts for cumulative impacts related to special-status species, including Swainson's hawk and Crotch's bumblebee, through MM BIO-1b and BIO-1d (revised). The analysis in the Draft EIR confirms that, due to the already-urbanizing nature of the relevant geographic context, as well as the requirements that the relevant cumulative projects comply with applicable federal, State, and local laws, regulations, and policies, all applicable permitting requirements of the regulatory and oversight agencies intended to address potential impacts on biological resources, and all other site-specific mitigation measures, cumulative impacts in this regard would be less than significant.

Morever, as detailed in the Draft EIR and related BRA, the project site is an actively managed orchard that provides negligible habitat value for special-status species. With compliance with applicable laws, regulations, and policies and the implementation of all recommended species-specific mitigation measures (MM BIO-1a, MM BIO-1b, MM BIO-1c, and MM BIO-1d revised), potential project-related impacts to special-status wildlife species would not make a cumulatively considerable contribution to this already less than significant cumulative impact. Thus, the cumulative impact analysis satisfies requirements under CEQA.

*Comment LIUNA-7*
The commenter generally summarizes responses to the Draft EIR (including the Biological Resources Assessment [BRA] attached thereto). It also raises a specific comment regarding a purported underestimation of the diversity of the species utilizing the project site.

*Response to LIUNA-7*
The general comments are noted for the record. To the extent the commenter does not raise any specific project-related environmental issues under CEQA, no further response is required.

With respect to the specific comment regarding the purported underestimation of the diversity of the species utilizing the project site, CDFW has been consulted regarding the proposed project and did not provide comment regarding the underestimation of the diversity of species utilizing the project site. Further, CDFW did not recommend additional mitigation measures outside of what the Draft EIR has proposed. Lastly, where CDFW did provide comments on the Draft EIR (regarding proposed mitigation), these comments have been revised to include refinements recommended by the CDFW (see Section 3, Errata, of the Final EIR). These refinements represent clarifying language to better ensure compliance with CDFW processes. Additionally, all surveys conducted for the project site were done in accordance with existing standards and did not identify the species the commenter observed. It should also be noted that the commenter's mathematical extrapolations are not based on industry standards and are therefore speculative. Speculation does not constitute substantial evidence under CEQA. (CEQA Guidelines Sections 15145; 15384).

The commenter's report describes the presence of 12 special-status species that were supposedly observed on-site during his purported "site visits." The Lead Agency takes no position as to the accuracy of the purported species observed during the unauthorized and unpermitted access. Additionally, Photo 6 is from 2022 from an unidentified site; this photo could have been taken at any site in the central valley, and there is no evidence provided to indicate the photo was taken on the

project site. Therefore, the commenter's assessment of the diversity of the species on-site is speculative at best.

The timing and scope of the survey referred to in the Draft EIR reflects standard industry practice; specifically, a stand-alone BRA was preprepared based on industry standard methodologies, and available as Appendix C of the Draft EIR. As explained further in Section 3.4, Biological Resources, of the Draft EIR and in the BRA attached thereto, the analysis employed a thoughtful and robust methodology, consistent with industry standard practices, to identify special-status species that could potentially be impacted by the proposed project. Based on this methodological approach, a database search using California Natural Diversity Database (CNDDB) and California Native Plant Society Electronic Inventory (CNPSEI) was conducted within the *Goshen, California* United States Geological Survey (USGS) 7.5-minuteTopographic Quadrangle Map and its eight neighboring quadrangles which resulting in 33 special-status species being initially considered, but due to a lack of potential habitat and other considerations, all but five were not determined to warrant further consideration. This evaluation included each species' required habitat and determinations of the potential to occur on-site based on numerous considerations and documentary materials. A species-by-species discussion is provided within Tables 1 and 2 with Appendix B of the BRA.

Based on the information presented above, the Lead Agency is of the opinion that potential project impacts related to biological resources have been fully disclosed, adequately analyzed and appropriately mitigated to the extent feasible under CEQA, therefore no further analysis or revisions are required except for clarifications as noted above.

*Comment LIUNA-8*
The commenter generally summarizes the findings from Dr. Shawn Smallwood, PhD in response to the Draft EIR.

*Response to LIUNA-8*
These comments are noted. To the extent this comment is general in nature and does not raise any specific project-related environmental issues under CEQA, no further response is necessary.

With respect to specific comments, following are responses are provided. First, with respect to the way in which the site surveys were conducted, the commenter suggests the survey process was "inadequate" due to its timing. The site survey was conducted by a qualified Biologist who specializes in this the biological resources of this area. The timing and scope of the survey reflected standard industry practice; specifically, a stand-alone BRA was preperared based on industry standard methodologies, and available as Appendix C of the Draft EIR. The objective of the survey was not to exhaustively search for every potential species occurring within the project site, but rather to ascertain general site conditions and identify potentially suitable habitat areas for special-status plant and wildlife species. Special-status or unusual biological resources identified during the literature review were confirmed during the reconnaissance-level survey for mapping accuracy. Based on the foregoing and as otherwise detailed in Section 3.4, Biological Resources, of the Draft EIR and the BRA attached thereto, this site survey is adequate for purposes of this CEQA review.

The commenter also states that the site survey is inadequate for failing to explain how it conducted habitat assessments. Contrary to the foregoing assertions, the site survey and related BRA explains

how the habitat assessments were conducted. As detailed more fully therein, Section 3 of the BRA describes the methodlogy used to carry out the field survey and subseqent report. Methods included a literature review of nine USGS quadrangles in order to compile a list of threatened, endangered, and otherwise special-status species previously recorded on-site and the surrounding area; review of City and County tree ordiances, a review of areial photography to identify any potential natural drainge features and water bodies.

Third, the commenter asserts that the BRA "improperly screened out many special-status species from further consideration" based on an improper reliance on specified databases. As explained further in Section 3.4, Biological Resources, of the Draft EIR and the BRA attached thereto, the analysis employed a thoughtful and robust methodology, consistent with industry standard practices, to identify special-status species that could potentially be impacted by the project. Based on this methodological approach, a database search using California Natural Diversity Database (CNDDB) and CNPSEI was conducted within the *Goshen, California* USGS 7.5-minute Topographic Quadrangle Map and its eight neighboring quadrangles resulted in 32 special-status species being initially considered, but due to a lack of potential habitat and other considerations, all but five were determined to warrant further consideration. This evalution included each species' required habitat and determinations of the potential to occur on-site based on numerous considerations and documentary materials. A species by speices disucssion is provided within Tables 1 and 2 with Appendix B of the BRA.

It should be noted that the California Supreme Court has emphasized an EIR need not achieve "technical perfection or scientific certainty." Sierra Club v. County of Fresno (2018) 6 Cal.5th 502, 515. Instead, CEQA requires "adequacy, completeness, and a good faith effort at full disclosure." (CEQA Guidelines § 15003(i)). The appropriate degree of specificity and analysis a given issue warrants depends on "the nature of the project and the rule of reason." North Coast Rivers Alliance v. Kawamura (2015) 243 Cal.App.4th 647, 679; see also CEQA Guidelines Section 15151 ("An evaluation of the environmental effects of a proposed project need not be exhaustive, but the sufficiency of an EIR is to be reviewed in the light of what is reasonably feasible.").

"CEQA does not require a lead agency to conduct every recommended test and perform all recommended research to evaluate the impacts of a proposed project. The fact that additional studies might be helpful does not mean that they are required." *Ass'n of Irritated Residents v. Cty. of Madera*, (2003) 107 Cal.App.4th 1383, 1396, 133 Cal. Rptr. 2d 718. Consequently, CEQA does not contain a blanket requirement that agencies conduct focused or protocol-level surveys. See Id. Based on the information presented above, the Lead Agency is of the opinion that potential project impacts related to biological resources have been fully disclosed, adequately analyzed and appropriately mitigated to the extent feasible under CEQA, therefore no further analysis or revisions are required except for clarifications as noted above.

See also Response to LIUNA-7.

*Comment LIUNA-9*
The commenter generally summarizes comments to the Draft EIR with respect to habitat loss, movement impacts, traffic mortality, and cumulative impacts regarding biological resources.

Specifically, with respect to habitat loss, the commenter states that the Draft EIR fails to fully account for the impacts associated therewith, including in terms of immediate numerical decline as well as permanent loss of productive capacity. The commenter then references a calculation that project-related "loss of habitat for bird nests would result in 21,645 birds born per year," which would be "very substantial and highly significant" but states this impact was not disclosed or mitigated in the Draft EIR.

*Response to LIUNA-9*
To the extent this comment is general in nature and does not raise any specific project-related environmental issues under CEQA, no further response is necessary. See also Responses to LIUNA-7 and LIUNA-8.

Regarding purported habitat loss due to the proposed project, the key State resource agency, CDFW, has commented on the Draft EIR regarding the proposed project. Except for minor species-specific revisions proposed to specific mitigation measures, CDFW did not set forth any concerns regarding the Draft EIR's description of the environmental setting and/or its impact analysis. Additionally, the commenter's formula for quantifying habitat loss is not recognized by industry professionals as a proper methodology for assessing habitat loss under CEQA and is based on speculation, which is not cognizable under CEQA (CEQA Guidelines §§ 15145; 15384). Instead, the Draft EIR reflects feasible and appropriate measures specific to migratory and nesting birds and roosting bats that are consistent with standard industry practice, which would become binding mitigation measures via enforceable conditions of approval (see MM BIO-1a, MM BIO-1b, MM BIO-1c, MM BIO-1e, and MM BIO-1f). On the contrary, the Draft EIR addressed at length the potential for the project to result in the loss of suitable habitat for a variety of special-status species. For the reasons set forth therein, and in the BRA attached thereto, suitable habitat exists on-site for relatively few special-status species. For those, the Draft EIR discussed and fully disclosed these potential impacts as significant and identified feasible mitigation to ensure impacts would be reduced to less than significant (see MM BIO-1a through MM BIO-1f). MM BIO-1a through MM BIO-1f mitigate for potential impacts to Swainson's hawk, burrowing owl, Crotch's bumblebee, San Joaquin kit fox, and American badger through several methods, including pre-construction surveys, project safety procedures to be implemented during project construction, and the implementation of buffer zones if any of these species are found. If any of these species are found to be on-site prior to project-related activities, implementation of MM BIO-1a through MM BIO-1f would reduce impacts to these species to a less than significant level under CEQA. It should be noted that CDFW reviewed these mitigations and did not find them inadequate to mitigate impacts to these species. Note that MM BIO-1d has been revised to further meet CDFW standards.

With respect to the specific comment regarding the loss of productive capacity that would result in the predicted loss of "21,645 birds born per year," the commenter does not define what is meant by the protection of "productive capacity." To the extent it is meant to reference the future number of species that could potentially be birthed on the site, this is not a threshold or topic area under CEQA and is therefore not a necessary component that will be addressed in this response. Regarding purported habitat loss due to the project that would potentially result in the loss of production capacity, the key State resource agency, CDFW, has commented on the Draft EIR regarding the proposed project. Except for minor species-specific revisions proposed to specific mitigation

measures, CDFW did not set forth any concerns regarding the Draft EIR's description of the environmental setting and/or its impact analysis. Additionally, the commenter's formula for quantifying habitat loss is not recognized by industry professionals as a proper methodology for assessing habitat loss under CEQA and is based on speculation, which is not cognizable under CEQA (CEQA Guidelines §§ 15145; 15384). Instead, the Draft EIR reflects feasible and appropriate measures specific to migratory and nesting birds and roosting bats that are consistent with standard industry practice, which would become binding mitigation measures via enforceable conditions of approval (see MM BIO-1a, MM BIO-1b, MM BIO-1c, MM BIO-1e, and MM BIO-1f).Based on the information presented above, the lead agency is of the opinion that potential project impacts related to biological resources have been fully disclosed, adequately analyzed and appropriately mitigated to the extent feasible under CEQA, therefore no further analysis or revisions are required except for clarifications as noted above.

*Comment LIUNA-10*
The commenter generally summarizes comments to the EIR.

In terms of specific comments on wildlife corridors, the commenter states that the Draft EIR applied improper standards in determining there were less than significant impacts on wildlife movement. The commenter goes on to note that a project can have a significant impact on wildlife movement "regardless of whether the movement is channeled through a corridor." The comment states that the project would "cut wildlife off from one of the last remaining stopover and staging opportunities in the project area" and this constitutes a significant impact.

*Response to LIUNA-10*
These comments are noted. They are general in nature and do not include any specific evidence to support the allegations that the analysis is incomplete or inaccurate. Based on the information presented above (Responses LIUNA-6 through LIUNA-9), the Lead Agency is of the opinion that potential project impacts related to biological resources have been fully disclosed, adequately analyzed and appropriately mitigated to the extent feasible under CEQA, therefore no further analysis or revisions are required except for clarifications as noted above. For the reasons set forth herein, the commenter's suggested mitigation is not required under CEQA, and the Lead Agency has determined to rely upon its biological resource experts in terms of the methodology and conclusions set forth in the Draft EIR and related BRA. Please also refer to Responses to LIUNA-9. The Lead Agency is of the opinion that potential project impacts related to biological resources have been fully disclosed, adequately analyzed and appropriately mitigated to the extent feasible under CEQA, therefore no further analysis or revisions are required.

To the extent Response to LIUNA-10 is general in nature and does not raise any specific project-related environmental issues under CEQA, no further response is necessary.

As a preliminary matter, the Draft EIR and related BRA do not limit the analysis with respect to potential impacts to wildlife movement to formal "corridors." As detailed more fully in the Draft EIR and related BRA, while the project would result in the loss of a certain amount of local wildlife habitat, it would not significantly interfere with wildlife movement for migratory birds and bats. For example, the Draft EIR and related BRA recognize that extensive suitable alternative stopover habitat (e.g., undeveloped) for migratory birds can be found to the north and west of the project site. In

fact, these other areas are less fragmented, isolated, and less prone to disturbance from human activities and therefore may be more desirable for some migratory species.

With respect to the movement of any terrestrial species or species with limited dispersal ability, as discussed in the Draft EIR and related BRA, such movement is likely currently inhibited given the semi-urban location of the project site. Areas directly south and east of the project site are composed of extensive industrial, commercial and residential developments. The project site does not contain habitat features such as riparian corridors that could function as wildlife corridors or otherwise facilitate wildlife movement. Importantly, the project site is not within a designated wildlife corridor based on the CDFW's Essential Connectivity Areas geospatial data set, which uses habitat modeling to identify areas of land with value as wildlife corridors. As such, contrary to the commenter's assertions, the project site is not considered to be "critically important" to wildlife movement.

Lastly, the proposed project would not remove all trees on-site. For example, a large oak tree near the boundary of the project site would remain after construction. Additionally, numerous smaller ornamental trees are planned for planting as part of project landscaping which would continue to support roosting birds.

The Draft EIR and related BRA includes a detailed discussion of wildlife movement on the project site during existing conditions and the potential impacts of the project thereon. As described more fully therein, most of the project site consists of actively managed orchards and does not contain habitat features such as riparian corridors that could function as wildlife corridors. Additionally, the project site is surrounded by active roadways, active agriculture, industrial, and residential development, all of which impede the movement of wildlife and limit the use of the project site as a potential corridor for wildlife movement.

Contrary to the commenter's assertion, the Draft EIR and related BRA considers the proposed project's potential impact on species movement in Section 3.4, Biological Resources, Impact BIO-4. Specifically, Section 4.5 of the BRA details how the project site is not a wildlife movement corridor. The BRA states, "Most of the project site consists of actively managed orchards and does not contain habitat features such as riparian corridors that could function as wildlife corridors. Additionally, the project site is surrounded by active roadways, active agriculture, industrial, and residential development, all of which impede the movement of wildlife and limit the use of the project site as a potential corridor for wildlife movement. The project site is not within a known wildlife corridor." Therefore, the site would not attract special-status species that would be subject to traffic movement, lowering the potential for traffic collisions.

Moreover, CDFW's Terrestrial Connectivity Map identifies the project site as a 1, having limited connectivity opportunity (measured on a scale of 1-5, with 5 being an irreplaceable and essential corridor) (see Figure 2-1: Terrestrial Connectivity Map). The project site is not within a known wildlife corridor. Based on the information presented above, the Lead Agency is of the opinion that potential project impacts related to biological resources have been fully disclosed, adequately analyzed and appropriately mitigated to the extent feasible under CEQA, therefore no further analysis or revisions are required except for clarifications as noted above.

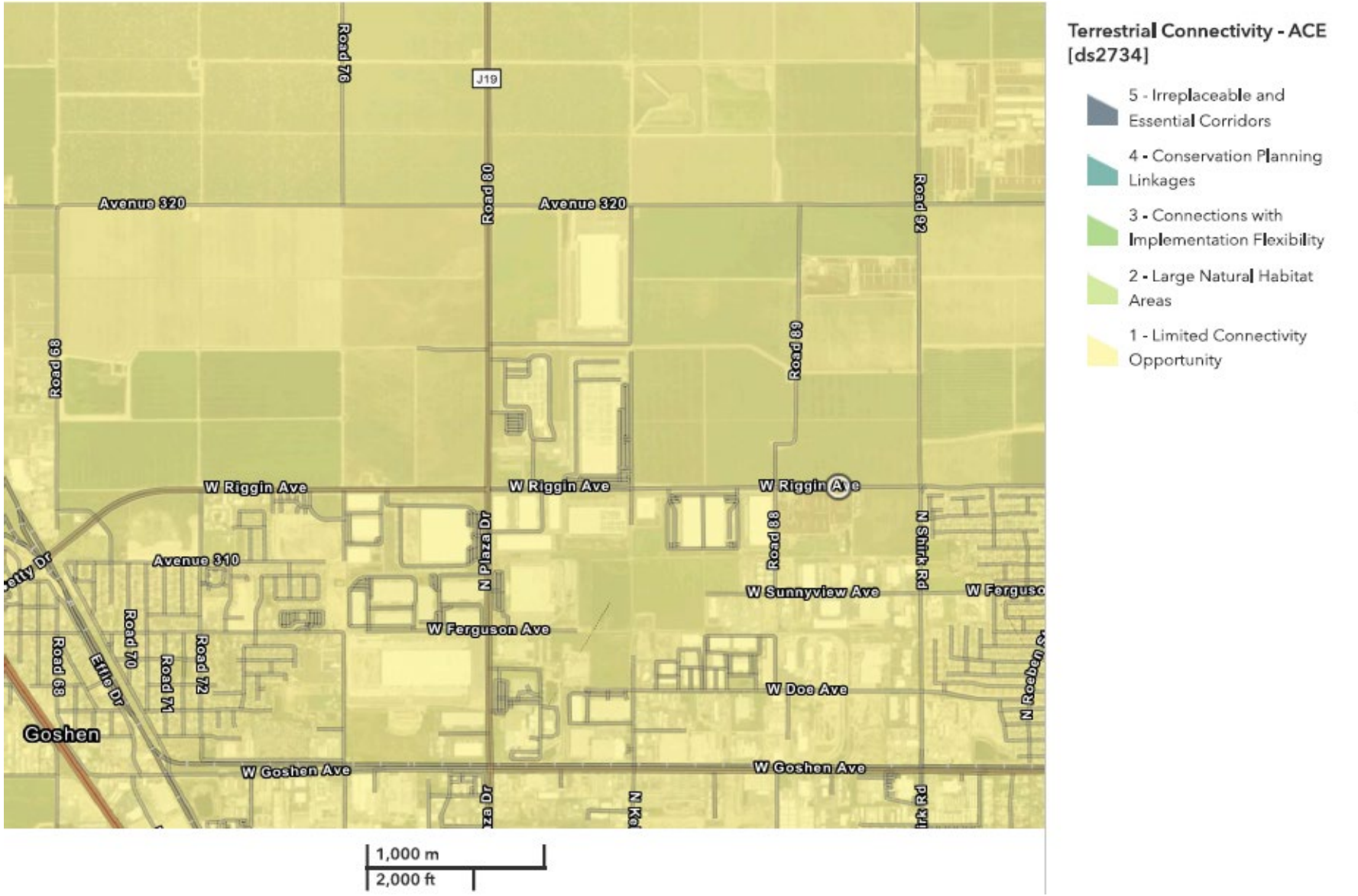



**Figure 2-1: Terrestrial Connectivity Map**

*Comment LIUNA-11*
The commenter makes the general statement that the Draft EIR fails to address the impacts to wildlife due to traffic collisions and provides estimates of species' casualties based on the reported findings from Shawn Smallwood, PhD. The commenter concludes that this is a significant impact that must be disclosed, discussed, and mitigated in a recirculated Draft EIR.

*Response to LIUNA-11*
To the extent this comment is general in nature and does not raise any specific project-related environmental issues under CEQA, no further response is required.

With respect to specific comments, the following responses are provided. In terms of wildlife mortality, this comment is noted. The photographs and related assertions included in this comment are not from the project site and thus any asserted relevance to this analysis would be speculative. In fact, the traffic mortality study cited in this comment was conducted in Contra Costa County, which is hundreds of miles away from Tulare County; the commenter's numerous assumptions in applying that study's conclusions to the proposed project are not supported by substantial evidence in the record but rather reflect mere speculation. In summary, the mathematical calculations provided are based on speculative assumptions from non-related projects far outside Tulare County and the project site.

As discussed above and detailed more fully in the Draft EIR and related BRA, potential impacts to wildlife movement due to the proposed project are considered at length. The project site is not considered to be within a designated wildlife corridor. Instead, the project site is surrounded by active roadways and existing industrial, commercial, and residential development that limits species movement on and through the project site. The site plan and design of the proposed project would not encourage species to traverse internal roadways to reach habitat since, among other things, the site does not contain undisturbed habitat or vegetation that provides habitat value for a majority of special-status species. Instead, the site plan would mitigate for any special-status species anticipated to occur on-site and account for functional groups such as nesting birds. As such, the construction and operation of the proposed project is not anticipated to result in significant impacts to the movement of any species, as discussed in Impact BIO-4.

The commenter provides a model that is based on conjecture and without any substantive evidence to support the assertion. The project site is generally surrounded by other large industrial developments and does not propose a project that would create traffic volumes that exceed other surrounding developments. Moreover, CDFW was consulted regarding the proposed project and that agency did not provide a comment regarding traffic collisions. The species-specific mitigation measures proposed in the Draft EIR would be sufficient to mitigate the proposed project's impacts on species and habitat. Moreover, a traffic analysis regarding the potential for wildlife collisions is not required under CEQA; rather, impacts to special-status species are fully addressed under Draft EIR, Section 3.4, Biological Resources, Impact BIO-1. The CEQA Guidelines require recirculation only when "significant new information" is added to an EIR after the Draft EIR is released for public review but before certification of the Final EIR. (PRC § 21092.1; 14 CCR § 15088.5(a)). Based on the information presented above, the Lead Agency is of the opinion that potential project impacts related to biological resources have been fully disclosed, adequately analyzed and appropriately

mitigated to the extent feasible under CEQA, therefore no further analysis or revisions are required except for clarifications as noted above

See also Response to LIUNA-10.

*Comment LIUNA-12*
The commenter makes the general statement that the cumulative impact analysis is flawed because it is based on flawed premises about the lack of presence of special-status species and the project site's lack of importance for wildlife movement, as well as an improper reliance on compliance with existing laws and regulations to find a less than significant impact. The commenter asserts that the six biological mitigation measures, MM BIO-1a through MM BIO-1f are not adequate to mitigate for the project's impacts. Because of the foregoing, the commenter concludes the determination of less than significant cumulative impacts is not supported by substantial evidence.

*Response to LIUNA-12*
The commenter contends that the identified mitigation measures are inadequate because they rely on pre-construction surveys, which alone, may not be sufficient mitigation, and states that the Draft EIR improperly treats these pre-construction surveys as protocol-level surveys. The commenter then references proposed mitigation that would require: (1) protocol-level surveys prior to pre-construction surveys; (2) the preservation of open space as close to the project site as possible to compensate for habitat loss; and (3) compensatory mitigation payments for wildlife research and rehabilitation.

To the extent this comment is general in nature and does not raise any specific project-related environmental issues under CEQA, no further response is necessary.

However, for the reasons described in detail in Section 3.4, Biological Resources, of the Draft EIR and related BRA, the identified mitigation measures adequately avoid, reduce and/or lessen the identified significant impacts. MM BIO-1a through MM BIO-1f mitigate for potential impacts to Swainson's hawk, burrowing owl, Crotch's bumblebee, San Joaquin kit fox, and American badger through several methods, including pre-construction surveys, project safety procedures to be implemented during project construction, and the implementation of buffer zones if any of these species are found. If any of these species are found to be on-site prior to project-related activities, implementation of MM BIO-1a through MM BIO-1f would reduce impacts to these species to a less than significant level under CEQA. It should be noted that CDFW reviewed these mitigations and did not raise any issues regarding their adequacy to mitigate impacts to these species. Note that MM BIO-1d has been revised to further meet CDFW standards.

As a preliminary matter, it is important to note there is concurrence with the premise that pre-construction surveys would not necessarily be sufficient, on their own, to fully mitigate identified impacts. Rather, such surveys are a first step; i.e., intended to confirm presence/absence of a species. To the extent presence is determined as a result of pre-construction surveys, then further steps would need to be taken, in the form of feasible protective measures, in order to reduce impacts.

Accordingly, the mitigation measures referenced by the commenter go beyond simply requiring pre-construction surveys, and instead also include other detailed provisions to ensure adequate mitigation in the event special-status species are located on-site during ground/vegetation disturbance and/or construction activities. Furthermore, the City has agreed to revise, and the project applicant has agreed to implement, certain mitigation measure refinements as suggested by CDFW, which would further ensure impacts are fully mitigated. There is no requirement under CEQA or otherwise for the project applicant(s) to implement the commenter's suggested mitigation. CDFW reviewed the Draft EIR and had three very minor comments. CDFW did not propose any additional mitigation measures that were not already include in the Draft EIR, rather they provide minor comments on mitigation that was already contained within the Draft EIR. Further, the applicant addressed their comments in this document. Based on the information presented above, the Lead Agency is of the opinion that potential project impacts related to biological resources have been fully disclosed, adequately analyzed and appropriately mitigated to the extent feasible under CEQA, therefore no further analysis or revisions are required except for clarifications as noted above.

See also Responses LIUNA-6 through LIUNA-12.

*Comment LIUNA-13*
The commenter purports to set forth legal requirements under CEQA with respect to the environmental topic area of energy. The commenter then claims that an analysis that simply relies on the project's compliance with the California Building Energy Efficiency Standards does not constitute an adequate analysis of energy, and that the Draft EIR should discuss renewable energy features and provide rooftop solar panels. The commenter asserts that the proposed approach, which assumes the project would be required to either (1) install rooftop solar panels or (2) construct buildings that structurally can accommodate future solar panels is inadequate. The commenter claims that installation of rooftop solar panels would also ensure the project complies with the City's CAP.

*Response to LIUNA-13*
To the extent the comment makes general assertions but does not raise any specific project-related environmental issues under CEQA, and therefore no response is necessary.

With respect to the commenter's assertion regarding the adequacy of the energy impact analysis, contrary to the its assertion, the Draft EIR adequately analyzed and disclosed the project's construction and operation energy impacts, which included, among other things, consideration of opportunities for on-site renewable energy generation.

As shown in Section 3.6, Energy, the Draft EIR provided a thoughtful analysis to determine whether the project would exceed the applicable significance thresholds. Specifically, in addition to discussing compliance with the California Building Energy Efficiency Standards and the other applicable provisions of a comprehensive regulatory framework that governs development in California and which reflects some of the most stringent requirements in the nation, the analysis also disclosed the amount of fuel that would be used by construction equipment and vehicle trips, energy use of an construction office trailer, energy consumption from the proposed building operations, and fuel consumption from trucks and passenger vehicles. The analysis also evaluated relevant energy efficiency laws and regulations such as, among others, ARB's idling limitation for on-road and off-

road equipment, Visalia Municipal Code provisions related to construction hours and the installation of short- and long-term bike facilities, and the proposed project's TDM measures, all of which would reduce the project's energy consumption and promote energy efficiency.

The latest California Building Energy Efficiency Code went in effect on January 1, 2023. The latest requirements for solar panel installation (Section 140.10) are more stringent than the original MM GHG-2(a), which, crafted per SJVAPCD suggestion in their NOP comment letter dated September 28, 2022, only required the project applicant to install one of the following: (i) rooftop photovoltaic solar panels, (ii) solar-ready rooftop design that shall support the installation of rooftop photovoltaic panel, as feasible, or (iii) roofing material contains light coloring with a solar reflective index greater than 78. Therefore, MM GHG-2(a) has been revised to reflect the solar panel installation obligation under State law per California Building Energy Efficiency Code Section 140.10.

The proposed project would be required to comply with California Building Energy Efficiency Standards and CALGreen Building Code Standards. The foregoing include minimum energy efficiency requirements related to building envelope, mechanical systems (e.g., HVAC and water heating systems), and indoor and outdoor lighting, are widely regarded as the some of the most advanced and stringent building energy efficiency standards in the country. Moreover, as the Draft EIR explains, the proposed project would be required to incorporate electrical conduit to facilitate future installation of EV charging infrastructure. In addition, as specified in Subchapter 6, Part 6 of the Title 24 standards, the proposed project would be required to either include rooftop solar systems or design the proposed buildings to structurally accommodate future installation of a rooftop solar system. Among others, the project would be required to adhere to California Building Energy Efficiency Standards Section 140.10, which requires the installation of a solar photovoltaic system for all proposed land uses unless otherwise exempt per Section 140.10. The required solar photovoltaic size is calculated based on the project's climate zone, amount of conditioned space, and space usage.[5] As such, the Draft EIR concluded that the design of the proposed project would facilitate the future commitment to renewable energy resources.

With respect to energy associated with project-related vehicle trips, the proposed project would include the installation of bicycle parking fixtures consistent with the Visalia Municipal Code requirements for new development, encouraging the use of alternative modes of transportation for worker commutes. Regional access to the project site is provided via State Route (SR) 99, which is 0.85 mile to the east of the project site. As a result, the proposed project would be located within 1 mile of a major transportation corridor that provides interstate regional access. Moreover, as discussed in Section 3.15, Transportation, the proposed project would be required to implement various TDM measures that would contribute to fuel savings through incentives for project staff to utilize nonmotorized transportation modes. Furthermore, the proposed project would generate vehicle trips that would travel to other cities and states in order to deliver goods and the location of the proposed project would not result in excessive or wasteful vehicle travel.

The Draft EIR concluded that the proposed project would be consistent with CAP actions related to Energy by including MM GHG-2a which requires installation of solar photovoltaic system to increase

[5] To present a conservative estimate of emissions, the Draft EIR did not take any reductions related to the inclusion a solar photovoltaic system.

generation and use of renewable energy. In addition, the proposed project would be consistent with other CAP actions related to reduction energy consumption such as, including drought-tolerant landscaping that requires less water demand and consequently less electricity to convey that water to the project site.

Based on the foregoing, the Draft EIR concluded energy impacts would be less than significant.Therefore, the Draft EIR properly analyzed the project's energy impacts, including opportunities for the generation of on-site renewable energy soursces and the proposed project would be implementing solar photovoltaic system that is being requested by the commenter. The Lead Agency is of the opinion that this Draft EIR has sufficiently complied with State CEQA Guidelines. The commenter does not provide evidence to contradict the conclusions of the Draft EIR, and as such, the document has adequately addressed this issue under CEQA, and no further analysis or revisions are required.

*Comment LIUNA-14*
The commenter provides a summary of the HRA from the Draft EIR and claims that health risk impacts could not be verified by the commenter's consultant and may thus be underestimated. Specifically, the comment asserts that the Draft EIR and supporting documentation do not provide the values used in the HRA for ASF and FAH.

*Response to LIUNA-14*
As shown in Section 3.3, Air Quality, pages 3.3-54 through 3.3-57, a screening analysis was prepared in accordance with Section 8.4.2 Ambient Air Quality Screening Tools of the SJVAPCD's Guidance for Assessing and Mitigating Air Quality Impacts.

As described in the Draft EIR, District Rule 2201 requires that an AAQA be conducted for a project when that project's maximum daily emissions exceed 100 pounds for any single criterion or precursor pollutant after incorporation of all mitigation. The District's Guide for Assessing and Mitigating Air Quality Impact (GAMAQI) includes screening thresholds for identifying projects that need detailed analysis for localized impacts. Projects with on-site emission increases from construction activities or operational activities that exceed the 100 pounds per day screening level of any criteria pollutant after compliance with Rule 9510 and implementation of all enforceable mitigation measures would require preparation of an AAQA. The criteria pollutants of concern for localized impact in the Air Basin are $PM_{10}$, $PM_{2.5}$, $NO_X$, and carbon monoxide (CO).

An analysis of maximum daily emissions during construction and operation was conducted to determine whether emissions would exceed the 100 pounds per day screening threshold for any pollutant of concern. NOx, $PM_{10}$, and $PM_{2.5}$ during project construction and operation are shown to be below 100 pounds per day with mitigation. See Draft EIR Tables 3.3-16, 3.3-17, and 3.3-18. Therefore, an AAQA screening analysis was appropriately prepared in accordance with SJVAPCD guidance. Detailed calculations can be found in Appendix A of Draft EIR Appendix B Air Quality, Greenhouse Gas Emissions, and Energy Analysis Report. As noted in the Draft EIR, localized emissions of CO would remain significant even after incorporation of all feasible mitigation measures for both construction and operations.

See Response to GSEJA-7 for further justification for the methodology used for the HRA.

No further response is needed.

*Comment LIUNA-15*
The comment restates the summary of its general position is that the Draft EIR fails to comply with CEQA.

*Response to LIUNA-15*
The comment is noted for the record. Please see Response to LIUNA-1. No further response is necessary.

*Comment LIUNA 16*
The commenter notes his qualifications and credentials as a Biologist. The commenter then makes the general statement that the existing environmental settings within the Draft EIR are deficient and that the impacts analysis is incomplete and inaccurate.

*Response to LIUNA-16*
These comments are noted. They are general in nature and do not include any specific evidence to support the allegations that the analysis is incomplete or inaccurate. Based on the information presented above (see Responses LIUNA-6 through LIUNA-12), the Lead Agency is of the opinion that potential project impacts related to biological resources have been fully disclosed, adequately analyzed and appropriately mitigated to the extent feasible under CEQA, therefore no further analysis or revisions are required except for clarifications as noted above.

*Comment LIUNA-17*
The commenter describes the environmental conditions and lists species observed during his two site visits. The commenter included photos that were purportedly taken during the "site visits" and a species table that asserts to be predictive of the potential species present within the project site.

*Response to LIUNA-17*
The commenter indicates that they were on-site and the photographs included in this comment were clearly taken from within the site. Neither the commenter nor any individual from LIUNA were granted permission to access the private project site.

Regarding the commenter's wildlife observations during their unpermitted access none of commenter's observations, if accurate, would result in revisions to the conclusions in the Draft EIR, which remain accurate for the reasons set forth therein and in these Responses to Comments. No further response is required.

The commenter describes the presence of 12 special-status species supposedly observed on-site during purported "site visits." The Lead Agency takes no position as to the accuracy of the purported species observed during the unauthorized and unpermitted access. Additionally, Photo 6 is from 2022 from an unidentified site; this photo could have come from any site in the central valley, and there is no evidence provided to indicate the photo was taken on the project site.

Regarding the potential for each of the referenced species to occur on-site, see Appendix B of the BRA, which details the habitats, occurrences, and potential for each of the special-status species identified to be present within the site. The table details why the anticipated potential for each of

these species to occur on-site were either addressed further in the BRA or was "None." Additionally, all surveys were conducted based on industry standards and were not commented on in CDFW's review. CDFW is the acting Trustee and/or Responsible Agency to provide biological expertise to review and comment on CEQA environmental review.

Moreover, even assuming the accuracy of the commenter's observations, the protection of these species is covered under MM BIO-1d with species-specific mitigation; also, there is additional species-specific mitigation for Swainson's hawk and burrowing owl described under MM BIO-1a through MM BIO-1c. The commenter's reported observations are consistent with the results disclosed in the Draft EIR and do not trigger any changes to the analysis to ensure adequate disclosure and mitigation. The commenter's suggestion that predictive modeling is necessary for an adequate analysis under CEQA is not accurate; the method of predictions set forth in the comment letter reflects speculation and is not a recognized method pursuant to industry standards for identifying potential species on a site for CEQA purposes. CEQA does not require speculation in describing the relevant environmental setting.

The commenter also alleges that a year of surveys would be needed to accurately report the number of species on the project site. However, as discussed above in Response to LIUNA-8, such an expansive approach to surveying is not required by CEQA and is not consistent with standard industry practices; instead, the methodology utilized in the Draft EIR for characterizing the existing environmental setting, including the methodology utilized in conducting the reconnaissance-level surveys, is appropriate. The methodologies utilized in the Draft EIR, including conducting the surveys, are robust by taking into account numerous types of information, data, and expertise and is based on industry-established standards.

The commenter does not provide evidence to contradict the conclusions of the Draft EIR Based on the information presented above, the Lead Agency is of the opinion that potential project impacts related to biological resources have been fully disclosed, adequately analyzed and appropriately mitigated to the extent feasible under CEQA. Therefore no further analysis or revisions are required except for clarifications as noted above.

*Comment LIUNA-18*
The commenter first generally summarizes requirements under CEQA in terms of the scope of information necessary to accurately characterize the existing environmental setting (including the relevant regional setting), which is then used as the basis for opining as to the potential impacts of the project being considered. The commenter then asserts that the Draft EIR's analysis, and the related steps taken, were "incomplete and misleading."

*Response to LIUNA-18*
As an example of the Draft EIR's inadequacy, the commenter points to the description and conclusions set forth int the BRA regarding a valley oak (that has a substantial portion of its canopy overhanging the project site). The commenter disagrees with the conclusion there are no roots south of Modoc Ditch. To the extent this statement is general in nature and does not raises any specific project-related environmental issues under CEQA, no further response is required.

Regarding its specific comment about the valley oak, the commenter's assertion about the nature and scope of the root zone for the above-referenced valley oak is speculative. As a preliminary matter, the Draft EIR and related BRA identify the valley oak, although rooted on adjacent property, as having a substantial portion of its canopy overhanging onto the project site, and characterize it a sensitive biological resource due to its local rarity, the locally unique ecosystem services it provides (including shading, nesting, and roosting and foraging opportunities, nutrient cycling, and others), and its status as a protected tree under the City's Oak Tree Preservation Ordinance. Specifically with respect to the root zone, the relevant conclusions set forth in Appendix C, Biological Resources Supporting Information, to the Draft EIR are as follows: the roots of the on-site valley oak "are on the north side of the ditch away from construction and would avoid impacts as a result." Furthermore, compliance with applicable laws and regulations, including those set forth in the City's Oak Tree Preservation Ordinance (Municipal Code Chapter 12.24, Article 4 Oak Tree Preservation), which prevents any encroachment into the canopy dripline of the oak trees during construction, regardless of root location, would ensure impacts to the oak tree in question (which is a "protected" tree under the Ordinance) are less than significant.

The commenter does not provide evidence to contradict the conclusions of the Draft EIR, and as such, the document has adequately addressed this issue under CEQA. Based on the information presented above, the Lead Agency is of the opinion that potential project impacts related to biological resources have been fully disclosed, adequately analyzed and appropriately mitigated to the extent feasible under CEQA, therefore no further analysis or revisions are required except for clarifications as noted above.

*Comment LIUNA 19*
The commenter first generally summarizes requirements under CEQA in terms of the scope of information necessary to accurately characterize the existing environmental setting, which is then used as the basis for opining as to the potential impacts of the project being considered. The commenter again asserts the timing of the survey was not proper and thus resulted in inaccurate survey results. Finally, it states that it is unclear how "general site conditions" were assessed and how potential suitable habitats for species were identified. The commenter also argues that no gradient of habitat suitability is described, nor is there any evidence of a check-off sheet between known habitat associations and what the Biologist saw on the project site. The commenter also attacks the methodology used for performing biological reconnaissance surveys.

*Response to LIUNA-19*
To the extent LIUNA-19 is general in nature and does not raise any specific project-related environmental issues under CEQA, no further response is required. See Response to LIUNA-8, above, regarding survey timing and scope. With respect to the commenter's suggestion that habitat associations or ideally measured intensities of use should have been used, please refer to Response to LIUNA-17, which details how Appendix B of the BRA addresses habitats, occurrences, and potential for each of the special-status species identified to be present within the site, essentially offering a check-off sheet between known habitat associations and what the Biologist saw on-site. The table details why the anticipated potential for each of these species to occur on-site was either addressed further in the BRA or was "None" based on a lack of suitable habitat.

As noted in Response to LIUNA-8 above contrary to the commenter's assertion, the BRA describes how "general site conditions" as well as the basis for determining the suitability of the habitat for specific species were assessed.

The baseline for assessing general site conditions and potential suitable habitat for species on-site is built on established industry standards and implemented pursuant to accepted protocols by qualified Biologists with significant expertise in this arena. As explained in the Draft EIR, the analysis is based on, in part, a robust review of relevant literature and databases as well as a site-specific biological reconnaissance survey performed on July 5, 2022, and a subsequent site-specific, comprehensive BRA (included in Appendix C of the Draft EIR). The commenter suggests that the survey did not accurately detail the species on-site. However, as specifically noted in the BRA, the objective of the survey was not to exhaustively search for every potential species that could occur within the project site. (See Appendix C, Biological Resources Supporting Information, p. 16.) Instead, consistent with industry standard practice, the survey was performed consistent with established protocols to ascertain general site conditions and confirm likelihood of presence based on the nature of existing conditions, supplemented by the literature review, database searches, and expertise of the qualified Biologist in terms of habitat features that are required for specific species, none of which are dependent on time of day or month. As such, the Draft EIR properly describes the environmental setting for purposes of CEQA, and the commenter's criticisms regarding the timing of and/or approach used in the survey do not raise relevant issues regarding the general site conditions. The information and evaluation in Appendix C to the Draft EIR provide a scientifically sound basis for establishing existing conditions necessary for an adequate analysis of potential species impacted. Consistent with industry standards and based on a thoughtful review of relevant literature and databases, as well as the experience and knowledge of an expert Biologist, habitat was assessed based on a combination of literature review, aerial photographs, soil surveys, and a site visit. Additionally, the Special-status Species Evaluation Tables, located in Appendix C.2 of the Draft EIR, documents in detail special-status species recorded within the *Goshen, California* USGS 7.5-minute Topographic Quadrangle Map and its eight neighboring quadrangles by the CNDDB and CNPSEI. This table depicts these species' required habitats and potential to occur within the project site based on habitat types observed on-site as well as other relevant information, data, and materials, as discussed above. Lastly, the methodology utilized in the Draft EIR for conducting the biological resources analysis, including, without limitation, the performance of the surveys, is appropriate and can be properly relied upon to provide accurate results for the reasons set forth above and therein. The commenter does not provide evidence to contradict the conclusions of the Draft EIR, and as such, the document has adequately addressed this issue under CEQA.

Based on the information presented above, the Lead Agency is of the opinion that potential project impacts related to biological resources have been fully disclosed, adequately analyzed and appropriately mitigated to the extent feasible under CEQA, therefore no further analysis or revisions are required except for clarifications as noted above.

*Comment LIUNA 20*
The commenter first generally summarizes the purpose of literature and database review when conducting a CEQA analysis and then states its understanding of the scope of the "desktop review" outlined in the BRA and Draft EIR. The commenter then asserts that "no explanation was provided of

how these data bases were used to determine which species warranted analysis of occurrence likelihoods" and then states that clearly too few (only 12) species were evaluated. The commenter also argues that if [CDFW California Natural Diversity Database] CNDDB and Information for Planning and Consultation (IPaC) database were used as methods to screen out species for analysis of occurrence potential, this was flawed. The commenter then asserts, based on personal analysis, that the project site likely supports multiple special-status species of wildlife, including tricolored blackbird, burrowing owl, and loggerhead shrike. The commenter ultimately states that the Draft EIR should be withdrawn from circulation and revised.

*Response to LIUNA-20*
These comments are noted for the record. The list of special-status species considered in the Draft EIR was determined based on established protocols reflecting standard industry practice for the preparation of an EIR, including a literature search of special-status species with potential to occur in the area along with review and consideration of other relevant documentation, materials, and data, followed by observations by expert Biologists during the July 5, 2022, field survey of the project site. The literature search included, among other things, a search of the CDFW CNDDB, which is included in Appendix C of the Draft EIR. The CNDDB was only one of several databases utilized and was not solely relied upon in making the determinations set forth in the Draft EIR and related BRA in terms of determining potential presence. The CNDDB search queried all special-status species recorded in the *Goshen, California* USGS 7.5-minute Topographic Quadrangle Map and its eight neighboring quadrangles. Seventeen plant and 15 wildlife (not 12, as the commenter states) special-status species were evaluated within the Draft EIR and related BRA. The evaluation included the species' status, required habitat types and features, and potential to occur within the project site, as well as supporting analysis and rationale. Based on the field survey and background research, several special-status wildlife species, including Swainson's hawk, burrowing owl, Crotch's bumblebee, San Joaquin kit fox, and American badger, were determined to have the potential to occur within the project site, and thus significant impacts could result with implementation of the proposed project, thereby triggering required mitigation, as described more fully therein. With respect to special-status plant species, as detailed in the BRA, none of the special-status plant species were determined to have potential to occur on-site, primarily due to the absence of suitable habitat, past and current land use, and the extent and frequency of ground disturbance.

No special-status birds were observed during the site visit. In addition, it is worth noting that the field survey conducted by the project's consultant as a part of the Draft EIR and the commenter's unauthorized site visit took place during different times of the year, February and April respectively. It is possible that the species observed on-site may be different during these months due to migration patterns, differences in wildlife species life history, weather conditions and the availability of food resources. Consequently, general biological surveys in support of CEQA tend to focus on wildlife habitat to assess potential for species to occur while noting observed species during site visit(s) to further support the conclusions set forth in the analysis. CEQA does not require a lead agency to conduct every recommended test and perform multiple research efforts to evaluate the impacts of a proposed project. The fact that additional biological studies might be helpful does not mean that they are required." *Ass'n of Irritated Residents v. Cty. of Madera*, (2003) 107 Cal.App.4th 1383, 1396, 133 Cal. Rptr. 2d 718. Consequently, CEQA does not contain a blanket requirement that agencies conduct multiple biological surveys. An appropriate biological survey was conducted at the

project site. Given that special-status wildlife reported from the region that may be resident on the subject property the survey methodology was sufficient to detect all such special-status species that may occur. Given the mobility of birds, particularly special-status raptor species, aerial surveys have limited utility to judge site characteristics.

Based on the expertise of Biologist conducting the survey and other relevant information, documentation, data, and materials, the City, as Lead Agency, has elected to rely upon its experts' conclusions and analysis, supported by substantial evidence, and therefore does not agree that tricolored blackbird or loggerhead shrike (or other species noted by the commenter) are likely to occur on the project site. As Lead Agency, the City has discretion to choose among differing expert opinions. (CEQA Guidelines § 15151). Table 2 of the BRA, included in Appendix C of the Draft EIR, explains that these (and other) species do not have the potential to occur due to the lack of suitable habitat. Recent occurrences of these species may have been identified by the commenter; however, this does not dictate a likelihood to occur on-site if suitable habitat is absent. For example, the tricolored blackbird prefers farm fields, pastures, and cattle pens, all of which the project site lacks. Additionally, loggerhead shrike prefers to build nests on stable branches in dense shrubs or trees, usually well-concealed. The project site, which is heavily disturbed, does not contain the habitat types to support either species.

Moreover, it is noted that CDFW (who acts as a Trustee and/or Responsible Agency and provides biological expertise to review and comment on CEQA environmental review), did not require mitigation measures for tricolored blackbird or loggerhead shrike or otherwise criticize the Draft EIR for not identifying these (or other) species as being significantly impacted by the project.

The commenter indicates that he observed several birds recognized as federal Bird Species of Conservation Concern (BCC) during his two site visits that were previously not recorded or observed during biological assessment of the project site. A majority of these species are not listed under the California Endangered Species Act (CESA) or as a California Species of Special Concern (SCC) recognized by CDFW or otherwise considered as special-status species that would trigger review under CEQA. As a result, the commenter's reported observations, even if accurate, would not change the Draft EIR's analysis of and/or conclusions regarding impacts of the proposed project to special-status wildlife. Furthermore, the Draft EIR discloses potential impacts to protected bird species under Migratory Bird Treaty Act (MBTA) and identifies feasible mitigation to reduce such impacts to a less than significant level, as set forth in MM BIO-1e.

The commenter does not provide evidence to contradict the conclusions of the Draft EIR, and as such, the document has adequately addressed this issue under CEQA. Based on the information presented above, the Lead Agency is of the opinion that potential project impacts related to biological resources have been fully disclosed, adequately analyzed and appropriately mitigated to the extent feasible under CEQA and therefore does not trigger recirculation of the Draft EIR under CEQA Guidelines Section 15088.5. No further analysis or revisions are required.

Section 3.4.4 of the Biological Resources Section of the Draft EIR describes the methodology utilized to conduct this analysis, which went well beyond simply relying on the CNDDB. Instead, the methodology used included review of relevant existing documentation with respect to literature

review, topographical maps and aerial photographs, soil surveys, and a comprehensive database search that included, among others, the CNDDB; in addition, a reconnaisance-level site survey was conducted by a qualified Biologist. Specifically with respect to the databases considered, the qualified Biologist searched the CDFW CNDDB, the USFWS IPaC database, and the CNPSEI of Rare and Endangered Vascular Plants of California database for the *Goshen, California* USGS 7.5-minute Topographic Quadrangle Map and its eight neighboring quadrangles. The CNDDB Biogeographic Information and Observation System (BIOS 5) database was used to determine the distance between known recorded occurrences of special-status species and the project site.

Accordingly, the Draft EIR's analysis is consistent with the comment; i.e., it does not rely only on the CNDDB but rather considered multiple sources of information, materials, site review, and databases to determine the potential for special-status species to be present on-site and potentially impacted by the proposed project. Furthermore, the Draft EIR accounts for pre-construction surveys for multiple special-status species, nesting birds, and roosting bats through MM BIO-1a through MM BIO-1f. The Lead Agency is of the opinion that this Draft EIR and the public review process has sufficiently complied with State CEQA Guidelines. The commenter does not provide evidence to contradict the conclusions of the Draft EIR, and as such, the document has adequately addressed this issue under CEQA.

See also Response to LIUNA-6 through LUINA-8.

*Comment LIUNA-21*
The commenter first generally summarizes the purpose of a biological impacts assessment and then states that the accuracy of the analysis depends on the accuracy of the characterization of the environmental setting. It then asserts generally that the Draft EIR's environmental setting is inaccurate and that several potential impacts have been inadequately analyzed. These impacts include habitat loss, interference with wildlife movement, and wildlife-automobile collision mortality.

In terms of specific comments, the commenter argues that the permanent loss of "productive capacity" of the project site would be "very substantial and highly significant" and notes that it is not analyzed or mitigated for in the Draft EIR. The commenter also discusses the potential for habitat loss based on the commenter's review of non-related projects.

*Response to LIUNA-21*
These comments are noted. To the extent this comment is general in nature and does not raise any specific project-related environmental issues under CEQA, no further response is required. The commenter does not describe why review of other non-related sites is relevant and instead makes a generalized statement regarding the impacts associated with urban development. This generalized comment does not warrant a specific response under CEQA; see also Responses to LIUNA-6, LIUNA-9, LIUNA-12, LIUNA-15, and LIUNA-20, regarding habitat loss concerns.

The commenter does not define what is meant by the protection of "productive capacity." To the extent it is meant to reference the future number of species that could potentially be birthed on the site, this is not a threshold or topic area under CEQA and is therefore not a necessary component that will be addressed in this response.

Moreover, as discussed in detail in the Draft EIR and related BRA, the habitats present on-site are not considered sensitive because, among other reasons, they have been significantly altered from their natural state to support an actively managed almond orchard.

Regarding purported habitat loss due to the project, the key State resource agency, CDFW, has commented on the Draft EIR regarding the proposed project. Except for minor species-specific revisions proposed to specific mitigation measures, CDFW did not set forth any concerns regarding the Draft EIR's description of the environmental setting and/or its impact analysis. Additionally, the commenter's formula for quantifying habitat loss is not recognized by industry professionals as a proper methodology for assessing habitat loss under CEQA and is based on speculation, which is not cognizable under CEQA (CEQA Guidelines §§ 15145; 15384). Instead, the Draft EIR reflects feasible and appropriate measures specific to migratory and nesting birds and roosting bats that are consistent with standard industry practice, which would become binding mitigation measures via enforceable conditions of approval (see MM BIO-1a, MM BIO-1b, MM BIO-1c, MM BIO-1e, and MM BIO-1f).

The commenter does not provide evidence to contradict the conclusions of the Draft EIR, and as such, the document has adequately addressed this issue under CEQA. Based on the information presented above, the Lead Agency is of the opinion that potential project impacts related to biological resources have been fully disclosed, adequately analyzed and appropriately mitigated to the extent feasible under CEQA. No further analysis or revisions are required.

*Comment LIUNA-22*
The commenter again states that the Draft EIR's less than significant determination regarding potential impacts on wildlife movement is not accurate because it is conclusory and not based on any evidence and since it relies on the conclusion that the project site does act as a wildlife movement corridor. In so doing, the commenter asserts that the Draft EIR fails to recognize that the project would interfere with wildlife movement, even if it is not a corridor, because it is a "stopover" and "staging" site" during migration, dispersal and home range patrol.

*Response to LIUNA-22*
See Response to LIUNA-10.

*Comment LIUNA-23*
The commenter reiterates a generalized comment regarding how vehicle collisions throughout North America have taken "devastating tolls" on wildlife and also makes a general comment regarding how the project-related traffic (including on roads far from the project footprint) would endanger wildlife. The commenter then includes several photographs of wildlife on roadways throughout California over a span of numerous years that apparently have collided with vehicles. It then details findings from a study conducted in another county, at great distance from the project site, and states that this information has predictive value as to how many collision fatalities can be assumed to occur based on VMT. The commenter then applies this assumption to "predict" the number of wildlife fatalities due to vehicle collisions that would result from the proposed project, characterizing these numbers as "very substantial and highly significant." Based on this assessment, the commenter argues that compensatory mitigation is needed for the increased wildlife mortality that would be

caused by the proposed project's contribution to increased road traffic in the region and mitigation that "improve[s] wildlife safety along roads" is suggested.

*Response to LIUNA-23*
See Response to LIUNA-11.

*Comment LIUNA 24*
The commenter reasserts that the cumulative impact analysis is inadequate for the following reasons:

(1) because of the inaccurate characterization of the environmental setting in terms of assumptions about lack of presence of numerous species;

(2) based on the Draft EIR's failure to accurately describe the project site as important for wildlife movement; and

(3) its reliance on cumulative projects' compliance with applicable laws, regulations and policies to ensure cumulative impacts are less than significant. Then, the commenter cites the project-specific mitigation measures as the basis for a less than significant conclusion, which the commenter characterizes as relying solely on pre-construction surveys that the commenter views as inadequate.

*Response to LIUNA-24*
These comments are noted for the record. See Response to LIUNA-6 regarding the Draft EIR's scope and adequacy of its cumulative analysis. First, the Draft EIR does not state that special-status species of wildlife do not occur at the project site or on other cumulative development sites. Rather, the Draft EIR states within Section 3.3, Biological Resources, Section 3.4 Cumulative Impacts portion that "No special-status species are expected to successfully establish at the project site long term," and describes the basis for this conclusion. In addition, the Draft EIR states that "there is a low likelihood of special-status wildlife or plants, wildlife nursery sites, or protected trees occurring within these urban cumulative project areas due to past ground disturbance and planned for development."

To address why the proposed project would not significantly impact wildlife movement, please refer to Response to LIUNA-11. To address the sufficiency of the listed pre-construction surveys and the lack of need to respond to lost production capacity, please refer to Response to LIUNA-11. No further response is required.

*Comment LIUNA 25*
The commenter asserts that "most of the mitigation plan" consists of pre-construction surveys. He then asserts that protocol-level detection surveys are needed for pre-construction surveys to be efficient in terms of avoiding and mitigating impacts to species. He also argues against the validity of MM BIO-1e and MM BIO-3 as effective mitigation measures based on a characterization of them relying solely on pre-construction surveys.

The commenter also refers to the 36,100 trees present on-site.

*Response to LIUNA-25*
These comments are noted for the record. As a preliminary matter, the commenter's statement about the number of trees on-site is grossly inaccurate. Furthermore, the commenter's focus on identifying "nest density" and reference to time spent on other non-relevant studies are not issue(s) cognizable under CEQA or otherwise necessary for an adequate analysis of impacts to biological resources.

The commenter's assertion that MM BIO-1e is subjective and unenforceable is not accurate; rather, this mitigation measure would be imposed on the proposed project as an enforceable condition of approval through adoption of the MMRP.

With respect to potential impacts to jurisdictional features, the Draft EIR and related BRA fully consider this environmental topic area, identify a potentially significant impact, and then set forth recommended mitigation. MM BIO-3, contrary to the commenter's assertion, does not merely reflect "an administrative step to obtain take authorization" but rather sets forth a specific requirement based on adherence to detailed criteria governed by applicable resource agencies under a robust regulatory framework. Moreover, as recognized in the Draft EIR and discussed further below, "legal authority to determine whether these features are jurisdictional and thus regulated lies with the United States Army Corps of Engineers (USACE), Regional Water Quality Control Board (RWQCB), and CDFW." This measure properly reflects and respects the governing regulatory framework and properly contemplates implementation to occur once the City, as Lead Agency under CEQA and the local land use agency, considers and takes action on the proposed project, not beforehand as the commenter asserts.

This commenter asserts there are 36,100 trees present on-site. This presumably refers to the actively managed almond orchard present on-site and argues that mitigation and surveying of these trees would not be achievable in 7 days. However, this underestimates the manpower allocated to the subsequent survey efforts and assumes the number of hours needed to survey the site. The commenter's argument is based on assumptions and does not provide evidence to contradict the conclusions of the Draft EIR, and as such, the document has adequately addressed this issue under CEQA. The Lead Agency is of the opinion that potential project impacts related to biological resources have been fully disclosed, adequately analyzed and appropriately mitigated to the extent feasible under CEQA.

Also, please see Responses to LUINA-9, LIUNA-11, and LIUNA-21, above. No further response is required.

*Comment LIUNA 26*
The commenter reiterates his prior recommendations regarding changes and/or additions to project mitigation. Specifically, the commenter recommends the addition of requirements to (1) conduct protocol-level detection surveys, (2) provide compensatory mitigation for habitat loss, (3) provide compensatory mitigation for the increased wildlife mortality and road traffic, and (4) provide compensatory mitigation that includes funding contributions to wildlife habitation facilities to cover the cost of injured animals due to automobile collisions.

*Response to LIUNA-26*
These comments are noted for the record. For the reasons set forth herein, the commenter's suggested mitigation is not required under CEQA, and the Lead Agency has determined to rely upon its biological resource experts in terms of the methodology and conclusions set forth in the Draft EIR and related BRA. Please also refer to Responses to LIUNA-9, LIUNA-10, LIUNA-11, LIUNA-12, LIUNA-15, and LIUNA-21). The Lead Agency is of the opinion that potential project impacts related to biological resources have been fully disclosed, adequately analyzed and appropriately mitigated to the extent feasible under CEQA, therefore no further analysis or revisions are required.

*Comment LIUNA-27*
The commenter provides a CV for Kenneth Shawn Smallwood, an ecologist, who prepared a peer review of the BRA of the Draft EIR and sets forth comments to the Draft EIR.

*Response to LIUNA-27*
The comment is noted for the record. Because the comment is general in nature and does not raise any specific project-related environmental issues under CEQA, no further response is required.

*Comment LIUNA-28*
The commenter (SWAPE) offers a brief introduction to the claims, a brief description of the proposed project, and a general summary of the issues raised, wherein the commenter asserts that based on their review of the Draft EIR, it fails to adequately evaluate air quality, health risks, and GHG impacts. The commenter then states that a revised EIR should be prepared to adequately assess and mitigate the foregoing impacts.

*Response to LIUNA-28*
It does not raise any specific project-related environmental issues under CEQA and therefore no further response is required.

*Comment LIUNA-29*
The commenter first provides a summary of the project's air emission impacts as stated in the Draft EIR. The commenter then asserts purported legal principles under CEQA and claims the Draft EIR's conclusion that the impacts remain significant and unavoidable is incorrect. Thus, the commenter alleges that the Draft EIR has failed to discuss or implement all available feasible mitigation measures for reducing the proposed project's significant and unavoidable air quality impacts and that this also results in a failure by the City to make a good faith effort at full disclosure. To support its contention, the comment references a list of "additional feasible mitigation" that it recommends for adoption.

*Response to LIUNA-29*
The first part of the comment is a summary of the air emission analysis and does not include any specific project-related environmental issues under CEQA, and therefore no further response is necessary.

The second part of the comment refers to the suggested mitigation measures that are thoroughly discussed in Responses to AFTE-3 through AFTE-5, SJVAPCD-9 and LIUNA-4.

Based on the information presented above, the Lead Agency is of the opinion that project impacts related to air quality have been fully disclosed, adequately analyzed and appropriately mitigated to

the extent feasible under CEQA, therefore no further analysis or revisions are required except for clarification as noted above.

*Comment LIUNA-30*
The commenter sets forth certain of the Draft EIR's conclusions with respect to the construction and operational HRA. It then asserts that the Draft EIR's evaluation of potential health risk impacts, as well as the subsequent less than significant conclusion, is incorrect, and states that the Draft EIR does not provide the HRA's exposure assumptions for ASF and FAH. It then alleges that the HRA's reliance on an equation that fails to implement specific exposure assumptions with respect to ASF and FAH prevents the commenter's consultant from verifying whether the calculation of construction cancer risk is accurate. Until this information is provided, the commenter asserts that the risk may be underestimated.

*Response to LIUNA-30*
See Responses to LUINA-14 and GSEJA-7.

*Comment LIUNA-31*
The commenter provides excerpts of the project's operational GHG emissions from the Draft EIR, as well as statements regarding the project's consistency with the City's CAP and identification of feasible mitigation measures. The commenter asserts that MM GHG-2a provides three options, each of which would yield different results in terms of emission reductions. It purports to State legal principles under CEQA and then asserts that the project should demonstrate consistency with the most conservative approach. Similarly, the commenter claims that the proposed project should provide rooftop solar panels in order to be consistent with the City's CAP.

*Response to LIUNA-31*
As discussed in Responses to LIUNA-13 and LIUNA-14, the proposed project would be required to comply with California Building Energy Efficiency Standards Section 140.10 per modified MM GHG-2(a), which requires the installation of a solar photovoltaic system for all proposed land uses such as warehouses, self storage facility, drive-through restaurants, and convenience store, unless otherwise exempt per Section 140.10. The required solar PV size is calculated based on the project's climate zone, amount of conditioned space, and space usage. Therefore, the proposed project would be consistent's the CAP policy which encourages the installation of solar PV systems. The Draft EIR determined that the proposed project would result in a less than significant impact after implementation of MM AIR-2d, MM GHG-2a, and MM GHG-2b. The revisions to MM GHG-2a only further strengthen this conclusion, which remains accurate. Therefore, no further mitigation is required.

See also Responses to AFTE-3 through AFTE-5.

*Comment LIUNA-32*
The commenter reasserts claims made in LIUNA-4 related to potentially significant air quality impacts from ROG, $NO_X$ and $PM_{10}$. The commenter reiterated that the Draft EIR did not implement all feasible mitigation measures, as well. The comment raises a number of other issues with these measures.

*Response to LIUNA-32*
See Responses to AFTE-3 through AFTE-5 and LIUNA-4.

To the extent the commenter identified other issues beyond those listed in LIUNA-4, the comments are addressed below.

- *"Minimize unnecessary vehicular and machinery activities."*

The scope and underlying obligations of the suggested measure is unclear given its general language; therefore, as an initial matter, it is noted that "minimizing unnecessary vehicular and machinery activities" is too vague to be defined or quantified for determining what, if any, reduction such a measure would have and also too vague for purposes of ensuring adequate enforcement. Therefore, the suggested measure would not be an appropriate mitigation measure under CEQA. It is worth noting that the proposed project's off- and on-road diesel vehicles would be subject to applicable laws and regulations as part of a comprehensive framework that is being implemented across the State to reduce emissions, such as, among others, applicable ARB regulations that prohibit unnecessary idling, which would reduce emissions from the proposed project's construction and operations-related vehicles. Moreover, MM AIR-2a reinforces this stated regulatory obligation by requiring signage to this effect.

- *"Require contractors to assemble a comprehensive inventory list (i.e., make, model, engine year, horsepower, emission rates) of all heavy-duty off-road (portable and mobile) equipment (50 horsepower and greater) that could be used an aggregate of 40 or more hours for the construction project. Prepare a plan for approval by the applicable air district demonstrating achievement of the applicable percent reduction for a ARB-approved fleet. Daily logging of the operating hours of the equipment should also be required."*

The commenter does not provide any information or evidence as to how assembling an inventory of proposed project's construction equipment and their daily usage and a daily logging of operating hours would translate into emissions reductions, and if so, how much of a reduction would occur. It is also unclear what "applicable percent reduction" or "a plan for approval" is being referenced by the comment. As discussed at length in the Draft EIR, the project would be required to adhere to all applicable laws and regulations during construction and operation, including adherence to all Air District rules and regulations, including, without limitation, any permitting requirements. Given these considerations, the suggested measure would not reduce the proposed project's construction or operational emissions, and it is not an appropriate mitigation measure under CEQA. Moreover, for the reasons set forth herein and the Draft EIR, the air quality analysis is adequate for purposes of CEQA. From a mitigation standpoint, for example, implementation of MM AIR-2a would require all off-road diesel-powered construction equipment greater than 50 horsepower to meet EPA or ARB Tier 4 Final off-road emissions standards, to the extent such equipment is reasonably commercially available. Therefore, all off-road equipment over 50 horsepower would utilize ARB-approved engines, subject to commercial availability.

- *"Ensure that all construction equipment is properly tuned and maintained."*

Similar to the other suggested measures, this language is general and vague in nature, which (1) makes a determination as to its potential ability to result in quantifiable emissions reductions speculative, and (2) raises enforcement issues that make implementation infeasible. For example, the measure does not contain any methodology or mechanism for enforcement. Based on the foregoing, it is not an appropriate mitigation measure under CEQA.

- *"Minimize idling time to 5 minutes or beyond regulatory requirements–saves fuel and reduces emissions."*

As noted above, the proposed project's off- and on-road diesel vehicles would already be subject to applicable ARB regulations that prohibit unnecessary idling time exceeding five minutes. Moreover, MM AIR-2a reinforces this stated regulatory obligation by requiring signage to this effect. Therefore, the commenter's suggested measure would already be imposed upon the project, and thus no change is warranted.

- *"Projects located within the South Coast Air Basin should consider applying for South Coast AQMD 'SOON' funds which provides funds to applicable fleets for the purchase of commercially available, low-emission heavy-duty engines to achieve near-term reduction of NOX emissions from in-use off-road diesel vehicles."*

The proposed project is not located within the South Coast Air Basin, and thus the suggested measure would not be applicable. No change is warranted.

As demonstrated above, the proposed project would implement all feasible suggested measures. For the reasons set forth herein and in the Draft EIR (including appendices attached thereto), the City disagrees with the commenter's assertions that the suggested mitigation measures (1) would reduce construction and operational emissions; and (2) are a "cost effective, feasible way to incorporate lower-emitting design features."

To the contrary, the Draft EIR contains a robust analysis that reflects a good faith effort at full disclosure. The Draft EIR consistently utilizes conservative assumptions, methodologies and conclusions in conducting its air quality, energy and GHG analyses. For example, the Draft EIR considered both concurrent and sequential phasing scenarios (even though the likelihood of concurrent phasing is relatively low given the size and nature of the project). It also identified a range of thoughtful, feasible mitigation to ensure impacts were reduced to the extent feasible but then disclosed that, in the absence of certainty that the identified mitigation can be feasibly mitigated such that project impacts would be reduced to a less than significant level, impacts would remain significant and unavoidable due to $NO_X$ during construction and ROG, $NO_X$, $PM_{10}$ during operation of the proposed project.

The measures suggested by the commenter are, for the most part, general in nature, thereby making it difficult if not entirely speculative to confirm whether quantificable emission reductions would occur. Such general and vague language also make implementation and enforcement infeasible. Finally, because the Draft EIR reflects a reasoned analysis that thoughtfully discloses the project's air quality, energy and GHG impacts and identifies mitigation measures to reduce significant impacts to

the extent feasible, the Draft EIR is sufficient under the law, no changes are warranted, and recirculation is not triggered. Based on the information presented above, the Lead Agency is of the opinion that project impacts related to air quality have been fully disclosed, adequately analyzed and appropriately mitigated to the extent feasible under CEQA, therefore no further analysis or revisions are required except for clarification as noted above.See also Responses to AFTE-3 through AFTE-5, SJVAPCD- through SJVAPCD-9 and Response to LIUNA-4, above.

*Comment LIUNA-33*
The commenter provides a disclaimer regarding the right to revise or amend this SWAPE report if additional information regarding the proposed project becomes available. The comment also states that the SWAPE report may contain informational gaps, inconsistencies, or be incomplete due to the unavailability or uncertainty of information provided by third parties.

*Response to LIUNA-33*
The comment is noted for the record. It does not raise any specific project-related environmental issues under CEQA and therefore no further response is required.

*Comment LIUNA 34*
The comment provides a CV for Matthew F. Hagemann and Paul Rosenfeld, a Principal Environmental Chemist, who prepared a review letter of the air quality analysis of the Draft EIR.

*Response to LIUNA-34*
The comment is noted. No specific project-related environmental issues under CEQA are raised, and therefore no further response is required.

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**VIA E-MAIL**

May 28, 2024

Brandon Smith, Project Manager
City of Visalia
315 E. Acequia Avenue
Visalia, CA 93291
Ph: (559) 713-4636
Em: brandon.smith@visalia.city

**RE: City of Visalia's Shirk and Riggin Industrial Project – Draft Environmental Impact Report (SCH# 2022080658)**

Dear Brandon Smith,

On behalf of the Carpenters Union Local 1109 ("**Local 1109**"), our firm is submitting these comments for the City of Visalia's ("**City**") Draft Environmental Impact Report ("**DEIR**") for the Shirk and Riggin Industrial Project ("**Project**").

The Project's Notice of Availability ("**NOA**") for the DEIR contains the following Project Description:

> The project applicant proposes to convert existing agricultural lands and develop the approximately 284-acre project site into an industrial park, consisting of eight industrial buildings used for warehouse, distribution, and light manufacturing; six flex industrial buildings; two drive-through restaurants; a convenience store; a recreational vehicle (RV) and self-storage facility; gas station; and a car wash. The total building footprint is approximately 3,720,149 square feet. The project site would include sufficient amounts of trailer stalls and car parking stalls to serve the proposed uses in accordance with applicable City requirements. The proposed project would also involve necessary infrastructure and improvements sufficient to serve the proposed uses. These would include detention basins on the east, west, and central portions of the project site and other necessary stormwater facilities to be sized and installed in accordance with all applicable requirements and standards. Access would

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> be provided via three access points along Shirk Street, three access points along Riggin Avenue, and five access points along Kelsey Street. Clancy Street south of the project site would be extended to replace the existing private road and would traverse south to north of the site. On-site orchards would need to be removed, and appropriate landscaping and lighting would be incorporated into the overall site design consistent with applicable City requirements and guidelines.
>
> The proposed project would need to be annexed into the city limits, and upon annexation, would be served by the City of Visalia for purposes of water and wastewater. In addition, the other entitlements associated with this project include a Tentative Parcel Map and a Conditional Use Permit for some of the uses proposed (convenience store, drive-through lanes), some of the proposed lot sizes in the light industrial zoning, and lots without public street frontage.

NOA of DEIR, p. 1.

The concurrently circulated DEIR contains the same project description. DEIR, pp. 1-2.

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Local 1109 represents thousands of union carpenters in Tulare County, and has a strong interest in well-ordered land use planning and in addressing the environmental impacts of development projects.

Individual members of Local 1109 live, work, and recreate in the City and surrounding communities and would be directly affected by the Project's environmental impacts.

Local 1109 expressly reserves the right to supplement these comments at or prior to hearings on the Project, and at any later hearing and proceeding related to this Project. Gov. Code, § 65009, subd. (b); Pub. Res. Code, § 21177, subd. (a); see *Bakersfield Citizens for Local Control v. Bakersfield* (2004) 124 Cal.App.4th 1184, 1199-1203; see also *Galante Vineyards v. Monterey Water Dist.* (1997) 60 Cal.App.4th 1109, 1121.

Local 1109 incorporates by reference all comments related to the Project or its CEQA review, including the Environmental Impact Report. See *Citizens for Clean Energy v City of Woodland* (2014) 225 Cal.App.4th 173, 191 (finding that any party who has objected to the project's environmental documentation may assert any issue timely raised by other parties).

Moreover, Local 1109 requests that the City provide notice for any and all notices referring or related to the Project issued under the California Environmental Quality Act (**CEQA**) (Pub. Res. Code, § 21000 *et seq.*), and the California Planning and Zoning Law ("**Planning and Zoning Law**") (Gov. Code, §§ 65000–65010). California Public Resources Code Sections 21092.2, and 21167(f) and California Government Code Section 65092 require agencies to mail such notices to any person who has filed a written request for them with the clerk of the agency's governing body. 1 CONT

## I. THE CITY SHOULD REQUIRE THE USE OF A LOCAL WORKFORCE TO BENEFIT THE COMMUNITY'S ECONOMIC DEVELOPMENT AND ENVIRONMENT

The City should require the Project to be built by contractors who participate in a Joint Labor-Management Apprenticeship Program approved by the State of California and make a commitment to hiring a local workforce.

Community benefits such as local hire can also be helpful to reduce environmental impacts and improve the positive economic impact of the Project. Local hire provisions requiring that a certain percentage of workers reside within 10 miles or less of the Project site can reduce the length of vendor trips, reduce greenhouse gas emissions, and provide localized economic benefits. As environmental consultants Matt Hagemann and Paul E. Rosenfeld note:

> [A]ny local hire requirement that results in a decreased worker trip length from the default value has the potential to result in a reduction of construction-related GHG emissions, though the significance of the reduction would vary based on the location and urbanization level of the project site. 2

March 8, 2021 SWAPE Letter to Mitchell M. Tsai re Local Hire Requirements and Considerations for Greenhouse Gas Modeling.

Workforce requirements promote the development of skilled trades that yield sustainable economic development. As the California Workforce Development Board and the University of California, Berkeley Center for Labor Research and Education concluded:

> [L]abor should be considered an investment rather than a cost—and investments in growing, diversifying, and upskilling California's workforce

> can positively affect returns on climate mitigation efforts. In other words, well-trained workers are key to delivering emissions reductions and moving California closer to its climate targets.[1]

Furthermore, workforce policies have significant environmental benefits given that they improve an area's jobs-housing balance, decreasing the amount and length of job commutes and the associated greenhouse gas (GHG) emissions. In fact, on May 7, 2021, the South Coast Air Quality Management District found that that the "[u]se of a local state-certified apprenticeship program" can result in air pollutant reductions.[2]

Locating jobs closer to residential areas can have significant environmental benefits. As the California Planning Roundtable noted in 2008:

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> People who live and work in the same jurisdiction would be more likely to take transit, walk, or bicycle to work than residents of less balanced communities and their vehicle trips would be shorter. Benefits would include potential reductions in both vehicle miles traveled and vehicle hours traveled.[3]

Moreover, local hire mandates and skill-training are critical facets of a strategy to reduce vehicle miles traveled (VMT). As planning experts Robert Cervero and Michael Duncan have noted, simply placing jobs near housing stock is insufficient to achieve VMT reductions given that the skill requirements of available local jobs must match those held by local residents.[4] Some municipalities have even tied local hire and

[1] California Workforce Development Board (2020) Putting California on the High Road: A Jobs and Climate Action Plan for 2030 at p. ii, *available at* https://laborcenter.berkeley.edu/wp-content/uploads/2020/09/Putting-California-on-the-High-Road.pdf.

[2] South Coast Air Quality Management District (May 7, 2021) Certify Final Environmental Assessment and Adopt Proposed Rule 2305 – Warehouse Indirect Source Rule – Warehouse Actions and Investments to Reduce Emissions Program, and Proposed Rule 316 – Fees for Rule 2305, Submit Rule 2305 for Inclusion Into the SIP, and Approve Supporting Budget Actions, *available at* http://www.aqmd.gov/docs/default-source/Agendas/Governing-Board/2021/2021-May7-027.pdf?sfvrsn=10.

[3] California Planning Roundtable (2008) Deconstructing Jobs-Housing Balance at p. 6, *available at* https://cproundtable.org/static/media/uploads/publications/cpr-jobs-housing.pdf

[4] Cervero, Robert and Duncan, Michael (2006) Which Reduces Vehicle Travel More: Jobs-Housing Balance or Retail-Housing Mixing? Journal of the American Planning Association 72 (4), 475-490, 482, *available at* http://reconnectingamerica.org/assets/Uploads/UTCT-825.pdf.

other workforce policies to local development permits to address transportation issues. Cervero and Duncan note that:

> In nearly built-out Berkeley, CA, the approach to balancing jobs and housing is to create local jobs rather than to develop new housing. The city's First Source program encourages businesses to hire local residents, especially for entry- and intermediate-level jobs, and sponsors vocational training to ensure residents are employment-ready. While the program is voluntary, some 300 businesses have used it to date, placing more than 3,000 city residents in local jobs since it was launched in 1986. When needed, these carrots are matched by sticks, since the city is not shy about negotiating corporate participation in First Source as a condition of approval for development permits.

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Recently, the State of California verified its commitment towards workforce development through the Affordable Housing and High Road Jobs Act of 2022, otherwise known as Assembly Bill No. 2011 ("**AB2011**"). AB2011 amended the Planning and Zoning Law to allow ministerial, by-right approval for projects being built alongside commercial corridors that meet affordability and labor requirements.

The City should consider utilizing local workforce policies and requirements to benefit the local area economically and to mitigate greenhouse gas, improve air quality, and reduce transportation impacts.

## II. THE CALIFORNIA ENVIRONMENTAL QUALITY ACT

CEQA is a California statute designed to inform decision-makers and the public about the potential significant environmental effects of a project. 14 California Code of Regulations ("**CEQA Guidelines**"), § 15002, subd. (a)(1).[5] At its core, its purpose is to "inform the public and its responsible officials of the environmental consequences of their decisions *before* they are made. Thus, the EIR 'protects not only the environment but also informed self-government[.]'" *Citizens of Goleta Valley v. Board of Supervisors* (1990) 52 Cal.3d 553, 564 (internal citation omitted).

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[5] The CEQA Guidelines, codified in Title 14 of the California Code of Regulations, section 15000 et seq., are regulatory guidelines promulgated by the state Natural Resources Agency for the implementation of CEQA. Pub. Res. Code, § 21083. The CEQA Guidelines are given "great weight in interpreting CEQA except when . . . clearly unauthorized or erroneous." *Center for Biological Diversity v. Dept. of Fish & Wildlife* (2015) 62 Cal.4th 204, 217.

CEQA directs public agencies to avoid or reduce environmental damage, when possible, by requiring alternatives or mitigation measures. CEQA Guidelines, § 15002, subds. (a)(2)-(3); see also *Berkeley Keep Jets Over the Bay Committee v. Board of Port Commissioners of the City of Oakland* (2001) 91 Cal.App.4th 1344, 1354; *Laurel Heights Improvement Assn. v. Regents of University of California* (1988) 47 Cal.3d 376, 400. The Environmental Impact Report (EIR) serves to provide public agencies and the public in general with information about the effect that a proposed project is likely to have on the environment and to "identify ways that environmental damage can be avoided or significantly reduced." CEQA Guidelines, § 15002, subd. (a)(2).

A public agency must prepare an EIR whenever substantial evidence supports a "fair argument" that a proposed project "may have a significant effect on the environment." Pub. Res. Code, §§ 21100, 21151; CEQA Guidelines, §§ 15002, subds. (f)(1)-(2), 15063; *No Oil, supra,* 13 Cal.App.3d at p. 75; *Communities for a Better Environment v. California Resources Agency* (2002) 103 Cal.App.4th 98, 111-112. If the project has a significant effect on the environment, the agency may approve the project only upon finding that it has "eliminated or substantially lessened all significant effects on the environment where feasible" and that any unavoidable significant effects on the environment are "acceptable due to overriding concerns" specified in Public Resources Code section 21081. See CEQA Guidelines, §§ 15092, subds. (b)(2)(A)-(B).

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Essentially, should a lead agency be presented with a fair argument that a project may have a significant effect on the environment, the lead agency shall prepare an EIR even though it may also be presented with other substantial evidence that the project will not have a significant effect. CEQA Guidelines, §§ 15064(f)(1)-(2); see *No Oil, supra,* 13 Cal.App.3d at p. 75 (internal citations and quotations omitted). Substantial evidence includes "enough relevant information and reasonable inferences from this information that a fair argument can be made to support a conclusion, even though other conclusions might also be reached." CEQA Guidelines, § 15384, subd. (a).

The EIR has been described as "an environmental 'alarm bell' whose purpose it is to alert the public and its responsible officials to environmental changes before they have reached ecological points of no return." *Berkeley Keep Jets Over the Bay v. Bd. of Port Comm'rs.* (2001) 91 Cal. App. 4th 1344, 1354 ("*Berkeley Jets*"); *County of Inyo v. Yorty* (1973) 32 Cal. App. 3d 795, 810.

The preparation and circulation of an EIR is more than a set of technical hurdles for agencies and developers to overcome. *Communities for a Better Environment v. Richmond* (2010) 184 Cal.App.4th 70, 80 (quoting *Vineyard Area Citizens for Responsible Growth, Inc. v. City of Rancho Cordova* (2007) 40 Cal.4th 412, 449-450). The EIR's function is to ensure that government officials who decide to build or approve a project do so with a full understanding of the environmental consequences and, equally important, that the public is assured those consequences have been considered. *Id.* For the EIR to serve these goals it must present information so that the foreseeable impacts of pursuing the project can be understood and weighed, and the public must be given an adequate opportunity to comment on that presentation before the decision to go forward is made. *Id.*

A strong presumption in favor of requiring preparation of an EIR is built into CEQA. This presumption is reflected in what is known as the "fair argument" standard under which an EIR must be prepared whenever substantial evidence in the record supports a fair argument that a project may have a significant effect on the environment. *Quail Botanical Gardens Found., Inc. v. City of Encinitas* (1994) 29 Cal.App.4th 1597, 1602; *Friends of "B" St. v. City of Hayward* (1980) 106 Cal.3d 988, 1002.

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The fair argument test stems from the statutory mandate that an EIR be prepared for any project that "may have a significant effect on the environment." Pub. Res. Code, § 21151; see *No Oil, Inc. v. City of Los Angeles* (1974) 13 Cal.App.3d 68, 75 (hereafter, "*No Oil*"); accord *Jensen v. City of Santa Rosa* (2018) 23 Cal.App.5th 877, 884 (hereafter, "*Jensen*"). Under this test, if a proposed project is not exempt and may cause a significant effect on the environment, the lead agency must prepare an EIR. Pub. Res. Code, §§ 21100, subd. (a), 21151; CEQA Guidelines, §§ 15064, subds. (a)(1), (f)(1). An EIR may be dispensed with only if the lead agency finds no substantial evidence in the initial study or elsewhere in the record that the project may have a significant effect on the environment. *Parker Shattuck Neighbors v. Berkeley City Council* (2013) 222 Cal.App.4th 768, 785. In such a situation, the lead agency *must* adopt a negative declaration. Pub. Res. Code, § 21080, subd. (c)(1); CEQA Guidelines, §§ 15063, subd. (b)(2), 15064, subd. (f)(3).

"Significant effect upon the environment" is defined as "a substantial or potentially substantial adverse change in the environment." Pub. Res. Code, § 21068; CEQA Guidelines, § 15382. A project may have a significant effect on the environment if there is a reasonable probability that it will result in a significant impact. *No Oil, supra,*

*13* Cal.App.3d at p. 83 fn. 16; see *Sundstrom v. County of Mendocino* (1988) 202 Cal.App.3d 296, 309 (hereafter, "*Sundstrom*"). If any aspect of the project may result in a significant impact on the environment, an EIR must be prepared even if the overall effect of the project is beneficial. CEQA Guidelines, § 15063, subd. (b)(1); see *County Sanitation Dist. No. 2 v. County of Kern* (2005) 127 Cal.App.4th 1544, 1580.

This standard sets a "low threshold" for preparation of an EIR. *Consolidated Irrigation Dist. v. City of Selma* (2012) 204 Cal.App.4th 187, 207; *Nelson v. County of Kern* (2010) 190 Cal.App.4th 252; *Pocket Protectors v. City of Sacramento* (2004) 124 Cal.App.4th 903, 928; *Bowman v. City of Berkeley* (2004) 122 Cal.App.4th 572, 580; *Citizen Action to Serve All Students v. Thornley* (1990) 222 Cal.App.3d 748, 754; *Sundstrom, supra,* 202 Cal.App.3d at p. 310; *No Oil, supra,* 13 Cal.App.3d at p. 84; *County Sanitation, supra,* 127 Cal.App.4th at p. 1579. If substantial evidence in the record supports a fair argument that the project may have a significant environmental effect, the lead agency must prepare an EIR even if other substantial evidence before it indicates the project will have no significant effect. See *Jensen, supra*, 23 Cal.App.5th at p. 886; *Clews Land & Livestock v. City of San Diego* (2017) 19 Cal.App.5th 161, 183; *Stanislaus Audubon Society, Inc. v. County of Stanislaus* (1995) 33 Cal.App.4th 144, 150; *Brentwood Assn. for No Drilling, Inc. v. City of Los Angeles* (1982) 134 Cal.App.3d 491; *Friends of "B" St.*, 106 Cal.App.3d 988; CEQA Guidelines, § 15064, subd. (f)(1). It "requires the preparation of an EIR where there is substantial evidence that any aspect of the project, either individually or cumulatively, may cause a significant effect on the environment, regardless of whether the overall effect of the project is adverse or beneficial[.]" *County Sanitation, supra,* 127 Cal.App.4th at p. 1580 (quoting CEQA Guidelines, § 15063, subd. (b)(1)).

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Evidence supporting a fair argument of a significant environmental impact triggers preparation of an EIR regardless of whether the record contains contrary evidence. *League for Protection of Oakland's Architectural and Historical Resources v. City of Oakland* (1997) 52 Cal.App.4th 896, 904-905. "Where the question is the sufficiency of the evidence to support a fair argument, deference to the agency's determination is not appropriate[.]" *County Sanitation, supra,* 127 Cal.App.4th at p. 1579 (quoting *Sierra Club v. County of Sonoma* (1992) 6 Cal.App.4th 1307, 1317-1318).

The agency or the court should not weigh expert testimony or decide on the credibility of such evidence—this is the EIR's responsibility. As stated in *Pocket Protectors v. City of Sacramento* (2004):

> Unlike the situation where an EIR has been prepared, neither the lead agency nor a court may "weigh" conflicting substantial evidence to determine whether an EIR must be prepared in the first instance. Guidelines section 15064, subdivision (f)(1) provides in pertinent part: if a lead agency is presented with a fair argument that a project may have a significant effect on the environment, the lead agency shall prepare an EIR even though it may also be presented with other substantial evidence that the project will not have a significant effect. Thus, as *Claremont* itself recognized, [c]onsideration is not to be given contrary evidence supporting the preparation of a negative declaration.

124 Cal.App.4th 903, 935 (internal citations and quotations omitted).

In cases where it is not clear whether there is substantial evidence of significant environmental impacts, CEQA mandates erring on the side of a "preference for resolving doubts in favor of environmental review." *Mejia v. City of Los Angeles* (2005) 130 Cal.App.4th 322, 332 "The foremost principle under CEQA is that the Legislature intended the act to be interpreted in such manner as to afford the fullest possible protection to the environment within the reasonable scope of the statutory language. *Friends of Mammoth v. Bd. of Supervisors* (1972) 8 Cal.3d 247, 259.

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Further, it is the duty of the lead agency, not the public, to conduct the proper environmental studies. "The agency should not be allowed to hide behind its own failure to gather relevant data." *Sundstrom, supra,* 202 Cal.App.3d at p. 311. "Deficiencies in the record may actually enlarge the scope of fair argument by lending a logical plausibility to a wider range of inferences." *Ibid*; see also *Gentry v. City of Murrieta* (1995) 36 Cal.App.4th 1359, 1382 (lack of study enlarges the scope of the fair argument which may be made based on the limited facts in the record).

Thus, refusal to complete recommended studies lowers the already low threshold to establish a fair argument. The court may not exercise its independent judgment on the omitted material by determining whether the ultimate decision of the lead agency would have been affected had the law been followed. *Environmental Protection Information Center v. Cal. Dept. of Forestry* (2008) 44 Cal.4th 459, 486 (internal citations and quotations omitted). The remedy for this deficiency would be for the trial court to issue a writ of mandate. *Ibid.*

While the courts review an EIR using an 'abuse of discretion' standard, the reviewing court is not to *uncritically* rely on every study or analysis presented by a project proponent in support of its position. *Berkeley Keep Jets*, *supra*, 91 Cal.App.4th at p. 1355 (quoting *Laurel Heights, supra,* 47 Cal.3d at pp. 391, 409 fn. 12) (internal quotations omitted). A clearly inadequate or unsupported study is entitled to no judicial deference. *Ibid.* Drawing this line and determining whether the EIR complies with CEQA's information disclosure requirements presents a question of law subject to independent review by the courts. *Sierra Club v. County of Fresno* (2018) 6 Cal.5th 502, 515; *Madera Oversight Coalition, Inc. v. County of Madera* (2011) 199 Cal.App.4th 48, 102, 131. As the First District Court of Appeal has previously stated, prejudicial abuse of discretion occurs if the failure to include relevant information precludes informed decision-making and informed public participation, thereby thwarting the statutory goals of the EIR process. *Berkeley Keep Jets, supra*, 91 Cal.App.4th at p. 1355 (internal quotations omitted). 3 CONT

Both the review for failure to follow CEQA's procedures and the fair argument test are questions of law, thus, the de novo standard of review applies. *Vineyard Area Citizens for Responsible Growth v. City of Rancho Cordova* (2007) 40 Cal.4th 412, 435. Whether the agency's record contains substantial evidence that would support a fair argument that the project may have a significant effect on the environment is treated as a question of law. *Consolidated Irrigation Dist.*, *supra*, 204 Cal.App.4th at p. 207; Kostka and Zischke, Practice Under the Environmental Quality Act (2017, 2d ed.) at § 6.76.

## III. THE DEIR IS INADEQUATE UNDER CEQA

### A. The DEIR Fails to Support Its Findings with Substantial Evidence

When new information is brought to light showing that an impact previously discussed in the DEIR but found to be insignificant with or without mitigation in the DEIR's analysis has the potential for a significant environmental impact supported by substantial evidence, the DEIR must consider and resolve the conflict in the evidence. See *Visalia Retail, L.P. v. City of Visalia* (2018) 20 Cal. App. 5th 1, 13, 17; see also *Protect the Historic Amador Waterways v. Amador Water Agency* (2004) 116 Cal. App. 4th 1099, 1109. While a lead agency has discretion to formulate standards for determining significance and the need for mitigation measures—the choice of any standards or thresholds of significance must be "based to the extent possible on scientific and factual data and an exercise of reasoned judgment based on substantial evidence. CEQA Guidelines § 15064(b); *Cleveland Nat'l Forest Found. v. San Diego Ass'n of Gov'ts* 4

(2017) 3 Cal. App. 5th 497, 515; *Mission Bay Alliance v. Office of Community Inv. & Infrastructure* (2016) 6 Cal. App. 5th 160, 206. And when there is evidence that an impact could be significant, an EIR cannot adopt a contrary finding without providing an adequate explanation along with supporting evidence. *East Sacramento Partnership for a Livable City v. City of Sacramento* (2016) 5 Cal. App. 5th 281, 302.

In addition, a determination that regulatory compliance will be sufficient to prevent significant adverse impacts must be based on a project-specific analysis of potential impacts and the effect of regulatory compliance. In *Californians for Alternatives to Toxics v. Department of Food & Agric.* (2005) 136 Cal. App. 4th 1, the court set aside an EIR for a statewide crop disease control plan because it did not include an evaluation of the risks to the environment and human health from the proposed program but simply presumed that no adverse impacts would occur from use of pesticides in accordance with the registration and labeling program of the California Department of Pesticide Regulation. *See also Ebbetts Pass Forest Watch v Department of Forestry & Fire Protection* (2008) 43 Cal. App. 4th 936, 956 (fact that Department of Pesticide Regulation had assessed environmental effects of certain herbicides in general did not excuse failure to assess effects of their use for specific timber harvesting project).

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### *1. The DEIR Omits Critical Information in Its Analysis of the Project's Cumulative Impacts*

Table 3-1 of the DEIR lists the projects that the DEIR considered, in conjunction with the proposed Project, as part of its cumulative impacts analysis. However, the DEIR's Cumulative Projects list omits the Shirk and Riggin Annexation Project (1,553,080 sq. ft. – approved by the City via MND on 5/22/24; the "Shirk-Riggin Annexation"), for which the City has just adopted a MND approving the annexation of a 75-acre tract of prime agricultural land directly across Riggin Avenue from the Project site. Moreover, the Shirk-Riggin Annexation is anticipated to be developed into over 1.5 million square feet of light industrial/warehouse space. However, despite the intended uses of this adjacent project, the DEIR completely omits the Shirk-Riggin Annexation from its analysis of the Project's cumulative impacts.

This significant omission taints and effectively undermines the validity of much of the cumulative impacts analysis set forth in the DEIR. Indeed, the failure to consider a proposed significant, large-scale, industrial development directly across the street from the Project calls into question the DEIR's cumulative impacts analysis in impact categories such as agricultural resources, air quality, energy use, greenhouse gases,

transportation, noise, hydrology and water quality, public services, utilities and service systems, and aesthetics. The DEIR must now be revised with respect to each of the foregoing impact categories (and potentially others) to incorporate the Shirk-Riggin Annexation in its cumulative impacts analysis. Absent such revision, the DEIR in its current form violates CEQA and cannot permissibly be certified by the City.

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### *2. The DEIR Fails to Adequately Analyze the Project's Consistency with the City's General Plan*

The EIR does not discuss or analyze the Project's cumulative impacts with respect to potential conflict with the Land Use Buildout Scenario under the City's General Plan. Table 1-4: Non-Residential Floor Area within the General Plan projected new development of 9,690,000 square feet of industrial uses between 2010 and 2030. Table 1-5: Employment by Sector projects the associated creation of 9,670 jobs in the industrial sector. The EIR does not provide any information or analysis on the buildout conditions of the General Plan. Further, the EIR has not provided evidence that the growth generated by the proposed Project and others in the surrounding area was anticipated by the General Plan, RTP/SCS, or AQMP.

The whole of the action proposed by the Project proposes the development of 3,720,149 square feet of industrial uses, which is 38.4% of the City's industrial buildout accounted for by a single project. The DEIR must include this analysis, and also provide a cumulative analysis discussion of projects approved since General Plan adoption and projects "in the pipeline" to determine if the project will exceed the General Plan buildout scenarios.

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For example, other recent industrial projects such as Shirk and Riggin Annexation Project (1,553,080 sq. ft. – approved by the City via MND on 5/22/24; the "Shirk-Riggin Annexation") and its other adjacent related projects all being pursued by the same developer (YS Industries) propose 2,507,328 square feet of industrial uses directly across Riggin Avenue from the proposed Project. Combined with those other nearby industrial projects, the proposed Project will cumulatively generate 6,327,328 square feet of light industrial space. This represents 64% of the City's industrial buildout through 2030 accounted for by only five recent projects. These total industrial buildout increases when other industrial development approved, submitted, or "in the pipeline" since General Plan adoption are added to the total. Despite that, the EIR fails to include a cumulative analysis on his topic.

Further, Table 1-5: Employment by Sector within the General Plan indicates that the Industrial land use designation will allow for the creation of 9,670 new jobs from 2010-2030. Meanwhile, the whole of the action proposed by the Project will create 5,094 new jobs (utilizing the General Plan's employment generation ratio), which is 52.7% of the City's industrial job buildout accounted for by a single project. The EIR fails to include this analysis and any cumulative analysis discussion of projects approved since General Plan adoption and projects "in the pipeline" to determine if the project will exceed the General Plan buildout scenarios.

Indeed, other recent industrial projects such as the Shirk-Riggin Annexation and its related adjacent projects being pursued by YS Industries discussed above (2,507,328 total sf; 3,344 total jobs utilizing General Plan employment generation ratio) combined with the proposed project will cumulatively generate 8,438 industrial jobs. This represents 87% of the City's industrial job buildout through 2030 accounted for by only five recent projects. These totals increase when other industrial development approved, submitted, or "in the pipeline" since General Plan adoption are added to the total. Yet, the DEIR contains no analysis of these potential cumulative impacts with respect to the Project's potential conflict with the City's existing land use plans. 5 CONT

Accordingly, the DEIR has failed to adequately analyze the Project's impacts (both individual and cumulative) with respect to its consistency with the City's General Plan, and it must now be revised and recirculated to contain a detailed analysis of these issues. Absent provision of proper analysis, the public and the City's decisionmakers will not be properly informed regarding the Projects potential impacts that might otherwise run afoul of the City's General Plan.

### *3. The DEIR Omits Critical Supporting Information Regarding the Project's Agricultural Resources Impacts and Improperly Finds that the Project's Impact AG-5 Would Be Less Than Significant*

The DEIR reaches the conclusion on Impact AG-5 that the Project would have a less than significant impact as to potential "changes in the existing environment which, due to their location or nature, could result in conversion of Farmland, to nonagricultural use." (DEIR at pp. 3.2-14-15.) However, the DEIR premises that determination, in part, on the following unsupported conclusion in its analysis: "It would be speculative 6

to determine that the project would promote growth and result in the conversion of adjacent lands to non-agricultural uses." (DEIR at p. 3.2-14.)

As noted in Section 2, *supra*, the Project is anticipated to generate thousands of new jobs in the local economy. Indeed, a specific aim of the City's operative General Plan is to foster such growth via projects like this one. In that regard, it is entirely reasonable to conclude that the Project will promote growth and lead to conversion of additional agricultural lands to non-agricultural uses. An analysis in the DEIR of the Project's anticipated impacts on regional population and economic growth, and the secondary impacts posed by the potential development of additional agricultural lands for the purpose of uses such as additional housing and services, is warranted here. The current absence of that analysis in the DEIR is noteworthy and improper.

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CONT

The DEIR fails to consider the economic and population growth that the Project will foster within the City, and the potential impacts of that growth on surrounding agricultural lands. The DEIR therefore must be revised and recirculated to provide adequate analysis of this issue.

### *4. The DEIR's Analysis of Agricultural Resources Impacts Fails to Consider and Deploy All Feasible Mitigation Measures*

A fundamental purpose of an EIR is to identify ways in which a proposed project's significant environmental impacts can be mitigated or avoided. Pub. Res. Code §§ 21002.1(a), 21061. To implement this statutory purpose, an EIR must describe any feasible mitigation measures that can minimize the project's significant environmental effects. PRC §§ 21002.1(a), 21100(b)(3); CEQA Guidelines §§ 15121(a), 15126.4(a).

If the project has a significant effect on the environment, the agency may approve the project only upon finding that it has "eliminated or substantially lessened all significant effects on the environment where feasible" PRC §§ 21002; 21002.1, 21081; CEQA Guidelines §§ 15091, 15092(b)(2)(A); and find that 'specific overriding economic, legal, social, technology or other benefits of the project outweigh the significant effects on the environment." PRC §§ 21002; 21002.1, 21081; CEQA Guidelines §§ 15091, 15092(b)(2)(B). "A gloomy forecast of environmental degradation is of little or no value without pragmatic, concrete means to minimize the impacts and restore ecological equilibrium." *Environmental Council of Sacramento v. City of Sacramento* (2006) 142 Cal.App.4th 1018, 1039.

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According to CEQA Guidelines, "[w]hen an EIR has been prepared for a project, the Responsible Agency shall not approve the project as proposed if the agency finds any feasible alternative or feasible mitigation measures within its powers that would substantially lessen or avoid any significant effect the project would have on the environment." CEQA Guidelines Section 15096(g)(2). The DEIR concludes that the Project will have significant Agricultural Resources impacts (both at the project level and cumulative), in the form of converting Prime Farmland to non-agricultural use, but in response, proposes no mitigation measures to ameliorate those impacts. The DEIR then goes on to conclude the Project's Agricultural Resources impacts associated are "significant and unavoidable" and no mitigation measures are feasible. DEIR at pp. ES-8, 3.2-12. In support of its determination that no mitigation measures would be feasible, the DEIR states the following:

> Because, however, Policy LU-P-34 does not apply to Tier 1 lands and further because there is no adopted Agricultural Preservation Ordinance, there is no feasible method to mitigate the loss of this Important Farmland.

DEIR at p. 3.2-12.

7
CONT

In shrugging off the ability to mitigate the Agricultural Resources impacts of the project, the DEIR appears to rely upon the fact that the Project site's land has been considered for industrial zoning and development by the City's General Plan. However, an impact can only be labeled as significant-and-unavoidable after all available, feasible mitigation is considered and, here, the DEIR lacks substantial evidence to support a finding that no other feasible mitigation existed to mitigate Project's significant impacts on this issue. Indeed, the DEIR fails to even consider, let alone analyze, mitigation measures such as (1) the applicant's purchase and/or grant of agricultural easements on other productive farmland at a 1:1 mitigation ratio, (2) payment of a mitigation fee, (3) protection of part of the Project site for continuing agricultural uses, (4) establishing adequate buffering for the Project to ensure that neighboring agricultural areas are not interfered with, and/or (5) recordation of a Right to Farm certificate.

The DEIR contains no discussion of any of the foregoing mitigation concepts. Absent doing so, it cannot reach credible determinations that no mitigation measures for the agricultural resources impacts are feasible or that the Project's agricultural resources impacts are significant and unavoidable. The DEIR must be revised and recirculated to include this requisite analysis and discussion so that the public and the agency

decisionmakers are adequately and accurately apprised of the Project's potential significant impacts. 7 CONT

### *5. The DEIR's Air Quality Mitigation Fails to Consider and Deploy All Feasible Mitigation Measures*

Similar to the Agricultural Resources impacts discussed above, the DEIR concludes that the Project will have significant Air Quality impacts, since the proposed Project "would exceed applicable thresholds despite compliance with all applicable rules, regulations, and mitigation measures during construction and operation," and "[l]ocalized operational emissions … also present a potentially significant impact after incorporation of identified mitigation." DEIR, p. 3.3-57. The Project proposes to follow certain regulatory requirements and proposes various mitigation measures to further reduce construction and operational air quality impacts. DEIR at pp. 3.3-57-60. Notwithstanding, the DEIR concludes the Project's air quality impacts associated are "significant and unavoidable" DEIR at p. 3.3-60.

However, an impact can only be labeled as significant-and-unavoidable after all available, feasible mitigation is considered and the EIR lacks substantial evidence to support a finding that no other feasible mitigation existed to mitigate Project's significant impacts. Here, mitigation measure MM AIR-2c, includes optional language ("subject to the same being commercially practicable") in the context of "all on-site off-road and on-road service equipment will utilize zero-emission technology" in the construction of the project. DEIR at p. ES-11. 8

Given the current anticipated air quality impacts of the Project are considered substantial and unavoidable, such air quality-preserving mitigation measures should not be framed as optional or deferred for a later decision. Rather, the mitigation measure should confirm that such service vehicles at the Project will utilize zero-emission technology without any qualification. At a minimum, the DEIR should be revised and recirculated to incorporate these items as mandatory components of mitigation measure MM AIR-2c.

### *6. The DEIR's Noise Mitigation Fails to Consider and Deploy All Feasible Mitigation Measures*

Despite finding that the Project would have a significant noise impacts with regards to, for example, the "generation of a substantial temporary increase in ambient noise levels in the vicinity of the project in excess of standards established in the local 9

general plan or noise ordinance, or applicable standards of other agencies . . .", the DEIR relies upon deficient mitigation measures before concluding that the Project's noise impacts are significant and unavoidable. Indeed, MM NOI-1 is impermissibly flawed, in that it improperly defers mitigation for a later study, despite the Project's current proposed and anticipated uses.

Mitigation Measure NOI-1 states as follows, in pertinent part:

> (a) Prior to the issuance of building permit for a drive-through car wash an in-depth acoustical study prepared by a qualified acoustic professional shall be submitted for review and approval to the City Community Development Department that demonstrates that the design and operations of a proposed drive-through car wash would not result in exceedances of the Visalia Municipal Code's applicable daytime and nighttime noise limits for residential land uses. The study shall evaluate factors such as:
>
> - The location and orientation of noise-generating equipment, such as dryer blowers and vacuums.
> - The location and orientation of the drive-through car wash tunnel.
> - The hours of operation.
> - The location of the drive-through car wash on the project site.

DEIR, pp. ES-34.

9
CONT

On its surface, NOI-1(a) defers the acoustical study for the Project's intended drive-through car wash until immediately prior to issuance of a building permit. However, this study should be performed in conjunction with the current DEIR and all other aspects of the Project's environmental review, such that the City's decisionmakers will have access to all necessary information regarding the Project's impacts. Deferring formulation of the actual mitigation measure to some undefined time *after* the Project's approval is improper and cannot be used as a mitigation measure.

CEQA forbids deferred mitigation. Guidelines § 15126.4(a)(1)(B). CEQA allows deferral of details of MMs only "when it is impractical or infeasible to include those details during the project's environmental review." (*Id.*) CEQA further requires: "that the agency (1) commits itself to the mitigation, (2) adopts specific performance

standards the mitigation will achieve, and (3) identifies the type(s) of potential action(s) that can feasibly achieve that performance standard…" Guidelines § 15126.4(a)(1)(B).

Under the current DEIR, the City has failed all of these preconditions and requirements, as the DEIR failed to show why the confirmation of the construction noise mitigation measures contemplated by NOI-1 cannot be achieved at this time, what impacts the measures will have individually or cumulatively, if those would indeed be feasible, and the specific performance criteria the Applicant will have to meet with regard to the measures. 9 CONT

Accordingly, the proposed mitigation measure is improperly deferred as it defers the formulation of mitigation measures to a later time, shifts the burden to the Applicant, and deprives the City of the opportunity to consider the actual levels of significance of the Project's operational noise impacts, whether with or without mitigation incorporated.

## IV. CONCLUSION

Based on the foregoing concerns, the City should require revision and recirculation of the DEIR for the Project pursuant to CEQA. Absent doing so, the DEIR in its current form directly violates CEQA in multiple respects. If the City should have any questions or concerns, please do not hesitate to contact this office. 10

Sincerely,

Jeremy Herwitt
Attorneys for Carpenters Local 1109

Attached:

March 8, 2021 SWAPE Letter to Mitchell M. Tsai re Local Hire Requirements and Considerations for Greenhouse Gas Modeling (**Exhibit A**);

Air Quality and GHG Expert Paul Rosenfeld CV (**Exhibit B**);

Air Quality and GHG Expert Matt Hagemann CV (**Exhibit C**)

# EXHIBIT A

SWAPE Technical Consultation, Data Analysis and Litigation Support for the Environment

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March 8, 2021

Mitchell M. Tsai
155 South El Molino, Suite 104
Pasadena, CA 91101

**Subject: Local Hire Requirements and Considerations for Greenhouse Gas Modeling**

Dear Mr. Tsai,

Soil Water Air Protection Enterprise ("SWAPE") is pleased to provide the following draft technical report explaining the significance of worker trips required for construction of land use development projects with respect to the estimation of greenhouse gas ("GHG") emissions. The report will also discuss the potential for local hire requirements to reduce the length of worker trips, and consequently, reduced or mitigate the potential GHG impacts.

## Worker Trips and Greenhouse Gas Calculations

The California Emissions Estimator Model ("CalEEMod") is a "statewide land use emissions computer model designed to provide a uniform platform for government agencies, land use planners, and environmental professionals to quantify potential criteria pollutant and greenhouse gas (GHG) emissions associated with both construction and operations from a variety of land use projects."[1] CalEEMod quantifies construction-related emissions associated with land use projects resulting from off-road construction equipment; on-road mobile equipment associated with workers, vendors, and hauling; fugitive dust associated with grading, demolition, truck loading, and on-road vehicles traveling along paved and unpaved roads; and architectural coating activities; and paving.[2]

The number, length, and vehicle class of worker trips are utilized by CalEEMod to calculate emissions associated with the on-road vehicle trips required to transport workers to and from the Project site during construction.[3]

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[1] "California Emissions Estimator Model." CAPCOA, 2017, *available at:* http://www.aqmd.gov/caleemod/home.
[2] "California Emissions Estimator Model." CAPCOA, 2017, *available at:* http://www.aqmd.gov/caleemod/home.
[3] "CalEEMod User's Guide." CAPCOA, November 2017, *available at:* http://www.aqmd.gov/docs/default-source/caleemod/01_user-39-s-guide2016-3-2_15november2017.pdf?sfvrsn=4, p. 34.

Specifically, the number and length of vehicle trips is utilized to estimate the vehicle miles travelled ("VMT") associated with construction. Then, utilizing vehicle-class specific EMFAC 2014 emission factors, CalEEMod calculates the vehicle exhaust, evaporative, and dust emissions resulting from construction-related VMT, including personal vehicles for worker commuting.[4]

Specifically, in order to calculate VMT, CalEEMod multiplies the average daily trip rate by the average overall trip length (see excerpt below):

> "$VMT_d = \Sigma(\text{Average Daily Trip Rate}_i * \text{Average Overall Trip Length}_i)_n$
>
> Where:
>
> n = Number of land uses being modeled."[5]

Furthermore, to calculate the on-road emissions associated with worker trips, CalEEMod utilizes the following equation (see excerpt below):

> "$\text{Emissions}_{pollutant} = VMT * EF_{running,pollutant}$
>
> Where:
>
> $\text{Emissions}_{pollutant}$ = emissions from vehicle running for each pollutant
>
> VMT = vehicle miles traveled
>
> $EF_{running,pollutant}$ = emission factor for running emissions."[6]

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CONT

Thus, there is a direct relationship between trip length and VMT, as well as a direct relationship between VMT and vehicle running emissions. In other words, when the trip length is increased, the VMT and vehicle running emissions increase as a result. Thus, vehicle running emissions can be reduced by decreasing the average overall trip length, by way of a local hire requirement or otherwise.

## Default Worker Trip Parameters and Potential Local Hire Requirements

As previously discussed, the number, length, and vehicle class of worker trips are utilized by CalEEMod to calculate emissions associated with the on-road vehicle trips required to transport workers to and from the Project site during construction.[7] In order to understand how local hire requirements and associated worker trip length reductions impact GHG emissions calculations, it is important to consider the CalEEMod default worker trip parameters. CalEEMod provides recommended default values based on site-specific information, such as land use type, meteorological data, total lot acreage, project type and typical equipment associated with project type. If more specific project information is known, the user can change the default values and input project-specific values, but the California Environmental Quality Act ("CEQA") requires that such changes be justified by substantial evidence.[8] The default number of construction-related worker trips is calculated by multiplying the

[4] "Appendix A Calculation Details for CalEEMod." CAPCOA, October 2017, *available at:* http://www.aqmd.gov/docs/default-source/caleemod/02_appendix-a2016-3-2.pdf?sfvrsn=6, p. 14-15.
[5] "Appendix A Calculation Details for CalEEMod." CAPCOA, October 2017, *available at:* http://www.aqmd.gov/docs/default-source/caleemod/02_appendix-a2016-3-2.pdf?sfvrsn=6, p. 23.
[6] "Appendix A Calculation Details for CalEEMod." CAPCOA, October 2017, *available at:* http://www.aqmd.gov/docs/default-source/caleemod/02_appendix-a2016-3-2.pdf?sfvrsn=6, p. 15.
[7] "CalEEMod User's Guide." CAPCOA, November 2017, *available at:* http://www.aqmd.gov/docs/default-source/caleemod/01_user-39-s-guide2016-3-2_15november2017.pdf?sfvrsn=4, p. 34.
[8] CalEEMod User Guide, *available at:* http://www.caleemod.com/, p. 1, 9.

number of pieces of equipment for all phases by 1.25, with the exception of worker trips required for the building construction and architectural coating phases.[9] Furthermore, the worker trip vehicle class is a 50/25/25 percent mix of light duty autos, light duty truck class 1 and light duty truck class 2, respectively."[10] Finally, the default worker trip length is consistent with the length of the operational home-to-work vehicle trips.[11] The operational home-to-work vehicle trip lengths are:

> "[B]ased on the *location* and *urbanization* selected on the project characteristic screen. These values were *supplied by the air districts or use a default average for the state*. Each district (or county) also assigns trip lengths for urban and rural settings" (emphasis added). [12]

Thus, the default worker trip length is based on the location and urbanization level selected by the User when modeling emissions. The below table shows the CalEEMod default rural and urban worker trip lengths by air basin (see excerpt below and Attachment A).[13]

| Worker Trip Length by Air Basin | | |
|---|---|---|
| **Air Basin** | **Rural (miles)** | **Urban (miles)** |
| Great Basin Valleys | 16.8 | 10.8 |
| Lake County | 16.8 | 10.8 |
| Lake Tahoe | 16.8 | 10.8 |
| Mojave Desert | 16.8 | 10.8 |
| Mountain Counties | 16.8 | 10.8 |
| North Central Coast | 17.1 | 12.3 |
| North Coast | 16.8 | 10.8 |
| Northeast Plateau | 16.8 | 10.8 |
| Sacramento Valley | 16.8 | 10.8 |
| Salton Sea | 14.6 | 11 |
| San Diego | 16.8 | 10.8 |
| San Francisco Bay Area | 10.8 | 10.8 |
| San Joaquin Valley | 16.8 | 10.8 |
| South Central Coast | 16.8 | 10.8 |
| South Coast | 19.8 | 14.7 |
| **Average** | **16.47** | **11.17** |
| **Minimum** | **10.80** | **10.80** |
| **Maximum** | **19.80** | **14.70** |
| **Range** | **9.00** | **3.90** |

11 CONT

[9] "CalEEMod User's Guide." CAPCOA, November 2017, *available at:* http://www.aqmd.gov/docs/default-source/caleemod/01_user-39-s-guide2016-3-2_15november2017.pdf?sfvrsn=4, p. 34.
[10] "Appendix A Calculation Details for CalEEMod." CAPCOA, October 2017, *available at:* http://www.aqmd.gov/docs/default-source/caleemod/02_appendix-a2016-3-2.pdf?sfvrsn=6, p. 15.
[11] "Appendix A Calculation Details for CalEEMod." CAPCOA, October 2017, *available at:* http://www.aqmd.gov/docs/default-source/caleemod/02_appendix-a2016-3-2.pdf?sfvrsn=6, p. 14.
[12] "Appendix A Calculation Details for CalEEMod." CAPCOA, October 2017, *available at:* http://www.aqmd.gov/docs/default-source/caleemod/02_appendix-a2016-3-2.pdf?sfvrsn=6, p. 21.
[13] "Appendix D Default Data Tables." CAPCOA, October 2017, *available at:* http://www.aqmd.gov/docs/default-source/caleemod/05_appendix-d2016-3-2.pdf?sfvrsn=4, p. D-84 – D-86.

As demonstrated above, default rural worker trip lengths for air basins in California vary from 10.8- to 19.8-miles, with an average of 16.47 miles. Furthermore, default urban worker trip lengths vary from 10.8- to 14.7-miles, with an average of 11.17 miles. Thus, while default worker trip lengths vary by location, default urban worker trip lengths tend to be shorter in length. Based on these trends evident in the CalEEMod default worker trip lengths, we can reasonably assume that the efficacy of a local hire requirement is especially dependent upon the urbanization of the project site, as well as the project location.

## Practical Application of a Local Hire Requirement and Associated Impact

To provide an example of the potential impact of a local hire provision on construction-related GHG emissions, we estimated the significance of a local hire provision for the Village South Specific Plan ("Project") located in the City of Claremont ("City"). The Project proposed to construct 1,000 residential units, 100,000-SF of retail space, 45,000-SF of office space, as well as a 50-room hotel, on the 24-acre site. The Project location is classified as Urban and lies within the Los Angeles-South Coast County. As a result, the Project has a default worker trip length of 14.7 miles.[14] In an effort to evaluate the potential for a local hire provision to reduce the Project's construction-related GHG emissions, we prepared an updated model, reducing all worker trip lengths to 10 miles (see Attachment B). Our analysis estimates that if a local hire provision with a 10-mile radius were to be implemented, the GHG emissions associated with Project construction would decrease by approximately 17% (see table below and Attachment C).

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CONT

| Local Hire Provision Net Change | |
|---|---|
| **Without Local Hire Provision** | |
| Total Construction GHG Emissions (MT $CO_2e$) | 3,623 |
| Amortized Construction GHG Emissions (MT $CO_2e$/year) | 120.77 |
| **With Local Hire Provision** | |
| Total Construction GHG Emissions (MT CO2e) | 3,024 |
| Amortized Construction GHG Emissions (MT $CO_2e$/year) | 100.80 |
| ***% Decrease in Construction-related GHG Emissions*** | ***17%*** |

As demonstrated above, by implementing a local hire provision requiring 10 mile worker trip lengths, the Project could reduce potential GHG emissions associated with construction worker trips. More broadly, any local hire requirement that results in a decreased worker trip length from the default value has the potential to result in a reduction of construction-related GHG emissions, though the significance of the reduction would vary based on the location and urbanization level of the project site.

This serves as an example of the potential impacts of local hire requirements on estimated project-level GHG emissions, though it does not indicate that local hire requirements would result in reduced construction-related GHG emission for all projects. As previously described, the significance of a local hire requirement depends on the worker trip length enforced and the default worker trip length for the project's urbanization level and location.

[14] "Appendix D Default Data Tables." CAPCOA, October 2017, *available at:* http://www.aqmd.gov/docs/default-source/caleemod/05_appendix-d2016-3-2.pdf?sfvrsn=4, p. D-85.

## Disclaimer

SWAPE has received limited discovery. Additional information may become available in the future; thus, we retain the right to revise or amend this report when additional information becomes available. Our professional services have been performed using that degree of care and skill ordinarily exercised, under similar circumstances, by reputable environmental consultants practicing in this or similar localities at the time of service. No other warranty, expressed or implied, is made as to the scope of work, work methodologies and protocols, site conditions, analytical testing results, and findings presented. This report reflects efforts which were limited to information that was reasonably accessible at the time of the work, and may contain informational gaps, inconsistencies, or otherwise be incomplete due to the unavailability or uncertainty of information obtained or provided by third parties.

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Sincerely,



Matt Hagemann, P.G., C.Hg.



Paul E. Rosenfeld, Ph.D.

Attachment A

| Location Type | Location Name | Rural H-W (miles) | Urban H-W (miles) | |
|---|---|---|---|---|
| Air Basin | Great Basin | 16.8 | 10.8 | |
| Air Basin | Lake County | 16.8 | 10.8 | |
| Air Basin | Lake Tahoe | 16.8 | 10.8 | |
| Air Basin | Mojave Desert | 16.8 | 10.8 | |
| Air Basin | Mountain | 16.8 | 10.8 | |
| Air Basin | North Central | 17.1 | 12.3 | |
| Air Basin | North Coast | 16.8 | 10.8 | |
| Air Basin | Northeast | 16.8 | 10.8 | |
| Air Basin | Sacramento | 16.8 | 10.8 | |
| Air Basin | Salton Sea | 14.6 | 11 | |
| Air Basin | San Diego | 16.8 | 10.8 | |
| Air Basin | San Francisco | 10.8 | 10.8 | |
| Air Basin | San Joaquin | 16.8 | 10.8 | |
| Air Basin | South Central | 16.8 | 10.8 | |
| Air Basin | South Coast | 19.8 | 14.7 | |
| Air District | Amador County | 16.8 | 10.8 | |
| Air District | Antelope Valley | 16.8 | 10.8 | |
| Air District | Bay Area AQMD | 10.8 | 10.8 | 13 |
| Air District | Butte County | 12.54 | 12.54 | |
| Air District | Calaveras | 16.8 | 10.8 | |
| Air District | Colusa County | 16.8 | 10.8 | |
| Air District | El Dorado | 16.8 | 10.8 | |
| Air District | Feather River | 16.8 | 10.8 | |
| Air District | Glenn County | 16.8 | 10.8 | |
| Air District | Great Basin | 16.8 | 10.8 | |
| Air District | Imperial County | 10.2 | 7.3 | |
| Air District | Kern County | 16.8 | 10.8 | |
| Air District | Lake County | 16.8 | 10.8 | |
| Air District | Lassen County | 16.8 | 10.8 | |
| Air District | Mariposa | 16.8 | 10.8 | |
| Air District | Mendocino | 16.8 | 10.8 | |
| Air District | Modoc County | 16.8 | 10.8 | |
| Air District | Mojave Desert | 16.8 | 10.8 | |
| Air District | Monterey Bay | 16.8 | 10.8 | |
| Air District | North Coast | 16.8 | 10.8 | |
| Air District | Northern Sierra | 16.8 | 10.8 | |
| Air District | Northern | 16.8 | 10.8 | |
| Air District | Placer County | 16.8 | 10.8 | |
| Air District | Sacramento | 15 | 10 | |

| | | | |
|---|---|---|---|
| Air District | San Diego | 16.8 | 10.8 |
| Air District | San Joaquin | 16.8 | 10.8 |
| Air District | San Luis Obispo | 13 | 13 |
| Air District | Santa Barbara | 8.3 | 8.3 |
| Air District | Shasta County | 16.8 | 10.8 |
| Air District | Siskiyou County | 16.8 | 10.8 |
| Air District | South Coast | 19.8 | 14.7 |
| Air District | Tehama County | 16.8 | 10.8 |
| Air District | Tuolumne | 16.8 | 10.8 |
| Air District | Ventura County | 16.8 | 10.8 |
| Air District | Yolo/Solano | 15 | 10 |
| County | Alameda | 10.8 | 10.8 |
| County | Alpine | 16.8 | 10.8 |
| County | Amador | 16.8 | 10.8 |
| County | Butte | 12.54 | 12.54 |
| County | Calaveras | 16.8 | 10.8 |
| County | Colusa | 16.8 | 10.8 |
| County | Contra Costa | 10.8 | 10.8 |
| County | Del Norte | 16.8 | 10.8 |
| County | El Dorado-Lake | 16.8 | 10.8 |
| County | El Dorado- | 16.8 | 10.8 |
| County | Fresno | 16.8 | 10.8 |
| County | Glenn | 16.8 | 10.8 |
| County | Humboldt | 16.8 | 10.8 |
| County | Imperial | 10.2 | 7.3 |
| County | Inyo | 16.8 | 10.8 |
| County | Kern-Mojave | 16.8 | 10.8 |
| County | Kern-San | 16.8 | 10.8 |
| County | Kings | 16.8 | 10.8 |
| County | Lake | 16.8 | 10.8 |
| County | Lassen | 16.8 | 10.8 |
| County | Los Angeles- | 16.8 | 10.8 |
| County | Los Angeles- | 19.8 | 14.7 |
| County | Madera | 16.8 | 10.8 |
| County | Marin | 10.8 | 10.8 |
| County | Mariposa | 16.8 | 10.8 |
| County | Mendocino- | 16.8 | 10.8 |
| County | Mendocino- | 16.8 | 10.8 |
| County | Mendocino- | 16.8 | 10.8 |
| County | Mendocino- | 16.8 | 10.8 |
| County | Merced | 16.8 | 10.8 |
| County | Modoc | 16.8 | 10.8 |
| County | Mono | 16.8 | 10.8 |
| County | Monterey | 16.8 | 10.8 |
| County | Napa | 10.8 | 10.8 |

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CONT

| | | | |
|---|---|---|---|
| County | Nevada | 16.8 | 10.8 |
| County | Orange | 19.8 | 14.7 |
| County | Placer-Lake | 16.8 | 10.8 |
| County | Placer-Mountain | 16.8 | 10.8 |
| County | Placer- | 16.8 | 10.8 |
| County | Plumas | 16.8 | 10.8 |
| County | Riverside- | 16.8 | 10.8 |
| County | Riverside- | 19.8 | 14.7 |
| County | Riverside-Salton | 14.6 | 11 |
| County | Riverside-South | 19.8 | 14.7 |
| County | Sacramento | 15 | 10 |
| County | San Benito | 16.8 | 10.8 |
| County | San Bernardino- | 16.8 | 10.8 |
| County | San Bernardino- | 19.8 | 14.7 |
| County | San Diego | 16.8 | 10.8 |
| County | San Francisco | 10.8 | 10.8 |
| County | San Joaquin | 16.8 | 10.8 |
| County | San Luis Obispo | 13 | 13 |
| County | San Mateo | 10.8 | 10.8 |
| County | Santa Barbara- | 8.3 | 8.3 |
| County | Santa Barbara- | 8.3 | 8.3 |
| County | Santa Clara | 10.8 | 10.8 |
| County | Santa Cruz | 16.8 | 10.8 |
| County | Shasta | 16.8 | 10.8 |
| County | Sierra | 16.8 | 10.8 |
| County | Siskiyou | 16.8 | 10.8 |
| County | Solano- | 15 | 10 |
| County | Solano-San | 16.8 | 10.8 |
| County | Sonoma-North | 16.8 | 10.8 |
| County | Sonoma-San | 10.8 | 10.8 |
| County | Stanislaus | 16.8 | 10.8 |
| County | Sutter | 16.8 | 10.8 |
| County | Tehama | 16.8 | 10.8 |
| County | Trinity | 16.8 | 10.8 |
| County | Tulare | 16.8 | 10.8 |
| County | Tuolumne | 16.8 | 10.8 |
| County | Ventura | 16.8 | 10.8 |
| County | Yolo | 15 | 10 |
| County | Yuba | 16.8 | 10.8 |
| Statewide | Statewide | 16.8 | 10.8 |

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| Worker Trip Length by Air Basin | | |
|---|---|---|
| **Air Basin** | **Rural (miles)** | **Urban (miles)** |
| Great Basin Valleys | 16.8 | 10.8 |
| Lake County | 16.8 | 10.8 |
| Lake Tahoe | 16.8 | 10.8 |
| Mojave Desert | 16.8 | 10.8 |
| Mountain Counties | 16.8 | 10.8 |
| North Central Coast | 17.1 | 12.3 |
| North Coast | 16.8 | 10.8 |
| Northeast Plateau | 16.8 | 10.8 |
| Sacramento Valley | 16.8 | 10.8 |
| Salton Sea | 14.6 | 11 |
| San Diego | 16.8 | 10.8 |
| San Francisco Bay Area | 10.8 | 10.8 |
| San Joaquin Valley | 16.8 | 10.8 |
| South Central Coast | 16.8 | 10.8 |
| South Coast | 19.8 | 14.7 |
| **Average** | **16.47** | **11.17** |
| **Mininum** | **10.80** | **10.80** |
| **Maximum** | **19.80** | **14.70** |
| **Range** | **9.00** | **3.90** |

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# Village South Specific Plan (Proposed)

**Los Angeles-South Coast County, Annual**

## 1.0 Project Characteristics

### 1.1 Land Usage

| Land Uses | Size | Metric | Lot Acreage | Floor Surface Area | Population |
|---|---|---|---|---|---|
| General Office Building | 45.00 | 1000sqft | 1.03 | 45,000.00 | 0 |
| High Turnover (Sit Down Restaurant) | 36.00 | 1000sqft | 0.83 | 36,000.00 | 0 |
| Hotel | 50.00 | Room | 1.67 | 72,600.00 | 0 |
| Quality Restaurant | 8.00 | 1000sqft | 0.18 | 8,000.00 | 0 |
| Apartments Low Rise | 25.00 | Dwelling Unit | 1.56 | 25,000.00 | 72 |
| Apartments Mid Rise | 975.00 | Dwelling Unit | 25.66 | 975,000.00 | 2789 |
| Regional Shopping Center | 56.00 | 1000sqft | 1.29 | 56,000.00 | 0 |

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### 1.2 Other Project Characteristics

| | | | | | |
|---|---|---|---|---|---|
| **Urbanization** | Urban | **Wind Speed (m/s)** | 2.2 | **Precipitation Freq (Days)** | 33 |
| **Climate Zone** | 9 | | | **Operational Year** | 2028 |
| **Utility Company** | Southern California Edison | | | | |
| **CO2 Intensity (lb/MWhr)** | 702.44 | **CH4 Intensity (lb/MWhr)** | 0.029 | **N2O Intensity (lb/MWhr)** | 0.006 |

### 1.3 User Entered Comments & Non-Default Data

Village South Specific Plan (Proposed) - Los Angeles-South Coast County, Annual

Project Characteristics - Consistent with the DEIR's model.

Land Use - See SWAPE comment regarding residential and retail land uses.

Construction Phase - See SWAPE comment regarding individual construction phase lengths.

Demolition - Consistent with the DEIR's model. See SWAPE comment regarding demolition.

Vehicle Trips - Saturday trips consistent with the DEIR's model. See SWAPE comment regarding weekday and Sunday trips.

Woodstoves - Woodstoves and wood-burning fireplaces consistent with the DEIR's model. See SWAPE comment regarding gas fireplaces.

Energy Use -

Construction Off-road Equipment Mitigation - See SWAPE comment on construction-related mitigation.

Area Mitigation - See SWAPE comment regarding operational mitigation measures.

Water Mitigation - See SWAPE comment regarding operational mitigation measures.

| Table Name | Column Name | Default Value | New Value |
|---|---|---|---|
| tblFireplaces | FireplaceWoodMass | 1,019.20 | 0.00 |
| tblFireplaces | FireplaceWoodMass | 1,019.20 | 0.00 |
| tblFireplaces | NumberWood | 1.25 | 0.00 |
| tblFireplaces | NumberWood | 48.75 | 0.00 |
| tblVehicleTrips | ST_TR | 7.16 | 6.17 |
| tblVehicleTrips | ST_TR | 6.39 | 3.87 |
| tblVehicleTrips | ST_TR | 2.46 | 1.39 |
| tblVehicleTrips | ST_TR | 158.37 | 79.82 |
| tblVehicleTrips | ST_TR | 8.19 | 3.75 |
| tblVehicleTrips | ST_TR | 94.36 | 63.99 |
| tblVehicleTrips | ST_TR | 49.97 | 10.74 |
| tblVehicleTrips | SU_TR | 6.07 | 6.16 |
| tblVehicleTrips | SU_TR | 5.86 | 4.18 |
| tblVehicleTrips | SU_TR | 1.05 | 0.69 |
| tblVehicleTrips | SU_TR | 131.84 | 78.27 |

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CONT

| | | | |
|---|---|---|---|
| tblVehicleTrips | SU_TR | 5.95 | 3.20 |
| tblVehicleTrips | SU_TR | 72.16 | 57.65 |
| tblVehicleTrips | SU_TR | 25.24 | 6.39 |
| tblVehicleTrips | WD_TR | 6.59 | 5.83 |
| tblVehicleTrips | WD_TR | 6.65 | 4.13 |
| tblVehicleTrips | WD_TR | 11.03 | 6.41 |
| tblVehicleTrips | WD_TR | 127.15 | 65.80 |
| tblVehicleTrips | WD_TR | 8.17 | 3.84 |
| tblVehicleTrips | WD_TR | 89.95 | 62.64 |
| tblVehicleTrips | WD_TR | 42.70 | 9.43 |
| tblWoodstoves | NumberCatalytic | 1.25 | 0.00 |
| tblWoodstoves | NumberCatalytic | 48.75 | 0.00 |
| tblWoodstoves | NumberNoncatalytic | 1.25 | 0.00 |
| tblWoodstoves | NumberNoncatalytic | 48.75 | 0.00 |
| tblWoodstoves | WoodstoveDayYear | 25.00 | 0.00 |
| tblWoodstoves | WoodstoveDayYear | 25.00 | 0.00 |
| tblWoodstoves | WoodstoveWoodMass | 999.60 | 0.00 |
| tblWoodstoves | WoodstoveWoodMass | 999.60 | 0.00 |

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CONT

## 2.0 Emissions Summary

## 2.1 Overall Construction

**Unmitigated Construction**

| | ROG | NOx | CO | SO2 | Fugitive PM10 | Exhaust PM10 | PM10 Total | Fugitive PM2.5 | Exhaust PM2.5 | PM2.5 Total | Bio- CO2 | NBio- CO2 | Total CO2 | CH4 | N2O | CO2e |
|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|
| Year | tons/yr | | | | | | | | | | MT/yr | | | | | |
| 2021 | 0.1713 | 1.8242 | 1.1662 | 2.4000e-003 | 0.4169 | 0.0817 | 0.4986 | 0.1795 | 0.0754 | 0.2549 | 0.0000 | 213.1969 | 213.1969 | 0.0601 | 0.0000 | 214.6993 |
| 2022 | 0.6904 | 4.1142 | 6.1625 | 0.0189 | 1.3058 | 0.1201 | 1.4259 | 0.3460 | 0.1128 | 0.4588 | 0.0000 | 1,721.6826 | 1,721.6826 | 0.1294 | 0.0000 | 1,724.9187 |
| 2023 | 0.6148 | 3.3649 | 5.6747 | 0.0178 | 1.1963 | 0.0996 | 1.2959 | 0.3203 | 0.0935 | 0.4138 | 0.0000 | 1,627.5295 | 1,627.5295 | 0.1185 | 0.0000 | 1,630.4925 |
| 2024 | 4.1619 | 0.1335 | 0.2810 | 5.9000e-004 | 0.0325 | 6.4700e-003 | 0.0390 | 8.6300e-003 | 6.0400e-003 | 0.0147 | 0.0000 | 52.9078 | 52.9078 | 8.0200e-003 | 0.0000 | 53.1082 |
| **Maximum** | **4.1619** | **4.1142** | **6.1625** | **0.0189** | **1.3058** | **0.1201** | **1.4259** | **0.3460** | **0.1128** | **0.4588** | **0.0000** | **1,721.6826** | **1,721.6826** | **0.1294** | **0.0000** | **1,724.9187** |

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## 2.1 Overall Construction

**Mitigated Construction**

| | ROG | NOx | CO | SO2 | Fugitive PM10 | Exhaust PM10 | PM10 Total | Fugitive PM2.5 | Exhaust PM2.5 | PM2.5 Total | Bio- CO2 | NBio- CO2 | Total CO2 | CH4 | N2O | CO2e |
|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|
| Year | tons/yr | | | | | | | | | | MT/yr | | | | | |
| 2021 | 0.1713 | 1.8242 | 1.1662 | 2.4000e-003 | 0.4169 | 0.0817 | 0.4986 | 0.1795 | 0.0754 | 0.2549 | 0.0000 | 213.1967 | 213.1967 | 0.0601 | 0.0000 | 214.6991 |
| 2022 | 0.6904 | 4.1142 | 6.1625 | 0.0189 | 1.3058 | 0.1201 | 1.4259 | 0.3460 | 0.1128 | 0.4588 | 0.0000 | 1,721.6823 | 1,721.6823 | 0.1294 | 0.0000 | 1,724.9183 |
| 2023 | 0.6148 | 3.3648 | 5.6747 | 0.0178 | 1.1963 | 0.0996 | 1.2959 | 0.3203 | 0.0935 | 0.4138 | 0.0000 | 1,627.5291 | 1,627.5291 | 0.1185 | 0.0000 | 1,630.4921 |
| 2024 | 4.1619 | 0.1335 | 0.2810 | 5.9000e-004 | 0.0325 | 6.4700e-003 | 0.0390 | 8.6300e-003 | 6.0400e-003 | 0.0147 | 0.0000 | 52.9077 | 52.9077 | 8.0200e-003 | 0.0000 | 53.1082 |
| **Maximum** | **4.1619** | **4.1142** | **6.1625** | **0.0189** | **1.3058** | **0.1201** | **1.4259** | **0.3460** | **0.1128** | **0.4588** | **0.0000** | **1,721.6823** | **1,721.6823** | **0.1294** | **0.0000** | **1,724.9183** |

| | ROG | NOx | CO | SO2 | Fugitive PM10 | Exhaust PM10 | PM10 Total | Fugitive PM2.5 | Exhaust PM2.5 | PM2.5 Total | Bio- CO2 | NBio-CO2 | Total CO2 | CH4 | N20 | CO2e |
|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|
| Percent Reduction | 0.00 | 0.00 | 0.00 | 0.00 | 0.00 | 0.00 | 0.00 | 0.00 | 0.00 | 0.00 | 0.00 | 0.00 | 0.00 | 0.00 | 0.00 | 0.00 |

| Quarter | Start Date | End Date | Maximum Unmitigated ROG + NOX (tons/quarter) | Maximum Mitigated ROG + NOX (tons/quarter) |
|---|---|---|---|---|
| 1 | 9-1-2021 | 11-30-2021 | 1.4103 | 1.4103 |
| 2 | 12-1-2021 | 2-28-2022 | 1.3613 | 1.3613 |
| 3 | 3-1-2022 | 5-31-2022 | 1.1985 | 1.1985 |
| 4 | 6-1-2022 | 8-31-2022 | 1.1921 | 1.1921 |
| 5 | 9-1-2022 | 11-30-2022 | 1.1918 | 1.1918 |
| 6 | 12-1-2022 | 2-28-2023 | 1.0774 | 1.0774 |
| 7 | 3-1-2023 | 5-31-2023 | 1.0320 | 1.0320 |
| 8 | 6-1-2023 | 8-31-2023 | 1.0260 | 1.0260 |

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CONT

| | | | | |
|---|---|---|---|---|
| 9 | 9-1-2023 | 11-30-2023 | 1.0265 | 1.0265 |
| 10 | 12-1-2023 | 2-29-2024 | 2.8857 | 2.8857 |
| 11 | 3-1-2024 | 5-31-2024 | 1.6207 | 1.6207 |
| | | Highest | 2.8857 | 2.8857 |

## 2.2 Overall Operational

**Unmitigated Operational**

| | ROG | NOx | CO | SO2 | Fugitive PM10 | Exhaust PM10 | PM10 Total | Fugitive PM2.5 | Exhaust PM2.5 | PM2.5 Total | Bio- CO2 | NBio- CO2 | Total CO2 | CH4 | N2O | CO2e |
|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|
| Category | tons/yr | | | | | | | | | | MT/yr | | | | | |
| Area | 5.1437 | 0.2950 | 10.3804 | 1.6700e-003 | | 0.0714 | 0.0714 | | 0.0714 | 0.0714 | 0.0000 | 220.9670 | 220.9670 | 0.0201 | 3.7400e-003 | 222.5835 |
| Energy | 0.1398 | 1.2312 | 0.7770 | 7.6200e-003 | | 0.0966 | 0.0966 | | 0.0966 | 0.0966 | 0.0000 | 3,896.0732 | 3,896.0732 | 0.1303 | 0.0468 | 3,913.2833 |
| Mobile | 1.5857 | 7.9962 | 19.1834 | 0.0821 | 7.7979 | 0.0580 | 7.8559 | 2.0895 | 0.0539 | 2.1434 | 0.0000 | 7,620.4986 | 7,620.4986 | 0.3407 | 0.0000 | 7,629.0162 |
| Waste | | | | | | 0.0000 | 0.0000 | | 0.0000 | 0.0000 | 207.8079 | 0.0000 | 207.8079 | 12.2811 | 0.0000 | 514.8354 |
| Water | | | | | | 0.0000 | 0.0000 | | 0.0000 | 0.0000 | 29.1632 | 556.6420 | 585.8052 | 3.0183 | 0.0755 | 683.7567 |
| **Total** | **6.8692** | **9.5223** | **30.3407** | **0.0914** | **7.7979** | **0.2260** | **8.0240** | **2.0895** | **0.2219** | **2.3114** | **236.9712** | **12,294.1807** | **12,531.1519** | **15.7904** | **0.1260** | **12,963.4751** |

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CONT

## 2.2 Overall Operational

**Mitigated Operational**

| | ROG | NOx | CO | SO2 | Fugitive PM10 | Exhaust PM10 | PM10 Total | Fugitive PM2.5 | Exhaust PM2.5 | PM2.5 Total | Bio- CO2 | NBio- CO2 | Total CO2 | CH4 | N2O | CO2e |
|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|
| Category | tons/yr | | | | | | | | | | MT/yr | | | | | |
| Area | 5.1437 | 0.2950 | 10.3804 | 1.6700e-003 | | 0.0714 | 0.0714 | | 0.0714 | 0.0714 | 0.0000 | 220.9670 | 220.9670 | 0.0201 | 3.7400e-003 | 222.5835 |
| Energy | 0.1398 | 1.2312 | 0.7770 | 7.6200e-003 | | 0.0966 | 0.0966 | | 0.0966 | 0.0966 | 0.0000 | 3,896.0732 | 3,896.0732 | 0.1303 | 0.0468 | 3,913.2833 |
| Mobile | 1.5857 | 7.9962 | 19.1834 | 0.0821 | 7.7979 | 0.0580 | 7.8559 | 2.0895 | 0.0539 | 2.1434 | 0.0000 | 7,620.4986 | 7,620.4986 | 0.3407 | 0.0000 | 7,629.0162 |
| Waste | | | | | | 0.0000 | 0.0000 | | 0.0000 | 0.0000 | 207.8079 | 0.0000 | 207.8079 | 12.2811 | 0.0000 | 514.8354 |
| Water | | | | | | 0.0000 | 0.0000 | | 0.0000 | 0.0000 | 29.1632 | 556.6420 | 585.8052 | 3.0183 | 0.0755 | 683.7567 |
| **Total** | **6.8692** | **9.5223** | **30.3407** | **0.0914** | **7.7979** | **0.2260** | **8.0240** | **2.0895** | **0.2219** | **2.3114** | **236.9712** | **12,294.1807** | **12,531.1519** | **15.7904** | **0.1260** | **12,963.4751** |

| | ROG | NOx | CO | SO2 | Fugitive PM10 | Exhaust PM10 | PM10 Total | Fugitive PM2.5 | Exhaust PM2.5 | PM2.5 Total | Bio- CO2 | NBio-CO2 | Total CO2 | CH4 | N20 | CO2e |
|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|
| **Percent Reduction** | **0.00** | **0.00** | **0.00** | **0.00** | **0.00** | **0.00** | **0.00** | **0.00** | **0.00** | **0.00** | **0.00** | **0.00** | **0.00** | **0.00** | **0.00** | **0.00** |

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## 3.0 Construction Detail

**Construction Phase**

Village South Specific Plan (Proposed) - Los Angeles-South Coast County, Annual

| Phase Number | Phase Name | Phase Type | Start Date | End Date | Num Days Week | Num Days | Phase Description |
|---|---|---|---|---|---|---|---|
| 1 | Demolition | Demolition | 9/1/2021 | 10/12/2021 | 5 | 30 | |
| 2 | Site Preparation | Site Preparation | 10/13/2021 | 11/9/2021 | 5 | 20 | |
| 3 | Grading | Grading | 11/10/2021 | 1/11/2022 | 5 | 45 | |
| 4 | Building Construction | Building Construction | 1/12/2022 | 12/12/2023 | 5 | 500 | |
| 5 | Paving | Paving | 12/13/2023 | 1/30/2024 | 5 | 35 | |
| 6 | Architectural Coating | Architectural Coating | 1/31/2024 | 3/19/2024 | 5 | 35 | |

**Acres of Grading (Site Preparation Phase): 0**

**Acres of Grading (Grading Phase): 112.5**

**Acres of Paving: 0**

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**Residential Indoor: 2,025,000; Residential Outdoor: 675,000; Non-Residential Indoor: 326,400; Non-Residential Outdoor: 108,800; Striped Parking Area: 0 (Architectural Coating – sqft)**

**OffRoad Equipment**

Village South Specific Plan (Proposed) - Los Angeles-South Coast County, Annual

| Phase Name | Offroad Equipment Type | Amount | Usage Hours | Horse Power | Load Factor |
|---|---|---|---|---|---|
| Demolition | Concrete/Industrial Saws | 1 | 8.00 | 81 | 0.73 |
| Demolition | Excavators | 3 | 8.00 | 158 | 0.38 |
| Demolition | Rubber Tired Dozers | 2 | 8.00 | 247 | 0.40 |
| Site Preparation | Rubber Tired Dozers | 3 | 8.00 | 247 | 0.40 |
| Site Preparation | Tractors/Loaders/Backhoes | 4 | 8.00 | 97 | 0.37 |
| Grading | Excavators | 2 | 8.00 | 158 | 0.38 |
| Grading | Graders | 1 | 8.00 | 187 | 0.41 |
| Grading | Rubber Tired Dozers | 1 | 8.00 | 247 | 0.40 |
| Grading | Scrapers | 2 | 8.00 | 367 | 0.48 |
| Grading | Tractors/Loaders/Backhoes | 2 | 8.00 | 97 | 0.37 |
| Building Construction | Cranes | 1 | 7.00 | 231 | 0.29 |
| Building Construction | Forklifts | 3 | 8.00 | 89 | 0.20 |
| Building Construction | Generator Sets | 1 | 8.00 | 84 | 0.74 |
| Building Construction | Tractors/Loaders/Backhoes | 3 | 7.00 | 97 | 0.37 |
| Building Construction | Welders | 1 | 8.00 | 46 | 0.45 |
| Paving | Pavers | 2 | 8.00 | 130 | 0.42 |
| Paving | Paving Equipment | 2 | 8.00 | 132 | 0.36 |
| Paving | Rollers | 2 | 8.00 | 80 | 0.38 |
| Architectural Coating | Air Compressors | 1 | 6.00 | 78 | 0.48 |

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**Trips and VMT**

| Phase Name | Offroad Equipment Count | Worker Trip Number | Vendor Trip Number | Hauling Trip Number | Worker Trip Length | Vendor Trip Length | Hauling Trip Length | Worker Vehicle Class | Vendor Vehicle Class | Hauling Vehicle Class |
|---|---|---|---|---|---|---|---|---|---|---|
| Demolition | 6 | 15.00 | 0.00 | 458.00 | 14.70 | 6.90 | 20.00 | LD_Mix | HDT_Mix | HHDT |
| Site Preparation | 7 | 18.00 | 0.00 | 0.00 | 14.70 | 6.90 | 20.00 | LD_Mix | HDT_Mix | HHDT |
| Grading | 8 | 20.00 | 0.00 | 0.00 | 14.70 | 6.90 | 20.00 | LD_Mix | HDT_Mix | HHDT |
| Building Construction | 9 | 801.00 | 143.00 | 0.00 | 14.70 | 6.90 | 20.00 | LD_Mix | HDT_Mix | HHDT |
| Paving | 6 | 15.00 | 0.00 | 0.00 | 14.70 | 6.90 | 20.00 | LD_Mix | HDT_Mix | HHDT |
| Architectural Coating | 1 | 160.00 | 0.00 | 0.00 | 14.70 | 6.90 | 20.00 | LD_Mix | HDT_Mix | HHDT |

### 3.1 Mitigation Measures Construction

### 3.2 Demolition - 2021

**Unmitigated Construction On-Site**

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| | ROG | NOx | CO | SO2 | Fugitive PM10 | Exhaust PM10 | PM10 Total | Fugitive PM2.5 | Exhaust PM2.5 | PM2.5 Total | Bio- CO2 | NBio- CO2 | Total CO2 | CH4 | N2O | CO2e |
|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|
| Category | tons/yr | | | | | | | | | | MT/yr | | | | | |
| Fugitive Dust | | | | | 0.0496 | 0.0000 | 0.0496 | 7.5100e-003 | 0.0000 | 7.5100e-003 | 0.0000 | 0.0000 | 0.0000 | 0.0000 | 0.0000 | 0.0000 |
| Off-Road | 0.0475 | 0.4716 | 0.3235 | 5.8000e-004 | | 0.0233 | 0.0233 | | 0.0216 | 0.0216 | 0.0000 | 51.0012 | 51.0012 | 0.0144 | 0.0000 | 51.3601 |
| **Total** | **0.0475** | **0.4716** | **0.3235** | **5.8000e-004** | **0.0496** | **0.0233** | **0.0729** | **7.5100e-003** | **0.0216** | **0.0291** | **0.0000** | **51.0012** | **51.0012** | **0.0144** | **0.0000** | **51.3601** |

### 3.2 Demolition - 2021

**Unmitigated Construction Off-Site**

| | ROG | NOx | CO | SO2 | Fugitive PM10 | Exhaust PM10 | PM10 Total | Fugitive PM2.5 | Exhaust PM2.5 | PM2.5 Total | Bio- CO2 | NBio- CO2 | Total CO2 | CH4 | N2O | CO2e |
|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|
| Category | tons/yr | | | | | | | | | | MT/yr | | | | | |
| Hauling | 1.9300e-003 | 0.0634 | 0.0148 | 1.8000e-004 | 3.9400e-003 | 1.9000e-004 | 4.1300e-003 | 1.0800e-003 | 1.8000e-004 | 1.2600e-003 | 0.0000 | 17.4566 | 17.4566 | 1.2100e-003 | 0.0000 | 17.4869 |
| Vendor | 0.0000 | 0.0000 | 0.0000 | 0.0000 | 0.0000 | 0.0000 | 0.0000 | 0.0000 | 0.0000 | 0.0000 | 0.0000 | 0.0000 | 0.0000 | 0.0000 | 0.0000 | 0.0000 |
| Worker | 9.7000e-004 | 7.5000e-004 | 8.5100e-003 | 2.0000e-005 | 2.4700e-003 | 2.0000e-005 | 2.4900e-003 | 6.5000e-004 | 2.0000e-005 | 6.7000e-004 | 0.0000 | 2.2251 | 2.2251 | 7.0000e-005 | 0.0000 | 2.2267 |
| **Total** | **2.9000e-003** | **0.0641** | **0.0233** | **2.0000e-004** | **6.4100e-003** | **2.1000e-004** | **6.6200e-003** | **1.7300e-003** | **2.0000e-004** | **1.9300e-003** | **0.0000** | **19.6816** | **19.6816** | **1.2800e-003** | **0.0000** | **19.7136** |

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CONT

**Mitigated Construction On-Site**

| | ROG | NOx | CO | SO2 | Fugitive PM10 | Exhaust PM10 | PM10 Total | Fugitive PM2.5 | Exhaust PM2.5 | PM2.5 Total | Bio- CO2 | NBio- CO2 | Total CO2 | CH4 | N2O | CO2e |
|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|
| Category | tons/yr | | | | | | | | | | MT/yr | | | | | |
| Fugitive Dust | | | | | 0.0496 | 0.0000 | 0.0496 | 7.5100e-003 | 0.0000 | 7.5100e-003 | 0.0000 | 0.0000 | 0.0000 | 0.0000 | 0.0000 | 0.0000 |
| Off-Road | 0.0475 | 0.4716 | 0.3235 | 5.8000e-004 | | 0.0233 | 0.0233 | | 0.0216 | 0.0216 | 0.0000 | 51.0011 | 51.0011 | 0.0144 | 0.0000 | 51.3600 |
| **Total** | **0.0475** | **0.4716** | **0.3235** | **5.8000e-004** | **0.0496** | **0.0233** | **0.0729** | **7.5100e-003** | **0.0216** | **0.0291** | **0.0000** | **51.0011** | **51.0011** | **0.0144** | **0.0000** | **51.3600** |

### 3.2 Demolition - 2021

**Mitigated Construction Off-Site**

| | ROG | NOx | CO | SO2 | Fugitive PM10 | Exhaust PM10 | PM10 Total | Fugitive PM2.5 | Exhaust PM2.5 | PM2.5 Total | Bio- CO2 | NBio- CO2 | Total CO2 | CH4 | N2O | CO2e |
|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|
| Category | tons/yr | | | | | | | | | | MT/yr | | | | | |
| Hauling | 1.9300e-003 | 0.0634 | 0.0148 | 1.8000e-004 | 3.9400e-003 | 1.9000e-004 | 4.1300e-003 | 1.0800e-003 | 1.8000e-004 | 1.2600e-003 | 0.0000 | 17.4566 | 17.4566 | 1.2100e-003 | 0.0000 | 17.4869 |
| Vendor | 0.0000 | 0.0000 | 0.0000 | 0.0000 | 0.0000 | 0.0000 | 0.0000 | 0.0000 | 0.0000 | 0.0000 | 0.0000 | 0.0000 | 0.0000 | 0.0000 | 0.0000 | 0.0000 |
| Worker | 9.7000e-004 | 7.5000e-004 | 8.5100e-003 | 2.0000e-005 | 2.4700e-003 | 2.0000e-005 | 2.4900e-003 | 6.5000e-004 | 2.0000e-005 | 6.7000e-004 | 0.0000 | 2.2251 | 2.2251 | 7.0000e-005 | 0.0000 | 2.2267 |
| **Total** | **2.9000e-003** | **0.0641** | **0.0233** | **2.0000e-004** | **6.4100e-003** | **2.1000e-004** | **6.6200e-003** | **1.7300e-003** | **2.0000e-004** | **1.9300e-003** | **0.0000** | **19.6816** | **19.6816** | **1.2800e-003** | **0.0000** | **19.7136** |

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### 3.3 Site Preparation - 2021

**Unmitigated Construction On-Site**

| | ROG | NOx | CO | SO2 | Fugitive PM10 | Exhaust PM10 | PM10 Total | Fugitive PM2.5 | Exhaust PM2.5 | PM2.5 Total | Bio- CO2 | NBio- CO2 | Total CO2 | CH4 | N2O | CO2e |
|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|
| Category | tons/yr | | | | | | | | | | MT/yr | | | | | |
| Fugitive Dust | | | | | 0.1807 | 0.0000 | 0.1807 | 0.0993 | 0.0000 | 0.0993 | 0.0000 | 0.0000 | 0.0000 | 0.0000 | 0.0000 | 0.0000 |
| Off-Road | 0.0389 | 0.4050 | 0.2115 | 3.8000e-004 | | 0.0204 | 0.0204 | | 0.0188 | 0.0188 | 0.0000 | 33.4357 | 33.4357 | 0.0108 | 0.0000 | 33.7061 |
| **Total** | **0.0389** | **0.4050** | **0.2115** | **3.8000e-004** | **0.1807** | **0.0204** | **0.2011** | **0.0993** | **0.0188** | **0.1181** | **0.0000** | **33.4357** | **33.4357** | **0.0108** | **0.0000** | **33.7061** |

### 3.3 Site Preparation - 2021

**Unmitigated Construction Off-Site**

| | ROG | NOx | CO | SO2 | Fugitive PM10 | Exhaust PM10 | PM10 Total | Fugitive PM2.5 | Exhaust PM2.5 | PM2.5 Total | Bio- CO2 | NBio- CO2 | Total CO2 | CH4 | N2O | CO2e |
|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|
| Category | tons/yr | | | | | | | | | | MT/yr | | | | | |
| Hauling | 0.0000 | 0.0000 | 0.0000 | 0.0000 | 0.0000 | 0.0000 | 0.0000 | 0.0000 | 0.0000 | 0.0000 | 0.0000 | 0.0000 | 0.0000 | 0.0000 | 0.0000 | 0.0000 |
| Vendor | 0.0000 | 0.0000 | 0.0000 | 0.0000 | 0.0000 | 0.0000 | 0.0000 | 0.0000 | 0.0000 | 0.0000 | 0.0000 | 0.0000 | 0.0000 | 0.0000 | 0.0000 | 0.0000 |
| Worker | 7.7000e-004 | 6.0000e-004 | 6.8100e-003 | 2.0000e-005 | 1.9700e-003 | 2.0000e-005 | 1.9900e-003 | 5.2000e-004 | 1.0000e-005 | 5.4000e-004 | 0.0000 | 1.7801 | 1.7801 | 5.0000e-005 | 0.0000 | 1.7814 |
| **Total** | **7.7000e-004** | **6.0000e-004** | **6.8100e-003** | **2.0000e-005** | **1.9700e-003** | **2.0000e-005** | **1.9900e-003** | **5.2000e-004** | **1.0000e-005** | **5.4000e-004** | **0.0000** | **1.7801** | **1.7801** | **5.0000e-005** | **0.0000** | **1.7814** |

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**Mitigated Construction On-Site**

| | ROG | NOx | CO | SO2 | Fugitive PM10 | Exhaust PM10 | PM10 Total | Fugitive PM2.5 | Exhaust PM2.5 | PM2.5 Total | Bio- CO2 | NBio- CO2 | Total CO2 | CH4 | N2O | CO2e |
|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|
| Category | tons/yr | | | | | | | | | | MT/yr | | | | | |
| Fugitive Dust | | | | | 0.1807 | 0.0000 | 0.1807 | 0.0993 | 0.0000 | 0.0993 | 0.0000 | 0.0000 | 0.0000 | 0.0000 | 0.0000 | 0.0000 |
| Off-Road | 0.0389 | 0.4050 | 0.2115 | 3.8000e-004 | | 0.0204 | 0.0204 | | 0.0188 | 0.0188 | 0.0000 | 33.4357 | 33.4357 | 0.0108 | 0.0000 | 33.7060 |
| **Total** | **0.0389** | **0.4050** | **0.2115** | **3.8000e-004** | **0.1807** | **0.0204** | **0.2011** | **0.0993** | **0.0188** | **0.1181** | **0.0000** | **33.4357** | **33.4357** | **0.0108** | **0.0000** | **33.7060** |

### 3.3 Site Preparation - 2021

**Mitigated Construction Off-Site**

| | ROG | NOx | CO | SO2 | Fugitive PM10 | Exhaust PM10 | PM10 Total | Fugitive PM2.5 | Exhaust PM2.5 | PM2.5 Total | Bio- CO2 | NBio- CO2 | Total CO2 | CH4 | N2O | CO2e |
|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|
| Category | tons/yr | | | | | | | | | | MT/yr | | | | | |
| Hauling | 0.0000 | 0.0000 | 0.0000 | 0.0000 | 0.0000 | 0.0000 | 0.0000 | 0.0000 | 0.0000 | 0.0000 | 0.0000 | 0.0000 | 0.0000 | 0.0000 | 0.0000 | 0.0000 |
| Vendor | 0.0000 | 0.0000 | 0.0000 | 0.0000 | 0.0000 | 0.0000 | 0.0000 | 0.0000 | 0.0000 | 0.0000 | 0.0000 | 0.0000 | 0.0000 | 0.0000 | 0.0000 | 0.0000 |
| Worker | 7.7000e-004 | 6.0000e-004 | 6.8100e-003 | 2.0000e-005 | 1.9700e-003 | 2.0000e-005 | 1.9900e-003 | 5.2000e-004 | 1.0000e-005 | 5.4000e-004 | 0.0000 | 1.7801 | 1.7801 | 5.0000e-005 | 0.0000 | 1.7814 |
| **Total** | **7.7000e-004** | **6.0000e-004** | **6.8100e-003** | **2.0000e-005** | **1.9700e-003** | **2.0000e-005** | **1.9900e-003** | **5.2000e-004** | **1.0000e-005** | **5.4000e-004** | **0.0000** | **1.7801** | **1.7801** | **5.0000e-005** | **0.0000** | **1.7814** |

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### 3.4 Grading - 2021

**Unmitigated Construction On-Site**

| | ROG | NOx | CO | SO2 | Fugitive PM10 | Exhaust PM10 | PM10 Total | Fugitive PM2.5 | Exhaust PM2.5 | PM2.5 Total | Bio- CO2 | NBio- CO2 | Total CO2 | CH4 | N2O | CO2e |
|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|
| Category | tons/yr | | | | | | | | | | MT/yr | | | | | |
| Fugitive Dust | | | | | 0.1741 | 0.0000 | 0.1741 | 0.0693 | 0.0000 | 0.0693 | 0.0000 | 0.0000 | 0.0000 | 0.0000 | 0.0000 | 0.0000 |
| Off-Road | 0.0796 | 0.8816 | 0.5867 | 1.1800e-003 | | 0.0377 | 0.0377 | | 0.0347 | 0.0347 | 0.0000 | 103.5405 | 103.5405 | 0.0335 | 0.0000 | 104.3776 |
| **Total** | **0.0796** | **0.8816** | **0.5867** | **1.1800e-003** | **0.1741** | **0.0377** | **0.2118** | **0.0693** | **0.0347** | **0.1040** | **0.0000** | **103.5405** | **103.5405** | **0.0335** | **0.0000** | **104.3776** |

### 3.4 Grading - 2021

**Unmitigated Construction Off-Site**

| | ROG | NOx | CO | SO2 | Fugitive PM10 | Exhaust PM10 | PM10 Total | Fugitive PM2.5 | Exhaust PM2.5 | PM2.5 Total | Bio- CO2 | NBio- CO2 | Total CO2 | CH4 | N2O | CO2e |
|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|
| Category | tons/yr | | | | | | | | | | MT/yr | | | | | |
| Hauling | 0.0000 | 0.0000 | 0.0000 | 0.0000 | 0.0000 | 0.0000 | 0.0000 | 0.0000 | 0.0000 | 0.0000 | 0.0000 | 0.0000 | 0.0000 | 0.0000 | 0.0000 | 0.0000 |
| Vendor | 0.0000 | 0.0000 | 0.0000 | 0.0000 | 0.0000 | 0.0000 | 0.0000 | 0.0000 | 0.0000 | 0.0000 | 0.0000 | 0.0000 | 0.0000 | 0.0000 | 0.0000 | 0.0000 |
| Worker | 1.6400e-003 | 1.2700e-003 | 0.0144 | 4.0000e-005 | 4.1600e-003 | 3.0000e-005 | 4.2000e-003 | 1.1100e-003 | 3.0000e-005 | 1.1400e-003 | 0.0000 | 3.7579 | 3.7579 | 1.1000e-004 | 0.0000 | 3.7607 |
| **Total** | **1.6400e-003** | **1.2700e-003** | **0.0144** | **4.0000e-005** | **4.1600e-003** | **3.0000e-005** | **4.2000e-003** | **1.1100e-003** | **3.0000e-005** | **1.1400e-003** | **0.0000** | **3.7579** | **3.7579** | **1.1000e-004** | **0.0000** | **3.7607** |

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**Mitigated Construction On-Site**

| | ROG | NOx | CO | SO2 | Fugitive PM10 | Exhaust PM10 | PM10 Total | Fugitive PM2.5 | Exhaust PM2.5 | PM2.5 Total | Bio- CO2 | NBio- CO2 | Total CO2 | CH4 | N2O | CO2e |
|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|
| Category | tons/yr | | | | | | | | | | MT/yr | | | | | |
| Fugitive Dust | | | | | 0.1741 | 0.0000 | 0.1741 | 0.0693 | 0.0000 | 0.0693 | 0.0000 | 0.0000 | 0.0000 | 0.0000 | 0.0000 | 0.0000 |
| Off-Road | 0.0796 | 0.8816 | 0.5867 | 1.1800e-003 | | 0.0377 | 0.0377 | | 0.0347 | 0.0347 | 0.0000 | 103.5403 | 103.5403 | 0.0335 | 0.0000 | 104.3775 |
| **Total** | **0.0796** | **0.8816** | **0.5867** | **1.1800e-003** | **0.1741** | **0.0377** | **0.2118** | **0.0693** | **0.0347** | **0.1040** | **0.0000** | **103.5403** | **103.5403** | **0.0335** | **0.0000** | **104.3775** |

### 3.4 Grading - 2021

**Mitigated Construction Off-Site**

| | ROG | NOx | CO | SO2 | Fugitive PM10 | Exhaust PM10 | PM10 Total | Fugitive PM2.5 | Exhaust PM2.5 | PM2.5 Total | Bio- CO2 | NBio- CO2 | Total CO2 | CH4 | N2O | CO2e |
|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|
| Category | tons/yr | | | | | | | | | | MT/yr | | | | | |
| Hauling | 0.0000 | 0.0000 | 0.0000 | 0.0000 | 0.0000 | 0.0000 | 0.0000 | 0.0000 | 0.0000 | 0.0000 | 0.0000 | 0.0000 | 0.0000 | 0.0000 | 0.0000 | 0.0000 |
| Vendor | 0.0000 | 0.0000 | 0.0000 | 0.0000 | 0.0000 | 0.0000 | 0.0000 | 0.0000 | 0.0000 | 0.0000 | 0.0000 | 0.0000 | 0.0000 | 0.0000 | 0.0000 | 0.0000 |
| Worker | 1.6400e-003 | 1.2700e-003 | 0.0144 | 4.0000e-005 | 4.1600e-003 | 3.0000e-005 | 4.2000e-003 | 1.1100e-003 | 3.0000e-005 | 1.1400e-003 | 0.0000 | 3.7579 | 3.7579 | 1.1000e-004 | 0.0000 | 3.7607 |
| **Total** | **1.6400e-003** | **1.2700e-003** | **0.0144** | **4.0000e-005** | **4.1600e-003** | **3.0000e-005** | **4.2000e-003** | **1.1100e-003** | **3.0000e-005** | **1.1400e-003** | **0.0000** | **3.7579** | **3.7579** | **1.1000e-004** | **0.0000** | **3.7607** |

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### 3.4 Grading - 2022

**Unmitigated Construction On-Site**

| | ROG | NOx | CO | SO2 | Fugitive PM10 | Exhaust PM10 | PM10 Total | Fugitive PM2.5 | Exhaust PM2.5 | PM2.5 Total | Bio- CO2 | NBio- CO2 | Total CO2 | CH4 | N2O | CO2e |
|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|
| Category | tons/yr | | | | | | | | | | MT/yr | | | | | |
| Fugitive Dust | | | | | 0.0807 | 0.0000 | 0.0807 | 0.0180 | 0.0000 | 0.0180 | 0.0000 | 0.0000 | 0.0000 | 0.0000 | 0.0000 | 0.0000 |
| Off-Road | 0.0127 | 0.1360 | 0.1017 | 2.2000e-004 | | 5.7200e-003 | 5.7200e-003 | | 5.2600e-003 | 5.2600e-003 | 0.0000 | 19.0871 | 19.0871 | 6.1700e-003 | 0.0000 | 19.2414 |
| **Total** | **0.0127** | **0.1360** | **0.1017** | **2.2000e-004** | **0.0807** | **5.7200e-003** | **0.0865** | **0.0180** | **5.2600e-003** | **0.0233** | **0.0000** | **19.0871** | **19.0871** | **6.1700e-003** | **0.0000** | **19.2414** |

### 3.4 Grading - 2022

**Unmitigated Construction Off-Site**

| | ROG | NOx | CO | SO2 | Fugitive PM10 | Exhaust PM10 | PM10 Total | Fugitive PM2.5 | Exhaust PM2.5 | PM2.5 Total | Bio- CO2 | NBio- CO2 | Total CO2 | CH4 | N2O | CO2e |
|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|
| Category | tons/yr | | | | | | | | | | MT/yr | | | | | |
| Hauling | 0.0000 | 0.0000 | 0.0000 | 0.0000 | 0.0000 | 0.0000 | 0.0000 | 0.0000 | 0.0000 | 0.0000 | 0.0000 | 0.0000 | 0.0000 | 0.0000 | 0.0000 | 0.0000 |
| Vendor | 0.0000 | 0.0000 | 0.0000 | 0.0000 | 0.0000 | 0.0000 | 0.0000 | 0.0000 | 0.0000 | 0.0000 | 0.0000 | 0.0000 | 0.0000 | 0.0000 | 0.0000 | 0.0000 |
| Worker | 2.8000e-004 | 2.1000e-004 | 2.4400e-003 | 1.0000e-005 | 7.7000e-004 | 1.0000e-005 | 7.7000e-004 | 2.0000e-004 | 1.0000e-005 | 2.1000e-004 | 0.0000 | 0.6679 | 0.6679 | 2.0000e-005 | 0.0000 | 0.6684 |
| **Total** | **2.8000e-004** | **2.1000e-004** | **2.4400e-003** | **1.0000e-005** | **7.7000e-004** | **1.0000e-005** | **7.7000e-004** | **2.0000e-004** | **1.0000e-005** | **2.1000e-004** | **0.0000** | **0.6679** | **0.6679** | **2.0000e-005** | **0.0000** | **0.6684** |

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CONT

**Mitigated Construction On-Site**

| | ROG | NOx | CO | SO2 | Fugitive PM10 | Exhaust PM10 | PM10 Total | Fugitive PM2.5 | Exhaust PM2.5 | PM2.5 Total | Bio- CO2 | NBio- CO2 | Total CO2 | CH4 | N2O | CO2e |
|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|
| Category | tons/yr | | | | | | | | | | MT/yr | | | | | |
| Fugitive Dust | | | | | 0.0807 | 0.0000 | 0.0807 | 0.0180 | 0.0000 | 0.0180 | 0.0000 | 0.0000 | 0.0000 | 0.0000 | 0.0000 | 0.0000 |
| Off-Road | 0.0127 | 0.1360 | 0.1017 | 2.2000e-004 | | 5.7200e-003 | 5.7200e-003 | | 5.2600e-003 | 5.2600e-003 | 0.0000 | 19.0871 | 19.0871 | 6.1700e-003 | 0.0000 | 19.2414 |
| **Total** | **0.0127** | **0.1360** | **0.1017** | **2.2000e-004** | **0.0807** | **5.7200e-003** | **0.0865** | **0.0180** | **5.2600e-003** | **0.0233** | **0.0000** | **19.0871** | **19.0871** | **6.1700e-003** | **0.0000** | **19.2414** |

### 3.4 Grading - 2022

**Mitigated Construction Off-Site**

| | ROG | NOx | CO | SO2 | Fugitive PM10 | Exhaust PM10 | PM10 Total | Fugitive PM2.5 | Exhaust PM2.5 | PM2.5 Total | Bio- CO2 | NBio- CO2 | Total CO2 | CH4 | N2O | CO2e |
|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|
| Category | tons/yr | | | | | | | | | | MT/yr | | | | | |
| Hauling | 0.0000 | 0.0000 | 0.0000 | 0.0000 | 0.0000 | 0.0000 | 0.0000 | 0.0000 | 0.0000 | 0.0000 | 0.0000 | 0.0000 | 0.0000 | 0.0000 | 0.0000 | 0.0000 |
| Vendor | 0.0000 | 0.0000 | 0.0000 | 0.0000 | 0.0000 | 0.0000 | 0.0000 | 0.0000 | 0.0000 | 0.0000 | 0.0000 | 0.0000 | 0.0000 | 0.0000 | 0.0000 | 0.0000 |
| Worker | 2.8000e-004 | 2.1000e-004 | 2.4400e-003 | 1.0000e-005 | 7.7000e-004 | 1.0000e-005 | 7.7000e-004 | 2.0000e-004 | 1.0000e-005 | 2.1000e-004 | 0.0000 | 0.6679 | 0.6679 | 2.0000e-005 | 0.0000 | 0.6684 |
| **Total** | **2.8000e-004** | **2.1000e-004** | **2.4400e-003** | **1.0000e-005** | **7.7000e-004** | **1.0000e-005** | **7.7000e-004** | **2.0000e-004** | **1.0000e-005** | **2.1000e-004** | **0.0000** | **0.6679** | **0.6679** | **2.0000e-005** | **0.0000** | **0.6684** |

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### 3.5 Building Construction - 2022

**Unmitigated Construction On-Site**

| | ROG | NOx | CO | SO2 | Fugitive PM10 | Exhaust PM10 | PM10 Total | Fugitive PM2.5 | Exhaust PM2.5 | PM2.5 Total | Bio- CO2 | NBio- CO2 | Total CO2 | CH4 | N2O | CO2e |
|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|
| Category | tons/yr | | | | | | | | | | MT/yr | | | | | |
| Off-Road | 0.2158 | 1.9754 | 2.0700 | 3.4100e-003 | | 0.1023 | 0.1023 | | 0.0963 | 0.0963 | 0.0000 | 293.1324 | 293.1324 | 0.0702 | 0.0000 | 294.8881 |
| **Total** | **0.2158** | **1.9754** | **2.0700** | **3.4100e-003** | | **0.1023** | **0.1023** | | **0.0963** | **0.0963** | **0.0000** | **293.1324** | **293.1324** | **0.0702** | **0.0000** | **294.8881** |

### 3.5 Building Construction - 2022

**Unmitigated Construction Off-Site**

| | ROG | NOx | CO | SO2 | Fugitive PM10 | Exhaust PM10 | PM10 Total | Fugitive PM2.5 | Exhaust PM2.5 | PM2.5 Total | Bio- CO2 | NBio- CO2 | Total CO2 | CH4 | N2O | CO2e |
|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|
| Category | tons/yr | | | | | | | | | | MT/yr | | | | | |
| Hauling | 0.0000 | 0.0000 | 0.0000 | 0.0000 | 0.0000 | 0.0000 | 0.0000 | 0.0000 | 0.0000 | 0.0000 | 0.0000 | 0.0000 | 0.0000 | 0.0000 | 0.0000 | 0.0000 |
| Vendor | 0.0527 | 1.6961 | 0.4580 | 4.5500e-003 | 0.1140 | 3.1800e-003 | 0.1171 | 0.0329 | 3.0400e-003 | 0.0359 | 0.0000 | 441.9835 | 441.9835 | 0.0264 | 0.0000 | 442.6435 |
| Worker | 0.4088 | 0.3066 | 3.5305 | 0.0107 | 1.1103 | 8.8700e-003 | 1.1192 | 0.2949 | 8.1700e-003 | 0.3031 | 0.0000 | 966.8117 | 966.8117 | 0.0266 | 0.0000 | 967.4773 |
| **Total** | **0.4616** | **2.0027** | **3.9885** | **0.0152** | **1.2243** | **0.0121** | **1.2363** | **0.3278** | **0.0112** | **0.3390** | **0.0000** | **1,408.7952** | **1,408.7952** | **0.0530** | **0.0000** | **1,410.1208** |

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**Mitigated Construction On-Site**

| | ROG | NOx | CO | SO2 | Fugitive PM10 | Exhaust PM10 | PM10 Total | Fugitive PM2.5 | Exhaust PM2.5 | PM2.5 Total | Bio- CO2 | NBio- CO2 | Total CO2 | CH4 | N2O | CO2e |
|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|
| Category | tons/yr | | | | | | | | | | MT/yr | | | | | |
| Off-Road | 0.2158 | 1.9754 | 2.0700 | 3.4100e-003 | | 0.1023 | 0.1023 | | 0.0963 | 0.0963 | 0.0000 | 293.1321 | 293.1321 | 0.0702 | 0.0000 | 294.8877 |
| **Total** | **0.2158** | **1.9754** | **2.0700** | **3.4100e-003** | | **0.1023** | **0.1023** | | **0.0963** | **0.0963** | **0.0000** | **293.1321** | **293.1321** | **0.0702** | **0.0000** | **294.8877** |

### 3.5 Building Construction - 2022

**Mitigated Construction Off-Site**

| | ROG | NOx | CO | SO2 | Fugitive PM10 | Exhaust PM10 | PM10 Total | Fugitive PM2.5 | Exhaust PM2.5 | PM2.5 Total | Bio- CO2 | NBio- CO2 | Total CO2 | CH4 | N2O | CO2e |
|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|
| Category | tons/yr | | | | | | | | | | MT/yr | | | | | |
| Hauling | 0.0000 | 0.0000 | 0.0000 | 0.0000 | 0.0000 | 0.0000 | 0.0000 | 0.0000 | 0.0000 | 0.0000 | 0.0000 | 0.0000 | 0.0000 | 0.0000 | 0.0000 | 0.0000 |
| Vendor | 0.0527 | 1.6961 | 0.4580 | 4.5500e-003 | 0.1140 | 3.1800e-003 | 0.1171 | 0.0329 | 3.0400e-003 | 0.0359 | 0.0000 | 441.9835 | 441.9835 | 0.0264 | 0.0000 | 442.6435 |
| Worker | 0.4088 | 0.3066 | 3.5305 | 0.0107 | 1.1103 | 8.8700e-003 | 1.1192 | 0.2949 | 8.1700e-003 | 0.3031 | 0.0000 | 966.8117 | 966.8117 | 0.0266 | 0.0000 | 967.4773 |
| **Total** | **0.4616** | **2.0027** | **3.9885** | **0.0152** | **1.2243** | **0.0121** | **1.2363** | **0.3278** | **0.0112** | **0.3390** | **0.0000** | **1,408.7952** | **1,408.7952** | **0.0530** | **0.0000** | **1,410.1208** |

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### 3.5 Building Construction - 2023

**Unmitigated Construction On-Site**

| | ROG | NOx | CO | SO2 | Fugitive PM10 | Exhaust PM10 | PM10 Total | Fugitive PM2.5 | Exhaust PM2.5 | PM2.5 Total | Bio- CO2 | NBio- CO2 | Total CO2 | CH4 | N2O | CO2e |
|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|
| Category | tons/yr | | | | | | | | | | MT/yr | | | | | |
| Off-Road | 0.1942 | 1.7765 | 2.0061 | 3.3300e-003 | | 0.0864 | 0.0864 | | 0.0813 | 0.0813 | 0.0000 | 286.2789 | 286.2789 | 0.0681 | 0.0000 | 287.9814 |
| **Total** | **0.1942** | **1.7765** | **2.0061** | **3.3300e-003** | | **0.0864** | **0.0864** | | **0.0813** | **0.0813** | **0.0000** | **286.2789** | **286.2789** | **0.0681** | **0.0000** | **287.9814** |

### 3.5 Building Construction - 2023

**Unmitigated Construction Off-Site**

| | ROG | NOx | CO | SO2 | Fugitive PM10 | Exhaust PM10 | PM10 Total | Fugitive PM2.5 | Exhaust PM2.5 | PM2.5 Total | Bio- CO2 | NBio- CO2 | Total CO2 | CH4 | N2O | CO2e |
|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|
| Category | tons/yr | | | | | | | | | | MT/yr | | | | | |
| Hauling | 0.0000 | 0.0000 | 0.0000 | 0.0000 | 0.0000 | 0.0000 | 0.0000 | 0.0000 | 0.0000 | 0.0000 | 0.0000 | 0.0000 | 0.0000 | 0.0000 | 0.0000 | 0.0000 |
| Vendor | 0.0382 | 1.2511 | 0.4011 | 4.3000e-003 | 0.1113 | 1.4600e-003 | 0.1127 | 0.0321 | 1.4000e-003 | 0.0335 | 0.0000 | 417.9930 | 417.9930 | 0.0228 | 0.0000 | 418.5624 |
| Worker | 0.3753 | 0.2708 | 3.1696 | 0.0101 | 1.0840 | 8.4100e-003 | 1.0924 | 0.2879 | 7.7400e-003 | 0.2957 | 0.0000 | 909.3439 | 909.3439 | 0.0234 | 0.0000 | 909.9291 |
| **Total** | **0.4135** | **1.5218** | **3.5707** | **0.0144** | **1.1953** | **9.8700e-003** | **1.2051** | **0.3200** | **9.1400e-003** | **0.3292** | **0.0000** | **1,327.3369** | **1,327.3369** | **0.0462** | **0.0000** | **1,328.4916** |

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CONT

**Mitigated Construction On-Site**

| | ROG | NOx | CO | SO2 | Fugitive PM10 | Exhaust PM10 | PM10 Total | Fugitive PM2.5 | Exhaust PM2.5 | PM2.5 Total | Bio- CO2 | NBio- CO2 | Total CO2 | CH4 | N2O | CO2e |
|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|
| Category | tons/yr | | | | | | | | | | MT/yr | | | | | |
| Off-Road | 0.1942 | 1.7765 | 2.0061 | 3.3300e-003 | | 0.0864 | 0.0864 | | 0.0813 | 0.0813 | 0.0000 | 286.2785 | 286.2785 | 0.0681 | 0.0000 | 287.9811 |
| **Total** | **0.1942** | **1.7765** | **2.0061** | **3.3300e-003** | | **0.0864** | **0.0864** | | **0.0813** | **0.0813** | **0.0000** | **286.2785** | **286.2785** | **0.0681** | **0.0000** | **287.9811** |

### 3.5 Building Construction - 2023

**Mitigated Construction Off-Site**

| | ROG | NOx | CO | SO2 | Fugitive PM10 | Exhaust PM10 | PM10 Total | Fugitive PM2.5 | Exhaust PM2.5 | PM2.5 Total | Bio- CO2 | NBio- CO2 | Total CO2 | CH4 | N2O | CO2e |
|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|
| Category | tons/yr | | | | | | | | | | MT/yr | | | | | |
| Hauling | 0.0000 | 0.0000 | 0.0000 | 0.0000 | 0.0000 | 0.0000 | 0.0000 | 0.0000 | 0.0000 | 0.0000 | 0.0000 | 0.0000 | 0.0000 | 0.0000 | 0.0000 | 0.0000 |
| Vendor | 0.0382 | 1.2511 | 0.4011 | 4.3000e-003 | 0.1113 | 1.4600e-003 | 0.1127 | 0.0321 | 1.4000e-003 | 0.0335 | 0.0000 | 417.9930 | 417.9930 | 0.0228 | 0.0000 | 418.5624 |
| Worker | 0.3753 | 0.2708 | 3.1696 | 0.0101 | 1.0840 | 8.4100e-003 | 1.0924 | 0.2879 | 7.7400e-003 | 0.2957 | 0.0000 | 909.3439 | 909.3439 | 0.0234 | 0.0000 | 909.9291 |
| **Total** | **0.4135** | **1.5218** | **3.5707** | **0.0144** | **1.1953** | **9.8700e-003** | **1.2051** | **0.3200** | **9.1400e-003** | **0.3292** | **0.0000** | **1,327.3369** | **1,327.3369** | **0.0462** | **0.0000** | **1,328.4916** |

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### 3.6 Paving - 2023

**Unmitigated Construction On-Site**

| | ROG | NOx | CO | SO2 | Fugitive PM10 | Exhaust PM10 | PM10 Total | Fugitive PM2.5 | Exhaust PM2.5 | PM2.5 Total | Bio- CO2 | NBio- CO2 | Total CO2 | CH4 | N2O | CO2e |
|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|
| Category | tons/yr | | | | | | | | | | MT/yr | | | | | |
| Off-Road | 6.7100e-003 | 0.0663 | 0.0948 | 1.5000e-004 | | 3.3200e-003 | 3.3200e-003 | | 3.0500e-003 | 3.0500e-003 | 0.0000 | 13.0175 | 13.0175 | 4.2100e-003 | 0.0000 | 13.1227 |
| Paving | 0.0000 | | | | | 0.0000 | 0.0000 | | 0.0000 | 0.0000 | 0.0000 | 0.0000 | 0.0000 | 0.0000 | 0.0000 | 0.0000 |
| **Total** | **6.7100e-003** | **0.0663** | **0.0948** | **1.5000e-004** | | **3.3200e-003** | **3.3200e-003** | | **3.0500e-003** | **3.0500e-003** | **0.0000** | **13.0175** | **13.0175** | **4.2100e-003** | **0.0000** | **13.1227** |

### 3.6 Paving - 2023

**Unmitigated Construction Off-Site**

| | ROG | NOx | CO | SO2 | Fugitive PM10 | Exhaust PM10 | PM10 Total | Fugitive PM2.5 | Exhaust PM2.5 | PM2.5 Total | Bio- CO2 | NBio- CO2 | Total CO2 | CH4 | N2O | CO2e |
|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|
| Category | tons/yr | | | | | | | | | | MT/yr | | | | | |
| Hauling | 0.0000 | 0.0000 | 0.0000 | 0.0000 | 0.0000 | 0.0000 | 0.0000 | 0.0000 | 0.0000 | 0.0000 | 0.0000 | 0.0000 | 0.0000 | 0.0000 | 0.0000 | 0.0000 |
| Vendor | 0.0000 | 0.0000 | 0.0000 | 0.0000 | 0.0000 | 0.0000 | 0.0000 | 0.0000 | 0.0000 | 0.0000 | 0.0000 | 0.0000 | 0.0000 | 0.0000 | 0.0000 | 0.0000 |
| Worker | 3.7000e-004 | 2.7000e-004 | 3.1200e-003 | 1.0000e-005 | 1.0700e-003 | 1.0000e-005 | 1.0800e-003 | 2.8000e-004 | 1.0000e-005 | 2.9000e-004 | 0.0000 | 0.8963 | 0.8963 | 2.0000e-005 | 0.0000 | 0.8968 |
| **Total** | **3.7000e-004** | **2.7000e-004** | **3.1200e-003** | **1.0000e-005** | **1.0700e-003** | **1.0000e-005** | **1.0800e-003** | **2.8000e-004** | **1.0000e-005** | **2.9000e-004** | **0.0000** | **0.8963** | **0.8963** | **2.0000e-005** | **0.0000** | **0.8968** |

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CONT

**Mitigated Construction On-Site**

| | ROG | NOx | CO | SO2 | Fugitive PM10 | Exhaust PM10 | PM10 Total | Fugitive PM2.5 | Exhaust PM2.5 | PM2.5 Total | Bio- CO2 | NBio- CO2 | Total CO2 | CH4 | N2O | CO2e |
|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|
| Category | tons/yr | | | | | | | | | | MT/yr | | | | | |
| Off-Road | 6.7100e-003 | 0.0663 | 0.0948 | 1.5000e-004 | | 3.3200e-003 | 3.3200e-003 | | 3.0500e-003 | 3.0500e-003 | 0.0000 | 13.0175 | 13.0175 | 4.2100e-003 | 0.0000 | 13.1227 |
| Paving | 0.0000 | | | | | 0.0000 | 0.0000 | | 0.0000 | 0.0000 | 0.0000 | 0.0000 | 0.0000 | 0.0000 | 0.0000 | 0.0000 |
| **Total** | **6.7100e-003** | **0.0663** | **0.0948** | **1.5000e-004** | | **3.3200e-003** | **3.3200e-003** | | **3.0500e-003** | **3.0500e-003** | **0.0000** | **13.0175** | **13.0175** | **4.2100e-003** | **0.0000** | **13.1227** |

### 3.6 Paving - 2023

**Mitigated Construction Off-Site**

| | ROG | NOx | CO | SO2 | Fugitive PM10 | Exhaust PM10 | PM10 Total | Fugitive PM2.5 | Exhaust PM2.5 | PM2.5 Total | Bio- CO2 | NBio- CO2 | Total CO2 | CH4 | N2O | CO2e |
|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|
| Category | tons/yr | | | | | | | | | | MT/yr | | | | | |
| Hauling | 0.0000 | 0.0000 | 0.0000 | 0.0000 | 0.0000 | 0.0000 | 0.0000 | 0.0000 | 0.0000 | 0.0000 | 0.0000 | 0.0000 | 0.0000 | 0.0000 | 0.0000 | 0.0000 |
| Vendor | 0.0000 | 0.0000 | 0.0000 | 0.0000 | 0.0000 | 0.0000 | 0.0000 | 0.0000 | 0.0000 | 0.0000 | 0.0000 | 0.0000 | 0.0000 | 0.0000 | 0.0000 | 0.0000 |
| Worker | 3.7000e-004 | 2.7000e-004 | 3.1200e-003 | 1.0000e-005 | 1.0700e-003 | 1.0000e-005 | 1.0800e-003 | 2.8000e-004 | 1.0000e-005 | 2.9000e-004 | 0.0000 | 0.8963 | 0.8963 | 2.0000e-005 | 0.0000 | 0.8968 |
| **Total** | **3.7000e-004** | **2.7000e-004** | **3.1200e-003** | **1.0000e-005** | **1.0700e-003** | **1.0000e-005** | **1.0800e-003** | **2.8000e-004** | **1.0000e-005** | **2.9000e-004** | **0.0000** | **0.8963** | **0.8963** | **2.0000e-005** | **0.0000** | **0.8968** |

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CONT

### 3.6 Paving - 2024

**Unmitigated Construction On-Site**

| | ROG | NOx | CO | SO2 | Fugitive PM10 | Exhaust PM10 | PM10 Total | Fugitive PM2.5 | Exhaust PM2.5 | PM2.5 Total | Bio- CO2 | NBio- CO2 | Total CO2 | CH4 | N2O | CO2e |
|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|
| Category | tons/yr | | | | | | | | | | MT/yr | | | | | |
| Off-Road | 0.0109 | 0.1048 | 0.1609 | 2.5000e-004 | | 5.1500e-003 | 5.1500e-003 | | 4.7400e-003 | 4.7400e-003 | 0.0000 | 22.0292 | 22.0292 | 7.1200e-003 | 0.0000 | 22.2073 |
| Paving | 0.0000 | | | | | 0.0000 | 0.0000 | | 0.0000 | 0.0000 | 0.0000 | 0.0000 | 0.0000 | 0.0000 | 0.0000 | 0.0000 |
| **Total** | **0.0109** | **0.1048** | **0.1609** | **2.5000e-004** | | **5.1500e-003** | **5.1500e-003** | | **4.7400e-003** | **4.7400e-003** | **0.0000** | **22.0292** | **22.0292** | **7.1200e-003** | **0.0000** | **22.2073** |

### 3.6 Paving - 2024

**Unmitigated Construction Off-Site**

| | ROG | NOx | CO | SO2 | Fugitive PM10 | Exhaust PM10 | PM10 Total | Fugitive PM2.5 | Exhaust PM2.5 | PM2.5 Total | Bio- CO2 | NBio- CO2 | Total CO2 | CH4 | N2O | CO2e |
|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|
| Category | tons/yr | | | | | | | | | | MT/yr | | | | | |
| Hauling | 0.0000 | 0.0000 | 0.0000 | 0.0000 | 0.0000 | 0.0000 | 0.0000 | 0.0000 | 0.0000 | 0.0000 | 0.0000 | 0.0000 | 0.0000 | 0.0000 | 0.0000 | 0.0000 |
| Vendor | 0.0000 | 0.0000 | 0.0000 | 0.0000 | 0.0000 | 0.0000 | 0.0000 | 0.0000 | 0.0000 | 0.0000 | 0.0000 | 0.0000 | 0.0000 | 0.0000 | 0.0000 | 0.0000 |
| Worker | 5.9000e-004 | 4.1000e-004 | 4.9200e-003 | 2.0000e-005 | 1.8100e-003 | 1.0000e-005 | 1.8200e-003 | 4.8000e-004 | 1.0000e-005 | 4.9000e-004 | 0.0000 | 1.4697 | 1.4697 | 4.0000e-005 | 0.0000 | 1.4706 |
| **Total** | **5.9000e-004** | **4.1000e-004** | **4.9200e-003** | **2.0000e-005** | **1.8100e-003** | **1.0000e-005** | **1.8200e-003** | **4.8000e-004** | **1.0000e-005** | **4.9000e-004** | **0.0000** | **1.4697** | **1.4697** | **4.0000e-005** | **0.0000** | **1.4706** |

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CONT

**Mitigated Construction On-Site**

| | ROG | NOx | CO | SO2 | Fugitive PM10 | Exhaust PM10 | PM10 Total | Fugitive PM2.5 | Exhaust PM2.5 | PM2.5 Total | Bio- CO2 | NBio- CO2 | Total CO2 | CH4 | N2O | CO2e |
|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|
| Category | tons/yr | | | | | | | | | | MT/yr | | | | | |
| Off-Road | 0.0109 | 0.1048 | 0.1609 | 2.5000e-004 | | 5.1500e-003 | 5.1500e-003 | | 4.7400e-003 | 4.7400e-003 | 0.0000 | 22.0292 | 22.0292 | 7.1200e-003 | 0.0000 | 22.2073 |
| Paving | 0.0000 | | | | | 0.0000 | 0.0000 | | 0.0000 | 0.0000 | 0.0000 | 0.0000 | 0.0000 | 0.0000 | 0.0000 | 0.0000 |
| **Total** | **0.0109** | **0.1048** | **0.1609** | **2.5000e-004** | | **5.1500e-003** | **5.1500e-003** | | **4.7400e-003** | **4.7400e-003** | **0.0000** | **22.0292** | **22.0292** | **7.1200e-003** | **0.0000** | **22.2073** |

### 3.6 Paving - 2024

**Mitigated Construction Off-Site**

| | ROG | NOx | CO | SO2 | Fugitive PM10 | Exhaust PM10 | PM10 Total | Fugitive PM2.5 | Exhaust PM2.5 | PM2.5 Total | Bio- CO2 | NBio- CO2 | Total CO2 | CH4 | N2O | CO2e |
|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|
| Category | tons/yr | | | | | | | | | | MT/yr | | | | | |
| Hauling | 0.0000 | 0.0000 | 0.0000 | 0.0000 | 0.0000 | 0.0000 | 0.0000 | 0.0000 | 0.0000 | 0.0000 | 0.0000 | 0.0000 | 0.0000 | 0.0000 | 0.0000 | 0.0000 |
| Vendor | 0.0000 | 0.0000 | 0.0000 | 0.0000 | 0.0000 | 0.0000 | 0.0000 | 0.0000 | 0.0000 | 0.0000 | 0.0000 | 0.0000 | 0.0000 | 0.0000 | 0.0000 | 0.0000 |
| Worker | 5.9000e-004 | 4.1000e-004 | 4.9200e-003 | 2.0000e-005 | 1.8100e-003 | 1.0000e-005 | 1.8200e-003 | 4.8000e-004 | 1.0000e-005 | 4.9000e-004 | 0.0000 | 1.4697 | 1.4697 | 4.0000e-005 | 0.0000 | 1.4706 |
| **Total** | **5.9000e-004** | **4.1000e-004** | **4.9200e-003** | **2.0000e-005** | **1.8100e-003** | **1.0000e-005** | **1.8200e-003** | **4.8000e-004** | **1.0000e-005** | **4.9000e-004** | **0.0000** | **1.4697** | **1.4697** | **4.0000e-005** | **0.0000** | **1.4706** |

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### 3.7 Architectural Coating - 2024

**Unmitigated Construction On-Site**

| | ROG | NOx | CO | SO2 | Fugitive PM10 | Exhaust PM10 | PM10 Total | Fugitive PM2.5 | Exhaust PM2.5 | PM2.5 Total | Bio- CO2 | NBio- CO2 | Total CO2 | CH4 | N2O | CO2e |
|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|
| Category | tons/yr | | | | | | | | | | MT/yr | | | | | |
| Archit. Coating | 4.1372 | | | | | 0.0000 | 0.0000 | | 0.0000 | 0.0000 | 0.0000 | 0.0000 | 0.0000 | 0.0000 | 0.0000 | 0.0000 |
| Off-Road | 3.1600e-003 | 0.0213 | 0.0317 | 5.0000e-005 | | 1.0700e-003 | 1.0700e-003 | | 1.0700e-003 | 1.0700e-003 | 0.0000 | 4.4682 | 4.4682 | 2.5000e-004 | 0.0000 | 4.4745 |
| **Total** | **4.1404** | **0.0213** | **0.0317** | **5.0000e-005** | | **1.0700e-003** | **1.0700e-003** | | **1.0700e-003** | **1.0700e-003** | **0.0000** | **4.4682** | **4.4682** | **2.5000e-004** | **0.0000** | **4.4745** |

### 3.7 Architectural Coating - 2024

**Unmitigated Construction Off-Site**

| | ROG | NOx | CO | SO2 | Fugitive PM10 | Exhaust PM10 | PM10 Total | Fugitive PM2.5 | Exhaust PM2.5 | PM2.5 Total | Bio- CO2 | NBio- CO2 | Total CO2 | CH4 | N2O | CO2e |
|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|
| Category | tons/yr | | | | | | | | | | MT/yr | | | | | |
| Hauling | 0.0000 | 0.0000 | 0.0000 | 0.0000 | 0.0000 | 0.0000 | 0.0000 | 0.0000 | 0.0000 | 0.0000 | 0.0000 | 0.0000 | 0.0000 | 0.0000 | 0.0000 | 0.0000 |
| Vendor | 0.0000 | 0.0000 | 0.0000 | 0.0000 | 0.0000 | 0.0000 | 0.0000 | 0.0000 | 0.0000 | 0.0000 | 0.0000 | 0.0000 | 0.0000 | 0.0000 | 0.0000 | 0.0000 |
| Worker | 0.0101 | 6.9900e-003 | 0.0835 | 2.8000e-004 | 0.0307 | 2.3000e-004 | 0.0309 | 8.1500e-003 | 2.2000e-004 | 8.3700e-003 | 0.0000 | 24.9407 | 24.9407 | 6.1000e-004 | 0.0000 | 24.9558 |
| **Total** | **0.0101** | **6.9900e-003** | **0.0835** | **2.8000e-004** | **0.0307** | **2.3000e-004** | **0.0309** | **8.1500e-003** | **2.2000e-004** | **8.3700e-003** | **0.0000** | **24.9407** | **24.9407** | **6.1000e-004** | **0.0000** | **24.9558** |

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**Mitigated Construction On-Site**

| | ROG | NOx | CO | SO2 | Fugitive PM10 | Exhaust PM10 | PM10 Total | Fugitive PM2.5 | Exhaust PM2.5 | PM2.5 Total | Bio- CO2 | NBio- CO2 | Total CO2 | CH4 | N2O | CO2e |
|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|
| Category | tons/yr | | | | | | | | | | MT/yr | | | | | |
| Archit. Coating | 4.1372 | | | | | 0.0000 | 0.0000 | | 0.0000 | 0.0000 | 0.0000 | 0.0000 | 0.0000 | 0.0000 | 0.0000 | 0.0000 |
| Off-Road | 3.1600e-003 | 0.0213 | 0.0317 | 5.0000e-005 | | 1.0700e-003 | 1.0700e-003 | | 1.0700e-003 | 1.0700e-003 | 0.0000 | 4.4682 | 4.4682 | 2.5000e-004 | 0.0000 | 4.4745 |
| **Total** | **4.1404** | **0.0213** | **0.0317** | **5.0000e-005** | | **1.0700e-003** | **1.0700e-003** | | **1.0700e-003** | **1.0700e-003** | **0.0000** | **4.4682** | **4.4682** | **2.5000e-004** | **0.0000** | **4.4745** |

### 3.7 Architectural Coating - 2024

**Mitigated Construction Off-Site**

| | ROG | NOx | CO | SO2 | Fugitive PM10 | Exhaust PM10 | PM10 Total | Fugitive PM2.5 | Exhaust PM2.5 | PM2.5 Total | Bio- CO2 | NBio- CO2 | Total CO2 | CH4 | N2O | CO2e |
|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|
| Category | tons/yr | | | | | | | | | | MT/yr | | | | | |
| Hauling | 0.0000 | 0.0000 | 0.0000 | 0.0000 | 0.0000 | 0.0000 | 0.0000 | 0.0000 | 0.0000 | 0.0000 | 0.0000 | 0.0000 | 0.0000 | 0.0000 | 0.0000 | 0.0000 |
| Vendor | 0.0000 | 0.0000 | 0.0000 | 0.0000 | 0.0000 | 0.0000 | 0.0000 | 0.0000 | 0.0000 | 0.0000 | 0.0000 | 0.0000 | 0.0000 | 0.0000 | 0.0000 | 0.0000 |
| Worker | 0.0101 | 6.9900e-003 | 0.0835 | 2.8000e-004 | 0.0307 | 2.3000e-004 | 0.0309 | 8.1500e-003 | 2.2000e-004 | 8.3700e-003 | 0.0000 | 24.9407 | 24.9407 | 6.1000e-004 | 0.0000 | 24.9558 |
| **Total** | **0.0101** | **6.9900e-003** | **0.0835** | **2.8000e-004** | **0.0307** | **2.3000e-004** | **0.0309** | **8.1500e-003** | **2.2000e-004** | **8.3700e-003** | **0.0000** | **24.9407** | **24.9407** | **6.1000e-004** | **0.0000** | **24.9558** |

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## 4.0 Operational Detail - Mobile

### 4.1 Mitigation Measures Mobile

| | ROG | NOx | CO | SO2 | Fugitive PM10 | Exhaust PM10 | PM10 Total | Fugitive PM2.5 | Exhaust PM2.5 | PM2.5 Total | Bio- CO2 | NBio- CO2 | Total CO2 | CH4 | N2O | CO2e |
|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|
| Category | tons/yr | | | | | | | | | | MT/yr | | | | | |
| Mitigated | 1.5857 | 7.9962 | 19.1834 | 0.0821 | 7.7979 | 0.0580 | 7.8559 | 2.0895 | 0.0539 | 2.1434 | 0.0000 | 7,620.4986 | 7,620.4986 | 0.3407 | 0.0000 | 7,629.0162 |
| Unmitigated | 1.5857 | 7.9962 | 19.1834 | 0.0821 | 7.7979 | 0.0580 | 7.8559 | 2.0895 | 0.0539 | 2.1434 | 0.0000 | 7,620.4986 | 7,620.4986 | 0.3407 | 0.0000 | 7,629.0162 |

## 4.2 Trip Summary Information

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| | Average Daily Trip Rate | | | Unmitigated | Mitigated |
|---|---|---|---|---|---|
| Land Use | Weekday | Saturday | Sunday | Annual VMT | Annual VMT |
| Apartments Low Rise | 145.75 | 154.25 | 154.00 | 506,227 | 506,227 |
| Apartments Mid Rise | 4,026.75 | 3,773.25 | 4075.50 | 13,660,065 | 13,660,065 |
| General Office Building | 288.45 | 62.55 | 31.05 | 706,812 | 706,812 |
| High Turnover (Sit Down Restaurant) | 2,368.80 | 2,873.52 | 2817.72 | 3,413,937 | 3,413,937 |
| Hotel | 192.00 | 187.50 | 160.00 | 445,703 | 445,703 |
| Quality Restaurant | 501.12 | 511.92 | 461.20 | 707,488 | 707,488 |
| Regional Shopping Center | 528.08 | 601.44 | 357.84 | 1,112,221 | 1,112,221 |
| Total | 8,050.95 | 8,164.43 | 8,057.31 | 20,552,452 | 20,552,452 |

## 4.3 Trip Type Information

Village South Specific Plan (Proposed) - Los Angeles-South Coast County, Annual

| | Miles | | | Trip % | | | Trip Purpose % | | |
|---|---|---|---|---|---|---|---|---|---|
| Land Use | H-W or C-W | H-S or C-C | H-O or C-NW | H-W or C-W | H-S or C-C | H-O or C-NW | Primary | Diverted | Pass-by |
| Apartments Low Rise | 14.70 | 5.90 | 8.70 | 40.20 | 19.20 | 40.60 | 86 | 11 | 3 |
| Apartments Mid Rise | 14.70 | 5.90 | 8.70 | 40.20 | 19.20 | 40.60 | 86 | 11 | 3 |
| General Office Building | 16.60 | 8.40 | 6.90 | 33.00 | 48.00 | 19.00 | 77 | 19 | 4 |
| High Turnover (Sit Down | 16.60 | 8.40 | 6.90 | 8.50 | 72.50 | 19.00 | 37 | 20 | 43 |
| Hotel | 16.60 | 8.40 | 6.90 | 19.40 | 61.60 | 19.00 | 58 | 38 | 4 |
| Quality Restaurant | 16.60 | 8.40 | 6.90 | 12.00 | 69.00 | 19.00 | 38 | 18 | 44 |
| Regional Shopping Center | 16.60 | 8.40 | 6.90 | 16.30 | 64.70 | 19.00 | 54 | 35 | 11 |

### 4.4 Fleet Mix

| Land Use | LDA | LDT1 | LDT2 | MDV | LHD1 | LHD2 | MHD | HHD | OBUS | UBUS | MCY | SBUS | MH |
|---|---|---|---|---|---|---|---|---|---|---|---|---|---|
| Apartments Low Rise | 0.543088 | 0.044216 | 0.209971 | 0.116369 | 0.014033 | 0.006332 | 0.021166 | 0.033577 | 0.002613 | 0.001817 | 0.005285 | 0.000712 | 0.000821 |
| Apartments Mid Rise | 0.543088 | 0.044216 | 0.209971 | 0.116369 | 0.014033 | 0.006332 | 0.021166 | 0.033577 | 0.002613 | 0.001817 | 0.005285 | 0.000712 | 0.000821 |
| General Office Building | 0.543088 | 0.044216 | 0.209971 | 0.116369 | 0.014033 | 0.006332 | 0.021166 | 0.033577 | 0.002613 | 0.001817 | 0.005285 | 0.000712 | 0.000821 |
| High Turnover (Sit Down Restaurant) | 0.543088 | 0.044216 | 0.209971 | 0.116369 | 0.014033 | 0.006332 | 0.021166 | 0.033577 | 0.002613 | 0.001817 | 0.005285 | 0.000712 | 0.000821 |
| Hotel | 0.543088 | 0.044216 | 0.209971 | 0.116369 | 0.014033 | 0.006332 | 0.021166 | 0.033577 | 0.002613 | 0.001817 | 0.005285 | 0.000712 | 0.000821 |
| Quality Restaurant | 0.543088 | 0.044216 | 0.209971 | 0.116369 | 0.014033 | 0.006332 | 0.021166 | 0.033577 | 0.002613 | 0.001817 | 0.005285 | 0.000712 | 0.000821 |
| Regional Shopping Center | 0.543088 | 0.044216 | 0.209971 | 0.116369 | 0.014033 | 0.006332 | 0.021166 | 0.033577 | 0.002613 | 0.001817 | 0.005285 | 0.000712 | 0.000821 |

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CONT

## 5.0 Energy Detail

Historical Energy Use: N

### 5.1 Mitigation Measures Energy

Village South Specific Plan (Proposed) - Los Angeles-South Coast County, Annual

| | ROG | NOx | CO | SO2 | Fugitive PM10 | Exhaust PM10 | PM10 Total | Fugitive PM2.5 | Exhaust PM2.5 | PM2.5 Total | Bio- CO2 | NBio- CO2 | Total CO2 | CH4 | N2O | CO2e |
|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|
| Category | tons/yr | | | | | | | | | | MT/yr | | | | | |
| Electricity Mitigated | | | | | | 0.0000 | 0.0000 | | 0.0000 | 0.0000 | 0.0000 | 2,512.6465 | 2,512.6465 | 0.1037 | 0.0215 | 2,521.6356 |
| Electricity Unmitigated | | | | | | 0.0000 | 0.0000 | | 0.0000 | 0.0000 | 0.0000 | 2,512.6465 | 2,512.6465 | 0.1037 | 0.0215 | 2,521.6356 |
| NaturalGas Mitigated | 0.1398 | 1.2312 | 0.7770 | 7.6200e-003 | | 0.0966 | 0.0966 | | 0.0966 | 0.0966 | 0.0000 | 1,383.4267 | 1,383.4267 | 0.0265 | 0.0254 | 1,391.6478 |
| NaturalGas Unmitigated | 0.1398 | 1.2312 | 0.7770 | 7.6200e-003 | | 0.0966 | 0.0966 | | 0.0966 | 0.0966 | 0.0000 | 1,383.4267 | 1,383.4267 | 0.0265 | 0.0254 | 1,391.6478 |

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CONT

## 5.2 Energy by Land Use - NaturalGas

**Unmitigated**

| | NaturalGas Use | ROG | NOx | CO | SO2 | Fugitive PM10 | Exhaust PM10 | PM10 Total | Fugitive PM2.5 | Exhaust PM2.5 | PM2.5 Total | Bio- CO2 | NBio- CO2 | Total CO2 | CH4 | N2O | CO2e |
|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|
| Land Use | kBTU/yr | tons/yr | | | | | | | | | | MT/yr | | | | | |
| Apartments Low Rise | 408494 | 2.2000e-003 | 0.0188 | 8.0100e-003 | 1.2000e-004 | | 1.5200e-003 | 1.5200e-003 | | 1.5200e-003 | 1.5200e-003 | 0.0000 | 21.7988 | 21.7988 | 4.2000e-004 | 4.0000e-004 | 21.9284 |
| Apartments Mid Rise | 1.30613e+007 | 0.0704 | 0.6018 | 0.2561 | 3.8400e-003 | | 0.0487 | 0.0487 | | 0.0487 | 0.0487 | 0.0000 | 696.9989 | 696.9989 | 0.0134 | 0.0128 | 701.1408 |
| General Office Building | 468450 | 2.5300e-003 | 0.0230 | 0.0193 | 1.4000e-004 | | 1.7500e-003 | 1.7500e-003 | | 1.7500e-003 | 1.7500e-003 | 0.0000 | 24.9983 | 24.9983 | 4.8000e-004 | 4.6000e-004 | 25.1468 |
| High Turnover (Sit Down Restaurant) | 8.30736e+006 | 0.0448 | 0.4072 | 0.3421 | 2.4400e-003 | | 0.0310 | 0.0310 | | 0.0310 | 0.0310 | 0.0000 | 443.3124 | 443.3124 | 8.5000e-003 | 8.1300e-003 | 445.9468 |
| Hotel | 1.74095e+006 | 9.3900e-003 | 0.0853 | 0.0717 | 5.1000e-004 | | 6.4900e-003 | 6.4900e-003 | | 6.4900e-003 | 6.4900e-003 | 0.0000 | 92.9036 | 92.9036 | 1.7800e-003 | 1.7000e-003 | 93.4557 |
| Quality Restaurant | 1.84608e+006 | 9.9500e-003 | 0.0905 | 0.0760 | 5.4000e-004 | | 6.8800e-003 | 6.8800e-003 | | 6.8800e-003 | 6.8800e-003 | 0.0000 | 98.5139 | 98.5139 | 1.8900e-003 | 1.8100e-003 | 99.0993 |
| Regional Shopping Center | 91840 | 5.0000e-004 | 4.5000e-003 | 3.7800e-003 | 3.0000e-005 | | 3.4000e-004 | 3.4000e-004 | | 3.4000e-004 | 3.4000e-004 | 0.0000 | 4.9009 | 4.9009 | 9.0000e-005 | 9.0000e-005 | 4.9301 |
| **Total** | | **0.1398** | **1.2312** | **0.7770** | **7.6200e-003** | | **0.0966** | **0.0966** | | **0.0966** | **0.0966** | **0.0000** | **1,383.4268** | **1,383.4268** | **0.0265** | **0.0254** | **1,391.6478** |

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## 5.2 Energy by Land Use - NaturalGas

**Mitigated**

| | NaturalGas Use | ROG | NOx | CO | SO2 | Fugitive PM10 | Exhaust PM10 | PM10 Total | Fugitive PM2.5 | Exhaust PM2.5 | PM2.5 Total | Bio- CO2 | NBio- CO2 | Total CO2 | CH4 | N2O | CO2e |
|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|
| Land Use | kBTU/yr | tons/yr | | | | | | | | | | MT/yr | | | | | |
| Apartments Low Rise | 408494 | 2.2000e-003 | 0.0188 | 8.0100e-003 | 1.2000e-004 | | 1.5200e-003 | 1.5200e-003 | | 1.5200e-003 | 1.5200e-003 | 0.0000 | 21.7988 | 21.7988 | 4.2000e-004 | 4.0000e-004 | 21.9284 |
| Apartments Mid Rise | 1.30613e+007 | 0.0704 | 0.6018 | 0.2561 | 3.8400e-003 | | 0.0487 | 0.0487 | | 0.0487 | 0.0487 | 0.0000 | 696.9989 | 696.9989 | 0.0134 | 0.0128 | 701.1408 |
| General Office Building | 468450 | 2.5300e-003 | 0.0230 | 0.0193 | 1.4000e-004 | | 1.7500e-003 | 1.7500e-003 | | 1.7500e-003 | 1.7500e-003 | 0.0000 | 24.9983 | 24.9983 | 4.8000e-004 | 4.6000e-004 | 25.1468 |
| High Turnover (Sit Down Restaurant) | 8.30736e+006 | 0.0448 | 0.4072 | 0.3421 | 2.4400e-003 | | 0.0310 | 0.0310 | | 0.0310 | 0.0310 | 0.0000 | 443.3124 | 443.3124 | 8.5000e-003 | 8.1300e-003 | 445.9468 |
| Hotel | 1.74095e+006 | 9.3900e-003 | 0.0853 | 0.0717 | 5.1000e-004 | | 6.4900e-003 | 6.4900e-003 | | 6.4900e-003 | 6.4900e-003 | 0.0000 | 92.9036 | 92.9036 | 1.7800e-003 | 1.7000e-003 | 93.4557 |
| Quality Restaurant | 1.84608e+006 | 9.9500e-003 | 0.0905 | 0.0760 | 5.4000e-004 | | 6.8800e-003 | 6.8800e-003 | | 6.8800e-003 | 6.8800e-003 | 0.0000 | 98.5139 | 98.5139 | 1.8900e-003 | 1.8100e-003 | 99.0993 |
| Regional Shopping Center | 91840 | 5.0000e-004 | 4.5000e-003 | 3.7800e-003 | 3.0000e-005 | | 3.4000e-004 | 3.4000e-004 | | 3.4000e-004 | 3.4000e-004 | 0.0000 | 4.9009 | 4.9009 | 9.0000e-005 | 9.0000e-005 | 4.9301 |
| **Total** | | **0.1398** | **1.2312** | **0.7770** | **7.6200e-003** | | **0.0966** | **0.0966** | | **0.0966** | **0.0966** | **0.0000** | **1,383.4268** | **1,383.4268** | **0.0265** | **0.0254** | **1,391.6478** |

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### 5.3 Energy by Land Use - Electricity

**Unmitigated**

| | Electricity Use | Total CO2 | CH4 | N2O | CO2e |
|---|---|---|---|---|---|
| Land Use | kWh/yr | MT/yr | | | |
| Apartments Low Rise | 106010 | 33.7770 | 1.3900e-003 | 2.9000e-004 | 33.8978 |
| Apartments Mid Rise | 3.94697e+006 | 1,257.5879 | 0.0519 | 0.0107 | 1,262.0869 |
| General Office Building | 584550 | 186.2502 | 7.6900e-003 | 1.5900e-003 | 186.9165 |
| High Turnover (Sit Down Restaurant) | 1.58904e+006 | 506.3022 | 0.0209 | 4.3200e-003 | 508.1135 |
| Hotel | 550308 | 175.3399 | 7.2400e-003 | 1.5000e-003 | 175.9672 |
| Quality Restaurant | 353120 | 112.5116 | 4.6500e-003 | 9.6000e-004 | 112.9141 |
| Regional Shopping Center | 756000 | 240.8778 | 9.9400e-003 | 2.0600e-003 | 241.7395 |
| **Total** | | **2,512.6465** | **0.1037** | **0.0215** | **2,521.6356** |

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CONT

### 5.3 Energy by Land Use - Electricity

**Mitigated**

| | Electricity Use | Total CO2 | CH4 | N2O | CO2e |
|---|---|---|---|---|---|
| Land Use | kWh/yr | MT/yr | | | |
| Apartments Low Rise | 106010 | 33.7770 | 1.3900e-003 | 2.9000e-004 | 33.8978 |
| Apartments Mid Rise | 3.94697e+006 | 1,257.5879 | 0.0519 | 0.0107 | 1,262.0869 |
| General Office Building | 584550 | 186.2502 | 7.6900e-003 | 1.5900e-003 | 186.9165 |
| High Turnover (Sit Down Restaurant) | 1.58904e+006 | 506.3022 | 0.0209 | 4.3200e-003 | 508.1135 |
| Hotel | 550308 | 175.3399 | 7.2400e-003 | 1.5000e-003 | 175.9672 |
| Quality Restaurant | 353120 | 112.5116 | 4.6500e-003 | 9.6000e-004 | 112.9141 |
| Regional Shopping Center | 756000 | 240.8778 | 9.9400e-003 | 2.0600e-003 | 241.7395 |
| **Total** | | **2,512.6465** | **0.1037** | **0.0215** | **2,521.6356** |

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## 6.0 Area Detail

### 6.1 Mitigation Measures Area

| | ROG | NOx | CO | SO2 | Fugitive PM10 | Exhaust PM10 | PM10 Total | Fugitive PM2.5 | Exhaust PM2.5 | PM2.5 Total | Bio- CO2 | NBio- CO2 | Total CO2 | CH4 | N2O | CO2e |
|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|
| Category | tons/yr | | | | | | | | | | MT/yr | | | | | |
| Mitigated | 5.1437 | 0.2950 | 10.3804 | 1.6700e-003 | | 0.0714 | 0.0714 | | 0.0714 | 0.0714 | 0.0000 | 220.9670 | 220.9670 | 0.0201 | 3.7400e-003 | 222.5835 |
| Unmitigated | 5.1437 | 0.2950 | 10.3804 | 1.6700e-003 | | 0.0714 | 0.0714 | | 0.0714 | 0.0714 | 0.0000 | 220.9670 | 220.9670 | 0.0201 | 3.7400e-003 | 222.5835 |

## 6.2 Area by SubCategory

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CONT

**Unmitigated**

| | ROG | NOx | CO | SO2 | Fugitive PM10 | Exhaust PM10 | PM10 Total | Fugitive PM2.5 | Exhaust PM2.5 | PM2.5 Total | Bio- CO2 | NBio- CO2 | Total CO2 | CH4 | N2O | CO2e |
|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|
| SubCategory | tons/yr | | | | | | | | | | MT/yr | | | | | |
| Architectural Coating | 0.4137 | | | | | 0.0000 | 0.0000 | | 0.0000 | 0.0000 | 0.0000 | 0.0000 | 0.0000 | 0.0000 | 0.0000 | 0.0000 |
| Consumer Products | 4.3998 | | | | | 0.0000 | 0.0000 | | 0.0000 | 0.0000 | 0.0000 | 0.0000 | 0.0000 | 0.0000 | 0.0000 | 0.0000 |
| Hearth | 0.0206 | 0.1763 | 0.0750 | 1.1200e-003 | | 0.0143 | 0.0143 | | 0.0143 | 0.0143 | 0.0000 | 204.1166 | 204.1166 | 3.9100e-003 | 3.7400e-003 | 205.3295 |
| Landscaping | 0.3096 | 0.1187 | 10.3054 | 5.4000e-004 | | 0.0572 | 0.0572 | | 0.0572 | 0.0572 | 0.0000 | 16.8504 | 16.8504 | 0.0161 | 0.0000 | 17.2540 |
| **Total** | **5.1437** | **0.2950** | **10.3804** | **1.6600e-003** | | **0.0714** | **0.0714** | | **0.0714** | **0.0714** | **0.0000** | **220.9670** | **220.9670** | **0.0201** | **3.7400e-003** | **222.5835** |

### 6.2 Area by SubCategory

**Mitigated**

| | ROG | NOx | CO | SO2 | Fugitive PM10 | Exhaust PM10 | PM10 Total | Fugitive PM2.5 | Exhaust PM2.5 | PM2.5 Total | Bio- CO2 | NBio- CO2 | Total CO2 | CH4 | N2O | CO2e |
|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|
| SubCategory | tons/yr | | | | | | | | | | MT/yr | | | | | |
| Architectural Coating | 0.4137 | | | | | 0.0000 | 0.0000 | | 0.0000 | 0.0000 | 0.0000 | 0.0000 | 0.0000 | 0.0000 | 0.0000 | 0.0000 |
| Consumer Products | 4.3998 | | | | | 0.0000 | 0.0000 | | 0.0000 | 0.0000 | 0.0000 | 0.0000 | 0.0000 | 0.0000 | 0.0000 | 0.0000 |
| Hearth | 0.0206 | 0.1763 | 0.0750 | 1.1200e-003 | | 0.0143 | 0.0143 | | 0.0143 | 0.0143 | 0.0000 | 204.1166 | 204.1166 | 3.9100e-003 | 3.7400e-003 | 205.3295 |
| Landscaping | 0.3096 | 0.1187 | 10.3054 | 5.4000e-004 | | 0.0572 | 0.0572 | | 0.0572 | 0.0572 | 0.0000 | 16.8504 | 16.8504 | 0.0161 | 0.0000 | 17.2540 |
| **Total** | **5.1437** | **0.2950** | **10.3804** | **1.6600e-003** | | **0.0714** | **0.0714** | | **0.0714** | **0.0714** | **0.0000** | **220.9670** | **220.9670** | **0.0201** | **3.7400e-003** | **222.5835** |

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CONT

## 7.0 Water Detail

### 7.1 Mitigation Measures Water

Village South Specific Plan (Proposed) - Los Angeles-South Coast County, Annual

| | Total CO2 | CH4 | N2O | CO2e |
|---|---|---|---|---|
| Category | MT/yr | | | |
| Mitigated | 585.8052 | 3.0183 | 0.0755 | 683.7567 |
| Unmitigated | 585.8052 | 3.0183 | 0.0755 | 683.7567 |

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## 7.2 Water by Land Use

**Unmitigated**

| | Indoor/Outdoor Use | Total CO2 | CH4 | N2O | CO2e |
|---|---|---|---|---|---|
| Land Use | Mgal | MT/yr | | | |
| Apartments Low Rise | 1.62885 / 1.02688 | 10.9095 | 0.0535 | 1.3400e-003 | 12.6471 |
| Apartments Mid Rise | 63.5252 / 40.0485 | 425.4719 | 2.0867 | 0.0523 | 493.2363 |
| General Office Building | 7.99802 / 4.90201 | 53.0719 | 0.2627 | 6.5900e-003 | 61.6019 |
| High Turnover (Sit Down Restaurant) | 10.9272 / 0.697482 | 51.2702 | 0.3580 | 8.8200e-003 | 62.8482 |
| Hotel | 1.26834 / 0.140927 | 6.1633 | 0.0416 | 1.0300e-003 | 7.5079 |
| Quality Restaurant | 2.42827 / 0.154996 | 11.3934 | 0.0796 | 1.9600e-003 | 13.9663 |
| Regional Shopping Center | 4.14806 / 2.54236 | 27.5250 | 0.1363 | 3.4200e-003 | 31.9490 |
| **Total** | | **585.8052** | **3.0183** | **0.0755** | **683.7567** |

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CONT

### 7.2 Water by Land Use

**Mitigated**

| | Indoor/Outdoor Use | Total CO2 | CH4 | N2O | CO2e |
|---|---|---|---|---|---|
| Land Use | Mgal | MT/yr | | | |
| Apartments Low Rise | 1.62885 / 1.02688 | 10.9095 | 0.0535 | 1.3400e-003 | 12.6471 |
| Apartments Mid Rise | 63.5252 / 40.0485 | 425.4719 | 2.0867 | 0.0523 | 493.2363 |
| General Office Building | 7.99802 / 4.90201 | 53.0719 | 0.2627 | 6.5900e-003 | 61.6019 |
| High Turnover (Sit Down Restaurant) | 10.9272 / 0.697482 | 51.2702 | 0.3580 | 8.8200e-003 | 62.8482 |
| Hotel | 1.26834 / 0.140927 | 6.1633 | 0.0416 | 1.0300e-003 | 7.5079 |
| Quality Restaurant | 2.42827 / 0.154996 | 11.3934 | 0.0796 | 1.9600e-003 | 13.9663 |
| Regional Shopping Center | 4.14806 / 2.54236 | 27.5250 | 0.1363 | 3.4200e-003 | 31.9490 |
| **Total** | | **585.8052** | **3.0183** | **0.0755** | **683.7567** |

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CONT

## 8.0 Waste Detail

### 8.1 Mitigation Measures Waste

Village South Specific Plan (Proposed) - Los Angeles-South Coast County, Annual

**Category/Year**

| | Total CO2 | CH4 | N2O | CO2e |
|---|---|---|---|---|
| | MT/yr | | | |
| Mitigated | 207.8079 | 12.2811 | 0.0000 | 514.8354 |
| Unmitigated | 207.8079 | 12.2811 | 0.0000 | 514.8354 |

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## 8.2 Waste by Land Use

**Unmitigated**

| | Waste Disposed | Total CO2 | CH4 | N2O | CO2e |
|---|---|---|---|---|---|
| Land Use | tons | MT/yr | | | |
| Apartments Low Rise | 11.5 | 2.3344 | 0.1380 | 0.0000 | 5.7834 |
| Apartments Mid Rise | 448.5 | 91.0415 | 5.3804 | 0.0000 | 225.5513 |
| General Office Building | 41.85 | 8.4952 | 0.5021 | 0.0000 | 21.0464 |
| High Turnover (Sit Down Restaurant) | 428.4 | 86.9613 | 5.1393 | 0.0000 | 215.4430 |
| Hotel | 27.38 | 5.5579 | 0.3285 | 0.0000 | 13.7694 |
| Quality Restaurant | 7.3 | 1.4818 | 0.0876 | 0.0000 | 3.6712 |
| Regional Shopping Center | 58.8 | 11.9359 | 0.7054 | 0.0000 | 29.5706 |
| **Total** | | **207.8079** | **12.2811** | **0.0000** | **514.8354** |

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### 8.2 Waste by Land Use

**Mitigated**

| | Waste Disposed | Total CO2 | CH4 | N2O | CO2e |
|---|---|---|---|---|---|
| Land Use | tons | MT/yr | | | |
| Apartments Low Rise | 11.5 | 2.3344 | 0.1380 | 0.0000 | 5.7834 |
| Apartments Mid Rise | 448.5 | 91.0415 | 5.3804 | 0.0000 | 225.5513 |
| General Office Building | 41.85 | 8.4952 | 0.5021 | 0.0000 | 21.0464 |
| High Turnover (Sit Down Restaurant) | 428.4 | 86.9613 | 5.1393 | 0.0000 | 215.4430 |
| Hotel | 27.38 | 5.5579 | 0.3285 | 0.0000 | 13.7694 |
| Quality Restaurant | 7.3 | 1.4818 | 0.0876 | 0.0000 | 3.6712 |
| Regional Shopping Center | 58.8 | 11.9359 | 0.7054 | 0.0000 | 29.5706 |
| **Total** | | **207.8079** | **12.2811** | **0.0000** | **514.8354** |

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### 9.0 Operational Offroad

| Equipment Type | Number | Hours/Day | Days/Year | Horse Power | Load Factor | Fuel Type |
|---|---|---|---|---|---|---|

### 10.0 Stationary Equipment

**Fire Pumps and Emergency Generators**

| Equipment Type | Number | Hours/Day | Hours/Year | Horse Power | Load Factor | Fuel Type |
|---|---|---|---|---|---|---|

**Boilers**

| Equipment Type | Number | Heat Input/Day | Heat Input/Year | Boiler Rating | Fuel Type |
|---|---|---|---|---|---|

**User Defined Equipment**

| Equipment Type | Number |
|---|---|

## 11.0 Vegetation

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# Village South Specific Plan (Proposed)

**Los Angeles-South Coast County, Summer**

## 1.0 Project Characteristics

### 1.1 Land Usage

| Land Uses | Size | Metric | Lot Acreage | Floor Surface Area | Population |
|---|---|---|---|---|---|
| General Office Building | 45.00 | 1000sqft | 1.03 | 45,000.00 | 0 |
| High Turnover (Sit Down Restaurant) | 36.00 | 1000sqft | 0.83 | 36,000.00 | 0 |
| Hotel | 50.00 | Room | 1.67 | 72,600.00 | 0 |
| Quality Restaurant | 8.00 | 1000sqft | 0.18 | 8,000.00 | 0 |
| Apartments Low Rise | 25.00 | Dwelling Unit | 1.56 | 25,000.00 | 72 |
| Apartments Mid Rise | 975.00 | Dwelling Unit | 25.66 | 975,000.00 | 2789 |
| Regional Shopping Center | 56.00 | 1000sqft | 1.29 | 56,000.00 | 0 |

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### 1.2 Other Project Characteristics

| | | | | | |
|---|---|---|---|---|---|
| **Urbanization** | Urban | **Wind Speed (m/s)** | 2.2 | **Precipitation Freq (Days)** | 33 |
| **Climate Zone** | 9 | | | **Operational Year** | 2028 |
| **Utility Company** | Southern California Edison | | | | |
| **CO2 Intensity (lb/MWhr)** | 702.44 | **CH4 Intensity (lb/MWhr)** | 0.029 | **N2O Intensity (lb/MWhr)** | 0.006 |

### 1.3 User Entered Comments & Non-Default Data

Village South Specific Plan (Proposed) - Los Angeles-South Coast County, Summer

Project Characteristics - Consistent with the DEIR's model.

Land Use - See SWAPE comment regarding residential and retail land uses.

Construction Phase - See SWAPE comment regarding individual construction phase lengths.

Demolition - Consistent with the DEIR's model. See SWAPE comment regarding demolition.

Vehicle Trips - Saturday trips consistent with the DEIR's model. See SWAPE comment regarding weekday and Sunday trips.

Woodstoves - Woodstoves and wood-burning fireplaces consistent with the DEIR's model. See SWAPE comment regarding gas fireplaces.

Energy Use -

Construction Off-road Equipment Mitigation - See SWAPE comment on construction-related mitigation.

Area Mitigation - See SWAPE comment regarding operational mitigation measures.

Water Mitigation - See SWAPE comment regarding operational mitigation measures.

| Table Name | Column Name | Default Value | New Value |
|---|---|---|---|
| tblFireplaces | FireplaceWoodMass | 1,019.20 | 0.00 |
| tblFireplaces | FireplaceWoodMass | 1,019.20 | 0.00 |
| tblFireplaces | NumberWood | 1.25 | 0.00 |
| tblFireplaces | NumberWood | 48.75 | 0.00 |
| tblVehicleTrips | ST_TR | 7.16 | 6.17 |
| tblVehicleTrips | ST_TR | 6.39 | 3.87 |
| tblVehicleTrips | ST_TR | 2.46 | 1.39 |
| tblVehicleTrips | ST_TR | 158.37 | 79.82 |
| tblVehicleTrips | ST_TR | 8.19 | 3.75 |
| tblVehicleTrips | ST_TR | 94.36 | 63.99 |
| tblVehicleTrips | ST_TR | 49.97 | 10.74 |
| tblVehicleTrips | SU_TR | 6.07 | 6.16 |
| tblVehicleTrips | SU_TR | 5.86 | 4.18 |
| tblVehicleTrips | SU_TR | 1.05 | 0.69 |
| tblVehicleTrips | SU_TR | 131.84 | 78.27 |

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CONT

| | | | |
|---|---|---|---|
| tblVehicleTrips | SU_TR | 5.95 | 3.20 |
| tblVehicleTrips | SU_TR | 72.16 | 57.65 |
| tblVehicleTrips | SU_TR | 25.24 | 6.39 |
| tblVehicleTrips | WD_TR | 6.59 | 5.83 |
| tblVehicleTrips | WD_TR | 6.65 | 4.13 |
| tblVehicleTrips | WD_TR | 11.03 | 6.41 |
| tblVehicleTrips | WD_TR | 127.15 | 65.80 |
| tblVehicleTrips | WD_TR | 8.17 | 3.84 |
| tblVehicleTrips | WD_TR | 89.95 | 62.64 |
| tblVehicleTrips | WD_TR | 42.70 | 9.43 |
| tblWoodstoves | NumberCatalytic | 1.25 | 0.00 |
| tblWoodstoves | NumberCatalytic | 48.75 | 0.00 |
| tblWoodstoves | NumberNoncatalytic | 1.25 | 0.00 |
| tblWoodstoves | NumberNoncatalytic | 48.75 | 0.00 |
| tblWoodstoves | WoodstoveDayYear | 25.00 | 0.00 |
| tblWoodstoves | WoodstoveDayYear | 25.00 | 0.00 |
| tblWoodstoves | WoodstoveWoodMass | 999.60 | 0.00 |
| tblWoodstoves | WoodstoveWoodMass | 999.60 | 0.00 |

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CONT

## 2.0 Emissions Summary

## 2.1 Overall Construction (Maximum Daily Emission)

**Unmitigated Construction**

| | ROG | NOx | CO | SO2 | Fugitive PM10 | Exhaust PM10 | PM10 Total | Fugitive PM2.5 | Exhaust PM2.5 | PM2.5 Total | Bio- CO2 | NBio- CO2 | Total CO2 | CH4 | N2O | CO2e |
|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|
| Year | lb/day | | | | | | | | | | lb/day | | | | | |
| 2021 | 4.2769 | 46.4588 | 31.6840 | 0.0643 | 18.2675 | 2.0461 | 20.3135 | 9.9840 | 1.8824 | 11.8664 | 0.0000 | 6,234.7974 | 6,234.7974 | 1.9495 | 0.0000 | 6,283.5352 |
| 2022 | 5.3304 | 38.8967 | 49.5629 | 0.1517 | 9.8688 | 1.6366 | 10.7727 | 3.6558 | 1.5057 | 5.1615 | 0.0000 | 15,251.5674 | 15,251.5674 | 1.9503 | 0.0000 | 15,278.5288 |
| 2023 | 4.8957 | 26.3317 | 46.7567 | 0.1472 | 9.8688 | 0.7794 | 10.6482 | 2.6381 | 0.7322 | 3.3702 | 0.0000 | 14,807.5269 | 14,807.5269 | 1.0250 | 0.0000 | 14,833.1521 |
| 2024 | 237.1630 | 9.5575 | 15.1043 | 0.0244 | 1.7884 | 0.4698 | 1.8628 | 0.4743 | 0.4322 | 0.5476 | 0.0000 | 2,361.3989 | 2,361.3989 | 0.7177 | 0.0000 | 2,379.3421 |
| **Maximum** | **237.1630** | **46.4588** | **49.5629** | **0.1517** | **18.2675** | **2.0461** | **20.3135** | **9.9840** | **1.8824** | **11.8664** | **0.0000** | **15,251.5674** | **15,251.5674** | **1.9503** | **0.0000** | **15,278.5288** |

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CONT

## 2.1 Overall Construction (Maximum Daily Emission)

**Mitigated Construction**

| | ROG | NOx | CO | SO2 | Fugitive PM10 | Exhaust PM10 | PM10 Total | Fugitive PM2.5 | Exhaust PM2.5 | PM2.5 Total | Bio- CO2 | NBio- CO2 | Total CO2 | CH4 | N2O | CO2e |
|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|
| Year | lb/day | | | | | | | | | | lb/day | | | | | |
| 2021 | 4.2769 | 46.4588 | 31.6840 | 0.0643 | 18.2675 | 2.0461 | 20.3135 | 9.9840 | 1.8824 | 11.8664 | 0.0000 | 6,234.7974 | 6,234.7974 | 1.9495 | 0.0000 | 6,283.5352 |
| 2022 | 5.3304 | 38.8967 | 49.5629 | 0.1517 | 9.8688 | 1.6366 | 10.7727 | 3.6558 | 1.5057 | 5.1615 | 0.0000 | 15,251.5674 | 15,251.5674 | 1.9503 | 0.0000 | 15,278.5288 |
| 2023 | 4.8957 | 26.3317 | 46.7567 | 0.1472 | 9.8688 | 0.7794 | 10.6482 | 2.6381 | 0.7322 | 3.3702 | 0.0000 | 14,807.5269 | 14,807.5269 | 1.0250 | 0.0000 | 14,833.1520 |
| 2024 | 237.1630 | 9.5575 | 15.1043 | 0.0244 | 1.7884 | 0.4698 | 1.8628 | 0.4743 | 0.4322 | 0.5476 | 0.0000 | 2,361.3989 | 2,361.3989 | 0.7177 | 0.0000 | 2,379.3421 |
| **Maximum** | **237.1630** | **46.4588** | **49.5629** | **0.1517** | **18.2675** | **2.0461** | **20.3135** | **9.9840** | **1.8824** | **11.8664** | **0.0000** | **15,251.5674** | **15,251.5674** | **1.9503** | **0.0000** | **15,278.5288** |

| | ROG | NOx | CO | SO2 | Fugitive PM10 | Exhaust PM10 | PM10 Total | Fugitive PM2.5 | Exhaust PM2.5 | PM2.5 Total | Bio- CO2 | NBio-CO2 | Total CO2 | CH4 | N20 | CO2e |
|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|
| Percent Reduction | 0.00 | 0.00 | 0.00 | 0.00 | 0.00 | 0.00 | 0.00 | 0.00 | 0.00 | 0.00 | 0.00 | 0.00 | 0.00 | 0.00 | 0.00 | 0.00 |

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## 2.2 Overall Operational

**Unmitigated Operational**

| | ROG | NOx | CO | SO2 | Fugitive PM10 | Exhaust PM10 | PM10 Total | Fugitive PM2.5 | Exhaust PM2.5 | PM2.5 Total | Bio- CO2 | NBio- CO2 | Total CO2 | CH4 | N2O | CO2e |
|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|
| Category | lb/day | | | | | | | | | | lb/day | | | | | |
| Area | 30.5020 | 15.0496 | 88.4430 | 0.0944 | | 1.5974 | 1.5974 | | 1.5974 | 1.5974 | 0.0000 | 18,148.5950 | 18,148.5950 | 0.4874 | 0.3300 | 18,259.1192 |
| Energy | 0.7660 | 6.7462 | 4.2573 | 0.0418 | | 0.5292 | 0.5292 | | 0.5292 | 0.5292 | | 8,355.9832 | 8,355.9832 | 0.1602 | 0.1532 | 8,405.6387 |
| Mobile | 9.8489 | 45.4304 | 114.8495 | 0.4917 | 45.9592 | 0.3360 | 46.2951 | 12.2950 | 0.3119 | 12.6070 | | 50,306.6034 | 50,306.6034 | 2.1807 | | 50,361.1208 |
| **Total** | **41.1168** | **67.2262** | **207.5497** | **0.6278** | **45.9592** | **2.4626** | **48.4217** | **12.2950** | **2.4385** | **14.7336** | **0.0000** | **76,811.1816** | **76,811.1816** | **2.8282** | **0.4832** | **77,025.8786** |

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CONT

**Mitigated Operational**

| | ROG | NOx | CO | SO2 | Fugitive PM10 | Exhaust PM10 | PM10 Total | Fugitive PM2.5 | Exhaust PM2.5 | PM2.5 Total | Bio- CO2 | NBio- CO2 | Total CO2 | CH4 | N2O | CO2e |
|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|
| Category | lb/day | | | | | | | | | | lb/day | | | | | |
| Area | 30.5020 | 15.0496 | 88.4430 | 0.0944 | | 1.5974 | 1.5974 | | 1.5974 | 1.5974 | 0.0000 | 18,148.5950 | 18,148.5950 | 0.4874 | 0.3300 | 18,259.1192 |
| Energy | 0.7660 | 6.7462 | 4.2573 | 0.0418 | | 0.5292 | 0.5292 | | 0.5292 | 0.5292 | | 8,355.9832 | 8,355.9832 | 0.1602 | 0.1532 | 8,405.6387 |
| Mobile | 9.8489 | 45.4304 | 114.8495 | 0.4917 | 45.9592 | 0.3360 | 46.2951 | 12.2950 | 0.3119 | 12.6070 | | 50,306.6034 | 50,306.6034 | 2.1807 | | 50,361.1208 |
| **Total** | **41.1168** | **67.2262** | **207.5497** | **0.6278** | **45.9592** | **2.4626** | **48.4217** | **12.2950** | **2.4385** | **14.7336** | **0.0000** | **76,811.1816** | **76,811.1816** | **2.8282** | **0.4832** | **77,025.8786** |

| | ROG | NOx | CO | SO2 | Fugitive PM10 | Exhaust PM10 | PM10 Total | Fugitive PM2.5 | Exhaust PM2.5 | PM2.5 Total | Bio- CO2 | NBio-CO2 | Total CO2 | CH4 | N20 | CO2e |
|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|
| Percent Reduction | 0.00 | 0.00 | 0.00 | 0.00 | 0.00 | 0.00 | 0.00 | 0.00 | 0.00 | 0.00 | 0.00 | 0.00 | 0.00 | 0.00 | 0.00 | 0.00 |

## 3.0 Construction Detail

**Construction Phase**

| Phase Number | Phase Name | Phase Type | Start Date | End Date | Num Days Week | Num Days | Phase Description |
|---|---|---|---|---|---|---|---|
| 1 | Demolition | Demolition | 9/1/2021 | 10/12/2021 | 5 | 30 | |
| 2 | Site Preparation | Site Preparation | 10/13/2021 | 11/9/2021 | 5 | 20 | |
| 3 | Grading | Grading | 11/10/2021 | 1/11/2022 | 5 | 45 | |
| 4 | Building Construction | Building Construction | 1/12/2022 | 12/12/2023 | 5 | 500 | |
| 5 | Paving | Paving | 12/13/2023 | 1/30/2024 | 5 | 35 | |
| 6 | Architectural Coating | Architectural Coating | 1/31/2024 | 3/19/2024 | 5 | 35 | |

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**Acres of Grading (Site Preparation Phase): 0**

**Acres of Grading (Grading Phase): 112.5**

**Acres of Paving: 0**

**Residential Indoor: 2,025,000; Residential Outdoor: 675,000; Non-Residential Indoor: 326,400; Non-Residential Outdoor: 108,800; Striped Parking Area: 0 (Architectural Coating – sqft)**

**OffRoad Equipment**

Village South Specific Plan (Proposed) - Los Angeles-South Coast County, Summer

| Phase Name | Offroad Equipment Type | Amount | Usage Hours | Horse Power | Load Factor |
|---|---|---|---|---|---|
| Demolition | Concrete/Industrial Saws | 1 | 8.00 | 81 | 0.73 |
| Demolition | Excavators | 3 | 8.00 | 158 | 0.38 |
| Demolition | Rubber Tired Dozers | 2 | 8.00 | 247 | 0.40 |
| Site Preparation | Rubber Tired Dozers | 3 | 8.00 | 247 | 0.40 |
| Site Preparation | Tractors/Loaders/Backhoes | 4 | 8.00 | 97 | 0.37 |
| Grading | Excavators | 2 | 8.00 | 158 | 0.38 |
| Grading | Graders | 1 | 8.00 | 187 | 0.41 |
| Grading | Rubber Tired Dozers | 1 | 8.00 | 247 | 0.40 |
| Grading | Scrapers | 2 | 8.00 | 367 | 0.48 |
| Grading | Tractors/Loaders/Backhoes | 2 | 8.00 | 97 | 0.37 |
| Building Construction | Cranes | 1 | 7.00 | 231 | 0.29 |
| Building Construction | Forklifts | 3 | 8.00 | 89 | 0.20 |
| Building Construction | Generator Sets | 1 | 8.00 | 84 | 0.74 |
| Building Construction | Tractors/Loaders/Backhoes | 3 | 7.00 | 97 | 0.37 |
| Building Construction | Welders | 1 | 8.00 | 46 | 0.45 |
| Paving | Pavers | 2 | 8.00 | 130 | 0.42 |
| Paving | Paving Equipment | 2 | 8.00 | 132 | 0.36 |
| Paving | Rollers | 2 | 8.00 | 80 | 0.38 |
| Architectural Coating | Air Compressors | 1 | 6.00 | 78 | 0.48 |

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**Trips and VMT**

Village South Specific Plan (Proposed) - Los Angeles-South Coast County, Summer

| Phase Name | Offroad Equipment Count | Worker Trip Number | Vendor Trip Number | Hauling Trip Number | Worker Trip Length | Vendor Trip Length | Hauling Trip Length | Worker Vehicle Class | Vendor Vehicle Class | Hauling Vehicle Class |
|---|---|---|---|---|---|---|---|---|---|---|
| Demolition | 6 | 15.00 | 0.00 | 458.00 | 14.70 | 6.90 | 20.00 | LD_Mix | HDT_Mix | HHDT |
| Site Preparation | 7 | 18.00 | 0.00 | 0.00 | 14.70 | 6.90 | 20.00 | LD_Mix | HDT_Mix | HHDT |
| Grading | 8 | 20.00 | 0.00 | 0.00 | 14.70 | 6.90 | 20.00 | LD_Mix | HDT_Mix | HHDT |
| Building Construction | 9 | 801.00 | 143.00 | 0.00 | 14.70 | 6.90 | 20.00 | LD_Mix | HDT_Mix | HHDT |
| Paving | 6 | 15.00 | 0.00 | 0.00 | 14.70 | 6.90 | 20.00 | LD_Mix | HDT_Mix | HHDT |
| Architectural Coating | 1 | 160.00 | 0.00 | 0.00 | 14.70 | 6.90 | 20.00 | LD_Mix | HDT_Mix | HHDT |

### 3.1 Mitigation Measures Construction

### 3.2 Demolition - 2021

**Unmitigated Construction On-Site**

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CONT

| | ROG | NOx | CO | SO2 | Fugitive PM10 | Exhaust PM10 | PM10 Total | Fugitive PM2.5 | Exhaust PM2.5 | PM2.5 Total | Bio- CO2 | NBio- CO2 | Total CO2 | CH4 | N2O | CO2e |
|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|
| Category | lb/day | | | | | | | | | | lb/day | | | | | |
| Fugitive Dust | | | | | 3.3074 | 0.0000 | 3.3074 | 0.5008 | 0.0000 | 0.5008 | | | 0.0000 | | | 0.0000 |
| Off-Road | 3.1651 | 31.4407 | 21.5650 | 0.0388 | | 1.5513 | 1.5513 | | 1.4411 | 1.4411 | | 3,747.9449 | 3,747.9449 | 1.0549 | | 3,774.3174 |
| **Total** | **3.1651** | **31.4407** | **21.5650** | **0.0388** | **3.3074** | **1.5513** | **4.8588** | **0.5008** | **1.4411** | **1.9419** | | **3,747.9449** | **3,747.9449** | **1.0549** | | **3,774.3174** |

### 3.2 Demolition - 2021

**Unmitigated Construction Off-Site**

| | ROG | NOx | CO | SO2 | Fugitive PM10 | Exhaust PM10 | PM10 Total | Fugitive PM2.5 | Exhaust PM2.5 | PM2.5 Total | Bio- CO2 | NBio- CO2 | Total CO2 | CH4 | N2O | CO2e |
|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|
| Category | lb/day | | | | | | | | | | lb/day | | | | | |
| Hauling | 0.1273 | 4.0952 | 0.9602 | 0.0119 | 0.2669 | 0.0126 | 0.2795 | 0.0732 | 0.0120 | 0.0852 | | 1,292.2413 | 1,292.2413 | 0.0877 | | 1,294.4337 |
| Vendor | 0.0000 | 0.0000 | 0.0000 | 0.0000 | 0.0000 | 0.0000 | 0.0000 | 0.0000 | 0.0000 | 0.0000 | | 0.0000 | 0.0000 | 0.0000 | | 0.0000 |
| Worker | 0.0643 | 0.0442 | 0.6042 | 1.7100e-003 | 0.1677 | 1.3500e-003 | 0.1690 | 0.0445 | 1.2500e-003 | 0.0457 | | 170.8155 | 170.8155 | 5.0300e-003 | | 170.9413 |
| **Total** | **0.1916** | **4.1394** | **1.5644** | **0.0136** | **0.4346** | **0.0139** | **0.4485** | **0.1176** | **0.0133** | **0.1309** | | **1,463.0568** | **1,463.0568** | **0.0927** | | **1,465.3750** |

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CONT

**Mitigated Construction On-Site**

| | ROG | NOx | CO | SO2 | Fugitive PM10 | Exhaust PM10 | PM10 Total | Fugitive PM2.5 | Exhaust PM2.5 | PM2.5 Total | Bio- CO2 | NBio- CO2 | Total CO2 | CH4 | N2O | CO2e |
|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|
| Category | lb/day | | | | | | | | | | lb/day | | | | | |
| Fugitive Dust | | | | | 3.3074 | 0.0000 | 3.3074 | 0.5008 | 0.0000 | 0.5008 | | | 0.0000 | | | 0.0000 |
| Off-Road | 3.1651 | 31.4407 | 21.5650 | 0.0388 | | 1.5513 | 1.5513 | | 1.4411 | 1.4411 | 0.0000 | 3,747.9449 | 3,747.9449 | 1.0549 | | 3,774.3174 |
| **Total** | **3.1651** | **31.4407** | **21.5650** | **0.0388** | **3.3074** | **1.5513** | **4.8588** | **0.5008** | **1.4411** | **1.9419** | **0.0000** | **3,747.9449** | **3,747.9449** | **1.0549** | | **3,774.3174** |

### 3.2 Demolition - 2021

**Mitigated Construction Off-Site**

| | ROG | NOx | CO | SO2 | Fugitive PM10 | Exhaust PM10 | PM10 Total | Fugitive PM2.5 | Exhaust PM2.5 | PM2.5 Total | Bio- CO2 | NBio- CO2 | Total CO2 | CH4 | N2O | CO2e |
|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|
| Category | lb/day | | | | | | | | | | lb/day | | | | | |
| Hauling | 0.1273 | 4.0952 | 0.9602 | 0.0119 | 0.2669 | 0.0126 | 0.2795 | 0.0732 | 0.0120 | 0.0852 | | 1,292.2413 | 1,292.2413 | 0.0877 | | 1,294.4337 |
| Vendor | 0.0000 | 0.0000 | 0.0000 | 0.0000 | 0.0000 | 0.0000 | 0.0000 | 0.0000 | 0.0000 | 0.0000 | | 0.0000 | 0.0000 | 0.0000 | | 0.0000 |
| Worker | 0.0643 | 0.0442 | 0.6042 | 1.7100e-003 | 0.1677 | 1.3500e-003 | 0.1690 | 0.0445 | 1.2500e-003 | 0.0457 | | 170.8155 | 170.8155 | 5.0300e-003 | | 170.9413 |
| **Total** | **0.1916** | **4.1394** | **1.5644** | **0.0136** | **0.4346** | **0.0139** | **0.4485** | **0.1176** | **0.0133** | **0.1309** | | **1,463.0568** | **1,463.0568** | **0.0927** | | **1,465.3750** |

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CONT

### 3.3 Site Preparation - 2021

**Unmitigated Construction On-Site**

| | ROG | NOx | CO | SO2 | Fugitive PM10 | Exhaust PM10 | PM10 Total | Fugitive PM2.5 | Exhaust PM2.5 | PM2.5 Total | Bio- CO2 | NBio- CO2 | Total CO2 | CH4 | N2O | CO2e |
|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|
| Category | lb/day | | | | | | | | | | lb/day | | | | | |
| Fugitive Dust | | | | | 18.0663 | 0.0000 | 18.0663 | 9.9307 | 0.0000 | 9.9307 | | | 0.0000 | | | 0.0000 |
| Off-Road | 3.8882 | 40.4971 | 21.1543 | 0.0380 | | 2.0445 | 2.0445 | | 1.8809 | 1.8809 | | 3,685.6569 | 3,685.6569 | 1.1920 | | 3,715.4573 |
| **Total** | **3.8882** | **40.4971** | **21.1543** | **0.0380** | **18.0663** | **2.0445** | **20.1107** | **9.9307** | **1.8809** | **11.8116** | | **3,685.6569** | **3,685.6569** | **1.1920** | | **3,715.4573** |

### 3.3 Site Preparation - 2021

**Unmitigated Construction Off-Site**

| | ROG | NOx | CO | SO2 | Fugitive PM10 | Exhaust PM10 | PM10 Total | Fugitive PM2.5 | Exhaust PM2.5 | PM2.5 Total | Bio- CO2 | NBio- CO2 | Total CO2 | CH4 | N2O | CO2e |
|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|
| Category | lb/day | | | | | | | | | | lb/day | | | | | |
| Hauling | 0.0000 | 0.0000 | 0.0000 | 0.0000 | 0.0000 | 0.0000 | 0.0000 | 0.0000 | 0.0000 | 0.0000 | | 0.0000 | 0.0000 | 0.0000 | | 0.0000 |
| Vendor | 0.0000 | 0.0000 | 0.0000 | 0.0000 | 0.0000 | 0.0000 | 0.0000 | 0.0000 | 0.0000 | 0.0000 | | 0.0000 | 0.0000 | 0.0000 | | 0.0000 |
| Worker | 0.0772 | 0.0530 | 0.7250 | 2.0600e-003 | 0.2012 | 1.6300e-003 | 0.2028 | 0.0534 | 1.5000e-003 | 0.0549 | | 204.9786 | 204.9786 | 6.0400e-003 | | 205.1296 |
| **Total** | **0.0772** | **0.0530** | **0.7250** | **2.0600e-003** | **0.2012** | **1.6300e-003** | **0.2028** | **0.0534** | **1.5000e-003** | **0.0549** | | **204.9786** | **204.9786** | **6.0400e-003** | | **205.1296** |

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**Mitigated Construction On-Site**

| | ROG | NOx | CO | SO2 | Fugitive PM10 | Exhaust PM10 | PM10 Total | Fugitive PM2.5 | Exhaust PM2.5 | PM2.5 Total | Bio- CO2 | NBio- CO2 | Total CO2 | CH4 | N2O | CO2e |
|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|
| Category | lb/day | | | | | | | | | | lb/day | | | | | |
| Fugitive Dust | | | | | 18.0663 | 0.0000 | 18.0663 | 9.9307 | 0.0000 | 9.9307 | | | 0.0000 | | | 0.0000 |
| Off-Road | 3.8882 | 40.4971 | 21.1543 | 0.0380 | | 2.0445 | 2.0445 | | 1.8809 | 1.8809 | 0.0000 | 3,685.6569 | 3,685.6569 | 1.1920 | | 3,715.4573 |
| **Total** | **3.8882** | **40.4971** | **21.1543** | **0.0380** | **18.0663** | **2.0445** | **20.1107** | **9.9307** | **1.8809** | **11.8116** | **0.0000** | **3,685.6569** | **3,685.6569** | **1.1920** | | **3,715.4573** |

### 3.3 Site Preparation - 2021

**Mitigated Construction Off-Site**

| | ROG | NOx | CO | SO2 | Fugitive PM10 | Exhaust PM10 | PM10 Total | Fugitive PM2.5 | Exhaust PM2.5 | PM2.5 Total | Bio- CO2 | NBio- CO2 | Total CO2 | CH4 | N2O | CO2e |
|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|
| Category | lb/day | | | | | | | | | | lb/day | | | | | |
| Hauling | 0.0000 | 0.0000 | 0.0000 | 0.0000 | 0.0000 | 0.0000 | 0.0000 | 0.0000 | 0.0000 | 0.0000 | | 0.0000 | 0.0000 | 0.0000 | | 0.0000 |
| Vendor | 0.0000 | 0.0000 | 0.0000 | 0.0000 | 0.0000 | 0.0000 | 0.0000 | 0.0000 | 0.0000 | 0.0000 | | 0.0000 | 0.0000 | 0.0000 | | 0.0000 |
| Worker | 0.0772 | 0.0530 | 0.7250 | 2.0600e-003 | 0.2012 | 1.6300e-003 | 0.2028 | 0.0534 | 1.5000e-003 | 0.0549 | | 204.9786 | 204.9786 | 6.0400e-003 | | 205.1296 |
| **Total** | **0.0772** | **0.0530** | **0.7250** | **2.0600e-003** | **0.2012** | **1.6300e-003** | **0.2028** | **0.0534** | **1.5000e-003** | **0.0549** | | **204.9786** | **204.9786** | **6.0400e-003** | | **205.1296** |

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### 3.4 Grading - 2021

**Unmitigated Construction On-Site**

| | ROG | NOx | CO | SO2 | Fugitive PM10 | Exhaust PM10 | PM10 Total | Fugitive PM2.5 | Exhaust PM2.5 | PM2.5 Total | Bio- CO2 | NBio- CO2 | Total CO2 | CH4 | N2O | CO2e |
|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|
| Category | lb/day | | | | | | | | | | lb/day | | | | | |
| Fugitive Dust | | | | | 8.6733 | 0.0000 | 8.6733 | 3.5965 | 0.0000 | 3.5965 | | | 0.0000 | | | 0.0000 |
| Off-Road | 4.1912 | 46.3998 | 30.8785 | 0.0620 | | 1.9853 | 1.9853 | | 1.8265 | 1.8265 | | 6,007.0434 | 6,007.0434 | 1.9428 | | 6,055.6134 |
| **Total** | **4.1912** | **46.3998** | **30.8785** | **0.0620** | **8.6733** | **1.9853** | **10.6587** | **3.5965** | **1.8265** | **5.4230** | | **6,007.0434** | **6,007.0434** | **1.9428** | | **6,055.6134** |

### 3.4 Grading - 2021

**Unmitigated Construction Off-Site**

| | ROG | NOx | CO | SO2 | Fugitive PM10 | Exhaust PM10 | PM10 Total | Fugitive PM2.5 | Exhaust PM2.5 | PM2.5 Total | Bio- CO2 | NBio- CO2 | Total CO2 | CH4 | N2O | CO2e |
|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|
| Category | lb/day | | | | | | | | | | lb/day | | | | | |
| Hauling | 0.0000 | 0.0000 | 0.0000 | 0.0000 | 0.0000 | 0.0000 | 0.0000 | 0.0000 | 0.0000 | 0.0000 | | 0.0000 | 0.0000 | 0.0000 | | 0.0000 |
| Vendor | 0.0000 | 0.0000 | 0.0000 | 0.0000 | 0.0000 | 0.0000 | 0.0000 | 0.0000 | 0.0000 | 0.0000 | | 0.0000 | 0.0000 | 0.0000 | | 0.0000 |
| Worker | 0.0857 | 0.0589 | 0.8056 | 2.2900e-003 | 0.2236 | 1.8100e-003 | 0.2254 | 0.0593 | 1.6600e-003 | 0.0610 | | 227.7540 | 227.7540 | 6.7100e-003 | | 227.9217 |
| **Total** | **0.0857** | **0.0589** | **0.8056** | **2.2900e-003** | **0.2236** | **1.8100e-003** | **0.2254** | **0.0593** | **1.6600e-003** | **0.0610** | | **227.7540** | **227.7540** | **6.7100e-003** | | **227.9217** |

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CONT

**Mitigated Construction On-Site**

| | ROG | NOx | CO | SO2 | Fugitive PM10 | Exhaust PM10 | PM10 Total | Fugitive PM2.5 | Exhaust PM2.5 | PM2.5 Total | Bio- CO2 | NBio- CO2 | Total CO2 | CH4 | N2O | CO2e |
|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|
| Category | lb/day | | | | | | | | | | lb/day | | | | | |
| Fugitive Dust | | | | | 8.6733 | 0.0000 | 8.6733 | 3.5965 | 0.0000 | 3.5965 | | | 0.0000 | | | 0.0000 |
| Off-Road | 4.1912 | 46.3998 | 30.8785 | 0.0620 | | 1.9853 | 1.9853 | | 1.8265 | 1.8265 | 0.0000 | 6,007.0434 | 6,007.0434 | 1.9428 | | 6,055.6134 |
| **Total** | **4.1912** | **46.3998** | **30.8785** | **0.0620** | **8.6733** | **1.9853** | **10.6587** | **3.5965** | **1.8265** | **5.4230** | **0.0000** | **6,007.0434** | **6,007.0434** | **1.9428** | | **6,055.6134** |

### 3.4 Grading - 2021

**Mitigated Construction Off-Site**

| | ROG | NOx | CO | SO2 | Fugitive PM10 | Exhaust PM10 | PM10 Total | Fugitive PM2.5 | Exhaust PM2.5 | PM2.5 Total | Bio- CO2 | NBio- CO2 | Total CO2 | CH4 | N2O | CO2e |
|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|
| Category | lb/day | | | | | | | | | | lb/day | | | | | |
| Hauling | 0.0000 | 0.0000 | 0.0000 | 0.0000 | 0.0000 | 0.0000 | 0.0000 | 0.0000 | 0.0000 | 0.0000 | | 0.0000 | 0.0000 | 0.0000 | | 0.0000 |
| Vendor | 0.0000 | 0.0000 | 0.0000 | 0.0000 | 0.0000 | 0.0000 | 0.0000 | 0.0000 | 0.0000 | 0.0000 | | 0.0000 | 0.0000 | 0.0000 | | 0.0000 |
| Worker | 0.0857 | 0.0589 | 0.8056 | 2.2900e-003 | 0.2236 | 1.8100e-003 | 0.2254 | 0.0593 | 1.6600e-003 | 0.0610 | | 227.7540 | 227.7540 | 6.7100e-003 | | 227.9217 |
| **Total** | **0.0857** | **0.0589** | **0.8056** | **2.2900e-003** | **0.2236** | **1.8100e-003** | **0.2254** | **0.0593** | **1.6600e-003** | **0.0610** | | **227.7540** | **227.7540** | **6.7100e-003** | | **227.9217** |

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### 3.4 Grading - 2022

**Unmitigated Construction On-Site**

| | ROG | NOx | CO | SO2 | Fugitive PM10 | Exhaust PM10 | PM10 Total | Fugitive PM2.5 | Exhaust PM2.5 | PM2.5 Total | Bio- CO2 | NBio- CO2 | Total CO2 | CH4 | N2O | CO2e |
|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|
| Category | lb/day | | | | | | | | | | lb/day | | | | | |
| Fugitive Dust | | | | | 8.6733 | 0.0000 | 8.6733 | 3.5965 | 0.0000 | 3.5965 | | | 0.0000 | | | 0.0000 |
| Off-Road | 3.6248 | 38.8435 | 29.0415 | 0.0621 | | 1.6349 | 1.6349 | | 1.5041 | 1.5041 | | 6,011.4105 | 6,011.4105 | 1.9442 | | 6,060.0158 |
| **Total** | **3.6248** | **38.8435** | **29.0415** | **0.0621** | **8.6733** | **1.6349** | **10.3082** | **3.5965** | **1.5041** | **5.1006** | | **6,011.4105** | **6,011.4105** | **1.9442** | | **6,060.0158** |

### 3.4 Grading - 2022

**Unmitigated Construction Off-Site**

| | ROG | NOx | CO | SO2 | Fugitive PM10 | Exhaust PM10 | PM10 Total | Fugitive PM2.5 | Exhaust PM2.5 | PM2.5 Total | Bio- CO2 | NBio- CO2 | Total CO2 | CH4 | N2O | CO2e |
|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|
| Category | lb/day | | | | | | | | | | lb/day | | | | | |
| Hauling | 0.0000 | 0.0000 | 0.0000 | 0.0000 | 0.0000 | 0.0000 | 0.0000 | 0.0000 | 0.0000 | 0.0000 | | 0.0000 | 0.0000 | 0.0000 | | 0.0000 |
| Vendor | 0.0000 | 0.0000 | 0.0000 | 0.0000 | 0.0000 | 0.0000 | 0.0000 | 0.0000 | 0.0000 | 0.0000 | | 0.0000 | 0.0000 | 0.0000 | | 0.0000 |
| Worker | 0.0803 | 0.0532 | 0.7432 | 2.2100e-003 | 0.2236 | 1.7500e-003 | 0.2253 | 0.0593 | 1.6100e-003 | 0.0609 | | 219.7425 | 219.7425 | 6.0600e-003 | | 219.8941 |
| **Total** | **0.0803** | **0.0532** | **0.7432** | **2.2100e-003** | **0.2236** | **1.7500e-003** | **0.2253** | **0.0593** | **1.6100e-003** | **0.0609** | | **219.7425** | **219.7425** | **6.0600e-003** | | **219.8941** |

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CONT

**Mitigated Construction On-Site**

| | ROG | NOx | CO | SO2 | Fugitive PM10 | Exhaust PM10 | PM10 Total | Fugitive PM2.5 | Exhaust PM2.5 | PM2.5 Total | Bio- CO2 | NBio- CO2 | Total CO2 | CH4 | N2O | CO2e |
|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|
| Category | lb/day | | | | | | | | | | lb/day | | | | | |
| Fugitive Dust | | | | | 8.6733 | 0.0000 | 8.6733 | 3.5965 | 0.0000 | 3.5965 | | | 0.0000 | | | 0.0000 |
| Off-Road | 3.6248 | 38.8435 | 29.0415 | 0.0621 | | 1.6349 | 1.6349 | | 1.5041 | 1.5041 | 0.0000 | 6,011.4105 | 6,011.4105 | 1.9442 | | 6,060.0158 |
| **Total** | **3.6248** | **38.8435** | **29.0415** | **0.0621** | **8.6733** | **1.6349** | **10.3082** | **3.5965** | **1.5041** | **5.1006** | **0.0000** | **6,011.4105** | **6,011.4105** | **1.9442** | | **6,060.0158** |

### 3.4 Grading - 2022

**Mitigated Construction Off-Site**

| | ROG | NOx | CO | SO2 | Fugitive PM10 | Exhaust PM10 | PM10 Total | Fugitive PM2.5 | Exhaust PM2.5 | PM2.5 Total | Bio- CO2 | NBio- CO2 | Total CO2 | CH4 | N2O | CO2e |
|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|
| Category | lb/day | | | | | | | | | | lb/day | | | | | |
| Hauling | 0.0000 | 0.0000 | 0.0000 | 0.0000 | 0.0000 | 0.0000 | 0.0000 | 0.0000 | 0.0000 | 0.0000 | | 0.0000 | 0.0000 | 0.0000 | | 0.0000 |
| Vendor | 0.0000 | 0.0000 | 0.0000 | 0.0000 | 0.0000 | 0.0000 | 0.0000 | 0.0000 | 0.0000 | 0.0000 | | 0.0000 | 0.0000 | 0.0000 | | 0.0000 |
| Worker | 0.0803 | 0.0532 | 0.7432 | 2.2100e-003 | 0.2236 | 1.7500e-003 | 0.2253 | 0.0593 | 1.6100e-003 | 0.0609 | | 219.7425 | 219.7425 | 6.0600e-003 | | 219.8941 |
| **Total** | **0.0803** | **0.0532** | **0.7432** | **2.2100e-003** | **0.2236** | **1.7500e-003** | **0.2253** | **0.0593** | **1.6100e-003** | **0.0609** | | **219.7425** | **219.7425** | **6.0600e-003** | | **219.8941** |

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### 3.5 Building Construction - 2022

**Unmitigated Construction On-Site**

| | ROG | NOx | CO | SO2 | Fugitive PM10 | Exhaust PM10 | PM10 Total | Fugitive PM2.5 | Exhaust PM2.5 | PM2.5 Total | Bio- CO2 | NBio- CO2 | Total CO2 | CH4 | N2O | CO2e |
|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|
| Category | lb/day | | | | | | | | | | lb/day | | | | | |
| Off-Road | 1.7062 | 15.6156 | 16.3634 | 0.0269 | | 0.8090 | 0.8090 | | 0.7612 | 0.7612 | | 2,554.3336 | 2,554.3336 | 0.6120 | | 2,569.6322 |
| **Total** | **1.7062** | **15.6156** | **16.3634** | **0.0269** | | **0.8090** | **0.8090** | | **0.7612** | **0.7612** | | **2,554.3336** | **2,554.3336** | **0.6120** | | **2,569.6322** |

### 3.5 Building Construction - 2022

**Unmitigated Construction Off-Site**

| | ROG | NOx | CO | SO2 | Fugitive PM10 | Exhaust PM10 | PM10 Total | Fugitive PM2.5 | Exhaust PM2.5 | PM2.5 Total | Bio- CO2 | NBio- CO2 | Total CO2 | CH4 | N2O | CO2e |
|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|
| Category | lb/day | | | | | | | | | | lb/day | | | | | |
| Hauling | 0.0000 | 0.0000 | 0.0000 | 0.0000 | 0.0000 | 0.0000 | 0.0000 | 0.0000 | 0.0000 | 0.0000 | | 0.0000 | 0.0000 | 0.0000 | | 0.0000 |
| Vendor | 0.4079 | 13.2032 | 3.4341 | 0.0364 | 0.9155 | 0.0248 | 0.9404 | 0.2636 | 0.0237 | 0.2873 | | 3,896.5482 | 3,896.5482 | 0.2236 | | 3,902.1384 |
| Worker | 3.2162 | 2.1318 | 29.7654 | 0.0883 | 8.9533 | 0.0701 | 9.0234 | 2.3745 | 0.0646 | 2.4390 | | 8,800.6857 | 8,800.6857 | 0.2429 | | 8,806.7582 |
| **Total** | **3.6242** | **15.3350** | **33.1995** | **0.1247** | **9.8688** | **0.0949** | **9.9637** | **2.6381** | **0.0883** | **2.7263** | | **12,697.2339** | **12,697.2339** | **0.4665** | | **12,708.8966** |

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**Mitigated Construction On-Site**

| | ROG | NOx | CO | SO2 | Fugitive PM10 | Exhaust PM10 | PM10 Total | Fugitive PM2.5 | Exhaust PM2.5 | PM2.5 Total | Bio- CO2 | NBio- CO2 | Total CO2 | CH4 | N2O | CO2e |
|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|
| Category | lb/day | | | | | | | | | | lb/day | | | | | |
| Off-Road | 1.7062 | 15.6156 | 16.3634 | 0.0269 | | 0.8090 | 0.8090 | | 0.7612 | 0.7612 | 0.0000 | 2,554.3336 | 2,554.3336 | 0.6120 | | 2,569.6322 |
| **Total** | **1.7062** | **15.6156** | **16.3634** | **0.0269** | | **0.8090** | **0.8090** | | **0.7612** | **0.7612** | **0.0000** | **2,554.3336** | **2,554.3336** | **0.6120** | | **2,569.6322** |

### 3.5 Building Construction - 2022

**Mitigated Construction Off-Site**

| | ROG | NOx | CO | SO2 | Fugitive PM10 | Exhaust PM10 | PM10 Total | Fugitive PM2.5 | Exhaust PM2.5 | PM2.5 Total | Bio- CO2 | NBio- CO2 | Total CO2 | CH4 | N2O | CO2e |
|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|
| Category | lb/day | | | | | | | | | | lb/day | | | | | |
| Hauling | 0.0000 | 0.0000 | 0.0000 | 0.0000 | 0.0000 | 0.0000 | 0.0000 | 0.0000 | 0.0000 | 0.0000 | | 0.0000 | 0.0000 | 0.0000 | | 0.0000 |
| Vendor | 0.4079 | 13.2032 | 3.4341 | 0.0364 | 0.9155 | 0.0248 | 0.9404 | 0.2636 | 0.0237 | 0.2873 | | 3,896.5482 | 3,896.5482 | 0.2236 | | 3,902.1384 |
| Worker | 3.2162 | 2.1318 | 29.7654 | 0.0883 | 8.9533 | 0.0701 | 9.0234 | 2.3745 | 0.0646 | 2.4390 | | 8,800.6857 | 8,800.6857 | 0.2429 | | 8,806.7582 |
| **Total** | **3.6242** | **15.3350** | **33.1995** | **0.1247** | **9.8688** | **0.0949** | **9.9637** | **2.6381** | **0.0883** | **2.7263** | | **12,697.2339** | **12,697.2339** | **0.4665** | | **12,708.8966** |

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### 3.5 Building Construction - 2023

**Unmitigated Construction On-Site**

| | ROG | NOx | CO | SO2 | Fugitive PM10 | Exhaust PM10 | PM10 Total | Fugitive PM2.5 | Exhaust PM2.5 | PM2.5 Total | Bio- CO2 | NBio- CO2 | Total CO2 | CH4 | N2O | CO2e |
|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|
| Category | lb/day | | | | | | | | | | lb/day | | | | | |
| Off-Road | 1.5728 | 14.3849 | 16.2440 | 0.0269 | | 0.6997 | 0.6997 | | 0.6584 | 0.6584 | | 2,555.2099 | 2,555.2099 | 0.6079 | | 2,570.4061 |
| **Total** | **1.5728** | **14.3849** | **16.2440** | **0.0269** | | **0.6997** | **0.6997** | | **0.6584** | **0.6584** | | **2,555.2099** | **2,555.2099** | **0.6079** | | **2,570.4061** |

### 3.5 Building Construction - 2023

**Unmitigated Construction Off-Site**

| | ROG | NOx | CO | SO2 | Fugitive PM10 | Exhaust PM10 | PM10 Total | Fugitive PM2.5 | Exhaust PM2.5 | PM2.5 Total | Bio- CO2 | NBio- CO2 | Total CO2 | CH4 | N2O | CO2e |
|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|
| Category | lb/day | | | | | | | | | | lb/day | | | | | |
| Hauling | 0.0000 | 0.0000 | 0.0000 | 0.0000 | 0.0000 | 0.0000 | 0.0000 | 0.0000 | 0.0000 | 0.0000 | | 0.0000 | 0.0000 | 0.0000 | | 0.0000 |
| Vendor | 0.3027 | 10.0181 | 3.1014 | 0.0352 | 0.9156 | 0.0116 | 0.9271 | 0.2636 | 0.0111 | 0.2747 | | 3,773.8762 | 3,773.8762 | 0.1982 | | 3,778.8300 |
| Worker | 3.0203 | 1.9287 | 27.4113 | 0.0851 | 8.9533 | 0.0681 | 9.0214 | 2.3745 | 0.0627 | 2.4372 | | 8,478.4408 | 8,478.4408 | 0.2190 | | 8,483.9160 |
| **Total** | **3.3229** | **11.9468** | **30.5127** | **0.1203** | **9.8688** | **0.0797** | **9.9485** | **2.6381** | **0.0738** | **2.7118** | | **12,252.3170** | **12,252.3170** | **0.4172** | | **12,262.7460** |

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**Mitigated Construction On-Site**

| | ROG | NOx | CO | SO2 | Fugitive PM10 | Exhaust PM10 | PM10 Total | Fugitive PM2.5 | Exhaust PM2.5 | PM2.5 Total | Bio- CO2 | NBio- CO2 | Total CO2 | CH4 | N2O | CO2e |
|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|
| Category | lb/day | | | | | | | | | | lb/day | | | | | |
| Off-Road | 1.5728 | 14.3849 | 16.2440 | 0.0269 | | 0.6997 | 0.6997 | | 0.6584 | 0.6584 | 0.0000 | 2,555.2099 | 2,555.2099 | 0.6079 | | 2,570.4061 |
| **Total** | **1.5728** | **14.3849** | **16.2440** | **0.0269** | | **0.6997** | **0.6997** | | **0.6584** | **0.6584** | **0.0000** | **2,555.2099** | **2,555.2099** | **0.6079** | | **2,570.4061** |

### 3.5 Building Construction - 2023

**Mitigated Construction Off-Site**

| | ROG | NOx | CO | SO2 | Fugitive PM10 | Exhaust PM10 | PM10 Total | Fugitive PM2.5 | Exhaust PM2.5 | PM2.5 Total | Bio- CO2 | NBio- CO2 | Total CO2 | CH4 | N2O | CO2e |
|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|
| Category | lb/day | | | | | | | | | | lb/day | | | | | |
| Hauling | 0.0000 | 0.0000 | 0.0000 | 0.0000 | 0.0000 | 0.0000 | 0.0000 | 0.0000 | 0.0000 | 0.0000 | | 0.0000 | 0.0000 | 0.0000 | | 0.0000 |
| Vendor | 0.3027 | 10.0181 | 3.1014 | 0.0352 | 0.9156 | 0.0116 | 0.9271 | 0.2636 | 0.0111 | 0.2747 | | 3,773.8762 | 3,773.8762 | 0.1982 | | 3,778.8300 |
| Worker | 3.0203 | 1.9287 | 27.4113 | 0.0851 | 8.9533 | 0.0681 | 9.0214 | 2.3745 | 0.0627 | 2.4372 | | 8,478.4408 | 8,478.4408 | 0.2190 | | 8,483.9160 |
| **Total** | **3.3229** | **11.9468** | **30.5127** | **0.1203** | **9.8688** | **0.0797** | **9.9485** | **2.6381** | **0.0738** | **2.7118** | | **12,252.3170** | **12,252.3170** | **0.4172** | | **12,262.7460** |

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### 3.6 Paving - 2023

**Unmitigated Construction On-Site**

| | ROG | NOx | CO | SO2 | Fugitive PM10 | Exhaust PM10 | PM10 Total | Fugitive PM2.5 | Exhaust PM2.5 | PM2.5 Total | Bio- CO2 | NBio- CO2 | Total CO2 | CH4 | N2O | CO2e |
|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|
| Category | lb/day | | | | | | | | | | lb/day | | | | | |
| Off-Road | 1.0327 | 10.1917 | 14.5842 | 0.0228 | | 0.5102 | 0.5102 | | 0.4694 | 0.4694 | | 2,207.5841 | 2,207.5841 | 0.7140 | | 2,225.4336 |
| Paving | 0.0000 | | | | | 0.0000 | 0.0000 | | 0.0000 | 0.0000 | | | 0.0000 | | | 0.0000 |
| **Total** | **1.0327** | **10.1917** | **14.5842** | **0.0228** | | **0.5102** | **0.5102** | | **0.4694** | **0.4694** | | **2,207.5841** | **2,207.5841** | **0.7140** | | **2,225.4336** |

### 3.6 Paving - 2023

**Unmitigated Construction Off-Site**

| | ROG | NOx | CO | SO2 | Fugitive PM10 | Exhaust PM10 | PM10 Total | Fugitive PM2.5 | Exhaust PM2.5 | PM2.5 Total | Bio- CO2 | NBio- CO2 | Total CO2 | CH4 | N2O | CO2e |
|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|
| Category | lb/day | | | | | | | | | | lb/day | | | | | |
| Hauling | 0.0000 | 0.0000 | 0.0000 | 0.0000 | 0.0000 | 0.0000 | 0.0000 | 0.0000 | 0.0000 | 0.0000 | | 0.0000 | 0.0000 | 0.0000 | | 0.0000 |
| Vendor | 0.0000 | 0.0000 | 0.0000 | 0.0000 | 0.0000 | 0.0000 | 0.0000 | 0.0000 | 0.0000 | 0.0000 | | 0.0000 | 0.0000 | 0.0000 | | 0.0000 |
| Worker | 0.0566 | 0.0361 | 0.5133 | 1.5900e-003 | 0.1677 | 1.2800e-003 | 0.1689 | 0.0445 | 1.1700e-003 | 0.0456 | | 158.7723 | 158.7723 | 4.1000e-003 | | 158.8748 |
| **Total** | **0.0566** | **0.0361** | **0.5133** | **1.5900e-003** | **0.1677** | **1.2800e-003** | **0.1689** | **0.0445** | **1.1700e-003** | **0.0456** | | **158.7723** | **158.7723** | **4.1000e-003** | | **158.8748** |

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**Mitigated Construction On-Site**

| | ROG | NOx | CO | SO2 | Fugitive PM10 | Exhaust PM10 | PM10 Total | Fugitive PM2.5 | Exhaust PM2.5 | PM2.5 Total | Bio- CO2 | NBio- CO2 | Total CO2 | CH4 | N2O | CO2e |
|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|
| Category | lb/day | | | | | | | | | | lb/day | | | | | |
| Off-Road | 1.0327 | 10.1917 | 14.5842 | 0.0228 | | 0.5102 | 0.5102 | | 0.4694 | 0.4694 | 0.0000 | 2,207.5841 | 2,207.5841 | 0.7140 | | 2,225.4336 |
| Paving | 0.0000 | | | | | 0.0000 | 0.0000 | | 0.0000 | 0.0000 | | | 0.0000 | | | 0.0000 |
| **Total** | **1.0327** | **10.1917** | **14.5842** | **0.0228** | | **0.5102** | **0.5102** | | **0.4694** | **0.4694** | **0.0000** | **2,207.5841** | **2,207.5841** | **0.7140** | | **2,225.4336** |

### 3.6 Paving - 2023

**Mitigated Construction Off-Site**

| | ROG | NOx | CO | SO2 | Fugitive PM10 | Exhaust PM10 | PM10 Total | Fugitive PM2.5 | Exhaust PM2.5 | PM2.5 Total | Bio- CO2 | NBio- CO2 | Total CO2 | CH4 | N2O | CO2e |
|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|
| Category | lb/day | | | | | | | | | | lb/day | | | | | |
| Hauling | 0.0000 | 0.0000 | 0.0000 | 0.0000 | 0.0000 | 0.0000 | 0.0000 | 0.0000 | 0.0000 | 0.0000 | | 0.0000 | 0.0000 | 0.0000 | | 0.0000 |
| Vendor | 0.0000 | 0.0000 | 0.0000 | 0.0000 | 0.0000 | 0.0000 | 0.0000 | 0.0000 | 0.0000 | 0.0000 | | 0.0000 | 0.0000 | 0.0000 | | 0.0000 |
| Worker | 0.0566 | 0.0361 | 0.5133 | 1.5900e-003 | 0.1677 | 1.2800e-003 | 0.1689 | 0.0445 | 1.1700e-003 | 0.0456 | | 158.7723 | 158.7723 | 4.1000e-003 | | 158.8748 |
| **Total** | **0.0566** | **0.0361** | **0.5133** | **1.5900e-003** | **0.1677** | **1.2800e-003** | **0.1689** | **0.0445** | **1.1700e-003** | **0.0456** | | **158.7723** | **158.7723** | **4.1000e-003** | | **158.8748** |

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### 3.6 Paving - 2024

**Unmitigated Construction On-Site**

| | ROG | NOx | CO | SO2 | Fugitive PM10 | Exhaust PM10 | PM10 Total | Fugitive PM2.5 | Exhaust PM2.5 | PM2.5 Total | Bio- CO2 | NBio- CO2 | Total CO2 | CH4 | N2O | CO2e |
|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|
| Category | lb/day | | | | | | | | | | lb/day | | | | | |
| Off-Road | 0.9882 | 9.5246 | 14.6258 | 0.0228 | | 0.4685 | 0.4685 | | 0.4310 | 0.4310 | | 2,207.5472 | 2,207.5472 | 0.7140 | | 2,225.3963 |
| Paving | 0.0000 | | | | | 0.0000 | 0.0000 | | 0.0000 | 0.0000 | | | 0.0000 | | | 0.0000 |
| **Total** | **0.9882** | **9.5246** | **14.6258** | **0.0228** | | **0.4685** | **0.4685** | | **0.4310** | **0.4310** | | **2,207.5472** | **2,207.5472** | **0.7140** | | **2,225.3963** |

### 3.6 Paving - 2024

**Unmitigated Construction Off-Site**

| | ROG | NOx | CO | SO2 | Fugitive PM10 | Exhaust PM10 | PM10 Total | Fugitive PM2.5 | Exhaust PM2.5 | PM2.5 Total | Bio- CO2 | NBio- CO2 | Total CO2 | CH4 | N2O | CO2e |
|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|
| Category | lb/day | | | | | | | | | | lb/day | | | | | |
| Hauling | 0.0000 | 0.0000 | 0.0000 | 0.0000 | 0.0000 | 0.0000 | 0.0000 | 0.0000 | 0.0000 | 0.0000 | | 0.0000 | 0.0000 | 0.0000 | | 0.0000 |
| Vendor | 0.0000 | 0.0000 | 0.0000 | 0.0000 | 0.0000 | 0.0000 | 0.0000 | 0.0000 | 0.0000 | 0.0000 | | 0.0000 | 0.0000 | 0.0000 | | 0.0000 |
| Worker | 0.0535 | 0.0329 | 0.4785 | 1.5400e-003 | 0.1677 | 1.2600e-003 | 0.1689 | 0.0445 | 1.1600e-003 | 0.0456 | | 153.8517 | 153.8517 | 3.7600e-003 | | 153.9458 |
| **Total** | **0.0535** | **0.0329** | **0.4785** | **1.5400e-003** | **0.1677** | **1.2600e-003** | **0.1689** | **0.0445** | **1.1600e-003** | **0.0456** | | **153.8517** | **153.8517** | **3.7600e-003** | | **153.9458** |

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CONT

**Mitigated Construction On-Site**

| | ROG | NOx | CO | SO2 | Fugitive PM10 | Exhaust PM10 | PM10 Total | Fugitive PM2.5 | Exhaust PM2.5 | PM2.5 Total | Bio- CO2 | NBio- CO2 | Total CO2 | CH4 | N2O | CO2e |
|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|
| Category | lb/day | | | | | | | | | | lb/day | | | | | |
| Off-Road | 0.9882 | 9.5246 | 14.6258 | 0.0228 | | 0.4685 | 0.4685 | | 0.4310 | 0.4310 | 0.0000 | 2,207.5472 | 2,207.5472 | 0.7140 | | 2,225.3963 |
| Paving | 0.0000 | | | | | 0.0000 | 0.0000 | | 0.0000 | 0.0000 | | | 0.0000 | | | 0.0000 |
| **Total** | **0.9882** | **9.5246** | **14.6258** | **0.0228** | | **0.4685** | **0.4685** | | **0.4310** | **0.4310** | **0.0000** | **2,207.5472** | **2,207.5472** | **0.7140** | | **2,225.3963** |

### 3.6 Paving - 2024

**Mitigated Construction Off-Site**

| | ROG | NOx | CO | SO2 | Fugitive PM10 | Exhaust PM10 | PM10 Total | Fugitive PM2.5 | Exhaust PM2.5 | PM2.5 Total | Bio- CO2 | NBio- CO2 | Total CO2 | CH4 | N2O | CO2e |
|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|
| Category | lb/day | | | | | | | | | | lb/day | | | | | |
| Hauling | 0.0000 | 0.0000 | 0.0000 | 0.0000 | 0.0000 | 0.0000 | 0.0000 | 0.0000 | 0.0000 | 0.0000 | | 0.0000 | 0.0000 | 0.0000 | | 0.0000 |
| Vendor | 0.0000 | 0.0000 | 0.0000 | 0.0000 | 0.0000 | 0.0000 | 0.0000 | 0.0000 | 0.0000 | 0.0000 | | 0.0000 | 0.0000 | 0.0000 | | 0.0000 |
| Worker | 0.0535 | 0.0329 | 0.4785 | 1.5400e-003 | 0.1677 | 1.2600e-003 | 0.1689 | 0.0445 | 1.1600e-003 | 0.0456 | | 153.8517 | 153.8517 | 3.7600e-003 | | 153.9458 |
| **Total** | **0.0535** | **0.0329** | **0.4785** | **1.5400e-003** | **0.1677** | **1.2600e-003** | **0.1689** | **0.0445** | **1.1600e-003** | **0.0456** | | **153.8517** | **153.8517** | **3.7600e-003** | | **153.9458** |

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### 3.7 Architectural Coating - 2024

**Unmitigated Construction On-Site**

| | ROG | NOx | CO | SO2 | Fugitive PM10 | Exhaust PM10 | PM10 Total | Fugitive PM2.5 | Exhaust PM2.5 | PM2.5 Total | Bio- CO2 | NBio- CO2 | Total CO2 | CH4 | N2O | CO2e |
|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|
| Category | lb/day | | | | | | | | | | lb/day | | | | | |
| Archit. Coating | 236.4115 | | | | | 0.0000 | 0.0000 | | 0.0000 | 0.0000 | | | 0.0000 | | | 0.0000 |
| Off-Road | 0.1808 | 1.2188 | 1.8101 | 2.9700e-003 | | 0.0609 | 0.0609 | | 0.0609 | 0.0609 | | 281.4481 | 281.4481 | 0.0159 | | 281.8443 |
| **Total** | **236.5923** | **1.2188** | **1.8101** | **2.9700e-003** | | **0.0609** | **0.0609** | | **0.0609** | **0.0609** | | **281.4481** | **281.4481** | **0.0159** | | **281.8443** |

### 3.7 Architectural Coating - 2024

**Unmitigated Construction Off-Site**

| | ROG | NOx | CO | SO2 | Fugitive PM10 | Exhaust PM10 | PM10 Total | Fugitive PM2.5 | Exhaust PM2.5 | PM2.5 Total | Bio- CO2 | NBio- CO2 | Total CO2 | CH4 | N2O | CO2e |
|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|
| Category | lb/day | | | | | | | | | | lb/day | | | | | |
| Hauling | 0.0000 | 0.0000 | 0.0000 | 0.0000 | 0.0000 | 0.0000 | 0.0000 | 0.0000 | 0.0000 | 0.0000 | | 0.0000 | 0.0000 | 0.0000 | | 0.0000 |
| Vendor | 0.0000 | 0.0000 | 0.0000 | 0.0000 | 0.0000 | 0.0000 | 0.0000 | 0.0000 | 0.0000 | 0.0000 | | 0.0000 | 0.0000 | 0.0000 | | 0.0000 |
| Worker | 0.5707 | 0.3513 | 5.1044 | 0.0165 | 1.7884 | 0.0134 | 1.8018 | 0.4743 | 0.0123 | 0.4866 | | 1,641.0852 | 1,641.0852 | 0.0401 | | 1,642.0886 |
| **Total** | **0.5707** | **0.3513** | **5.1044** | **0.0165** | **1.7884** | **0.0134** | **1.8018** | **0.4743** | **0.0123** | **0.4866** | | **1,641.0852** | **1,641.0852** | **0.0401** | | **1,642.0886** |

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CONT

**Mitigated Construction On-Site**

| | ROG | NOx | CO | SO2 | Fugitive PM10 | Exhaust PM10 | PM10 Total | Fugitive PM2.5 | Exhaust PM2.5 | PM2.5 Total | Bio- CO2 | NBio- CO2 | Total CO2 | CH4 | N2O | CO2e |
|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|
| Category | lb/day | | | | | | | | | | lb/day | | | | | |
| Archit. Coating | 236.4115 | | | | | 0.0000 | 0.0000 | | 0.0000 | 0.0000 | | | 0.0000 | | | 0.0000 |
| Off-Road | 0.1808 | 1.2188 | 1.8101 | 2.9700e-003 | | 0.0609 | 0.0609 | | 0.0609 | 0.0609 | 0.0000 | 281.4481 | 281.4481 | 0.0159 | | 281.8443 |
| **Total** | **236.5923** | **1.2188** | **1.8101** | **2.9700e-003** | | **0.0609** | **0.0609** | | **0.0609** | **0.0609** | **0.0000** | **281.4481** | **281.4481** | **0.0159** | | **281.8443** |

### 3.7 Architectural Coating - 2024

**Mitigated Construction Off-Site**

| | ROG | NOx | CO | SO2 | Fugitive PM10 | Exhaust PM10 | PM10 Total | Fugitive PM2.5 | Exhaust PM2.5 | PM2.5 Total | Bio- CO2 | NBio- CO2 | Total CO2 | CH4 | N2O | CO2e |
|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|
| Category | lb/day | | | | | | | | | | lb/day | | | | | |
| Hauling | 0.0000 | 0.0000 | 0.0000 | 0.0000 | 0.0000 | 0.0000 | 0.0000 | 0.0000 | 0.0000 | 0.0000 | | 0.0000 | 0.0000 | 0.0000 | | 0.0000 |
| Vendor | 0.0000 | 0.0000 | 0.0000 | 0.0000 | 0.0000 | 0.0000 | 0.0000 | 0.0000 | 0.0000 | 0.0000 | | 0.0000 | 0.0000 | 0.0000 | | 0.0000 |
| Worker | 0.5707 | 0.3513 | 5.1044 | 0.0165 | 1.7884 | 0.0134 | 1.8018 | 0.4743 | 0.0123 | 0.4866 | | 1,641.0852 | 1,641.0852 | 0.0401 | | 1,642.0886 |
| **Total** | **0.5707** | **0.3513** | **5.1044** | **0.0165** | **1.7884** | **0.0134** | **1.8018** | **0.4743** | **0.0123** | **0.4866** | | **1,641.0852** | **1,641.0852** | **0.0401** | | **1,642.0886** |

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## 4.0 Operational Detail - Mobile

### 4.1 Mitigation Measures Mobile

| | ROG | NOx | CO | SO2 | Fugitive PM10 | Exhaust PM10 | PM10 Total | Fugitive PM2.5 | Exhaust PM2.5 | PM2.5 Total | Bio- CO2 | NBio- CO2 | Total CO2 | CH4 | N2O | CO2e |
|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|
| Category | lb/day | | | | | | | | | | lb/day | | | | | |
| Mitigated | 9.8489 | 45.4304 | 114.8495 | 0.4917 | 45.9592 | 0.3360 | 46.2951 | 12.2950 | 0.3119 | 12.6070 | | 50,306.6034 | 50,306.6034 | 2.1807 | | 50,361.1208 |
| Unmitigated | 9.8489 | 45.4304 | 114.8495 | 0.4917 | 45.9592 | 0.3360 | 46.2951 | 12.2950 | 0.3119 | 12.6070 | | 50,306.6034 | 50,306.6034 | 2.1807 | | 50,361.1208 |

## 4.2 Trip Summary Information

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| | Average Daily Trip Rate | | | Unmitigated | Mitigated |
|---|---|---|---|---|---|
| Land Use | Weekday | Saturday | Sunday | Annual VMT | Annual VMT |
| Apartments Low Rise | 145.75 | 154.25 | 154.00 | 506,227 | 506,227 |
| Apartments Mid Rise | 4,026.75 | 3,773.25 | 4075.50 | 13,660,065 | 13,660,065 |
| General Office Building | 288.45 | 62.55 | 31.05 | 706,812 | 706,812 |
| High Turnover (Sit Down Restaurant) | 2,368.80 | 2,873.52 | 2817.72 | 3,413,937 | 3,413,937 |
| Hotel | 192.00 | 187.50 | 160.00 | 445,703 | 445,703 |
| Quality Restaurant | 501.12 | 511.92 | 461.20 | 707,488 | 707,488 |
| Regional Shopping Center | 528.08 | 601.44 | 357.84 | 1,112,221 | 1,112,221 |
| Total | 8,050.95 | 8,164.43 | 8,057.31 | 20,552,452 | 20,552,452 |

## 4.3 Trip Type Information

Village South Specific Plan (Proposed) - Los Angeles-South Coast County, Summer

| | Miles | | | Trip % | | | Trip Purpose % | | |
|---|---|---|---|---|---|---|---|---|---|
| Land Use | H-W or C-W | H-S or C-C | H-O or C-NW | H-W or C-W | H-S or C-C | H-O or C-NW | Primary | Diverted | Pass-by |
| Apartments Low Rise | 14.70 | 5.90 | 8.70 | 40.20 | 19.20 | 40.60 | 86 | 11 | 3 |
| Apartments Mid Rise | 14.70 | 5.90 | 8.70 | 40.20 | 19.20 | 40.60 | 86 | 11 | 3 |
| General Office Building | 16.60 | 8.40 | 6.90 | 33.00 | 48.00 | 19.00 | 77 | 19 | 4 |
| High Turnover (Sit Down | 16.60 | 8.40 | 6.90 | 8.50 | 72.50 | 19.00 | 37 | 20 | 43 |
| Hotel | 16.60 | 8.40 | 6.90 | 19.40 | 61.60 | 19.00 | 58 | 38 | 4 |
| Quality Restaurant | 16.60 | 8.40 | 6.90 | 12.00 | 69.00 | 19.00 | 38 | 18 | 44 |
| Regional Shopping Center | 16.60 | 8.40 | 6.90 | 16.30 | 64.70 | 19.00 | 54 | 35 | 11 |

### 4.4 Fleet Mix

| Land Use | LDA | LDT1 | LDT2 | MDV | LHD1 | LHD2 | MHD | HHD | OBUS | UBUS | MCY | SBUS | MH |
|---|---|---|---|---|---|---|---|---|---|---|---|---|---|
| Apartments Low Rise | 0.543088 | 0.044216 | 0.209971 | 0.116369 | 0.014033 | 0.006332 | 0.021166 | 0.033577 | 0.002613 | 0.001817 | 0.005285 | 0.000712 | 0.000821 |
| Apartments Mid Rise | 0.543088 | 0.044216 | 0.209971 | 0.116369 | 0.014033 | 0.006332 | 0.021166 | 0.033577 | 0.002613 | 0.001817 | 0.005285 | 0.000712 | 0.000821 |
| General Office Building | 0.543088 | 0.044216 | 0.209971 | 0.116369 | 0.014033 | 0.006332 | 0.021166 | 0.033577 | 0.002613 | 0.001817 | 0.005285 | 0.000712 | 0.000821 |
| High Turnover (Sit Down Restaurant) | 0.543088 | 0.044216 | 0.209971 | 0.116369 | 0.014033 | 0.006332 | 0.021166 | 0.033577 | 0.002613 | 0.001817 | 0.005285 | 0.000712 | 0.000821 |
| Hotel | 0.543088 | 0.044216 | 0.209971 | 0.116369 | 0.014033 | 0.006332 | 0.021166 | 0.033577 | 0.002613 | 0.001817 | 0.005285 | 0.000712 | 0.000821 |
| Quality Restaurant | 0.543088 | 0.044216 | 0.209971 | 0.116369 | 0.014033 | 0.006332 | 0.021166 | 0.033577 | 0.002613 | 0.001817 | 0.005285 | 0.000712 | 0.000821 |
| Regional Shopping Center | 0.543088 | 0.044216 | 0.209971 | 0.116369 | 0.014033 | 0.006332 | 0.021166 | 0.033577 | 0.002613 | 0.001817 | 0.005285 | 0.000712 | 0.000821 |

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## 5.0 Energy Detail

Historical Energy Use: N

### 5.1 Mitigation Measures Energy

Village South Specific Plan (Proposed) - Los Angeles-South Coast County, Summer

| | ROG | NOx | CO | SO2 | Fugitive PM10 | Exhaust PM10 | PM10 Total | Fugitive PM2.5 | Exhaust PM2.5 | PM2.5 Total | Bio- CO2 | NBio- CO2 | Total CO2 | CH4 | N2O | CO2e |
|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|
| Category | lb/day | | | | | | | | | | lb/day | | | | | |
| NaturalGas Mitigated | 0.7660 | 6.7462 | 4.2573 | 0.0418 | | 0.5292 | 0.5292 | | 0.5292 | 0.5292 | | 8,355.9832 | 8,355.9832 | 0.1602 | 0.1532 | 8,405.6387 |
| NaturalGas Unmitigated | 0.7660 | 6.7462 | 4.2573 | 0.0418 | | 0.5292 | 0.5292 | | 0.5292 | 0.5292 | | 8,355.9832 | 8,355.9832 | 0.1602 | 0.1532 | 8,405.6387 |

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## 5.2 Energy by Land Use - NaturalGas

**Unmitigated**

| | NaturalGas Use | ROG | NOx | CO | SO2 | Fugitive PM10 | Exhaust PM10 | PM10 Total | Fugitive PM2.5 | Exhaust PM2.5 | PM2.5 Total | Bio- CO2 | NBio- CO2 | Total CO2 | CH4 | N2O | CO2e |
|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|
| Land Use | kBTU/yr | lb/day | | | | | | | | | | lb/day | | | | | |
| Apartments Low Rise | 1119.16 | 0.0121 | 0.1031 | 0.0439 | 6.6000e-004 | | 8.3400e-003 | 8.3400e-003 | | 8.3400e-003 | 8.3400e-003 | | 131.6662 | 131.6662 | 2.5200e-003 | 2.4100e-003 | 132.4486 |
| Apartments Mid Rise | 35784.3 | 0.3859 | 3.2978 | 1.4033 | 0.0211 | | 0.2666 | 0.2666 | | 0.2666 | 0.2666 | | 4,209.9164 | 4,209.9164 | 0.0807 | 0.0772 | 4,234.9339 |
| General Office Building | 1283.42 | 0.0138 | 0.1258 | 0.1057 | 7.5000e-004 | | 9.5600e-003 | 9.5600e-003 | | 9.5600e-003 | 9.5600e-003 | | 150.9911 | 150.9911 | 2.8900e-003 | 2.7700e-003 | 151.8884 |
| High Turnover (Sit Down Restaurant) | 22759.9 | 0.2455 | 2.2314 | 1.8743 | 0.0134 | | 0.1696 | 0.1696 | | 0.1696 | 0.1696 | | 2,677.6342 | 2,677.6342 | 0.0513 | 0.0491 | 2,693.5460 |
| Hotel | 4769.72 | 0.0514 | 0.4676 | 0.3928 | 2.8100e-003 | | 0.0355 | 0.0355 | | 0.0355 | 0.0355 | | 561.1436 | 561.1436 | 0.0108 | 0.0103 | 564.4782 |
| Quality Restaurant | 5057.75 | 0.0545 | 0.4959 | 0.4165 | 2.9800e-003 | | 0.0377 | 0.0377 | | 0.0377 | 0.0377 | | 595.0298 | 595.0298 | 0.0114 | 0.0109 | 598.5658 |
| Regional Shopping Center | 251.616 | 2.7100e-003 | 0.0247 | 0.0207 | 1.5000e-004 | | 1.8700e-003 | 1.8700e-003 | | 1.8700e-003 | 1.8700e-003 | | 29.6019 | 29.6019 | 5.7000e-004 | 5.4000e-004 | 29.7778 |
| **Total** | | **0.7660** | **6.7463** | **4.2573** | **0.0418** | | **0.5292** | **0.5292** | | **0.5292** | **0.5292** | | **8,355.9832** | **8,355.9832** | **0.1602** | **0.1532** | **8,405.6387** |

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### 5.2 Energy by Land Use - NaturalGas

**Mitigated**

| | NaturalGas Use | ROG | NOx | CO | SO2 | Fugitive PM10 | Exhaust PM10 | PM10 Total | Fugitive PM2.5 | Exhaust PM2.5 | PM2.5 Total | Bio- CO2 | NBio- CO2 | Total CO2 | CH4 | N2O | CO2e |
|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|
| Land Use | kBTU/yr | lb/day | | | | | | | | | | lb/day | | | | | |
| Apartments Low Rise | 1.11916 | 0.0121 | 0.1031 | 0.0439 | 6.6000e-004 | | 8.3400e-003 | 8.3400e-003 | | 8.3400e-003 | 8.3400e-003 | | 131.6662 | 131.6662 | 2.5200e-003 | 2.4100e-003 | 132.4486 |
| Apartments Mid Rise | 35.7843 | 0.3859 | 3.2978 | 1.4033 | 0.0211 | | 0.2666 | 0.2666 | | 0.2666 | 0.2666 | | 4,209.9164 | 4,209.9164 | 0.0807 | 0.0772 | 4,234.9339 |
| General Office Building | 1.28342 | 0.0138 | 0.1258 | 0.1057 | 7.5000e-004 | | 9.5600e-003 | 9.5600e-003 | | 9.5600e-003 | 9.5600e-003 | | 150.9911 | 150.9911 | 2.8900e-003 | 2.7700e-003 | 151.8884 |
| High Turnover (Sit Down Restaurant) | 22.7599 | 0.2455 | 2.2314 | 1.8743 | 0.0134 | | 0.1696 | 0.1696 | | 0.1696 | 0.1696 | | 2,677.6342 | 2,677.6342 | 0.0513 | 0.0491 | 2,693.5460 |
| Hotel | 4.76972 | 0.0514 | 0.4676 | 0.3928 | 2.8100e-003 | | 0.0355 | 0.0355 | | 0.0355 | 0.0355 | | 561.1436 | 561.1436 | 0.0108 | 0.0103 | 564.4782 |
| Quality Restaurant | 5.05775 | 0.0545 | 0.4959 | 0.4165 | 2.9800e-003 | | 0.0377 | 0.0377 | | 0.0377 | 0.0377 | | 595.0298 | 595.0298 | 0.0114 | 0.0109 | 598.5658 |
| Regional Shopping Center | 0.251616 | 2.7100e-003 | 0.0247 | 0.0207 | 1.5000e-004 | | 1.8700e-003 | 1.8700e-003 | | 1.8700e-003 | 1.8700e-003 | | 29.6019 | 29.6019 | 5.7000e-004 | 5.4000e-004 | 29.7778 |
| **Total** | | **0.7660** | **6.7463** | **4.2573** | **0.0418** | | **0.5292** | **0.5292** | | **0.5292** | **0.5292** | | **8,355.9832** | **8,355.9832** | **0.1602** | **0.1532** | **8,405.6387** |

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## 6.0 Area Detail

### 6.1 Mitigation Measures Area

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CONT

| | ROG | NOx | CO | SO2 | Fugitive PM10 | Exhaust PM10 | PM10 Total | Fugitive PM2.5 | Exhaust PM2.5 | PM2.5 Total | Bio- CO2 | NBio- CO2 | Total CO2 | CH4 | N2O | CO2e |
|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|
| Category | lb/day | | | | | | | | | | lb/day | | | | | |
| Mitigated | 30.5020 | 15.0496 | 88.4430 | 0.0944 | | 1.5974 | 1.5974 | | 1.5974 | 1.5974 | 0.0000 | 18,148.5950 | 18,148.5950 | 0.4874 | 0.3300 | 18,259.1192 |
| Unmitigated | 30.5020 | 15.0496 | 88.4430 | 0.0944 | | 1.5974 | 1.5974 | | 1.5974 | 1.5974 | 0.0000 | 18,148.5950 | 18,148.5950 | 0.4874 | 0.3300 | 18,259.1192 |

## 6.2 Area by SubCategory

**Unmitigated**

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CONT

| | ROG | NOx | CO | SO2 | Fugitive PM10 | Exhaust PM10 | PM10 Total | Fugitive PM2.5 | Exhaust PM2.5 | PM2.5 Total | Bio- CO2 | NBio- CO2 | Total CO2 | CH4 | N2O | CO2e |
|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|
| SubCategory | lb/day | | | | | | | | | | lb/day | | | | | |
| Architectural Coating | 2.2670 | | | | | 0.0000 | 0.0000 | | 0.0000 | 0.0000 | | | 0.0000 | | | 0.0000 |
| Consumer Products | 24.1085 | | | | | 0.0000 | 0.0000 | | 0.0000 | 0.0000 | | | 0.0000 | | | 0.0000 |
| Hearth | 1.6500 | 14.1000 | 6.0000 | 0.0900 | | 1.1400 | 1.1400 | | 1.1400 | 1.1400 | 0.0000 | 18,000.0000 | 18,000.0000 | 0.3450 | 0.3300 | 18,106.9650 |
| Landscaping | 2.4766 | 0.9496 | 82.4430 | 4.3600e-003 | | 0.4574 | 0.4574 | | 0.4574 | 0.4574 | | 148.5950 | 148.5950 | 0.1424 | | 152.1542 |
| **Total** | **30.5020** | **15.0496** | **88.4430** | **0.0944** | | **1.5974** | **1.5974** | | **1.5974** | **1.5974** | **0.0000** | **18,148.5950** | **18,148.5950** | **0.4874** | **0.3300** | **18,259.1192** |

### 6.2 Area by SubCategory

**Mitigated**

| | ROG | NOx | CO | SO2 | Fugitive PM10 | Exhaust PM10 | PM10 Total | Fugitive PM2.5 | Exhaust PM2.5 | PM2.5 Total | Bio- CO2 | NBio- CO2 | Total CO2 | CH4 | N2O | CO2e |
|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|
| SubCategory | lb/day | | | | | | | | | | lb/day | | | | | |
| Architectural Coating | 2.2670 | | | | | 0.0000 | 0.0000 | | 0.0000 | 0.0000 | | | 0.0000 | | | 0.0000 |
| Consumer Products | 24.1085 | | | | | 0.0000 | 0.0000 | | 0.0000 | 0.0000 | | | 0.0000 | | | 0.0000 |
| Hearth | 1.6500 | 14.1000 | 6.0000 | 0.0900 | | 1.1400 | 1.1400 | | 1.1400 | 1.1400 | 0.0000 | 18,000.0000 | 18,000.0000 | 0.3450 | 0.3300 | 18,106.9650 |
| Landscaping | 2.4766 | 0.9496 | 82.4430 | 4.3600e-003 | | 0.4574 | 0.4574 | | 0.4574 | 0.4574 | | 148.5950 | 148.5950 | 0.1424 | | 152.1542 |
| **Total** | **30.5020** | **15.0496** | **88.4430** | **0.0944** | | **1.5974** | **1.5974** | | **1.5974** | **1.5974** | **0.0000** | **18,148.5950** | **18,148.5950** | **0.4874** | **0.3300** | **18,259.1192** |

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CONT

## 7.0 Water Detail

### 7.1 Mitigation Measures Water

## 8.0 Waste Detail

### 8.1 Mitigation Measures Waste

## 9.0 Operational Offroad

| Equipment Type | Number | Hours/Day | Days/Year | Horse Power | Load Factor | Fuel Type |
|---|---|---|---|---|---|---|

## 10.0 Stationary Equipment

**Fire Pumps and Emergency Generators**

| Equipment Type | Number | Hours/Day | Hours/Year | Horse Power | Load Factor | Fuel Type |
|---|---|---|---|---|---|---|

**Boilers**

| Equipment Type | Number | Heat Input/Day | Heat Input/Year | Boiler Rating | Fuel Type |
|---|---|---|---|---|---|

**User Defined Equipment**

| Equipment Type | Number |
|---|---|

## 11.0 Vegetation

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CONT

# Village South Specific Plan (Proposed)

**Los Angeles-South Coast County, Winter**

## 1.0 Project Characteristics

### 1.1 Land Usage

| Land Uses | Size | Metric | Lot Acreage | Floor Surface Area | Population |
|---|---|---|---|---|---|
| General Office Building | 45.00 | 1000sqft | 1.03 | 45,000.00 | 0 |
| High Turnover (Sit Down Restaurant) | 36.00 | 1000sqft | 0.83 | 36,000.00 | 0 |
| Hotel | 50.00 | Room | 1.67 | 72,600.00 | 0 |
| Quality Restaurant | 8.00 | 1000sqft | 0.18 | 8,000.00 | 0 |
| Apartments Low Rise | 25.00 | Dwelling Unit | 1.56 | 25,000.00 | 72 |
| Apartments Mid Rise | 975.00 | Dwelling Unit | 25.66 | 975,000.00 | 2789 |
| Regional Shopping Center | 56.00 | 1000sqft | 1.29 | 56,000.00 | 0 |

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### 1.2 Other Project Characteristics

| | | | | | |
|---|---|---|---|---|---|
| **Urbanization** | Urban | **Wind Speed (m/s)** | 2.2 | **Precipitation Freq (Days)** | 33 |
| **Climate Zone** | 9 | | | **Operational Year** | 2028 |
| **Utility Company** | Southern California Edison | | | | |
| **CO2 Intensity (lb/MWhr)** | 702.44 | **CH4 Intensity (lb/MWhr)** | 0.029 | **N2O Intensity (lb/MWhr)** | 0.006 |

### 1.3 User Entered Comments & Non-Default Data

Village South Specific Plan (Proposed) - Los Angeles-South Coast County, Winter

Project Characteristics - Consistent with the DEIR's model.

Land Use - See SWAPE comment regarding residential and retail land uses.

Construction Phase - See SWAPE comment regarding individual construction phase lengths.

Demolition - Consistent with the DEIR's model. See SWAPE comment regarding demolition.

Vehicle Trips - Saturday trips consistent with the DEIR's model. See SWAPE comment regarding weekday and Sunday trips.

Woodstoves - Woodstoves and wood-burning fireplaces consistent with the DEIR's model. See SWAPE comment regarding gas fireplaces.

Energy Use -

Construction Off-road Equipment Mitigation - See SWAPE comment on construction-related mitigation.

Area Mitigation - See SWAPE comment regarding operational mitigation measures.

Water Mitigation - See SWAPE comment regarding operational mitigation measures.

| Table Name | Column Name | Default Value | New Value |
|---|---|---|---|
| tblFireplaces | FireplaceWoodMass | 1,019.20 | 0.00 |
| tblFireplaces | FireplaceWoodMass | 1,019.20 | 0.00 |
| tblFireplaces | NumberWood | 1.25 | 0.00 |
| tblFireplaces | NumberWood | 48.75 | 0.00 |
| tblVehicleTrips | ST_TR | 7.16 | 6.17 |
| tblVehicleTrips | ST_TR | 6.39 | 3.87 |
| tblVehicleTrips | ST_TR | 2.46 | 1.39 |
| tblVehicleTrips | ST_TR | 158.37 | 79.82 |
| tblVehicleTrips | ST_TR | 8.19 | 3.75 |
| tblVehicleTrips | ST_TR | 94.36 | 63.99 |
| tblVehicleTrips | ST_TR | 49.97 | 10.74 |
| tblVehicleTrips | SU_TR | 6.07 | 6.16 |
| tblVehicleTrips | SU_TR | 5.86 | 4.18 |
| tblVehicleTrips | SU_TR | 1.05 | 0.69 |
| tblVehicleTrips | SU_TR | 131.84 | 78.27 |

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CONT

| | | | |
|---|---|---|---|
| tblVehicleTrips | SU_TR | 5.95 | 3.20 |
| tblVehicleTrips | SU_TR | 72.16 | 57.65 |
| tblVehicleTrips | SU_TR | 25.24 | 6.39 |
| tblVehicleTrips | WD_TR | 6.59 | 5.83 |
| tblVehicleTrips | WD_TR | 6.65 | 4.13 |
| tblVehicleTrips | WD_TR | 11.03 | 6.41 |
| tblVehicleTrips | WD_TR | 127.15 | 65.80 |
| tblVehicleTrips | WD_TR | 8.17 | 3.84 |
| tblVehicleTrips | WD_TR | 89.95 | 62.64 |
| tblVehicleTrips | WD_TR | 42.70 | 9.43 |
| tblWoodstoves | NumberCatalytic | 1.25 | 0.00 |
| tblWoodstoves | NumberCatalytic | 48.75 | 0.00 |
| tblWoodstoves | NumberNoncatalytic | 1.25 | 0.00 |
| tblWoodstoves | NumberNoncatalytic | 48.75 | 0.00 |
| tblWoodstoves | WoodstoveDayYear | 25.00 | 0.00 |
| tblWoodstoves | WoodstoveDayYear | 25.00 | 0.00 |
| tblWoodstoves | WoodstoveWoodMass | 999.60 | 0.00 |
| tblWoodstoves | WoodstoveWoodMass | 999.60 | 0.00 |

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CONT

## 2.0 Emissions Summary

## 2.1 Overall Construction (Maximum Daily Emission)

**Unmitigated Construction**

| | ROG | NOx | CO | SO2 | Fugitive PM10 | Exhaust PM10 | PM10 Total | Fugitive PM2.5 | Exhaust PM2.5 | PM2.5 Total | Bio- CO2 | NBio- CO2 | Total CO2 | CH4 | N2O | CO2e |
|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|
| Year | lb/day | | | | | | | | | | lb/day | | | | | |
| 2021 | 4.2865 | 46.4651 | 31.6150 | 0.0642 | 18.2675 | 2.0461 | 20.3135 | 9.9840 | 1.8824 | 11.8664 | 0.0000 | 6,221.4937 | 6,221.4937 | 1.9491 | 0.0000 | 6,270.2214 |
| 2022 | 5.7218 | 38.9024 | 47.3319 | 0.1455 | 9.8688 | 1.6366 | 10.7736 | 3.6558 | 1.5057 | 5.1615 | 0.0000 | 14,630.3099 | 14,630.3099 | 1.9499 | 0.0000 | 14,657.2663 |
| 2023 | 5.2705 | 26.4914 | 44.5936 | 0.1413 | 9.8688 | 0.7800 | 10.6488 | 2.6381 | 0.7328 | 3.3708 | 0.0000 | 14,210.3424 | 14,210.3424 | 1.0230 | 0.0000 | 14,235.9160 |
| 2024 | 237.2328 | 9.5610 | 15.0611 | 0.0243 | 1.7884 | 0.4698 | 1.8628 | 0.4743 | 0.4322 | 0.5476 | 0.0000 | 2,352.4178 | 2,352.4178 | 0.7175 | 0.0000 | 2,370.3550 |
| **Maximum** | **237.2328** | **46.4651** | **47.3319** | **0.1455** | **18.2675** | **2.0461** | **20.3135** | **9.9840** | **1.8824** | **11.8664** | **0.0000** | **14,630.3099** | **14,630.3099** | **1.9499** | **0.0000** | **14,657.2663** |

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## 2.1 Overall Construction (Maximum Daily Emission)

**Mitigated Construction**

| | ROG | NOx | CO | SO2 | Fugitive PM10 | Exhaust PM10 | PM10 Total | Fugitive PM2.5 | Exhaust PM2.5 | PM2.5 Total | Bio- CO2 | NBio- CO2 | Total CO2 | CH4 | N2O | CO2e |
|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|
| Year | lb/day | | | | | | | | | | lb/day | | | | | |
| 2021 | 4.2865 | 46.4651 | 31.6150 | 0.0642 | 18.2675 | 2.0461 | 20.3135 | 9.9840 | 1.8824 | 11.8664 | 0.0000 | 6,221.4937 | 6,221.4937 | 1.9491 | 0.0000 | 6,270.2214 |
| 2022 | 5.7218 | 38.9024 | 47.3319 | 0.1455 | 9.8688 | 1.6366 | 10.7736 | 3.6558 | 1.5057 | 5.1615 | 0.0000 | 14,630.3099 | 14,630.3099 | 1.9499 | 0.0000 | 14,657.2663 |
| 2023 | 5.2705 | 26.4914 | 44.5936 | 0.1413 | 9.8688 | 0.7800 | 10.6488 | 2.6381 | 0.7328 | 3.3708 | 0.0000 | 14,210.3424 | 14,210.3424 | 1.0230 | 0.0000 | 14,235.9160 |
| 2024 | 237.2328 | 9.5610 | 15.0611 | 0.0243 | 1.7884 | 0.4698 | 1.8628 | 0.4743 | 0.4322 | 0.5476 | 0.0000 | 2,352.4178 | 2,352.4178 | 0.7175 | 0.0000 | 2,370.3550 |
| **Maximum** | **237.2328** | **46.4651** | **47.3319** | **0.1455** | **18.2675** | **2.0461** | **20.3135** | **9.9840** | **1.8824** | **11.8664** | **0.0000** | **14,630.3099** | **14,630.3099** | **1.9499** | **0.0000** | **14,657.2663** |

| | ROG | NOx | CO | SO2 | Fugitive PM10 | Exhaust PM10 | PM10 Total | Fugitive PM2.5 | Exhaust PM2.5 | PM2.5 Total | Bio- CO2 | NBio-CO2 | Total CO2 | CH4 | N20 | CO2e |
|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|
| **Percent Reduction** | **0.00** | **0.00** | **0.00** | **0.00** | **0.00** | **0.00** | **0.00** | **0.00** | **0.00** | **0.00** | **0.00** | **0.00** | **0.00** | **0.00** | **0.00** | **0.00** |

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CONT

## 2.2 Overall Operational

**Unmitigated Operational**

| | ROG | NOx | CO | SO2 | Fugitive PM10 | Exhaust PM10 | PM10 Total | Fugitive PM2.5 | Exhaust PM2.5 | PM2.5 Total | Bio- CO2 | NBio- CO2 | Total CO2 | CH4 | N2O | CO2e |
|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|
| Category | lb/day | | | | | | | | | | lb/day | | | | | |
| Area | 30.5020 | 15.0496 | 88.4430 | 0.0944 | | 1.5974 | 1.5974 | | 1.5974 | 1.5974 | 0.0000 | 18,148.5950 | 18,148.5950 | 0.4874 | 0.3300 | 18,259.1192 |
| Energy | 0.7660 | 6.7462 | 4.2573 | 0.0418 | | 0.5292 | 0.5292 | | 0.5292 | 0.5292 | | 8,355.9832 | 8,355.9832 | 0.1602 | 0.1532 | 8,405.6387 |
| Mobile | 9.5233 | 45.9914 | 110.0422 | 0.4681 | 45.9592 | 0.3373 | 46.2965 | 12.2950 | 0.3132 | 12.6083 | | 47,917.8005 | 47,917.8005 | 2.1953 | | 47,972.6839 |
| **Total** | **40.7912** | **67.7872** | **202.7424** | **0.6043** | **45.9592** | **2.4640** | **48.4231** | **12.2950** | **2.4399** | **14.7349** | **0.0000** | **74,422.3787** | **74,422.3787** | **2.8429** | **0.4832** | **74,637.4417** |

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CONT

**Mitigated Operational**

| | ROG | NOx | CO | SO2 | Fugitive PM10 | Exhaust PM10 | PM10 Total | Fugitive PM2.5 | Exhaust PM2.5 | PM2.5 Total | Bio- CO2 | NBio- CO2 | Total CO2 | CH4 | N2O | CO2e |
|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|
| Category | lb/day | | | | | | | | | | lb/day | | | | | |
| Area | 30.5020 | 15.0496 | 88.4430 | 0.0944 | | 1.5974 | 1.5974 | | 1.5974 | 1.5974 | 0.0000 | 18,148.5950 | 18,148.5950 | 0.4874 | 0.3300 | 18,259.1192 |
| Energy | 0.7660 | 6.7462 | 4.2573 | 0.0418 | | 0.5292 | 0.5292 | | 0.5292 | 0.5292 | | 8,355.9832 | 8,355.9832 | 0.1602 | 0.1532 | 8,405.6387 |
| Mobile | 9.5233 | 45.9914 | 110.0422 | 0.4681 | 45.9592 | 0.3373 | 46.2965 | 12.2950 | 0.3132 | 12.6083 | | 47,917.8005 | 47,917.8005 | 2.1953 | | 47,972.6839 |
| **Total** | **40.7912** | **67.7872** | **202.7424** | **0.6043** | **45.9592** | **2.4640** | **48.4231** | **12.2950** | **2.4399** | **14.7349** | **0.0000** | **74,422.3787** | **74,422.3787** | **2.8429** | **0.4832** | **74,637.4417** |

| | ROG | NOx | CO | SO2 | Fugitive PM10 | Exhaust PM10 | PM10 Total | Fugitive PM2.5 | Exhaust PM2.5 | PM2.5 Total | Bio- CO2 | NBio-CO2 | Total CO2 | CH4 | N20 | CO2e |
|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|
| Percent Reduction | 0.00 | 0.00 | 0.00 | 0.00 | 0.00 | 0.00 | 0.00 | 0.00 | 0.00 | 0.00 | 0.00 | 0.00 | 0.00 | 0.00 | 0.00 | 0.00 |

## 3.0 Construction Detail

**Construction Phase**

| Phase Number | Phase Name | Phase Type | Start Date | End Date | Num Days Week | Num Days | Phase Description |
|---|---|---|---|---|---|---|---|
| 1 | Demolition | Demolition | 9/1/2021 | 10/12/2021 | 5 | 30 | |
| 2 | Site Preparation | Site Preparation | 10/13/2021 | 11/9/2021 | 5 | 20 | |
| 3 | Grading | Grading | 11/10/2021 | 1/11/2022 | 5 | 45 | |
| 4 | Building Construction | Building Construction | 1/12/2022 | 12/12/2023 | 5 | 500 | |
| 5 | Paving | Paving | 12/13/2023 | 1/30/2024 | 5 | 35 | |
| 6 | Architectural Coating | Architectural Coating | 1/31/2024 | 3/19/2024 | 5 | 35 | |

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CONT

**Acres of Grading (Site Preparation Phase): 0**

**Acres of Grading (Grading Phase): 112.5**

**Acres of Paving: 0**

**Residential Indoor: 2,025,000; Residential Outdoor: 675,000; Non-Residential Indoor: 326,400; Non-Residential Outdoor: 108,800; Striped Parking Area: 0 (Architectural Coating – sqft)**

**OffRoad Equipment**

Village South Specific Plan (Proposed) - Los Angeles-South Coast County, Winter

| Phase Name | Offroad Equipment Type | Amount | Usage Hours | Horse Power | Load Factor |
|---|---|---|---|---|---|
| Demolition | Concrete/Industrial Saws | 1 | 8.00 | 81 | 0.73 |
| Demolition | Excavators | 3 | 8.00 | 158 | 0.38 |
| Demolition | Rubber Tired Dozers | 2 | 8.00 | 247 | 0.40 |
| Site Preparation | Rubber Tired Dozers | 3 | 8.00 | 247 | 0.40 |
| Site Preparation | Tractors/Loaders/Backhoes | 4 | 8.00 | 97 | 0.37 |
| Grading | Excavators | 2 | 8.00 | 158 | 0.38 |
| Grading | Graders | 1 | 8.00 | 187 | 0.41 |
| Grading | Rubber Tired Dozers | 1 | 8.00 | 247 | 0.40 |
| Grading | Scrapers | 2 | 8.00 | 367 | 0.48 |
| Grading | Tractors/Loaders/Backhoes | 2 | 8.00 | 97 | 0.37 |
| Building Construction | Cranes | 1 | 7.00 | 231 | 0.29 |
| Building Construction | Forklifts | 3 | 8.00 | 89 | 0.20 |
| Building Construction | Generator Sets | 1 | 8.00 | 84 | 0.74 |
| Building Construction | Tractors/Loaders/Backhoes | 3 | 7.00 | 97 | 0.37 |
| Building Construction | Welders | 1 | 8.00 | 46 | 0.45 |
| Paving | Pavers | 2 | 8.00 | 130 | 0.42 |
| Paving | Paving Equipment | 2 | 8.00 | 132 | 0.36 |
| Paving | Rollers | 2 | 8.00 | 80 | 0.38 |
| Architectural Coating | Air Compressors | 1 | 6.00 | 78 | 0.48 |

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CONT

**Trips and VMT**

Village South Specific Plan (Proposed) - Los Angeles-South Coast County, Winter

| Phase Name | Offroad Equipment Count | Worker Trip Number | Vendor Trip Number | Hauling Trip Number | Worker Trip Length | Vendor Trip Length | Hauling Trip Length | Worker Vehicle Class | Vendor Vehicle Class | Hauling Vehicle Class |
|---|---|---|---|---|---|---|---|---|---|---|
| Demolition | 6 | 15.00 | 0.00 | 458.00 | 14.70 | 6.90 | 20.00 | LD_Mix | HDT_Mix | HHDT |
| Site Preparation | 7 | 18.00 | 0.00 | 0.00 | 14.70 | 6.90 | 20.00 | LD_Mix | HDT_Mix | HHDT |
| Grading | 8 | 20.00 | 0.00 | 0.00 | 14.70 | 6.90 | 20.00 | LD_Mix | HDT_Mix | HHDT |
| Building Construction | 9 | 801.00 | 143.00 | 0.00 | 14.70 | 6.90 | 20.00 | LD_Mix | HDT_Mix | HHDT |
| Paving | 6 | 15.00 | 0.00 | 0.00 | 14.70 | 6.90 | 20.00 | LD_Mix | HDT_Mix | HHDT |
| Architectural Coating | 1 | 160.00 | 0.00 | 0.00 | 14.70 | 6.90 | 20.00 | LD_Mix | HDT_Mix | HHDT |

### 3.1 Mitigation Measures Construction

### 3.2 Demolition - 2021

**Unmitigated Construction On-Site**

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CONT

| | ROG | NOx | CO | SO2 | Fugitive PM10 | Exhaust PM10 | PM10 Total | Fugitive PM2.5 | Exhaust PM2.5 | PM2.5 Total | Bio- CO2 | NBio- CO2 | Total CO2 | CH4 | N2O | CO2e |
|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|
| Category | lb/day | | | | | | | | | | lb/day | | | | | |
| Fugitive Dust | | | | | 3.3074 | 0.0000 | 3.3074 | 0.5008 | 0.0000 | 0.5008 | | | 0.0000 | | | 0.0000 |
| Off-Road | 3.1651 | 31.4407 | 21.5650 | 0.0388 | | 1.5513 | 1.5513 | | 1.4411 | 1.4411 | | 3,747.9449 | 3,747.9449 | 1.0549 | | 3,774.3174 |
| **Total** | **3.1651** | **31.4407** | **21.5650** | **0.0388** | **3.3074** | **1.5513** | **4.8588** | **0.5008** | **1.4411** | **1.9419** | | **3,747.9449** | **3,747.9449** | **1.0549** | | **3,774.3174** |

### 3.2 Demolition - 2021

**Unmitigated Construction Off-Site**

| | ROG | NOx | CO | SO2 | Fugitive PM10 | Exhaust PM10 | PM10 Total | Fugitive PM2.5 | Exhaust PM2.5 | PM2.5 Total | Bio- CO2 | NBio- CO2 | Total CO2 | CH4 | N2O | CO2e |
|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|
| Category | lb/day | | | | | | | | | | lb/day | | | | | |
| Hauling | 0.1304 | 4.1454 | 1.0182 | 0.0117 | 0.2669 | 0.0128 | 0.2797 | 0.0732 | 0.0122 | 0.0854 | | 1,269.8555 | 1,269.8555 | 0.0908 | | 1,272.1252 |
| Vendor | 0.0000 | 0.0000 | 0.0000 | 0.0000 | 0.0000 | 0.0000 | 0.0000 | 0.0000 | 0.0000 | 0.0000 | | 0.0000 | 0.0000 | 0.0000 | | 0.0000 |
| Worker | 0.0715 | 0.0489 | 0.5524 | 1.6100e-003 | 0.1677 | 1.3500e-003 | 0.1690 | 0.0445 | 1.2500e-003 | 0.0457 | | 160.8377 | 160.8377 | 4.7300e-003 | | 160.9560 |
| **Total** | **0.2019** | **4.1943** | **1.5706** | **0.0133** | **0.4346** | **0.0141** | **0.4487** | **0.1176** | **0.0135** | **0.1311** | | **1,430.6932** | **1,430.6932** | **0.0955** | | **1,433.0812** |

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**Mitigated Construction On-Site**

| | ROG | NOx | CO | SO2 | Fugitive PM10 | Exhaust PM10 | PM10 Total | Fugitive PM2.5 | Exhaust PM2.5 | PM2.5 Total | Bio- CO2 | NBio- CO2 | Total CO2 | CH4 | N2O | CO2e |
|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|
| Category | lb/day | | | | | | | | | | lb/day | | | | | |
| Fugitive Dust | | | | | 3.3074 | 0.0000 | 3.3074 | 0.5008 | 0.0000 | 0.5008 | | | 0.0000 | | | 0.0000 |
| Off-Road | 3.1651 | 31.4407 | 21.5650 | 0.0388 | | 1.5513 | 1.5513 | | 1.4411 | 1.4411 | 0.0000 | 3,747.9449 | 3,747.9449 | 1.0549 | | 3,774.3174 |
| **Total** | **3.1651** | **31.4407** | **21.5650** | **0.0388** | **3.3074** | **1.5513** | **4.8588** | **0.5008** | **1.4411** | **1.9419** | **0.0000** | **3,747.9449** | **3,747.9449** | **1.0549** | | **3,774.3174** |

### 3.2 Demolition - 2021

**Mitigated Construction Off-Site**

| | ROG | NOx | CO | SO2 | Fugitive PM10 | Exhaust PM10 | PM10 Total | Fugitive PM2.5 | Exhaust PM2.5 | PM2.5 Total | Bio- CO2 | NBio- CO2 | Total CO2 | CH4 | N2O | CO2e |
|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|
| Category | lb/day | | | | | | | | | | lb/day | | | | | |
| Hauling | 0.1304 | 4.1454 | 1.0182 | 0.0117 | 0.2669 | 0.0128 | 0.2797 | 0.0732 | 0.0122 | 0.0854 | | 1,269.8555 | 1,269.8555 | 0.0908 | | 1,272.1252 |
| Vendor | 0.0000 | 0.0000 | 0.0000 | 0.0000 | 0.0000 | 0.0000 | 0.0000 | 0.0000 | 0.0000 | 0.0000 | | 0.0000 | 0.0000 | 0.0000 | | 0.0000 |
| Worker | 0.0715 | 0.0489 | 0.5524 | 1.6100e-003 | 0.1677 | 1.3500e-003 | 0.1690 | 0.0445 | 1.2500e-003 | 0.0457 | | 160.8377 | 160.8377 | 4.7300e-003 | | 160.9560 |
| **Total** | **0.2019** | **4.1943** | **1.5706** | **0.0133** | **0.4346** | **0.0141** | **0.4487** | **0.1176** | **0.0135** | **0.1311** | | **1,430.6932** | **1,430.6932** | **0.0955** | | **1,433.0812** |

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### 3.3 Site Preparation - 2021

**Unmitigated Construction On-Site**

| | ROG | NOx | CO | SO2 | Fugitive PM10 | Exhaust PM10 | PM10 Total | Fugitive PM2.5 | Exhaust PM2.5 | PM2.5 Total | Bio- CO2 | NBio- CO2 | Total CO2 | CH4 | N2O | CO2e |
|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|
| Category | lb/day | | | | | | | | | | lb/day | | | | | |
| Fugitive Dust | | | | | 18.0663 | 0.0000 | 18.0663 | 9.9307 | 0.0000 | 9.9307 | | | 0.0000 | | | 0.0000 |
| Off-Road | 3.8882 | 40.4971 | 21.1543 | 0.0380 | | 2.0445 | 2.0445 | | 1.8809 | 1.8809 | | 3,685.6569 | 3,685.6569 | 1.1920 | | 3,715.4573 |
| **Total** | **3.8882** | **40.4971** | **21.1543** | **0.0380** | **18.0663** | **2.0445** | **20.1107** | **9.9307** | **1.8809** | **11.8116** | | **3,685.6569** | **3,685.6569** | **1.1920** | | **3,715.4573** |

### 3.3 Site Preparation - 2021

**Unmitigated Construction Off-Site**

| | ROG | NOx | CO | SO2 | Fugitive PM10 | Exhaust PM10 | PM10 Total | Fugitive PM2.5 | Exhaust PM2.5 | PM2.5 Total | Bio- CO2 | NBio- CO2 | Total CO2 | CH4 | N2O | CO2e |
|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|
| Category | lb/day | | | | | | | | | | lb/day | | | | | |
| Hauling | 0.0000 | 0.0000 | 0.0000 | 0.0000 | 0.0000 | 0.0000 | 0.0000 | 0.0000 | 0.0000 | 0.0000 | | 0.0000 | 0.0000 | 0.0000 | | 0.0000 |
| Vendor | 0.0000 | 0.0000 | 0.0000 | 0.0000 | 0.0000 | 0.0000 | 0.0000 | 0.0000 | 0.0000 | 0.0000 | | 0.0000 | 0.0000 | 0.0000 | | 0.0000 |
| Worker | 0.0858 | 0.0587 | 0.6629 | 1.9400e-003 | 0.2012 | 1.6300e-003 | 0.2028 | 0.0534 | 1.5000e-003 | 0.0549 | | 193.0052 | 193.0052 | 5.6800e-003 | | 193.1472 |
| **Total** | **0.0858** | **0.0587** | **0.6629** | **1.9400e-003** | **0.2012** | **1.6300e-003** | **0.2028** | **0.0534** | **1.5000e-003** | **0.0549** | | **193.0052** | **193.0052** | **5.6800e-003** | | **193.1472** |

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**Mitigated Construction On-Site**

| | ROG | NOx | CO | SO2 | Fugitive PM10 | Exhaust PM10 | PM10 Total | Fugitive PM2.5 | Exhaust PM2.5 | PM2.5 Total | Bio- CO2 | NBio- CO2 | Total CO2 | CH4 | N2O | CO2e |
|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|
| Category | lb/day | | | | | | | | | | lb/day | | | | | |
| Fugitive Dust | | | | | 18.0663 | 0.0000 | 18.0663 | 9.9307 | 0.0000 | 9.9307 | | | 0.0000 | | | 0.0000 |
| Off-Road | 3.8882 | 40.4971 | 21.1543 | 0.0380 | | 2.0445 | 2.0445 | | 1.8809 | 1.8809 | 0.0000 | 3,685.6569 | 3,685.6569 | 1.1920 | | 3,715.4573 |
| **Total** | **3.8882** | **40.4971** | **21.1543** | **0.0380** | **18.0663** | **2.0445** | **20.1107** | **9.9307** | **1.8809** | **11.8116** | **0.0000** | **3,685.6569** | **3,685.6569** | **1.1920** | | **3,715.4573** |

### 3.3 Site Preparation - 2021

**Mitigated Construction Off-Site**

| | ROG | NOx | CO | SO2 | Fugitive PM10 | Exhaust PM10 | PM10 Total | Fugitive PM2.5 | Exhaust PM2.5 | PM2.5 Total | Bio- CO2 | NBio- CO2 | Total CO2 | CH4 | N2O | CO2e |
|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|
| Category | lb/day | | | | | | | | | | lb/day | | | | | |
| Hauling | 0.0000 | 0.0000 | 0.0000 | 0.0000 | 0.0000 | 0.0000 | 0.0000 | 0.0000 | 0.0000 | 0.0000 | | 0.0000 | 0.0000 | 0.0000 | | 0.0000 |
| Vendor | 0.0000 | 0.0000 | 0.0000 | 0.0000 | 0.0000 | 0.0000 | 0.0000 | 0.0000 | 0.0000 | 0.0000 | | 0.0000 | 0.0000 | 0.0000 | | 0.0000 |
| Worker | 0.0858 | 0.0587 | 0.6629 | 1.9400e-003 | 0.2012 | 1.6300e-003 | 0.2028 | 0.0534 | 1.5000e-003 | 0.0549 | | 193.0052 | 193.0052 | 5.6800e-003 | | 193.1472 |
| **Total** | **0.0858** | **0.0587** | **0.6629** | **1.9400e-003** | **0.2012** | **1.6300e-003** | **0.2028** | **0.0534** | **1.5000e-003** | **0.0549** | | **193.0052** | **193.0052** | **5.6800e-003** | | **193.1472** |

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### 3.4 Grading - 2021

**Unmitigated Construction On-Site**

| | ROG | NOx | CO | SO2 | Fugitive PM10 | Exhaust PM10 | PM10 Total | Fugitive PM2.5 | Exhaust PM2.5 | PM2.5 Total | Bio- CO2 | NBio- CO2 | Total CO2 | CH4 | N2O | CO2e |
|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|
| Category | lb/day | | | | | | | | | | lb/day | | | | | |
| Fugitive Dust | | | | | 8.6733 | 0.0000 | 8.6733 | 3.5965 | 0.0000 | 3.5965 | | | 0.0000 | | | 0.0000 |
| Off-Road | 4.1912 | 46.3998 | 30.8785 | 0.0620 | | 1.9853 | 1.9853 | | 1.8265 | 1.8265 | | 6,007.0434 | 6,007.0434 | 1.9428 | | 6,055.6134 |
| **Total** | **4.1912** | **46.3998** | **30.8785** | **0.0620** | **8.6733** | **1.9853** | **10.6587** | **3.5965** | **1.8265** | **5.4230** | | **6,007.0434** | **6,007.0434** | **1.9428** | | **6,055.6134** |

### 3.4 Grading - 2021

**Unmitigated Construction Off-Site**

| | ROG | NOx | CO | SO2 | Fugitive PM10 | Exhaust PM10 | PM10 Total | Fugitive PM2.5 | Exhaust PM2.5 | PM2.5 Total | Bio- CO2 | NBio- CO2 | Total CO2 | CH4 | N2O | CO2e |
|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|
| Category | lb/day | | | | | | | | | | lb/day | | | | | |
| Hauling | 0.0000 | 0.0000 | 0.0000 | 0.0000 | 0.0000 | 0.0000 | 0.0000 | 0.0000 | 0.0000 | 0.0000 | | 0.0000 | 0.0000 | 0.0000 | | 0.0000 |
| Vendor | 0.0000 | 0.0000 | 0.0000 | 0.0000 | 0.0000 | 0.0000 | 0.0000 | 0.0000 | 0.0000 | 0.0000 | | 0.0000 | 0.0000 | 0.0000 | | 0.0000 |
| Worker | 0.0954 | 0.0652 | 0.7365 | 2.1500e-003 | 0.2236 | 1.8100e-003 | 0.2254 | 0.0593 | 1.6600e-003 | 0.0610 | | 214.4502 | 214.4502 | 6.3100e-003 | | 214.6080 |
| **Total** | **0.0954** | **0.0652** | **0.7365** | **2.1500e-003** | **0.2236** | **1.8100e-003** | **0.2254** | **0.0593** | **1.6600e-003** | **0.0610** | | **214.4502** | **214.4502** | **6.3100e-003** | | **214.6080** |

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**Mitigated Construction On-Site**

| | ROG | NOx | CO | SO2 | Fugitive PM10 | Exhaust PM10 | PM10 Total | Fugitive PM2.5 | Exhaust PM2.5 | PM2.5 Total | Bio- CO2 | NBio- CO2 | Total CO2 | CH4 | N2O | CO2e |
|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|
| Category | lb/day | | | | | | | | | | lb/day | | | | | |
| Fugitive Dust | | | | | 8.6733 | 0.0000 | 8.6733 | 3.5965 | 0.0000 | 3.5965 | | | 0.0000 | | | 0.0000 |
| Off-Road | 4.1912 | 46.3998 | 30.8785 | 0.0620 | | 1.9853 | 1.9853 | | 1.8265 | 1.8265 | 0.0000 | 6,007.0434 | 6,007.0434 | 1.9428 | | 6,055.6134 |
| **Total** | **4.1912** | **46.3998** | **30.8785** | **0.0620** | **8.6733** | **1.9853** | **10.6587** | **3.5965** | **1.8265** | **5.4230** | **0.0000** | **6,007.0434** | **6,007.0434** | **1.9428** | | **6,055.6134** |

### 3.4 Grading - 2021

**Mitigated Construction Off-Site**

| | ROG | NOx | CO | SO2 | Fugitive PM10 | Exhaust PM10 | PM10 Total | Fugitive PM2.5 | Exhaust PM2.5 | PM2.5 Total | Bio- CO2 | NBio- CO2 | Total CO2 | CH4 | N2O | CO2e |
|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|
| Category | lb/day | | | | | | | | | | lb/day | | | | | |
| Hauling | 0.0000 | 0.0000 | 0.0000 | 0.0000 | 0.0000 | 0.0000 | 0.0000 | 0.0000 | 0.0000 | 0.0000 | | 0.0000 | 0.0000 | 0.0000 | | 0.0000 |
| Vendor | 0.0000 | 0.0000 | 0.0000 | 0.0000 | 0.0000 | 0.0000 | 0.0000 | 0.0000 | 0.0000 | 0.0000 | | 0.0000 | 0.0000 | 0.0000 | | 0.0000 |
| Worker | 0.0954 | 0.0652 | 0.7365 | 2.1500e-003 | 0.2236 | 1.8100e-003 | 0.2254 | 0.0593 | 1.6600e-003 | 0.0610 | | 214.4502 | 214.4502 | 6.3100e-003 | | 214.6080 |
| **Total** | **0.0954** | **0.0652** | **0.7365** | **2.1500e-003** | **0.2236** | **1.8100e-003** | **0.2254** | **0.0593** | **1.6600e-003** | **0.0610** | | **214.4502** | **214.4502** | **6.3100e-003** | | **214.6080** |

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### 3.4 Grading - 2022

**Unmitigated Construction On-Site**

| | ROG | NOx | CO | SO2 | Fugitive PM10 | Exhaust PM10 | PM10 Total | Fugitive PM2.5 | Exhaust PM2.5 | PM2.5 Total | Bio- CO2 | NBio- CO2 | Total CO2 | CH4 | N2O | CO2e |
|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|
| Category | lb/day | | | | | | | | | | lb/day | | | | | |
| Fugitive Dust | | | | | 8.6733 | 0.0000 | 8.6733 | 3.5965 | 0.0000 | 3.5965 | | | 0.0000 | | | 0.0000 |
| Off-Road | 3.6248 | 38.8435 | 29.0415 | 0.0621 | | 1.6349 | 1.6349 | | 1.5041 | 1.5041 | | 6,011.4105 | 6,011.4105 | 1.9442 | | 6,060.0158 |
| **Total** | **3.6248** | **38.8435** | **29.0415** | **0.0621** | **8.6733** | **1.6349** | **10.3082** | **3.5965** | **1.5041** | **5.1006** | | **6,011.4105** | **6,011.4105** | **1.9442** | | **6,060.0158** |

### 3.4 Grading - 2022

**Unmitigated Construction Off-Site**

| | ROG | NOx | CO | SO2 | Fugitive PM10 | Exhaust PM10 | PM10 Total | Fugitive PM2.5 | Exhaust PM2.5 | PM2.5 Total | Bio- CO2 | NBio- CO2 | Total CO2 | CH4 | N2O | CO2e |
|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|
| Category | lb/day | | | | | | | | | | lb/day | | | | | |
| Hauling | 0.0000 | 0.0000 | 0.0000 | 0.0000 | 0.0000 | 0.0000 | 0.0000 | 0.0000 | 0.0000 | 0.0000 | | 0.0000 | 0.0000 | 0.0000 | | 0.0000 |
| Vendor | 0.0000 | 0.0000 | 0.0000 | 0.0000 | 0.0000 | 0.0000 | 0.0000 | 0.0000 | 0.0000 | 0.0000 | | 0.0000 | 0.0000 | 0.0000 | | 0.0000 |
| Worker | 0.0896 | 0.0589 | 0.6784 | 2.0800e-003 | 0.2236 | 1.7500e-003 | 0.2253 | 0.0593 | 1.6100e-003 | 0.0609 | | 206.9139 | 206.9139 | 5.7000e-003 | | 207.0563 |
| **Total** | **0.0896** | **0.0589** | **0.6784** | **2.0800e-003** | **0.2236** | **1.7500e-003** | **0.2253** | **0.0593** | **1.6100e-003** | **0.0609** | | **206.9139** | **206.9139** | **5.7000e-003** | | **207.0563** |

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**Mitigated Construction On-Site**

| | ROG | NOx | CO | SO2 | Fugitive PM10 | Exhaust PM10 | PM10 Total | Fugitive PM2.5 | Exhaust PM2.5 | PM2.5 Total | Bio- CO2 | NBio- CO2 | Total CO2 | CH4 | N2O | CO2e |
|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|
| Category | lb/day | | | | | | | | | | lb/day | | | | | |
| Fugitive Dust | | | | | 8.6733 | 0.0000 | 8.6733 | 3.5965 | 0.0000 | 3.5965 | | | 0.0000 | | | 0.0000 |
| Off-Road | 3.6248 | 38.8435 | 29.0415 | 0.0621 | | 1.6349 | 1.6349 | | 1.5041 | 1.5041 | 0.0000 | 6,011.4105 | 6,011.4105 | 1.9442 | | 6,060.0158 |
| **Total** | **3.6248** | **38.8435** | **29.0415** | **0.0621** | **8.6733** | **1.6349** | **10.3082** | **3.5965** | **1.5041** | **5.1006** | **0.0000** | **6,011.4105** | **6,011.4105** | **1.9442** | | **6,060.0158** |

### 3.4 Grading - 2022

**Mitigated Construction Off-Site**

| | ROG | NOx | CO | SO2 | Fugitive PM10 | Exhaust PM10 | PM10 Total | Fugitive PM2.5 | Exhaust PM2.5 | PM2.5 Total | Bio- CO2 | NBio- CO2 | Total CO2 | CH4 | N2O | CO2e |
|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|
| Category | lb/day | | | | | | | | | | lb/day | | | | | |
| Hauling | 0.0000 | 0.0000 | 0.0000 | 0.0000 | 0.0000 | 0.0000 | 0.0000 | 0.0000 | 0.0000 | 0.0000 | | 0.0000 | 0.0000 | 0.0000 | | 0.0000 |
| Vendor | 0.0000 | 0.0000 | 0.0000 | 0.0000 | 0.0000 | 0.0000 | 0.0000 | 0.0000 | 0.0000 | 0.0000 | | 0.0000 | 0.0000 | 0.0000 | | 0.0000 |
| Worker | 0.0896 | 0.0589 | 0.6784 | 2.0800e-003 | 0.2236 | 1.7500e-003 | 0.2253 | 0.0593 | 1.6100e-003 | 0.0609 | | 206.9139 | 206.9139 | 5.7000e-003 | | 207.0563 |
| **Total** | **0.0896** | **0.0589** | **0.6784** | **2.0800e-003** | **0.2236** | **1.7500e-003** | **0.2253** | **0.0593** | **1.6100e-003** | **0.0609** | | **206.9139** | **206.9139** | **5.7000e-003** | | **207.0563** |

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### 3.5 Building Construction - 2022

**Unmitigated Construction On-Site**

| | ROG | NOx | CO | SO2 | Fugitive PM10 | Exhaust PM10 | PM10 Total | Fugitive PM2.5 | Exhaust PM2.5 | PM2.5 Total | Bio- CO2 | NBio- CO2 | Total CO2 | CH4 | N2O | CO2e |
|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|
| Category | lb/day | | | | | | | | | | lb/day | | | | | |
| Off-Road | 1.7062 | 15.6156 | 16.3634 | 0.0269 | | 0.8090 | 0.8090 | | 0.7612 | 0.7612 | | 2,554.3336 | 2,554.3336 | 0.6120 | | 2,569.6322 |
| **Total** | **1.7062** | **15.6156** | **16.3634** | **0.0269** | | **0.8090** | **0.8090** | | **0.7612** | **0.7612** | | **2,554.3336** | **2,554.3336** | **0.6120** | | **2,569.6322** |

### 3.5 Building Construction - 2022

**Unmitigated Construction Off-Site**

| | ROG | NOx | CO | SO2 | Fugitive PM10 | Exhaust PM10 | PM10 Total | Fugitive PM2.5 | Exhaust PM2.5 | PM2.5 Total | Bio- CO2 | NBio- CO2 | Total CO2 | CH4 | N2O | CO2e |
|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|
| Category | lb/day | | | | | | | | | | lb/day | | | | | |
| Hauling | 0.0000 | 0.0000 | 0.0000 | 0.0000 | 0.0000 | 0.0000 | 0.0000 | 0.0000 | 0.0000 | 0.0000 | | 0.0000 | 0.0000 | 0.0000 | | 0.0000 |
| Vendor | 0.4284 | 13.1673 | 3.8005 | 0.0354 | 0.9155 | 0.0256 | 0.9412 | 0.2636 | 0.0245 | 0.2881 | | 3,789.0750 | 3,789.0750 | 0.2381 | | 3,795.0283 |
| Worker | 3.5872 | 2.3593 | 27.1680 | 0.0832 | 8.9533 | 0.0701 | 9.0234 | 2.3745 | 0.0646 | 2.4390 | | 8,286.9013 | 8,286.9013 | 0.2282 | | 8,292.6058 |
| **Total** | **4.0156** | **15.5266** | **30.9685** | **0.1186** | **9.8688** | **0.0957** | **9.9645** | **2.6381** | **0.0891** | **2.7271** | | **12,075.9763** | **12,075.9763** | **0.4663** | | **12,087.6341** |

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**Mitigated Construction On-Site**

| | ROG | NOx | CO | SO2 | Fugitive PM10 | Exhaust PM10 | PM10 Total | Fugitive PM2.5 | Exhaust PM2.5 | PM2.5 Total | Bio- CO2 | NBio- CO2 | Total CO2 | CH4 | N2O | CO2e |
|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|
| Category | lb/day | | | | | | | | | | lb/day | | | | | |
| Off-Road | 1.7062 | 15.6156 | 16.3634 | 0.0269 | | 0.8090 | 0.8090 | | 0.7612 | 0.7612 | 0.0000 | 2,554.3336 | 2,554.3336 | 0.6120 | | 2,569.6322 |
| **Total** | **1.7062** | **15.6156** | **16.3634** | **0.0269** | | **0.8090** | **0.8090** | | **0.7612** | **0.7612** | **0.0000** | **2,554.3336** | **2,554.3336** | **0.6120** | | **2,569.6322** |

### 3.5 Building Construction - 2022

**Mitigated Construction Off-Site**

| | ROG | NOx | CO | SO2 | Fugitive PM10 | Exhaust PM10 | PM10 Total | Fugitive PM2.5 | Exhaust PM2.5 | PM2.5 Total | Bio- CO2 | NBio- CO2 | Total CO2 | CH4 | N2O | CO2e |
|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|
| Category | lb/day | | | | | | | | | | lb/day | | | | | |
| Hauling | 0.0000 | 0.0000 | 0.0000 | 0.0000 | 0.0000 | 0.0000 | 0.0000 | 0.0000 | 0.0000 | 0.0000 | | 0.0000 | 0.0000 | 0.0000 | | 0.0000 |
| Vendor | 0.4284 | 13.1673 | 3.8005 | 0.0354 | 0.9155 | 0.0256 | 0.9412 | 0.2636 | 0.0245 | 0.2881 | | 3,789.0750 | 3,789.0750 | 0.2381 | | 3,795.0283 |
| Worker | 3.5872 | 2.3593 | 27.1680 | 0.0832 | 8.9533 | 0.0701 | 9.0234 | 2.3745 | 0.0646 | 2.4390 | | 8,286.9013 | 8,286.9013 | 0.2282 | | 8,292.6058 |
| **Total** | **4.0156** | **15.5266** | **30.9685** | **0.1186** | **9.8688** | **0.0957** | **9.9645** | **2.6381** | **0.0891** | **2.7271** | | **12,075.9763** | **12,075.9763** | **0.4663** | | **12,087.6341** |

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### 3.5 Building Construction - 2023

**Unmitigated Construction On-Site**

| | ROG | NOx | CO | SO2 | Fugitive PM10 | Exhaust PM10 | PM10 Total | Fugitive PM2.5 | Exhaust PM2.5 | PM2.5 Total | Bio- CO2 | NBio- CO2 | Total CO2 | CH4 | N2O | CO2e |
|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|
| Category | lb/day | | | | | | | | | | lb/day | | | | | |
| Off-Road | 1.5728 | 14.3849 | 16.2440 | 0.0269 | | 0.6997 | 0.6997 | | 0.6584 | 0.6584 | | 2,555.2099 | 2,555.2099 | 0.6079 | | 2,570.4061 |
| **Total** | **1.5728** | **14.3849** | **16.2440** | **0.0269** | | **0.6997** | **0.6997** | | **0.6584** | **0.6584** | | **2,555.2099** | **2,555.2099** | **0.6079** | | **2,570.4061** |

### 3.5 Building Construction - 2023

**Unmitigated Construction Off-Site**

| | ROG | NOx | CO | SO2 | Fugitive PM10 | Exhaust PM10 | PM10 Total | Fugitive PM2.5 | Exhaust PM2.5 | PM2.5 Total | Bio- CO2 | NBio- CO2 | Total CO2 | CH4 | N2O | CO2e |
|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|
| Category | lb/day | | | | | | | | | | lb/day | | | | | |
| Hauling | 0.0000 | 0.0000 | 0.0000 | 0.0000 | 0.0000 | 0.0000 | 0.0000 | 0.0000 | 0.0000 | 0.0000 | | 0.0000 | 0.0000 | 0.0000 | | 0.0000 |
| Vendor | 0.3183 | 9.9726 | 3.3771 | 0.0343 | 0.9156 | 0.0122 | 0.9277 | 0.2636 | 0.0116 | 0.2752 | | 3,671.4007 | 3,671.4007 | 0.2096 | | 3,676.6417 |
| Worker | 3.3795 | 2.1338 | 24.9725 | 0.0801 | 8.9533 | 0.0681 | 9.0214 | 2.3745 | 0.0627 | 2.4372 | | 7,983.7318 | 7,983.7318 | 0.2055 | | 7,988.8683 |
| **Total** | **3.6978** | **12.1065** | **28.3496** | **0.1144** | **9.8688** | **0.0803** | **9.9491** | **2.6381** | **0.0743** | **2.7124** | | **11,655.1325** | **11,655.1325** | **0.4151** | | **11,665.5099** |

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**Mitigated Construction On-Site**

| | ROG | NOx | CO | SO2 | Fugitive PM10 | Exhaust PM10 | PM10 Total | Fugitive PM2.5 | Exhaust PM2.5 | PM2.5 Total | Bio- CO2 | NBio- CO2 | Total CO2 | CH4 | N2O | CO2e |
|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|
| Category | lb/day | | | | | | | | | | lb/day | | | | | |
| Off-Road | 1.5728 | 14.3849 | 16.2440 | 0.0269 | | 0.6997 | 0.6997 | | 0.6584 | 0.6584 | 0.0000 | 2,555.2099 | 2,555.2099 | 0.6079 | | 2,570.4061 |
| **Total** | **1.5728** | **14.3849** | **16.2440** | **0.0269** | | **0.6997** | **0.6997** | | **0.6584** | **0.6584** | **0.0000** | **2,555.2099** | **2,555.2099** | **0.6079** | | **2,570.4061** |

### 3.5 Building Construction - 2023

**Mitigated Construction Off-Site**

| | ROG | NOx | CO | SO2 | Fugitive PM10 | Exhaust PM10 | PM10 Total | Fugitive PM2.5 | Exhaust PM2.5 | PM2.5 Total | Bio- CO2 | NBio- CO2 | Total CO2 | CH4 | N2O | CO2e |
|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|
| Category | lb/day | | | | | | | | | | lb/day | | | | | |
| Hauling | 0.0000 | 0.0000 | 0.0000 | 0.0000 | 0.0000 | 0.0000 | 0.0000 | 0.0000 | 0.0000 | 0.0000 | | 0.0000 | 0.0000 | 0.0000 | | 0.0000 |
| Vendor | 0.3183 | 9.9726 | 3.3771 | 0.0343 | 0.9156 | 0.0122 | 0.9277 | 0.2636 | 0.0116 | 0.2752 | | 3,671.4007 | 3,671.4007 | 0.2096 | | 3,676.6417 |
| Worker | 3.3795 | 2.1338 | 24.9725 | 0.0801 | 8.9533 | 0.0681 | 9.0214 | 2.3745 | 0.0627 | 2.4372 | | 7,983.7318 | 7,983.7318 | 0.2055 | | 7,988.8683 |
| **Total** | **3.6978** | **12.1065** | **28.3496** | **0.1144** | **9.8688** | **0.0803** | **9.9491** | **2.6381** | **0.0743** | **2.7124** | | **11,655.1325** | **11,655.1325** | **0.4151** | | **11,665.5099** |

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### 3.6 Paving - 2023

**Unmitigated Construction On-Site**

| | ROG | NOx | CO | SO2 | Fugitive PM10 | Exhaust PM10 | PM10 Total | Fugitive PM2.5 | Exhaust PM2.5 | PM2.5 Total | Bio- CO2 | NBio- CO2 | Total CO2 | CH4 | N2O | CO2e |
|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|
| Category | lb/day | | | | | | | | | | lb/day | | | | | |
| Off-Road | 1.0327 | 10.1917 | 14.5842 | 0.0228 | | 0.5102 | 0.5102 | | 0.4694 | 0.4694 | | 2,207.5841 | 2,207.5841 | 0.7140 | | 2,225.4336 |
| Paving | 0.0000 | | | | | 0.0000 | 0.0000 | | 0.0000 | 0.0000 | | | 0.0000 | | | 0.0000 |
| **Total** | **1.0327** | **10.1917** | **14.5842** | **0.0228** | | **0.5102** | **0.5102** | | **0.4694** | **0.4694** | | **2,207.5841** | **2,207.5841** | **0.7140** | | **2,225.4336** |

### 3.6 Paving - 2023

**Unmitigated Construction Off-Site**

| | ROG | NOx | CO | SO2 | Fugitive PM10 | Exhaust PM10 | PM10 Total | Fugitive PM2.5 | Exhaust PM2.5 | PM2.5 Total | Bio- CO2 | NBio- CO2 | Total CO2 | CH4 | N2O | CO2e |
|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|
| Category | lb/day | | | | | | | | | | lb/day | | | | | |
| Hauling | 0.0000 | 0.0000 | 0.0000 | 0.0000 | 0.0000 | 0.0000 | 0.0000 | 0.0000 | 0.0000 | 0.0000 | | 0.0000 | 0.0000 | 0.0000 | | 0.0000 |
| Vendor | 0.0000 | 0.0000 | 0.0000 | 0.0000 | 0.0000 | 0.0000 | 0.0000 | 0.0000 | 0.0000 | 0.0000 | | 0.0000 | 0.0000 | 0.0000 | | 0.0000 |
| Worker | 0.0633 | 0.0400 | 0.4677 | 1.5000e-003 | 0.1677 | 1.2800e-003 | 0.1689 | 0.0445 | 1.1700e-003 | 0.0456 | | 149.5081 | 149.5081 | 3.8500e-003 | | 149.6043 |
| **Total** | **0.0633** | **0.0400** | **0.4677** | **1.5000e-003** | **0.1677** | **1.2800e-003** | **0.1689** | **0.0445** | **1.1700e-003** | **0.0456** | | **149.5081** | **149.5081** | **3.8500e-003** | | **149.6043** |

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CONT

**Mitigated Construction On-Site**

| | ROG | NOx | CO | SO2 | Fugitive PM10 | Exhaust PM10 | PM10 Total | Fugitive PM2.5 | Exhaust PM2.5 | PM2.5 Total | Bio- CO2 | NBio- CO2 | Total CO2 | CH4 | N2O | CO2e |
|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|
| Category | lb/day | | | | | | | | | | lb/day | | | | | |
| Off-Road | 1.0327 | 10.1917 | 14.5842 | 0.0228 | | 0.5102 | 0.5102 | | 0.4694 | 0.4694 | 0.0000 | 2,207.5841 | 2,207.5841 | 0.7140 | | 2,225.4336 |
| Paving | 0.0000 | | | | | 0.0000 | 0.0000 | | 0.0000 | 0.0000 | | | 0.0000 | | | 0.0000 |
| **Total** | **1.0327** | **10.1917** | **14.5842** | **0.0228** | | **0.5102** | **0.5102** | | **0.4694** | **0.4694** | **0.0000** | **2,207.5841** | **2,207.5841** | **0.7140** | | **2,225.4336** |

### 3.6 Paving - 2023

**Mitigated Construction Off-Site**

| | ROG | NOx | CO | SO2 | Fugitive PM10 | Exhaust PM10 | PM10 Total | Fugitive PM2.5 | Exhaust PM2.5 | PM2.5 Total | Bio- CO2 | NBio- CO2 | Total CO2 | CH4 | N2O | CO2e |
|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|
| Category | lb/day | | | | | | | | | | lb/day | | | | | |
| Hauling | 0.0000 | 0.0000 | 0.0000 | 0.0000 | 0.0000 | 0.0000 | 0.0000 | 0.0000 | 0.0000 | 0.0000 | | 0.0000 | 0.0000 | 0.0000 | | 0.0000 |
| Vendor | 0.0000 | 0.0000 | 0.0000 | 0.0000 | 0.0000 | 0.0000 | 0.0000 | 0.0000 | 0.0000 | 0.0000 | | 0.0000 | 0.0000 | 0.0000 | | 0.0000 |
| Worker | 0.0633 | 0.0400 | 0.4677 | 1.5000e-003 | 0.1677 | 1.2800e-003 | 0.1689 | 0.0445 | 1.1700e-003 | 0.0456 | | 149.5081 | 149.5081 | 3.8500e-003 | | 149.6043 |
| **Total** | **0.0633** | **0.0400** | **0.4677** | **1.5000e-003** | **0.1677** | **1.2800e-003** | **0.1689** | **0.0445** | **1.1700e-003** | **0.0456** | | **149.5081** | **149.5081** | **3.8500e-003** | | **149.6043** |

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CONT

### 3.6 Paving - 2024

**Unmitigated Construction On-Site**

| | ROG | NOx | CO | SO2 | Fugitive PM10 | Exhaust PM10 | PM10 Total | Fugitive PM2.5 | Exhaust PM2.5 | PM2.5 Total | Bio- CO2 | NBio- CO2 | Total CO2 | CH4 | N2O | CO2e |
|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|
| Category | lb/day | | | | | | | | | | lb/day | | | | | |
| Off-Road | 0.9882 | 9.5246 | 14.6258 | 0.0228 | | 0.4685 | 0.4685 | | 0.4310 | 0.4310 | | 2,207.5472 | 2,207.5472 | 0.7140 | | 2,225.3963 |
| Paving | 0.0000 | | | | | 0.0000 | 0.0000 | | 0.0000 | 0.0000 | | | 0.0000 | | | 0.0000 |
| **Total** | **0.9882** | **9.5246** | **14.6258** | **0.0228** | | **0.4685** | **0.4685** | | **0.4310** | **0.4310** | | **2,207.5472** | **2,207.5472** | **0.7140** | | **2,225.3963** |

### 3.6 Paving - 2024

**Unmitigated Construction Off-Site**

| | ROG | NOx | CO | SO2 | Fugitive PM10 | Exhaust PM10 | PM10 Total | Fugitive PM2.5 | Exhaust PM2.5 | PM2.5 Total | Bio- CO2 | NBio- CO2 | Total CO2 | CH4 | N2O | CO2e |
|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|
| Category | lb/day | | | | | | | | | | lb/day | | | | | |
| Hauling | 0.0000 | 0.0000 | 0.0000 | 0.0000 | 0.0000 | 0.0000 | 0.0000 | 0.0000 | 0.0000 | 0.0000 | | 0.0000 | 0.0000 | 0.0000 | | 0.0000 |
| Vendor | 0.0000 | 0.0000 | 0.0000 | 0.0000 | 0.0000 | 0.0000 | 0.0000 | 0.0000 | 0.0000 | 0.0000 | | 0.0000 | 0.0000 | 0.0000 | | 0.0000 |
| Worker | 0.0601 | 0.0364 | 0.4354 | 1.4500e-003 | 0.1677 | 1.2600e-003 | 0.1689 | 0.0445 | 1.1600e-003 | 0.0456 | | 144.8706 | 144.8706 | 3.5300e-003 | | 144.9587 |
| **Total** | **0.0601** | **0.0364** | **0.4354** | **1.4500e-003** | **0.1677** | **1.2600e-003** | **0.1689** | **0.0445** | **1.1600e-003** | **0.0456** | | **144.8706** | **144.8706** | **3.5300e-003** | | **144.9587** |

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CONT

**Mitigated Construction On-Site**

| | ROG | NOx | CO | SO2 | Fugitive PM10 | Exhaust PM10 | PM10 Total | Fugitive PM2.5 | Exhaust PM2.5 | PM2.5 Total | Bio- CO2 | NBio- CO2 | Total CO2 | CH4 | N2O | CO2e |
|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|
| Category | lb/day | | | | | | | | | | lb/day | | | | | |
| Off-Road | 0.9882 | 9.5246 | 14.6258 | 0.0228 | | 0.4685 | 0.4685 | | 0.4310 | 0.4310 | 0.0000 | 2,207.5472 | 2,207.5472 | 0.7140 | | 2,225.3963 |
| Paving | 0.0000 | | | | | 0.0000 | 0.0000 | | 0.0000 | 0.0000 | | | 0.0000 | | | 0.0000 |
| **Total** | **0.9882** | **9.5246** | **14.6258** | **0.0228** | | **0.4685** | **0.4685** | | **0.4310** | **0.4310** | **0.0000** | **2,207.5472** | **2,207.5472** | **0.7140** | | **2,225.3963** |

### 3.6 Paving - 2024

**Mitigated Construction Off-Site**

| | ROG | NOx | CO | SO2 | Fugitive PM10 | Exhaust PM10 | PM10 Total | Fugitive PM2.5 | Exhaust PM2.5 | PM2.5 Total | Bio- CO2 | NBio- CO2 | Total CO2 | CH4 | N2O | CO2e |
|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|
| Category | lb/day | | | | | | | | | | lb/day | | | | | |
| Hauling | 0.0000 | 0.0000 | 0.0000 | 0.0000 | 0.0000 | 0.0000 | 0.0000 | 0.0000 | 0.0000 | 0.0000 | | 0.0000 | 0.0000 | 0.0000 | | 0.0000 |
| Vendor | 0.0000 | 0.0000 | 0.0000 | 0.0000 | 0.0000 | 0.0000 | 0.0000 | 0.0000 | 0.0000 | 0.0000 | | 0.0000 | 0.0000 | 0.0000 | | 0.0000 |
| Worker | 0.0601 | 0.0364 | 0.4354 | 1.4500e-003 | 0.1677 | 1.2600e-003 | 0.1689 | 0.0445 | 1.1600e-003 | 0.0456 | | 144.8706 | 144.8706 | 3.5300e-003 | | 144.9587 |
| **Total** | **0.0601** | **0.0364** | **0.4354** | **1.4500e-003** | **0.1677** | **1.2600e-003** | **0.1689** | **0.0445** | **1.1600e-003** | **0.0456** | | **144.8706** | **144.8706** | **3.5300e-003** | | **144.9587** |

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### 3.7 Architectural Coating - 2024

**Unmitigated Construction On-Site**

| | ROG | NOx | CO | SO2 | Fugitive PM10 | Exhaust PM10 | PM10 Total | Fugitive PM2.5 | Exhaust PM2.5 | PM2.5 Total | Bio- CO2 | NBio- CO2 | Total CO2 | CH4 | N2O | CO2e |
|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|
| Category | lb/day | | | | | | | | | | lb/day | | | | | |
| Archit. Coating | 236.4115 | | | | | 0.0000 | 0.0000 | | 0.0000 | 0.0000 | | | 0.0000 | | | 0.0000 |
| Off-Road | 0.1808 | 1.2188 | 1.8101 | 2.9700e-003 | | 0.0609 | 0.0609 | | 0.0609 | 0.0609 | | 281.4481 | 281.4481 | 0.0159 | | 281.8443 |
| **Total** | **236.5923** | **1.2188** | **1.8101** | **2.9700e-003** | | **0.0609** | **0.0609** | | **0.0609** | **0.0609** | | **281.4481** | **281.4481** | **0.0159** | | **281.8443** |

### 3.7 Architectural Coating - 2024

**Unmitigated Construction Off-Site**

| | ROG | NOx | CO | SO2 | Fugitive PM10 | Exhaust PM10 | PM10 Total | Fugitive PM2.5 | Exhaust PM2.5 | PM2.5 Total | Bio- CO2 | NBio- CO2 | Total CO2 | CH4 | N2O | CO2e |
|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|
| Category | lb/day | | | | | | | | | | lb/day | | | | | |
| Hauling | 0.0000 | 0.0000 | 0.0000 | 0.0000 | 0.0000 | 0.0000 | 0.0000 | 0.0000 | 0.0000 | 0.0000 | | 0.0000 | 0.0000 | 0.0000 | | 0.0000 |
| Vendor | 0.0000 | 0.0000 | 0.0000 | 0.0000 | 0.0000 | 0.0000 | 0.0000 | 0.0000 | 0.0000 | 0.0000 | | 0.0000 | 0.0000 | 0.0000 | | 0.0000 |
| Worker | 0.6406 | 0.3886 | 4.6439 | 0.0155 | 1.7884 | 0.0134 | 1.8018 | 0.4743 | 0.0123 | 0.4866 | | 1,545.2860 | 1,545.2860 | 0.0376 | | 1,546.2262 |
| **Total** | **0.6406** | **0.3886** | **4.6439** | **0.0155** | **1.7884** | **0.0134** | **1.8018** | **0.4743** | **0.0123** | **0.4866** | | **1,545.2860** | **1,545.2860** | **0.0376** | | **1,546.2262** |

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**Mitigated Construction On-Site**

| | ROG | NOx | CO | SO2 | Fugitive PM10 | Exhaust PM10 | PM10 Total | Fugitive PM2.5 | Exhaust PM2.5 | PM2.5 Total | Bio- CO2 | NBio- CO2 | Total CO2 | CH4 | N2O | CO2e |
|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|
| Category | lb/day | | | | | | | | | | lb/day | | | | | |
| Archit. Coating | 236.4115 | | | | | 0.0000 | 0.0000 | | 0.0000 | 0.0000 | | | 0.0000 | | | 0.0000 |
| Off-Road | 0.1808 | 1.2188 | 1.8101 | 2.9700e-003 | | 0.0609 | 0.0609 | | 0.0609 | 0.0609 | 0.0000 | 281.4481 | 281.4481 | 0.0159 | | 281.8443 |
| **Total** | **236.5923** | **1.2188** | **1.8101** | **2.9700e-003** | | **0.0609** | **0.0609** | | **0.0609** | **0.0609** | **0.0000** | **281.4481** | **281.4481** | **0.0159** | | **281.8443** |

### 3.7 Architectural Coating - 2024

**Mitigated Construction Off-Site**

| | ROG | NOx | CO | SO2 | Fugitive PM10 | Exhaust PM10 | PM10 Total | Fugitive PM2.5 | Exhaust PM2.5 | PM2.5 Total | Bio- CO2 | NBio- CO2 | Total CO2 | CH4 | N2O | CO2e |
|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|
| Category | lb/day | | | | | | | | | | lb/day | | | | | |
| Hauling | 0.0000 | 0.0000 | 0.0000 | 0.0000 | 0.0000 | 0.0000 | 0.0000 | 0.0000 | 0.0000 | 0.0000 | | 0.0000 | 0.0000 | 0.0000 | | 0.0000 |
| Vendor | 0.0000 | 0.0000 | 0.0000 | 0.0000 | 0.0000 | 0.0000 | 0.0000 | 0.0000 | 0.0000 | 0.0000 | | 0.0000 | 0.0000 | 0.0000 | | 0.0000 |
| Worker | 0.6406 | 0.3886 | 4.6439 | 0.0155 | 1.7884 | 0.0134 | 1.8018 | 0.4743 | 0.0123 | 0.4866 | | 1,545.2860 | 1,545.2860 | 0.0376 | | 1,546.2262 |
| **Total** | **0.6406** | **0.3886** | **4.6439** | **0.0155** | **1.7884** | **0.0134** | **1.8018** | **0.4743** | **0.0123** | **0.4866** | | **1,545.2860** | **1,545.2860** | **0.0376** | | **1,546.2262** |

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## 4.0 Operational Detail - Mobile

### 4.1 Mitigation Measures Mobile

| | ROG | NOx | CO | SO2 | Fugitive PM10 | Exhaust PM10 | PM10 Total | Fugitive PM2.5 | Exhaust PM2.5 | PM2.5 Total | Bio- CO2 | NBio- CO2 | Total CO2 | CH4 | N2O | CO2e |
|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|
| Category | lb/day | | | | | | | | | | lb/day | | | | | |
| Mitigated | 9.5233 | 45.9914 | 110.0422 | 0.4681 | 45.9592 | 0.3373 | 46.2965 | 12.2950 | 0.3132 | 12.6083 | | 47,917.8005 | 47,917.8005 | 2.1953 | | 47,972.6839 |
| Unmitigated | 9.5233 | 45.9914 | 110.0422 | 0.4681 | 45.9592 | 0.3373 | 46.2965 | 12.2950 | 0.3132 | 12.6083 | | 47,917.8005 | 47,917.8005 | 2.1953 | | 47,972.6839 |

## 4.2 Trip Summary Information

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| | Average Daily Trip Rate | | | Unmitigated | Mitigated |
|---|---|---|---|---|---|
| Land Use | Weekday | Saturday | Sunday | Annual VMT | Annual VMT |
| Apartments Low Rise | 145.75 | 154.25 | 154.00 | 506,227 | 506,227 |
| Apartments Mid Rise | 4,026.75 | 3,773.25 | 4075.50 | 13,660,065 | 13,660,065 |
| General Office Building | 288.45 | 62.55 | 31.05 | 706,812 | 706,812 |
| High Turnover (Sit Down Restaurant) | 2,368.80 | 2,873.52 | 2817.72 | 3,413,937 | 3,413,937 |
| Hotel | 192.00 | 187.50 | 160.00 | 445,703 | 445,703 |
| Quality Restaurant | 501.12 | 511.92 | 461.20 | 707,488 | 707,488 |
| Regional Shopping Center | 528.08 | 601.44 | 357.84 | 1,112,221 | 1,112,221 |
| Total | 8,050.95 | 8,164.43 | 8,057.31 | 20,552,452 | 20,552,452 |

## 4.3 Trip Type Information

Village South Specific Plan (Proposed) - Los Angeles-South Coast County, Winter

| | Miles | | | Trip % | | | Trip Purpose % | | |
|---|---|---|---|---|---|---|---|---|---|
| Land Use | H-W or C-W | H-S or C-C | H-O or C-NW | H-W or C-W | H-S or C-C | H-O or C-NW | Primary | Diverted | Pass-by |
| Apartments Low Rise | 14.70 | 5.90 | 8.70 | 40.20 | 19.20 | 40.60 | 86 | 11 | 3 |
| Apartments Mid Rise | 14.70 | 5.90 | 8.70 | 40.20 | 19.20 | 40.60 | 86 | 11 | 3 |
| General Office Building | 16.60 | 8.40 | 6.90 | 33.00 | 48.00 | 19.00 | 77 | 19 | 4 |
| High Turnover (Sit Down | 16.60 | 8.40 | 6.90 | 8.50 | 72.50 | 19.00 | 37 | 20 | 43 |
| Hotel | 16.60 | 8.40 | 6.90 | 19.40 | 61.60 | 19.00 | 58 | 38 | 4 |
| Quality Restaurant | 16.60 | 8.40 | 6.90 | 12.00 | 69.00 | 19.00 | 38 | 18 | 44 |
| Regional Shopping Center | 16.60 | 8.40 | 6.90 | 16.30 | 64.70 | 19.00 | 54 | 35 | 11 |

### 4.4 Fleet Mix

| Land Use | LDA | LDT1 | LDT2 | MDV | LHD1 | LHD2 | MHD | HHD | OBUS | UBUS | MCY | SBUS | MH |
|---|---|---|---|---|---|---|---|---|---|---|---|---|---|
| Apartments Low Rise | 0.543088 | 0.044216 | 0.209971 | 0.116369 | 0.014033 | 0.006332 | 0.021166 | 0.033577 | 0.002613 | 0.001817 | 0.005285 | 0.000712 | 0.000821 |
| Apartments Mid Rise | 0.543088 | 0.044216 | 0.209971 | 0.116369 | 0.014033 | 0.006332 | 0.021166 | 0.033577 | 0.002613 | 0.001817 | 0.005285 | 0.000712 | 0.000821 |
| General Office Building | 0.543088 | 0.044216 | 0.209971 | 0.116369 | 0.014033 | 0.006332 | 0.021166 | 0.033577 | 0.002613 | 0.001817 | 0.005285 | 0.000712 | 0.000821 |
| High Turnover (Sit Down Restaurant) | 0.543088 | 0.044216 | 0.209971 | 0.116369 | 0.014033 | 0.006332 | 0.021166 | 0.033577 | 0.002613 | 0.001817 | 0.005285 | 0.000712 | 0.000821 |
| Hotel | 0.543088 | 0.044216 | 0.209971 | 0.116369 | 0.014033 | 0.006332 | 0.021166 | 0.033577 | 0.002613 | 0.001817 | 0.005285 | 0.000712 | 0.000821 |
| Quality Restaurant | 0.543088 | 0.044216 | 0.209971 | 0.116369 | 0.014033 | 0.006332 | 0.021166 | 0.033577 | 0.002613 | 0.001817 | 0.005285 | 0.000712 | 0.000821 |
| Regional Shopping Center | 0.543088 | 0.044216 | 0.209971 | 0.116369 | 0.014033 | 0.006332 | 0.021166 | 0.033577 | 0.002613 | 0.001817 | 0.005285 | 0.000712 | 0.000821 |

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## 5.0 Energy Detail

Historical Energy Use: N

### 5.1 Mitigation Measures Energy

Village South Specific Plan (Proposed) - Los Angeles-South Coast County, Winter

| | ROG | NOx | CO | SO2 | Fugitive PM10 | Exhaust PM10 | PM10 Total | Fugitive PM2.5 | Exhaust PM2.5 | PM2.5 Total | Bio- CO2 | NBio- CO2 | Total CO2 | CH4 | N2O | CO2e |
|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|
| Category | lb/day | | | | | | | | | | lb/day | | | | | |
| NaturalGas Mitigated | 0.7660 | 6.7462 | 4.2573 | 0.0418 | | 0.5292 | 0.5292 | | 0.5292 | 0.5292 | | 8,355.9832 | 8,355.9832 | 0.1602 | 0.1532 | 8,405.6387 |
| NaturalGas Unmitigated | 0.7660 | 6.7462 | 4.2573 | 0.0418 | | 0.5292 | 0.5292 | | 0.5292 | 0.5292 | | 8,355.9832 | 8,355.9832 | 0.1602 | 0.1532 | 8,405.6387 |

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## 5.2 Energy by Land Use - NaturalGas

**Unmitigated**

| | NaturalGas Use | ROG | NOx | CO | SO2 | Fugitive PM10 | Exhaust PM10 | PM10 Total | Fugitive PM2.5 | Exhaust PM2.5 | PM2.5 Total | Bio- CO2 | NBio- CO2 | Total CO2 | CH4 | N2O | CO2e |
|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|
| Land Use | kBTU/yr | lb/day | | | | | | | | | | lb/day | | | | | |
| Apartments Low Rise | 1119.16 | 0.0121 | 0.1031 | 0.0439 | 6.6000e-004 | | 8.3400e-003 | 8.3400e-003 | | 8.3400e-003 | 8.3400e-003 | | 131.6662 | 131.6662 | 2.5200e-003 | 2.4100e-003 | 132.4486 |
| Apartments Mid Rise | 35784.3 | 0.3859 | 3.2978 | 1.4033 | 0.0211 | | 0.2666 | 0.2666 | | 0.2666 | 0.2666 | | 4,209.9164 | 4,209.9164 | 0.0807 | 0.0772 | 4,234.9339 |
| General Office Building | 1283.42 | 0.0138 | 0.1258 | 0.1057 | 7.5000e-004 | | 9.5600e-003 | 9.5600e-003 | | 9.5600e-003 | 9.5600e-003 | | 150.9911 | 150.9911 | 2.8900e-003 | 2.7700e-003 | 151.8884 |
| High Turnover (Sit Down Restaurant) | 22759.9 | 0.2455 | 2.2314 | 1.8743 | 0.0134 | | 0.1696 | 0.1696 | | 0.1696 | 0.1696 | | 2,677.6342 | 2,677.6342 | 0.0513 | 0.0491 | 2,693.5460 |
| Hotel | 4769.72 | 0.0514 | 0.4676 | 0.3928 | 2.8100e-003 | | 0.0355 | 0.0355 | | 0.0355 | 0.0355 | | 561.1436 | 561.1436 | 0.0108 | 0.0103 | 564.4782 |
| Quality Restaurant | 5057.75 | 0.0545 | 0.4959 | 0.4165 | 2.9800e-003 | | 0.0377 | 0.0377 | | 0.0377 | 0.0377 | | 595.0298 | 595.0298 | 0.0114 | 0.0109 | 598.5658 |
| Regional Shopping Center | 251.616 | 2.7100e-003 | 0.0247 | 0.0207 | 1.5000e-004 | | 1.8700e-003 | 1.8700e-003 | | 1.8700e-003 | 1.8700e-003 | | 29.6019 | 29.6019 | 5.7000e-004 | 5.4000e-004 | 29.7778 |
| **Total** | | **0.7660** | **6.7463** | **4.2573** | **0.0418** | | **0.5292** | **0.5292** | | **0.5292** | **0.5292** | | **8,355.9832** | **8,355.9832** | **0.1602** | **0.1532** | **8,405.6387** |

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### 5.2 Energy by Land Use - NaturalGas

**Mitigated**

| | NaturalGas Use | ROG | NOx | CO | SO2 | Fugitive PM10 | Exhaust PM10 | PM10 Total | Fugitive PM2.5 | Exhaust PM2.5 | PM2.5 Total | Bio- CO2 | NBio- CO2 | Total CO2 | CH4 | N2O | CO2e |
|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|
| Land Use | kBTU/yr | lb/day | | | | | | | | | | lb/day | | | | | |
| Apartments Low Rise | 1.11916 | 0.0121 | 0.1031 | 0.0439 | 6.6000e-004 | | 8.3400e-003 | 8.3400e-003 | | 8.3400e-003 | 8.3400e-003 | | 131.6662 | 131.6662 | 2.5200e-003 | 2.4100e-003 | 132.4486 |
| Apartments Mid Rise | 35.7843 | 0.3859 | 3.2978 | 1.4033 | 0.0211 | | 0.2666 | 0.2666 | | 0.2666 | 0.2666 | | 4,209.9164 | 4,209.9164 | 0.0807 | 0.0772 | 4,234.9339 |
| General Office Building | 1.28342 | 0.0138 | 0.1258 | 0.1057 | 7.5000e-004 | | 9.5600e-003 | 9.5600e-003 | | 9.5600e-003 | 9.5600e-003 | | 150.9911 | 150.9911 | 2.8900e-003 | 2.7700e-003 | 151.8884 |
| High Turnover (Sit Down Restaurant) | 22.7599 | 0.2455 | 2.2314 | 1.8743 | 0.0134 | | 0.1696 | 0.1696 | | 0.1696 | 0.1696 | | 2,677.6342 | 2,677.6342 | 0.0513 | 0.0491 | 2,693.5460 |
| Hotel | 4.76972 | 0.0514 | 0.4676 | 0.3928 | 2.8100e-003 | | 0.0355 | 0.0355 | | 0.0355 | 0.0355 | | 561.1436 | 561.1436 | 0.0108 | 0.0103 | 564.4782 |
| Quality Restaurant | 5.05775 | 0.0545 | 0.4959 | 0.4165 | 2.9800e-003 | | 0.0377 | 0.0377 | | 0.0377 | 0.0377 | | 595.0298 | 595.0298 | 0.0114 | 0.0109 | 598.5658 |
| Regional Shopping Center | 0.251616 | 2.7100e-003 | 0.0247 | 0.0207 | 1.5000e-004 | | 1.8700e-003 | 1.8700e-003 | | 1.8700e-003 | 1.8700e-003 | | 29.6019 | 29.6019 | 5.7000e-004 | 5.4000e-004 | 29.7778 |
| **Total** | | **0.7660** | **6.7463** | **4.2573** | **0.0418** | | **0.5292** | **0.5292** | | **0.5292** | **0.5292** | | **8,355.9832** | **8,355.9832** | **0.1602** | **0.1532** | **8,405.6387** |

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## 6.0 Area Detail

### 6.1 Mitigation Measures Area

| | ROG | NOx | CO | SO2 | Fugitive PM10 | Exhaust PM10 | PM10 Total | Fugitive PM2.5 | Exhaust PM2.5 | PM2.5 Total | Bio- CO2 | NBio- CO2 | Total CO2 | CH4 | N2O | CO2e |
|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|
| Category | lb/day | | | | | | | | | | lb/day | | | | | |
| Mitigated | 30.5020 | 15.0496 | 88.4430 | 0.0944 | | 1.5974 | 1.5974 | | 1.5974 | 1.5974 | 0.0000 | 18,148.5950 | 18,148.5950 | 0.4874 | 0.3300 | 18,259.1192 |
| Unmitigated | 30.5020 | 15.0496 | 88.4430 | 0.0944 | | 1.5974 | 1.5974 | | 1.5974 | 1.5974 | 0.0000 | 18,148.5950 | 18,148.5950 | 0.4874 | 0.3300 | 18,259.1192 |

## 6.2 Area by SubCategory

**Unmitigated**

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CONT

| | ROG | NOx | CO | SO2 | Fugitive PM10 | Exhaust PM10 | PM10 Total | Fugitive PM2.5 | Exhaust PM2.5 | PM2.5 Total | Bio- CO2 | NBio- CO2 | Total CO2 | CH4 | N2O | CO2e |
|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|
| SubCategory | lb/day | | | | | | | | | | lb/day | | | | | |
| Architectural Coating | 2.2670 | | | | | 0.0000 | 0.0000 | | 0.0000 | 0.0000 | | | 0.0000 | | | 0.0000 |
| Consumer Products | 24.1085 | | | | | 0.0000 | 0.0000 | | 0.0000 | 0.0000 | | | 0.0000 | | | 0.0000 |
| Hearth | 1.6500 | 14.1000 | 6.0000 | 0.0900 | | 1.1400 | 1.1400 | | 1.1400 | 1.1400 | 0.0000 | 18,000.0000 | 18,000.0000 | 0.3450 | 0.3300 | 18,106.9650 |
| Landscaping | 2.4766 | 0.9496 | 82.4430 | 4.3600e-003 | | 0.4574 | 0.4574 | | 0.4574 | 0.4574 | | 148.5950 | 148.5950 | 0.1424 | | 152.1542 |
| **Total** | **30.5020** | **15.0496** | **88.4430** | **0.0944** | | **1.5974** | **1.5974** | | **1.5974** | **1.5974** | **0.0000** | **18,148.5950** | **18,148.5950** | **0.4874** | **0.3300** | **18,259.1192** |

### 6.2 Area by SubCategory

**Mitigated**

| | ROG | NOx | CO | SO2 | Fugitive PM10 | Exhaust PM10 | PM10 Total | Fugitive PM2.5 | Exhaust PM2.5 | PM2.5 Total | Bio- CO2 | NBio- CO2 | Total CO2 | CH4 | N2O | CO2e |
|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|
| SubCategory | lb/day | | | | | | | | | | lb/day | | | | | |
| Architectural Coating | 2.2670 | | | | | 0.0000 | 0.0000 | | 0.0000 | 0.0000 | | | 0.0000 | | | 0.0000 |
| Consumer Products | 24.1085 | | | | | 0.0000 | 0.0000 | | 0.0000 | 0.0000 | | | 0.0000 | | | 0.0000 |
| Hearth | 1.6500 | 14.1000 | 6.0000 | 0.0900 | | 1.1400 | 1.1400 | | 1.1400 | 1.1400 | 0.0000 | 18,000.0000 | 18,000.0000 | 0.3450 | 0.3300 | 18,106.9650 |
| Landscaping | 2.4766 | 0.9496 | 82.4430 | 4.3600e-003 | | 0.4574 | 0.4574 | | 0.4574 | 0.4574 | | 148.5950 | 148.5950 | 0.1424 | | 152.1542 |
| **Total** | **30.5020** | **15.0496** | **88.4430** | **0.0944** | | **1.5974** | **1.5974** | | **1.5974** | **1.5974** | **0.0000** | **18,148.5950** | **18,148.5950** | **0.4874** | **0.3300** | **18,259.1192** |

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CONT

## 7.0 Water Detail

### 7.1 Mitigation Measures Water

## 8.0 Waste Detail

### 8.1 Mitigation Measures Waste

## 9.0 Operational Offroad

| Equipment Type | Number | Hours/Day | Days/Year | Horse Power | Load Factor | Fuel Type |
|---|---|---|---|---|---|---|

## 10.0 Stationary Equipment

**Fire Pumps and Emergency Generators**

| Equipment Type | Number | Hours/Day | Hours/Year | Horse Power | Load Factor | Fuel Type |
|---|---|---|---|---|---|---|

**Boilers**

| Equipment Type | Number | Heat Input/Day | Heat Input/Year | Boiler Rating | Fuel Type |
|---|---|---|---|---|---|

**User Defined Equipment**

| Equipment Type | Number |
|---|---|

## 11.0 Vegetation

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CONT

# Village South Specific Plan (Proposed)

**Los Angeles-South Coast County, Annual**

## 1.0 Project Characteristics

### 1.1 Land Usage

| Land Uses | Size | Metric | Lot Acreage | Floor Surface Area | Population |
|---|---|---|---|---|---|
| General Office Building | 45.00 | 1000sqft | 1.03 | 45,000.00 | 0 |
| High Turnover (Sit Down Restaurant) | 36.00 | 1000sqft | 0.83 | 36,000.00 | 0 |
| Hotel | 50.00 | Room | 1.67 | 72,600.00 | 0 |
| Quality Restaurant | 8.00 | 1000sqft | 0.18 | 8,000.00 | 0 |
| Apartments Low Rise | 25.00 | Dwelling Unit | 1.56 | 25,000.00 | 72 |
| Apartments Mid Rise | 975.00 | Dwelling Unit | 25.66 | 975,000.00 | 2789 |
| Regional Shopping Center | 56.00 | 1000sqft | 1.29 | 56,000.00 | 0 |

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### 1.2 Other Project Characteristics

| | | | | | |
|---|---|---|---|---|---|
| **Urbanization** | Urban | **Wind Speed (m/s)** | 2.2 | **Precipitation Freq (Days)** | 33 |
| **Climate Zone** | 9 | | | **Operational Year** | 2028 |
| **Utility Company** | Southern California Edison | | | | |
| **CO2 Intensity (lb/MWhr)** | 702.44 | **CH4 Intensity (lb/MWhr)** | 0.029 | **N2O Intensity (lb/MWhr)** | 0.006 |

### 1.3 User Entered Comments & Non-Default Data

Village South Specific Plan (Proposed) - Los Angeles-South Coast County, Annual

Project Characteristics - Consistent with the DEIR's model.

Land Use - See SWAPE comment regarding residential and retail land uses.

Construction Phase - See SWAPE comment regarding individual construction phase lengths.

Demolition - Consistent with the DEIR's model. See SWAPE comment regarding demolition.

Vehicle Trips - Saturday trips consistent with the DEIR's model. See SWAPE comment regarding weekday and Sunday trips.

Woodstoves - Woodstoves and wood-burning fireplaces consistent with the DEIR's model. See SWAPE comment regarding gas fireplaces.

Energy Use -

Construction Off-road Equipment Mitigation - See SWAPE comment on construction-related mitigation.

Area Mitigation - See SWAPE comment regarding operational mitigation measures.

Water Mitigation - See SWAPE comment regarding operational mitigation measures.

Trips and VMT - Local hire provision

| Table Name | Column Name | Default Value | New Value |
|---|---|---|---|
| tblFireplaces | FireplaceWoodMass | 1,019.20 | 0.00 |
| tblFireplaces | FireplaceWoodMass | 1,019.20 | 0.00 |
| tblFireplaces | NumberWood | 1.25 | 0.00 |
| tblFireplaces | NumberWood | 48.75 | 0.00 |
| tblTripsAndVMT | WorkerTripLength | 14.70 | 10.00 |
| tblTripsAndVMT | WorkerTripLength | 14.70 | 10.00 |
| tblTripsAndVMT | WorkerTripLength | 14.70 | 10.00 |
| tblTripsAndVMT | WorkerTripLength | 14.70 | 10.00 |
| tblTripsAndVMT | WorkerTripLength | 14.70 | 10.00 |
| tblTripsAndVMT | WorkerTripLength | 14.70 | 10.00 |
| tblVehicleTrips | ST_TR | 7.16 | 6.17 |
| tblVehicleTrips | ST_TR | 6.39 | 3.87 |
| tblVehicleTrips | ST_TR | 2.46 | 1.39 |
| tblVehicleTrips | ST_TR | 158.37 | 79.82 |

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CONT

| | | | |
|---|---|---|---|
| tblVehicleTrips | ST_TR | 8.19 | 3.75 |
| tblVehicleTrips | ST_TR | 94.36 | 63.99 |
| tblVehicleTrips | ST_TR | 49.97 | 10.74 |
| tblVehicleTrips | SU_TR | 6.07 | 6.16 |
| tblVehicleTrips | SU_TR | 5.86 | 4.18 |
| tblVehicleTrips | SU_TR | 1.05 | 0.69 |
| tblVehicleTrips | SU_TR | 131.84 | 78.27 |
| tblVehicleTrips | SU_TR | 5.95 | 3.20 |
| tblVehicleTrips | SU_TR | 72.16 | 57.65 |
| tblVehicleTrips | SU_TR | 25.24 | 6.39 |
| tblVehicleTrips | WD_TR | 6.59 | 5.83 |
| tblVehicleTrips | WD_TR | 6.65 | 4.13 |
| tblVehicleTrips | WD_TR | 11.03 | 6.41 |
| tblVehicleTrips | WD_TR | 127.15 | 65.80 |
| tblVehicleTrips | WD_TR | 8.17 | 3.84 |
| tblVehicleTrips | WD_TR | 89.95 | 62.64 |
| tblVehicleTrips | WD_TR | 42.70 | 9.43 |
| tblWoodstoves | NumberCatalytic | 1.25 | 0.00 |
| tblWoodstoves | NumberCatalytic | 48.75 | 0.00 |
| tblWoodstoves | NumberNoncatalytic | 1.25 | 0.00 |
| tblWoodstoves | NumberNoncatalytic | 48.75 | 0.00 |
| tblWoodstoves | WoodstoveDayYear | 25.00 | 0.00 |
| tblWoodstoves | WoodstoveDayYear | 25.00 | 0.00 |
| tblWoodstoves | WoodstoveWoodMass | 999.60 | 0.00 |
| tblWoodstoves | WoodstoveWoodMass | 999.60 | 0.00 |

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## 2.0 Emissions Summary

## 2.1 Overall Construction

**Unmitigated Construction**

| | ROG | NOx | CO | SO2 | Fugitive PM10 | Exhaust PM10 | PM10 Total | Fugitive PM2.5 | Exhaust PM2.5 | PM2.5 Total | Bio- CO2 | NBio- CO2 | Total CO2 | CH4 | N2O | CO2e |
|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|
| Year | tons/yr | | | | | | | | | | MT/yr | | | | | |
| 2021 | 0.1704 | 1.8234 | 1.1577 | 2.3800e-003 | 0.4141 | 0.0817 | 0.4958 | 0.1788 | 0.0754 | 0.2542 | 0.0000 | 210.7654 | 210.7654 | 0.0600 | 0.0000 | 212.2661 |
| 2022 | 0.5865 | 4.0240 | 5.1546 | 0.0155 | 0.9509 | 0.1175 | 1.0683 | 0.2518 | 0.1103 | 0.3621 | 0.0000 | 1,418.6554 | 1,418.6554 | 0.1215 | 0.0000 | 1,421.6925 |
| 2023 | 0.5190 | 3.2850 | 4.7678 | 0.0147 | 0.8497 | 0.0971 | 0.9468 | 0.2283 | 0.0912 | 0.3195 | 0.0000 | 1,342.4412 | 1,342.4412 | 0.1115 | 0.0000 | 1,345.2291 |
| 2024 | 4.1592 | 0.1313 | 0.2557 | 5.0000e-004 | 0.0221 | 6.3900e-003 | 0.0285 | 5.8700e-003 | 5.9700e-003 | 0.0118 | 0.0000 | 44.6355 | 44.6355 | 7.8300e-003 | 0.0000 | 44.8311 |
| **Maximum** | **4.1592** | **4.0240** | **5.1546** | **0.0155** | **0.9509** | **0.1175** | **1.0683** | **0.2518** | **0.1103** | **0.3621** | **0.0000** | **1,418.6554** | **1,418.6554** | **0.1215** | **0.0000** | **1,421.6925** |

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## 2.1 Overall Construction

**Mitigated Construction**

| | ROG | NOx | CO | SO2 | Fugitive PM10 | Exhaust PM10 | PM10 Total | Fugitive PM2.5 | Exhaust PM2.5 | PM2.5 Total | Bio- CO2 | NBio- CO2 | Total CO2 | CH4 | N2O | CO2e |
|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|
| Year | tons/yr | | | | | | | | | | MT/yr | | | | | |
| 2021 | 0.1704 | 1.8234 | 1.1577 | 2.3800e-003 | 0.4141 | 0.0817 | 0.4958 | 0.1788 | 0.0754 | 0.2542 | 0.0000 | 210.7651 | 210.7651 | 0.0600 | 0.0000 | 212.2658 |
| 2022 | 0.5865 | 4.0240 | 5.1546 | 0.0155 | 0.9509 | 0.1175 | 1.0683 | 0.2518 | 0.1103 | 0.3621 | 0.0000 | 1,418.6550 | 1,418.6550 | 0.1215 | 0.0000 | 1,421.6921 |
| 2023 | 0.5190 | 3.2850 | 4.7678 | 0.0147 | 0.8497 | 0.0971 | 0.9468 | 0.2283 | 0.0912 | 0.3195 | 0.0000 | 1,342.4409 | 1,342.4409 | 0.1115 | 0.0000 | 1,345.2287 |
| 2024 | 4.1592 | 0.1313 | 0.2557 | 5.0000e-004 | 0.0221 | 6.3900e-003 | 0.0285 | 5.8700e-003 | 5.9700e-003 | 0.0118 | 0.0000 | 44.6354 | 44.6354 | 7.8300e-003 | 0.0000 | 44.8311 |
| **Maximum** | **4.1592** | **4.0240** | **5.1546** | **0.0155** | **0.9509** | **0.1175** | **1.0683** | **0.2518** | **0.1103** | **0.3621** | **0.0000** | **1,418.6550** | **1,418.6550** | **0.1215** | **0.0000** | **1,421.6921** |

| | ROG | NOx | CO | SO2 | Fugitive PM10 | Exhaust PM10 | PM10 Total | Fugitive PM2.5 | Exhaust PM2.5 | PM2.5 Total | Bio- CO2 | NBio-CO2 | Total CO2 | CH4 | N20 | CO2e |
|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|
| **Percent Reduction** | **0.00** | **0.00** | **0.00** | **0.00** | **0.00** | **0.00** | **0.00** | **0.00** | **0.00** | **0.00** | **0.00** | **0.00** | **0.00** | **0.00** | **0.00** | **0.00** |

| Quarter | Start Date | End Date | Maximum Unmitigated ROG + NOX (tons/quarter) | Maximum Mitigated ROG + NOX (tons/quarter) |
|---|---|---|---|---|
| 1 | 9-1-2021 | 11-30-2021 | 1.4091 | 1.4091 |
| 2 | 12-1-2021 | 2-28-2022 | 1.3329 | 1.3329 |
| 3 | 3-1-2022 | 5-31-2022 | 1.1499 | 1.1499 |
| 4 | 6-1-2022 | 8-31-2022 | 1.1457 | 1.1457 |
| 5 | 9-1-2022 | 11-30-2022 | 1.1415 | 1.1415 |
| 6 | 12-1-2022 | 2-28-2023 | 1.0278 | 1.0278 |
| 7 | 3-1-2023 | 5-31-2023 | 0.9868 | 0.9868 |
| 8 | 6-1-2023 | 8-31-2023 | 0.9831 | 0.9831 |

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| | | | | |
|---|---|---|---|---|
| 9 | 9-1-2023 | 11-30-2023 | 0.9798 | 0.9798 |
| 10 | 12-1-2023 | 2-29-2024 | 2.8757 | 2.8757 |
| 11 | 3-1-2024 | 5-31-2024 | 1.6188 | 1.6188 |
| | | Highest | 2.8757 | 2.8757 |

## 2.2 Overall Operational

**Unmitigated Operational**

| | ROG | NOx | CO | SO2 | Fugitive PM10 | Exhaust PM10 | PM10 Total | Fugitive PM2.5 | Exhaust PM2.5 | PM2.5 Total | Bio- CO2 | NBio- CO2 | Total CO2 | CH4 | N2O | CO2e |
|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|
| Category | tons/yr | | | | | | | | | | MT/yr | | | | | |
| Area | 5.1437 | 0.2950 | 10.3804 | 1.6700e-003 | | 0.0714 | 0.0714 | | 0.0714 | 0.0714 | 0.0000 | 220.9670 | 220.9670 | 0.0201 | 3.7400e-003 | 222.5835 |
| Energy | 0.1398 | 1.2312 | 0.7770 | 7.6200e-003 | | 0.0966 | 0.0966 | | 0.0966 | 0.0966 | 0.0000 | 3,896.0732 | 3,896.0732 | 0.1303 | 0.0468 | 3,913.2833 |
| Mobile | 1.5857 | 7.9962 | 19.1834 | 0.0821 | 7.7979 | 0.0580 | 7.8559 | 2.0895 | 0.0539 | 2.1434 | 0.0000 | 7,620.4986 | 7,620.4986 | 0.3407 | 0.0000 | 7,629.0162 |
| Waste | | | | | | 0.0000 | 0.0000 | | 0.0000 | 0.0000 | 207.8079 | 0.0000 | 207.8079 | 12.2811 | 0.0000 | 514.8354 |
| Water | | | | | | 0.0000 | 0.0000 | | 0.0000 | 0.0000 | 29.1632 | 556.6420 | 585.8052 | 3.0183 | 0.0755 | 683.7567 |
| **Total** | **6.8692** | **9.5223** | **30.3407** | **0.0914** | **7.7979** | **0.2260** | **8.0240** | **2.0895** | **0.2219** | **2.3114** | **236.9712** | **12,294.1807** | **12,531.1519** | **15.7904** | **0.1260** | **12,963.4751** |

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## 2.2 Overall Operational

**Mitigated Operational**

| | ROG | NOx | CO | SO2 | Fugitive PM10 | Exhaust PM10 | PM10 Total | Fugitive PM2.5 | Exhaust PM2.5 | PM2.5 Total | Bio- CO2 | NBio- CO2 | Total CO2 | CH4 | N2O | CO2e |
|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|
| Category | tons/yr | | | | | | | | | | MT/yr | | | | | |
| Area | 5.1437 | 0.2950 | 10.3804 | 1.6700e-003 | | 0.0714 | 0.0714 | | 0.0714 | 0.0714 | 0.0000 | 220.9670 | 220.9670 | 0.0201 | 3.7400e-003 | 222.5835 |
| Energy | 0.1398 | 1.2312 | 0.7770 | 7.6200e-003 | | 0.0966 | 0.0966 | | 0.0966 | 0.0966 | 0.0000 | 3,896.0732 | 3,896.0732 | 0.1303 | 0.0468 | 3,913.2833 |
| Mobile | 1.5857 | 7.9962 | 19.1834 | 0.0821 | 7.7979 | 0.0580 | 7.8559 | 2.0895 | 0.0539 | 2.1434 | 0.0000 | 7,620.4986 | 7,620.4986 | 0.3407 | 0.0000 | 7,629.0162 |
| Waste | | | | | | 0.0000 | 0.0000 | | 0.0000 | 0.0000 | 207.8079 | 0.0000 | 207.8079 | 12.2811 | 0.0000 | 514.8354 |
| Water | | | | | | 0.0000 | 0.0000 | | 0.0000 | 0.0000 | 29.1632 | 556.6420 | 585.8052 | 3.0183 | 0.0755 | 683.7567 |
| **Total** | **6.8692** | **9.5223** | **30.3407** | **0.0914** | **7.7979** | **0.2260** | **8.0240** | **2.0895** | **0.2219** | **2.3114** | **236.9712** | **12,294.1807** | **12,531.1519** | **15.7904** | **0.1260** | **12,963.4751** |

| | ROG | NOx | CO | SO2 | Fugitive PM10 | Exhaust PM10 | PM10 Total | Fugitive PM2.5 | Exhaust PM2.5 | PM2.5 Total | Bio- CO2 | NBio-CO2 | Total CO2 | CH4 | N20 | CO2e |
|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|
| **Percent Reduction** | **0.00** | **0.00** | **0.00** | **0.00** | **0.00** | **0.00** | **0.00** | **0.00** | **0.00** | **0.00** | **0.00** | **0.00** | **0.00** | **0.00** | **0.00** | **0.00** |

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## 3.0 Construction Detail

**Construction Phase**

Village South Specific Plan (Proposed) - Los Angeles-South Coast County, Annual

| Phase Number | Phase Name | Phase Type | Start Date | End Date | Num Days Week | Num Days | Phase Description |
|---|---|---|---|---|---|---|---|
| 1 | Demolition | Demolition | 9/1/2021 | 10/12/2021 | 5 | 30 | |
| 2 | Site Preparation | Site Preparation | 10/13/2021 | 11/9/2021 | 5 | 20 | |
| 3 | Grading | Grading | 11/10/2021 | 1/11/2022 | 5 | 45 | |
| 4 | Building Construction | Building Construction | 1/12/2022 | 12/12/2023 | 5 | 500 | |
| 5 | Paving | Paving | 12/13/2023 | 1/30/2024 | 5 | 35 | |
| 6 | Architectural Coating | Architectural Coating | 1/31/2024 | 3/19/2024 | 5 | 35 | |

**Acres of Grading (Site Preparation Phase): 0**

**Acres of Grading (Grading Phase): 112.5**

**Acres of Paving: 0**

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**Residential Indoor: 2,025,000; Residential Outdoor: 675,000; Non-Residential Indoor: 326,400; Non-Residential Outdoor: 108,800; Striped Parking Area: 0 (Architectural Coating – sqft)**

**OffRoad Equipment**

Village South Specific Plan (Proposed) - Los Angeles-South Coast County, Annual

| Phase Name | Offroad Equipment Type | Amount | Usage Hours | Horse Power | Load Factor |
|---|---|---|---|---|---|
| Demolition | Concrete/Industrial Saws | 1 | 8.00 | 81 | 0.73 |
| Demolition | Excavators | 3 | 8.00 | 158 | 0.38 |
| Demolition | Rubber Tired Dozers | 2 | 8.00 | 247 | 0.40 |
| Site Preparation | Rubber Tired Dozers | 3 | 8.00 | 247 | 0.40 |
| Site Preparation | Tractors/Loaders/Backhoes | 4 | 8.00 | 97 | 0.37 |
| Grading | Excavators | 2 | 8.00 | 158 | 0.38 |
| Grading | Graders | 1 | 8.00 | 187 | 0.41 |
| Grading | Rubber Tired Dozers | 1 | 8.00 | 247 | 0.40 |
| Grading | Scrapers | 2 | 8.00 | 367 | 0.48 |
| Grading | Tractors/Loaders/Backhoes | 2 | 8.00 | 97 | 0.37 |
| Building Construction | Cranes | 1 | 7.00 | 231 | 0.29 |
| Building Construction | Forklifts | 3 | 8.00 | 89 | 0.20 |
| Building Construction | Generator Sets | 1 | 8.00 | 84 | 0.74 |
| Building Construction | Tractors/Loaders/Backhoes | 3 | 7.00 | 97 | 0.37 |
| Building Construction | Welders | 1 | 8.00 | 46 | 0.45 |
| Paving | Pavers | 2 | 8.00 | 130 | 0.42 |
| Paving | Paving Equipment | 2 | 8.00 | 132 | 0.36 |
| Paving | Rollers | 2 | 8.00 | 80 | 0.38 |
| Architectural Coating | Air Compressors | 1 | 6.00 | 78 | 0.48 |

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**Trips and VMT**

| Phase Name | Offroad Equipment Count | Worker Trip Number | Vendor Trip Number | Hauling Trip Number | Worker Trip Length | Vendor Trip Length | Hauling Trip Length | Worker Vehicle Class | Vendor Vehicle Class | Hauling Vehicle Class |
|---|---|---|---|---|---|---|---|---|---|---|
| Demolition | 6 | 15.00 | 0.00 | 458.00 | 10.00 | 6.90 | 20.00 | LD_Mix | HDT_Mix | HHDT |
| Site Preparation | 7 | 18.00 | 0.00 | 0.00 | 10.00 | 6.90 | 20.00 | LD_Mix | HDT_Mix | HHDT |
| Grading | 8 | 20.00 | 0.00 | 0.00 | 10.00 | 6.90 | 20.00 | LD_Mix | HDT_Mix | HHDT |
| Building Construction | 9 | 801.00 | 143.00 | 0.00 | 10.00 | 6.90 | 20.00 | LD_Mix | HDT_Mix | HHDT |
| Paving | 6 | 15.00 | 0.00 | 0.00 | 10.00 | 6.90 | 20.00 | LD_Mix | HDT_Mix | HHDT |
| Architectural Coating | 1 | 160.00 | 0.00 | 0.00 | 10.00 | 6.90 | 20.00 | LD_Mix | HDT_Mix | HHDT |

### 3.1 Mitigation Measures Construction

### 3.2 Demolition - 2021

**Unmitigated Construction On-Site**

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| | ROG | NOx | CO | SO2 | Fugitive PM10 | Exhaust PM10 | PM10 Total | Fugitive PM2.5 | Exhaust PM2.5 | PM2.5 Total | Bio- CO2 | NBio- CO2 | Total CO2 | CH4 | N2O | CO2e |
|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|
| Category | tons/yr | | | | | | | | | | MT/yr | | | | | |
| Fugitive Dust | | | | | 0.0496 | 0.0000 | 0.0496 | 7.5100e-003 | 0.0000 | 7.5100e-003 | 0.0000 | 0.0000 | 0.0000 | 0.0000 | 0.0000 | 0.0000 |
| Off-Road | 0.0475 | 0.4716 | 0.3235 | 5.8000e-004 | | 0.0233 | 0.0233 | | 0.0216 | 0.0216 | 0.0000 | 51.0012 | 51.0012 | 0.0144 | 0.0000 | 51.3601 |
| **Total** | **0.0475** | **0.4716** | **0.3235** | **5.8000e-004** | **0.0496** | **0.0233** | **0.0729** | **7.5100e-003** | **0.0216** | **0.0291** | **0.0000** | **51.0012** | **51.0012** | **0.0144** | **0.0000** | **51.3601** |

### 3.2 Demolition - 2021

**Unmitigated Construction Off-Site**

| | ROG | NOx | CO | SO2 | Fugitive PM10 | Exhaust PM10 | PM10 Total | Fugitive PM2.5 | Exhaust PM2.5 | PM2.5 Total | Bio- CO2 | NBio- CO2 | Total CO2 | CH4 | N2O | CO2e |
|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|
| Category | tons/yr | | | | | | | | | | MT/yr | | | | | |
| Hauling | 1.9300e-003 | 0.0634 | 0.0148 | 1.8000e-004 | 3.9400e-003 | 1.9000e-004 | 4.1300e-003 | 1.0800e-003 | 1.8000e-004 | 1.2600e-003 | 0.0000 | 17.4566 | 17.4566 | 1.2100e-003 | 0.0000 | 17.4869 |
| Vendor | 0.0000 | 0.0000 | 0.0000 | 0.0000 | 0.0000 | 0.0000 | 0.0000 | 0.0000 | 0.0000 | 0.0000 | 0.0000 | 0.0000 | 0.0000 | 0.0000 | 0.0000 | 0.0000 |
| Worker | 7.2000e-004 | 5.3000e-004 | 6.0900e-003 | 2.0000e-005 | 1.6800e-003 | 1.0000e-005 | 1.6900e-003 | 4.5000e-004 | 1.0000e-005 | 4.6000e-004 | 0.0000 | 1.5281 | 1.5281 | 5.0000e-005 | 0.0000 | 1.5293 |
| **Total** | **2.6500e-003** | **0.0639** | **0.0209** | **2.0000e-004** | **5.6200e-003** | **2.0000e-004** | **5.8200e-003** | **1.5300e-003** | **1.9000e-004** | **1.7200e-003** | **0.0000** | **18.9847** | **18.9847** | **1.2600e-003** | **0.0000** | **19.0161** |

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**Mitigated Construction On-Site**

| | ROG | NOx | CO | SO2 | Fugitive PM10 | Exhaust PM10 | PM10 Total | Fugitive PM2.5 | Exhaust PM2.5 | PM2.5 Total | Bio- CO2 | NBio- CO2 | Total CO2 | CH4 | N2O | CO2e |
|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|
| Category | tons/yr | | | | | | | | | | MT/yr | | | | | |
| Fugitive Dust | | | | | 0.0496 | 0.0000 | 0.0496 | 7.5100e-003 | 0.0000 | 7.5100e-003 | 0.0000 | 0.0000 | 0.0000 | 0.0000 | 0.0000 | 0.0000 |
| Off-Road | 0.0475 | 0.4716 | 0.3235 | 5.8000e-004 | | 0.0233 | 0.0233 | | 0.0216 | 0.0216 | 0.0000 | 51.0011 | 51.0011 | 0.0144 | 0.0000 | 51.3600 |
| **Total** | **0.0475** | **0.4716** | **0.3235** | **5.8000e-004** | **0.0496** | **0.0233** | **0.0729** | **7.5100e-003** | **0.0216** | **0.0291** | **0.0000** | **51.0011** | **51.0011** | **0.0144** | **0.0000** | **51.3600** |

### 3.2 Demolition - 2021

**Mitigated Construction Off-Site**

| | ROG | NOx | CO | SO2 | Fugitive PM10 | Exhaust PM10 | PM10 Total | Fugitive PM2.5 | Exhaust PM2.5 | PM2.5 Total | Bio- CO2 | NBio- CO2 | Total CO2 | CH4 | N2O | CO2e |
|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|
| Category | tons/yr | | | | | | | | | | MT/yr | | | | | |
| Hauling | 1.9300e-003 | 0.0634 | 0.0148 | 1.8000e-004 | 3.9400e-003 | 1.9000e-004 | 4.1300e-003 | 1.0800e-003 | 1.8000e-004 | 1.2600e-003 | 0.0000 | 17.4566 | 17.4566 | 1.2100e-003 | 0.0000 | 17.4869 |
| Vendor | 0.0000 | 0.0000 | 0.0000 | 0.0000 | 0.0000 | 0.0000 | 0.0000 | 0.0000 | 0.0000 | 0.0000 | 0.0000 | 0.0000 | 0.0000 | 0.0000 | 0.0000 | 0.0000 |
| Worker | 7.2000e-004 | 5.3000e-004 | 6.0900e-003 | 2.0000e-005 | 1.6800e-003 | 1.0000e-005 | 1.6900e-003 | 4.5000e-004 | 1.0000e-005 | 4.6000e-004 | 0.0000 | 1.5281 | 1.5281 | 5.0000e-005 | 0.0000 | 1.5293 |
| **Total** | **2.6500e-003** | **0.0639** | **0.0209** | **2.0000e-004** | **5.6200e-003** | **2.0000e-004** | **5.8200e-003** | **1.5300e-003** | **1.9000e-004** | **1.7200e-003** | **0.0000** | **18.9847** | **18.9847** | **1.2600e-003** | **0.0000** | **19.0161** |

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### 3.3 Site Preparation - 2021

**Unmitigated Construction On-Site**

| | ROG | NOx | CO | SO2 | Fugitive PM10 | Exhaust PM10 | PM10 Total | Fugitive PM2.5 | Exhaust PM2.5 | PM2.5 Total | Bio- CO2 | NBio- CO2 | Total CO2 | CH4 | N2O | CO2e |
|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|
| Category | tons/yr | | | | | | | | | | MT/yr | | | | | |
| Fugitive Dust | | | | | 0.1807 | 0.0000 | 0.1807 | 0.0993 | 0.0000 | 0.0993 | 0.0000 | 0.0000 | 0.0000 | 0.0000 | 0.0000 | 0.0000 |
| Off-Road | 0.0389 | 0.4050 | 0.2115 | 3.8000e-004 | | 0.0204 | 0.0204 | | 0.0188 | 0.0188 | 0.0000 | 33.4357 | 33.4357 | 0.0108 | 0.0000 | 33.7061 |
| **Total** | **0.0389** | **0.4050** | **0.2115** | **3.8000e-004** | **0.1807** | **0.0204** | **0.2011** | **0.0993** | **0.0188** | **0.1181** | **0.0000** | **33.4357** | **33.4357** | **0.0108** | **0.0000** | **33.7061** |

### 3.3 Site Preparation - 2021

**Unmitigated Construction Off-Site**

| | ROG | NOx | CO | SO2 | Fugitive PM10 | Exhaust PM10 | PM10 Total | Fugitive PM2.5 | Exhaust PM2.5 | PM2.5 Total | Bio- CO2 | NBio- CO2 | Total CO2 | CH4 | N2O | CO2e |
|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|
| Category | tons/yr | | | | | | | | | | MT/yr | | | | | |
| Hauling | 0.0000 | 0.0000 | 0.0000 | 0.0000 | 0.0000 | 0.0000 | 0.0000 | 0.0000 | 0.0000 | 0.0000 | 0.0000 | 0.0000 | 0.0000 | 0.0000 | 0.0000 | 0.0000 |
| Vendor | 0.0000 | 0.0000 | 0.0000 | 0.0000 | 0.0000 | 0.0000 | 0.0000 | 0.0000 | 0.0000 | 0.0000 | 0.0000 | 0.0000 | 0.0000 | 0.0000 | 0.0000 | 0.0000 |
| Worker | 5.8000e-004 | 4.3000e-004 | 4.8700e-003 | 1.0000e-005 | 1.3400e-003 | 1.0000e-005 | 1.3500e-003 | 3.6000e-004 | 1.0000e-005 | 3.7000e-004 | 0.0000 | 1.2225 | 1.2225 | 4.0000e-005 | 0.0000 | 1.2234 |
| **Total** | **5.8000e-004** | **4.3000e-004** | **4.8700e-003** | **1.0000e-005** | **1.3400e-003** | **1.0000e-005** | **1.3500e-003** | **3.6000e-004** | **1.0000e-005** | **3.7000e-004** | **0.0000** | **1.2225** | **1.2225** | **4.0000e-005** | **0.0000** | **1.2234** |

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**Mitigated Construction On-Site**

| | ROG | NOx | CO | SO2 | Fugitive PM10 | Exhaust PM10 | PM10 Total | Fugitive PM2.5 | Exhaust PM2.5 | PM2.5 Total | Bio- CO2 | NBio- CO2 | Total CO2 | CH4 | N2O | CO2e |
|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|
| Category | tons/yr | | | | | | | | | | MT/yr | | | | | |
| Fugitive Dust | | | | | 0.1807 | 0.0000 | 0.1807 | 0.0993 | 0.0000 | 0.0993 | 0.0000 | 0.0000 | 0.0000 | 0.0000 | 0.0000 | 0.0000 |
| Off-Road | 0.0389 | 0.4050 | 0.2115 | 3.8000e-004 | | 0.0204 | 0.0204 | | 0.0188 | 0.0188 | 0.0000 | 33.4357 | 33.4357 | 0.0108 | 0.0000 | 33.7060 |
| **Total** | **0.0389** | **0.4050** | **0.2115** | **3.8000e-004** | **0.1807** | **0.0204** | **0.2011** | **0.0993** | **0.0188** | **0.1181** | **0.0000** | **33.4357** | **33.4357** | **0.0108** | **0.0000** | **33.7060** |

### 3.3 Site Preparation - 2021

**Mitigated Construction Off-Site**

| | ROG | NOx | CO | SO2 | Fugitive PM10 | Exhaust PM10 | PM10 Total | Fugitive PM2.5 | Exhaust PM2.5 | PM2.5 Total | Bio- CO2 | NBio- CO2 | Total CO2 | CH4 | N2O | CO2e |
|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|
| Category | tons/yr | | | | | | | | | | MT/yr | | | | | |
| Hauling | 0.0000 | 0.0000 | 0.0000 | 0.0000 | 0.0000 | 0.0000 | 0.0000 | 0.0000 | 0.0000 | 0.0000 | 0.0000 | 0.0000 | 0.0000 | 0.0000 | 0.0000 | 0.0000 |
| Vendor | 0.0000 | 0.0000 | 0.0000 | 0.0000 | 0.0000 | 0.0000 | 0.0000 | 0.0000 | 0.0000 | 0.0000 | 0.0000 | 0.0000 | 0.0000 | 0.0000 | 0.0000 | 0.0000 |
| Worker | 5.8000e-004 | 4.3000e-004 | 4.8700e-003 | 1.0000e-005 | 1.3400e-003 | 1.0000e-005 | 1.3500e-003 | 3.6000e-004 | 1.0000e-005 | 3.7000e-004 | 0.0000 | 1.2225 | 1.2225 | 4.0000e-005 | 0.0000 | 1.2234 |
| **Total** | **5.8000e-004** | **4.3000e-004** | **4.8700e-003** | **1.0000e-005** | **1.3400e-003** | **1.0000e-005** | **1.3500e-003** | **3.6000e-004** | **1.0000e-005** | **3.7000e-004** | **0.0000** | **1.2225** | **1.2225** | **4.0000e-005** | **0.0000** | **1.2234** |

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### 3.4 Grading - 2021

**Unmitigated Construction On-Site**

| | ROG | NOx | CO | SO2 | Fugitive PM10 | Exhaust PM10 | PM10 Total | Fugitive PM2.5 | Exhaust PM2.5 | PM2.5 Total | Bio- CO2 | NBio- CO2 | Total CO2 | CH4 | N2O | CO2e |
|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|
| Category | tons/yr | | | | | | | | | | MT/yr | | | | | |
| Fugitive Dust | | | | | 0.1741 | 0.0000 | 0.1741 | 0.0693 | 0.0000 | 0.0693 | 0.0000 | 0.0000 | 0.0000 | 0.0000 | 0.0000 | 0.0000 |
| Off-Road | 0.0796 | 0.8816 | 0.5867 | 1.1800e-003 | | 0.0377 | 0.0377 | | 0.0347 | 0.0347 | 0.0000 | 103.5405 | 103.5405 | 0.0335 | 0.0000 | 104.3776 |
| **Total** | **0.0796** | **0.8816** | **0.5867** | **1.1800e-003** | **0.1741** | **0.0377** | **0.2118** | **0.0693** | **0.0347** | **0.1040** | **0.0000** | **103.5405** | **103.5405** | **0.0335** | **0.0000** | **104.3776** |

### 3.4 Grading - 2021

**Unmitigated Construction Off-Site**

| | ROG | NOx | CO | SO2 | Fugitive PM10 | Exhaust PM10 | PM10 Total | Fugitive PM2.5 | Exhaust PM2.5 | PM2.5 Total | Bio- CO2 | NBio- CO2 | Total CO2 | CH4 | N2O | CO2e |
|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|
| Category | tons/yr | | | | | | | | | | MT/yr | | | | | |
| Hauling | 0.0000 | 0.0000 | 0.0000 | 0.0000 | 0.0000 | 0.0000 | 0.0000 | 0.0000 | 0.0000 | 0.0000 | 0.0000 | 0.0000 | 0.0000 | 0.0000 | 0.0000 | 0.0000 |
| Vendor | 0.0000 | 0.0000 | 0.0000 | 0.0000 | 0.0000 | 0.0000 | 0.0000 | 0.0000 | 0.0000 | 0.0000 | 0.0000 | 0.0000 | 0.0000 | 0.0000 | 0.0000 | 0.0000 |
| Worker | 1.2200e-003 | 9.0000e-004 | 0.0103 | 3.0000e-005 | 2.8300e-003 | 2.0000e-005 | 2.8600e-003 | 7.5000e-004 | 2.0000e-005 | 7.8000e-004 | 0.0000 | 2.5808 | 2.5808 | 8.0000e-005 | 0.0000 | 2.5828 |
| **Total** | **1.2200e-003** | **9.0000e-004** | **0.0103** | **3.0000e-005** | **2.8300e-003** | **2.0000e-005** | **2.8600e-003** | **7.5000e-004** | **2.0000e-005** | **7.8000e-004** | **0.0000** | **2.5808** | **2.5808** | **8.0000e-005** | **0.0000** | **2.5828** |

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**Mitigated Construction On-Site**

| | ROG | NOx | CO | SO2 | Fugitive PM10 | Exhaust PM10 | PM10 Total | Fugitive PM2.5 | Exhaust PM2.5 | PM2.5 Total | Bio- CO2 | NBio- CO2 | Total CO2 | CH4 | N2O | CO2e |
|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|
| Category | tons/yr | | | | | | | | | | MT/yr | | | | | |
| Fugitive Dust | | | | | 0.1741 | 0.0000 | 0.1741 | 0.0693 | 0.0000 | 0.0693 | 0.0000 | 0.0000 | 0.0000 | 0.0000 | 0.0000 | 0.0000 |
| Off-Road | 0.0796 | 0.8816 | 0.5867 | 1.1800e-003 | | 0.0377 | 0.0377 | | 0.0347 | 0.0347 | 0.0000 | 103.5403 | 103.5403 | 0.0335 | 0.0000 | 104.3775 |
| **Total** | **0.0796** | **0.8816** | **0.5867** | **1.1800e-003** | **0.1741** | **0.0377** | **0.2118** | **0.0693** | **0.0347** | **0.1040** | **0.0000** | **103.5403** | **103.5403** | **0.0335** | **0.0000** | **104.3775** |

### 3.4 Grading - 2021

**Mitigated Construction Off-Site**

| | ROG | NOx | CO | SO2 | Fugitive PM10 | Exhaust PM10 | PM10 Total | Fugitive PM2.5 | Exhaust PM2.5 | PM2.5 Total | Bio- CO2 | NBio- CO2 | Total CO2 | CH4 | N2O | CO2e |
|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|
| Category | tons/yr | | | | | | | | | | MT/yr | | | | | |
| Hauling | 0.0000 | 0.0000 | 0.0000 | 0.0000 | 0.0000 | 0.0000 | 0.0000 | 0.0000 | 0.0000 | 0.0000 | 0.0000 | 0.0000 | 0.0000 | 0.0000 | 0.0000 | 0.0000 |
| Vendor | 0.0000 | 0.0000 | 0.0000 | 0.0000 | 0.0000 | 0.0000 | 0.0000 | 0.0000 | 0.0000 | 0.0000 | 0.0000 | 0.0000 | 0.0000 | 0.0000 | 0.0000 | 0.0000 |
| Worker | 1.2200e-003 | 9.0000e-004 | 0.0103 | 3.0000e-005 | 2.8300e-003 | 2.0000e-005 | 2.8600e-003 | 7.5000e-004 | 2.0000e-005 | 7.8000e-004 | 0.0000 | 2.5808 | 2.5808 | 8.0000e-005 | 0.0000 | 2.5828 |
| **Total** | **1.2200e-003** | **9.0000e-004** | **0.0103** | **3.0000e-005** | **2.8300e-003** | **2.0000e-005** | **2.8600e-003** | **7.5000e-004** | **2.0000e-005** | **7.8000e-004** | **0.0000** | **2.5808** | **2.5808** | **8.0000e-005** | **0.0000** | **2.5828** |

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### 3.4 Grading - 2022

**Unmitigated Construction On-Site**

| | ROG | NOx | CO | SO2 | Fugitive PM10 | Exhaust PM10 | PM10 Total | Fugitive PM2.5 | Exhaust PM2.5 | PM2.5 Total | Bio- CO2 | NBio- CO2 | Total CO2 | CH4 | N2O | CO2e |
|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|
| Category | tons/yr | | | | | | | | | | MT/yr | | | | | |
| Fugitive Dust | | | | | 0.0807 | 0.0000 | 0.0807 | 0.0180 | 0.0000 | 0.0180 | 0.0000 | 0.0000 | 0.0000 | 0.0000 | 0.0000 | 0.0000 |
| Off-Road | 0.0127 | 0.1360 | 0.1017 | 2.2000e-004 | | 5.7200e-003 | 5.7200e-003 | | 5.2600e-003 | 5.2600e-003 | 0.0000 | 19.0871 | 19.0871 | 6.1700e-003 | 0.0000 | 19.2414 |
| **Total** | **0.0127** | **0.1360** | **0.1017** | **2.2000e-004** | **0.0807** | **5.7200e-003** | **0.0865** | **0.0180** | **5.2600e-003** | **0.0233** | **0.0000** | **19.0871** | **19.0871** | **6.1700e-003** | **0.0000** | **19.2414** |

### 3.4 Grading - 2022

**Unmitigated Construction Off-Site**

| | ROG | NOx | CO | SO2 | Fugitive PM10 | Exhaust PM10 | PM10 Total | Fugitive PM2.5 | Exhaust PM2.5 | PM2.5 Total | Bio- CO2 | NBio- CO2 | Total CO2 | CH4 | N2O | CO2e |
|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|
| Category | tons/yr | | | | | | | | | | MT/yr | | | | | |
| Hauling | 0.0000 | 0.0000 | 0.0000 | 0.0000 | 0.0000 | 0.0000 | 0.0000 | 0.0000 | 0.0000 | 0.0000 | 0.0000 | 0.0000 | 0.0000 | 0.0000 | 0.0000 | 0.0000 |
| Vendor | 0.0000 | 0.0000 | 0.0000 | 0.0000 | 0.0000 | 0.0000 | 0.0000 | 0.0000 | 0.0000 | 0.0000 | 0.0000 | 0.0000 | 0.0000 | 0.0000 | 0.0000 | 0.0000 |
| Worker | 2.1000e-004 | 1.5000e-004 | 1.7400e-003 | 1.0000e-005 | 5.2000e-004 | 0.0000 | 5.3000e-004 | 1.4000e-004 | 0.0000 | 1.4000e-004 | 0.0000 | 0.4587 | 0.4587 | 1.0000e-005 | 0.0000 | 0.4590 |
| **Total** | **2.1000e-004** | **1.5000e-004** | **1.7400e-003** | **1.0000e-005** | **5.2000e-004** | **0.0000** | **5.3000e-004** | **1.4000e-004** | **0.0000** | **1.4000e-004** | **0.0000** | **0.4587** | **0.4587** | **1.0000e-005** | **0.0000** | **0.4590** |

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**Mitigated Construction On-Site**

| | ROG | NOx | CO | SO2 | Fugitive PM10 | Exhaust PM10 | PM10 Total | Fugitive PM2.5 | Exhaust PM2.5 | PM2.5 Total | Bio- CO2 | NBio- CO2 | Total CO2 | CH4 | N2O | CO2e |
|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|
| Category | tons/yr | | | | | | | | | | MT/yr | | | | | |
| Fugitive Dust | | | | | 0.0807 | 0.0000 | 0.0807 | 0.0180 | 0.0000 | 0.0180 | 0.0000 | 0.0000 | 0.0000 | 0.0000 | 0.0000 | 0.0000 |
| Off-Road | 0.0127 | 0.1360 | 0.1017 | 2.2000e-004 | | 5.7200e-003 | 5.7200e-003 | | 5.2600e-003 | 5.2600e-003 | 0.0000 | 19.0871 | 19.0871 | 6.1700e-003 | 0.0000 | 19.2414 |
| **Total** | **0.0127** | **0.1360** | **0.1017** | **2.2000e-004** | **0.0807** | **5.7200e-003** | **0.0865** | **0.0180** | **5.2600e-003** | **0.0233** | **0.0000** | **19.0871** | **19.0871** | **6.1700e-003** | **0.0000** | **19.2414** |

### 3.4 Grading - 2022

**Mitigated Construction Off-Site**

| | ROG | NOx | CO | SO2 | Fugitive PM10 | Exhaust PM10 | PM10 Total | Fugitive PM2.5 | Exhaust PM2.5 | PM2.5 Total | Bio- CO2 | NBio- CO2 | Total CO2 | CH4 | N2O | CO2e |
|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|
| Category | tons/yr | | | | | | | | | | MT/yr | | | | | |
| Hauling | 0.0000 | 0.0000 | 0.0000 | 0.0000 | 0.0000 | 0.0000 | 0.0000 | 0.0000 | 0.0000 | 0.0000 | 0.0000 | 0.0000 | 0.0000 | 0.0000 | 0.0000 | 0.0000 |
| Vendor | 0.0000 | 0.0000 | 0.0000 | 0.0000 | 0.0000 | 0.0000 | 0.0000 | 0.0000 | 0.0000 | 0.0000 | 0.0000 | 0.0000 | 0.0000 | 0.0000 | 0.0000 | 0.0000 |
| Worker | 2.1000e-004 | 1.5000e-004 | 1.7400e-003 | 1.0000e-005 | 5.2000e-004 | 0.0000 | 5.3000e-004 | 1.4000e-004 | 0.0000 | 1.4000e-004 | 0.0000 | 0.4587 | 0.4587 | 1.0000e-005 | 0.0000 | 0.4590 |
| **Total** | **2.1000e-004** | **1.5000e-004** | **1.7400e-003** | **1.0000e-005** | **5.2000e-004** | **0.0000** | **5.3000e-004** | **1.4000e-004** | **0.0000** | **1.4000e-004** | **0.0000** | **0.4587** | **0.4587** | **1.0000e-005** | **0.0000** | **0.4590** |

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### 3.5 Building Construction - 2022

**Unmitigated Construction On-Site**

| | ROG | NOx | CO | SO2 | Fugitive PM10 | Exhaust PM10 | PM10 Total | Fugitive PM2.5 | Exhaust PM2.5 | PM2.5 Total | Bio- CO2 | NBio- CO2 | Total CO2 | CH4 | N2O | CO2e |
|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|
| Category | tons/yr | | | | | | | | | | MT/yr | | | | | |
| Off-Road | 0.2158 | 1.9754 | 2.0700 | 3.4100e-003 | | 0.1023 | 0.1023 | | 0.0963 | 0.0963 | 0.0000 | 293.1324 | 293.1324 | 0.0702 | 0.0000 | 294.8881 |
| **Total** | **0.2158** | **1.9754** | **2.0700** | **3.4100e-003** | | **0.1023** | **0.1023** | | **0.0963** | **0.0963** | **0.0000** | **293.1324** | **293.1324** | **0.0702** | **0.0000** | **294.8881** |

### 3.5 Building Construction - 2022

**Unmitigated Construction Off-Site**

| | ROG | NOx | CO | SO2 | Fugitive PM10 | Exhaust PM10 | PM10 Total | Fugitive PM2.5 | Exhaust PM2.5 | PM2.5 Total | Bio- CO2 | NBio- CO2 | Total CO2 | CH4 | N2O | CO2e |
|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|
| Category | tons/yr | | | | | | | | | | MT/yr | | | | | |
| Hauling | 0.0000 | 0.0000 | 0.0000 | 0.0000 | 0.0000 | 0.0000 | 0.0000 | 0.0000 | 0.0000 | 0.0000 | 0.0000 | 0.0000 | 0.0000 | 0.0000 | 0.0000 | 0.0000 |
| Vendor | 0.0527 | 1.6961 | 0.4580 | 4.5500e-003 | 0.1140 | 3.1800e-003 | 0.1171 | 0.0329 | 3.0400e-003 | 0.0359 | 0.0000 | 441.9835 | 441.9835 | 0.0264 | 0.0000 | 442.6435 |
| Worker | 0.3051 | 0.2164 | 2.5233 | 7.3500e-003 | 0.7557 | 6.2300e-003 | 0.7619 | 0.2007 | 5.7400e-003 | 0.2065 | 0.0000 | 663.9936 | 663.9936 | 0.0187 | 0.0000 | 664.4604 |
| **Total** | **0.3578** | **1.9125** | **2.9812** | **0.0119** | **0.8696** | **9.4100e-003** | **0.8790** | **0.2336** | **8.7800e-003** | **0.2424** | **0.0000** | **1,105.9771** | **1,105.9771** | **0.0451** | **0.0000** | **1,107.1039** |

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CONT

**Mitigated Construction On-Site**

| | ROG | NOx | CO | SO2 | Fugitive PM10 | Exhaust PM10 | PM10 Total | Fugitive PM2.5 | Exhaust PM2.5 | PM2.5 Total | Bio- CO2 | NBio- CO2 | Total CO2 | CH4 | N2O | CO2e |
|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|
| Category | tons/yr | | | | | | | | | | MT/yr | | | | | |
| Off-Road | 0.2158 | 1.9754 | 2.0700 | 3.4100e-003 | | 0.1023 | 0.1023 | | 0.0963 | 0.0963 | 0.0000 | 293.1321 | 293.1321 | 0.0702 | 0.0000 | 294.8877 |
| **Total** | **0.2158** | **1.9754** | **2.0700** | **3.4100e-003** | | **0.1023** | **0.1023** | | **0.0963** | **0.0963** | **0.0000** | **293.1321** | **293.1321** | **0.0702** | **0.0000** | **294.8877** |

### 3.5 Building Construction - 2022

**Mitigated Construction Off-Site**

| | ROG | NOx | CO | SO2 | Fugitive PM10 | Exhaust PM10 | PM10 Total | Fugitive PM2.5 | Exhaust PM2.5 | PM2.5 Total | Bio- CO2 | NBio- CO2 | Total CO2 | CH4 | N2O | CO2e |
|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|
| Category | tons/yr | | | | | | | | | | MT/yr | | | | | |
| Hauling | 0.0000 | 0.0000 | 0.0000 | 0.0000 | 0.0000 | 0.0000 | 0.0000 | 0.0000 | 0.0000 | 0.0000 | 0.0000 | 0.0000 | 0.0000 | 0.0000 | 0.0000 | 0.0000 |
| Vendor | 0.0527 | 1.6961 | 0.4580 | 4.5500e-003 | 0.1140 | 3.1800e-003 | 0.1171 | 0.0329 | 3.0400e-003 | 0.0359 | 0.0000 | 441.9835 | 441.9835 | 0.0264 | 0.0000 | 442.6435 |
| Worker | 0.3051 | 0.2164 | 2.5233 | 7.3500e-003 | 0.7557 | 6.2300e-003 | 0.7619 | 0.2007 | 5.7400e-003 | 0.2065 | 0.0000 | 663.9936 | 663.9936 | 0.0187 | 0.0000 | 664.4604 |
| **Total** | **0.3578** | **1.9125** | **2.9812** | **0.0119** | **0.8696** | **9.4100e-003** | **0.8790** | **0.2336** | **8.7800e-003** | **0.2424** | **0.0000** | **1,105.9771** | **1,105.9771** | **0.0451** | **0.0000** | **1,107.1039** |

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### 3.5 Building Construction - 2023

**Unmitigated Construction On-Site**

| | ROG | NOx | CO | SO2 | Fugitive PM10 | Exhaust PM10 | PM10 Total | Fugitive PM2.5 | Exhaust PM2.5 | PM2.5 Total | Bio- CO2 | NBio- CO2 | Total CO2 | CH4 | N2O | CO2e |
|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|
| Category | tons/yr | | | | | | | | | | MT/yr | | | | | |
| Off-Road | 0.1942 | 1.7765 | 2.0061 | 3.3300e-003 | | 0.0864 | 0.0864 | | 0.0813 | 0.0813 | 0.0000 | 286.2789 | 286.2789 | 0.0681 | 0.0000 | 287.9814 |
| **Total** | **0.1942** | **1.7765** | **2.0061** | **3.3300e-003** | | **0.0864** | **0.0864** | | **0.0813** | **0.0813** | **0.0000** | **286.2789** | **286.2789** | **0.0681** | **0.0000** | **287.9814** |

### 3.5 Building Construction - 2023

**Unmitigated Construction Off-Site**

| | ROG | NOx | CO | SO2 | Fugitive PM10 | Exhaust PM10 | PM10 Total | Fugitive PM2.5 | Exhaust PM2.5 | PM2.5 Total | Bio- CO2 | NBio- CO2 | Total CO2 | CH4 | N2O | CO2e |
|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|
| Category | tons/yr | | | | | | | | | | MT/yr | | | | | |
| Hauling | 0.0000 | 0.0000 | 0.0000 | 0.0000 | 0.0000 | 0.0000 | 0.0000 | 0.0000 | 0.0000 | 0.0000 | 0.0000 | 0.0000 | 0.0000 | 0.0000 | 0.0000 | 0.0000 |
| Vendor | 0.0382 | 1.2511 | 0.4011 | 4.3000e-003 | 0.1113 | 1.4600e-003 | 0.1127 | 0.0321 | 1.4000e-003 | 0.0335 | 0.0000 | 417.9930 | 417.9930 | 0.0228 | 0.0000 | 418.5624 |
| Worker | 0.2795 | 0.1910 | 2.2635 | 6.9100e-003 | 0.7377 | 5.9100e-003 | 0.7436 | 0.1960 | 5.4500e-003 | 0.2014 | 0.0000 | 624.5363 | 624.5363 | 0.0164 | 0.0000 | 624.9466 |
| **Total** | **0.3177** | **1.4420** | **2.6646** | **0.0112** | **0.8490** | **7.3700e-003** | **0.8564** | **0.2281** | **6.8500e-003** | **0.2349** | **0.0000** | **1,042.5294** | **1,042.5294** | **0.0392** | **0.0000** | **1,043.5090** |

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CONT

**Mitigated Construction On-Site**

| | ROG | NOx | CO | SO2 | Fugitive PM10 | Exhaust PM10 | PM10 Total | Fugitive PM2.5 | Exhaust PM2.5 | PM2.5 Total | Bio- CO2 | NBio- CO2 | Total CO2 | CH4 | N2O | CO2e |
|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|
| Category | tons/yr | | | | | | | | | | MT/yr | | | | | |
| Off-Road | 0.1942 | 1.7765 | 2.0061 | 3.3300e-003 | | 0.0864 | 0.0864 | | 0.0813 | 0.0813 | 0.0000 | 286.2785 | 286.2785 | 0.0681 | 0.0000 | 287.9811 |
| **Total** | **0.1942** | **1.7765** | **2.0061** | **3.3300e-003** | | **0.0864** | **0.0864** | | **0.0813** | **0.0813** | **0.0000** | **286.2785** | **286.2785** | **0.0681** | **0.0000** | **287.9811** |

### 3.5 Building Construction - 2023

**Mitigated Construction Off-Site**

| | ROG | NOx | CO | SO2 | Fugitive PM10 | Exhaust PM10 | PM10 Total | Fugitive PM2.5 | Exhaust PM2.5 | PM2.5 Total | Bio- CO2 | NBio- CO2 | Total CO2 | CH4 | N2O | CO2e |
|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|
| Category | tons/yr | | | | | | | | | | MT/yr | | | | | |
| Hauling | 0.0000 | 0.0000 | 0.0000 | 0.0000 | 0.0000 | 0.0000 | 0.0000 | 0.0000 | 0.0000 | 0.0000 | 0.0000 | 0.0000 | 0.0000 | 0.0000 | 0.0000 | 0.0000 |
| Vendor | 0.0382 | 1.2511 | 0.4011 | 4.3000e-003 | 0.1113 | 1.4600e-003 | 0.1127 | 0.0321 | 1.4000e-003 | 0.0335 | 0.0000 | 417.9930 | 417.9930 | 0.0228 | 0.0000 | 418.5624 |
| Worker | 0.2795 | 0.1910 | 2.2635 | 6.9100e-003 | 0.7377 | 5.9100e-003 | 0.7436 | 0.1960 | 5.4500e-003 | 0.2014 | 0.0000 | 624.5363 | 624.5363 | 0.0164 | 0.0000 | 624.9466 |
| **Total** | **0.3177** | **1.4420** | **2.6646** | **0.0112** | **0.8490** | **7.3700e-003** | **0.8564** | **0.2281** | **6.8500e-003** | **0.2349** | **0.0000** | **1,042.5294** | **1,042.5294** | **0.0392** | **0.0000** | **1,043.5090** |

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### 3.6 Paving - 2023

**Unmitigated Construction On-Site**

| | ROG | NOx | CO | SO2 | Fugitive PM10 | Exhaust PM10 | PM10 Total | Fugitive PM2.5 | Exhaust PM2.5 | PM2.5 Total | Bio- CO2 | NBio- CO2 | Total CO2 | CH4 | N2O | CO2e |
|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|
| Category | tons/yr | | | | | | | | | | MT/yr | | | | | |
| Off-Road | 6.7100e-003 | 0.0663 | 0.0948 | 1.5000e-004 | | 3.3200e-003 | 3.3200e-003 | | 3.0500e-003 | 3.0500e-003 | 0.0000 | 13.0175 | 13.0175 | 4.2100e-003 | 0.0000 | 13.1227 |
| Paving | 0.0000 | | | | | 0.0000 | 0.0000 | | 0.0000 | 0.0000 | 0.0000 | 0.0000 | 0.0000 | 0.0000 | 0.0000 | 0.0000 |
| **Total** | **6.7100e-003** | **0.0663** | **0.0948** | **1.5000e-004** | | **3.3200e-003** | **3.3200e-003** | | **3.0500e-003** | **3.0500e-003** | **0.0000** | **13.0175** | **13.0175** | **4.2100e-003** | **0.0000** | **13.1227** |

### 3.6 Paving - 2023

**Unmitigated Construction Off-Site**

| | ROG | NOx | CO | SO2 | Fugitive PM10 | Exhaust PM10 | PM10 Total | Fugitive PM2.5 | Exhaust PM2.5 | PM2.5 Total | Bio- CO2 | NBio- CO2 | Total CO2 | CH4 | N2O | CO2e |
|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|
| Category | tons/yr | | | | | | | | | | MT/yr | | | | | |
| Hauling | 0.0000 | 0.0000 | 0.0000 | 0.0000 | 0.0000 | 0.0000 | 0.0000 | 0.0000 | 0.0000 | 0.0000 | 0.0000 | 0.0000 | 0.0000 | 0.0000 | 0.0000 | 0.0000 |
| Vendor | 0.0000 | 0.0000 | 0.0000 | 0.0000 | 0.0000 | 0.0000 | 0.0000 | 0.0000 | 0.0000 | 0.0000 | 0.0000 | 0.0000 | 0.0000 | 0.0000 | 0.0000 | 0.0000 |
| Worker | 2.8000e-004 | 1.9000e-004 | 2.2300e-003 | 1.0000e-005 | 7.3000e-004 | 1.0000e-005 | 7.3000e-004 | 1.9000e-004 | 1.0000e-005 | 2.0000e-004 | 0.0000 | 0.6156 | 0.6156 | 2.0000e-005 | 0.0000 | 0.6160 |
| **Total** | **2.8000e-004** | **1.9000e-004** | **2.2300e-003** | **1.0000e-005** | **7.3000e-004** | **1.0000e-005** | **7.3000e-004** | **1.9000e-004** | **1.0000e-005** | **2.0000e-004** | **0.0000** | **0.6156** | **0.6156** | **2.0000e-005** | **0.0000** | **0.6160** |

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CONT

**Mitigated Construction On-Site**

| | ROG | NOx | CO | SO2 | Fugitive PM10 | Exhaust PM10 | PM10 Total | Fugitive PM2.5 | Exhaust PM2.5 | PM2.5 Total | Bio- CO2 | NBio- CO2 | Total CO2 | CH4 | N2O | CO2e |
|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|
| Category | tons/yr | | | | | | | | | | MT/yr | | | | | |
| Off-Road | 6.7100e-003 | 0.0663 | 0.0948 | 1.5000e-004 | | 3.3200e-003 | 3.3200e-003 | | 3.0500e-003 | 3.0500e-003 | 0.0000 | 13.0175 | 13.0175 | 4.2100e-003 | 0.0000 | 13.1227 |
| Paving | 0.0000 | | | | | 0.0000 | 0.0000 | | 0.0000 | 0.0000 | 0.0000 | 0.0000 | 0.0000 | 0.0000 | 0.0000 | 0.0000 |
| **Total** | **6.7100e-003** | **0.0663** | **0.0948** | **1.5000e-004** | | **3.3200e-003** | **3.3200e-003** | | **3.0500e-003** | **3.0500e-003** | **0.0000** | **13.0175** | **13.0175** | **4.2100e-003** | **0.0000** | **13.1227** |

### 3.6 Paving - 2023

**Mitigated Construction Off-Site**

| | ROG | NOx | CO | SO2 | Fugitive PM10 | Exhaust PM10 | PM10 Total | Fugitive PM2.5 | Exhaust PM2.5 | PM2.5 Total | Bio- CO2 | NBio- CO2 | Total CO2 | CH4 | N2O | CO2e |
|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|
| Category | tons/yr | | | | | | | | | | MT/yr | | | | | |
| Hauling | 0.0000 | 0.0000 | 0.0000 | 0.0000 | 0.0000 | 0.0000 | 0.0000 | 0.0000 | 0.0000 | 0.0000 | 0.0000 | 0.0000 | 0.0000 | 0.0000 | 0.0000 | 0.0000 |
| Vendor | 0.0000 | 0.0000 | 0.0000 | 0.0000 | 0.0000 | 0.0000 | 0.0000 | 0.0000 | 0.0000 | 0.0000 | 0.0000 | 0.0000 | 0.0000 | 0.0000 | 0.0000 | 0.0000 |
| Worker | 2.8000e-004 | 1.9000e-004 | 2.2300e-003 | 1.0000e-005 | 7.3000e-004 | 1.0000e-005 | 7.3000e-004 | 1.9000e-004 | 1.0000e-005 | 2.0000e-004 | 0.0000 | 0.6156 | 0.6156 | 2.0000e-005 | 0.0000 | 0.6160 |
| **Total** | **2.8000e-004** | **1.9000e-004** | **2.2300e-003** | **1.0000e-005** | **7.3000e-004** | **1.0000e-005** | **7.3000e-004** | **1.9000e-004** | **1.0000e-005** | **2.0000e-004** | **0.0000** | **0.6156** | **0.6156** | **2.0000e-005** | **0.0000** | **0.6160** |

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### 3.6 Paving - 2024

**Unmitigated Construction On-Site**

| | ROG | NOx | CO | SO2 | Fugitive PM10 | Exhaust PM10 | PM10 Total | Fugitive PM2.5 | Exhaust PM2.5 | PM2.5 Total | Bio- CO2 | NBio- CO2 | Total CO2 | CH4 | N2O | CO2e |
|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|
| Category | tons/yr | | | | | | | | | | MT/yr | | | | | |
| Off-Road | 0.0109 | 0.1048 | 0.1609 | 2.5000e-004 | | 5.1500e-003 | 5.1500e-003 | | 4.7400e-003 | 4.7400e-003 | 0.0000 | 22.0292 | 22.0292 | 7.1200e-003 | 0.0000 | 22.2073 |
| Paving | 0.0000 | | | | | 0.0000 | 0.0000 | | 0.0000 | 0.0000 | 0.0000 | 0.0000 | 0.0000 | 0.0000 | 0.0000 | 0.0000 |
| **Total** | **0.0109** | **0.1048** | **0.1609** | **2.5000e-004** | | **5.1500e-003** | **5.1500e-003** | | **4.7400e-003** | **4.7400e-003** | **0.0000** | **22.0292** | **22.0292** | **7.1200e-003** | **0.0000** | **22.2073** |

### 3.6 Paving - 2024

**Unmitigated Construction Off-Site**

| | ROG | NOx | CO | SO2 | Fugitive PM10 | Exhaust PM10 | PM10 Total | Fugitive PM2.5 | Exhaust PM2.5 | PM2.5 Total | Bio- CO2 | NBio- CO2 | Total CO2 | CH4 | N2O | CO2e |
|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|
| Category | tons/yr | | | | | | | | | | MT/yr | | | | | |
| Hauling | 0.0000 | 0.0000 | 0.0000 | 0.0000 | 0.0000 | 0.0000 | 0.0000 | 0.0000 | 0.0000 | 0.0000 | 0.0000 | 0.0000 | 0.0000 | 0.0000 | 0.0000 | 0.0000 |
| Vendor | 0.0000 | 0.0000 | 0.0000 | 0.0000 | 0.0000 | 0.0000 | 0.0000 | 0.0000 | 0.0000 | 0.0000 | 0.0000 | 0.0000 | 0.0000 | 0.0000 | 0.0000 | 0.0000 |
| Worker | 4.4000e-004 | 2.9000e-004 | 3.5100e-003 | 1.0000e-005 | 1.2300e-003 | 1.0000e-005 | 1.2400e-003 | 3.3000e-004 | 1.0000e-005 | 3.4000e-004 | 0.0000 | 1.0094 | 1.0094 | 3.0000e-005 | 0.0000 | 1.0100 |
| **Total** | **4.4000e-004** | **2.9000e-004** | **3.5100e-003** | **1.0000e-005** | **1.2300e-003** | **1.0000e-005** | **1.2400e-003** | **3.3000e-004** | **1.0000e-005** | **3.4000e-004** | **0.0000** | **1.0094** | **1.0094** | **3.0000e-005** | **0.0000** | **1.0100** |

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**Mitigated Construction On-Site**

| | ROG | NOx | CO | SO2 | Fugitive PM10 | Exhaust PM10 | PM10 Total | Fugitive PM2.5 | Exhaust PM2.5 | PM2.5 Total | Bio- CO2 | NBio- CO2 | Total CO2 | CH4 | N2O | CO2e |
|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|
| Category | tons/yr | | | | | | | | | | MT/yr | | | | | |
| Off-Road | 0.0109 | 0.1048 | 0.1609 | 2.5000e-004 | | 5.1500e-003 | 5.1500e-003 | | 4.7400e-003 | 4.7400e-003 | 0.0000 | 22.0292 | 22.0292 | 7.1200e-003 | 0.0000 | 22.2073 |
| Paving | 0.0000 | | | | | 0.0000 | 0.0000 | | 0.0000 | 0.0000 | 0.0000 | 0.0000 | 0.0000 | 0.0000 | 0.0000 | 0.0000 |
| **Total** | **0.0109** | **0.1048** | **0.1609** | **2.5000e-004** | | **5.1500e-003** | **5.1500e-003** | | **4.7400e-003** | **4.7400e-003** | **0.0000** | **22.0292** | **22.0292** | **7.1200e-003** | **0.0000** | **22.2073** |

### 3.6 Paving - 2024

**Mitigated Construction Off-Site**

| | ROG | NOx | CO | SO2 | Fugitive PM10 | Exhaust PM10 | PM10 Total | Fugitive PM2.5 | Exhaust PM2.5 | PM2.5 Total | Bio- CO2 | NBio- CO2 | Total CO2 | CH4 | N2O | CO2e |
|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|
| Category | tons/yr | | | | | | | | | | MT/yr | | | | | |
| Hauling | 0.0000 | 0.0000 | 0.0000 | 0.0000 | 0.0000 | 0.0000 | 0.0000 | 0.0000 | 0.0000 | 0.0000 | 0.0000 | 0.0000 | 0.0000 | 0.0000 | 0.0000 | 0.0000 |
| Vendor | 0.0000 | 0.0000 | 0.0000 | 0.0000 | 0.0000 | 0.0000 | 0.0000 | 0.0000 | 0.0000 | 0.0000 | 0.0000 | 0.0000 | 0.0000 | 0.0000 | 0.0000 | 0.0000 |
| Worker | 4.4000e-004 | 2.9000e-004 | 3.5100e-003 | 1.0000e-005 | 1.2300e-003 | 1.0000e-005 | 1.2400e-003 | 3.3000e-004 | 1.0000e-005 | 3.4000e-004 | 0.0000 | 1.0094 | 1.0094 | 3.0000e-005 | 0.0000 | 1.0100 |
| **Total** | **4.4000e-004** | **2.9000e-004** | **3.5100e-003** | **1.0000e-005** | **1.2300e-003** | **1.0000e-005** | **1.2400e-003** | **3.3000e-004** | **1.0000e-005** | **3.4000e-004** | **0.0000** | **1.0094** | **1.0094** | **3.0000e-005** | **0.0000** | **1.0100** |

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### 3.7 Architectural Coating - 2024

**Unmitigated Construction On-Site**

| | ROG | NOx | CO | SO2 | Fugitive PM10 | Exhaust PM10 | PM10 Total | Fugitive PM2.5 | Exhaust PM2.5 | PM2.5 Total | Bio- CO2 | NBio- CO2 | Total CO2 | CH4 | N2O | CO2e |
|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|
| Category | tons/yr | | | | | | | | | | MT/yr | | | | | |
| Archit. Coating | 4.1372 | | | | | 0.0000 | 0.0000 | | 0.0000 | 0.0000 | 0.0000 | 0.0000 | 0.0000 | 0.0000 | 0.0000 | 0.0000 |
| Off-Road | 3.1600e-003 | 0.0213 | 0.0317 | 5.0000e-005 | | 1.0700e-003 | 1.0700e-003 | | 1.0700e-003 | 1.0700e-003 | 0.0000 | 4.4682 | 4.4682 | 2.5000e-004 | 0.0000 | 4.4745 |
| **Total** | **4.1404** | **0.0213** | **0.0317** | **5.0000e-005** | | **1.0700e-003** | **1.0700e-003** | | **1.0700e-003** | **1.0700e-003** | **0.0000** | **4.4682** | **4.4682** | **2.5000e-004** | **0.0000** | **4.4745** |

### 3.7 Architectural Coating - 2024

**Unmitigated Construction Off-Site**

| | ROG | NOx | CO | SO2 | Fugitive PM10 | Exhaust PM10 | PM10 Total | Fugitive PM2.5 | Exhaust PM2.5 | PM2.5 Total | Bio- CO2 | NBio- CO2 | Total CO2 | CH4 | N2O | CO2e |
|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|
| Category | tons/yr | | | | | | | | | | MT/yr | | | | | |
| Hauling | 0.0000 | 0.0000 | 0.0000 | 0.0000 | 0.0000 | 0.0000 | 0.0000 | 0.0000 | 0.0000 | 0.0000 | 0.0000 | 0.0000 | 0.0000 | 0.0000 | 0.0000 | 0.0000 |
| Vendor | 0.0000 | 0.0000 | 0.0000 | 0.0000 | 0.0000 | 0.0000 | 0.0000 | 0.0000 | 0.0000 | 0.0000 | 0.0000 | 0.0000 | 0.0000 | 0.0000 | 0.0000 | 0.0000 |
| Worker | 7.4800e-003 | 4.9300e-003 | 0.0596 | 1.9000e-004 | 0.0209 | 1.6000e-004 | 0.0211 | 5.5500e-003 | 1.5000e-004 | 5.7000e-003 | 0.0000 | 17.1287 | 17.1287 | 4.3000e-004 | 0.0000 | 17.1394 |
| **Total** | **7.4800e-003** | **4.9300e-003** | **0.0596** | **1.9000e-004** | **0.0209** | **1.6000e-004** | **0.0211** | **5.5500e-003** | **1.5000e-004** | **5.7000e-003** | **0.0000** | **17.1287** | **17.1287** | **4.3000e-004** | **0.0000** | **17.1394** |

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**Mitigated Construction On-Site**

| | ROG | NOx | CO | SO2 | Fugitive PM10 | Exhaust PM10 | PM10 Total | Fugitive PM2.5 | Exhaust PM2.5 | PM2.5 Total | Bio- CO2 | NBio- CO2 | Total CO2 | CH4 | N2O | CO2e |
|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|
| Category | tons/yr | | | | | | | | | | MT/yr | | | | | |
| Archit. Coating | 4.1372 | | | | | 0.0000 | 0.0000 | | 0.0000 | 0.0000 | 0.0000 | 0.0000 | 0.0000 | 0.0000 | 0.0000 | 0.0000 |
| Off-Road | 3.1600e-003 | 0.0213 | 0.0317 | 5.0000e-005 | | 1.0700e-003 | 1.0700e-003 | | 1.0700e-003 | 1.0700e-003 | 0.0000 | 4.4682 | 4.4682 | 2.5000e-004 | 0.0000 | 4.4745 |
| **Total** | **4.1404** | **0.0213** | **0.0317** | **5.0000e-005** | | **1.0700e-003** | **1.0700e-003** | | **1.0700e-003** | **1.0700e-003** | **0.0000** | **4.4682** | **4.4682** | **2.5000e-004** | **0.0000** | **4.4745** |

### 3.7 Architectural Coating - 2024

**Mitigated Construction Off-Site**

| | ROG | NOx | CO | SO2 | Fugitive PM10 | Exhaust PM10 | PM10 Total | Fugitive PM2.5 | Exhaust PM2.5 | PM2.5 Total | Bio- CO2 | NBio- CO2 | Total CO2 | CH4 | N2O | CO2e |
|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|
| Category | tons/yr | | | | | | | | | | MT/yr | | | | | |
| Hauling | 0.0000 | 0.0000 | 0.0000 | 0.0000 | 0.0000 | 0.0000 | 0.0000 | 0.0000 | 0.0000 | 0.0000 | 0.0000 | 0.0000 | 0.0000 | 0.0000 | 0.0000 | 0.0000 |
| Vendor | 0.0000 | 0.0000 | 0.0000 | 0.0000 | 0.0000 | 0.0000 | 0.0000 | 0.0000 | 0.0000 | 0.0000 | 0.0000 | 0.0000 | 0.0000 | 0.0000 | 0.0000 | 0.0000 |
| Worker | 7.4800e-003 | 4.9300e-003 | 0.0596 | 1.9000e-004 | 0.0209 | 1.6000e-004 | 0.0211 | 5.5500e-003 | 1.5000e-004 | 5.7000e-003 | 0.0000 | 17.1287 | 17.1287 | 4.3000e-004 | 0.0000 | 17.1394 |
| **Total** | **7.4800e-003** | **4.9300e-003** | **0.0596** | **1.9000e-004** | **0.0209** | **1.6000e-004** | **0.0211** | **5.5500e-003** | **1.5000e-004** | **5.7000e-003** | **0.0000** | **17.1287** | **17.1287** | **4.3000e-004** | **0.0000** | **17.1394** |

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## 4.0 Operational Detail - Mobile

### 4.1 Mitigation Measures Mobile

| | ROG | NOx | CO | SO2 | Fugitive PM10 | Exhaust PM10 | PM10 Total | Fugitive PM2.5 | Exhaust PM2.5 | PM2.5 Total | Bio- CO2 | NBio- CO2 | Total CO2 | CH4 | N2O | CO2e |
|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|
| Category | tons/yr | | | | | | | | | | MT/yr | | | | | |
| Mitigated | 1.5857 | 7.9962 | 19.1834 | 0.0821 | 7.7979 | 0.0580 | 7.8559 | 2.0895 | 0.0539 | 2.1434 | 0.0000 | 7,620.4986 | 7,620.4986 | 0.3407 | 0.0000 | 7,629.0162 |
| Unmitigated | 1.5857 | 7.9962 | 19.1834 | 0.0821 | 7.7979 | 0.0580 | 7.8559 | 2.0895 | 0.0539 | 2.1434 | 0.0000 | 7,620.4986 | 7,620.4986 | 0.3407 | 0.0000 | 7,629.0162 |

## 4.2 Trip Summary Information

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| | Average Daily Trip Rate | | | Unmitigated | Mitigated |
|---|---|---|---|---|---|
| Land Use | Weekday | Saturday | Sunday | Annual VMT | Annual VMT |
| Apartments Low Rise | 145.75 | 154.25 | 154.00 | 506,227 | 506,227 |
| Apartments Mid Rise | 4,026.75 | 3,773.25 | 4075.50 | 13,660,065 | 13,660,065 |
| General Office Building | 288.45 | 62.55 | 31.05 | 706,812 | 706,812 |
| High Turnover (Sit Down Restaurant) | 2,368.80 | 2,873.52 | 2817.72 | 3,413,937 | 3,413,937 |
| Hotel | 192.00 | 187.50 | 160.00 | 445,703 | 445,703 |
| Quality Restaurant | 501.12 | 511.92 | 461.20 | 707,488 | 707,488 |
| Regional Shopping Center | 528.08 | 601.44 | 357.84 | 1,112,221 | 1,112,221 |
| Total | 8,050.95 | 8,164.43 | 8,057.31 | 20,552,452 | 20,552,452 |

## 4.3 Trip Type Information

Village South Specific Plan (Proposed) - Los Angeles-South Coast County, Annual

| | Miles | | | Trip % | | | Trip Purpose % | | |
|---|---|---|---|---|---|---|---|---|---|
| Land Use | H-W or C-W | H-S or C-C | H-O or C-NW | H-W or C-W | H-S or C-C | H-O or C-NW | Primary | Diverted | Pass-by |
| Apartments Low Rise | 14.70 | 5.90 | 8.70 | 40.20 | 19.20 | 40.60 | 86 | 11 | 3 |
| Apartments Mid Rise | 14.70 | 5.90 | 8.70 | 40.20 | 19.20 | 40.60 | 86 | 11 | 3 |
| General Office Building | 16.60 | 8.40 | 6.90 | 33.00 | 48.00 | 19.00 | 77 | 19 | 4 |
| High Turnover (Sit Down | 16.60 | 8.40 | 6.90 | 8.50 | 72.50 | 19.00 | 37 | 20 | 43 |
| Hotel | 16.60 | 8.40 | 6.90 | 19.40 | 61.60 | 19.00 | 58 | 38 | 4 |
| Quality Restaurant | 16.60 | 8.40 | 6.90 | 12.00 | 69.00 | 19.00 | 38 | 18 | 44 |
| Regional Shopping Center | 16.60 | 8.40 | 6.90 | 16.30 | 64.70 | 19.00 | 54 | 35 | 11 |

### 4.4 Fleet Mix

| Land Use | LDA | LDT1 | LDT2 | MDV | LHD1 | LHD2 | MHD | HHD | OBUS | UBUS | MCY | SBUS | MH |
|---|---|---|---|---|---|---|---|---|---|---|---|---|---|
| Apartments Low Rise | 0.543088 | 0.044216 | 0.209971 | 0.116369 | 0.014033 | 0.006332 | 0.021166 | 0.033577 | 0.002613 | 0.001817 | 0.005285 | 0.000712 | 0.000821 |
| Apartments Mid Rise | 0.543088 | 0.044216 | 0.209971 | 0.116369 | 0.014033 | 0.006332 | 0.021166 | 0.033577 | 0.002613 | 0.001817 | 0.005285 | 0.000712 | 0.000821 |
| General Office Building | 0.543088 | 0.044216 | 0.209971 | 0.116369 | 0.014033 | 0.006332 | 0.021166 | 0.033577 | 0.002613 | 0.001817 | 0.005285 | 0.000712 | 0.000821 |
| High Turnover (Sit Down Restaurant) | 0.543088 | 0.044216 | 0.209971 | 0.116369 | 0.014033 | 0.006332 | 0.021166 | 0.033577 | 0.002613 | 0.001817 | 0.005285 | 0.000712 | 0.000821 |
| Hotel | 0.543088 | 0.044216 | 0.209971 | 0.116369 | 0.014033 | 0.006332 | 0.021166 | 0.033577 | 0.002613 | 0.001817 | 0.005285 | 0.000712 | 0.000821 |
| Quality Restaurant | 0.543088 | 0.044216 | 0.209971 | 0.116369 | 0.014033 | 0.006332 | 0.021166 | 0.033577 | 0.002613 | 0.001817 | 0.005285 | 0.000712 | 0.000821 |
| Regional Shopping Center | 0.543088 | 0.044216 | 0.209971 | 0.116369 | 0.014033 | 0.006332 | 0.021166 | 0.033577 | 0.002613 | 0.001817 | 0.005285 | 0.000712 | 0.000821 |

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## 5.0 Energy Detail

Historical Energy Use: N

### 5.1 Mitigation Measures Energy

Village South Specific Plan (Proposed) - Los Angeles-South Coast County, Annual

| | ROG | NOx | CO | SO2 | Fugitive PM10 | Exhaust PM10 | PM10 Total | Fugitive PM2.5 | Exhaust PM2.5 | PM2.5 Total | Bio- CO2 | NBio- CO2 | Total CO2 | CH4 | N2O | CO2e |
|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|
| Category | tons/yr | | | | | | | | | | MT/yr | | | | | |
| Electricity Mitigated | | | | | | 0.0000 | 0.0000 | | 0.0000 | 0.0000 | 0.0000 | 2,512.6465 | 2,512.6465 | 0.1037 | 0.0215 | 2,521.6356 |
| Electricity Unmitigated | | | | | | 0.0000 | 0.0000 | | 0.0000 | 0.0000 | 0.0000 | 2,512.6465 | 2,512.6465 | 0.1037 | 0.0215 | 2,521.6356 |
| NaturalGas Mitigated | 0.1398 | 1.2312 | 0.7770 | 7.6200e-003 | | 0.0966 | 0.0966 | | 0.0966 | 0.0966 | 0.0000 | 1,383.4267 | 1,383.4267 | 0.0265 | 0.0254 | 1,391.6478 |
| NaturalGas Unmitigated | 0.1398 | 1.2312 | 0.7770 | 7.6200e-003 | | 0.0966 | 0.0966 | | 0.0966 | 0.0966 | 0.0000 | 1,383.4267 | 1,383.4267 | 0.0265 | 0.0254 | 1,391.6478 |

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## 5.2 Energy by Land Use - NaturalGas

**Unmitigated**

| | NaturalGas Use | ROG | NOx | CO | SO2 | Fugitive PM10 | Exhaust PM10 | PM10 Total | Fugitive PM2.5 | Exhaust PM2.5 | PM2.5 Total | Bio- CO2 | NBio- CO2 | Total CO2 | CH4 | N2O | CO2e |
|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|
| Land Use | kBTU/yr | tons/yr | | | | | | | | | | MT/yr | | | | | |
| Apartments Low Rise | 408494 | 2.2000e-003 | 0.0188 | 8.0100e-003 | 1.2000e-004 | | 1.5200e-003 | 1.5200e-003 | | 1.5200e-003 | 1.5200e-003 | 0.0000 | 21.7988 | 21.7988 | 4.2000e-004 | 4.0000e-004 | 21.9284 |
| Apartments Mid Rise | 1.30613e+007 | 0.0704 | 0.6018 | 0.2561 | 3.8400e-003 | | 0.0487 | 0.0487 | | 0.0487 | 0.0487 | 0.0000 | 696.9989 | 696.9989 | 0.0134 | 0.0128 | 701.1408 |
| General Office Building | 468450 | 2.5300e-003 | 0.0230 | 0.0193 | 1.4000e-004 | | 1.7500e-003 | 1.7500e-003 | | 1.7500e-003 | 1.7500e-003 | 0.0000 | 24.9983 | 24.9983 | 4.8000e-004 | 4.6000e-004 | 25.1468 |
| High Turnover (Sit Down Restaurant) | 8.30736e+006 | 0.0448 | 0.4072 | 0.3421 | 2.4400e-003 | | 0.0310 | 0.0310 | | 0.0310 | 0.0310 | 0.0000 | 443.3124 | 443.3124 | 8.5000e-003 | 8.1300e-003 | 445.9468 |
| Hotel | 1.74095e+006 | 9.3900e-003 | 0.0853 | 0.0717 | 5.1000e-004 | | 6.4900e-003 | 6.4900e-003 | | 6.4900e-003 | 6.4900e-003 | 0.0000 | 92.9036 | 92.9036 | 1.7800e-003 | 1.7000e-003 | 93.4557 |
| Quality Restaurant | 1.84608e+006 | 9.9500e-003 | 0.0905 | 0.0760 | 5.4000e-004 | | 6.8800e-003 | 6.8800e-003 | | 6.8800e-003 | 6.8800e-003 | 0.0000 | 98.5139 | 98.5139 | 1.8900e-003 | 1.8100e-003 | 99.0993 |
| Regional Shopping Center | 91840 | 5.0000e-004 | 4.5000e-003 | 3.7800e-003 | 3.0000e-005 | | 3.4000e-004 | 3.4000e-004 | | 3.4000e-004 | 3.4000e-004 | 0.0000 | 4.9009 | 4.9009 | 9.0000e-005 | 9.0000e-005 | 4.9301 |
| **Total** | | **0.1398** | **1.2312** | **0.7770** | **7.6200e-003** | | **0.0966** | **0.0966** | | **0.0966** | **0.0966** | **0.0000** | **1,383.4268** | **1,383.4268** | **0.0265** | **0.0254** | **1,391.6478** |

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## 5.2 Energy by Land Use - NaturalGas

**Mitigated**

| | NaturalGas Use | ROG | NOx | CO | SO2 | Fugitive PM10 | Exhaust PM10 | PM10 Total | Fugitive PM2.5 | Exhaust PM2.5 | PM2.5 Total | Bio- CO2 | NBio- CO2 | Total CO2 | CH4 | N2O | CO2e |
|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|
| Land Use | kBTU/yr | tons/yr | | | | | | | | | | MT/yr | | | | | |
| Apartments Low Rise | 408494 | 2.2000e-003 | 0.0188 | 8.0100e-003 | 1.2000e-004 | | 1.5200e-003 | 1.5200e-003 | | 1.5200e-003 | 1.5200e-003 | 0.0000 | 21.7988 | 21.7988 | 4.2000e-004 | 4.0000e-004 | 21.9284 |
| Apartments Mid Rise | 1.30613e+007 | 0.0704 | 0.6018 | 0.2561 | 3.8400e-003 | | 0.0487 | 0.0487 | | 0.0487 | 0.0487 | 0.0000 | 696.9989 | 696.9989 | 0.0134 | 0.0128 | 701.1408 |
| General Office Building | 468450 | 2.5300e-003 | 0.0230 | 0.0193 | 1.4000e-004 | | 1.7500e-003 | 1.7500e-003 | | 1.7500e-003 | 1.7500e-003 | 0.0000 | 24.9983 | 24.9983 | 4.8000e-004 | 4.6000e-004 | 25.1468 |
| High Turnover (Sit Down Restaurant) | 8.30736e+006 | 0.0448 | 0.4072 | 0.3421 | 2.4400e-003 | | 0.0310 | 0.0310 | | 0.0310 | 0.0310 | 0.0000 | 443.3124 | 443.3124 | 8.5000e-003 | 8.1300e-003 | 445.9468 |
| Hotel | 1.74095e+006 | 9.3900e-003 | 0.0853 | 0.0717 | 5.1000e-004 | | 6.4900e-003 | 6.4900e-003 | | 6.4900e-003 | 6.4900e-003 | 0.0000 | 92.9036 | 92.9036 | 1.7800e-003 | 1.7000e-003 | 93.4557 |
| Quality Restaurant | 1.84608e+006 | 9.9500e-003 | 0.0905 | 0.0760 | 5.4000e-004 | | 6.8800e-003 | 6.8800e-003 | | 6.8800e-003 | 6.8800e-003 | 0.0000 | 98.5139 | 98.5139 | 1.8900e-003 | 1.8100e-003 | 99.0993 |
| Regional Shopping Center | 91840 | 5.0000e-004 | 4.5000e-003 | 3.7800e-003 | 3.0000e-005 | | 3.4000e-004 | 3.4000e-004 | | 3.4000e-004 | 3.4000e-004 | 0.0000 | 4.9009 | 4.9009 | 9.0000e-005 | 9.0000e-005 | 4.9301 |
| **Total** | | **0.1398** | **1.2312** | **0.7770** | **7.6200e-003** | | **0.0966** | **0.0966** | | **0.0966** | **0.0966** | **0.0000** | **1,383.4268** | **1,383.4268** | **0.0265** | **0.0254** | **1,391.6478** |

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### 5.3 Energy by Land Use - Electricity

**Unmitigated**

| | Electricity Use | Total CO2 | CH4 | N2O | CO2e |
|---|---|---|---|---|---|
| Land Use | kWh/yr | MT/yr | | | |
| Apartments Low Rise | 106010 | 33.7770 | 1.3900e-003 | 2.9000e-004 | 33.8978 |
| Apartments Mid Rise | 3.94697e+006 | 1,257.5879 | 0.0519 | 0.0107 | 1,262.0869 |
| General Office Building | 584550 | 186.2502 | 7.6900e-003 | 1.5900e-003 | 186.9165 |
| High Turnover (Sit Down Restaurant) | 1.58904e+006 | 506.3022 | 0.0209 | 4.3200e-003 | 508.1135 |
| Hotel | 550308 | 175.3399 | 7.2400e-003 | 1.5000e-003 | 175.9672 |
| Quality Restaurant | 353120 | 112.5116 | 4.6500e-003 | 9.6000e-004 | 112.9141 |
| Regional Shopping Center | 756000 | 240.8778 | 9.9400e-003 | 2.0600e-003 | 241.7395 |
| **Total** | | **2,512.6465** | **0.1037** | **0.0215** | **2,521.6356** |

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### 5.3 Energy by Land Use - Electricity

**Mitigated**

| | Electricity Use | Total CO2 | CH4 | N2O | CO2e |
|---|---|---|---|---|---|
| Land Use | kWh/yr | MT/yr | | | |
| Apartments Low Rise | 106010 | 33.7770 | 1.3900e-003 | 2.9000e-004 | 33.8978 |
| Apartments Mid Rise | 3.94697e+006 | 1,257.5879 | 0.0519 | 0.0107 | 1,262.0869 |
| General Office Building | 584550 | 186.2502 | 7.6900e-003 | 1.5900e-003 | 186.9165 |
| High Turnover (Sit Down Restaurant) | 1.58904e+006 | 506.3022 | 0.0209 | 4.3200e-003 | 508.1135 |
| Hotel | 550308 | 175.3399 | 7.2400e-003 | 1.5000e-003 | 175.9672 |
| Quality Restaurant | 353120 | 112.5116 | 4.6500e-003 | 9.6000e-004 | 112.9141 |
| Regional Shopping Center | 756000 | 240.8778 | 9.9400e-003 | 2.0600e-003 | 241.7395 |
| **Total** | | **2,512.6465** | **0.1037** | **0.0215** | **2,521.6356** |

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## 6.0 Area Detail

### 6.1 Mitigation Measures Area

| | ROG | NOx | CO | SO2 | Fugitive PM10 | Exhaust PM10 | PM10 Total | Fugitive PM2.5 | Exhaust PM2.5 | PM2.5 Total | Bio- CO2 | NBio- CO2 | Total CO2 | CH4 | N2O | CO2e |
|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|
| Category | tons/yr | | | | | | | | | | MT/yr | | | | | |
| Mitigated | 5.1437 | 0.2950 | 10.3804 | 1.6700e-003 | | 0.0714 | 0.0714 | | 0.0714 | 0.0714 | 0.0000 | 220.9670 | 220.9670 | 0.0201 | 3.7400e-003 | 222.5835 |
| Unmitigated | 5.1437 | 0.2950 | 10.3804 | 1.6700e-003 | | 0.0714 | 0.0714 | | 0.0714 | 0.0714 | 0.0000 | 220.9670 | 220.9670 | 0.0201 | 3.7400e-003 | 222.5835 |

## 6.2 Area by SubCategory

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**Unmitigated**

| | ROG | NOx | CO | SO2 | Fugitive PM10 | Exhaust PM10 | PM10 Total | Fugitive PM2.5 | Exhaust PM2.5 | PM2.5 Total | Bio- CO2 | NBio- CO2 | Total CO2 | CH4 | N2O | CO2e |
|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|
| SubCategory | tons/yr | | | | | | | | | | MT/yr | | | | | |
| Architectural Coating | 0.4137 | | | | | 0.0000 | 0.0000 | | 0.0000 | 0.0000 | 0.0000 | 0.0000 | 0.0000 | 0.0000 | 0.0000 | 0.0000 |
| Consumer Products | 4.3998 | | | | | 0.0000 | 0.0000 | | 0.0000 | 0.0000 | 0.0000 | 0.0000 | 0.0000 | 0.0000 | 0.0000 | 0.0000 |
| Hearth | 0.0206 | 0.1763 | 0.0750 | 1.1200e-003 | | 0.0143 | 0.0143 | | 0.0143 | 0.0143 | 0.0000 | 204.1166 | 204.1166 | 3.9100e-003 | 3.7400e-003 | 205.3295 |
| Landscaping | 0.3096 | 0.1187 | 10.3054 | 5.4000e-004 | | 0.0572 | 0.0572 | | 0.0572 | 0.0572 | 0.0000 | 16.8504 | 16.8504 | 0.0161 | 0.0000 | 17.2540 |
| **Total** | **5.1437** | **0.2950** | **10.3804** | **1.6600e-003** | | **0.0714** | **0.0714** | | **0.0714** | **0.0714** | **0.0000** | **220.9670** | **220.9670** | **0.0201** | **3.7400e-003** | **222.5835** |

### 6.2 Area by SubCategory

**Mitigated**

| | ROG | NOx | CO | SO2 | Fugitive PM10 | Exhaust PM10 | PM10 Total | Fugitive PM2.5 | Exhaust PM2.5 | PM2.5 Total | Bio- CO2 | NBio- CO2 | Total CO2 | CH4 | N2O | CO2e |
|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|
| SubCategory | tons/yr | | | | | | | | | | MT/yr | | | | | |
| Architectural Coating | 0.4137 | | | | | 0.0000 | 0.0000 | | 0.0000 | 0.0000 | 0.0000 | 0.0000 | 0.0000 | 0.0000 | 0.0000 | 0.0000 |
| Consumer Products | 4.3998 | | | | | 0.0000 | 0.0000 | | 0.0000 | 0.0000 | 0.0000 | 0.0000 | 0.0000 | 0.0000 | 0.0000 | 0.0000 |
| Hearth | 0.0206 | 0.1763 | 0.0750 | 1.1200e-003 | | 0.0143 | 0.0143 | | 0.0143 | 0.0143 | 0.0000 | 204.1166 | 204.1166 | 3.9100e-003 | 3.7400e-003 | 205.3295 |
| Landscaping | 0.3096 | 0.1187 | 10.3054 | 5.4000e-004 | | 0.0572 | 0.0572 | | 0.0572 | 0.0572 | 0.0000 | 16.8504 | 16.8504 | 0.0161 | 0.0000 | 17.2540 |
| **Total** | **5.1437** | **0.2950** | **10.3804** | **1.6600e-003** | | **0.0714** | **0.0714** | | **0.0714** | **0.0714** | **0.0000** | **220.9670** | **220.9670** | **0.0201** | **3.7400e-003** | **222.5835** |

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## 7.0 Water Detail

### 7.1 Mitigation Measures Water

| | Total CO2 | CH4 | N2O | CO2e |
|---|---|---|---|---|
| Category | MT/yr | | | |
| Mitigated | 585.8052 | 3.0183 | 0.0755 | 683.7567 |
| Unmitigated | 585.8052 | 3.0183 | 0.0755 | 683.7567 |

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CONT

## 7.2 Water by Land Use

**Unmitigated**

| | Indoor/Outdoor Use | Total CO2 | CH4 | N2O | CO2e |
|---|---|---|---|---|---|
| Land Use | Mgal | MT/yr | | | |
| Apartments Low Rise | 1.62885 / 1.02688 | 10.9095 | 0.0535 | 1.3400e-003 | 12.6471 |
| Apartments Mid Rise | 63.5252 / 40.0485 | 425.4719 | 2.0867 | 0.0523 | 493.2363 |
| General Office Building | 7.99802 / 4.90201 | 53.0719 | 0.2627 | 6.5900e-003 | 61.6019 |
| High Turnover (Sit Down Restaurant) | 10.9272 / 0.697482 | 51.2702 | 0.3580 | 8.8200e-003 | 62.8482 |
| Hotel | 1.26834 / 0.140927 | 6.1633 | 0.0416 | 1.0300e-003 | 7.5079 |
| Quality Restaurant | 2.42827 / 0.154996 | 11.3934 | 0.0796 | 1.9600e-003 | 13.9663 |
| Regional Shopping Center | 4.14806 / 2.54236 | 27.5250 | 0.1363 | 3.4200e-003 | 31.9490 |
| **Total** | | **585.8052** | **3.0183** | **0.0755** | **683.7567** |

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CONT

### 7.2 Water by Land Use

**Mitigated**

| | Indoor/Outdoor Use | Total CO2 | CH4 | N2O | CO2e |
|---|---|---|---|---|---|
| Land Use | Mgal | MT/yr | | | |
| Apartments Low Rise | 1.62885 / 1.02688 | 10.9095 | 0.0535 | 1.3400e-003 | 12.6471 |
| Apartments Mid Rise | 63.5252 / 40.0485 | 425.4719 | 2.0867 | 0.0523 | 493.2363 |
| General Office Building | 7.99802 / 4.90201 | 53.0719 | 0.2627 | 6.5900e-003 | 61.6019 |
| High Turnover (Sit Down Restaurant) | 10.9272 / 0.697482 | 51.2702 | 0.3580 | 8.8200e-003 | 62.8482 |
| Hotel | 1.26834 / 0.140927 | 6.1633 | 0.0416 | 1.0300e-003 | 7.5079 |
| Quality Restaurant | 2.42827 / 0.154996 | 11.3934 | 0.0796 | 1.9600e-003 | 13.9663 |
| Regional Shopping Center | 4.14806 / 2.54236 | 27.5250 | 0.1363 | 3.4200e-003 | 31.9490 |
| **Total** | | **585.8052** | **3.0183** | **0.0755** | **683.7567** |

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CONT

## 8.0 Waste Detail

### 8.1 Mitigation Measures Waste

**Category/Year**

| | Total CO2 | CH4 | N2O | CO2e |
|---|---|---|---|---|
| | MT/yr | | | |
| Mitigated | 207.8079 | 12.2811 | 0.0000 | 514.8354 |
| Unmitigated | 207.8079 | 12.2811 | 0.0000 | 514.8354 |

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CONT

## 8.2 Waste by Land Use

**Unmitigated**

| | Waste Disposed | Total CO2 | CH4 | N2O | CO2e |
|---|---|---|---|---|---|
| Land Use | tons | MT/yr | | | |
| Apartments Low Rise | 11.5 | 2.3344 | 0.1380 | 0.0000 | 5.7834 |
| Apartments Mid Rise | 448.5 | 91.0415 | 5.3804 | 0.0000 | 225.5513 |
| General Office Building | 41.85 | 8.4952 | 0.5021 | 0.0000 | 21.0464 |
| High Turnover (Sit Down Restaurant) | 428.4 | 86.9613 | 5.1393 | 0.0000 | 215.4430 |
| Hotel | 27.38 | 5.5579 | 0.3285 | 0.0000 | 13.7694 |
| Quality Restaurant | 7.3 | 1.4818 | 0.0876 | 0.0000 | 3.6712 |
| Regional Shopping Center | 58.8 | 11.9359 | 0.7054 | 0.0000 | 29.5706 |
| **Total** | | **207.8079** | **12.2811** | **0.0000** | **514.8354** |

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CONT

### 8.2 Waste by Land Use

**Mitigated**

| | Waste Disposed | Total CO2 | CH4 | N2O | CO2e |
|---|---|---|---|---|---|
| Land Use | tons | MT/yr | | | |
| Apartments Low Rise | 11.5 | 2.3344 | 0.1380 | 0.0000 | 5.7834 |
| Apartments Mid Rise | 448.5 | 91.0415 | 5.3804 | 0.0000 | 225.5513 |
| General Office Building | 41.85 | 8.4952 | 0.5021 | 0.0000 | 21.0464 |
| High Turnover (Sit Down Restaurant) | 428.4 | 86.9613 | 5.1393 | 0.0000 | 215.4430 |
| Hotel | 27.38 | 5.5579 | 0.3285 | 0.0000 | 13.7694 |
| Quality Restaurant | 7.3 | 1.4818 | 0.0876 | 0.0000 | 3.6712 |
| Regional Shopping Center | 58.8 | 11.9359 | 0.7054 | 0.0000 | 29.5706 |
| **Total** | | **207.8079** | **12.2811** | **0.0000** | **514.8354** |

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### 9.0 Operational Offroad

| Equipment Type | Number | Hours/Day | Days/Year | Horse Power | Load Factor | Fuel Type |
|---|---|---|---|---|---|---|

### 10.0 Stationary Equipment

**Fire Pumps and Emergency Generators**

| Equipment Type | Number | Hours/Day | Hours/Year | Horse Power | Load Factor | Fuel Type |
|---|---|---|---|---|---|---|

**Boilers**

| Equipment Type | Number | Heat Input/Day | Heat Input/Year | Boiler Rating | Fuel Type |
|---|---|---|---|---|---|

**User Defined Equipment**

| Equipment Type | Number |
|---|---|

## 11.0 Vegetation

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CONT

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CONT

# Village South Specific Plan (Proposed)

**Los Angeles-South Coast County, Summer**

## 1.0 Project Characteristics

### 1.1 Land Usage

| Land Uses | Size | Metric | Lot Acreage | Floor Surface Area | Population |
|---|---|---|---|---|---|
| General Office Building | 45.00 | 1000sqft | 1.03 | 45,000.00 | 0 |
| High Turnover (Sit Down Restaurant) | 36.00 | 1000sqft | 0.83 | 36,000.00 | 0 |
| Hotel | 50.00 | Room | 1.67 | 72,600.00 | 0 |
| Quality Restaurant | 8.00 | 1000sqft | 0.18 | 8,000.00 | 0 |
| Apartments Low Rise | 25.00 | Dwelling Unit | 1.56 | 25,000.00 | 72 |
| Apartments Mid Rise | 975.00 | Dwelling Unit | 25.66 | 975,000.00 | 2789 |
| Regional Shopping Center | 56.00 | 1000sqft | 1.29 | 56,000.00 | 0 |

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### 1.2 Other Project Characteristics

| | | | | | |
|---|---|---|---|---|---|
| **Urbanization** | Urban | **Wind Speed (m/s)** | 2.2 | **Precipitation Freq (Days)** | 33 |
| **Climate Zone** | 9 | | | **Operational Year** | 2028 |
| **Utility Company** | Southern California Edison | | | | |
| **CO2 Intensity (lb/MWhr)** | 702.44 | **CH4 Intensity (lb/MWhr)** | 0.029 | **N2O Intensity (lb/MWhr)** | 0.006 |

### 1.3 User Entered Comments & Non-Default Data

Village South Specific Plan (Proposed) - Los Angeles-South Coast County, Summer

Project Characteristics - Consistent with the DEIR's model.

Land Use - See SWAPE comment regarding residential and retail land uses.

Construction Phase - See SWAPE comment regarding individual construction phase lengths.

Demolition - Consistent with the DEIR's model. See SWAPE comment regarding demolition.

Vehicle Trips - Saturday trips consistent with the DEIR's model. See SWAPE comment regarding weekday and Sunday trips.

Woodstoves - Woodstoves and wood-burning fireplaces consistent with the DEIR's model. See SWAPE comment regarding gas fireplaces.

Energy Use -

Construction Off-road Equipment Mitigation - See SWAPE comment on construction-related mitigation.

Area Mitigation - See SWAPE comment regarding operational mitigation measures.

Water Mitigation - See SWAPE comment regarding operational mitigation measures.

Trips and VMT - Local hire provision

| Table Name | Column Name | Default Value | New Value |
|---|---|---|---|
| tblFireplaces | FireplaceWoodMass | 1,019.20 | 0.00 |
| tblFireplaces | FireplaceWoodMass | 1,019.20 | 0.00 |
| tblFireplaces | NumberWood | 1.25 | 0.00 |
| tblFireplaces | NumberWood | 48.75 | 0.00 |
| tblTripsAndVMT | WorkerTripLength | 14.70 | 10.00 |
| tblTripsAndVMT | WorkerTripLength | 14.70 | 10.00 |
| tblTripsAndVMT | WorkerTripLength | 14.70 | 10.00 |
| tblTripsAndVMT | WorkerTripLength | 14.70 | 10.00 |
| tblTripsAndVMT | WorkerTripLength | 14.70 | 10.00 |
| tblTripsAndVMT | WorkerTripLength | 14.70 | 10.00 |
| tblVehicleTrips | ST_TR | 7.16 | 6.17 |
| tblVehicleTrips | ST_TR | 6.39 | 3.87 |
| tblVehicleTrips | ST_TR | 2.46 | 1.39 |
| tblVehicleTrips | ST_TR | 158.37 | 79.82 |

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CONT

| | | | |
|---|---|---|---|
| tblVehicleTrips | ST_TR | 8.19 | 3.75 |
| tblVehicleTrips | ST_TR | 94.36 | 63.99 |
| tblVehicleTrips | ST_TR | 49.97 | 10.74 |
| tblVehicleTrips | SU_TR | 6.07 | 6.16 |
| tblVehicleTrips | SU_TR | 5.86 | 4.18 |
| tblVehicleTrips | SU_TR | 1.05 | 0.69 |
| tblVehicleTrips | SU_TR | 131.84 | 78.27 |
| tblVehicleTrips | SU_TR | 5.95 | 3.20 |
| tblVehicleTrips | SU_TR | 72.16 | 57.65 |
| tblVehicleTrips | SU_TR | 25.24 | 6.39 |
| tblVehicleTrips | WD_TR | 6.59 | 5.83 |
| tblVehicleTrips | WD_TR | 6.65 | 4.13 |
| tblVehicleTrips | WD_TR | 11.03 | 6.41 |
| tblVehicleTrips | WD_TR | 127.15 | 65.80 |
| tblVehicleTrips | WD_TR | 8.17 | 3.84 |
| tblVehicleTrips | WD_TR | 89.95 | 62.64 |
| tblVehicleTrips | WD_TR | 42.70 | 9.43 |
| tblWoodstoves | NumberCatalytic | 1.25 | 0.00 |
| tblWoodstoves | NumberCatalytic | 48.75 | 0.00 |
| tblWoodstoves | NumberNoncatalytic | 1.25 | 0.00 |
| tblWoodstoves | NumberNoncatalytic | 48.75 | 0.00 |
| tblWoodstoves | WoodstoveDayYear | 25.00 | 0.00 |
| tblWoodstoves | WoodstoveDayYear | 25.00 | 0.00 |
| tblWoodstoves | WoodstoveWoodMass | 999.60 | 0.00 |
| tblWoodstoves | WoodstoveWoodMass | 999.60 | 0.00 |

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CONT

## 2.0 Emissions Summary

## 2.1 Overall Construction (Maximum Daily Emission)

**Unmitigated Construction**

| | ROG | NOx | CO | SO2 | Fugitive PM10 | Exhaust PM10 | PM10 Total | Fugitive PM2.5 | Exhaust PM2.5 | PM2.5 Total | Bio- CO2 | NBio- CO2 | Total CO2 | CH4 | N2O | CO2e |
|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|
| Year | lb/day | | | | | | | | | | lb/day | | | | | |
| 2021 | 4.2561 | 46.4415 | 31.4494 | 0.0636 | 18.2032 | 2.0456 | 20.2488 | 9.9670 | 1.8820 | 11.8490 | 0.0000 | 6,163.4166 | 6,163.4166 | 1.9475 | 0.0000 | 6,212.1039 |
| 2022 | 4.5441 | 38.8811 | 40.8776 | 0.1240 | 8.8255 | 1.6361 | 10.4616 | 3.6369 | 1.5052 | 5.1421 | 0.0000 | 12,493.4403 | 12,493.4403 | 1.9485 | 0.0000 | 12,518.5707 |
| 2023 | 4.1534 | 25.7658 | 38.7457 | 0.1206 | 7.0088 | 0.7592 | 7.7679 | 1.8799 | 0.7136 | 2.5935 | 0.0000 | 12,150.4890 | 12,150.4890 | 0.9589 | 0.0000 | 12,174.4615 |
| 2024 | 237.0219 | 9.5478 | 14.9642 | 0.0239 | 1.2171 | 0.4694 | 1.2875 | 0.3229 | 0.4319 | 0.4621 | 0.0000 | 2,313.1808 | 2,313.1808 | 0.7166 | 0.0000 | 2,331.0956 |
| **Maximum** | **237.0219** | **46.4415** | **40.8776** | **0.1240** | **18.2032** | **2.0456** | **20.2488** | **9.9670** | **1.8820** | **11.8490** | **0.0000** | **12,493.4403** | **12,493.4403** | **1.9485** | **0.0000** | **12,518.5707** |

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CONT

## 2.1 Overall Construction (Maximum Daily Emission)

**Mitigated Construction**

| | ROG | NOx | CO | SO2 | Fugitive PM10 | Exhaust PM10 | PM10 Total | Fugitive PM2.5 | Exhaust PM2.5 | PM2.5 Total | Bio- CO2 | NBio- CO2 | Total CO2 | CH4 | N2O | CO2e |
|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|
| Year | lb/day | | | | | | | | | | lb/day | | | | | |
| 2021 | 4.2561 | 46.4415 | 31.4494 | 0.0636 | 18.2032 | 2.0456 | 20.2488 | 9.9670 | 1.8820 | 11.8490 | 0.0000 | 6,163.4166 | 6,163.4166 | 1.9475 | 0.0000 | 6,212.1039 |
| 2022 | 4.5441 | 38.8811 | 40.8776 | 0.1240 | 8.8255 | 1.6361 | 10.4616 | 3.6369 | 1.5052 | 5.1421 | 0.0000 | 12,493.4403 | 12,493.4403 | 1.9485 | 0.0000 | 12,518.5707 |
| 2023 | 4.1534 | 25.7658 | 38.7457 | 0.1206 | 7.0088 | 0.7592 | 7.7679 | 1.8799 | 0.7136 | 2.5935 | 0.0000 | 12,150.4890 | 12,150.4890 | 0.9589 | 0.0000 | 12,174.4615 |
| 2024 | 237.0219 | 9.5478 | 14.9642 | 0.0239 | 1.2171 | 0.4694 | 1.2875 | 0.3229 | 0.4319 | 0.4621 | 0.0000 | 2,313.1808 | 2,313.1808 | 0.7166 | 0.0000 | 2,331.0955 |
| **Maximum** | **237.0219** | **46.4415** | **40.8776** | **0.1240** | **18.2032** | **2.0456** | **20.2488** | **9.9670** | **1.8820** | **11.8490** | **0.0000** | **12,493.4403** | **12,493.4403** | **1.9485** | **0.0000** | **12,518.5707** |

| | ROG | NOx | CO | SO2 | Fugitive PM10 | Exhaust PM10 | PM10 Total | Fugitive PM2.5 | Exhaust PM2.5 | PM2.5 Total | Bio- CO2 | NBio-CO2 | Total CO2 | CH4 | N20 | CO2e |
|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|
| **Percent Reduction** | **0.00** | **0.00** | **0.00** | **0.00** | **0.00** | **0.00** | **0.00** | **0.00** | **0.00** | **0.00** | **0.00** | **0.00** | **0.00** | **0.00** | **0.00** | **0.00** |

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CONT

## 2.2 Overall Operational

**Unmitigated Operational**

| | ROG | NOx | CO | SO2 | Fugitive PM10 | Exhaust PM10 | PM10 Total | Fugitive PM2.5 | Exhaust PM2.5 | PM2.5 Total | Bio- CO2 | NBio- CO2 | Total CO2 | CH4 | N2O | CO2e |
|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|
| Category | lb/day | | | | | | | | | | lb/day | | | | | |
| Area | 30.5020 | 15.0496 | 88.4430 | 0.0944 | | 1.5974 | 1.5974 | | 1.5974 | 1.5974 | 0.0000 | 18,148.5950 | 18,148.5950 | 0.4874 | 0.3300 | 18,259.1192 |
| Energy | 0.7660 | 6.7462 | 4.2573 | 0.0418 | | 0.5292 | 0.5292 | | 0.5292 | 0.5292 | | 8,355.9832 | 8,355.9832 | 0.1602 | 0.1532 | 8,405.6387 |
| Mobile | 9.8489 | 45.4304 | 114.8495 | 0.4917 | 45.9592 | 0.3360 | 46.2951 | 12.2950 | 0.3119 | 12.6070 | | 50,306.6034 | 50,306.6034 | 2.1807 | | 50,361.1208 |
| **Total** | **41.1168** | **67.2262** | **207.5497** | **0.6278** | **45.9592** | **2.4626** | **48.4217** | **12.2950** | **2.4385** | **14.7336** | **0.0000** | **76,811.1816** | **76,811.1816** | **2.8282** | **0.4832** | **77,025.8786** |

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CONT

**Mitigated Operational**

| | ROG | NOx | CO | SO2 | Fugitive PM10 | Exhaust PM10 | PM10 Total | Fugitive PM2.5 | Exhaust PM2.5 | PM2.5 Total | Bio- CO2 | NBio- CO2 | Total CO2 | CH4 | N2O | CO2e |
|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|
| Category | lb/day | | | | | | | | | | lb/day | | | | | |
| Area | 30.5020 | 15.0496 | 88.4430 | 0.0944 | | 1.5974 | 1.5974 | | 1.5974 | 1.5974 | 0.0000 | 18,148.5950 | 18,148.5950 | 0.4874 | 0.3300 | 18,259.1192 |
| Energy | 0.7660 | 6.7462 | 4.2573 | 0.0418 | | 0.5292 | 0.5292 | | 0.5292 | 0.5292 | | 8,355.9832 | 8,355.9832 | 0.1602 | 0.1532 | 8,405.6387 |
| Mobile | 9.8489 | 45.4304 | 114.8495 | 0.4917 | 45.9592 | 0.3360 | 46.2951 | 12.2950 | 0.3119 | 12.6070 | | 50,306.6034 | 50,306.6034 | 2.1807 | | 50,361.1208 |
| **Total** | **41.1168** | **67.2262** | **207.5497** | **0.6278** | **45.9592** | **2.4626** | **48.4217** | **12.2950** | **2.4385** | **14.7336** | **0.0000** | **76,811.1816** | **76,811.1816** | **2.8282** | **0.4832** | **77,025.8786** |

| | ROG | NOx | CO | SO2 | Fugitive PM10 | Exhaust PM10 | PM10 Total | Fugitive PM2.5 | Exhaust PM2.5 | PM2.5 Total | Bio- CO2 | NBio-CO2 | Total CO2 | CH4 | N20 | CO2e |
|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|
| Percent Reduction | 0.00 | 0.00 | 0.00 | 0.00 | 0.00 | 0.00 | 0.00 | 0.00 | 0.00 | 0.00 | 0.00 | 0.00 | 0.00 | 0.00 | 0.00 | 0.00 |

## 3.0 Construction Detail

**Construction Phase**

| Phase Number | Phase Name | Phase Type | Start Date | End Date | Num Days Week | Num Days | Phase Description |
|---|---|---|---|---|---|---|---|
| 1 | Demolition | Demolition | 9/1/2021 | 10/12/2021 | 5 | 30 | |
| 2 | Site Preparation | Site Preparation | 10/13/2021 | 11/9/2021 | 5 | 20 | |
| 3 | Grading | Grading | 11/10/2021 | 1/11/2022 | 5 | 45 | |
| 4 | Building Construction | Building Construction | 1/12/2022 | 12/12/2023 | 5 | 500 | |
| 5 | Paving | Paving | 12/13/2023 | 1/30/2024 | 5 | 35 | |
| 6 | Architectural Coating | Architectural Coating | 1/31/2024 | 3/19/2024 | 5 | 35 | |

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**Acres of Grading (Site Preparation Phase): 0**

**Acres of Grading (Grading Phase): 112.5**

**Acres of Paving: 0**

**Residential Indoor: 2,025,000; Residential Outdoor: 675,000; Non-Residential Indoor: 326,400; Non-Residential Outdoor: 108,800; Striped Parking Area: 0 (Architectural Coating – sqft)**

**OffRoad Equipment**

Village South Specific Plan (Proposed) - Los Angeles-South Coast County, Summer

| Phase Name | Offroad Equipment Type | Amount | Usage Hours | Horse Power | Load Factor |
|---|---|---|---|---|---|
| Demolition | Concrete/Industrial Saws | 1 | 8.00 | 81 | 0.73 |
| Demolition | Excavators | 3 | 8.00 | 158 | 0.38 |
| Demolition | Rubber Tired Dozers | 2 | 8.00 | 247 | 0.40 |
| Site Preparation | Rubber Tired Dozers | 3 | 8.00 | 247 | 0.40 |
| Site Preparation | Tractors/Loaders/Backhoes | 4 | 8.00 | 97 | 0.37 |
| Grading | Excavators | 2 | 8.00 | 158 | 0.38 |
| Grading | Graders | 1 | 8.00 | 187 | 0.41 |
| Grading | Rubber Tired Dozers | 1 | 8.00 | 247 | 0.40 |
| Grading | Scrapers | 2 | 8.00 | 367 | 0.48 |
| Grading | Tractors/Loaders/Backhoes | 2 | 8.00 | 97 | 0.37 |
| Building Construction | Cranes | 1 | 7.00 | 231 | 0.29 |
| Building Construction | Forklifts | 3 | 8.00 | 89 | 0.20 |
| Building Construction | Generator Sets | 1 | 8.00 | 84 | 0.74 |
| Building Construction | Tractors/Loaders/Backhoes | 3 | 7.00 | 97 | 0.37 |
| Building Construction | Welders | 1 | 8.00 | 46 | 0.45 |
| Paving | Pavers | 2 | 8.00 | 130 | 0.42 |
| Paving | Paving Equipment | 2 | 8.00 | 132 | 0.36 |
| Paving | Rollers | 2 | 8.00 | 80 | 0.38 |
| Architectural Coating | Air Compressors | 1 | 6.00 | 78 | 0.48 |

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**Trips and VMT**

Village South Specific Plan (Proposed) - Los Angeles-South Coast County, Summer

| Phase Name | Offroad Equipment Count | Worker Trip Number | Vendor Trip Number | Hauling Trip Number | Worker Trip Length | Vendor Trip Length | Hauling Trip Length | Worker Vehicle Class | Vendor Vehicle Class | Hauling Vehicle Class |
|---|---|---|---|---|---|---|---|---|---|---|
| Demolition | 6 | 15.00 | 0.00 | 458.00 | 10.00 | 6.90 | 20.00 | LD_Mix | HDT_Mix | HHDT |
| Site Preparation | 7 | 18.00 | 0.00 | 0.00 | 10.00 | 6.90 | 20.00 | LD_Mix | HDT_Mix | HHDT |
| Grading | 8 | 20.00 | 0.00 | 0.00 | 10.00 | 6.90 | 20.00 | LD_Mix | HDT_Mix | HHDT |
| Building Construction | 9 | 801.00 | 143.00 | 0.00 | 10.00 | 6.90 | 20.00 | LD_Mix | HDT_Mix | HHDT |
| Paving | 6 | 15.00 | 0.00 | 0.00 | 10.00 | 6.90 | 20.00 | LD_Mix | HDT_Mix | HHDT |
| Architectural Coating | 1 | 160.00 | 0.00 | 0.00 | 10.00 | 6.90 | 20.00 | LD_Mix | HDT_Mix | HHDT |

### 3.1 Mitigation Measures Construction

### 3.2 Demolition - 2021

**Unmitigated Construction On-Site**

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CONT

| | ROG | NOx | CO | SO2 | Fugitive PM10 | Exhaust PM10 | PM10 Total | Fugitive PM2.5 | Exhaust PM2.5 | PM2.5 Total | Bio- CO2 | NBio- CO2 | Total CO2 | CH4 | N2O | CO2e |
|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|
| Category | lb/day | | | | | | | | | | lb/day | | | | | |
| Fugitive Dust | | | | | 3.3074 | 0.0000 | 3.3074 | 0.5008 | 0.0000 | 0.5008 | | | 0.0000 | | | 0.0000 |
| Off-Road | 3.1651 | 31.4407 | 21.5650 | 0.0388 | | 1.5513 | 1.5513 | | 1.4411 | 1.4411 | | 3,747.9449 | 3,747.9449 | 1.0549 | | 3,774.3174 |
| **Total** | **3.1651** | **31.4407** | **21.5650** | **0.0388** | **3.3074** | **1.5513** | **4.8588** | **0.5008** | **1.4411** | **1.9419** | | **3,747.9449** | **3,747.9449** | **1.0549** | | **3,774.3174** |

### 3.2 Demolition - 2021

**Unmitigated Construction Off-Site**

| | ROG | NOx | CO | SO2 | Fugitive PM10 | Exhaust PM10 | PM10 Total | Fugitive PM2.5 | Exhaust PM2.5 | PM2.5 Total | Bio- CO2 | NBio- CO2 | Total CO2 | CH4 | N2O | CO2e |
|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|
| Category | lb/day | | | | | | | | | | lb/day | | | | | |
| Hauling | 0.1273 | 4.0952 | 0.9602 | 0.0119 | 0.2669 | 0.0126 | 0.2795 | 0.0732 | 0.0120 | 0.0852 | | 1,292.2413 | 1,292.2413 | 0.0877 | | 1,294.4337 |
| Vendor | 0.0000 | 0.0000 | 0.0000 | 0.0000 | 0.0000 | 0.0000 | 0.0000 | 0.0000 | 0.0000 | 0.0000 | | 0.0000 | 0.0000 | 0.0000 | | 0.0000 |
| Worker | 0.0487 | 0.0313 | 0.4282 | 1.1800e-003 | 0.1141 | 9.5000e-004 | 0.1151 | 0.0303 | 8.8000e-004 | 0.0311 | | 117.2799 | 117.2799 | 3.5200e-003 | | 117.3678 |
| **Total** | **0.1760** | **4.1265** | **1.3884** | **0.0131** | **0.3810** | **0.0135** | **0.3946** | **0.1034** | **0.0129** | **0.1163** | | **1,409.5212** | **1,409.5212** | **0.0912** | | **1,411.8015** |

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CONT

**Mitigated Construction On-Site**

| | ROG | NOx | CO | SO2 | Fugitive PM10 | Exhaust PM10 | PM10 Total | Fugitive PM2.5 | Exhaust PM2.5 | PM2.5 Total | Bio- CO2 | NBio- CO2 | Total CO2 | CH4 | N2O | CO2e |
|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|
| Category | lb/day | | | | | | | | | | lb/day | | | | | |
| Fugitive Dust | | | | | 3.3074 | 0.0000 | 3.3074 | 0.5008 | 0.0000 | 0.5008 | | | 0.0000 | | | 0.0000 |
| Off-Road | 3.1651 | 31.4407 | 21.5650 | 0.0388 | | 1.5513 | 1.5513 | | 1.4411 | 1.4411 | 0.0000 | 3,747.9449 | 3,747.9449 | 1.0549 | | 3,774.3174 |
| **Total** | **3.1651** | **31.4407** | **21.5650** | **0.0388** | **3.3074** | **1.5513** | **4.8588** | **0.5008** | **1.4411** | **1.9419** | **0.0000** | **3,747.9449** | **3,747.9449** | **1.0549** | | **3,774.3174** |

### 3.2 Demolition - 2021

**Mitigated Construction Off-Site**

| | ROG | NOx | CO | SO2 | Fugitive PM10 | Exhaust PM10 | PM10 Total | Fugitive PM2.5 | Exhaust PM2.5 | PM2.5 Total | Bio- CO2 | NBio- CO2 | Total CO2 | CH4 | N2O | CO2e |
|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|
| Category | lb/day | | | | | | | | | | lb/day | | | | | |
| Hauling | 0.1273 | 4.0952 | 0.9602 | 0.0119 | 0.2669 | 0.0126 | 0.2795 | 0.0732 | 0.0120 | 0.0852 | | 1,292.2413 | 1,292.2413 | 0.0877 | | 1,294.4337 |
| Vendor | 0.0000 | 0.0000 | 0.0000 | 0.0000 | 0.0000 | 0.0000 | 0.0000 | 0.0000 | 0.0000 | 0.0000 | | 0.0000 | 0.0000 | 0.0000 | | 0.0000 |
| Worker | 0.0487 | 0.0313 | 0.4282 | 1.1800e-003 | 0.1141 | 9.5000e-004 | 0.1151 | 0.0303 | 8.8000e-004 | 0.0311 | | 117.2799 | 117.2799 | 3.5200e-003 | | 117.3678 |
| **Total** | **0.1760** | **4.1265** | **1.3884** | **0.0131** | **0.3810** | **0.0135** | **0.3946** | **0.1034** | **0.0129** | **0.1163** | | **1,409.5212** | **1,409.5212** | **0.0912** | | **1,411.8015** |

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### 3.3 Site Preparation - 2021

**Unmitigated Construction On-Site**

| | ROG | NOx | CO | SO2 | Fugitive PM10 | Exhaust PM10 | PM10 Total | Fugitive PM2.5 | Exhaust PM2.5 | PM2.5 Total | Bio- CO2 | NBio- CO2 | Total CO2 | CH4 | N2O | CO2e |
|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|
| Category | lb/day | | | | | | | | | | lb/day | | | | | |
| Fugitive Dust | | | | | 18.0663 | 0.0000 | 18.0663 | 9.9307 | 0.0000 | 9.9307 | | | 0.0000 | | | 0.0000 |
| Off-Road | 3.8882 | 40.4971 | 21.1543 | 0.0380 | | 2.0445 | 2.0445 | | 1.8809 | 1.8809 | | 3,685.6569 | 3,685.6569 | 1.1920 | | 3,715.4573 |
| **Total** | **3.8882** | **40.4971** | **21.1543** | **0.0380** | **18.0663** | **2.0445** | **20.1107** | **9.9307** | **1.8809** | **11.8116** | | **3,685.6569** | **3,685.6569** | **1.1920** | | **3,715.4573** |

### 3.3 Site Preparation - 2021

**Unmitigated Construction Off-Site**

| | ROG | NOx | CO | SO2 | Fugitive PM10 | Exhaust PM10 | PM10 Total | Fugitive PM2.5 | Exhaust PM2.5 | PM2.5 Total | Bio- CO2 | NBio- CO2 | Total CO2 | CH4 | N2O | CO2e |
|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|
| Category | lb/day | | | | | | | | | | lb/day | | | | | |
| Hauling | 0.0000 | 0.0000 | 0.0000 | 0.0000 | 0.0000 | 0.0000 | 0.0000 | 0.0000 | 0.0000 | 0.0000 | | 0.0000 | 0.0000 | 0.0000 | | 0.0000 |
| Vendor | 0.0000 | 0.0000 | 0.0000 | 0.0000 | 0.0000 | 0.0000 | 0.0000 | 0.0000 | 0.0000 | 0.0000 | | 0.0000 | 0.0000 | 0.0000 | | 0.0000 |
| Worker | 0.0584 | 0.0375 | 0.5139 | 1.4100e-003 | 0.1369 | 1.1400e-003 | 0.1381 | 0.0363 | 1.0500e-003 | 0.0374 | | 140.7359 | 140.7359 | 4.2200e-003 | | 140.8414 |
| **Total** | **0.0584** | **0.0375** | **0.5139** | **1.4100e-003** | **0.1369** | **1.1400e-003** | **0.1381** | **0.0363** | **1.0500e-003** | **0.0374** | | **140.7359** | **140.7359** | **4.2200e-003** | | **140.8414** |

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CONT

**Mitigated Construction On-Site**

| | ROG | NOx | CO | SO2 | Fugitive PM10 | Exhaust PM10 | PM10 Total | Fugitive PM2.5 | Exhaust PM2.5 | PM2.5 Total | Bio- CO2 | NBio- CO2 | Total CO2 | CH4 | N2O | CO2e |
|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|
| Category | lb/day | | | | | | | | | | lb/day | | | | | |
| Fugitive Dust | | | | | 18.0663 | 0.0000 | 18.0663 | 9.9307 | 0.0000 | 9.9307 | | | 0.0000 | | | 0.0000 |
| Off-Road | 3.8882 | 40.4971 | 21.1543 | 0.0380 | | 2.0445 | 2.0445 | | 1.8809 | 1.8809 | 0.0000 | 3,685.6569 | 3,685.6569 | 1.1920 | | 3,715.4573 |
| **Total** | **3.8882** | **40.4971** | **21.1543** | **0.0380** | **18.0663** | **2.0445** | **20.1107** | **9.9307** | **1.8809** | **11.8116** | **0.0000** | **3,685.6569** | **3,685.6569** | **1.1920** | | **3,715.4573** |

### 3.3 Site Preparation - 2021

**Mitigated Construction Off-Site**

| | ROG | NOx | CO | SO2 | Fugitive PM10 | Exhaust PM10 | PM10 Total | Fugitive PM2.5 | Exhaust PM2.5 | PM2.5 Total | Bio- CO2 | NBio- CO2 | Total CO2 | CH4 | N2O | CO2e |
|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|
| Category | lb/day | | | | | | | | | | lb/day | | | | | |
| Hauling | 0.0000 | 0.0000 | 0.0000 | 0.0000 | 0.0000 | 0.0000 | 0.0000 | 0.0000 | 0.0000 | 0.0000 | | 0.0000 | 0.0000 | 0.0000 | | 0.0000 |
| Vendor | 0.0000 | 0.0000 | 0.0000 | 0.0000 | 0.0000 | 0.0000 | 0.0000 | 0.0000 | 0.0000 | 0.0000 | | 0.0000 | 0.0000 | 0.0000 | | 0.0000 |
| Worker | 0.0584 | 0.0375 | 0.5139 | 1.4100e-003 | 0.1369 | 1.1400e-003 | 0.1381 | 0.0363 | 1.0500e-003 | 0.0374 | | 140.7359 | 140.7359 | 4.2200e-003 | | 140.8414 |
| **Total** | **0.0584** | **0.0375** | **0.5139** | **1.4100e-003** | **0.1369** | **1.1400e-003** | **0.1381** | **0.0363** | **1.0500e-003** | **0.0374** | | **140.7359** | **140.7359** | **4.2200e-003** | | **140.8414** |

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### 3.4 Grading - 2021

**Unmitigated Construction On-Site**

| | ROG | NOx | CO | SO2 | Fugitive PM10 | Exhaust PM10 | PM10 Total | Fugitive PM2.5 | Exhaust PM2.5 | PM2.5 Total | Bio- CO2 | NBio- CO2 | Total CO2 | CH4 | N2O | CO2e |
|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|
| Category | lb/day | | | | | | | | | | lb/day | | | | | |
| Fugitive Dust | | | | | 8.6733 | 0.0000 | 8.6733 | 3.5965 | 0.0000 | 3.5965 | | | 0.0000 | | | 0.0000 |
| Off-Road | 4.1912 | 46.3998 | 30.8785 | 0.0620 | | 1.9853 | 1.9853 | | 1.8265 | 1.8265 | | 6,007.0434 | 6,007.0434 | 1.9428 | | 6,055.6134 |
| **Total** | **4.1912** | **46.3998** | **30.8785** | **0.0620** | **8.6733** | **1.9853** | **10.6587** | **3.5965** | **1.8265** | **5.4230** | | **6,007.0434** | **6,007.0434** | **1.9428** | | **6,055.6134** |

### 3.4 Grading - 2021

**Unmitigated Construction Off-Site**

| | ROG | NOx | CO | SO2 | Fugitive PM10 | Exhaust PM10 | PM10 Total | Fugitive PM2.5 | Exhaust PM2.5 | PM2.5 Total | Bio- CO2 | NBio- CO2 | Total CO2 | CH4 | N2O | CO2e |
|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|
| Category | lb/day | | | | | | | | | | lb/day | | | | | |
| Hauling | 0.0000 | 0.0000 | 0.0000 | 0.0000 | 0.0000 | 0.0000 | 0.0000 | 0.0000 | 0.0000 | 0.0000 | | 0.0000 | 0.0000 | 0.0000 | | 0.0000 |
| Vendor | 0.0000 | 0.0000 | 0.0000 | 0.0000 | 0.0000 | 0.0000 | 0.0000 | 0.0000 | 0.0000 | 0.0000 | | 0.0000 | 0.0000 | 0.0000 | | 0.0000 |
| Worker | 0.0649 | 0.0417 | 0.5710 | 1.5700e-003 | 0.1521 | 1.2700e-003 | 0.1534 | 0.0404 | 1.1700e-003 | 0.0415 | | 156.3732 | 156.3732 | 4.6900e-003 | | 156.4904 |
| **Total** | **0.0649** | **0.0417** | **0.5710** | **1.5700e-003** | **0.1521** | **1.2700e-003** | **0.1534** | **0.0404** | **1.1700e-003** | **0.0415** | | **156.3732** | **156.3732** | **4.6900e-003** | | **156.4904** |

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**Mitigated Construction On-Site**

| | ROG | NOx | CO | SO2 | Fugitive PM10 | Exhaust PM10 | PM10 Total | Fugitive PM2.5 | Exhaust PM2.5 | PM2.5 Total | Bio- CO2 | NBio- CO2 | Total CO2 | CH4 | N2O | CO2e |
|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|
| Category | lb/day | | | | | | | | | | lb/day | | | | | |
| Fugitive Dust | | | | | 8.6733 | 0.0000 | 8.6733 | 3.5965 | 0.0000 | 3.5965 | | | 0.0000 | | | 0.0000 |
| Off-Road | 4.1912 | 46.3998 | 30.8785 | 0.0620 | | 1.9853 | 1.9853 | | 1.8265 | 1.8265 | 0.0000 | 6,007.0434 | 6,007.0434 | 1.9428 | | 6,055.6134 |
| **Total** | **4.1912** | **46.3998** | **30.8785** | **0.0620** | **8.6733** | **1.9853** | **10.6587** | **3.5965** | **1.8265** | **5.4230** | **0.0000** | **6,007.0434** | **6,007.0434** | **1.9428** | | **6,055.6134** |

### 3.4 Grading - 2021

**Mitigated Construction Off-Site**

| | ROG | NOx | CO | SO2 | Fugitive PM10 | Exhaust PM10 | PM10 Total | Fugitive PM2.5 | Exhaust PM2.5 | PM2.5 Total | Bio- CO2 | NBio- CO2 | Total CO2 | CH4 | N2O | CO2e |
|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|
| Category | lb/day | | | | | | | | | | lb/day | | | | | |
| Hauling | 0.0000 | 0.0000 | 0.0000 | 0.0000 | 0.0000 | 0.0000 | 0.0000 | 0.0000 | 0.0000 | 0.0000 | | 0.0000 | 0.0000 | 0.0000 | | 0.0000 |
| Vendor | 0.0000 | 0.0000 | 0.0000 | 0.0000 | 0.0000 | 0.0000 | 0.0000 | 0.0000 | 0.0000 | 0.0000 | | 0.0000 | 0.0000 | 0.0000 | | 0.0000 |
| Worker | 0.0649 | 0.0417 | 0.5710 | 1.5700e-003 | 0.1521 | 1.2700e-003 | 0.1534 | 0.0404 | 1.1700e-003 | 0.0415 | | 156.3732 | 156.3732 | 4.6900e-003 | | 156.4904 |
| **Total** | **0.0649** | **0.0417** | **0.5710** | **1.5700e-003** | **0.1521** | **1.2700e-003** | **0.1534** | **0.0404** | **1.1700e-003** | **0.0415** | | **156.3732** | **156.3732** | **4.6900e-003** | | **156.4904** |

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### 3.4 Grading - 2022

**Unmitigated Construction On-Site**

| | ROG | NOx | CO | SO2 | Fugitive PM10 | Exhaust PM10 | PM10 Total | Fugitive PM2.5 | Exhaust PM2.5 | PM2.5 Total | Bio- CO2 | NBio- CO2 | Total CO2 | CH4 | N2O | CO2e |
|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|
| Category | lb/day | | | | | | | | | | lb/day | | | | | |
| Fugitive Dust | | | | | 8.6733 | 0.0000 | 8.6733 | 3.5965 | 0.0000 | 3.5965 | | | 0.0000 | | | 0.0000 |
| Off-Road | 3.6248 | 38.8435 | 29.0415 | 0.0621 | | 1.6349 | 1.6349 | | 1.5041 | 1.5041 | | 6,011.4105 | 6,011.4105 | 1.9442 | | 6,060.0158 |
| **Total** | **3.6248** | **38.8435** | **29.0415** | **0.0621** | **8.6733** | **1.6349** | **10.3082** | **3.5965** | **1.5041** | **5.1006** | | **6,011.4105** | **6,011.4105** | **1.9442** | | **6,060.0158** |

### 3.4 Grading - 2022

**Unmitigated Construction Off-Site**

| | ROG | NOx | CO | SO2 | Fugitive PM10 | Exhaust PM10 | PM10 Total | Fugitive PM2.5 | Exhaust PM2.5 | PM2.5 Total | Bio- CO2 | NBio- CO2 | Total CO2 | CH4 | N2O | CO2e |
|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|
| Category | lb/day | | | | | | | | | | lb/day | | | | | |
| Hauling | 0.0000 | 0.0000 | 0.0000 | 0.0000 | 0.0000 | 0.0000 | 0.0000 | 0.0000 | 0.0000 | 0.0000 | | 0.0000 | 0.0000 | 0.0000 | | 0.0000 |
| Vendor | 0.0000 | 0.0000 | 0.0000 | 0.0000 | 0.0000 | 0.0000 | 0.0000 | 0.0000 | 0.0000 | 0.0000 | | 0.0000 | 0.0000 | 0.0000 | | 0.0000 |
| Worker | 0.0607 | 0.0376 | 0.5263 | 1.5100e-003 | 0.1521 | 1.2300e-003 | 0.1534 | 0.0404 | 1.1300e-003 | 0.0415 | | 150.8754 | 150.8754 | 4.2400e-003 | | 150.9813 |
| **Total** | **0.0607** | **0.0376** | **0.5263** | **1.5100e-003** | **0.1521** | **1.2300e-003** | **0.1534** | **0.0404** | **1.1300e-003** | **0.0415** | | **150.8754** | **150.8754** | **4.2400e-003** | | **150.9813** |

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CONT

**Mitigated Construction On-Site**

| | ROG | NOx | CO | SO2 | Fugitive PM10 | Exhaust PM10 | PM10 Total | Fugitive PM2.5 | Exhaust PM2.5 | PM2.5 Total | Bio- CO2 | NBio- CO2 | Total CO2 | CH4 | N2O | CO2e |
|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|
| Category | lb/day | | | | | | | | | | lb/day | | | | | |
| Fugitive Dust | | | | | 8.6733 | 0.0000 | 8.6733 | 3.5965 | 0.0000 | 3.5965 | | | 0.0000 | | | 0.0000 |
| Off-Road | 3.6248 | 38.8435 | 29.0415 | 0.0621 | | 1.6349 | 1.6349 | | 1.5041 | 1.5041 | 0.0000 | 6,011.4105 | 6,011.4105 | 1.9442 | | 6,060.0158 |
| **Total** | **3.6248** | **38.8435** | **29.0415** | **0.0621** | **8.6733** | **1.6349** | **10.3082** | **3.5965** | **1.5041** | **5.1006** | **0.0000** | **6,011.4105** | **6,011.4105** | **1.9442** | | **6,060.0158** |

### 3.4 Grading - 2022

**Mitigated Construction Off-Site**

| | ROG | NOx | CO | SO2 | Fugitive PM10 | Exhaust PM10 | PM10 Total | Fugitive PM2.5 | Exhaust PM2.5 | PM2.5 Total | Bio- CO2 | NBio- CO2 | Total CO2 | CH4 | N2O | CO2e |
|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|
| Category | lb/day | | | | | | | | | | lb/day | | | | | |
| Hauling | 0.0000 | 0.0000 | 0.0000 | 0.0000 | 0.0000 | 0.0000 | 0.0000 | 0.0000 | 0.0000 | 0.0000 | | 0.0000 | 0.0000 | 0.0000 | | 0.0000 |
| Vendor | 0.0000 | 0.0000 | 0.0000 | 0.0000 | 0.0000 | 0.0000 | 0.0000 | 0.0000 | 0.0000 | 0.0000 | | 0.0000 | 0.0000 | 0.0000 | | 0.0000 |
| Worker | 0.0607 | 0.0376 | 0.5263 | 1.5100e-003 | 0.1521 | 1.2300e-003 | 0.1534 | 0.0404 | 1.1300e-003 | 0.0415 | | 150.8754 | 150.8754 | 4.2400e-003 | | 150.9813 |
| **Total** | **0.0607** | **0.0376** | **0.5263** | **1.5100e-003** | **0.1521** | **1.2300e-003** | **0.1534** | **0.0404** | **1.1300e-003** | **0.0415** | | **150.8754** | **150.8754** | **4.2400e-003** | | **150.9813** |

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### 3.5 Building Construction - 2022

**Unmitigated Construction On-Site**

| | ROG | NOx | CO | SO2 | Fugitive PM10 | Exhaust PM10 | PM10 Total | Fugitive PM2.5 | Exhaust PM2.5 | PM2.5 Total | Bio- CO2 | NBio- CO2 | Total CO2 | CH4 | N2O | CO2e |
|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|
| Category | lb/day | | | | | | | | | | lb/day | | | | | |
| Off-Road | 1.7062 | 15.6156 | 16.3634 | 0.0269 | | 0.8090 | 0.8090 | | 0.7612 | 0.7612 | | 2,554.3336 | 2,554.3336 | 0.6120 | | 2,569.6322 |
| **Total** | **1.7062** | **15.6156** | **16.3634** | **0.0269** | | **0.8090** | **0.8090** | | **0.7612** | **0.7612** | | **2,554.3336** | **2,554.3336** | **0.6120** | | **2,569.6322** |

### 3.5 Building Construction - 2022

**Unmitigated Construction Off-Site**

| | ROG | NOx | CO | SO2 | Fugitive PM10 | Exhaust PM10 | PM10 Total | Fugitive PM2.5 | Exhaust PM2.5 | PM2.5 Total | Bio- CO2 | NBio- CO2 | Total CO2 | CH4 | N2O | CO2e |
|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|
| Category | lb/day | | | | | | | | | | lb/day | | | | | |
| Hauling | 0.0000 | 0.0000 | 0.0000 | 0.0000 | 0.0000 | 0.0000 | 0.0000 | 0.0000 | 0.0000 | 0.0000 | | 0.0000 | 0.0000 | 0.0000 | | 0.0000 |
| Vendor | 0.4079 | 13.2032 | 3.4341 | 0.0364 | 0.9155 | 0.0248 | 0.9404 | 0.2636 | 0.0237 | 0.2873 | | 3,896.5482 | 3,896.5482 | 0.2236 | | 3,902.1384 |
| Worker | 2.4299 | 1.5074 | 21.0801 | 0.0607 | 6.0932 | 0.0493 | 6.1425 | 1.6163 | 0.0454 | 1.6617 | | 6,042.5585 | 6,042.5585 | 0.1697 | | 6,046.8000 |
| **Total** | **2.8378** | **14.7106** | **24.5142** | **0.0971** | **7.0087** | **0.0741** | **7.0828** | **1.8799** | **0.0691** | **1.9490** | | **9,939.1067** | **9,939.1067** | **0.3933** | | **9,948.9384** |

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CONT

**Mitigated Construction On-Site**

| | ROG | NOx | CO | SO2 | Fugitive PM10 | Exhaust PM10 | PM10 Total | Fugitive PM2.5 | Exhaust PM2.5 | PM2.5 Total | Bio- CO2 | NBio- CO2 | Total CO2 | CH4 | N2O | CO2e |
|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|
| Category | lb/day | | | | | | | | | | lb/day | | | | | |
| Off-Road | 1.7062 | 15.6156 | 16.3634 | 0.0269 | | 0.8090 | 0.8090 | | 0.7612 | 0.7612 | 0.0000 | 2,554.3336 | 2,554.3336 | 0.6120 | | 2,569.6322 |
| **Total** | **1.7062** | **15.6156** | **16.3634** | **0.0269** | | **0.8090** | **0.8090** | | **0.7612** | **0.7612** | **0.0000** | **2,554.3336** | **2,554.3336** | **0.6120** | | **2,569.6322** |

### 3.5 Building Construction - 2022

**Mitigated Construction Off-Site**

| | ROG | NOx | CO | SO2 | Fugitive PM10 | Exhaust PM10 | PM10 Total | Fugitive PM2.5 | Exhaust PM2.5 | PM2.5 Total | Bio- CO2 | NBio- CO2 | Total CO2 | CH4 | N2O | CO2e |
|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|
| Category | lb/day | | | | | | | | | | lb/day | | | | | |
| Hauling | 0.0000 | 0.0000 | 0.0000 | 0.0000 | 0.0000 | 0.0000 | 0.0000 | 0.0000 | 0.0000 | 0.0000 | | 0.0000 | 0.0000 | 0.0000 | | 0.0000 |
| Vendor | 0.4079 | 13.2032 | 3.4341 | 0.0364 | 0.9155 | 0.0248 | 0.9404 | 0.2636 | 0.0237 | 0.2873 | | 3,896.5482 | 3,896.5482 | 0.2236 | | 3,902.1384 |
| Worker | 2.4299 | 1.5074 | 21.0801 | 0.0607 | 6.0932 | 0.0493 | 6.1425 | 1.6163 | 0.0454 | 1.6617 | | 6,042.5585 | 6,042.5585 | 0.1697 | | 6,046.8000 |
| **Total** | **2.8378** | **14.7106** | **24.5142** | **0.0971** | **7.0087** | **0.0741** | **7.0828** | **1.8799** | **0.0691** | **1.9490** | | **9,939.1067** | **9,939.1067** | **0.3933** | | **9,948.9384** |

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CONT

### 3.5 Building Construction - 2023

**Unmitigated Construction On-Site**

| | ROG | NOx | CO | SO2 | Fugitive PM10 | Exhaust PM10 | PM10 Total | Fugitive PM2.5 | Exhaust PM2.5 | PM2.5 Total | Bio- CO2 | NBio- CO2 | Total CO2 | CH4 | N2O | CO2e |
|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|
| Category | lb/day | | | | | | | | | | lb/day | | | | | |
| Off-Road | 1.5728 | 14.3849 | 16.2440 | 0.0269 | | 0.6997 | 0.6997 | | 0.6584 | 0.6584 | | 2,555.2099 | 2,555.2099 | 0.6079 | | 2,570.4061 |
| **Total** | **1.5728** | **14.3849** | **16.2440** | **0.0269** | | **0.6997** | **0.6997** | | **0.6584** | **0.6584** | | **2,555.2099** | **2,555.2099** | **0.6079** | | **2,570.4061** |

### 3.5 Building Construction - 2023

**Unmitigated Construction Off-Site**

| | ROG | NOx | CO | SO2 | Fugitive PM10 | Exhaust PM10 | PM10 Total | Fugitive PM2.5 | Exhaust PM2.5 | PM2.5 Total | Bio- CO2 | NBio- CO2 | Total CO2 | CH4 | N2O | CO2e |
|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|
| Category | lb/day | | | | | | | | | | lb/day | | | | | |
| Hauling | 0.0000 | 0.0000 | 0.0000 | 0.0000 | 0.0000 | 0.0000 | 0.0000 | 0.0000 | 0.0000 | 0.0000 | | 0.0000 | 0.0000 | 0.0000 | | 0.0000 |
| Vendor | 0.3027 | 10.0181 | 3.1014 | 0.0352 | 0.9156 | 0.0116 | 0.9271 | 0.2636 | 0.0111 | 0.2747 | | 3,773.8762 | 3,773.8762 | 0.1982 | | 3,778.8300 |
| Worker | 2.2780 | 1.3628 | 19.4002 | 0.0584 | 6.0932 | 0.0479 | 6.1411 | 1.6163 | 0.0441 | 1.6604 | | 5,821.4028 | 5,821.4028 | 0.1529 | | 5,825.2254 |
| **Total** | **2.5807** | **11.3809** | **22.5017** | **0.0936** | **7.0088** | **0.0595** | **7.0682** | **1.8799** | **0.0552** | **1.9350** | | **9,595.2790** | **9,595.2790** | **0.3511** | | **9,604.0554** |

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CONT

**Mitigated Construction On-Site**

| | ROG | NOx | CO | SO2 | Fugitive PM10 | Exhaust PM10 | PM10 Total | Fugitive PM2.5 | Exhaust PM2.5 | PM2.5 Total | Bio- CO2 | NBio- CO2 | Total CO2 | CH4 | N2O | CO2e |
|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|
| Category | lb/day | | | | | | | | | | lb/day | | | | | |
| Off-Road | 1.5728 | 14.3849 | 16.2440 | 0.0269 | | 0.6997 | 0.6997 | | 0.6584 | 0.6584 | 0.0000 | 2,555.2099 | 2,555.2099 | 0.6079 | | 2,570.4061 |
| **Total** | **1.5728** | **14.3849** | **16.2440** | **0.0269** | | **0.6997** | **0.6997** | | **0.6584** | **0.6584** | **0.0000** | **2,555.2099** | **2,555.2099** | **0.6079** | | **2,570.4061** |

### 3.5 Building Construction - 2023

**Mitigated Construction Off-Site**

| | ROG | NOx | CO | SO2 | Fugitive PM10 | Exhaust PM10 | PM10 Total | Fugitive PM2.5 | Exhaust PM2.5 | PM2.5 Total | Bio- CO2 | NBio- CO2 | Total CO2 | CH4 | N2O | CO2e |
|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|
| Category | lb/day | | | | | | | | | | lb/day | | | | | |
| Hauling | 0.0000 | 0.0000 | 0.0000 | 0.0000 | 0.0000 | 0.0000 | 0.0000 | 0.0000 | 0.0000 | 0.0000 | | 0.0000 | 0.0000 | 0.0000 | | 0.0000 |
| Vendor | 0.3027 | 10.0181 | 3.1014 | 0.0352 | 0.9156 | 0.0116 | 0.9271 | 0.2636 | 0.0111 | 0.2747 | | 3,773.8762 | 3,773.8762 | 0.1982 | | 3,778.8300 |
| Worker | 2.2780 | 1.3628 | 19.4002 | 0.0584 | 6.0932 | 0.0479 | 6.1411 | 1.6163 | 0.0441 | 1.6604 | | 5,821.4028 | 5,821.4028 | 0.1529 | | 5,825.2254 |
| **Total** | **2.5807** | **11.3809** | **22.5017** | **0.0936** | **7.0088** | **0.0595** | **7.0682** | **1.8799** | **0.0552** | **1.9350** | | **9,595.2790** | **9,595.2790** | **0.3511** | | **9,604.0554** |

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CONT

### 3.6 Paving - 2023

**Unmitigated Construction On-Site**

| | ROG | NOx | CO | SO2 | Fugitive PM10 | Exhaust PM10 | PM10 Total | Fugitive PM2.5 | Exhaust PM2.5 | PM2.5 Total | Bio- CO2 | NBio- CO2 | Total CO2 | CH4 | N2O | CO2e |
|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|
| Category | lb/day | | | | | | | | | | lb/day | | | | | |
| Off-Road | 1.0327 | 10.1917 | 14.5842 | 0.0228 | | 0.5102 | 0.5102 | | 0.4694 | 0.4694 | | 2,207.5841 | 2,207.5841 | 0.7140 | | 2,225.4336 |
| Paving | 0.0000 | | | | | 0.0000 | 0.0000 | | 0.0000 | 0.0000 | | | 0.0000 | | | 0.0000 |
| **Total** | **1.0327** | **10.1917** | **14.5842** | **0.0228** | | **0.5102** | **0.5102** | | **0.4694** | **0.4694** | | **2,207.5841** | **2,207.5841** | **0.7140** | | **2,225.4336** |

### 3.6 Paving - 2023

**Unmitigated Construction Off-Site**

| | ROG | NOx | CO | SO2 | Fugitive PM10 | Exhaust PM10 | PM10 Total | Fugitive PM2.5 | Exhaust PM2.5 | PM2.5 Total | Bio- CO2 | NBio- CO2 | Total CO2 | CH4 | N2O | CO2e |
|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|
| Category | lb/day | | | | | | | | | | lb/day | | | | | |
| Hauling | 0.0000 | 0.0000 | 0.0000 | 0.0000 | 0.0000 | 0.0000 | 0.0000 | 0.0000 | 0.0000 | 0.0000 | | 0.0000 | 0.0000 | 0.0000 | | 0.0000 |
| Vendor | 0.0000 | 0.0000 | 0.0000 | 0.0000 | 0.0000 | 0.0000 | 0.0000 | 0.0000 | 0.0000 | 0.0000 | | 0.0000 | 0.0000 | 0.0000 | | 0.0000 |
| Worker | 0.0427 | 0.0255 | 0.3633 | 1.0900e-003 | 0.1141 | 9.0000e-004 | 0.1150 | 0.0303 | 8.3000e-004 | 0.0311 | | 109.0150 | 109.0150 | 2.8600e-003 | | 109.0866 |
| **Total** | **0.0427** | **0.0255** | **0.3633** | **1.0900e-003** | **0.1141** | **9.0000e-004** | **0.1150** | **0.0303** | **8.3000e-004** | **0.0311** | | **109.0150** | **109.0150** | **2.8600e-003** | | **109.0866** |

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**Mitigated Construction On-Site**

| | ROG | NOx | CO | SO2 | Fugitive PM10 | Exhaust PM10 | PM10 Total | Fugitive PM2.5 | Exhaust PM2.5 | PM2.5 Total | Bio- CO2 | NBio- CO2 | Total CO2 | CH4 | N2O | CO2e |
|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|
| Category | lb/day | | | | | | | | | | lb/day | | | | | |
| Off-Road | 1.0327 | 10.1917 | 14.5842 | 0.0228 | | 0.5102 | 0.5102 | | 0.4694 | 0.4694 | 0.0000 | 2,207.5841 | 2,207.5841 | 0.7140 | | 2,225.4336 |
| Paving | 0.0000 | | | | | 0.0000 | 0.0000 | | 0.0000 | 0.0000 | | | 0.0000 | | | 0.0000 |
| **Total** | **1.0327** | **10.1917** | **14.5842** | **0.0228** | | **0.5102** | **0.5102** | | **0.4694** | **0.4694** | **0.0000** | **2,207.5841** | **2,207.5841** | **0.7140** | | **2,225.4336** |

### 3.6 Paving - 2023

**Mitigated Construction Off-Site**

| | ROG | NOx | CO | SO2 | Fugitive PM10 | Exhaust PM10 | PM10 Total | Fugitive PM2.5 | Exhaust PM2.5 | PM2.5 Total | Bio- CO2 | NBio- CO2 | Total CO2 | CH4 | N2O | CO2e |
|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|
| Category | lb/day | | | | | | | | | | lb/day | | | | | |
| Hauling | 0.0000 | 0.0000 | 0.0000 | 0.0000 | 0.0000 | 0.0000 | 0.0000 | 0.0000 | 0.0000 | 0.0000 | | 0.0000 | 0.0000 | 0.0000 | | 0.0000 |
| Vendor | 0.0000 | 0.0000 | 0.0000 | 0.0000 | 0.0000 | 0.0000 | 0.0000 | 0.0000 | 0.0000 | 0.0000 | | 0.0000 | 0.0000 | 0.0000 | | 0.0000 |
| Worker | 0.0427 | 0.0255 | 0.3633 | 1.0900e-003 | 0.1141 | 9.0000e-004 | 0.1150 | 0.0303 | 8.3000e-004 | 0.0311 | | 109.0150 | 109.0150 | 2.8600e-003 | | 109.0866 |
| **Total** | **0.0427** | **0.0255** | **0.3633** | **1.0900e-003** | **0.1141** | **9.0000e-004** | **0.1150** | **0.0303** | **8.3000e-004** | **0.0311** | | **109.0150** | **109.0150** | **2.8600e-003** | | **109.0866** |

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### 3.6 Paving - 2024

**Unmitigated Construction On-Site**

| | ROG | NOx | CO | SO2 | Fugitive PM10 | Exhaust PM10 | PM10 Total | Fugitive PM2.5 | Exhaust PM2.5 | PM2.5 Total | Bio- CO2 | NBio- CO2 | Total CO2 | CH4 | N2O | CO2e |
|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|
| Category | lb/day | | | | | | | | | | lb/day | | | | | |
| Off-Road | 0.9882 | 9.5246 | 14.6258 | 0.0228 | | 0.4685 | 0.4685 | | 0.4310 | 0.4310 | | 2,207.5472 | 2,207.5472 | 0.7140 | | 2,225.3963 |
| Paving | 0.0000 | | | | | 0.0000 | 0.0000 | | 0.0000 | 0.0000 | | | 0.0000 | | | 0.0000 |
| **Total** | **0.9882** | **9.5246** | **14.6258** | **0.0228** | | **0.4685** | **0.4685** | | **0.4310** | **0.4310** | | **2,207.5472** | **2,207.5472** | **0.7140** | | **2,225.3963** |

### 3.6 Paving - 2024

**Unmitigated Construction Off-Site**

| | ROG | NOx | CO | SO2 | Fugitive PM10 | Exhaust PM10 | PM10 Total | Fugitive PM2.5 | Exhaust PM2.5 | PM2.5 Total | Bio- CO2 | NBio- CO2 | Total CO2 | CH4 | N2O | CO2e |
|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|
| Category | lb/day | | | | | | | | | | lb/day | | | | | |
| Hauling | 0.0000 | 0.0000 | 0.0000 | 0.0000 | 0.0000 | 0.0000 | 0.0000 | 0.0000 | 0.0000 | 0.0000 | | 0.0000 | 0.0000 | 0.0000 | | 0.0000 |
| Vendor | 0.0000 | 0.0000 | 0.0000 | 0.0000 | 0.0000 | 0.0000 | 0.0000 | 0.0000 | 0.0000 | 0.0000 | | 0.0000 | 0.0000 | 0.0000 | | 0.0000 |
| Worker | 0.0403 | 0.0233 | 0.3384 | 1.0600e-003 | 0.1141 | 8.8000e-004 | 0.1150 | 0.0303 | 8.1000e-004 | 0.0311 | | 105.6336 | 105.6336 | 2.6300e-003 | | 105.6992 |
| **Total** | **0.0403** | **0.0233** | **0.3384** | **1.0600e-003** | **0.1141** | **8.8000e-004** | **0.1150** | **0.0303** | **8.1000e-004** | **0.0311** | | **105.6336** | **105.6336** | **2.6300e-003** | | **105.6992** |

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**Mitigated Construction On-Site**

| | ROG | NOx | CO | SO2 | Fugitive PM10 | Exhaust PM10 | PM10 Total | Fugitive PM2.5 | Exhaust PM2.5 | PM2.5 Total | Bio- CO2 | NBio- CO2 | Total CO2 | CH4 | N2O | CO2e |
|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|
| Category | lb/day | | | | | | | | | | lb/day | | | | | |
| Off-Road | 0.9882 | 9.5246 | 14.6258 | 0.0228 | | 0.4685 | 0.4685 | | 0.4310 | 0.4310 | 0.0000 | 2,207.5472 | 2,207.5472 | 0.7140 | | 2,225.3963 |
| Paving | 0.0000 | | | | | 0.0000 | 0.0000 | | 0.0000 | 0.0000 | | | 0.0000 | | | 0.0000 |
| **Total** | **0.9882** | **9.5246** | **14.6258** | **0.0228** | | **0.4685** | **0.4685** | | **0.4310** | **0.4310** | **0.0000** | **2,207.5472** | **2,207.5472** | **0.7140** | | **2,225.3963** |

### 3.6 Paving - 2024

**Mitigated Construction Off-Site**

| | ROG | NOx | CO | SO2 | Fugitive PM10 | Exhaust PM10 | PM10 Total | Fugitive PM2.5 | Exhaust PM2.5 | PM2.5 Total | Bio- CO2 | NBio- CO2 | Total CO2 | CH4 | N2O | CO2e |
|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|
| Category | lb/day | | | | | | | | | | lb/day | | | | | |
| Hauling | 0.0000 | 0.0000 | 0.0000 | 0.0000 | 0.0000 | 0.0000 | 0.0000 | 0.0000 | 0.0000 | 0.0000 | | 0.0000 | 0.0000 | 0.0000 | | 0.0000 |
| Vendor | 0.0000 | 0.0000 | 0.0000 | 0.0000 | 0.0000 | 0.0000 | 0.0000 | 0.0000 | 0.0000 | 0.0000 | | 0.0000 | 0.0000 | 0.0000 | | 0.0000 |
| Worker | 0.0403 | 0.0233 | 0.3384 | 1.0600e-003 | 0.1141 | 8.8000e-004 | 0.1150 | 0.0303 | 8.1000e-004 | 0.0311 | | 105.6336 | 105.6336 | 2.6300e-003 | | 105.6992 |
| **Total** | **0.0403** | **0.0233** | **0.3384** | **1.0600e-003** | **0.1141** | **8.8000e-004** | **0.1150** | **0.0303** | **8.1000e-004** | **0.0311** | | **105.6336** | **105.6336** | **2.6300e-003** | | **105.6992** |

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### 3.7 Architectural Coating - 2024

**Unmitigated Construction On-Site**

| | ROG | NOx | CO | SO2 | Fugitive PM10 | Exhaust PM10 | PM10 Total | Fugitive PM2.5 | Exhaust PM2.5 | PM2.5 Total | Bio- CO2 | NBio- CO2 | Total CO2 | CH4 | N2O | CO2e |
|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|
| Category | lb/day | | | | | | | | | | lb/day | | | | | |
| Archit. Coating | 236.4115 | | | | | 0.0000 | 0.0000 | | 0.0000 | 0.0000 | | | 0.0000 | | | 0.0000 |
| Off-Road | 0.1808 | 1.2188 | 1.8101 | 2.9700e-003 | | 0.0609 | 0.0609 | | 0.0609 | 0.0609 | | 281.4481 | 281.4481 | 0.0159 | | 281.8443 |
| **Total** | **236.5923** | **1.2188** | **1.8101** | **2.9700e-003** | | **0.0609** | **0.0609** | | **0.0609** | **0.0609** | | **281.4481** | **281.4481** | **0.0159** | | **281.8443** |

### 3.7 Architectural Coating - 2024

**Unmitigated Construction Off-Site**

| | ROG | NOx | CO | SO2 | Fugitive PM10 | Exhaust PM10 | PM10 Total | Fugitive PM2.5 | Exhaust PM2.5 | PM2.5 Total | Bio- CO2 | NBio- CO2 | Total CO2 | CH4 | N2O | CO2e |
|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|
| Category | lb/day | | | | | | | | | | lb/day | | | | | |
| Hauling | 0.0000 | 0.0000 | 0.0000 | 0.0000 | 0.0000 | 0.0000 | 0.0000 | 0.0000 | 0.0000 | 0.0000 | | 0.0000 | 0.0000 | 0.0000 | | 0.0000 |
| Vendor | 0.0000 | 0.0000 | 0.0000 | 0.0000 | 0.0000 | 0.0000 | 0.0000 | 0.0000 | 0.0000 | 0.0000 | | 0.0000 | 0.0000 | 0.0000 | | 0.0000 |
| Worker | 0.4296 | 0.2481 | 3.6098 | 0.0113 | 1.2171 | 9.4300e-003 | 1.2266 | 0.3229 | 8.6800e-003 | 0.3315 | | 1,126.7583 | 1,126.7583 | 0.0280 | | 1,127.4583 |
| **Total** | **0.4296** | **0.2481** | **3.6098** | **0.0113** | **1.2171** | **9.4300e-003** | **1.2266** | **0.3229** | **8.6800e-003** | **0.3315** | | **1,126.7583** | **1,126.7583** | **0.0280** | | **1,127.4583** |

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**Mitigated Construction On-Site**

| | ROG | NOx | CO | SO2 | Fugitive PM10 | Exhaust PM10 | PM10 Total | Fugitive PM2.5 | Exhaust PM2.5 | PM2.5 Total | Bio- CO2 | NBio- CO2 | Total CO2 | CH4 | N2O | CO2e |
|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|
| Category | lb/day | | | | | | | | | | lb/day | | | | | |
| Archit. Coating | 236.4115 | | | | | 0.0000 | 0.0000 | | 0.0000 | 0.0000 | | | 0.0000 | | | 0.0000 |
| Off-Road | 0.1808 | 1.2188 | 1.8101 | 2.9700e-003 | | 0.0609 | 0.0609 | | 0.0609 | 0.0609 | 0.0000 | 281.4481 | 281.4481 | 0.0159 | | 281.8443 |
| **Total** | **236.5923** | **1.2188** | **1.8101** | **2.9700e-003** | | **0.0609** | **0.0609** | | **0.0609** | **0.0609** | **0.0000** | **281.4481** | **281.4481** | **0.0159** | | **281.8443** |

### 3.7 Architectural Coating - 2024

**Mitigated Construction Off-Site**

| | ROG | NOx | CO | SO2 | Fugitive PM10 | Exhaust PM10 | PM10 Total | Fugitive PM2.5 | Exhaust PM2.5 | PM2.5 Total | Bio- CO2 | NBio- CO2 | Total CO2 | CH4 | N2O | CO2e |
|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|
| Category | lb/day | | | | | | | | | | lb/day | | | | | |
| Hauling | 0.0000 | 0.0000 | 0.0000 | 0.0000 | 0.0000 | 0.0000 | 0.0000 | 0.0000 | 0.0000 | 0.0000 | | 0.0000 | 0.0000 | 0.0000 | | 0.0000 |
| Vendor | 0.0000 | 0.0000 | 0.0000 | 0.0000 | 0.0000 | 0.0000 | 0.0000 | 0.0000 | 0.0000 | 0.0000 | | 0.0000 | 0.0000 | 0.0000 | | 0.0000 |
| Worker | 0.4296 | 0.2481 | 3.6098 | 0.0113 | 1.2171 | 9.4300e-003 | 1.2266 | 0.3229 | 8.6800e-003 | 0.3315 | | 1,126.7583 | 1,126.7583 | 0.0280 | | 1,127.4583 |
| **Total** | **0.4296** | **0.2481** | **3.6098** | **0.0113** | **1.2171** | **9.4300e-003** | **1.2266** | **0.3229** | **8.6800e-003** | **0.3315** | | **1,126.7583** | **1,126.7583** | **0.0280** | | **1,127.4583** |

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## 4.0 Operational Detail - Mobile

### 4.1 Mitigation Measures Mobile

| | ROG | NOx | CO | SO2 | Fugitive PM10 | Exhaust PM10 | PM10 Total | Fugitive PM2.5 | Exhaust PM2.5 | PM2.5 Total | Bio- CO2 | NBio- CO2 | Total CO2 | CH4 | N2O | CO2e |
|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|
| Category | lb/day | | | | | | | | | | lb/day | | | | | |
| Mitigated | 9.8489 | 45.4304 | 114.8495 | 0.4917 | 45.9592 | 0.3360 | 46.2951 | 12.2950 | 0.3119 | 12.6070 | | 50,306.6034 | 50,306.6034 | 2.1807 | | 50,361.1208 |
| Unmitigated | 9.8489 | 45.4304 | 114.8495 | 0.4917 | 45.9592 | 0.3360 | 46.2951 | 12.2950 | 0.3119 | 12.6070 | | 50,306.6034 | 50,306.6034 | 2.1807 | | 50,361.1208 |

## 4.2 Trip Summary Information

| | Average Daily Trip Rate | | | Unmitigated | Mitigated |
|---|---|---|---|---|---|
| Land Use | Weekday | Saturday | Sunday | Annual VMT | Annual VMT |
| Apartments Low Rise | 145.75 | 154.25 | 154.00 | 506,227 | 506,227 |
| Apartments Mid Rise | 4,026.75 | 3,773.25 | 4075.50 | 13,660,065 | 13,660,065 |
| General Office Building | 288.45 | 62.55 | 31.05 | 706,812 | 706,812 |
| High Turnover (Sit Down Restaurant) | 2,368.80 | 2,873.52 | 2817.72 | 3,413,937 | 3,413,937 |
| Hotel | 192.00 | 187.50 | 160.00 | 445,703 | 445,703 |
| Quality Restaurant | 501.12 | 511.92 | 461.20 | 707,488 | 707,488 |
| Regional Shopping Center | 528.08 | 601.44 | 357.84 | 1,112,221 | 1,112,221 |
| Total | 8,050.95 | 8,164.43 | 8,057.31 | 20,552,452 | 20,552,452 |

## 4.3 Trip Type Information

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Village South Specific Plan (Proposed) - Los Angeles-South Coast County, Summer

| | Miles | | | Trip % | | | Trip Purpose % | | |
|---|---|---|---|---|---|---|---|---|---|
| Land Use | H-W or C-W | H-S or C-C | H-O or C-NW | H-W or C-W | H-S or C-C | H-O or C-NW | Primary | Diverted | Pass-by |
| Apartments Low Rise | 14.70 | 5.90 | 8.70 | 40.20 | 19.20 | 40.60 | 86 | 11 | 3 |
| Apartments Mid Rise | 14.70 | 5.90 | 8.70 | 40.20 | 19.20 | 40.60 | 86 | 11 | 3 |
| General Office Building | 16.60 | 8.40 | 6.90 | 33.00 | 48.00 | 19.00 | 77 | 19 | 4 |
| High Turnover (Sit Down | 16.60 | 8.40 | 6.90 | 8.50 | 72.50 | 19.00 | 37 | 20 | 43 |
| Hotel | 16.60 | 8.40 | 6.90 | 19.40 | 61.60 | 19.00 | 58 | 38 | 4 |
| Quality Restaurant | 16.60 | 8.40 | 6.90 | 12.00 | 69.00 | 19.00 | 38 | 18 | 44 |
| Regional Shopping Center | 16.60 | 8.40 | 6.90 | 16.30 | 64.70 | 19.00 | 54 | 35 | 11 |

### 4.4 Fleet Mix

| Land Use | LDA | LDT1 | LDT2 | MDV | LHD1 | LHD2 | MHD | HHD | OBUS | UBUS | MCY | SBUS | MH |
|---|---|---|---|---|---|---|---|---|---|---|---|---|---|
| Apartments Low Rise | 0.543088 | 0.044216 | 0.209971 | 0.116369 | 0.014033 | 0.006332 | 0.021166 | 0.033577 | 0.002613 | 0.001817 | 0.005285 | 0.000712 | 0.000821 |
| Apartments Mid Rise | 0.543088 | 0.044216 | 0.209971 | 0.116369 | 0.014033 | 0.006332 | 0.021166 | 0.033577 | 0.002613 | 0.001817 | 0.005285 | 0.000712 | 0.000821 |
| General Office Building | 0.543088 | 0.044216 | 0.209971 | 0.116369 | 0.014033 | 0.006332 | 0.021166 | 0.033577 | 0.002613 | 0.001817 | 0.005285 | 0.000712 | 0.000821 |
| High Turnover (Sit Down Restaurant) | 0.543088 | 0.044216 | 0.209971 | 0.116369 | 0.014033 | 0.006332 | 0.021166 | 0.033577 | 0.002613 | 0.001817 | 0.005285 | 0.000712 | 0.000821 |
| Hotel | 0.543088 | 0.044216 | 0.209971 | 0.116369 | 0.014033 | 0.006332 | 0.021166 | 0.033577 | 0.002613 | 0.001817 | 0.005285 | 0.000712 | 0.000821 |
| Quality Restaurant | 0.543088 | 0.044216 | 0.209971 | 0.116369 | 0.014033 | 0.006332 | 0.021166 | 0.033577 | 0.002613 | 0.001817 | 0.005285 | 0.000712 | 0.000821 |
| Regional Shopping Center | 0.543088 | 0.044216 | 0.209971 | 0.116369 | 0.014033 | 0.006332 | 0.021166 | 0.033577 | 0.002613 | 0.001817 | 0.005285 | 0.000712 | 0.000821 |

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CONT

## 5.0 Energy Detail

Historical Energy Use: N

### 5.1 Mitigation Measures Energy

Village South Specific Plan (Proposed) - Los Angeles-South Coast County, Summer

| | ROG | NOx | CO | SO2 | Fugitive PM10 | Exhaust PM10 | PM10 Total | Fugitive PM2.5 | Exhaust PM2.5 | PM2.5 Total | Bio- CO2 | NBio- CO2 | Total CO2 | CH4 | N2O | CO2e |
|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|
| Category | lb/day | | | | | | | | | | lb/day | | | | | |
| NaturalGas Mitigated | 0.7660 | 6.7462 | 4.2573 | 0.0418 | | 0.5292 | 0.5292 | | 0.5292 | 0.5292 | | 8,355.9832 | 8,355.9832 | 0.1602 | 0.1532 | 8,405.6387 |
| NaturalGas Unmitigated | 0.7660 | 6.7462 | 4.2573 | 0.0418 | | 0.5292 | 0.5292 | | 0.5292 | 0.5292 | | 8,355.9832 | 8,355.9832 | 0.1602 | 0.1532 | 8,405.6387 |

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CONT

## 5.2 Energy by Land Use - NaturalGas

**Unmitigated**

| | NaturalGas Use | ROG | NOx | CO | SO2 | Fugitive PM10 | Exhaust PM10 | PM10 Total | Fugitive PM2.5 | Exhaust PM2.5 | PM2.5 Total | Bio- CO2 | NBio- CO2 | Total CO2 | CH4 | N2O | CO2e |
|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|
| Land Use | kBTU/yr | lb/day | | | | | | | | | | lb/day | | | | | |
| Apartments Low Rise | 1119.16 | 0.0121 | 0.1031 | 0.0439 | 6.6000e-004 | | 8.3400e-003 | 8.3400e-003 | | 8.3400e-003 | 8.3400e-003 | | 131.6662 | 131.6662 | 2.5200e-003 | 2.4100e-003 | 132.4486 |
| Apartments Mid Rise | 35784.3 | 0.3859 | 3.2978 | 1.4033 | 0.0211 | | 0.2666 | 0.2666 | | 0.2666 | 0.2666 | | 4,209.9164 | 4,209.9164 | 0.0807 | 0.0772 | 4,234.9339 |
| General Office Building | 1283.42 | 0.0138 | 0.1258 | 0.1057 | 7.5000e-004 | | 9.5600e-003 | 9.5600e-003 | | 9.5600e-003 | 9.5600e-003 | | 150.9911 | 150.9911 | 2.8900e-003 | 2.7700e-003 | 151.8884 |
| High Turnover (Sit Down Restaurant) | 22759.9 | 0.2455 | 2.2314 | 1.8743 | 0.0134 | | 0.1696 | 0.1696 | | 0.1696 | 0.1696 | | 2,677.6342 | 2,677.6342 | 0.0513 | 0.0491 | 2,693.5460 |
| Hotel | 4769.72 | 0.0514 | 0.4676 | 0.3928 | 2.8100e-003 | | 0.0355 | 0.0355 | | 0.0355 | 0.0355 | | 561.1436 | 561.1436 | 0.0108 | 0.0103 | 564.4782 |
| Quality Restaurant | 5057.75 | 0.0545 | 0.4959 | 0.4165 | 2.9800e-003 | | 0.0377 | 0.0377 | | 0.0377 | 0.0377 | | 595.0298 | 595.0298 | 0.0114 | 0.0109 | 598.5658 |
| Regional Shopping Center | 251.616 | 2.7100e-003 | 0.0247 | 0.0207 | 1.5000e-004 | | 1.8700e-003 | 1.8700e-003 | | 1.8700e-003 | 1.8700e-003 | | 29.6019 | 29.6019 | 5.7000e-004 | 5.4000e-004 | 29.7778 |
| **Total** | | **0.7660** | **6.7463** | **4.2573** | **0.0418** | | **0.5292** | **0.5292** | | **0.5292** | **0.5292** | | **8,355.9832** | **8,355.9832** | **0.1602** | **0.1532** | **8,405.6387** |

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### 5.2 Energy by Land Use - NaturalGas

**Mitigated**

| | NaturalGas Use | ROG | NOx | CO | SO2 | Fugitive PM10 | Exhaust PM10 | PM10 Total | Fugitive PM2.5 | Exhaust PM2.5 | PM2.5 Total | Bio- CO2 | NBio- CO2 | Total CO2 | CH4 | N2O | CO2e |
|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|
| Land Use | kBTU/yr | lb/day | | | | | | | | | | lb/day | | | | | |
| Apartments Low Rise | 1.11916 | 0.0121 | 0.1031 | 0.0439 | 6.6000e-004 | | 8.3400e-003 | 8.3400e-003 | | 8.3400e-003 | 8.3400e-003 | | 131.6662 | 131.6662 | 2.5200e-003 | 2.4100e-003 | 132.4486 |
| Apartments Mid Rise | 35.7843 | 0.3859 | 3.2978 | 1.4033 | 0.0211 | | 0.2666 | 0.2666 | | 0.2666 | 0.2666 | | 4,209.9164 | 4,209.9164 | 0.0807 | 0.0772 | 4,234.9339 |
| General Office Building | 1.28342 | 0.0138 | 0.1258 | 0.1057 | 7.5000e-004 | | 9.5600e-003 | 9.5600e-003 | | 9.5600e-003 | 9.5600e-003 | | 150.9911 | 150.9911 | 2.8900e-003 | 2.7700e-003 | 151.8884 |
| High Turnover (Sit Down Restaurant) | 22.7599 | 0.2455 | 2.2314 | 1.8743 | 0.0134 | | 0.1696 | 0.1696 | | 0.1696 | 0.1696 | | 2,677.6342 | 2,677.6342 | 0.0513 | 0.0491 | 2,693.5460 |
| Hotel | 4.76972 | 0.0514 | 0.4676 | 0.3928 | 2.8100e-003 | | 0.0355 | 0.0355 | | 0.0355 | 0.0355 | | 561.1436 | 561.1436 | 0.0108 | 0.0103 | 564.4782 |
| Quality Restaurant | 5.05775 | 0.0545 | 0.4959 | 0.4165 | 2.9800e-003 | | 0.0377 | 0.0377 | | 0.0377 | 0.0377 | | 595.0298 | 595.0298 | 0.0114 | 0.0109 | 598.5658 |
| Regional Shopping Center | 0.251616 | 2.7100e-003 | 0.0247 | 0.0207 | 1.5000e-004 | | 1.8700e-003 | 1.8700e-003 | | 1.8700e-003 | 1.8700e-003 | | 29.6019 | 29.6019 | 5.7000e-004 | 5.4000e-004 | 29.7778 |
| **Total** | | **0.7660** | **6.7463** | **4.2573** | **0.0418** | | **0.5292** | **0.5292** | | **0.5292** | **0.5292** | | **8,355.9832** | **8,355.9832** | **0.1602** | **0.1532** | **8,405.6387** |

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## 6.0 Area Detail

### 6.1 Mitigation Measures Area

| | ROG | NOx | CO | SO2 | Fugitive PM10 | Exhaust PM10 | PM10 Total | Fugitive PM2.5 | Exhaust PM2.5 | PM2.5 Total | Bio- CO2 | NBio- CO2 | Total CO2 | CH4 | N2O | CO2e |
|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|
| Category | lb/day | | | | | | | | | | lb/day | | | | | |
| Mitigated | 30.5020 | 15.0496 | 88.4430 | 0.0944 | | 1.5974 | 1.5974 | | 1.5974 | 1.5974 | 0.0000 | 18,148.5950 | 18,148.5950 | 0.4874 | 0.3300 | 18,259.1192 |
| Unmitigated | 30.5020 | 15.0496 | 88.4430 | 0.0944 | | 1.5974 | 1.5974 | | 1.5974 | 1.5974 | 0.0000 | 18,148.5950 | 18,148.5950 | 0.4874 | 0.3300 | 18,259.1192 |

## 6.2 Area by SubCategory

**Unmitigated**

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CONT

| | ROG | NOx | CO | SO2 | Fugitive PM10 | Exhaust PM10 | PM10 Total | Fugitive PM2.5 | Exhaust PM2.5 | PM2.5 Total | Bio- CO2 | NBio- CO2 | Total CO2 | CH4 | N2O | CO2e |
|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|
| SubCategory | lb/day | | | | | | | | | | lb/day | | | | | |
| Architectural Coating | 2.2670 | | | | | 0.0000 | 0.0000 | | 0.0000 | 0.0000 | | | 0.0000 | | | 0.0000 |
| Consumer Products | 24.1085 | | | | | 0.0000 | 0.0000 | | 0.0000 | 0.0000 | | | 0.0000 | | | 0.0000 |
| Hearth | 1.6500 | 14.1000 | 6.0000 | 0.0900 | | 1.1400 | 1.1400 | | 1.1400 | 1.1400 | 0.0000 | 18,000.0000 | 18,000.0000 | 0.3450 | 0.3300 | 18,106.9650 |
| Landscaping | 2.4766 | 0.9496 | 82.4430 | 4.3600e-003 | | 0.4574 | 0.4574 | | 0.4574 | 0.4574 | | 148.5950 | 148.5950 | 0.1424 | | 152.1542 |
| **Total** | **30.5020** | **15.0496** | **88.4430** | **0.0944** | | **1.5974** | **1.5974** | | **1.5974** | **1.5974** | **0.0000** | **18,148.5950** | **18,148.5950** | **0.4874** | **0.3300** | **18,259.1192** |

### 6.2 Area by SubCategory

**Mitigated**

| | ROG | NOx | CO | SO2 | Fugitive PM10 | Exhaust PM10 | PM10 Total | Fugitive PM2.5 | Exhaust PM2.5 | PM2.5 Total | Bio- CO2 | NBio- CO2 | Total CO2 | CH4 | N2O | CO2e |
|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|
| SubCategory | lb/day | | | | | | | | | | lb/day | | | | | |
| Architectural Coating | 2.2670 | | | | | 0.0000 | 0.0000 | | 0.0000 | 0.0000 | | | 0.0000 | | | 0.0000 |
| Consumer Products | 24.1085 | | | | | 0.0000 | 0.0000 | | 0.0000 | 0.0000 | | | 0.0000 | | | 0.0000 |
| Hearth | 1.6500 | 14.1000 | 6.0000 | 0.0900 | | 1.1400 | 1.1400 | | 1.1400 | 1.1400 | 0.0000 | 18,000.0000 | 18,000.0000 | 0.3450 | 0.3300 | 18,106.9650 |
| Landscaping | 2.4766 | 0.9496 | 82.4430 | 4.3600e-003 | | 0.4574 | 0.4574 | | 0.4574 | 0.4574 | | 148.5950 | 148.5950 | 0.1424 | | 152.1542 |
| **Total** | **30.5020** | **15.0496** | **88.4430** | **0.0944** | | **1.5974** | **1.5974** | | **1.5974** | **1.5974** | **0.0000** | **18,148.5950** | **18,148.5950** | **0.4874** | **0.3300** | **18,259.1192** |

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CONT

## 7.0 Water Detail

### 7.1 Mitigation Measures Water

## 8.0 Waste Detail

### 8.1 Mitigation Measures Waste

## 9.0 Operational Offroad

| Equipment Type | Number | Hours/Day | Days/Year | Horse Power | Load Factor | Fuel Type |
|---|---|---|---|---|---|---|

## 10.0 Stationary Equipment

**Fire Pumps and Emergency Generators**

| Equipment Type | Number | Hours/Day | Hours/Year | Horse Power | Load Factor | Fuel Type |
|---|---|---|---|---|---|---|

**Boilers**

| Equipment Type | Number | Heat Input/Day | Heat Input/Year | Boiler Rating | Fuel Type |
|---|---|---|---|---|---|

**User Defined Equipment**

| Equipment Type | Number |
|---|---|

## 11.0 Vegetation

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CONT

# Village South Specific Plan (Proposed)

**Los Angeles-South Coast County, Winter**

## 1.0 Project Characteristics

### 1.1 Land Usage

| Land Uses | Size | Metric | Lot Acreage | Floor Surface Area | Population |
|---|---|---|---|---|---|
| General Office Building | 45.00 | 1000sqft | 1.03 | 45,000.00 | 0 |
| High Turnover (Sit Down Restaurant) | 36.00 | 1000sqft | 0.83 | 36,000.00 | 0 |
| Hotel | 50.00 | Room | 1.67 | 72,600.00 | 0 |
| Quality Restaurant | 8.00 | 1000sqft | 0.18 | 8,000.00 | 0 |
| Apartments Low Rise | 25.00 | Dwelling Unit | 1.56 | 25,000.00 | 72 |
| Apartments Mid Rise | 975.00 | Dwelling Unit | 25.66 | 975,000.00 | 2789 |
| Regional Shopping Center | 56.00 | 1000sqft | 1.29 | 56,000.00 | 0 |

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### 1.2 Other Project Characteristics

| | | | | | |
|---|---|---|---|---|---|
| **Urbanization** | Urban | **Wind Speed (m/s)** | 2.2 | **Precipitation Freq (Days)** | 33 |
| **Climate Zone** | 9 | | | **Operational Year** | 2028 |
| **Utility Company** | Southern California Edison | | | | |
| **CO2 Intensity (lb/MWhr)** | 702.44 | **CH4 Intensity (lb/MWhr)** | 0.029 | **N2O Intensity (lb/MWhr)** | 0.006 |

### 1.3 User Entered Comments & Non-Default Data

Village South Specific Plan (Proposed) - Los Angeles-South Coast County, Winter

Project Characteristics - Consistent with the DEIR's model.

Land Use - See SWAPE comment regarding residential and retail land uses.

Construction Phase - See SWAPE comment regarding individual construction phase lengths.

Demolition - Consistent with the DEIR's model. See SWAPE comment regarding demolition.

Vehicle Trips - Saturday trips consistent with the DEIR's model. See SWAPE comment regarding weekday and Sunday trips.

Woodstoves - Woodstoves and wood-burning fireplaces consistent with the DEIR's model. See SWAPE comment regarding gas fireplaces.

Energy Use -

Construction Off-road Equipment Mitigation - See SWAPE comment on construction-related mitigation.

Area Mitigation - See SWAPE comment regarding operational mitigation measures.

Water Mitigation - See SWAPE comment regarding operational mitigation measures.

Trips and VMT - Local hire provision

| Table Name | Column Name | Default Value | New Value |
|---|---|---|---|
| tblFireplaces | FireplaceWoodMass | 1,019.20 | 0.00 |
| tblFireplaces | FireplaceWoodMass | 1,019.20 | 0.00 |
| tblFireplaces | NumberWood | 1.25 | 0.00 |
| tblFireplaces | NumberWood | 48.75 | 0.00 |
| tblTripsAndVMT | WorkerTripLength | 14.70 | 10.00 |
| tblTripsAndVMT | WorkerTripLength | 14.70 | 10.00 |
| tblTripsAndVMT | WorkerTripLength | 14.70 | 10.00 |
| tblTripsAndVMT | WorkerTripLength | 14.70 | 10.00 |
| tblTripsAndVMT | WorkerTripLength | 14.70 | 10.00 |
| tblTripsAndVMT | WorkerTripLength | 14.70 | 10.00 |
| tblVehicleTrips | ST_TR | 7.16 | 6.17 |
| tblVehicleTrips | ST_TR | 6.39 | 3.87 |
| tblVehicleTrips | ST_TR | 2.46 | 1.39 |
| tblVehicleTrips | ST_TR | 158.37 | 79.82 |

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CONT

| | | | |
|---|---|---|---|
| tblVehicleTrips | ST_TR | 8.19 | 3.75 |
| tblVehicleTrips | ST_TR | 94.36 | 63.99 |
| tblVehicleTrips | ST_TR | 49.97 | 10.74 |
| tblVehicleTrips | SU_TR | 6.07 | 6.16 |
| tblVehicleTrips | SU_TR | 5.86 | 4.18 |
| tblVehicleTrips | SU_TR | 1.05 | 0.69 |
| tblVehicleTrips | SU_TR | 131.84 | 78.27 |
| tblVehicleTrips | SU_TR | 5.95 | 3.20 |
| tblVehicleTrips | SU_TR | 72.16 | 57.65 |
| tblVehicleTrips | SU_TR | 25.24 | 6.39 |
| tblVehicleTrips | WD_TR | 6.59 | 5.83 |
| tblVehicleTrips | WD_TR | 6.65 | 4.13 |
| tblVehicleTrips | WD_TR | 11.03 | 6.41 |
| tblVehicleTrips | WD_TR | 127.15 | 65.80 |
| tblVehicleTrips | WD_TR | 8.17 | 3.84 |
| tblVehicleTrips | WD_TR | 89.95 | 62.64 |
| tblVehicleTrips | WD_TR | 42.70 | 9.43 |
| tblWoodstoves | NumberCatalytic | 1.25 | 0.00 |
| tblWoodstoves | NumberCatalytic | 48.75 | 0.00 |
| tblWoodstoves | NumberNoncatalytic | 1.25 | 0.00 |
| tblWoodstoves | NumberNoncatalytic | 48.75 | 0.00 |
| tblWoodstoves | WoodstoveDayYear | 25.00 | 0.00 |
| tblWoodstoves | WoodstoveDayYear | 25.00 | 0.00 |
| tblWoodstoves | WoodstoveWoodMass | 999.60 | 0.00 |
| tblWoodstoves | WoodstoveWoodMass | 999.60 | 0.00 |

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CONT

## 2.0 Emissions Summary

## 2.1 Overall Construction (Maximum Daily Emission)

**Unmitigated Construction**

| | ROG | NOx | CO | SO2 | Fugitive PM10 | Exhaust PM10 | PM10 Total | Fugitive PM2.5 | Exhaust PM2.5 | PM2.5 Total | Bio- CO2 | NBio- CO2 | Total CO2 | CH4 | N2O | CO2e |
|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|
| Year | lb/day | | | | | | | | | | lb/day | | | | | |
| 2021 | 4.2621 | 46.4460 | 31.4068 | 0.0635 | 18.2032 | 2.0456 | 20.2488 | 9.9670 | 1.8820 | 11.8490 | 0.0000 | 6,154.3377 | 6,154.3377 | 1.9472 | 0.0000 | 6,203.0186 |
| 2022 | 4.7966 | 38.8851 | 39.6338 | 0.1195 | 8.8255 | 1.6361 | 10.4616 | 3.6369 | 1.5052 | 5.1421 | 0.0000 | 12,035.3440 | 12,035.3440 | 1.9482 | 0.0000 | 12,060.6013 |
| 2023 | 4.3939 | 25.8648 | 37.5031 | 0.1162 | 7.0088 | 0.7598 | 7.7685 | 1.8799 | 0.7142 | 2.5940 | 0.0000 | 11,710.4080 | 11,710.4080 | 0.9617 | 0.0000 | 11,734.4497 |
| 2024 | 237.0656 | 9.5503 | 14.9372 | 0.0238 | 1.2171 | 0.4694 | 1.2875 | 0.3229 | 0.4319 | 0.4621 | 0.0000 | 2,307.0517 | 2,307.0517 | 0.7164 | 0.0000 | 2,324.9627 |
| **Maximum** | **237.0656** | **46.4460** | **39.6338** | **0.1195** | **18.2032** | **2.0456** | **20.2488** | **9.9670** | **1.8820** | **11.8490** | **0.0000** | **12,035.3440** | **12,035.3440** | **1.9482** | **0.0000** | **12,060.6013** |

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CONT

## 2.1 Overall Construction (Maximum Daily Emission)

**Mitigated Construction**

| | ROG | NOx | CO | SO2 | Fugitive PM10 | Exhaust PM10 | PM10 Total | Fugitive PM2.5 | Exhaust PM2.5 | PM2.5 Total | Bio- CO2 | NBio- CO2 | Total CO2 | CH4 | N2O | CO2e |
|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|
| Year | lb/day | | | | | | | | | | lb/day | | | | | |
| 2021 | 4.2621 | 46.4460 | 31.4068 | 0.0635 | 18.2032 | 2.0456 | 20.2488 | 9.9670 | 1.8820 | 11.8490 | 0.0000 | 6,154.3377 | 6,154.3377 | 1.9472 | 0.0000 | 6,203.0186 |
| 2022 | 4.7966 | 38.8851 | 39.6338 | 0.1195 | 8.8255 | 1.6361 | 10.4616 | 3.6369 | 1.5052 | 5.1421 | 0.0000 | 12,035.3440 | 12,035.3440 | 1.9482 | 0.0000 | 12,060.6013 |
| 2023 | 4.3939 | 25.8648 | 37.5031 | 0.1162 | 7.0088 | 0.7598 | 7.7685 | 1.8799 | 0.7142 | 2.5940 | 0.0000 | 11,710.4080 | 11,710.4080 | 0.9617 | 0.0000 | 11,734.4497 |
| 2024 | 237.0656 | 9.5503 | 14.9372 | 0.0238 | 1.2171 | 0.4694 | 1.2875 | 0.3229 | 0.4319 | 0.4621 | 0.0000 | 2,307.0517 | 2,307.0517 | 0.7164 | 0.0000 | 2,324.9627 |
| **Maximum** | **237.0656** | **46.4460** | **39.6338** | **0.1195** | **18.2032** | **2.0456** | **20.2488** | **9.9670** | **1.8820** | **11.8490** | **0.0000** | **12,035.3440** | **12,035.3440** | **1.9482** | **0.0000** | **12,060.6013** |

| | ROG | NOx | CO | SO2 | Fugitive PM10 | Exhaust PM10 | PM10 Total | Fugitive PM2.5 | Exhaust PM2.5 | PM2.5 Total | Bio- CO2 | NBio-CO2 | Total CO2 | CH4 | N20 | CO2e |
|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|
| **Percent Reduction** | **0.00** | **0.00** | **0.00** | **0.00** | **0.00** | **0.00** | **0.00** | **0.00** | **0.00** | **0.00** | **0.00** | **0.00** | **0.00** | **0.00** | **0.00** | **0.00** |

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## 2.2 Overall Operational

**Unmitigated Operational**

| | ROG | NOx | CO | SO2 | Fugitive PM10 | Exhaust PM10 | PM10 Total | Fugitive PM2.5 | Exhaust PM2.5 | PM2.5 Total | Bio- CO2 | NBio- CO2 | Total CO2 | CH4 | N2O | CO2e |
|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|
| Category | lb/day | | | | | | | | | | lb/day | | | | | |
| Area | 30.5020 | 15.0496 | 88.4430 | 0.0944 | | 1.5974 | 1.5974 | | 1.5974 | 1.5974 | 0.0000 | 18,148.5950 | 18,148.5950 | 0.4874 | 0.3300 | 18,259.1192 |
| Energy | 0.7660 | 6.7462 | 4.2573 | 0.0418 | | 0.5292 | 0.5292 | | 0.5292 | 0.5292 | | 8,355.9832 | 8,355.9832 | 0.1602 | 0.1532 | 8,405.6387 |
| Mobile | 9.5233 | 45.9914 | 110.0422 | 0.4681 | 45.9592 | 0.3373 | 46.2965 | 12.2950 | 0.3132 | 12.6083 | | 47,917.8005 | 47,917.8005 | 2.1953 | | 47,972.6839 |
| **Total** | **40.7912** | **67.7872** | **202.7424** | **0.6043** | **45.9592** | **2.4640** | **48.4231** | **12.2950** | **2.4399** | **14.7349** | **0.0000** | **74,422.3787** | **74,422.3787** | **2.8429** | **0.4832** | **74,637.4417** |

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CONT

**Mitigated Operational**

| | ROG | NOx | CO | SO2 | Fugitive PM10 | Exhaust PM10 | PM10 Total | Fugitive PM2.5 | Exhaust PM2.5 | PM2.5 Total | Bio- CO2 | NBio- CO2 | Total CO2 | CH4 | N2O | CO2e |
|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|
| Category | lb/day | | | | | | | | | | lb/day | | | | | |
| Area | 30.5020 | 15.0496 | 88.4430 | 0.0944 | | 1.5974 | 1.5974 | | 1.5974 | 1.5974 | 0.0000 | 18,148.5950 | 18,148.5950 | 0.4874 | 0.3300 | 18,259.1192 |
| Energy | 0.7660 | 6.7462 | 4.2573 | 0.0418 | | 0.5292 | 0.5292 | | 0.5292 | 0.5292 | | 8,355.9832 | 8,355.9832 | 0.1602 | 0.1532 | 8,405.6387 |
| Mobile | 9.5233 | 45.9914 | 110.0422 | 0.4681 | 45.9592 | 0.3373 | 46.2965 | 12.2950 | 0.3132 | 12.6083 | | 47,917.8005 | 47,917.8005 | 2.1953 | | 47,972.6839 |
| **Total** | **40.7912** | **67.7872** | **202.7424** | **0.6043** | **45.9592** | **2.4640** | **48.4231** | **12.2950** | **2.4399** | **14.7349** | **0.0000** | **74,422.3787** | **74,422.3787** | **2.8429** | **0.4832** | **74,637.4417** |

| | ROG | NOx | CO | SO2 | Fugitive PM10 | Exhaust PM10 | PM10 Total | Fugitive PM2.5 | Exhaust PM2.5 | PM2.5 Total | Bio- CO2 | NBio-CO2 | Total CO2 | CH4 | N20 | CO2e |
|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|
| Percent Reduction | 0.00 | 0.00 | 0.00 | 0.00 | 0.00 | 0.00 | 0.00 | 0.00 | 0.00 | 0.00 | 0.00 | 0.00 | 0.00 | 0.00 | 0.00 | 0.00 |

## 3.0 Construction Detail

**Construction Phase**

| Phase Number | Phase Name | Phase Type | Start Date | End Date | Num Days Week | Num Days | Phase Description |
|---|---|---|---|---|---|---|---|
| 1 | Demolition | Demolition | 9/1/2021 | 10/12/2021 | 5 | 30 | |
| 2 | Site Preparation | Site Preparation | 10/13/2021 | 11/9/2021 | 5 | 20 | |
| 3 | Grading | Grading | 11/10/2021 | 1/11/2022 | 5 | 45 | |
| 4 | Building Construction | Building Construction | 1/12/2022 | 12/12/2023 | 5 | 500 | |
| 5 | Paving | Paving | 12/13/2023 | 1/30/2024 | 5 | 35 | |
| 6 | Architectural Coating | Architectural Coating | 1/31/2024 | 3/19/2024 | 5 | 35 | |

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CONT

**Acres of Grading (Site Preparation Phase): 0**

**Acres of Grading (Grading Phase): 112.5**

**Acres of Paving: 0**

**Residential Indoor: 2,025,000; Residential Outdoor: 675,000; Non-Residential Indoor: 326,400; Non-Residential Outdoor: 108,800; Striped Parking Area: 0 (Architectural Coating – sqft)**

**OffRoad Equipment**

Village South Specific Plan (Proposed) - Los Angeles-South Coast County, Winter

| Phase Name | Offroad Equipment Type | Amount | Usage Hours | Horse Power | Load Factor |
|---|---|---|---|---|---|
| Demolition | Concrete/Industrial Saws | 1 | 8.00 | 81 | 0.73 |
| Demolition | Excavators | 3 | 8.00 | 158 | 0.38 |
| Demolition | Rubber Tired Dozers | 2 | 8.00 | 247 | 0.40 |
| Site Preparation | Rubber Tired Dozers | 3 | 8.00 | 247 | 0.40 |
| Site Preparation | Tractors/Loaders/Backhoes | 4 | 8.00 | 97 | 0.37 |
| Grading | Excavators | 2 | 8.00 | 158 | 0.38 |
| Grading | Graders | 1 | 8.00 | 187 | 0.41 |
| Grading | Rubber Tired Dozers | 1 | 8.00 | 247 | 0.40 |
| Grading | Scrapers | 2 | 8.00 | 367 | 0.48 |
| Grading | Tractors/Loaders/Backhoes | 2 | 8.00 | 97 | 0.37 |
| Building Construction | Cranes | 1 | 7.00 | 231 | 0.29 |
| Building Construction | Forklifts | 3 | 8.00 | 89 | 0.20 |
| Building Construction | Generator Sets | 1 | 8.00 | 84 | 0.74 |
| Building Construction | Tractors/Loaders/Backhoes | 3 | 7.00 | 97 | 0.37 |
| Building Construction | Welders | 1 | 8.00 | 46 | 0.45 |
| Paving | Pavers | 2 | 8.00 | 130 | 0.42 |
| Paving | Paving Equipment | 2 | 8.00 | 132 | 0.36 |
| Paving | Rollers | 2 | 8.00 | 80 | 0.38 |
| Architectural Coating | Air Compressors | 1 | 6.00 | 78 | 0.48 |

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**Trips and VMT**

Village South Specific Plan (Proposed) - Los Angeles-South Coast County, Winter

| Phase Name | Offroad Equipment Count | Worker Trip Number | Vendor Trip Number | Hauling Trip Number | Worker Trip Length | Vendor Trip Length | Hauling Trip Length | Worker Vehicle Class | Vendor Vehicle Class | Hauling Vehicle Class |
|---|---|---|---|---|---|---|---|---|---|---|
| Demolition | 6 | 15.00 | 0.00 | 458.00 | 10.00 | 6.90 | 20.00 | LD_Mix | HDT_Mix | HHDT |
| Site Preparation | 7 | 18.00 | 0.00 | 0.00 | 10.00 | 6.90 | 20.00 | LD_Mix | HDT_Mix | HHDT |
| Grading | 8 | 20.00 | 0.00 | 0.00 | 10.00 | 6.90 | 20.00 | LD_Mix | HDT_Mix | HHDT |
| Building Construction | 9 | 801.00 | 143.00 | 0.00 | 10.00 | 6.90 | 20.00 | LD_Mix | HDT_Mix | HHDT |
| Paving | 6 | 15.00 | 0.00 | 0.00 | 10.00 | 6.90 | 20.00 | LD_Mix | HDT_Mix | HHDT |
| Architectural Coating | 1 | 160.00 | 0.00 | 0.00 | 10.00 | 6.90 | 20.00 | LD_Mix | HDT_Mix | HHDT |

### 3.1 Mitigation Measures Construction

### 3.2 Demolition - 2021

**Unmitigated Construction On-Site**

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CONT

| | ROG | NOx | CO | SO2 | Fugitive PM10 | Exhaust PM10 | PM10 Total | Fugitive PM2.5 | Exhaust PM2.5 | PM2.5 Total | Bio- CO2 | NBio- CO2 | Total CO2 | CH4 | N2O | CO2e |
|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|
| Category | lb/day | | | | | | | | | | lb/day | | | | | |
| Fugitive Dust | | | | | 3.3074 | 0.0000 | 3.3074 | 0.5008 | 0.0000 | 0.5008 | | | 0.0000 | | | 0.0000 |
| Off-Road | 3.1651 | 31.4407 | 21.5650 | 0.0388 | | 1.5513 | 1.5513 | | 1.4411 | 1.4411 | | 3,747.9449 | 3,747.9449 | 1.0549 | | 3,774.3174 |
| **Total** | **3.1651** | **31.4407** | **21.5650** | **0.0388** | **3.3074** | **1.5513** | **4.8588** | **0.5008** | **1.4411** | **1.9419** | | **3,747.9449** | **3,747.9449** | **1.0549** | | **3,774.3174** |

### 3.2 Demolition - 2021

**Unmitigated Construction Off-Site**

| | ROG | NOx | CO | SO2 | Fugitive PM10 | Exhaust PM10 | PM10 Total | Fugitive PM2.5 | Exhaust PM2.5 | PM2.5 Total | Bio- CO2 | NBio- CO2 | Total CO2 | CH4 | N2O | CO2e |
|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|
| Category | lb/day | | | | | | | | | | lb/day | | | | | |
| Hauling | 0.1304 | 4.1454 | 1.0182 | 0.0117 | 0.2669 | 0.0128 | 0.2797 | 0.0732 | 0.0122 | 0.0854 | | 1,269.8555 | 1,269.8555 | 0.0908 | | 1,272.1252 |
| Vendor | 0.0000 | 0.0000 | 0.0000 | 0.0000 | 0.0000 | 0.0000 | 0.0000 | 0.0000 | 0.0000 | 0.0000 | | 0.0000 | 0.0000 | 0.0000 | | 0.0000 |
| Worker | 0.0532 | 0.0346 | 0.3963 | 1.1100e-003 | 0.1141 | 9.5000e-004 | 0.1151 | 0.0303 | 8.8000e-004 | 0.0311 | | 110.4707 | 110.4707 | 3.3300e-003 | | 110.5539 |
| **Total** | **0.1835** | **4.1800** | **1.4144** | **0.0128** | **0.3810** | **0.0137** | **0.3948** | **0.1034** | **0.0131** | **0.1165** | | **1,380.3262** | **1,380.3262** | **0.0941** | | **1,382.6791** |

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CONT

**Mitigated Construction On-Site**

| | ROG | NOx | CO | SO2 | Fugitive PM10 | Exhaust PM10 | PM10 Total | Fugitive PM2.5 | Exhaust PM2.5 | PM2.5 Total | Bio- CO2 | NBio- CO2 | Total CO2 | CH4 | N2O | CO2e |
|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|
| Category | lb/day | | | | | | | | | | lb/day | | | | | |
| Fugitive Dust | | | | | 3.3074 | 0.0000 | 3.3074 | 0.5008 | 0.0000 | 0.5008 | | | 0.0000 | | | 0.0000 |
| Off-Road | 3.1651 | 31.4407 | 21.5650 | 0.0388 | | 1.5513 | 1.5513 | | 1.4411 | 1.4411 | 0.0000 | 3,747.9449 | 3,747.9449 | 1.0549 | | 3,774.3174 |
| **Total** | **3.1651** | **31.4407** | **21.5650** | **0.0388** | **3.3074** | **1.5513** | **4.8588** | **0.5008** | **1.4411** | **1.9419** | **0.0000** | **3,747.9449** | **3,747.9449** | **1.0549** | | **3,774.3174** |

### 3.2 Demolition - 2021

**Mitigated Construction Off-Site**

| | ROG | NOx | CO | SO2 | Fugitive PM10 | Exhaust PM10 | PM10 Total | Fugitive PM2.5 | Exhaust PM2.5 | PM2.5 Total | Bio- CO2 | NBio- CO2 | Total CO2 | CH4 | N2O | CO2e |
|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|
| Category | lb/day | | | | | | | | | | lb/day | | | | | |
| Hauling | 0.1304 | 4.1454 | 1.0182 | 0.0117 | 0.2669 | 0.0128 | 0.2797 | 0.0732 | 0.0122 | 0.0854 | | 1,269.8555 | 1,269.8555 | 0.0908 | | 1,272.1252 |
| Vendor | 0.0000 | 0.0000 | 0.0000 | 0.0000 | 0.0000 | 0.0000 | 0.0000 | 0.0000 | 0.0000 | 0.0000 | | 0.0000 | 0.0000 | 0.0000 | | 0.0000 |
| Worker | 0.0532 | 0.0346 | 0.3963 | 1.1100e-003 | 0.1141 | 9.5000e-004 | 0.1151 | 0.0303 | 8.8000e-004 | 0.0311 | | 110.4707 | 110.4707 | 3.3300e-003 | | 110.5539 |
| **Total** | **0.1835** | **4.1800** | **1.4144** | **0.0128** | **0.3810** | **0.0137** | **0.3948** | **0.1034** | **0.0131** | **0.1165** | | **1,380.3262** | **1,380.3262** | **0.0941** | | **1,382.6791** |

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CONT

### 3.3 Site Preparation - 2021

**Unmitigated Construction On-Site**

| | ROG | NOx | CO | SO2 | Fugitive PM10 | Exhaust PM10 | PM10 Total | Fugitive PM2.5 | Exhaust PM2.5 | PM2.5 Total | Bio- CO2 | NBio- CO2 | Total CO2 | CH4 | N2O | CO2e |
|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|
| Category | lb/day | | | | | | | | | | lb/day | | | | | |
| Fugitive Dust | | | | | 18.0663 | 0.0000 | 18.0663 | 9.9307 | 0.0000 | 9.9307 | | | 0.0000 | | | 0.0000 |
| Off-Road | 3.8882 | 40.4971 | 21.1543 | 0.0380 | | 2.0445 | 2.0445 | | 1.8809 | 1.8809 | | 3,685.6569 | 3,685.6569 | 1.1920 | | 3,715.4573 |
| **Total** | **3.8882** | **40.4971** | **21.1543** | **0.0380** | **18.0663** | **2.0445** | **20.1107** | **9.9307** | **1.8809** | **11.8116** | | **3,685.6569** | **3,685.6569** | **1.1920** | | **3,715.4573** |

### 3.3 Site Preparation - 2021

**Unmitigated Construction Off-Site**

| | ROG | NOx | CO | SO2 | Fugitive PM10 | Exhaust PM10 | PM10 Total | Fugitive PM2.5 | Exhaust PM2.5 | PM2.5 Total | Bio- CO2 | NBio- CO2 | Total CO2 | CH4 | N2O | CO2e |
|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|
| Category | lb/day | | | | | | | | | | lb/day | | | | | |
| Hauling | 0.0000 | 0.0000 | 0.0000 | 0.0000 | 0.0000 | 0.0000 | 0.0000 | 0.0000 | 0.0000 | 0.0000 | | 0.0000 | 0.0000 | 0.0000 | | 0.0000 |
| Vendor | 0.0000 | 0.0000 | 0.0000 | 0.0000 | 0.0000 | 0.0000 | 0.0000 | 0.0000 | 0.0000 | 0.0000 | | 0.0000 | 0.0000 | 0.0000 | | 0.0000 |
| Worker | 0.0638 | 0.0415 | 0.4755 | 1.3300e-003 | 0.1369 | 1.1400e-003 | 0.1381 | 0.0363 | 1.0500e-003 | 0.0374 | | 132.5649 | 132.5649 | 3.9900e-003 | | 132.6646 |
| **Total** | **0.0638** | **0.0415** | **0.4755** | **1.3300e-003** | **0.1369** | **1.1400e-003** | **0.1381** | **0.0363** | **1.0500e-003** | **0.0374** | | **132.5649** | **132.5649** | **3.9900e-003** | | **132.6646** |

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**Mitigated Construction On-Site**

| | ROG | NOx | CO | SO2 | Fugitive PM10 | Exhaust PM10 | PM10 Total | Fugitive PM2.5 | Exhaust PM2.5 | PM2.5 Total | Bio- CO2 | NBio- CO2 | Total CO2 | CH4 | N2O | CO2e |
|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|
| Category | lb/day | | | | | | | | | | lb/day | | | | | |
| Fugitive Dust | | | | | 18.0663 | 0.0000 | 18.0663 | 9.9307 | 0.0000 | 9.9307 | | | 0.0000 | | | 0.0000 |
| Off-Road | 3.8882 | 40.4971 | 21.1543 | 0.0380 | | 2.0445 | 2.0445 | | 1.8809 | 1.8809 | 0.0000 | 3,685.6569 | 3,685.6569 | 1.1920 | | 3,715.4573 |
| **Total** | **3.8882** | **40.4971** | **21.1543** | **0.0380** | **18.0663** | **2.0445** | **20.1107** | **9.9307** | **1.8809** | **11.8116** | **0.0000** | **3,685.6569** | **3,685.6569** | **1.1920** | | **3,715.4573** |

### 3.3 Site Preparation - 2021

**Mitigated Construction Off-Site**

| | ROG | NOx | CO | SO2 | Fugitive PM10 | Exhaust PM10 | PM10 Total | Fugitive PM2.5 | Exhaust PM2.5 | PM2.5 Total | Bio- CO2 | NBio- CO2 | Total CO2 | CH4 | N2O | CO2e |
|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|
| Category | lb/day | | | | | | | | | | lb/day | | | | | |
| Hauling | 0.0000 | 0.0000 | 0.0000 | 0.0000 | 0.0000 | 0.0000 | 0.0000 | 0.0000 | 0.0000 | 0.0000 | | 0.0000 | 0.0000 | 0.0000 | | 0.0000 |
| Vendor | 0.0000 | 0.0000 | 0.0000 | 0.0000 | 0.0000 | 0.0000 | 0.0000 | 0.0000 | 0.0000 | 0.0000 | | 0.0000 | 0.0000 | 0.0000 | | 0.0000 |
| Worker | 0.0638 | 0.0415 | 0.4755 | 1.3300e-003 | 0.1369 | 1.1400e-003 | 0.1381 | 0.0363 | 1.0500e-003 | 0.0374 | | 132.5649 | 132.5649 | 3.9900e-003 | | 132.6646 |
| **Total** | **0.0638** | **0.0415** | **0.4755** | **1.3300e-003** | **0.1369** | **1.1400e-003** | **0.1381** | **0.0363** | **1.0500e-003** | **0.0374** | | **132.5649** | **132.5649** | **3.9900e-003** | | **132.6646** |

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### 3.4 Grading - 2021

**Unmitigated Construction On-Site**

| | ROG | NOx | CO | SO2 | Fugitive PM10 | Exhaust PM10 | PM10 Total | Fugitive PM2.5 | Exhaust PM2.5 | PM2.5 Total | Bio- CO2 | NBio- CO2 | Total CO2 | CH4 | N2O | CO2e |
|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|
| Category | lb/day | | | | | | | | | | lb/day | | | | | |
| Fugitive Dust | | | | | 8.6733 | 0.0000 | 8.6733 | 3.5965 | 0.0000 | 3.5965 | | | 0.0000 | | | 0.0000 |
| Off-Road | 4.1912 | 46.3998 | 30.8785 | 0.0620 | | 1.9853 | 1.9853 | | 1.8265 | 1.8265 | | 6,007.0434 | 6,007.0434 | 1.9428 | | 6,055.6134 |
| **Total** | **4.1912** | **46.3998** | **30.8785** | **0.0620** | **8.6733** | **1.9853** | **10.6587** | **3.5965** | **1.8265** | **5.4230** | | **6,007.0434** | **6,007.0434** | **1.9428** | | **6,055.6134** |

### 3.4 Grading - 2021

**Unmitigated Construction Off-Site**

| | ROG | NOx | CO | SO2 | Fugitive PM10 | Exhaust PM10 | PM10 Total | Fugitive PM2.5 | Exhaust PM2.5 | PM2.5 Total | Bio- CO2 | NBio- CO2 | Total CO2 | CH4 | N2O | CO2e |
|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|
| Category | lb/day | | | | | | | | | | lb/day | | | | | |
| Hauling | 0.0000 | 0.0000 | 0.0000 | 0.0000 | 0.0000 | 0.0000 | 0.0000 | 0.0000 | 0.0000 | 0.0000 | | 0.0000 | 0.0000 | 0.0000 | | 0.0000 |
| Vendor | 0.0000 | 0.0000 | 0.0000 | 0.0000 | 0.0000 | 0.0000 | 0.0000 | 0.0000 | 0.0000 | 0.0000 | | 0.0000 | 0.0000 | 0.0000 | | 0.0000 |
| Worker | 0.0709 | 0.0462 | 0.5284 | 1.4800e-003 | 0.1521 | 1.2700e-003 | 0.1534 | 0.0404 | 1.1700e-003 | 0.0415 | | 147.2943 | 147.2943 | 4.4300e-003 | | 147.4051 |
| **Total** | **0.0709** | **0.0462** | **0.5284** | **1.4800e-003** | **0.1521** | **1.2700e-003** | **0.1534** | **0.0404** | **1.1700e-003** | **0.0415** | | **147.2943** | **147.2943** | **4.4300e-003** | | **147.4051** |

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**Mitigated Construction On-Site**

| | ROG | NOx | CO | SO2 | Fugitive PM10 | Exhaust PM10 | PM10 Total | Fugitive PM2.5 | Exhaust PM2.5 | PM2.5 Total | Bio- CO2 | NBio- CO2 | Total CO2 | CH4 | N2O | CO2e |
|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|
| Category | lb/day | | | | | | | | | | lb/day | | | | | |
| Fugitive Dust | | | | | 8.6733 | 0.0000 | 8.6733 | 3.5965 | 0.0000 | 3.5965 | | | 0.0000 | | | 0.0000 |
| Off-Road | 4.1912 | 46.3998 | 30.8785 | 0.0620 | | 1.9853 | 1.9853 | | 1.8265 | 1.8265 | 0.0000 | 6,007.0434 | 6,007.0434 | 1.9428 | | 6,055.6134 |
| **Total** | **4.1912** | **46.3998** | **30.8785** | **0.0620** | **8.6733** | **1.9853** | **10.6587** | **3.5965** | **1.8265** | **5.4230** | **0.0000** | **6,007.0434** | **6,007.0434** | **1.9428** | | **6,055.6134** |

### 3.4 Grading - 2021

**Mitigated Construction Off-Site**

| | ROG | NOx | CO | SO2 | Fugitive PM10 | Exhaust PM10 | PM10 Total | Fugitive PM2.5 | Exhaust PM2.5 | PM2.5 Total | Bio- CO2 | NBio- CO2 | Total CO2 | CH4 | N2O | CO2e |
|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|
| Category | lb/day | | | | | | | | | | lb/day | | | | | |
| Hauling | 0.0000 | 0.0000 | 0.0000 | 0.0000 | 0.0000 | 0.0000 | 0.0000 | 0.0000 | 0.0000 | 0.0000 | | 0.0000 | 0.0000 | 0.0000 | | 0.0000 |
| Vendor | 0.0000 | 0.0000 | 0.0000 | 0.0000 | 0.0000 | 0.0000 | 0.0000 | 0.0000 | 0.0000 | 0.0000 | | 0.0000 | 0.0000 | 0.0000 | | 0.0000 |
| Worker | 0.0709 | 0.0462 | 0.5284 | 1.4800e-003 | 0.1521 | 1.2700e-003 | 0.1534 | 0.0404 | 1.1700e-003 | 0.0415 | | 147.2943 | 147.2943 | 4.4300e-003 | | 147.4051 |
| **Total** | **0.0709** | **0.0462** | **0.5284** | **1.4800e-003** | **0.1521** | **1.2700e-003** | **0.1534** | **0.0404** | **1.1700e-003** | **0.0415** | | **147.2943** | **147.2943** | **4.4300e-003** | | **147.4051** |

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### 3.4 Grading - 2022

**Unmitigated Construction On-Site**

| | ROG | NOx | CO | SO2 | Fugitive PM10 | Exhaust PM10 | PM10 Total | Fugitive PM2.5 | Exhaust PM2.5 | PM2.5 Total | Bio- CO2 | NBio- CO2 | Total CO2 | CH4 | N2O | CO2e |
|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|
| Category | lb/day | | | | | | | | | | lb/day | | | | | |
| Fugitive Dust | | | | | 8.6733 | 0.0000 | 8.6733 | 3.5965 | 0.0000 | 3.5965 | | | 0.0000 | | | 0.0000 |
| Off-Road | 3.6248 | 38.8435 | 29.0415 | 0.0621 | | 1.6349 | 1.6349 | | 1.5041 | 1.5041 | | 6,011.4105 | 6,011.4105 | 1.9442 | | 6,060.0158 |
| **Total** | **3.6248** | **38.8435** | **29.0415** | **0.0621** | **8.6733** | **1.6349** | **10.3082** | **3.5965** | **1.5041** | **5.1006** | | **6,011.4105** | **6,011.4105** | **1.9442** | | **6,060.0158** |

### 3.4 Grading - 2022

**Unmitigated Construction Off-Site**

| | ROG | NOx | CO | SO2 | Fugitive PM10 | Exhaust PM10 | PM10 Total | Fugitive PM2.5 | Exhaust PM2.5 | PM2.5 Total | Bio- CO2 | NBio- CO2 | Total CO2 | CH4 | N2O | CO2e |
|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|
| Category | lb/day | | | | | | | | | | lb/day | | | | | |
| Hauling | 0.0000 | 0.0000 | 0.0000 | 0.0000 | 0.0000 | 0.0000 | 0.0000 | 0.0000 | 0.0000 | 0.0000 | | 0.0000 | 0.0000 | 0.0000 | | 0.0000 |
| Vendor | 0.0000 | 0.0000 | 0.0000 | 0.0000 | 0.0000 | 0.0000 | 0.0000 | 0.0000 | 0.0000 | 0.0000 | | 0.0000 | 0.0000 | 0.0000 | | 0.0000 |
| Worker | 0.0665 | 0.0416 | 0.4861 | 1.4300e-003 | 0.1521 | 1.2300e-003 | 0.1534 | 0.0404 | 1.1300e-003 | 0.0415 | | 142.1207 | 142.1207 | 4.0000e-003 | | 142.2207 |
| **Total** | **0.0665** | **0.0416** | **0.4861** | **1.4300e-003** | **0.1521** | **1.2300e-003** | **0.1534** | **0.0404** | **1.1300e-003** | **0.0415** | | **142.1207** | **142.1207** | **4.0000e-003** | | **142.2207** |

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CONT

**Mitigated Construction On-Site**

| | ROG | NOx | CO | SO2 | Fugitive PM10 | Exhaust PM10 | PM10 Total | Fugitive PM2.5 | Exhaust PM2.5 | PM2.5 Total | Bio- CO2 | NBio- CO2 | Total CO2 | CH4 | N2O | CO2e |
|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|
| Category | lb/day | | | | | | | | | | lb/day | | | | | |
| Fugitive Dust | | | | | 8.6733 | 0.0000 | 8.6733 | 3.5965 | 0.0000 | 3.5965 | | | 0.0000 | | | 0.0000 |
| Off-Road | 3.6248 | 38.8435 | 29.0415 | 0.0621 | | 1.6349 | 1.6349 | | 1.5041 | 1.5041 | 0.0000 | 6,011.4105 | 6,011.4105 | 1.9442 | | 6,060.0158 |
| **Total** | **3.6248** | **38.8435** | **29.0415** | **0.0621** | **8.6733** | **1.6349** | **10.3082** | **3.5965** | **1.5041** | **5.1006** | **0.0000** | **6,011.4105** | **6,011.4105** | **1.9442** | | **6,060.0158** |

### 3.4 Grading - 2022

**Mitigated Construction Off-Site**

| | ROG | NOx | CO | SO2 | Fugitive PM10 | Exhaust PM10 | PM10 Total | Fugitive PM2.5 | Exhaust PM2.5 | PM2.5 Total | Bio- CO2 | NBio- CO2 | Total CO2 | CH4 | N2O | CO2e |
|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|
| Category | lb/day | | | | | | | | | | lb/day | | | | | |
| Hauling | 0.0000 | 0.0000 | 0.0000 | 0.0000 | 0.0000 | 0.0000 | 0.0000 | 0.0000 | 0.0000 | 0.0000 | | 0.0000 | 0.0000 | 0.0000 | | 0.0000 |
| Vendor | 0.0000 | 0.0000 | 0.0000 | 0.0000 | 0.0000 | 0.0000 | 0.0000 | 0.0000 | 0.0000 | 0.0000 | | 0.0000 | 0.0000 | 0.0000 | | 0.0000 |
| Worker | 0.0665 | 0.0416 | 0.4861 | 1.4300e-003 | 0.1521 | 1.2300e-003 | 0.1534 | 0.0404 | 1.1300e-003 | 0.0415 | | 142.1207 | 142.1207 | 4.0000e-003 | | 142.2207 |
| **Total** | **0.0665** | **0.0416** | **0.4861** | **1.4300e-003** | **0.1521** | **1.2300e-003** | **0.1534** | **0.0404** | **1.1300e-003** | **0.0415** | | **142.1207** | **142.1207** | **4.0000e-003** | | **142.2207** |

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CONT

### 3.5 Building Construction - 2022

**Unmitigated Construction On-Site**

| | ROG | NOx | CO | SO2 | Fugitive PM10 | Exhaust PM10 | PM10 Total | Fugitive PM2.5 | Exhaust PM2.5 | PM2.5 Total | Bio- CO2 | NBio- CO2 | Total CO2 | CH4 | N2O | CO2e |
|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|
| Category | lb/day | | | | | | | | | | lb/day | | | | | |
| Off-Road | 1.7062 | 15.6156 | 16.3634 | 0.0269 | | 0.8090 | 0.8090 | | 0.7612 | 0.7612 | | 2,554.3336 | 2,554.3336 | 0.6120 | | 2,569.6322 |
| **Total** | **1.7062** | **15.6156** | **16.3634** | **0.0269** | | **0.8090** | **0.8090** | | **0.7612** | **0.7612** | | **2,554.3336** | **2,554.3336** | **0.6120** | | **2,569.6322** |

### 3.5 Building Construction - 2022

**Unmitigated Construction Off-Site**

| | ROG | NOx | CO | SO2 | Fugitive PM10 | Exhaust PM10 | PM10 Total | Fugitive PM2.5 | Exhaust PM2.5 | PM2.5 Total | Bio- CO2 | NBio- CO2 | Total CO2 | CH4 | N2O | CO2e |
|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|
| Category | lb/day | | | | | | | | | | lb/day | | | | | |
| Hauling | 0.0000 | 0.0000 | 0.0000 | 0.0000 | 0.0000 | 0.0000 | 0.0000 | 0.0000 | 0.0000 | 0.0000 | | 0.0000 | 0.0000 | 0.0000 | | 0.0000 |
| Vendor | 0.4284 | 13.1673 | 3.8005 | 0.0354 | 0.9155 | 0.0256 | 0.9412 | 0.2636 | 0.0245 | 0.2881 | | 3,789.0750 | 3,789.0750 | 0.2381 | | 3,795.0283 |
| Worker | 2.6620 | 1.6677 | 19.4699 | 0.0571 | 6.0932 | 0.0493 | 6.1425 | 1.6163 | 0.0454 | 1.6617 | | 5,691.9354 | 5,691.9354 | 0.1602 | | 5,695.9408 |
| **Total** | **3.0904** | **14.8350** | **23.2704** | **0.0926** | **7.0087** | **0.0749** | **7.0836** | **1.8799** | **0.0699** | **1.9498** | | **9,481.0104** | **9,481.0104** | **0.3984** | | **9,490.9691** |

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CONT

**Mitigated Construction On-Site**

| | ROG | NOx | CO | SO2 | Fugitive PM10 | Exhaust PM10 | PM10 Total | Fugitive PM2.5 | Exhaust PM2.5 | PM2.5 Total | Bio- CO2 | NBio- CO2 | Total CO2 | CH4 | N2O | CO2e |
|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|
| Category | lb/day | | | | | | | | | | lb/day | | | | | |
| Off-Road | 1.7062 | 15.6156 | 16.3634 | 0.0269 | | 0.8090 | 0.8090 | | 0.7612 | 0.7612 | 0.0000 | 2,554.3336 | 2,554.3336 | 0.6120 | | 2,569.6322 |
| **Total** | **1.7062** | **15.6156** | **16.3634** | **0.0269** | | **0.8090** | **0.8090** | | **0.7612** | **0.7612** | **0.0000** | **2,554.3336** | **2,554.3336** | **0.6120** | | **2,569.6322** |

### 3.5 Building Construction - 2022

**Mitigated Construction Off-Site**

| | ROG | NOx | CO | SO2 | Fugitive PM10 | Exhaust PM10 | PM10 Total | Fugitive PM2.5 | Exhaust PM2.5 | PM2.5 Total | Bio- CO2 | NBio- CO2 | Total CO2 | CH4 | N2O | CO2e |
|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|
| Category | lb/day | | | | | | | | | | lb/day | | | | | |
| Hauling | 0.0000 | 0.0000 | 0.0000 | 0.0000 | 0.0000 | 0.0000 | 0.0000 | 0.0000 | 0.0000 | 0.0000 | | 0.0000 | 0.0000 | 0.0000 | | 0.0000 |
| Vendor | 0.4284 | 13.1673 | 3.8005 | 0.0354 | 0.9155 | 0.0256 | 0.9412 | 0.2636 | 0.0245 | 0.2881 | | 3,789.0750 | 3,789.0750 | 0.2381 | | 3,795.0283 |
| Worker | 2.6620 | 1.6677 | 19.4699 | 0.0571 | 6.0932 | 0.0493 | 6.1425 | 1.6163 | 0.0454 | 1.6617 | | 5,691.9354 | 5,691.9354 | 0.1602 | | 5,695.9408 |
| **Total** | **3.0904** | **14.8350** | **23.2704** | **0.0926** | **7.0087** | **0.0749** | **7.0836** | **1.8799** | **0.0699** | **1.9498** | | **9,481.0104** | **9,481.0104** | **0.3984** | | **9,490.9691** |

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### 3.5 Building Construction - 2023

**Unmitigated Construction On-Site**

| | ROG | NOx | CO | SO2 | Fugitive PM10 | Exhaust PM10 | PM10 Total | Fugitive PM2.5 | Exhaust PM2.5 | PM2.5 Total | Bio- CO2 | NBio- CO2 | Total CO2 | CH4 | N2O | CO2e |
|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|
| Category | lb/day | | | | | | | | | | lb/day | | | | | |
| Off-Road | 1.5728 | 14.3849 | 16.2440 | 0.0269 | | 0.6997 | 0.6997 | | 0.6584 | 0.6584 | | 2,555.2099 | 2,555.2099 | 0.6079 | | 2,570.4061 |
| **Total** | **1.5728** | **14.3849** | **16.2440** | **0.0269** | | **0.6997** | **0.6997** | | **0.6584** | **0.6584** | | **2,555.2099** | **2,555.2099** | **0.6079** | | **2,570.4061** |

### 3.5 Building Construction - 2023

**Unmitigated Construction Off-Site**

| | ROG | NOx | CO | SO2 | Fugitive PM10 | Exhaust PM10 | PM10 Total | Fugitive PM2.5 | Exhaust PM2.5 | PM2.5 Total | Bio- CO2 | NBio- CO2 | Total CO2 | CH4 | N2O | CO2e |
|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|
| Category | lb/day | | | | | | | | | | lb/day | | | | | |
| Hauling | 0.0000 | 0.0000 | 0.0000 | 0.0000 | 0.0000 | 0.0000 | 0.0000 | 0.0000 | 0.0000 | 0.0000 | | 0.0000 | 0.0000 | 0.0000 | | 0.0000 |
| Vendor | 0.3183 | 9.9726 | 3.3771 | 0.0343 | 0.9156 | 0.0122 | 0.9277 | 0.2636 | 0.0116 | 0.2752 | | 3,671.4007 | 3,671.4007 | 0.2096 | | 3,676.6417 |
| Worker | 2.5029 | 1.5073 | 17.8820 | 0.0550 | 6.0932 | 0.0479 | 6.1411 | 1.6163 | 0.0441 | 1.6604 | | 5,483.7974 | 5,483.7974 | 0.1442 | | 5,487.4020 |
| **Total** | **2.8211** | **11.4799** | **21.2591** | **0.0893** | **7.0088** | **0.0601** | **7.0688** | **1.8799** | **0.0557** | **1.9356** | | **9,155.1981** | **9,155.1981** | **0.3538** | | **9,164.0437** |

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**Mitigated Construction On-Site**

| | ROG | NOx | CO | SO2 | Fugitive PM10 | Exhaust PM10 | PM10 Total | Fugitive PM2.5 | Exhaust PM2.5 | PM2.5 Total | Bio- CO2 | NBio- CO2 | Total CO2 | CH4 | N2O | CO2e |
|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|
| Category | lb/day | | | | | | | | | | lb/day | | | | | |
| Off-Road | 1.5728 | 14.3849 | 16.2440 | 0.0269 | | 0.6997 | 0.6997 | | 0.6584 | 0.6584 | 0.0000 | 2,555.2099 | 2,555.2099 | 0.6079 | | 2,570.4061 |
| **Total** | **1.5728** | **14.3849** | **16.2440** | **0.0269** | | **0.6997** | **0.6997** | | **0.6584** | **0.6584** | **0.0000** | **2,555.2099** | **2,555.2099** | **0.6079** | | **2,570.4061** |

### 3.5 Building Construction - 2023

**Mitigated Construction Off-Site**

| | ROG | NOx | CO | SO2 | Fugitive PM10 | Exhaust PM10 | PM10 Total | Fugitive PM2.5 | Exhaust PM2.5 | PM2.5 Total | Bio- CO2 | NBio- CO2 | Total CO2 | CH4 | N2O | CO2e |
|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|
| Category | lb/day | | | | | | | | | | lb/day | | | | | |
| Hauling | 0.0000 | 0.0000 | 0.0000 | 0.0000 | 0.0000 | 0.0000 | 0.0000 | 0.0000 | 0.0000 | 0.0000 | | 0.0000 | 0.0000 | 0.0000 | | 0.0000 |
| Vendor | 0.3183 | 9.9726 | 3.3771 | 0.0343 | 0.9156 | 0.0122 | 0.9277 | 0.2636 | 0.0116 | 0.2752 | | 3,671.4007 | 3,671.4007 | 0.2096 | | 3,676.6417 |
| Worker | 2.5029 | 1.5073 | 17.8820 | 0.0550 | 6.0932 | 0.0479 | 6.1411 | 1.6163 | 0.0441 | 1.6604 | | 5,483.7974 | 5,483.7974 | 0.1442 | | 5,487.4020 |
| **Total** | **2.8211** | **11.4799** | **21.2591** | **0.0893** | **7.0088** | **0.0601** | **7.0688** | **1.8799** | **0.0557** | **1.9356** | | **9,155.1981** | **9,155.1981** | **0.3538** | | **9,164.0437** |

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### 3.6 Paving - 2023

**Unmitigated Construction On-Site**

| | ROG | NOx | CO | SO2 | Fugitive PM10 | Exhaust PM10 | PM10 Total | Fugitive PM2.5 | Exhaust PM2.5 | PM2.5 Total | Bio- CO2 | NBio- CO2 | Total CO2 | CH4 | N2O | CO2e |
|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|
| Category | lb/day | | | | | | | | | | lb/day | | | | | |
| Off-Road | 1.0327 | 10.1917 | 14.5842 | 0.0228 | | 0.5102 | 0.5102 | | 0.4694 | 0.4694 | | 2,207.5841 | 2,207.5841 | 0.7140 | | 2,225.4336 |
| Paving | 0.0000 | | | | | 0.0000 | 0.0000 | | 0.0000 | 0.0000 | | | 0.0000 | | | 0.0000 |
| **Total** | **1.0327** | **10.1917** | **14.5842** | **0.0228** | | **0.5102** | **0.5102** | | **0.4694** | **0.4694** | | **2,207.5841** | **2,207.5841** | **0.7140** | | **2,225.4336** |

### 3.6 Paving - 2023

**Unmitigated Construction Off-Site**

| | ROG | NOx | CO | SO2 | Fugitive PM10 | Exhaust PM10 | PM10 Total | Fugitive PM2.5 | Exhaust PM2.5 | PM2.5 Total | Bio- CO2 | NBio- CO2 | Total CO2 | CH4 | N2O | CO2e |
|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|
| Category | lb/day | | | | | | | | | | lb/day | | | | | |
| Hauling | 0.0000 | 0.0000 | 0.0000 | 0.0000 | 0.0000 | 0.0000 | 0.0000 | 0.0000 | 0.0000 | 0.0000 | | 0.0000 | 0.0000 | 0.0000 | | 0.0000 |
| Vendor | 0.0000 | 0.0000 | 0.0000 | 0.0000 | 0.0000 | 0.0000 | 0.0000 | 0.0000 | 0.0000 | 0.0000 | | 0.0000 | 0.0000 | 0.0000 | | 0.0000 |
| Worker | 0.0469 | 0.0282 | 0.3349 | 1.0300e-003 | 0.1141 | 9.0000e-004 | 0.1150 | 0.0303 | 8.3000e-004 | 0.0311 | | 102.6928 | 102.6928 | 2.7000e-003 | | 102.7603 |
| **Total** | **0.0469** | **0.0282** | **0.3349** | **1.0300e-003** | **0.1141** | **9.0000e-004** | **0.1150** | **0.0303** | **8.3000e-004** | **0.0311** | | **102.6928** | **102.6928** | **2.7000e-003** | | **102.7603** |

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CONT

**Mitigated Construction On-Site**

| | ROG | NOx | CO | SO2 | Fugitive PM10 | Exhaust PM10 | PM10 Total | Fugitive PM2.5 | Exhaust PM2.5 | PM2.5 Total | Bio- CO2 | NBio- CO2 | Total CO2 | CH4 | N2O | CO2e |
|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|
| Category | lb/day | | | | | | | | | | lb/day | | | | | |
| Off-Road | 1.0327 | 10.1917 | 14.5842 | 0.0228 | | 0.5102 | 0.5102 | | 0.4694 | 0.4694 | 0.0000 | 2,207.5841 | 2,207.5841 | 0.7140 | | 2,225.4336 |
| Paving | 0.0000 | | | | | 0.0000 | 0.0000 | | 0.0000 | 0.0000 | | | 0.0000 | | | 0.0000 |
| **Total** | **1.0327** | **10.1917** | **14.5842** | **0.0228** | | **0.5102** | **0.5102** | | **0.4694** | **0.4694** | **0.0000** | **2,207.5841** | **2,207.5841** | **0.7140** | | **2,225.4336** |

### 3.6 Paving - 2023

**Mitigated Construction Off-Site**

| | ROG | NOx | CO | SO2 | Fugitive PM10 | Exhaust PM10 | PM10 Total | Fugitive PM2.5 | Exhaust PM2.5 | PM2.5 Total | Bio- CO2 | NBio- CO2 | Total CO2 | CH4 | N2O | CO2e |
|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|
| Category | lb/day | | | | | | | | | | lb/day | | | | | |
| Hauling | 0.0000 | 0.0000 | 0.0000 | 0.0000 | 0.0000 | 0.0000 | 0.0000 | 0.0000 | 0.0000 | 0.0000 | | 0.0000 | 0.0000 | 0.0000 | | 0.0000 |
| Vendor | 0.0000 | 0.0000 | 0.0000 | 0.0000 | 0.0000 | 0.0000 | 0.0000 | 0.0000 | 0.0000 | 0.0000 | | 0.0000 | 0.0000 | 0.0000 | | 0.0000 |
| Worker | 0.0469 | 0.0282 | 0.3349 | 1.0300e-003 | 0.1141 | 9.0000e-004 | 0.1150 | 0.0303 | 8.3000e-004 | 0.0311 | | 102.6928 | 102.6928 | 2.7000e-003 | | 102.7603 |
| **Total** | **0.0469** | **0.0282** | **0.3349** | **1.0300e-003** | **0.1141** | **9.0000e-004** | **0.1150** | **0.0303** | **8.3000e-004** | **0.0311** | | **102.6928** | **102.6928** | **2.7000e-003** | | **102.7603** |

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### 3.6 Paving - 2024

**Unmitigated Construction On-Site**

| | ROG | NOx | CO | SO2 | Fugitive PM10 | Exhaust PM10 | PM10 Total | Fugitive PM2.5 | Exhaust PM2.5 | PM2.5 Total | Bio- CO2 | NBio- CO2 | Total CO2 | CH4 | N2O | CO2e |
|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|
| Category | lb/day | | | | | | | | | | lb/day | | | | | |
| Off-Road | 0.9882 | 9.5246 | 14.6258 | 0.0228 | | 0.4685 | 0.4685 | | 0.4310 | 0.4310 | | 2,207.5472 | 2,207.5472 | 0.7140 | | 2,225.3963 |
| Paving | 0.0000 | | | | | 0.0000 | 0.0000 | | 0.0000 | 0.0000 | | | 0.0000 | | | 0.0000 |
| **Total** | **0.9882** | **9.5246** | **14.6258** | **0.0228** | | **0.4685** | **0.4685** | | **0.4310** | **0.4310** | | **2,207.5472** | **2,207.5472** | **0.7140** | | **2,225.3963** |

### 3.6 Paving - 2024

**Unmitigated Construction Off-Site**

| | ROG | NOx | CO | SO2 | Fugitive PM10 | Exhaust PM10 | PM10 Total | Fugitive PM2.5 | Exhaust PM2.5 | PM2.5 Total | Bio- CO2 | NBio- CO2 | Total CO2 | CH4 | N2O | CO2e |
|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|
| Category | lb/day | | | | | | | | | | lb/day | | | | | |
| Hauling | 0.0000 | 0.0000 | 0.0000 | 0.0000 | 0.0000 | 0.0000 | 0.0000 | 0.0000 | 0.0000 | 0.0000 | | 0.0000 | 0.0000 | 0.0000 | | 0.0000 |
| Vendor | 0.0000 | 0.0000 | 0.0000 | 0.0000 | 0.0000 | 0.0000 | 0.0000 | 0.0000 | 0.0000 | 0.0000 | | 0.0000 | 0.0000 | 0.0000 | | 0.0000 |
| Worker | 0.0444 | 0.0257 | 0.3114 | 1.0000e-003 | 0.1141 | 8.8000e-004 | 0.1150 | 0.0303 | 8.1000e-004 | 0.0311 | | 99.5045 | 99.5045 | 2.4700e-003 | | 99.5663 |
| **Total** | **0.0444** | **0.0257** | **0.3114** | **1.0000e-003** | **0.1141** | **8.8000e-004** | **0.1150** | **0.0303** | **8.1000e-004** | **0.0311** | | **99.5045** | **99.5045** | **2.4700e-003** | | **99.5663** |

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CONT

**Mitigated Construction On-Site**

| | ROG | NOx | CO | SO2 | Fugitive PM10 | Exhaust PM10 | PM10 Total | Fugitive PM2.5 | Exhaust PM2.5 | PM2.5 Total | Bio- CO2 | NBio- CO2 | Total CO2 | CH4 | N2O | CO2e |
|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|
| Category | lb/day | | | | | | | | | | lb/day | | | | | |
| Off-Road | 0.9882 | 9.5246 | 14.6258 | 0.0228 | | 0.4685 | 0.4685 | | 0.4310 | 0.4310 | 0.0000 | 2,207.5472 | 2,207.5472 | 0.7140 | | 2,225.3963 |
| Paving | 0.0000 | | | | | 0.0000 | 0.0000 | | 0.0000 | 0.0000 | | | 0.0000 | | | 0.0000 |
| **Total** | **0.9882** | **9.5246** | **14.6258** | **0.0228** | | **0.4685** | **0.4685** | | **0.4310** | **0.4310** | **0.0000** | **2,207.5472** | **2,207.5472** | **0.7140** | | **2,225.3963** |

### 3.6 Paving - 2024

**Mitigated Construction Off-Site**

| | ROG | NOx | CO | SO2 | Fugitive PM10 | Exhaust PM10 | PM10 Total | Fugitive PM2.5 | Exhaust PM2.5 | PM2.5 Total | Bio- CO2 | NBio- CO2 | Total CO2 | CH4 | N2O | CO2e |
|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|
| Category | lb/day | | | | | | | | | | lb/day | | | | | |
| Hauling | 0.0000 | 0.0000 | 0.0000 | 0.0000 | 0.0000 | 0.0000 | 0.0000 | 0.0000 | 0.0000 | 0.0000 | | 0.0000 | 0.0000 | 0.0000 | | 0.0000 |
| Vendor | 0.0000 | 0.0000 | 0.0000 | 0.0000 | 0.0000 | 0.0000 | 0.0000 | 0.0000 | 0.0000 | 0.0000 | | 0.0000 | 0.0000 | 0.0000 | | 0.0000 |
| Worker | 0.0444 | 0.0257 | 0.3114 | 1.0000e-003 | 0.1141 | 8.8000e-004 | 0.1150 | 0.0303 | 8.1000e-004 | 0.0311 | | 99.5045 | 99.5045 | 2.4700e-003 | | 99.5663 |
| **Total** | **0.0444** | **0.0257** | **0.3114** | **1.0000e-003** | **0.1141** | **8.8000e-004** | **0.1150** | **0.0303** | **8.1000e-004** | **0.0311** | | **99.5045** | **99.5045** | **2.4700e-003** | | **99.5663** |

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### 3.7 Architectural Coating - 2024

**Unmitigated Construction On-Site**

| | ROG | NOx | CO | SO2 | Fugitive PM10 | Exhaust PM10 | PM10 Total | Fugitive PM2.5 | Exhaust PM2.5 | PM2.5 Total | Bio- CO2 | NBio- CO2 | Total CO2 | CH4 | N2O | CO2e |
|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|
| Category | lb/day | | | | | | | | | | lb/day | | | | | |
| Archit. Coating | 236.4115 | | | | | 0.0000 | 0.0000 | | 0.0000 | 0.0000 | | | 0.0000 | | | 0.0000 |
| Off-Road | 0.1808 | 1.2188 | 1.8101 | 2.9700e-003 | | 0.0609 | 0.0609 | | 0.0609 | 0.0609 | | 281.4481 | 281.4481 | 0.0159 | | 281.8443 |
| **Total** | **236.5923** | **1.2188** | **1.8101** | **2.9700e-003** | | **0.0609** | **0.0609** | | **0.0609** | **0.0609** | | **281.4481** | **281.4481** | **0.0159** | | **281.8443** |

### 3.7 Architectural Coating - 2024

**Unmitigated Construction Off-Site**

| | ROG | NOx | CO | SO2 | Fugitive PM10 | Exhaust PM10 | PM10 Total | Fugitive PM2.5 | Exhaust PM2.5 | PM2.5 Total | Bio- CO2 | NBio- CO2 | Total CO2 | CH4 | N2O | CO2e |
|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|
| Category | lb/day | | | | | | | | | | lb/day | | | | | |
| Hauling | 0.0000 | 0.0000 | 0.0000 | 0.0000 | 0.0000 | 0.0000 | 0.0000 | 0.0000 | 0.0000 | 0.0000 | | 0.0000 | 0.0000 | 0.0000 | | 0.0000 |
| Vendor | 0.0000 | 0.0000 | 0.0000 | 0.0000 | 0.0000 | 0.0000 | 0.0000 | 0.0000 | 0.0000 | 0.0000 | | 0.0000 | 0.0000 | 0.0000 | | 0.0000 |
| Worker | 0.4734 | 0.2743 | 3.3220 | 0.0107 | 1.2171 | 9.4300e-003 | 1.2266 | 0.3229 | 8.6800e-003 | 0.3315 | | 1,061.3818 | 1,061.3818 | 0.0264 | | 1,062.0410 |
| **Total** | **0.4734** | **0.2743** | **3.3220** | **0.0107** | **1.2171** | **9.4300e-003** | **1.2266** | **0.3229** | **8.6800e-003** | **0.3315** | | **1,061.3818** | **1,061.3818** | **0.0264** | | **1,062.0410** |

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**Mitigated Construction On-Site**

| | ROG | NOx | CO | SO2 | Fugitive PM10 | Exhaust PM10 | PM10 Total | Fugitive PM2.5 | Exhaust PM2.5 | PM2.5 Total | Bio- CO2 | NBio- CO2 | Total CO2 | CH4 | N2O | CO2e |
|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|
| Category | lb/day | | | | | | | | | | lb/day | | | | | |
| Archit. Coating | 236.4115 | | | | | 0.0000 | 0.0000 | | 0.0000 | 0.0000 | | | 0.0000 | | | 0.0000 |
| Off-Road | 0.1808 | 1.2188 | 1.8101 | 2.9700e-003 | | 0.0609 | 0.0609 | | 0.0609 | 0.0609 | 0.0000 | 281.4481 | 281.4481 | 0.0159 | | 281.8443 |
| **Total** | **236.5923** | **1.2188** | **1.8101** | **2.9700e-003** | | **0.0609** | **0.0609** | | **0.0609** | **0.0609** | **0.0000** | **281.4481** | **281.4481** | **0.0159** | | **281.8443** |

### 3.7 Architectural Coating - 2024

**Mitigated Construction Off-Site**

| | ROG | NOx | CO | SO2 | Fugitive PM10 | Exhaust PM10 | PM10 Total | Fugitive PM2.5 | Exhaust PM2.5 | PM2.5 Total | Bio- CO2 | NBio- CO2 | Total CO2 | CH4 | N2O | CO2e |
|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|
| Category | lb/day | | | | | | | | | | lb/day | | | | | |
| Hauling | 0.0000 | 0.0000 | 0.0000 | 0.0000 | 0.0000 | 0.0000 | 0.0000 | 0.0000 | 0.0000 | 0.0000 | | 0.0000 | 0.0000 | 0.0000 | | 0.0000 |
| Vendor | 0.0000 | 0.0000 | 0.0000 | 0.0000 | 0.0000 | 0.0000 | 0.0000 | 0.0000 | 0.0000 | 0.0000 | | 0.0000 | 0.0000 | 0.0000 | | 0.0000 |
| Worker | 0.4734 | 0.2743 | 3.3220 | 0.0107 | 1.2171 | 9.4300e-003 | 1.2266 | 0.3229 | 8.6800e-003 | 0.3315 | | 1,061.3818 | 1,061.3818 | 0.0264 | | 1,062.0410 |
| **Total** | **0.4734** | **0.2743** | **3.3220** | **0.0107** | **1.2171** | **9.4300e-003** | **1.2266** | **0.3229** | **8.6800e-003** | **0.3315** | | **1,061.3818** | **1,061.3818** | **0.0264** | | **1,062.0410** |

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## 4.0 Operational Detail - Mobile

### 4.1 Mitigation Measures Mobile

| | ROG | NOx | CO | SO2 | Fugitive PM10 | Exhaust PM10 | PM10 Total | Fugitive PM2.5 | Exhaust PM2.5 | PM2.5 Total | Bio- CO2 | NBio- CO2 | Total CO2 | CH4 | N2O | CO2e |
|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|
| Category | lb/day | | | | | | | | | | lb/day | | | | | |
| Mitigated | 9.5233 | 45.9914 | 110.0422 | 0.4681 | 45.9592 | 0.3373 | 46.2965 | 12.2950 | 0.3132 | 12.6083 | | 47,917.8005 | 47,917.8005 | 2.1953 | | 47,972.6839 |
| Unmitigated | 9.5233 | 45.9914 | 110.0422 | 0.4681 | 45.9592 | 0.3373 | 46.2965 | 12.2950 | 0.3132 | 12.6083 | | 47,917.8005 | 47,917.8005 | 2.1953 | | 47,972.6839 |

## 4.2 Trip Summary Information

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| | Average Daily Trip Rate | | | Unmitigated | Mitigated |
|---|---|---|---|---|---|
| Land Use | Weekday | Saturday | Sunday | Annual VMT | Annual VMT |
| Apartments Low Rise | 145.75 | 154.25 | 154.00 | 506,227 | 506,227 |
| Apartments Mid Rise | 4,026.75 | 3,773.25 | 4075.50 | 13,660,065 | 13,660,065 |
| General Office Building | 288.45 | 62.55 | 31.05 | 706,812 | 706,812 |
| High Turnover (Sit Down Restaurant) | 2,368.80 | 2,873.52 | 2817.72 | 3,413,937 | 3,413,937 |
| Hotel | 192.00 | 187.50 | 160.00 | 445,703 | 445,703 |
| Quality Restaurant | 501.12 | 511.92 | 461.20 | 707,488 | 707,488 |
| Regional Shopping Center | 528.08 | 601.44 | 357.84 | 1,112,221 | 1,112,221 |
| Total | 8,050.95 | 8,164.43 | 8,057.31 | 20,552,452 | 20,552,452 |

## 4.3 Trip Type Information

Village South Specific Plan (Proposed) - Los Angeles-South Coast County, Winter

| | Miles | | | Trip % | | | Trip Purpose % | | |
|---|---|---|---|---|---|---|---|---|---|
| Land Use | H-W or C-W | H-S or C-C | H-O or C-NW | H-W or C-W | H-S or C-C | H-O or C-NW | Primary | Diverted | Pass-by |
| Apartments Low Rise | 14.70 | 5.90 | 8.70 | 40.20 | 19.20 | 40.60 | 86 | 11 | 3 |
| Apartments Mid Rise | 14.70 | 5.90 | 8.70 | 40.20 | 19.20 | 40.60 | 86 | 11 | 3 |
| General Office Building | 16.60 | 8.40 | 6.90 | 33.00 | 48.00 | 19.00 | 77 | 19 | 4 |
| High Turnover (Sit Down | 16.60 | 8.40 | 6.90 | 8.50 | 72.50 | 19.00 | 37 | 20 | 43 |
| Hotel | 16.60 | 8.40 | 6.90 | 19.40 | 61.60 | 19.00 | 58 | 38 | 4 |
| Quality Restaurant | 16.60 | 8.40 | 6.90 | 12.00 | 69.00 | 19.00 | 38 | 18 | 44 |
| Regional Shopping Center | 16.60 | 8.40 | 6.90 | 16.30 | 64.70 | 19.00 | 54 | 35 | 11 |

### 4.4 Fleet Mix

| Land Use | LDA | LDT1 | LDT2 | MDV | LHD1 | LHD2 | MHD | HHD | OBUS | UBUS | MCY | SBUS | MH |
|---|---|---|---|---|---|---|---|---|---|---|---|---|---|
| Apartments Low Rise | 0.543088 | 0.044216 | 0.209971 | 0.116369 | 0.014033 | 0.006332 | 0.021166 | 0.033577 | 0.002613 | 0.001817 | 0.005285 | 0.000712 | 0.000821 |
| Apartments Mid Rise | 0.543088 | 0.044216 | 0.209971 | 0.116369 | 0.014033 | 0.006332 | 0.021166 | 0.033577 | 0.002613 | 0.001817 | 0.005285 | 0.000712 | 0.000821 |
| General Office Building | 0.543088 | 0.044216 | 0.209971 | 0.116369 | 0.014033 | 0.006332 | 0.021166 | 0.033577 | 0.002613 | 0.001817 | 0.005285 | 0.000712 | 0.000821 |
| High Turnover (Sit Down Restaurant) | 0.543088 | 0.044216 | 0.209971 | 0.116369 | 0.014033 | 0.006332 | 0.021166 | 0.033577 | 0.002613 | 0.001817 | 0.005285 | 0.000712 | 0.000821 |
| Hotel | 0.543088 | 0.044216 | 0.209971 | 0.116369 | 0.014033 | 0.006332 | 0.021166 | 0.033577 | 0.002613 | 0.001817 | 0.005285 | 0.000712 | 0.000821 |
| Quality Restaurant | 0.543088 | 0.044216 | 0.209971 | 0.116369 | 0.014033 | 0.006332 | 0.021166 | 0.033577 | 0.002613 | 0.001817 | 0.005285 | 0.000712 | 0.000821 |
| Regional Shopping Center | 0.543088 | 0.044216 | 0.209971 | 0.116369 | 0.014033 | 0.006332 | 0.021166 | 0.033577 | 0.002613 | 0.001817 | 0.005285 | 0.000712 | 0.000821 |

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## 5.0 Energy Detail

Historical Energy Use: N

### 5.1 Mitigation Measures Energy

Village South Specific Plan (Proposed) - Los Angeles-South Coast County, Winter

| | ROG | NOx | CO | SO2 | Fugitive PM10 | Exhaust PM10 | PM10 Total | Fugitive PM2.5 | Exhaust PM2.5 | PM2.5 Total | Bio- CO2 | NBio- CO2 | Total CO2 | CH4 | N2O | CO2e |
|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|
| Category | lb/day | | | | | | | | | | lb/day | | | | | |
| NaturalGas Mitigated | 0.7660 | 6.7462 | 4.2573 | 0.0418 | | 0.5292 | 0.5292 | | 0.5292 | 0.5292 | | 8,355.9832 | 8,355.9832 | 0.1602 | 0.1532 | 8,405.6387 |
| NaturalGas Unmitigated | 0.7660 | 6.7462 | 4.2573 | 0.0418 | | 0.5292 | 0.5292 | | 0.5292 | 0.5292 | | 8,355.9832 | 8,355.9832 | 0.1602 | 0.1532 | 8,405.6387 |

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CONT

## 5.2 Energy by Land Use - NaturalGas

**Unmitigated**

| | NaturalGas Use | ROG | NOx | CO | SO2 | Fugitive PM10 | Exhaust PM10 | PM10 Total | Fugitive PM2.5 | Exhaust PM2.5 | PM2.5 Total | Bio- CO2 | NBio- CO2 | Total CO2 | CH4 | N2O | CO2e |
|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|
| Land Use | kBTU/yr | lb/day | | | | | | | | | | lb/day | | | | | |
| Apartments Low Rise | 1119.16 | 0.0121 | 0.1031 | 0.0439 | 6.6000e-004 | | 8.3400e-003 | 8.3400e-003 | | 8.3400e-003 | 8.3400e-003 | | 131.6662 | 131.6662 | 2.5200e-003 | 2.4100e-003 | 132.4486 |
| Apartments Mid Rise | 35784.3 | 0.3859 | 3.2978 | 1.4033 | 0.0211 | | 0.2666 | 0.2666 | | 0.2666 | 0.2666 | | 4,209.9164 | 4,209.9164 | 0.0807 | 0.0772 | 4,234.9339 |
| General Office Building | 1283.42 | 0.0138 | 0.1258 | 0.1057 | 7.5000e-004 | | 9.5600e-003 | 9.5600e-003 | | 9.5600e-003 | 9.5600e-003 | | 150.9911 | 150.9911 | 2.8900e-003 | 2.7700e-003 | 151.8884 |
| High Turnover (Sit Down Restaurant) | 22759.9 | 0.2455 | 2.2314 | 1.8743 | 0.0134 | | 0.1696 | 0.1696 | | 0.1696 | 0.1696 | | 2,677.6342 | 2,677.6342 | 0.0513 | 0.0491 | 2,693.5460 |
| Hotel | 4769.72 | 0.0514 | 0.4676 | 0.3928 | 2.8100e-003 | | 0.0355 | 0.0355 | | 0.0355 | 0.0355 | | 561.1436 | 561.1436 | 0.0108 | 0.0103 | 564.4782 |
| Quality Restaurant | 5057.75 | 0.0545 | 0.4959 | 0.4165 | 2.9800e-003 | | 0.0377 | 0.0377 | | 0.0377 | 0.0377 | | 595.0298 | 595.0298 | 0.0114 | 0.0109 | 598.5658 |
| Regional Shopping Center | 251.616 | 2.7100e-003 | 0.0247 | 0.0207 | 1.5000e-004 | | 1.8700e-003 | 1.8700e-003 | | 1.8700e-003 | 1.8700e-003 | | 29.6019 | 29.6019 | 5.7000e-004 | 5.4000e-004 | 29.7778 |
| **Total** | | **0.7660** | **6.7463** | **4.2573** | **0.0418** | | **0.5292** | **0.5292** | | **0.5292** | **0.5292** | | **8,355.9832** | **8,355.9832** | **0.1602** | **0.1532** | **8,405.6387** |

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### 5.2 Energy by Land Use - NaturalGas

**Mitigated**

| | NaturalGas Use | ROG | NOx | CO | SO2 | Fugitive PM10 | Exhaust PM10 | PM10 Total | Fugitive PM2.5 | Exhaust PM2.5 | PM2.5 Total | Bio- CO2 | NBio- CO2 | Total CO2 | CH4 | N2O | CO2e |
|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|
| Land Use | kBTU/yr | lb/day | | | | | | | | | | lb/day | | | | | |
| Apartments Low Rise | 1.11916 | 0.0121 | 0.1031 | 0.0439 | 6.6000e-004 | | 8.3400e-003 | 8.3400e-003 | | 8.3400e-003 | 8.3400e-003 | | 131.6662 | 131.6662 | 2.5200e-003 | 2.4100e-003 | 132.4486 |
| Apartments Mid Rise | 35.7843 | 0.3859 | 3.2978 | 1.4033 | 0.0211 | | 0.2666 | 0.2666 | | 0.2666 | 0.2666 | | 4,209.9164 | 4,209.9164 | 0.0807 | 0.0772 | 4,234.9339 |
| General Office Building | 1.28342 | 0.0138 | 0.1258 | 0.1057 | 7.5000e-004 | | 9.5600e-003 | 9.5600e-003 | | 9.5600e-003 | 9.5600e-003 | | 150.9911 | 150.9911 | 2.8900e-003 | 2.7700e-003 | 151.8884 |
| High Turnover (Sit Down Restaurant) | 22.7599 | 0.2455 | 2.2314 | 1.8743 | 0.0134 | | 0.1696 | 0.1696 | | 0.1696 | 0.1696 | | 2,677.6342 | 2,677.6342 | 0.0513 | 0.0491 | 2,693.5460 |
| Hotel | 4.76972 | 0.0514 | 0.4676 | 0.3928 | 2.8100e-003 | | 0.0355 | 0.0355 | | 0.0355 | 0.0355 | | 561.1436 | 561.1436 | 0.0108 | 0.0103 | 564.4782 |
| Quality Restaurant | 5.05775 | 0.0545 | 0.4959 | 0.4165 | 2.9800e-003 | | 0.0377 | 0.0377 | | 0.0377 | 0.0377 | | 595.0298 | 595.0298 | 0.0114 | 0.0109 | 598.5658 |
| Regional Shopping Center | 0.251616 | 2.7100e-003 | 0.0247 | 0.0207 | 1.5000e-004 | | 1.8700e-003 | 1.8700e-003 | | 1.8700e-003 | 1.8700e-003 | | 29.6019 | 29.6019 | 5.7000e-004 | 5.4000e-004 | 29.7778 |
| **Total** | | **0.7660** | **6.7463** | **4.2573** | **0.0418** | | **0.5292** | **0.5292** | | **0.5292** | **0.5292** | | **8,355.9832** | **8,355.9832** | **0.1602** | **0.1532** | **8,405.6387** |

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## 6.0 Area Detail

### 6.1 Mitigation Measures Area

| | ROG | NOx | CO | SO2 | Fugitive PM10 | Exhaust PM10 | PM10 Total | Fugitive PM2.5 | Exhaust PM2.5 | PM2.5 Total | Bio- CO2 | NBio- CO2 | Total CO2 | CH4 | N2O | CO2e |
|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|
| Category | lb/day | | | | | | | | | | lb/day | | | | | |
| Mitigated | 30.5020 | 15.0496 | 88.4430 | 0.0944 | | 1.5974 | 1.5974 | | 1.5974 | 1.5974 | 0.0000 | 18,148.5950 | 18,148.5950 | 0.4874 | 0.3300 | 18,259.1192 |
| Unmitigated | 30.5020 | 15.0496 | 88.4430 | 0.0944 | | 1.5974 | 1.5974 | | 1.5974 | 1.5974 | 0.0000 | 18,148.5950 | 18,148.5950 | 0.4874 | 0.3300 | 18,259.1192 |

## 6.2 Area by SubCategory

**Unmitigated**

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CONT

| | ROG | NOx | CO | SO2 | Fugitive PM10 | Exhaust PM10 | PM10 Total | Fugitive PM2.5 | Exhaust PM2.5 | PM2.5 Total | Bio- CO2 | NBio- CO2 | Total CO2 | CH4 | N2O | CO2e |
|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|
| SubCategory | lb/day | | | | | | | | | | lb/day | | | | | |
| Architectural Coating | 2.2670 | | | | | 0.0000 | 0.0000 | | 0.0000 | 0.0000 | | | 0.0000 | | | 0.0000 |
| Consumer Products | 24.1085 | | | | | 0.0000 | 0.0000 | | 0.0000 | 0.0000 | | | 0.0000 | | | 0.0000 |
| Hearth | 1.6500 | 14.1000 | 6.0000 | 0.0900 | | 1.1400 | 1.1400 | | 1.1400 | 1.1400 | 0.0000 | 18,000.0000 | 18,000.0000 | 0.3450 | 0.3300 | 18,106.9650 |
| Landscaping | 2.4766 | 0.9496 | 82.4430 | 4.3600e-003 | | 0.4574 | 0.4574 | | 0.4574 | 0.4574 | | 148.5950 | 148.5950 | 0.1424 | | 152.1542 |
| **Total** | **30.5020** | **15.0496** | **88.4430** | **0.0944** | | **1.5974** | **1.5974** | | **1.5974** | **1.5974** | **0.0000** | **18,148.5950** | **18,148.5950** | **0.4874** | **0.3300** | **18,259.1192** |

### 6.2 Area by SubCategory

**Mitigated**

| | ROG | NOx | CO | SO2 | Fugitive PM10 | Exhaust PM10 | PM10 Total | Fugitive PM2.5 | Exhaust PM2.5 | PM2.5 Total | Bio- CO2 | NBio- CO2 | Total CO2 | CH4 | N2O | CO2e |
|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|
| SubCategory | lb/day | | | | | | | | | | lb/day | | | | | |
| Architectural Coating | 2.2670 | | | | | 0.0000 | 0.0000 | | 0.0000 | 0.0000 | | | 0.0000 | | | 0.0000 |
| Consumer Products | 24.1085 | | | | | 0.0000 | 0.0000 | | 0.0000 | 0.0000 | | | 0.0000 | | | 0.0000 |
| Hearth | 1.6500 | 14.1000 | 6.0000 | 0.0900 | | 1.1400 | 1.1400 | | 1.1400 | 1.1400 | 0.0000 | 18,000.0000 | 18,000.0000 | 0.3450 | 0.3300 | 18,106.9650 |
| Landscaping | 2.4766 | 0.9496 | 82.4430 | 4.3600e-003 | | 0.4574 | 0.4574 | | 0.4574 | 0.4574 | | 148.5950 | 148.5950 | 0.1424 | | 152.1542 |
| **Total** | **30.5020** | **15.0496** | **88.4430** | **0.0944** | | **1.5974** | **1.5974** | | **1.5974** | **1.5974** | **0.0000** | **18,148.5950** | **18,148.5950** | **0.4874** | **0.3300** | **18,259.1192** |

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## 7.0 Water Detail

### 7.1 Mitigation Measures Water

## 8.0 Waste Detail

### 8.1 Mitigation Measures Waste

## 9.0 Operational Offroad

| Equipment Type | Number | Hours/Day | Days/Year | Horse Power | Load Factor | Fuel Type |
|---|---|---|---|---|---|---|

## 10.0 Stationary Equipment

**Fire Pumps and Emergency Generators**

| Equipment Type | Number | Hours/Day | Hours/Year | Horse Power | Load Factor | Fuel Type |
|---|---|---|---|---|---|---|

**Boilers**

| Equipment Type | Number | Heat Input/Day | Heat Input/Year | Boiler Rating | Fuel Type |
|---|---|---|---|---|---|

**User Defined Equipment**

| Equipment Type | Number |
|---|---|

## 11.0 Vegetation

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Attachment C

| Local Hire Provision Net Change | |
|---|---|
| **Without Local Hire Provision** | |
| Total Construction GHG Emissions (MT CO2e) | 3,623 |
| Amortized (MT CO2e/year) | 120.77 |
| **With Local Hire Provision** | |
| Total Construction GHG Emissions (MT CO2e) | 3,024 |
| Amortized (MT CO2e/year) | 100.80 |
| ***% Decrease in Construction-related GHG Emissions*** | ***17%*** |

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# EXHIBIT B

SWAPE Technical Consultation, Data Analysis and Litigation Support for the Environment

**SOIL WATER AIR PROTECTION ENTERPRISE**
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Santa Monica, California 90405
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# *Paul Rosenfeld, Ph.D.*

**Chemical Fate and Transport & Air Dispersion Modeling**

*Principal Environmental Chemist*

**Risk Assessment & Remediation Specialist**

## Education

Ph.D. Soil Chemistry, University of Washington, 1999. Dissertation on volatile organic compound filtration.

M.S. Environmental Science, U.C. Berkeley, 1995. Thesis on organic waste economics.

B.A. Environmental Studies, U.C. Santa Barbara, 1991. Thesis on wastewater treatment.

## Professional Experience

Dr. Rosenfeld has over 25 years' experience conducting environmental investigations and risk assessments for evaluating impacts to human health, property, and ecological receptors. His expertise focuses on the fate and transport of environmental contaminants, human health risk, exposure assessment, and ecological restoration. Dr. Rosenfeld has evaluated and modeled emissions from unconventional oil drilling operations, oil spills, landfills, boilers and incinerators, process stacks, storage tanks, confined animal feeding operations, and many other industrial and agricultural sources. His project experience ranges from monitoring and modeling of pollution sources to evaluating impacts of pollution on workers at industrial facilities and residents in surrounding communities.

Dr. Rosenfeld has investigated and designed remediation programs and risk assessments for contaminated sites containing lead, heavy metals, mold, bacteria, particulate matter, petroleum hydrocarbons, chlorinated solvents, pesticides, radioactive waste, dioxins and furans, semi- and volatile organic compounds, PCBs, PAHs, perchlorate, asbestos, per- and poly-fluoroalkyl substances (PFOA/PFOS), unusual polymers, fuel oxygenates (MTBE), among other pollutants. Dr. Rosenfeld also has experience evaluating greenhouse gas emissions from various projects and is an expert on the assessment of odors from industrial and agricultural sites, as well as the evaluation of odor nuisance impacts and technologies for abatement of odorous emissions. As a principal scientist at SWAPE, Dr. Rosenfeld directs air dispersion modeling and exposure assessments. He has served as an expert witness and testified about pollution sources causing nuisance and/or personal injury at dozens of sites and has testified as an expert witness on more than ten cases involving exposure to air contaminants from industrial sources.

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## Professional History:

Soil Water Air Protection Enterprise (SWAPE); 2003 to present; Principal and Founding Partner
UCLA School of Public Health; 2007 to 2011; Lecturer (Assistant Researcher)
UCLA School of Public Health; 2003 to 2006; Adjunct Professor
UCLA Environmental Science and Engineering Program; 2002-2004; Doctoral Intern Coordinator
UCLA Institute of the Environment, 2001-2002; Research Associate
Komex $H_2O$ Science, 2001 to 2003; Senior Remediation Scientist
National Groundwater Association, 2002-2004; Lecturer
San Diego State University, 1999-2001; Adjunct Professor
Anteon Corp., San Diego, 2000-2001; Remediation Project Manager
Ogden (now Amec), San Diego, 2000-2000; Remediation Project Manager
Bechtel, San Diego, California, 1999 – 2000; Risk Assessor
King County, Seattle, 1996 – 1999; Scientist
James River Corp., Washington, 1995-96; Scientist
Big Creek Lumber, Davenport, California, 1995; Scientist
Plumas Corp., California and USFS, Tahoe 1993-1995; Scientist
Peace Corps and World Wildlife Fund, St. Kitts, West Indies, 1991-1993; Scientist

## Publications:

Remy, L.L., Clay T., Byers, V., **Rosenfeld P. E.** (2019) Hospital, Health, and Community Burden After Oil Refinery Fires, Richmond, California 2007 and 2012. *Environmental Health.* 18:48

Simons, R.A., Seo, Y. **Rosenfeld, P**., (2015) Modeling the Effect of Refinery Emission On Residential Property Value. Journal of Real Estate Research. 27(3):321-342

Chen, J. A, Zapata A. R., Sutherland A. J., Molmen, D.R., Chow, B. S., Wu, L. E., **Rosenfeld, P. E.,** Hesse, R. C., (2012) Sulfur Dioxide and Volatile Organic Compound Exposure To A Community In Texas City Texas Evaluated Using Aermod and Empirical Data. *American Journal of Environmental Science*, 8(6), 622-632.

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CONT

**Rosenfeld, P.E**. & Feng, L. (2011). *The Risks of Hazardous Waste.* Amsterdam: Elsevier Publishing.

Cheremisinoff, N.P., & **Rosenfeld, P.E.** (2011). *Handbook of Pollution Prevention and Cleaner Production: Best Practices in the Agrochemical Industry*, Amsterdam: Elsevier Publishing.

Gonzalez, J., Feng, L., Sutherland, A., Waller, C., Sok, H., Hesse, R., **Rosenfeld, P.** (2010). PCBs and Dioxins/Furans in Attic Dust Collected Near Former PCB Production and Secondary Copper Facilities in Sauget, IL. *Procedia Environmental Sciences*. 113–125.

Feng, L., Wu, C., Tam, L., Sutherland, A.J., Clark, J.J., **Rosenfeld, P.E.** (2010). Dioxin and Furan Blood Lipid and Attic Dust Concentrations in Populations Living Near Four Wood Treatment Facilities in the United States. *Journal of Environmental Health.* 73(6), 34-46.

Cheremisinoff, N.P., & **Rosenfeld, P.E.** (2010). *Handbook of Pollution Prevention and Cleaner Production: Best Practices in the Wood and Paper Industries.* Amsterdam: Elsevier Publishing.

Cheremisinoff, N.P., & **Rosenfeld, P.E.** (2009). *Handbook of Pollution Prevention and Cleaner Production: Best Practices in the Petroleum Industry*. Amsterdam: Elsevier Publishing.

Wu, C., Tam, L., Clark, J., **Rosenfeld, P**. (2009). Dioxin and furan blood lipid concentrations in populations living near four wood treatment facilities in the United States. *WIT Transactions on Ecology and the Environment, Air Pollution,* 123 (17), 319-327.

Tam L. K.., Wu C. D., Clark J. J. and **Rosenfeld, P.E.** (2008). A Statistical Analysis Of Attic Dust And Blood Lipid Concentrations Of Tetrachloro-p-Dibenzodioxin (TCDD) Toxicity Equivalency Quotients (TEQ) In Two Populations Near Wood Treatment Facilities. *Organohalogen Compounds*, 70, 002252-002255.

Tam L. K.., Wu C. D., Clark J. J. and **Rosenfeld, P.E.** (2008). Methods For Collect Samples For Assessing Dioxins And Other Environmental Contaminants In Attic Dust: A Review. *Organohalogen Compounds*, 70, 000527-000530.

Hensley, A.R. A. Scott, J. J. J. Clark, **Rosenfeld, P.E.** (2007). Attic Dust and Human Blood Samples Collected near a Former Wood Treatment Facility. *Environmental Research*. 105, 194-197.

**Rosenfeld, P.E.,** J. J. J. Clark, A. R. Hensley, M. Suffet. (2007). The Use of an Odor Wheel Classification for Evaluation of Human Health Risk Criteria for Compost Facilities. *Water Science & Technology* 55(5), 345-357.

**Rosenfeld, P. E.,** M. Suffet. (2007). The Anatomy Of Odour Wheels For Odours Of Drinking Water, Wastewater, Compost And The Urban Environment. *Water Science & Technology* 55(5), 335-344.

Sullivan, P. J. Clark, J.J.J., Agardy, F. J., **Rosenfeld, P.E.** (2007). *Toxic Legacy, Synthetic Toxins in the Food, Water, and Air in American Cities.* Boston Massachusetts: Elsevier Publishing

**Rosenfeld, P.E.,** and Suffet I.H. (2004). Control of Compost Odor Using High Carbon Wood Ash. *Water Science and Technology*. 49(9),171-178.

**Rosenfeld P. E.,** J.J. Clark, I.H. (Mel) Suffet (2004). The Value of An Odor-Quality-Wheel Classification Scheme For The Urban Environment. *Water Environment Federation's Technical Exhibition and Conference (WEFTEC) 2004.* New Orleans, October 2-6, 2004.

**Rosenfeld, P.E.,** and Suffet, I.H. (2004). Understanding Odorants Associated With Compost, Biomass Facilities, and the Land Application of Biosolids. *Water Science and Technology*. 49(9), 193-199.

**Rosenfeld, P.E.,** and Suffet I.H. (2004). Control of Compost Odor Using High Carbon Wood Ash, *Water Science and Technology*, 49( 9), 171-178.

**Rosenfeld, P. E**., Grey, M. A., Sellew, P. (2004). Measurement of Biosolids Odor and Odorant Emissions from Windrows, Static Pile and Biofilter. *Water Environment Research*. 76(4), 310-315.

**Rosenfeld, P.E.,** Grey, M and Suffet, M. (2002). Compost Demonstration Project, Sacramento California Using High-Carbon Wood Ash to Control Odor at a Green Materials Composting Facility. *Integrated Waste Management Board Public Affairs Office*, Publications Clearinghouse (MS–6), Sacramento, CA Publication #442-02-008.

**Rosenfeld, P.E**., and C.L. Henry. (2001). Characterization of odor emissions from three different biosolids. *Water Soil and Air Pollution*. 127(1-4), 173-191.

**Rosenfeld, P.E.,** and Henry C. L., (2000). Wood ash control of odor emissions from biosolids application. *Journal of Environmental Quality.* 29, 1662-1668.

**Rosenfeld, P.E.,** C.L. Henry and D. Bennett. (2001). Wastewater dewatering polymer affect on biosolids odor emissions and microbial activity. *Water Environment Research*. 73(4), 363-367.

**Rosenfeld, P.E.,** and C.L. Henry. (2001). Activated Carbon and Wood Ash Sorption of Wastewater, Compost, and Biosolids Odorants. *Water Environment Research*, 73, 388-393.

**Rosenfeld, P.E.,** and Henry C. L., (2001). High carbon wood ash effect on biosolids microbial activity and odor. *Water Environment Research*. 131(1-4), 247-262.

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Chollack, T. and **P. Rosenfeld. (**1998). Compost Amendment Handbook For Landscaping. Prepared for and distributed by the City of Redmond, Washington State.

**Rosenfeld, P. E.** (1992). The Mount Liamuiga Crater Trail. *Heritage Magazine of St. Kitts*, 3(2).

**Rosenfeld, P. E.** (1993). High School Biogas Project to Prevent Deforestation On St. Kitts. *Biomass Users Network*, 7(1).

**Rosenfeld, P. E. (**1998). Characterization, Quantification, and Control of Odor Emissions From Biosolids Application To Forest Soil. Doctoral Thesis. University of Washington College of Forest Resources.

**Rosenfeld, P. E.** (1994). Potential Utilization of Small Diameter Trees on Sierra County Public Land. Masters thesis reprinted by the Sierra County Economic Council. Sierra County, California.

**Rosenfeld, P. E. (**1991). How to Build a Small Rural Anaerobic Digester & Uses Of Biogas In The First And Third World. Bachelors Thesis. University of California.

## Presentations:

**Rosenfeld, P.E.,** Sutherland, A; Hesse, R.; Zapata, A. (October 3-6, 2013). Air dispersion modeling of volatile organic emissions from multiple natural gas wells in Decatur, TX. *44th Western Regional Meeting, American Chemical Society.* Lecture conducted from Santa Clara, CA.

Sok, H.L.; Waller, C.C.; Feng, L.; Gonzalez, J.; Sutherland, A.J.; Wisdom-Stack, T.; Sahai, R.K.; Hesse, R.C.; **Rosenfeld, P.E.** (June 20-23, 2010). Atrazine: A Persistent Pesticide in Urban Drinking Water. *Urban Environmental Pollution*. Lecture conducted from Boston, MA.

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Feng, L.; Gonzalez, J.; Sok, H.L.; Sutherland, A.J.; Waller, C.C.; Wisdom-Stack, T.; Sahai, R.K.; La, M.; Hesse, R.C.; **Rosenfeld, P.E.** (June 20-23, 2010). Bringing Environmental Justice to East St. Louis, Illinois. *Urban Environmental Pollution.* Lecture conducted from Boston, MA.

**Rosenfeld, P.E**. (April 19-23, 2009). Perfluoroctanoic Acid (PFOA) and Perfluoroactane Sulfonate (PFOS) Contamination in Drinking Water From the Use of Aqueous Film Forming Foams (AFFF) at Airports in the United States. *2009 Ground Water Summit and 2009 Ground Water Protection Council Spring Meeting*, Lecture conducted from Tuscon, AZ.

**Rosenfeld, P.E.** (April 19-23, 2009). Cost to Filter Atrazine Contamination from Drinking Water in the United States" Contamination in Drinking Water From the Use of Aqueous Film Forming Foams (AFFF) at Airports in the United States. *2009 Ground Water Summit and 2009 Ground Water Protection Council Spring Meeting*. Lecture conducted from Tuscon, AZ.

Wu, C., Tam, L., Clark, J., **Rosenfeld, P**. (20-22 July, 2009). Dioxin and furan blood lipid concentrations in populations living near four wood treatment facilities in the United States. Brebbia, C.A. and Popov, V., eds., *Air Pollution XVII: Proceedings of the Seventeenth International Conference on Modeling, Monitoring and Management of Air Pollution*. Lecture conducted from Tallinn, Estonia.

**Rosenfeld, P. E.** (October 15-18, 2007). Moss Point Community Exposure To Contaminants From A Releasing Facility. *The 23rd Annual International Conferences on Soils Sediment and Water.* Platform lecture conducted from University of Massachusetts, Amherst MA.

**Rosenfeld, P. E.** (October 15-18, 2007). The Repeated Trespass of Tritium-Contaminated Water Into A Surrounding Community Form Repeated Waste Spills From A Nuclear Power Plant. *The 23rd Annual International Conferences on Soils Sediment and Water*. Platform lecture conducted from University of Massachusetts, Amherst MA.

**Rosenfeld, P. E.** (October 15-18, 2007). Somerville Community Exposure To Contaminants From Wood Treatment Facility Emissions. The *23rd Annual International Conferences on Soils Sediment and Water*. Lecture conducted from University of Massachusetts, Amherst MA.

**Rosenfeld P. E.** (March 2007). Production, Chemical Properties, Toxicology, & Treatment Case Studies of 1,2,3-Trichloropropane (TCP). *The Association for Environmental Health and Sciences (AEHS) Annual Meeting*. Lecture conducted from San Diego, CA.

**Rosenfeld P. E.** (March 2007). Blood and Attic Sampling for Dioxin/Furan, PAH, and Metal Exposure in Florala, Alabama. *The AEHS Annual Meeting.* Lecture conducted from San Diego, CA.

Hensley A.R., Scott, A., **Rosenfeld P.E.,** Clark, J.J.J. (August 21 – 25, 2006). Dioxin Containing Attic Dust And Human Blood Samples Collected Near A Former Wood Treatment Facility. *The 26th International Symposium on Halogenated Persistent Organic Pollutants – DIOXIN2006*. Lecture conducted from Radisson SAS Scandinavia Hotel in Oslo Norway.

Hensley A.R., Scott, A., **Rosenfeld P.E.,** Clark, J.J.J. (November 4-8, 2006). Dioxin Containing Attic Dust And Human Blood Samples Collected Near A Former Wood Treatment Facility. *APHA 134 Annual Meeting & Exposition.* Lecture conducted from Boston Massachusetts.

**Paul Rosenfeld Ph.D**. (October 24-25, 2005). Fate, Transport and Persistence of PFOA and Related Chemicals. Mealey's C8/PFOA. *Science, Risk & Litigation Conference.* Lecture conducted from The Rittenhouse Hotel, Philadelphia, PA.

**Paul Rosenfeld Ph.D**. (September 19, 2005). Brominated Flame Retardants in Groundwater: Pathways to Human Ingestion, *Toxicology and Remediation PEMA Emerging Contaminant Conference*. Lecture conducted from Hilton Hotel, Irvine California.

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**Paul Rosenfeld Ph.D**. (September 19, 2005). Fate, Transport, Toxicity, And Persistence of 1,2,3-TCP. *PEMA Emerging Contaminant Conference.* Lecture conducted from Hilton Hotel in Irvine, California.

**Paul Rosenfeld Ph.D**. (September 26-27, 2005). Fate, Transport and Persistence of PDBEs. *Mealey's Groundwater Conference.* Lecture conducted from Ritz Carlton Hotel, Marina Del Ray, California.

**Paul Rosenfeld Ph.D**. (June 7-8, 2005). Fate, Transport and Persistence of PFOA and Related Chemicals. *International Society of Environmental Forensics: Focus On Emerging Contaminants*. Lecture conducted from Sheraton Oceanfront Hotel, Virginia Beach, Virginia.

**Paul Rosenfeld Ph.D**. (July 21-22, 2005). Fate Transport, Persistence and Toxicology of PFOA and Related Perfluorochemicals. *2005 National Groundwater Association Ground Water And Environmental Law Conference*. Lecture conducted from Wyndham Baltimore Inner Harbor, Baltimore Maryland.

**Paul Rosenfeld Ph.D**. (July 21-22, 2005). Brominated Flame Retardants in Groundwater: Pathways to Human Ingestion, Toxicology and Remediation. *2005 National Groundwater Association Ground Water and Environmental Law Conference.* Lecture conducted from Wyndham Baltimore Inner Harbor, Baltimore Maryland.

**Paul Rosenfeld, Ph.D.** and James Clark Ph.D. and Rob Hesse R.G. (May 5-6, 2004). Tert-butyl Alcohol Liability and Toxicology, A National Problem and Unquantified Liability. *National Groundwater Association. Environmental Law Conference*. Lecture conducted from Congress Plaza Hotel, Chicago Illinois.

**Paul Rosenfeld, Ph.D.** (March 2004). Perchlorate Toxicology. *Meeting of the American Groundwater Trust*. Lecture conducted from Phoenix Arizona.

Hagemann, M.F., **Paul Rosenfeld, Ph.D.** and Rob Hesse (2004). Perchlorate Contamination of the Colorado River. *Meeting of tribal representatives*. Lecture conducted from Parker, AZ.

**Paul Rosenfeld, Ph.D.** (April 7, 2004). A National Damage Assessment Model For PCE and Dry Cleaners. *Drycleaner Symposium. California Ground Water Association*. Lecture conducted from Radison Hotel, Sacramento, California.

**Rosenfeld, P. E.**, Grey, M., (June 2003) Two stage biofilter for biosolids composting odor control. *Seventh International In Situ And On Site Bioremediation Symposium Battelle Conference* Orlando, FL.

**Paul Rosenfeld, Ph.D.** and James Clark Ph.D. (February 20-21, 2003) Understanding Historical Use, Chemical Properties, Toxicity and Regulatory Guidance of 1,4 Dioxane. *National Groundwater Association. Southwest Focus Conference. Water Supply and Emerging Contaminants*.. Lecture conducted from Hyatt Regency Phoenix Arizona.

**Paul Rosenfeld, Ph.D.** (February 6-7, 2003). Underground Storage Tank Litigation and Remediation. *California CUPA Forum*. Lecture conducted from Marriott Hotel, Anaheim California.

**Paul Rosenfeld, Ph.D**. (October 23, 2002) Underground Storage Tank Litigation and Remediation. *EPA Underground Storage Tank Roundtable*. Lecture conducted from Sacramento California.

**Rosenfeld, P.E**. and Suffet, M. (October 7- 10, 2002). Understanding Odor from Compost, *Wastewater and Industrial Processes. Sixth Annual Symposium On Off Flavors in the Aquatic Environment. International Water Association*. Lecture conducted from Barcelona Spain.

**Rosenfeld, P.E**. and Suffet, M. (October 7- 10, 2002). Using High Carbon Wood Ash to Control Compost Odor. *Sixth Annual Symposium On Off Flavors in the Aquatic Environment. International Water Association*. Lecture conducted from Barcelona Spain.

**Rosenfeld, P.E.** and Grey, M. A. (September 22-24, 2002). Biocycle Composting For Coastal Sage Restoration. *Northwest Biosolids Management Association*. Lecture conducted from Vancouver Washington..

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**Rosenfeld, P.E**. and Grey, M. A. (November 11-14, 2002). Using High-Carbon Wood Ash to Control Odor at a Green Materials Composting Facility. *Soil Science Society Annual Conferenc*e. Lecture conducted from Indianapolis, Maryland.

**Rosenfeld. P.E.** (September 16, 2000). Two stage biofilter for biosolids composting odor control. *Water Environment Federation.* Lecture conducted from Anaheim California.

**Rosenfeld. P.E. (**October 16, 2000). Wood ash and biofilter control of compost odor. *Biofest.* Lecture conducted from Ocean Shores, California.

**Rosenfeld, P.E. (**2000). Bioremediation Using Organic Soil Amendments. *California Resource Recovery Association*. Lecture conducted from Sacramento California.

**Rosenfeld, P.E**., C.L. Henry, R. Harrison. (1998). Oat and Grass Seed Germination and Nitrogen and Sulfur Emissions Following Biosolids Incorporation With High-Carbon Wood-Ash. *Water Environment Federation 12th Annual Residuals and Biosolids Management Conference Proceedings*. Lecture conducted from Bellevue Washington.

**Rosenfeld, P.E.**, and C.L. Henry. (1999). An evaluation of ash incorporation with biosolids for odor reduction. *Soil Science Society of America*. Lecture conducted from Salt Lake City Utah.

**Rosenfeld, P.E.**, C.L. Henry, R. Harrison. (1998). Comparison of Microbial Activity and Odor Emissions from Three Different Biosolids Applied to Forest Soil. *Brown and Caldwell.* Lecture conducted from Seattle Washington.

**Rosenfeld, P.E.**, C.L. Henry. (1998). Characterization, Quantification, and Control of Odor Emissions from Biosolids Application To Forest Soil. *Biofest.* Lecture conducted from Lake Chelan, Washington.

**Rosenfeld, P.E,** C.L. Henry, R. Harrison. (1998). Oat and Grass Seed Germination and Nitrogen and Sulfur Emissions Following Biosolids Incorporation With High-Carbon Wood-Ash. Water Environment Federation 12th Annual Residuals and Biosolids Management Conference Proceedings. Lecture conducted from Bellevue Washington.

**Rosenfeld, P.E.**, C.L. Henry, R. B. Harrison, and R. Dills. (1997). Comparison of Odor Emissions From Three Different Biosolids Applied to Forest Soil. *Soil Science Society of America*. Lecture conducted from Anaheim California.

## Teaching Experience:

UCLA Department of Environmental Health (Summer 2003 through 20010) Taught Environmental Health Science 100 to students, including undergrad, medical doctors, public health professionals and nurses. Course focused on the health effects of environmental contaminants.

National Ground Water Association, Successful Remediation Technologies. Custom Course in Sante Fe, New Mexico. May 21, 2002. Focused on fate and transport of fuel contaminants associated with underground storage tanks.

National Ground Water Association; Successful Remediation Technologies Course in Chicago Illinois. April 1, 2002. Focused on fate and transport of contaminants associated with Superfund and RCRA sites.

California Integrated Waste Management Board, April and May, 2001. Alternative Landfill Caps Seminar in San Diego, Ventura, and San Francisco. Focused on both prescriptive and innovative landfill cover design.

UCLA Department of Environmental Engineering, February 5, 2002. Seminar on Successful Remediation Technologies focusing on Groundwater Remediation.

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University Of Washington, Soil Science Program, Teaching Assistant for several courses including: Soil Chemistry, Organic Soil Amendments, and Soil Stability.

U.C. Berkeley, Environmental Science Program Teaching Assistant for Environmental Science 10.

## Academic Grants Awarded:

California Integrated Waste Management Board. $41,000 grant awarded to UCLA Institute of the Environment. Goal: To investigate effect of high carbon wood ash on volatile organic emissions from compost. 2001.

Synagro Technologies, Corona California: $10,000 grant awarded to San Diego State University.
Goal: investigate effect of biosolids for restoration and remediation of degraded coastal sage soils. 2000.

King County, Department of Research and Technology, Washington State. $100,000 grant awarded to University of Washington: Goal: To investigate odor emissions from biosolids application and the effect of polymers and ash on VOC emissions. 1998.

Northwest Biosolids Management Association, Washington State. $20,000 grant awarded to investigate effect of polymers and ash on VOC emissions from biosolids. 1997.

James River Corporation, Oregon: $10,000 grant was awarded to investigate the success of genetically engineered Poplar trees with resistance to round-up. 1996.

United State Forest Service, Tahoe National Forest: $15,000 grant was awarded to investigating fire ecology of the Tahoe National Forest. 1995.

Kellogg Foundation, Washington D.C. $500 grant was awarded to construct a large anaerobic digester on St. Kitts in West Indies. 1993

## Deposition and/or Trial Testimony:

In the United States District Court For The District of New Jersey
Duarte et al, *Plaintiffs,* vs. United States Metals Refining Company et. al. *Defendant.*
Case No.: 2:17-cv-01624-ES-SCM
Rosenfeld Deposition. 6-7-2019

In the United States District Court of Southern District of Texas Galveston Division
M/T Carla Maersk, *Plaintiffs,* vs. Conti 168., Schiffahrts-GMBH & Co. Bulker KG MS "Conti Perdido" *Defendant.*
Case No.: 3:15-CV-00106 consolidated with 3:15-CV-00237
Rosenfeld Deposition. 5-9-2019

In The Superior Court of the State of California In And For The County Of Los Angeles – Santa Monica
Carole-Taddeo-Bates et al., vs. Ifran Khan et al., Defendants
Case No.: No. BC615636
Rosenfeld Deposition, 1-26-2019

In The Superior Court of the State of California In And For The County Of Los Angeles – Santa Monica
The San Gabriel Valley Council of Governments et al. vs El Adobe Apts. Inc. et al., Defendants
Case No.: No. BC646857
Rosenfeld Deposition, 10-6-2018; Trial 3-7-19

In United States District Court For The District of Colorado
Bells et al. Plaintiff vs. The 3M Company et al., Defendants
Case: No 1:16-cv-02531-RBJ
Rosenfeld Deposition, 3-15-2018 and 4-3-2018

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In The District Court Of Regan County, Texas, 112th Judicial District
Phillip Bales et al., Plaintiff vs. Dow Agrosciences, LLC, et al., Defendants
Cause No 1923
Rosenfeld Deposition, 11-17-2017

In The Superior Court of the State of California In And For The County Of Contra Costa
Simons et al., Plaintiffs vs. Chevron Corporation, et al., Defendants
Cause No C12-01481
Rosenfeld Deposition, 11-20-2017

In The Circuit Court Of The Twentieth Judicial Circuit, St Clair County, Illinois
Martha Custer et al., Plaintiff vs. Cerro Flow Products, Inc., Defendants
Case No.: No. 0i9-L-2295
Rosenfeld Deposition, 8-23-2017

In The Superior Court of the State of California, For The County of Los Angeles
Warrn Gilbert and Penny Gilber, Plaintiff vs. BMW of North America LLC
Case No.: LC102019 (c/w BC582154)
Rosenfeld Deposition, 8-16-2017, Trail 8-28-2018

In the Northern District Court of Mississippi, Greenville Division
Brenda J. Cooper, et al., *Plaintiffs,* vs. Meritor Inc., et al., *Defendants*
Case Number: 4:16-cv-52-DMB-JVM
Rosenfeld Deposition: July 2017

In The Superior Court of the State of Washington, County of Snohomish
Michael Davis and Julie Davis et al., Plaintiff vs. Cedar Grove Composting Inc., Defendants
Case No.: No. 13-2-03987-5
Rosenfeld Deposition, February 2017
Trial, March 2017

In The Superior Court of the State of California, County of Alameda
Charles Spain., Plaintiff vs. Thermo Fisher Scientific, et al., Defendants
Case No.: RG14711115
Rosenfeld Deposition, September 2015

In The Iowa District Court In And For Poweshiek County
Russell D. Winburn, et al., Plaintiffs vs. Doug Hoksbergen, et al., Defendants
Case No.: LALA002187
Rosenfeld Deposition, August 2015

In The Iowa District Court For Wapello County
Jerry Dovico, et al., Plaintiffs vs. Valley View Sine LLC, et al., Defendants
Law No,: LALA105144 - Division A
Rosenfeld Deposition, August 2015

In The Iowa District Court For Wapello County
Doug Pauls, et al.,, et al., Plaintiffs vs. Richard Warren, et al., Defendants
Law No,: LALA105144 - Division A
Rosenfeld Deposition, August 2015

In The Circuit Court of Ohio County, West Virginia
Robert Andrews, et al. v. Antero, et al.
Civil Action N0. 14-C-30000
Rosenfeld Deposition, June 2015

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In The Third Judicial District County of Dona Ana, New Mexico
Betty Gonzalez, et al. Plaintiffs vs. Del Oro Dairy, Del Oro Real Estate LLC, Jerry Settles and Deward DeRuyter, Defendants
Rosenfeld Deposition: July 2015

In The Iowa District Court For Muscatine County
Laurie Freeman et. al. Plaintiffs vs. Grain Processing Corporation, Defendant
Case No 4980
Rosenfeld Deposition: May 2015

In the Circuit Court of the 17th Judicial Circuit, in and For Broward County, Florida
Walter Hinton, et. al. Plaintiff, vs. City of Fort Lauderdale, Florida, a Municipality, Defendant.
Case Number CACE07030358 (26)
Rosenfeld Deposition: December 2014

In the United States District Court Western District of Oklahoma
Tommy McCarty, et al., Plaintiffs, v. Oklahoma City Landfill, LLC d/b/a Southeast Oklahoma City Landfill, et al. Defendants.
Case No. 5:12-cv-01152-C
Rosenfeld Deposition: July 2014

In the County Court of Dallas County Texas
Lisa Parr et al, *Plaintiff*, vs. Aruba et al, *Defendant.*
Case Number cc-11-01650-E
Rosenfeld Deposition: March and September 2013
Rosenfeld Trial: April 2014

In the Court of Common Pleas of Tuscarawas County Ohio
John Michael Abicht, et al., *Plaintiffs,* vs. Republic Services, Inc., et al., *Defendants*
Case Number: 2008 CT 10 0741 (Cons. w/ 2009 CV 10 0987)
Rosenfeld Deposition: October 2012

In the United States District Court of Southern District of Texas Galveston Division
Kyle Cannon, Eugene Donovan, Genaro Ramirez, Carol Sassler, and Harvey Walton, each Individually and on behalf of those similarly situated, *Plaintiffs,* vs. BP Products North America, Inc., *Defendant.*
Case 3:10-cv-00622
Rosenfeld Deposition: February 2012
Rosenfeld Trial: April 2013

In the Circuit Court of Baltimore County Maryland
Philip E. Cvach, II et al., *Plaintiffs* vs. Two Farms, Inc. d/b/a Royal Farms, Defendants
Case Number: 03-C-12-012487 OT
Rosenfeld Deposition: September 2013

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# EXHIBIT C

SWAPE Technical Consultation, Data Analysis and Litigation Support for the Environment

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## Matthew F. Hagemann, P.G., C.Hg., QSD, QSP

**Geologic and Hydrogeologic Characterization**
**Industrial Stormwater Compliance**
**Investigation and Remediation Strategies**
**Litigation Support and Testifying Expert**
**CEQA Review**

**Education:**

M.S. Degree, Geology, California State University Los Angeles, Los Angeles, CA, 1984.
B.A. Degree, Geology, Humboldt State University, Arcata, CA, 1982.

**Professional Certifications:**

California Professional Geologist
California Certified Hydrogeologist
Qualified SWPPP Developer and Practitioner

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**Professional Experience:**

Matt has 25 years of experience in environmental policy, assessment and remediation. He spent nine years with the U.S. EPA in the RCRA and Superfund programs and served as EPA's Senior Science Policy Advisor in the Western Regional Office where he identified emerging threats to groundwater from perchlorate and MTBE. While with EPA, Matt also served as a Senior Hydrogeologist in the oversight of the assessment of seven major military facilities undergoing base closure. He led numerous enforcement actions under provisions of the Resource Conservation and Recovery Act (RCRA) while also working with permit holders to improve hydrogeologic characterization and water quality monitoring.

Matt has worked closely with U.S. EPA legal counsel and the technical staff of several states in the application and enforcement of RCRA, Safe Drinking Water Act and Clean Water Act regulations. Matt has trained the technical staff in the States of California, Hawaii, Nevada, Arizona and the Territory of Guam in the conduct of investigations, groundwater fundamentals, and sampling techniques.

Positions Matt has held include:

- Founding Partner, Soil/Water/Air Protection Enterprise (SWAPE) (2003 – present);
- Geology Instructor, Golden West College, 2010 – 2014;
- Senior Environmental Analyst, Komex H2O Science, Inc. (2000 -- 2003);

- Executive Director, Orange Coast Watch (2001 – 2004);
- Senior Science Policy Advisor and Hydrogeologist, U.S. Environmental Protection Agency (1989–1998);
- Hydrogeologist, National Park Service, Water Resources Division (1998 – 2000);
- Adjunct Faculty Member, San Francisco State University, Department of Geosciences (1993 – 1998);
- Instructor, College of Marin, Department of Science (1990 – 1995);
- Geologist, U.S. Forest Service (1986 – 1998); and
- Geologist, Dames & Moore (1984 – 1986).

**Senior Regulatory and Litigation Support Analyst:**

With SWAPE, Matt's responsibilities have included:

- Lead analyst and testifying expert in the review of over 100 environmental impact reports since 2003 under CEQA that identify significant issues with regard to hazardous waste, water resources, water quality, air quality, Valley Fever, greenhouse gas emissions, and geologic hazards. Make recommendations for additional mitigation measures to lead agencies at the local and county level to include additional characterization of health risks and implementation of protective measures to reduce worker exposure to hazards from toxins and Valley Fever.
- Stormwater analysis, sampling and best management practice evaluation at industrial facilities.
- Manager of a project to provide technical assistance to a community adjacent to a former Naval shipyard under a grant from the U.S. EPA.
- Technical assistance and litigation support for vapor intrusion concerns.
- Lead analyst and testifying expert in the review of environmental issues in license applications for large solar power plants before the California Energy Commission.
- Manager of a project to evaluate numerous formerly used military sites in the western U.S.
- Manager of a comprehensive evaluation of potential sources of perchlorate contamination in Southern California drinking water wells.
- Manager and designated expert for litigation support under provisions of Proposition 65 in the review of releases of gasoline to sources drinking water at major refineries and hundreds of gas stations throughout California.
- Expert witness on two cases involving MTBE litigation.
- Expert witness and litigation support on the impact of air toxins and hazards at a school.
- Expert witness in litigation at a former plywood plant.

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With Komex H2O Science Inc., Matt's duties included the following:

- Senior author of a report on the extent of perchlorate contamination that was used in testimony by the former U.S. EPA Administrator and General Counsel.
- Senior researcher in the development of a comprehensive, electronically interactive chronology of MTBE use, research, and regulation.
- Senior researcher in the development of a comprehensive, electronically interactive chronology of perchlorate use, research, and regulation.
- Senior researcher in a study that estimates nationwide costs for MTBE remediation and drinking water treatment, results of which were published in newspapers nationwide and in testimony against provisions of an energy bill that would limit liability for oil companies.
- Research to support litigation to restore drinking water supplies that have been contaminated by MTBE in California and New York.

- Expert witness testimony in a case of oil production-related contamination in Mississippi.
- Lead author for a multi-volume remedial investigation report for an operating school in Los Angeles that met strict regulatory requirements and rigorous deadlines.

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- Development of strategic approaches for cleanup of contaminated sites in consultation with clients and regulators.

**Executive Director:**

As Executive Director with Orange Coast Watch, Matt led efforts to restore water quality at Orange County beaches from multiple sources of contamination including urban runoff and the discharge of wastewater. In reporting to a Board of Directors that included representatives from leading Orange County universities and businesses, Matt prepared issue papers in the areas of treatment and disinfection of wastewater and control of the discharge of grease to sewer systems. Matt actively participated in the development of countywide water quality permits for the control of urban runoff and permits for the discharge of wastewater. Matt worked with other nonprofits to protect and restore water quality, including Surfrider, Natural Resources Defense Council and Orange County CoastKeeper as well as with business institutions including the Orange County Business Council.

**Hydrogeology:**

As a Senior Hydrogeologist with the U.S. Environmental Protection Agency, Matt led investigations to characterize and cleanup closing military bases, including Mare Island Naval Shipyard, Hunters Point Naval Shipyard, Treasure Island Naval Station, Alameda Naval Station, Moffett Field, Mather Army Airfield, and Sacramento Army Depot. Specific activities were as follows:

- Led efforts to model groundwater flow and contaminant transport, ensured adequacy of monitoring networks, and assessed cleanup alternatives for contaminated sediment, soil, and groundwater.
- Initiated a regional program for evaluation of groundwater sampling practices and laboratory analysis at military bases.
- Identified emerging issues, wrote technical guidance, and assisted in policy and regulation development through work on four national U.S. EPA workgroups, including the Superfund Groundwater Technical Forum and the Federal Facilities Forum.

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At the request of the State of Hawaii, Matt developed a methodology to determine the vulnerability of groundwater to contamination on the islands of Maui and Oahu. He used analytical models and a GIS to show zones of vulnerability, and the results were adopted and published by the State of Hawaii and County of Maui.

As a hydrogeologist with the EPA Groundwater Protection Section, Matt worked with provisions of the Safe Drinking Water Act and NEPA to prevent drinking water contamination. Specific activities included the following:

- Received an EPA Bronze Medal for his contribution to the development of national guidance for the protection of drinking water.
- Managed the Sole Source Aquifer Program and protected the drinking water of two communities through designation under the Safe Drinking Water Act. He prepared geologic reports, conducted public hearings, and responded to public comments from residents who were very concerned about the impact of designation.

- Reviewed a number of Environmental Impact Statements for planned major developments, including large hazardous and solid waste disposal facilities, mine reclamation, and water transfer.

Matt served as a hydrogeologist with the RCRA Hazardous Waste program. Duties were as follows:

- Supervised the hydrogeologic investigation of hazardous waste sites to determine compliance with Subtitle C requirements.
- Reviewed and wrote "part B" permits for the disposal of hazardous waste.
- Conducted RCRA Corrective Action investigations of waste sites and led inspections that formed the basis for significant enforcement actions that were developed in close coordination with U.S. EPA legal counsel.
- Wrote contract specifications and supervised contractor's investigations of waste sites.

With the National Park Service, Matt directed service-wide investigations of contaminant sources to prevent degradation of water quality, including the following tasks:

- Applied pertinent laws and regulations including CERCLA, RCRA, NEPA, NRDA, and the Clean Water Act to control military, mining, and landfill contaminants.
- Conducted watershed-scale investigations of contaminants at parks, including Yellowstone and Olympic National Park.
- Identified high-levels of perchlorate in soil adjacent to a national park in New Mexico and advised park superintendent on appropriate response actions under CERCLA.
- Served as a Park Service representative on the Interagency Perchlorate Steering Committee, a national workgroup.
- Developed a program to conduct environmental compliance audits of all National Parks while serving on a national workgroup.
- Co-authored two papers on the potential for water contamination from the operation of personal watercraft and snowmobiles, these papers serving as the basis for the development of nation-wide policy on the use of these vehicles in National Parks.
- Contributed to the Federal Multi-Agency Source Water Agreement under the Clean Water Action Plan.

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**Policy:**

Served senior management as the Senior Science Policy Advisor with the U.S. Environmental Protection Agency, Region 9. Activities included the following:

- Advised the Regional Administrator and senior management on emerging issues such as the potential for the gasoline additive MTBE and ammonium perchlorate to contaminate drinking water supplies.
- Shaped EPA's national response to these threats by serving on workgroups and by contributing to guidance, including the Office of Research and Development publication, Oxygenates in Water: Critical Information and Research Needs.
- Improved the technical training of EPA's scientific and engineering staff.
- Earned an EPA Bronze Medal for representing the region's 300 scientists and engineers in negotiations with the Administrator and senior management to better integrate scientific principles into the policy-making process.
- Established national protocol for the peer review of scientific documents.

**Geology:**

With the U.S. Forest Service, Matt led investigations to determine hillslope stability of areas proposed for timber harvest in the central Oregon Coast Range. Specific activities were as follows:

- Mapped geology in the field, and used aerial photographic interpretation and mathematical models to determine slope stability.
- Coordinated his research with community members who were concerned with natural resource protection.
- Characterized the geology of an aquifer that serves as the sole source of drinking water for the city of Medford, Oregon.

As a consultant with Dames and Moore, Matt led geologic investigations of two contaminated sites (later listed on the Superfund NPL) in the Portland, Oregon, area and a large hazardous waste site in eastern Oregon. Duties included the following:

- Supervised year-long effort for soil and groundwater sampling.
- Conducted aquifer tests.
- Investigated active faults beneath sites proposed for hazardous waste disposal.

**Teaching:**

From 1990 to 1998, Matt taught at least one course per semester at the community college and university levels:

- At San Francisco State University, held an adjunct faculty position and taught courses in environmental geology, oceanography (lab and lecture), hydrogeology, and groundwater contamination.
- Served as a committee member for graduate and undergraduate students.
- Taught courses in environmental geology and oceanography at the College of Marin.

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Matt taught physical geology (lecture and lab and introductory geology at Golden West College in Huntington Beach, California from 2010 to 2014.

**Invited Testimony, Reports, Papers and Presentations:**

**Hagemann, M.F**., 2008. Disclosure of Hazardous Waste Issues under CEQA. Presentation to the Public Environmental Law Conference, Eugene, Oregon.

**Hagemann, M.F**., 2008. Disclosure of Hazardous Waste Issues under CEQA. Invited presentation to U.S. EPA Region 9, San Francisco, California.

**Hagemann, M.F.,** 2005. Use of Electronic Databases in Environmental Regulation, Policy Making and Public Participation. Brownfields 2005, Denver, Coloradao.

**Hagemann, M.F.,** 2004. Perchlorate Contamination of the Colorado River and Impacts to Drinking Water in Nevada and the Southwestern U.S. Presentation to a meeting of the American Groundwater Trust, Las Vegas, NV (served on conference organizing committee).

**Hagemann, M.F.**, 2004. Invited testimony to a California Senate committee hearing on air toxins at schools in Southern California, Los Angeles.

Brown, A., Farrow, J., Gray, A. and **Hagemann, M.**, 2004. An Estimate of Costs to Address MTBE Releases from Underground Storage Tanks and the Resulting Impact to Drinking Water Wells. Presentation to the Ground Water and Environmental Law Conference, National Groundwater Association.

**Hagemann, M.F.,** 2004. Perchlorate Contamination of the Colorado River and Impacts to Drinking Water in Arizona and the Southwestern U.S. Presentation to a meeting of the American Groundwater Trust, Phoenix, AZ (served on conference organizing committee).

**Hagemann, M.F.,** 2003. Perchlorate Contamination of the Colorado River and Impacts to Drinking Water in the Southwestern U.S. Invited presentation to a special committee meeting of the National Academy of Sciences, Irvine, CA.

**Hagemann, M.F**., 2003. Perchlorate Contamination of the Colorado River. Invited presentation to a tribal EPA meeting, Pechanga, CA.

**Hagemann, M.F**., 2003. Perchlorate Contamination of the Colorado River. Invited presentation to a meeting of tribal repesentatives, Parker, AZ.

**Hagemann, M.F**., 2003. Impact of Perchlorate on the Colorado River and Associated Drinking Water Supplies. Invited presentation to the Inter-Tribal Meeting, Torres Martinez Tribe.

**Hagemann, M.F**., 2003. The Emergence of Perchlorate as a Widespread Drinking Water Contaminant. Invited presentation to the U.S. EPA Region 9.

**Hagemann, M.F**., 2003. A Deductive Approach to the Assessment of Perchlorate Contamination. Invited presentation to the California Assembly Natural Resources Committee.

**Hagemann, M.F**., 2003. Perchlorate: A Cold War Legacy in Drinking Water. Presentation to a meeting of the National Groundwater Association.

**Hagemann, M.F**., 2002. From Tank to Tap: A Chronology of MTBE in Groundwater. Presentation to a meeting of the National Groundwater Association.

**Hagemann, M.F**., 2002. A Chronology of MTBE in Groundwater and an Estimate of Costs to Address Impacts to Groundwater. Presentation to the annual meeting of the Society of Environmental Journalists.

**Hagemann, M.F**., 2002. An Estimate of the Cost to Address MTBE Contamination in Groundwater (and Who Will Pay). Presentation to a meeting of the National Groundwater Association.

**Hagemann, M.F**., 2002. An Estimate of Costs to Address MTBE Releases from Underground Storage Tanks and the Resulting Impact to Drinking Water Wells. Presentation to a meeting of the U.S. EPA and State Underground Storage Tank Program managers.

**Hagemann, M.F**., 2001. From Tank to Tap: A Chronology of MTBE in Groundwater. Unpublished report.

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**Hagemann, M.F**., 2001. Estimated Cleanup Cost for MTBE in Groundwater Used as Drinking Water. Unpublished report.

**Hagemann, M.F**., 2001. Estimated Costs to Address MTBE Releases from Leaking Underground Storage Tanks. Unpublished report.

**Hagemann, M.F**., and VanMouwerik, M., 1999. Potential Water Quality Concerns Related to Snowmobile Usage. Water Resources Division, National Park Service, Technical Report.

VanMouwerik, M. and **Hagemann, M.F**. 1999, Water Quality Concerns Related to Personal Watercraft Usage. Water Resources Division, National Park Service, Technical Report.

**Hagemann, M.F**., 1999, Is Dilution the Solution to Pollution in National Parks? The George Wright Society Biannual Meeting, Asheville, North Carolina.

**Hagemann, M.F**., 1997, The Potential for MTBE to Contaminate Groundwater. U.S. EPA Superfund Groundwater Technical Forum Annual Meeting, Las Vegas, Nevada.

**Hagemann, M.F**., and Gill, M., 1996, Impediments to Intrinsic Remediation, Moffett Field Naval Air Station, Conference on Intrinsic Remediation of Chlorinated Hydrocarbons, Salt Lake City.

**Hagemann, M.F**., Fukunaga, G.L., 1996, The Vulnerability of Groundwater to Anthropogenic Contaminants on the Island of Maui, Hawaii. Hawaii Water Works Association Annual Meeting, Maui, October 1996.

**Hagemann, M. F**., Fukanaga, G. L., 1996, Ranking Groundwater Vulnerability in Central Oahu, Hawaii. Proceedings, Geographic Information Systems in Environmental Resources Management, Air and Waste Management Association Publication VIP-61.

**Hagemann, M.F**., 1994. Groundwater Characterization and Cleanup at Closing Military Bases in California. Proceedings, California Groundwater Resources Association Meeting.

**Hagemann, M.**F. and Sabol, M.A., 1993. Role of the U.S. EPA in the High Plains States Groundwater Recharge Demonstration Program. Proceedings, Sixth Biennial Symposium on the Artificial Recharge of Groundwater.

**Hagemann, M.F**., 1993. U.S. EPA Policy on the Technical Impracticability of the Cleanup of DNAPL-contaminated Groundwater. California Groundwater Resources Association Meeting.

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**Hagemann, M.F**., 1992. Dense Nonaqueous Phase Liquid Contamination of Groundwater: An Ounce of Prevention... Proceedings, Association of Engineering Geologists Annual Meeting, v. 35.

**Other Experience:**

Selected as subject matter expert for the California Professional Geologist licensing examination, 2009-2011.

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## *Carpenters Union Local 1109 (LOCAL1109)*

*Comment LOCAL1109-1*
The comment includes background information on the commenter as well as the consultants hired to assist in the preparation of the comment letter. It also states the commenter's general position that the Draft EIR fails to comply with CEQA and summarizes the basis for this assertion and requests the Draft EIR be revised and recirculated to respond to its comments. The comment also notes that it is expressly reserving its right to supplement these comments at or prior to hearings on the project and at any later hearing or proceeding related to the project. In addition, the comment requests that Local 1109 is added to the public distribution list for the proposed project.

*Response to LOCAL1109-1*
The comment is noted for the record. It does not raise any specific project-related environmental issues under CEQA and therefore no further response is required.

Pursuant to its request, the commenter has been added to the public distribution list for the proposed project. With respect to the commenter's purported reservation of rights, a lead agency is required to consider comments on the Draft EIR and to prepare written responses if a comment is received within the public comment period (PRC § 21091(d); CEQA Guidelines § 15088). When a comment letter is received after the close of the public comment period, however, a lead agency does not have an obligation to respond (PRC § 21091(d)(1); PRC § 21092.5(c)). Moreover, nothing in the comment would change the procedures that are required under applicable laws and regulations with respect to (1) the preparation and certification of the project's administrative record, and/or (2) exhaustion mandates; accordingly, the City hereby expressly reserves any and all rights thereunder.

*Comment LOCAL1109-2*
The commenter states that the City should require the use of a local workforce in order to benefit the community's economic development and environment. The commenter also states that the City should require the proposed project to be built by contractors who participate in a Joint Labor-Management Apprenticeship Program approved by the State based on generalized assertions that local hiring can reduce the length of vendor trips, reduce GHG emissions, and provide localized economic benefits. The comment then suggests that local hiring can improve an area's job-housing balance and reduce air pollutants and VMT. It then cited a law recently adopted by the State legislature that purports to lend further credence to the comment's position. The comment concludes with the general assertion that the City should consider local workforce policies and requirements based on the foregoing reasons.

*Response to LOCAL1109-2*
The comment is noted for the record. Hiring decisions and the composition of a project's workforce is an economic and social issue, not an environmental issue that is appropriately analyzed or mitigated under CEQA. The comment does not provide substantial evidence regarding any significant environmental impact. Therefore, no further response is necessary.

However, project objectives include, among others: maximizing development of the existing underutilized project site and generating increased revenue and economic development for the City in order to support the City's ongoing City operations; as well as creating employment-generating businesses in the City to reduce the need for members of the local workforce to commute outside

the area for employment and to improve the jobs-to-housing balance. Therefore, the project objectives are aligned generally with the comment's goals in this regard.

Furthermore, as disclosed in the Draft EIR, the proposed project would not have a significant impact related to VMT with implementation of identified mitigation; given the nature of the project, it is reasonable to conclude that the majority of construction workers and employees would likely come from the City and nearby unincorporated areas of the County. Moreover, the proposed project would be required to implement MM AIR-2a through MM AIR-2h, MM TRANS-1 through MM TRANS-9, MM TRANS-10a, MM TRANS-2b, MM TRANS-11, MM GHG-2a, and MM GHG-2b to reduce impacts related to air quality, GHG emissions, and transportation.

Finally, public agencies may use their discretionary powers granted by laws other than CEQA to mitigate environmental impacts. CEQA does not, however, expand the powers granted by other laws or otherwise confer an independent grant of authority to impose mitigation measures on a project. When imposing mitigation for a project's significant environmental effects, a public agency may only exercise those powers provided by legal authority independent of CEQA (PRC § 21004). The CEQA Guidelines specify that CEQA does not grant new or independent powers to public agencies. CEQA Guidelines § 15040. Accordingly, an agency's exercise of discretionary powers must be within the scope of the power granted by laws and be consistent with express or implied limitations (CEQA Guidelines § 15040(d)(e)). Mitigation measures that are beyond the powers conferred by law on lead agencies are legally infeasible. Accordingly, here, the City has no legal authority to control the hiring practices of future tenants and developers of the project or otherwise impose this type of ad hoc condition, and therefore, imposing the requested local hire requirements would not be legally permissible or feasible.

No further response is required.

Please also see Responses to CDOC-2, GSEJA-24, GSEJA-25, and GSEJA 26.

*Comment LOCAL1109-3*
The comment purports to provide legal background and various legal principles regarding CEQA, the purpose of EIRs generally, impact significance determinations, and the standard of review, among others.

*Response to LOCAL1109-3*
The comment is noted for the record. It does not raise any specific project-related environmental issues under CEQA, and therefore no further response is required.

*Comment LOCAL1109-4*
The comment purports to provide legal background and various legal principles regarding impact significance determinations and mitigation measures. The comment further states that Table 3-1 of the Draft EIR excludes the Shirk and Riggin Annexation Project, which is located across Riggin Avenue from the project site. The commenter suggests that the EIR must be revised to include this project within the cumulative analysis.

*Response to LOCAL1109-4*
To the extent the comment involves general statements of law and does not raise any specific project-related issues under CEQA, no further response is necessary.

See Response to GSEJA-6 and LIUNA-12.

The commenter does not provide evidence to contradict the conclusions of the Draft EIR, and as such, the document has adequately addressed this issue under CEQA. Based on the information presented above, the Lead Agency is of the opinion that potential project and cumulative impacts have been fully disclosed, adequately analyzed and appropriately mitigated to the extent feasible under CEQA, therefore no further analysis or revisions are required.

*Comment LOCAL1109-5*
The commenter states that the Draft EIR does not discuss or analyze the proposed project's compliance with the General Plan's Land Use Buildout Scenario since the General Plan projected approximately 9,690,000 square feet of industrial building area between 2010 and 2030, as well as approximately 9,670 industrial jobs. The commenter purports that the "whole of the action" inclusive of the two other projects would account for approximately 54 percent of the City's industrial buildout. The commenter suggests that the EIR has not provided adequate evidence that the growth generated by the proposed project was anticipated by the General Plan, RTP/SCS, or AQMP. Additionally, the commenter discusses other industrial development projects in the City, which combined with projects proposed by Seefried Industrial Properties, Inc., represent approximately 80.5 percent of the City's industrial buildout through 2030. As such, the comment states that a revised EIR must be prepared to include a cumulative analysis on this topic.

*Response to LOCAL1109-5*
The comment is noted for the record. As a preliminary matter, it is not entirely clear if the comment is criticizing the cumulative impact analysis in general or the land use impact analysis specifically. Furthermore, besides making general conclusory statements, the comment does not provide substantial evidence regarding any deficiency in the cumulative impact analysis or identify any significant environmental impact that was not properly disclosed and/or mitigated in the Draft EIR.

See Responses to GSEJA-9 and GSEJA-24.

The project site is currently designated Industrial and Light Industrial and would be developed with uses permitted under those designations and pursuant to applicable FAR and other development standards in accordance with the City's land use vision as reflected in its General Plan. Thus, the project is consistent with the buildout scenario contemplated in the General Plan and is thus properly accounted for in the growth projections of the General Plan as well as the RTP/SCS and AQMP. The fact that the City may be considering requested entitlements for a range of other industrial projects consistent with the General Plan vision does not trigger any type of additional "consistency" analysis under CEQA, as alleged by the commenter, particularly where, as here, the City has prepared a ground-up environmental analysis. Thus, no further response or revision is warranted based on this comment.

It is reasonable to assume, given the nature of the local employment population combined with the nature of the project, that employment needs generated by the proposed project would be able to be filled primarily by employees who live within the City and nearby unincorporated areas in the County. As such and as further addressed in the analysis in the Draft EIR, although increased industrial growth may occur, it would not result in unanticipated growth that would lead to the need for unplanned housing.

Regarding the specific comment about the scope of cumulative projects considered in the analysis, see Responses to GSEJA-6 and LOCAL1109-4.

Based on the foregoing and as further detailed in the Draft EIR, the CEQA evaluation adequately analyzed the project's impacts (both individual and cumulative) as required under CEQA, and no revisions to the Draft EIR are warranted.

No further response is required.

*Comment LOCAL1109-6*
The commenter states that the Draft EIR omits critical supporting information regarding the proposed project's agricultural resources impacts and improperly finds that the proposed project's Impact AG-5 would be less than significant. The commenter asserts that because the proposed project would promote additional growth in the City, the proposed project could lead to secondary impacts related to the conversion of agricultural lands to additional housing or public services. The comment concludes the EIR should be revised to include the foregoing analysis and recirculated.

*Response to LOCAL1109-6*
The comment is noted for the record.

See Responses to CDOC-2, GSEJA-24, and GSEJA-25.

Adjacent agricultural lands would need to be annexed into the City and would require the completion of CEQA analysis prior to the discretionary approval of any development. However, the proposed project does not include the annexation of these lands and, therefore, would not result in a change in the existing environment that could result in conversion of Farmland to nonagricultural use. Though there is a possibility this land would be converted to nonagricultural uses in the future, the proposed project would not be the cause of that conversion, as explained further above and in the Draft EIR. As such, the Draft EIR accurately evaluates that the proposed project would not involve other changes in the existing environment which could result in conversion of other Farmland to nonagricultural use such that a significant impact would occur.

The Lead Agency is of the opinion that this Draft EIR and the public review process has sufficiently complied with State CEQA Guidelines. The commenter does not provide evidence to contradict the conclusions of the Draft EIR, and as such, the document has adequately addressed this issue under CEQA. Based on the information presented above, the Lead Agency is of the opinion that potential project and cumulative impacts have been fully disclosed, adequately analyzed and appropriately mitigated to the extent feasible under CEQA, therefore no further analysis or revisions are required.

*Comment LOCA1109-7*
The commenter purports to set forth various legal principles regarding alternatives and mitigation under CEQA. The commenter states that the Draft EIR's analysis of agricultural resources impacts fails to consider and implement all feasible mitigation measures. The Draft EIR concludes that the proposed project would have a significant and unavoidable impact with regard to converting Prime Farmland to nonagricultural uses and that no feasible mitigation measures are available. The commenter also states that the Draft EIR lacks adequate evidence to support a finding that no feasible mitigation is available and suggests potential mitigation, including purchases of agricultural easements, payment of a mitigation fee, protection of part of the project site for agricultural uses, adequate buffering to protect neighboring agricultural areas, and the recordation of a Right to Farm certificate.

*Response to LOCAL1109-7*
To the extent the comment involves general statements of law and does not raise any specific project-related issues under CEQA, no further response is necessary,

Regarding the comment's specific concerns about mitigation, see Response to CDOC-3 (see also CEQA Guidelines § 15126.4(a)(4) (mitigation measures must be consistent with all applicable constitutional requirements); CEQA Guidelines § 15126.4(a)(5) (If lead agency determines that mitigation measure cannot be legally imposed, measure need not be proposed or analyzed. Instead, EIR may simply reference that fact and briefly explain the reasons underlying the lead agency's determination).

The Lead Agency is of the opinion that potential project impacts related to biological resources have been fully disclosed, adequately analyzed and appropriately mitigated to the extent feasible under CEQA, therefore no further analysis or revisions are required.

*Comment LOCAL1109-8*
The comment briefly summarizes some of the Draft EIR's air quality impact conclusions and then asserts generally that the Draft EIR fails to include substantial evidence to support a finding that no other feasible mitigation exists to mitigate identified air quality impacts. The comment also frames MM AIR-2c as including language that treats the measures as "optional" or able to be "deferred." It then concludes that mitigation should be revised to confirm that such service vehicles utilize zero-emission technology without qualification.

*Response to LOCAL1109-8*
To the extent the comment is general in nature and does not identify any alternative mitigation measure that would demonstrate its claim that the Draft EIR has failed to consider and implement "all feasible mitigation measures," or otherwise raise a specific environmental issue under CEQA, no further response is required.

Regarding the specific concern regarding the purported "optional language" of MM AIR-2c, this is not an accurate representation of the obligation set forth in the mitigation and the related Draft EIR discussion. The Draft EIR includes lengthy discussion surrounding MM AIR-2c and its benefits, but also its limitations from a feasibility standpoint. MM AIR-2c itself outlines an enforcement mechanism that "all on-site off-road and on-road service equipment will utilize zero-emission

technology, subject to the same being commercially practicable," and that "the relevant project sponsor shall provide reasonable documentation to. . . the City of Visalia Planning Division" for verification. The Draft EIR concluded that implementation of this measure would help to reduce the proposed project's emissions. Nevertheless, the Draft EIR properly disclosed that implementation of MM AIR-2c (and other mitigation measures) could not be guaranteed because the commercial availability of such equipment may be limited (at least in the near-term). Accordingly, the Draft EIR identified the impact and properly disclosed the limitations of the measure; i.e., it would reduce but cannot be guaranteed to fully mitigate the proposed project's emissions to below significance thresholds. In other words, the Draft EIR does not rely upon MM AIR-2c to reduce the proposed project's emissions to below significance thresholds or downplay the proposed project's impacts. The Draft EIR explains that the emissions reductions provided by MM AIR-2c cannot be guaranteed or even reliably modeled and that impacts would remain significant and unavoidable. Thus, the Draft EIR disclosed the impact would remain significant and unavoidable, as it is required to do under CEQA.

The following considerations are also important in understanding MM AIR-2c. For purposes of a conservative analysis, the Draft EIR evaluated a "reasonable worst-case" analytical scenario in which the proposed project is fully implemented by 2028. Given the size and nature of the project, it would be entirely reasonable to conclude the that construction could potentially stretche to 2033 or beyond. Zero-emission vehicle technology is a rapidly developing field: it is unknown what conceptual technologies today may mature into commercially viable solutions over the course of the proposed project's development timeline. Options that are not commercially viable today could be cost-leading in a matter of years. And though a wide array of zero-emission service equipment is available currently (e.g., forklifts, pallet jacks, flat trucks, etc.), and the Draft EIR reasonably anticipates their usage in accordance with MM AIR-2c and other regulatory and commercial considerations, future tenants and their service equipment needs—some of which may be specialized—are unknown at this time. These factors make it infeasible to require that all "service vehicles. . . utilize zero-emission technology without any qualification," as the comment suggests. Ultimately, MM AIR-2c represents the proposed project's good faith attempt at installing the farthest-reaching, but still feasible, zero-emission equipment requirement to reduce emissions, subject to such equipment being commercially available, as confirmed by the City's Planning Divisionat the time of individual tenant permitting.

The Lead Agency is of the opinion that potential project impacts related to air quality have been fully disclosed, adequately analyzed, and appropriately mitigated to the extent feasible under CEQA; therefore, no further analysis or revisions are required.

See Responses to LIUNA-4 and LIUNA-20.

*Comment LOCAL1109-9*

The comment acknowledges that the Draft EIR disclosed that certain noise impacts were potentially significant. However, the comment states that the mitigation measures were deficient; in particular, the comment references MM NOI-1, which it characterizes as improperly deferring mitigation. Rather than deferring implementation of this acoustical analysis, the comment asserts this analysis

should be conducted as part of the Draft EIR so that decision-makers will have access to necessary information before project approval.

*Response to LOCAL1109-9*
The comment is noted. The comment is mistaken in its characterization of MM NOI-1 as constituting improper deferral of mitigation. While CEQA Guidelines Section 15126.4(a)(1)(B) clarifies that formulation of mitigation measures should not be deferred until some future time, CEQA permits the specific details of a mitigation measure to be developed after project approval when "it is impractical or infeasible to include those details during the project's environmental review provided that the agency (1) commits itself to the mitigation, (2) adopts specific performance standards the mitigation will achieve, and (3) identifies the type(s) of potential action(s) that can feasibly achieve that performance standard and that will considered, analyzed, and potentially incorporated in the mitigation measure."

The Draft EIR's car wash noise analysis and MM NOI-1 were carefully crafted to adhere to these requirements. As explained in the Draft EIR, given the nature and scope of the project, which is intended to be built in phases over time, there are currently no available details pertaining to the design of the car wash or its mechanical equipment. These details are critical for the evaluation and mitigation of car wash noise impacts because car wash noise impacts are highly correlated with specific design details (i.e., what is the orientation of the tunnel to receptors and the direction of the conveyance system?) and mechanical equipment selections (i.e., what type of blowers will the tunnel utilize and what is their manufacturer sound rating?).

Given this it is both impractical and infeasible to include these details in the Draft EIR (or related acoustical analysis) at this point, the analysis assumed typical "reasonable worst-case" noise levels for estimation of the car wash's noise impacts in a good faith effort to consider and disclose the project's potential impacts to the extent information is reasonably available, and MM NOI-1 adopted the requirements set forth by CEQA Guidelines Section 15126.4(a)(1)(B). The following is a summary of the requirements outlined by CEQA Guidelines Section 15126.4(a)(1)(B) and a discussion of how MM NOI-1 meets these requirements, contrary to the comment's assertions:

- *Commits itself to the mitigation*

MM NOI-1 requires that an acoustical study be prepared by a qualified acoustical professional and submitted to the City of Visalia Planning and Community Preservation Department prior to the issuance of a building permit for a drive-through car wash. The scope of the acoustical analysis is delineated, and the measure requires the study to demonstrate that the design and operations of the car wash would not result in any exceedances of the Visalia Municipal Code's applicable daytime and nighttime noise limits (which are quantified and objective), and this compliance would ensure that impacts to surrounding residential land uses are less than significant.

- *Adopts specific performance standards the mitigation will achieve*

As noted above, MM NOI-1 establishes that car wash noise levels shall not result in exceedances of the Visalia Municipal Code's applicable daytime and nighttime noise limits, which are codified, objective and quantitative in nature, thus facilitating implementation.

- *Identifies the type(s) of potential action(s) that can feasibly achieve that performance standard and that will be considered, analyzed, and potentially incorporated in the mitigation measure*

MM NOI-1 includes a list of design features that individually or collectively would aid in satisfying the applicable performance criteria, which would be the Visalia Municipal Code's applicable daytime and nighttime noise limits. CEQA Guidelines Section 15126.4(a)(1)(B) also instructs that compliance with regulatory standards—in this case the Visalia Municipal Code's daytime and nighttime noise limits—may be identified as mitigation if compliance would result in implementation of measures that would be reasonably expected, based on substantial evidence in the record, to reduce the significant impact. To this end, the Draft EIR explained that the City's 50 dBA $L_{eq}$ daytime and 45 dBA $L_{eq}$ nighttime standards are well below existing ambient noise conditions surrounding the nearest receptors. Therefore, compliance with these standards, as mandated by MM NOI-1, would be highly protective of ambient noise conditions and would result in a less than significant impact.

The comment provides no competing explanation as to why MM NOI-1 allegedly fails the requirements established by CEQA Guidelines Section 15126.4(B).

Based on the foregoing and as further discussed in the Draft EIR, no revisions are warranted.

*Comment LOCAL1109-10*
The comment provides concluding remarks to the comment letter, including a request to revise and recirculate the Draft EIR because the comment purports that the Draft EIR violates CEQA in multiple respects.

*Response to LOCAL1109-10*
The comment is noted. To the extent it does not include any project-specific environmental issues under CEQA, no further response is required.

Please see Responses to LOCAL1109-2 through LOCAL1109-9 for responses to specific concerns that the commenter raises with regard to the Draft EIR. No further response is required.

*Comment LOCAL1109-11*
The comment introduces the purpose of the technical report being submitted. It does not identify any alleged specific deficiency in the Draft EIR but instead purports to summarize the methodologies utilized in CalEEMod modeling and the GHG reduction potential of local hire provisions for construction workers in general.

*Response to LOCAL1109-11*
The comment is noted. Because the comment does not raise any project-specific environmental issues, no further response is required.

For informational purposes, the following is noted. The commenter is advocating for imposition of local hire requirements with respect to the carpenters union, which would apply only during the construction phase of the proposed project. The commenter states potential reductions of vendor trips (i.e., VMT associated with vendors) and GHG emissions that would result from such requirements. However, any environmental benefits that would be realized as a result of local hire requirements would apply only during the construction phase. As explained in the Draft EIR, the proposed project would result in less than significant GHG-related construction and operation impacts after mitigation. Therefore, additional mitigation—such as a local hire provision for construction workers—is not necessary or required under CEQA.

See also Responses to CDOC-2, LIUNA-13, and LOCAL1109-2.

*Comment LOCAL1109-12*
The comment provides a disclaimer regarding the right to revise or amend this SWAPE report if additional information regarding the proposed project becomes available. The comment also states that the SWAPE report may contain informational gaps, inconsistencies, or be incomplete due to the unavailability or uncertainty of information provided by third parties.

*Response to LOCAL1109-12*
The comment is noted. Because no project-specific environmental issues are raised, no further response is required.

For informational purposes, see also Response to LOCAL1109-1.

*Comment LOCAL1109-13*
The comment consists of data tables and modeling output documentation in support of Comment LOCAL1109-11.

*Response to LOCAL1109-13*
The comment is noted. No project-specific environmental issues are raised, no further response is required. For informational purposes, see also Response to LOCAL1109-11.

*Comment LOCAL1109-14*
The comment provides a CV for Paul Rosenfeld, Principal Environmental Chemist, who prepared a review letter of the air quality analysis of the Draft EIR.

*Response to LOCAL1109-14*
The comment is noted. Because no project-specific environmental issues are raised, no further response is required.

*Comment LOCAL1109-15*
The comment provides a CV for Matthew F. Hagemann who prepared a review letter of the air quality analysis of the Draft EIR.

*Response to LOCAL1109-15*
The comment is noted. Because no project-specific environmental issues are raised, no further response is required.

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State of California – Natural Resources Agency
DEPARTMENT OF FISH AND WILDLIFE
Central Region
1234 East Shaw Avenue
Fresno, California 93710
www.wildlife.ca.gov

***GAVIN NEWSOM, Governor***
***CHARLTON H. BONHAM, Director***

June 04, 2024

Brandon Smith, Principal Planner
City of Visalia
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(559) 713-4636
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Subject: **Shirk and Riggin Industrial Project (Project)**
**Draft Environmental Impact Report (DEIR)**
**SCH: 2022080658**

Dear Brandon Smith:

The California Department of Fish and Wildlife (CDFW) received a DEIR from the City of Visalia for the Project pursuant to the California Environmental Quality Act (CEQA) and CEQA Guidelines.[1]

Thank you for the opportunity to provide comments and recommendations regarding those activities involved in the Project that may affect California fish and wildlife. Likewise, CDFW appreciate the opportunity to provide comments regarding those aspects of the Project that CDFW, by law, may be required to carry out or approve through the exercise of its own regulatory authority under the Fish and Game Code. While the comment period may have ended, CDFW respectfully requests that the City of Visalia still consider our comments.

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**CDFW ROLE**

CDFW is California's **Trustee Agency** for fish and wildlife resources and holds those resources in trust by statute for all the people of the State (Fish & G. Code, §§ 711.7, subd. (a) & 1802; Pub. Resources Code, § 21070; CEQA Guidelines § 15386, subd. (a)). CDFW, in its trustee capacity, has jurisdiction over the conservation, protection, and management of fish, wildlife, native plants, and habitat necessary for biologically sustainable populations of those species (*Id.*, § 1802). Similarly, for purposes of CEQA, CDFW is charged by law to provide, as available, biological expertise during public agency environmental review efforts, focusing specifically on projects and related activities that have the potential to adversely affect fish and wildlife resources.

[1] CEQA is codified in the California Public Resources Code in section 21000 et seq. The "CEQA Guidelines" are found in Title 14 of the California Code of Regulations, commencing with section 15000.

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CDFW is also submitting comments as a **Responsible Agency** under CEQA (Pub. Resources Code, § 21069; CEQA Guidelines, § 15381). CDFW expects that it may need to exercise regulatory authority as provided by the Fish and Game Code. As proposed, for example, the Project may be subject to CDFW's lake and streambed alteration regulatory authority (Fish & G. Code, § 1600 et seq.). Likewise, to the extent implementation of the Project as proposed may result in "take" as defined by State law of any species protected under the California Endangered Species Act (CESA) (Fish & G. Code, § 2050 et seq.), the project proponent may seek related take authorization as provided by the Fish and Game Code.

**Unlisted Species:** Species of plants and animals need not be officially listed as Endangered, Rare, or Threatened (E, R, or T) on any State or Federal list to be considered E, R, or T under CEQA. If a species can be shown to meet the criteria for E, R, or T, as specified in the CEQA Guidelines section 15380, CDFW recommends it be fully considered in the environmental analysis for the Project. 2

**Nesting Birds:** CDFW has jurisdiction over actions with potential to result in the disturbance or destruction of active nest sites or the unauthorized take of birds. Fish and Game Code sections that protect birds, their eggs and nests include sections 3503 (regarding unlawful take, possession, or needless destruction of the nest or eggs of any bird), 3503.5 (regarding the take, possession, or destruction of any birds-of-prey or their nests or eggs), and 3513 (regarding unlawful take of any migratory nongame bird).

**PROJECT DESCRIPTION SUMMARY**

**Proponent:** Seefried Industrial Properties, Inc.

**Objective:** The Project applicant proposes to convert existing agricultural lands and develop the approximately 284-acre Project site into an industrial park, consisting of eight industrial buildings used for warehouse, distribution, and light manufacturing; six flex industrial buildings; two drive-through restaurants; a convenience store; a recreational vehicle (RV) and self-storage facility; gas station; and a car wash. The total building footprint is approximately 3,720,149 square feet. 3

**Location:** The Project site is located in Tulare County, generally bound by Riggin Avenue to the south, Shirk Street to the east, Kelsey Street to the west, and Modoc Ditch to the north. The Assessor's Parcel Numbers (APNs) associated with the Project site are 077-840- 004, 077-840-005, and 077-840-006 (formerly APNs 077-840-001, 077-840-002, and 077-840-003).

**Timeframe:** N/A

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**COMMENTS AND RECOMMENDATIONS**

CDFW offers the comments and recommendations below to assist Visalia City in adequately identifying and/or mitigating the Project's significant, or potentially significant, direct and indirect impacts on fish and wildlife (biological) resources. Editorial comments or other suggestions may also be included to improve the DEIR prepared for the Project.

Currently, the DEIR acknowledges that the Project area is within the geographic range of several special status animal species and proposes specific mitigation measures to reduce impacts to less than significant. CDFW has concerns about the ability of some the proposed mitigation measures to reduce impacts to less than significant and avoid unauthorized take for several special status animal species, including the State threatened Swainson's hawk (*Buteo swainsoni*) and the State candidate endangered Crotch's Bumble bee (*Bombus crotchii)*. 4

**Swainson's Hawk**

Mitigation Measure MM BIO-1b proposes to mitigate for impacts to Swainson's hawk (SWHA) by requiring preconstruction surveys for nesting SWHA following the entire survey methodology developed by the SWHA Technical Advisory Committee (SWHA TAC Methodology; SWHA TAC 2000). CDFW concurs with this portion of the measure as it follows CDFW guidance. This measure also states the following:

1. Construction activities shall be prohibited within 600 feet of an active and occupied Swainson's hawk nest or within 600 feet of nests under construction to prevent nest abandonment unless a smaller buffer is approved pursuant to subsection (2) below. This incorporates the maximum avoidance buffer size stated in the California Department of Fish and Wildlife (CDFW) Recommended Timing and Methodology for Swainson's Hawk Nesting Surveys in California's Central Valley. 5

2. If site-specific conditions or the nature of the construction activity (e.g., other nearby development, limited activities) indicate that a smaller buffer, or no buffer at all, could be used, the project developer may seek approval from the qualified Biologist who, in coordination with the CDFW, shall determine the appropriate buffer size, which, once approved, shall govern."

CDFW does not concur with this portion of the measure and implementation of the proposed 600-foot buffer (or smaller buffer based on MM BIO-1b 2.), as it is likely to result in the unauthorized take of SWHA. CDFW would also like to note that the SWHA TAC Methodology requires consultation with CDFW if an active nest is documented

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within ½-mile of Project activities. CDFW would like to further reiterate that it does not concur with MM-BIO 1b, 1. and 2. and recommends the following:

**Recommended Mitigation Measure 1: SWHA Avoidance Buffer**

If Project-specific activities will take place during the SWHA nesting season (i.e., March 1 through September 15), and active SWHA nests are present, CDFW recommends a minimum ½-mile no-disturbance buffer be delineated and maintained around each nest, regardless of whether it was detected by surveys or observed incidentally. These buffers would remain in place until the breeding season has ended or until a qualified biologist has determined that the birds have fledged and are no longer reliant upon the nest or parental care for survival, to prevent nest abandonment and other take of SWHA as a result of Project activities.

5 CONT

**Recommended Mitigation Measure 2: SWHA Take Authorization**

CDFW also recommends that in the event an active SWHA nest is detected, and a ½-mile no-disturbance buffer is not feasible, consultation with CDFW is warranted to discuss how to implement the project and avoid take. If take cannot be avoided, take authorization through the acquisition of an Incidental Take Permit (ITP), pursuant to Fish and Game Code section 2081 subdivision (b) is necessary to comply with CESA.

**Crotch's Bumble Bee**

Mitigation Measure MM BIO-1d proposes to mitigate for impacts to Crotch's bumble bee (CBB) by requiring preconstruction surveys no more than 14 days prior to construction. CDFW concurs with conducting surveys for CBB during the blooming period immediately prior to ground disturbing activities. CDFW recommends these surveys follow the survey methodology outlined in the Survey Considerations for California Endangered Species Act Candidate Bumble Bee Species (CDFW 2023) protocol. In the event a CBB nest is detected within the Project, consultation with CDFW is warranted to discuss how to implement Project activities and avoid take. If take cannot be avoided, CDFW recommends the Project obtain an ITP, pursuant to Fish and Game Code section 2081 subdivision (b).

6

**Editorial Comments and/or Suggestions**

**Lake and Streambed Alteration**

7

Mitigation Measure (MM) BIO-3 mitigates for potential impacts to streams subject to CDFW's regulatory authority pursuant to Fish and Game Code section 1600 et seq. by requiring the Project proponent to "submit a preliminary Jurisdictional Delineation and

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coordinate with" the appropriate regulatory agencies, including CDFW. CDFW concurs with this measure and recommends the Project applicant submit a notification pursuant to Fish and Game Code section 1602 to assist with review of the submitted delineation materials. CDFW would also like to note that Project activities that substantially change the bed, bank, and channel of any river, stream, or lake are subject to CDFW's regulatory authority pursuant Fish and Game Code section 1600 et seq. Fish and Game Code section 1602 requires an entity to notify CDFW prior to commencing any activity that may (a) substantially divert or obstruct the natural flow of any river, stream, or lake; (b) substantially change or use any material from the bed, bank, or channel of any river, stream, or lake (including the removal of riparian vegetation): (c) deposit debris, waste or other materials that could pass into any river, stream, or lake. "Any river, stream, or lake" includes those that are ephemeral or intermittent as well as those that are perennial and may include those that are highly modified such as canals and retention basins. 7 CONT

CDFW is required to comply with CEQA in the issuance of a Lake or Streambed Alteration Agreement (LSAA); therefore, if the CEQA document approved for the Project does not adequately describe the Project and its impacts to lakes or streams, a subsequent CEQA analysis may be necessary for LSAA issuance. For information on notification requirements, please refer to CDFW's website (https://wildlife.ca.gov/Conservation/LSA) or contact CDFW staff in the Central Region Lake and Streambed Alteration Program at (559) 243-4593.

**Cumulative Impacts:** CDFW recommends that a cumulative impact analysis be conducted for all biological resources that will either be significantly or potentially significantly impacted by implementation of the Project, including those whose impacts are determined to be less than significant with mitigation incorporated or for those resources that are rare or in poor or declining health and will be impacted by the Project, even if those impacts are relatively small (i.e., less than significant). Cumulative impacts are recommended to be analyzed using an acceptable methodology to evaluate the impacts of past, present, and reasonably foreseeable future projects on resources and be focused specifically on the resource, not the Project. An appropriate resource study area should also be identified and mapped for each resource being analyzed and utilized for this analysis. CDFW recommends closely evaluating the need for a cumulative impacts analysis for the following species as part of the DEIR due to these species being in poor or declining health or at risk: SWHA and CBB. CDFW staff is available for consultation in support of cumulative impacts analyses as a trustee and responsible agency under CEQA. 8

**California Natural Diversity Database** 9

Please note that the California Natural Diversity Database (CNDDB) is populated by voluntary submissions of species detections. As a result, species may be present in

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locations not depicted in the CNDDB but where there is suitable habitat and features capable of supporting species. A lack of an occurrence record, or lack of recent occurrence records, in the CNDDB does not mean that a species is not present. In order to adequately assess any potential Project-related impacts to biological resources, surveys conducted by a qualified biologist during the appropriate survey period(s) and using the appropriate protocol survey methodology are warranted in order to determine whether or not any special status species are present. 9 CONT

**ENVIRONMENTAL DATA**

CEQA requires that information developed in environmental impact reports and negative declarations be incorporated into a database which may be used to make subsequent or supplemental environmental determinations. (Pub. Resources Code, § 21003, subd. (e).) Accordingly, please report any special status species and natural communities detected during Project surveys to the California Natural Diversity Database (CNDDB). The CNNDB field survey form can be filled out and submitted online at the following link: https://wildlife.ca.gov/Data/CNDDB/Submitting-Data. The types of information reported to CNDDB can be found at the following link: https://www.wildlife.ca.gov/Data/CNDDB/Plants-and-Animals. 10

**FILING FEES**

The Project, as proposed, would have an impact on fish and/or wildlife, and assessment of environmental document filing fees is necessary. Fees are payable upon filing of the Notice of Determination by the Lead Agency and serve to help defray the cost of environmental review by CDFW. Payment of the environmental document filing fee is required in order for the underlying project approval to be operative, vested, and final. (Cal. Code Regs, tit. 14, § 753.5; Fish & G. Code, § 711.4; Pub. Resources Code, § 21089). 11

**CONCLUSION**

CDFW appreciates the opportunity to comment on the DEIR to assist the City of Visalia in identifying and mitigating Project impacts on biological resources.

Please see the enclosed Mitigation Monitoring and Reporting Program (MMRP) table which corresponds with recommended mitigation measures in this comment letter. More information on survey and monitoring protocols for sensitive species can be found at CDFW's website (https://www.wildlife.ca.gov/Conservation/Survey-Protocols). Questions regarding this letter or further coordination should be directed to John Riedel, Environmental Scientist, at (559) 807-1453, or john.riedel@wildlife.ca.gov. 12

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Sincerely,

DocuSigned by:
Julie Vance
FA83F09FE08945A...

Julie A. Vance
Regional Manager

ec: State Clearinghouse
Governor's Office of Planning and Research
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## REFERENCES

California Department of Fish and Wildlife. 2023. Survey considerations for California Endangered Species Act candidate bumble bee species. California Department of Fish and Wildlife, Sacramento, California, USA.

Swainson's hawk technical advisory committee (SWHA TAC). 2000. Recommended timing and methodology for Swainson's hawk nesting surveys in the central valley of California. Swainson's Hawk Technical Advisory Committee.

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**Attachment 1**

**CALIFORNIA DEPARTMENT OF FISH AND WILDLIFE**
**RECOMMENDED MITIGATION MONITORING AND REPORTING PROGRAM (MMRP)**

**PROJECT: Shirk and Riggin Industrial Project**

**SCH No.: 2022080658**

| **RECOMMENDED MITIGATION MEASURE** | **STATUS/DATE/INITIALS** |
|---|---|
| *Before Disturbing Soil or Vegetation* | |
| SWHA | |
| Recommended Mitigation Measure 2: SWHA take authorization | |
| | |
| *During Construction* | |
| SWHA | |
| Recommended Mitigation Measure 1: SWHA avoidance buffer | |

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## Comments Received after the May 29, 2024 Close of Public Comment Period

### *California Department of Fish and Wildlife (CDFW)*

*Comment CDFW-1*
The commenter offers thanks for the opportunity to provide comments and recommendations regarding the proposed project and sets forth CDFW's scope of regulatory authority with respect to its role as a Trustee Agency. The commenter also acknowledges that the comment letter was submitted after the Draft EIR comment period ended but requests that the City still consider its comments.

*Response to CDFW-1*
Thank you for your comments. The participation of the CDFW in the public review of this document is appreciated. The comments have been noted for the record.

A lead agency is required to consider comments on the Draft EIR and to prepare written responses if a comment is received within the public comment period (Public Resources Code [PRC] § 21091(d); CEQA Guidelines § 15088). When a comment letter is received after the close of the public comment period, however, a lead agency does not have an obligation to respond (PRC § 21091(d)(1); PRC § 21092.5(c)). Accordingly, although the City, as Lead Agency under CEQA, is not required to provide a written response to late comment letter(s), the City has elected to respond to the late letter submitted by CDFW, but without waiving its position that written responses to late comment letters are not required by law. The commenterdoes not raise any specific project-related environmental issues under CEQA and therefore no response is required.

*Comment CDFW-2*
The commenter clarifies its role as a Responsible Agency regarding "take," unlisted species, and nesting birds and provides a related summary.

*Response to CDFW-2*
The comment does not raise any specific project-related environmental issues under CEQA and therefore no response is required.

*Comment CDFW-3*
The commenter provides a summary regarding the project description.

*Response to CDFW-3*
The comment does not raise any specific project-related environmental issues under CEQA and therefore no response is required.

*Comment CDFW-4*
The commenter provides introductory remarks regarding the scope of CDFW's comments. It also notes that CDFW has concerns about the ability of the proposed mitigation measures to reduce impacts to several special-status animal species to less than significant and to avoid unauthorized take.

*Response to CDFW-4*
Because the comment is general in nature and does not raise any specific project-related environmental issues under CEQA, no further response is required.

*Comment CDFW-5*
With respect to proposed mitigation related to impacts on Swainson's hawk, the commenter states that it concurs with portions of MM BIO-1b, noting that it complies with CDFW guidance. However, the commenter states that it does not concur with those portions of MM BIO-1b (1)(2), regarding the proposed 600-foot buffer (or smaller buffer based on MM BIO-1b (2)), as the commenter believes it is likely to result in the unauthorized take of Swainson's hawk. The commenter also notes that the TAC Methodology for Swainson's hawk requires consultation with CDFW if an active nest is documented within 0.25 mile of project activities. Thus, the commenter recommends revised language.

*Response to CDFW-5*
The Draft EIR, Section 3.4, Biological Resources, provided a detailed discussion of the environmental setting, including disclosing the wildlife species observed or that have the potential to occur within the project site, including, among others, Swainson's hawk. Specifically, the Draft EIR noted that Swainson's hawk is known to occur near the project site, and while almond orchards are not considered Swainson's hawk foraging habitat, the analysis recognized that this species is known to forage in alfalfa fields and open low crop and grasslands and these habitat types are present adjacent to the project site. Therefore, the analysis concluded there is a moderate potential for this species to occur on-site.

The Draft EIR's regulatory setting described the statutory framework governing special-status wildlife species consistent with the commenter's summary, including noting the relevance of the *California Department of Fish and Wildlife–Swainson's Hawk Nesting Survey Guidelines (TAC Methodology)* and the recommended buffer and consultation requirements discussed by the commenter. The impact analysis evaluated potential project-related impacts on Swainson's hawk and identified feasible avoidance and minimization measures to reduce potential project-related impacts to less than significant levels.

The analysis explained that Swainson's hawks readily habituate to a variety of human disturbances, including construction. Swainson's hawk nests are often found along busy roadways and in a variety of settings where substantial noise and other disturbances occur, including in agricultural areas. There are conditions, however, where the potential for nest abandonment is increased. This can occur when new disturbances are introduced to an otherwise open, rural setting. Under these conditions, the Draft EIR noted that no-disturbance buffers are important to avoid nest abandonment. No-disturbance buffers are intended to prevent all ground-disturbing activities and project-related entry of any sort into the buffer area. Although tolerant of human presence and activities, Swainson's hawk are most sensitive to direct observation of the nest by people. Therefore, restrictions within buffers should prohibit all entry and direct observation of the nest.

The Draft EIR confirmed that the project developer(s) would be responsible for compliance with all applicable laws and regulations protecting Swainson's hawk, including applicable provisions of CESA, MBTA, and the Fish and Game Code; thus, for example, such compliance with the comprehensive regulatory requirements would ensure that no unauthorized take would occur. The analysis also identified feasible mitigation, including a proposed 600-foot buffer from active nests and those

under construction. The basis for the proposed 600-foot buffer is further detailed in Section 3.4, Biological Resources.

The commenter also questions the Draft EIR concerning the argument for an insufficient buffer distance for occupied Swainson's hawk nests. According to Jim Estep, a recognized expert on Swainson's hawk, a 0.5-mile buffer is not supported by any data driven rationale. Estep argues that this distance was selected to maximally ensure that nesting behavior/success would not be influenced and is therefore a highly conservative buffer distance. Now, 30 years after these guidelines were created, much more is known of Swainson's hawk, including their high degree of tolerance to noise and disturbances. Although no studies have been conducted to understand the most effective buffer distance, it is understood that a 0.5-mile buffer is unnecessarily large. Many successful nests have been documented in very close proximity to a multitude of disturbances with nest abandonment involving the direct impact to nest trees or disturbances next to active nests. *CDFW's Swainson's Hawk Technical Advisory Committee* guidelines identify a 600-foot buffer resulting from the work of Mike Bradbury, a former California Department of Water Resources (DWR) employee. Through monitoring of nesting activity in the Sacramento-San Joaquin Delta, Bradbury determined that a 600-foot buffer was a reasonable distance in most cases. Ultimately Estep argues that this species is quite tolerant of disturbance events and a 0.5-mile buffer is not necessary in most cases. He supports a 600-foot buffer with the caveat that specific site conditions should be taken into consideration.[6]

Therefore, based on the data provided by the project's biological experts, the Lead Agency does not agree that a 600-foot buffer is insufficient. Although Swainson's hawk may forage within the project area, MM BIO-1a and MM BIO-1b would sufficiently mitigate for any Swainson's hawk found within 600 feet of the project site.

The commenter does not provide evidence to contradict the conclusions of the Draft EIR, and as such, the document has adequately addressed this issue under CEQA. Based on the information presented above, the Lead Agency is of the opinion that potential project impacts related to biological resources have been fully disclosed, adequately analyzed and appropriately mitigated to the extent feasible under CEQA. No further analysis or revisions are required.

*Comment CDFW-6*
The commenter concurs with the portions of MM BIO-1d that require pre-construction surveys for Crotch's bumble bee (CBB) be constructed during the blooming period immediately prior to ground-disturbing activities. The commenter recommends that the methodology outlined in specified CDFW protocol be followed when conducting these surveys. The commenter also notes that in the event a CBB nest is detected within the project site, then consultation with CDFW is warranted to discuss how to implement project activities and avoid take. If take cannot be avoided, the commenter recommends the project obtain an Incidental Take Permit (ITP). The commenter then recommends specific edits to MM BIO-1d (Crotch's Bumble Bee Surveys).

[6] Estep, Jim. Estep Environmental Consulting. Personal communication: email. August 22, 2024.

*Response to CDFW-6*

This comment is noted for the record. The Draft EIR considered the potential for CBB to occur within the project site and determined, as explained more fully therein, this is unlikely because the entire project site consists of actively managed orchard and no required habitat elements for this species are present. Moreover, the Draft EIR explained that if it occurred, it would be limited to vagrant individuals dispersing across the project site to find suitable habitat. Therefore, it was determined that the project site does not include suitable habitat. However, for purposes of a conservative analysis, the Draft EIR identified mitigation that requires a pre-construction survey to confirm absence of this species from the project site (MM BIO-1d). Should CBB be detected, MM BIO-1d requires that the qualified Biologist coordinate with the CDFW to determine adequate protection measures as may be required under applicable laws and regulations and further requires that the relevant project developer(s) implement all such measures in connection with the development proposal at issue.

Section 3.4, Biological Resources, MM BIO-1d in of the Draft EIR has been revised to include the changes recommended by the CDFW:

**MM BIO-1d** Not more than 14 days before start of ground disturbance, a qualified Biologist shall conduct surveys to determine the presence/absence of the following special-status wildlife species: Crotch's bumblebee, San Joaquin kit fox, western burrowing owl, and American badger. Surveys conducted for Crotch's bumblebee shall follow the survey methodology outlined in the Survey Considerations for California Endangered Species Act (CESA) Candidate Bumble Bee Species (CDFW 2023) protocol. In the event a Crotch's bumblebee nest is detected within the Project, CDFW shall be consulted to the extent required under applicable laws and regulations to determine how best to implement Project activities and avoid take. If take cannot be avoided, an ITP shall be obtained to the extent required under applicable laws and regulations, pursuant to Fish and Game Code Section 2081 subdivision (b).

Should ~~any of the foregoing special-status wildlife species~~ San Joaquin kit fox, western burrowing owl, or American badger be detected, the qualified Biologist shall coordinate with the California Department of Fish and Wildlife (CDFW) and/or the United States Fish and Wildlife Service (USFWS) (as appropriate and to the extent required under applicable laws and regulations) to determine adequate protection measures as may be required under applicable laws and regulations, and the relevant project developer shall implement all such measures in connection with the development proposal at issue. Copies of all reports and communication with the appropriate wildlife agencies shall be submitted to the Lead Agency as evidence of compliance.

See also Section 3, Errata, of the Final EIR. The CEQA Guidelines require recirculation only when "significant new information" is added to an EIR after the Draft EIR is released for public review but before certification of the FEIR. (PRC § 21092.1; 14 CCR § 15088.5(a)). The foregoing reflects mere clarifications and amplifications; they would not result in a new significant impact or an increase in

severity in a previously identified significant impact or otherwise trigger recirculation under CEQA Guidelines Section 15088.5.

*Comment CDFW-7*
The commenter characterizes its remaining comments (i.e., CDFW Comments 7 through 12) as "editorial comments and/or suggestions." With respect to Comment CDFW-7, the commenter requests revisions to MM BIO-3 and and recommends the project applicant submit a notification pursuant to Fish and Game Code Section 1602 to assist with review of the submitted delineation materials and then goes on to describe the regulatory requirements of the foregoing and related CEQA review.

*Response to CDFW-7*
This comment is noted for the record. MM BIO-3 in Section 3.4, Biological Resources, of the Draft EIR, has been revised to include the changes recommended by the CDFW:

**MM BIO-3** The project developer shall submit the preliminary Jurisdictional Delineation (JD) and coordinate with the appropriate regulating agencies (Central Valley Regional Water Quality Control Board [RWQCB], California Department of Fish and Wildlife [CDFW] and the United States Army Corps of Engineers [USACE]) to the extent required under applicable laws and regulations to determine whether the Modoc Ditch is protected under Section 404 and 401 of the Clean Water Act (CWA), Porter-Cologne Water Quality Control Act, and/or Fish and Game Code 1602. Additionally, to the extent required under applicable laws and regulations, the project applicant shall submit a notification pursuant to Fish and Game Code section 1602 to assist with review of the submitted delineation materials

See also Section 3, Errata, of the Final EIR. The foregoing reflects mere clarifications and amplifications; they would not result in a new significant impact or an increase in severity in a previously identified significant impact or otherwise trigger recirculation under CEQA Guidelines Section 15088.5.

*Comment CDFW-8*
The commenter recommends closely evaluating the need for a cumulative impacts analysis, particularly with respect to Swainson's hawk and Crotch's bumblebee, as part of the EIR due to these species being in poor or declining health or at risk. As part of this analysis, the commenter recommends that an acceptable methodology be utilized to evaluate the impacts of past, present, and reasonably foreseeable future projects on resources and be focused specifically on the resource, not the project, and that an appropriate resource study area be identified and mapped for each resource being analyzed.

*Response to CDFW-8*
This comment is noted for the record. Cumulative impacts on biological resources are raised in Comment LIUNA-6. See Response to LIUNA-6. Based on the information previously presented above, the Lead Agency is of the opinion that potential project impacts related to biological resources have been fully disclosed, adequately analyzed and appropriately mitigated to the extent feasible under CEQA, therefore no further analysis or revisions are required except for clarifications as noted above

*Comment CDFW-9*
The commenter notes that because the CNDDB relies on voluntary submissions of species detection, as a result, species may be present in locations not depicted in the CNDDB where there is suitable habitat and features capable of supporting species. The commenter goes on to suggest that, in order to adequately assess any potential project-related impacts to biological resources, surveys conducted by a qualified Biologist during the appropriate survey period(s) and using the appropriate protocol survey methodology are warranted in order to determine whether or not any special-status species are present.

*Response to CDFW-9*
This comment is noted for the record.

See also Response to LIUNA-20.

*Comment CDFW-10*
The commenter states that CEQA requires that information developed in EIRs and negative declarations be incorporated into a database which may be used to make subsequent or supplemental environmental determinations, and requests that the City report any special-status species and natural communities detected during project surveys to the CNDDB.

*Response to CDFW-10*
This comment is noted for the record. Because the comment is general in nature and does not raise any specific project-related environmental issues under CEQA, no further response is required.

The City intends to adhere to any and all reporting requirements under CEQA, including those related to the detection of any special- status species and natural communities.

*Comment CDFW-11*
The commenter notes that because the proposed project would have an impact on fish and/or wildlife, it would be required to pay the necessary filing fees due to the CDFW, and then goes on to explain the timing requirements and legal implications of filing these fees.

*Response to CDFW-11*
The comment is noted for the record. Because the comment is general in nature and does not raise any specific project-related environmental issues under CEQA, no further response is required. It is reasonable to assume that the project applicant(s) would be required to pay all applicable fees necessary under the law to implement the proposed project.

*Comment CDFW-12*
The commenter states its appreciation for the ability to comment on the Draft EIR and provides contact information. The commenter also notes the attached MMRP table that corresponds with recommended mitigation measures in the comment letter.

*Response to CDFW-12*
The comment is noted for the record. Because the comment is general in nature and does not raise any specific project-related environmental issues under CEQA, no further response is required.

San Joaquin Valley
AIR POLLUTION CONTROL DISTRICT

HEALTHY AIR LIVING™

June 6, 2024

Brandon Smith
City of Visalia
Community Development Department
315 E. Acequia Avenue
Visalia, CA 93291

**Project: Draft Environmental Impact Report – Shirk and Riggin Industrial Project**

**District CEQA Reference No: 20240472**

Dear Mr. Smith:

The San Joaquin Valley Air Pollution Control District (District) has reviewed the Draft Environmental Impact Report (DEIR) from the City of Visalia (City). Per the DEIR, the project consists of converting existing agricultural lands to develop approximately 3,720,149 square foot industrial park, consisting of eight industrial buildings used for warehouse, distribution and light manufacturing; six flex industrial buildings; two drive-through restaurants; a convenience store; a recreational vehicle RV and self-storage facility; gas station and car wash on a 284-acre site (Project). The Project is located north of Riggin Avenue, west of Shirk Street, east of Kelsey Street, and south of Modoc Ditch in Visalia, CA. 1

The District offers the following comments at this time regarding the Project:

## 1) Project Related Construction Emissions

The DEIR, specifically page 3.3-45, indicates construction of the Project is expected to occur between years 2024 and 2028. However, per Appendix A in the DEIR, the construction analyses indicate construction of the Project is expected to occur between years 2024 to 2033. There are inconsistencies with the timeframe of the construction. Therefore, the District recommends that the DEIR be clarified for consistency. 2

Samir Sheikh
Executive Director/Air Pollution Control Officer

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## 2) Voluntary Emission Reduction Agreement

The DEIR, specifically Mitigation Measure (MM) AIR-2g (Voluntary Emission Reduction Agreement) states "*Prior to issuance of the grading or building permit in connection with an individual specific development proposal for the proposed project, whichever occurs first, the relevant project sponsor shall consult with the City of Visalia Planning Division about the feasibility of entering into a VERA with the Valley Air District."* Additionally, the DEIR concludes Project air quality emissions are expected to exceed the District's significance thresholds. As such, the District recommends MM AIR-2g be revised to consider requiring one VERA, for the entire Project as a whole.

A VERA is a mitigation measure by which the project proponent provides pound-for-pound mitigation of emissions increases through a process that develops, funds, and implements emission reduction projects, with the District serving a role of administrator of the emissions reduction projects and verifier of the successful mitigation effort. To implement a VERA, the project proponent and the District enter into a contractual agreement in which the project proponent agrees to mitigate project specific emissions by providing funds for the District's incentives programs. The funds are disbursed by the District in the form of grants for projects that achieve emission reductions. Thus, project-related impacts on air quality can be mitigated. Types of emission reduction projects that have been funded in the past include electrification of stationary internal combustion engines (such as agricultural irrigation pumps), replacing old heavy-duty trucks with new, cleaner, more efficient heavy-duty trucks, and replacement of agricultural equipment with the latest generation technologies. 3

In implementing a VERA, the District verifies the actual emission reductions that have been achieved as a result of completed grant contracts, monitors the emission reduction projects, and ensures the enforceability of achieved reductions. After the project is mitigated, the District certifies to the Lead Agency that the mitigation is completed, providing the Lead Agency with an enforceable mitigation measure demonstrating that project-related emissions have been mitigated.

## 3) Health Risk Screening/Assessment

The District reviewed the Health Risk Assessment (HRA)/Ambient Air Quality Analysis (AAQA) for the Project and has the following comments:

- The DEIR states NOx, PM10, and PM2.5 would not exceed ambient air quality standards. However, an AAQA was not performed to verify these determinations. The District recommends conducting an AAQA to support the conclusions presented in the DEIR. 4

- Variable emission rates were used for the construction activities in the HRA. The District recommends using a worker adjustment factor (WAF) in HARP2 to prevent underestimating worker risk. HARP2 assumes all sources of emissions are continuous and reduces worker exposure accordingly. Therefore, the WAF should be used for non-continuous sources. 5

- The DEIR states that there will be two quick serve restaurants (QSR) as part of the Project. Although, the specifics on the type of QSR are unknown at this time, the District recommends that the DEIR evaluate the health risk from potential Polycyclic Aromatic Hydrocarbons (PAHs) from commercial cooking operations. 6

- The operational health risk analysis assumed a 30-year residential exposure period for estimating of cancer risk. The District recommends estimating residential cancer risk using a 70-year exposure period. 7

Modifications to the HRA and/or AAQA based on the deficiencies listed above have the potential to cause the Project to exceed District health risk thresholds and/or cause or contribute to an exceedance of any ambient air quality standard. Therefore, the District recommends the HRA be revised and an AAQA be conducted to ensure the analysis is representative and adequately reflects the Project's potential air quality impacts. 8

## 4) Industrial/Warehouse Emission Reduction Strategies

The District recommends the City incorporate emission reduction strategies that can reduce potential harmful health impacts, such as those listed below: 9a

- Require cleanest available heavy-duty trucks and off-road equipment (see comment 6)
- Require HHD truck routing patterns that limit exposure of residential communities and sensitive receptors to emissions (see comment 5) 9b
- Require minimization of heavy-duty truck idling (see comment 8) 9c
- Orient loading docks away from sensitive receptors unless physically impossible 9d
- Require loading docks a minimum of 300 feet away from the property line of sensitive receptor unless dock is exclusively used for electric trucks 9e
- Require truck entries be located on streets of a higher commercial classification 9f
- Ensure rooftop solar panels are installed and operated to supply 100% of the power needed to operate all non-refrigerated portions of the development project 9g

- Require power sources at loading docks for all refrigerated trucks have "plugin" capacity, which will eliminate prolonged idling while loading and unloading goods 9h
- Designate an area during construction to charge electric powered construction vehicles and equipment, if temporary power is available 9i
- Prohibit the use of non-emergency diesel-powered generators during construction 9j
- Inform the project proponent of the incentive programs (e.g., Carl Moyer Program and Voucher Incentive Program) offered to reduce air emissions from the Project 9k

## 5) Truck Routing

Truck routing involves the assessment of which roads Heavy Heavy-Duty (HHD) trucks take to and from their destination, and the emissions impact that the HHD trucks may have on residential communities and sensitive receptors.

The District recommends the City evaluate HHD truck routing patterns for the Project, with the aim of limiting exposure of residential communities and sensitive receptors to emissions. This evaluation would consider the current truck routes, the quantity and type of each truck (e.g., Medium Heavy-Duty, HHD, etc.), the destination and origin of each trip, traffic volume correlation with the time of day or the day of the week, overall Vehicle Miles Traveled (VMT), and associated exhaust emissions. The truck routing evaluation would also identify alternative truck routes and their impacts on VMT and air quality. 10

## 6) Cleanest Available Heavy-Duty Trucks

The San Joaquin Valley will not be able to attain stringent health-based federal air quality standards without significant reductions in emissions from HHD trucks, the single largest source of NOx emissions in the San Joaquin Valley. Accordingly, to meet federal air quality attainment standards, the District's ozone and particulate matter attainment plans rely on a significant and rapid transition of HHD fleets to zero or near-zero emissions technologies.

The Project will include warehouse and distribution and is expected to generate a high volume of HHD truck trips traveling to-and-from Project location at longer distribution trip length distances. Therefore, the District recommends that the following measures be considered by the City to reduce Project-related operational emissions: 11

- *Recommended Measure*: Fleets associated with operational activities utilize the cleanest available HHD trucks, including zero and near-zero technologies.

## 7) Electric Infrastructure

The District recommends that the City require all nonresidential buildings be designed to provide electric infrastructure to support the use of on-road zero emissions vehicles, such as HHD trucks associated with an industrial development for warehouse and distribution.

To support and accelerate the installation of electric vehicle charging equipment and development of required infrastructure, the District offers incentives to public agencies, businesses, and property owners of multi-unit dwellings to install electric charging infrastructure (Level 2 and 3 chargers). The purpose of the District's Charge Up! Incentive program is to promote clean air alternative-fuel technologies and the use of low or zero-emission vehicles. The District recommends that the City and project proponents install electric vehicle chargers at project sites, and at strategic locations. 12

Please visit https://ww2.valleyair.org/grants/charge-up for more information.

## 8) Reduce Idling of Heavy-Duty Trucks

The goal of this strategy is to limit the potential for localized PM2.5 and toxic air contaminant impacts associated with the idling of HHD trucks. The diesel exhaust from idling has the potential to impose significant adverse health and environmental impacts.

Since the Project will result in HHD truck trips, the District recommends the DEIR be revised to include measures to ensure compliance of the state anti-idling regulation (13 CCR § 2485 and 13 CCR § 2480) and discuss the importance of limiting the amount of idling, especially near sensitive receptors. In addition, the District recommends the City consider the feasibility of implementing a more stringent 3-minute idling restriction and requiring appropriate signage and enforcement of idling restrictions. 13

## 9) Under-fired Charbroilers

The Project will include commercial development with the potential for restaurants with under-fired charbroilers. Such charbroilers may pose the potential for immediate health risk, particularly when located in densely populated areas or near sensitive receptors. 14

Since the cooking of meat can release carcinogenic PM2.5 species, such as polycyclic aromatic hydrocarbons, controlling emissions from new under-fired charbroilers will have a substantial positive impact on public health. The air quality impacts on neighborhoods near restaurants with under-fired charbroilers can be significant on days when meteorological conditions are stable, when dispersion is

limited and emissions are trapped near the surface within the surrounding neighborhoods. This potential for neighborhood-level concentration of emissions during evening or multi-day stagnation events raises air quality concerns.

Furthermore, reducing commercial charbroiling emissions is essential to achieving attainment of multiple federal PM2.5 standards. Therefore, the District recommends that the DEIR include a measure requiring the assessment and potential installation, as technologically feasible, of particulate matter emission control systems for new large restaurants operating under-fired charbroilers. 14 CONT

The District is available to assist the City and project proponents with this assessment. Additionally, the District is currently offering substantial incentive funding that covers the full cost of purchasing, installing, and maintaining the system during a demonstration period covering two years of operation. Please contact the District at (559) 230-5800 or technology@valleyair.org for more information, or visit: https://ww2.valleyair.org/grants/restaurant-charbroiler-technology-partnership/

## 10) Clean Lawn and Garden Equipment in the Community

Since the Project will include commercial development, gas-powered lawn and garden equipment have the potential to result in an increase of NOx and PM2.5 emissions. Utilizing electric lawn care equipment can provide residents with immediate economic, environmental, and health benefits. The District recommends the Project proponent consider the District's Clean Green Yard Machines (CGYM) program which provides incentive funding for replacement of existing gas powered lawn and garden equipment. 15

More information on the District CGYM program and funding can be found at: https://ww2.valleyair.org/grants/clean-green-yard-machines-residential/ and https://ww2.valleyair.org/grants/zero-emission-landscaping-equipment-voucher-program/.

## 11) District Rules and Regulations

The District issues permits for many types of air pollution sources, and regulates some activities that do not require permits. A project subject to District rules and regulations would reduce its impacts on air quality through compliance with the District's regulatory framework. In general, a regulation is a collection of individual rules, each of which deals with a specific topic. 16

As an example, Regulation II (Permits) includes District Rule 2010 (Permits Required), Rule 2201 (New and Modified Stationary Source Review), Rule 2520 (Federally Mandated Operating Permits), and several other rules pertaining to District permitting requirements and processes.

The list of rules below is neither exhaustive nor exclusive. Current District rules can be found online at: https://ww2.valleyair.org/rules-and-planning/current-district-rules-and-regulations. To identify other District rules or regulations that apply to future projects, or to obtain information about District permit requirements, the project proponents are strongly encouraged to contact the District's Small Business Assistance (SBA) Office at (559) 230-5888. 16 CONT

**11a) District Rule 9510 - Indirect Source Review (ISR)**

The Project is subject to District Rule 9510 because it will receive a project-level discretionary approval from a public agency and will equal or exceed 25,000 square feet of industrial development space.

The purpose of District Rule 9510 is to reduce the growth in both NOx and PM emissions associated with development and transportation projects from mobile and area sources; specifically, the emissions associated with the construction and subsequent operation of development projects. The ISR Rule requires developers to mitigate their NOx and PM emissions by incorporating clean air design elements into their projects. Should the proposed development project clean air design elements be insufficient to meet the required emission reductions, developers must pay a fee that ultimately funds incentive projects to achieve off-site emissions reductions.

Per Section 5.0 of the ISR Rule, an Air Impact Assessment (AIA) application is required to be submitted no later than applying for project-level approval from a public agency. As of the date of this letter, the District has not received an AIA application for this Project. Please inform the project proponent to immediately submit an AIA application to the District to comply with District Rule 9510 so that proper mitigation and clean air design under ISR can be incorporated into the Project's design. One AIA application should be submitted for the entire Project. 17

Information about how to comply with District Rule 9510 can be found online at: https://ww2.valleyair.org/permitting/indirect-source-review-rule-overview

The AIA application form can be found online at: https://ww2.valleyair.org/permitting/indirect-source-review-rule-overview/forms-and-applications/

District staff is available to provide assistance, and can be reached by phone at (559) 230-5900 or by email at ISR@valleyair.org.

**11b) District Rules 2010 and 2201 - Air Quality Permitting for Stationary Sources**

Stationary Source emissions include any building, structure, facility, or installation which emits or may emit any affected pollutant directly or as a fugitive emission. District Rule 2010 (Permits Required) requires operators of emission sources to obtain an Authority to Construct (ATC) and Permit to Operate (PTO) from the District. District Rule 2201 (New and Modified Stationary Source Review) requires that new and modified stationary sources of emissions mitigate their emissions using Best Available Control Technology (BACT). 18

This Project may be subject to District Rule 2010 (Permits Required) and Rule 2201 (New and Modified Stationary Source Review) and may require District permits. Prior to construction, the Project proponent should submit to the District an application for an ATC. For further information or assistance, the project proponent may contact the District's SBA Office at (559) 230-5888.

**11c) District Rule 9410 (Employer Based Trip Reduction)**

The Project may be subject to District Rule 9410 (Employer Based Trip Reduction) if the project would result in employment of 100 or more "eligible" employees. District Rule 9410 requires employers with 100 or more "eligible" employees at a worksite to establish an Employer Trip Reduction Implementation Plan (eTRIP) that encourages employees to reduce single-occupancy vehicle trips, thus reducing pollutant emissions associated with work commutes. Under an eTRIP plan, employers have the flexibility to select the options that work best for their worksites and their employees. 19

Information about District Rule 9410 can be found online at: https://ww2.valleyair.org/compliance/rule-9410-employer-based-trip-reduction/.

For additional information, you can contact the District by phone at 559-230-6000 or by e-mail at etrip@valleyair.org

**11d) District Rule 4002 (National Emissions Standards for Hazardous Air Pollutants)**

The Project will be subject to District Rule 4002 since the Project will include demolition, renovation, and removal of existing structures. To protect the public from uncontrolled emissions of asbestos, this rule requires a thorough inspection for asbestos to be conducted before any regulated facility is demolished or renovated. Any asbestos present must be handled in accordance with established work practice standards and disposal requirements. 20

Information on how to comply with District Rule 4002 can be found online at: https://ww2.valleyair.org/compliance/demolition-renovation/. 20 CONT

**11e) Other District Rules and Regulations**

The Project may also be subject to the following District rules: Rule 4641 (Cutback, Slow Cure, and Emulsified Asphalt, Paving and Maintenance Operations). 21

**12) District Comment Letter**

The District recommends that a copy of the District's comments be provided to the Project proponent. 22

If you have any questions or require further information, please contact Jacob Torrez by e-mail at Jacob.torrez@valleyair.org or by phone at (559) 230-6558.

Sincerely,

Tom Jordan
Director of Policy and Government Affairs

For: Mark Montelongo
Program Manager

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### *San Joaquin Valley Air Pollution Control District (SJVAPCD)*

*Comment SJVAPCD-1*
This commenter provides introductory remarks and summarizes the proposed project.

*Response to SJVAPCD-1*
The commenter does not raise a substantive issue on the content of the Draft EIR. The comment has been noted for the record and revisions to the Draft EIR are not required; no further response is required.

*Comment SJVAPCD-2*
The commenter notes a discrepancy in construction sequencing between the air quality appendix and the Draft EIR, wherein the air quality appendix references a construction end year of 2033 instead of 2028 as shown in the Draft EIR, and requests the inconsistencies be rectified.

*Response to SJVAPCD-2*
The comment is noted for the record. Appendix B of the Draft EIR included a California Emissions Estimator Model (CalEEMod) output file for Phase 3 that erroneously showed construction through year 2033 instead of year 2028, which did not match the results and information that were contained in the Air Quality, Greenhouse Gas Emissions, and Energy Analysis Report or the Air Quality section of the Draft EIR. That portion of the appendix was erroneously compiled using an outdated file. However, this inadvertent error in the output file of appendix material did not affect the air quality analysis and finding because the actual modeling, which was relied upon in the analysis in the Draft EIR, was prepared using the correct files. However, for purposes of clarity in the record and in response to the comment, Appendix A of the Air Quality, Greenhouse Gas Emissions, and Energy Analysis Report (Appendix B of the Draft EIR) has been updated; this updated Appendix is included in the Final EIR.

Similarly, although both sequential and concurrent phasing were considered for purposes of a conservative analysis, Tables 3.3-13 and 3.3-14 of the Draft EIR each had one erroneous footnote noting that the emissions represented concurrent phasing, when these tables actually present the calculations for sequential phasing which would last from year 2024 to 2028 as correctly shown in the tables. As noted above, the "Construction Phase 3–Mitigated" CalEEMod Output files on Pages 190-231 of Appendix A of the Air Quality, Greenhouse Gas Emissions, and Energy Analysis Report (Draft EIR Appendix B) were replaced with CalEEMod output files that matched the emissions and construction duration presented in the EIR. The Final EIR Section 3, Errata removes the erroneous footnote in each table for clarification purposes to reflect consistency, as requested by the comment. The typographical error and subsequent revision do not affect the air quality modeling, analysis, and findings and no substantive revisions to the Draft EIR are necessary. The CEQA Guidelines require recirculation only when "significant new information" is added to an EIR after the Draft EIR is released for public review but before certification of the FEIR. (Public Resources Code § 21092.State CEQA Guidelines § 15088.5(a)). Analysis that is provided only for informational purposes (and that is not legally required) does not qualify as significant new information and would not result in a new significant impact or an increase in severity in a previously identified significant impact or otherwise trigger recirculation.

*Comment SJVAPCD-3*
The commenter recommends that Mitigation Measure (MM) AIR-2g in the Draft EIR be revised to include a requirement for the relevant project sponsor to enter into a Voluntary Emission Reduction Agreement (VERA) for the project and describes that a VERA is a contractual agreement between the project proponent and the SJVAPCD that can properly be characterized as an enforceable mitigation measure to mitigate project-related emissions.

*Response to SJVAPCD-3*
See Response LIUNA-4.

*Comment SJVAPCD-4*
The commenter notes that it reviewed the Health Risk Assessment (HRA)/Ambient Air Quality Analysis (AAQA) and provides the following comments. The commenter recommends that an AAQA be performed to confirm the Draft EIR's conclusion that the project would not exceed established ambient air quality standards for NOx, $PM_{10}$, and particulate matter 2.5 micrometers or less in diameter ($PM_{2.5}$).

*Response to SJVAPCD-4*
See Response to LIUNA-14.

The comment has been noted for the record. The commenter does not otherwise raise a substantive issue on the content of the EIR, and revisions to the Draft EIR are not necessary.

*Comment SJVAPCD-5*
The commenter notes that variable emission rates were used in the HRA, and requests that a worker adjustment factor (WAF) in HARP2[7] be used for estimating worker risk to ensure such risk is not underestimated. The commenter notes that HARP2 assumes all emissions are continuous and reduces worker exposure accordingly. The commenter concludes that WAF should be used for non-continuous sources.

*Response to SJVAPCD-5*
The commenter is specific to selecting a WAF to be used to prevent underestimating worker risk. It is unclear whether the commenter is referring to on-site or off-site workers. However, neither on-site nor off-site workers need to be specifically analyzed for the following reasons. As discussed in page 3.3-62 of Section 3.3, Air Quality, on-site workers are not required to be addressed through the HRA process, consistent with guidance published by the California Air Pollution Control Officers Association (CAPCOA), *Health Risk Assessments for Proposed Land Use Projects*, which indicates that on-site receptors are included in risk assessments if they are persons not employed by the proposed project. The only people who would be on-site for a significant period would be on-site workers. Therefore, an HRA for on-site receptors consisting of on-site workers is not required.

See Response GSEJA-7.

Therefore, the Draft EIR and related technical appendices adequately disclosed all assumptions and methodologies utilized in the HRA, including, among others, the ASF and FAH, and accurately

[7] HARP2 is the Hotspots Analysis Reporting Program, Health Risk Assessment Stand-alone Tool, Version 2.

evaluated and disclosed the project's potential health risk impacts. Based on the information presented above, the Lead Agency is of the opinion that project impacts related to air quality have been fully disclosed, adequately analyzed and appropriately mitigated to the extent feasible under CEQA, therefore no further analysis or revisions are required except for clarification as noted above.

*Comment SJVAPCD-6*
The commenter notes that the project description contemplates two QSRs and asserts that although the specifics regarding the type of QSR are unknown at this time, the Draft EIR should nonetheless evaluate the health risk from potential polycyclic aromatic hydrocarbons (PAHs) from commercial cooking operations.

*Response to SJVAPCD-6*
It would be speculative to attempt this evaluation. Speculation is not required by CEQA because an EIR need not speculate on impacts that are not foreseeable (CEQA Guidelines § 15144 and §15145.) A potential health risk is too speculative to evaluate without knowing the specifics on the type of QSR and CEQA does not require a "worst-case" analysis, but merely what is reasonably foreseeable. While CEQA Guidelines §15144 acknowledges that some degree of forecasting is involved in preparing an EIR, and that an agency must use its best efforts to find out and disclose all that it reasonably can, CEQA also confirms that "foreseeing the unforeseeable is not possible." Pursuant to CEQA Guidelines §15146, the degree of specificity required in an EIR will correspond to the degree of specificity involved in the underlying activity which is described in the Draft EIR. Thus, CEQA limits the requirement for forecasting to that which could be reasonably expected under the circumstances and is part of the effort to provide a general "rule of reason" for EIR contents.

See Response GSEJA-7.

This comment has been noted for the record and revisions to the Draft EIR are not necessary.

*Comment SJVAPCD-7*
The commenter states that Draft EIR's operational health risk analysis assumed a 30-year residential exposure period for estimating cancer risk and that SJVAPCD recommends estimating residential cancer risk using a 70-year exposure period.

*Response to SJVAPCD-7*
See response to GSEJA-7.

*Comment SJVAPCD-8*
The commenter states that modifications to the HRA and/or AAQA based on the deficiencies listed by the comment have the potential to cause the project to exceed District health risk thresholds and/or cause or contribute to an exceedance of any ambient air quality standard. Therefore, the comment recommends that the HRA be revised and/or AAQA be conducted to reflect the comments above.

*Response to SJVAPCD-8*
Responses to each comment are shown in Response to SJVAPCD-4 through SJVAPCD-7, above. Warranted revisions were made to the HRA per Comment SJVAPCD-7. For the reasons set forth in the responses above and as otherwise documented in the EIR, the City, in its discretion as the Lead

Agency, has determined that the analysis reflected in the Draft EIR satisfies CEQA's requirements. Nonetheless, in order to be responsive to the commenter, the City has incorporated the above-described clarifying revisions, none of which would result in any significant changes to the Draft EIR, including, without limitation, changes to the significance conclusions. These modifications add clarity to the EIR and do not reflect a new or substantially increased significant impact or otherwise trigger recirculation under CEQA Guidelines Section 15088.5.

*Comment SJVAPCD-9*
The commenter recommends the City incorporate emission reduction strategies that can reduce potential harmful health impacts and then lists 11 suggested measures.

*Response to SJVAPCD-9*
The list of suggested measures and responses to each measure are discussed below. As identified in Section 3.3, Air Quality, and in accordance with the requirements under CEQA, a series of feasible mitigation measures have been identified, which would be imposed on the proposed project to reduce emissions and health risk impacts to the extent practicable. As requested by the commenter, the City and its consultants have considered the feasibility of incorporating the suggested additional measures. As detailed below, many of the recommended measures are required to be implemented by existing laws and regulations and/or are already included as part of the identified mitigation measures in the Draft EIR. The suggested measures that are not included are either not applicable to the proposed project, not required as project impacts related to the recommended measure would not occur, or because the project applicant and the Lead Agency do not have the authority to require or enforce the suggested measure, thereby rendering the recommendation infeasible, as detailed below.

The following responses include discussion of new mitigation measures suggested by the District. Under *Laurel Heights Improvement Ass'n v. Regents of Univ. of Cal.* (1993) 6 C4th 1112 and CEQA Guidelines Section 15088.5(a)(3)), when information added to the Final EIR consists of a suggested new mitigation measure, recirculation is only required if the mitigation measure meets each of the following criteria (*South County Citizens for Smart Growth v. County of Nevada* (2013) 221 CA4th 316, 330):

- It is feasible;
- It is considerably different from the alternatives or mitigation measures already evaluated in the Draft EIR;
- It would clearly lessen the project's significant environmental impacts; and
- It is not adopted.

For the reasons described herein, none of the above triggers has occurred with respect to the suggested measures, does not reflect a new or substantially increased significant impact or otherwise trigger recirculation under CEQA Guidelines Section 15088.5.

See response to GSEJA-3 and AFTE-5.

*Comment SJVAPCD-10*
The commenter suggests that the City evaluate HDD truck routing patterns for the project with the aim of limiting exposure of residential communities and sensitive receptors to emissions. The comment then identifies the suggested components of such an evaluation, including consideration of the current truck routes, the quantity and type of each truck, trip destination/origin, traffic volume correlation with the time of day or the day of the week, overall VMT, associated exhaust emissions, and alternative truck routes.

*Response to SJVAPCD-10*
This suggested measure has been addressed in Response to SJVAPCD-9; the requested analysis is not warranted. The comment has been noted for the record and revisions to the Draft EIR are not necessary.

*Comment SJVAPCD-11*
The commenter generally summarizes the broad goal of making significant reductions in emissions from HHD trucks in order that the San Joaquin Valley be able to attain stringent health-based air quality standards, and thus Air District attainment plans rely on a "significant and rapid transition of HHD fleets to zero or near-zero emissions technologies." The comment then suggests that fleets associated with operational activities be required to utilize the cleanest available HHD trucks, including zero and near-zero technologies.

*Response to SJVAPCD-11*
To the extent the comment is general in nature and does not raise any specific project-related environmental issues under CEQA. The comment has been noted for the record and revisions to the Draft EIR are not necessary.

With respect to the specific suggested measure, this has been addressed in Response to SJVAPCD-9. For the reasons set forth therein and in the Draft EIR, and revisions to the Draft EIR are not warranted. The comment has been noted for the record.

*Comment SJVAPCD-12*
The commenter suggests that the City require all nonresidential buildings be designed to provide electric infrastructure to support the use of on-road zero emissions vehicles, such as HHD trucks associated with an industrial development for warehouse and distribution. The comment then summarizes generally the incentives offered by SJVAPCD to public agencies, business and property owners to support and accelerate the installation of EV charging equipment, as well as the purpose of SJVAPCD's Charge Up! Incentive program. The commenter makes a general recommendation that the City and project proponents install EV chargers at project sites, and at strategic locations.

*Response to SJVAPCD-12*
The comment is noted for the record. Since the comment is general in nature and does not raise any specific project-related environmental issues under CEQA, no further response is required.

For informational purposes, the following is noted. MM AIR-2d requires installation of infrastructure for EV charging stations for a minimum of 20 percent of all vehicle parking spaces (including parking for trucks), consistent with the applicable CALGreen Tier 1 Nonresidential Mandatory Measure (Section A5.106.5.3).

Furthermore, MM AIR-2d requires the buildings' electrical room to be sufficiently sized to hold additional panels that may be needed to supply power for the future installation of EV truck charging stations on the site. Therefore, this suggested general measure is similar to identified measures already identified in the Draft EIR that would be imposed on the project. Given the foregoing, the commenter does not otherwise raise a substantive issue on the content of the EIR. Revisions to the Draft EIR are not necessary. Based on the information presented above, the Lead Agency is of the opinion that potential project impacts related to air quality have been fully disclosed, adequately analyzed and appropriately mitigated to the extent feasible under CEQA, therefore no further analysis or revisions are required except for clarifications as noted above.

*Comment SJVAPCD-13*
The commenter provides a general summary of the goal of idling restrictions in terms of limiting the potential for localized $PM_{2.5}$ and toxic air contaminant impacts. It then suggests that the Draft EIR be revised to (1) include measures to ensure compliance of the State anti-idling regulation (13 CCR § 2485 and 13 CCR § 2480) and (2) discuss the importance of limiting the amount of idling, especially near sensitive receptors. In addition, the commenter recommends the City consider the feasibility of implementing a more stringent 3-minute idling restriction and requiring appropriate signage and enforcement of idling restrictions.

*Response to SJVAPCD-13*
To the extent the comment is general in nature and does not raise any specific project-related environmental issues under CEQA, no revisions to the Draft EIR is required.

With respect to the specific suggested measure, State anti-idling regulations are discussed extensively in Section 3.3.2, Regulatory Framework, of Section 3.3, Air Quality, of the Draft EIR. The proposed project is required to comply with all applicable laws and regulations including the ones related to anti-idling. Therefore, this requested measure is similar to an existing regulation that would be applied to the proposed project, and thus no revisions to the Draft EIR are warranted.

With respective to a more stringent three-minute idling limit, the commenter has not demonstrated how the recommended mitigation would clearly lessen any significant environmental impacts compared to the mitigation measure already evaluated in the Draft EIR. Furthermore, as shown in Table 3.3-22, Section 3.3, Air Quality, of the Draft EIR, the proposed project would have less than significant combined construction and operation health risk impacts with implementation of feasible mitigation measures. Because the suggested measure would not reduce an environmental impact caused by the proposed project, there is no legal nexus of this measure to any identified impacts of the proposed project and thus the Lead Agency does not have the legal authority to impose such a restriction—which goes beyond the already-stringent requirements under State law—on the proposed project. Therefore, the suggested mitigation is not feasible, would not be necessary to reduce any significant impact from the proposed project, and is not required under CEQA. The comment has been noted for the record and revisions to the Draft EIR are not necessary.

*Comment SJVAPCD-14*
The commenter notes that the proposed project would include commercial development with the potential for restaurants with underfired char broilers. The comment goes on to make a general statement that such features, if used, may pose the potential for immediate health risk, particularly

when located in densely populated areas or near sensitive receptors, given the potential for release of emissions of $PM_{2.5}$ and PAH. The commenter then notes generally that controlling such emissions will have a positive impact on public health (and is essential for achieving attainment of multiple federal $PM_{2.5}$ standards) and provides a general summary of the foregoing issues with respect to neighborhood-level concentrations. Therefore, the commenter recommends a measure requiring the assessment and potential installation, as technologically feasible, of particulate matter emission control systems for new large restaurants operating underfired char broilers; notes the District's willingness to assist with this assessment; and confirms the availability of incentive funding to implement same.

*Response to SJVAPCD-14*
To the extent the comment is general in nature and does not raise any specific project-related environmental issues under CEQA, no further response is required.

As a preliminary matter, as noted in Response to Comment SJVAPCD-6, any underfired and chain driven char broilers installed as part of the project would be subject to any and all applicable SJVAPCD rules (such as Rule 4692, commercial char broiling) and/or any ARB/Statewide control measures in place at the time of construction, and any such emissions would be captured and controlled by provisions under SJVAPCD Stationary Source Rules and permitting processes and risks would be addressed at such time. Furthermore, also as discussed in Response to Comment SJVAPCD-9, the potential impacts of commercial cooking operations such as a char broiler, which may or may not be used in the proposed QSRs, are too speculative to analyze at this point as there are parameters currently unknown that are required to prepare a reasonable HRA of the proposed QSRs.

Additionally, the suggested measure is infeasible because there is a lack of evidence to support an essential nexus and rough proportionality between this requirement and the nature and extent of anticipated impacts associated with the project. Public agencies may use their discretionary powers granted by laws other than CEQA to mitigate environmental impacts. CEQA does not, however, expand the powers granted by other laws or otherwise confer an independent grant of authority to impose mitigation measures on a project. When imposing mitigation for a project's significant environmental effects, a public agency may only exercise those powers provided by legal authority independent of CEQA (PRC § 21004). The CEQA Guidelines specify that CEQA does not grant new or independent powers to public agencies (CEQA Guidelines § 15040). Accordingly, an agency's exercise of discretionary powers must be within the scope of the power granted by laws and be consistent with express or implied limitations (CEQA Guidelines § 15040(d), (e)). Mitigation measures that are beyond the powers conferred by law on lead agencies are legally infeasible. Here, the City, as Lead Agency, would have no legal authority to impose such a measure and thus it is infeasible. Accordingly, because conducting such an analysis would require speculation, and any such mitigation would be infeasible in any event. The commenter does not otherwise raise a substantive issue on the content of the EIR. No change is warranted and no further response is required.

For informational purposes, the following is noted. Currently, in general, the lack of commercially available and feasibly demonstrated control technologies is the primary barrier for moving forward with control strategies for char broiler emissions, both within the SJVAPCD and other air districts in the State and country. Based on available information from the District, the City understands the

following. The SJVAPCD has done extensive research and testing on controls for such char broilers, including incentive funding and demonstration programs, with limited participation from eligible food industry sources.[8] The District has explored regulatory control requirements for these sources via an amendment to Rule 4692 but has not moved forward with any requirements requiring controls since the technology is not feasible or available. The District has, however, implemented a registration program for underfired char broilers that would meet or exceed a significance threshold based on the amount of meat that would be cooked on these units.

In December 2020, the SJVAPCD Governing Board adopted a comprehensive strategy to continue to address emissions from commercial underfired char broilers, focusing on continued research and education and Statewide partnership efforts.[9] The District is working with the ARB as they consider developing a Statewide Suggested Control Measure, working with the ARB/EPA in making improvements to the emissions inventory for commercial underfired char broiling, and formalizing the restaurant workgroup to stay connected with current industry conditions and to continue to develop and deploy underfired char broiler emissions control technology.

As per the District's own strategy report, 4,200 restaurants were contacted by the program, 15 restaurants evaluated the potential for control technology and ultimately none of these restaurants considered moving forward after this additional outreach. These evaluations consisted of a lengthy detailed analysis, where all businesses declined to move forward with controls due to feasibility issues related to the installation of the control devices and local permitting challenges, and concerns about the cost of maintenance after the funded 2-year demonstration period concluded under the Restaurant Char Broiler Technology Partnership (RCTP). The comments have been noted for the record and revisions to the Draft EIR are not necessary.

Based on the information presented above, the Lead Agency is of the opinion that potential project impacts related to air quality have been fully disclosed, adequately analyzed and appropriately mitigated to the extent feasible under CEQA, therefore no further analysis or revisions are required except for clarifications as noted above

*Comment SJVAPCD-15*
This comment notes that the proposed project would include commercial development, and then goes on to provide a general summary of how gas powered lawn and garden equipment have the potential to result in an increase of $NO_X$ and $PM_{2.5}$ emissions. It then notes generally that utilizing electric lawn care equipment can provide residents with immediate economic, environmental, and health benefits. The comment suggests the project applicant participate in SJVAPCD's Clean Green Yard Machines program which provides incentive funding for replacement of existing gas powered lawn and garden equipment.

[8] San Joaquin Valley Air Pollution Control District (SJVAPCD). 2022. Item Number 11: Adopt Proposed Commercial Underfired Charbroiling Emission Reduction Strategy. November. Website: https://ww2.valleyair.org/media/cbyjeiz5/12-20-strategy.pdf. Accessed July 1, 2024.

[9] San Joaquin Valley Air Pollution Control District (SJVAPCD). 2022. Item Number 11: Adopt Proposed Commercial Underfired Charbroiling Emission Reduction Strategy. November. Website: https://ww2.valleyair.org/media/cbyjeiz5/12-20-strategy.pdf. Accessed July 1, 2024.

*Response to SJVAPCD-15*
To the extent the comment is general in nature and does not raise any specific project-related environmental issues under CEQA. The comment has been noted for the record and revisions to the Draft EIR are not necessary.

With respect to the specific suggested measure, MM AIR-2c requires that all on-site off-road and on-road service equipment, including lawn and garden equipment, utilize zero-emission technology, subject to the same being commercially practicable. Therefore, this suggested mitigation measure is similar to recommended measures already identified in the Draft EIR and thus no change is warranted. The comment has been noted for the record and revisions to the Draft EIR are not necessary.

*Comment SJVAPCD-16*
The commenter generally notes that the District issues permits for many different types of air pollution sources and regulates some activities that do not require permits. The comment then indicates that projects subject to District rules and regulations would reduce their air quality impacts through compliance with the regulatory framework. The comment goes on to provide a definition of a regulation and a general summary of the various regulations as examples, such as Regulation II, Rules 2010, 2201, and 2520.

*Response to SJVAPCD-16*
The commenter does not raise any specific project-related environmental issues under CEQA. The comment has been noted for the record and revisions to the Draft EIR are not necessary.

*Comment SJVAPCD-17*
This commenter states that the proposed project is submitted to District Rule 9510–Indirect Source Review (ISR) because it will receive a project-level discretionary approval from a public agency and will equal or exceeds 25,000 square feet of light industrial space. This comment provides a general summary of the requirements of District Rule 9510. The commenter states that the ISR Rule requires developers to mitigate their $NO_X$ and particulate matter (PM) emissions by incorporating clean air design elements into their projects. Should the subject development's clean air design elements be insufficient to meet the required emission reductions, developers must pay a fee that funds incentive projects to achieve off-site emission reductions. The commenter also states that according to Section 5.0 of the ISR rule, an Air Impact Assessment (AIA) application is required to be submitted no later than applying for project-level approval from a public agency. The comment states that the District has not received an AIA application for the project, and requests immediate submittal of an AIA application to the District to comply with District Rule 9510.

*Response to SJVAPCD-17*
To the extent the comment is general in nature and does not raise any specific project-related environmental issues under CEQA, no further response is required. As noted in the Draft EIR, the proposed project would be required to comply with applicable SJVAPCD rules, plans and regulations and, as such, the project proponent would coordinate with the SJVAPCD as necessary. This comment does not otherwise raise a substantive issue on the content of the Draft EIR. The comment has been noted for the record and revisions to the Draft EIR are not necessary.

*Comment SJVAPCD-18*
The commenter generally summarizes the definition of stationary source emissions, notes relevant District Rules 2010 and 2201, describes the nature of the mitigation that may be imposed generally under District Rule 2201; states that the proposed project may be subject to these rules; and the comment also recommends that the project applicant submit an application for an Authority to Construct (ATC) prior to construction.

*Response to SJVAPCD-18*
See Response to SJVAPCD-17, above. To the extent the commenter is general in nature and does not raise any specific project-related environmental issues under CEQA, no further response is required.

Section 3.3, Air Quality, of the Draft EIR discusses at length the SJVAPCD's authority to regulate air pollution sources and confirms that the proposed project would be required to comply with all applicable District rules and regulations (e.g., page 3.3-25; see also discussion for Impact AIR-1). For purposes of further clarifying and amplifying the analysis, the SJVAPCD's Regulation II, Rules 2010 and 2201 have been added to Section 3.3, Air Quality, page 3.3-25 of the Draft EIR, and corresponding edits are reflected in Section 3.1 of the Errata. None of these clarifications and amplifications result in substantial changes to the EIR or any of the conclusions or would otherwise trigger recirculation under CEQA Guidelines Section 15088.5.

*Comment SJVAPCD-19*
The commenter states that the proposed project may be subject to SJVAPCD Rule 9410, and then goes on to generally summarize how this rule imposes an obligation on specified employers to establish an Employer Trip Reduction Implementation Plan (eTRIP).

*Response to SJVAPCD-19*
See Response to SJVAPCD-17 and SJVAPCD-18, above. To the extent the comment is general in nature and does not raise any specific project-related environmental issues under CEQA. The comment is noted for the record and no further response is required.

Section 3.3, Air Quality, of the Draft EIR discusses at length the SJVAPCD's authority to regulate air pollution sources and confirms that the proposed project would be required to comply with all applicable District rules and regulations (e.g., page 3.3-25; see also discussion for Impact AIR-1). For purposes of further clarifying and amplifying the analysis, the SJVAPCD's Rule 9410 has been added to Section 3.3, Air Quality, page 3.3-26 of the Draft EIR, and corresponding edits are reflected in Section 3.1 of the Errata. None of these clarifications result in substantial changes to the EIR or any of the conclusions regarding potential impacts or would otherwise trigger recirculation under CEQA Guidelines Section 15088.5.

*Comment SJVAPCD-20*
The commenter states that the proposed project would be subject to SJVAPCD's Rule 4002 since the proposed project would include demolition, renovation, and removal of existing structures. The comment then generally summarizes the requirements of this rule.

*Response to SJVAPCD-20*
See Response to SJVAPCD-17 through SJVAPCD-19, above. To the extent the comment is general in nature and does not raise any specific project-related environmental issues under CEQA, no further response is required.

Section 3.3, Air Quality, of the Draft EIR discusses at length the SJVAPCD's authority to regulate air pollution sources and confirms that the proposed project would be required to comply with all applicable District rules and regulations. In particular, the analysis considers impacts associated with the proposed demolition (see the discussion for Impact AIR-1 and Impact AIR-2). For purposes of further clarifying and amplifying the analysis, the SJVAPCD's Rule 4002 has been added to Section 3.3, Air Quality, page 3.3-25 of the Draft EIR, and corresponding edits are reflected in Section 3.1 of the Errata. None of these clarifications and amplifications result in substantial changes to the EIR or any of the conclusions or would otherwise trigger recirculation under CEQA Guidelines Section 15088.5.

*Comment SJVAPCD-21*
The commenter notes that the proposed project would be subject to SJVAPCD Rule 4641 (Cutback, Slow Cure, and Emulsified Asphalt, Paving and Maintenance Operations).

*Response to SJVAPCD-21*
See Response to SJVAPCD-17 through SJVAPCD-20, above. Section 3.3, Air Quality, of the Draft EIR discusses at length the SJVAPCD's authority to regulate air pollution sources and confirms that the proposed project would be required to comply with all applicable District rules and regulations, including, among others, District Rule 4641 (e.g., pages 3.3-25 through -26 of the Draft EIR; see also discussion for Impact AIR-1). The comment has been noted for the record and revisions to the Draft EIR are not necessary.

*Comment SJVAPCD-22*
The commenter states that the SJVAPCD recommends that a copy of the District's comments be provided to the project proponent.

*Response to SJVAPCD-22*
SJVAPCD's comments have been provided to the project applicants and are included in the Final EIR for review by decision-makers and have been noted for the record.

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# SECTION 3: ERRATA

The following are revisions to the Draft EIR for the proposed Shirk and Riggin Industrial Project (proposed project). These revisions are minor modifications, amplifications, and clarifications to the document and do not change the significance of any of the environmental issue conclusions within the Draft EIR. The revisions are listed by page number. All additions to the text are underlined (underlined) and all deletions from the text are in strikeout (~~strikeout~~).

As discussed below, these revisions are intended to clarify and amplify via the provision of additional information. The California Environmental Quality Act (CEQA) only requires recirculation of a Draft EIR when the lead agency adds "significant new information" to an EIR after public notice is given of the availability of a Draft EIR for public review but before EIR certification. (CEQA Guidelines Section 15088.5; see, e.g., *South County Citizens for Smart Growth v. County of Nevada* (2013) 221 CA4th 316, 330.)

Recirculation is not required where the new information added to the EIR merely clarifies or amplifies or makes insignificant modifications in an adequate EIR. (CEQA Guidelines Section 15088.5(b).) When information added to the final EIR consists of revisions to mitigation measures and/or replaces mitigation measures, recirculation is required only if the new mitigation measure meets all of the following criteria:

- It is feasible;
- It is considerably different from the alternatives or mitigation measures already evaluated in the Draft EIR;
- It would clearly lessen the project's significant environmental impacts; and
- It is not adopted.

Recirculation is required only if each of the above tests is met. *South County Citizens*, 221 CA4th at 330. None of the clarifications or revisions identified below differ considerably from the analysis in the Draft EIR. Additionally, the clarifications and revisions identified below are all recommended for adoption. Accordingly, recirculation of the Draft EIR is not required.

## 3.1 - Changes in Response to Specific Comments

### Executive Summary

***Page ES-10–ES-12, Table ES-1: Executive Summary Matrix, Section 3.3—Air Quality***

The following text has been updated:

**MM AIR-2b Super Compliant Architectural Coating During Construction**

Prior to issuance of a grading permit in connection with an individual specific development proposal for the proposed project, the relevant project sponsor shall submit to the City of Visalia ~~Planning Division~~ construction contracts and/or

subcontracts reasonably documenting that all architectural coating material utilized in connection with the subject individual specific development proposal would not exceed 10 grams of volatile organic compound (VOC) per liter of coating.

To satisfy the above, the relevant project sponsor shall include in any construction contracts and/or subcontracts for the subject individual specific development proposal a requirement that all interior and exterior architectural coatings used in project construction meet the "supercompliant" coating VOC content standard of 10 grams or less of VOC per liter of coating. The relevant project sponsor shall also specify in the subject construction contracts and/or subcontracts the requirement to use high-volume, low-pressure spray guns during coating applications to reduce coating waste.

**MM AIR-2c Electric or Zero-emission On-site Off-road and On-road Service Equipment**

Prior to issuance of the construction grading permit in connection with an individual specific development proposal for the proposed project, the relevant project sponsor shall provide reasonable documentation to demonstrate to the City of Visalia ~~Planning Division~~ that all on-site off-road and on-road service equipment will utilize zero-emission technology, subject to the same being commercially practicable. Additionally, the relevant project sponsor shall provide reasonable documentation to the City of Visalia ~~Planning Division~~ that all proposed buildings in connection with the subject individual specific development proposal that would use on-site service equipment will be designed to include electric outlets to support the use of all-electric or zero-emission on-site service equipment, subject to the same being commercially practicable.

**MM AIR-2d Electric Vehicle Charging Infrastructure**

Prior to issuance of the grading or building permit in connection with an individual specific development proposal for the proposed project, whichever occurs first, the relevant project sponsor shall provide reasonable documentation to the City of Visalia ~~Planning Division~~ demonstrating that the subject individual specific development proposal shall incorporate infrastructure for electric vehicle (EV) charging stations into a minimum of 20 percent of all vehicle parking spaces (including parking for trucks), consistent with the applicable California Green Building Standards Code Tier 1 Nonresidential Mandatory Measure (Section A5.106.5.3). To satisfy the foregoing, EV charging spaces must provide electrical vehicle charging infrastructure to support future installation of EV supply equipment and shall meet the applicable design space requirements of California Green Building Standards Code Section 5.106.5.3.

In addition, the buildings' electrical room shall be sufficiently sized to hold additional panels that may be needed to supply power for the future installation of EV truck charging stations on the site. Conduit should be installed from the electrical room to

tractor trailer parking spaces in a logical location(s) on the site determined by the project applicant during construction document plan check, for the purpose of accommodating the future installation of EV truck charging stations at such time this technology becomes commercially available and the buildings are being served by trucks with electric-powered engines.

**MM AIR-2e On-Site Signage and Pavement Markings**

In connection with an individual specific development proposal for the proposed project, the relevant project sponsor shall provide reasonable documentation to the City of Visalia ~~Planning Division~~ demonstrating signage and pavement marking that show on-site circulation routes have been or will be included along the relevant portions of the project site driveways and internal roadways.

**MM AIR-2f Vegetative Barrier**

Prior to issuance of the grading or building permit in connection with an individual specific development proposal for the proposed project, whichever occurs first, the relevant project sponsor shall provide reasonable documentation to the City of Visalia ~~Planning Division~~ demonstrating the inclusion of a vegetative barrier along the south and east property boundaries of the project site. Prior to issuance of first occupancy permit, the project applicant shall demonstrate to the City of Visalia ~~Planning Division~~ the installation of the vegetative barrier at the described locations.

**MM AIR-2g Voluntary Emission Reduction Agreement**

Prior to issuance of the grading or building permit in connection with an individual specific development proposal for the proposed project, whichever occurs first, the relevant project sponsor shall consult with the City of Visalia ~~Planning Division~~ about the feasibility of entering into a Voluntary Emissions Reduction Agreement (VERA) with the Valley Air District.

***Page ES-16–ES-18, Table ES-1: Executive Summary Matrix, Section 3.4—Biological Resources***

The following text has been updated:

**MM BIO-1d** Not more than 14 days before start of ground disturbance, a qualified Biologist shall conduct surveys to determine the presence/absence of the following special-status wildlife species: Crotch's bumblebee, San Joaquin kit fox, western burrowing owl, and American badger. Surveys conducted for Crotch's bumblebee shall follow the survey methodology outlined in the Survey Considerations for California Endangered Species Act Candidate Bumble Bee Species (CDFW 2023) protocol. In the event a Crotch's bumblebee nest is detected within the project site, CDFW shall be consulted to the extent required under applicable laws and regulations to determine how best to implement project activities and avoid take. If take cannot be avoided, an Incidental Take Permit (ITP) shall be obtained to the extent required under

applicable laws and regulations, pursuant to Fish and Game Code Section 2081 subdivision (b).

Should ~~any of the foregoing special-status wildlife species~~ San Joaquin kit fox, western burrowing owl, or American badger be detected, the qualified Biologist shall coordinate with the California Department of Fish and Wildlife (CDFW) and/or the United States Fish and Wildlife Service (USFWS) (as appropriate and to the extent required under applicable laws and regulations) to determine adequate protection measures as may be required under applicable laws and regulations, and the relevant project developer shall implement all such measures in connection with the development proposal at issue. Copies of all reports and communication with the appropriate wildlife agencies shall be submitted to the lead agency as evidence of compliance.

The following standardized recommendations as outlined by the USFWS for the protection of San Joaquin Kit Fox shall be implemented during project construction:

1. Project-related vehicles should observe a daytime speed limit of 20throughout 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. Nighttime 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.
2. 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 and the California Department of Fish and Game (CDFG) shall be contacted as noted under measure 13 referenced below.
3. 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 moved only once to remove it from the path of construction activity, until the fox has escaped.
4. 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.

5. No firearms shall be allowed on the project site.
6. 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.
7. 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.
8. 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.
9. 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 the previously referenced people and anyone else who may enter the project site.
10. 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.
11. 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.
12. 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 the CDFG immediately in the case of a dead, injured or entrapped kit fox.
13. The Sacramento Fish and Wildlife Office and CDFG 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.

14. 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 kit fox was observed should also be provided to the Service at the address below.

***Page ES-20–ES-21, Table ES-1: Executive Summary Matrix, 3.4—Biological Resources***

The following text has been updated:

**MM BIO-3** The project developer shall submit the preliminary Jurisdictional Delineation (JD) and coordinate with the appropriate regulating agencies (Central Valley Regional Water Quality Control Board [RWQCB], California Department of Fish and Wildlife [CDFW] and the United States Army Corps of Engineers [USACE]) to the extent required under applicable laws and regulations to determine whether the Modoc Ditch is protected under Section 404 and 401 of the Clean Water Act (CWA), Porter-Cologne Water Quality Control Act, and/or Fish and Game Code 1602. Additionally, to the extent required under applicable laws and regulations, the project applicant shall submit a notification pursuant to Fish and Game Code Section 1602 to assist with review of the submitted delineation materials.

If Modoc Ditch is considered jurisdictional by the regulating agencies, the relevant project developer shall, in accordance with all applicable laws and regulations, obtain the relevant permit applications based on coordination with the appropriate regulating agencies, if required prior to impacting any waters.

As part of these authorizations, compensatory mitigation may be required by the regulating agencies to offset the loss of aquatic resources. If so, and as part of the permit application process, a qualified professional shall draft a Mitigation and Monitoring Plan to address implementation and monitoring requirements under the permit(s) to ensure that the subject development proposal would result in no net loss of habitat functions and values. The Plan shall contain, at a minimum, mitigation goals and objectives, mitigation location, a discussion of actions to be implemented to mitigate the impact, monitoring methods and performance criteria, extent of monitoring to be conducted, actions to be taken in the event that the mitigation is not successful, and reporting requirements. The Plan shall be approved by the appropriate regulatory agencies and compensatory mitigation shall take place either on-site or at an appropriate off-site location, if required. Copies of the Plan and associated report shall be submitted to the lead agency as evidence of compliance.

Any material/spoils generated from project activities containing hazardous materials shall be located away from jurisdictional areas or special-status habitat and protected from stormwater runoff using temporary perimeter sediment barriers such as berms, silt fences, fiber rolls, covers, sand/gravel bags, and straw bale barriers, as appropriate and feasible. Protection measures should follow project-

specific criteria as developed in a Storm Water Pollution Prevention and Protection Plan (SWPPP).

Equipment containing hazardous liquid materials shall be stored on impervious surfaces or plastic ground covers to prevent any spills or leakage from contaminating the ground and at least 50 feet outside the delineated boundary of jurisdictional water features.

Any spillage of material shall be stopped if it can be done safely and in a feasible manner. In the event of any such spillage, the contaminated area shall be cleaned by the party responsible for the spillage, and any contaminated materials properly disposed. For all spills, the project foreman or designated environmental representative shall be notified.

### *Page ES-30, Table ES-1: Executive Summary Matrix, Section 3.8—Greenhouse Gas Emissions*

The following text has been updated:

**MM GHG-2a** ~~Rooftop Solar~~ Solar Photovoltaic System

~~Prior to issuance of the first building permit in connection with an individual specific development proposal, the relevant project applicant shall provide the City of Visalia Planning Department reasonable documentation demonstrating that each of the buildings that are covered by the subject individual specific development proposal would be designed with one of the following: (i) rooftop photovoltaic solar panels, (ii) solar-ready rooftop design that shall support the installation of rooftop photovoltaic panel, as feasible, or (iii) roofing material contains light coloring with a solar reflective index greater than 78.~~

Prior to issuance of the first building permit in connection with an individual specific development proposal, the City of Visalia shall confirm that the subject proposal has been designed to include the following: a solar photovoltaic (PV) system in accordance with 2022 Building Energy Efficiency Standards (Energy Code) Section 140.10. The required solar PV system shall be sized based on calculations provided in Section 140.10(a) of the Energy Code, which includes a number of factors such as the amount of conditioned space. Unconditioned buildings, except unoccupied or unused first-time tenant improvement spaces, do not need to be part of the solar sizing calculations. All buildings required to have a solar PV system pursuant to this MM GHG-2a must also have a battery storage system.

### *Page ES-31, Table ES-1: Executive Summary Matrix, Section 3.9—Hazards and Hazardous Materials*

The following text has been updated:

**MM HAZ-1** (a) Any known wells on the project site shall be delineated on an engineered site plan with a minimum 10-foot radius no build area.

(b) In the event that any abandoned or unrecorded wells are uncovered or damaged during excavation or grading activities, all work shall cease in the vicinity of the well, and the California Department of Conservation Geologic Energy Management (CalGEM), shall be contacted for requirements and approval; copies of said approvals shall be submitted to the City of Visalia Planning and Community Preservation ~~Planning~~ Department. CalGEM may determine that remedial plugging operations may be required.

(c) The following note shall appear on all final maps and grading plans: "If during grading or construction, any plugged and abandoned or unrecorded wells are uncovered or damaged, CalGEM will be contacted to inspect and approve any remediation required.

***Page ES-36, Table ES-1: Executive Summary Matrix, Section 3.13—Public Services***

The following text has been added:

**Impact PUB-3:** The proposed project would not result in substantial adverse physical impacts associated with the provision of new or physically altered governmental facilities, need for new or physically altered governmental facilities, the construction of which could cause significant environmental impacts, in order to maintain acceptable service ratios or other performance objectives for schools.

No mitigation measures are required.

Less than significant impact.

***Page ES-34, Table ES-1: Executive Summary Matrix, Section 3.12—Noise***

The following text has been revised:

**MM NOI-1**

(a) Prior to the issuance of a building permit for a drive-through car wash, an in-depth acoustical study prepared by a qualified acoustic professional shall be submitted for review and approval to the City of Visalia Community ~~Development~~ Preservation Department that demonstrates that the design and operations of a proposed drive-through car wash would not result in exceedances of the Visalia Municipal Code's applicable daytime and nighttime noise limits for residential land uses. The study shall evaluate factors such as:

- The location and orientation of noise-generating equipment, such as dryer blowers and vacuums.
- The location and orientation of the drive-through car wash tunnel.
- The hours of operation.
- The location of the drive-through car wash on the project site.

(b) Based on the results of the acoustical study, the project applicant shall be required to incorporate, at a minimum, design features or reduction measures to reduce any identified operational noise impact to meet applicable noise

performance criteria. These reduction measures shall be included on all relevant plans, specifications, and other permitting documents. Measures and design features may include, but are not limited to, the following:

- Locating the car wash facility further away from sensitive receptors, therefore reducing its noise impacts at nearby residential land uses.
- Orienting the facility so that the carwash exit (where the drying blowers would be located) is located facing away from nearby residential land uses.
- Providing sound blankets to hang around the edge of the carwash exit tunnel to help shield the dryer blower noise.
- Locating the dryer blowers further inside the car wash tunnel to help shield the dryer blower noise.
- Providing screening, such as a structure or sound wall, to shield the carwash exit where the dryer blowers would be located from nearby residential land uses.

***Page ES-37, Table ES-1: Executive Summary Matrix, Section 3.14—Transportation and Traffic***

The following text has been revised:

**MM TRANS-2** Prior to the issuance of building permits, the developer shall appropriate Storm Drainage and Waterways impact fees.

**MM TRANS-3** Plaza Drive and Riggin Avenue: ~~Prior to the issuance of grading permits~~ Prior to occupancy of Phae 2, the proposed project shall provide site plans that show modification of the raised median to extend the existing westbound left-turn pocket by 100 feet, to provide a 400-foot left-turn pocket. The existing northbound right-turn stripe shall be extended to 300 feet. ~~These improvements shall occur in the year 2026.~~ These improvements shall occur when construction of the proposed project's Phase 2 846,920 square feet is complete, as shown in the table included in this MM TRANS-3. The project proponent shall be financially responsible for these improvements. "Financially responsible" shall equate to implementing the project as well as paying for the project.

| Project Phase | Total Constructed Square Feet per Phase | Phase Detail |
|---|---|---|
| Phase 1 | 1,864,680 | Light Industrial (Buildings 1 and 2) |
| Phase 2 | 846,920 | Light Industrial (Buildings 3, 4, and 7)<br>Gas Station/Convenience Market (with 12 Vehicle Fueling Stations)<br>Fast-food Restaurant (with Drive-through)<br>Car Wash |
| Phase 3 | 230,800 | Light Industrial (Buildings 5, 6, and 8)<br>Flex Industrial<br>Mini-Storage (with RV parking) |

**MM TRANS-4** Shirk Street and Riggin Avenue: Prior to occupancy of Phase 1, the proposed project shall provide dual northbound left-turn pockets (300-foot minimum) and a 300-foot minimum southbound left-turn pocket. Since a 300-foot eastbound right-turn pocket would already be installed by the Capital Improvement Plan (CIP) project, additional recommendations are not proposed. ~~These improvements shall occur in the year 2025.~~ These improvements shall occur when construction of the proposed project's Phase 1 1,864,680 square feet is complete, as shown in the table included in this MM TRANS-4. The project's contribution into the Transportation Impact Fees (TIF) will assist in paying for these improvements.

| Project Phase | Total Constructed Square Feet per Phase | Phase Detail |
|---|---|---|
| Phase 1 | 1,864,680 | Light Industrial (Buildings 1 and 2) |
| Phase 2 | 846,920 | Light Industrial (Buildings 3, 4, and 7)<br>Gas Station/Convenience Market (with 12 Vehicle Fueling Stations)<br>Fast-food Restaurant (with Drive-through)<br>Car Wash |
| Phase 3 | 230,800 | Light Industrial (Buildings 5, 6, and 8)<br>Flex Industrial<br>Mini-Storage (with RV parking) |

***Page ES-39, Table ES-1: Executive Summary Matrix, Section 3.14—Transportation and Traffic***

The following text has been revised:

**MM TRANS-10b** Prior to final occupancy of any portion of Phase 1, the developer shall construct a bike path along Modoc Ditch, between Kelsey Street and Shirk Street (approximately 1 mile).

The existing Class I bike path along Modoc ditch runs to the east of the proposed project, between Dinuba Boulevard and the St. John's River Trail. The Carlton Acres Specific Plan (CASP) project also proposed to construct a portion of the Class I path within the site. Therefore, the bike path shall connect to a new path proposed within the CASP site and future segments to the east and west. This mitigation is subject to contractability and approval by the Modoc Ditch Company~~Cal Water~~.

## Chapter 2, Project Description

***Page 2-11, Section 2.6, Required Actions and Approvals***

The following text has been updated:

The proposed project would require the certification of the EIR and the following discretionary approvals from the City:

- Approval of a Development Agreement
- Approval of Resolution Initiating Annexation Proceedings
- Approval of the Site Plan
- Approval of Tentative Parcel Map
- Conditional Use Permit for the conditionally permitted uses proposed (convenience store, drive-through restaurants), some of the proposed lot sizes in the light industrial zoning, and lots without public street frontage.

In addition to the above required actions and approval, the applicant has elected to pursue a General Plan Amendment for minor adjustment of the Industrial and Light Industrial land use designation to conform with proposed parcel lines.

## Section 3.2, Agricultural Resources and Forestry Resources

### *Page 3.2-11—12, Impact AG-1, Third and Fourth Paragraphs*

The following text has been updated:

General Plan policies identified in Impact 3.5-1 of the General Plan EIR assist in reducing the severity of impacts related to the loss of Prime Farmland while still supporting the General Plan's goals of accommodating a certain amount of growth within the Planning Area. In particular, LU-P-34 requires the City to create and adopt a mitigation program to address the conversion of Prime Farmland and Farmland of Statewide Importance in Tiers II and III of the UDB. This mitigation program for Tiers II and III requires a 1:1 ratio of agricultural land preserved to agricultural land converted and also requires agricultural land to be preserved equivalent to agricultural land converted. As noted above, the City adopted the APO [Agriculture Preservation Ordinance] on May 15, 2023, ~~is in the process of adopting an Agricultural Preservation Ordinance~~ pursuant to Policy LU-P34~~ but has not done so as of the writing of this Draft EIR~~. Moreover, as noted above, Policy LU-P-34 explicitly exempts conversions of agricultural lands located in UDB Tier I, such as the project site, from the mitigation program. Therefore, the APO ~~mitigation program~~ required in LU-P-34 is not applicable to the proposed project. Although implementation of policies in the General Plan would reduce some agricultural impacts for General Plan buildout, over 14,000 acres of the existing Important Farmland would be lost. Therefore, the General Plan EIR determined that conversion of farmland from General Plan buildout would be significant and unavoidable.

Although previously addressed in the certified General Plan EIR, for purposes of a comprehensive and conservative analysis, this Draft EIR acknowledges that the proposed project would result in the loss of Prime Farmland as a result of the construction of the proposed urban uses. Furthermore, despite the fact this conversion was already evaluated and disclosed as part of the General Plan EIR, this Draft EIR conservatively concludes that the proposed project would result in significant and unavoidable impacts related to the conversion of Farmland. Because, however, Policy LU-P-34 does not apply to Tier 1 lands~~ and further because there is no adopted Agricultural Preservation Ordinance~~ or the APO exempt Tier I lands, there is no feasible method to mitigate the loss of this Important Farmland.

However, as noted above, the project site has long been identified for conversion to urban uses. This reflects the City's overall land use strategy that ensure the areas identified for growth are contiguous to existing development and to each other, and policies clearly require sequencing of growth so that minimal fragmentation of agricultural land will occur. The General Plan's three-tier growth management system reinforces Visalia's compact form, minimizing the interface between farming and urban uses. The General Plan establishes greenbelt buffers along the urban edge in some places, while providing requirements for buffering and screening of private development elsewhere. Furthermore, the City's urbanized land use vision for the project site vicinity is evident in that the adjacent surrounding uses consist of industrial uses such as an Amazon distribution center and United Parcel Service (UPS) distribution hub. However, as discussed above, impacts would be significant and unavoidable.

### *Page 3.2-16, Second Paragraph*

The following text has been updated:

All cumulative development would be required to comply with the applicable provisions of the General Plan, implement application mitigation required by the General Plan EIR, and adhere to other applicable laws and regulations addressing loss of agricultural resources (i.e., Agricultural Preservation Ordinance, which was adopted on May 15, 2023, ~~when adopted~~ and Right to Farm provisions when adopted). However, even with adherence to the foregoing and General Plan's overall land use vision and strategy, development of the Cumulative Projects would result in a cumulatively significant and unavoidable impact.

## Section 3.3 Air Quality

### *Page 3.3-25, San Joaquin Valley Air Pollution Control District Rules and Regulations*

The following text has been updated:

The Valley Air District rules and regulations that are relevant to this analysis consist of the following:

**Rule 2010—Permits Required**. This rule requires operators of emission sources to obtain an Authority to Construct and Permit to Operate from the District.

**Rule 2201—New and Modified Stationary Source Review**. This rule requires that new and modified stationary sources of emissions mitigate their emissions using Best Available Control Technology, such as requiring a backup generator to meet Tier 4 emission standards.

**Rule 2520—Federally Mandated Operating Permits**. The purpose of this rule is to issue operating permits for new and modified sources of air contaminants pursuant to the requirements of 40 Code of Federal Regulations, Part 70.

**Rule 4002—National Emissions Standards for Hazardous Air Pollutants**. The purpose of this rule is to protect the public from uncontrolled emissions of asbestos by requiring a thorough inspection for asbestos before any demolition or renovation activities occur.

### *Page 3.3-26, San Joaquin Valley Air Pollution Control District Rules and Regulations*

The following text has been updated:

> **Rule 9410—Employer Based Trip Reduction.** This rule applies to projects that result in the employment of 100 or more "eligible" employees and requires the employer to establish an Employer Trip Reduction Implementation Plan that encourages employees to reduce single-occupancy vehicle trips.

### *Pages 3.3-45–3.3-47, Table 3.3-13: Construction Air Pollutant Emissions (Unmitigated)*

The following table notes have been revised:

Notes:
CO = carbon monoxide
$NO_X$ = nitrogen oxides
$PM_{10}$ = particulate matter less than 10 microns in diameter
$PM_{2.5}$ = particulate matter less than 2.5 microns in diameter
ROG = reactive organic gases
$SO_X$ = sulfur oxides
[1] $PM_{10}$ and $PM_{2.5}$ emissions are from the mitigated output to reflect compliance with Regulation VIII—Fugitive $PM_{10}$ Prohibitions.
[2] The maximum annual emissions would occur during the 2024 year.
~~[3] This scenario accounts for the overlapping of Phases 1, 2, and 3 (i.e., concurrent phasing).~~
Source of Emissions: CalEEMod Output of Appendix B.
Source of Thresholds: San Joaquin Valley Air Pollution Control District (Valley Air District). 2015. Guidance for Assessing and Mitigating Air Quality Impacts. February 19. Website: https://www.valleyair.org/transportation/GAMAQI-2015/FINAL-DRAFT-GAMAQI.PDF. Accessed June 1, 2023.

### *Pages 3.3-48–3.3-49, Table 3.3-14: Construction Air Pollutant Emissions (Mitigated)*

The following table notes have been revised:

Notes:
CO = carbon monoxide
$NO_X$ = nitrogen oxides
$PM_{10}$ = particulate matter less than 10 microns in diameter
$PM_{2.5}$ = particulate matter less than 2.5 microns in diameter
ROG = reactive organic gases
$SO_X$ = sulfur oxides
[1] $PM_{10}$ and $PM_{2.5}$ emissions are from the mitigated output to reflect compliance with Regulation VIII—Fugitive $PM_{10}$ Prohibitions.
[2] The maximum annual emissions would occur during the 2024 year.
~~[3] This scenario accounts for the overlapping of Phases 1, 2, and 3 (i.e., concurrent phasing).~~
Source of Emissions: CalEEMod Output of Appendix B.
Source of Thresholds: San Joaquin Valley Air Pollution Control District (Valley Air District). 2015. Guidance for Assessing and Mitigating Air Quality Impacts. February 19. Website: https://www.valleyair.org/transportation/GAMAQI-2015/FINAL-DRAFT-GAMAQI.PDF. Accessed June 1, 2023.

### *Pages 3.3-67–3.3-68, Table 3.3-21: Estimated Health Risks and Hazards During Project Operation (Unmitigated) at the MIR*

The following table has been revised:

| Source | Cancer Risk (risk per million) | Chronic Non-Cancer HI | Acute Non-Cancer HI[1] |
|---|---|---|---|
| Gasoline Fueling Activities | ~~0.1~~0.14 | <0.0001 | 0.06 |
| Operational DPM (On-site) | ~~0.69~~0.97 | 0.0002 | – |
| Operational DPM (Off-site Trucks) | ~~2.56~~3.61 | 0.0007 | – |
| Total Risk from Project Operations | ~~3.35~~4.73 | 0.001 | 0.06 |
| **Significance Threshold** | **20** | **1** | **1** |
| **Exceeds Individual Source Threshold?** | **No** | **No** | **No** |

Notes:
DPM = diesel particulate matter
HI = hazard index
MIR = Maximally Impacted Sensitive Receptor
Source: Health Risk Assessment of Appendix B.

### *Page 3.3-68, Table 3.3-22: Cumulative Health Risks and Hazards During Reasonable Construction (Mitigated) and Operation (Unmitigated) at the MIR*

The following table has been revised:

| Source | Cancer Risk (risk per million) | Chronic Non-Cancer HI | Acute Non-Cancer HI[1] |
|---|---|---|---|
| Reasonable Construction + Operation | ~~5.30~~6.68 | 0.002 | 0.06 |
| **Significance Threshold** | **20** | **1** | **1** |
| **Exceeds Cumulative Threshold?** | **No** | **No** | **No** |

Notes:
DPM = diesel particulate matter
HI = hazard index
MIR = Maximally Impacted Sensitive Receptor
Source: Health Risk Assessment of Appendix B.

## Section 3.4 Biological Resources

### *Page 3.4-24, MM BIO-1d*

The following mitigation measure has been updated:

**MM BIO-1d** Not more than 14 days before start of ground disturbance, a qualified Biologist shall conduct surveys to determine the presence/absence of the following special-status wildlife species: Crotch's bumblebee, San Joaquin kit fox, western burrowing owl, and American badger. Surveys conducted for Crotch's bumblebee shall follow the survey methodology outlined in the Survey Considerations for California Endangered Species Act Candidate Bumble Bee Species (CDFW 2023) protocol. In the event a Crotch's bumblebee nest is detected within the project, CDFW shall be consulted to the extent required under applicable laws and regulations to determine how best to implement project activities and avoid take. If take cannot be avoided, to the extent

required under applicable laws and regulations, an Incidental Take Permit (ITP) will be obtained, pursuant to Fish and Game Code Section 2081 subdivision (b).

Should ~~any of the foregoing special-status wildlife species~~ San Joaquin kit fox, western burrowing owl, or American badger be detected, the qualified Biologist shall coordinate with the California Department of Fish and Wildlife (CDFW) and/or the United States Fish and Wildlife Service (USFWS) (as appropriate and to the extent required under applicable laws and regulations) to determine adequate protection measures as may be required under applicable laws and regulations, and the relevant project developer shall implement all such measures in connection with the development proposal at issue. Copies of all reports and communication with the appropriate wildlife agencies shall be submitted to the lead agency as evidence of compliance.

### *Page 3.4-30, MM BIO-3*

The following mitigation measure has been updated:

**MM BIO-3** The project developer shall submit the preliminary Jurisdictional Delineation (JD) and coordinate with the appropriate regulating agencies (Central Valley Regional Water Quality Control Board [RWQCB], California Department of Fish and Wildlife [CDFW] and the United States Army Corps of Engineers [USACE]) to the extent required under applicable laws and regulations to determine whether the Modoc Ditch is protected under Section 404 and 401 of the Clean Water Act (CWA), Porter-Cologne Water Quality Control Act, and/or Fish and Game Code 1602. Additionally, to the extent required under applicable laws and regulations, the project applicant shall submit a notification pursuant to Fish and Game Code Section 1602 to assist with review of the submitted delineation materials.

## Section 3.6, Energy

### *Page 3.6-9, Impact ENER-1*

The following text has been updated:

Operation of the proposed project would consume an estimated 34,152,062 kWh of electricity and an estimated 49,385,262 kBTU of natural gas on an annual basis. The proposed project's buildings and related improvements and infrastructure would be designed and constructed in accordance with the City's latest adopted energy efficiency standards, which are based on the State's Building Energy Efficiency Standards. As specified in Chapter 5, Part 11 of the Title 24 standards, the proposed project would be required to incorporate electrical conduit to facilitate future installation of electric vehicle (EV) charging infrastructure. In addition, as specified in Subchapter 6, Part 6 of the Title 24 standards, the proposed project would be required to ~~either~~ include ~~rooftop solar systems or design the proposed buildings to structurally accommodate future installation of a rooftop solar system.~~ a photovoltaic system to be installed in accordance with the Energy Code Section 140.10. As such, the design of the proposed project would facilitate the future commitment

to renewable energy resources. Therefore, building energy consumption would not be considered wasteful, inefficient, or unnecessary.

### *Page 3.6-12, Impact ENER-2*

The following text has been updated:

> While several of these policies are voluntary or cannot be implemented by an individual development project, these policies would contribute toward less water demand, energy-efficient operational uses, and reduce the unnecessary use of fuel. For example, the proposed project would be consistent with Climate Action Plan (CAP) actions related to Energy by including Mitigation Measure (MM) GHG-2a, which would require ~~rooftop solar panel systems, solar-ready rooftop design, as feasible, or roofing material contains light coloring with a solar reflective index greater than 78~~ a photovoltaic (PV) system to be installed in accordance with the Energy Code Section 140.10.

## Section 3.8, Greenhouse Gas Emissions

### *Page 3.8-36, Table 3.8-5: Consistency with the City of Visalia's CAP*

The following table has been revised:

| | |
|---|---|
| Solar PV installations. This action emphasizes the benefit for community members to install solar photovoltaic systems. | **Consistent.** As currently designed, the proposed project would not include solar photovoltaic panels on building rooftops. ~~In addition, the Notice of Preparation (NOP) comment letter sent from the Valley Air District recommends that the proposed project include rooftop solar, or solar-ready rooftops, or light colored roofing material.~~ MM GHG-2a would require ~~that the proposed project includes one of the following measures: rooftop solar panels, solar-ready rooftop design, as feasible, or roofing material contains light coloring with a solar reflective index greater than 78.~~a photovoltaic (PV) system to be installed in accordance with the Energy Code Section 140.10. Therefore, with implementation of MM GHG-2a, the proposed project would be consistent with this action. |

### *Page 3.8-42*

The following text has been updated:

> As currently designed, the proposed project would not include solar panels or solar-ready rooftop infrastructure, resulting in a potentially significant impact due to inconsistency with the CAP. However, implementation of MM GHG-2a would require ~~the proposed project to include rooftop solar panels, solar-ready rooftop design, as feasible, or roofing material contains light coloring with a solar reflective index greater than 78 upon~~ a photovoltaic (PV) system to be installed in accordance with the Energy Code Section 140.10 prior to the issuance of a building permit.

### *Page 3.8-49, Table 3.8-7: Consistency with 2022 Scoping Plan Update*

The following table has been revised:

| | |
|---|---|
| **Decarbonize buildings.** All electric appliances beginning 2026 (residential) and 2029 (commercial), contributing to 6 million heat pumps installed Statewide by 2030. | **Consistent.** The proposed project is consistent with the AB197 commercial timeline. In addition, the proposed project would be required to comply with CALGreen measures for 2022 as part of MM GHG-2a, which require ~~rooftop~~ PV solar panels with battery storage ~~for warehouses and heat pumps (in all climate zones) for office space in warehouses~~ consistent with decarbonization strategies. |

### *Page 3.8-49, Table 3.8-7: Consistency with 2022 Scoping Plan Update*

The following text has been updated:

> Although not quantified in this analysis, the MM GHG-2a ~~would be required to ensure the implementation of one of the following as feasible: rooftop photovoltaic solar system, solar-ready rooftop design, or roofing material contains light coloring with a solar reflective index greater than 78.~~would require a PV system to be installed in accordance with the Energy Code.

### *Page 3.8-50, Mitigation Measures*

The following mitigation measure has been updated:

**MM GHG-2a** **~~Rooftop Solar~~ Solar Photovoltaic System**

> ~~Prior to issuance of the first building permit in connection with an individual specific development proposal, the relevant project applicant shall provide the City of Visalia Planning Department reasonable documentation demonstrating that each of the buildings that are covered by the subject individual specific development proposal would be designed with one of the following: (i) rooftop photovoltaic solar panels, (ii) solar-ready rooftop design that shall support the installation of rooftop photovoltaic panel, as feasible, or (iii) roofing material contains light coloring with a solar reflective index greater than 78.~~
>
> Prior to issuance of the first building permit in connection with an individual specific development proposal, the Planning Department shall confirm that the subject proposal has been designed to include the following: a solar photovoltaic (PV) system in accordance with 2022 Building Energy Efficiency Standards (Energy Code) Section 140.10. The required solar PV system shall be sized based on calculations provided in Section 140.10(a) of the Energy Code, which includes a number of factors such as the amount of conditioned space. Unconditioned buildings, except unoccupied or unused first-time tenant improvement spaces, do not need to be part of the solar sizing calculations. All buildings required to have a solar PV system must also have a battery storage system.

## Section 3.9, Hazards and Hazardous Materials

### *Page 3.9-27, Mitigation Measures*

The following mitigation measure has been revised.

**MM HAZ-1** (a) Any known wells on the project site shall be delineated on an engineered site plan with a minimum 10-foot radius no build area.

(b) In the event that any abandoned or unrecorded wells are uncovered or damaged during excavation or grading activities, all work shall cease in the vicinity of the well, and the California Department of Conservation Geologic Energy Management (CalGEM), shall be contacted for requirements and approval; copies of said approvals shall be submitted to the City of Visalia Planning and Community ~~Development Planning~~ Preservation Department. CalGEM may determine that remedial plugging operations may be required.

(c) The following note shall appear on all final maps and grading plans: "If during grading or construction, any plugged and abandoned or unrecorded wells are uncovered or damaged, CalGEM will be contacted to inspect and approve any remediation required.

## Section 3.10, Hydrology and Water Quality

### *Page 3.10-22, "Construction", Second Paragraph*

The following text has been revised:

> The majority of the project site is located in Zone X, which is an area with an 0.2 percent annual chance of flood hazard. The southeast corner of the project site is located in Zone X outside of the 0.2 ~~with a 1~~ percent annual chance of flood hazard. Therefore, the project site is not located within a ~~flood hazard zone~~ Special Flood Hazard Area.

## Section 3.11, Land Use and Planning

### *Page 3.11-24, Table 3.11-2: General Plan Consistency Analysis*

The following table has been revised:

| | | | |
|---|---|---|---|
| **Air Quality and Greenhouse Gases** | **Objective AQ-O-3** | Reduce emissions of greenhouse gases that contribute to global climate change in accord with federal and State law. | **Consistent:** As demonstrated in Section 3.8, Greenhouse Gas Emissions, the proposed project would be consistent with applicable State climate laws and regulations, which are more stringent than federal laws. Specifically, in addition to various project design features and compliance with the robust regulatory framework detailed in this Draft EIR, the proposed project would be required to |

| | | | |
|---|---|---|---|
| | | | implement MM AIR-2d and MM GHG-2a which would contribute to increase of renewable energy use and decrease of fossil fuel consumption, which are the central themes of the State's 2017 and 2022 scoping plans. |

## Section 3.12, Noise

**MM NOI-1:** (a) Prior to the issuance of a building permit for a drive-through car wash, an in-depth acoustical study prepared by a qualified acoustic professional shall be submitted for review and approval to the City of Visalia Planning and Community ~~Development~~ Preservation Department that demonstrates that the design and operations of a proposed drive-through car wash would not result in exceedances of the Visalia Municipal Code's applicable daytime and nighttime noise limits for residential land uses. The study shall evaluate factors such as:

- The location and orientation of noise-generating equipment, such as dryer blowers and vacuums.
- The location and orientation of the drive-through car wash tunnel.
- The hours of operation.
- The location of the drive-through car wash on the project site.

(b) Based on the results of the acoustical study, the project applicant shall be required to incorporate, at a minimum, design features or reduction measures to reduce any identified operational noise impact to meet applicable noise performance criteria. These reduction measures shall be included on all relevant plans, specifications, and other permitting documents. Measures and design features may include, but are not limited to, the following:

- Locating the car wash facility further away from sensitive receptors, therefore reducing its noise impacts at nearby residential land uses.
- Orienting the facility so that the carwash exit (where the drying blowers would be located) is located facing away from nearby residential land uses.
- Providing sound blankets to hang around the edge of the carwash exit tunnel to help shield the dryer blower noise.
- Locating the dryer blowers further inside the car wash tunnel to help shield the dryer blower noise.
- Providing screening, such as a structure or sound wall, to shield the carwash exit where the dryer blowers would be located from nearby residential land uses.

### *Page 3.12-32, Section 3.12.7 Cumulative Impacts, Construction Noise*

The following text has been corrected (note that this edit does not affect the cumulative impacts conclusion for Section 3.12 Noise):

> As noted above, the geographic scope of the cumulative noise analysis would be approximately 1,000 feet surrounding the project site. Cumulative development would be required to comply with all applicable construction hour restrictions and would also be anticipated to incorporate appropriate BMPs to help reduce construction noise. In addition, applicable design review regulations directing the siting, design, and insulation of new development and redevelopment and all applicable noise policies, standards and requirements in the General Plan and Municipal Code would ensure that noise impacts are less than significant. Because there is not a cumulative significant construction noise impact to existing or planned land uses in the project vicinity, the incremental contribution of project construction noise would not be cumulatively considerable. Therefore, the proposed project would result in a less than significant cumulative impact related to construction noise. This ~~cumulatively significant and unavoidable~~ impact conclusion is consistent with the General Plan EIR, which analyzed full buildout of this area and its impact upon nearby noise sensitive land uses.

## Section 3.14, Transportation

### *Page 3.14-22, Impact TRANS-1 Impact Analysis*

The following typo has been corrected:

> Construction of the proposed project would not adversely affect or otherwise conflict with the existing LOS conditions. According to the LOS operational analysis, the proposed project would result in queueing deficiencies at several intersections and would require implementation of the improvements recommended in the TIA. These recommendations are incorporated as the following mitigation measures to reduce project impacts related to LOS. With implementation of MM TRANS-1 through ~~MM TRANS-8~~ MM TRANS-9, impacts would be less than significant.

### *Page 3.14-23, Mitigation Measures*

The following mitigation measures have been updated:

**MM TRANS-2** Prior to the issuance of building permits, the developer shall appropriate Storm Drainage and Waterways impact fees.

**MM TRANS-3** Plaza Drive and Riggin Avenue: P~~rior to the issuance of grading permits~~ Prior to occupancy of Phase 2, the proposed project shall provide site plans that show modification of the raised median to extend the existing westbound left-turn pocket by 100 feet, to provide a 400-foot left-turn pocket. The existing northbound right-turn stripe shall be extended to 300 feet. ~~These improvements shall occur in the year 2026.~~ These improvements shall occur when construction of the proposed project's Phase 2, 846,920 square feet is complete, as shown in the table included in this MM TRANS-3. The project proponent shall be financially responsible for these

improvements. "Financially responsible" shall equate to implementing the project as well as paying for the project.

| Project Phase | Total Constructed Square Feet per Phase | Phase Detail |
|---|---|---|
| Phase 1 | 1,864,680 | Light Industrial (Buildings 1 and 2) |
| Phase 2 | 846,920 | Light Industrial (Buildings 3, 4, and 7)<br>Gas Station/Convenience Market (with 12 Vehicle Fueling Stations)<br>Fast-food Restaurant (with Drive-through)<br>Car Wash |
| Phase 3 | 230,800 | Light Industrial (Buildings 5, 6, and 8)<br>Flex Industrial<br>Mini-Storage (with RV parking) |

**MM TRANS-4** Shirk Street and Riggin Avenue: Prior to occupancy of Phase 1, the proposed project shall provide dual northbound left-turn pockets (300-foot minimum) and a 300-foot minimum southbound left-turn pocket. Since a 300-foot eastbound right-turn pocket would already be installed by the Capital Improvement Plan (CIP) project, additional recommendations are not proposed. ~~These improvements shall occur in the year 2025.~~ These improvements shall occur when construction of the proposed project's Phase 1 1,864,680 square feet is complete, as shown in the table included in this MM TRANS-4. The project's contribution to the Transportation Impact Fees (TIF) will assist in paying for these improvements.

| Project Phase | Total Constructed Square Feet per Phase | Phase Detail |
|---|---|---|
| Phase 1 | 1,864,680 | Light Industrial (Buildings 1 and 2) |
| Phase 2 | 846,920 | Light Industrial (Buildings 3, 4, and 7)<br>Gas Station/Convenience Market (with 12 Vehicle Fueling Stations)<br>Fast-food Restaurant (with Drive-through)<br>Car Wash |
| Phase 3 | 230,800 | Light Industrial (Buildings 5, 6, and 8)<br>Flex Industrial<br>Mini-Storage (with RV parking) |

### *Page 3.14-25, Impact TRANS-2 Impact Analysis*

This section has been revised to include the calculations regarding Vehicle Miles Traveled (VMT) reductions resulting from the implementation of MM TRANS-10a and MM TRANS-10b.

MM TRANS-10a and MM TRANS-10b would be implemented in order to reduce VMT impact. Combining these two mitigation measures would reduce the proposed project's VMT per employee by ~~1.75~~ 1.61 percent, exceeding the proposed project's 1.54 percent impact.

Therefore, the proposed project's VMT impact would be mitigated. The quantified calculation of the percent reduction resulting from these mitigation measures are included in Table 3.14-5 and Table 3.14-6, below.

**Table 3.14-5: VMT Reduction from MM TRANS-10a: End-of-Trip Bicycle Facilities**

| ID | Variable (Constants, Assumptions, and Available Defaults) | Value | Unit |
|---|---|---|---|
| B | Bike mode adjustment factor | 4.86 | Unitless |
| C | Existing bicycle trip length for all trips in region | 2.3 | Miles |
| D | Existing vehicle trip length for all trips in region | 10.3 | Miles |
| E | Existing bicycle mode share for work trips in region | 1.60 | % |
| F | Existing vehicle mode share for work trips in region | 90.1 | % |
| | VMT Reduction | -1.53% | |

Notes:

$$\text{Formula} = \frac{C \times (E - (B \times E))}{D \times F}$$

Sources:
Buehler, R. 2012. Determinants of bicycle commuting in the Washington, DC region: The role bicycle parking, cyclist showers, and free car parking at work. Transportation Research Part D, 17, 525–531. Website: http://www.pedbikeinfo.org/cms/downloads/DeterminantsofBicycleCommuting.pdf

Federal Highway Administration (FHWA). 2017a. National Household Travel Survey–2017 Table Designer. Travel Day PT by TRPTRANS by HH_CBSA. Website: https://nhts.ornl.gov/.

Federal Highway Administration (FHWA). 2017b. National Household Travel Survey–2017 Table Designer. Workers by WRKTRANS by HH_CBSA. Website: https://nhts.ornl.gov/.

All descriptions and methods from California Air Pollution Control Officers Association (CAPCOA) Handbook for Analyzing Greenhouse Gas Emission Reductions, Assessing Climate Vulnerabilities, and Advancing Health and Equity. Default parameters for the calculations were derived using the average of Southern and Northern California regions provided in the handbook.

**Table 3.14-6: VMT Reduction from MM TRANS-10b: Expand Bicycle Network**

| ID | Variable | Value | Unit |
|---|---|---|---|
| **User Inputs** | | | |
| B | Existing bikeway miles in plan/community | 1.0 | Miles |
| C | Bikeway miles in plan/community with measure | 3.0 | Miles |
| **Constants, Assumptions, and Available Defaults** | | | |
| D | Bicycle mode share in plan/community | 0.6 | % |
| E | Vehicle mode share in plan/community | 95.0 | % |
| F | Average one-way bicycle trip length in plan/community | 2.9 | Miles |
| G | Average one-way vehicle trip length in plan/community | 10.9 | Miles |
| H | Elasticity of bike commuters with respect to bikeway miles per 10,000 population | 0.25 | Unitless |

| ID | Variable | Value | Unit |
|---|---|---|---|
| User Inputs | | | |
| | | VMT Reduction | -0.08% |

Notes:

$$\text{Formula} = -1 \times \frac{\left(\frac{C-B}{B}\right) \times D \times F \times H}{E \times G}$$

Sources:
California Air Resources Board (ARB), California Department of Public Health (CDPH), and Nicholas Linesch Legacy Fund. 2020. Integrated Transport and Health Impact Model. Website: https://skylab.cdph.ca.gov/HealthyMobilityOptionTool-ITHIM/#Home.

Federal Highway Administration (FHWA). 2017. National Household Travel Survey – 2017 Table Designer. Travel Day PMT by TRPTRANS by HH_CBSA. Website: https://nhts.ornl.gov/.

Pucher, J., and Buehler, R. 2011. Analysis of Bicycling Trends and Policies in Large North American Cities: Lessons for New York. March. Website: http://www.utrc2.org/sites/default/files/pubs/analysis-bike-final_0.pdf.

All descriptions and methods from California Air Pollution Control Officers Association (CAPCOA) *Handbook for Analyzing Greenhouse Gas Emission Reductions, Assessing Climate Vulnerabilities, and Advancing Health and Equity.*

### *Page 3.14-26, Mitigation Measures*

The following mitigation measure has been updated:

**MM TRANS-10b** Prior to final occupancy of any portion of Phase 1, the developer shall construct a bike path along Modoc Ditch, between Kelsey Street and Shirk Street (approximately 1-mile).

The existing Class I bike path along Modoc ditch runs to the east of the proposed project, between Dinuba Boulevard and the St. John's River Trail. The Carlton Acres Specific Plan (CASP) project also proposed to construct a portion of the Class I path within the site. Therefore, the bike path shall connect to a new path proposed within the CASP site and future segments to the east and west. This mitigation is subject to contractability and approval by the Modoc Ditch Company~~Cal Water~~.

### *Page 3.14-27, First paragraph*

The following typo has been corrected:

During construction, the proposed project would require the delivery of heavy construction equipment using area roadways, some of which may require transport by oversize vehicles. Heavy equipment associated with these components would not be hauled to/from the site daily, but rather would be hauled in and out on an as needed basis. Nevertheless, the use of oversize vehicles during construction could create a hazard to the public by limiting motorist views on roadways and by the obstruction of space, which is considered a potentially significant impact. In addition, the project construction activities may result in some temporary lane closures in the area. The proposed project would be required under existing regulations to obtain California Highway Patrol escorts, as well as coordinate the timing of

transport, in oversize load permits from Caltrans and ~~Kings County~~ Tulare County, as appropriate. Therefore, a reasonable worst-case concurrent construction of all phases would not worsen the LOS or impact traffic movement or create roadway hazards to a greater extent than the project as analyzed in the TIA.

### *Page 3.14-27, Operation*

This paragraph has been revised because the sight distance assessment was removed from the study per the City's direction.

~~A sight distance analysis for each project driveway was conducted to determine whether outbound vehicles would have adequate sight distance to observe conflicting traffic along the intersecting public roadways. Intersection sight distance for the project driveways were evaluated following methodology outlined by the City of Visalia Design and Improvement Standard SD-3, which is based on guidance outlined by the American Association of State Highway and Transportation Officials, A Policy on Geometric Design of Highway and Street, 7th Edition.~~ The proposed project would be required to satisfy the required sight lines and clear zone requirements for all project driveways, to ensure roadway hazards are minimized.

## Appendix B: Air Quality, Greenhouse Gas, and Energy Supporting Information

### *Air Quality, Greenhouse Gas Emissions, and Energy Analysis Report (EIR Appendix B), Page 8*

The following mitigation measure has been updated:

**MM GHG-2a** **~~Rooftop Solar~~ Solar Photovoltaic System**

~~Prior to issuance of the first building permit in connection with an individual specific development proposal, the relevant project applicant shall provide the City of Visalia Planning Department reasonable documentation demonstrating that each of the buildings that are covered by the subject individual specific development proposal would be designed with one of the following: (i) rooftop photovoltaic solar panels, (ii) solar-ready rooftop design that shall support the installation of rooftop photovoltaic panel, as feasible, or (iii) roofing material contains light coloring with a solar reflective index greater than 78.~~

Prior to issuance of the first building permit in connection with an individual specific development proposal, the Planning Department shall confirm that the proposed project is designed to include the following: The building shall be designed to include a solar photovoltaic (PV) system in accordance with 2022 Building Energy Efficiency Standards (Energy Code) Section 140.10. The required solar PV system shall be sized based on calculations provided in Section 140.10(a) of the Energy Code, which includes a number of factors such as the amount of conditioned space. Unconditioned buildings, except unoccupied or unused first-time tenant improvement spaces do not need to be part of the solar sizing calculations. All buildings required to have a solar PV system must also have a battery storage system.

### *Air Quality, Greenhouse Gas Emissions, and Energy Analysis Report (EIR Appendix B), Page 93*

The following table has been revised:

**Table 1: Worst-case Scenario Construction Air Pollutant Emissions (Mitigated)**

| Year | Emissions (tons per year)[1] | | | | | |
|---|---|---|---|---|---|---|
| | ROG | $NO_x$ | CO | $SO_x$ | $PM_{10}$ (~~Exhaust~~Total) | $PM_{2.5}$ (~~Exhaust~~Total) |
| Off-site Improvement 2024 | 0.15 | 0.01 | 0.21 | <0.01 | ~~<0.01~~0.01 | <0.01 |
| Overall Site Preparation 2024-2026 | 0.26 | 2.01 | 10.27 | ~~0.01~~0.02 | ~~0.031~~2.67 | ~~0.031~~0.96 |
| Phase 1 2024-2025 | 3.65 | 9.85 | 39.10 | 0.09 | ~~0.180~~3.55 | ~~0.177~~1.09 |
| Phase 2 2024-2025 | ~~7.24~~7.79 | ~~4.60~~10.84 | ~~15.38~~14.46 | ~~0.03~~0.04 | ~~0.072~~2.11 | ~~0.071~~0.82 |
| Phase 3 2024-2025 | ~~7.81~~8.58 | ~~6.021~~14.77 | ~~21.02~~19.73 | ~~0.04~~0.05 | ~~0.098~~82.75 | ~~0.096~~1.09 |
| **Maximum Annual Construction Emissions[2]** | **~~17.79~~18.88** | **~~16.81~~29.19** | **~~64.29~~64.49** | **0.15** | **~~0.284~~8.00** | **~~0.280~~2.93** |
| **Significance threshold** | **10** | **10** | **100** | **27** | **15** | **15** |
| **Exceed threshold—significant impact?** | **Yes** | **Yes** | No | No | No | No |
| **Entire Construction Duration with Overlapping of Phases 1, 2, and 3 Under the Worst-case Scenario (2024-~~2026~~2025)** | | | | | | |
| **Worst-case Scenario Total Construction Emissions[3]** | **~~19.12~~20.43** | **~~22.49~~37.48** | **~~85.97~~83.77** | **~~0.17~~0.20** | **~~0.381~~11.09** | **~~0.376~~3.96** |

Notes:
CO = carbon monoxide
$NO_X$ = nitrogen oxides
$PM_{10}$ = particulate matter less than 10 microns in diameter
$PM_{2.5}$ = particulate matter less than 2.5 microns in diameter
ROG = reactive organic gases
$SO_X$ = sulfur oxides
[1] $PM_{10}$ and $PM_{2.5}$ emissions are from the mitigated output to reflect compliance with Regulation VIII—Fugitive $PM_{10}$ Prohibitions.
[2] The maximum annual emissions would occur during the 2024 year.
[3] This scenario accounts for the overlapping of Phases 1, 2, and 3 (i.e., concurrent phasing).
Source of Emissions: CalEEMod Output (Appendix A).
Source of Thresholds: San Joaquin Valley Air Pollution Control District (Valley Air District). 2015. Guidance for Assessing and Mitigating Air Quality Impacts. February 19. Website: https://www.valleyair.org/transportation/GAMAQI-2015/FINAL-DRAFT-GAMAQI.PDF. Accessed September 13, 2022.

## Appendix B: Air Quality, Greenhouse Gas, and Energy Supporting Information

### *Air Quality, Greenhouse Gas Emissions, and Energy Analysis Report (EIR Appendix B), Pages 110-111, Table 25: Estimated Health Risks and Hazards During Project Operation (Unmitigated) at the MIR*

The following table has been revised:

| Source | Cancer Risk (risk per million) | Chronic Non-Cancer HI | Acute Non-Cancer HI[1] |
|---|---|---|---|
| Gasoline Fueling Activities | ~~0.1~~0.14 | <0.0001 | 0.06 |
| Operational DPM (On-Site) | ~~0.69~~0.97 | 0.0002 | – |
| Operational DPM (Off-Site Trucks) | ~~2.56~~3.61 | 0.0007 | – |
| Total Risk from Project Operations | ~~3.35~~4.73 | 0.001 | 0.06 |
| **Significance Threshold** | **20** | **1** | **1** |
| **Exceeds Individual Source Threshold?** | **No** | **No** | **No** |

Notes:
DPM = diesel particulate matter
HI = hazard index
MIR = Maximally Impacted Sensitive Receptor
Source: Health Risk Assessment of Appendix B.

## Appendix B: Air Quality, Greenhouse Gas, and Energy Supporting Information

### *Air Quality, Greenhouse Gas Emissions, and Energy Analysis Report (EIR Appendix B), Page 111, Table 26: Cumulative Health Risks and Hazards During Reasonable Construction (Mitigated) and Operation (Unmitigated) at the MIR*

The following table has been revised:

| Source | Cancer Risk (risk per million) | Chronic Non-Cancer HI | Acute Non-Cancer HI[1] |
|---|---|---|---|
| Reasonable Construction + Operation | ~~5.30~~6.68 | 0.002 | 0.06 |
| **Significance Threshold** | **20** | **1** | **1** |
| **Exceeds Cumulative Threshold?** | **No** | **No** | **No** |

Notes:
DPM = diesel particulate matter
HI = hazard index
MIR = Maximally Impacted Sensitive Receptor
Source: Health Risk Assessment (Appendix B).

## Draft EIR Appendix B: Air Quality, Greenhouse Gas, and Energy Supporting Information

### *Page 111, Table 27: Cumulative Health Risks and Hazards During Worst-Case/Concurrent Construction (Mitigated) and Operation (Unmitigated) at the MIR*

The following table has been revised.

| Source | Cancer Risk (risk per million) | Chronic Non-Cancer HI | Acute Non-Cancer HI[1] |
|---|---|---|---|
| Worst-case Construction + Operation | ~~6.04~~10.77 | 0.0025 | 0.06 |
| **Significance Threshold** | **20** | **1** | **1** |
| **Exceeds Cumulative Threshold?** | **No** | **No** | **No** |

Notes:
DPM = diesel particulate matter
HI = hazard index
MIR = Maximally Impacted Sensitive Receptor
Source: Health Risk Assessment (Appendix B).

### *Page 146*

The following text has been updated:

> While several of these policies are voluntary or cannot be implemented by an individual development project, these policies would contribute toward less water demand, energy-efficient operational uses, and reduce the unnecessary use of fuel. For example, the proposed project would be consistent with CAP actions related to Energy by including Mitigation Measure (MM) GHG-2a, which would require ~~rooftop solar panel systems, solar-ready rooftop design, as feasible, or roofing material contains light coloring with a solar reflective index greater than 78~~ a photovoltaic (PV) system to be installed in accordance with the Energy Code Section 140.10.

### *Page 127, Table 33: Cumulative Health Risks and Hazards During Worst-Case/Concurrent Construction (Mitigated) and Operation (Unmitigated) at the MIR*

### *Consistency with the City of Visalia's CAP*

The following table has been revised:

| | |
|---|---|
| Solar PV installations. This action emphasizes the benefit for community members to install solar photovoltaic systems. | **Consistent.** As currently designed, the proposed project would not include solar photovoltaic panels on building rooftops. ~~In addition, the Notice of Preparation (NOP) comment letter sent from the Valley Air District recommends that the proposed project include rooftop solar, or solar-ready rooftops, or light colored roofing material.~~ MM GHG-2a would require ~~that the proposed project includes one of the following measures: rooftop solar panels, solar-ready rooftop design, as feasible, or roofing material contains light coloring with a solar reflective index greater than 78.~~ a photovoltaic (PV) system to be installed in accordance with the Energy Code Section 140.10. Therefore, with implementation of MM GHG-2a the proposed project would be consistent with this action. |

### *Page 133*

The following text has been updated:

> As currently designed, the proposed project would not include solar panels or solar-ready rooftop infrastructure, resulting in a potentially significant impact due to inconsistency with the CAP. However, implementation of MM GHG-2a would require ~~the proposed project to include rooftop solar panels, solar-ready rooftop design, as feasible, or roofing material contains light coloring with a solar reflective index greater than 78 upon~~ a photovoltaic (PV) system to be installed in accordance with the Energy Code Section 140.10 prior to the issuance of a building permit.

### *Page 140, Table 35: Consistency with 2022 Scoping Plan Update*

The following table has been revised:

| | |
|---|---|
| **Decarbonize buildings.** All electric appliances beginning 2026 (residential) and 2029 (commercial), contributing to 6 million heat pumps installed Statewide by 2030. | **Consistent.** The proposed project is consistent with the AB197 commercial timeline. In addition, the proposed project would be required to comply with CALGreen measures for 2022 as part of MM GHG-2a, which require ~~rooftop~~ PV solar panels with battery storage ~~for warehouses and heat pumps (in all climate zones) for office space in warehouses~~ a consistent with decarbonization strategies. |

### *Page 141*

The following text has been updated:

> Although not quantified in this analysis, the MM GHG-2a ~~would be required to ensure the implementation of one of the following as feasible: rooftop photovoltaic solar system, solar-ready rooftop design, or roofing material contains light coloring with a solar reflective index greater than 78.~~ would require a PV system to be installed in accordance with the Energy Code.

### *Page 142*

The following mitigation measure has been updated:

**MM GHG-2a** **~~Rooftop Solar~~ Solar Photovoltaic System**

> ~~Prior to issuance of the first building permit in connection with an individual specific development proposal, the relevant project applicant shall provide the City of Visalia Planning Department reasonable documentation demonstrating that each of the buildings that are covered by the subject individual specific development proposal would be designed with one of the following: (i) rooftop photovoltaic solar panels, (ii) solar-ready rooftop design that shall support the installation of rooftop photovoltaic panel, as feasible, or (iii) roofing material contains light coloring with a solar reflective index greater than 78.~~

Prior to issuance of the first building permit in connection with an individual specific development proposal, the Planning Department shall confirm that the project is designed to include the following: The building shall be designed to include a solar photovoltaic (PV) system in accordance with 2022 Building Energy Efficiency Standards (Energy Code) Section 140.10. The required solar PV system shall be sized based on calculations provided in Section 140.10(a) of the Energy Code, which includes a number of factors such as the amount of conditioned space. Unconditioned buildings, except unoccupied or unused first-time tenant improvement spaces, do not need to be part of the solar sizing calculations. All buildings required to have a solar PV system must also have a battery storage system.

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# City of Visalia

315 E. Acequia Ave., Visalia, CA 93291

# Site Plan Review

June 19, 2024

**Site Plan Review No. 2024-096:**

Pursuant to Zoning Ordinance Chapter 17.28 the Site Plan Review process has found that your application complies with the general plan, municipal code, policies, and improvement standards of the city. A copy of each Departments/Divisions comments that were discussed with you at the Site Plan Review meeting are attached to this document.

Based upon Zoning Ordinance Section 17.28.070, this is your Site Plan Review determination. However, your project requires discretionary action as stated on the attached Site Plan Review comments. You may now proceed with filing discretionary applications to the Planning Division.

This is your Site Plan Review Permit; your Site Plan Review became effective **May 08, 2024**. A site plan review permit shall lapse and become null and void one year following the date of approval unless, prior to the expiration of one year, a building permit is issued by the building official, and construction is commenced and diligently pursued toward completion.

If you have any questions regarding this action, please call the Community Development Department at (559) 713-4359.

Respectfully,

Paul Bernal
Community Development Director
315 E. Acequia Ave.
Visalia, CA 93291

**Attachment(s):**

- Site Plan Review Comments

# City of Visalia

315 E. Acequia Ave., Visalia, CA 93291

# Planning Division

Tel: (559) 713-4359; Fax: (559) 713-4814


MEETING DATE May 8, 2024

SITE PLAN NO. 2024-096

PARCEL MAP NO.

SUBDIVISION

LOT LINE ADJUSTMENT NO.

Enclosed for your review are the comments and decisions of the Site Plan Review committee. Please review all comments since they may impact your project.

☐ **RESUBMIT** Major changes to your plans are required. Prior to accepting construction drawings for building permit, your project must return to the Site Plan Review Committee for review of the revised plans.

☐ During site plan design/policy concerns were identified, schedule a meeting with

☐ Planning ☐ Engineering prior to resubmittal plans for Site Plan Review.

☐ Solid Waste ☐ Parks and Recreation ☐ Fire Dept.

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☑ **REVISE AND PROCEED** (see below)

☐ A revised plan addressing the Committee comments and revisions must be submitted for Off-Agenda Review and approval prior to submitting for building permits or discretionary actions.

☐ Submit plans for a building permit between the hours of 7:30 a.m. and 5:00 p.m., Monday through Thursday, offices closed on Fridays.

☐ Your plans must be reviewed by:

☐ CITY COUNCIL ☐ REDEVELOPMENT

☑ PLANNING COMMISSION ☐ PARK/RECREATION

☑ Annexation, CUP, TPM, etc...

☐ HISTORIC PRESERVATION ☐ OTHER:

☐ **ADDITIONAL COMMENTS:**

If you have any questions or comments, please call the Site Plan Review Hotline at (559) 713-4440
Site Plan Review Committee

# ITE PLAN REVIEW COMMENTS

**Josh Dan, Planning Division, 559-713-4003**

Date: May 8, 2024

| | |
|---|---|
| SITE PLAN NO: | 2024-096 (Previously 2021-074) |
| PROJECT TITLE: | Shirk & Riggin Industrial Park |
| DESCRIPTION: | Proposed Industrial Development on 280 Acres (X) |
| APPLICANT: | Molly McDonnel |
| PROP. OWNER: | Mary and Larry Ritchie (TRS) (L&MR TR Doeville Ranch Inc.) |
| LOCATION TITLE: | Northwest corner of W. Riggin Avenue and N. Shirk Street |
| APN TITLE: | 077-840-002, 077-840-003, & 000-013-862 |
| GENERAL PLAN: | Light Industrial, Industrial, Conservation |
| EXISTING ZONING: | N/A (Tulare County Jurisdiction) |

**Planning Division Recommendation:**

☒ Revise and Proceed
☐ Resubmit

**Project Requirements**

- Agricultural Preserve Contract Removal
- Annexation
- Tentative Parcel Map
- Conditional Use Permit
- Traffic Impact Analysis
- Vehicle Miles Traveled Analysis
- Cultural Study
- AB 52 Tribal Consultation
- Building Permit
- Additional Information as Needed

**PROJECT SPECIFIC INFORMATION:** May 8, 2024

1. The request by the applicant is the same as seen before. The applicant has identified that the submittal has been to extend the one-year lifespan of the previous comments provided. As such, all previous comments (listed below) still apply).

**PROJECT SPECIFIC INFORMATION:** May 4, 2022

1. The applicant shall remove the project site from its existing Agricultural Contract. No other City processes can occur until the Agricultural Contract is removed. At present staff would not support the processing of an Agricultural Contract cancellation application through the City of Visalia.
2. When the Agricultural Contract is removed, the proposal will require the applicant to apply for the following:
   a. Annexation;
   b. Tentative Parcel Map;
   c. Conditional Use Permit (shall include a site plan, floor plans, and elevations). The CUP is required to permit the following items:
      i. Convenience store – VMC Sec. 17.25.030 (line R58);
      ii. Lot size – VMC Sec. 17.22.060(A); and,
      iii. Lots without public street frontage.

3. Provide a detailed operational statement with the discretionary permit submittal describing the following:
   a. Parking demands for the entire project area (Note: operational statement and site plans must demonstrate that each parcel is sufficiently parked to meet City standards or that shared parking will meet City standards listed in VMC Sec. 17.34.050);
   b. Information justifying the rationale behind the 1,500 sq. ft./800 sq. ft. per employee parking stall calculation provided in the Site Plan Review submittal. At present, no information has been provided justifying why the method of calculating parking is appropriate. As such, the proposal shall comply with existing parking requirements listed in VMC Sec. 17.34.010.F.
   b. All proposed uses, in particular within the "Flex Industrial" area;
   c. Detail on the proposed requests for reduced lot size and lack of on-street frontage;
4. A Phasing Plan shall be provided. Note: the Phasing Plan shall include what off-site improvements will be conducted for each phase.
5. Drive-thru restaurants within the Industrial Zones shall comply with all requirements of VMC Section 17.32.161.
6. A Traffic Action Plan and Queuing Analysis shall be provided with the CUP submittal for the drive-thrus.
7. Landscaping plans shall be provided, verifying a minimum 10% landscaping of parking lots.
8. Provide detail of potential impacts from onsite lighting to neighboring areas.
9. Vehicles Miles Traveled Analysis shall be provided for the development.
10. A Traffic Impact Analysis study shall be provided, analyzing impacts from the entire project area.
11. Tribal consultation as required by AB 52 shall be conducted for the project.
12. Records searches with the Native American Heritage Commission and CHRIS survey shall be required.
13. Submittal of a Cultural Resource Study shall be required.
14. The site plan shall identify the proposed use of the blank areas located north of the northernmost access easement, and the area east of Industrial Building 1. At the May 4, 2022 Site Plan Review meeting, the applicant stated that this area would be used for landscaping purposes.
15. The applicant shall enter into an Indemnity Agreement with the City of Visalia that holds the City harmless should legal challenges on the basis of a CEQA determination for the project be filed.
16. It is recommended that the location of the convenience store, drive-thru restaurants, and carwash be relocated to the northeast corner of Riggin Avenue and Kelsey Street, to avoid the potential increase of traffic congestion at the intersection of Riggin Avenue and Shirk Avenue upon the development of the areas to the east of the project site.
17. The applicant shall consult with Modoc Ditch staff on the project.
18. A lighting plan shall be provided with the submittal.
19. Comply with all other requirements of the Visalia Municipal Code.
20. Note the attached May 3, 2022 correspondence and public comment provided by Brian B. Flynn, with Lozeau Drury LLP, on behalf of Eddie Torres, Francisco Nunez, and Laborers International Union of North America, Local 294 (collectively known as "LIUNA"). The letter is included at the end of the Planning Divisions Site Plan Review comments.
21. See previous comments.

**PROJECT SPECIFIC INFORMATION:** February 16, 2022

1. The applicant shall remove the project site from its existing Agricultural Contract. Per the County of Tulare, a Notice of Non-Renewal application was submitted in July 2021 and is still under process. No other City processes can occur until the Agricultural Contract is removed. At present given the information provided, staff would not support an Agricultural Contract cancellation application.

2. When the Agricultural Contract is removed, the proposal will require the applicant to apply for the following:
   a. Annexation
   b. Tentative Parcel Map (shall require its own Site Plan Review)
      i. VMC Sec. 17.22.060(A)
   c. Conditional Use Permit (shall include a site plan, floor plans, elevations, and an operational statement)
      i. Convenience store – VMC Sec. 17.25.030 (line R58);
      ii. Lot size – VMC Sec. 17.22.060(A); and,
      iii. Lots without frontage
3. Note that the parking demand for convenience stores is one stall per 500 sq. ft. of building area. The Parking Data table shall be revised to show the correct parking ratio.
4. The applicant shall label the location of the Modoc Ditch on the site plan.
5. Provide a detailed operational statement describing all uses proposed. In particular, information shall be provided detailing parking demands and the proposed uses within the "Flex Industrial" area.
6. A Phasing Plan shall be provided.
7. Drive-thru restaurants within the Industrial Zones shall comply with VMC Sec. 17.32.161.
8. A Traffic Action Plan and Queuing Analysis shall be provided with the CUP submittal for the drive-thrus.
9. Building elevations and floor plans shall be provided for the site plan review submittal.
10. Landscaping plans shall be provided, verifying a minimum 10% landscaping of parking lots.
11. Provide detail of potential impacts from onsite lighting to neighboring areas.
12. Vehicles Miles Traveled Analysis shall be provided for the development. Additional traffic information may also be required by the Traffic Engineering Division.
13. A Traffic Impact Analysis study shall be provided, analyzing impacts from the entire project area.
14. Tribal consultation as required by AB 52 shall be conducted for the project.
15. Records searches with the Native American Heritage Commission and CHRIS survey shall be required.
16. Submittal of a Cultural Resource Study shall be required.
17. The site plan shall detail how the project will connect with existing and planned Arterial, Collector, and Local streets in the vicinity.
18. The applicant shall enter into an Indemnity Agreement with the City of Visalia that holds the City harmless should legal challenges on the basis of a CEQA determination for the project be filed.
19. Comply with all other requirements of the Visalia Municipal Code.
20. Note the attached September 14, 2021 correspondence and public comment was provided by Michael Lozeau, with Lozeau Drury LLP, on behalf of Eddie Torres, Francisco Nunez, and Laborers International Union of North America, Local 294 (collectively known as "LIUNA"). The letter is included at the end of the Planning Divisions Site Plan Review comments.
21. See previous comments.

**PROJECT SPECIFIC INFORMATION:** September 15, 2021

1. The proposal requires the applicant to apply for the following:
   a. Annexation
   b. Tentative Parcel Map
      i. VMC 17.22.060(A)
   c. Conditional Use Permit (shall include an operational statement)
      i. Convenience store – VMC 17.25.030 (line R58);
      ii. Lot size – VMC 17.22.060(A); and,
      iii. Lots without frontage
2. The applicant shall remove the project site from its existing Agricultural Contract.

3. A Phasing Plan shall be provided.
4. Drive-thru restaurants within the Industrial Zones shall comply with VMC17.32.161.
5. A Traffic Action Plan and Queuing Analysis shall be provided with the CUP submittal for the drive-thrus.
6. Building elevations and floor plans shall be provided.
7. Landscaping plans shall be provided, verifying a minimum 10% landscaping of parking lots.
8. Provide detail of potential impacts from onsite lighting to neighboring areas.
9. Vehicles Miles Traveled Analysis shall be provided for the development. Additional traffic information may also be required by the Traffic Engineering Division.
   a. Additionally, the site plan shall detail how the project will connect with existing and planned arterial, collector, and local streets in the vicinity.
10. Setbacks shall confirm to the following: 25-foot building and landscape setbacks along the south, east, and west property boundaries, and a zero-foot building and landscape setback along the northern property boundary.
11. The applicant shall enter into an Indemnity Agreement with the City of Visalia that holds the City harmless should legal challenges on the basis of a CEQA determination for the project be filed.
12. Comply with all other requirements of the Visalia Municipal Code.
13. Note the attached April 27, 2021 correspondence provided by Michael Lozeau, with Lozeau Drury LLP, on behalf of Eddie Torres, Francisco Nunez, and Laborers International Union of North America, Local 294 (collectively known as "LIUNA"). The letter is included at the end of the Planning Divisions Site Plan Review comments.

**PROJECT SPECIFIC INFORMATION:** April 28, 2021

1. Proposal shall require annexation of the project site into the City of Visalia.
2. The applicant shall remove the project site from its existing Agricultural Contract.
3. A Conditional Use Permit (CUP) shall be required for the proposed convenience store. Note that convenience stores over 7,000 sq. ft. in size are not permitted.
4. A CUP shall be required for the proposed drive-thru restaurants. Drive-thru restaurants proposed within the Light Industrial Zone shall comply with additional development standards listed in Visalia Municipal Code Section 17.32.161, included within the body of this letter.
5. A Traffic Action Plan and Queuing Analysis shall be provided with the CUP submittal for the drive-thrus.
6. If the project site is to be divided, a Tentative Parcel Map shall be required. Any proposal for a lot split shall require its own separate Site Plan Review submittal.
7. The site plans shall include property dimensions and setbacks for all buildings onsite. An additional site plan shall be submitted solely for the Light Industrial area between "B" Street and Shirk Street, providing additional dimension/setback detail, and labeling all proposed structures on site. This shall include the unnamed boxes next to each 7,100 sq. ft. light industrial building.
8. An operational statement shall be submitted with the Site Plan Review submittal detailing all proposed uses onsite, parking calculations, potential employee numbers, and any other relevant project information. The operational statement shall also be included with any CUP submittal.
9. Building elevations and floor plans shall be provided.
10. Landscaping plans shall be provided. Plans shall verify that a minimum 10% of all parking lots are landscaped.
11. A Phasing Plan shall be provided.
12. Additional information shall be provided detailing potential impacts from onsite lighting onto neighboring areas.
13. The site plan shall detail how the project will connect with existing and planned arterial, collector, and local streets in the vicinity.

14. Vehicles Miles Traveled Analysis shall be provided for the development. Additional traffic information may also be required by the Traffic Engineering Division.
15.
16. Setbacks shall confirm to the following: 25-foot building and landscape setbacks along the south, east, and west property boundaries, and a zero-foot building and landscape setback along the northern property boundary.
17. The applicant shall enter into an Indemnity Agreement with the City of Visalia that holds the City harmless should legal challenges on the basis of a CEQA determination for the project be filed.
18. Comply with all other requirements of the Visalia Municipal Code.
19. Note the attached April 27, 2021 correspondence provided by Michael Lozeau, with Lozeau Drury LLP, on behalf of Eddie Torres, Francisco Nunez, and Laborers International Union of North America, Local 294 (collectively known as "LIUNA"). The letter is included at the end of the Planning Divisions Site Plan Review comments.

**Note:**

1. **The applicant shall contact the San Joaquin Valley Air Pollution Control District to verify whether additional permits are required through the District.**
2. **Prior to a final for the project, a signed Certificate of Compliance for the MWELO standards is required indicating that the landscaping has been installed to MWELO standards.**

**Sections of the Municipal Code to review:**

**17.22.060 Development standards in the I-L and I zones.**

**17.30 Development Standards**

17.30.015.H. Lighting

Be advised a photometric plan may be required demonstrating that no more than 0.5 lumens be exceeded at any property line, (in cases where the adjacent residential unit is very close to the property line, 0.5 lumens may not be acceptable).

**17.32.161 Fast food with and without drive-through for the light industrial zone.**

**17.36 Fences Walls and Hedges**

17.36.070 Industrial zones.

**17.34 Off-street Parking and loading facilities**

**NOTE: Staff recommendations contained in this document are not to be considered support for a particular action or project unless otherwise stated in the comments. The comments found on this document pertain to the site plan submitted for review on the above referenced date. Any changes made to the plan submitted must be submitted for additional review.**

Signature:


W Riggin Ave
Ave 312
N Shirk St

**BUILDING/DEVELOPMENT PLAN REQUIREMENTS**
**ENGINEERING DIVISION**

| | |
|---|---|
| ☐ Lupe Garcia | 713-4197 |
| ☒ Keyshawn Ford | 713-4268 |
| ☐ Edelma Gonzalez | 713-4364 |
| ☐ Sarah MacLennan | 713-4271 |
| ☐ Luqman Ragabi | 713-4362 |

**ITEM NO: 3 DATE: MAY 8, 2024**

| | |
|---|---|
| SITE PLAN NO.: | **24-096** |
| PROJECT TITLE: | **SHIRK & RIGGIN INDUSTRIAL PARK** |
| DESCRIPTION: | **PROPOSED INDUSTRIAL DEVELOPMENT ON 280 ACRES (X)** |
| APPLICANT: | **JONATHAN FRAUSTO** |
| PROP OWNER: | **RITCHIE LARRY J & MARY E (TRS) , DOEVILLE RANCH INC** |
| LOCATION: | **NORTH OF RIGGIN, BETWEEN KELSEY & SHIRK** |
| APN: | **000-013-862, 077-840-002 & 003** |

**SITE PLAN REVIEW COMMENTS**

☒ REQUIREMENTS (indicated by checked boxes)

☒ Install curb return with ramp, with ***35'*** radius; ***KELSEY, CLANCY, AND SHIRK AT RIGGIN INTERSECTION.***

☒ Install curb; ☒ gutter ***ALL PUBLIC STREET FRONTAGES.***

☒ Drive approach size: ***41' MAX*** ☒ Use radius return; ***REFER TO CITY COMMERCIAL STDS***

☒ Sidewalk: ***6 ' - 7'*** width; ☒ ***5'*** parkway width at ***ARTERIAL AND COLLECTORS.***

☒ Repair and/or replace any sidewalk across the public street frontage(s) of the subject site that has become uneven, cracked or damaged and may constitute a tripping hazard.

☒ Replace any curb and gutter across the public street frontage(s) of the subject site that has become uneven and has created areas where water can stand.

☒ Right-of-way dedication required. A title report is required for verification of ownership. ***KELSEY- 50' IOD; CLANCY - 84' IOD; SHIRK - 35' IOD, ADDITIONAL AT RIGGIN INTERSECTION PER P-8 & 9 STDS***

☒ Deed required prior to issuing building permit; ***EASEMENTS FOR STORM WATER RETENTION AND ANY OTHER PUBLIC IMPROVEMENT ENCROACHMENTS***

☒ City Encroachment Permit Required. ***FOR ALL WORK WITHIN THE PUBLIC RIGHT-OF-WAY*** Insurance certificate with general & auto liability ($1 million each) and workers compensation ($1 million), valid business license, and appropriate contractor's license must be on file with the City, and valid Underground Service Alert # provided prior to issuing the permit. Contact Encroachment Tech. at 713-4414.

☐ CalTrans Encroachment Permit required. ☐ CalTrans comments required prior to issuing building permit. Contacts: David Deel (Planning) 488-4088;

☐ Landscape & Lighting District/Home Owners Association required prior to approval of Final Map. Landscape & Lighting District will maintain common area landscaping, street lights, street trees and local streets as applicable. Submit completed Landscape and Lighting District application and filing fee a min. of 75 days before approval of Final Map.

☒ Landscape & irrigation improvement plans to be submitted for each phase. Landscape plans will need to comply with the City's street tree ordinance. The locations of street trees near intersections will need to comply with Plate SD-1 of the City improvement standards. A street tree and landscape master plan for all phases of the subdivision will need to be submitted with the initial phase to assist City staff in the formation of the landscape and lighting assessment district.

☒ Grading & Drainage plan required. If the project is phased, then a master plan is required for the entire project area that shall include pipe network sizing and grades and street grades. ☒ Prepared by registered civil engineer or project architect. ☒ All elevations shall be based on the City's benchmark network. Storm run-off from the project shall be handled as follows: a) ☐ directed to the City's existing storm drainage system; b) ☒ directed to a permanent on-site basin; or c) ☐ directed to a temporary on-site basin is required until a connection with adequate capacity is available to the City's storm drainage system. On-site basin: : maximum side slopes, perimeter fencing required, provide access ramp to bottom for maintenance. ***RETAIN DEVELOPMENT STORM WATER ONSITE. PUBLIC STREET STORM WATER RUN-OFF TO BE COLLECTED IN SEPARATE SHALLOW SWALES WITHIN ALL LANDSCAPE SETBACKS.***

☒ Grading permit is required for clearing and earthwork performed prior to issuance of the building permit.

☒ Show finish elevations. (Minimum slopes: A.C. pavement = 1%, Concrete pavement = 0.25%. Curb & Gutter = 0.20%, V-gutter = 0.25%)

☒Show adjacent property grade elevations. A retaining wall will be required for grade differences greater than 0.5 feet at the property line.

☒All public streets within the project limits and across the project frontage shall be improved to their full width, subject to available right of way, in accordance with City policies, standards and specifications. ***RIGGIN, KELSEY, CLANCY, AND SHIRK***

☒Traffic indexes per city standards: ***RIGGIN & SHIRK 110' ARTERIAL; KELSEY & CLANCY 84' COLLECTOR***

☒Install street striping as required by the City Engineer. ***TO BE DETERMINED AT CIVIL PLAN CHECK***

☒Install landscape curbing (typical at parking lot planters). ***ONSITE PER DESIGN.***

☒Minimum paving section for parking: 2" asphalt concrete paving over 4" Class 2 Agg. Base, or 4" concrete pavement over 2" sand.

☒Design Paving section to traffic index of 5.0 min. for solid waste truck travel path.

☒Provide "R" value tests: ***1*** each at ***300' INTERVALS***

☒Written comments required from ditch company Contacts: James Silva 747-1177 for Modoc, Persian, Watson, Oakes, Flemming, Evans Ditch and Peoples Ditch; Jerry Hill 686-3425 for Tulare Irrigation Canal, Packwood and Cameron Creeks; Bruce George 747-5601 for Mill Creek and St. John's River.

☒Access required on ditch bank, 15' minimum ☐ Provide wide riparian dedication from top of bank.

☒Show Valley Oak trees with drip lines and adjacent grade elevations. ☒ Protect Valley Oak trees during construction in accordance with City requirements.

☐A permit is required to remove Valley Oak trees. Contact Public Works Admin at 713-4428 for a Valley Oak tree evaluation or permit to remove. ☐ A pre-construction conference is required.

☒Relocate existing utility poles and/or facilities. ***REQUIRED WITH ALL PUBLIC IMPROVEMENTS.***

☒Underground all existing overhead utilities within the project limits. Existing overhead electrical lines over 50kV shall be exempt from undergrounding. ***REQUIRED WITH ALL PUBLIC IMPROVEMENTS.***

☐Subject to existing Reimbursement Agreement to reimburse prior developer:

☒ Fugitive dust will be controlled in accordance with the applicable rules of San Joaquin Valley Air District's Regulation VIII. Copies of any required permits will be provided to the City.

☒ If the project requires discretionary approval from the City, it may be subject to the San Joaquin Valley Air District's Rule 9510 Indirect Source Review per the rule's applicability criteria. A copy of the approved AIA application will be provided to the City.

☒If the project meets the one acre of disturbance criteria of the State's Storm Water Program, then coverage under General Permit Order 2009-0009-DWQ is required and a Storm Water Pollution Prevention Plan (SWPPP) is needed. A copy of the approved permit and the SWPPP will be provided to the City.

☒Comply with prior comments. ☐Resubmit with additional information. ☒Redesign required.

**Additional Comments:**

1. ***It appears layout meets minimum spacing requirement of 200' from adjacent intersection to first drive approaches on Kelsey, Clancy, Riggin, and Shirk.***
2. ***A median island will be considered for traffic restrictions on Kelsey and Clancy north from Riggin intersection.***
3. ***Phasing plan provided indicates Phase 1 "opening day" improvements will include all of Shirk frontage and majority of Riggin, Kelsey, and Clancy. Provide master utilities design with Phase 1. Provide public street improvement transitions on Kesley and provide temp turnaround at terminus of street on Clancy to Phase 1 limits.***
4. ***Tentative map provided to comply with underlying development plan. Dedicate all street right-of-way with map. 25' storm water easements to the City to be dedicated on the map along street frontages for public storm water to be retained.***
5. ***Public improvements shall include, but may not be limited to, pavement, median islands w/ landscaping, street lighting, sidewalk, parkway landscaping, public storm drainage swales, curb & gutter, signal modifications & conduit, curb returns, street striping & signage, existing utility relocations and undergrounding, and sewer and storm infrastructure.***
6. ***Riggin Ave. is currently in design phase, as a City CIP, to be widened to its ultimate configuration from Kelsey to Shirk. City CIP to install curb & gutter, median, street lights, and other flatwork. Applicant to coordinate with CIP project manager (Diego Corvera) for design and median access control, etc. as this site plan has not been confirmed to what is being designed***

*by CIP. Developer to dedicate required right-of-way for Riggin CIP ahead of tentative map if needed.*

7. *An additional City CIP is slated to signalize the intersection of Riggin and Shirk. Further coordinate with CIP project manager and design project accordingly.*
8. *Project will be required to reimburse the City for improvements installed with City CIP that would typically be developer's responsibility. Typical developer responsible improvements would be 6-foot wide pavement section, curb & gutter, street lighting, sidewalks, striping & signage, underground utilities, utility relocations/extensions, sewer and storm extensions, and design and construction management. Typical right-of-way dedication responsibility is 18 feet. Coordinate with City Engineer.*
9. *The timing of the project Phase 1 will dictate level of improvement to Riggin Ave and Shirk St should City CIP's schedules fall behind. Improvements to be installed per City design. Onsite to be designed from set grades per City CIP plan. Coordinate with City Engineer.*
10. *Kelsey and Clancy are collector roadways identified in the City's Circulation Element and Transportation Impact Fee (TIF) program. Portions of improvements, beyond typical developer responsibilities, can qualify as reimbursable in the form of TIF credits.*
11. *Riggin and Shirk are arterial roadways identified in the City's Circulation Element and TIF program. Portions of road improvements, beyond typical developer responsibilities, can qualify as reimbursable in the form of TIF credits.*
12. *There is a master planned development underway on east side of Shirk (Carleton Acres), which includes a Costco nearest the northeast corner Shirk & Riggin. Site plan shows the concept layout of previous version of Carleton Acres, which will be revised given the latest development changes for the Costco site. Although the Sedona alignment does not appear to be affected with revised layout, it is highly likely the access drives on Shirk with this project and Carleton Acres will not align to entertain two-way left-turn pockets and access restrictions will remain right in/out only.*
13. *Site plan to show existing drive approaches along west side of Kelsey, installed by Amazon. Project to revise / ensure alignment of proposed access points and/or provide proper access offset distancing per standards. A detailed design layout of the Amazon improvement plan has been provided to applicant to finalize the drive access points on Kesley. Revisions to project layout will be necessary. Coordinate with City Traffic Engineer for final location acceptance.*
14. *Site plan does not provide a cross section of existing Modoc ditch against proposed site development to clearly depict onsite improvements in relation to ditch bank. Project to maintain proper maintenance road requirements of 15' along ditch banks and include necessary fencing and improvements. There appears to be a min. 40-foot setback from ditch to the nearest road improvements. Access to the ditch bank will be required, install drive approaches accordingly. Further coordinate with Modoc Ditch Company.*
15. *The City is undergoing an update to the City's Storm Drain and Sewer Master Plans. Per current data, although subject to change, a 24" storm drain trunk line will need to be installed in Clancy. A 42" SD trunk line to be extended in Shirk Street.*
16. *Per City ordinance, the City can provide cost share for the required oversizing per master plans of SD and SS mains beyond typical responsibility of 18" SD and 8" SS service mains.*
17. *Project to plan to utilize all landscape setback areas for public storm water run-off retention swales; a typical design std within the industrial area. Site Plan is unclear if this is being considered along all street frontages based on provided street cross sections. Further coordination with Public Works engineering team is required to determine which areas of public street run-off, if any, can be directed to existing City storm main infrastructure. Public street run-off must be collected and stored separately from the onsite storm drain retention basins. Provide easements to City for storm water purposes along street frontages.*
18. *Design of the public drainage swales shall be shallow with gradual side slopes. Depths should not exceed 4-feet. A min. setback from back of sidewalk to swale hinge point shall be 1-foot. Swales shall be landscaped and maintained by property owner(s). Storm water capacity calcs to be provided.*
19. *All sewer mains to be extended to the extents of the public streets. Sewer Master Plan update data may require additional improvements and oversizing.*
20. *Building permits are required, standard plan check and inspection fees apply.*

21. *Impact fees will be assessed for acreage of site development and construction of new buildings. Refer to page 5 for applicable fees. Rates may vary given final end user /tenant improvement.*
22. *The west portion of Kesley was previously designed and installed to a smaller collector standard street that is no longer supported. Per current City standards, Kelsey St. will need to meet 84' collector standard (beyond 42' from CL) for this project. A modified street cross section will also be necessary to align with new north developments Kelsey centerline. Additional design details will be required to determine an appropriate transition and alignment, leading up to and north of the ditch. It is estimated a 50' right-of-way dedication will be necessary to accommodate a 62' curb-to-curb width from the existing west curb line and a 5' parkway and 6' sidewalk along the projects east street side. Further coordinate with City Engineer.*
23. *Any discrepancies between existing right-of-way per City records and the indicated street right-of-way on Site Plan to be dedicated as IOD's to the City of Visalia will be further coordinated with City Engineer.*
24. *Additional modification/relocation of the new signalized intersection at Kelsey and Riggin will be required. Additional improvements for future signalized intersections at other major intersections (as identified per City standards) will be required.*
25. *Proposed parcel map further subdividing each underlying development plan will require additional offsite improvements, beyond the individual parcel frontages, as deemed necessary by City staff and based on the master project conditions, traffic demand & circulation, emergency access & safety, etc.*
26. *Shirk St. to meet 110' arterial requirements. Per City records, it appears an additional 35-foot dedication is necessary however that will increase near the Riggin intersection to accommodate ultimate intersection alignment per City standards P-8 and P-9. Project to construct 3/4 arterial street improvements to accommodate median island and adequate northbound traffic lane and shoulder and storm water control. Further coordinate with City Engineer.*
27. *The areas where there are no buildings or parking lots proposed have been identified as open space landscaped areas per applicant. Project shall install landscaping and irrigation accordingly with each respective phase. All landscaping to comply with state MWELO requirements. Landscape plans to accompany building plan submittals.*
28. *Compliance with CBC 11B sections requiring accessible stalls for all parking facilities (i.e. covered, non-covered parking areas) and raised accessible paths of travel.*
29. *Project to provide adequate onsite traffic circulation with each phase and adequate access to public streets. Additional scope of improvements may be deemed necessary by City Engineer to achieve proper site circulation.*
30. *Utility plan (SCE, SoCalGas, Calwater, Communications) coordination and incorporation into final building permit set is required prior to issuance. Further coordinate with City Engineer.*

## SUMMARY OF APPLICABLE DEVELOPMENT IMPACT FEES

Site Plan No: **24-096**
Date: **05/08/2024**

**Summary of applicable Development Impact Fees to be collected at the time of building permit:**

**(Preliminary estimate only! Final fees will be based on the development fee schedule in effect at the time of building permit issuance.)**

(Fee Schedule Date:**08/19/2023**)
(Project type for fee rates:**INDUSTRIAL/COMMERCIAL**)

☐ Existing uses may qualify for credits on Development Impact Fees.

| FEE ITEM | FEE RATE |
|---|---|
| ☒ Groundwater Overdraft Mitigation Fee | **$1,568/AC** |
| ☒ Transportation Impact Fee | **WAREHOUSE (100+ KSF) $1,089/1KSF<br>RETAIL $17,663/1KSF<br>LIGHT INDUSTRIAL $2,467/1KSF** |
| ☒ Trunk Line Capacity Fee | **VARIES** |
| ☒ Sewer Front Foot Fee | **$52/LF X TBD** |
| ☒ Storm Drain Acq/Dev Fee | **$1,843/AC<br>COMMERCIAL TBD** |
| ☐ Park Acq/Dev Fee | |
| ☐ Northeast Specific Plan Fees | |
| ☒ Waterways Acquisition Fee | **$1,351/AC<br>COMMERCIAL TBD** |
| ☒ Public Safety Impact Fee: Police | **$307/AC<br>COMMERCIAL TBD** |
| ☒ Public Safety Impact Fee: Fire | **$2,298/AC<br>COMMERCIAL TBD** |
| ☒ Public Facility Impact Fee | **VARIES** |
| ☐ Parking In-Lieu | |

**Reimbursement:**

1.) No reimbursement shall be made except as provided in a written reimbursement agreement between the City and the developer entered into prior to commencement of construction of the subject facilities.
2.) Reimbursement is available for the development of arterial/collector streets as shown in the City's Circulation Element and funded in the City's transportation impact fee program. The developer will be reimbursed for construction costs and right of way dedications as outlined in Municipal Code Section 16.44. Reimbursement unit costs will be subject to those unit costs utilized as the basis for the transportation impact fee.
3.) Reimbursement is available for the construction of storm drain trunk lines and sanitary sewer trunk lines shown in the City's Storm Water Master Plan and Sanitary Sewer System Master Plan. The developer will be reimbursed for construction costs associated with the installation of these trunk lines.

Keyshawn Ford
**Keyshawn Ford**

SPR 24096
SHIRK & RIGGIN IND. PARK
077840004
077840005
077840006

**City of Visalia**
**Building: Site Plan Review Comments**

**NOTE: These are general comments and DO NOT constitute a complete plan check for your specific project. Please refer to the applicable California Code & local ordinance for additional requirements.**

- [x] A building permit will be required. FOR EACH BUILDING — *For information call (559) 713-4444*
- [x] Submit 1 digital set of professionally prepared plans and 1 set of calculations. (Small Tenant Improvements)
- [ ] Submit 1 digital set of plans prepared by an architect or engineer. Must comply with 2016 California Building Cod Sec. 2308 for conventional light-frame construction or submit 1 digital set of engineered calculations.
- [ ] Indicate abandoned wells, septic systems and excavations on construction plans.

**You are responsible to ensure compliance with the following checked items:**

- [x] Meet State and Federal requirements for accessibility for persons with disabilities.
- [ ] A path of travel, parking and common area must comply with requirements for access for persons with disabilities.
- [ ] All accessible units required to be adaptable for persons with disabilities.
- [ ] Maintain sound transmission control between units minimum of 50 STC.
- [ ] Maintain fire-resistive requirements at property lines.
- [ ] A demolition permit & deposit is required. — *For information call (559) 713-4444*
- [ ] Obtain required permits from San Joaquin Valley Air Pollution Board. — *For information call (661) 392-5500*
- [x] Plans must be approved by the Tulare County Health Department. — *For information call (559) 624-8011*
- [ ] Project is located in flood zone _____ * [ ] Hazardous materials report.
- [ ] Arrange for an on-site inspection. (Fee for inspection $157.00) — *For information call (559) 713-4444*
- [x] School Development fees. COMMERCIAL: $0.78 PER SF
- [ ] Park Development fee $_____, per unit collected with building permits.
- [x] Additional address may be required for each structure located on the site. — *For information call (559) 713-4320*
- [ ] Acceptable as submitted
- [ ] No comments at this time

Additional comments: ALL BUILDINGS CONTAINING HIGH PILE STORAGE SHALL BE FULLY SPRINKLERED TYPE 13 SYSTEM. PROVIDE SMOKE & HEAT VENTILATION, BIKE RACKS AND BIKE LOCKERS AND (EV) PARKING. PROVIDE IN GROUND GREASE INTERCEPTOR AND TYPE 1 HOOD AT RESTAURANTS. PROVIDE SAND/OIL INTERCEPTOR AT CARWASH AND FUEL ISLAND. PROVIDE ACCESSIBLE ROUTES TO TRASH ENCLOSURES AND TO THE PUBLIC WAY. LANDSCAPE SHALL MEET THE MWELO REQUIREMENTS.

VAL GARCIA 7/1/24

**Site Plan Comments**
Visalia Fire Department
Corbin Reed, Fire Marshal
420 N. Burke
Visalia CA 93292
559-713-4272 office
prevention.division@visalia.city

| | |
|---|---|
| Date | May 7, 2024 |
| Item # | 3 |
| Site Plan # | 24096 |
| APN: | 077840004,5,6 |

- The Site Plan Review comments are issued as **general overview** of your project. With further details, additional requirements will be enforced at the Plan Review stage. Please refer to the 2022 California Fire Code (CFC), 2022 California Building Codes (CBC) and City of Visalia Municipal Codes.

- Construction and demolition sites prior to and during construction shall comply with the following:
  - **Water supply** for fire protection, either temporary or permanent, shall be made available as soon as combustible materials arrive on the site. 2022 CFC §3312
  - Provide an all-weather, 20 feet width **construction access road** capable of holding a 75,000 pound fire apparatus. Fire apparatus access shall be provided within 100 feet of temporary or permanent fire department connections. 2022 CFC §3310

- **Address numbers** must be placed on the exterior of the building in such a position as to be clearly and plainly visible from the street. Numbers will be at least four inches (4") high and shall be of a color to contrast with their background. If multiple addresses are served by a common driveway, the range of numbers shall be posted at the roadway/driveway. 2022 CFC 505.1

- All hardware on **exit doors, illuminated exit signs and emergency lighting** shall comply with the 2022 California Fire Code. This includes all locks, latches, bolt locks, panic hardware, fire exit hardware and gates.

- **Commercial dumpsters** with 1.5 cubic yards or more shall not be stored or placed within 5 feet of combustible walls, openings, or a combustible roof eave line except when protected by a fire sprinkler system. 2022 CFC 304.3.3

- A **Knox Box key lock system** is required. Where access to or within a structure or area is restricted because of secured openings (doors and/or gates), a key box is to be installed in an approved location. Go to knoxbox.com to order and please allow adequate time for shipping and installation. 2022 CFC 506.1

- If your business handles **hazardous material** in amounts that exceed the Maximum Allowable Quantities listed on Table 5003.1.1(1), 5003.1.1(2), 5003.1.1(3) and 5003.1.1(4) of the 2022 California Fire Code, you are required to submit an emergency response plan to the Tulare County Health Department. Also you shall indicate the quantities on your building plans and prior to the building final inspection a copy of your emergency response plan and Safety Data Sheets shall be submitted to the Visalia Fire Department.

- Where a portion of any building is more than 400 feet from a hydrant on a fire apparatus access road, **on-site fire hydrant(s)** shall be provided. 2022 CFC 507.5.1, App B and C

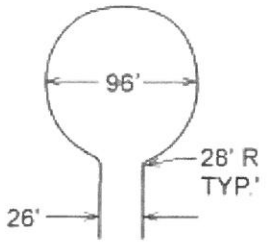
- Due to insufficient building information, the number and distance between **fire hydrants** cannot be determined by the Site Plan Review process. The number of fire hydrants and distance between required fire hydrants shall be determined by utilizing type of construction and square footage in accordance with 2022 CFC §507, App B and C.

  To determine **fire hydrant** location(s) and distribution the following information should be provided to the Site Plan Review committee: Type of construction_____ Square footage _____

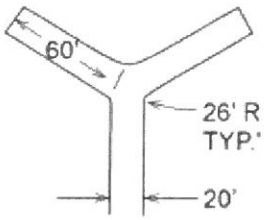
- A **fire apparatus access road(s)** shall be provided and extend within 150 feet of all portions of the building and all portions of the exterior walls of the first story as measured by an approved route around the exterior. Minimum turning radius for emergency fire apparatus shall be 20 feet inside radius and 43 feet outside radius. Fire apparatus access roads shall have an unobstructed width of not less than the following (2022 CFC 503.1.1)
  - 20 feet width, exclusive of shoulders (No Parking)
  - More than 26 feet width, exclusive of shoulders (No Parking one side)
  - More than 32 feet wide, exclusive of shoulders (Parking permitted on both sides)

- Buildings or portions of buildings with a vertical distance between the grade plan and the highest roof surface that exceed 30 feet shall provide an approved **fire apparatus access road** capable of accommodating fire department aerial apparatus.
  - Access roads shall have a minimum unobstructed width of 26 feet, exclusive of shoulders.
  - Access routes shall be located within a minimum of 15 feet and maximum of 30 feet from the building, and shall be positioned parallel to one entire side of the building.
  - Overhead utility and power lines shall not be located over the aerial fire apparatus access road or between the aerial fire apparatus road and the building.

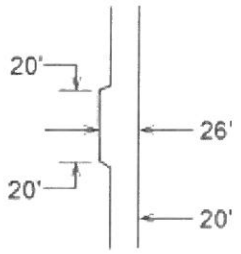
- Fire apparatus access roads in excess of 150 feet that dead end shall be provided with a **turnaround**. Fire apparatus access roads with a length of 151-500 feet shall be a minimum of 20 feet in width. Length of 501-750 feet shall be 26 feet in width. 2022 CFC Table D103.4



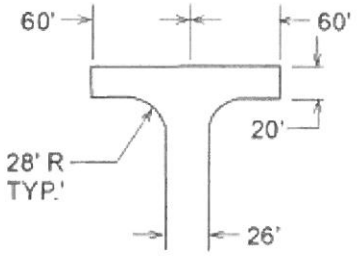

96' DIAMETER
CUL-DE-SAC



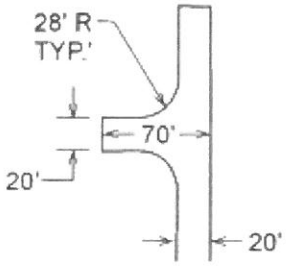

60' "Y"




MINIMUM CLEARANCE
AROUND A FIRE
HYDRANT




120' HAMMERHEAD




ACCEPTABLE ALTERNATIVE
TO 120' HAMMERHEAD

- Approved **No PARKING – FIRE LANE signs** shall be provided for fire apparatus access roads to identify such roads or prohibit the obstruction thereof. Signs shall have a minimum dimension of 12 inches wide by 18 inches high and have red letters on a white reflective background. 2022 CFC 503.3/ D103.6

SIGN TYPE "A" SIGN TYPE "C" SIGN TYPE "D"




- **Gates on access roads** shall be a minimum width of 20 feet and shall comply with the following (2022 CFC D103.5):
  - Gates shall be of the swinging or sliding type.
  - Gates shall allow manual operation by one person (power outages).
  - Gates shall be maintained in an operative condition at all times.
  - Electric gates shall be equipped with a means of opening the gate by fire department personnel for emergency access. Note: Go to knoxbox.com to order and please allow adequate time for shipping and installation.

- **All streets** shall meet the City of Visalia's Design & Improvement Standards for streets to ensure that fire apparatus can make access to all structures in the event of an emergency.

- An **automatic fire sprinkler system** will be required for this building. Also, a fire hydrant is required within 50 feet of the Fire Department Connection (FDC). Where an existing building is retrofitted with a sprinkler system (NFPA 13 or NFPA 13R) a fire hydrant shall be provided within 75 feet of the FDC. An additional 25 feet of distance between a fire hydrant and FDC may be granted when a fire sprinkler Density is designed with an additional 25%. 2022 CFC §912 and VMC 8.20.010 subsection C103.4

- Locking **fire department connection (FDC) caps** are required. The caps shall be ordered using an approved Knox Authorization Order Form. Go to knoxbox.com to order and please allow adequate time for shipping and installation. 2022 CFC 912.4.1

- Commercial cooking appliances and domestic cooking appliances used for commercial purposes that produce grease laden vapors shall be provided with a **Type 1 Hood**, in accordance with the California Mechanical Code, and an automatic fire extinguishing system. 2022 CFC 904.12 & 609.2

- Comply with Section 510 of the California Fire Code for emergency responder radio coverage.
- Traffic calming devices shall be prohibited unless approved by the fire code official. Visalia Fire Department current standards for approved traffic calming are speed tables that can be traversed at 25 miles per hour.

- All exterior risers, drain/test valves and backflow devices shall be protected from unauthorized tampering by approved means. Protection method shall be indicated on building plans. 2022 CFC 903.3.8.4.1

Corbin Reed
Fire Marshal



City of Visalia
Police Department
303 S. Johnson St.
Visalia, CA 93292
(559) 713-4370

Date: 5/6/24
Item: 3
Site Plan: SPR24096
Name: Sergeant McBride

**Site Plan Review Comments**

- [x] No Comment at this time.
- [ ] Request opportunity to comment or make recommendations as to safety issues as plans are developed.
- [ ] Public Safety Impact Fee:
  Ordinance No. 2001-11 Chapter 16.48 of Title 16 of the Visalia Municipal Code
  Effective date - August 17, 2001.
- [ ] Impact fees shall be imposed by the City pursuant to this Ordinance as a condition of or in conjunction with the approval of a development project. "New Development or Development Project" means any new building, structure or improvement of any parcels of land, upon which no like building, structure of improvement previously existed. *Refer to Engineering Site Plan comments for fee estimation.
- [ ] Not enough information provided. Please provide additional information pertaining to:
- [ ] Territorial Reinforcement: Define property lines (private/public space).
- [ ] Access Controlled/ Restricted etc.
- [ ] lighting Concerns:
- [ ] Traffic Concerns:
- [ ] Surveillance Issues:
- [ ] Line of Sight Issues:
- [ ] Other Concerns:

# SITE PLAN REVIEW COMMENTS

## CITY OF VISALIA TRAFFIC SAFETY DIVISION

## May 8, 2024

**ITEM NO: 3** **Added to Agenda** **MEETING TIME: 09:30**

SITE PLAN NO: SPR24096 ASSIGNED TO: Josh Dan Josh.Dan@visalia.city
PROJECT TITLE: Shirk & Riggin Industrial Park
DESCRIPTION: Resubmission of R&P -
Site Plan Review No. 2021-074-D
APPLICANT: Jonathan Frausto - Applicant
OWNER: JEFFREY B RITCHIE FAMILY LTD PTNRS
JEFFREY B RITCHIE FAMILY LTD PTNRS
JEFFREY B RITCHIE FAM LP
APN: 077840004
077840005
077840006
LOCATION: Northwest corner of W. Riggin Ave. and N. Shirk Rd.

**THE TRAFFIC DIVISION WILL PROHIBIT ON-STREET PARKING AS DEEMED NECESSARY**

☐ No Comments

☒ See Previous Site Plan Comments

☒ Install Street Light(s) per City Standards.

☒ Install Street Name Blades at ***intersection*** Locations.

☒ Install Stop Signs at ***intersection*** of local road with arterial/collector and/or collector with arterial Locations.

☒ Construct parking per City Standards PK-1 through PK-4.

☒ Construct drive approach per City Standards.

☒ Traffic Impact Analysis required (CUP)

☒ Provide more traffic information such as number of trips project is expected to generate in peak hour. Depending on development size, characteristics, etc., a TIA may be required.

☐ Additional traffic information required (Non Discretionary)

- ☐ Trip Generation - Provide documentation as to concurrence with General Plan.
- ☐ Site Specific - Evaluate access points and provide documentation of conformance with COV standards. If noncomplying, provide explanation.
- ☐ Traffic Impact Fee (TIF) Program - Identify improvments needed in concurrence with TIF.

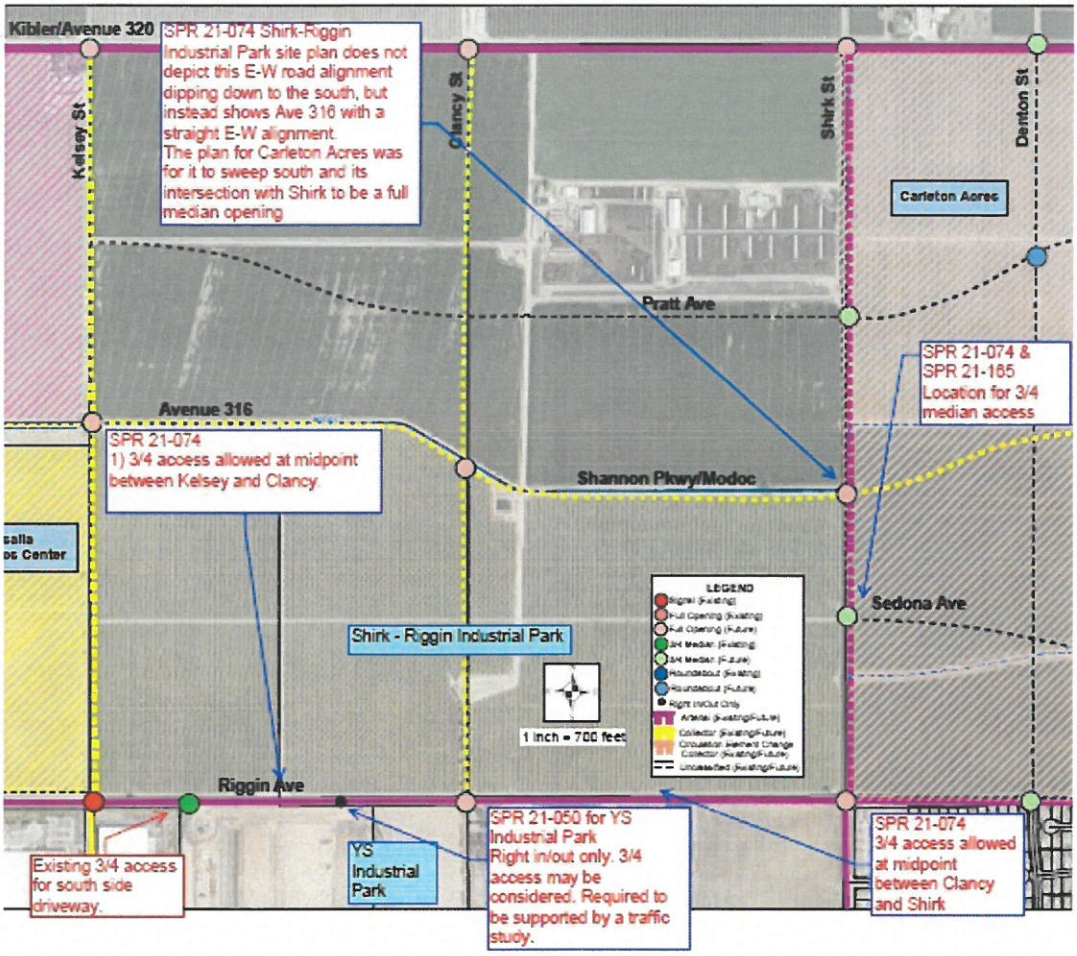
**Additional Comments:**

- Noted -DRAFT TIA and VMT analysis provided.
- Driveways on Kelsey, Riggin, Clancey, Shirk and local roads- Location, number and spacing of driveways required to comply with COV Standards C-32. Applicant to check conformity and make

revisions accordingly. Please note any deviation from City standard requires justification and supporting documentation and study.

- Shirk St and Riggin Ave are arterial status roadways. Minimum distance between driveways is 500-ft and from intersection is 200-ft. Refer to COV Standard C-32.
- Kelsey St and Clancey St are collector status roadways. Minimum distance between driveways is 250-ft and from intersection is 200-ft.Refer to COV Standard C-32.
- Driveways for site to align with driveways on westside of Kelsey, southside of Riggin, and eastside of Shirk. Show existing and proposed development driveways adjacent to site.
- Median access break locations on arterial status roadways,Riggin and Shirk, shall comply with COV Standard P-12. Access break locations to take into consideration existing/proposed development on the southside of Riggin Ave and existing/proposed development on the eastside of Shirk St. Any deviation from City standard P-12 requires supporting documentation and study.
- Riggin Ave (Clancy to Shirk) – ¾ median access break allowed at mid point between Clancy and Shirk. Driveway to align with this location. All other driveways will be restricted to right in/out only.
- Riggin Ave (Kelsey to Clancy) – ¾ median access break allowed at mid point (1/4-mile) between Kelsey and Clancy. All other driveways restricted to right in/out only.
- Shirk St (Riggin to Ave 316/Shannon Pkwy/Modoc alignment) – ¾ median access break permitted at the Sedona Ave alignment. Driveway to align with Sedona Ave as shown on Carleton Acres plan located on eastside of Shirk St. Full opening to align with Costco main driveway and be signalized. See NW Quadrant Traffic Circulation exhibit below. Any deviation will be required to be supported and justified by a traffic study.
- Shirk St - Full median opening permitted at the Shannon Pkwy/Modoc alignment. Alignment required to concur with Carleton Acres development located on eastside of Shirk St.
- All other driveways on Shirk St will be right in/out only.
- Northerly perimeter of site is along the Avenue 316/Riverway/Shannon Pkwy roadway alignment.. How does this site tie in with this roadway alignment? See NW Quadrant Traffic Circulation exhibit below.
- Will the development of this site and trips generated warrant signalization of the intersection of Clancey and Riggin, Shirk and Riggin, Shannon Pkwy/Modoc and Shirk, Ave 316 and Kelsey? Other intersections? Study needed.
- Will the roadway access points require right turn decel lanes? Study needed to determine.
- Ensure northerly perimeter roadway aligns with the alignment of the proposed Shannon Pkwy alignment for the Carleton Acres development on the eastside of Shirk St. Full median opening on Shirk St at this location for future signalization. When is signalization needed? Analysis required.
- TIA to analyze onsite circulation and offsite circulation.
- For questions or clarification on traffic requirements, contact Traffic Engineering 559-713-4633.

City of Visalia NW Quadrant Traffic Circulation




Leslie Blair

**Leslie Blair**

City of Visalia
7579 Ave. 288, Visalia, CA 93277
Public Works
(559) 713-4465 Fax (559) 713-4501

SITE PLAN REVIEW DATE: 5/8/2024

WASTEWATER COLLECTIONS AND PRETREATMENT DIVISION (QUALITY ASSURANCE)
SITE PLAN REVIEW COMMENTS

SITE PLAN REVIEW NO: 24096

PROJECT NAME: Shirk and Riggin Industrial Park

THE PROJECT IS SUBJECT TO THE FOLLOWING REQUIREMENTS FROM WASTEWATER PRETREATMENT DIVISION (QUALITY ASSURANCE):

- [x] SUBMISSION OF WASTEWATER DISCHARGE PERMIT APPLICATION/QUESTIONAIRRE/OTHER REGULATORY FORMS
  - FORM REQUIRED Industrial Discharge Application
  - FORM REQUIRED _____
  - FORM REQUIRED _____
- [ ] INSTALLATION OF SAND AND GREASE INTERCEPTOR
- [ ] INSTALLATION GREASE INTERCEPTOR
- [ ] OTHER _____
- [ ] SITE PLAN REVIEWED-NO COMMENTS

CONTACT THE WASTEWATER DEPARTMENT AT (559) 713-4466 OR BEN.LITWACK@VISALIA.CITY, IF YOU HAVE ANY QUESTIONS.

COMMENTS

SEE ATTACHED

DATE REVIEWED: 05/07/2024

City of Visalia
Public Works Department
Quality Assurance Division
7579 Avenue 288
Visalia, CA 93277

# INDUSTRIAL DISCHARGE PERMIT APPLICATION

## PART A

AGENCY USE:

Date Received:

PERMIT NO:_____

1. Applicant Business Name:

   _____

2. Service Account Number_____
3. Business Address:
   - A. Street _____
     City _____ Zip _____
   - B. Mailing_____
     City _____ Zip _____
4. Chief Executive Office:
   - A. Name _____
   - B. Title _____
   - C. Mailing Address_____
     City _____ State _____Zip _____
   - D. Phone _____
   - E. Email _____
5. Person to be contacted about this application:
   - A. Name _____
   - B. Title _____
   - C. Phone _____
   - D. Email _____
6. Person to be contacted in case of emergency:
   - A. Name _____
   - B. Title _____
   - C. Day Phone _____ Night Phone _____
   - D. Email: _____
7. Designated Authorized Signatory
   - A. Name_____
   - B. Title _____
   - C. Phone_____
   - D. Email _____
8. **CERTIFICATION:** I certify that the information above and on the following pages is true and correct to the best of my knowledge.

   Signature _____ Date _____

   Title _____

## PART B
## BUSINESS DESCRIPTION

Purpose – The Business Description is primarily used to determine the substances which may enter into the wastewater discharge from the Business Activity. The production quantities are necessary for State and Federal Reports.

Agency Use

Permit No._____

1. Business Activity:
   Activity _____ SIC _____

(a) Products

| TYPE OF PRODUCTS | QUANTITIES | | | | | |
|---|---|---|---|---|---|---|
| | PAST CALENDAR YEAR | | | ESTIMATED THIS CALENDAR YEAR | | |
| | Amount | | Units | Amount | | Units |
| | Avg | Max | | Avg | Max | |
| | | | | | | |
| | | | | | | |
| | | | | | | |
| | | | | | | |
| | | | | | | |
| | | | | | | |

(b) Description – Describe the wastewater generating operations. Indicate variations in production and operations during the year. (Use additional sheets as necessary)

_____

_____

(c) Environmental Control Permits and Licenses – List all environmental control permits held by or for this facility:

_____

_____

_____

_____

(d) Substances Discharged – Give common and technical names of any raw materials or product which may be discharged to the sewer. Briefly describe the physical and chemical properties of each substance and product:

| NAME | DESCRIPTION |
|---|---|
| | |
| | |
| | |
| | |
| | |

2. Discharge Period
   (a) Discharge occurs daily: from _____to _____
   (b) Circle the days of the week that the discharge occurs:
   S M T W T F S

3. Variation of Operation
   Indicate whether the business activity is:
   Continuous through the year, or Seasonal
   Circle the months of the year during which discharge occurs:
   J F M A M J J A S O N D

Comments: _____

_____

_____

_____

## PART B (continued)

Review the following list of EPA priority pollutants. Indicate the status of your facility with respect to the manufacture, use or storage of priority pollutants by marking the appropriate space for each pollutant listed.

| PRIORITY POLLUTANT | DISCHARGED TO SEWER | STORED ON SITE | NOT PRESENT |
|---|---|---|---|
| Acenaphthene | | | |
| Acrolein | | | |
| Acrylonitrile | | | |
| Benzene | | | |
| Benzidine | | | |
| Carbon tetrachloride(tetrachloromethane) | | | |
| Chlorobenzene | | | |
| 1,2,4-Trichlorobenzene | | | |
| Hexachlorobenzene | | | |
| 1,2-Dichloroethane | | | |
| 1,1,1-Trichloroethane | | | |
| Hexachloroethane | | | |
| 1,1-Dichlorethane | | | |
| 1,1,2-Trichlorethane | | | |
| 1,1,2,2-Tetrachloroethane | | | |
| Chloroethane | | | |
| Indeno(1,2,3-cd)pyrene(2,3-o-phenlene pyrene) | | | |
| Pyrene | | | |
| Tetrachlorethylene | | | |
| Toluene | | | |
| Trichloroethylene | | | |
| Vinyl chloride (chlorotheylene) | | | |
| Aldrin | | | |
| Dieldrin | | | |
| Chlordane (technical mixture and metabolites) | | | |
| 4,4-DDT | | | |
| 4,4-DDE (p,p-DDX) | | | |
| 4,4-DDD (p,p-TDE) | | | |
| Alpha-endosulfan | | | |
| Beta-endosulfan | | | |
| Endosulfan sulfate | | | |
| Endrin | | | |
| Endrin aldehyde | | | |
| Heptachlor | | | |
| Heptachlor epoxide (HC-hexachlorocyclohexane) | | | |
| Bis (2-chloroethyl) ether | | | |
| 2-Chloroethyl vinyl ether (mixed) | | | |
| 2-Chloronapthalene | | | |
| 2,3,6-Trichlorophenol | | | |
| Parachlorometa cresol | | | |
| Chloroform (trichloromethane) | | | |
| 2-Chlorophenol | | | |
| 1,2-Dichlorobenzene | | | |
| 1,3-Dichlorobenzene | | | |
| 1,4-Dichlorobenzene | | | |
| 3,3-Dichlorobenzidine | | | |

## PART B (continued)

| PRIORITY POLLUTANT | DISCHARGED TO SEWER | STORED ON SITE | NOT PRESENT |
|---|---|---|---|
| 1,1-Dichlorotheylene | | | |
| 1,2-Trans-dichloroethylene | | | |
| 2,4-Dichlorophenol | | | |
| Bis (2-chloroisopropyl) ether | | | |
| Bis (2-chloroethoxy) methane | | | |
| Methylene chloride (dichloromethane) | | | |
| Methyl chloride (chloromethane) | | | |
| Methyl bromide (bromomethane) | | | |
| Bromoform (tribromomethane) | | | |
| Dichlorobromomethane | | | |
| Chlorodibromomethane | | | |
| Hexachlorobutadiene | | | |
| Hexachlorocylcopentadiene | | | |
| Isophorone | | | |
| Naphthalene | | | |
| Nitrobenzene | | | |
| 2-Nitrophenol | | | |
| 4-Nitrophenol | | | |
| 2,4-Dinitrophenol | | | |
| 4,6-Dinitro-o-cresol | | | |
| N-nitrosodimethylamine | | | |
| N-nitrosodiphenylamine | | | |
| N-nitrosodi-n-propylamine | | | |
| Pentachlorophenol | | | |
| Phenol | | | |
| Bis (2-ethylhexyl) phthalate | | | |
| Butyl benzyl phthalate | | | |
| Di-n-butyl phthalate | | | |
| di-n-octyl phthalate | | | |
| Diethyl phthalate | | | |
| Dimethyl phthalate | | | |
| 1,2-Benzanthracene (benzo (a) anthracene-0) | | | |
| Benzo (a) pyrene (3,4-benzopyrene) | | | |
| 3,4-Benzofluoranthene (benzo (b) fluoranthene) | | | |
| 11,12-Benzofluoranthene (benzo (k) fluoranthene) | | | |
| Chrysene | | | |
| Acenaphthylene | | | |
| Anthracene | | | |
| 1,12-Benzoperylene (benzo (ghi) perylene) | | | |
| Fluorene | | | |
| Phenanthrene | | | |
| 1,2,5,6-Dibenzanthracene (dibenzo (a,h) anthracene) | | | |
| Alpha-BHC | | | |
| Beta-BHC | | | |
| Gamma-BHC | | | |
| Delta-BHC (PCB-polychlorinated biphenyls) | | | |
| PCB-1242 (Arochlor 1242) | | | |

## PART B (continued)

| PRIORITY POLLUTANT | DISCHARGED TO SEWER | STORED ON SITE | NOT PRESENT |
|---|---|---|---|
| PCB-1254 (Arochlor 1254) | | | |
| PCB-1221 (Arochlor 1221) | | | |
| PCB-1232 (Arochlor 1232) | | | |
| PCB-1248 (Arochlor 1248) | | | |
| PCB-1260 (Arochlor 1260) | | | |
| PCB-1016 (Arochlor 1016) | | | |
| Toxaphene | | | |
| Antimony | | | |
| Arsenic | | | |
| Asbestos | | | |
| Berylllium | | | |
| Cadmium | | | |
| Chromium | | | |
| Copper | | | |
| Cyanide, Total | | | |
| Lead | | | |
| Mercury | | | |
| Nickel | | | |
| Selenium | | | |
| Silver | | | |
| Thallium | | | |
| Zinc | | | |
| 2,3,7,8-Tetrachlorodibenzo-o-dioxin (TCDD) | | | |

1. Discharged to sewer – priority pollutants known to be discharged to the community sewer regardless of the quantity.
2. Stored on site – priority pollutants stored on site as a product, the constituent of a product, a raw material, the constituent of a raw material or an intermediate in a manufacturing process and not known to be discharged to the community sewer.
3. Not present – priority pollutants not known to be discharged to the community sewer and not stored on site as per the above condition.

## CERTIFICATION STATEMENT

I have personally examined and am familiar with the information submitted in conjunction with the EPA Priority Pollutant List and any associated attachments. Based upon my inquiry of those individuals immediately responsible for obtaining the information reported herein, I believe that the submitted information is true, accurate and complete. I am aware that there are significant penalties for submitting false information including the possibility of fine and imprisonment.

_____ _____

Signature of Authorized Representative Date

## PART C
## SCHEMATIC FLOW DIAGRAM

Purpose – The Schematic Flow Diagram shows the flow pattern of products through the facility and the various sources of wastewater. This information will enable the City to assess the quality, volume and peak flows of the discharge

| Agency Use |
| --- |
| Permit No._____ |

**SCHEMATIC FLOW DIAGRAM** – For each major activity in which wastewater is generated, draw a diagram of the flow of materials and water from start to completed product, showing all unit processes generating wastewater. Number each unit process having discharges to the community sewer. Use these numbers when showing this unit process in the building layout as drawn later in this application.

## PART D
## BUILDING LAYOUT

Purpose – The Building Layout shows the wastewater generating operations which contribute to each building sewer. The building layout will also enable the City and the applicant to select suitable sampling locations for determining and verifying wastewater strength.

| Agency Use |
| --- |
| Permit No._____ |

**BUILDING LAYOUT** – Draw the location of each building on the premises. Show location of water meters, storm drains, numbered unit processes (from Schematic Flow Diagram), community sewers and each building sewer connected to the community sewers. Number each building sewer and show possible sampling locations. Indicate size and elevation of all sewers. (A blueprint or drawing of the facilities showing the above items may be substituted for the drawing on this sheet, but will remain on file at the wastewater facility.)

## PART E
## WATER SOURCE & USE

Purpose – The Water Source and Use Information will enable the City to determine the volumes and sources of wastewater discharged to the community sewer.

Agency Use

Permit No._____

1. WATER USE AND DISPOSITION – Average quantity of water received and wastewater discharged daily.
   NOTE: Show on separate sheet the method and calculations used to determine the quantities on table.

| | **Supply** | | | **Discharge** | | |
|---|---|---|---|---|---|---|
| WATER USED FOR: | City Water | Other (1) | | Community Sewer | Other (2) | |
| | gal/day | gal/day | Source | gal/day | gal/day | Discharge to |
| Sanitary | | | | | | |
| Processes | | | | | | |
| Boiler | | | | | | |
| Cooling | | | | | | |
| Washing | | | | | | |
| Irrigation | | | | | | |
| Product | | | | | | |
| Other (3) | | | | | | |
| | | | | | | |
| | | | | | | |
| **TOTAL** | | | | | | |

Notes:

(1) The quantity and the appropriate code letter indicating the source: a. private well, b. creek, c. stormwater, d. reclaimed water, e. county water, f. private water district

(2) The quantity and the appropriate code letter indicating the discharge point: a. well, b. creek, c. stormdrain, d. rail, truck, e. evaporation, f. product

(3) Describe: _____

2. NUMBER OF EMPLOYEES (Yearly Average)

| | OFFICE | | PRODUCTION (number of employees per shift) | | | | | |
|---|---|---|---|---|---|---|---|---|
| | | | DAY SHIFT | | SWING SHIFT | | NIGHT SHIFT | |
| | Number | Hours | Number | Hours | Number | Hours | Number | Hours |
| WEEKDAY | | SE to | | to | | to | | to |
| SATURDAY | | to | | to | | to | | to |
| SUNDAY | | to | | to | | to | | to |

## PART F (continued)
## BUILDING SEWER DISCHARGE

Purpose – The Building Sewer Discharge information will identify the variation in flow rate and type of constituents and characteristics of the discharge for each side sewer.

Agency Use

Permit No._____

1. Side Sewer No. _____ (From Building Layout)

2. Wastewater Flow Rate:

| PEAK ½ HOUR (gallons/min) | ANNUAL DAILY AVERAGE (gallons/day) |
|---|---|
| | |

| RANGE (gallons/day) | | |
|---|---|---|
| **Daily** | **Monthly** | **Seasonal** |
| | | |

3. If Batch Discharge Indicate:

   a. Number of batch discharges: _____ per month
   b. Time of batch discharges _____ (Days of Week) at _____ (Hours of Day)
   c. Average volume per batch _____ gallons
   d. Flow Rate: _____ gallons/minute

**Statement of Accuracy of Data**

I hereby affirm that the data on the previous page comprise a true and correct representation of the wastewater discharged from the stated discharge point.

_____

Signature Date City

_____

(Print) Name Position

## PART G
## POLLUTION ABATEMENT

Agency Use

Permit No._____

Purpose – The Pollution Abatement Section shows the current and planned pretreatment practices used for meeting wastewater discharge limitations.

1. Pollution Abatement Practices

   a. Wastewater pretreatment – Check the type of wastewater pretreatment prior to discharge to the community sewer:

   ☐ None ☐ holding tank ☐ grease trap ☐ oil and water separator ☐ grinding ☐ sedimentation
   ☐ pH adjustment ☐ biological treatment ☐ chemical treatment ☐ screening ☐ chlorination
   ☐ Other

   Description

   Describe the design capacity, physical size, etc. of each pretreatment facility checked above:

   _____

   _____

   _____

   _____

   _____

   _____

   _____

   Average daily waste treated:

| Flow (mgd) | BOD (lbs/day) | SS (lbs/day) |
|---|---|---|
| | | |

   Is standby power available: Yes ☐ No ☐

   b. Planned Wastewater Pretreatment Improvements:

   _____

   _____

   _____

   _____

   _____

   _____

   _____

   _____

   _____

   _____

   _____

   _____

   _____

   _____

   _____

2. Stormwater Area

   Total Area in square feet exposed to storm water and drainage to this side sewer _____ sq. ft.

## PART H
## SPILL CONTROL

Agency Use

Permit No._____

Purpose – The Spill Control Information will identify substances which may inadvertently enter the sewer.

1. SPCC

   a. Is there a documented Spill Prevention Control and Countermeasure (SPCC) Plan in effect at your facility for hazardous materials?
   Yes ☐ No ☐

   b. Who is the person accountable for spill prevention, emergency procedures and containment plans?

   _____

   c. Who is the person accountable for reporting such incidents?

   _____

2. Potential Spill Areas

   a. Liquid Wastes – List the type and volume of liquid waste removed from the premises by means other than community sewers:

| DESCRIPTION | VOLUME (gals/mo) | REMOVED BY | ULTIMATE DISPOSAL |
|---|---|---|---|
| | | | |
| | | | |
| | | | |
| | | | |
| | | | |

   b. Solid & Semi-Solid – Identify all solid and semi-solid wastes including any priority pollutants disposed from your facility:

| DESCRIPTION | VOLUME (lbs/mo) | REMOVED BY | ULTIMATE DISPOSAL |
|---|---|---|---|
| | | | |
| | | | |
| | | | |
| | | | |
| | | | |

   c. Other Potential Spills

   Do you have heavy equipment on your property? (fork lifts, cranes, trucks, tractors, etc.)

   _____

   Do you service or clean the equipment on your property? _____

   _____

   What provisions are made for disposal of old oil, steam cleaning wastes, grit, sand, or other wastes?

   _____

   Do you store or dispose of waste material on your property? Yes ☐ No ☐

   If yes, describe:_____

   _____

## PART I
## REQUESTED PLANT LOADINGS

Purpose – These figures are necessary to evaluate requested plant loadings for the upcoming fiscal year.

Agency Use

Permit No._____

1. Requested Plant Loadings:

   a. Wastewater volume _____ gallons per day.

   b. B.O.D. strengths _____ pounds per day.

   c. Suspended Solids _____ pounds per day.

2. Water Source Information

   Water Supplier _____ Account Number _____

   Address _____

   _____

   Inside City Limits....☐ Yes ☐ No

   Source of Water.....☐ City ☐ Private Well

   ☐ County ☐ Other _____

   Water Meter.....☐ Yes ☐ No

CITY OF VISALIA
**SOLID WASTE DIVISION**
**336 N. BEN MADDOX**
**VISALIA CA. 93291**
**713 - 4532**
**COMMERCIAL BIN SERVICE**

**24096**

May 8, 2024

| | |
|---|---|
| | No comments. |
| XX | See comments below |
| XX | Revisions required prior to submitting final plans. See comments below. |
| | Resubmittal required. See comments below. |
| XX | Customer responsible for all cardboard and other bulky recyclables to be broken down before disposing of in recycle containers |
| XX | ALL refuse enclosures must be city standard R-1 OR R-2 & R-3 OR R-4 |
| XX | Customer must provide combination or keys for access to locked gates/bins |
| | Type of refuse service not indicated. |
| | Location of bin enclosure not acceptable. See comments below. |
| XX | Bin enclosure insufficient to comply with state recycling mandates. See comments for suggestions. |
| XX | Inadequate number of bins to provide sufficient service. See comments below. |
| | Drive approach too narrow for refuse trucks access. See comments below. |
| | Area not adequate for allowing refuse truck turning radius of : Commercial 50 ft. outside 36 ft. inside; Residential 35 ft. outside, 20 ft. inside. |
| XX | Paved areas should be engineered to withstand a 55,000 lb. refuse truck. |
| XX | Bin enclosure gates are required |
| | Hammerhead turnaround must be built per city standards. |
| | Cul - de - sac must be built per city standards. |
| XX | Bin enclosures are for city refuse containers only. Grease drums or any other items are not allowed to be stored inside bin enclosures. |
| XX | Area in front of refuse enclosure must be marked off indicating no parking |
| XX | Enclosure will have to be designed and located for a STAB service (DIRECT ACCESS) with no less than 38' clear space in front of the bin, included the front concrete pad. |
| | Customer will be required to roll container out to curb for service. |
| XX | Must be a concrete slab in front of enclosure as per city standards, the width of the enclosure by ten(10) feet, minimum of six(6) inches in depth. |
| | Roll off compactor's must have a clearance of 3 feet from any wall on both sides and there must be a minimum of 53 feet clearance in front of the compactor to allow the truck enough room to provide service. |
| XX | City ordinance 8.28.120-130 (effective 07/19/18) requires contractor to contract with City for removal of construction debris unless transported in equipment owned by contractor or unless contracting with a franchise permittee for removal of debris utilizing roll-off boxes. |

Comment

Solid waste services to include trash, recycle, and organic recycling per the State of California's mandatory recycling laws (AB-341 & AB-1826). All previous comments applicable. Customer to call out any roll-off and/or compactor collection services planned at each building. Customer to include and identify placement of a city standard (R1/R2) single bin enclosure at each building to house the required organics recycling bin. All enclosures are to be set for STAB load collections and include enclosure gates that swing 180 degrees, clear all curbing, and include Cane bolts to secure them when opened.

Jason Serpa, Solid Waste Manager, 559-713-4533
Edward Zuniga, Solid Waste Supervisor, 559-713-4681

Nathan Garza, Solid Waste, 559-713-4532

# CALIFORNIA WATER SERVICE

**Visalia District** 216 North Valley Oaks Drive
Visalia, CA 93292 *Tel:* (559) 624-1600


| | |
|---|---|
| **Site Plan Review Comments From:**<br>California Water Service<br>Scott McNamara, Superintendent<br>216 N Valley Oaks Dr.<br>Visalia, CA 93292<br>559-624-1622 Office<br>smcnamara@calwater.com | Date: 05/08/2024<br>Item # 3<br>Site Plan # 24-096<br>Project: Shirk and Riggin Industrial Park<br>Description: Resub<br>Applicant: Jonathan Frausto<br>APN: 077-840-004/077-840-005/077-840-006<br>Address: NWC of Shirk and Riggin |

**The following comments are applicable when checked:**

☐ No New Comments

☒ **Water Mains:**

***Comments:*** Water main may need to be installed on Shirk, north of Riggin to your north property line, as there is currently no water main on Shirk, north of Riggin. Currently there is no water main on Riggin, from your development's access road to Shirk. If there is no water main installed in this area when your project starts, the developer will be required to install this section. If the water main is to be installed on private property, Cal Water will require a dedicated easement for our infrastructure.

☐ **Water Services:**

***Comments:*** Services will need to be installed with this project. There are currently no services installed north of Riggin, between Shirk and Kelsey.

☒ **Fire Hydrants:**

***Comments:*** Fire hydrants will be installed per the Visalia Fire Departments requirements. If fire hydrants are required for your project off an existing water main, Cal Water will utilize our own contractor (West Valley) for installation. This work will be paid for by the property owner/developer.

☒ **Backflow Requirements:**

***Comments:*** A backflow is required if any parcel is for multi-family, commercial, has multiple dwellings, or has multiple services. Please contact Cross Connection Control Specialist Juan Cisneros at *559-624-1670* or *visaliabackflow@calwater.com* for a backflow install packet.

**Additional Comments:**

☒ Please contact New Business Superintendent Sedelia Sanchez at *559-624-1621 or ssanchez@calwater.com* to receive your new business packet.

☐

☐

**Susan Currier**

**From:** Lau, Scott@DOT <Scott.Lau@dot.ca.gov>
**Sent:** Thursday, May 16, 2024 8:21 AM
**To:** Susan Currier
**Cc:** Deel, David@DOT; Rajput, Rosy@DOT
**Subject:** Caltrans response to Visalia SPR 050824

Hi,

Effective May 20th, I will no longer be the SPR Agenda contact for Caltrans District 6. Please refer to David Deel (david.deel@dot.ca.gov) or Rosy Rajput (rosy.rajput@dot.ca.gov) for any SPR inquiries.

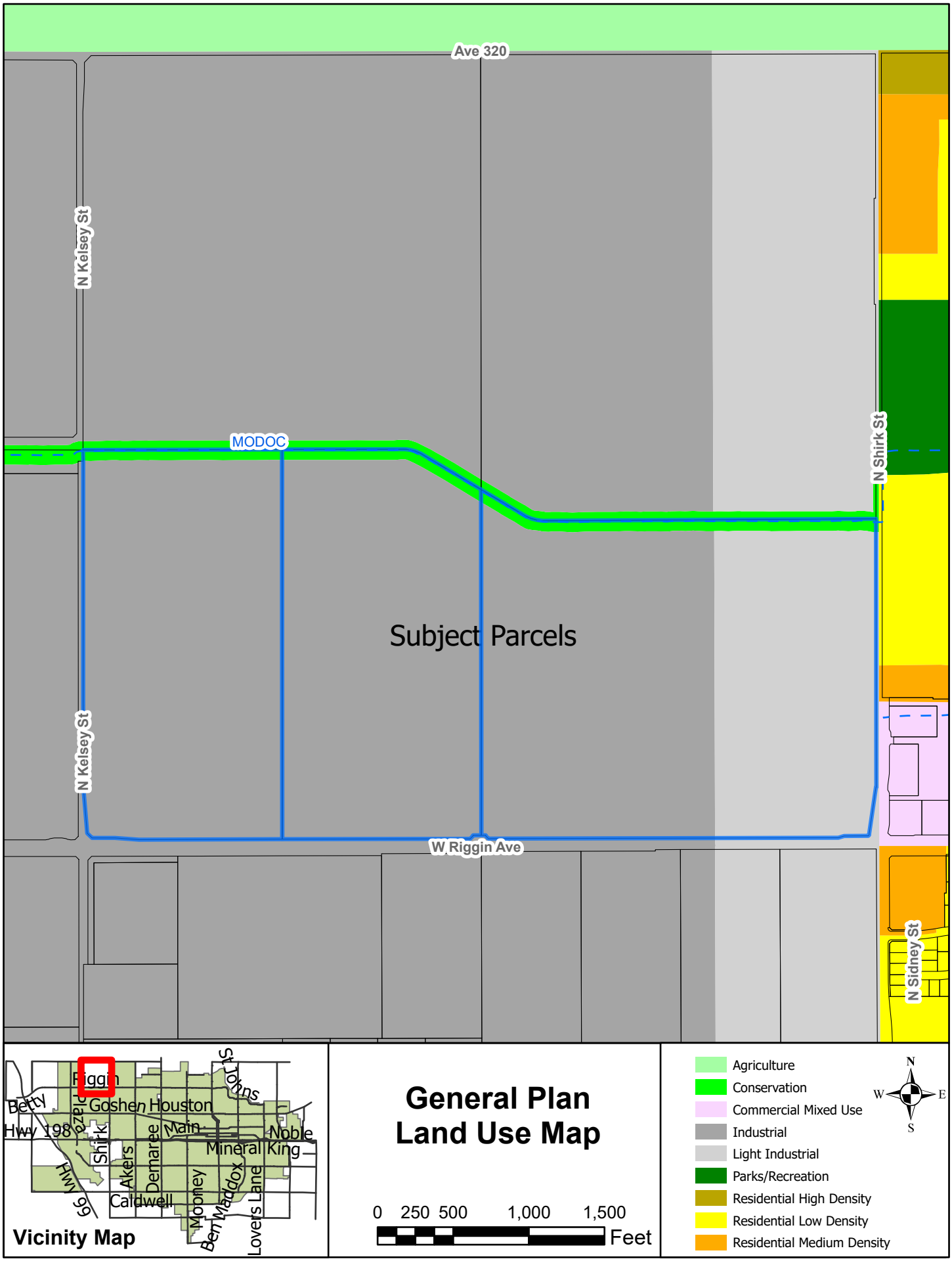
I have reviewed the Visalia SPR Agenda for May 8, 2024, and here are my findings:

1. SPR 24082-1 – Emmanuel Campos Vending Machine: No comments.
2. SPR 24041-1 – Murray & Jacob Restaurant: No comments.
3. SPR 24096 – Shirk & Riggin Industrial Park: Routed and comments will be coming shortly.
4. SPR 24092 – Herrera 4-Plex: No comments.
5. SPR 24095 – Dusty Botts Coffee Sop: No comments.
6. SPR 24097 – Sushi Restaurant: No comments.
7. SPR 24098 – Mooney and Ave 264: Routed.
8. SPR 24099 – Tats and Tans: No comments.

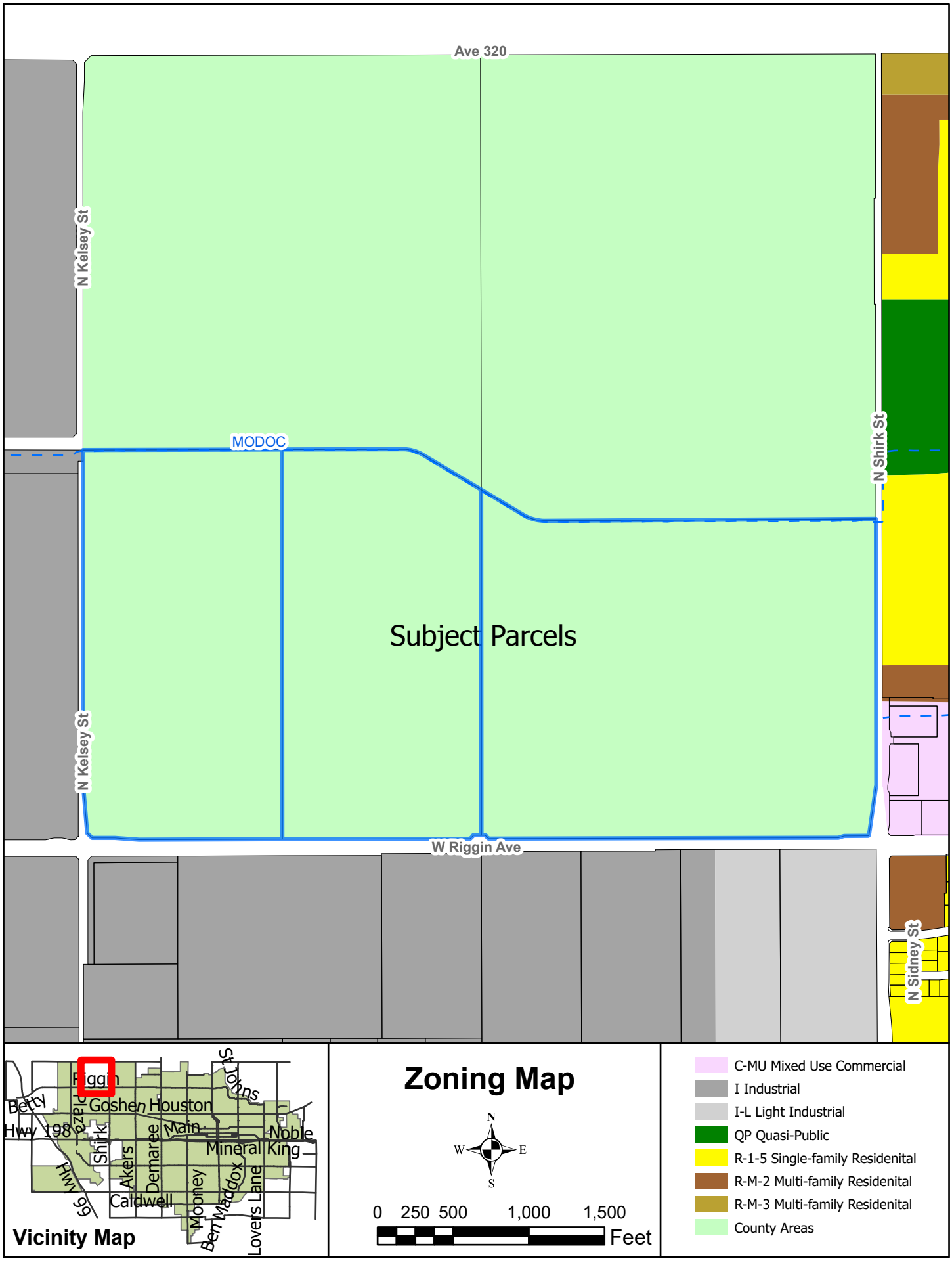
Respectfully,

**Scott Lau**
***Associate Transportation Planner***
California Department of Transportation
District 6 Transportation Planning – Regional
1352 West Olive Ave, Fresno, CA 93728
Phone: 559.981.7341
Web: Caltrans District 6

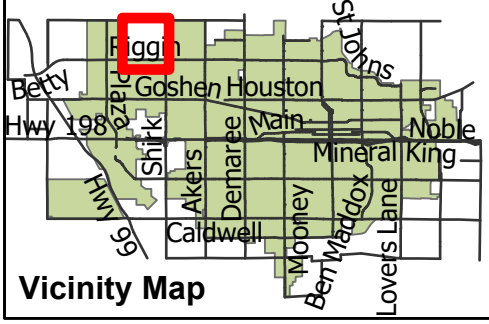





# General Plan Land Use Map


Ave 320
N Kelsey St
MODOC
N Shirk St
Subject Parcels
N Kelsey St
W Riggin Ave
N Sidney St
Vicinity Map
Riggin
Betty
Diaz
Goshen
Houston
Hwy 198
Shirk
Akers
Demaree
Main
Noble
Mineral King
Hwy 99
Caldwell
Mooney
Ben Maddox
Lovers Lane
Zoning Map
N
W
E
S
0 250 500 1,000 1,500
Feet
C-MU Mixed Use Commercial
I Industrial
I-L Light Industrial
QP Quasi-Public
R-1-5 Single-family Residenital
R-M-2 Multi-family Residenital
R-M-3 Multi-family Residenital
County Areas



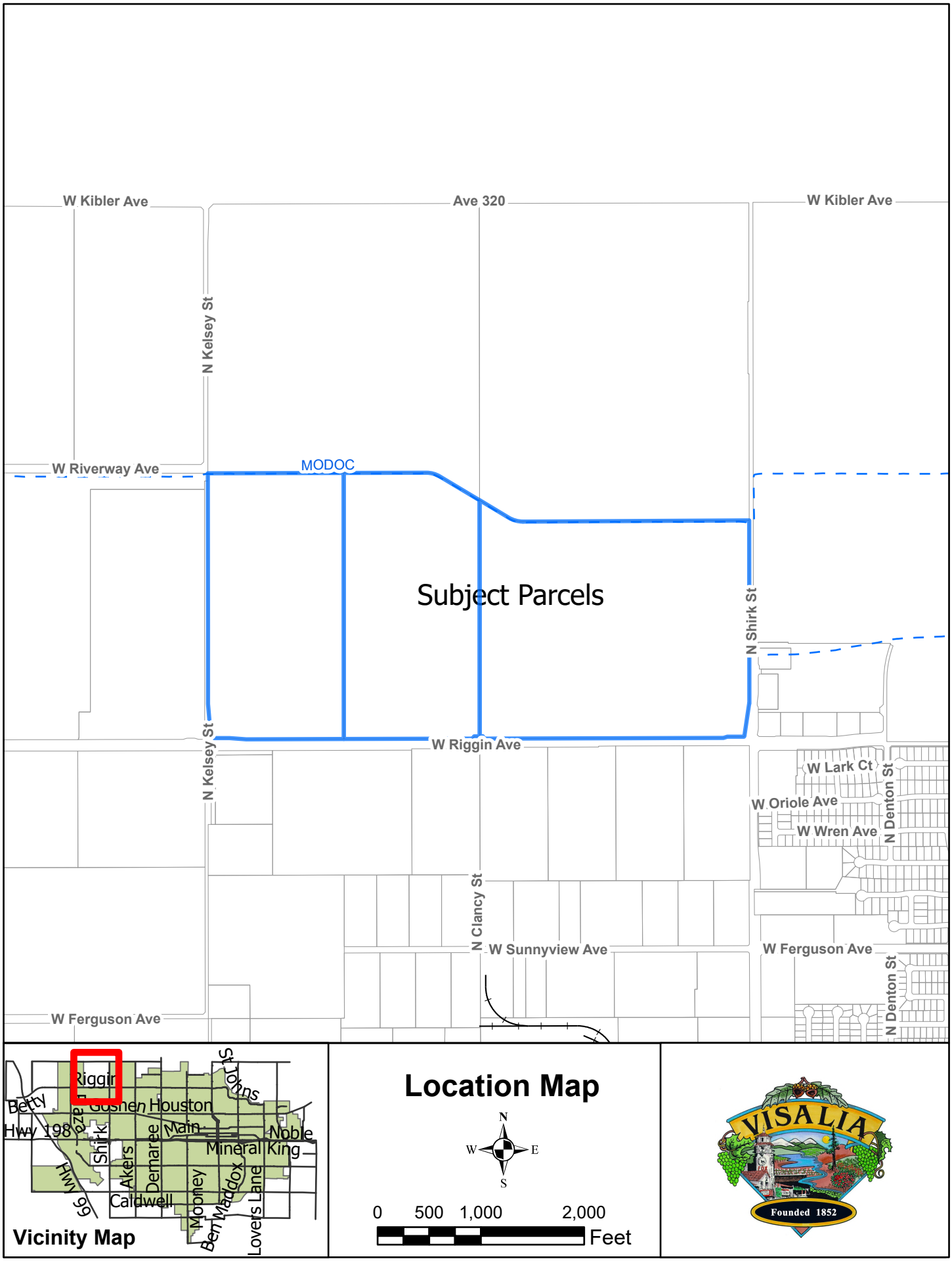




# Aerial Photo 2024

N
W E
S

0 250 500 1,000 1,500 Feet

VISALIA
Founded 1852


W Kibler Ave
Ave 320
W Kibler Ave
N Kelsey St
W Riverway Ave
MODOC
Subject Parcels
N Shirk St
N Kelsey St
W Riggin Ave
W Lark Ct
W Oriole Ave
W Wren Ave
N Denton St
N Clancy St
W Sunnyview Ave
W Ferguson Ave
N Denton St
W Ferguson Ave
Riggin
Betty
Goshen
Houston
Hwy 198
Shirk
Akers
Demaree
Main
Noble
Mineral King
Caldwell
Mooney
Ben Maddox
Lovers Lane
Vicinity Map
Location Map
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VISALIA
Founded 1852