

RESOLUTION NO. 2023-48

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF VISALIA CERTIFYING THE ENVIRONMENTAL IMPACT REPORT FOR THE CARLETON ACRES SPECIFIC PLAN PROJECT THAT INCLUDES SPECIFIC PLAN NO. 2021-13, GENERAL PLAN AMENDMENT NO. 2021-14, ANNEXATION NO. 2021-05, CARLETON ACRES PHASE 1 TENTATIVE SUBDIVISION MAP NO. 5590, AND TENTATIVE PARCEL MAP NO. 2023-04; STATE CLEARINGHOUSE NO. 2021050418

WHEREAS, the City Council of the City of Visalia has reviewed and considered the Final Environmental Impact Report prepared on the Carleton Acres Specific Plan project that includes Specific Plan No. 2021-13, General Plan Amendment No. 2021-14, Annexation No. 2021-05, Carleton Acres Phase 1 Tentative Subdivision Map No. 5590, and Tentative Parcel Map No. 2023-04 (“Final EIR”); and,

WHEREAS, the Draft Environmental Impact Report (“Draft EIR”) was released on May 4, 2023, for circulation for a period of 45 days; and,

WHEREAS, the Final EIR was released on September 1, 2023, 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 mixed use community consisting of residential, commercial, and public uses (the “Project”). The approval actions analyzed in the Final EIR include amendments to the Visalia General Plan, adoption of the Carleton Acres Specific Plan, annexation of certain property to the City of Visalia, and permits and approvals pursuant to the Visalia Zoning and other Ordinances for Phase 1 development including tentative subdivision map approval, tentative parcel map approval, conditional use permits, grading and building permits; 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 September 11, 2023; and

WHEREAS, the City Council of the City of Visalia, after ten (10) days published notice, held a public hearing on the Final EIR and the Project on October 2, 2023; 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, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF VISALIA AS FOLLOWS:

1. THE CITY COUNCIL HEREBY CERTIFIES THAT (A) the Final EIR for the Carleton Acres Specific Plan has been completed in compliance with the California Environmental

Quality Act (“CEQA”); (B) the Final EIR was presented to the City Council and the City Council reviewed and considered the information contained in the Final EIR prior to approving the Project; and (C) the Final EIR reflects the independent judgment and analysis of the City of Visalia, as Lead Agency for the Project.

2. THE CITY COUNCIL hereby finds, in connection with certification of the Final EIR, that:

A. Full and fair public hearings have been held on the Environmental Impact Report and the City Council having considered all comments received thereon, said Environmental Impact Report is hereby determined to be adequate and complete.

B. Information added to the EIR after public notice was given of the availability of the Draft EIR for public review is not significant new information and does not change the EIR in a way that deprives the public of a meaningful opportunity to comment upon a substantial adverse environmental effect of the Project or a feasible way to mitigate or avoid such an effect that the Project’s proponents have declined to implement. The information added to and made a part of the Final EIR merely clarifies or amplifies or makes insignificant modifications to the Draft EIR. The EIR refinements and modifications do not involve substantial changes which will require major revisions of the Draft EIR due to the involvement of new significant environmental effects or a substantial increase in the severity of previously identified significant effects. No new information of substantial importance, which was not known and could not have been known with the exercise of reasonable diligence at the time the Draft EIR was completed, exists to show new impacts not considered in the Draft EIR or any substantial increase in the severity of any environmental impacts considered in the Draft EIR. Accordingly, the City Council hereby finds and determines that recirculation of the Final EIR for further public review and comment is not necessary or warranted.

3. THE CITY COUNCIL hereby makes the findings set forth in the following FACTS, FINDINGS, AND STATEMENT OF OVERRIDING CONSIDERATIONS with respect to the significant effects on the environment and approval of the Project, with the stipulation that (a) all information in these findings is intended as a summary of the full administrative record supporting the Final EIR, which full administrative record is available for review through the City Planner, Community Development Department, at his office at 315 East Acequia Street, Visalia, 93291, and (b) any mitigation measures and/or alternatives that were suggested by the commenters on the Draft EIR and were not adopted as part of the Final EIR are hereby expressly rejected for the reasons stated in the findings and in the responses to comments set forth in the Final EIR and elsewhere on the record.

4. THE CITY COUNCIL hereby adopts the following FACTS, FINDINGS, AND STATEMENT OF OVERRIDING CONSIDERATIONS, and in doing so, hereby 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.

FACTS, FINDINGS, AND STATEMENT OF OVERRIDING CONSIDERATIONS

1.0. Introduction

The City Council of the City of Visalia (City), in approving the proposed Carleton Acres Specific Plan Project (the Project or proposed Project), makes the Findings described herein and adopts the Statement of Overriding Considerations presented at the end of the Findings. The Draft Environmental Impact Report (State Clearinghouse #2021050418) was prepared by the City acting as lead agency pursuant to the California Environmental Quality Act (CEQA). Hereafter, unless specifically identified, the Notice of Preparation (NOP), Notice of Availability & Completion (NOA/NOC), Draft Environmental Impact Report (DEIR or Draft EIR), Appendices, Technical Studies, Final EIR containing Responses to Comments, and the Mitigation Monitoring and Reporting Program (MMRP) will be referred to collectively herein as the “EIR”. These Findings are based on the entire record before the City Council, including the EIR. The City Council adopts the facts and analyses in the EIR, which are summarized below for convenience. The omission of some detail or aspect of the EIR does not mean that it has been rejected by the City.

2.0 Project Summary

2.1 Project Description

The Project Applicant is proposing a Specific Plan to develop approximately 507-acres of land into a mixed-use development. The Project will feature a variety of uses including single-family residential, multi-family housing, commercial, educational, and parks/trails facilities. The proposal features several different types of housing for a total of up to 3,262 residential units at buildout which is broken down as follows: Low Density Residential – maximum of 1,592 units; Medium Density Residential – 758 units; and High Density Residential – 912 units. The number of units is based on the density described in the Specific Plan, but the actual number of units may be less than 3,262.

The proposed Project also includes up to 35.1 acres of commercial development in two locations within the Project (for a total of approximately 205,000 square feet of gross leasable commercial area). The first commercial area consists of up to 28.7 acres of Mixed Use Commercial at the intersection of Riggan Avenue and Shirk Road. Anticipated uses at this location may include development such as a Costco, gas station, car wash, drug store, retail, restaurants (including drive-throughs), and similar uses. The second commercial area consists of up to 6.4 acres of Commercial Neighborhood at the northeast corner of the development. Anticipated uses at this location may include development such as retail, services and restaurants. The commercial facilities are located to provide efficient accessibility to residents of the Project and the surrounding areas.

Other proposed uses include a site for a potential future elementary school, land for a drainage basin, and approximately 17.3 acres of parks/trails/recreational facilities. Various other infrastructure improvements (water, stormwater and wastewater infrastructure, roadway improvements, and related improvements) will be required by the Project. The Project is proposed to be built out in phases with approximately 1,182 residential units and 28.7 acres of Mixed Use Commercial in Phase 1 and approximately 2,080 residential units and 6.4 acres of Commercial Neighborhood in Phase 2.

2.2 Project Location

The proposed Carleton Acres Specific Plan Project (referred to herein as the “Project” or “proposed Project”) is located on approximately 507-acres in the northern area of the City of Visalia, California and is generally bound by W. Riggin Avenue to the south, N. Akers Street to the east, N. Shirk Road to the west and Avenue 320 (W. Kibler Avenue) to the north. The site is comprised of two parcels: APN 077-100-088 and APN 077-100-105. APN 077-100-088 consists of approximately 478 acres and is within an unincorporated area of Tulare County while APN 077- 100-105 consists of approximately 29.3 acres and is within the City limits of Visalia. The entire site is within the Urban Growth Boundary (UGB) and Sphere of Influence (SOI) of the City of Visalia and the site has historically been used for agricultural purposes. However, the site has been designated by the City’s General Plan for residential, commercial, public/institutional and park/recreation uses.

2.3 Project Objectives

In accordance with CEQA Guidelines Section 15124(b), the following are the City of Visalia’s Project objectives:

- To provide a mixed-use development at pricing appropriate for the market, in a growing area of the City of Visalia that satisfies the City of Visalia’s policies, regulations and expectations as defined in the City’s General Plan, Zoning Ordinance and other applicable plans, documents, and programs adopted by the City.
- To provide a variety of housing opportunities with a range of densities, styles, sizes and values that will be designed to satisfy existing and future demand for quality housing in the area.
- To provide a residential development that assists the City in meeting its General Plan and Housing Element requirements and objectives.
- To provide conveniently-located commercial development to serve north Visalia residents and the Carleton Acres development in a growing area of the City of Visalia.
- To provide a sense of community and walkability within the development through the use of street patterns, parks/open space areas, landscaping and other project amenities.

2.4 Actions Covered by the EIR

The City of Visalia will be the Lead Agency for the proposed Project, pursuant to the California Environmental Quality Act (CEQA). The Project will require the following approvals from the City of Visalia:

Specific Plan

- Certification of the Project EIR
- Approval of the Final Specific Plan
- Approval of a Master Tentative Tract Map
- Approval of a Development Agreement

- Approval of a General Plan Amendment
- Approval of Zone Changes

Individual Projects Within the Specific Plan

- Approval of a Lot Line Adjustment to reflect the various stages of the Project (ministerial)
- Approval of Tentative Tract Maps
- Amendments to the Specific Plan, if necessary
- Site Plan Review
- Issuance of Grading / Building Permits (ministerial)
- Public street dedication
- One or more Conditional Use Permits for anticipated uses including, but not limited to a Costco retail store, gas station and car wash

As mandated by CEQA Guidelines Section 15124(d), this section contains a list of agencies that are expected to use the EIR in their decision-making, and a list of the approvals for which the EIR may be used. These lists include information that is known to the Lead Agency. A range of responsible and trustee agencies may utilize the EIR in the review of subsequent implementation activities over which that may have responsibility. A responsible agency is a public agency which has discretionary review approval power over a project (CEQA Guidelines Section 15381). A trustee agency is a state agency that has jurisdiction by law over natural resources affected by a project which are held in trust for the people of the state (CEQA Guidelines Section 15386).

The Project will require various permits and/or entitlements from regulatory agencies. Consultation may be required and the City of Visalia will integrate CEQA review with these related environmental review requirements. These may include, but not be limited to the following:

- Tulare County LAFCO (annexation)
- San Joaquin Valley Air Pollution Control District – approval of construction and/or operational air quality permits
- Regional Water Quality Control Board (Storm Water Pollution Prevention Plan)

3.0 Environmental Review Process Summary; Content of EIR and Record

3.1 Notice of Preparation

The City of Visalia circulated a Notice of Preparation (NOP) of an EIR for the proposed project from May 20, 2021 through June 21, 2021 to trustee and responsible agencies, the State Clearinghouse (SCH #2021050418), and the public. Following publication of the original NOP, changes were made to the proposed Project that consisted of an increase in commercial acreage (from 14.7 acres to 35.1 acres) and a reduction in residential units (from 3,368 units to 3,262 units). Therefore, the Project's NOP was re-circulated from June 2, 2022 through July 5, 2022.

Six agency comments on the NOP related to the EIR analysis were presented or submitted during the public review period (June 2 – July 5, 2022). These comment letters were identified and incorporated into the Draft EIR. In addition, pursuant to Section 15206 of the State CEQA Guidelines, the lead agency is required to conduct at least one scoping meeting for all projects of statewide, regional, or area-wide significance. The scoping meeting is for jurisdictional agencies and interested persons or groups to provide comments regarding (but not limited to) the range of actions, alternatives, mitigation measures, and environmental effects to be analyzed to be analyzed in the Draft EIR. The City of Visalia hosted a scoping meeting on June 14, 2022, which was during the 30-day public review period of the NOP.

3.2 Draft and Final EIR

Draft EIR

The Draft EIR was properly noticed and circulated for public review and comment for 45 days, from May 4, 2023 through June 19, 2023. The Notice of Availability was published in the *Visalia Times Delta* newspaper. The Draft EIR and Appendices were sent to the State Clearinghouse for distribution and notices were mailed to adjacent landowners, local agencies and other interested individuals.

Final EIR

The City received three comment letters on the Draft EIR. These letters and emails are reproduced in their entirety in Chapter Two of the Final EIR and responses are shown after each letter. The Final EIR allows the public and the City an opportunity to review revisions to the Draft EIR and the responses to comments received during the Draft EIR's public review period. The Final EIR serves as the environmental document to inform the City of the environmental consequences of the proposed Project, either in whole or in part, or one of the alternatives to the Project discussed in the Draft EIR.

As required by Section 15090(a)(1)-(3) of the CEQA Guidelines, a Lead Agency, in certifying a Final EIR, must make the following three determinations:

1. The Final EIR has been completed in compliance with CEQA.
2. The Final EIR was presented to the decision-making body of the Lead Agency, and the decision-making body reviewed and considered the information in the Final EIR prior to approving the project.
3. The Final EIR reflects the Lead Agency's independent judgement and analysis.

As required by Section 15091 of the CEQA Guidelines, a public agency cannot approve or carry out a project for which an EIR has been certified that identifies one or more significant environmental effects of the project unless the public agency makes one or more written findings (Findings of Fact) for each of those significant effects, accompanied by a brief explanation of the rationale to reach findings supported by substantial evidence in the record. The possible findings are as follows:

1. Changes or alterations have been required in or incorporated into the project that avoid or substantially lessen the significant environmental effect as identified in the Final EIR.

2. 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.
3. 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.

Additionally, pursuant to Section 15093(b) of the CEQA Guidelines, when a Lead Agency approves a project that would result in significant unavoidable impacts that are disclosed in the Final EIR, the agency must state in writing the reasons supporting the approval. The Statement of Overriding Considerations must be supported by substantial evidence in the Lead Agency's administrative record. The Findings of Fact (Section 15091) and Statement of Overriding Considerations (Section 15093(b)) have been provided to the City for consideration.

If the City approves the proposed Project, and as part of that action adopts mitigation measures, the City will also adopt a Mitigation Monitoring and Reporting Program (see Public Resources Code Section 21081.6).

3.3 Content of the EIR

The Carleton Acres Specific Plan "EIR" is comprised of the following materials:

- The Final EIR including any attached appendices;
- The Draft EIR including attached appendices;
- The Notice of Preparation and comments received in response to the Notice of Preparation;
- The Mitigation Monitoring and Reporting Plan ("MMRP");
- Comments received on the Draft EIR with responses to each of the comments made;
- The Notice of Completion and Availability of the Draft EIR for public review; and
- Any other information added by the Lead Agency.

(All hereafter collectively referred to as the "EIR").

Documents that shall accompany and be part of the EIR are:

1. Findings of Fact; and
2. Statement of Overriding Considerations.

The EIR, is hereby incorporated by reference into these findings without limitation. This incorporation is intended to address 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 Project despite the potential for associated significant and unavoidable impacts.

3.4 Record of Proceedings

In accordance with CEQA Section 21167.6(e), the record of proceedings for the City's decision on the Project includes, without limitation, the following documents:

- The NOP and all other public notices issued by the City in conjunction with the scoping period for the Project;
- All comments submitted by agencies or members of the public during the scoping comment period on the NOP;
- The Draft EIR for the Project;
- All comments submitted by agencies or members of the public during the comment period on the Draft EIR;
- Responses to agency comments on the Draft EIR (provided in the Final EIR);
- The Final EIR for the Project;
- Documents cited or referenced in the Draft and Final EIRs;
- The Mitigation Monitoring and Reporting Program (MMRP) for the Project;
- The Notice of Completion and Availability of the Draft EIR for public review;
- All findings and resolutions adopted by the City in connection with the Project and all documents cited or referred to therein, including these findings;
- All reports, studies, memoranda, diagrams, staff reports, or other planning documents relating to the Project prepared by the City, consultants to the City, or responsible or trustee agencies with respect to the City's compliance with the requirements of CEQA and with respect to the City's action on the Project;
- All documents submitted to the City by other public agencies or members of the public in connection with the Project up through final consideration of Project approval;
- All minutes and/or verbatim transcripts, as available, of all public meetings held by the
- City in connection with the Project;
- Any documentary or other evidence submitted to the City at such public meetings, and any other information added by the City as Lead Agency;
- Any other materials required to be in the record of proceedings by Public Resources Code Section 21167.6(e).

The official custodian of the documents comprising the record of proceedings is the City of Visalia office, located at 315 E. Acequia Avenue, Visalia, CA 93291. All files have been available to the Department and the public for review in considering these findings and whether to approve the Project.

3.5 Public Hearings

A duly noticed Scoping Meeting was held on June 14, 2022 and public hearings will be held at City Planning Commission and City Council meetings.

4.0 Preliminary Findings

4.1 Lead Agency; Independent Judgment

The City of Visalia is the “Lead Agency” for the proposed Project and evaluated the EIR. The City retained the independent consulting firm of Crawford & Bowen Planning, Inc. to prepare the EIR for the Project. Crawford & Bowen prepared the EIR under the supervision, direction, and review of the City. The City has received and reviewed the EIR prior to certifying the EIR and prior to making any decision to approve or disapprove the Project. The City finds it has exercised independent judgment in accordance with Public Resources Code Section 21082.1(c)(3) in directing the consultant in the preparation of the EIR, as well as reviewing, analyzing, and revising material prepared by the consultant. The City finds that the EIR was prepared in compliance with CEQA and the CEQA Guidelines. The City finds that it has independently reviewed and analyzed the EIR for the proposed Project, that the Draft EIR was circulated for public review reflected its independent judgment, the Final EIR reflects the independent judgment of the City, and that the EIR reflects the independent judgment of the City.

4.2 Public Review Provided

The City Council finds that the EIR provides objective information to assist the decision-makers and the public at large in their consideration of the environmental consequences of the proposed Project. The public review period provided all interested jurisdictions, agencies, private organizations, and individuals the opportunity to submit comments regarding the Draft EIR. The Final EIR was prepared after the review period and responds to comments made during the public review period.

4.3 Purpose of Errata and Corrections; Clerical Errors

Textual clarifications are sometimes needed to describe refinements suggested as part of the public participation process. The changes and modifications made to an EIR after the Draft EIR was circulated for public review and comment can be made under Public Resources Code section 21092.1 or CEQA Guidelines section 15088.5 in the Final EIR.

4.4 Clerical Errors

The City recognizes that the EIR may contain clerical and/or typographical errors. The City reviewed the entirety of the EIR and bases its determination on the substance of the information it contains.

4.5 Evaluation and Response to Comments

The City evaluated comments on environmental issues received from persons who reviewed the Draft EIR. In accordance with CEQA, the City prepared written responses describing the disposition of significant environmental issues raised. The Final EIR provides an adequate, good-faith and reasoned response to the comments. The City reviewed the comments received and responses thereto and has determined that neither the comments received nor the responses to such comments add significant new information regarding environmental impacts to the Draft EIR. The City has based its actions on full appraisal of all viewpoints, including all comments received up to the date

of adoption of these Findings, concerning the environmental impacts identified and analyzed in the EIR.

4.6 Recirculation of Final EIR Not Required

The Final EIR presents the environmental information and analyses that have been prepared for the proposed Project, including comments received addressing the adequacy of the Draft EIR, and responses to those comments. The Final EIR, which includes the responses to comments, the Draft EIR, and the Mitigation, Monitoring, and Reporting Program, will be used by the Visalia Planning Commission and the City Council in the decision-making process for the proposed Project.

This Final EIR is an informational document intended to disclose to the decision makers of the City, and the public, the environmental consequences of approving and implementing the Project or one of the alternatives to the proposed Project, which are described in the Draft EIR. All written comments received during the public review period (May 4, 2023 through June 19, 2023) of the Draft EIR are addressed in the Final EIR

The responses in the Final EIR clarify, correct, and/or amplify text in the Draft EIR. Therefore, no significant revisions have been made which would require recirculation of the Draft EIR pursuant to CEQA Guidelines Section 15088.5 (Recirculation of an EIR Prior to Certification). The Final EIR was prepared in accordance with the California Environmental Quality Act (CEQA) (California Public Resources Code Sections 21000-21177).

4.7 MMRP; Mitigation Measures

CEQA requires the Lead Agency approving a project to adopt a mitigation monitoring and reporting program (MMRP) or the changes to the project which it has adopted or made a condition of project approval to ensure compliance with the mitigation measures during project implementation. The mitigation measures included in the EIR as certified by the City as adopted by the City serves that function. The MMRP includes all of the mitigation measures and Project design features adopted by the City in connection with the approval of the proposed Project and has been designed to ensure compliance with such measures during implementation of the proposed Project. In accordance with CEQA, the MMRP provides the means to ensure that the mitigation measures are fully enforceable.

Unless specifically stated to the contrary in these findings, it is this City Council's intent to adopt all mitigation measures recommended by the EIR that are applicable to the Project. If a measure has, through error, been omitted from the Approvals or from these Findings, and that measure is not specifically reflected in these Findings, that measure shall be deemed to be adopted pursuant to this paragraph. In addition, unless specifically stated to the contrary in these Findings, all Approvals repeating or rewording mitigation measures recommended in the EIR are intended to be substantially similar to the mitigation measures recommended in the EIR and are found to be equally effective in avoiding or lessening the identified environmental impact. In each instance, the Approvals contain the final wording for the mitigation measures.

In accordance with the requirements of Public Resources Section 21081.6, the City hereby adopts the MMRP. The mitigation measures identified for the proposed Project were included in the Draft EIR and Final EIR to mitigate or avoid significant effects on the environment and has been designed to ensure compliance during Project

implementation. As revised, the final mitigation measures for the proposed Project are described in the MMRP. Each of the mitigation measures identified in the MMRP is incorporated into the proposed Project and made a condition of approval for permits, required by agreement, or other measures to ensure the MMRP is fully enforceable. The City finds that the impacts of the proposed Project have been mitigated to the extent feasible by the mitigation measures identified in the MMRP.

4.8 Substantial Evidence

The City finds and declares that substantial evidence for each and every finding made herein is contained in the EIR, which is incorporated herein by this reference, or is in the record of proceedings in the matter.

4.9 Entirety of Action

The City is certifying an EIR for, and is approving and adopting findings for, the entirety of the actions described in these Findings and in the EIR as comprising the proposed Project.

4.10 Effect of Public Comments

The City finds that none of the public comments to the Draft EIR or subsequent public comments or other evidence in the record, including any changes in the proposed Project in response to input from the community, include or constitute substantial evidence that would require recirculation of the EIR prior to certification of the EIR and that there is no substantial evidence elsewhere in the record of proceedings that would require substantial revision of the EIR prior to its certification, and that the EIR need not be recirculated prior to its certification.

4.11 Independent Review of Record

The City Council, after receiving a recommendation from the Planning Commission, certifies that the EIR has been completed in compliance with CEQA. The City Council has independently reviewed the record and the EIR prior to certifying the EIR and approving the Project. By adopting these Findings, the City Council on behalf of the City confirms, ratifies, and adopts the findings and conclusions of the EIR as supplemented and modified by these Findings. The EIR and these Findings represent the independent judgment and analysis of the City and the City Council.

4.12 Adequacy of EIR to Support Approval of the Proposed Project

The City certifies that the EIR is adequate to support all actions in connection with the approval of the proposed Project. The City Council certifies that the EIR is adequate to support approval of the proposed Project described in the EIR, each component and phase of the proposed Project described in the EIR, any variant of the Project described in the EIR, any minor modifications to the proposed Project or variants described in the EIR, as well as all components of the proposed Project.

4.13 Project EIR Findings

In accordance with Public Resources Code section 21081 and CEQA Guidelines sections 15091 and 15092, the City makes the specific findings required by CEQA with respect to each area of potential environmental impact as further set forth in this Section of these Findings. These Findings do not repeat the full discussions of environmental impacts, mitigation measures, and related explanations contained in the EIR. The City ratifies, adopts, and incorporates, as though fully set forth, the analysis, explanation, findings, responses to comments and conclusions of the EIR. The City adopts the reasoning of the EIR, staff reports, and presentations provided by City staff and the independent consulting firm of Crawford & Bowen Planning, Inc., as may be modified by these Findings.

5. Environmental Impacts and Findings

For Sections 2, 3, 4, and 5 listed above, refer to Attachment “A” of this Resolution No. 2023-48, contained herein by reference.

6. Certification of the Final Environmental Impact Report

6.1 Findings

The City Council finds that it has reviewed and considered the EIR in evaluating the Project, that the EIR is an accurate and objective statement that fully complies with CEQA and the State CEQA Guidelines, and that the EIR reflects the independent judgment of the City Council. The City Council declares that no new significant information as defined by State CEQA Guidelines Section 15088.5 has been received by the City Council after the circulation of the Draft EIR that would require recirculation. All of the information added to the Final EIR merely clarifies, amplifies, or makes insignificant modifications to an already adequate Draft EIR pursuant to State CEQA Guidelines Section 15088.5(b). The City Council hereby certifies the EIR based on the following findings and conclusions.

CEQA Compliance

As the decision-making body for the Project, the City Council has reviewed and considered the information contained in the Findings and supporting documentation. The City Council determines that the Findings contain a complete and accurate reporting of the environmental impacts and mitigation measures associated with the Project, as well as complete and accurate reporting of the unavoidable impacts and benefits of the Project as detailed in the Statement of Overriding Considerations. The City Council finds that the EIR was prepared in compliance with CEQA and that the City Council complied with CEQA’s procedural and substantive requirements.

Significant Unavoidable Impacts / Statement of Overriding Considerations

The Project will have significant adverse impacts even following adoption of all feasible mitigation measures which are required by the City Council. As set forth in Section 5.5 of these Findings, the significant environmental impacts have been identified in the Final EIR and no feasible mitigation measures are available to reduce these impacts to a level of insignificance. The City Council has eliminated or substantially reduced environmental

impacts where feasible as described in the Findings, and the City Council determines that the remaining unavoidable significant adverse impacts are acceptable due to the reasons set forth in the preceding Statement of Overriding Considerations.

Conclusions

All potentially significant environmental impacts from implementation of the Project have been identified in the EIR and, with the implementation of the mitigation measures defined herein and set forth in the MMRP, will be mitigated to a less than significant level, except for the impacts identified in Section 5.5, above. Other reasonable alternatives to the Project that could feasibly achieve the basic objectives of the Project have been considered and rejected in favor of the Project. Environmental, economic, social, and other considerations and benefits derived from the development of the Project override and make infeasible any alternatives to the Project or further mitigation measures beyond those incorporated into the Project.

7.0 Adoption of Mitigation Monitoring and Reporting Program

Pursuant to Public Resources Code Section 21081.6, the City Council hereby adopts, as conditions of approval of the Project, the MMRP. In the event of any inconsistencies between the mitigation measures as set forth herein and the MMRP, the MMRP shall control except to the extent that a mitigation measure contained herein is inadvertently omitted from the MMRP, in which case such mitigation measure shall be deemed as if it were included in the MMRP.

ATTACHMENT "A" of RESOLUTION NO. 2023-48

5.0 ENVIRONMENTAL IMPACTS AND FINDINGS

5.1 Introduction

City staff reports; the EIR; written and oral testimony at public meetings or hearings; these facts, findings, and statement of overriding considerations; and other information in the administrative record (as further defined above) serve as the basis for the City's environmental determination. Public Resources Code Section 21081 requires that the City Council make one of the following findings for each significant impact:

1. Changes or alterations have been required in, or incorporated into, the project which mitigate or avoid the significant environmental effects identified in the EIR;
2. Those changes or alterations are within the purview and jurisdiction of another public agency, and such changes have been, or can and should be adopted by that other agency; or
3. Specific economic, legal, social, technological, or other considerations make infeasible the mitigation measures or alternatives identified in the EIR.

The same requirements for adopting these findings are also contained in CEQA Guidelines Section 15091(a). Public Resources Code Section 21061.1 defines "feasible" to mean "capable of being accomplished in a successful manner within a reasonable period of time, taking into account economic, and environmental, social and technological factors." By this document, the City Council makes the findings required by Public Resources Code Section 21081 with regard to the proposed Project.

Additionally, Public Resources Code Section 21002 provides that "public agencies should not approve projects as proposed if there are feasible alternatives or feasible mitigation measures available which would substantially lessen the significant environmental effects of such projects." It also states, "in the event specific economic, social, or other conditions make infeasible such project alternatives or such mitigation measures, individual projects may be approved in spite of one or more significant effects thereof."

The three available findings under Section 21081 and Guideline Section 15091(a) allow an approving agency to specify, as to particular significant environmental impacts, whether the agency is (a) adopting mitigation measures recommended in an EIR; (b) identifying measures that lay outside its control but should be, or have been, adopted by another agency; or (c) identifying measures that are infeasible. For projects with EIRs that include numerous mitigation measures that are either infeasible or outside the approving agency's control, findings may be very lengthy, as they must explain, for example, why some measures are rejected as being infeasible. In contrast, where the approving agency chooses to adopt each and every mitigation measure recommended in an EIR, there would seem to be little point in repeated invoking, over many dozens of pages, the finding that "[c]hanges 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." Guideline Section 15091(a).

Where significant impacts are not avoided or significantly lessened, a public agency, after adopting proper findings, may nevertheless approve the project if the agency first adopts a statement of overriding considerations setting forth the specific reasons why the agency found that the project's benefits rendered acceptable its unavoidable adverse environmental effects. CEQA Guidelines §§15093, 15043(b).

The findings below are the City Council's best efforts to set forth the evidentiary and policy bases for its decision to approve the proposed Project in a manner consistent with the requirements of CEQA. These findings are not merely informational but, rather, constitute a

binding set of obligations that come into effect with the City Council's approval of the proposed Project. The City Council adopts these findings for the entirety of the actions described in these findings and in the Final EIR.

Having received, reviewed, and considered the Final EIR and other information in the record of proceedings, based on the substantial evidence the City Council hereby adopts the following findings in compliance with CEQA and the CEQA Guidelines.

1. Findings regarding the environmental review process and the contents of the Final EIR.
2. Findings regarding the environmental impacts of the proposed Project and the mitigation measures (General Plan policies, etc.) for those impacts identified in the Final EIR and incorporated into the Project.
3. Findings regarding alternatives and the reasons that such alternatives are rejected.
4. Statement of Overriding Considerations determining that the benefits of implementing the proposed Project outweigh the significant and unavoidable environmental impacts that will result and therefore justify approval of the proposed Project despite such impacts.
5. Findings regarding the Mitigation Monitoring and Reporting Program.

The City Council of the City of Visalia certifies that these findings are based on its full appraisal and consideration of all viewpoints expressed in written correspondence and testimony regarding the proposed Project, including all comments received up to the date of adoption of these findings, concerning the environmental issues identified and discussed in the Final EIR. The City Council adopts the findings and the statement of overriding considerations for the approvals that are set forth below.

The detailed analysis of potentially significant environmental impacts and proposed mitigation measures for the Project is presented in Chapter 3, Environmental Setting, Impacts and Mitigation of the Draft EIR. Responses to comments on the Draft EIR, along with copies of the comments, are provided in Chapter Two of the Final EIR.

The EIR evaluated 20 major environmental categories for potential impacts as outlined in Appendix G of the *CEQA Guidelines*. Of these 20 major environmental categories, this City Council concurs with the conclusions in the EIR that the issues and sub issues discussed in Subsection 5.2, Subsection 5.3, and Subsection 5.4, below are either no impacts, less than significant without mitigation, or can be mitigated below a level of significance. For the remaining potential environmental impacts that cannot feasibly be mitigated below a level of significance discussed in Subsection 5.5, overriding considerations exist that make these potential impacts acceptable to this City Council.

5.2 No Environmental Impacts

The City Council hereby finds, based upon substantial evidence in the record including the EIR and as discussed below, that the following potential environmental areas result in no impacts by the Project and no mitigation is necessary or required.

Agriculture and Forestry Resources

Impact 3.2-3: The 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)), OR result in the loss of forest land or convert forest land to non-forest use.

Facts and Findings: The Project is not zoned for forestland, timberland, or timberland zoned Timberland Production and does not propose any zone changes related to forest or timberland. No loss of forest land would occur, and no conflicts with forest land zoning would occur. As such, there are no impacts related to this topic.

Biological Resources

Impact 3.4-2: The Project will not have a substantial adverse effect on any riparian habitat or other sensitive natural community identified in local or regional plans, policies, or regulations, or by the California Department of Fish and Game or the U.S. Fish and Wildlife Service, or have a substantial adverse effect on federally or state-protected wetlands (including, but not limited to marsh, vernal pool, coastal, etc.) through direct removal, filling, hydrological interruption, or other means.

Facts and Findings. The proposed Project site does not support any sensitive natural communities. No riparian habitat, wetlands or other sensitive natural community is present and the site does not overlap critical habitat. Therefore, the Project would have no impacts to sensitive natural communities.

Impact 3.4-4: The proposed Project will not conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance OR conflict with the provisions of an adopted Habitat Conservation Plan, Natural Community Conservation Plan, or other approved local, regional, or state habitat conservation plan.

Facts and Findings: No trees or biologically sensitive areas will be impacted and there is no adopted. Habitat Conservation Plan, Natural Communities Conservation Plan or other approved local, regional, or state habitat conservation plan has been adopted in the area. There is no impact.

Geology And Soils

Impact 3.7-5: The Project site does not have soils incapable of adequately supporting the use of septic tanks or alternative waste water disposal systems where sewers are not available for the disposal of waste water.

Facts and Findings: The proposed Project will connect to the City's wastewater/sewer system (Please refer to Section 3.19 – Utilities for the discussion pertaining to Project-related wastewater and connection to the City's sewer system). The Project does not include the construction, replacement, or disturbance of septic tanks or alternative wastewater disposal systems. Therefore, there is no impact.

Hazards and Hazardous Materials

Impact 3.9-5: The Project is not 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 the Project would not result in a safety hazard or excessive noise for people residing or working in the Project area.

Facts and Findings: The nearest public airport is the Visalia Municipal Airport in Visalia, approximately 2.8 miles southwest of the Project site. The nearest private airport is the Swanson Ranch NR 2 Airport, approximately 8.6 miles to the northwest. There are no public or private airport land use plans that are applicable to the Project.

Mineral Resources

Impact 3.12-1: The Project would not result in the loss of availability of a known mineral resource that would be of value to the region and the residents of the state OR a locally-important mineral resource recovery site delineated on a local general plan, specific plan or other land use plan.

Facts and Findings: There are no known mineral resources within the proposed Project area and as such, no loss of availability to known mineral resources would occur as a result of proposed Project development. There would be no impacts.

Population and Housing

Impact 3.14-2: The Project will no displace substantial numbers of existing people or housing, necessitating the construction of replacement housing elsewhere?

No Impact. The Project site is currently undeveloped and contains no housing or structures. Thus, the proposed Project would not displace existing housing or people. There is no impact.

5.3 Less Than Significant Environmental Impacts

The City Council hereby finds, based on substantial evidence in the record including the EIR and as noted below, that the following potential environmental impacts of the Project are less than significant and therefore do not require the imposition of mitigation measures.

Aesthetics

Impact 3.1-1: The Project will not have a substantial adverse effect on a scenic vista.

Facts and Findings: There are no established scenic vistas in the area. Thus, the impact is less than significant and no mitigation is required.

Impact 3.1-2: The Project will not substantially damage scenic resources, including, but not limited to, trees, rock outcroppings, and historic buildings within a state scenic highway.

Facts and Findings: There are no established scenic resources such as rock outcroppings or scenic highways in the Project area. Thus, the impact is less than significant and no mitigation is required.

Impact 3.1-4: The Project would not create a new source of substantial light or glare which would adversely affect day or nighttime views in the area.

Facts and Findings: An incremental increase in the amount of daytime glare created can be expected, but substantial increases would not be likely. Nighttime lighting would increase with a greater number of lighting sources to the extent that significant impacts from nighttime glare increases would be expected. However, compliance with the City's General Plan Policies as well as applicable ordinances related to lighting and glare will help ensure that impacts remain less than significant and no mitigation is required.

Air Quality

Impact 3.2-4: The Project would not result in other emissions (such as those leading to odors) adversely affecting a substantial number of people.

Fact and Findings: During construction, the various diesel-powered vehicles and equipment in use on-site would create localized odors. These odors would be temporary and would not likely be noticeable for extended periods of time beyond the Project's site boundaries. The potential for diesel odor impacts would therefore be less than significant. As a mixed-use development that includes residential development, the Project has the potential to place sensitive receptors near existing odor sources. As previously mentioned, residences may be located within 50 feet of both the feedlot to the west as well as the dairy to the north of the Project area. For all facilities outlined above, there are existing residential uses located closer to each facility than the proposed Specific Plan. The uses in the Specific Plan area vicinity would not cause substantial odor impacts to future residents occupying development built out under the proposed Specific Plan. The proposed Specific Plan would not place odor-sensitive receptors near an existing or planned source of odor affecting a substantial number of people. Therefore, operational odor impacts in terms of the planning area as an odor-sensitive receptor would be less than significant.

Energy

Impact 3.5-1: The Project will not result in potentially significant environmental impact due to wasteful, inefficient, or unnecessary consumption of energy resources, during Project construction or operation.

Facts and Findings: The Project would result in less than significant impacts, and it would not result in the wasteful, inefficient, or unnecessary use of energy due to Project design features that will comply with the City's design guidelines and regulations that apply to the Project, such as Title 24 Building Energy Efficiency Standards and the California Green Building Standards Code that apply to commercial and residential buildings. The installation of solar panels required by 2022 Title 24 standards is required for most residential development. Furthermore, various federal and state regulations, including the Low Carbon Fuel Standard, Pavley Clean Car Standards, and Low Emission Vehicle Program, would serve to reduce the transportation fuel demand by the Project.

With the adherence to the increasingly stringent building and vehicle efficiency standards as well as implementation of the Project's design features that would reduce energy consumption, the proposed Project would not result in the wasteful or inefficient use of energy. As such, the Project would not result in a significant environmental impact, due to wasteful, inefficient, or unnecessary consumption of energy resources, during project construction or operation.

Impact 3.5-2: The Project would not conflict with or obstruct a state or local plan for renewable energy or energy efficiency.

Facts and Findings: The Project would comply with all applicable goals and measures identified in the City of Visalia Climate Action Plan (CAP). The City of Visalia has adopted local plans that promote renewable energy and energy efficiency, many of which are summarized in the CAP.

The proposed Specific Plan includes residences, commercial development, and schools, and it is designed for ease of travel using alternative transportation methods such as biking or walking, facilitated by the presence of bike lanes and trails throughout the Project area. Thus, it is anticipated that construction of the proposed Specific Plan would not conflict with or obstruct policies of the City of Visalia General Plan and CAP aimed at reducing energy use or increasing the use of renewable energy. Compliance with the mandatory measures of Part 11, Chapter 4 and 5, of the State's Title 24 energy efficiency standards for residential and nonresidential buildings would ensure that the proposed Specific Plan would not conflict with any applicable plan, policy, or regulation adopted for the purpose of reducing energy use or increasing the use of renewable energy. Therefore, operational energy efficiency and renewable energy standards consistency impacts would be less than significant.

The Project was reviewed for consistency with local and State of California plans that aim to reduce GHG emissions in Chapter 3.8. These plans also serve as the applicable energy plans. Buildings constructed to implement the Project will meet the latest efficiency standards. Vehicles and equipment are expected to become more energy efficient over time, as vehicle and equipment manufactured and/or sold in the region will continue to be subject to Statewide regulations. The Project is consistent with applicable plans and policies discussed above and would not result in wasteful or inefficient use of nonrenewable energy sources; therefore, impacts would be less than significant.

Geology And Soils

Impact 3.7-1: The Project would not expose people or structures to potential substantial adverse effects, including the risk of loss, injury, or death involving:

- i. Rupture of a known earthquake fault, as delineated on the most recent Alquist-Priolo Earthquake Fault Zoning Map issued by the State Geologist for the area or based on other substantial evidence of a known fault? Refer to Division of Mines and Geology Special Publication 42.
- ii. Strong seismic ground shaking?
- iii. Seismic-related ground failure, including liquefaction?
- iv. Landslides?

Facts and Findings: There are no faults in the Project area, therefore there is limited risk of ground rupture. Projects within the Specific Plan area must be designed in compliance with the Uniform Building Code and California Building Code, and must be inspected by City building inspectors during the construction phase. Also, non-single-family projects must be designed by an engineer or architect to resist any seismic-related impacts, including liquefaction, and must be designed for the appropriate soil type by an engineer to resist spreading, subsidence, or collapse.

The City of Visalia, as well as Project's Specific Plan, requires the applicant to prepare and submit a design-level geotechnical study that complies with all applicable seismic design standards of the California Building Standards Code. The design-level analysis shall address site preparation measures and foundation design requirements of the project. The design-level analysis shall be prepared to the satisfaction of the City of Visalia. Final design-level project plans shall be designed in accordance with the approved geotechnical analysis. There is a negligible risk of liquefaction occurring at the Project site during a design level seismic event. Compliance with all applicable seismic design standards of the California Building Standards Code would ensure that design features would not present a hazard involving landslides.

Impact 3.7-4: The Project is not 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?

Facts and Findings: With foundation and structural design in accordance with the City of Visalia and current California Building Code standards, impacts from expansive soil on the proposed Project would be less than significant.

Greenhouse Gas Emissions

Impact 3.8-1: The Project would not generate direct or indirect greenhouse emissions that would result in a significant impact on the environment.

Facts and Findings: The proposed Project would achieve reductions beyond the ARB 2020 target, beyond the SJVAPCD requirements, and beyond the reduction identified in the City of Visalia CAP from adopted regulations and on-site design features for Project operation in 2028.

The Project is consistent with the 2017 Scoping Plan and will contribute a reasonable fairshare contribution to achieving the 2030 target. The Project would comply with VMT targets adopted to comply with SB 375, would make continued progress towards 2030 GHG reduction goals, and is designed as a mixed-use development, the Project would not conflict with the 2022 Scoping Plan goals. Therefore, the impact would be less than significant.

Impact 3.8-2: The Project would not conflict with an applicable plan, policy or regulation adopted for the purpose of reducing the emissions of greenhouse gases.

Facts and Findings: The Project would achieve reductions beyond levels identified in the City of Visalia CAP from adopted regulations and on-site design features, and when assessed at Project buildout and when assessed in a 2030 operational year scenario. As such, the Project would be consistent with the City of Visalia CAP. The Project would comply with all applicable rules and regulations, including Building Code standards. The Project design would also support goals and policies called out in the CAP and the City's General Plan to reduce GHG emissions. Therefore, the Project would not conflict with any local plan, policy, or regulation adopted by the City of Visalia to reduce emissions of GHGs.

The Project would not significantly hinder or delay the State's ability to meet the reduction targets contained in AB 32 or SB 32 or conflict with implementation of the Scoping Plan. The Project's post-2020 emissions trajectory is expected to follow a declining trend, consistent with ARB's 2030 and 2050 targets. The proposed Project would include a majority of the feasible operational mitigation measures listed in the 2022 Scoping Plan Appendix D as project design features. Accordingly, taking into account the proposed Project's emissions, project design features, and the progress being made by the State towards reducing emissions in key sectors such as transportation, industry, and electricity, the Project would be consistent with State GHG plans and goals, and does not obstruct their attainment. Impacts are less than significant.

Hazards and Hazardous Materials

Impact 3.9-3: The 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.

Facts and Findings: Ridgeview Middle School is within 0.25 miles of the proposed Project site. There are no other schools within 0.25 miles, however, a new high school is planned immediately east of Ridgeview Middle School near the center area of the Carleton Acres Project area. In addition, a potential elementary school could also be located within the northern boundaries of the proposed Project. The SJVAPCD'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. The Project would not exceed SJVAPCD localized emission daily screening levels for any criteria pollutant, and the Project is not a significant source of TAC emissions during construction or operation. Residential and general commercial developments typically do not generate, store, or dispose of significant quantities of hazardous materials. Such uses also do not normally involve dangerous activities that could expose persons onsite or in the surrounding areas to large quantities of hazardous materials. Any impacts would be less than significant.

Impact 3.9-4: The 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.

Facts and Findings: The proposed Project site is not located on a list of hazardous materials sites compiled pursuant to Government Code Section 65962.5 (Geotracker and DTSC

Envirostor databases). The EnviroStor Database identified Ridgeview Middle School, adjacent site to the southeast, as a Certified Closed School Cleanup Site. The site was certified closed on 04/04/2018 with no further actions required for the school cleanup. Ridgeview Middle School was constructed at the site in 2016. Based on the cleanup and status of the site, it is considered a low risk to the Project site. There are no hazardous materials sites that impact schools within ¼ mile of the Project site and the Project would not create a significant hazard to the public or the environment. There are no hazardous materials sites that impact the Project. Therefore, the impact is less than significant and no mitigation is required.

Impact 3.9-6: The Project would not impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan.

Facts and Findings: The Tulare County Emergency Operations Plan (EOP) includes planning and response scenarios for emergency situations associated with natural and anthropogenic disasters. The Fire Department also houses the City's Emergency Operations Center and lead emergency preparedness and planning for the City. In addition, the City Fire Department has specific procedures for hazardous materials emergency response. The proposed Project would also comply with the appropriate local and State requirements regarding emergency response plans and access. The Project would not inhibit the ability of local roadways to continue to accommodate emergency response and evacuation activities and as such, the Project would not interfere with the City's adopted emergency response plan. Therefore, the Project will have a less than significant impact and no mitigation is required.

Impact 3.9-7: The Project would not expose people or structures either directly or indirectly to a significant risk of loss, injury or death involving wildland fires.

Facts and Findings: Wildfire hazard data for the City of Visalia is provided by the California Department of Forestry and Fire Protection. The majority of the City is considered to have either little or no threat, with very small portions having a moderate threat of wildfire. According to the City of Visalia 2030 General Plan Hazards and Safety Services Figure 8-4, neither the proposed Project nor its vicinity have a high wildfire threat. In addition, and as described in the Environmental Setting section, only a very small portion of land within Tulare County is designated as a Very High Fire Hazard Severity Zone by the Local Responsibilities Area mapping program. There are no other factors of the proposed Project or the surrounding area that would exacerbate wildfire or the uncontrolled spread of a wildfire. For these reasons, the impact is considered less than significant.

Hydrology and Water Quality

Impact 3.10-2: The 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 (Less than significant at project level only, cumulative impact is significant and unavoidable. See Section 5.5).

Facts and Findings: The proposed Project would add demand for potable water to the Visalia District of the California Water Service Company (Cal Water) water system, which is reliant on groundwater to serve its customers. The residential and commercial developments of the Project combined are expected to demand less water than the demand estimated by the Visalia UWMP. Because the service area water demand forecasted by the Visalia District UWMP is higher than the estimated water demand with the proposed Project, it can be assumed that available water supplies will be able to meet the projected demand resulting from the Project. Therefore, the Project will not substantially decrease groundwater supplies or interfere substantially with groundwater recharge such that the Project may impede sustainable groundwater management of the basin. The impact is determined to be less than significant.

The less than significant determination is for project level only, the cumulative impact is significant and unavoidable. See Section 5.5.

Impact 3.10-4: The Project would not result in flood hazard, tsunami, or seiche zones, risk release of pollutants due to project inundation.

Facts and Findings: The majority of the Project is designated Flood Insurance Rate Map Zone “X” (outside the 500-year flood zone) while small portions of the site along the northern and northwestern boundary are in Flood Zone “AE” which includes areas subject to risk from a 100-year flood. Urban development is allowed under both flood zones. The site has been designed with adequate storm drain capacity, and compliance with the requirements for SWPPP and BMPs will ensure that risk of release of pollutants due to project inundation is less than significant. The site is also located more than 75 miles from the nearest ocean that could cause a tsunami and there are no bodies of water near the Project site that would represent any impacts related to seiche zones. Therefore, the impact is less than significant and no mitigation is required.

Impact 3.10-5: After mitigation, the Project would not conflict with or obstruct implementation of a water quality control plan or sustainable groundwater management plan.

Facts and Findings: The City of Visalia (through Cal Water) is part of the Mid-Kaweah Groundwater Sustainability Agency (MKGSA). The proposed Project, if approved, would come under the jurisdiction and purview of Cal Water which is subject to MKGSA’s Groundwater Sustainability Plan (GSP). The GSP was submitted to the Department of Water Resources on January 31, 2020. Projects and management actions described in the Mid-Kaweah GSA GSP include: groundwater recharge projects and programs, surface reservoir projects, leveraged surface water exchange programs, a groundwater extraction measurement implementation program, a conceptual groundwater marketing program, and future urban and agricultural conservation. The Mid-Kaweah GSA GSP states that the GSA will work during the period from 2020 to 2025 to develop a pumping allocation program to achieve, along with neighboring GSAs, the Kaweah Subbasin’s sustainable yield by 2040. The Mid-Kaweah GSA plans to prioritize the projects/programs above to serve as the first means to achieve sustainability, but by 2026, it is anticipated that an allocation plan would be ready for implementation if necessary to achieve sustainability. Upon approval, the Project will be subject to the rules and requirements of MKGSA’s GSP. Therefore, the Project will not conflict with or obstruct a sustainable groundwater management plan.

Land Use and Planning

Impact 3.11-1: The Project would not physically divide and established community.

Facts and Findings: The proposed Project site has historically been used for agricultural purposes and there are no residences or businesses on the site. Areas to the west and east are planned for urban development and there are scattered rural residences and agricultural facilities to the north. There are no established communities that would be divided by the Project. The City of Visalia General Plan and Zoning Ordinance establish land use policies and regulations that are applicable to the proposed Project. Upon annexation, the Project will be subject to the land use plans, policies and regulations of these documents. Because the Project would not physically divide an established community, the impact is determined to be less than significant.

Impact 3.11-2: The 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.

Facts and Findings: The site comprises two parcels: APN 077-100-088 and APN 077-100-105. APN 077-100-088 consists of approximately 478 acres and is within an unincorporated area of Tulare County while APN 077- 100-105 consists of approximately 29.3 acres and is within the City limits of Visalia. The entire site is within the Urban Growth Boundary (UGB) and Sphere of Influence (SOI) of the City of Visalia and the site has historically been used for agricultural purposes. However, the site has been designated by the City's General Plan for residential, commercial, public/institutional and park/recreation uses. The proposed Project is an appropriate use for the site and, once annexed into the City, the Project will be consistent with the applicable objectives, goals and policies outlined in the City of Visalia General Plan. Implementation of these policies and measures will ensure that impacts remain less than significant.

Noise

Impact 3.13-2: The Project would not lead to generation of excessive groundborne vibration or groundborne noise levels.

Facts and Findings: The dominant sources of man-made vibration are sonic booms, blasting, pile driving, pavement breaking, demolition, diesel locomotives, and rail-car coupling. None of these sources are anticipated from the Project site. It is unlikely that vibration from construction activities could be detected at the closest sensitive land uses. After full Project build out, it is not expected that ongoing operational activities will result in any vibration impacts at nearby sensitive uses. Any impacts would be less than significant and no mitigation is required.

Impact 3.13-3: The Project is not 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, and the Project would not expose people residing or working in the project area to excessive noise levels.

Facts and Findings: The Project is not located within two miles of a public airport or private airstrip. The Project site is not within any airport land use plans and the Project would not expose people residing or working in the Project area to excessive airportrelated noise levels. Therefore, there is a less than significant impact and no mitigation is required.

Population and Housing

Impact 3.14-1: The Project would not induce substantial unplanned population growth in an area, either directly (for example, by proposing new homes and businesses) or indirectly (for example, through extension of roads or other infrastructure).

Facts and Findings: Project implementation will have a direct, growth inducing impact on the area's population and housing stock. The Project is proposed to be built out in two phases as identified in Table 2-1 (in Chapter Two – Project Description). Although the exact timing of construction and buildout will be determined by market conditions, the Project Applicant and the City, it is anticipated that the Project would be built out over an approximately 15-year period with approximately 100 low-density residential units per year on average with the remaining buildout to be determined by demand.

For purposes of evaluating the environmental impact of population growth in Visalia under CEQA, the question becomes whether or not the Project will induce population beyond what the City has or will plan for and/or can accommodate at full buildout of the Project. The assessment takes into account Project-related impacts to topics like traffic, water supply, public services (police, fire, etc.), sewer / storm drain capacity, and other related topics, as the City has prepared infrastructure Master Plans based on buildout of the City's General Plan. As shown in Section 3.12 (Population and Housing) of the Draft EIR, the anticipated population and housing

unit increase associated with the proposed Project is within the growth projections of the City's 2030 General Plan and the City's Housing Element.

While other future residential developments are also likely to occur in the City, it is anticipated that the City can accommodate the Project and other residential developments in the City. The General Plan anticipated a population of up to 210,000 people with up to 69,079 residential units by 2030. Given the City's current population (142,978 persons) and housing stock (49,513 units), the City could accommodate the proposed Project plus an additional 57,105 persons and 16,304 housing units according to the City's General Plan.

Based on the City's General Plan, infrastructure master planning documents, and the City's Housing Element, it is determined that the proposed Project will not induce unplanned population growth beyond that which can be accommodated by the City. It has been determined that the City has adequate capacity to serve the Project and therefore, the Project will have a less than significant impact occurring from inducement of unplanned population.

Public Services

Impact 3.15-1: The 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, police protection, schools, parks, or other public facilities.

Facts and Findings: Upon approval and annexation into the City, the City would provide public services to the Project. Potential impacts to public services are discussed individually by topic below.

Fire Protection

Fire protection services would be required to serve the proposed Project. As previously described, the City of Visalia provides firefighting response services through the VFD. In order to maintain existing levels of fire protection, the VFD will need to increase its resources to serve the Project. Based on the City's ratio of 0.48 responders per 1,000 residents, the proposed Project would require an additional 4.7 firefighters at full Project buildout. Based on the City's 2021 population, the City is below the target of one firefighter per 1,000 residents. Thus the Project will require additional staffing to accommodate the Project. The proposed Project will be required to pay fire service impact fees from new development based on projected impacts from the development. This fee will be determined by the City prior to issuance of building permits. The proposed Project does not trigger the need for a new fire station or expansion of existing facilities at this time.

Police Protection

Police protection services would be required to serve the proposed Project. As previously described, the VPD provides police services for the City. Based on the City's ratio of 1.7 officers per 1,000 residents, the proposed Project would require an additional 16.6 officers at full buildout. the proposed Project will be required to pay police service impact fees from new development based on projected impacts from the development. This fee will be determined by the City prior to issuance of building permits. The proposed Project does not trigger the need for a new police station or expansion of existing facilities at this time.

Schools

The proposed Project includes development of residential housing, which will lead to an increase in the number of students enrolled within the VUSD. The City is currently planning a new high school that will be constructed adjacent to and west of the existing Ridgeview Middle School and would be surrounded by the proposed Project to the north, west and south. Funding for schools and school facilities impacts is outlined in Education Code Section 17620 and Government Code Section 65995 et. seq., which governs the amount of fees that can be levied

against new development. These fees are used to construct new or expanded school facilities. Payment of fees authorized by the statute is deemed “full and complete mitigation.”

The proposed Project will be required to pay impact fees from new development based on the Developer Fee rates that are in place at the time payment is due. The Project will be required to pay its the school impact fee as a condition of approval. The impact fee amount will be the amount established by the School District and the State Allocation Board in place at the time of submittal of building permit applications. Thus, with payment of impact fees, the impact to schools and school facilities is less than significant.

Parks

In the Project area, the City of Visalia currently owns approximately 20 acres of land at the northwest corner of Akers Street and Riggan Avenue (adjacent to the Project). The 20 acres is planned for future parks/recreational use. As previously indicated in Section 3.14 – Population and Housing, the proposed Project is within the population growth assumptions of the City’s General Plan. Thus, the Project will not result in growth that would require additional park land beyond what was identified in the City’s General Plan.

The Project includes development of approximately 17.3 acres of parks/recreational facilities within the Project site. The Project will also be subject to payment of impact fees to support buildout of park land as identified in the City’s General Plan. The impact fee amount will be the amount established in the City’s adopted impact fee program in place at the time of submittal of building permit applications. Thus, with payment of impact fees, the impact to parks is less than significant.

Other Public Facilities

Development of the Project will increase the demand for other public services such as libraries, governmental services, emergency services and health services. However, the increase in demand will not in and of itself require construction of additional facilities. The anticipated population and housing unit increase associated with the proposed Project is within the growth projections of the City’s General Plan. Based on the City’s General Plan and infrastructure master planning documents, it is determined that the proposed Project will not induce unplanned population growth beyond that which can be accommodated by these other public services.

Therefore, with payment of impact fees, the proposed Project will have a less than significant impact on public services.

Recreation

Impact 3.16-1: the Project would not increase the use of existing neighborhood and regional parks or other recreational facilities such that substantial physical deterioration of the facility would occur or be accelerated OR include recreational facilities or require the construction or expansion of recreational facilities which might have an adverse physical effect on the environment.

Facts and Findings: As discussed herein, the total park and recreational space requirements at full build out of the Project would total at least 49.6 acres for approximately 9,917 residents. This ratio satisfies the City’s requirement of 5.0 acres per 1,000 residents. The required parks / recreational acreage would be met through a combination of construction of 17.3 acres of parks / recreational facilities (including trails) and payment of park impact fees to the City of Visalia. The impact fees would support future recreational facilities throughout the City that are consistent with the City’s planned recreational projects and therefore would not result in environmental impacts from construction. These future planned projects will assist the City in meeting its requirement of 5.0 acres of park/recreational space per 1,000 residents. Therefore, with payment of impact fees and construction of 17.3 acres park/recreational facilities on site,

the Project will provide sufficient park and recreational facilities per the City's requirements and will not significantly increase the demand on existing parks and recreation facilities.

Transportation

Impact 3.17-2: The Project would not conflict or be inconsistent with CEQA Guidelines section 15064.3, subdivision (b).

Facts and Findings: An analysis of project VMT (vehicle miles traveled) was conducted in accordance with the *City of Visalia VMT Thresholds and Implementation Guidelines*, adopted March 15, 2021 (VMT Guidelines). Since the Project's VMT per service population is less than the significance threshold, the Project is not expected to result in a significant transportation impact under CEQA, therefore no mitigation is required. Based on the City's guidelines and thresholds, the Project would have a less than significant impact.

Impact 3.17-3: The Project would not substantially increase hazards due to a geometric design feature (e.g., sharp curves or dangerous intersections) or incompatible uses (e.g., farm equipment).

Facts and Findings: The site has been designed with 13 points of ingress and egress. All proposed internal roadways will be constructed to meet local and State standards and requirements. No sharp roadway curves currently exist in the proposed Project area, nor would such curves be created by the proposed Project. No roadway design features associated with this proposed Project would result in an increase in hazards due to a design feature or be an incompatible use. The internal road system has been designed with traffic calming features such as curved roadways, mini-circles at some intersections and relatively short blocks of housing. There are no agricultural uses (such as farm equipment) associated with the Project. Any impacts would be less than significant.

Utilities and Service Systems

Impact 3.19-1: The Project will not require or result in the relocation or construction of new or expanded water, wastewater treatment or storm water drainage, electric power, natural gas, or telecommunications facilities, the construction or relocation of which could cause significant environmental effects.

Facts and Findings: The Project will require that utilities be extended to serve the proposed development, including water, wastewater, stormwater, electric power, natural gas and telecommunications facilities.

Wastewater/Sewer

As discussed herein, once annexed into the City, the Project site would be located within the service area of the City of Visalia WCF. Compliance with conditions or permit requirements established by the City as well as water discharge requirements outlined by the RWQCB would ensure that wastewater discharges coming from the proposed Project site and treated by the WCF system would not exceed applicable Central RWQCB wastewater treatment requirements. The Project is within the population growth projections (and associated wastewater capacity availability) identified in the City's existing infrastructure planning documents and is subject to payment of impact fees. No new off-site sewer infrastructure construction is required, as the Project will tie into existing sewer infrastructure and no expansion of the existing WWTP is necessary to accommodate the Project. The impact is determined to be less than significant.

Stormwater

The proposed Project would result in new impervious areas associated with site improvements and would therefore require new storm water drainage facilities. The proposed Project would install storm water drainage facilities, including a stormwater drainage basin, that would be in

compliance with the City of Visalia Development Standards. No new off-site stormwater infrastructure construction is required.

Water Supply

The Project will add demand for water to the City of Visalia (Cal Water) water system. The Project is expected to demand less water than the demand estimated by the Visalia UWMP. Based on the Project's SB 610 Water Supply Assessment (Appendix H), the City has sufficient water to serve the Project. However, the Project is subject to water use reduction methods and will be subject to water service impact fees. No new off-site water supply infrastructure construction is required, as the Project will tie into existing water supply infrastructure.

Electricity and Natural Gas

The Project will require connection to existing public electrical utilities and to Southern California Gas Company natural gas facilities. No new or additional off-site electrical or natural gas infrastructure construction is anticipated to be required.

Solid Waste

Since the proposed Project would be within the growth projections assumed by the City's MSR, General Plan and other infrastructure planning documents, and because the Tulare County Solid Waste Division has indicated it has existing and future capacity, the Project would not result in a significant impact. The proposed Project would be required to comply with applicable State and local regulations. No new off-site solid waste infrastructure construction is required. Therefore, a less than significant impact would occur.

Telecommunications

The proposed Project is within the service area of communication network providers and it is expected that they can serve the proposed Project. No new off-site telecommunications infrastructure construction is required.

Impact 3.19-2: The Project will have sufficient water supplies available to serve the project and reasonably foreseeable future development during normal, dry and multiple dry years (Less than significant at project level only, cumulative impact is significant and unavoidable. See Section 5.5).

Facts and Findings: The proposed Project would add demand for potable water to the Visalia District of the California Water Service Company (Cal Water) water system, which is reliant on groundwater to serve its customers. The Project is expected to demand less water than the demand estimated by the Visalia UWMP. Because the service area water demand forecasted by the Visalia District UWMP is higher than the estimated water demand with the proposed Project, it can be assumed that available water supplies will be able to meet the projected demand resulting from the proposed Project. This included an evaluation of normal, dry and multiple dry year scenarios. The Project will be required to pay water impact fees. The impact is determined to be less than significant and no mitigation is required. The less than significant determination is for project level only, the cumulative impact is significant and unavoidable. See Section 5.5.

Impact 3.19-3: The Project will not 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.

Facts and Findings: Based on the WCP's existing capacity, the WCP can adequately serve the proposed Project in addition to other growth/development in the City. In addition, the proposed Project's anticipated number of additional residents is within the expected range of growth that was planned for and can be accommodated by the City. The City's infrastructure planning documents (such as the Sewer Master Plan) rely, in part, on the growth projections

contained in the City's General Plan. Based on this information, it is reasonable to assume that the Project is within the population growth projections (and associated wastewater capacity availability) identified in the City's infrastructure planning documents. Although the City's WCF has adequate capacity to serve the Project, the Project would be required to pay wastewater (sewer) impact fees prior to the issuance of a building permit, thereby offsetting the costs associated with acceptance of the Project wastewater. Thus, the impact is less than significant and no mitigation measures are required.

Impact 3.19-4: The Project will not 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.

Facts and Findings: Solid waste collection service is provided by the City, while disposal services are provided through Tulare County via area landfills. The Tulare County Solid Waste Division indicated that the Visalia Landfill has sufficient capacity to accommodate solid waste disposal demands through year 204016. Since the proposed Project would be within the growth projections assumed by the City's MSR, General Plan and other infrastructure planning documents, and because the Tulare County Solid Waste Division has indicated it has existing and future capacity, the Project would not result in a significant impact. In addition, the proposed Project would be required to comply with applicable State and local regulations, including regulations pertaining to disposal of recyclable materials. With adequate landfill capacity at existing landfills and compliance with regulations, a less than significant impact would occur.

Impact 3.19-5: The Project will comply with federal, state, and local management and reduction statutes and regulations related to solid waste.

Facts and Findings: The proposed Project would be required to comply with all federal, State, and local statutes and regulations related to the handling and disposal of solid waste and impacts would be less than significant.

Wildfire

Impact 3.20-1: The Project would not substantially impair an adopted emergency response plan or emergency evacuation plan, OR expose project occupants to pollutant concentrations from a wildfire or the uncontrolled spread of a wildfire, require the installation or maintenance of associated infrastructure that may exacerbate fire risk or that may result in temporary or ongoing impacts to the environment, or 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, as the Project is not located in or near state responsibility areas or lands classified as very high fire hazard severity zones.

Facts and Findings: The proposed Project area is relatively flat, and there are no forested areas, extensive grasslands, or heavily wooded areas on or near the Project site. No roadway design features associated with the proposed Project would result in an impairment of an adopted emergency response or evacuation plan. The City has reviewed the site layout and determined that the Project provides adequate emergency access. Impacts associated with Project development would be less than significant related to wildfires given the distance the proposed Project from the State Responsibility Area and the State's Very High Fire Hazards Severity Zone and the intervening land uses between them. The proposed Project would require the installation or maintenance of additional distribution lines to connect the residences to the existing utility grid; however, the Project would be constructed in accordance with all local and State regulations regarding power lines and other related infrastructure, as well as fire suppression requirements.

5.4 Less Than Significant Environmental Impacts With Mitigation

Public Resources Code Section 21081 states that no public agency shall approve or carry out a project for which an EIR has been completed that identifies one or more significant effects unless the public agency makes one or more of the following findings:

- Changes or alternations have been required in, or incorporated into, the Project that mitigate or avoid the significant effects on the environment.
- Those changes or alterations are within the responsibility and jurisdiction of another public agency and have been, or can and should be, adopted by that other agency.
- Specific economic, legal, social, technological, or other considerations make infeasible the mitigation measures or alternatives identified in the EIR, and overriding economic, legal, social, technological, or other benefits of the Project outweigh the significant effects on the environment.

The following issues from the environmental categories analyzed in the EIR were found to be potentially significant, but can be mitigated to a less than significant level with the imposition of mitigation measures. This City Council hereby finds, based on substantial evidence in the record including the EIR and as noted below, pursuant to Public Resources Code Section 21081 that all potentially significant impacts listed below can and will be mitigated to below a level of significance by imposition of the mitigation measures in the EIR; and that these mitigation measures are included as Conditions of Approval and set forth in the MMRP adopted by this City Council. Specific findings of this City Council for each category of such impacts are set forth in detail, below.

Agriculture and Forestry Resources

Impact 3.2-2: After mitigation, the Project will not conflict with existing zoning for agricultural use, or a Williamson Act contract.

Finding: Implementation of the following mitigation measure will reduce potential impacts to a less than significant level.

Mitigation Measure: AG-2.

Facts in Support of the Finding: The Project site is not subject to a Williamson Act contract, pursuant to Government Code Section 51200 et seq. Therefore, there would be no conflict with a Williamson Act Contract and as such, no impacts to this subject area.

Total Project acreage is 507 acres, of which approximately 29.3 acres are already within the City limits of Visalia (zoned R-M-3) and no land use changes are proposed for the 29.3 acres. The remaining 478 acres are within an unincorporated area of Tulare County, with the zoning as AE-40 (Exclusive Agriculture-40 acres minimum) and are proposed for annexation into the City. Once annexed, the zoning designations for 478 acres will be changed from agriculture to urban uses as described in Section 2.2 – Project Description. The new zoning would accommodate the proposed Project and as such, there would be no impact resulting from a zoning conflict. However, in order to ensure that existing agricultural operations in the area can be maintained, a Right-to-Farm Covenant will be required as identified in Mitigation Measure AG – 2. After mitigation, the impact is determined to be less than significant.

Impact 3.2-4: After mitigation, the Project would not involve other changes in the existing environment which, due to their location or nature, could result in conversion of Farmland to non-agricultural use or conversion of forest land to non-forest use.

Finding: Implementation of the following mitigation measure will reduce potential impacts to a less than significant level.

Mitigation Measure: AG-2

Facts in support of the Finding: The proposed Project site is located in an area that is surrounded by farmland / agricultural operations to the north, a proposed/future industrial complex to the west, existing residential to the south, and residential/agricultural land to the east. Total Project acreage is 507 acres, of which approximately 29.3 acres are already within the City limits of Visalia (zoned R-M-3) and no land use changes are proposed for the 29.3 acres. The remaining 478 acres are currently within an unincorporated area of Tulare County, with the zoning as AE-40 (Exclusive Agriculture-40 acres minimum) and are proposed for annexation into the City and zoning changed to urban uses. According to the LESA prepared for the Project, the site is substantially surrounded by Prime Farmland to the north (existing agriculture), east (already planned for future urban development) and west (already planned for future urban development). However, the requested General Plan Amendment and annexation is site specific and does not apply to any properties other than the proposed Project site. Therefore, it is unlikely that the Project would result in the conversion of other farmland or forest land. With the implementation of mitigation measure AG-2 as identified in Impact 3.2-2, the impact is less than significant and no mitigation is required.

Biological Resources

Impact 3.4-1: After mitigation, the Project would not have a substantial adverse effect, either directly or through habitat modifications, on any species identified as a candidate, sensitive, or special-status species in local or regional plans, policies, or regulations, or by the California Department of Fish and Game or the U.S. Fish and Wildlife Service.

Finding: Implementation of the following mitigation measure will reduce potential impacts to a less than significant level.

Mitigation Measure: BIO-1, BIO-2, BIO-3, and BIO-4

Facts in support of the Finding: According to the Biological Resource Evaluation report, one special-status plant species and two special-status animal species could occur on or near the Project site.

One record of Sanford's Arrowhead from 2018 is known from approximately 7 miles northeast of the Project site. Although this species was not detected during the reconnaissance survey, which was conducted within the blooming period, aquatic habitat on and near the Project site could support this species. However, the frequent disturbance to these water conveyance features through vegetation clearing minimizes the potential of this species to occupy these habitats. Implementation of BIO-1 will ensure any impacts to Sanford's arrowhead are less than significant.

There are two records of burrowing owl from within 5 miles of the Project site. Several California ground squirrel burrows that could support this species were found on the periphery of the Project site and within the fallow fields on the Project site. These fallowed fields could provide foraging habitat and thus support burrowing owl. However, the habitat is routinely disked, which minimizes the potential of this area to support this species. Mitigation measure BIO-2 shall be implemented to reduce potential impacts to less than significant.

There are three records of Swainson's hawk from within 5 miles of the Project site. The fallow fields of the Project site provide potential foraging habitat for Swainson's hawk, and several potential nest trees were observed within 0.5 mile of the Project site. Therefore, the potential for this species to occur is moderate. Mitigation measures BIO-3 and BIO-4 shall be required to reduce impacts to Swainson's hawk.

Significant impacts to special status species could occur; however, implementation of mitigation measures BIO-1 through BIO-4 would provide specific avoidance and protection measures that will help ensure that potential impacts are less than significant.

Impact 3.4-3: After mitigation, the Project would not interfere substantially with the movement of any native resident or migratory fish or wildlife species or with established native resident or migratory wildlife corridors, or impede the use of native wildlife nursery site.

Finding: Implementation of the following mitigation measure will reduce potential impacts to a less than significant level.

Mitigation Measure: BIO-5

Facts in support of the Finding: The proposed Project could impede the use of nursery sites for native birds protected under the MBTA and CFGC. Migratory birds are expected to nest on and near the Project site. Construction disturbance during the breeding season could result in the incidental loss of fertile eggs or nestlings or otherwise lead to nest abandonment. Construction activities such as excavating, trenching, and grading that disturb a nesting bird on the Project site or immediately adjacent to the construction zone could constitute a significant impact. Mitigation Measure BIO-5 shall be required to reduce potential impacts to a less than significant level.

Cultural Resources

Impact 3.5-1: After mitigation, the Project would not cause a substantial adverse change in the significance of a historical resource pursuant to §15064.5 OR cause a substantial adverse change in the significance of an archaeological resource pursuant to §15064.5.

Finding: Implementation of the following mitigation measure will reduce potential impacts to a less than significant level.

Mitigation Measure: CUL-1

Facts in support of the Finding: According to the records search and site survey, there are no recorded cultural resources within the Project area. Project construction and operation would occur on existing disturbed lands (most recently in agricultural use); however, further disturbance associated with the Project could potentially discover buried sensitive historical, archaeological or cultural resources. This would be a potentially significant impact. However, mitigation measure CUL – 1 included herein will reduce the impact to a less than significant level.

Impact 3.5-2: After mitigation, the Project would not disturb any human remains, including those interred outside of formal cemeteries.

Finding: Implementation of the following mitigation measure will reduce potential impacts to a less than significant level.

Mitigation Measure: CUL-2

Facts in support of the Finding: California Health and Safety Code Section 7050.5, CEQA Section 15064.5, and Public Resources Code Section 5097.98 mandate the process to be followed in the event of an accidental discovery of any human remains in a location other than a dedicated cemetery. Although soil-disturbing activities associated with development in accordance with the proposed project could result in the discovery of human remains, compliance with existing law would ensure that impacts to human remains would not be significant. Project development would occur on existing disturbed lands; however, further disturbance could potentially uncover human remains. This would be a potentially significant

impact. However, mitigation measure CUL-2 included herein will reduce the impact to a less than significant level.

Geology and Soils

Impact 3.7-2: After mitigation, the Project would not result in substantial soil erosion or the loss of topsoil.

Finding: Implementation of the following mitigation measure will reduce potential impacts to a less than significant level.

Mitigation Measure: GEO-1

Facts in support of the Finding: Construction activities associated with the Project involves ground preparation work for the proposed development of the site. These activities could expose barren soils to sources of wind or water, resulting in the potential for erosion and sedimentation on and off the Project site. The Applicant and/or contractor would be required to employ appropriate sediment and erosion control Best Management Practices (BMPs) as part of a Stormwater Pollution Prevention Plan (SWPPP) that would be required and submitted to the Central Valley Regional Water Quality Control Board (Central Valley RWQCB) in accordance with the National Pollution Discharge Elimination System (NPDES). In addition, soil erosion and loss of topsoil would be minimized through implementation of the San Joaquin Valley Air Pollution Control District (SJVAPCD) fugitive dust control measures (See Section 3.3 – Air Quality). Once construction is complete, the Project would not result in significant soil erosion or loss of topsoil. Mitigation Measure GEO – 1 (requirement to prepare a SWPPP) will ensure that impacts remain less than significant.

Impact 3.7-3: The Project is not 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.

Finding: Implementation of the following mitigation measure will reduce potential impacts to a less than significant level.

Mitigation Measure: GEO-2

Facts in support of the Finding: The proposed Project is located on relatively flat agricultural fields, and the threat of a landslide occurring on or adjacent to the project site is considered low. The proposed Project would be located on soils that exhibit low to moderate potential for liquefaction during an earthquake, and the potential for lateral spreading to occur is considered low. A design-level geotechnical analysis will be required as identified in Mitigation Measure GEO – 2. The site would be designed in accordance with engineering design standards and structural improvement requirements to withstand the effects of soil settlement and collapsible soils. Engineered compacted fill would likely be used during construction in accordance with building code requirements, which would reduce the potential for lateral spreading of soils from Project construction. Therefore, with implementation of Mitigation Measure GEO – 2, and structural/foundation design in accordance with the City of Visalia and current California Building Code standards, ground shaking impacts on the proposed Project area would be less than significant.

Impact 3.7-6: After mitigation, the Project would not directly or indirectly destroy a unique paleontological resource or site or unique geological feature.

Finding: Implementation of the following mitigation measure will reduce potential impacts to a less than significant level.

Mitigation Measure: CUL-1

Facts in support of the Finding: There are currently no unique geologic features located in the Project Area. While the discovery of paleontological resources within the Project footprint is considered unlikely, Project buildout would adhere to California Public Resources Code Section 21083.2 which requires all earth-disturbing work to be temporarily suspended or redirected until a qualified paleontologist has evaluated the nature and significance of the records, in accordance with federal, State, and local guidelines. In addition, Mitigation Measure CUL-1 would be implemented in the case of any inadvertent discoveries. With adherence to these regulatory requirements and measures, impacts would be less than significant with mitigation.

Hazards and Hazardous Materials

Impact 3.9-1: After mitigation, the Project would not create a significant hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials.

Finding: Implementation of the following mitigation measure will reduce potential impacts to a less than significant level.

Mitigation Measure: GEO-1

Facts in support of the Finding: Project construction activities may involve the use and transport of hazardous materials used during construction. Transportation, storage, use, and disposal of hazardous materials during construction activities would be required to comply with applicable federal, State, and local statutes and regulations. Compliance would ensure that human health and the environment are not exposed to hazardous materials. In addition, the Project would be required to comply with Mitigation Measure GEO-1 which ensures the Project adhere to the National Pollutant Discharge Elimination System (NPDES) permit program through the submission and implementation of a Stormwater Pollution Prevention Plan during construction activities to prevent contaminated runoff from leaving the Project site. Therefore, after mitigation, no significant impacts would occur during construction activities.

The operational phase of the proposed Project would occur after construction is completed and residents and employees move in to occupy the structures on a day-to-day basis. The proposed Project includes land uses that are considered compatible with the surrounding uses, including single and multi-family residential uses, commercial uses, open space, parks / recreation areas and a stormwater basin. Compliance with all federal, State and local regulations, and the City of Visalia General Plan Implementing Policies S-P-3, S-P-15 through S-P-19, S-P-21, S-P-27 through S-P-30, S-P-32, S-P-37, and S-P-38 in the Safety and Noise Element would ensure that the Project would not cause an adverse effect on the environment with respect to the use, storage, or disposal of general household and commercial hazardous substances generated from future development or uses. In addition, Mitigation Measure GEO – 1 (requirement for SWPPP and erosion BMPs) will ensure impacts remain less than significant.

Impact 3.9-2: After mitigation, the Project would not 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.

Finding: Implementation of the following mitigation measure will reduce potential impacts to a less than significant level.

Mitigation Measure: HAZ-1, HAZ-2, and HAZ-3

Facts in support of the Finding: A Phase I Environmental Site Assessment was prepared for the Project (See Appendix G). No CREC, HREC, or BER were identified on the Project site. Based on the results of the Phase I, the Project will require subsurface investigation to evaluate the potential for elevated residual concentrations of agricultural chemicals that could potentially be present on site. Mitigation Measure HAZ – 1 will be implemented to reduce the impact to a less than significant level.

Although the Phase I did not identify any previous oil / gas wells on or adjacent to the site, the California Department of Conservation – Geologic Energy Management Division (Division) provided an NOP comment letter that indicated there is one (1) well on the Project site that has been abandoned to current Division requirements as prescribed by law. However, the Division recommends that the Project provide a delineation of the well location and to provide notice to present and future property owners that an abandoned well may be on site. This is identified in Mitigation Measure HAZ – 2. In addition, Mitigation Measure HAZ – 3 has been included in the event that any unknown wells are uncovered or damaged during excavation or grading activities. Because the existing well has been abandoned pursuant to the Division’s requirements and because additional investigation will occur prior to issuance of grading permits (with any remedial action required), after implementation of Mitigation Measures HAZ-1, HAZ-2, and HAZ – 3, the Project’s impacts would be reduced to a less than significant level.

Hydrology and Water Quality

Impact 3.10-1: After mitigation, the Project would not violate any water quality standards or waste discharge requirements or otherwise substantially degrade surface or ground water quality.

Finding: Implementation of the following mitigation measure will reduce potential impacts to a less than significant level.

Mitigation Measures: GEO – 2.

Facts in support of the Finding: The Project has the potential to impact water quality standards and/or waste discharge requirements during construction (temporary impacts) and operation (polluted stormwater runoff due to an increase in impervious surfaces and urban runoff).

The Project site is located within the Central Valley RWQCB and is subject to the applicable requirements of the Basin Plan administered by the RWQCB in accordance with the Porter-Cologne Water Quality Control Act. In accordance with the NPDES Stormwater Program, and as described in Section 3.6 - Geology and Soils, Mitigation Measure GEO – 2 ensures the Project will comply with existing regulatory requirements to prepare a SWPPP designed to control erosion and the loss of topsoil to the extent practicable using BMPs that the RWQCB has deemed effective in controlling erosion, sedimentation, runoff during construction activities. The specific controls are subject to the review and approval by the RWQCB and are an existing regulatory requirement. Implementation of Mitigation Measure GEO - 2 would ensure that the proposed Project would have a less than significant impact.

Compliance with conditions or permit requirements established by the City as well as water discharge requirements outlined by the RWQCB would ensure that wastewater discharges coming from the proposed Project site and treated by the WWTP system would not exceed applicable Central RWQCB wastewater treatment requirements. The Project will not result in a violation of any water quality standards or waste discharge requirements. Therefore, with mitigation, impacts result in a less than significant impact.

Impact 3.10-3: After mitigation, 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 offsite;
- ii. substantially increase the rate or amount of surface runoff in a manner which would result in flooding on- or offsite;

- 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?

Finding: Implementation of the following mitigation measure will reduce potential impacts to a less than significant level.

Mitigation Measures: GEO – 2.

Facts in support of the Finding: Construction and long-term operations of the proposed Project could result in potential impacts to surface water quality from urban stormwater runoff. The proposed Project would result in new impervious areas associated with site improvements, including new asphalt, concrete and the proposed structures on site. In accordance with the NPDES Stormwater Program, and as described in the Section 3.6 - Geology and Soils, the Project will be required to comply with existing regulatory requirements to prepare a SWPPP designed to control erosion and the loss of topsoil to the extent practicable using BMPs that the RWQCB has deemed effective in controlling erosion, sedimentation, runoff during construction activities. The specific controls are subject to the review and approval by the RWQCB and are an existing regulatory requirement. Construction of the storm drain basin and implementation of Mitigation Measure GEO - 2 would ensure that the proposed Project would have a less than significant impact relative to this topic.

Noise

Impact 3.13-1: After mitigation, the Project will not result in 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.

Finding: Implementation of the following mitigation measure will reduce potential impacts to a less than significant level.

Mitigation Measures: NOI-1, NOI-2, NOI-3, and NOI-4.

Facts in support of the Finding:

Noise Impacts to Off-Site Sensitive Receptors

The Project's contribution to 2042 traffic noise exposure levels at the modeled representative receptor locations would not result in noise levels to exceed the City's noise level standard, nor result in an increase of 3 dB in any sensitive receptor locations where noise levels already exceed the City's noise level standard without the implementation of the Project. The Project contribution to future noise levels (at full buildout) would be less than considerable and the Project would have a less than significant impact.

Off-Site Noise Impacts From Operational On-Site Sources

The proposed Project includes up to 35.1 acres of commercial development in two locations within the Project.

Mixed Use Commercial (Impacts to Off-Site Receptors)

The Project would include up to 28.7 acres of Mixed-Use Commercial near the southwest corner of the Project site. Anticipated developments within the Mixed-Use Commercial Zone include a Costco retail center, gas station, car wash, drug store, retail and restaurants (including quick serve/drive-through uses). The closest existing sensitive receptors (residential land uses) to the proposed Mixed-Use Commercial Zone are single-family residential uses located to the south, along W. Riggin Avenue. The single-family uses along W. Riggin have an existing 6-foot sound wall along the roadway frontage. The sound wall would provide a minimum of 5 dB of noise level reduction from groundlevel noise sources occurring within the Project site. As identified in

the *Acoustical Analysis*, an analysis was conducted for typical stationary noise sources associated with such land uses and each were determined to have a less than significant impact.

Neighborhood Commercial Zone (Impacts to Off-Site Receptors)

The Project would include up to 6.4 acres of Commercial Neighborhood at the northeast corner of the development. Anticipated uses at this location may include development such as retail, services and restaurants. The closest existing residential land use to the Neighborhood Commercial Zone is located approximately 1,500 to the east. When specific uses within the study area are proposed that could result in a noise-related conflict between a commercial or other stationary noise source and existing or proposed noise-sensitive receptor, an acoustical analysis may be required that quantifies project-related noise levels and recommends appropriate mitigation measures to achieve compliance with the City's noise standards. This will be implemented as Mitigation Measure NOI – 1.

Off-Site Noise Impacts From Construction

Construction noise would occur at various locations within and near the Project site through the buildout period. Existing sensitive receptors could be located as close as 100 feet from construction activities. Construction noise is not considered to be a significant impact if construction is limited to the allowed hours and construction equipment is adequately maintained and muffled. Extraordinary noise-producing activities (e.g., pile driving) are not anticipated. A noise impact could occur if construction activities do not incorporate appropriate best management practices (BMP) in regards to construction-related noise. The Project will be required to comply with the City of Visalia's Municipal Code regarding construction noise. Therefore, impacts from construction noise are considered less than significant.

Noise Impacts to On-Site Sensitive Receptors

The proposed Project includes sensitive receptors (residential land uses) that could be impacted by traffic noise exposure adjacent to arterial roadways. Standard wall heights permitted by the City of Visalia range between 6-foot to 7-foot in height. Depending on the height and geometric relationship between the roadway and the receiver location, wall of this height range would be typically expected to provide between approximately 5-6 dB of noise attenuation. While specific wall height requirements would generally be determined once final lot layout designs and elevations are known, wall heights of up to 7 feet will be sufficient to mitigate traffic noise within all proposed residential land uses, to below the City's acceptable maximum allowed noise exposure levels. This will be implemented as Mitigation Measure NOI – 2.

Noise Impacts from Operational On-Site Resources:

- Mixed Use Commercial (Impacts to On-Site Receptors):

The first commercial area consists of up to 28.7 acres of Mixed- Use Commercial at the intersection of Riggin Avenue and Shirk Road. Anticipated uses at this location may include development such as a Costco, gas station, car wash, drug store, retail, restaurants (including drive-throughs), and similar uses. The Project would include medium-density residential land uses proposed adjacent to the Mixed- Use Commercial Zone.

In addition to the other noise producing components, the proposed Costco retail center would include a car wash facility. To achieve an output which is below the City's threshold and would thus result in a less than significant impact, Mitigation Measure NOI – 3 will be a condition of Project approval.

- Neighborhood Commercial Zone (Impacts to On-Site Receptors):

The Project would include high-density residential land uses proposed adjacent to the Neighborhood Commercial Zone. When specific uses within the study area are proposed (and their locations are defined) that could result in a noise-related conflict between a commercial or other stationary noise source and Project proposed sensitive receptors, an acoustical analysis

may be required that quantifies Project- related noise levels and recommends appropriate mitigation measures to achieve compliance with the City's noise standards. This will be implemented as Mitigation Measure NOI – 1. Refer to the mitigation measures at the end of this section.

- Noise Impacts from Proposed School Land Uses:

Sources of operational noise associated with school land uses could include mechanical equipment (trash compactors, HVAC, etc.), vehicle and bus movements and noise associated with general school activities (children at play). There is one existing school site (Ridgeview Middle School) as well as two proposed school sites within the overall Project site footprint. The locations of school parking lots and bus access and loading areas in relation to proposed residential land uses were not known at the time of this publication. If bus movements (occurring off public roadways, but on school campus) were to occur within ninety (90) feet of outdoor activity areas of residential land uses (outdoor common use areas and individual patios and balconies for multi-family homes and backyards of single-family homes), associated noise levels could exceed the City's stationary noise level standards at residential land uses. Therefore, Mitigation Measure NOI – 4 will be implemented to reduce this impact to a less than significant level.

As described herein, the Project could, without mitigation, result in the generation of a substantial temporary (during construction) or permanent (operational) increase in ambient noise levels in the vicinity of the Project, or exceed standards established in the local general plan or noise ordinance, or applicable standards of other agencies. However, with implementation of mitigation measures NOI – 1 through NOI – 4, impacts are reduced to a less than significant.

Transportation

Impact 3.17-4: After mitigation, the Project would not result in inadequate emergency access.

Finding: Implementation of the following mitigation measure will reduce potential impacts to a less than significant level.

Mitigation Measures: TRA-3.

Facts in support of the Finding: Project construction activities could result in potential vehicular access issues due to potential temporary road detours and/or closures to accommodate Project construction. A construction-traffic management plan (Plan) will be required prior to construction of the proposed Project, as identified in Mitigation Measure TRA – 3. The Plan would delineate all road closure provisions to maintain access to adjacent properties at all times, prior notices, adequate sign-postings, detours, provisions for pedestrian and bicycle transportation and permitted hours of construction activity. Once constructed, the proposed Project includes multiple access roads allowing adequate egress and ingress to the residential and commercial developments in the event of an emergency. Additionally, as part of the proposed Project, internal access roadways would be constructed to City standards. The City has reviewed the site layout and determined that the Project provides adequate emergency access. Therefore, there is a less than significant impact.

Tribal Cultural Resources

Impact 3.18-1: After mitigation, the Project would not 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. In applying the criteria set forth in subdivision (c) of Public Resource Code Section 5024.1, the lead agency shall consider the significance of the resource to a California Native American tribe.

Finding: Implementation of the following mitigation measure will reduce potential impacts to a less than significant level.

Mitigation Measures: TRI-1, TRI-2, TRI-3, and TRI-4.

Facts in support of the Finding: The City of Visalia requested a Sacred Lands File (SLF) search from the Native American Heritage Commission (NAHC), which was received on August 5, 2021. The search was negative for sacred sites and tribal cultural resources. According to SB 18, the tribes had 90 days from the receipt of the letter to request consultation with the City of Visalia. Of the tribes that were notified in August 2021, the City received one response from the Santa Rosa Indian Community of the Santa Rosa Rancheria, who requested that a Tribal representative be present for all ground disturbance related to the Project. As such, mitigation measure TRI – 1 has been included to accommodate this request.

Although construction and operation would occur on previously disturbed land, unknown historical resources may be discovered during ground-disturbing activities. In order to account for unanticipated discoveries and the potential to impact previously undocumented or unknown resources, the following mitigation measures are recommended. With the implementation of Mitigation Measures TRI-1 through TRI-4, impacts under this criterion would be less than significant with mitigation.

5.5 Environmental Impacts Not Fully Mitigated to a Less Than Significant Level

The City Council finds, based on substantial evidence in the record including the EIR and as noted below, the following environmental impacts identified in the EIR remain significant even after application of all feasible mitigation measures, as set forth below. The City also finds that any alternative discussed in the EIR that may reduce the significance of these impacts is rejected as infeasible for the reasons given in the EIR and this Section of these Findings. In accordance with CEQA Guidelines Section 1092(b)(2), the City Council of the City of Visalia cannot approve the Project unless if first finds (1) under Public Resources Code Section 21081(a)(3), and CEQA Guidelines Section 15091(a)(3), that specific economic, legal, social, technological, or other considerations, including provisions of employment opportunities make infeasible the mitigation measures or project alternatives identified in the EIR; and (2) under CEQA Guidelines Section 15092(b), that the remaining significant affects are acceptable due to overriding concerns described in the CEQA Guidelines Section 15093 and, therefore, a statement of overriding considerations is included herein. Each potential unavoidable significant impact is overridden as set forth below in the Statement of Overriding Considerations as described further in Section 5.8, and the City finds that specific overriding economic, legal, social, technological, or other benefits of the Project outweigh the significant effects on the environment.

Aesthetics

Impact 3.1-3: In non-urbanized areas, substantially degrade the existing visual character or quality of public views of the site and its surroundings? If the project is in an urbanized area, would the project conflict with applicable zoning and other regulations governing scenic quality?

Finding: There are no mitigation measures available that would reduce the loss of public views of the site and surroundings, thus the impact is significant and unavoidable.

Mitigation Measures: None.

Facts in Support of the Findings: The proposed Project is located in an area of Visalia that is planned for, and is undergoing urban development. The area to the west is planned for commercial/industrial development, areas to the east are planned for residential development and to the south is existing residential development. Areas to the north primarily consist of agriculture/dairy and scattered rural residences. In addition, the site is planned for urban development under the City's General Plan.

Implementation of the proposed Project will alter the visual character of the Project site from historically agricultural uses to urban development. This includes residential housing (up to two stories in height) and commercial components including uses such as a Costco, retail, restaurants and other similar uses. New development would incrementally reduce views to open agricultural land now available to some residents and travelers on adjacent roadways. Development of the proposed Project in compliance with the policies of the City of Visalia General Plan, the City Design Guidelines and development standards referenced above in the Regulatory Setting will ensure integration of new homes and non-residential structures in an aesthetically pleasing manner within the proposed development. However, because the Project would permanently alter the existing visual character of the site and area compared to existing conditions, this is considered a significant, unavoidable and irreversible impact.

All feasible mitigation measures have been included in the Project's Draft EIR and will also be enforced as conditions of approval through the provisions of CEQA. However, the impact remains significant and unavoidable.

Agriculture and Forestry Resources

Impact 3.2-1: The 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 non-agricultural use.

Finding: There are no mitigation measures available that would reduce the impact resulting from loss of farmland on the Project site, thus the impact is significant and unavoidable.

Mitigation Measures: AG-1.

Facts in Support of the Findings: According to the FMMP, the 507-acre proposed Project site is classified as Prime Farmland. The site is comprised of two parcels: APN 077-100-105 consists of approximately 29.3 acres and is within the City limits of Visalia, with the zoning as R-M-3 (Multi-Family Residential). APN 077-100-088 consists of approximately 478 acres and is within an unincorporated area of Tulare County, with the zoning as AE-40 (Exclusive Agriculture-40 acres minimum). However, both parcels are within the Urban Growth Boundary (UGB) and Sphere of Influence (SOI) of the City of Visalia. The Project site has been designated by the City's General Plan for residential, commercial, public/institutional and park/recreation uses and is located in both Tier 2 and Tier 3 of the City's future growth threshold boundaries.

The City has evaluated the Project's farmland conversion impacts utilizing the California Agricultural Land Evaluation and Site Assessment Model (LESA), which the California Department of Conservation developed to provide lead agencies with a methodology to ensure that significant effects on the environment of agricultural land conversions are quantitatively and consistently considered in the environmental review process. (See Public Resources Code §21095). According to the LESA Threshold of Significance, the total score of 89.17 for the proposed Project site is considered significant. As such, the Project is subject to the City's General Plan Land Use Policy LU-P-34 which requires mitigation for the loss of farmland.

The Project consists of 507 acres, of which approximately 29.3 acres are already within the City limits of Visalia (zoned R-M-3) and, being within Tier I, are not subject to the City's agricultural mitigation policy. The 29.3 acres of prime farmland was previously evaluated under the City's General Plan EIR, adopted in October 2014 (State Clearinghouse #2010041078). The remaining 478 acres are within an unincorporated area of Tulare County, are currently zoned AE-40 (Exclusive Agriculture-40 acres minimum), are within Tiers II and III, and are proposed for annexation into the City. As such, the 478 acres proposed for annexation are subject to the City's agricultural mitigation policy (See MM AG – 1).

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 which contain land designated as Prime Farmland and Farmland of Statewide Importance. The Project is within Tier 2 and Tier 3, which has been deemed as land to be converted from agricultural land to urban development.

The 2014 General Plan Policy LU-P-34 contained a requirement for an Agricultural Mitigation Program to address the conversion of Prime Farmland and Farmland of Statewide Importance within the Tier 2 and Tier 3 growth boundaries. As this is a requirement for consistency with the General Plan, the Project's compliance is mandatory. Therefore, compliance with General Plan Policy LU-P-34 will allow the Project to convert Prime Farmland and Farmland of Statewide Importance and preserve offsite farmland outside of the urban development boundaries at an equivalent ratio.

Although the Project will comply with the City's agricultural mitigation policy based on City General Plan Policy LU-P-34 (Mitigation Measure AG – 1), conversion of agricultural land to urban use is not directly mitigable, aside from preventing development altogether. There is no additional feasible mitigation measure that would reduce the impacts related to the Prime Farmland converted as a result of development of the proposed Project. Therefore, even with mitigation, impacts as a result of farmland conversion are considered significant and unavoidable.

Air Quality

Impact 3.3-1: The Project would conflict with or obstruct implementation of the applicable air quality plan.

Finding: Implementation of Mitigation Measure AIR-2A and AIR-2B will reduce impacts; however, impacts remain significant and unavoidable.

Mitigation Measures: AIR-2A and AIR-2B.

Facts in Support of the Findings: the Project's emissions are significant for ROG, NOX, CO, and PM10 and would be considered inconsistent with the AQP for this criterion. The Project complies with applicable control measures of the AQP and would be less than significant for this criterion. The growth accommodated by the proposed Carleton Acres Specific Plan is included in the City of Visalia's General Plan; therefore, it is consistent with the land use assumptions used to prepare the AQP. The Carleton Acres Specific Plan includes numerous design features to reduce motor vehicle trips and increase walking, bicycling, and transit use.

In addition, development contemplated under the Specific Plan would be subject to SJVAPCD Rule 9510, which is intended to mitigate the cumulative impacts of new development in the San Joaquin Valley to the extent feasible. However, after compliance with Rule 9510, total emissions will still exceed the SJVAPCD quantitative thresholds of significance for several pollutants. Incorporation of mitigation that would reduce the proposed Project's regional criteria and ozone precursor emissions is identified under Impact 3.3-2. Because the combined emissions from operations of development under the proposed Specific Plan would continue to exceed at least one regional threshold after compliance with SJVAPCD Rule 9510 and incorporation of mitigation, the impact would be significant. Implementation of Mitigation Measure AIR-2A and

AIR-2B will reduce impacts; however, even after mitigation, impacts remain significant and unavoidable.

Impact 3.3-2: The Project would result in a cumulatively considerable net increase of any criteria pollutant for which the project region is non-attainment under an applicable federal or state ambient air quality standard.

Finding: Implementation of Mitigation Measure AIR-2A and AIR-2B will reduce impacts; however, impacts remain significant and unavoidable.

Mitigation Measures: AIR-2A and AIR-2B.

Facts in Support of the Findings: Air pollutant emissions have both regional and localized effects. The proposed Specific Plan development would be consistent with several measures identified in the General Plan EIR, while one measure would not be applicable. In addition, the Project would comply with all local regulations required by the City of Visalia. The Project would incorporate design features and required mitigation measures (including MM AIR- 2A and MM AIR-B) that reduce air quality impacts. In addition, regulations adopted by the SJVAPCD and the State of California provide emission reductions that would align with requirements of the mitigation measures included in the EIR and relevant General Plan policies.

Individual development projects will be subject to the most recent Title 24 in effect that building permits are issued, which will ensure that building energy consumption would not be wasteful or inefficient. Buildout of the proposed Specific Plan would provide future residents, visitors, and employees connectivity within the Project site and to adjoining land uses through pedestrian and bicycle connections. The proximity of the proposed new development to existing transit and existing buildout in the City of Visalia, coupled with the design features of the proposed Specific Plan, would increase accessibility to public transportation and would improve mobility within the Project area.

Overall, the proposed Specific Plan would create a considerable amount of internal capture between its components to reduce VMT compared to the same level of development built with land uses geographically separated from each other; however, as described above, Project emissions will exceed significance thresholds for both construction and operations. After incorporation of MM AIR-2A, regional construction emissions generated by the proposed Project would have a less-than-significant impact. However, non-permitted emissions generated during Project operations would exceed the applicable regional thresholds for ROG, NOX, CO, and PM10 even after incorporation mitigation. Therefore, even after mitigation, the impacts are significant and unavoidable.

Impact 3.3-3: The Project would potentially expose sensitive receptors to substantial pollutant concentrations.

Finding: Implementation of Mitigation Measure AIR-2A and AIR-2B will reduce impacts; however, impacts remain significant and unavoidable.

Mitigation Measures: AIR-2A, AIR-2B, and AIR-3A.

Facts in Support of the Findings: The proposed Specific Plan contemplates the development of residential uses, commercial uses, and public facilities within the Specific Plan area to complement and support a developing area of the City of Visalia. The calculated health metrics from the proposed Project's operational emissions would not exceed the cancer risk significance threshold, the non-cancer hazard index significance threshold, or the acute non-cancer hazard in any scenario analyzed. Therefore, the proposed Project would not result in a significant impact on nearby sensitive receptors (including future residents within the Specific Plan area) from Project-generated TACs from gasoline fueling activities and operational DPM from the proposed Costco gasoline station and warehouse. Mitigation Measure AIR-3A has thus been fully implemented for the Costco development.

Mitigation Measure AIR-3A, which requires further evaluation of proposed commercial and commercial mixed-use development within the Specific Plan area, would require individual projects to reduce impacts to an acceptable level. Although individual development projects would be required to implement all feasible and enforceable mitigation to reduce a significant impact, information is insufficient to determine whether impacts would be less-than-significant after incorporation of all applicable mitigation. Therefore, this impact remains significant.

The Project would not exceed SJVAPCD localized emission daily screening levels for any criteria pollutant during Project construction. The localized emissions of PM10, PM2.5, and NOX would not exceed the screening thresholds during Project operations. Furthermore, the Project would not have a significant impact in regard to ROG during Project operations. The Project would not be a suitable habitat for Valley fever spores and is not in area known to have naturally occurring asbestos. However, the Project may expose sensitive receptors to substantial concentrations of TACs from construction and/or operations of the Project and may expose sensitive receptors to significant levels of CO during Project operations. Therefore, the Project could result in significant impacts to sensitive receptors. As the exact timing, details surrounding potential sources, and exact locations and occupancy of planned residential receptors is unknown at this time, the impact is considered significant. Mitigation measures are included to reduce the severity of potential impacts; however, impacts are still significant and unavoidable.

Hydrology and Water Quality

Impact 3.10-2: The Project could substantially decrease groundwater supplies or interfere substantially with groundwater recharge such that the Project may impede sustainable groundwater management of the basin (Less than significant at project level only, cumulative impact is significant and unavoidable).

Finding: There are no feasible mitigation measures to reduce the cumulative impact to a less than significant level.

Facts in Support of the Findings: The City of Visalia (through Cal Water) is part of the Mid-Kaweah Groundwater Sustainability Agency (MKGSA). The proposed Project, if approved, would become under the jurisdiction and purview of Cal Water which is subject to MKGSA's Groundwater Sustainability Plan. The City of Visalia utilizes groundwater as its sole source of potable water. As identified herein and in the SB 610 Water Supply Assessment, the City anticipates being able to provide adequate potable water to the City through the year 2042. However, development of the Project in combination with future projects within the Basin would increase the amount of overdraft in the Basin, which is already in a state of overdraft. Therefore, even with compliance with the GSP and implementation of water-reduction measures required by Cal Water, the Project would result in cumulatively considerable and unavoidable significant impacts to groundwater supplies in the Basin.

Transportation/Traffic

Impact 3.17-1: The Project would conflict with a program plan, ordinance or policy addressing the circulation system, including transit, roadway, bicycle and pedestrian facilities.

Finding: Implementation of Mitigation Measure TRA-1 and TRA-2 will reduce impacts; however, impacts remain significant and unavoidable.

Mitigation Measures: TRA-1 and TRA-2.

Facts in Support of the Findings: The proposed Project includes the construction and operation of a 507-acre mixed-use Project, which could result in potentially significant increases in traffic in and around the Project area. As the City's currently adopted General Plan Circulation Element includes a LOS standard, to ensure that a Project is consistent with the General Plan policy, an LOS analysis may be required at the request of the City Traffic Engineer to determine necessary roadway infrastructure improvements and capacity.

All study intersections are expected to operate with minimal delay (at or above LOS D) during peak hours through the year 2046, both with and without Project traffic, or can be mitigated to operate at an acceptable LOS, expect for the following intersections:

- Rd 67/Betty Dr (#31)
- Dinuba Blvd/Riggin Ave (#45)
- Akers St/Ferguson Ave (#48)
- Demaree St/Goshen Ave (#54)
- Demaree St/Mineral King Ave (#60)

Therefore, even with implementation of all feasible mitigation measures, the Project will result in significant and unavoidable impacts.

Utilities and Service Systems

Impact 3.19-2: The Project will have sufficient water supplies available to serve the project and reasonably foreseeable future development during normal, dry and multiple dry years at the project level, but cumulative impacts are determined to be significant and unavoidable.

Finding: There are no feasible mitigation measures to reduce the cumulative impact to a less than significant level.

Facts in Support of the Findings: The City of Visalia (through Cal Water) is part of the Mid-Kaweah Groundwater Sustainability Agency (MKGSA). The proposed Project, if approved, would become under the jurisdiction and purview of Cal Water which is subject to MKGSA's Groundwater Sustainability Plan. The City of Visalia utilizes groundwater as its sole source of potable water. As identified herein and in the SB 610 Water Supply Assessment, the City anticipates being able to provide adequate potable water to the City through the year 2042. However, development of the Project in combination with future projects within the Basin would increase the amount of overdraft in the Basin, which is already in a state of overdraft. Therefore, even with compliance with the GSP and implementation of water-reduction measures required by Cal Water, the Project would result in cumulatively considerable and unavoidable significant impacts to groundwater supplies in the Basin.

5.6 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. The alternatives analyzed for the Project are as follows:

1. No Project
2. Alternate Location
3. Reduced (50%) Project

These alternatives are described in more detail below.

1. No Project Alternative

CEQA Section 15126.6(e) requires the discussion of the No Project Alternative “to allow decision makers to compare the impacts of approving the proposed project with the impacts of not approving the proposed project”. The No Project scenario in this case consists of retaining the property in its original configuration, with no construction or operation of the proposed

Carleton Acres Specific Plan Project. Under this alternative, the site remains in agricultural production and no new urban development would occur on the site.

Description

This alternative would avoid both the adverse and beneficial effects of the Project. This alternative would avoid ground disturbance and construction-related impacts associated with construction of the proposed Project. No new development would occur on the site. The No Project Alternative would avoid the generation of any environmental impacts beyond existing conditions.

Environmental Considerations

Continuation of the site as an agricultural facility would result in all environmental impacts being less than the proposed Project, as no new impacts would occur. There would be no changes to any of the existing conditions and there would be no impact to each of the 20 CEQA Checklist evaluation topics. The No-Project Alternative by definition would not meet the objectives of the proposed Project.

2. Alternate Location Alternative

Description

There are relatively few sites within the City of Visalia that provide adequately sized lands suitable for the proposed Project. The criteria for selection included whether or not the alternate site would substantially reduce environmental impacts, availability of land, adequately sized parcels, efficiency of access, and acceptable land use designations/zoning. There are areas of agricultural land of similar size located both south and west of the proposed Project. These areas could conceivably support the proposed Project and are depicted in the Figures A-1, A-2, and A-3 of the Draft EIR. The areas are partially outside the City limits but have similar zoning and land use designations as the proposed Project site. In addition, these areas would allow for contiguous growth adjacent to existing urban development in the City. Perhaps the greatest obstacle in selecting an alternative site for the proposed Project is that the Project Applicant does not already own land at these locations and/or does not have control of land at these locations. However, for purposes of environmental evaluation, a description of potential environmental impacts is provided below.

Environmental Considerations

Development of an alternate site could theoretically meet most of the Project objectives presented earlier in this chapter. However, construction and operation at an alternate site would result in environmental impacts that are likely equal to or in some cases could be greater than the proposed project. The majority, if not all, of project impacts are likely to occur at an alternate site.

3. Reduced Project (50%) Alternative

This alternative would reduce the Project components by 50% as follows:

- Reduction in acreage from 507 to 253.5
- Reduction in residential units from 3,262 to 1,631
- Reduction in commercial acreage from 35.1 to 17.5
- Reduction in parks/recreational acreage from 17.3 to 8.7
- Corresponding reductions in infrastructure, etc.

The Project would remain a mixed-use development with a variety of housing types, with the 50% reduction.

Environmental Considerations

Most of the environmental issues associated with this alternative would be less or similar to those of the proposed Project. The Reduced (50%) Alternative would meet some of the Project Objectives. However, this Alternative would not be fully consistent with the objective to provide residential development that assists the City in meeting its Housing Element requirements (the City currently has a deficit in meeting its Regional Housing Needs Allocation goals). A 50% reduction in units would result in a larger Regional Housing Needs Allocation deficit than the proposed Project.

Environmentally Superior Alternative

As presented in the comparative analysis above, there are a number of factors in selecting the environmentally superior alternative. An EIR must identify the environmentally superior alternative to the project. The No Project Alternative would be environmentally superior to the Project on the basis of its minimization or avoidance of physical environmental impacts. However, CEQA Guidelines Section 15126.6(e)(2) states:

The “no project” analysis shall discuss the existing conditions at the time the notice of preparation is published, or if no notice of preparation is published, at the time environmental analysis is commenced, as well as what would be reasonably expected to occur in the foreseeable future if the project were not approved, based on current plans and consistent with available infrastructure and community services. If the environmentally superior alternative is the “no project” alternative, the EIR shall also identify an environmentally superior alternative among the other alternatives.

Because the No Project Alternative cannot be the Environmentally Superior Alternative under CEQA, the Reduced (50%) Project Alternative would be the Environmentally Superior alternative because it would result in less adverse physical impacts to the environment with regard to air, water, noise, public services, population/housing, utilities and traffic. However, the Reduced (50%) Project Alternative does not eliminate the proposed Project’s significant and unavoidable impacts associated with Agriculture - Loss of Farmland (project and cumulative); Air Quality (project and cumulative); Hydrology – Water Supply (cumulative only); Transportation - Conflict with Plan/Program (project and cumulative); and Utilities & Service Systems – Water Supply (cumulative only). Furthermore, the Reduced (50%) Project Alternative does not meet all of the Project objectives, particularly with regard to quantity and diversity of housing.

Summary and Determination

Only the No Project and Reduced (50%) Project Alternatives could potentially result in fewer impacts than the proposed Project’s impacts. These Alternatives however, would not fully meet the objectives of the proposed Project. After this full, substantial, and deliberate analysis, the proposed Project remains the preferred alternative.

5.7 Growth Inducing Impacts

Section 15126.2(d) of the CEQA Guidelines requires that an EIR evaluate the growth-inducing impacts of a proposed action. A growth-inducing impact is defined by the CEQA Guidelines as:

The way 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. Included in this are projects which would remove obstacles to population growth... it is not assumed that growth in an area is necessarily beneficial, detrimental, or of little significance to the environment.

Based on the State CEQA Guidelines, growth inducement is any growth that exceeds planned growth of an area and results in new development that would not have taken place without

implementation of the Project. A project can have direct and/or indirect growth inducement potential. Direct growth inducement would result if a project, for example, involved construction of new housing. A project would have indirect growth inducement potential if it established substantial new permanent employment opportunities or if it would involve a construction effort with substantial short-term employment opportunities that would indirectly stimulate the need for additional housing and services to support the new employment demand. Similarly, a project would indirectly induce growth if it would remove an obstacle to additional growth and development, such as removing a constraint on a required public service. A project providing an increased water supply in an area where water service historically limited growth could be considered growth-inducing.

The State Guidelines further explain that the environmental effects of induced growth are considered indirect impacts of the proposed action. These indirect impacts or secondary effects of growth include increased demand on other community and public services and infrastructure, increased traffic and noise, and adverse environmental impacts such as degradation of air and water quality, degradation or loss of plant and animal habitat, and conversion of agricultural and open space land to developed uses.

Growth inducement may constitute an adverse impact if the growth is not consistent with or accommodated by the land use plans and growth management plans and policies for the area affected. Local land use plans provide for land use development patterns and growth policies that allow for the orderly expansion of urban development supported by adequate urban public services, such as water supply, roadway infrastructure, sewer service, and solid waste service.

The proposed Project involves the establishment of a mixed-use development that is being proposed in response to the demand for housing and commercial facilities in the area. The Project is consistent with the City of Visalia's General Plan and Zoning Ordinance and will connect to all existing City utility services. The anticipated population and housing unit increase associated with the proposed Project are within the growth projections of the City's General Plan. The proposed Project would create a relatively minor amount of new employment opportunities during construction and for the proposed commercial facilities associated with the Project. As of February 2023, Tulare County (Visalia-Porterville Metropolitan Statistical Area) had an unemployment rate of 10.6 percent¹ and it is anticipated that those new employment opportunities associated with the Project could likely be filled by the existing employment base. There are no other indirect aspects of the Project (such as creation of oversized public utility lines, etc.) that would induce further growth in the area. The proposed Project would not result in significant growth-inducing impacts.

5.8 Irreversible Environmental Changes

Section 15126(c) of the CEQA Guidelines requires that an EIR include a discussion of significant irreversible environmental changes that would result from project implementation. CEQA Section 15126.2(d) identifies irreversible environmental changes as those involving a large commitment of nonrenewable resources or irreversible damage resulting from environmental accidents.

Irreversible changes associated with the project include the use of nonrenewable resources during construction, including concrete, plastic, and petroleum products and renewable resources such as timber. To the extent nonrenewable uses are used during construction, the Project is being created to meet existing demand for housing and services in the City, which would lead to the consumption of these resources elsewhere if the Project were not built. Therefore, the Project would not result in a new impact to nonrenewable resources. During the operational phase of the proposed Project, energy would be used for lighting, heating, cooling, and other requirements and petroleum products would be used by vehicles associated with the residents of the proposed development and the commercial facilities. The use of these resources would not be substantial, would not be inefficiently used, and would not constitute a

significant effect. Refer to Draft EIR Section 3.6 – Energy for more information pertaining to the proposed Project's energy use.

In the future, the site could be rezoned or redeveloped for a different use also allowed in the existing General Plan or Zoning Ordinance designations, in which case, at the end of the useful life of the Project, the use could change. Therefore, the Project would not commit future generations to a significant change in land use. This is in contrast to a large industrial use, where reuse for non-industrial uses likely would require extensive remediation, making such reuse difficult, or large infrastructure projects that are rarely moved or dismantled once constructed.

The proposed Project would not result in irreversible damage resulting from environmental accidents. The Project consists of a mixed-use residential and commercial development. None of these land uses routinely transport, use, or dispose of hazardous materials, or present a reasonably foreseeable release of hazardous materials, with the exception of common residential and commercial hazardous materials such as cleaners, paint, petroleum products, etc. Handling and use of hazardous materials and the disposal of the resulting hazardous wastes would be required to follow the applicable laws and regulations, as described in Section 3.9-1 – Hazards & Hazardous Materials herein. As such, irreversible environmental accidents are unlikely.

5.9 Statement of Overriding Considerations

Public Resources Code Section 21081 mandates that no public agency shall approve or carry out a project for which an environmental impact report has been certified that identifies one or more significant effects on the environment that would occur if the Project is approved or carried out unless the following occur:

- The public agency makes one or more of the following findings with respect to each significant impact:
 - Changes or alternatives have been required in, or incorporated into, the Project that mitigate or avoid the significant impacts on the environment.
 - Those changes or alternatives are within the responsibility and jurisdiction of another public agency and have been, or can and should be, adopted by that other agency.
 - Specific economic, legal, social, technological, or other considerations make infeasible the mitigation measures or alternatives identified in the EIR.
 - With respect to the third point, the public agency finds that specific overriding economic, legal, social and technological, or other benefits of the Project outweigh the significant impact on the environment.

As discussed in Subsection 5.4, significant impacts were identified, but mitigation measures have been incorporated into the Project that mitigate or avoid the significant impacts on the environment. Additionally, as discussed in Subsection 5.5, there were significant and unavoidable impacts that could not be mitigated to a less than significant level.

Accordingly, the Visalia City Council adopts this Statement of Overriding Considerations with respect to the significant unavoidable impacts associated with adoption of the Project as addressed in the EIR, specifically for the following impact areas:

- **Aesthetics** – Degrade existing visual character (project and cumulative level)
- **Agriculture & Forestry Resources** - Loss of farmland (project and cumulative level)
- **Air Quality** – Conflict with Air Quality Plan / Exceed criteria pollutant thresholds (project and cumulative level)

- **Hydrology & Water Quality** – Water supply (cumulative level only)
- **Transportation** – Conflict with Plan/Program (project and cumulative level)
- **Utilities & Service Systems** – Water supply (cumulative level only)

The City Council hereby declares that, pursuant to State CEQA Guidelines Section 15093, the City Council has balanced the benefits of the Project against any significant and unavoidable environmental impacts in determining whether to approve the Project. If the benefits of the Project outweigh the unavoidable adverse environmental impacts, those impacts are considered “acceptable”.

The City Council hereby declares that the EIR has identified and discussed significant effects that may occur as a result of the Project. With the implementation of the mitigation measures discussed in the EIR, these impacts can be mitigated to a level of less than significant except for the unavoidable and significant impacts discussed in Subsection 5.5, herein.

The City Council hereby declares that it has made a reasonable and good faith effort to eliminate or substantially mitigate the potential impacts resulting from the Project.

The City Council hereby declares that to the extent any mitigation measures recommended to the City are not to be incorporated, such mitigation measures are infeasible because they would impose restrictions on the Project that would prohibit the realization of specific economic, social, and other benefits that this City Council finds outweigh the unmitigated impacts.

The City Council further finds that except for the Project, all other alternatives set forth in the EIR are infeasible because they may not substantially reduce environmental impacts associated with the Project, and would prohibit the realization of the Project objectives and/or specific economic, social, or other benefits that this City Council finds outweigh any environmental benefits of the alternatives.

The City Council hereby declares that, having reduced the adverse significant environmental effects of the Project, to the extent feasible by adopting the proposed mitigation measures, having considered the entire administrative record on the Project and having weighted the benefits of the Project against its unavoidable significant impact after mitigation, the City Council has determined that the social, economic, and environmental benefits of the Project outweigh the potential unavoidable significant impacts and render those potential significant impacts acceptable based on the following considerations:

- The Project reflects the stated vision, goals and objectives of the City of Visalia.
- The Project will ensure orderly development patterns to accommodate projected increases in population through buildout of the General Plan by providing strategic land use designations that avoid or minimize land use conflicts.
- The Project will provide a variety of housing opportunities with a range of densities, styles, sizes and values that will be designed to satisfy existing and future demand for quality housing in the area.
- The Project will maximize and broaden the City’s sales tax base by providing local and regional tax-generating uses.
- The Project will improve and maximize economic viability of the Project site and area by providing strategic land use designations.
- The Project will provide a residential development that assists the City in meeting its General Plan and Housing Element requirements and objectives.

As the CEQA Lead Agency for the proposed action, the City of Visalia has carefully reviewed the Project and the alternatives presented in the EIR, and fully understands the Project and Project alternatives proposed for development. Further, this City Council finds that all potential adverse environmental impacts and all feasible mitigation measures to reduce the impacts from the Project have been identified in the Draft EIR, the Final EIR and public testimony. This City

Council also finds that a reasonable range of alternatives was considered in the EIR and this document, Section 5.6, above, and finds that approval of the Project is appropriate.

In Section 5.8, the City Council has identified economic and social benefits and important policy objectives that will result from implementing the Project. The City Council has balanced these substantial social and economic benefits against the unavoidable significant adverse effects of the Project. Given the substantial social and economic benefits that will accrue from the Project, this City Council finds that these specific overriding benefits of the Project outweigh the significant impact on the environment.

Public Resource Code 21002 provides, "In the event specific economic, social and other conditions make infeasible such Project alternatives or such mitigation measures, individual projects can be approved in spite of one or more significant effects thereof." Section 21002(c) provides, "In the event that economic, social, or other conditions make it infeasible to mitigate one or more significant effects of a project on the environment, the project may nonetheless be approved or carried out at the discretion of a public agency".

Finally, California Administrative Code, Title 4, 15093(a) states, "If the benefits of a Project outweigh the unavoidable adverse environmental effects, the adverse environmental effects may be considered 'acceptable.'"

The City Council hereby declares that the foregoing benefits provided to the public through approval and implementation of the Project outweigh the identified significant adverse environmental impacts of the Project that cannot be mitigated. The City Council finds that each of the Project benefits outweighs the unavoidable adverse environmental impacts identified in the EIR, and finds those impacts to be acceptable.