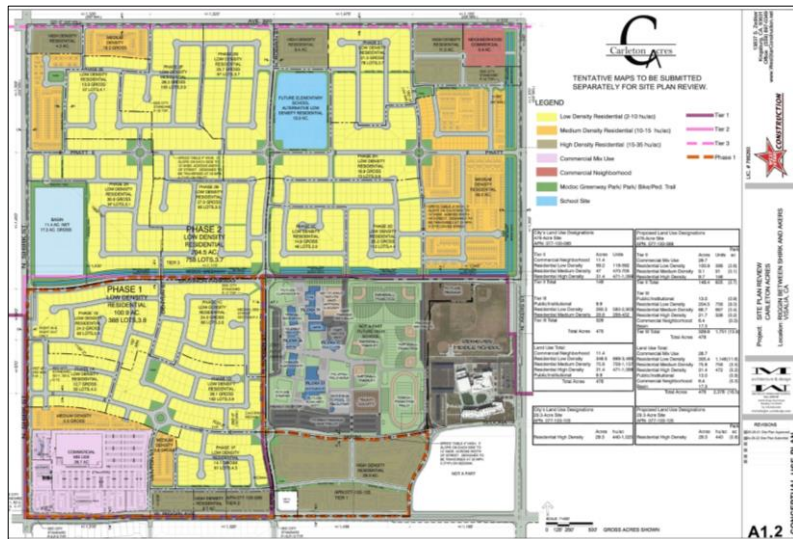




FINAL ENVIRONMENTAL IMPACT REPORT (STATE CLEARINGHOUSE #2021050418)

Carleton Acres Specific Plan

September 2023

PREPARED FOR:



City of Visalia
707 W. Acequia Ave.
Visalia, CA 93291

PREPARED BY:



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Final Environmental Impact Report
Carleton Acres Specific Plan

State Clearinghouse #2021050418

Prepared for:

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September 2023



Project Reference No. 048-2101

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Carleton Acres Specific Plan Draft EIR Comment Letter

CHAPTER ONE - Introduction

Introduction

As defined by Section 15050 of the California Environmental Quality Act (CEQA) Guidelines, the City of Visalia (City) is the Lead Agency for the preparation of the Environmental Impact Report (EIR) for the Carleton Acres Specific Plan Project (Project or proposed Project, SCH No 2021050418). 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. In addition to the responses to comments, clarifications, corrections, or minor revisions have been made to the Draft EIR. 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 this 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).

Summary of 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 – maximum of 758 units; and High Density Residential – maximum of 912 units. The number of units is based on the maximum proposed density available, 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 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 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.

Project Location

The 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.

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.

CEQA Evaluation Background

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). The NOP and written comments provided to the City during the 30-day public review period for the NOP are presented in Appendix A. NOP comment letters are summarized as follows:

- **CA Department of Conservation – Geologic Energy Management Division** (June 6, 2022): Identified a previous properly abandoned oil or gas well on the site. The Department provided additional guidance on the proper handling of the well.
- **CA Department of Fish & Wildlife** (July 11, 2022): Identified potential species in the project area and provided recommendations on handling of such species.

- **CA Department of Conservation – Division of Land Resource Protection** (June 14, 2022): Identified potential farmland impacts due to loss of agricultural lands on the site. Provided suggestions for mitigation for the loss of agricultural lands.
- **Native American Heritage Commission** (June 8, 2022): Identified the applicable tribal consultation guidelines and requirements associated with the Project.
- **San Joaquin Valley Air Pollution Control District** (June 22, 2022): Identified the District’s applicable guidelines and requirements associated with air emissions from construction and operation of the Project.
- **California Department of Transportation (Caltrans)** (June 2, 2022): Identified requirements and expectations of the Project traffic impact study. Provided additional information to support the study analysis.

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.

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. The City received three comment letters on the Draft EIR. These letters and emails are reproduced in their entirety in Chapter Two of this Final EIR and responses are shown after each letter.

These comments and responses that make up the Final EIR, in combination with the Draft EIR and Appendices, constitute the EIR that will be considered for certification by the decision makers of the City of Visalia.

CEQA Requirements

Under CEQA, the Lead Agency must prepare and certify a Final EIR prior to a proposed project being approved. The contents of a Final EIR are specified in Section 15132 of the CEQA Guidelines, which states that a Final EIR must consist of the following:

1. The Draft EIR or a revision of the Draft EIR.
2. Comments and recommendations received on the Draft EIR either verbatim or in summary.
3. A list of persons, organizations, and public agencies commenting on the Draft EIR.
4. The responses of the Lead Agency to significant environmental points raised in the review and consultation process.
5. Any other information added by the Lead Agency.

The Lead Agency must provide each public agency that commented on the Draft EIR with a copy of the Lead Agency's response to such comments a minimum of 10 days before certifying the Final EIR.

Use of the Final EIR

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).

CHAPTER TWO – Comments and Responses

Introduction

This chapter of the Final EIR contains a copy of each of the written comments received from the public and other agencies with jurisdiction over the proposed Project, followed by responses to each comment. Each letter is numbered (e.g. Letter 1, Letter 2, etc.).

A total of three comment letters were received from the following agencies:

<u>Comment Letter 1</u> Julie A. Vance Regional Manager California Department of Fish & Wildlife 1234 E. Shaw Avenue Fresno, CA 93710 June 14, 2023
<u>Comment Letter 2</u> Brian Clements Director of Permit Services San Joaquin Valley Air Pollution Control District 1990 E. Gettysburg Avenue Fresno, CA 93726 June 19, 2023
<u>Comment Letter 3</u> Junaid Halani Lozano Smith, Attorneys at Law One Capitol Mall, Suite 640 Sacramento, CA 95814 June 19, 2023

Comment Letters

Comment Letter 1

Julie A. Vance
Regional Manager
California Department of Fish & Wildlife
1234 E. Shaw Avenue
Fresno, CA 93710
June 14, 2023

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State of California – Natural Resources Agency
DEPARTMENT OF FISH AND WILDLIFE
Central Region
1234 East Shaw Avenue
Fresno, California 93710
(559) 243-4005
www.wildlife.ca.gov



GAVIN NEWSOM, Governor
CHARLTON H. BONHAM, Director

June 14, 2023

Brandon Smith
City of Visalia
315 E. Acequia Avenue
Visalia, California 93291
Brandon.Smith@visalia.city

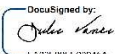
**Subject: Carleton Acres Specific Plan (Project)
Draft Environmental Impact Report (DEIR)
State Clearinghouse No. 2021050418**

Dear Brandon Smith:

Thank you for the opportunity to provide comments and recommendations regarding those activities involved in the Project that may affect California fish and wildlife. Likewise, the California Department of Fish and Wildlife (CDFW) appreciates the opportunity to provide comments regarding those aspects of the Project that CDFW, by law, may be required to carry out or approve through the exercise of its own regulatory authority under Fish and Game Code.

After reviewing the provided CEQA document, CDFW concurs with the biological resources related analyses and measures proposed in the DEIR and recommends that all such measures in the DEIR be carried forward into the Final EIR. CDFW has determined that the biological resource mitigation measures as currently documented in the DEIR are sufficient for mitigation of potential project related impacts to listed species. Please note that take of any species listed under the California Endangered Species Act (CESA) would be unauthorized if an Incidental Take Permit (ITP) pursuant to Fish and Game Code section 2081 subdivision (b) was not acquired in advance of such actions. It is recommended to consult with CDFW before any ground disturbing activities commence and to obtain an ITP if take of CESA listed species cannot be avoided.

Sincerely,

DocuSigned by:

Julie A. Vance
Regional Manager

Conserving California's Wildlife Since 1870

Response to Comment Letter 1:

Comment 1 Summary: The Department concurs with the biological assessment of the Project.

Response to Comment 1: The content of this letter has been noted for the record and it is acknowledged that the California Department of Fish & Wildlife has concurred with the biological assessment of the proposed Project.

Comment Letter 2

Brian Clements
 Director of Permit Services
 San Joaquin Valley Air Pollution Control District
 1990 E. Gettysburg Avenue
 Fresno, CA 93726
June 19, 2023

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June 19, 2023

Brandon Smith
 City of Visalia
 Planning Division
 707 W. Acequia Ave.
 Visalia, CA 93291

Project: Draft Environmental Impact Report for the Carleton Acres Specific Plan

District CEQA Reference No: 20230448

Dear Mr. Smith:

The San Joaquin Valley Air Pollution Control District (District) has reviewed the Draft Environmental Impact Report (DEIR) from the City of Visalia (City) for the Carleton Acres Specific Plan (Specific Plan). Per the DEIR, the project is to develop approximately 507 acres of land into a mixed use development that will include up to 3,262 residential units, approximately 205,000 square feet of commercial area, an elementary school, drainage basin, as well as parks, trails, and recreational facilities (Project). The Project is located in Visalia, CA and is generally bounded by W. Riggins Avenue to the south, N. Akers Street to the east, N. Shirk Road to the west, and Avenue 320 to the north.

The District offers the following comments regarding the Project:

1) Recommended Mitigation to Reduce Operational Air Quality Impacts

Table 3.3-8 (Operation Air Pollutant Emissions (Non-Permitted Sources) of the DEIR demonstrates Project operational emissions exceeded the District's significance thresholds. Therefore, the District recommends the DEIR be revised to include a discussion on the feasibility of a VERA as a mitigation measure for this Project.

A VERA is a mitigation measure by which the project proponent provides pound-for-pound mitigation of emissions increases through a process that develops, funds, and implements emission reduction projects, with the District serving a role of administrator of the emissions reduction projects and verifier of the successful mitigation effort. To implement a VERA, the project proponent and the District enter

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 Executive Director/Air Pollution Control Officer

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into a contractual agreement in which the project proponent agrees to mitigate project specific emissions by providing funds for the District's incentives programs. The funds are disbursed by the District in the form of grants for projects that achieve emission reductions. Thus, project-related impacts on air quality can be mitigated. Types of emission reduction projects that have been funded in the past include electrification of stationary internal combustion engines (such as agricultural irrigation pumps), replacing old heavy-duty trucks with new, cleaner, more efficient heavy-duty trucks, and replacement of old farm tractors.

In implementing a VERA, the District verifies the actual emission reductions that have been achieved as a result of completed grant contracts, monitors the emission reduction projects, and ensures the enforceability of achieved reductions. After the project is mitigated, the District certifies to the Lead Agency that the mitigation is completed, providing the Lead Agency with an enforceable mitigation measure demonstrating that project-related emissions have been mitigated.

2) Industrial/Warehouse Emission Reduction Strategies

The Project includes commercial development space (for example, a Costco retail), that have Heavy Heavy-Duty (HHD) truck trips. Therefore, the District recommends the City consider the feasibility of incorporating emission reduction strategies that can reduce potential harmful health impacts, such as those listed below:

- Ensure solid screen buffering trees, solid decorative walls, and/or other natural ground landscaping techniques are implemented along the property line of adjacent sensitive receptors
- Orient loading docks away from sensitive receptors unless physically impossible
- Locate loading docks a minimum of 300 feet away from the property line of sensitive receptor unless dock is exclusively used for electric trucks
- Incorporate signage and "pavement markings" to clearly identify on-site circulation patterns to minimize unnecessary on-site vehicle travel
- Locate truck entries on streets of a higher commercial classification
- Ensure all building roofs are solar-ready
- Ensure all portions of roof tops that are not covered with solar panels are constructed to have light colored roofing material with a solar reflective index of greater than 78
- Ensure rooftop solar panels are installed and operated to supply 100% of the power needed to operate all non-refrigerated portions of the development project
- Ensure power sources at loading docks for all refrigerated trucks have "plugin" capacity, which will eliminate prolonged idling while loading and unloading goods

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- Incorporate bicycle racks and electric bike plug-ins
- Designate an area during construction to charge electric powered construction vehicles and equipment, if temporary power is available
- Prohibit the use of non-emergency diesel-powered generators during construction

3) **Truck Routing**

Truck routing involves the assessment of which roads HHD trucks take to and from their destination, and the emissions impact that the HHD trucks may have on residential communities and sensitive receptors. Since the Project includes commercial development space (for example, a Costco retail), there is potential for increased HHD truck trips.

The District recommends the City evaluate HHD truck routing patterns for the Project, with the aim of limiting exposure of residential communities and sensitive receptors to emissions. This evaluation would consider the current truck routes, the quantity and type of each truck (e.g., Medium Heavy-Duty, HHD, etc.), the destination and origin of each trip, traffic volume correlation with the time of day or the day of the week, overall Vehicle Miles Traveled (VMT), and associated exhaust emissions. The truck routing evaluation would also identify alternative truck routes and their impacts on VMT and air quality.

4) **Cleanest Available Heavy-Duty Trucks**

The San Joaquin Valley will not be able to attain stringent health-based federal air quality standards without significant reductions in emissions from HHD trucks, the single largest source of NO_x emissions in the San Joaquin Valley. The District's CARB-approved 2018 PM_{2.5} Plan includes significant new reductions from HHD trucks, including emissions reductions by 2023 through the implementation of CARB's Statewide Truck and Bus Regulation, which requires truck fleets operating in California to meet the 2010 standard of 0.2 g-NO_x/bhp-hr by 2023. Additionally, to meet federal air quality attainment standards, the District's Plan relies on a significant and immediate transition of HHD fleets to zero or near-zero emissions technologies, including the near-zero truck standard of 0.02 g/bhp-hr NO_x established by CARB.

Since the Project includes commercial development, including a Costco, there is potential for increased HHD truck trips. The District recommends that the following measures be considered by the City to reduce Project-related operational emissions:

- *Recommended Measure:* Fleets associated with operational activities utilize the cleanest available HHD trucks, including zero and near-zero (0.02 g/bhp-hr NO_x) technologies.

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- *Recommended Measure:* All on-site service equipment (cargo handling, yard hostlers, forklifts, pallet jacks, etc.) utilize zero-emissions technologies.

5) **Reduce Idling of Heavy-Duty Trucks**

The goal of this strategy is to limit the potential for localized PM_{2.5} and toxic air contaminant impacts associated with the idling of Heavy-Duty trucks. The diesel exhaust from idling has the potential to impose significant adverse health and environmental impacts. Since the Project includes commercial development space, including a Costco, there is potential for increased HHD truck trips.

The District recommends the DEIR be revised to include measures to ensure compliance of the state anti-idling regulation (13 CCR § 2485 and 13 CCR § 2480) and discuss the importance of limiting the amount of idling, especially near sensitive receptors. In addition, the District recommends the City consider the feasibility of implementing a more stringent 3-minute idling restriction and requiring appropriate signage and enforcement of idling restrictions.

6) **Under-fired Charbroilers**

The Project may have restaurants with under-fired charbroilers. Such charbroilers may pose the potential for immediate health risk, particularly when located in densely populated areas or near sensitive receptors.

Since the cooking of meat can release carcinogenic PM_{2.5} species, such as polycyclic aromatic hydrocarbons, controlling emissions from new under-fired charbroilers will have a substantial positive impact on public health. The air quality impacts on neighborhoods near restaurants with under-fired charbroilers can be significant on days when meteorological conditions are stable, when dispersion is limited and emissions are trapped near the surface within the surrounding neighborhoods. This potential for neighborhood-level concentration of emissions during evening or multi-day stagnation events raises air quality concerns.

Furthermore, reducing commercial charbroiling emissions is essential to achieving attainment of multiple federal PM_{2.5} standards. Therefore, the District recommends that the DEIR include a measure requiring the assessment and potential installation, as technologically feasible, of particulate matter emission control systems for new large restaurants operating under-fired charbroilers.

The District is available to assist the City and project proponents with this assessment. Additionally, the District is currently offering substantial incentive funding that covers the full cost of purchasing, installing, and maintaining the system during a demonstration period covering two years of operation. Please contact the

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District at (559) 230-5800 or technology@valleyair.org for more information, or visit:
<http://valleyair.org/grants/rctp.htm>

7) Vegetative Barriers and Urban Greening

The District suggests the City consider the feasibility of incorporating vegetative barriers and urban greening as a measure to further reduce air pollution exposure on sensitive receptors (e.g., residential units).

While various emission control techniques and programs exist to reduce air quality emissions from mobile and stationary sources, vegetative barriers have been shown to be an additional measure to potentially reduce a population's exposure to air pollution through the interception of airborne particles and the uptake of gaseous pollutants. Examples of vegetative barriers include, but are not limited to the following: trees, bushes, shrubs, or a mix of these. Generally, a higher and thicker vegetative barrier with full coverage will result in greater reductions in downwind pollutant concentrations. In the same manner, urban greening is also a way to help improve air quality and public health in addition to enhancing the overall beautification of a community with drought tolerant, low-maintenance greenery.

8) On-Site Solar Deployment

It is the policy of the State of California that renewable energy resources and zero-carbon resources supply 100% of retail sales of electricity to California end-use customers by December 31, 2045. While various emission control techniques and programs exist to reduce air quality emissions from mobile and stationary sources, the production of solar energy is contributing to improving air quality and public health. The District suggests that the City consider incorporating solar power systems as an emission reduction strategy for the Project.

9) Electric Vehicle Chargers

To support and accelerate the installation of electric vehicle charging equipment and development of required infrastructure, the District offers incentives to public agencies, businesses, and property owners of multi-unit dwellings to install electric charging infrastructure (Level 2 and 3 chargers). The purpose of the District's Charge Up! Incentive program is to promote clean air alternative-fuel technologies and the use of low or zero-emission vehicles. The District recommends that the City and project proponents install electric vehicle chargers at project sites, and at strategic locations.

Please visit www.valleyair.org/grants/chargeup.htm for more information.

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10) District's Bikeway Incentive Program

Since the Project includes installation of bikeways, the Project may be eligible for funding through the District's Bikeway Incentive Program. The Bikeway Incentive Program provides funding for eligible Class 1 (Bicycle Path Construction), Class II (Bicycle Lane Striping), or Class III (Bicycle Route) projects. These incentives are designed to support the construction of new bikeway projects to promote clean air through the development of a widespread, interconnected network of bike paths, lanes, or routes and improving the general safety conditions for commuter bicyclists. Only municipalities, government agencies, or public educational institutions are eligible to apply. More information on the grant program can be found at: <http://valleyair.org/grants/bikepaths.htm>

Guidelines and Project Eligibility for the grant program can be found at: http://valleyair.org/grants/documents/bikepaths/2015_Bikeway_Guidelines.pdf

11) District Rules and Regulations

The District issues permits for many types of air pollution sources, and regulates some activities that do not require permits. A project subject to District rules and regulations would reduce its impacts on air quality through compliance with the District's regulatory framework. In general, a regulation is a collection of individual rules, each of which deals with a specific topic. As an example, Regulation II (Permits) includes District Rule 2010 (Permits Required), Rule 2201 (New and Modified Stationary Source Review), Rule 2520 (Federally Mandated Operating Permits), and several other rules pertaining to District permitting requirements and processes.

The list of rules below is neither exhaustive nor exclusive. Current District rules can be found online at: www.valleyair.org/rules/1ruleslist.htm. To identify other District rules or regulations that apply to future projects, or to obtain information about District permit requirements, the project proponents are strongly encouraged to contact the District's Small Business Assistance (SBA) Office at (559) 230-5888.

11a) District Rules 2010 and 2201 - Air Quality Permitting for Stationary Sources

Stationary Source emissions include any building, structure, facility, or installation which emits or may emit any affected pollutant directly or as a fugitive emission. District Rule 2010 (Permits Required) requires operators of emission sources to obtain an Authority to Construct (ATC) and Permit to Operate (PTO) from the District.

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District Rule 2201 (New and Modified Stationary Source Review) requires that new and modified stationary sources of emissions mitigate their emissions using Best Available Control Technology (BACT).

This Project may be subject to District Rule 2010 (Permits Required) and Rule 2201 (New and Modified Stationary Source Review) and may require District permits. Prior to construction, the Project proponent should submit to the District an application for an ATC. For further information or assistance, the project proponent may contact the District's SBA Office at (559) 230-5888.

11b) District Rule 9510 - Indirect Source Review (ISR)

The Project is subject to District Rule 9510 because it will receive a project-level discretionary approval from a public agency and will equal or exceed 9,000 square feet of development.

The purpose of District Rule 9510 is to reduce the growth in both NOx and PM emissions associated with development and transportation projects from mobile and area sources; specifically, the emissions associated with the construction and subsequent operation of development projects. The ISR Rule requires developers to mitigate their NOx and PM emissions by incorporating clean air design elements into their projects. Should the proposed development project clean air design elements be insufficient to meet the required emission reductions, developers must pay a fee that ultimately funds incentive projects to achieve off-site emissions reductions.

Per Section 5.0 of the ISR Rule, an Air Impact Assessment (AIA) application is required to be submitted no later than applying for project-level approval from a public agency. Currently for this Project, the District received an AIA application (ISR project #20230207).

11c) District Rule 9410 (Employer Based Trip Reduction)

Future development projects may be subject to District Rule 9410 (Employer Based Trip Reduction) if the project would result in employment of 100 or more "eligible" employees. District Rule 9410 requires employers with 100 or more "eligible" employees at a worksite to establish an Employer Trip Reduction Implementation Plan (eTRIP) that encourages employees to reduce single-occupancy vehicle trips, thus reducing pollutant emissions associated with work commutes. Under an eTRIP plan, employers have the flexibility to select the options that work best for their worksites and their employees.

Information about District Rule 9410 can be found online at:
www.valleyair.org/tripreduction.htm.

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For additional information, you can contact the District by phone at 559-230-6000 or by e-mail at etrip@valleyair.org

11d) District Rule 4002 (National Emissions Standards for Hazardous Air Pollutants)

In the event an existing building will be renovated, partially demolished or removed, future development projects within the Specific Plan may be subject to District Rule 4002. This rule requires a thorough inspection for asbestos to be conducted before any regulated facility is demolished or renovated. Information on how to comply with District Rule 4002 can be found online at: <http://www.valleyair.org/busind/comply/asbestosbultn.htm>.

11e) District Rule 4601 (Architectural Coatings)

The Project will be subject to District Rule 4601 since it is expected to utilize architectural coatings. Architectural coatings are paints, varnishes, sealers, or stains that are applied to structures, portable buildings, pavements or curbs. The purpose of this rule is to limit VOC emissions from architectural coatings. In addition, this rule specifies architectural coatings storage, cleanup and labeling requirements. Additional information on how to comply with District Rule 4601 requirements can be found online at: <http://www.valleyair.org/rules/currnrules/r4601.pdf>

11f) District Regulation VIII (Fugitive PM10 Prohibitions)

The project proponent may be required to submit a Construction Notification Form or submit and receive approval of a Dust Control Plan prior to commencing any earthmoving activities as described in Regulation VIII, specifically Rule 8021 – *Construction, Demolition, Excavation, Extraction, and Other Earthmoving Activities*.

Should the project result in at least 1-acre in size, the project proponent shall provide written notification to the District at least 48 hours prior to the project proponents intent to commence any earthmoving activities pursuant to District Rule 8021 (Construction, Demolition, Excavation, Extraction, and Other Earthmoving Activities). Also, should the project result in the disturbance of 5-acres or more, or will include moving, depositing, or relocating more than 2,500 cubic yards per day of bulk materials, the project proponent shall submit to the District a Dust Control Plan pursuant to District Rule 8021 (Construction, Demolition, Excavation, Extraction, and Other Earthmoving Activities). For additional information regarding the written notification or Dust Control Plan requirements, please contact District Compliance staff at (559) 230-5950.

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The application for both the Construction Notification and Dust Control Plan can be found online at:

<https://www.valleyair.org/busind/comply/PM10/forms/DCP-Form.docx>

Information about District Regulation VIII can be found online at:

http://www.valleyair.org/busind/comply/pm10/compliance_pm10.htm

11g) District Rule 4901 - Wood Burning Fireplaces and Heaters

The purpose of this rule is to limit emissions of carbon monoxide and particulate matter from wood burning fireplaces, wood burning heaters, and outdoor wood burning devices. This rule establishes limitations on the installation of new wood burning fireplaces and wood burning heaters. Specifically, at elevations below 3,000 feet in areas with natural gas service, no person shall install a wood burning fireplace, low mass fireplace, masonry heater, or wood burning heater.

Information about District Rule 4901 can be found online at:

<http://valleyair.org/rule4901/>

11h) Other District Rules and Regulations

Future development projects within the Specific Plan may also be subject to the following District rules: Rule 4102 (Nuisance) and Rule 4641 (Cutback, Slow Cure, and Emulsified Asphalt, Paving and Maintenance Operations).

12) District Comment Letter

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

If you have any questions or require further information, please contact Matt Crow by e-mail at Matt.Crow@valleyair.org or by phone at (559) 230-5931.

Sincerely,

Brian Clements
Director of Permit Services



For: Mark Montelongo
Program Manager

Responses to Comment Letter 2:

Comment 1: Recommended Mitigation to Reduce Operational Air Quality Impacts. The comment includes a recommendation that the DEIR be revised to include a discussion on the feasibility of a Voluntary Emission Reduction Agreement (VERA) as a mitigation measure for this project and provides details on what a VERA is and how it is implemented.

Response to Comment 1: A VERA is a contractual agreement that project proponents can voluntarily enter into and is not required by the City of Visalia or the SJVAPCD. As described in section 5.2.2 – Cumulative Criteria Pollutant Impacts of the Air Quality and Greenhouse Gas/Energy Analysis Report prepared for the Carleton Acres Specific Plan, the EIR for the Visalia General Plan identifies proposed General Plan policies to reduce air quality impacts that have since become policies included in the adopted General Plan for the City of Visalia. The General Plan EIR found regional air quality impacts to be significant and unavoidable. Although the project would exceed the criteria pollutant thresholds for several pollutants, the Visalia General Plan EIR had already considered air quality to be a significant and unavoidable impact. The project site has been designated by the City's General Plan for residential, commercial, public/institutional, and park/recreation uses. The EIR identified General Plan policies that would reduce significant air quality impacts to the extent feasible. The reduction measures for regional emission impacts from the City of Visalia's General Plan EIR and the Specific Plan's consistency with the measures are provided in the Air Quality and Greenhouse Gas/Energy Analysis Report prepared for the Carleton Acres Specific Plan. General Plan Reduction Measure AQ-P-12 supports the implementation of VERAs with the SJVAPCD for individual development projects that may exceed SJVAPCD significance thresholds, but it does not require it. The Specific Plan incorporates all General Plan Reduction Measures, including AQ-P-12.

The Specific Plan is ideally designed to minimize vehicle related emissions, which are the predominant source of emissions. The SJVAPCD's applicable regional criteria pollutant thresholds are mass emission thresholds that do not account for the rate of emissions per capita for a project. Therefore, large projects and projects that would serve a large number of people are more likely to exceed the thresholds compared to small projects. The project includes the development of approximately 507-acres of land into a mixed-use development featuring single-family residential, multi-family housing, commercial, educational, and park/trail land uses. Overall, the proposed Specific Plan would create a considerable amount of internal capture between its components to reduce vehicle miles traveled (VMT) compared to the same level of development built with land uses geographically separated from each other. In addition, the Costco development in the Specific Plan includes numerous project design features that will reduce emissions to the extent feasible. These are referenced in the letter from Costco retail to the City (RE: Costco Commitments in Response to San Joaquin Air Pollution Control District Carleton Acres Specific Plan Draft EIR Comment Letter). The gasoline dispensing facility will also be

subject to the SJVAPCD stationary source permitting requirements, which includes requirements for emission reduction credits.

The Specific Plan and all subsequent developments will need to comply with SJVAPCD Rule 9510 – Indirect Source Review which requires mitigation similar to how a VERA would be applied to a project. Because the project would result in the development of greater than 9,000 square feet of development, the project would be subject to District Rule 9510. Specifically, the project would be required to pay emission reduction fees associated with its Indirect Source Review application, consistent with the requirements contained in District Rule 9510. The Indirect Source Review application and fees to the Valley Air District would reduce project emissions since the Air District would direct the fees to fund other air quality improvement measures throughout the District.

Comment 2: Industrial/Warehouse Emission Reduction Strategies. The comment notes that the project includes commercial development space (for example, a Costco retail), that have Heavy Heavy-Duty (HHD) truck trips. The SJVAPCD goes on to recommend that the City consider the feasibility of incorporating emission reduction strategies that can reduce potential harmful health impacts.

Response to Comment 2: The commercial development for Costco will include numerous project design features that address the emission reduction strategies listed by SJVAPCD. These are referenced in the letter from Costco retail to the City (RE: Costco Commitments in Response to San Joaquin Air Pollution Control District Carleton Acres Specific Plan Draft EIR Comment Letter).

In addition, the Air Quality and Greenhouse Gas/Energy Analysis Report and the DEIR included MM AIR-3a, which requires the City of Visalia to evaluate potential health risk impacts from new development proposals for any individual development projects within 1,000 feet of an existing or planned sensitive land use. A health risk assessment was prepared for the proposed Costco contemplated as part of the proposed Specific Plan and included as part of Appendix C of the DEIR. The health risk assessment demonstrates that the proposed Costco would not result in health impacts that would exceed the SJVAPCD's health risk thresholds. Nonetheless, the proposed Costco incorporates a number of emission reduction strategies that would help minimize Costco's potential to cause adverse health impacts. These emissions reduction strategies are outlined in the attached letter response from Costco (RE: Costco Commitments in Response to San Joaquin Air Pollution Control District Carleton Acres Specific Plan Draft EIR Comment Letter). For future commercial developments, measures to reduce potential harmful health impacts would be considered and implemented, as applicable, under MM AIR-3a.

Comment 3: Truck Routing. The comment states that truck routing involves the assessment of which roads Heavy Heavy-Duty (HHD) trucks take to and from their destination, and the emissions impact that the HHD trucks may have on residential communities and sensitive receptors. The SJVAPCD notes that because the project includes commercial development space (for example, a Costco retail), there is potential for increased HHD truck trips.

Response to Comment 3: Emissions from anticipated HHD truck trips were evaluated in the air quality analysis contained in the Air Quality and Greenhouse Gas/Energy Analysis Report for the Carleton Acres Specific Plan dated September 1, 2022 (Last Revised March 14, 2023). The air quality analysis assumed that the project would generate trips consistent with those provided in the traffic report prepared for the Project. As such, the assumptions used in the air quality analysis were consistent with those presented elsewhere in the DEIR. Emissions from HHD trucks were appropriately represented in the regional and localized emissions modeling, as well as the Health Risk Assessment prepared for the Costco retail. Therefore, concerns raised in this comment have been addressed in the Air Quality and Greenhouse Gas/Energy Analysis Report and the DEIR. The attached letter response from Costco (RE: Costco Commitments in Response to San Joaquin Air Pollution Control District Carleton Acres Specific Plan Draft EIR Comment Letter) provides further details on truck routing for the proposed Costco proposed as part of the Specific Plan implementation. It should be noted that operational (non-construction) HHD trips are only a small percentage of total project trips. In addition, state regulations governing truck trips have reduced HHD truck emissions to a fraction of their emissions as of 1995.

Comment 4: Cleanest Available Heavy-Duty Trucks. This comment states that the EIR should include new mitigation due to the potential for the project to generate increased HHD truck trips. The SJVAPCD recommends that the following measures be considered by the City to reduce project-related operational emissions:

- Recommended Measure: Fleets associated with operational activities utilize the cleanest available HHD trucks, including zero and near-zero (0.02 g/bhp-hr NO_x) technologies.
- Recommended Measure: All on-site service equipment (cargo handling, yard hostlers, forklifts, pallet jacks, etc.) utilize zero-emissions technologies.

Response to Comment 4: The project will comply with the State's requirements regarding electrification of HHD fleets. The California Air Resources Board (CARB) regulates emissions from HHD vehicles at the state level to meet the State's emission goals. Likewise, all on-site service equipment will meet applicable statewide regulations. Costco's equipment used within the warehouse facility to move merchandise (such as pallet jacks and forklifts and floor cleaners like scrubbers) will be electrically powered. These are referenced in the letter from Costco retail

to the City (RE: Costco Commitments in Response to San Joaquin Air Pollution Control District Carleton Acres Specific Plan Draft EIR Comment Letter).

Comment 5: Reduce Idling of Heavy-Duty Trucks. The SJVAPCD comment recommends that the DEIR be revised to include measures to ensure compliance with the state anti-idling regulation (13 CCR § 2485 and 13 CCR § 2480) and discuss the importance of limiting the amount of idling, especially near sensitive receptors. In addition, the SJVAPCD recommends the City consider the feasibility of implementing a more stringent 3-minute idling restriction and requiring appropriate signage and enforcement of idling restrictions.

Response to Comment 5: HHD trucks visiting the project site would be subject to the state anti-idling regulation (13 CCR § 2485 and 13 CCR § 2480). Limiting idling to no greater than 3 minutes would not clearly lessen any significant environmental impacts to below the significance thresholds because the suggested mitigation is not considerably different compared to compliance with state anti-idling regulation 13 CCR § 2485 and 13 CCR § 2480.

Regarding the proposed Costco, Costco designs and operates its facilities to most efficiently have trucks enter the site, unload, and exit the site. This includes smart design for truck flow into and out of the site, loading dock orientation design, circulation signage, and dock operating protocols. These emissions reduction strategies are outlined in the attached letter response from Costco (RE: Costco Commitments in Response to San Joaquin Air Pollution Control District Carleton Acres Specific Plan Draft EIR Comment Letter)

Comment 6: Under-fired Charbroilers. The comment notes that the project may have restaurants with under-fired charbroilers. Such charbroilers may pose the potential for immediate health risk, particularly when located in densely populated areas or near sensitive receptors. Therefore, the SJVAPCD recommends that the DEIR include a measure requiring the assessment and potential installation, as technologically feasible, of particulate matter emission control systems for new large restaurants operating under-fired charbroilers.

Response to Comment 6: The Air Quality and Greenhouse Gas/Energy Analysis Report and the DEIR included MM AIR-3a, which requires the City of Visalia to evaluate potential health risk impacts from new development proposals for any individual development projects within 1,000 feet of an existing or planned sensitive land use. Therefore, individual developments that would include charbroilers would be required to assess toxic air contaminants associated with charbroilers as applicable. In addition, development projects within the Specific Plan will comply with all applicable SJVAPCD rules and regulations. Project tenants and developers will be responsible for complying with all applicable rules and regulations. Costco does not anticipate

using under-fired charbroilers within the Costco development, This is referenced in the letter from Costco retail to the City (RE: Costco Commitments in Response to San Joaquin Air Pollution Control District Carleton Acres Specific Plan Draft EIR Comment Letter).

Comment 7: Vegetative Barriers and Urban Greening. The comment suggests that the City consider the feasibility of incorporating vegetative barriers and urban greening as a measure to further reduce air pollution exposure on sensitive receptors (e.g., residential units). The commenter also notes the purpose of these measures.

Response to Comment 7: All development projects within the Specific Plan would be required to meet the City's landscaping requirements, which will be enforced through Conditions of Approvals. The City requires urban greening to be incorporated into projects and requires appropriate vegetative barriers where areas transition from commercial to residential. Therefore, the City's design guidelines that will be enforced through Conditions of Approvals and the analysis contained in the DEIR already address the concerns raised in the comment. In addition, consistent with the comment, the Air Quality section of the DEIR evaluates the potential impact of project operations on sensitive receptors. The Air Quality and Greenhouse Gas/Energy Analysis Report and the DEIR included MM AIR-3a, which requires the City of Visalia to evaluate potential health risk impacts from new development proposals for any individual development projects within 1,000 feet of an existing or planned sensitive land use. This measure will be considered, as applicable, to reduce health risk impacts from individual development projects within the Specific Plan.

Comment 8: On-Site Solar Deployment. The comment highlights the policy of the State of California that renewable energy resources and zero-carbon resources supply 100 percent of retail sales of electricity to California end-use customers by December 31, 2045. While various emission control techniques and programs exist to reduce air quality emissions from mobile and stationary sources, the production of solar energy is contributing to improving air quality and public health. The District suggests that the City consider incorporating solar power systems as an emission reduction strategy for the project.

Response to Comment 8: As noted in the Air Quality and Greenhouse Gas/Energy Analysis Report, the project includes installation of solar panels as required by 2022 Title 24 standards. Costco's commitment to renewable energy and rooftop solar is described in the letter from Costco retail to the City (RE: Costco Commitments in Response to San Joaquin Air Pollution Control District Carleton Acres Specific Plan Draft EIR Comment Letter).

Comment 9: Electric Vehicle Chargers. The comment recommends that the City and project proponents install electric vehicle chargers at project sites and at strategic locations.

Response to Comment 9: This comment provides information about the District's Charge Up! Incentive program to promote clean air alternative-fuel technologies and the use of low or zero-emission vehicles. This comment is noted and does not require any action by the City or project proponents at this time. The proposed project would be built to meet all statewide and local development codes, as highlighted by Standard Condition (SC) AIR-1, which was included in the Air Quality and Greenhouse Gas/Energy Analysis Report. SC AIR-1 is provided below.

SC AIR-1 New development under the proposed Specific Plan would include installation of on-site charging units for electric vehicles. Plans for on-site electric vehicle charging shall demonstrate that proposed development projects would meet or exceed electric vehicle parking provisions required by California Green Building Standards.

Comment 10: District's Bikeway Incentive Program. The comment notes that because the project includes installation of bikeways, the project may be eligible for funding through the District's Bikeway Incentive Program. The Bikeway Incentive Program provides funding for eligible Class 1 (Bicycle Path Construction), Class II (Bicycle Lane Striping), or Class III (Bicycle Route) projects.

Response to Comment 10: This comment provides information on incentives that may be available to the project and does not request any revisions to the DEIR. The comment is noted.

Comment 11: District Rules and Regulations. The comment is a list of rules and regulations that may be relevant to the project.

Response to Comment 11: Project tenants and developers will be responsible for complying with all applicable rules and regulations.

Comment 11a) District Rules 2010 and 2201 - Air Quality Permitting for Stationary Sources. The comment notes that the project may be subject to District Rules 2010 and 2201. Stationary Source emissions include any building, structure, facility, or installation which emits or may emit any affected pollutant directly or as a fugitive emission. The comment letter notes that the project proponent should submit to the District an application for an Authority to Construct (ATC) prior to construction.

Response to Comment 11a: Development projects within the Specific Plan will comply with all applicable SJVAPCD rules and regulations. District rules 2010 and 2201 are only applicable if the project includes stationary sources (such as backup generators) that would be subject to permitting. Project tenants and developers will be responsible for complying with all applicable rules and regulations.

Comment 11b: District Rule 9510 - Indirect Source Review (ISR) The comment notes that the project is subject to District Rule 9510 – Indirect Source Review because it will receive a project-level discretionary approval from a public agency and will equal or exceed 9,000 square feet of development.

Response to Comment 11b: As noted in the comment, the SJVAPCD received an AIA application (ISR project #20230207) for this project.

Comment 11c) District Rule 9410 (Employer Based Trip Reduction). This comment is noting that future development projects within the Specific Plan may be subject to District Rule 9410 (Employer Based Trip Reduction). District Rule 9410 requires employers with 100 or more “eligible” employees at a worksite to establish an Employer Trip Reduction Implementation Plan (eTRIP) that encourages employees to reduce single-occupancy vehicle trips, thus reducing pollutant emissions associated with work commutes.

Response to Comment 11c: SC AIR-2 was included in the Air Quality and Greenhouse Gas/Energy Analysis Report. SC AIR-2 is provided below.

SC AIR-2 Individual commercial projects subject to SJVAPCD Rule 9401 – Employee Trip Reduction, shall comply with this rule. Compliance with SJVAPCD 9401 will promote trip reductions through the use of strategies that may include, but are not limited to:

- Employee carpool/ride sharing program.
- Flex scheduling/compressed scheduling.
- Posting information about public transit, bicycling, and pedestrian facilities and programs in public areas and in employee breakrooms.
- Promote available websites providing transportation options for residents and businesses.
- Create and distribute a “new resident” or “new tenant” information packet addressing alternative modes of transportation for residential residents and commercial employees.

- Providing incentives for carpooling/ride sharing, transit ridership, bicycling, walking, and other forms of non-single occupant vehicle travel.
- Providing employee lockers.
- Providing preferential parking for carpool/ride share vehicles.
- Providing bicycle storage facilities in convenient and secure locations.

Comment 11d: District Rule 4002 (National Emissions Standards for Hazardous Air Pollutants). This comment is noting that the project may subject to District Rule 4002. In the event an existing building will be renovated, partially demolished or removed, future development projects within the Specific Plan may be subject to District Rule 4002.

Response to Comment 11d: Development projects within the Specific Plan will comply with all applicable SJVAPCD rules and regulations. Project tenants and developers will be responsible for complying with all applicable rules and regulations.

Comment 11e: District Rule 4601 (Architectural Coatings). This comment is noting that the project will be subject to District Rule 4601 since it is expected to utilize architectural coatings.

Response to Comment 11e: The project will comply with all applicable SJVAPCD rules and regulations, including District Rule 4601 (Architectural Coatings). Project tenants and developers will be responsible for complying with all applicable rules and regulations.

Comment 11f: District Regulation VIII (Fugitive PM10 Prohibitions). This comment is noting that the project proponent may be required to submit a Construction Notification Form or submit and receive approval of a Dust Control Plan prior to commencing any earthmoving activities as described in Regulation VIII, specifically Rule 8021 – Construction, Demolition, Excavation, Extraction, and Other Earthmoving Activities.

Response to Comment 11f: Because the project is mixed-use and would include more than five acres of disturbed surface area, a Dust Control Plan would be applicable rather than a Construction Notification Form. The project will comply with all applicable SJVAPCD rules and regulations. Project tenants and developers will be responsible for complying with all applicable rules and regulations.

Comment 11g: District Rule 4901 - Wood Burning Fireplaces and Heaters. This comment is noting the limitations regarding wood burning fireplaces and heaters. The project will comply with all applicable SJVAPCD rules and regulations, including District Rule 4901 - Wood Burning Fireplaces and Heaters.

Response to Comment 11g: Project tenants and developers will be responsible for complying with all applicable rules and regulations. Furthermore, this measure will be checked through site plan review by the City.

Comment 11h: Other District Rules and Regulations. This comment is noting the project may be subject to other District rules: Rule 4102 (Nuisance), Rule 4601 (Architectural Coatings), and Rule 4641 (Cutback, Slow Cure, and Emulsified Asphalt, Paving and Maintenance Operations).

Response to Comment 11h: These are standard regulations, and no action is needed by the project proponent in response to this comment at this time. The project will adhere to all applicable rules and regulations. Project tenants and developers will be responsible for complying with all applicable rules and regulations.

Comment 12: District Comment Letter. This comment is noting that the SJVAPCD recommends that a copy of the District's comments be provided to the project proponent.

Response to Comment 12: The comment letter has been received by the City of the Visalia and the project proponent. Furthermore, the issues raised in the comment letter have been addressed in this response letter. The attached letter response from Costco (RE: Costco Commitments in Response to San Joaquin Air Pollution Control District Carleton Acres Specific Plan Draft EIR Comment Letter) provides additional details regarding the proposed Costco contemplated as part of the proposed Specific Plan.

Comment Letter 3

Junaid Halani

Lozano Smith, Attorneys at Law

One Capitol Mall, Suite 640

Sacramento, CA 95814

June 19, 2023

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Junaid Halani
Attorney at Law

E-mail: jhalani@lozanosmith.com

June 19, 2023

By U.S. Mail & Email: brandon.smith@visalia.city

Brandon Smith, Principal Planner
City of Visalia
315 E. Acequia Avenue
Visalia, CA 93291

Re: Response of Visalia Unified School District to "Draft Program Environmental Impact Report (EIR) for the Carleton Acres Specific Plan"

Dear Mr. Smith:

Our office represents the Visalia Unified School District ("District") and we provide this letter to submit comments on behalf of the District regarding the Draft Environmental Impact Report ("DEIR"), regarding the Carleton Acres Specific Plan ("Specific Plan") proposed by the City of Visalia ("City") and West Star Construction ("Project Applicant"). According to the DEIR, the Specific Plan is a 507 acre mixed use development comprised of 35.1 acres of commercial development and up to 3,262 residential units broken down as follows: up to 1,592 units of low density residential, 758 units of medium density residential, and 912 units of high density residential (the "Project").

As a threshold issue, we note the District did not receive notice regarding the availability of the DEIR for comment. The California Environmental Quality Act ("CEQA") requires consultation with other public agencies, including school districts. (See, e.g. Pub. Res. Code, §21080.3.) In addition, the District should also have received notice of the DEIR as a the owner of property contiguous to the parcel where the Project is located. (See, Cal. Code Regs. tit. 14, § 15087.) However, the District appreciates the collaborative nature of recent meetings with the City regarding development within District boundaries. We look forward to working with the Project Applicant and the City to ensure school impacts are addressed in a mutually beneficial manner.

The District appreciates the opportunity to express its views as to the content of the EIR. Below are specific issues the District requests be more fully analyzed for the Specific Plan prior to approving a final environmental impact report for the Project. We ask that this letter be included in the formal administrative record for the Project.

Limited Liability Partnership

One Capitol Mall, Suite 640 Sacramento, California 95814 Tel 916-329-7433 Fax 916-329-9050

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Population**1. Describe historical, current, and future population projections for the District.**

The District appreciates that the DEIR includes current, and future population projections for the District. Population growth or shrinkage is a primary consideration in determining the impact that development may have on a school district, as a booming population can directly impact the District and its provision of educational services. Overcrowding can constitute a significant impact within the meaning of CEQA. (See, Cal.Code Regs., tit.14, §§ 15064(e).) This is particularly true where the overcrowding results in unsafe conditions, decreased quality of education, the need for new bus routes, and requires new school construction. The same can hold true for potential school closures or program cuts resulting from a declining population. The DEIR at 3.15-13 provides the following information regarding student generation from the District.

Table 3.15-2: Student Generation Rates

Grade	Student Yield Rates		
	<i>Single Family Student Yield Rate</i>	<i>Multi Family Student Yield Rate</i>	<i>Combined Student Yield Rate</i>
<i>TK-6</i>	0.303	0.275	0.298
<i>7-8</i>	0.091	0.082	0.089
<i>9-12</i>	0.187	0.169	0.184

Table 3.15-3: Proposed Project's Anticipated Number of New Students

Grade	Household Type			
	<i>Single Family</i>	<i>Number of Students</i>	<i>Multi Family (912 units)*</i>	<i>Number of Students</i>
<i>TK-6</i>	0.303	713	0.275	251
<i>7-8</i>	0.091	214	0.082	75

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9-12	0.187	440	0.169	154
SF Student Subtotal:		1,367	MF Student Subtotal:	480
Total Projected New Students:				1,847

As the DEIR recognizes, the Project will generate a significant number of students. However, the DEIR does not address this student generation within the context of the overall growth within the City and its impact on enrollment and potential overcrowding of school sites. The District requests the City consider the cumulative impacts of the Specific Plan alongside other new development within the City, related student generation, the facilities needed to accommodate such growth, and all the impacts on the District, direct and indirect resulting from the Project.

Housing

2. **Describe the average square footage for anticipated dwelling units, broken down by type of unit.**
3. **Estimate the amount of development fees to be generated by development in accordance with implementation of the Project.**
4. **Describe the phasing of residential and development over time from inception to build-out of the Project.**
5. **Identify the Project's target residential market segments including senior housing, first-time home buyers, move-up buyers and anticipated number of units available for low-income housing and the different impacts on the District from this mix.**

The foregoing categories of information (Request Nos. 2-6) are critical for determining the extent of both physical and fiscal impacts on the District. California school districts are dependent on developer fees authorized by the provisions of Government Code Sections 65995, et seq., and Education Code sections 17620, et seq., for financing new school facilities and maintenance of existing facilities. The developer fees mandated by Section 65995 provide the District the bulk of its local share of financing for facilities needs related to development.

The adequacy of the statutory development fees to offset the impact of new development on local school districts can be determined only if the types of housing and average square footage can be taken into consideration. For instance, larger homes are expected to generate approximately the same number of students as smaller homes. At the same time, however, a larger home will generate a greater statutory development fee, better providing for facilities to house the student being generated. It is for these reasons that the Government Code now requires a school district to seek – and presumably to receive – such square footage information from local planning departments. (Gov. Code § 65995.5 (c)(3).)

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Phasing of development is also a crucial consideration in determining the extent of impact on schools. The timing of development will determine when new students are expected to be generated, and therefore is an important consideration particularly when considering the cumulative impact of a project in conjunction with other approved or pending development. The DEIR recognizes that the Project will be developed in two phases over an approximately 15-year period, with approximately 100 low-density residential units per year on average with a bulk of the high density residential units scheduled in the first phase of the project. (See, DEIR at 2-10.) High-density residential units, such as multi-family housing, have a proportionally larger impact on the District when compared to single family homes. This is because multi-family units generate a similar number of students to single family units but over a smaller square footage. (See, DEIR at 3.15-13.) Therefore, the developer fees collected on such multi-family housing do not accurately reflect the burden placed on the District to ensure adequate facilities are ready to house the students generated by development. Therefore, significant multi-family residential development often leads to a scenario where the developer fees imposed on such development does not track with the need for facilities to house students generated by such development.

The District requests that the DEIR be revised to include a more detailed discussion of the “phasing” of the Project and how the timing of development interacts with the time needed for the District to plan for, finance, and build the necessary facilities to house students generated by the Specific Plan.

While the foregoing funding considerations are fiscal issues, they translate directly into physical, environmental impacts, in that inadequate funding for new school construction can result in overcrowding of existing facilities. Furthermore, the DEIR should adequately evaluate fiscal and social considerations particularly when they either contribute to or result from physical impacts. (Pub. Resources Code § 21001(g); Cal.Code Regs., tit.14, §§ 15021(b), 15131(a)-(c), 15142 & 15382.)

Transportation/Circulation/Traffic Analysis

- 6. Describe the existing and the anticipated vehicular traffic and student pedestrian movement patterns to and from school sites, including consideration of bus routes.**
- 7. Assess the impact of increased vehicular movement and volumes, including potential conflicts with school pedestrian movement, school transportation, and busing activities.**
- 8. Estimate travel demand and trip generation, trip distribution and trip assignment by including consideration of school sites and home-to-school travel.**
- 9. Assess cumulative impacts on schools and the community in general resulting from increased vehicular movement and volumes expected from additional development already approved or pending.**

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Traffic issues are a particular concern for school districts in that increased traffic volume may interfere with established school bus routes, require new and additional routes, and may increase safety concerns for students walking or riding bicycles or other modes of transportation to and from school.

Any environmental analysis related to the proposed Project must address potential effects related to traffic, noise, air quality, and any other issues affecting schools. (Pub. Resources Code, §§ 21000, *et seq.*; Cal. Code Regs., tit. 14, §§ 15000, *et seq.*; *Chawanakee Unified School District v. County of Madera, et al.*, (2011) 196 Cal.App.4th 1016.) Additionally, specifically regarding traffic, there must be an analysis of safety issues related to traffic impacts, such as reduced pedestrian safety; potentially reduced response times for emergency services and first responders traveling to these schools; and increased potential for accidents due to gridlock during school drop-off and pick up hours.

The State Office of Planning and Research has developed new CEQA Guidelines which set forth new criteria for the assessment of traffic impacts, and now encourages the use of metrics such as vehicle miles traveled (VMT), rather than level-of-service (LOS), to analyze project impacts on traffic. (14 Cal. Code Regs. § 15064.3.) However, local agencies may still consider impacts on traffic congestion at intersections where appropriate, and must do so where, as here, such traffic congestion will cause significant impacts on air quality, noise, and safety issues caused by traffic. (Pub. Res. Code § 21099(b)(3).)

The DEIR relies, in part, on a traffic study prepared for the Project by Ruetters & Schuler Civil Engineers, Inc., which is included as Appendix J (“Traffic Study”). That Traffic Study presumes that public schools always have a less than significant impact on VMT because new schools redistribute existing trips rather than creating new ones and applies this methodology to the traffic generated by the proposed elementary school site. The proposed Project is anticipated to generate a significant number of new students, and those students will generate a significant number of new trips to school. That is, the Project’s schools would not, in fact, merely redistribute existing trips, but rather would generate significant increases in VMT. That increase in VMT must be studied by the City. (Pub. Res. Code § 21099(b)(3).)

While the existing Ridgeview Middle School is adjacent to the Project site, that school is currently at capacity. As a result, students will need to travel from the Project to an interim facility or another school site, generating a significant increase in VMT that is not discussed in the DEIR. Moreover, it remains unclear whether the proposed high school and elementary school will be built in time to serve the students who are generated by the Project. If those schools are not completed in time, the Project’s students will also need to travel to attend school. The DEIR does not contemplate the significant impact of the increased VMT associated with newly generated trips to and from school in this alternative scenario.

The DEIR states the potential for the identified elementary school site within the Project to be converted to low density residential housing. (See, DEIR at 2.6.) However, the DEIR does not discuss in any detail the impact of traffic if elementary school students generated by the Project would have to travel to other District schools outside the Specific Plan. If elementary school students generated by the project have to travel significantly further to attend school, this will increase the amount of traffic at several intersections outside the Specific Plan. This is a project

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alternative that must be studied by the City and the resulting environmental impacts must be mitigated.

The impact of that increase in VMT must be studied for several reasons. First, Visalia has a pedestrian and bicycle plan, and the DEIR discusses several walking and biking paths to school. (See, DEIR at 3.11-3 and Table 3.11-1.) Delayed school completion would force students to attend schools further from their homes, remove their ability to walk or ride a bike, and generate additional car and bus trips, in direct opposition to the City's pedestrian- and bicycle-friendly policies. Additionally, the increased traffic would impede circulation and clog access around the Project and the schools. (See, 5 Cal. Code Regs. § 14010(k), which requires that school facilities be easily accessible from arterial roads.) Finally, increased traffic between the Project and the schools will not only make it much more difficult for students and staff to travel between the sites but will also drastically increase the risk of vehicular accidents to District families, students, and staff traveling to and from school.

In addition to increased risks of vehicular accidents, the traffic and parking impacts posed by the proposed Project may severely impact the safety and convenience of Ridgeview Middle School students who walk or bike to school. Title 5 of the California Code of Regulations requires that school sites be located within a proposed attendance area that encourages student walking and avoids extensive bussing. (5 Cal. Code Regs. § 14010(l).) Particularly as the DEIR contemplates various pedestrian and bicycle friendly paths between schools. (See, at DEIR 3.16-1 and 3.17-17.)

Any EIR must analyze and mitigate all of the above traffic and related impacts, including those impacts related to student safety and ability to get to school, the District's ability to implement its transportation and safety mitigation measures for the Ridgeview Middle School, and the District's ability to promote alternative modes of transportation to and from Ridgeview Middle School. It is important that these traffic impacts are not only assessed through a VMT analysis, but also through a LOS analysis, as traffic congestion surrounding the District's Ridgeview Middle School caused by the proposed Project will in turn cause significant issues related to safety, noise, and air quality. It is anticipated that these impacts will extend far beyond the Project area. Rather, the District requests that all intersections that could be impacted by the proposed Project be analyzed for LOS and related safety impacts.

Public Services - Schools

- 10. Describe existing and future conditions within the District, on a school-by-school basis, including size, location and capacity of facilities.**
- 11. Describe the adequacy of both existing infrastructure serving schools and anticipated infrastructure needed to serve future schools.**
- 12. Describe the District's past and present enrollment trends.**
- 13. Describe the District's current uses of its facilities.**

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- 14. Describe projected teacher/staffing requirements based on anticipated population growth and existing State and District policies.**
- 15. Describe any impacts on curriculum as a result of anticipated population growth.**
- 16. Identify the cost of providing capital facilities to accommodate students on a per-student basis, by the District.**
- 17. Identify the expected shortfall or excess between the estimated development fees to be generated by the Project and the cost for provision of capital facilities.**
- 18. Assess the District's present and projected capital facility, operations, maintenance, and personnel costs.**
- 19. Assess financing and funding sources available to the District, including but not limited to those mitigation measures set forth in Section 65996 of the Government Code.**
- 20. Identify any expected fiscal impacts on the District, including an assessment of projected cost of land acquisition, school construction, and other facilities needs.**
- 21. Assess cumulative impacts on schools resulting from additional development already approved or pending.**

CEQA Guidelines, Appendix G, states that a project may have public services impacts on schools if the project would "result in substantial adverse physical impacts associated with the provision of new or physically altered governmental facilities, need for new or physically altered governmental facilities, the construction of which could cause significant environmental impacts, in order to maintain acceptable service ratios, response times or other performance objectives" for the provision of school services.

There are a myriad of ways in which large residential and commercial development projects can impact a school district's need for new or physically altered facilities in order to maintain performance objectives. The DEIR does not and should analyze all potential impacts under this standard, including but not limited to: (1) whether the influx of students would require "physically altered" school facilities unrelated to the accommodation of additional enrollment; (2) whether other impacts of the proposed Project, such as increased traffic, noise, or air pollutants in the neighborhood, could impact the District's need for new or physically altered school facilities; and (3) whether other impacts of the proposed Project could otherwise interfere with the District's ability to accomplish its own performance objectives. Consideration of the above-listed categories information is essential to properly making these determinations.

Lead agencies often cite to SB 50 (specifically, Government Code sections 65995(h) and 65996(a)), for the proposition that the payment of school impact fees (commonly referred to as

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“developer fees”) excuses them from their obligations to analyze and mitigate impacts posed on school districts by development. In addition, the relevant text in the DEIR is a misstatement of the law related to developer fees and CEQA. While SB 50 does declare that the payment of the developer fees authorized by Education Code section 17620 constitutes “full and complete mitigation of the impacts of any legislative or adjudicative act on the provision of adequate school facilities,” (Gov. Code § 65995(h)), SB 50 does not excuse lead agencies from analyzing such impacts on school facilities in the first place. Further, California courts have since acknowledged that developer fees do not constitute full and complete mitigation for school-related impacts other than school overcrowding. (*Chawanakee Unified Sch. Dist. v. Cty. of Madera* (2011) 196 Cal.App.4th 1016.) Thus, the payment of fees does not constitute full mitigation for all impacts caused by development related to traffic, noise, biological, pedestrian safety, and all other types of impacts related to the District and its educational program. The District expects the City to analyze and mitigate all such impacts for this Project.

The District wishes to make certain that each of these issues is directly discussed in the final EIR. Regarding Requests 10 - 13, each of these requests go to the issue of the current condition of the District. Infrastructure is included for consideration precisely because it is an often-overlooked factor. In addition to the fact that current school sites do not have sufficient space to accommodate additional students, an inadequate infrastructure – which might include cafeterias, restroom facilities, sewerage, electrical capacity, and the like – may also preclude any additional growth. Placing too great a strain on the infrastructure is itself a physical impact to be addressed in an EIR.

Relative to Request 10, the Draft EIR should also address the location of current planned school sites in the District, to address traffic, student safety and related impacts affected by a school’s location in addition to the impacts that stem from already overcrowded school facilities.

This is of particular concern as the school sites identified in the DEIR are either hypothetical or already slated to be overcrowded by the time students are generated from the Project. The DEIR identifies Ridgeview Middle School, a future elementary school within the Specific Plan, and a planned high school adjacent to the Project as the school facilities that would house students generated by the Project. (See, DEIR at 3.9-4.) However, the DEIR does not discuss the fact that in one year Ridgeview Middle School will not have sufficient capacity to house students. The DEIR also does not discuss alternatives where the planned elementary and high schools are not built due to a funding shortfall. This omission is particularly noticeable considering that the DEIR explicitly expresses the potential that the elementary school site may be turned into additional low density residential units, which would result in more student generation while also removing a potential location and capacity to house those students. (See, DEIR at 2.6.)

Because the DEIR does not contemplate this alternative, it also does not discuss impacts related to moving students from Ridgeview Middle School to make room for students generated by the Project. Such a shift would have significant traffic impacts due to the reshuffling of attendance boundaries.

Request 13 is a necessary consideration because certain school facilities may have been designated for particular community uses, or otherwise be unavailable for full classroom service, meaning that they cannot be considered in determining the District’s total capacity. Also, some

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classrooms are dedicated as labs, meaning that they cannot hold the full complement of students that would occupy a traditional classroom, again affecting a school's total capacity.

Requests 14 and 15 are included because they are relevant to the social impacts which may stem from the Project. Again, such impacts are relevant to the extent they are caused by or result from physical impacts, which would include growth. (Pub. Res. Code § 21001(g); Cal.Code Regs., tit.14, §§ 15021(b), 15131(a)-(c), 15142 & 15382.) If classrooms become overcrowded, or certain programs cannot be offered because of overwhelming student demand, the community's educational services are harmed, a clear social impact. Further, overcrowded classrooms create additional safety concerns, both for students and teachers.

Requests 16 through 20 deal with fiscal impacts on the District. The most immediate means of determining whether school overcrowding will occur is to determine first whether the District has adequate available capacity, and second, if not, whether it has adequate sources of funding available to construct new facilities or expand existing ones. This requires consideration of how much it costs to house each student, and how much of that amount can be covered by existing funding sources. To the extent that the existing sources prove insufficient, the difference is an unmitigated impact on the District.

Based on current attendance boundaries, if the proposed elementary school or high school are not constructed in time to house students, or if they are not constructed at all, students living in the Specific Plan would attend the following schools: Denton Elementary School, Ridgeview Middle School, and Redwood High School. Denton Elementary School is projected to be overcrowded by 2024 and will have 116 unhoused students by 2028. Ridgeview Middle School is projected to be overcrowded by 2024 and will have 115 unhoused students by 2028. Redwood High School is currently over capacity 36 students and projects to have 106 unhoused students in 2028.

As stated in the DEIR the Project contemplates a 15 year buildout, therefore, the capacity issues at the District will continue to exacerbate beyond 2028 and the District anticipates a significant shortfall in facilities to house students generated by the Project. The DEIR does not address this reality and the potential alternative where additional facilities are not ready in time. Due to the dire need for seats, the District may be compelled to place students in temporary housing at existing school sites. We also note that many of the seats at existing District facilities are already located in temporary portables that typically have a useful life of 20 years. As the project builds out, the capacity at these facilities may decrease due to the age of these portables.

Installation of portables and ongoing construction on existing sites will affect noise levels, air quality, loss of greenspace or play areas, and other reasonably foreseeable impacts connected with adding or modifying school facilities at existing school sites. Changing of attendance boundaries, bussing, or parents electing to send their children to other school sites or other school districts will increase traffic (both vehicular and pedestrian), and will similarly affect noise, and air quality/pollution. The increased traffic in or around existing school sites also raises significant concerns regarding the safety of school visitors, whether it be District staff or students and their families. These impacts are a direct result of the Specific Plan and the Draft EIR is required to analyze and address them appropriately. The District requests that this alternative be analyzed by the City and the District is happy to provide any information necessary to ensure these impacts are accurately described, analyzed, and mitigated.

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Furthermore, City policy PSCU-P-34 requires the coordination of land use and development with school location and site design, working with the Visalia Unified School District and other districts to ensure that adequate facilities are available and integrated with neighborhoods. (See, DEIR at 3.15-5.) In order to comply with this policy and ensure a complete environmental document, the District requests the City fully analyze the impacts of the Project as described on the District as well as the alternative where school facilities are not ready in time to house students generated by the Project.

Finally, Request 21 again seeks to ensure that a cumulative impact analysis is conducted, as there has been significant development approved and projected within the District's borders. As the District's capacity and enrollment projections make clear, the City is growing and with it the burden on the District to meet the cumulative facilities needs also grows. Therefore, the District asks that the City take all this into account when analyzing the impact of the Project.

In support of the community's students, the City has a host of options it could implement to help ensure sufficient school facilities and lessen the impacts of development.

1. Encourage the Developer to participate in a Mello-Roos Community Facilities District under Government Code section 65996, subdivision (g)(2).
2. Provide a mitigation measure to phase permit approvals to avoid uncontrolled growth without school infrastructure being in place.
3. The Subdivision Map Act states that "a city or county may adopt an ordinance requiring any [developer who develops in a school district] to dedicate to the school district . . . such land as the local legislative body shall deem to be necessary for the purpose of constructing thereon such elementary schools as are necessary to assure the residents of the subdivision adequate public school service." (Gov. Code, § 66478.) Thus, the Subdivision Map Act allows a city or county to require land dedication for an elementary school in order to help a school district address the educational needs of the children from a new development. Nothing in SB 50 expressly prohibits reliance on the Subdivision Map Act. Through this, the City could require the Project Applicant dedicate the identified elementary school site to the District for use instead of simply classifying it as a "potential" use.

Noise

22. Identify any noise sources and volumes which may affect school facilities, classrooms and outdoor school areas.

Request 22 is intended to clarify that the EIR's consideration of noise issues take into account various ways in which noise may impact the schools, including, for instance, increases in noise levels in the immediate vicinity of playing fields.

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Social

- 23. Identify how school facilities are currently utilized as civic centers, and are projected to serve in that capacity in the future, and assess the impacts of the Project on that use.**
- 24. Identify how the District's grounds are currently utilized for recreation (parks) and open space, and are projected to serve in that capacity in the future, and assess the impacts of the Project on that use.**

These two requests are made in light of school districts' roles in providing recreational space and civic centers to the community. As overcrowding increases at school sites, the community's ability to so utilize school facilities becomes limited, which is both a physical and a social impact on the community. For example, the addition of relocatable classrooms to house new students may reduce available playing field or recreational space. Similarly, moving schools to multi-track class schedules, or having to set aside additional space for new alternative education students, may interfere with the community's ability to gain access to school facilities for civic use.

Conclusion

The District is prepared to provide any information necessary to assist the City in preparation of the final EIR and in addressing each of the comment and scope/content issues set forth above. The District is committed to working with the City and any developers to ensure that the District's needs are met and that development located in the area of the proposed Project as well as all of the residents of the community can receive adequate and appropriate educational facilities.

Finally, we request that all notices and copies of documentation with regard to this Project be mailed both to the District directly, and also to our office as follows:

Kirk Shrum
 Superintendent
 5000 West Cypress Ave.
 Visalia, CA 93277-8300
 Tel: (559) 730-7522
 Email: kshrum@vusd.org

Megan Macy
 Lozano Smith
 One Capitol Mall, Suite 640
 Sacramento, CA 95814
 Tel: (916) 329-7433
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Junaid Halani
Lozano Smith
One Capitol Mall, Suite 640
Sacramento, CA 95814
Tel: (916) 329-7433
Email: jhalani@lozanosmith.com

Please feel free to contact me directly if we can be of any assistance. Thank you.

Sincerely,

LOZANO SMITH

A handwritten signature in dark ink, appearing to read "Junaid Halani", with a stylized flourish at the end.

Junaid Halani

Responses to Comment Letter 3:

Introductory Comment: The introductory comment provides a statement about the project description and notes that the District didn't receive the EIR's Notice of Availability.

Response to Introductory Comment: According to the City's Declaration of Mailing, the Notice of Availability (NOA) was mailed to the District at 5000 W. Cypress Ave., Visalia, CA 93277 on May 3, 2023. It is unclear why the copy of the NOA was never received by the District, but the City appreciates that the District otherwise received notice of the Draft EIR.

Population

Comment 1: Describe historical, current, and future population projections for the District.

Response to Comment 1: The City's population projections are contained in the City's General Plan. According to the General Plan, full buildout of the General Plan would result in a projected population of approximately 210,000 residents. According to the most recent Census Bureau statistics, the City had a population of 142,978 in 2021. According to the Tulare County Association of Governments, the City has an average annual growth rate of 2.6 percent. However, the City's actual growth rate over the last ten years has been 1.1%. The City will continue to experience population growth resulting from urban growth managed through the General Plan and its urban growth boundaries. The Project EIR considered cumulative impacts of the Specific Plan along with other developments and projected growth in the City and surrounding areas.

Housing

General Response: 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. The City cannot speculate as to how the school facilities fees generated by the Project will be utilized by the District. See also Responses 2-5.

Comment 2: Describe average square footage for anticipated dwelling units, broken down by type of unit.

Response to Comment 2: This information will be determined at the building permit phase. However approximate square footage is provided below based on the zoning densities:

Single Family:	1,200 to 3,800 square feet
Medium Density:	850 to 2,400 square feet
High Density:	800 to 1,500 square feet

Comment 3: Estimate the amount of development fees to be generated by development in accordance with implementation of the Project.

Response to Comment 3: This will be determined at the building permit phase. 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.

Comment 4: Describe the phasing of residential and development over time from inception to build-out of the Project.

Response to Comment 4: There is no additional phasing information except for what is included in the Specific Plan and EIR. However, the Project Traffic Impact Study identified that the Project would be built out in approximate 5, 10, 15, and 20 year phases as follows:

- Phase I: 5 Year (approx.) with 20% residential max buildout and 28.7 acres of commercial
- Phase II: 10 Year (approx.) with 40% residential max buildout and 6.4 acres of commercial
- Phase III (50%): 15 Year (approx.) with 70% of residential max buildout
- Phase III: 20 Year (approx.) with 100% of residential built

Comment 5: Identify the Project’s target residential market segments including senior housing, first-time home buyers, move-up buyers and anticipated number of units available for low-income housing and the different impacts on the District from this mix.

Response to Comment 5: The Project developers have not targeted any specific residential markets at this point in the planning process. However, the Project will contain a diverse mix of housing types to enable residents from a wide range of economic levels, age groups and household types to live within its boundaries. Housing types include the following: large lot single-family homes, small lot single-family homes, cluster single-family homes, duplexes, four-plexes, townhouses and apartment buildings.

Transportation/Circulation/Traffic Analysis

General Response: The Draft EIR and Traffic Impact Study analyzed impacts to both Level of Service (LOS) and Vehicle Miles Traveled (VMT) for the Specific Plan area as a whole and included analysis of 82 intersections. Numerous mitigation measures are proposed to reduce impacts to the extent feasible. The analysis identified a planned high school in the area as well as a potential future elementary school. The Specific Plan identified the location of a potential new elementary school, however, the Draft EIR was not required to undertake site-specific analysis for school sites or to conduct analysis of hypothetical future scenarios involving land use decisions outside of the City’s control. The District has ultimate say over the location and layout of school sites and when the District develops new schools in the Project area, they will be required to conduct a site-specific analysis of the new school. That analysis will include site-specific information regarding vehicular traffic and student pedestrian movement patterns. See also Responses 6-9.

Comment 6: Describe the existing and the anticipated vehicular traffic and student pedestrian movement patterns to and from school sites, including consideration of bus routes.

Response to Comment 6: The Draft EIR evaluated circulation patterns and traffic impacts of the Specific Plan area as a whole, which included existing and planned schools within the Specific Plan. It is assumed that a safe routes to school plan will be developed by the District when the District develops new schools in the area. The Project itself has been designed to be pedestrian and bicycle friendly for safe and convenient mobility. The network of trails proposed by the Project will provide convenient walking and biking options for residents to connect throughout

Carleton Acres. Modoc Greenway is the main east/west and north/south trail facility within the development and will serve as a connection point for other smaller trails. Modoc Greenway will be a Class 1 bike trail with landscaping on either side. Other trails throughout Carleton Acres will be 22' wide (6' walking & 6' bike lane with 5' landscaping on each side). These trails are as follows:

- Trail to connect the planned high school to the future elementary school site (north & south) within the development.
- Trail to connect the future elementary school to Modoc Greenway to the east.
- Trail along Roeben to connect the planned high school, to the medium and high density residential along Riggins and to the commercial center at the northeast corner of Riggins and Shirk.
- Around the basin, a trail will connect Modoc Greenway to the high-density development in the northwest corner of the site.

Most local streets within the Project Area will have a right of way width of 60 feet. A combination of speed tables and roundabouts will be used as traffic calming devices. In addition, the City of Visalia is committed to complying with Americans with Disabilities Act (ADA) standards with new development.

Comment 7: Assess the impact of increased vehicular movement and volumes, including potential conflicts with school pedestrian movement, school transportation, and busing activities.

Response to Comment 7: The Draft EIR evaluated circulation patterns and traffic impacts of the Specific Plan area as a whole, which included existing and planned schools within the Specific Plan. The Draft EIR was not required to undertake site-specific analysis for school sites. The District has ultimate say over the location and layout of school sites and when the District develops new schools in the Project area, they will be required to conduct a site-specific analysis of the new school. That analysis will include site-specific information regarding vehicular traffic and student pedestrian movement patterns. See also Response #6.

Comment 8: Estimate travel demand and trip generation, trip distribution and trip assignment by including consideration of school sites and home-to-school travel.

Response to Comment 8: The Draft EIR evaluated circulation patterns and traffic impacts of the Specific Plan area as a whole, which included existing and planned schools within the Specific

Plan. The Draft EIR was not required to undertake site-specific analysis for school sites. The District has ultimate say over the location and layout of school sites and when the District develops new schools in the Project area, they will be required to conduct a site-specific analysis of the new school. That analysis will include site-specific information regarding vehicular traffic and student pedestrian movement patterns. However, as shown in Table 3.17-5 of the Draft EIR, the Elementary school was included in the Project's trip generation table for Phase III of the Project. In addition, volumes for the planned future high school were added to cumulative peak hour volumes beginning in year 2033.

Comment 9: Assess cumulative impacts on schools and the community in general resulting from increased vehicular movement and volumes expected from additional development already approved or pending.

Response to Comment 9: The Project Traffic Study and Draft EIR included a year 2046 cumulative analysis of increased vehicular traffic. This included already-approved or pending projects including potential schools in the Specific Plan area. Please refer to Section 3.17 – Transportation of the Draft EIR for more information.

Public Services – Schools

General Response: 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. In *Chawanakee Unified Sch. Dist. Vs. City of Madera* (2011), the court said that though Senate Bill 50 from 1998 relieves lead agencies of considering school overcrowding, lead agencies must still look at the physical environmental effects of school construction, such as effects on traffic, air quality, noise, etc. The City did that with the Draft EIR, as the City considered potential school development as part of full buildout of the Project area. The physical impacts of school construction are not different than the impacts of any kind of physical development. The City addressed the physical effects of development of the entire site (e.g. impacts to biological resources, air quality, traffic, etc.) at both the project level and cumulative level. Mitigation measures were included to reduce impacts to the extent feasible. These mitigation measures are applicable to the entire site. However, once the District determines it will construct and operate a school in the area, the District will be required to conduct site-specific CEQA analysis to determine site-specific environmental impacts.

According to Government Code Section 65996, the development fees authorized by Senate Bill 50 are deemed to be “full and complete school facilities mitigation” for impacts caused by new development. Section 65996 also prohibits public agencies from using CEQA or “any other provision of state or local law” to deny approval of “a legislative or adjudicative act, or both, involving, but not limited to, the planning, use or development of real property or any change in governmental organization or reorganization” on the basis of the project’s impacts on school facilities.

The Project site is being proposed for development in general conformity to the land uses that were planned within the Project area in the City’s most recent General Plan. As such, the impacts to the District would be substantially the same to what was already planned for in the City’s General Plan (adopted in 2014).

Comment 10: Describe existing and future conditions within the District, on a school-by-school basis, including size, location and capacity of facilities.

Response to Comment 10: The City isn’t in a position to answer this question. Further, this request goes beyond the scope of CEQA and would consist of evaluating hypothetical situations with several unknowns.

Comment 11: Describe the adequacy of both existing infrastructure serving schools and anticipated infrastructure needed to serve future schools.

Response to Comment 11: The Specific Plan identified that there is adequate infrastructure to serve the Project area, including existing and future schools within the Specific Plan. This includes sewer, water, and stormwater infrastructure.

Comment 12: Describe the District’s past and present enrollment trends.

Response to Comment 12: The City isn’t in a position to answer this question as it does not have information pertaining to the District’s past and future enrollment trends. Further, this request goes beyond the scope of CEQA and is not information that was necessary to conduct the CEQA analysis.

Comment 13: Describe the District’s current uses of its facilities.

Response to Comment 13: This is a vague request in that “current uses” could mean many different things. In addition, the City isn’t in a position to describe how the District currently uses its facilities, as the District itself has better access to this type of information. Finally, this request goes beyond the scope of CEQA and is not information that was necessary to conduct the CEQA analysis..

Comment 14: Describe projected teacher/staffing requirements based on anticipated population growth and existing State and District policies.

Response to Comment 14: This request goes beyond the scope of CEQA and is not information that was necessary to conduct the CEQA analysis. In addition, the City does not possess the type of information being requested.

Comment 15: Describe any impacts on curriculum as a result of anticipated population growth.

Response to Comment 15: This request goes beyond the scope of CEQA and is not information that was necessary to conduct the CEQA analysis. In addition, the City does not possess the type of information being requested.

Comment 16: Identify the cost of providing capital facilities to accommodate students on a per-student basis, by the District.

Response to Comment 16: This request goes beyond the scope of CEQA and is not information that was necessary to conduct the CEQA analysis. In addition, the City does not possess the type of information being requested.

Comment 17: Identify the expected shortfall or excess between the estimated development fees to be generated by the Project and the cost for provision of capital facilities.

Response to Comment 17: This request goes beyond the scope of CEQA and is not information that was necessary to conduct the CEQA analysis. In addition, the City does not possess the type of information being requested.

Comment 18: Assess the District's present and projected capital facility, operations, maintenance, and personnel costs.

Response to Comment 18: This request goes beyond the scope of CEQA. In addition, the City does not possess the type of information being requested.

Comment 19: Assess financing and funding sources available to the District, including but not limited to those mitigation measures set forth in Section 65996 of the Government Code.

Response to Comment 19: This request goes beyond the scope of CEQA and is not information that was necessary to conduct the CEQA analysis. In addition, the City does not possess the type of information being requested.

Comment 20: Identify any expected fiscal impacts on the District, including an assessment of projected cost of land acquisition, school construction, and other facilities needs.

Response to Comment 20: This request goes beyond the scope of CEQA and is not information that was necessary to conduct the CEQA analysis. In addition, the City does not possess the type of information being requested.

Comment 21: Assess cumulative impacts on schools resulting from additional development already approved or pending.

Response to Comment 21: Cumulative impacts were addressed at the end of each impact section of the Draft EIR. Since the Draft EIR covered the entire Specific Plan site, including the potential school sites, the cumulative impact analysis is applicable to potential schools (e.g., impacts to biological resources, traffic, air quality, etc.).

Other Comment: In support of the community's students, the City has a host of options it could implement to help ensure sufficient school facilities and lessen the impacts of development.

1. Encourage the Developer to participate in a Mello-Roos Community Facilities District under Government Code section 65996, subdivision (g)(2).

Response to Other Comment 1: The City of Visalia primarily creates Landscape and Lighting Assessment Districts (LLDs) in association with subdivisions. Therefore the Project will participate in an LLD.

2. Provide a mitigation measure to phase permit approvals to avoid uncontrolled growth without school infrastructure being in place.

Response to Other Comment 2: The City does not anticipate implementing a restrictive growth mitigation measure, as growth will not occur uncontrolled. However, a Development Agreement will be entered into between the City and property owner (under General Plan Policy LU-P-22) to further set limits on growth between the current Growth Tier II and future Growth Tier III. However, school facilities would not likely be considered in the criteria of the development agreement.

3. The Subdivision Map Act states that “a city or county may adopt an ordinance requiring any [developer who develops in a school district] to dedicate to the school district . . . such land as the local legislative body shall deem to be necessary for the purpose of constructing thereon such elementary schools as are necessary to assure the residents of the subdivision adequate public school service.” (Gov. Code, § 66478.) Thus, the Subdivision Map Act allows a city or county to require land dedication for an elementary school in order to help a school district address the educational needs of the children from a new development. Nothing in SB 50 expressly prohibits reliance on the Subdivision Map Act. Through this, the City could require the Project Applicant dedicate the identified elementary school site to the District for use instead of simply classifying it as a “potential” use.

Response to Other Comment 3: The City is not requiring the Project Applicant to dedicate the identified elementary school site to the District at this time.

Noise

Comment 22: Identify any noise sources and volumes which may affect school facilities, classrooms and outdoor school areas.

Response to Comment 22: The Noise Study in the Draft EIR evaluated Project noise impacts to all sensitive receptors including schools and playgrounds. No significant impacts were identified that could not be mitigated to a less than significant level. Where potential impacts could occur, mitigation has been added to maintain noise levels in compliance with the City of Visalia General Plan Noise Element.

Social

Comment 23: Identify how school facilities are currently utilized as civic centers, and are projected to serve in that capacity in the future, and assess the impacts of the Project on that use.

Response to Comment 23: This request goes beyond the scope of CEQA and is not information that was necessary to conduct the CEQA analysis. In addition, the City does not possess the type of information being requested.

Comment 24: Identify how the District's grounds are currently utilized for recreation (parks) and open space, and are projected to serve in that capacity in the future, and assess the impacts of the Project on that use.

Response to Comment 24: This request goes beyond the scope of CEQA and is not information that was necessary to conduct the CEQA analysis. However, as identified in the Draft EIR, the Project will provide approximately 17.3 acres for a variety of public recreational facilities, including trails and parks within the development that will be accessible by the public. Approximately 3.5 acres will be constructed as part of Phase 1 and 13.8 acres will be constructed in Phase 2. In addition, the City is not anticipating any changes to existing circumstances related to utilization of District grounds.

Closing Comments: Provides closing remarks and offers a commitment to working with the City. Requests all notices and copies of documentation be sent to various individuals.

Response to Closing Comments: The City is committed to working with the District to ensure both the District and City's needs are met. Copies of all future notices and documentation regarding this Project will be mailed to the addresses provided in the letter.

CHAPTER THREE – Errata / Text Changes to the DEIR

The City received three (3) comment letters and provided responses to those letters as presented in Chapter Two of this Final EIR. There are no textual or other changes to the public review Draft EIR that resulted from review of the comment letters.

CHAPTER FOUR – Mitigation Monitoring and Reporting Program

State law requires that a public agency adopt a monitoring program for mitigation measures that have been incorporated into the approved project to reduce or avoid significant effects on the environment. The purpose of the monitoring program is to ensure compliance with environmental mitigation during project implementation and operation. Since there are potentially significant impacts requiring mitigation associated with the project, a Mitigation Monitoring Program is included herein on the following pages.

Mitigation Measure	Party responsible for Implementing Mitigation	Timing	Party responsible for Monitoring	Verification (name/ date)
Agricultural & Forestry Resources				
AG – 1: Prior to the issuance of grading or building permits, the Project proponent shall mitigate impacts for loss of up to 478 acres of Prime Farmland and Farmland of Statewide Importance on the Project site at a 1:1 ratio. The amount of land requiring mitigation shall correspond to the amount of land associated with the issuance of the grading or building permit, or for residential land associated with a subdivision map, the amount of land associated with the subdivision map. The Project proponent shall implement one or more of the following measures to mitigate the loss: Payment of in-lieu fees, mitigation banks, fee title acquisition, and/or conservation easements, on land(s) within the Southern San Joaquin Valley of California, specifically within Kern County, Tulare County, Kings County, Fresno County, or Madera County. The City shall require, at a minimum: evidence that the preserved land has adequate water supply, agricultural zoning, evidence of land encumbrance documentation, documentation that the easement/regulations are permanent and monitored, and documentation that the mitigation strategy is appropriately endowed. This mitigation shall be verified by the City prior to issuance of grading or building permits. Should the City of Visalia develop an Agricultural Mitigation Program, the Project proponent, at its election, may mitigate for the loss of agricultural land through compliance with the Program that is adopted by the City in lieu of mitigating on a 1:1 ratio as described above.	Project Applicant	Prior to issuance of grading or building permits	City of Visalia	

Mitigation Measure	Party responsible for Implementing Mitigation	Timing	Party responsible for Monitoring	Verification (name/ date)
AG – 2: Reduce Conflicts Between Urban and Agricultural Uses In order to reduce potential conflicts between urban and agricultural uses, the following measures shall be implemented: • Potential residents shall be notified about possible exposure to agricultural chemicals at the time of purchase / lease of property within the development. • A Right-to-Farm Covenant shall be recorded on each tract map or be made a condition of each tract map to protect continued agricultural practices in the area. • Potential residents shall be informed of the Right-to-Farm Covenant at the time of purchase / lease of property within the development.	Project Applicant	Prior to issuance of certificates of occupancy	City of Visalia	
Air Quality				
AIR-2A: This measure shall be applied to all development under the proposed Specific Plan to reduce emissions from construction. Before a construction permit is issued for the proposed Project, the Project applicant, Project sponsor, or construction contractor shall provide compliance with the following requirements to the City of Visalia Planning Department: • Where portable diesel engines are used during construction, all off-road equipment with engines greater than 75 horsepower shall have engines that meet either EPA or ARB Tier 4 Final off-road emission standards except as otherwise specified herein. If engines that comply with Tier 4 Final off-road emission standards	Project Applicant	Prior to issuance of grading or building permits	City of Visalia	

Mitigation Measure	Party responsible for Implementing Mitigation	Timing	Party responsible for Monitoring	Verification (name/ date)
are not commercially available, then the construction contractor shall use the next cleanest piece of off-road equipment that is commercially available. For purposes of this mitigation measure, “commercially available” shall mean the equipment at issue is available taking into consideration factors such as (i) critical-path timing of construction; and (ii) geographic proximity to the Project site of equipment. If the relevant equipment is determined by the Project applicant to not be commercially available, the contractor can confirm this conclusion by providing letters from at least two rental companies for each piece of off-road equipment that is at issue.				
AIR-2B: The following measure shall be applied to all development under the proposed Specific Plan during construction to facilitate the use of electric landscaping equipment during Project operations: • Provide electrical outlets on the outside of buildings or in other accessible areas to facilitate the use of electrically powered landscape equipment.	Project Applicant	During construction	City of Visalia	
AIR-3A: Prior to future discretionary approval for commercial or commercial mixed-use projects, the City of Visalia shall evaluate potential health risk impacts from new development proposals for any individual development projects within 1,000 feet of an existing or planned sensitive land use (e.g., residential, schools, hospitals, or nursing homes), as measured from the property line of the project to the property line of the nearest sensitive use. Such projects shall submit the following to the City of Visalia’s Planning Division:	Project Applicant	Prior to future discretionary approval for commercial or commercial mixed-use projects	City of Visalia	

Mitigation Measure	Party responsible for Implementing Mitigation	Timing	Party responsible for Monitoring	Verification (name/ date)
A Health Risk Prioritization Screening Analysis or a Health Risk Assessment (HRA) for the project's potential to expose sensitive receptors to elevated levels of TACs during project construction and operations prepared in accordance with SJVAPCD guidance. If the HRA shows that the incremental health risks exceed their respective thresholds, as established by the SJVAPCD at the time a project is considered, the project applicant shall be required to identify and incorporate commercially feasible mitigation including appropriate enforcement mechanisms to reduce risks to an acceptable level.				
Biological Resources				
BIO-1: Protect Sanford's arrowhead If the Project will impact Modoc Ditch, Mosquito Creek – Cross Creek, or the unnamed canal, a qualified biologist shall conduct a pre-construction survey of the feature(s) to be impacted on and within 50 feet of the Project site within the May–October blooming period of Sanford's arrowhead. The survey shall be conducted during the blooming period concurrent with the start of construction or immediately preceding the start of construction if construction will be initiated between November and April. If Sanford's arrowhead is detected, the qualified biologist shall establish an exclusion zone of 50 feet between any population and the area of direct or indirect impacts. If a 50-foot exclusion zone cannot be established, a site-specific plan to minimize the potential for Project activities to affect individual plants shall be developed by the qualified biologist and implemented in consultation with the CDFW. Such a plan could involve salvaging and relocating affected plants.	Project Applicant	Prior to issuance of grading or building permits	City of Visalia and CDFW	

Mitigation Measure		Party responsible for Implementing Mitigation	Timing	Party responsible for Monitoring	Verification (name/ date)
BIO-2:	Protect burrowing owl Conduct focused burrowing owl surveys to assess the presence/absence of burrowing owl in accordance with the <i>Staff Report on Burrowing Owl Mitigation</i>¹ and <i>Burrowing Owl Survey Protocol and Mitigation Guidelines</i>.² These involve conducting four pre-construction survey visits. If a burrowing owl or sign of burrowing owl use (e.g., feathers, guano, pellets) is detected on or within 500 feet of the Project site, and the qualified biologist determines that Project activities would disrupt the owl(s), a construction-free buffer, limited operating period, or passive relocation shall be implemented in consultation with the CDFW.	Project Applicant	Prior to issuance of grading or building permits	City of Visalia and CDFW	
BIO-3:	Protect nesting Swainson's hawks To the extent practicable, construction shall be scheduled to avoid the Swainson's hawk nesting season, which extends from March through August. If it is not possible to schedule construction between September and February, a qualified biologist shall conduct surveys for Swainson's hawk in accordance with the Swainson's Hawk	Project Applicant	Prior to issuance of grading or building permits	City of Visalia and CDFW	

¹ California Department of Fish and Game (CDFG). 2012. Staff Report on Burrowing Owl Mitigation. State of California Natural Resources Agency. March 7, 2012. 34 pp.

² California Burrowing Owl Consortium (CBOC). 1997. Burrowing Owl Survey Protocol and Mitigation Guidelines. Pages 171–177, in Lincer, J. L. and K. Steenhof (editors). 1997. The Burrowing Owl, its Biology and Management. Raptor Research Report Number 9.

Mitigation Measure	Party responsible for Implementing Mitigation	Timing	Party responsible for Monitoring	Verification (name/ date)
Technical Advisory Committee's <i>Recommended Timing and Methodology for Swainson's Hawk Nesting Surveys in California's Central Valley</i>.³ These methods require six surveys, three in each of the two survey periods, prior to project initiation. Surveys shall be conducted within a minimum 0.5-mile radius around the Project site. If an active Swainson's hawk nest is found within 0.5 miles of the Project site, and the qualified biologist determines that Project activities would disrupt the nesting birds, a construction-free buffer or limited operating period shall be implemented in consultation with the CDFW.				
BIO-4: Compensate for loss of Swainson's hawk foraging habitat Compensate for loss of Swainson's hawk foraging habitat (i.e., the fallow fields on the Project site) in accordance with the CDFW <i>Staff Report Regarding Mitigation for Impacts to Swainson's Hawks (Buteo swainsoni) in the Central Valley of California</i>.⁴ The CDFW requires that projects adversely affecting Swainson's hawk foraging habitat provide Habitat Management (HM) lands to the department. Projects within 1 mile of an active nest shall provide one acre of HM lands for each acre of development authorized (1:1 ratio). Projects within 5 miles of	Project Applicant	Prior to issuance of grading or building permits	City of Visalia and CDFW	

³ Swainson's Hawk Technical Advisory Committee (SWTAC). 2000. Recommended Timing and Methodology for Swainson's Hawk Nesting Surveys in California's Central Valley. 5 pages.

⁴ California Department of Fish and Game (CDFG). 1994. Staff Report Regarding Mitigation for Impacts to Swainson's Hawk (*Buteo swainsoni*) in the Central Valley of California. California Nongame Bird and Mammal Section Report #94.18.

Mitigation Measure	Party responsible for Implementing Mitigation	Timing	Party responsible for Monitoring	Verification (name/ date)
an active nest but greater than 1 mile from the nest shall provide 0.75 acres of HM lands for each acre of urban development authorized (0.75:1 ratio). And projects within 10 miles of an active nest but greater than 5 miles from an active nest shall provide 0.5 acres of HM lands for each acre of urban development authorized (0.5:1 ratio). No compensation is required if an active nest is not found within 10 miles of the Project site.				
BIO-5: Protect nesting birds To the extent practicable, construction shall be scheduled to avoid the nesting season, which extends from February through August. If it is not possible to schedule construction between September and January, pre-construction surveys for nesting birds shall be conducted by a qualified biologist to ensure that no active nests will be disturbed during the implementation of the Project. A pre-construction survey shall be conducted no more than 14 days prior to the initiation of construction activities. During this survey, the qualified biologist shall inspect all potential nest substrates in and immediately adjacent to the impact areas. If an active nest is found close enough to the construction area to be disturbed by these activities, the qualified biologist shall determine the extent of a construction-free buffer to be established around the nest. If work cannot proceed without disturbing the nesting birds, work may need to be halted or redirected to other areas until nesting and fledging are	Project Applicant	Prior to issuance of grading or building permits	City of Visalia and CDFW	

Mitigation Measure	Party responsible for Implementing Mitigation	Timing	Party responsible for Monitoring	Verification (name/ date)
completed or the nest has otherwise failed for non-construction related reasons.				
Cultural Resources				
CUL – 1: In the event that historical or archaeological cultural resources are discovered during project-related activities or decommissioning, operations shall stop within 100 feet of the find, and a qualified archeologist shall determine whether the resource requires further study. The qualified archaeologist shall determine the measures that shall be implemented to protect the discovered resources including, but not limited to, excavation of the finds and evaluation of the finds in accordance with § 15064.5 of the CEQA Guidelines. Measures may include, but are not limited to, avoidance, preservation in-place, recordation, additional archaeological resting, and data recovery, among other options. Any previously undiscovered resources found during project-related activities within the project area shall be recorded on appropriate Department of Parks and Recreation forms and evaluated for significance. No further ground disturbance shall occur in the immediate vicinity of the discovery until approved by the qualified archaeologist. The Lead Agency, along with other relevant or tribal officials, shall be contacted upon the discovery of cultural resources to begin coordination on the disposition of the find(s). Treatment of any significant cultural resources shall be undertaken with the approval of the Lead Agency.	Project Applicant	During construction	City of Visalia	

Mitigation Measure	Party responsible for Implementing Mitigation	Timing	Party responsible for Monitoring	Verification (name/ date)
CUL – 2: In order to ensure that the proposed Project does not impact buried human remains during Project construction, the Project proponent shall be responsible for on-going monitoring of Project construction. Prior to the issuance of any grading permit, the Project proponent shall provide the City with documentation identifying construction personnel that will be responsible for on-site monitoring. If buried human remains are encountered during construction, further excavation or disturbance of the site or any nearby area reasonably suspected to overlie adjacent remains shall be halted until the Tulare County coroner is contacted and the coroner has made the determinations and notifications required pursuant to Health and Safety Code Section 7050.5. If the coroner determines that Health and Safety Code Section 7050.5(c) require that he give notice to the Native American Heritage Commission, then such notice shall be given within 24 hours, as required by Health and Safety Code Section 7050.5(c). In that event, the NAHC will conduct the notifications required by Public Resources Code Section 5097.98. Until the consultations described below have been completed, the landowner shall further ensure that the immediate vicinity, according to generally accepted cultural or archaeological standards or practices where Native American human remains are located, is not disturbed by further development activity until the landowner has discussed and conferred with the Most Likely Descendants on all reasonable options regarding the descendants' preferences and treatments, as prescribed by Public Resources Code Section 5097.98(b). The NAHC will mediate any disputes regarding treatment of remains in accordance with Public Resources Code Section 5097.94(k). The landowner shall be entitled to exercise rights established by	Project Applicant	Prior to issuance of any grading permit and ongoing during construction	City of Visalia	

Mitigation Measure	Party responsible for Implementing Mitigation	Timing	Party responsible for Monitoring	Verification (name/ date)
Public Resources Code Section 5097.98(e) if any of the circumstances established by that provision become applicable.				
Geology & Soils				
GEO – 1 In order to reduce on-site erosion due to project construction and operation, an erosion control plan and Storm Water Pollution Prevention Plan (SWPPP) shall be prepared for the site preparation, construction, and post-construction periods by a registered civil engineer or certified professional. The erosion control plan shall incorporate best management practices consistent with the requirements of the National Pollution Discharge Elimination System (NPDES). The erosion component of the plan must at least meet the requirements of the SWPPP required by the Central Valley RWQCB. If earth disturbing activities are proposed between October 15 and April 15, these activities shall be limited to the extent feasible to minimize potential erosion related impacts. Additional erosion control measures may be implemented in consultation with the City of Visalia. Prior to the issuance of any permit, the Project proponent shall submit detailed plans to the satisfaction of the City of Visalia. The components of the erosion control plan and SWPPP shall be monitored for effectiveness by the City of Visalia. Erosion control measures may include, but not be limited to, the following: i. Limit disturbance of soils and vegetation disturbance removal to the minimum area necessary for access and construction; ii. Confine all vehicular traffic associated with construction to the right-of-way of designated access roads; iii. Adhere to construction schedules designed to avoid periods of heavy precipitation or high winds;	Project Applicant	Prior to issuance of grading permits	City of Visalia	

Mitigation Measure		Party responsible for Implementing Mitigation	Timing	Party responsible for Monitoring	Verification (name/ date)
iv. Ensure that all exposed soil is provided with temporary drainage and soil protection when construction activity is shut down during the winter periods; and v. Inform construction personnel prior to construction and periodically during construction activities of environmental concerns, pertinent laws and regulations, and elements of the proposed erosion control measures.					
GEO – 2	The project proponent shall retain a registered geotechnical engineer to prepare a design level geotechnical analysis prior to the issuance of any grading and/or building permit. 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. This shall include certification of engineered fills and subgrade preparation through monitoring of earthwork and compaction testing by a geotechnical engineer during construction.	Project Applicant	Prior to issuance of grading or building permits	City of Visalia	
Hazards & Hazardous Materials					
HAZ-1	Prior to the issuance of grading or building permits, the Project proponent shall conduct a subsurface investigation of the Project site to evaluate the potential for elevated residual concentrations of agricultural chemicals on the site. If remedial action is required, the Project will be responsible for cleanup and any remedial actions. For portions of the project site where	Project Applicant	Prior to issuance of grading or building permits	City of Visalia	

Mitigation Measure	Party responsible for Implementing Mitigation	Timing	Party responsible for Monitoring	Verification (name/ date)
there is known contamination, a project specific site management plan should be prepared under the oversight of the Water Board and/or DTSC, as appropriate. The plan shall include measures for identifying, testing, and managing soil and groundwater suspected of or known to contain hazardous materials. The plan shall: (1) provide procedures for evaluating, handling, storing, testing, and disposing of soil and groundwater during project excavation and dewatering activities, respectively; (2) describe required worker health and safety provisions for all workers potentially exposed to hazardous materials in accordance with State and federal worker safety regulations; and (3) designate personnel responsible for implementation of the plan. For sites with potential residual contamination that are planned for development with an occupied building, a vapor intrusion assessment shall be performed by a licensed environmental professional. If the results of the vapor intrusion assessment indicate the potential for significant vapor intrusion into an occupied building, project design shall include vapor controls or source removal, as appropriate, in accordance with regulatory agency requirements. Soil vapor mitigations or controls could include vapor barriers, passive venting, and/or active venting. Evidence of compliance shall be submitted to the City of Visalia department of Community Development Department.				

Mitigation Measure		Party responsible for Implementing Mitigation	Timing	Party responsible for Monitoring	Verification (name/ date)
HAZ – 2	Prior to the issuance of grading or building permits, the Project proponent or contractor shall provide a site plan that clearly delineates the locations of all known oil wells. A copy of the map shall be submitted to the California Department of Conservation, Geologic Energy Management Division (CalGEM) for review and evaluation. The Project proponent will work with CalGEM to implement any remedial actions that may result from CalGEM's review of the on-site abandoned well. Evidence of compliance shall be submitted to the City of Visalia department of Community Development Department. In addition, the Project proponent shall include information about any abandoned wells within the Project site in the Tulare County Recorder's title information of the Project site.	Project Applicant	Prior to issuance of grading or building permits	City of Visalia	
HAZ-3	In the event that abandoned or unrecorded wells are uncovered or damaged during excavation or grading activities, all work shall cease in the vicinity of the well, and the California Department of Conservation, Geologic Energy Management Division (CalGEM) shall be contacted for requirements and approval. CalGEM may determine that remedial plugging operations may be required. Copies of said approvals shall be submitted to the City of Visalia Community Development Department	Project Applicant	During grading and construction activities	City of Visalia	
Noise					
NOI - 1:	Prior to issuance of building permits for development within the Neighborhood Commercial Zone, the City of Visalia will determine if a detailed acoustical study shall be prepared by a certified professional to document potential impacts to onsite	Project Applicant	Prior to issuance of building permits	City of Visalia	

Mitigation Measure	Party responsible for Implementing Mitigation	Timing	Party responsible for Monitoring	Verification (name/ date)
and offsite noise-sensitive land uses (as determined by the City of Visalia’s General Plan and Municipal Code thresholds). When specific uses within the Neighborhood Commercial Zone 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 shall be required by the City of Visalia that quantifies Project-related noise levels and recommends appropriate mitigation measures to achieve compliance with the City’s noise standards. Potential impacts in exceedance of the City of Visalia’s standards shall require incorporation of mitigation such as increased setbacks, sound walls, equipment enclosures, site design, and enhanced building materials to reduce impacts to levels below the City of Visalia standards. Development that cannot incorporate mitigation to reduce impacts to acceptable City of Visalia standards shall not be approved. Evidence of compliance with this mitigation measure shall be provided to the City of Visalia prior to issuance of building permits.				
NOI - 2: For Project components involving new sensitive receptors (residential land uses) within the cumulative 65 dB Ldn noise contours of adjacent roadway segments (Avenue 320, Shirk Road, Riggin Avenue, and Akers Street as identified in Table 3.13-12), the City of Visalia will require construction of block walls to achieve noise attenuation to below the City’s noise thresholds. The City of Visalia Design and Improvement Standards provide guidelines and standards for the construction of block walls, within the City of Visalia. Standard wall heights permitted by the City of Visalia range between 6-foot to 7- foot	Project Applicant	Prior to issuance of grading or building permits	City of Visalia	

Mitigation Measure	Party responsible for Implementing Mitigation	Timing	Party responsible for Monitoring	Verification (name/ date)
in height. Depending on the height and geometric relationship between the roadway and the receiver location, walls 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. Evidence of compliance with this mitigation measure shall be provided to the City of Visalia prior to issuance of building permits.				
NOI - 3: For the proposed drive-through car wash facility in the Mixed Use Commercial Zone, the Project shall implement an IDC 100 horsepower Predator Blower System running at 55Hz with a 10' wall with AcoustiBlok lining. Evidence of compliance with this mitigation measure shall be provided to the City of Visalia prior to issuance of occupancy permits.	Project Applicant	Prior to issuance of building permits	City of Visalia	
NOI - 4: Bus movements occurring off public roadways (but on school campus) shall not occur within ninety feet of any residential outdoor activity area. Evidence of compliance with this mitigation measure shall be provided to the City of Visalia prior to issuance of building permits.	Project Applicant	Prior to issuance of building permits	City of Visalia	
Transportation				

Mitigation Measure	Party responsible for Implementing Mitigation	Timing	Party responsible for Monitoring	Verification (name/ date)
TRA-1: Prior to issuance of building permits, the Project shall pay into the City of Visalia's Transportation Impact Fee (TIF) program. The TIF amount will be calculated based on the City's adopted fee schedule in place at the time of the application of building permits. This will be itemized and enforced through conditions of approval or a development agreement, at the discretion of the City.	Project Applicant	Prior to issuance of building permits	City of Visalia	
TRA-2: Prior to the issuance of building permits, the Project will be responsible for paying its pro-rata fair share cost percentages and/or constructing the recommended on-site improvements and site-adjacent improvements identified in Tables 3.17-11, 3.17-15 and 3.17-16, subject to reimbursement for the costs that are in excess of the Project's equitable responsibility as determined by the City. This will be itemized and enforced through conditions of approval or a development agreement, at the discretion of the City.	Project Applicant	Prior to issuance of building permits	City of Visalia	
TRA-3: Prior to the issuance of construction or building permits, the Project developer shall: Prepare and submit a Construction Traffic Control Plan to City of Visalia, as appropriate, for approval. The Construction Traffic Control Plan shall be prepared in accordance with both the California Department of Transportation Manual on Uniform Traffic Control Devices and Work Area Traffic Control Handbook and shall include, but not be limited to, the following issues: a. Timing of deliveries of heavy equipment and building materials;	Project Applicant	Prior to issuance of construction or building permits	City of Visalia	

Mitigation Measure	Party responsible for Implementing Mitigation	Timing	Party responsible for Monitoring	Verification (name/ date)
b. Directing construction traffic with a flag person; c. Placing temporary signing, lighting, and traffic control devices if required, including, but not limited to, appropriate signage along access routes to indicate the presence of heavy vehicles and construction traffic; d. Ensuring access for emergency vehicles to the project site; e. Temporarily closing travel lanes or delaying traffic during materials delivery, transmission line stringing activities, or any other utility connections; f. Maintaining access to adjacent property; and, g. Specifying both construction-related vehicle travel and oversize load haul routes, minimizing construction traffic during the AM and PM peak hour, distributing construction traffic flow across alternative routes to access the project sites, and avoiding residential neighborhoods to the maximum extent feasible.				
Tribal Cultural Resources				
TRI-1: Prior to any ground disturbance, a surface inspection of the site shall be conducted by a Tribal Monitor. The Tribal Cultural Staff shall monitor the site during grading activities. The Tribal Staff shall provide pre-project-related information to supervisory personnel and any excavation contractor, which will include information on potential cultural material finds and on the procedures to be enacted if resources are found. Prior to any ground disturbance, the applicant shall offer the Santa Rosa Indian Community of the Santa Rosa Rancheria the opportunity to provide a Native American Monitor during ground-disturbing	Project Applicant	Prior to ground disturbance	City of Visalia	

Mitigation Measure	Party responsible for Implementing Mitigation	Timing	Party responsible for Monitoring	Verification (name/ date)
activities. Tribal participation would be dependent upon the availability and interest of the tribe.				
TRI-2: In the event that historical or archaeological cultural resources are discovered during project-related activities or decommissioning, operations shall stop within 100 feet of the find, and a qualified archeologist shall determine whether the resource requires further study. The qualified archaeologist shall determine the measures that shall be implemented to protect the discovered resources including, but not limited to, excavation of the finds and evaluation of the finds in accordance with § 15064.5 of the CEQA Guidelines. Measures may include avoidance, preservation in-place, recordation, additional archaeological resting, and data recovery, among other options. Any previously undiscovered resources found during project-related activities within the project area shall be recorded on appropriate CA Department of Parks and Recreation forms and evaluated for significance. No further ground disturbance shall occur in the immediate vicinity of the discovery until approved by the qualified archaeologist. The Lead Agency, along with other relevant or tribal officials, shall be contacted upon the discovery of cultural resources to begin coordination on the disposition of the find(s). Treatment of any significant cultural resources shall be undertaken with the approval of the Lead Agency.	Project Applicant	Ongoing	City of Visalia	
TRI-3: Upon coordination with the Lead Agency, any archaeological artifacts recovered shall be donated to an appropriate tribal	Project Applicant	Ongoing	City of Visalia	

Mitigation Measure	Party responsible for Implementing Mitigation	Timing	Party responsible for Monitoring	Verification (name/ date)
custodian or a qualified scientific institution where they would be afforded applicable cultural resources laws and guidelines.				
TRI-4: If human remains are discovered during project-related activities or operational activities, further excavation or disturbance shall be prohibited pursuant to Section 7050.5 of the California Health and Safety Code. The specific protocol, guidelines, and channels of communication outlined by the Native American Heritage Commission, in accordance with Section 7050.5 of the Health and Safety Code, Section 5097.98 of the Public Resources Code (Chapter 1492, Statutes of 1982, Senate Bill 297), and Senate Bill 447 (Chapter 44, Statutes of 1987) shall be followed. Section 7050.5(c) shall guide the potential Native American involvement, in the event of discovery of human remains, at the direction of the County Coroner.	Project Applicant	Ongoing	City of Visalia	



Via email

Brandon Smith
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Planning Division
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Visalia, CA 93291
(brandon.smith@visalia.city)

RE: Costco Commitments in Response to San Joaquin Air Pollution Control District Carleton Acres Specific Plan Draft EIR Comment Letter

Dear Brandon,

As you know, Costco Wholesale has proposed that a new Costco warehouse, fuel facility and car wash (the "Costco Project") be approved by the City of Visalia ("City") as the first commercial development within the proposed Carleton Acres Specific Plan area. The Costco Project was contemplated in and evaluated within the Draft Environmental Impact Report for the Specific Plan, State Clearinghouse No. 2021050418 ("Draft EIR"). The San Joaquin Valley Air Pollution Control District ("District") submitted comments on the Draft EIR by letter dated June 19, 2023. As the City prepares responses to the Draft EIR comments and prepares for upcoming public hearings concerning the Specific Plan and the Costco Project, we thought it may be useful to note some of the elements recommended by the District that are embraced within the Costco Project. This letter documents such features.¹

Site screening from sensitive receptors: Along the Costco Project's northern property line, a 15 feet wide landscaped buffer is planned. Similarly, a 10 feet wide landscaped buffer is planned along the Costco Project's eastern property line. Each of these areas of the Costco Project will be screened with a combination of dense, evergreen trees and tall shrubs. Moreover, Costco will install a 6 feet high masonry wall along the northern portion of the easterly property line of the Costco Project (along the warehouse building frontage) in order to further buffer its activities from potential future sensitive receptors.

Loading dock orientation: The closest future sensitive receptors (planned medium density residential uses) will be located east and north of the Costco Project site. The Costco Project loading dock is planned for the south side of the Costco warehouse structure, facing West Riggan Avenue. Notably, the loading dock is proposed to be recessed more than 4 feet below grade, with a screening wall located 3'

¹ Please substitute this letter for the one submitted July 24, 2023 as that letter contained a typographical error and this one includes additional data.

8” above grade. Further, as noted above, Costco’s plans include a 6 feet high masonry wall along the full property line on the eastern edge of the Costco Project. These multiple features will minimize noise and emissions at sensitive receptor locations.

Circulation signage: The Costco Project will include signs and building features on the warehouse, fuel station, and car wash to clearly indicate where the facilities themselves and their entrances and exits are located on the site. The site is designed with drive aisles and parking aisles that enable intuitive travel throughout the site. These features will minimize unnecessary on-site vehicle travel.

Truck entry: Delivery trucks serving the Costco Project will approach and depart the site on the non-residential streets of W. Riggin Avenue and N. Shirk Street, as well as on N. Denton Street immediately adjacent to the commercial development.

Truck routing: Costco manages its own truck fleet and works with independent drivers to focus delivery truck travel on designated truck routes and to avoid traversing through residential communities or near sensitive receptors. The analysis assumptions for HHD trucks that would serve the proposed Costco warehouse and fuel station were prepared by Kittelson & Associates, Inc., Costco’s transportation engineering consultant. The delivery truck route assumptions are provided in Figure 1 of Appendix C of the Draft EIR.

Furthermore, additional details requested by the District are found in Table A-1 through Table A-3 of Appendix C of the Draft EIR, which details the health risk assessment prepared for the Costco Project. The time of day and days of the week when the trucks would operate were accounted for when performing the air dispersion modeling as described in Appendix C of the Draft EIR in support of the health risk assessment. Deliveries to the proposed Costco fuel station were assumed to occur at any day and time, and deliveries to the proposed Costco warehouse were assumed to occur between 2 AM and 1 PM for every day of the week. The end destination for each delivery truck is provided as the proposed Costco Project site, and the health risk assessment focuses on the area of the Costco Project and the receptors surrounding the project site. Thus, the origins of the truck trips were not of consequence for the health risk assessment. This is consistent with SJVAPCD Draft Guidance for Air Dispersion Modeling.

Rooftop solar and clean energy: Costco’s warehouse building will be covered with a light-colored roofing material exceeding the minimum solar reflective index of 78 suggested by the District. In addition, the Costco warehouse roof will be solar-ready. Costco is investing in a sustainable future and implements many measures and programs to that end (see <https://www.costco.com/sustainability-introduction.html>). As but one part of Costco’s efforts, Costco owns and operates more than 100 on-site solar systems around the world, with an intention to expand on-site solar operations; having a solar-ready roof on the warehouse of the Costco Project will ensure that Costco can install solar panels here when doing so is logical and feasible. Additionally, Costco has committed to securing 80% clean purchased energy by 2030. To meet such goal, Costco will source an increasing percentage of contract purchases from low carbon energy sources through 2030 and beyond.

Within California, Costco already uses 33-50% renewable energy and is seeking additional assets and fashioning agreements with power providers to achieve 100% renewable energy by 2024.

Refrigerated trucks: Costco loading dock operating protocols are designed to minimize truck idling and associated emissions. All regulations concerning idling are followed, each truck is unloaded efficiently, and trucks do not linger at the loading dock.

Bicycle parking: The Costco Project will include short-term and long-term bicycle parking (to serve both customers and employees) in full compliance with the California Building Code.

Construction period: Assuming that temporary power is available, Costco will designate an area to charge electric-powered construction vehicles and equipment. Costco will prohibit the use of non-emergency diesel-powered generators during construction.

Measures limiting emissions from trucks and on-site service equipment: Costco will continue to comply with CARB requirements surrounding fleet electrification and other techniques to meet the State's emission goals during operations. Costco's equipment used within the warehouse facility to move merchandise (such as pallet jacks and forklifts) and clean floors (scrubbers) will be electrically powered.

Under-fired charbroilers: Costco does not anticipate using under-fired charbroilers within the Costco Project.

Electric vehicle charging: The Costco Project will include designated electric vehicle parking spaces and operable electric charging stations in full compliance with the California Building Code.

District rules: Costco will comply with all applicable District rules and regulations governing construction and operation of the Costco Project.

Costco appreciates the opportunity to supply this information and looks forward to proceeding with the Costco Project so as to better serve its members within the Visalia environs.

Sincerely,



Pari Holliday

Real Estate Development Director

