RESOLUTION NO. 2025-09

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

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

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

WHEREAS, the Final EIR was released on January 17, 2025; for purposes herein, the "Final EIR" consists of the Draft EIR and the revisions of, and additions to, the Draft EIR; the written comments and recommendations received on the Draft EIR; the written responses of the City of Visalia to significant environmental points raised in the review and consultation process; errata to the foregoing; and other information included by the City of Visalia as detailed more fully therein and as specified in the record; and

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

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

WHEREAS, a ten (10) day published notice was given, and at the public hearing for March 3, 2025, the public hearing was withdrawn and planned for re-noticing on March 17, 2025 in order to also consider an appeal related to the Project; and,

WHEREAS, the City Council of the City of Visalia, after ten (10) days published notice, held a public hearing on the Final EIR and the Project on March 17, 2025; and,

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

NOW, THEREFORE, BASED UPON THE ENTIRE RECORD OF THE PROCEEDINGS, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF VISALIA RESOLVE AS FOLLOWS:

1. That the City Council has reviewed the recommendation of the staff.
2. That the Final EIR, including, without limitation, a Summary of Environmental Impacts, Mitigation Measures and Residual Impacts (the "MMRP") as set forth in Appendix A to the attached Exhibit "A" for the Project, are adequate and have been completed in compliance with CEQA and the State CEQA Guidelines.
3. That the City Council has independently reviewed and considered the information contained in the Final EIR, including, without limitation, the Mitigation Monitoring and Reporting Program in Appendix A to the attached Exhibit "A", prior to approving the Project.
4. That the City Council finds on the basis of the whole record before it, including the Final EIR (including, without limitation, the Summary of Environmental Impacts, Mitigation Measures and Residual Impacts included as Appendix A to the attached Exhibit "A"), any and all oral and written comments received, and Findings of Fact (contained in attached Exhibit "A"), that there is substantial evidence in the record that the Project will not have a significant and unavoidable effect on the environment with the exception of those impacts related to Agricultural and Forestry Resources, Air Quality, and Noise.
5. That the City Council finds on the basis of the whole record before it, including the Final EIR (including, without limitation, the Summary of Environmental Impacts, Mitigation Measures and Residual Impacts included as Appendix A to the attached Exhibit "A"), any and all oral and written comments received, and Findings of Fact (contained in attached Exhibit "A"), that the Project's Significant and Unavoidable impacts to Agricultural and Forestry Resources, Air Quality, and Noise cannot be reasonably or feasibly mitigated to less than significant and will remain significant and unavoidable for the foreseeable future and therefore require, pursuant to CEQA, adoption of the Statement of Overriding Considerations contained in attached Exhibit "A".

BE IT FURTHER RESOLVED that the City Council adopts the following facts, findings, and Statement of Overriding Considerations contained in the attached Exhibit "A", and in doing so, hereby determines that the Final EIR prepared for the Project is adequate and complete pursuant to the applicable requirements of the California Environmental Quality Act and the State CEQA Guidelines, and hereby certifies it, including the mitigations contained in the Mitigation Monitoring and Reporting Program as set forth in Appendix A to the attached Exhibit "A".

PASSED AND ADOPTED: March 17, 2025 LESLIE B. CAVIGLIA, CITY CLERK

STATE OF CALIFORNIA)
COUNTY OF TULARE) ss.
CITY OF VISALIA)

I, Leslie B. Caviglia, City Clerk of the City of Visalia, certify the foregoing is the full and true Resolution 2025-09 passed and adopted by the Council of the City of Visalia at a regular meeting held on March 17, 2025.

Dated: March 18, 2025 LESLIE B. CAVIGLIA, CITY CLERK

By Reyna Rivera, Chief Deputy City Clerk

Visalia City Council Resolution No. 2025-09
Exhibit “A”:

CEQA Findings of Fact and
Statement of Overriding Considerations
Shirk and Riggin Industrial Project
City of Visalia, Tulare County, California
[starts on next page]

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

State Clearinghouse Number 2022080658

Prepared for:
City of Visalia
315 East Acequia Avenue
Visalia, CA 93291
559.713.4636

Contact: Brandon Smith, Principal Planner

Prepared by:
FirstCarbon Solutions
7726 N. First Street, #413
Fresno, CA 93720
714.508.4100

Contact: Mary Bean, Project Director
Yael Marcus, Project Manager

Date: March 12, 2025

THIS PAGE INTENTIONALLY LEFT BLANK

Table of Contents

THIS PAGE INTENTIONALLY LEFT BLANK

CEQA FINDINGS OF FACT AND STATEMENT OF OVERRIDING CONSIDERATIONS

1.1 - Introduction

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

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

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

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

1.2 - Overview of Statement of Findings

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

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

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

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

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

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

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

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

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

1.3 - Project Summary

1.3.1 - Project Description

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

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

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

1.3.2 - Project Objectives

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

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

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

1.3.3 - Required Approvals

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

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

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

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

Other Public Agency Approval and Consultation

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

- Tulare County Local Agency Formation Commission (LAFCo)
- Tulare County Board of Supervisors
- San Joaquin Valley Air Pollution Control District (Valley Air District)

- Regional Water Quality Control Board (RWQCB)
- United States Fish and Wildlife Service (USFWS)
- California Department of Fish and Wildlife (CDFW)
- United States Army Corps of Engineers (USACE)
- California Department of Transportation (Caltrans)

1.4 - Procedural Background

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

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

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

City of Visalia
315 East Acequia Avenue
Visalia, CA 93291

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

The City received and evaluated numerous comments from other public agencies, as well as other interested organizations and individuals during the comment period. After the close of the public review period for the Draft EIR, the City received a comment letter from the California Department of Fish and Wildlife (CDFW) on June 4, 2024 and a comment letter from the Valley Air District on

June 6, 2024. Although not required to do so under CEQA, the City elected to provide responses to these late comment letters as though it had been submitted during the regular public comment period. (PRC § 21091(d); CEQA Guidelines § 15088).

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

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

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

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

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

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

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

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

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

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

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

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

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

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

1.5.1 - Aesthetics

Potential Effect

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

Findings: Less than significant impact. No mitigation required.

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

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

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

Potential Effect

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

Findings: No impact. No mitigation required.

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

Potential Effect

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

Findings: Less than significant impact. No mitigation required.

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

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

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

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

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

Potential Effect

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

Findings: Less than significant impact. No mitigation required.

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

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

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

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

Potential Effect

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

Findings: Less than significant impact. No mitigation required.

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

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

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

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

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

1.5.2 - Agriculture and Forest Resources

Potential Effect

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

Findings: Less than significant impact. No mitigation required.

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

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

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

Potential Effect

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

Findings: No impact. No mitigation required.

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

Potential Effect

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

Findings: No impact. No mitigation required.

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

Potential Effect

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

Findings: Less than significant impact. No mitigation required.

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

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

1.5.3 - Air Quality

Potential Effect

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

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

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

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

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

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

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

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

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

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

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

1.5.4 - Biological Resources

Potential Effect

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

Findings: Less than significant impact. No mitigation required.

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

Potential Effect

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

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

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

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

Potential Effect

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

Findings: No impact. No mitigation necessary.

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

1.5.5 - Energy

Potential Effect

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

Findings: Less than significant impact. No mitigation necessary.

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

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

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

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

Potential Effect

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

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

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

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

Potential Effect

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

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

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

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

1.5.6 - Geology and Soils

Potential Effect

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

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

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

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

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

Potential Effect

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

iii) Seismic-related ground failure, including liquefaction.

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

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

Potential Effect

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

iv) Landslides.

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

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

Potential Effect

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

Findings: No impact. No mitigation necessary.

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

1.5.7 - Greenhouse Gas Emissions

Potential Effect

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

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

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

1.5.8 - Hazards and Hazardous Materials

Potential Effect

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

Findings: Less than significant impact. No mitigation necessary.

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

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

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

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

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

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

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

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

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

Potential Effect

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

Findings: Less than significant impact. No mitigation necessary.

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

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

Potential Effect

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

Findings: No impact. No mitigation necessary.

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

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

Potential Effect

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

Findings: Less than significant impact. No mitigation necessary.

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

Potential Effect

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

Findings: Less than significant impact. No mitigation necessary.

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

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

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

Potential Effect

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

Findings: Less than significant impact. No mitigation necessary.

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

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

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

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

1.5.9 - Hydrology and Water Quality

Potential Effect

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

Findings: Less than significant impact. No mitigation necessary.

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

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

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

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

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

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

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

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

Potential Effect

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

Findings: Less than significant impact. No mitigation necessary.

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

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

Potential Effect

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

Findings: Less than significant impact. No mitigation necessary.

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

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

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

1.5.10 - Land Use and Planning

Potential Effect

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

Findings: Less than significant impact. No mitigation necessary.

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

Potential Effect

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

Findings: Less than significant impact. No mitigation necessary.

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

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

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

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

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

Potential Effect

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

Findings: Less than significant impact. No mitigation necessary.

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

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

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

1.5.11 - Noise

Potential Effect

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

Findings: Less than significant impact. No mitigation necessary.

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

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

Potential Effect

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

Findings: No impact. No mitigation necessary.

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

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

1.5.12 - Public Services

Potential Effect

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

Findings: Less than significant impact. No mitigation necessary.

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

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

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

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

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

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

Potential Effect

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

Findings: Less than significant impact. No mitigation necessary.

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

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

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

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

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

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

Potential Effect

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

Findings: Less than significant impact. No mitigation necessary.

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

Potential Effect

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

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

Findings: Less than significant impact. No mitigation necessary.

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

Potential Effect

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

Findings: Less than significant impact. No mitigation necessary.

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

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

Potential Effect

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

Findings: Less than significant impact. No mitigation necessary.

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

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

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

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

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

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

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

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

1.5.13 - Utilities and Service Systems

Potential Effect

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

Findings: Less than significant impact. No mitigation necessary.

Facts in Support of Findings:
Construction

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

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

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

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

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

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

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

Operation

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

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

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

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

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

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

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

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

Potential Effect

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

Findings: Less than significant impact. No mitigation necessary.

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

Potential Effect

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

Findings: Less than significant impact. No mitigation necessary

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

Potential Effect

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

Findings: Less than significant impact. No mitigation necessary.

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

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

1.5.14 - Wildfire

Potential Effect

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

Findings: Less than significant impact. No mitigation necessary.

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

For informational purposes, the following is noted.

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

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

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

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

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

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

Potential Effect

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

Findings: Less than significant impact. No mitigation necessary

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

For informational purposes, the following is noted.

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

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

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

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

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

Potential Effect

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

Findings: Less than significant impact. No mitigation necessary.

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

For informational purposes, the following is noted.

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

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

Potential Effect

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

Findings: Less than significant impact. No mitigation necessary.

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

For informational purposes, the following is noted.

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

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

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

Potential Effect

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

Findings: Less than significant impact. No mitigation necessary.

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

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

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

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

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

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

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

1.6.1 - Biological Resources

Potential Effect

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

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

Mitigation Measures

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

1. Project-related vehicles should observe a daytime speed limit of 20-mph throughout the site in all project areas, except on County roads and State and federal highways; this is particularly important at night when kit foxes are most active. Nighttime construction should be minimized to the extent possible. However if it does occur, then the speed limit should be reduced to 10-mph. Off-road traffic outside of designated project areas should be prohibited.
2. To prevent inadvertent entrapment of kit foxes or other animals during the construction phase of a project, all excavated, steep-walled holes or trenches more than 2-feet deep should be covered at the close of each working day by plywood or similar materials. If the trenches cannot be closed, one or more escape ramps constructed of earthen-fill or wooden planks shall be installed. Before such holes or trenches are filled, they should be thoroughly inspected for trapped animals. If at any time a trapped or injured kit fox is discovered, the

Service and the California Department of Fish and Game (CDFG) shall be contacted as noted under measure 13 referenced below.

3. Kit foxes are attracted to den-like structures such as pipes and may enter stored pipes and become trapped or injured. All construction pipes, culverts, or similar structures with a diameter of 4-inches or greater that are stored at a construction site for one or more overnight periods should be thoroughly inspected for kit foxes before the pipe is subsequently buried, capped, or otherwise used or moved in any way. If a kit fox is discovered inside a pipe, that section of pipe should not be moved until the Service has been consulted. If necessary, and under the direct supervision of the Biologist, the pipe may be moved only once to remove it from the path of construction activity, until the fox has escaped.
4. All food-related trash items such as wrappers, cans, bottles, and food scraps should be disposed of in securely closed containers and removed at least once a week from a construction or project site.
5. No firearms shall be allowed on the project site.
6. No pets, such as dogs or cats, should be permitted on the project site to prevent harassment, mortality of kit foxes, or destruction of dens.
7. Use of rodenticides and herbicides in project areas should be restricted. This is necessary to prevent primary or secondary poisoning of kit foxes and the depletion of prey populations on which they depend. All uses of such compounds should observe label and other restrictions mandated by the United States Environmental Protection Agency, California Department of Food and Agriculture, and other State and federal legislation, as well as additional project-related restrictions deemed necessary by the Service. If rodent control must be conducted, zinc phosphide should be used because of a proven lower risk to kit fox.
8. A representative shall be appointed by the project proponent who will be the contact source for any employee or contractor who might inadvertently kill or injure a kit fox or who finds a dead, injured or entrapped kit fox. The representative will be identified during the employee education program and their name and telephone number shall be provided to the Service.
9. An employee education program should be conducted for any project that has anticipated impacts to kit fox or other endangered species. The program should consist of a brief presentation by persons knowledgeable in kit fox biology and legislative protection to explain endangered species concerns to contractors, their employees, and military and/or agency personnel involved in the project. The program should include the following: A description of the San Joaquin kit fox and its habitat needs; a report of the occurrence of kit fox in the project area; an explanation of the status of the species and its protection under the Endangered Species Act; and a list of measures being taken to reduce impacts to the species during project construction and implementation. A fact sheet conveying this information should be prepared for distribution to the previously referenced people and anyone else who may enter the project site.

10. Upon completion of the project, all areas subject to temporary ground disturbances, including storage and staging areas, temporary roads, pipeline corridors, etc. should be re-contoured if necessary, and revegetated to promote restoration of the area to pre-project conditions.
11. In the case of trapped animals, escape ramps or structures should be installed immediately to allow the animal(s) to escape, or the Service should be contacted for guidance.
12. Any contractor, employee, or military or agency personnel who are responsible for inadvertently killing or injuring a San Joaquin kit fox shall immediately report the incident to their representative. This representative shall contact the CDFG immediately in the case of a dead, injured or entrapped kit fox.
13. The Sacramento Fish and Wildlife Office and CDFG shall be notified in writing within three working days of the accidental death or injury to a San Joaquin kit fox during project-related activities. Notification must include the date, time, and location of the incident or of the finding of a dead or injured animal and any other pertinent information.
14. New sightings of kit fox shall be reported to the California Natural Diversity Database (CNDDB). A copy of the reporting form and a topographic map clearly marked with the location of where the kit fox was observed should also be provided to the Service at the address below.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Potential Effect

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

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

Mitigation Measure

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

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

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

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

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

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

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

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

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

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

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

Potential Effect

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

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

Mitigation Measures

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

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

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

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

Potential Effect

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

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

Mitigation Measures

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

1.6.2 - Cultural Resources

Potential Effect

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

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

Mitigation Measure

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

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

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

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

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

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

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

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

Potential Effect

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

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

Mitigation Measures

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

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

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

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

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

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

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

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

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

Potential Effect

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

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

Mitigation Measure

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

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

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

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

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

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

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

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

Potential Effect

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

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

Mitigation Measures

Implement MM CUL-1 through MM CUL-4.

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

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

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

Potential Effect

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

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

Mitigation Measures

Implement MM CUL-1 through MMCUL-4.

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

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

Potential Effect

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

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

Mitigation Measures

Implement MM CUL-1 through MM CUL-4.

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

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

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

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

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

1.6.3 - Geology and Soils

Potential Effect

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

ii) Strong seismic ground shaking.

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

Mitigation Measure

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

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

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

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

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

Potential Effect

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

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

Mitigation Measure

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

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

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

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

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

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

Potential Effect

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

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

Mitigation Measure

Implement MM GEO-1.

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

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

Potential Effect

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

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

Mitigation Measure

Implement MM GEO-1.

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

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

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

Potential Effect

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

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

Mitigation Measure

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

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

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

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

Potential Effect

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

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

Mitigation Measures

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

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

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

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

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

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

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

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

1.6.4 - Greenhouse Gas Emissions

Potential Effect

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

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

Mitigation Measures

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

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

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

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

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

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

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

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

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

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

Potential Effect

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

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

Mitigation Measures

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

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

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

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

1.6.5 - Hazards and Hazardous Materials

Potential Effect

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

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

Mitigation Measure

MM HAZ-1

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

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

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

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

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

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

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

Potential Effect

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

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

Mitigation Measure

Implement MM HAZ-1.

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

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

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

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

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

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

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

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

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

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

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

1.6.6 - Hydrology and Water Quality

Potential Effect

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

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

Mitigation Measure

Implement MM GEO-2.

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

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

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

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

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

Potential Effect

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

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

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

Mitigation Measure

MM HYD-3 Implement MM GEO-2.

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

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

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

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

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

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

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

Mitigation Measure

Implement MM GEO-2.

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

Facts in Support of Findings:

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

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

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

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

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

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

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

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

1.6.7 - Transportation and Traffic

Potential Effect

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

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

Mitigation Measures

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Bicycle facilities. There are limited bicycle facilities in the vicinity of the project site. There are no Class II or Class III facilities within the existing roadway network. Because there are no existing Class II or Class III bicycle facilities and limited Class I facilities, road construction of the proposed project would not result in the temporary closure of bicycle facilities during construction. Therefore, construction impacts related to circulation system performance in terms of bicycle facilities would be less than significant. (Draft EIR, p. 3.14-18). At operation, bicycle connectivity would be improved by the bike facilities that are proposed, including new bike lanes along Riggin Avenue and Class II bike lanes along Kelsey Street, Clancy Street, and Shirk Street. Therefore, operational impacts related to circulation system performance in terms of bicycle facilities would be less than significant. (Draft EIR, p. 3.14-18).

Pedestrian facilities. Because the existing pedestrian improvements in the project site vicinity are limited, construction of the proposed project would not result in significant impacts. Should any sidewalks be temporarily shut down during construction, there are alternative pedestrian facilities in the vicinity, and access to alternative pedestrian facilities would remain available. Therefore, construction impacts related to circulation system performance in terms of pedestrian facilities would be less than significant. (Draft EIR, p. 3.14-18). Proposed pedestrian improvements include new sidewalks, pedestrian ramps and signalized crossings. The proposed improvements are expected

to enhance pedestrian connectivity. In addition, the proposed project would comply with the City's ATP by dedicating 28 feet for a pedestrian trail along the south side of Modoc Ditch. This is incorporated as MM TRANS-1. Per MM TRANS-2, storm drainage and waterways impact fees would be collected to allow the City to construct appropriate trails along waterways. Therefore, no pedestrian-related deficiencies are anticipated due to the proposed project, and operational impacts to pedestrian facilities associated with the proposed project would be less than significant. (Draft EIR, p. 3.14-19).

Transit facilities. Construction of the proposed project would not adversely affect or otherwise conflict with existing pedestrian access to bus stops in the project site vicinity. Should any sidewalks be temporarily shut down during construction, there are alternative roadway connections to these bus stops, and pedestrian access to these bus stops would remain available throughout construction. Therefore, construction impacts related to transit facilities would be less than significant. (Draft EIR, p. 3.14-18). Visalia Transit Route 17 provides services along Riggin Avenue. The separate, already-approved Riggin Avenue Widening and Improvements CIP that would be constructed by the City and other third parties involves the installation of an additional bus stop adjacent to the project site at the northwest corner of Shirk Street and Riggin Avenue. The proposed project would enhance connectivity to this future transit stop through installation of sidewalk and bicycle facilities. Therefore, no transit-related deficiencies are anticipated due to the proposed project, and operational impacts related to transit facilities would be less than significant. (Draft EIR, p. 3.14-19).

Therefore, impacts related to bicycle, pedestrian, and transit facilities would be less than significant. (Draft EIR, pp. 3.14-18-19)

As a result of changes in CEQA, VMT rather than Level of Service (LOS) is the focus of CEQA analysis. However, where a local jurisdiction, such is the case here, has adopted specific LOS standards in its General Plan, this may be relevant from a CEQA perspective. Here, and based on the General Plan Policy TC-1.16 the Draft EIR identified LOS D as the LOS standards for purposes of Impact TRANS-1. It concluded that, during operations, the proposed project could result in significant impacts related to consistency with relevant General Plan Policies addressing intersection LOS; however, these impacts can be mitigated to a less than significant level. Those potential impacts along with identified mitigation are discussed below.

Intersection No. 3–Plaza Drive and Riggin Avenue

The LOS analysis shows this intersection is expected to operate at an acceptable LOS during the AM and PM peak periods during all Near-Term and Long-Term scenarios analyzed. Since LOS would be acceptable, even with the proposed project, and since the westbound left-turns movements are projected to just exceed 300 turning movements for the Near-Term (2028) Plus Project Buildout scenario (242 AM peak-hour/302 PM peak-hour), dual left-turn pockets were not suggested at this time by the City's transportation consultant. Instead, the LOS operational analysis recommended that the proposed project modify the raised median to extend the existing westbound left-turn pocket by 100 feet, to provide 400-foot left-turn pocket. It is also recommended that the existing northbound right-turn stripe be extended to 300 feet, as reflected in MM TRANS-3.

Intersection No. 14–Shirk Street and Riggin Avenue

The proposed project is expected to result in a queueing deficiency for the following conditions:

- Near-Term (2025) Plus Phase 1 (AM and PM peak-hours)–NBL/EBR
- Near-Term (2026) Plus Phase 2 (AM and PM peak-hours)–NBL/EBR
- Near-Term (2028) Plus Project Buildout (AM and PM peak-hours)–NBL/EBR

Under Near-Term (2025) Conditions Plus Phase 1, the proposed project is projected to cause a queueing deficiency since one or more queues would extend beyond the turn pockets, and since it would increase the queue length by more than 25 feet. Under the ensuing scenarios, the queueing increases further. In order to remedy this queueing deficiency, the proposed project would be required to comply with MM TRANS-4; with the installation of the identified improvements, the queueing deficiency would be fully mitigated.

Level of Service Analysis

As noted above, pursuant to changes in CEQA as required under SB 743, LOS is no longer typically cognizable under CEQA and no longer recognized under CEQA as a metric to identify environmental effects. The traffic analysis included in the Draft EIR as Appendix I is consistent with the City's current traffic impact analysis guidelines (adopted in March 2021), which completely exclude roadway segment analysis and thresholds for the purpose of determining transportation deficiencies under CEQA. Nonetheless, the City's expert transportation consultant, in consultation with the City's transportation engineer and planning staff, conducted a robust operational transportation study, including queueing and LOS analyses. As described more fully therein, the Draft EIR discloses that construction and operation of the proposed project would not adversely affect the existing LOS conditions or otherwise conflict with any relevant LOS standards set forth in the General Plan. However, according to the LOS operational analysis, the proposed project would result in queueing deficiencies at several intersections and would require implementation of the improvements recommended in the Traffic Impact Analysis (TIA). These recommendations to address queueing are incorporated into the above-referenced mitigation measures to reduce project impacts related to queueing. With implementation of MM TRANS-1 through MM TRANS-9, impacts would be less than significant.

The City Council hereby finds that MM TRANS-1 through MM TRANS-9 are feasible, are hereby adopted, and will further reduce Impact TRANS-1. Accordingly, the City Council hereby finds that, pursuant to Public Resources Code Section 21081(a)(1) and CEQA Guidelines Section 15091(a)(1), changes or alterations have been required in, or incorporated into, the proposed project that mitigate or avoid the potentially significant impacts as identified in the Draft EIR. Therefore, impacts associated with construction roadway facilities and operational pedestrian facilities would be less than significant with mitigation incorporated. (Draft EIR, pp. 3.14-18–24)

Potential Effect

Impact TRANS-2: The proposed project could conflict or be inconsistent with CEQA Guidelines Section 15064.3, subdivision (b). (Draft EIR, pp. 3.14-24–26)

Findings: Less than significant impact with mitigation incorporated. (Draft EIR, pp. 3.14-24–26) Changes or alterations have been required in, or incorporated into, the proposed project which avoid or substantially lessen the significant environmental effects as identified in the Draft EIR. (CEQA Guidelines § 15091(a)(1))

Mitigation Measures

MM TRANS-10a Prior to the issuance of building permits, the site plan shall include the location of up to six secured bicycle storage lockers near each of the buildings entrances and the future transit stop. Up to 10 potential locations shall be included, for a total of up to 60 lockers throughout the site.

Lockers shall be provided for approximately 1.5 percent of the 4,178 site's daily employees with flexibility to add future lockers based on demand.

MM TRANS-10b Prior to final occupancy of any portion of Phase 1, the developer shall construct a bike path along Modoc Ditch, between Kelsey Street and Shirk Street (approximately 1 mile). The existing Class I bike path along Modoc Ditch runs to the east of the proposed project, between Dinuba Boulevard and the St. John's River Trail. The Carlton Acres Specific Plan (CASP) project also proposed to construct a portion of the Class I path within the site. Therefore, the bike path shall connect to a new path proposed within the CASP site and future segments to the east and west. This mitigation is subject to contractability and approval by the Modoc Ditch Company.

Facts in Support of Findings: This threshold relates to VMT pursuant to SB 743. With respect to the proposed project's VMT, the Draft EIR and related transportation analysis estimated that Phase 1 of development would generate approximately 7,347 daily PCE trips, with 709 PCE trips (548 inbound/161 outbound) during the AM commuter peak-hour and 709 trips (167 inbound/542 outbound) during the PM commuter peak-hour. The Draft EIR and related transportation analysis also estimated that the proposed project's Phase 1 and 2 developments (combined) would generate approximately 17,790 daily PCE trips, with 1,183 PCE trips (870 inbound/313 outbound) during the AM commuter peak-hour and 1,162 trips (315 inbound/847 outbound) during the PM commuter peak-hour. Furthermore, it is estimated that buildout of the proposed project (Phase 1, 2 and 3 combined) would generate a total of approximately 21,409 daily PCE trips, with approximately 1,508 PCE trips (1,119 inbound/389 outbound) during the AM commuter peak-hour and approximately 1,495 trips (399 inbound/1,097 outbound) during the PM commuter peak-hour. In addition, the proposed project is expected to generate 4,177 employees. Based on the City's SB 743 Guidelines, the proposed project would have a significant impact if (1) it does not meet screening thresholds (and thus a VMT analysis must be performed) and (2) the VMT analysis shows that the average VMT/employee would be greater than or equal to the VMT/employee of the TAZ in which the project site is located. The proposed project would not meet any of the screening criteria that would allow it to be presumed to have a less than significant impact. Therefore, a VMT analysis was performed.

The proposed project is expected to increase VMT per employee within the TAZ that the project site is located by approximately 0.15 mile, or 1.54 percent of the total miles traveled. Therefore, the proposed project would result in a significant VMT impact, requiring feasible mitigation.

MM TRANS-10a and MM TRANS-10b facilitate the use of alternative modes of transportation and would be implemented in order to reduce VMT impact to a less than significant level. The nature of the proposed improvements and related VMT reduction approach, as reflected in MM TRANS-10a

and MM TRANS-10b, are based on the latest available guidelines by California Air Pollution Control Officers Association (CAPCOA) published in December 2021, taking into account the nature and location of the proposed uses. MM TRANS-10a provides up to six secured bicycle storage lockers near each of the buildings entrances and the future transit stop the location of up to six secured bicycle storage lockers near each of the buildings entrances and the future transit stop, which enhances opportunities for employees to utilize alternative modes for transport. Implementation of this measure would be sufficient to mitigate the VMT impacts generated by the proposed project, particularly when combined with the construction of adjacent planned bicycle facilities to be installed as part of the City's CIP improvements on Riggin Avenue, as further documented in the Draft EIR, Appendix I. MM TRANS-10b expands the bike network, which would provide further reductions to the proposed project's VMT impacts. The construction of a bike path along Modoc Ditch is expected to reduce the miles traveled of the proposed project, as well as other nearby existing and future developments, as it provides an important bicycle and pedestrian connection for the City and County (Draft EIR, pp. 3.14-24–26). Implementing these two mitigation measures would reduce the proposed project's VMT per employee by 1.75 percent, exceeding the proposed project's 1.54 percent impact. Therefore, the proposed project's VMT impact would be mitigated. Note that these measures work together, and one measure is valuable only in connection with the other.

The City Council hereby finds that MM TRANS-10a and MM TRANS-10b are feasible, are hereby adopted, and will further reduce VMT impacts. Accordingly, the City Council hereby finds that, pursuant to Public Resources Code Section 21081(a)(1) and CEQA Guidelines Section 15091(a)(1), changes or alterations have been required in, or incorporated into, the proposed project that mitigate or avoid the potentially significant cumulative impacts as identified in the Draft EIR. Therefore, VMT impacts would be less than significant with mitigation incorporated. (Draft EIR, pp. 3.14-24–26)

Potential Effect

Impact TRANS-3: The proposed project could substantially increase hazards due to a geometric design feature (e.g., sharp curves or dangerous intersections) or incompatible uses (e.g., farm equipment). (Draft EIR, pp. 3.14-26–29)

Findings: Less than significant impact with mitigation incorporated. (Draft EIR, pp. 3.14-26–29) Changes or alterations have been required in, or incorporated into, the proposed project which avoid or substantially lessen the significant environmental effects as identified in the Draft EIR. (CEQA Guidelines § 15091(a)(1))

Mitigation Measure

MM TRANS-11 Prior to the issuance of construction permits, the project developer shall prepare and submit a Construction Traffic Control Plan to the City of Visalia for approval and implement the approved Construction Traffic Control Plan during construction. The Construction Traffic Control Plan shall be prepared in accordance with both the California Department of Transportation Manual on Uniform Traffic Control Devices and Work Area Traffic Control Handbook and shall include, but not be limited to, the following issues:

a. Timing of deliveries of heavy equipment and building materials;
b. Directing construction traffic with a flag person;
c. Placing temporary signing, lighting, and traffic control devices if required, including, but not limited to, appropriate signage along access routes to indicate the presence of heavy vehicles and construction traffic;
d. Ensuring access for emergency vehicles to the project site;
e. Temporarily closing travel lanes or delaying traffic during materials delivery, transmission line stringing activities, or any other utility connections;
f. Maintaining access to adjacent property; and,
g. Specifying both construction-related vehicle travel and oversize load haul routes, minimizing construction traffic during the AM and PM peak-hour, distributing construction traffic flow across alternative routes to access the project sites, and avoiding residential neighborhoods to the maximum extent feasible.

Facts in Support of Findings: The Draft EIR disclosed that project construction could substantially increase hazards due to a geometric design feature (e.g., sharp curves or dangerous intersections) or incompatible uses (e.g., farm equipment) (Draft EIR, pp. 3.14-26–29). However, as discussed more fully therein and in the related transportation analysis, construction traffic would be expected to access the project site from Riggin Avenue via SR-99. This routing would generally avoid residential streets, reducing potential safety hazards with residential uses. Daily and peak-hour traffic volumes during the construction period are anticipated to be less than during project operation as analyzed in the TIA, and would be temporary in nature. It should be noted that while the construction schedule assumes that none of the three project phases may overlap, the potential remains for project phases to be constructed concurrently. Therefore, a conservative analysis considers both scenarios (i.e., sequential and concurrent phasing). In a reasonable worst-case scenario where all three project phases overlap, it is estimated that construction traffic would result in less than 50 percent of the trips generated under Phase I development analyzed in the TIA.

The use of oversize vehicles during construction could create a hazard to the public by limiting motorist views on roadways and by the obstruction of space, which is considered a potentially significant impact. In addition, the project construction activities may result in some temporary lane closures in the area. The proposed project would be required under existing laws and regulations to obtain California Highway Patrol escorts, oversize load permits from Caltrans and Tulare County, as well as coordinate the timing of equipment and material deliveries, as appropriate. Therefore, a reasonable worst-case concurrent construction of all phases would not worsen the LOS or impact traffic movement or create roadway hazards to a greater extent than the project as analyzed in the TIA.

Furthermore, the proposed project would be required to implement MM TRANS-11, which would require standard construction traffic control measures be implemented as is consistent with applicable Caltrans and City policies. Measures would require the preparation and implementation of a Construction Traffic Control Plan that would reduce the potential for construction vehicle conflicts with other roadway users. Therefore, construction impacts related to roadway safety hazards would be less than significant with mitigation incorporated. (Draft EIR, pp. 3.14-26–29)

From an operational standpoint, access to the project site would be provided via 19 new driveways and would contain an internal network of drive aisles. The entrances and roadways providing access to the proposed project would be required to obtain City encroachment permits, comply with applicable provisions of the City's Fire Code and other applicable laws and regulations and would implement improvement measures and would thus operate at acceptable service levels. Furthermore, proposed roadway improvements would further increase roadway safety by being designed according to applicable City, Caltrans, and industry standards. Therefore, impacts associated with roadway design safety hazards would be less than significant. (Draft EIR, pp. 3.14-26–29; see also Impact TRANS-1 discussion of queueing, above)

The City Council hereby finds that MM TRANS-11 is feasible, is hereby adopted, and will further reduce impacts. Accordingly, the City Council hereby finds that, pursuant to Public Resources Code Section 21081(a)(1) and CEQA Guidelines Section 15091(a)(1), changes or alterations have been required in, or incorporated into, the project that mitigate or avoid the potentially significant impacts as identified in the Draft EIR. Therefore, impacts would be less than significant with mitigation incorporated.

Potential Effect

Impact TRANS-4: The proposed project could result in inadequate emergency access. (Draft EIR, p. 3.14-29)

Findings: Less than significant with mitigation incorporated. (Draft EIR, p. 3.14-29) Changes or alterations have been required in, or incorporated into, the proposed project which avoid or substantially lessen the significant environmental effects as identified in the Draft EIR. (CEQA Guidelines § 15091(a)(1))

Mitigation Measure

Implement MM Trans-11.

Facts in Support of Findings: As noted above and further discussed in the EIR and related transportation analysis, project construction activities could result in potential vehicular access issues due to potential temporary road detours and/or closures to accommodate the proposed project, which could impede emergency access. Therefore, the proposed project would be required to implement MM TRANS-11, which would require the preparation and implementation of a Construction Traffic Control Plan that would reduce the potential for construction vehicle conflicts with other roadway users. The Construction Traffic Control Plan would also include measures to ensure that project construction would not significantly interfere with or otherwise impair emergency response or evacuation plans. With implementation of MM TRANS-11, less than significant impacts would occur. Therefore, no significant impacts to vehicular and emergency access would occur during construction activities. (Draft EIR, p. 3.14-29)

With respect to operational impacts, Fire Station 55 is the nearest VFD station, located approximately 0.39 mile south of the project site at 6921 West Ferguson Avenue. Primary fire protection access to the project site would occur from existing roadways, which would continue to be the case for the proposed project. Vehicular access for the proposed project consists of 19

driveways, 18 of which would be unsignalized, that would intersect the public streets; this internal circulation plan has been approved by the City's traffic engineering, public works and City staff. An internal network of drive aisles would connect the overall project to ensure cohesive, well-designed internal circulation. Proposed off-site roadway improvements would be constructed by the proposed project along Riggin Avenue, Kelsey Street, Clancy Street and Shirk Street that would facilitate off-site circulation, including during any emergency response and/or evacuation events.

The provision of these access points would satisfy the applicable California Fire Code's emergency access requirements. Moreover, the width of these access points and internal roadways would adhere to all other applicable local and State requirements and standards to ensure that access roadways can accommodate fire apparatus vehicles and adequate turning radius, including Section 503, Fire Apparatus Access Roads, of the California Fire Code, as well as Chapter 8.20 of the Visalia Municipal Code. For the foregoing reasons, impacts related to adequate emergency access would be less than significant with mitigation implemented. (Draft EIR, pp. 3.14-29–30)

The City Council hereby finds that MM TRANS-11 is feasible, is hereby adopted, and will further reduce Impact TRANS-4. Accordingly, the City Council hereby finds that, pursuant to Public Resources Code Section 21081(a)(1) and CEQA Guidelines Section 15091(a)(1), changes or alterations have been required in, or incorporated into, the proposed project that mitigate or avoid the potentially significant impacts as identified in the Draft EIR. Therefore, impacts would be less than significant with mitigation incorporated. (Draft EIR, pp. 3.14-29–30)

Potential Effect

Cumulative Impact: Impacts related to transportation would be less than significant with mitigation incorporated. (Draft EIR, pp. 3.14-30)

Findings: Less than significant impact with mitigation incorporated. (Draft EIR, pp. 3.14-30–32) Changes or alterations have been required in, or incorporated into, the proposed project which avoid or substantially lessen the significant environmental effects as identified in the Draft EIR. (CEQA Guidelines § 15091(a)(1))

Mitigation Measures

Implement MM TRANS-1 through MM TRANS-11.

Facts in Support of Findings:
Transit, Bicycle, and Pedestrian Circulation and Facilities: The appropriate geographical context is roadway network and the transit, pedestrian, and bicycle facilities in the vicinity of the project site. Should construction or operation of the cumulative developments, as well as the proposed project, temporarily or permanently conflict with plans that facilitate transit (including existing connections), each project sponsor for the relevant cumulative project(s) would be required to coordinate with the City and the transit providers to provide alternative transit access or otherwise implement measures to avoid such conflicts. With respect to pedestrian and bicycle facilities, Cumulative Projects 1, 2, 4, 6, and 7 share a street with the proposed project. Since the project vicinity contains many existing agricultural uses that did not require frontage improvement, there are limited existing pedestrian and bicycle facilities.

Cumulative developments, similar to the proposed project, would be required to consider potential impacts associated with conflicts in facilitating pedestrian and bicycle connectivity and address accordingly, including, for example, funding and/or constructing additional pedestrian and bicycle facilities similar to the mitigation imposed on the proposed project (which involves the dedication of a 28-foot setback for a pedestrian trail along the south side of Modoc Ditch pursuant to MM TRANS-1 and the installation of trail improvements thereon pursuant to MM TRANS-10b). Neither the proposed project nor the other cumulative projects are expected to remove existing bicycle or pedestrian infrastructure. Moreover, cumulative developments, similar to the proposed project, would be required to implement frontage improvements in accordance with applicable standards, similar to the frontage improvements being constructed by the proposed (i.e., new bike lanes along Riggin Avenue and Class II bike lanes along Kelsey Street, Clancy Street, and Shirk Street), all of which would improve pedestrian and bicycle infrastructure. Therefore, cumulative impacts related to the circulation system in terms of transit, bicycle, and pedestrian facilities would be less than significant. Moreover, for the above reasons, the proposed project's contribution to this already less than significant cumulative impact would not be cumulatively considerable.

Consistency with Plans Addressing Level of Service: The appropriate geographical context for this cumulative analysis is the study area identified in the transportation analysis conducted for the proposed project. As noted above, LOS is typically no longer treated as an environmental impact under CEQA. However, where a local jurisdiction, such is the case here, has adopted specific LOS standards in its General Plan, it may be relevant to analyze LOS impacts from a CEQA perspective. Therefore, cumulative developments, similar to the proposed project, would be required to evaluate potential impacts to LOS from a consistency standpoint and implement measures to address any identified exceedances. Cumulative developments, similar to the proposed project, would also generate new vehicle trips, which may trigger or contribute to unacceptable intersection, roadway, and freeway operations. All cumulative developments, as with the proposed project, would be required to mitigate their fair share of impacts. With implementation of MM TRANS-3 through MM TRANS-9, project impacts would be less than significant. Therefore, the proposed project, in conjunction with other projects, would result in a cumulatively less than significant impact. Moreover, as explained above, the proposed project would not result in any LOS exceedances and it would fully mitigate the identified queueing deficiency through the installation of identified improvements set forth in the site-specific operational analysis. Thus, the proposed project would not have a cumulatively considerable contribution to this already less than significant cumulative impact.

VMT: The appropriate geographical context for this cumulative analysis is the roadway network and the transit, pedestrian, and bicycle facilities in the vicinity of the project site. Cumulative developments, similar to the proposed project, would involve VMT associated with these residential and nonresidential uses. However, each development would be required to comply with applicable State and local laws and regulations, including conducting a VMT analysis if said development was not screened out. If found to result in significant VMT impacts, each such development, similar to the proposed project, would be required to implement feasible TDM measures that would reduce VMT and encourage alternative modes of transportation, such as transit, bicycle use, and walking. The provision of transit, bicycle, and pedestrian facilities would depend on the nature of the cumulative development at issue and its location. Cumulative developments, similar to the proposed

project, would also be required to include facilities and provide TDM measures based on site-specific transportation studies prepared in connection therewith. Based on the foregoing, the proposed project, combined with other cumulative developments, would have a less than significant cumulative impact. Moreover, in terms of the proposed project's contribution to this less than significant cumulative VMT impact, given its nature and location combined with implementation of identified TDM measures, the proposed project's contribution would not be cumulatively considerable.

Roadway Safety and Emergency Access: The appropriate geographical context for this cumulative analysis is the roadway network and the transit, pedestrian, and bicycle facilities in the vicinity of the project site. Trucks used during the construction of cumulative developments, similar to the proposed project, would involve construction-related equipment utilizing roadways, which could create hazards with incompatible uses or potentially impair emergency access and evacuation. However, cumulative developments, as with the proposed project, would be required to utilize construction truck routes designated by the City and therefore would not conflict with the automobile traffic and bicycle and pedestrian activity along public streets. In addition, the relevant local engineering and planning departments would review plans for cumulative developments, similar to the proposed project, prior to construction permits in order to determine whether any construction traffic control plans would be required and would require the implementation of same, as necessary. Cumulative developments, as with the proposed project, would be required to mitigate such impacts as feasible. Roadways constructed as part of the cumulative developments, similar to the proposed project, would be required to meet applicable City and California Fire Code and other design standards. Moreover, there are a number of main arterials in the project vicinity that would be available for use by cumulative developments as well as service providers/nearby users in the event of an emergency response/evacuation. Furthermore, cumulative developments' driveways and access points, as with the proposed project, would be constructed in compliance with applicable provisions of the California Fire Code and other applicable regulations related to roadway safety and emergency access to facilitate efficient and effective circulation. As such, cumulative roadway safety and emergency access/evacuation impacts would be less than significant. Further, as described more fully above, the proposed project would not make a cumulatively considerable contribution to this already less than significant cumulative impact associated with roadway safety or emergency access/evacuation given its location and nature, its proposed thoughtful, approved circulation plan, its adherence to all applicable roadway design standards and requirements, and with the implementation of MM TRANS-11. As described in Impact TRANS-3, the proposed project would be required to implement MM TRANS-11 (Construction Traffic Control Plan) and MM TRANS-11 (fund additional safety roadway feature). Therefore, the proposed project's contribution to this already less than significant cumulative impact would not be cumulatively considerable with implementation of MM TRANS-8 and MM TRANS-9, which would make roadway improvements such as provide an additional lane and extend the turn pockets, and as such would facilitate emergency vehicles access and emergency evacuation. As such, the proposed project, in conjunction with other cumulative projects, would have a less than significant cumulative impact with respect to roadway safety and hazards, and the proposed project's contribution would not be cumulatively considerable. (Draft EIR, pp. 3.14-30–32)

The City Council hereby finds that MM TRANS-1 through MM TRANS-11 are feasible, are hereby adopted, and will further reduce cumulative transportation-related impacts. Accordingly, the City Council hereby finds that, pursuant to Public Resources Code Section 21081(a)(1) and CEQA Guidelines Section 15091(a)(1), changes or alterations have been required in, or incorporated into, the proposed project that mitigate or avoid the potentially significant cumulative impacts as identified in the Draft EIR. Therefore, cumulative impacts would be less than significant with mitigation incorporated. (Draft EIR, pp. 3.14-30–32)

1.6.8 - Utilities and Service Systems

Potential Effect

Impact UTIL-4: The proposed project could generate solid waste in excess of State or local standards, or in excess of the capacity of local infrastructure, or otherwise impair the attainment of solid waste reduction goals. (Draft EIR, p. 3.15-27)

Findings: Less than significant impact with mitigation incorporated. (Draft EIR, p. 3.15-29) Changes or alterations have been required in, or incorporated into, the proposed project which avoid or substantially lessen the significant environmental effects as identified in the Draft EIR. (CEQA Guidelines § 15091(a)(1))

Mitigation Measure

MM UTIL 1 Debris and Waste Generated Shall be Recycled to the Extent Feasible

The provisions listed below shall apply to the project during construction activities in connection with project development.

a. An on-site Recycling Coordinator shall be designated by the project proponent/contractor to facilitate recycling.
b. The Recycling Coordinator shall facilitate recycling of all construction waste through coordination with contractors, local waste haulers, and/or other facilities that recycle construction/demolition wastes.
c. The on-site Recycling Coordinator shall also be responsible for ensuring wastes requiring special disposal are handled according to State and County regulations that are in effect at the time of disposal.
d. Contact information of the coordinator shall be provided to the City of Visalia prior to issuance of building permits.
e. The project proponent/operator shall provide a storage area for recyclable materials within the fenced project area that is clearly identified for recycling. This area shall be maintained on the site during construction and operations. A site plan showing the recycling storage area shall be submitted prior to the issuance of any grading or building permit for the site.

Facts in Support of Findings: As detailed more fully in Section 3.15 of the Draft EIR, the proposed project would not generate any acutely hazardous material, and any other hazardous waste, such as fuels greases and solvents, generated or used during construction would be disposed of at an

approved facility in accordance with the comprehensive regulatory framework governing these issues. The proposed project is expected to generate a total of approximately 16,145,447 pounds or 8,073 tons of solid waste during the four years of construction, combined. This equates to approximately 8.3 tons per day, assuming a total of 980 days of construction. The County's three landfills are permitted to receive between 800 and 2,000 tons of waste per day. Construction/demolition debris generated by the proposed project represents a nominal percent (approximately 1 percent) of the quantity of solid waste that the landfill currently accepts on a daily basis. In order to further reduce this solid waste generation, the proposed project would be required to implement various measures to increase recycling. MM UTIL-1 would require that a Recycling Coordinator be identified to ensure the separation and proper disposal of recyclable materials and solid waste during construction. MM UTIL-1 also would require having recycling areas and receptacles on-site during construction to encourage recycling of materials to the extent feasible. In addition, compliance with applicable local and State laws and regulations would ensure that all construction waste would be conveyed to the appropriate solid waste facility and would be disposed of properly. Therefore, construction impacts related to landfill capacity would be less than significant with mitigation.

With respect to project operations, at full buildout, the proposed project would generate a total of an estimated 37,300 pounds of solid waste per day (18.65 tons), and approximately 13,614,500 pounds per year (6,807 tons), assuming operation 365 days per year. The landfills have a combined maximum capacity of 40,071,173 cubic yards and a remaining combined capacity of 22,340,353 cubic yards. The three landfills have expected closure dates ranging between 2024 and 2043; furthermore, the City is undertaking measures to expand the landfills and extend their lifespans so that the anticipated closure date does not mean that there has been a substantial loss in capacity that was not considered in the Draft EIR. As a result, the proposed project's estimated 18.65 tons of solid waste per day and 6,807 tons per year represent less than 1 percent of daily permitted capacity and overall landfill capacity. Pursuant to AB 939, cities are required to redirect at least 50 percent of municipal waste; as of 2009, the City reduced its annual waste tonnage collected by 25 percent, however no other data is provided by the City on its progress of achieving diversion rates in adherence to AB 939. Implementation of MM UTIL-1 (e) would require each specific individual development project to provide a recycling storage area for recyclable materials during operations and also adhere to all applicable requirements and standards under local and State laws and regulations. Therefore, the proposed project would be served by landfill(s) that contain sufficient capacity, and operational impacts related to landfill capacity and solid waste reduction goals consistency would be less than significant. (Draft EIR, pp. 3.15-27–29)

The City Council hereby finds that MM UTIL-1 is feasible, is hereby adopted, and will further reduce Impact UTIL-4 related to solid waste. Accordingly, the City Council hereby finds that, pursuant to Public Resources Code Section 21081(a)(1) and CEQA Guidelines Section 15091(a)(1), changes or alterations have been required in, or incorporated into, the proposed project that mitigate or avoid the potentially significant impacts as identified in the Draft EIR. Therefore, impacts would be less than significant with mitigation incorporated. (Draft EIR, pp. 3.15-27–29)

Potential Effect

Cumulative Impact: Impacts related to utilities would be less than significant with mitigation incorporated. (Draft EIR, pp. 3.15-30–32)

Findings: Less than significant impact with mitigation incorporated. (Draft EIR, pp. 3.15-30–32) Changes or alterations have been required in, or incorporated into, the proposed project which avoid or substantially lessen the significant environmental effects as identified in the Draft EIR. (CEQA Guidelines § 15091(a)(1))

Mitigation Measure

Implement MM UTIL-1.

Facts in Support of Findings:
Water: The geographic scope of the cumulative potable water analysis is the service area of Cal Water Visalia District. Water demand within the Visalia District's water service area is not expected to exceed District supplies at buildout under normal, single-dry and multiple-dry hydrologic conditions based on the District's existing supplies coupled with the implementation of its additional future planned projects, as discussed above and at length in Section 3.15 of the Draft EIR and the WSA (Draft EIR, Appendix J). Furthermore, some of the cumulative projects, similar to the proposed project, would convert the existing agricultural use to other uses that have a significantly smaller water demand. Furthermore, developers of the other cumulative projects, as with the proposed project, would be required to pay their proportionate share of required funding to the City/Visalia District for completion of necessary water infrastructure improvements (which includes recycled water infrastructure) as included in the relevant CIP. In addition, cumulative developments, similar to the proposed project, would be required to comply with provisions of the applicable laws and regulations in the Municipal Code and CALGreen related to water conservation. Therefore, cumulative impacts would be less than significant. As discussed above, the proposed project would also be required to comply with applicable City/County ordinances and General Plan Policies, as well as other laws and regulations that address water supply. The proposed project would also be required to pay applicable impact fees, which would then be combined with other impact fees by the Visalia District/City to help facilitate the completion of planned water infrastructure pursuant to the relevant CIP. For these reasons, the proposed project would not have a cumulatively considerable contribution toward this already less than significant cumulative impact related to water supply.

Wastewater: The geographic scope of the cumulative wastewater analysis is the service area of the City. The City has recently upgraded its WCP. The WCP has a maximum permitted capacity to treat a total of 22 million GPD and currently treats approximately 13 million GPD. The cumulative developments, similar to the proposed project, located in the City are within its service area and would generate volumes of wastewater conveyed to and treated at the WCP. The City has anticipated demand that would need to be accommodated by existing and planned growth reflected in the cumulative developments, as with the proposed project, and has determined that WCP capacity would exist to service the demand for wastewater treatment facilities given the existing capacity, coupled with the planned upgrades discussed in Impact UTL-3.

Cumulative developments, similar to the proposed project, would be required to pay applicable fees in effect at the time building permits are issued. Therefore, cumulative impacts would be less than significant. As discussed above, the proposed project would also be required to comply with applicable City/County ordinances and General Plan Policies, as well as other laws and regulations that address wastewater demand and treatment. The proposed project would also be required to pay applicable impact fees, which would then be combined with other impact fees by the Visalia District/City to help facilitate the completion of planned wastewater infrastructure pursuant to the relevant CIP. Accordingly, the proposed project's contribution to this less than significant impact related to wastewater generation and treatment would not be cumulatively considerable.

Storm Drainage: The geographic scope of the cumulative analysis of storm drainage is the areas with the City's municipal boundaries that drain to the storm drainage system and to the Kaweah River's Delta system. The cumulative developments, similar to the proposed project, would undergo their own CEQA review, which would evaluate and be required to mitigate any potential significant impacts with storm drainage pursuant to applicable laws and regulations. In addition, consistent with measures in the Municipal Code and other applicable standards and requirements, all cumulative developments, as with the proposed project, would be required to incorporate a stormwater control plan and stormwater collection systems into each development that would in turn reduce the volume and velocity of stormwater runoff that cumulative projects, similar to the proposed project, would generate to adhere to applicable performance standards. Therefore, cumulative impacts in this regard would be less than significant. For these same reasons, and as further discussed above, the proposed project's contribution to this already less than significant impact related to storm drainage would not be cumulatively considerable.

Solid Waste: The geographical area for considering cumulative impacts associated with solid waste is the geographic area covered by the Tulare County Solid Waste Division. Cumulative development (residential and nonresidential), similar to the proposed project, would increase demand on solid waste facilities to receive, process, and store solid waste. Existing solid waste facilities provide sufficient capacity to serve all cumulative development, the proposed project, as well as existing, planned, and probable future land uses in the City for the foreseeable future. These landfills have a combined maximum total permitted capacity of 40,071,173 cubic yards and a remaining total capacity of approximately 22,340,353 cubic yards. Additionally, other cumulative projects within the cumulative geographic context, similar to the proposed project, would be required to comply with applicable federal, State, and local laws, regulations and policies to address and mitigate, as necessary, any potentially significant impacts related to solid waste. For these reasons, cumulative impacts to solid waste would be less than significant.

The proposed project's contribution to this already less than significant cumulative impact would not be cumulatively considerable. The total amount of anticipated waste volume of development associated with the proposed project at full buildout represents less than 1 percent of the landfills' permitted daily capacity. Furthermore, implementation of MM UTIL-1 would help ensure effective and consistent recycling, including, among other things, requiring that a Recycling Coordinator be identified to ensure the separation and proper disposal of recyclable materials and solid waste during construction. MM UTIL-1 also requires having recycling areas and receptacles on-site during construction to encourage recycling of materials to the extent feasible. Therefore, the proposed

project, in conjunction with other cumulative projects, would result in a less than significant cumulative impact related to solid waste generation and landfill capacity.

Energy (electricity and natural gas): The geographic scope of the cumulative energy analysis is the portion of SCE's service area that covers incorporated and unincorporated Tulare County. During operation, cumulative projects would be required to comply with applicable provisions of Title 24 Building Energy Efficiency Standards and CALGreen, which include minimum energy efficiency requirements related to building envelope, mechanical systems (e.g., HVAC and water heating systems), and indoor and outdoor lighting). Future cumulative development would also be required to meet even more stringent energy efficiency requirements through local and Statewide policy, such as Title 24, Part 6, which would require, for example, that newly constructed residential homes include on-site photovoltaic solar systems, with some exceptions. Furthermore, SCE, which supplies electricity to the project site and vicinity, would be required by SB 100 to incrementally increase the proportion of renewable electricity generation supplying its instate retail sales until it reaches 100 percent carbon-free electricity generation by 2045. Electricity would also be consumed during construction of the cumulative projects from the use of construction trailers and any electrically driven equipment, vehicles, or tools. Electricity consumed during construction of the cumulative projects would also be subject to the renewable electricity generation requirements established by SB 100, as SCE would be the anticipated electricity supplier for the cumulative project areas. The incorporation of these regulations into the design of the cumulative projects would ensure that they would not result in the inefficient, unnecessary, or wasteful consumption of electricity or natural gas, and thus they would not have a significant cumulative impact.

Similarly, the proposed project's energy use would be limited to that which is necessary for the construction and operation of the proposed project. The proposed project would be required to comply with applicable Statewide and local policies and standards pertaining to energy efficiency and can reasonably be assumed to pursue greater energy efficiencies to the extent commercially practicable in its operation, in the interest of reducing operating costs. As such, the proposed project's incremental contribution to the less than significant cumulative impact would not be considerable with respect to energy consumption in the form of electricity and natural gas. Cumulative projects would be required to comply with California Code of Regulations Title 13, Sections 2449(d)(3) and 2485, that limit idling from both on-road and off-road diesel-powered equipment, which is enforced by the ARB. Additionally, various federal and State regulations, including the Low Carbon Fuel Standards (LCFS), Pavley Clean Car Standards, and Low Emission Vehicle (LEV) Program, would serve to reduce the transportation fuel demand of cumulative projects.

Therefore, the proposed project's incremental contribution to the less than significant cumulative impact would not be considerable with respect to the wasteful or inefficient use of energy.

Telecommunications: The appropriate geographical scope for this cumulative analysis is the service area of local providers. Cumulative developments, similar to the proposed project, would increase demand for internet and telephone services provided by local telecommunications providers. These cumulative projects would coordinate with telecommunication providers to provide service, and would be required to ensure there is sufficient capacity to serve each project, through analysis and

adequate mitigation, as necessary; to the extent there was a need to install new or expanded facilities, this would be evaluated from a CEQA perspective and feasibly mitigated, as needed. For these reasons, cumulative impacts with respect to telecommunications would be less than significant. Similarly, the proposed project would also coordinate with telecommunication providers to provide service, which have already confirmed capacity to serve project operations, and therefore proposed project's contribution to this already less than significant cumulative impact would not be cumulatively considerable. Therefore, the proposed project, in conjunction with other cumulative projects, would result in a less than significant cumulative impact related to telecommunications.

The City Council hereby finds that MM UTIL-1 is feasible, is hereby adopted, and will further reduce cumulative utilities and service system impacts. Accordingly, the City Council hereby finds that, pursuant to Public Resources Code Section 21081(a)(1) and CEQA Guidelines Section 15091(a)(1), changes or alterations have been required in, or incorporated into, the proposed project that mitigate or avoid the potentially significant impacts as identified in the Draft EIR. Therefore, impacts would be less than significant with mitigation incorporated. (Draft EIR, pp. 3.15-30–32)

1.7 - Impacts Identified in the Draft EIR as Being Significant and Unavoidable Even After the Implementation of All Feasible Mitigation Measures

The City Council, as Lead Agency, hereby finds that, despite the incorporation of feasible mitigation measures identified in the Draft EIR and the attached MMRP, the following impacts from the proposed project cannot be fully mitigated to a less than significant level and a Statement of Overriding Considerations is therefore included herein.

1.7.1 - Agriculture and Forest Resources

Impact AG-1: The proposed project would convert Prime Farmland, Unique Farmland, or Farmland of Statewide Importance (Farmland) as shown on the maps prepared pursuant to the Farmland Mapping and Monitoring Program of the California Resources Agency, to nonagricultural use. (Draft EIR, p. 3.2-12)

Findings: Changes or alterations have been required in, or incorporated into, the proposed project which avoid or substantially lessen the significant environmental effects as identified in the Draft EIR. (CEQA Guidelines § 15091(a)(1)) However, impacts would still remain significant and unavoidable even with feasible mitigation incorporated. Specific economic, legal, social, technological, or other considerations, including provision of employment opportunities for highly trained workers, make infeasible the mitigation measure or project alternatives identified in the Draft EIR. (CEQA Guidelines § 15091(a)(3))

Mitigation Measures

No feasible mitigation measures are available.

Facts in Support of Findings: The project site contains approximately 284 acres of designated Prime Farmland identified on the current Farmland Mapping and Monitoring Program (FMMP) mapping. The project site is in current agricultural cultivation that would cease with the development of the proposed project. The proposed project is consistent with the urbanized industrial/light industrial

land use designations and intensity of development established by the General Plan; thus, conversion to industrial use was envisioned as part of buildout under the General Plan and was previously evaluated and disclosed in the General Plan EIR, including the City Council's adoption of a Statement of Overriding Considerations in connection therewith. According to the General Plan EIR, buildout of the General Plan would result in the conversion of 14,265 acres (or 33 percent) of the existing Important Farmland within the Planning Area to urban uses, which may include park and open space designations. Of this land, 12,490 acres is classified as Prime Farmland, representing 37 percent of the existing Prime Farmland within the Planning Area. The General Plan EIR determined that, aside from preventing development altogether, conversion of Important Farmland could not be directly mitigated to a less than significant level.

General Plan Policies identified in Impact 3.5-1 of the General Plan EIR assist in reducing the severity of impacts related to the loss of Prime Farmland while still supporting the General Plan's goals and policies of accommodating a certain amount of growth within the Planning Area. In particular, Policy LU-P-34 requires the City to create and adopt a mitigation program to address the conversion of Prime Farmland and Farmland of Statewide Importance in Tiers II and III of the UDB. This mitigation program for Tiers II and III requires a 1:1 ratio of agricultural land preserved to agricultural land converted and also requires agricultural land to be preserved equivalent to agricultural land converted. As noted in Section 3.2 of the Draft EIR, the City adopted an Agricultural Preservation Ordinance on May 15, 2023, pursuant to Policy LU-P-34. However, as noted therein, Policy LU-P-34 explicitly exempts conversions of agricultural lands located in UDB Tier I, such as the project site, from the mitigation program. Therefore, the mitigation program required in LU-P-34 would not be applicable to the proposed project. Although the General Plan EIR concluded that implementation of policies in the General Plan would reduce some agricultural impacts for General Plan buildout, over 14,000 acres of the existing Important Farmland would be lost. Therefore, the General Plan EIR determined that conversion of farmland from General Plan buildout would be significant and unavoidable.

Although previously addressed in the certified General Plan EIR, for purposes of a comprehensive and conservative analysis, the Draft EIR evaluates and discloses that the proposed project would result in the loss of Prime Farmland as a result of the proposed urban uses. Furthermore, despite the fact this conversion was already evaluated and disclosed as part of the General Plan EIR, the Draft EIR conservatively concludes that the proposed project would result in significant and unavoidable impacts related to the conversion of Important Farmland. Because, however, Policy LU-P-34 does not apply to Tier 1 lands, there is no feasible method to mitigate the loss of this Important Farmland. Mitigation under CEQA is limited to those powers the City already has under the law. CEQA does not create new and distinct legal authority. Furthermore, as recognized by CEQA Guidelines § 15126.4(a)(4), mitigation measures must be consistent with all applicable constitutional and related legal nexus requirements. Where the City determines that a suggested mitigation measure cannot be legally imposed, and thus is not legally feasible, that measure need not be analyzed. Instead, the Draft EIR may simply reference that fact and briefly explain the reasons underlying the City's determination. CEQA Guidelines § 15126.4(a)(5).

Given the City's goal to implement full buildout of its General Plan land use vision with a balance of uses, while taking into appropriate consideration the importance of agricultural resources, General

Plan Policy LU-P-34 requires the City to create and adopt a mitigation program via adoption of an Agricultural Preservation Ordinance to address the conversion of Prime Farmland and Farmland of Statewide Importance in Tiers II and III of the UDB. While this policy identifies specific requirements for properties located in Tiers II and III, as stated above, it specifically exempts lands located in Tier I from these mitigation requirements. This is consistent with the City's concentric growth pattern strategy, which prioritizes conversion of agricultural lands that are closest to the City's municipal boundaries. Development in this fashion helps to maintain the maximum amount of contiguous Important Farmland, avoiding "patchwork" easements and dispersed development in a manner that cannot be guaranteed through the requirement of purchasing agricultural easements.

The City adopted the Agricultural Preservation Ordinance on May 15, 2023. However, pursuant to General Plan Policy LU-P-34, it contains a specific exemption for lands within Tier 1, such as the project site. Accordingly, there is no available legally feasible mechanism for the City to impose mitigation requiring the acquisition of an off-site conservation easement, payment of in lieu funding for same, or some other unspecified mitigation.

Moreover, as noted above and discussed at length in the EIR, the project site has long been identified for conversion to urban uses. This reflects the City's overall land use strategy that ensures the areas identified for growth are contiguous to existing development and to each other, and thus City policies clearly require sequencing of growth so that minimal fragmentation of agricultural land will occur. The General Plan's three-tier growth management system reinforces Visalia's compact form, minimizing the interface between farming and urban uses. The General Plan establishes greenbelt buffers along the urban edge in some places, while providing requirements for buffering and screening of private development elsewhere. Furthermore, the City's urbanized land use vision for the project site and vicinity is evident in that the adjacent existing surrounding uses consist of industrial uses such as an Amazon distribution center and United Parcel Service (UPS) distribution hub. However, for the reasons set forth above, impacts would be significant and unavoidable.

The City Council hereby finds that no feasible mitigation measures are available and that impacts related to the loss of Prime Farmland, Unique Farmland, or Farmland of Statewide Importance remain significant and unavoidable. (Draft EIR, p. 3.2-11).

Cumulative Impact: Even with implementation of all available feasible mitigation measures, the proposed project would result in significant and unavoidable cumulative impacts with respect to the loss of Prime Farmland, Unique Farmland, or Farmland of Statewide Importance. (Draft EIR, p. 3.2-15)

Findings: Changes or alterations have been required in, or incorporated into, the proposed project which avoid or substantially lessen the significant environmental effects as identified in the Draft EIR. (CEQA Guidelines § 15091(a)(1)) However, impacts would still remain significant and unavoidable even with mitigation incorporated. Specific economic, legal, social, technological, or other considerations, including provision of employment opportunities for highly trained workers, make infeasible the mitigation measure or project alternatives identified in the Draft EIR. (CEQA Guidelines § 15091(a)(3))

Mitigation Measures

No feasible mitigation measures are available.

Facts in Support of Findings: Given the nature of agricultural resources, the geographic scope of this cumulative analysis includes past, present and reasonably foreseeable future projects on lands within the City's Planning Area. As shown in Exhibit 3-1 (Draft EIR, p. 3.2-5), the relevant Cumulative Projects 1, 2, 3, 4, and 6 are industrial uses; the relevant Cumulative Projects 5 and 8 are residential projects; and the relevant Cumulative Project 7 is a Mixed-Use Development Specific Plan. The General Plan EIR addressed this issue at length in considering the impacts associated with its planned growth, including that being pursued by these relevant other cumulative projects, and already disclosed impacts to agricultural resources due to conversion as a significant and unavoidable impact.

The proposed project is within Tier 1, which has been deemed as land to be converted from agricultural land to urban development. Much of the Tier I area that is identified for development of various cumulative developments, as with the proposed project, consists of Important Farmland that would be converted to nonagricultural uses with implementation of same, consistent with urban development already envisioned by the General Plan Land Use Element. Development within Tier II and III of the UDB that would convert Prime Farmland is subject to the 1:1 ratio of agricultural land preservation elsewhere outside of the City's UDB, once the City adopts the applicable agricultural mitigation ordinance. Cumulative Projects 1–5 and Cumulative Project 8 are in Tier I of the UDB, and Cumulative Projects 6 and 7 are in Tier II. According to the General Plan, all of the foregoing development is planned growth occurring within areas designated or otherwise planned for industrial and residential development. The certified General Plan EIR specifies that, while the growth of the City will incur unavoidable losses of farmland, the severity of the losses can be minimized to the extent feasible through adherence to the compact, concentric development plan outlined in the General Plan and long contemplated for development by both the City and County. Development in this fashion will help to maintain the maximum amount of contiguous Important Farmland, avoiding "patchwork" easements and dispersed development in a manner that cannot be guaranteed through the requirement of purchasing agricultural easements.

The development of the proposed project would further contribute to the identified significant cumulative impact, due to the loss of approximately 284 acres of Prime Farmland, which has been identified as an individual significant and unavoidable impact due to lack of feasible mitigation. Moreover, the proposed project's contribution to this significant cumulative effect to agricultural resources would be considered cumulatively considerable. Impacts associated with the Williamson Act Contract were less than significant (as discussed above); however, the proposed project would result in the loss of Williamson Act lands. The proposed project's contribution to this significant cumulative effect to Williamson Act lands would be considered cumulatively considerable.

The geographic scope of this cumulative analysis with respect to forestry resources is lands within the City of Visalia Planning Area. As mapped by the United States Department of Agriculture (USDA) Forest Service, there are no National Forest lands within the City or the City's Planning Area. The project site and the other sites upon which the cumulative developments would be developed do not contain forest land or timberland, as defined by Public Resource Code Section 4526, nor do they

contain any timberland zoned Timberland Production, as defined by Government Code Section 51104(g). Therefore, the cumulative developments, as with the proposed project, would not conflict with forest zoning or converting forest land to non-forest use, and thus there would be no significant cumulative impact in this regard. Furthermore, because there is no forest land or timberland on the project site, the proposed project would not have any contribution to this already less than significant impact. Therefore, the proposed project's contribution to this less than significant impact would not be cumulatively considerable, and the proposed project would not have a cumulatively considerable contribution to the already less than significant cumulative impact to forestry resources. (Draft EIR, p. 3.2-15)

The City Council hereby finds that no feasible mitigation measures are available and that cumulative impacts related to the loss of Prime Farmland, Unique Farmland, or Farmland of Statewide Importance remain significant and unavoidable. (Draft EIR, p. 3.2-15)

1.7.2 - Air Quality

Impact AIR-1: The proposed project would conflict with or obstruct implementation of the applicable air quality plan. (Draft EIR, p. 3.3-41)

Findings: Changes or alterations have been required in, or incorporated into, the proposed project which avoid or substantially lessen the significant environmental effects as identified in the Draft EIR. (CEQA Guidelines § 15091(a)(1)) However, impacts would still remain significant and unavoidable even with mitigation incorporated. Specific economic, legal, social, technological, or other considerations, including provision of employment opportunities for highly trained workers, make infeasible the mitigation measure or project alternatives identified in the Draft EIR. (CEQA Guidelines § 15091(a)(3))

Mitigation Measures

Implement MM AIR-2a through MM AIR-2g (see Impact AIR-2).

Facts in Support of Findings:
In accordance with relevant Valley Air District thresholds and methodologies, this evaluation utilizes the following criteria for determining project consistency with the current Air Quality Plan (AQP):

Criterion 1: Will the proposed project support the primary goals of the AQP?
As discussed in detail in Section 3.3 of the Draft EIR and Appendix B (Technical Report), the proposed project would involve the type of land uses contemplated by the City's General Plan and would be within the allowable FAR ratio required under and assumed by the City General Plan's relevant land use designations. In addition, according to the Visalia Zoning Ordinance, Table 17.25.030, the proposed project's objective of providing an automated car wash and fast food/quick serve restaurants with a drive-through would be allowed with a conditional use permit and the self storage and fueling station uses, as well as the light manufacturing, warehouse, distribution, and/or flex industrial uses, would all be permitted by right under the applicable light industrial/industrial zoning. Furthermore, with approval of the requested Conditional Use Permits (CUP) for the convenience store, drive-through lanes, and certain lot sizes set forth in the proposed development plan, the proposed project would not have the potential to conflict with the contemplated land use vision and

thus assumed growth projections for the project site. As such, the proposed project would be consistent with the growth projections assumed in the City's General Plan and thus the relevant AQP, and thus would not result in any unplanned growth and associated emissions. Therefore, the proposed project's impacts would be consistent with this criterion and support the primary goal of the AQP.

Criterion 2: Will the proposed project comply with applicable control measures in the AQP?
The proposed project would be required to comply with all applicable Valley Air District rules and regulations through the issuance of applicable permits and applications and otherwise would be subject to District oversight pursuant to the applicable regulatory framework. Furthermore, consistency with the City of Visalia General Plan Policy AQ-P-2 would require the proposed project to implement applicable measures outlined in Regulation VIII. Therefore, the proposed project complies with this criterion and would not conflict with or obstruct implementation of the applicable air quality attainment plan for this criterion.

Criterion 3: Will the proposed project disrupt or hinder implementation of any AQP control measures?
Because of the region's nonattainment status for ozone, $PM_{2.5}$, and PM_{10}, if project-generated emissions of either of the ozone precursor pollutants (ROG and/or NO_x), PM_{10}, or $PM_{2.5}$ would exceed the Valley Air District's applicable significance thresholds, then the proposed project would be considered to disrupt or hinder implementation of the relevant AQP control measures designed to attain the relevant air quality standards and thus would be in conflict with the attainment plans. As discussed in Impact AIR-2 below, annual emissions of ROG, PM_{10}, and $PM_{2.5}$ associated with the construction of the proposed project would not exceed the Valley Air District's applicable significance thresholds after incorporation of mitigation. However, emissions of nitrogen dioxide ($NO_{X)}$ would exceed the Valley Air District's localized significance thresholds even after implementation of identified feasible mitigation. Also as discussed in Impact AIR-2, operation of the proposed project would have the potential to exceed regional significance thresholds for ROG, PM_{10}, and NO_X, and would have the potential to result in a violation of localized standards, even after incorporation of feasible mitigation. In addition, the proposed project could result in maximum daily CO emissions that would violate applicable CO standards. However, the proposed project would not result in a CO hotspot. Therefore, the proposed project has the potential to exceed applicable Valley Air District significance thresholds during construction and operation even after incorporation of the identified feasible mitigation. Thus, project impacts in this regard would remain significant and unavoidable. Accordingly, the proposed project would not comply with this criterion and therefore would be considered to disrupt or hinder implementation of AQP control measures designed to attain relevant air quality standards.

The City Council hereby finds that MM AIR-2a through MM AIR-2g are feasible, are hereby adopted and will reduce impacts to the fullest extent possible; however, impacts related to emissions that would exceed applicable thresholds which would disrupt or hinder implementation of the AQP control measures remain significant and unavoidable. (Draft EIR, p. 3.3-41)

Impact AIR-2: The proposed project would result in a cumulatively considerable net increase of any criteria pollutant for which the project region is nonattainment under an applicable federal or State ambient air quality standard. (Draft EIR, p. 3.3-44)

Findings: Changes or alterations have been required in, or incorporated into, the proposed project which avoid or substantially lessen the significant environmental effects as identified in the Draft EIR. (CEQA Guidelines § 15091(a)(1)) However, impacts would still remain significant and unavoidable even with mitigation incorporated. Specific economic, legal, social, technological, or other considerations, including provision of employment opportunities for highly trained workers, make infeasible the mitigation measure or project alternatives identified in the Draft EIR. (CEQA Guidelines § 15091(a)(3))

Mitigation Measures

MM AIR-2a Use of Tier IV or Tier IV Equivalent Construction Off-Road Equipment

Before a construction permit is issued for the proposed project, the project sponsors shall submit construction emissions minimization plans to the City of Visalia for review and approval. The construction emissions minimization plans shall detail compliance with the following requirements:

(1) Subject to same being commercially available, all off-road equipment utilized in connection with the subject individual development proposal shall have engines that meet either EPA or ARB Tier IV Final off-road emission standards. Provided, however, if engines that comply with Tier IV Final off-road emission standards are not commercially available, then the construction contractor shall use the next cleanest piece of off-road equipment (e.g., Tier IV Interim) available. For purposes of this mitigation measure, "commercially available" shall mean the availability of Tier IV Interim engines taking into consideration factors such as (i) critical-path timing of construction; (ii) costs of utilizing same are commercially practicable; and (iii) geographic proximity to the project site of equipment. The relevant contractor's provision to the City letters from at least two rental companies for each piece of off-road equipment that reasonably documents the lack of commercially available off-road equipment shall be deemed sufficient for purposes of complying with this mitigation measure. The project applicant and contractor shall consider the use of near zero-emission or electric construction equipment if that type of equipment is commercially available at the time of grading permit submittal.
(2) Post signage on the project site stating that construction equipment idling times shall not exceed five minutes.

MM AIR-2b Super Compliant Architectural Coating During Construction

Prior to issuance of a grading permit in connection with an individual specific development proposal for the proposed project, the relevant project sponsor shall submit to the City of Visalia construction contracts and/or subcontracts reasonably documenting that all architectural coating material utilized in connection with the subject individual specific development proposal would not exceed 10 grams of volatile organic compound (VOC) per liter of coating.

To satisfy the above, the relevant project sponsor shall include in any construction contracts and/or subcontracts for the subject individual specific development proposal a requirement that all interior and exterior architectural coatings used in project construction meet the "supercompliant" coating VOC content standard of 10 grams or less of VOC per liter of coating. The relevant project sponsor shall also specify in the subject construction contracts and/or subcontracts the requirement to use high-volume, low-pressure spray guns during coating applications to reduce coating waste.

MM AIR-2c Electric or Zero-Emission On-site Off-Road and On-Road Service Equipment

Prior to issuance of the construction grading permit in connection with an individual specific development proposal for the proposed project, the relevant project sponsor shall provide reasonable documentation to demonstrate to the City of Visalia that all on-site off-road and on-road service equipment will utilize zero-emission technology, subject to the same being commercially practicable. Additionally, the relevant project sponsor shall provide reasonable documentation to the City of Visalia Planning Division that all proposed buildings in connection with the subject individual specific development proposal that would use on-site service equipment will be designed to include electric outlets to equipment support the use of all-electric or zero-emission on-site service equipment, subject to the same being commercially practicable.

MM AIR-2d Electric Vehicle Charging Infrastructure

Prior to issuance of the grading or building permit in connection with an individual specific development proposal for the proposed project, whichever occurs first, the relevant project sponsor shall provide reasonable documentation to the City of Visalia demonstrating that the subject individual specific development proposal shall incorporate infrastructure for electric vehicle (EV) charging stations into a minimum of 20 percent of all vehicle parking spaces (including parking for trucks), consistent with the applicable California Green Building Standards Code Tier 1 Nonresidential Mandatory Measure (Section A5.106.5.3). To satisfy the foregoing, EV charging spaces must provide electrical vehicle charging infrastructure to support future installation of EV supply equipment and shall meet the applicable design space requirements of California Green Building Standards Code Section 5.106.5.3.

In addition, the buildings' electrical room shall be sufficiently sized to hold additional panels that may be needed to supply power for the future installation of EV truck charging stations on the site. Conduit should be installed from the electrical room to tractor trailer parking spaces in a logical location(s) on the site determined by the project applicant during construction document plan check, for the purpose of accommodating the future installation of EV truck charging stations at such time this technology becomes commercially available and the buildings are being served by trucks with electric powered engines.

MM AIR-2e On-Site Signage and Pavement Markings

In connection with an individual specific development proposal for the proposed project, whichever occurs first, the relevant project sponsor shall provide reasonable documentation to the City of Visalia demonstrating signage and pavement marking that show on-site circulation routes have been or will be included along the relevant portions of the project site driveways and internal roadways.

MM AIR-2f Vegetative Barrier

Prior to issuance of the grading or building permit in connection with an individual specific development proposal for the proposed project, whichever occurs first, the relevant project sponsor shall provide reasonable documentation to the City of Visalia demonstrating the inclusion of a vegetative barrier along the south and east property boundaries of the project site. Prior to issuance of first occupancy permit, the project applicant shall demonstrate to the City of Visalia the installation of the vegetative barrier at the described locations.

MM AIR-2g Voluntary Emission Reduction Agreement

Prior to issuance of the grading or building permit in connection with an individual specific development proposal for the proposed project, whichever occurs first, the relevant project sponsor shall consult with the City of Visalia about the feasibility of entering into a Voluntary Emissions Reduction Agreement (VERA) with the Valley Air District.

Facts in Support of Findings: The primary pollutants of concern during project construction and operation are ROG, NO_x, PM_{10}, and $PM_{2.5.}$ As shown in Table 3.3-13 of the Draft EIR, the unmitigated construction emissions assuming the sequential implementation of phases would exceed the significance thresholds for NO_X. In addition, if there were concurrent implementation of construction phases this level of activity would exceed the significance threshold for ROG and NO_X, which reflects the reasonable worst-case scenario maximum annual emissions. Therefore, construction emissions would be potentially significant. As a result, the proposed project would need to include the following feasible construction mitigation measures: MM AIR-2a–Use and Operation of Tier IV or Equivalent Construction Equipment; and MM AIR-2b–Use of Low VOC Architectural Coating Materials.

With implementation of MM AIR-2a and -2b, assuming the sequential implementation of phases, ROG and NO_X emissions would be reduced below the Valley Air District 10 tons per year threshold. However, if construction Phases 1, 2, and 3 were to overlap (i.e., concurrent phasing), the proposed project would still exceed Valley Air District thresholds of 10 tons per year for NO_X even with implementation of this mitigation, as shown in the reasonable worse-case scenario. Moreover, no other feasible mitigation measures exist that could reduce NO_X emissions further because, as detailed more fully in the EIR, the majority of emissions would be due to the amount of construction equipment in use. Even with MM AIR-2a, the concurrent schedule would result in such a large amount of construction activity occurring at the same time, it would not be feasible to reduce the

resulting NO_X emissions. Therefore, construction emission impacts would be significant and unavoidable.

Regional operational emissions would exceed the Valley Air District's threshold of significance for ROG, NO_X, and PM_{10}; this would be a potentially significant impact. The proposed project would not exceed thresholds for CO, SO_X, or $PM_{2.5}$. As a result, the analysis set forth in the Draft EIR and related technical report, as well as in the Final EIR, has identified feasible mitigation to help reduce emissions in this regard. MM AIR-2c through MM AIR2g would contribute toward NO_X emissions reductions. However, there is not sufficient information to guarantee that the proposed project could feasibly implement the reduction measures associated with these mitigation measures. Moreover, the project applicant(s) would not have ownership over the operational truck fleets because they would be owned and operated by third-party vendors, and as such, the proposed project applicant(s) could not guarantee mitigation in this fashion to reduce the impacts of the primary source of operational emissions to less than significant levels. Therefore, in the absence of certainty that the identified mitigation can be feasibly mitigated such that project impacts would be reduced to a less than significant level, impacts would remain significant and unavoidable due to NO_X during construction and ROG, NO_X, PM_{10} during operation of the proposed project.

During operation at full buildout, the proposed project would generate up to 21,409 daily vehicle trips. According to the Visalia General Plan EIR, Chapter 3.2 Transportation, Table 3.2-6, Shirk Avenue would experience at most 24,900 Average Annual Daily Trips (AADT). As a result, the addition of the proposed project's anticipated actual trips would result in up to 46,000 daily vehicle trips, which is not close to what was analyzed in the 1992 CO Plan. Therefore, none of the intersections near the project site would have peak-hour traffic volumes exceeding those at the intersections modeled in the 1992 CO Plan, nor would there be any reason unique to the local meteorology to conclude that this intersection would yield higher CO concentrations if modeled in detail because the project site is not located in an area where air flow would be severely restricted, such as a tunnel or canyon. In conclusion, the addition of the proposed project's daily trips would not generate a CO hotspot at local intersections and operational CO impact would be less than significant.

The proposed project would exceed the applicable screening threshold for CO after inclusion of MM AIR-2a. However, no additional, feasible mitigation would be applicable to further reduce construction CO emissions because the primary source of CO emissions is due to the operation of fossil fuel powered construction equipment. As discussed more fully in the EIR and related technical report, despite the implementation of MM AIR-2a requiring all construction equipment meet Tier IV or equivalent standards to the extent such equipment is reasonably commercially available, all construction equipment would still emit CO and impacts would be significant and unavoidable. Electric construction equipment can be used in lieu of Tier IV equipment and would reduce CO emissions. However, because the availability of electric off-road equipment is limited compared to other clean equipment alternatives (such as Tier IV), it cannot be assumed that the proposed project could, in a commercially practicable manner, replace enough off-road equipment with electric off-road equipment to reduce impacts to a less than significant level during construction.

The proposed project would exceed the Valley Air District screening thresholds for CO but would not exceed other operational screening thresholds. As shown in Table 3.3-18 of the Draft EIR, the

majority of CO emissions would be from mobile sources, such as passenger vehicles driven by employees to access the project site and trucks delivering and receiving goods. For example, it is reasonable to assume that the majority of employees would drive personal vehicles to the project site; in order to significantly reduce emissions in connection therewith, most of the personal vehicles would need to zero-emission, which would not be reasonable to assume given cost and availability, among other considerations. Thus, implementing such a measure would not be feasible to implement nor could it be feasibly enforced, due to a lack of realistic and legally available enforcement mechanisms the City could reasonably rely upon to enforce such a measure with respect to the nature of personal employee vehicles used for the life of the proposed project. As presented previously and discussed further in Section 3.5 of the Draft EIR, if MM AIR-2c through -2f were implemented, this would reduce operational emissions, but would not reduce emissions below the applicable thresholds. As a result, since feasible mitigation would not reduce project operational emissions below the applicable thresholds, the proposed project's operational impacts would be significant and unavoidable.

In conclusion, regional emissions generated by the proposed project would exceed applicable thresholds despite compliance with all applicable rules, regulations, and implementation of feasible mitigation measures during construction and operation. Localized operational emissions would also present a potentially significant impact after incorporation of identified mitigation. Both of these impacts would be significant and unavoidable given the lack of feasible measures, including, without limitation, the lack of certainty with respect to implementation of feasible mitigation. (Draft EIR, p. 3.3-44)

The City Council hereby finds that MM AIR-2a through MM AIR-2g are feasible, are hereby adopted and will reduce impacts to the fullest extent possible; however, impacts related to regional emissions and localized operational emissions remain significant and unavoidable. (Draft EIR, pp. 3.3-44–57)

Cumulative Impact: The proposed project would have a significant and unavoidable cumulative impact related to air quality. (Draft EIR, p. 3.3-71)

Findings: Changes or alterations have been required in, or incorporated into, the proposed project which avoid or substantially lessen the significant environmental effects as identified in the Draft EIR. (CEQA Guidelines § 15091(a)(1)) However, impacts would still remain significant and unavoidable even with mitigation incorporated. Specific economic, legal, social, technological, or other considerations, including provision of employment opportunities for highly trained workers, make infeasible the mitigation measure or project alternatives identified in the Draft EIR. (CEQA Guidelines § 15091(a)(3))

Mitigation Measures

Implement MM AIR-2a through MM AIR-2g (see Impact AIR-2).

Facts in Support of Findings: The geographic scope considered for cumulative impacts to air quality is the Air Basin. In developing mass emission thresholds of significance for criteria pollutants and ozone precursors, the Valley Air District considers the emission levels for which a project's individual emissions would be cumulatively considerable. Therefore, if a project would exceed the identified

construction or operational significance thresholds, its emissions would be cumulatively considerable. The Air Basin is in nonattainment for ozone, PM_{10}, and $PM_{2.5}$, which means that the background levels of those pollutants are at times higher than the ambient air quality standards and a cumulative air quality impact currently exists for the region. Therefore, if a project exceeds the Valley Air District significance thresholds for ozone precursor emissions or emissions of PM_{10} or $PM_{2.5}$, that project would be considered to contribute to an existing cumulative air quality impact. As discussed in Impact AIR-2, MMs AIR-1a through AIR-1g would reduce the proposed project's potentially significant air quality impacts related to ozone precursor emissions during construction; however, as discussed in Impact AIR-2, project construction emissions for NO_X would remain potentially significant after implementation of identified mitigation should all three project phases be constructed concurrently. In addition, because the full implementation of MM AIR-1g cannot be guaranteed during project operation, the proposed project could result in potentially significant impact related to regional emissions significance threshold for ROGs, NO_X, and PM_{10} during project operation. Moreover, because full implementation of MM AIR-1g cannot be guaranteed, the proposed project could result in a potentially significant localized violation during construction and operation from CO emissions.

As discussed in Impact AIR-2, District Rule 8021 would be required, which would further ensure that air quality impacts related to fugitive particulate matter during construction activities are less than significant. Nonetheless, after incorporation of identified mitigation and implementation of the required rules and regulations, the proposed project could result in construction and operational emissions which are greater than the respective Valley Air District significance thresholds and could therefore have a cumulatively considerable contribution to a cumulative impact. The proposed project would therefore result in significant and unavoidable cumulative air quality impacts. With regard to impacts on sensitive receptors, the DPM emissions from construction of the proposed project could result in significant health impacts if all three project phases are constructed concurrently. Therefore, the proposed project's impact could be cumulatively considerable. In addition, the operational DPM emissions and benzene emissions from the gasoline station land use of the proposed project would not result in significant health impacts. Nonetheless, the cumulative impact associated with construction and operation of the proposed project would be cumulatively considerable.

The City Council hereby finds that MM AIR-2a through MM AIR-2g are feasible, are hereby adopted and will reduce impacts to the fullest extent possible; however, impacts related to cumulative air quality impacts remain significant and unavoidable. (Draft EIR, p. 3.3-71)

1.7.3 - Noise

Potential Effect

Impact NOI-1: The proposed project would generate a substantial temporary or permanent increase in ambient noise levels in the vicinity of the project in excess of standards established in the local general plan or noise ordinance, or applicable standards of other agencies. (Draft EIR, p. 3.12-18)

Findings: Changes or alterations have been required in, or incorporated into, the proposed project which avoid or substantially lessen the significant environmental effects as identified in the Draft EIR. (CEQA Guidelines § 15091(a)(1)) However, impacts would still remain significant and unavoidable even with mitigation incorporated. Specific economic, legal, social, technological, or other considerations, including provision of employment opportunities for highly trained workers, make infeasible the mitigation measure or project alternatives identified in the Draft EIR. (CEQA Guidelines § 15091(a)(3))

Mitigation Measures

MM NOI-1 (a) Prior to the issuance of building permit for a drive-through car wash, an in-depth acoustical study prepared by a qualified acoustic professional shall be submitted for review and approval to the City of Visalia Planning and Community Preservation Department that demonstrates that the design and operations of a proposed drive-through car wash would not result in exceedances of the Visalia Municipal Code's applicable daytime and nighttime noise limits for residential land uses. The study shall evaluate factors such as:

- The location and orientation of noise-generating equipment, such as dryer blowers and vacuums.
- The location and orientation of the drive-through car wash tunnel.
- The hours of operation.
- The location of the drive-through car wash on the project site.

(b) Based on the results of the acoustical study, the project applicant shall be required to incorporate, at a minimum, design features or reduction measures to reduce any identified operational noise impact to meet applicable noise performance criteria. These reduction measures shall be included on all relevant plans, specifications, and other permitting documents. Measures and design features may include, but are not limited to the following:

- Locating the car wash facility further away from sensitive receptors, therefore reducing its noise impacts at nearby residential land uses.
- Orienting the facility so that the carwash exit (where the drying blowers would be located) is located facing away from nearby residential land uses.
- Providing sound blankets to hang around the edge of the carwash exit tunnel to help shield the dryer blower noise.
- Locating the dryer blowers further inside the car wash tunnel to help shield the dryer blower noise.
- Providing screening, such as a structure or sound wall, to shield the carwash exit where the dryer blowers would be located from nearby residential land uses.

MM NOI-2 (a) When specific uses within the project area are proposed that could result in a noise-related conflict between an industrial or other stationary noise source and existing or future noise-sensitive receptors, an acoustical analysis shall be

required by the City that quantifies the proposed use's operational noise levels and recommends appropriate reduction measures, as necessary, to achieve compliance with the City's noise standards. The analysis shall be prepared by a qualified acoustic professional. All recommended design features or reduction measures shall be noted on plans, specifications, and other relevant permitting documents prior to the issuance of building permits.

(b) Based on the results of the acoustical study, the project applicant shall be required to incorporate, at a minimum, design features or reduction measures to reduce any identified operational noise impact to meet applicable noise performance criteria. Reduction measures and design features may include, but are not limited to the following:
- Locating the warehouse facility further away from sensitive receptors, therefore reducing its noise impacts at nearby residential land uses.
- Orienting the facility so that the warehouse truck loading/unloading areas are located facing away from nearby residential land uses.
- Providing gasket loading dock doors to help shield truck loading and unloading noise.
- Providing screening, such as a structure or sound wall, to shield truck loading and unloading areas from nearby residential land uses.

Facts in Support of Findings: In terms of construction-related impacts, the proposed project is anticipated to utilize a standard five-day work week, and construction would occur during standard daytime hours, which are generally between 7:00 a.m. and 5:00 p.m. Construction would not occur during prohibited hours, as set forth by Section 8.36.050(C) of the Visalia Municipal Code. The prohibited hours are between 7:00 p.m. and 6:00 a.m. on weekdays and between 7:00 p.m. and 9:00 a.m. on weekends. As such, construction activities would not have the potential to result in exceedances of the FTA's nighttime construction noise criteria—there would be no nighttime construction.

For the proposed project, grading would have the greatest—and noisiest—construction vehicle requirements, as a fleet of grading vehicles would be required to grade the approximately 284-acre project site over the course of construction. Grading for the proposed project would be required for each of the three development phases. Grading for the Phase 1 land uses would require grading vehicles to operate in the western portion of the project site, over 400 feet from the nearest residential land uses. Grading for the Phase 2 and Phase 3 land uses would require grading vehicles to operate near the proposed project's southern boundary along Riggin Avenue, within 100 feet of residential land uses that are also located along this roadway. The loudest grading activities would be characterized by extensive use of graders, which would be utilized across the project site to level the site and establish proper slopes and drainages. Bulldozers may operate in conjunction with grader activities. Given these considerations, the maximum noise impact associated with the proposed project's grading activities has been evaluated by modeling the noise levels that would be associated with a grader and a bulldozer grading a 0.5-acre parcel of land in proximity to surrounding residential land uses, which would occur as part of Phase 2 and Phase 3. As noted, Phase 1 areas are located

over 400 feet from the nearest residential land uses. Therefore, Phase 1 grading would have less than significant construction-related noise impacts with respect to nearby residential land uses.

If concurrent phasing were to occur (i.e., if all phases were graded simultaneously), noise levels would still be similar to what is estimated by the analysis contained in the Draft EIR. This is because the analysis addresses a scenario in which grading vehicles operate across a 0.5-acre parcel that is located within 100 feet of residential land uses. Concurrent grading on other phases' parcels would occur over 400 feet away at a minimum and would therefore have a limited effect on construction noise levels. Given the size of the project site and its parcels, it is rather unlikely that grading for multiple phases would occur at minimum project-to-receptor distances simultaneously. Concurrent grading activities are more likely to be thousands of feet apart on any given workday. Estimated noise levels would not exceed the FTA's 80 dBA L_{eq} daytime construction noise criteria. Noise levels also would not exceed 75 dBA L_{eq}, meaning that they would not result in 30-day exceedances of the FTA's 75 dBA Ldn criterion, as well. Other construction phases would result in noise levels that are less than the grading-related noise levels shown in Table 3.12-6 of the Draft EIR because they would utilize equipment that is less noisy than the equipment utilized by this analysis or because they would involve activities that are located farther from receptors than the activities analyzed herein. Therefore, the proposed project's construction-related noise impact would be less than significant.

The proposed project is anticipated to require a total of approximately 130,000 cubic yards of soil import, which would equate to a total of approximately 5,650 truckloads of imported soils. Over the course of the proposed project's grading phase, this would correlate with approximately 35 truck trips per day, or a few truck trips per hour. This level of haul truck activity would have a relatively minor effect on roadside ambient noise levels and would not be capable of causing or materially contributing to exceedances of the exterior or interior significance criteria at roadside residential land uses in the vicinity of the project site.

As shown in the Draft EIR, Table 3.12-7, many roadway segments already experience hourly noise levels in excess of 65 dBA L_{eq}, suggesting that their 24-hour CNEL levels may also exceed 65 dBA. Even without development of the proposed project, nearly every roadway segment is estimated to experience noise increases from a minimum 0.9 dBA L_{eq} to a maximum 9.5 dBA L_{eq} by 2028, compared to existing traffic noise levels. The addition of the proposed project's traffic would increase noise levels up to an additional 2.6 dBA L_{eq} upon full buildout, compared to "2028 Without Project" estimated conditions. With the addition of the proposed project's traffic, all studied segments would be estimated to experience hourly noise levels in excess of 65 dBA L_{eq}, suggesting that 24-hour CNEL levels may also exceed the 65 dBA threshold of significance. Consistent with the respective land use visions for the project site and vicinity as reflected in the General Plans of both the City and the County, the area surrounding the proposed project has undergone, and is continuing to undergo, substantial growth and transformative land use changes via the conversion of primarily agricultural uses into residential, commercial, and industrial uses that are associated with significantly greater traffic generation. Given this rapid growth and the proliferation of related urban commercial, industrial, and residential subdivision projects in the area, it is difficult to ascertain the individual effects that the proposed project's traffic alone would have on the area's roadside ambient noise levels. However, taken together, the noise levels shown in the Draft EIR, Table 3.12-7 and Table 3.12-8, indicate that the proposed project would contribute—at times considerably—to

future traffic-related noise increases. For example, without the proposed project, some roadway segments (such as Shirk Street, north of Riggin Avenue) would experience hourly noise levels that are approximately 65 dBA L_{eq} or lower by 2028. However, with the proposed project, it is estimated that every studied roadway segment would experience hourly noise levels in excess of 65 dBA L_{eq} by 2028. Ultimately, the proposed project would contribute to increasing traffic volumes—and therefore traffic-related noise levels—in its primary trip distribution area. Residential land uses and other noise-sensitive receptors that are adjacent to these roadways would be exposed to exterior ambient noise levels in excess of 65 dBA CNEL, depending on their setback from these roadways and whether there are any noise barriers in place.

It would be infeasible to install permanent roadway noise barriers at every roadside residential receptor (and other sensitive land uses) within the proposed project's trip distribution area due to, among other factors, ingress and egress access requirements for properties, zoning requirements, limitations on the acquisition of property for construction of noise barriers, and traffic safety constraints such as line of sight and minimum setback requirements for installation of noise barriers. Therefore, as there is no feasible mitigation available to reduce this impact to less than significant, the proposed project's off-site mobile source operational noise impact from traffic generation would be considered significant and unavoidable. This significant and unavoidable impact is consistent with the same impact disclosed in the General Plan EIR, which analyzed full buildout of this area and its impact upon nearby noise-sensitive land uses.

In terms of operational stationary source noise, parking lot noise impacts have been estimated based on a daytime hourly activity of a total of approximately 265 cars and trucks per hour and a nighttime hourly activity of a total of approximately 265 cars and trucks per hour (also equivalent to these uses' maximum vehicle trip generation). Noise levels at nearby residential uses were calculated based on these trip generation rates and distances to nearby parking areas. Table 3.12-9 of the Draft EIR shows the parking lot-related noise levels that are estimated to occur at the nearest residential uses. As shown, parking lot-related noise levels would not exceed the daytime or nighttime significance criteria for residential land uses. They also would have little to no effect on the area's 24-hour CNEL noise levels, which are indicated to range between 60 dBA and 65 dBA according to the General Plan EIR and the Draft EIR's noise analysis.

The proposed project's rooftop mechanical ventilation equipment would be located hundreds of feet from the nearest residential receptors. In addition, in most cases they would be located behind parapets or otherwise screened, due to buildings or other structures that would block the line of sight to off-site receptors. However, based on distance attenuation alone, it is reasonable to conclude that noise levels from this equipment would be less than 40 dBA L_{eq} at these residential land uses simply. There is no potential for this equipment to expose residential land uses to noise levels in excess of the minimum 45 dBA L_{eq} nighttime significance criteria because, as noted, noise levels would be less than 40 dBA L_{eq} at residential land uses. Additionally, because ambient noise levels near Riggin Avenue are indicated to be between 60 dBA and 65 dBA CNEL according to the Visalia General Plan EIR and the Draft EIR's noise analysis, the proposed project's mechanical ventilation equipment-related noise levels would have a negligible effect on 24-hour CNEL noise levels at surrounding residential land uses.

Noise would also be generated by truck loading and unloading activities at the proposed industrial and compatible commercial and flex-use buildings. Based on distance and shielding, truck loading-related noise levels at surrounding residential uses would not be expected to exceed 40 dBA L_{max} or 40 dBA L_{eq}. These noise levels would be below the minimum 45 dBA L_{eq} and 65 dBA L_{max} nighttime significance criteria. Additionally, because ambient noise levels near Riggin Avenue, as documented in the Visalia General Plan EIR and the Draft EIR's noise analysis, are indicated to be between 60 dBA and 65 dBA CNEL, the proposed project's truck loading-related noise levels would have a negligible effect on 24-hour CNEL noise levels at surrounding residential uses.

The proposed project would include the construction and operation of a drive-through car wash facility. The nearest residential uses at the intersection of Riggin Avenue and Shirk Street would be located approximately 500 feet south of the car wash facility. Residential land uses south of Riggin Avenue and residential land uses near the intersection of Riggin Avenue and Shirk Street may be exposed to noise levels in excess of the 50 dBA L_{eq} daytime and 45 dBA L_{eq} nighttime significance criteria as a result of the proposed project's drive-through car wash operations. Without mitigation, this impact would be potentially significant.

Instantaneous L_{max} noise levels from the proposed project's drive-through car wash would not be substantially greater than the noise levels shown in Table 11 of the Draft EIR because drive-through car wash equipment typically generate consistent noise levels. Therefore, this equipment would not result in exceedances of the General Plan's L_{max} noise standards for residential land uses, which are a minimum 65 dBA L_{max} during nighttime hours. Additionally, because ambient noise levels near Riggin Avenue are indicated to be between 60 dBA and 65 dBA CNEL according to the Visalia General Plan EIR and EIR's noise analysis, the drive-through car wash-related noise levels would not have the potential to cause 24-hour CNEL noise levels to increase by greater than the 5 dBA significance criteria because noise levels would not exceed 60 dBA L_{eq} without mitigation.

The proposed project would be required to implement MM NOI-1,which would ensure that noise impacts from the proposed project's drive-through car wash do not exceed the 50 dBA L_{eq} daytime and 45 dBA L_{eq} nighttime significance thresholds, which are based on the standards established by Visalia Municipal Code Section 8.36.040 and Table 8-4 of the General Plan. In addition, implementation of MM NOI-4 would ensure that noise impacts associated with the drive-through car wash are in compliance with the Visalia Municipal Code's regulations and the General Plan's guidance concerning stationary noise sources. MM NOI-1 would require the proposed project to conduct an in-depth acoustical study of the drive-through car wash prior to the issuance of its building permits. The study would assess whether the car wash's design, mechanical equipment, and hours of operation would be capable of ensuring that car wash-related noise levels at surrounding residential uses are in compliance with the applicable standards set forth in the Visalia Municipal Code and consistent with the General Plan (as described above). Building permits would not be issued for the drive-through car wash unless it has been demonstrated by a qualified acoustic professional that operations of the drive-through car wash would not exceed the applicable 50 dBA L_{eq} daytime and 45 dBA L_{eq} nighttime limits established by the General Plan and Municipal Code. Further, if noise reduction measures are recommended by the acoustical study, they would be included in the car wash's plans, specifications, and other related permitting documents. Therefore, after implementation of MM NOI-1, this impact would be less than significant.

Instantaneous L_{max} noise levels from the proposed project's drive-through restaurants would not result in exceedances of the General Plan's L_{max} noise standards for residential land uses, which are a minimum 65 dBA L_{max} during nighttime hours, because noise levels at residential land uses would be less than 40 dBA. Additionally, because ambient noise levels near Riggin Avenue are indicated to be between 60 dBA and 65 dBA CNEL according to the Visalia General Plan, the drive-through restaurant related noise levels would not have the potential to cause 24-hour CNEL noise levels to increase by greater than the 5 dBA significance criteria because noise levels would be less than 40 dBA.

Noise generated inside future buildings may have the potential to affect surrounding noise-sensitive receptors, especially those that are located along or near Riggin Avenue. Although it is unlikely that the interior operations of the contemplated future warehouse, distribution, storage, and light manufacturing uses would be audible, much less be considered significantly considerable, there are residential land uses that are located within hundreds of feet from the proposed warehouse buildings. To be conservative, the proposed project would be required to implement MM NOI-2, which would prevent significant impacts from occurring. MM NOI-2 would require specific uses with the potential to result in noise-related conflicts between operations and existing or future noise-sensitive receptors to provide an acoustical analysis demonstrating compliance with the City's noise standards prior to issuance of operational permits. Pursuant to applicable mitigation measures, building permits would not be issued unless it has been demonstrated by a qualified acoustic professional that operations would not exceed the City's noise standards. Therefore, after implementation of MM NOI-2, impacts related to future warehouse and other proposed uses would be less than significant. (Draft EIR, pp. 3.12-18–29)

The City Council hereby finds that MM NOI-1 and MM NOI-2 are feasible, are hereby adopted and will reduce impacts to the fullest extent possible; however, impacts related to off-site mobile source operational noise impact from traffic generation remain significant and unavoidable. (Draft EIR, pp. 3.12-18–29)

Potential Effect

Cumulative Impact: The proposed project would have a significant and unavoidable impact related to cumulative traffic noise impacts. (Draft EIR, pp. 3.12-32–34)

Findings: Changes or alterations have been required in, or incorporated into, the proposed project which avoid or substantially lessen the significant environmental effects as identified in the Draft EIR. (CEQA Guidelines § 15091(a)(1)) However, impacts would still remain significant and unavoidable and no mitigation measures are available. Specific economic, legal, social, technological, or other considerations, including provision of employment opportunities for highly trained workers, make infeasible the mitigation measure or project alternatives identified in the Draft EIR. (CEQA Guidelines § 15091(a)(3))

Mitigation Measures

Implement MM NOI-1 and MM NOI-2.

Facts in Support of Findings: The geographic scope for the cumulative analysis for noise and vibration impacts is limited to areas within 1,000 feet of the project site boundary for on-site noise sources, because of the localized nature of noise and vibration impacts.

Construction: Cumulative development would be required to comply with all applicable construction hour restrictions and would also be anticipated to incorporate appropriate BMPs to help reduce construction noise to the extent feasible. In addition, compliance with applicable design review regulations directing the siting, design, and insulation of new development and redevelopment and all applicable noise policies, standards and requirements in the General Plan and Municipal Code would ensure that noise impacts are less than significant to the extent feasible. Because there is not a cumulative significant construction noise impact with respect to cumulative developments, similar to the proposed project, the incremental contribution of project construction noise would not be cumulatively considerable. Therefore, the proposed project would result in a less than significant cumulative impact related to construction noise. This impact conclusion is consistent with the General Plan EIR, which analyzed full buildout of this area and its impact upon nearby noise-sensitive land uses.

Operational Traffic Noise: There are roadway segments in the vicinity of the cumulative developments, similar to the proposed project, which experience traffic noise levels in excess of noise levels that the City considers to be "normally acceptable" for some adjacent land uses. Tables 3.12-6 through 3.12-10 in the Draft EIR show that traffic related to cumulative development, similar to the proposed project, would result in noise increases along these impacted roadway segments. Therefore, this would constitute a significant cumulative impact. Moreover, the incremental contribution of project traffic would be cumulatively considerable and thus would be a significant impact. As noted in the mobile source noise impact discussion, it would be infeasible to install permanent roadway noise barriers along every roadside sensitive receptor within the proposed project's trip distribution area. Factors such as ingress and egress access requirements for properties, zoning requirements, limitations on acquisition of property for construction of noise barriers, and traffic safety constraints such as line of sight and minimum setback requirements for installation of noise barriers restrict the use of noise barriers as a method to reduce noise impacts. Therefore, there is no feasible mitigation available to reduce this impact to less than significant, and the proposed project's incremental contribution of project traffic would be cumulatively considerable and would be considered significant and unavoidable.

Operational Stationary Noise: The appropriate geographic scope for this cumulative analysis is limited to areas within 1,000 feet of the project site boundary for on-site noise sources. There are not any cumulative stationary operational noise sources in the project vicinity that currently generate noise levels in excess of what the City considers to be "normally acceptable" for receiving land uses. Therefore, there is not a cumulative stationary source noise impact in the project vicinity. In addition, the source of operational stationary noise on the project site that would produce the highest noise levels would be drive-through car wash activities or truck loading and unloading activities at future warehouses and related industrial/light industrial uses. However, as shown in the stationary source operational noise impact discussion above, implementation of MM NOI-1 and MM NOI-2 would reduce these potential project-related stationary noise source impacts to meet the City's applicable noise performance standards. As set forth in the relevant mitigation measures,

building permits would not be issued unless it has been demonstrated by a qualified acoustic professional that operations would not exceed the City's noise performance standards. In addition, as is shown in the noise impact analysis, the proposed project's stationary source operational noise levels would have a negligible effect on 24-hour CNEL noise levels at surrounding residential land uses. Therefore, the incremental contribution of project operational stationary source noise would not result in a significant contribution to any cumulative stationary operational noise impact, and would not be cumulatively considerable.

Construction Vibration: The geographic scope of the cumulative construction vibration analysis is the close project vicinity (within 100 feet), including surrounding sensitive receptors within that radius. Construction vibration impacts are very localized; therefore, the area surrounding the project site (approximately 100 feet) would be the area most affected by proposed project construction activities. While there would be cumulative projects undergoing construction in the general vicinity, none of these are within 100 feet of the project site and therefore, these cumulative developments would not have to potential to create significant cumulative construction vibration impacts that would exceed potential impact criteria as measured at any sensitive receptor in the project vicinity. Thus, there would be a less than significant cumulative impact related to construction vibration. Moreover, as discussed in the EIR, construction activity associated with the proposed project would not expose surrounding buildings to groundborne vibration levels that would exceed even the most stringent significance criteria for potentially damaging levels of groundborne vibration, and thus its contribution to this already less than significant construction vibration impact would not be cumulatively considerable.

Operational Vibration: The geographic scope of the cumulative construction vibration analysis is the close project vicinity (within 100 feet), including surrounding sensitive receptors within that radius. While there would be cumulative developments would be operating in the general vicinity, none of these are within 100 feet of the project site and therefore, these cumulative developments would not have to potential to create significant cumulative operation vibration impacts that would exceed potential impact criteria as measured at any sensitive receptor in the project vicinity. The only major sources of existing groundborne vibration in the project vicinity is railroad activity along the rail line located approximately 2.15 miles east of the project site. Groundborne vibration levels from this cumulative source would not be perceptible without instruments at any sensitive receptor in the project vicinity, therefore there is no significant cumulative impact. In addition, the proposed project's incremental contribution to this less than significant cumulative operational vibration levels would not be cumulatively considerable. As discussed above and further in the EIR, implementation of the proposed project would not introduce any new permanent sources to the project vicinity that would result in groundborne vibration levels that would be perceptible without instruments as measured at sensitive receptors in the project vicinity and would also not increase railroad activity. Therefore, implementation of the proposed project would not result in a cumulatively considerable contribution to vibration conditions in the project vicinity. This impact would be less than significant. (Draft EIR, pp. 3.12-32–34)

The City Council hereby finds that MM NOI-1 and MM NOI-2 are feasible, are hereby adopted and will reduce cumulative operational stationary noise impacts to the fullest extent possible. However, the City Council hereby finds that cumulative impacts related to off-site mobile source operational

noise impacts from traffic generation remain significant and unavoidable, and no mitigation measures are available. (Draft EIR, pp. 3.12-32–34)

1.8 - Infeasible, Unnecessary, or Rejected Mitigation Measures

The City Council, as Lead Agency, has the discretion to evaluate mitigation measures and approve or reject those measures for a variety of reasons, including, but not limited to, because of "specific economic, legal, social, technological, or other considerations, including considerations for the provision of employment opportunities for highly trained workers." (PRC § 21081(a)(3)). (See PRC §§ 21002, 21002.1(b)–(c); CEQA Guidelines §§ 15021(b), 15091(a)(3)). "Feasible," as defined by Public Resources Code Section 21061.1, means "capable of being accomplished in a successful manner within a reasonable period of time, taking into account economic, environmental, social and technological factors." CEQA Guidelines Section 15021(b) furthers adds "legal" factors to the list of reasons the lead agency (in this case, the City) may rely upon to reject a mitigation measure, noting that an agency's authority to impose mitigation measures is limited by its existing legal authority (PRC §§ 21004, 21081(a)(3)).

The City Council also has the discretion to decline to adopt a mitigation measure that it concludes will not be effective in mitigating an impact or that will not provide substantial additional mitigation beyond the measures that it does, in fact, adopt. *Citizens for Open Gov't v. City of Lodi* (2012) 205 CA4th 296, 323; *A Local & Reg'l Monitor (ALARM) v. City of Los Angeles* (1993) 12 CA4th 1773, 1810; *San Franciscans for Reasonable Growth v. City & County of San Francisco* (1989) 209 CA3d 1502, 1519.

Pursuant to Public Resources Code Section 21081(a)(3), and based on the entire record before it, the City Council hereby rejects the following mitigation measures (as well as other suggested measures proposed as part of late comment letters) proposed at various stages of the proceedings for the reasons summarized below and as otherwise supported by documentation, materials and information in the administrative record:

1.8.1 - Agricultural Conservation Easement

The California Department of Conservation (CDOC) suggested that the Draft EIR should address mitigation for the loss or conversion of agricultural land and explained that a conservation easement, either as purchase of an off-site easement or donation of mitigation fees, is potential mitigation. The comment further states that conversion of agricultural land may be viewed as an impact of at least regional significance, and mitigation could therefore be implemented through a regional or Statewide mitigation bank (Final EIR, pp. 2-3–2-5).

As disclosed in the Draft EIR and further discussed in the Final EIR, the proposed project would result in the conversion of Prime Farmland to urban uses. The project site is located within Tier 1 of UDB. When imposing mitigation for a project's significant environmental effects, a public agency may only exercise those powers provided by legal authority independent of CEQA (PRC § 21004). The CEQA Guidelines specify that CEQA does not grant new or independent powers to public agencies (CEQA Guidelines § 15040). Accordingly, an agency's exercise of discretionary powers must be within the scope of the power granted by laws and be consistent with express or implied limitations (CEQA

Guidelines § 15040(d)(e)). Accordingly, the City's authority to require conservation easements and/or related agricultural mitigation is limited to the General Plan. General Plan Policy LU-P-34 requires the City to create and adopt a mitigation program to address the conversion of Prime Farmland and Farmland of Statewide Importance in Tiers II and III of the UDB. While this policy identifies specific requirements for properties located in Tiers II and III, it specifically exempts lands located in Tier I from these requirements. The Draft EIR explains that because there is no adopted Agricultural Preservation Ordinance, there is no available feasible mechanism for the City to require the designation of a conservation easement (or payment toward same) to mitigate the loss of this Important Farmland. Without an adopted Agricultural Preservation Ordinance, the City has no authority to require an Agricultural Conservation Easement. Moreover, as set forth in the policy, even if this ordinance had been adopted, it expressly would exempt lands within Tier I, which would include the project site. For these reasons, the Draft EIR, as further explained in the Final EIR, concludes that there is no feasible mitigation for this impact (Final EIR, p. 2-9).

1.8.2 - Valley Air District Recommended Mitigation Measures

Valley Air District recommended the City incorporate the following emission reduction strategies (noted in ***bold/italics***) based on an assumption that these measures can reduce potential harmful health impacts:

Require cleanest available heavy-duty trucks and off-road equipment

Given the volume of medium-duty vehicles that would be involved as part of the various tenants' business operations, practical limitations on the owner(s)' ability to control and enforce such an obligation, along with the current substantial cost and concerns regarding widespread availability of electric vehicles, the suggested mitigation is not feasible with regard to heavy-duty trucks.

The project applicants would be required to provide EV charging infrastructure throughout all parking areas as part of MM AIR-2d, which would improve charging infrastructure in the City and help facilitate the transition to EVs. Furthermore, MM AIR-2d requires the buildings' electrical room to be sufficiently sized to hold additional panels that may be needed to supply power for the future installation of EV truck charging stations on the project site. In addition, it would be speculative to attempt to quantify the amount of emission reduction that would occur from the suggested measure, and it also cannot be enforced in a way that would ensure a reduction to potential health impacts.

Regarding off-road equipment, MM AIR-2c requires all off-road equipment to utilize zero-emission technology, subject to the same being commercially available. Furthermore, on-site service equipment shall be designed to include electric outlets to support the use of all-electric or zero-emission on-site service equipment, subject to the same being commercially available. Therefore, this suggested mitigation measure is similar to recommended measures already identified in the Draft EIR. See also Final EIR Section 2 Response to Comments, Response to SJVAPCD-9a for a detailed response to this suggested measure.

Require heavy heavy-duty (HHD) truck routing patterns that limit exposure of residential communities and sensitive receptors to emissions

Trucks that are operated as part of the proposed project would be required to utilize designated truck routes as specified by the City Municipal Code Chapter 10.24 Commercial Vehicles. Therefore, this requested measure is similar to an existing regulation that would be applied to the proposed project as an enforceable condition of approval. The proposed project would be required to implement MM AIR-2c through MM AIR-2g during project operation to reduce emissions, which represents all feasible and enforceable mitigation measures. See also Final EIR, Section 2 Response to Comments, Response to SJVAPCD-9b for a detailed response to this suggested measure.

Require power sources at loading docks for all refrigerated trucks have "plug in" availability, which will eliminate prolonged idling while loading and unloading goods

The proposed project does not include cold storage and would not have refrigerated trucks. This requested measure is not applicable to the proposed project and is therefore unnecessary. If the warehouse is later converted to cold storage uses, MM GHG-2b requires that Transport Refrigeration Units (TRUs) entering the project site be plug-in capable.

Require minimization of heavy-duty truck idling

The ARB's Regulation for In-Use Off-Road Diesel Vehicles currently limits idling to no more than five consecutive minutes. Therefore, this requested measure is similar to an existing regulation that would be applied to the proposed project as an enforceable condition of approval.

Orient loading docks away from sensitive receptors unless physically impossible

The current design of the proposed project is shown to have less than significant health risk impacts with implementation of identified mitigation. Nevertheless, it is noted that the project site would be located approximately 400 feet from the property line of MIR. Furthermore, the proposed flex industrial uses, self storage/RV parking, a convenience store, a car wash, and two drive-through restaurants would provide a buffer between the proposed light industrial/industrial uses and sensitive receptors. Furthermore, ample landscaping that would be implemented as part of the proposed project would provide an additional buffer between loading docks and sensitive receptors. Therefore, this mitigation measure is unnecessary. See also Final EIR Section 2 Response to Comments, Response to SJVAPCD-9d for a detailed response to this suggested measure.

Require loading docks a minimum of 300 feet away from the property line of sensitive receptor unless dock is exclusively used for electric trucks

Consistent with this recommendation, all proposed loading docks are at least 300 feet away from the property line of sensitive receptors. The current project design satisfies this requested measure. Therefore, no mitigation in this regard is triggered under CEQA and this mitigation measure is unnecessary.

Require truck entries be located on streets of a higher commercial classification

Trucks operated as part of the proposed project would be required to utilize designated truck routes as specified by the City Municipal Code Chapter 10.24 Commercial Vehicles. Trucks would access and leave the project site via Shirk Street, Riggin Avenue, and Kelsey Street. Shirk Street and Riggin Avenue, which are classified arterials which are high occupancy roads that connect freeways to

collector roads. These streets are also designated truck routes per Municipal Code Chapter 10.24. Kelsey Street is a collector road that provides access to Riggin Avenue. Therefore, the project design satisfies this requested measure, no mitigation in this regard is triggered under CEQA, and this mitigation measure is unnecessary.

Ensure rooftop solar panels are installed and operated to supply 100 percent of the power needed to operate all non-refrigerated portions of the development project

MM GHG-2a requires a solar photovoltaic system to be included in accordance with 2022 Energy Code Section 140.10. The required solar photovoltaic size is calculated based on the proposed project's climate zone, amount of conditioned space, and space usage. The Draft EIR determines that the proposed project would result in a less than significant impact after implementation of MM AIR-2d, MM GHG-2a, and MM GHG-2b. Therefore, this mitigation measures is similar to what is already identified and is otherwise unnecessary. See also Final EIR, Section 2 Response to Comments, Response to SJVAPCD-9g for a detailed response to this suggested measure.

Require power sources at loading docks for all refrigerated trucks have "plug in" availability, which will eliminate prolonged idling while loading and unloading goods

The proposed project does not include cold storage and would not have refrigerated trucks. This requested measure is not applicable to the proposed project and is therefore rejected. If the warehouse is later converted to cold storage uses, MM GHG-2b requires that TRUs entering the project site be plug-in capable.

Designate an area during construction to charge electric powered construction vehicles and equipment, if temporary power is available

This measure would not result in a substantial quantifiable reduction in emissions as use of electric powered equipment may not be commercially available or feasible to use on a construction site that is not currently connected to the power grid. In addition, due to the size (284 acres) and the existing relatively non-urban nature of the project site, it is unknown whether there is availability of grid power that can service the entire site during construction, prior to installation of utility lines. The suggested mitigation would not clearly lessen any significant environmental impacts and is unnecessary. See also Final EIR, Section 2 Response to Comments, Response to SJVAPCD-9i for a detailed response to this suggested measure.

Prohibit the use of non-emergency diesel-powered generators during construction

The use of grid power during construction cannot be guaranteed. Therefore, it is infeasible to prohibit the use of non-emergency diesel-powered generators as they are essential to power equipment during construction. However, any diesel generator over 25 horsepower shall have engines that meet either EPA or ARB Tier IV Final off-road emission standards per MM AIR-1a, which would significantly reduce NOx emissions and associated health risks. Furthermore, as shown in Table 3.3-20, Section 3.3, Air Quality, of the Draft EIR, the proposed project would have less than significant construction health risk impacts with implementation of MM AIR-1a. Because the suggested measure would not reduce an environmental impact caused by the proposed project, there is no legal nexus of this measure to any identified impacts of the proposed project. Therefore, the suggested mitigation is not feasible, would not be effective to reduce any significant impact from

the proposed project, and is not required under CEQA. See also Final EIR, Section 2 Response to Comments, Response to SJVAPCD-9j for a detailed response to this suggested measure.

Inform the project proponent of the incentive programs (e.g., Carl Moyer Program and Voucher Incentive Program) offered to reduce air emissions from the project

Providing tenants with information on incentive programs with goals to reduce emissions from heavy-duty trucks would not ensure that the tenants could or would apply for any of the programs, as applying for programs would be a voluntary action. In addition, the information would not be relevant to tenants that use third-party carriers, further limiting the potential benefit of including this suggestion mitigation. The suggested mitigation would not clearly lessen any significant environmental impacts and is unnecessary.

Require all nonresidential buildings be designed to provide electric infrastructure to support the use of on-road zero emissions vehicles

MM AIR-2d requires infrastructure for EV charging stations into a minimum of 20 percent of all vehicle parking spaces (including parking for trucks), consistent with the applicable California Green Building Standards Code Tier 1 Nonresidential Mandatory Measure (Section A5.106.5.3).

Furthermore, MM AIR-2d requires the buildings' electrical room shall be sufficiently sized to hold additional panels that may be needed to supply power for the future installation of EV truck charging stations on the site. Therefore, this suggested mitigation measure is similar to recommended measures already identified in the Draft EIR and is therefore unnecessary. See also Final EIR Section 2 Response to Comments, Response to SJVAPCD-12 for a detailed response to this suggested measure.

Include State Anti-idling Regulations

The recommended mitigation would not clearly lessen any significant environmental impacts compared to the mitigation measure already evaluated and identified in the Draft EIR. Furthermore, as shown in Table 3.3-22, Section 3.3, Air Quality, of the Draft EIR, the proposed project would have less than significant combined construction and operation health risk impacts with implementation of mitigation measures. Because the suggested measure would not reduce a significant environmental impact caused by the proposed project, there is no legal nexus of this measure to any identified impacts of the proposed project. Therefore, the suggested mitigation is not feasible, would not be effective to reduce any significant impact from the proposed project, and is not required under CEQA. See also Final EIR Section 2 Response to Comments, Response to SJVAPCD-13 for a detailed response to this suggested measure.

Participate in Valley Air District's Clean Green Yard Machines program

MM AIR-2c requires that all on-site off-road and on-road service equipment, including lawn and garden equipment, to utilize zero-emission technology, subject to the same being commercially practicable. Therefore, this suggested mitigation measure is similar to recommended measures already identified in the Draft EIR and is unnecessary and thus rejected.

1.8.3 - LIUNA Recommended Mitigation Measures

LIUNA recommended the City incorporate the following mitigation measures (shown in ***bold/italics***):

Expanding MM AIR-2b to include architectural coating requirements during project operation to reduce operation ROG emissions

MM AIR-2b requires all architectural coating material utilized in connection with the subject individual specific development proposal would not exceed 10 grams of volatile organic compound (VOC) per liter of coating. Future occupants would have access to consumer products available on the marketplace pursuant to a comprehensive regulatory framework that governs such products. Regulation of consumer products available on the marketplace is not within the control of any individual project applicant or lead agency. Therefore, requiring the use of only low ROG supplies and equipment in perpetuity is neither feasible nor enforceable. Therefore, this mitigation measure is unnecessary. See also Final EIR Section 2 Response to Comments, Response to SJVAPCD-13 for a detailed response to this suggested measure.

Minimize unnecessary vehicular and machinery activities

The suggested measure would not be an appropriate mitigation measure under CEQA. The proposed project's off- and on-road diesel vehicles would be subject to applicable ARB regulations that prohibit unnecessary idling, which would reduce emissions from the proposed project's construction and operations-related vehicles. Therefore, this mitigation measure is unnecessary.

Assemble a comprehensive inventory list

The suggested mitigation measure would require contractors to assemble a comprehensive inventory list (i.e., make, model, engine year, horsepower, emission rates) of all heavy-duty off-road (portable and mobile) equipment (50 horsepower and greater) that could be used an aggregate of 40 or more hours for the construction project, as well as prepare a plan for approval by the applicable air district demonstrating achievement of the applicable percent reduction for an ARB-approved fleet. Daily logging of the operating hours of the equipment is also be included in the suggested mitigation.

It is unclear how assembling an inventory of proposed project's construction equipment and their daily usage would translate into emissions reductions. It is also unclear what "applicable percent reduction" is being referenced by the comment. Given these considerations, the suggested measure would not reduce the proposed project's construction or operational emissions, and it is not an appropriate mitigation measure under CEQA. MM AIR-2a would require all off-road diesel-powered construction equipment greater than 50 horsepower to meet EPA or ARB Tier 4 Final off-road emissions standards, to the extent such equipment is reasonably commercially available. Therefore, all off-road equipment over 50 horsepower would utilize ARB-approved engines. Therefore, this mitigation measure is unnecessary.

Ensure that all construction equipment is properly tuned and maintained

The suggested measure does not contain any methodology or mechanism for enforcement and is therefore not an appropriate mitigation measure under CEQA. Further, it is unclear how this measure would result in quantifiable emissions reductions. Therefore, this mitigation measure is unnecessary.

Minimize idling time to 5 minutes or beyond regulatory requirements—saves fuel and reduces emissions.

As noted above, the proposed project's off- and on-road diesel vehicles would already be subject to ARB regulations that prohibit unnecessary idling time exceeding five minutes. Therefore, this mitigation measure is unnecessary.

Consider applying for South Coast AQMD SOON funds

The proposed project is not located within the South Coast Air Basin (SoCAB). Therefore, this mitigation measure is infeasible.

Without limitation, each of the above suggested mitigation measures is hereby rejected for the reasons set forth herein, the Draft EIR and other relevant documentation, materials and information in the administrative record.

1.9 - Findings Regarding Alternatives

1.9.1 - Introduction

This section presents findings regarding alternatives to the proposed project. Because not all significant effects could be substantially reduced to a less than significant level by either adoption of feasible mitigation measures or by standard conditions of approval, the Draft EIR considered the feasibility of project alternatives compared to the proposed project. The section provides a summary and discussion of the feasibility of the following alternatives evaluated in the Draft EIR and summarizes the basis for rejecting each one of the project alternatives. Additionally, Section 6 of the Draft EIR discusses alternatives that were initially considered but rejected from further consideration. Further evidence supporting these Findings is set forth in Chapter 6 of the Draft EIR (Alternatives to the Proposed Project) and in various responses to comments in the Final EIR:

- Alternative 1: No Project Alternative.
- Alternative 2: Reduced Footprint Alternative.
- Alternative 3: Alternative Location.

In accordance with CEQA Guidelines Section 15126.6, the City Council hereby finds that the Draft EIR contained a comparative impact assessment of alternatives to the proposed project, which included sufficient information about each alternative to allow meaningful evaluation, analysis, and comparison with the proposed project. The primary purpose of this analysis is to provide decision-makers and interested agencies, organizations and individuals with information about a reasonable range of potentially feasible project alternatives, which could avoid or reduce any of the proposed project's significant adverse environmental effects. The Draft EIR must consider a reasonable range of potentially feasible alternatives that will foster informed decision-making and public participation. The lead agency is responsible for selecting a range of project alternatives for examination and must publicly disclose its reasoning for selecting those alternatives. Important considerations for this alternatives analyses are noted below:

- An EIR need not consider every conceivable alternative to a project;

- An EIR should identify alternatives that were considered by the lead agency, but rejected as infeasible during the scoping process;
- Reasons for rejecting an alternative include:
  - Failure to meet most of the basic project objectives identified in Section 1.3.2 above.
  - Infeasibility; or
  - Inability to avoid significant environmental effects.

When addressing the feasibility of alternatives, the lead agency may take into account a number of factors including site suitability, economic viability, availability of infrastructure, general plan consistency, other plans or regulatory limitations, jurisdictional boundaries (projects with a regionally significant impact should consider the regional context), and whether the proponent can reasonably acquire, control or otherwise have access to the alternative site (or the site is already owned by the proponent). None of these factors establishes a fixed limit on the scope of reasonable alternatives.

CEQA does not require that an analysis of alternate sites always be included in an EIR. Pursuant to CEQA Guidelines Section 15126.6(f)(2), in making the decision to include or exclude analysis of an alternate site, the "key question and first step in analysis is whether any of the significant effects of the proposed project would be avoided or substantially lessened by putting the project in another location. Only locations that would avoid or substantially lessen any of the significant effects of the project need to be considered for inclusion in the EIR." An analysis of an alternative site was included in the Draft EIR and was ultimately considered, as detailed more fully therein and below.

This City Council hereby determines that the Draft EIR evaluated a reasonable range of potentially feasible alternatives, which is sufficient to permit informed decision-making and public participation. This City Council recognizes that commenters suggested additional alternatives and stated that additional detail should be provided for the alternatives that were studied. For the reasons set forth in the EIR and other relevant evidence in the administrative record, none of the requested information is necessary to ensure that a reasonable range of alternatives was studied at a sufficient level of detail.

For the reasons documented in the EIR and summarized below, this City Council hereby rejects each of the alternatives and approves the proposed project, based on the specific legal, economic, and other considerations that make each of the below-identified alternatives infeasible.

1.9.2 - Alternative 1: No Project Alternative.

Description: Under this alternative, development of the project site would not occur, and the project site would remain in its current existing condition.

Findings: Under the proposed project, the implementation of feasible mitigation measures would be required to reduce the potentially significant impacts associated with biological resources; cultural resources and tribal cultural resources; geology and soils; GHG emissions; hazards and hazardous materials; transportation; and utilities and service systems to less than significant levels. Agriculture and forest resource impacts related to the conversion of Important Farmland would be significant

and unavoidable. Air quality impacts related to criteria pollutants would be significant and unavoidable. Noise impacts related to mobile source and operational mobile source noise would be significant and unavoidable. Because no development would occur under Alternative 1, no significant impacts would occur and thus none of the mitigation measures required for biological resources; cultural resources and tribal cultural resources; geology and soils; GHG emissions; hazards and hazardous materials; transportation; and utilities and service systems would be required. Thus, the foregoing impacts would be lesser than the proposed project.

The No Project Alternative would similarly have fewer impacts as compared to the proposed project with respect to aesthetics, light, and glare; energy; hydrology and water quality; public services; and wildfire, although under both scenarios, impacts would be less than significant without triggering the need for mitigation.

The No Project Alternative would have similar impacts as compared to the proposed project's less than significant impacts on land use and planning. This alternative would not result in any increased impacts as compared to the proposed project since no development at all would occur.

The No Project Alternative would avoid all of the proposed project's impacts by leaving the project site in its existing condition, thus avoiding impacts caused by the demolition and ground disturbance of on-site structures, construction of industrial and flex industrial buildings, infrastructure and off-site improvements, and impacts caused by the operation of the proposed project. In particular, this alternative would avoid all of the proposed project's significant and unavoidable impacts related to agriculture and forest resources, air quality, and noise.

However, the No Project Alternative would not offer any of the benefits of the proposed project and would not advance any of the overall project objectives (Draft EIR, pp. 6-27–6-28). The No project Alternative would not promote positive economic growth and new capital investment, would not generate an estimated 4,100 jobs, nor increase mass transit accessibility. Additionally, the No Project Alternative would not advance the City's long-term planning vision or advance the goals and policies in the City's General Plan. Based on the analysis in the EIR and all other relevant evidence in the administrative record before it, this City Council hereby finds that the No Project (No Build) Alternative does not meet any of the project objectives. The City Council further hereby rejects this alternative as infeasible.

1.9.3 - Alternative 2: Reduced Footprint Alternative.

Description: Under this alternative, the proposed project would be developed in such a way as to reduce some construction and operational air quality impacts, operational noise impacts, and protect some of the on-site Prime Farmland by reducing the overall footprint of the developed areas. The eastern half of the project site, approximately 142 acres, would be preserved and would remain in agricultural production, and half of the total warehouse and industrial park land uses would be developed. The proposed associated commercial uses would be relocated to the western half of the site. The stormwater basins would be sized accordingly. It is assumed that culvert crossings over Modoc Ditch would be required, similar to the proposed project.

Findings: This project alternative would result in lesser impacts related to noise. There are no greater impacts under this alternative. Alternative 2 would have similar impacts as compared to the proposed project regarding aesthetics, light, and glare; agricultural and forestry resources; air quality; biological resources; cultural resources and tribal cultural resources; energy; geology and soils; GHG emissions; hazards and hazardous materials; hydrology and water quality; land use and planning; public services; transportation; utilities and service systems; and wildfire. While these impacts would be marginally reduced under this alternative due to the reduced footprint of development and preservation of agriculture, it would not eliminate the significant and unavoidable impacts or reduce the need for mitigation, with the exception of noise impacts, which due to the expected decreased trip generation anticipated with this alternative would be lower compared to the proposed project, but would still require mitigation (MM NOI-1 and MM NOI-2).

This alternative would meet several of the project objectives to a certain degree, such as developing a mixed-use industrial park, placing industrial uses near the State Highway system (SR 99), developing innovative industrial uses as part of the Central Valley supply chain and goods movement network, and applying the goals and policies of the General Plan, which focuses on developing light industrial and industrial uses. However, because the proposed project's development capacity would essentially be cut in half, it would not meet the project objective of developing the project site in an economically viable manner consistent with applicable goals and policies as set forth in the General Plan, including the land use vision set forth therein that contemplates light industrial and industrial uses, and would also not maximize placement of industrial uses in close proximity to SR-99 and other major transportation corridors to avoid or shorten truck-trip lengths, as feasible, on other roadways. Furthermore, it would not meet the project objective of maximizing development of the project site to generate increased revenue and economic development, and would only partial meet the objective of creating employment-generating businesses to reduce commuting and improve the jobs-to-housing balance.

The Reduced Footprint Alternative would not meet several of the project objectives at all, and for others, it would not meet those to the same degree as the proposed project. Moreover, since it would eliminate half of the proposed project, it would be infeasible due to social, economic and other reasons. The substantial reduction in project size would significantly reduce the benefits offered by the construction and operation of the proposed project. These include among other things, the increased property and sales taxes received by the City, expansion of employment opportunities, implementation of the City's vision of future land uses, the more efficient utilization of lands, and the resulting improvement of the area's jobs-to-housing ratio). Based on the analysis in the EIR and all other relevant evidence in the administrative record before it, this City Council hereby finds that the Reduced Footprint Alternative does not meet a number of the project objectives at all, and for others, it would not meet those to the same degree as the proposed project. The City Council further hereby rejects this alternative as infeasible.

1.9.4 - Alternative 3: Alternative Location

Description: Under this alternative, the contemplated development would be constructed in the approximately 284-acre parcels west of Plaza Drive and Riggin Avenue (APNs 077-840-001, 077-840-002, and 077-840-003). These parcels were selected as they are few of the remaining parcels within

Tier I of the UDB that are designated as Industrial, and therefore potentially generally suitable for the proposed development. This alternative would require a General Plan Amendment to re-designate a portion of the alternative site as Light Industrial for the proposed associated flex industrial/commercial uses conditionally allowed under Light Industrial. This alternative site would be approximately 650 feet from the nearest sensitive receptors located to the southwest.

Findings: As detailed more fully in the EIR, this alternative would result in similar impacts as compared to the proposed project, including all identified significant and unavoidable impacts. Alternative 3 would have similar impacts as compared to the proposed project regarding aesthetics, light, and glare; agricultural resources and forest resources; air quality; cultural resources and tribal cultural resources; energy; geology and soils; GHG emissions; hazards and hazardous materials; hydrology and water quality; land use and planning; noise; public services; transportation; utilities; and wildfire.

This alternative would result in marginal increases or decreases to several impacts, as well as a substantial reduction in noise impacts due to conflicts between noise generators and noise-sensitive receptors, but it would not reduce the overall level of impacts for any of the topical areas analyzed under Alternative 3 above. Biological resources impacts would be slightly greater due to the location relative to the Modoc Ditch.

Overall, this alternative would meet most of the project objectives. These include developing a mixed-use industrial park, placing industrial uses near the State Highway system, and developing innovative industrial uses as part of the Central Valley supply chain and goods movement network, maximizing development of the site to generate increased revenue and economic development, and creating employment-generating businesses to reduce commuting and improve the jobs-to-housing balance, and applying the goals and policies of the General Plan, which focuses on developing light industrial and industrial uses. However, this alternative would not meet the project objective of building out the General Plan's envisioned land use contemplated for the proposed project site.

Furthermore, the alternative site that was analyzed under Alternative 3 is not currently under the ownership of the applicant, and the project applicant cannot reasonably acquire, control, or otherwise have access to the alternative site that was selected (CEQA Guidelines § 15126.6(f)(2)). Additionally, this property would require a General Plan Amendment and is therefore less consistent with the General Plan than the project site.

Based on the analysis in the EIR and all other relevant evidence in the administrative record before it, this City Council hereby finds that while the Alternative Location Alternative would meet most of the basic project objectives (although the alternative site would require a General Plan Amendment and is therefore less consistent with the General Plan than the project site), it would not eliminate any of the identified significant and unavoidable impacts and would not otherwise have any type of meaningful reduction to other impacts as compared to the proposed project. Furthermore, the alternative site is not currently under the ownership of the applicant, and the project applicant cannot reasonably acquire, control, or otherwise have access to the alternative site that was selected (CEQA Guidelines § 15126.6(f)(2)). The City Council hereby rejects this alternative as infeasible.

1.9.5 - Environmentally Superior Alternative

CEQA Guidelines Section 15126.6(e)(2) provides that an analysis of alternatives to a proposed project shall identify an environmentally superior alternative among the alternatives evaluated in an EIR.

Alternatives 1 and 2 would, to a certain degree lessen the environmental impacts relative to the proposed project as described above and further in the EIR, significant and unavoidable impacts would remain in all cases except under the No Project Alternative. If the No Project Alternative is the environmentally superior alternative—which is the case here as it results in fewer and less severe project impacts—the Draft EIR must also identify another environmentally superior alternative among the remaining alternatives. Overall, based on the analysis set forth in the EIR and other evidence in the administrative record, the Reduced Footprint Alternative (Alternative 2) has the greatest potential to yield reductions in the severity of the proposed significant and unavoidable impacts because the significant and unavoidable off-site mobile source operational noise impacts from traffic generation would be reduced under this alternative.

However, the Reduced Footprint Alternative would not meet several of the project objectives at all, and for others, it would not meet those to the same degree as the proposed project. Moreover, since it would eliminate half of the proposed project, it would be infeasible due to social, economic and other reasons. As noted in Section 1.8.3, above, a substantial reduction in project size would significantly reduce the amount of property and sales taxes received by the City, reduce employment opportunities, would not implement the City's vision of future land uses, or result in the improvement of the area's jobs-to-housing ratio (Draft EIR, p. 6-20). Based on the analysis in the EIR and all other relevant evidence in the administrative record before it, this City Council hereby finds that the Reduced Footprint Alternative does not meet a number of the project objectives at all, and for others, it would not meet those to the same degree as the proposed project. The City Council further hereby rejects this alternative as infeasible.

1.10 - Findings Regarding Cumulative Impacts

Consistent with CEQA's requirements, the Draft EIR for the proposed project includes a thoughtful analysis of cumulative impacts. The City, as the Lead Agency, has significant discretion in determining the appropriate baseline, with a focus on how those baseline conditions can most realistically be measured. For the reasons set forth in the EIR and as otherwise documented in the administrative record, the baseline for cumulative conditions (which involved a list of relevant cumulative developments along with a summary of General Plan projections) was sufficiently comprehensive to allow the proposed project's cumulative impacts to be meaningfully considered and the potential severity and significance of the cumulative impacts were reflected accurately. In so doing, it took into appropriate account the City's typical practice and timing related to review of the completeness of development applications as being a practical, feasible and reasonable point in time to utilize as a "cutoff date" for purposes of the cumulative projects list since, in the City's experience, the ultimate feasibility, likelihood, nature, scope and specific parameters of development proposals are not generally sufficiently crystallized — and thus not sufficiently probable — until the application is determined complete.

As discussed throughout the Draft EIR and summarized in these Findings, except as to cumulative agricultural resource impacts, cumulative air quality impacts, and cumulative noise impacts, all other cumulative impacts associated with the proposed project are less than significant or less than significant with the implementation of applicable mitigation and compliance with applicable regulations. Additionally, the proposed project's contribution to the less than significant cumulative impacts would not be cumulatively considerable.

As discussed in Section 1.7 of these Findings, the proposed project, in combination with other past, present and reasonably foreseeable probable future cumulative developments, would have a cumulative significant impact on agricultural, air quality, and noise impacts which remains significant even with incorporation of all feasible mitigation. As detailed in the EIR and Section 1.9 above, no feasible project alternatives would reduce these impacts to a less than significant level, while meeting project objectives.

1.11 - Findings Regarding Growth Inducement

CEQA Guidelines Section 15126.2(e) requires a discussion of the ways in which a proposed project could foster economic or population growth, or the construction of additional housing, either directly or indirectly, in the surrounding environment. Typical growth-inducing factors might be the extension of urban services or transportation infrastructure to a previously unserved or underserved area, or the removal of major barriers to development.

The City Council hereby recognizes that certain forms of growth are beneficial, both economically and socially. The proposed project would include the construction of flex industrial and light industrial uses and related improvements as well as other compatible non-industrial uses, such as self storage and RV parking, a gas station, convenience store, a car wash, and two drive-through restaurants. The proposed project would be expected to employ a total of approximately 4,100 employees at full buildout. As described in Chapter 4 of the Draft EIR, Effects Found not to be Significant, direct population growth would result if the proposed project were to include residential units. Because the proposed project is industrial in nature and would not develop single-family or multi-family residential uses, no direct population growth would be expected to occur.

In terms of the removal of any direct barriers to growth, this would not occur as a result of the proposed project because it would not remove any existing obstacles that currently prevent growth within the City. For example, the proposed project would not require expansion of existing water, wastewater and public facilities and services beyond what was already planned for in the City General Plan. Instead, the proposed project only involves the connection to various City-operated existing utility and infrastructure systems for water, wastewater, and stormwater facilities, as well as connection to existing non-City provided infrastructure such as natural gas (to be provided by SoCalGas) and electrical services (to be provided by SCE). The utility infrastructure installed as part of the proposed project would be sized and located expressly to serve only the proposed project and would not, therefore, induce growth in the project vicinity. The proposed project does not involve any extensions of roads or other infrastructure not assumed in the General Plan or adopted capital improvements project list, which would exceed the needs of the proposed project and thus accommodate future developments.

Therefore, because the proposed project does not involve housing, nor would it remove any direct barriers to growth, the proposed project would not directly increase population.

Indirect population growth occurs when a project creates substantial employment opportunities or provides new, upsized infrastructure that could lead to additional unplanned growth. As noted, the proposed project is anticipated to create approximately 4,100 new employees at full buildout. Given the nature of the proposed project, it would likely be staffed primarily by local employees. In 2022, the City had an unemployment of 4.2 percent, indicating a presence of approximately 6,005 unemployed workers. Approximately 22.5 percent of the City's workforce works in industry sectors that the proposed project would occupy, including employment opportunities with potential tenants/operators involving wholesale trade, manufacturing, retail trade, and transportation and warehousing consistent with the proposed flex industrial, light industrial and other commercial uses. Therefore, it is reasonable to conclude there are at least 1,352 workers eligible to in the City who could fill a portion of the jobs that are expected to result from the proposed project. Furthermore, Tulare County currently has an unemployment rate of 9.7 percent, or 20,800 people of the working population. There are a total of 140,091 workers who both live in Tulare County and commute to work within the County. It is reasonable to assume that a number of unemployed County residents living near the City of Visalia could accept a job working at one of the proposed project businesses, and would commute to the City to work.

Nonetheless, additional employees could potentially transfer into the area as a result of the proposed project, resulting in population growth. However, the General Plan contemplated a certain amount of population growth, projecting that its population would grow from 125,000 people in 2014 to 210,000 people by 2030, which corresponds to an average annual growth rate of 2.6 percent. Employment in the City was projected to increase by 39 percent between 2010 and 2030, with a total of 25,520 new jobs projected during this time frame. Therefore, any population growth caused by increased employment opportunities provided by the proposed project would be within the planned growth anticipated in the General Plan. To the extent people transfer into the City and vicinity to fill the positions provided by the proposed project, it is reasonable to conclude that any such increase in potential housing demand could be readily absorbed by the local housing inventory and/or the pending and approved residential projects in the City and the surrounding area. As of the writing of the Draft EIR, the current housing vacancy rate in the City is 3.9 percent, and the County vacancy rate is 5.7 percent. Thus, the City Council hereby finds that the proposed project would not result in a significant, unplanned change to the population of the City or alter the location, distribution, density, or growth rate of the anticipated population planned for the City.

As noted above, existing infrastructure and services would be extended to make the necessary connections to serve the proposed project, but would not involve any upsizing of infrastructure that was not already planned for in the General Plan and relevant City master infrastructure plans and thus would not encourage additional unplanned growth. For these reasons, the City Council hereby finds that implementation of the proposed project would not induce substantial indirect population growth within the City.

Based on the foregoing reasons and as detailed more fully in the EIR, the City Council hereby finds that the proposed project would not result in direct or indirect growth. It would not negatively alter

the existing jobs/housing balance, be inconsistent with the General Plan or relevant City master infrastructure plans, or remove a barrier to growth through the extension of infrastructure or utilities to an unserved area or upsize infrastructure to serve unplanned growth. Therefore, growth-inducing impacts would be less than significant.

1.12 - Findings Regarding Significant Irreversible Environmental Changes

According to CEQA Guidelines Sections 15126(c) and 15126.2(d), the City Council, as Lead Agency, must address any significant irreversible environmental changes that would occur should the proposed project be implemented. Generally, a project would result in significant irreversible environmental changes if any of the following would occur:

- The project would involve a large commitment of nonrenewable resources;
- The primary and secondary impacts of the project would generally commit future generations to similar uses;
- The project involves uses in which irreversible damage could result from any potential environmental accidents; or
- The proposed consumption of resources are not justified.

As discussed more fully in the EIR, the proposed project involves construction and operation of light industrial, flex industrial, as well as compatible commercial uses, consisting of self storage/RV parking, a gas station, convenience store, a car wash, and two drive-through restaurants, which, at buildout, would total approximately 3.7 million square feet.

Stringent construction and demolition debris recycling practices consistent with applicable laws and regulations, which would be imposed on the proposed project, would be expected to facilitate the recovery and reuse of building materials such as concrete, lumber, and steel and would limit disposal of these materials, some of which are nonrenewable.

Construction of the proposed project would include the consumption of resources that are not replenishable, or that may renew so slowly to be considered nonrenewable. These resources would include the following: certain types of lumber and other forest products; aggregate materials used in concrete and asphalt, such as sand, gravel, and stone; metals such as steel, copper, and lead; petrochemical construction materials such as plastics; and water. Fossil fuels such as gasoline and oil would also be consumed in the use of construction vehicles and equipment. However, anticipated consumption of these common building materials and energy would be typical and consistent with other similar developments in the region and commitments of resources would not be unique or unusual to the proposed project. Given its nature and scope, development of the proposed project would not be expected to involve an unusual commitment of nonrenewable resources, nor would it be expected to consume resources in a wasteful manner.

At operation, day-to-day activities would involve the typical use of nonrenewable resources such as petroleum and natural gas during operations. However, the new buildings and related infrastructure would be required to adhere to the latest adopted edition of the CBC, which are viewed as some of

the most stringent in the nation; this would include a number of standards that would reduce energy demand, water consumption, wastewater generation, and solid waste generation that would collectively reduce the demand for resources. This would result in the emission and generation of less pollution and effluent and would lessen the severity of corresponding environmental effects. Although the proposed project would result in an irretrievable commitment of nonrenewable resources, the commitment of these resources would not be significantly inefficient, unnecessary, or wasteful.

Furthermore, given its nature and scope, the proposed project does not have the potential to cause significant environmental accidents through releases into the environment, as it would not involve large quantities of hazardous materials, as discussed in Section 3.9 of the Draft EIR, Hazards and Hazardous Materials. The project site is designated as LRA Unzoned, which identifies areas with low fire frequency. The potential for wildfire on the project site is not considered high. In addition, the project site has not previously experienced wildfire and is not located in or near an area of steep terrain or historical wildfire burn, nor does it experience consistent high winds; therefore, the project site would not be prone to wildfire risk (see Section 3.17 of the Draft EIR, Wildfire). During operation, the proposed project would be readily and adequately served by police and fire protection services. The proposed project does not contain any uses or features that would exacerbate wildfire risks or place occupants at a greater risk to wildfire pollutants or uncontrolled wildfire. The proposed project would also be required to comply with applicable provisions of the California Fire Code with regard to access and building materials. Public Resources Code 4291 further requires the proposed project to maintain, at all times, a minimum of 30 feet of defensible space in every direction from structures adjacent to forest, brush, grass, or lands covered with flammable material. In addition, new construction would be required to comply with applicable requirements as set forth in Chapter 7A of the most current adopted CBC, which would further reduce risk due to wildland fire. As such, the design of the proposed project would be required to incorporate fire safety features and comply with the applicable fire safety provisions of the CBC, thereby further reducing the risk of loss, injury, or death involving wildland fires. Thus, implementation of the proposed project's light industrial, flex industrial and other compatible commercial uses would not have the potential to result in significant environmental accidents and would not result in significant irreversible environmental changes.

The City Council, as Lead Agency, hereby finds that the proposed project would not result in significant irreversible changes.

1.13 - Mitigation Monitoring and Reporting Plan

Pursuant to Public Resources Code Section 21081.6 and Guidelines Section 15091(d), the City Council, as Lead Agency, hereby adopts the MMRP prepared for the proposed project, attached to these Findings as Appendix A. Implementation of the mitigation measures contained in the MMRP is hereby made a condition of approval of the proposed project. The MMRP is hereby incorporated by reference in these Findings. In the event of any inconsistencies between the mitigation measures set forth herein and the MMRP, the MMRP shall control.

This City Council hereby adopts this MMRP as it pertains to the proposed project, and hereby finds that the mitigation measures set forth in the MMRP will reduce or avoid the potentially significant environmental effects of the proposed project to the extent feasible for the reasons described in the EIR. In the event a mitigation measure recommended in the Draft EIR has inadvertently been omitted from the MMRP, this City Council hereby adopts such mitigation measure(s) as stated in the EIR and hereby incorporates said mitigation measure into these Findings by reference.

The mitigation measures as set forth in the MMRP are being made enforceable as conditions of approval. Accordingly, changes or alterations have been required in, or incorporated into the proposed project, which avoid or substantially lessen the significant environmental effects identified in the Draft EIR.

The Draft EIR identifies significant and unavoidable impacts, as discussed further in Section 1.9 of these findings. Various measures were suggested by commenters as proposed additional mitigation measures or modifications to the mitigation measures identified in the Draft EIR. Other comments requested mitigation measures for impacts that were determined by the City to be less than significant or requested additional mitigation measures for impacts that were already determined by the City to be reduced to a less than significant level by the proposed mitigation measures. These requests are declined as unnecessary except as otherwise set forth in the Final EIR. This City Council hereby adopts the reasons set forth in the EIR and as otherwise further supported by documentation, materials and other information in the administrative record as its grounds for rejecting the suggested adoption of new mitigation measures beyond those detailed in the Final EIR.

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

1.14 - Findings Regarding Recirculation

During the public review period after the EIR was published, the City received certain additional information. City staff and the technical consultants involved in preparing the various studies, reports and analyses included in the EIR have also presented additional information since the publication of the Draft EIR. Some of this information was contained in comments submitted on the Draft EIR, and in responses to those comments contained in the Final EIR. Other information was presented at or before public meetings/hearings on the Draft EIR. The Draft EIR incorporates feasible mitigation, additions, clarifications, modifications, and other changes, in response to comments and as determined appropriate by City staff and required under CEQA. The City also elected to respond to late CEQA comments, as detailed more fully in a technical memorandum by the City's CEQA consultant and as otherwise set forth in the administrative record.

Under *Laurel Heights Improvement Ass'n v. Regents of Univ. of Cal*. (1993) 6 C4th 1112 (Laurel Heights II) and CEQA Guidelines Section 15088.5(a)(3), when information added to the Final EIR consists of a suggested additional mitigation measure, recirculation is required only if the new

mitigation measure meets all of the following criteria (*South County Citizens for Smart Growth v. County of Nevada* (2013) 221 CA4th 316, 330):

- It is feasible;
- It is considerably different from the alternatives or mitigation measures already evaluated in the Draft EIR;
- It would clearly lessen the project's significant environmental impacts; and
- It is not adopted.

Recirculation is required only if each of the above tests is met. (*South County Citizens*, supra at 330). As described in detail in the Final EIR, these Findings, and other relevant evidence in the administrative record, mitigation measures proposed during the public comment period (and/or raised in late comment letters) are either (1) not necessary; (2) not feasible; (3) or are already included as mitigation. Revisions to MM BIO-1d, MM BIO-3, and MM GHG-2a have been adopted to further reduce impacts as noted in Final EIR Section 3, Errata. Neither additional/revised mitigation measure has any significant effects.

The City Council, as Lead Agency, has considered all relevant information including, without limitation, the opinions and comments of interested public agencies, organizations and individuals. This includes, without limitation, opinions and comments that disagree with some of the analysis, assumptions, methodologies, thresholds and conclusions in the EIR. As noted above, the entirety of the Draft EIR is incorporated into these Findings by reference. This City Council hereby ratifies, adopts and incorporates into these Findings the determinations and conclusions of the Draft EIR relating to the proposed project's environment impacts and mitigation measures and the analysis related thereto.

The City Council, as Lead Agency, further hereby finds that the revisions to the mitigation does not meet the test for recirculation. Additionally, the City Council hereby finds that none of the additional information provided during the public comment period demonstrates any of the following situations requiring recirculation identified in CEQA Guidelines Section 15088.5 have occurred:

- A new significant environmental impact that would result from the project (or any alternative) or from a new mitigation measure proposed to be implemented.
- A substantial increase in the severity of an environmental impact would result unless mitigation measures are adopted that reduce the impact to a level of insignificance.
- A feasible project alternative or mitigation measure considerably different from others previously analyzed would clearly lessen the significant environmental impacts of the project (or an alternative), but the project's proponents decline to adopt it.
- The Draft EIR was so fundamentally and basically inadequate and conclusory in nature that meaningful public review and comment were precluded.

Based on the foregoing and as explained herein and in more detail in the EIR as well as other evidence in the administrative record, and having reviewed all the information in the record of

proceedings, the City Council hereby finds that this additional information does not constitute significant new information nor does it otherwise trigger recirculation of the Draft EIR. The additional information merely clarifies or amplifies an adequate EIR.

1.15 - Statement of Overriding Considerations

CEQA requires that a Lead Agency balance the benefits of a project against its unavoidable environmental risk in determining whether to approve the project. If the benefits outweigh the unavoidable adverse effects, those effects may be considered "acceptable" pursuant to CEQA Guidelines Section 15093(a). CEQA requires that a Lead Agency support, in writing, the specific reasons for considering a project acceptable when significant impacts are infeasible to mitigate. Those reasons must be based on substantial evidence in the EIR or elsewhere in the administrative record pursuant to CEQA Guidelines Section 15093(b). The Lead Agency's written reasons are referred to as a Statement of Overriding Considerations.

As explained in these Findings of Fact and further detailed in the EIR and other relevant evidence in the administrative record, most of the proposed project's impacts on the environment would either be insignificant or, through the incorporation of mitigation measures as enforceable conditions of approval of the proposed project, would be reduced to less than significant. However, as set forth in Section 1.9 above, certain impacts to Agricultural and Forest Resources, Air Quality, and Noise will remain significant and unavoidable even with implementation of all feasible mitigation measures. Further, as set forth in Section 1.11 above, there are/are no feasible alternatives to the proposed project, which would mitigate or avoid those environmental impacts and which would also meet most of the project objectives.

Accordingly, as set forth below, the City Council hereby declares that pursuant to Public Resources Code Section 21081 and CEQA Guidelines Section 15093, the following benefits provided to the public through the approval and implementation of the proposed project outweigh the identified significant adverse environmental impacts of the proposed project that cannot be mitigated. The City Council further hereby finds that having reduced the adverse significant environmental effects of the proposed project to the extent feasible by adopting the mitigation measures contained in the EIR, the MMRP, and these Findings, having considered the entire administrative record on the proposed project, and having weighed the benefits of the proposed project against its unavoidable adverse impacts after mitigation, hereby finds that each of the project benefits separately and individually outweighs all of the unavoidable adverse environmental effects identified in the Draft EIR and therefore hereby finds those impacts to be acceptable.

- The proposed project would promote positive economic growth and new capital investment.
- The proposed pedestrian ramps and signalized crossings at the intersections of Kelsey Street and Riggin Avenue, Clancy Street and Riggin Avenue, and Shirk Street and Riggin Avenue would enhance pedestrian and bicycle connectivity and improve mobility.
- The proposed project would provide a high level of accessibility given its location and would enhance connectivity to Visalia Transit Route 17 services along Riggin Avenue by installing sidewalk and bicycle facilities.

- The proposed project would support the planned, orderly, efficient development of the project site, consistent with the General Plan, which would provide increased revenue, employment-generating businesses, and significant economic benefits to the City.
- The proposed project would generate an estimated 4,100 jobs at buildout. The creation of these local and regional employment opportunities would substantially enhance economic opportunities in the City and improve the City's jobs-to-housing balance.
- The project site would be developed in accordance with the long-held land use vision, consistent with its Tier I location, thereby facilitating the City's thoughtful approach to balanced growth occurring in concentric circles. With direct access to major transportation corridors, the project site is ideally situated to attract and support business without the need for major infrastructure expenditures, and will result in the siting of industrial and compatible commercial and flex industrial uses in proximity to other similar uses and appropriately distanced and buffered from sensitive receptors. This enables the City to facilitate goals of economic development and employment generation, while also helping to ensure the availability of lands in other locations in the City (and its SOI) for non-industrial uses; this encourages an appropriately diverse and balanced approach to land use consistent with the City's General Plan.
- The proposed project would maximize the utility of its location and infrastructure to develop industrial and other compatible non-industrial and flex industrial uses in a manner that would promote land use patterns that reduce the number and length of motor vehicle trips and reduce VMT impacts consistent with the City's planned land use vision.

Accordingly, the City Council, having reviewed and considered the EIR, all other written materials within the administrative record, and all oral testimony presented at public hearings and other public meetings on the EIR and the merits of the proposed project, has balanced the benefits of the proposed project against the identified unavoidable adverse impacts associated with the proposed project, and hereby adopts all feasible mitigation measures with respect to such impacts, certifies the EIR, and approves the proposed project. This City Council has also examined the alternatives to the proposed project, none of which is feasible, meets most of the project objectives, or is environmentally preferable to the proposed project for the reasons discussed in Section 1.9 above and the EIR.

For the foregoing reasons and as otherwise supported by substantial evidence in the administrative record, this City Council hereby adopts this Statement of Overriding Considerations, which has balanced the benefits of the proposed project against its significant and unavoidable adverse impacts in reaching a decision to approve the proposed project.

1.16 - Custodian of Record; Scope and Content of Record

The documents, information and materials that constitute the record of proceedings on which these Findings have been based are located at:

Visalia City Hall
315 East Acequia Avenue

Visalia, CA 93291

This information is provided in compliance with Public Resources Code Section 21081.6.

Various documents, information, testimony, reports, studies, analyses and other materials (both oral and written) constitute the record upon which the City Council bases these Findings and the basis for the City Council's approval and/or adoption contained herein. These Findings cite specific pieces of evidence, but none of the City Council's findings are based solely on those cited pieces of evidence. Rather, these Findings are based upon the entire record, and the City Council, as the Lead Agency, intends to rely upon all supporting evidence in the record for each of its conclusions contained herein.

The documents in the record include all items referenced in Public Resources Code Section 21167.6(e):

(i) All project application materials;

(ii) The EIR (including the Draft EIR, the Final EIR, and all appendices attached thereto);

(iii) All staff reports and related documents prepared by the lead agency and/or consultants with respect to the lead agency's compliance with the substantive and procedural requirements of this division and with respect to the action on the proposed project;

(iv) All staff reports and related documents prepared by the lead agency and written testimony or documents submitted by any person relevant to any findings or Statement of Overriding Considerations adopted by the lead agency pursuant to this division;

(v) All documentary and oral evidence received and reviewed at public hearings, public meetings, study sessions, and workshops on the Project EIR, and any transcript or minutes of the proceedings at which any advisory body or decision-making body heard testimony on, or considered the EIR;

(vi) All notices issued by the lead agency to comply with this division or with any other law governing the processing and approval of the proposed project;

(vii) All written comments received in response to, or in connection with, the EIR, including comments on the Draft EIR;

(viii) All written evidence or correspondence submitted to, or transferred from, the lead agency with respect to compliance with this division or with respect to the proposed project;

(ix) Any proposed decisions or findings submitted to the decision-makers by lead agency staff, or the project proponent, project opponents, or other interested agencies, organizations and/or individuals;

(x) The documentation of the final decision, including the Draft EIR and all documents, in addition to those referenced in paragraph (c), cited or relied on in the findings or in a Statement of Overriding Considerations adopted pursuant to this division;

(xi) For documentary and informational purposes, all locally-adopted land use plans and ordinances, including, without limitation, general plans, specific plans and ordinances,

master plans together with environmental review documents, findings, mitigation monitoring programs, and other documentation relevant to planned growth in the area;

(xii) Any other written materials relevant to the lead agency's compliance with this division or to its decision on the merits of the proposed project, including any drafts of any environmental document or portions thereof, which have been released for public review, and copies of studies or other documents relied upon in any environmental document prepared for the project and either made available to the public during the public review period or included in the lead agency's files on the proposed project, and all internal agency communications, including staff notes and memoranda related to the proposed project or to compliance with this division;

(xiii) The full written record before any inferior administrative decision-making body whose decision was appealed to a superior administrative decision-making body prior to the filing of litigation; and

(xiv) Any additional items not included above if otherwise required by law.

The EIR is incorporated into these Findings in its entirety. Without limitation, this incorporation is intended to elaborate on the scope and nature of mitigation measures, the basis for determining the significance of impacts, the comparative analysis of alternatives, and the reasons for approving the proposed project despite the potential for associated significant and unavoidable adverse impacts.

THIS PAGE INTENTIONALLY LEFT BLANK

Appendix A:
Mitigation Monitoring and Reporting Program

THIS PAGE INTENTIONALLY LEFT BLANK

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

Prepared for:
City of Visalia
315 E. Acequia Avenue
Visalia, CA 93291
559.713.4636

Contact: Brandon Smith, Principal Planner

Prepared by:
FirstCarbon Solutions
7726 N. First Street, #413
Fresno, CA 93720
714.508.4100

Contact: Mary Bean, Project Director
Yael Marcus, Project Manager

Report Date: January 17, 2025

THIS PAGE INTENTIONALLY LEFT BLANK

PREFACE

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

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

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

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

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

THIS PAGE INTENTIONALLY LEFT BLANK

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

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

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

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

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

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

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

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

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

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

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

Mitigation Measures	Method of Verification	Timing of Verification	Responsible for Verification	Verification of Completion		Party Responsible for Implementing Mitigation
				Date	Initial	
proposal at issue. Copies of all reports and communication with the appropriate wildlife agencies shall be submitted to the lead agency as evidence of compliance. The following standardized recommendations as outlined by the USFWS for the protection of San Joaquin Kit Fox shall be implemented during project construction: 1. Project-related vehicles should observe a daytime speed limit of 20-mph throughout the site in all project areas, except on county roads and State and Federal highways; this is particularly important at night when kit foxes are most active. Nighttime construction should be minimized to the extent possible. However if it does occur, then the speed limit should be reduced to 10-mph. Off-road traffic outside of designated project areas should be prohibited. 2. To prevent inadvertent entrapment of kit foxes or other animals during the construction phase of a project, all excavated, steep-walled holes or trenches more than 2-feet deep should be covered at the close of each working day by plywood or similar materials. If the trenches cannot be closed, one or more escape ramps constructed of earthen-fill or wooden planks shall be installed. Before such holes or trenches are filled, they should be thoroughly inspected for trapped animals. If at any time a trapped or injured kit fox is discovered, the Service and the California Department of Fish and Game (CDFG) shall be contacted as noted under measure 13 referenced below.						

Mitigation Measures	Method of Verification	Timing of Verification	Responsible for Verification	Verification of Completion		Party Responsible for Implementing Mitigation
				Date	Initial	
3. Kit foxes are attracted to den-like structures such as pipes and may enter stored pipes and become trapped or injured. All construction pipes, culverts, or similar structures with a diameter of 4-inches or greater that are stored at a construction site for one or more overnight periods should be thoroughly inspected for kit foxes before the pipe is subsequently buried, capped, or otherwise used or moved in any way. If a kit fox is discovered inside a pipe, that section of pipe should not be moved until the Service has been consulted. If necessary, and under the direct supervision of the Biologist, the pipe may be moved only once to remove it from the path of construction activity, until the fox has escaped. 4. All food-related trash items such as wrappers, cans, bottles, and food scraps should be disposed of in securely closed containers and removed at least once a week from a construction or project site. 5. No firearms shall be allowed on the project site. 6. No pets, such as dogs or cats, should be permitted on the project site to prevent harassment, mortality of kit foxes, or destruction of dens. 7. Use of rodenticides and herbicides in project areas should be restricted. This is necessary to prevent primary or secondary poisoning of kit foxes and the depletion of prey populations on which they depend. All uses of such compounds should observe label and other restrictions mandated by the U.S. Environmental Protection Agency, California Department of Food and						

Mitigation Measures	Method of Verification	Timing of Verification	Responsible for Verification	Verification of Completion		Party Responsible for Implementing Mitigation
				Date	Initial	
Agriculture, and other State and Federal legislation, as well as additional project-related restrictions deemed necessary by the Service. If rodent control must be conducted, zinc phosphide should be used because of a proven lower risk to kit fox. 8. A representative shall be appointed by the project proponent who will be the contact source for any employee or contractor who might inadvertently kill or injure a kit fox or who finds a dead, injured or entrapped kit fox. The representative will be identified during the employee education program and their name and telephone number shall be provided to the Service. 9. An employee education program should be conducted for any project that has anticipated impacts to kit fox or other endangered species. The program should consist of a brief presentation by persons knowledgeable in kit fox biology and legislative protection to explain endangered species concerns to contractors, their employees, and military and/or agency personnel involved in the project. The program should include the following: A description of the San Joaquin kit fox and its habitat needs; a report of the occurrence of kit fox in the project area; an explanation of the status of the species and its protection under the Endangered Species Act; and a list of measures being taken to reduce impacts to the species during project construction and implementation. A fact sheet conveying this information should be prepared for distribution to the previously referenced						

Mitigation Measures	Method of Verification	Timing of Verification	Responsible for Verification	Verification of Completion		Party Responsible for Implementing Mitigation
				Date	Initial	
people and anyone else who may enter the project site. 10. Upon completion of the project, all areas subject to temporary ground disturbances, including storage and staging areas, temporary roads, pipeline corridors, etc. should be re-contoured if necessary, and revegetated to promote restoration of the area to pre-project conditions. 11. In the case of trapped animals, escape ramps or structures should be installed immediately to allow the animal(s) to escape, or the Service should be contacted for guidance. 12. Any contractor, employee, or military or agency personnel who are responsible for inadvertently killing or injuring a San Joaquin kit fox shall immediately report the incident to their representative. This representative shall contact the CDFG immediately in the case of a dead, injured or entrapped kit fox. 13. The Sacramento Fish and Wildlife Office and CDFG shall be notified in writing within three working days of the accidental death or injury to a San Joaquin kit fox during project-related activities. Notification must include the date, time, and location of the incident or of the finding of a dead or injured animal and any other pertinent information. 14. New sightings of kit fox shall be reported to the California Natural Diversity Database (CNDDB). A copy of the reporting form and a topographic map clearly marked with the location of where the kit fox was observed should also be provided to the Service at the address below.						

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

<table>
<tr><th>Mitigation Measures</th><th>Method of Verification</th><th>Timing of Verification</th><th>Responsible for Verification</th><th colspan="2">Verification of Completion</th><th>Party Responsible for Implementing Mitigation</th></tr>
<tr><th></th><th></th><th></th><th></th><th>Date</th><th>Initial</th><th></th></tr>
<tr><td>
<table>
<tr><th>Project Phase</th><th>Total Constructed Square Feet per Phase</th><th>Phase Detail</th></tr>
<tr><td>Phase 1</td><td>1,864,680</td><td>Light Industrial (Buildings 1 and 2)</td></tr>
<tr><td>Phase 2</td><td>846,920</td><td>Light Industrial (Buildings 3, 4, and 7)
Gas Station/Convenience Market (with 12 vehicle fueling stations)
Fast-food Restaurant (with Drive-through)
Car Wash</td></tr>
<tr><td>Phase 3</td><td>230,800</td><td>Light Industrial (Buildings 5, 6, and 8)
Flex Industrial
Mini-Storage (with RV parking)</td></tr>
</table>
</td><td></td><td></td><td></td><td></td><td></td><td></td></tr>
<tr><td>MM TRANS-4: Shirk Street and Riggin Avenue: Prior to occupancy of Phase 1, the proposed project shall provide dual northbound left-turn pockets (300-foot minimum) and a 300-foot minimum southbound left-turn pocket. Since a 300-foot eastbound right-turn pocket would already be installed by the Capital Improvement Plan (CIP) project, additional recommendations are not proposed. These improvements shall occur when construction of the proposed project’s Phase 1 1,864,680 square feet is complete, as shown in the table included in this MM TRANS-4. The project’s contribution into the Transportation Impact Fees (TIF) will assist in paying for these improvements.</td><td>Subject project sponsor to provide City of Visalia with site plans to verify incorporation of required improvements, as well as reasonable documentation to verify payment of applicable TIF fees for subject individual specific development proposal.

City of Visalia to conduct site inspection to confirm</td><td>Commencement of construction to occur prior to issuance Phase 1 grading permit.</td><td>City of Visalia</td><td></td><td></td><td>Project applicant</td></tr>
</table>

<table>
<tr><th>Mitigation Measures</th><th>Method of Verification</th><th>Timing of Verification</th><th>Responsible for Verification</th><th colspan="2">Verification of Completion</th><th>Party Responsible for Implementing Mitigation</th></tr>
<tr><th></th><th></th><th></th><th></th><th>Date</th><th>Initial</th><th></th></tr>
<tr><td><table>
<tr><th>Project Phase</th><th>Total Constructed Square Feet per Phase</th><th>Phase Detail</th></tr>
<tr><td>Phase 1</td><td>1,864,680</td><td>Light Industrial (Buildings 1 and 2)</td></tr>
<tr><td>Phase 2</td><td>846,920</td><td>Light Industrial (Buildings 3, 4, and 7)
Gas Station/Convenience Market (with 12 vehicle fueling stations)
Fast-food Restaurant (with Drive-through)
Car Wash</td></tr>
<tr><td>Phase 3</td><td>230,800</td><td>Light Industrial (Buildings 5, 6, and 8)
Flex Industrial
Mini-Storage (with RV parking)</td></tr>
</table></td><td>installation of required improvements.</td><td></td><td></td><td></td><td></td><td></td></tr>
<tr><td>MM TRANS-5: Shirk Street and Ferguson Avenue: Prior to the issuance of final occupancy of any project area, the proposed project shall signalize the intersection, subject to pro rata cost sharing with the adjacent Carlton Acres Specific Plan project. This improvement would allow the intersection to operate at an acceptable Level of Service (LOS) for the deficient scenarios, while reducing the vehicles queues for all intersection turn pockets below the storage capacity. Costs of implementing MM TRANS-5 are expected to be shared by Carlton Acres Specific Plan (CASP) and the proposed project as it provides access to both sites.</td><td>Subject project sponsor to provide City of Visalia with site plans to verify incorporation of required improvements.

City of Visalia to conduct site inspection to confirm installation of required improvements</td><td>To be completed prior to the issuance of Phase 1 occupancy permit.</td><td>City of Visalia</td><td></td><td></td><td>Project applicant</td></tr>
</table>

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

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

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

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

THIS PAGE INTENTIONALLY LEFT BLANK