

Brandon Smith

From: Pete Sheehan <psheehan@goldenstateeja.com>
Sent: Thursday, February 27, 2025 8:17 AM
To: Reyna Rivera
Cc: Brandon Smith
Subject: Fw: GSEJA Public Comment City of Visalia Council Meeting Shirk-Riggin Industrial Project
Attachments: 2025 GSEJA PUBLIC COMMENT City of Visalia Shirk - Riggins Industrial Project Comments C_C Meeting 3_3_2025.pdf; 2024 City of Visalia Shirk and Riggin Industrial Park Project EIR Comments[67].pdf

From: Pete Sheehan <psheehan@goldenstateeja.com>
Sent: Thursday, February 27, 2025 8:07 AM
To: brandon.smith@visalia.city <Brandon.smith@visalia.city>; cityclerk@visalia <cityclerk@visalia>
Cc: cityclerk@visalia <cityclerk@visalia>
Subject: GSEJA Public Comment City of Visalia Council Meeting Shirk-Riggin Industrial Project

Subject: GSEJA Public Comment City of Visalia City Council Meeting Shirk-Riggin Industrial Project

To Whom It May Concern,

Attached and below are public comments on behalf of Golden State Environmental Justice Alliance. These comments are submitted to the City Council to be included in the record for the City Council consideration regarding GSEJA public comment City of Visalia City Council Shirk-Riggin Industrial Project.

For clarification purposes, only the highlighted yellow portion of the body of this email is the public comment to be added into the record along with the TWO attachments.

Please confirm receipt of this email.

Public Comment

Good evening, my name is Pete Sheehan and I'm with the Golden State Environmental Justice Alliance. We submitted a comment letter to the EIR. Our letter identified several deficiencies with the EIR.

During these turbulent times, we as citizens expect and deserve our local government's elected and appointed officials to protect us from environmental and social injustice, to aid in the preservation and rehabilitation of the environment in which we all share, and to ensure accountability and responsibility regarding the environmental decisions they may make.

We stand by our comment letter and believe the EIR is flawed, and must be redrafted and recirculated for public review. In closing we call on this council to be a leader on the aforementioned issues and be the first line of defense for our citizenry and environment. Only by working together can we continue to be excellent stewards of our environment, outstanding stewards to our citizens and each other. Thank You.

Please confirm receipt of this email.

Thank You,

Pete Sheehan



Green Jobs & Clean Communities

February 26, 2025

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

SUBJECT: Shirk-Riggin Industrial Project

The Golden State Environmental Justice Alliance presented multiple arguments in our comment letter dated May 24, 2024, addressing the flaws of the EIR (see attached). In addition, you received a response from an Air Quality Expert, Soil / Water / Air Protection Enterprise (SWAPE). They stated in their analysis the following, “Our review concludes that the DEIR inadequately evaluates the Project’s air quality, health risk, and greenhouse gas (“GHG”) impacts. As a result, emissions and health risks associated with construction and operation of the proposed project may be underestimated and inadequately addressed. A Revised Environmental Impact Report (“EIR”) should be prepared to address the potential air quality, health risk and GHG impacts that the project may have on the environment.

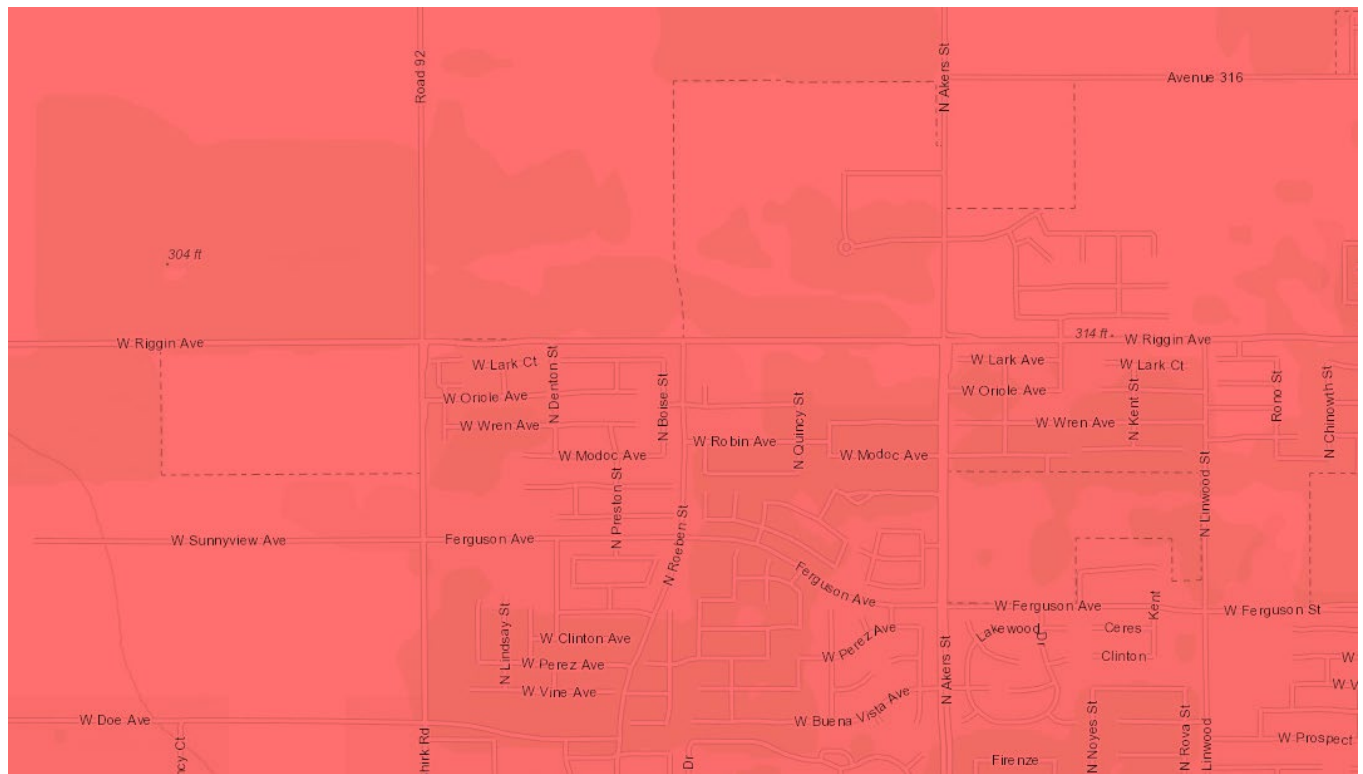
Additionally, according to CalEnviroScreen’s SB 535 Disadvantaged Communities Map, the proposed project’s census tract (6107001003) and the census tracts adjacent to the project site (6107000900 (north/west) and 6107001004 (east)) are identified as SB 535 Disadvantaged Communities. This indicates that cumulative impacts of development and environmental impacts in the area are disproportionately impacting these communities. SB 535 provides funding for development projects that provide a benefit to disadvantaged communities. The California Environmental Protection Agency is responsible for identifying those communities based on “geographic, socioeconomic, public health, and environmental hazard criteria.” As the Project site is within a disadvantaged community, and the Project’s census tract exhibits a high risk of cancer, the proposed Project may contribute to the disproportionate health impacts warehouses impose on nearby residents.

The proposed Project may exacerbate disproportionate health risks for community members within the immediate area, a concern underscored by the mandates of SB 1000. SB 1000, enacted to address environmental justice considerations, require local governments to integrate environmental justice



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elements into their planning processes, particularly focusing on reducing health risks for disadvantaged communities.





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The City Council has a duty to adequately address the environmental, social, and economic burden placed on the City of Visalia residents. The City Council should request a new EIR be prepared for this project, due to the deficiencies of the EIR and continued health, exposures, socioeconomic factors and environmental effects the citizenry of Visalia already suffers and will continue to suffer, based on our comment letter dated May 24, 2024, along with several other comments provided by others participating in the process.

If the City Council votes to certify the project FEIR, GSEJA believes the City Council will have not fulfilled its duty to adequately investigate nor mitigate the project. Further, under CEQA, the city must “Take all action necessary to provide the people of this state with clean air and water, enjoyment of aesthetic, natural, scenic, and historic environmental qualities, and freedom from excessive noise.”

The California Environmental Quality Act's purpose in properly applying the law and its intent is defined below by the California Legislature in passing CEQA.

The importance of a healthy environment for all of California’s residents is reflected in CEQA’s purpose. In passing CEQA, the Legislature determined:

CEQA’s Purposes

- “The maintenance of a quality environment for the people of this state now and in the future is a matter of statewide concern.” (Pub. Res. Code, § 21000, subd. (a).)
- We must “identify any critical thresholds for the health and safety of the people of the state and take all coordinated actions necessary to prevent such thresholds from being reached.” (Id. at subd. (d).)
- “[M]ajor consideration [must be] given to preventing environmental damage, while providing a decent home and satisfying living environment for every Californian.” (Id. at subd. (g).)
- We must “[t]ake all action necessary to provide the people of this state with clean air and water, enjoyment of aesthetic, natural, scenic, and historic environmental qualities, and freedom from excessive noise.” (Pub. Res. Code, § 21001, subd. (b).)

Cities, counties, and other local governmental entities have an important role to play in



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ensuring environmental justice for all of California’s residents. Under state law: “[E]nvironmental justice” means the fair treatment of people of all races, cultures, and incomes with respect to the development, adoption, implementation, and enforcement of environmental laws, regulations, and policies.

Gov. Code, § 65040.12, subd. (e).) Fairness in this context means that the benefits of a healthy environment should be available to everyone, and the burdens of pollution should not be focused on sensitive populations or on communities that already are experiencing its adverse effects.

The Cal Enviro Screening Information below depicts the severity of the level of pollution and health hazards the City of Visalia and its citizens are already experiencing. The overall percentiles of pollution exposures and its subsequent health impacts should be enough data to deny the approval of the project and request a new EIR with enhanced mitigation measures.

We encourage the city to adopt a net-zero goal for GHG emissions for this project, as other cities have within California with mixed – use projects larger than this one.

City of Visalia - Shirk and Riggin Industrial Park Project

Census Tract: 6107001003

Population: 25,636

Overall Percentiles	%
Pollution Burden Percentile	99%
CalEnviroScreen 4.0 Percentile	74%
Exposures	%
Toxic Releases	99%
Particulate Matter 2.5	98%
Ozone	91%
Pesticides	79%
Drinking Water	78%
Environmental Effects	%
Cleanup Sites	95%
Hazardous Waste	87%
Groundwater Threats	85%
Solid Waste	72%



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City of Visalia - Shirk and Riggin Industrial Park Project

Census Tract: 6107000900

Population: 9,746

Overall Percentiles	%
Pollution Burden Percentile	99%
CalEnviroScreen 4.0 Percentile	95%
Population Characteristics Percentile	72%
Exposures	%
Particulate Matter 2.5	97%
Drinking Water	97%
Ozone	91%
Pesticides	89%
Toxic Releases	71%
Environmental Effects	%
Groundwater Threats	99%
Solid Waste	93%
Cleanup Sites	91%
Hazardous Waste	67%
Socioeconomic Factors	%
Poverty	91%
Education	87%
Housing Burden	80%



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City of Visalia - Shirk and Riggan Industrial Park Project

Census Tract: 61070001004

Population: 7,191

Overall Percentiles	%
CalEnviroScreen 4.0 Percentile	88%
Population Characteristics Percentile	85%
Pollution Burden Percentile	79%
Exposures	%
Particulate Matter 2.5	99%
Ozone	91%
Diesel Particulate Matter	77%
Toxic Releases	67%
Drinking Water	67%
Pesticides	62%
Environmental Effects	%
Cleanup Sites	62%
Sensitive Populations	
Low Birth Weight	82%
Cardiovascular Disease	60%
Socioeconomic Factors	%
Education	96%
Linguistic Isolation	93%
Poverty	91%
Unemployment	81%
Housing Burden	68%



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CONCLUSION

Due to the above-mentioned reasons as well as the reasons listed in the original comment letter to the EIR, GSEJA believes the EIR is flawed and a new EIR must be prepared for the proposed project and circulated for public review. GSEJA requests the City of Visalia City Council to deny the project and require a new EIR.

Sincerely,

Pete Sheehan
Central CA Advocate & Representative
Golden State Environmental Justice Alliance
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May 24, 2024

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

VIA EMAIL TO:
brandon.smith@visalia.city

SUBJECT: Comments on Shirk and Riggin Industrial Park Project EIR (SCH NO. 2022080658)

Dear Mr. Smith,

Thank you for the opportunity to comment on the Environmental Impact Report (EIR) for the proposed Shirk and Riggin Industrial Park Project. Please accept and consider these comments on behalf of Golden State Environmental Justice Alliance. Also, Golden State Environmental Justice Alliance formally requests to be added to the public interest list regarding any subsequent environmental documents, public notices, public hearings, and notices of determination for this project. Send all communications to Golden State Environmental Justice Alliance P.O. Box 79222 Corona, CA 92877.

1.0 Summary

The Project site is approximately 284 acres and currently consists of an actively managed almond orchard with an onsite pump house and small structures supportive of the orchard operations. The proposed project would discontinue the existing agricultural uses, demolish remaining on-site structures that serve agricultural uses, and develop a mixed-use industrial park totaling approximately 3,720,149 square feet of light industrial, flex industrial, and commercial uses along with car/trailer parking areas and related on- and off-site improvements. The industrial park would involve both flex industrial and light industrial uses. Flex industrial uses would consist of small incubator space available for small manufacturing, storage, limited warehouse space, while the light industrial uses would consist of warehouse, distribution, storage, and light manufacturing. The project site proposes construction of eight light industrial buildings (3,474,650 total sf), six flex industrial buildings (84,480 total sf), Self-Storage/Recreation Vehicle (RV) Buildings (144,800 total sf), Convenience Store and Gas Station (6,922 sf), two 2,368 sf Drive-through Restaurants (4,736 total sf), and a Car Wash (4,560 sf). The project site is located within the

boundaries of Tulare County. The proposed project would need to be annexed into the city limits, and upon annexation, would be served by the City of Visalia for purposes of water and wastewater.

The proposed project would require the certification of the EIR and the following discretionary approvals from the City:

1. Approval of a Development Agreement
2. Approval of Resolution Initiating Annexation Proceedings
3. Approval of the Site Plan
4. Approval of Tentative Parcel Map
5. Conditional Use Permit for the conditionally permitted uses proposed (convenience store, drive-through restaurants), some of the proposed lot sizes in the light industrial zoning, and lots without public street frontage.

1.1 Project Piecemealing

The EIR does not accurately or adequately describe the project, meaning “the whole of an action, which has a potential for resulting in either a direct physical change in the environment, or a reasonably foreseeable indirect physical change in the environment” (CEQA § 15378). The project proposed by Shirk & Riggin Industrial Park is a piecemealed portion of a larger overall project to be developed within the larger Seefried Logistics Center in the City of Visalia. Other piecemealed projects include at minimum SPR21071¹ (construction of a 1,044,950 sf warehouse/distribution center building at the southwest corner of Plaza and Ferguson - Ace Hardware), and SPR22041² (construction of a 535,540 sf warehouse building at the southwest corner of Goshen and American, immediately south of Ace Hardware). Cumulatively, the three piecemealed applications construct a total of 5,300,639 sf of building floor area.

A project EIR must be prepared that accurately represents the whole of the action without piecemealing the project into separate, smaller development projects to present unduly low environmental impacts. CEQA Section 15161 describes project EIRs as examining “the environmental impacts of a specific development project. This type of EIR should focus primarily on the changes in the environment that would result from the development project. The EIR shall

1

<https://cd.visalia.city/CitizenAccess/Cap/CapDetail.aspx?Module=Engineering&TabName=Engineering&capID1=ENG21&capID2=00000&capID3=00278&agencyCode=VISALIA>

2

<https://cd.visalia.city/CitizenAccess/Cap/CapDetail.aspx?Module=Engineering&TabName=Engineering&capID1=ENG22&capID2=00000&capID3=00142&agencyCode=VISALIA>

examine all phases of the project including planning, construction, and operation.” The specific development project is the construction and operation of all Seefried buildings.

Additionally, CEQA Section 15146 requires that the degree of specificity in an EIR “will correspond to the degree of specificity involved in the underlying activity which is described in the EIR. (a) An EIR on a construction project will necessarily be more detailed in the specific effects of the project than will be an EIR on the adoption of a local general plan or comprehensive zoning ordinance because the effects of the construction can be predicted with greater accuracy.” Because there are multiple proposed buildings as part of a single project, the project EIR must be more detailed in the specific effects of the project. A project EIR must be prepared which accurately represents the whole of the action without piecemealing the project into separate, smaller development projects, development areas, or development phases to present unduly low environmental impacts.

2.0 Project Description

The EIR does not include a floor plan, detailed site plan, detailed building elevations for each proposed building, or a conceptual grading plan. The basic components of a Planning Application include a detailed site plan, floor plan, conceptual grading plan, written narrative, and detailed elevations. Only a representative elevation for one each of the warehousing and flex industrial buildings is provided; there are no elevations for the Self-Storage/Recreation Vehicle (RV) Buildings, Convenience Store and Gas Station, two 2,368 sf Drive-through Restaurants, or Car Wash. Additionally, the site plan provided in Exhibit 2-8 has been edited to remove pertinent information from public view. For example, it does not provide any detailed information such as, floor area ratio, earthwork quantity notes, or maximum building height. Providing the earthwork quantity notes via a complete conceptual grading plan is vital as the EIR states that, “the proposed project includes approximately 130,000 cubic yards of material to be cut, approximately 260,000 cubic yards of fill material, and a net import of approximately 130,000 cubic yards of new material,” and there is no method for the public or decision makers to verify this statement. Verification of the earthwork quantities is vital as it directly informs the quantity of any necessary truck hauling trips due to soil import/export during the grading phase of construction, thereby impacts mobile source emissions. A revised EIR must be prepared to include wholly accurate and unedited detailed project site plan, floor plan, grading plan, elevations, and project narrative for public review.

Additionally, the Project Description states that a necessary action to implement the proposed project is approval of a Development Agreement. However, the EIR has not included the Development Agreement for review by the public and decision makers. This does not comply

with CEQA’s requirements for adequate informational documents and meaningful disclosure (CEQA § 15121 and 21003(b)). Incorporation by reference (CEQA § 15150 (f)) is not appropriate as the Development Agreement contributes directly to analysis of the problem at hand and is a component of the proposed project. A revised EIR must be prepared to include the Development Agreement for review, analysis, and comment by the public and decision makers.

The Project Description and EIR are insufficient in adequately describing the proposed project. The Project Description states that a necessary action to implement the proposed project is approval of a “Conditional Use Permit for the conditionally permitted uses proposed (convenience store, drive-through restaurants), some of the proposed lot sizes in the light industrial zoning, and lots without public street frontage.” However, there is no specific information given in the EIR regarding which lots are affected, the deviations in lot sizes from the requirements, and which lots do not have public street frontage. This does not comply with CEQA’s requirements for adequate informational documents and meaningful disclosure (CEQA § 15121 and 21003(b)). Incorporation by reference (CEQA § 15150 (f)) is not appropriate as the complete and specific details of the Conditional Use Permit requests contribute directly to analysis of the problem at hand and is a component of the proposed project. A revised EIR must be prepared to include the complete and specific details of the Conditional Use Permit requests for review, analysis, and comment by the public and decision makers.

3.0 Environmental Impact Analysis

It must be noted that Table 3-1: Cumulative Projects excludes YS Industrial Park Phase 3 (SPR22130³), which is immediately adjacent to the south of the project site and currently under review. The EIR must be revised to include this project for cumulative analysis in order to provide an accurate environmental analysis and an adequate informational document.

3.3 - Air Quality, 3.6 - Energy, and 3.8 - Greenhouse Gas Emissions

Please refer to attachments from SWAPE for a complete technical commentary and analysis.

The EIR does not include for analysis relevant environmental justice issues in reviewing potential impacts, including cumulative impacts from the proposed project. This is especially significant as the surrounding community is highly burdened by pollution. According to CalEnviroScreen 4.0⁴, CalEPA’s screening tool that ranks each census tract in the state for pollution and socioeconomic vulnerability, the proposed project’s census tract (6107001003) is ranked in the 99th percentile for overall pollution burden, meaning it is among the most polluted census tracks in the state. The

3

<https://cd.visalia.city/CitizenAccess/Cap/CapDetail.aspx?Module=Engineering&TabName=Engineering&capID1=ENG22&capID2=00000&capID3=00585&agencyCode=VISALIA&IsToShowInspection=>

⁴ CalEnviroScreen 4.0 <https://oehha.ca.gov/calenviroscreen/report/calenviroscreen-40>

surrounding community bears the impact of multiple sources of pollution and is more polluted than average on several pollution indicators measured by CalEnviroScreen. For example, the project census tract ranks in the 91st percentile for ozone burden, the 98th percentile for particulate matter (PM) 2.5 burden, and the 55th percentile for diesel PM. All of these environmental factors are attributed to heavy truck activity in the area. Ozone can cause lung irritation, inflammation, and worsening of existing chronic health conditions, even at low levels of exposure⁵. The very small particles of diesel PM can reach deep into the lung, where they can contribute to a range of health problems. These include irritation to the eyes, throat and nose, heart and lung disease, and lung cancer⁶.

The census tract also ranks in the 78th percentile for contaminated drinking water. Poor communities and people in rural areas are exposed to contaminants in their drinking water more often than people in other parts of the state⁷. The census tract also ranks in the 85th percentile for groundwater threats. People who live near contaminated groundwater may be exposed to chemicals moving from the soil into the air inside their homes⁸.

The census tract bears more impacts from cleanup sites than 95% of the state. Chemicals in the buildings, soil, or water at cleanup sites can move into nearby communities through the air or movement of water⁹. The census tract also ranks in the 99th percentile for toxic releases. People living near facilities that emit toxic releases may breathe contaminated air regularly or if contaminants are released during an accident¹⁰.

The census tract also ranks in the 72nd percentile for solid waste facility impacts and 87th percentile for hazardous waste facility impacts. Solid waste facilities can expose people to hazardous chemicals, release toxic gases into the air (even after these facilities are closed), and chemicals can leach into soil around the facility and pose a health risk to nearby populations¹¹. Hazardous waste generators and facilities contribute to the contamination of air, water and soil near waste generators and facilities can harm the environment as well as people¹².

⁵ OEHHA Ozone Burden <https://oehha.ca.gov/calenviroscreen/indicator/air-quality-ozone>

⁶ OEHHA Diesel Particulate Matter <https://oehha.ca.gov/calenviroscreen/indicator/diesel-particulate-matter>

⁷ OEHHA Drinking Water <https://oehha.ca.gov/calenviroscreen/drinking-water>

⁸ OEHHA Groundwater Threats <https://oehha.ca.gov/calenviroscreen/indicator/groundwater-threats>

⁹ OEHHA Cleanup Sites <https://oehha.ca.gov/calenviroscreen/indicator/cleanup-sites>

¹⁰ OEHHA Toxic Releases <https://oehha.ca.gov/calenviroscreen/indicator/toxic-releases-facilities>

¹¹ OEHHA Solid Waste Facilities <https://oehha.ca.gov/calenviroscreen/indicator/solid-waste-sites-and-facilities>

¹² OEHHA Hazardous Waste Generators and Facilities <https://oehha.ca.gov/calenviroscreen/indicator/hazardous-waste-generators-and-facilities>

Further, the census tract is a diverse community including 50% Hispanic and 8% Asian-American residents, whom are especially vulnerable to the impacts of pollution. The community has a high rate of poverty, meaning 39% of the households in the census tract have a total income before taxes that is less than the poverty level. Income can affect health when people cannot afford healthy living and working conditions, nutritious food and necessary medical care¹³. Poor communities are often located in areas with high levels of pollution¹⁴. Poverty can cause stress that weakens the immune system and causes people to become ill from pollution¹⁵. Living in poverty is also an indication that residents may lack health insurance or access to medical care. Medical care is vital for this census tract as it ranks in the 70th percentile for incidence of cardiovascular disease and 52nd percentile for incidence of asthma. The community also has a high rate of linguistic isolation, meaning 40% of the census tract speaks little to no English and faces further inequities as a result.

Additionally, the proposed project's census tract (6107001003) and the census tracts adjacent to the project site (6107000900 (north/west) and 6107001004 (east)) are identified as SB 535 Disadvantaged Communities¹⁶. This indicates that cumulative impacts of development and environmental impacts in the area are disproportionately impacting these communities. The negative environmental, health, and quality of life impacts resulting from an over-saturation of the warehousing and logistics industry in the area have become distinctly inequitable. The severity of significant and unavoidable impacts particularly on these Disadvantaged Communities must be included for analysis as part of a revised EIR. Each section of the EIR must include the specific analysis of each environmental impact on the Disadvantaged Communities, including cumulative analysis and irreversible environmental effects.

The State of California lists three approved compliance modeling softwares¹⁷ for non-residential buildings: CBECC-Com, EnergyPro, and IES VE. CalEEMod is not listed as an approved software. The CalEEMod modeling does not comply with the 2022 Building Energy Efficiency Standards and under-reports the project's significant Energy impacts and fuel consumption to the public and decision makers. Since the EIR did not accurately or adequately model the energy impacts in compliance with Title 24, it cannot conclude the project will generate less than significant impacts and a finding of significance must be made. A revised EIR with modeling using one of the approved software types must be prepared and circulated for public review in

¹³ OEHHA Poverty <https://oehha.ca.gov/calenviroscreen/indicator/poverty>

¹⁴ Ibid.

¹⁵ Ibid.

¹⁶ OEHHA SB 535 Census Tracts <https://oehha.ca.gov/calenviroscreen/sb535>

¹⁷ California Energy Commission 2022 Energy Code Compliance Software <https://www.energy.ca.gov/programs-and-topics/programs/building-energy-efficiency-standards/2022-building-energy-efficiency-1>

order to adequately analyze the project's significant environmental impacts. This is vital as the EIR utilizes CalEEMod as a source in its methodology and analysis, which is clearly not an approved software.

3.11 Land Use and Planning

The EIR does not discuss or analyze the project's compliance with the General Plan's Land Use Buildout Scenario. Table 1-4: Non-Residential Floor Area within the General Plan¹⁸ projected new development of 9,690,000 s.f. of building area in the industrial land use designations between 2010 and 2030. Table 1-5: Employment by Sector projects the associated creation of 9,670 jobs in the industrial sector. The EIR has not provided evidence that the growth generated by the proposed project was anticipated by the General Plan, RTP/SCS, or AQMP. The whole of the action proposed by the project (inclusive of SPR21071 and SPR22041) proposes the development of 5,300,639 square feet of building area, which is 54% of the City's industrial buildout. A revised EIR must be prepared to include this analysis, and also provide a cumulative analysis discussion of projects approved since General Plan adoption and projects "in the pipeline" to determine if the project will exceed the General Plan buildout scenarios. For example, other development such as recent YS Industries projects (SPR19213, SPR21150 and SPR22130) proposes construction of 2,507,328 sf of building area on industrial lands. Combined with the proposed project (all Seefried buildings) will cumulatively generate 7,807,967 square feet of building area on industrial designated lands. This represents 80.5% of the City's industrial buildout through 2030 accounted for by only two recent developers. These totals increase when other industrial development approved, submitted, or "in the pipeline" since General Plan adoption are added to the total. A revised EIR must be prepared to include a cumulative analysis on this topic.

Further, Table 3.11-2: General Plan Consistency Analysis provides an erroneous and misleading analysis of the proposed project and its significant and unavoidable impacts, and excludes several goals and policies from the General Plan for analysis. The EIR does not provide a consistency analysis with all land use plans, policies, or regulations adopted for the purpose of avoiding or mitigating an environmental effect. The project has significant potential to conflict with many of these items, including but not limited to the following from the General Plan:

1. T-P-9 Maintain acceptable levels of service for all modes and facilities, as established in Tables 4-1, Intersection Level of Service Definitions and 4-2, Level of Service Criteria for Roadway Segments.

¹⁸ https://www.visalia.city/depts/community_development/planning/gp.asp

2. T-P-15 Require additional right-of-way and improvements of Circulation Element facilities where needed for turning movements or to provide access to adjacent properties wherever access is not feasible from the lower classification street system.
3. T-P-61 Encourage high-security off-street parking areas for tractor-trailer rigs in industrial areas.
4. AQ-O-3 Reduce emissions of greenhouse gases that contribute to global climate change in accord with federal and State law.

Additionally, several goals and policies analyzed within Table 3.11-2 provide erroneous and misleading statements regarding the proposed project. For example, the EIR concludes the project is consistent with “Objective AQ-O-2: Strive to improve air quality by implementing emissions reduction efforts targeting mobile sources, stationary sources and construction-related sources,” because “the proposed project would include Mitigation Measure (MM) AIR-2a through MM AIR-2h to reduce emissions to the extent feasible.” The EIR excludes from analysis that the project will have a significant and unavoidable direct project-level and cumulative impact to air quality after mitigation is implemented. The EIR must be revised to include a finding of significance due to the direct inconsistency with the General Plan.

The EIR also concludes the project is consistent with “T-P-24: Require that proposed developments make necessary off-site improvements if the location and traffic generation of a proposed development will result in congestion on major streets or failure to meet LOS D during peak periods or if it creates safety hazards,” because “As discussed in Section 3.14, Transportation, the proposed project would not result in congestion on major streets or failure to meet LOS D during peak-hours following recommendations established by the project-specific Transportation Impact Study. The proposed project would construct off-site street and intersection improvements to improve existing safety hazards and reduce congestion.” However, the Transportation analysis has not provided a project-specific safety hazard analysis. The EIR has not adequately analyzed the project’s potential to substantially increase hazards due to a geometric design feature (e.g., sharp curves or dangerous intersections) or incompatible uses; or the project’s potential to result in inadequate emergency access. There are no exhibits depicting the available truck turning radius at the intersection of the project driveways and adjacent streets. There are also no exhibits adequately depicting the onsite turning radius available for trucks maneuvering throughout the site.

The Transportation analysis within the EIR states that, “A sight distance analysis for each project driveway was conducted to determine whether outbound vehicles would have adequate sight distance to observe conflicting traffic along the intersecting public roadways. Intersection sight distance for the project driveways were evaluated following methodology outlined by the City of

Visalia Design and Improvement Standard SD-3, which is based on guidance outlined by the American Association of State Highway and Transportation Officials, A Policy on Geometric Design of Highway and Street, 7th Edition. The proposed project would be required to satisfy the required sight lines and clear zone requirements for all project driveways, to ensure roadway hazards are minimized.” However, the EIR has not included the sight distance analysis for review by the public and decision makers. This does not comply with CEQA’s requirements for adequate informational documents and meaningful disclosure (CEQA § 15121 and 21003(b)). Incorporation by reference (CEQA § 15150 (f)) is not appropriate as the sight distance analysis contributes directly to analysis of the problem at hand in reviewing the project’s potentially significant impacts related to threshold Impact TRANS-3, and therefore it does not comply with General Plan Policy T-P-24. A revised EIR must be prepared to include the sight distance analysis for review, analysis, and comment by the public and decision makers.

Further, Appendix I includes Table 23: Summary of Access Recommendations, which provides recommendations to the site plan and offsite street areas to related project traffic queuing and safety. None of these recommendations are included as mitigation measures in the EIR, indicating that they are not required to be completed by the proposed project and outstanding project traffic queuing and safety exist. The EIR must be revised to include a finding of significance as it has not provided meaningful evidence to support the conclusion that the project will result in less than significant impacts under threshold Impact TRANS-3, and therefore has not complied with General Plan Policy T-P-24.

Further, the EIR does not discuss that the site is identified in the City’s Draft Housing Element¹⁹. Table 41: Vacant Parcels Available for Emergency Shelters list the project site as a vacant site available to accommodate an emergency shelter and contributes to statutorily required capacity to accommodate the City’s homeless individuals. A revised EIR must be prepared to include this information for analysis. The project also cannot be approved until and unless the City’s Housing Element is revised to remove the project site from the sites inventory for statutorily required capacity to accommodate the City’s homeless individuals.

Further, the EIR does not provide a consistency analysis with TCAG’s 2018 RTP/SCS. Due to errors in modeling, modeling without supporting evidence (as noted throughout this comment letter and attachments), and the EIR’s determination that the project will have significant and unavoidable cumulatively considerable impacts to Air Quality, the proposed project is directly inconsistent with Goal 10 to improve air quality through congestion management, coordination of land use, housing and transportation system, provision of alternative modes of transportation and

¹⁹ <https://hcdpowerbi.blob.core.windows.net/housing-elements/visalia-6th-adopted-122823.pdf>

provision of incentives that reduce vehicle miles traveled. The EIR relies upon the flawed reasoning that since the project is required to implement mitigation measures that reduce air quality emissions to the maximum extent feasible, this will “thereby improv(e) air quality, consistent with Goal 10.” This is erroneous and misleading to the public and decision makers as the project will have a significant and unavoidable direct project-level and cumulative impact to air quality after mitigation is implemented. The EIR must be revised to include a finding of significance due to the direct inconsistency with TCAG s 2018 RTP/SCS.

Table 3.11-1: LAFCo Consistency Analysis (Government Code § 56668) also provides an erroneous and misleading constituency analysis with statutory requirements for annexation requests. For example, Government Code Section 56668(g) requires analysis of the project’s consistency with the RTP and City/County General Plans. The EIR concludes that the proposed project is consistent with this section in stating that, “As discussed throughout this Land Use section, the proposed project would be consistent with all transportation policies that are relevant to the proposed project.” However, as shown above, the proposed project is not consistent with the RTP nor the General Plan. The EIR must be revised to include a finding of significance due to the direct inconsistency with LAFCo statutory requirements regarding annexation requests.

3.14 Transportation

The EIR states that the, “The proposed project is expected to increase VMT per employee within the TAZ it is located by approximately 0.15 mile, or 1.54 percent of the total miles traveled. Therefore, the proposed project would result in a significant VMT impact.” The EIR provides Mitigation Measures TRANS-10a and TRANS-10b to justify mitigating impacts to less than significant levels:

“MM TRANS-10a: Prior to the issuance of building permits, the site plan shall include the location of up to six secured bicycle storage lockers near each of the buildings entrances and the future transit stop. Up to 10 potential locations shall be included, for a total of up to 60 lockers throughout the site. Lockers shall be provided for approximately 1.5 percent of the 4,178 site s daily employees with flexibility to add future lockers based on demand.

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

Notably, the EIR has not provided meaningful evidence to support the conclusion that Mitigation Measures TRANS-10a and TRANS-10b will reduce VMT to below the significance threshold. Mitigation Measures TRANS-10a and TRANS-10b are unenforceable mitigation in violation of CEQA § 21081.6 (b). The EIR has not provided an accurate, quantified calculation of the reduced VMT as a result of Mitigation Measures TRANS-10a and TRANS-10b. The EIR refers to the City's VMT Guidelines²⁰, which state that per "CAPCOA SDT- [Bike Parking in Non-Residential projects has minimal impacts as a standalone strategy and should be grouped with the LUT-9 (Improve Design of Development) strategy to encourage bicycling by providing strengthened street network characteristics and bicycle facilities]," and also that, "The benefits of Land Dedication for Bike Trails have not been quantified and should be grouped with the LUT-9 (Improve Design of Development) strategy to strengthen street network characteristics and improve connectivity to off-site bicycle networks." Appendix M within Appendix I indicates that the consultant used a proprietary software to calculate the VMT reductions of the proposed mitigation measures. The data inputs utilized for modeling are not provided to the public and decision makers and the outputs sheets from the software are blurry and illegible, which does not comply with CEQA's requirements for meaningful disclosure and adequate informational documents (CEQA § 15121 and PRC 21003(b)). CAPCOA also notes that the proposed VMT mitigations do not stand alone to reduce VMT and must be paired with other strategies, which has not been proposed as part of the project.

Further, it is not possible for the City to ensure that Mitigation Measures TRANS-10a and TRANS-10b will result in reduced VMT by project employees and be implemented continuously, at all times, throughout the life of the project and maintain a VMT reduction to less than significant levels at all times. Notably, MM TRANS-10b states that, "This mitigation is subject to contractability and approval by Cal Water," indicating that it is further infeasible as mitigation and will not achieve any reduction of VMT. The efficacy of the proposed mitigation measures and reduction of VMT impacts below the applicable thresholds cannot be assured, and the project's VMT impact is therefore considered significant and unavoidable. A revised EIR must be prepared to include a finding of significance because there is no possible assurance of the percentage of project employees that would utilize non-automobile or non-single occupant vehicle travel associated with the mitigation measures and mitigation of the project's VMT impact to less than significant is not feasible.

Further, the EIR has underreported the quantity VMT generated by the proposed project operations. The operational nature of industrial/warehouse uses involves high rates of truck/trailer/delivery van VMT due to traveling from large import hubs to regional distribution centers to smaller industrial parks and then to their final delivery destinations. Once employees

²⁰ <https://www.visalia.city/civicax/filebank/blobdload.aspx?BlobID=47045>

arrive at work at the proposed project, they will conduct their jobs by driving delivery vans across the region as part of the daily operations as a warehouse, which will drastically increase project-generated VMT. The project's truck/trailer and delivery van activity is unable to utilize public transit or active transportation and it is misleading to the public and decision makers to exclude this activity from VMT analysis. The project's actual VMT generated by all aspects of project operation is not consistent with the significance threshold and legislative intent of SB 743 to reduce greenhouse gas emissions by reducing VMT. A revised EIR must be prepared to reflect a quantified VMT analysis that includes all truck/trailer and delivery van activity.

The EIR has not adequately analyzed the project's potential to substantially increase hazards due to a geometric design feature (e.g., sharp curves or dangerous intersections) or incompatible uses; or the project's potential to result in inadequate emergency access. There are no exhibits depicting the available truck turning radius at the intersection of the project driveways and adjacent streets. There are also no exhibits adequately depicting the onsite turning radius available for trucks maneuvering throughout the site. The EIR states that, "A sight distance analysis for each project driveway was conducted to determine whether outbound vehicles would have adequate sight distance to observe conflicting traffic along the intersecting public roadways. Intersection sight distance for the project driveways were evaluated following methodology outlined by the City of Visalia Design and Improvement Standard SD-3, which is based on guidance outlined by the American Association of State Highway and Transportation Officials, A Policy on Geometric Design of Highway and Street, 7th Edition. The proposed project would be required to satisfy the required sight lines and clear zone requirements for all project driveways, to ensure roadway hazards are minimized." However, the EIR has not included the sight distance analysis for review by the public and decision makers. This does not comply with CEQA's requirements for adequate informational documents and meaningful disclosure (CEQA § 15121 and 21003(b)). Incorporation by reference (CEQA § 15150 (f)) is not appropriate as the sight distance analysis contributes directly to analysis of the problem at hand in reviewing the project's potentially significant impacts related to threshold Impact TRANS-3. A revised EIR must be prepared to include the sight distance analysis for review, analysis, and comment by the public and decision makers.

Further, Appendix I includes Table 23: Summary of Access Recommendations, which provides recommendations to the site plan and offsite street areas to related project traffic queuing and safety. None of these recommendations are included as mitigation measures in the EIR, indicating that they are not required to be completed by the proposed project and outstanding project traffic queuing and safety exist. The EIR must be revised to include a finding of significance as it has not provided meaningful evidence to support the conclusion that the project will result in less than significant impacts under threshold Impact TRANS-3.

4.2.2 Environmental Effects Found Not To Be Significant: Population and Housing

The EIR does not address the proposed project's annexation requirements in this analysis. The EIR states that, "In terms of the removal of any direct barriers to growth, this would not occur due to the proposed project because it does not propose removing any existing obstacles that currently prevent growth within the City." The annexation of the proposed project site into the City's boundaries will remove an existing obstacle that currently prevents growth within the City, and contribute towards the development thresholds that unlock development in the Tier II and Tier III Urban Development Boundary of the General Plan. The EIR must be revised to include a finding of significance due to this impact.

The EIR also states that, "The proposed project is anticipated to generate a total of approximately 4,100 new employees at full buildout," which was calculated based on ITE vehicle trip rates for the proposed project. This does not represent the best available data as local data is available in the City's General Plan. The City's General Plan²¹ provides employment generation rates, including the rate of 1 employee for every 750 square feet of light industrial building area.

Applying this ratio results in the following calculation:

Proposed Project: $3,720,149 \text{ sf} / 750 \text{ sf} = 4,961$ employees

Seefried Piecemealed Projects: $5,300,639 \text{ sf} / 750 = 7,068$ employees

The EIR utilizes uncertain and misleading language which does not provide any meaningful analysis of the project's population and employment generation. In order to comply with CEQA's requirements for meaningful disclosure, a revised EIR must be prepared to provide an accurate estimate of employees generated by all uses of the proposed project. It must also provide demographic and geographic information on the location of qualified workers to fill these positions. A construction worker employment analysis must also be included to adequately and accurately analyze all potentially significant environmental impacts. It must also provide a job buildout analysis of the City's General Plan. Table 1-5: Employment by Sector within the General Plan indicates that the Industrial land use designation will allow for the creation of 9,670 new jobs from 2010-2030. The whole of the action proposed by the project (inclusive of SPR21071 and SPR22041) will create 2,071 new jobs, which is 21% of the City's industrial job buildout accounted for by a single project. Piecemealed Seefried projects combined with the proposed project cumulatively generate 7,068 employees, which is 73% of the City's industrial land use job buildout. A revised EIR must be prepared to include this analysis, and also provide a cumulative

²¹ <https://www.visalia.city/civicax/filebank/blobdload.aspx?BlobID=30474>

analysis discussion of projects approved since General Plan adoption and projects “in the pipeline” to determine if the project will exceed the General Plan buildout scenarios. For example, other recent industrial projects such as recent YS Industries projects (SPR19213, SPR21150 and SPR22130; 2,507,328 sf of building area and 3,344 employees) combined with the proposed project will cumulatively generate 10,412 employees on land with industrial designations. This represents 107% of the City’s industrial job buildout through 2030 accounted for by only a few recent projects. These totals increase when other industrial development approved, submitted, or “in the pipeline” since General Plan adoption are added to the total.

The EIR also has not provided evidence that the local unemployed population is qualified for or interested in work in the industrial sector. The EIR states that, “*Given the nature of the proposed project, it would likely be staffed primarily by local employees once operational.*” However, there is no specific information given about the “nature” of the proposed project in this context. The EIR also uses uncertain language in stating that the project will “primarily” and “likely” have a staff of “local” employees, and the geographic boundaries of the “local” area are undefined. The EIR relies upon Census data to improperly conclude that because 22.5% of the City’s *active* workforce is employed within the “wholesale trade, manufacturing, retail trade, and transportation and warehousing” sectors, this translates to 22.5% of the *unemployed* workforce being available for work in these sectors. The EIR has not provided any information about the unemployed workforce and their qualifications/interest in work in the industrial sector. Even if the EIR’s theory that “1,352” workers within the City was viable, it would only account for 27% of the proposed project’s employees and 19% of the piecemealed Seefried project employees, meaning that the majority of employees will commute from outside the City to the project. The EIR states here that, “U.S. Census Bureau 2011–2015 5-Year American Community Survey (ACS) Commuting Flows, there are a total of 140,091 workers who both live in Tulare County and commute to work within the County. It is reasonable to *assume* that workers who currently reside in the Tulare County *near* the City of Visalia would continue to commute to work and thus also would be available to serve as employees for the proposed project.” The EIR provides no information about the Tulare County workers and their interest/qualifications for work in the industrial sector, therefore this group cannot be relied upon to provide adequate staffing. Additionally, the EIR “reasonably assumes” that the theoretical Tulare County workers also live “near” the City of Visalia, and has not provided any meaningful evidence to support this claim, either. Relying on the entire labor force within the greater east bay region (Tulare, Kings, and Fresno Counties) to fill the project’s construction and operational jobs will increase VMT and emissions during all phases of construction and operations and a revised EIR must be prepared to account for longer worker trip distances. A revised EIR must also include a cumulative analysis on this topic and a finding of significance due to the significant and unavoidable impacts discussed above.

5.2 Growth-inducing Impacts and 5.3 Significant Irreversible Environmental Changes

The EIR does not address the proposed project's annexation requirements in this analysis. The EIR states that, "In terms of the removal of any direct barriers to growth, this would not occur due to the proposed project because it does not propose removing any existing obstacles that currently prevent growth within the City." The annexation of the proposed project site into the City's boundaries will remove an existing obstacle that currently prevents growth within the City, and contribute towards the development thresholds that unlock development in the Tier II and Tier III Urban Development Boundary of the General Plan. The EIR must be revised to include a finding of significance due to this impact.

The EIR provides the same reasoning as provided in the Population and Housing analysis to conclude that the project will not result in significant growth inducing impacts. The EIR states that, "The proposed project is anticipated to generate a total of approximately 4,100 new employees at full buildout," which was calculated based on ITE vehicle trip rates for the proposed project. This does not represent the best available data as local data is available in the City's General Plan. The City's General Plan²² provides employment generation rates, including the rate of 1 employee for every 750 square feet of light industrial building area.

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²² <https://www.visalia.city/civicax/filebank/blobdload.aspx?BlobID=30474>

project cumulatively generate 7,068 employees, which is 73% of the City's industrial land use job buildout. A revised EIR must be prepared to include this analysis, and also provide a cumulative analysis discussion of projects approved since General Plan adoption and projects "in the pipeline" to determine if the project will exceed the General Plan buildout scenarios. For example, other recent industrial projects such as recent YS Industries projects (SPR19213, SPR21150 and SPR22130; 2,507,328 sf of building area and 3,344 employees) combined with the proposed project will cumulatively generate 10,412 employees on land with industrial designations. This represents 107% of the City's industrial job buildout through 2030 accounted for by only a few recent projects. These totals increase when other industrial development approved, submitted, or "in the pipeline" since General Plan adoption are added to the total.

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distances. A revised EIR must also include a cumulative analysis on this topic and a finding of significance due to the significant and unavoidable impacts discussed above.

6.0 Alternatives

The EIR is required to evaluate a reasonable range of alternatives to the proposed project which will avoid or substantially lessen any of the significant effects of the project (CEQA § 15126.6.) The alternatives chosen for analysis include the CEQA required “No Project” alternative and only two others - Reduced Footprint Alternative and Alternative Location Alternative. The EIR does not evaluate a reasonable range of alternatives as only two alternatives beyond the required No Project alternative is analyzed. The EIR does not include an alternative that meets the project objectives and also eliminates all of the project’s significant and unavoidable impacts. The EIR must be revised to include analysis of a reasonable range of alternatives and foster informed decision making (CEQA § 15126.6). This must include alternatives such as development of the site with a project that reduces all of the proposed project’s significant and unavoidable impacts to less than significant levels.

Sincerely,

A handwritten signature in black ink, appearing to be "Gary Ho", written over a white background.

Gary Ho
Blum, Collins & Ho LLP

Attachments:

1. SWAPE Technical Analysis