Agri-Center of the World

City of Tulare

Planning Commission

Agenda

Chair
Chuck Miguel

Vice-Chair
Sandi Miller

Commissioners
Chad Petersen
Erica Cubas
Jocelyn Limas

Council Chamber
491 North M Street, Tulare
www.tulare.ca.gov

Monday, October 23, 2023
7:00 p.m. – Regular Meeting

Mission Statement

To promote a quality of life making Tulare the most desirable community in which to live, learn, play, work, worship and prosper.

Attending and Participating in Meetings

Regular meetings of the Planning Commission are held on the second and fourth Mondays of the month in the Council Chamber located in the Tulare Public Library at 491 North M Street, Tulare, subject to cancellation. Additional meetings of the Planning Commission may be called as needed.

Documents related to items on the agenda are accessible on the City's website at www.tulare.ca.gov and available for viewing at the entrance of the Council Chamber.

Rules for Addressing the Planning Commission

- Members of the public may address the Tulare Planning Commission on matters within the jurisdiction of the City of Tulare.
- If you wish to address the Planning Commission, please complete one of the yellow speaker cards located at the entrance to the Council Chamber and provide to the Clerk.
- Persons wishing to address the Planning Commission concerning an agendized item will be invited to address the Planning Commission during the time the Planning Commission is considering that item. Persons wishing to address the Planning Commission concerning non-agendized issues will be invited to address the Planning Commission during the Public Comments portion of the meeting.
- When invited by the Commission Chair to speak, please step up to the podium, state your name and city where you reside, and make your comments. Comments are limited to three minutes per speaker.

Americans with Disabilities Act

Pursuant to the Americans with Disabilities Act, persons with a disability who require a disability-related modification or accommodation in order to participate in a meeting, including auxiliary aids or services, may request such modification from the City Clerk's Office at (559) 684-4217. Notification 48 hours prior to the meeting will enable the City to make reasonable arrangements to ensure accessibility to the meeting.

1. **CALL TO ORDER**

2. **PLEDGE OF ALLEGIANCE**

3. **PUBLIC COMMENTS -** This is the time for the public to comment on matters within the jurisdiction of the Tulare City Council that are not on the agenda. The Council asks that comments are kept brief and positive. The Council cannot legally discuss or take official action on request items that are introduced tonight. This is also the time for the public to comment on items listed under the Consent Calendar or to request an item from the Consent Calendar be pulled for discussion purposes. Comments related to Public Hearing or General Business items will be heard at the time those items are discussed. In fairness to all who wish to speak, each speaker will be allowed three minutes with a maximum time of 15 minutes per item unless otherwise extended by Council. Please begin your comments by stating your name and providing your city of residence.

4. **COMMISSIONER REPORTS AND ITEMS OF INTEREST**

5. **CONSENT CALENDAR -** All Consent Calendar items are considered routine and will be enacted in one motion. There will be no separate discussion of these matters unless a request is made, in which event the item will be removed from the Consent Calendar to be discussed and voted upon by a separate motion.

   5.1 Approve the Minutes of the September 25, 2023 Regular Meeting. [Submitted by: M. Sanchez]

6. **PUBLIC HEARINGS -** Comments related to Public Hearing items are limited to three minutes per speaker, for a maximum of 30 minutes per item, unless otherwise extended by the Council.

   6.1 Final Environmental Impact Report / Annexation 2020-01 East Tulare No. 36 – Chandler Grove, General Plan 2020-01, Zone Amendment No. 743

   Public hearing to consider a request by Arun Toor on behalf of AST LLC. to annex into the City limits approximately 863 acres of which 231 acres is considered the “Project Site” and is planned for future development. In addition to the annexation the Planning Commission will also consider a General Plan Amendment and Zoning Amendment for the establishment of the planned multi-use commercial and residential development consistent with the City’s adopted Transit Oriented Development Plan. The project is located on the northeast corner of Bardsley Avenue and Oakmore Street. An Environmental Impact Report has been prepared for this project pursuant to the California Environmental Quality Act of 1970, as amended.

   Project Planner: Steven Sopp, Principal Planner

   Recommended Action: Adopt Resolution 5465 recommending to the City Council approval of Annexation No. 2020-01 (East Tulare No. 36) – Chandler Grove, General Plan Amendment No. 2022-04, Zone Amendment No. 743, and certification of the final environmental impact report with appropriate Findings, and Statement of Overriding Considerations, and a Mitigation Monitoring and Reporting Program. The

recommendation is based on findings and subject to the conditions as listed in the staff report.

7. STAFF UPDATES

8. ADJOURNMENT

The next regularly scheduled meeting of the Tulare Planning Commission is Monday, November 13, 2023, at 7:00 p.m. in the Council Chamber, 491 North M Street, Tulare.

AFFIDAVIT OF POSTING AGENDA

I, MARIA SANCHEZ, hereby certify, in conformance with Government Code Sections 54954.2 and 54956, this agenda was posted in the kiosk at the front of City Hall, 411 E. Kern Avenue, as well as on the City of Tulare's website (www.tulare.ca.gov).

POSTED: Friday, October 20, 2023, at 5:00 p.m.

CITY OF TULARE
PLANNING COMMISSION MEETING MINUTES

Council Chamber	**Monday, September 25, 2023**
491 North M Street, Tulare	**7:00 p.m. - Regular Meeting**

COMMISSIONERS PRESENT: Chair Chuck Miguel
Vice-Chair Sandi Miller
Commissioner Chad Petersen
Commissioner Erica Cubas
Commissioner Jocelyn Limas

COMMISSIONERS ABSENT: None

STAFF PRESENT: Community Development Director Mario Anaya
Principal Planner Steven Sopp
Assistant Planner Jonathan Coelho
Commission Clerk Maria Sanchez

1. CALL TO ORDER

Chair Miguel called the regular meeting of the Planning Commission to order at 7:00p.m. in the Council Chamber located at 491 North M Street.

2. PLEDGE OF ALLEGIANCE

Vice-Chair Miller led the Pledge of Allegiance.

3. PUBLIC COMMENTS

There were no public comments.

4. COMMISSIONER REPORTS AND ITEMS OF INTEREST

Commissioners reported out on recent events and discussed items of interest.

5. CONSENT CALENDAR

It was moved by Vice-Chair Miller, seconded by Commissioner Limas, and unanimously carried to approve the items on the Consent Calendar as presented.

5.1 Approve the minutes of the August 28, 2023 regular meeting. [Submitted by: M. Sanchez]

6. GENERAL BUSINESS - PUBLIC HEARINGS

6.1 Conditional Use Permit No. 2023-14.

Item Description: Public hearing to consider a request by Hi-Tech Developing Inc. to construct a service station and convenience store. The application also includes a request to obtain an ABC license (Type 21: Off Sale General). The service station and convenience store are proposed to be located on the north side of Bardsley Avenue, east of Mooney Blvd. Project has been analyzed

pursuant to CEQA Guidelines Section 15183 of the California Environmental Quality Act of 1970, as amended.
Recommend Action: Adopt Resolution 5463 approving Conditional Use Permit No. 2023-14 based on the findings and subject to the conditions as listed in the staff report.
Presented By: Principal Planner Steven Sopp
Public Comment: The public hearing was opened at 7:09 p.m. With no public comments received, the public hearing was closed at 7:09 p.m.
Commission Action: It was moved by Commissioner Limas, seconded by Vice-Chair Miller, and carried 5 to 0 to approve the item as presented.

6.2 Conditional Use Permit No. 2023-17.
Item Description: Public hearing to consider a request by Miguel Perez to operate a stationary mobile vending vehicle on the property located at 549 W. Inyo Avenue. This project is exempt pursuant to Section 15304 (e) of the California Environmental Quality Act of 1970, as amended.
Recommended Action: Adopt Resolution 5464 approving Conditional Use Permit No. 2023-17 based on findings and subject to the conditions as listed in the staff report.
Presented By: Assistant Planner Jonathan Coelho
Public Comment: The public hearing was opened at 7:20 p.m. With no public comments received, the public hearing was closed at 7:20 p.m.
Council Action: It was moved by Vice-Chair Miller, seconded by Commissioner Cubas, and unanimously carried to approve the item as presented.

7. STAFF UPDATES

Staff provided updates on department activities.

8. ADJOURNMENT

The regular meeting was adjourned at 7:25pm.

_____
CHUCK MIGUEL, CHAIR

ATTEST:

_____
MARIO ANAYA, SECRETARY

CITY OF TULARE PLANNING COMMISSION
STAFF REPORT

Agenda Item No. October 23, 2023

ANNEXATION 2020-01, GENERAL PLAN AMENDMENT NO. 2022-04, AND ZONE AMENDMENT NO. 743 FOR CHANDLER GROVE PROJECT

PROJECT PLANNER:	Steven Sopp, Principal Planner
APPLICANT:	Arun Toor on behalf of AST LLC.
CONSULTANT:	Dudek
LOCATION:	Property is approximately 231-acres located on the northeast corner of Oakmore Street and Bardsley Avenue (Main Area for Development other parcels included for annexation)
APN:	184-050-034, -035, & -007 (Main Area for Development other parcels included for annexation)
ZONING CLASSIFICATION:	Project site is currently outside of the City limits and is subject to the County's AE-40 (Agricultural Exclusive, 40-acre minimum parcel size) zoning designation *Project proposes to pre-zone the subject site to the following designations: C-3 (Retail Commercial), R-1-5 (Single Family Residential, 5,000 sq. ft. minimum lot area), R-M-2 (Multiple-family Residential, 3,000 sq. ft. minimum per unit), R-M-4 (Multiple-family Residential, 1,500 sq. ft. minimum per unit), and PL (Public Lands) in preparation for annexation into the City limits*
GENERAL PLAN DESIGNATION:	Transit Oriented Development *Project proposes to implement the COS North Transit Oriented Development and establish the following General Plan designations: Low Density Residential, Medium Density Residential, High*

	Density Residential, Neighborhood Commercial, Public / Quasi Public and Parks and Recreation	
SURROUNDING LAND USES AND ZONING:	North: Agriculture	County
	South: COS Campus	County
	West: High School / Res	PL / County
	East: Residential	County

REQUEST

The following items are requested:

- Annexation No. 2020-01, East Tulare No. 36 – Chandler Grove– request for annexation of approximately 863 acres into the City limits of which 231 acres is considered the "Project Site" and is planned for future development. The request also includes detachment from County Service Area #1.

- General Plan Amendment No. 2020-01 – Chandler Grove – request to change the General Plan designation on the site to implement the current Transit Oriented Development Plan and establish the following General Plan designations: Low Density Residential, Medium Density Residential, High Density Residential, Community Commercial, Public / Quasi Public and Parks and Recreation.

- Zone Amendment 743 – request to pre-zone the subject property to the following designations: C-3 (Retail Commercial), R-1-5 (Single Family Residential, 5,000 sq. ft. minimum lot area), R-M-2 (Multiple-family Residential, 3,000 sq. ft. minimum per unit), R-M-4 (Multiple-family Residential, 1,500 sq. ft. minimum per unit), and PL (Public Lands) in preparation for annexation into the City limits.

STAFF RECOMMENDATION:

Staff recommends that the Planning Commission approve Resolution No. 5465 recommending to the City Council approval of Annexation No. 2020-01 (East Tulare No. 36) – Chandler Grove, General Plan Amendment No. 2022-04, Zone Amendment No. 743 and certification of the final environmental impact report with appropriate Findings, and Statement of Overriding Considerations, and a Mitigation Monitoring and Reporting Program. Staff's recommendation is based on the findings and the project's consistency with the policies and intent of the City's General Plan and Municipal Code.

DETAILS OF THE PROPOSAL:

This is a request by Arun Toor on behalf of AST LLC. to annex into the City limits approximately 863 acres of which 231 acres is considered the "Project Site" and is planned for future development. The applicant has proposed a master plan for the project site that is intended to implement to the requirements of the City of Tulare adopted COS North Transit Oriented Development (TOD) Plan. Development is proposed to consist of a mixed-use

development that would consist of low, medium and high-density residential units, a central park, a neighborhood commercial center, a potential school site and other related improvements.

As part of the project the applicant is proposing to establish general plan land use designations and pre-zoning to implement the proposed master plan and COS North TOD Plan. The applicant is not proposing specific development at this time. As such, the Environmental Impact Report (EIR) for the project analyzes the project based upon maximum densities allowed by proposed zoning and allowed uses within the zone. The EIR analyzed the development of 1,197 total units of low, medium and high density residential on approximately 163.1 acres, a neighborhood commercial center on approximately 10.8 acres, a 4.9 acre school site and other improvements such as parks, stormwater detention areas, as well as trails for recreation.

Upon annexation into the City limits, additional entitlement and site plan review applications will be required to be reviewed and approved prior to development. However, if specific proposed development remains consistent with the zoning and land use established and within the scope analyzed by the EIR prepared for the project, any additional environmental analysis would be minimal and timelines for approval would be expedited.

The area proposed for development is located on the northeast corner of Bardsley Avenue and Oakmore Street. The site is bounded by S. Oakmore Street (Road 124) to the west, the east Tulare Villa Community to the East, Avenue 228 to the north, and E. Bardsley Avenue to the South

STAFF COMMENTS:

Annexation

The project proponents are requesting to annex approximately 863-acres into the City limits. Of this area, approximately 231-acres are owned by the project proponent and proposed for future development. The remaining area is owned by the College of the Sequoia's Community College District and the Kaweah Delta Water Conservation District. The project site is located immediately adjacent to the existing City limit and currently consists of mainly orchards.

If approved, the annexation will result in the formation of a County island, wholly surrounded by the City limits. This island will be approximately 40-acres, located on the southwest corner of Bardsley Avenue and the Oakmore Street alignment. However, City staff have received a separate annexation application for the annexation of this property which is currently being processed and is on track to be brought for discretionary review and approval in early 2024. Staff believes that it can be found that the proposed annexation represents an orderly expansion of the City limits and does not contribute to the creation of an island or peninsula. Staff has reviewed the proposed annexation and determined it to be consistent with Chapter 10.26 – Annexations, of the City of Tulare Municipal Code.

At the request of the Tulare County Local Agency Formation Commission (LAFCO), City staff have met or communicated with representatives of College of the Sequoias and the Kaweah Delta Water Conservation District to determine their interest and willingness for land owned and managed by those entities to be included within the proposed annexation. After discussions, both entities were in support of or willing to have these lands included in the annexation. This includes approximately 632-acres of the proposed annexation area.

At the request of LAFCO, staff also sent survey letters to property owners and registered voters of the East Tulare Villas to the east of the proposed development as well as rural residential county residents located along the western side of Oakmore Street north of Mission Oak High School inquiring about interest in being included in the annexation. Results of the survey showed that a majority did not want to be included in the proposed annexation.

The 231-acre portion proposed for development is currently subject to a Land Conservation Contract (Williamson Act Contract). Upon annexation, the City will be required to succeed to the existing contract. The project applicant will be required to submit proof of executed exchange and cancellation of the Williamson Act Contract to the City prior to issuance of a grading or building permit for the project.

Following the approval of a resolution of application by the City Council, the applicant will be required to submit an application to the Tulare County Local Agency Formation Commission (LAFCO) in order to initiate annexation proceedings.

General Plan Amendment

The project site is designated as COS North Transit Oriented Development (TOD) in the City's adopted 2035 General Plan. The land use concept for the COS North plan area is intended to create a new community to serve COS students and staff a well as existing and future Tulare residents, with retail services, housing, and a new park and school. The TOD plan envisions a "complete neighborhood" where residents can access many of their basic activities and needs via walking or biking. Figure 3-3 of the COS North plan (see attached) provides a land use concept for how to achieve the goals of the TOD plan and sets the amount of land and densities that should be dedicated to each land use.

The COS North land use concept was included in the General Plan for illustrative purposes. The actual layout of the development is to be determined by future site planning. However, Land Use Element Policy P8.1 in General Plan 2035 calls for the City to implement a TOD land use pattern in the same spirit as the COS North land use concept.

The project proponent is requesting to change the General Plan land use designation on the project site to implement the current Transit Oriented Development Plan and establish the following General Plan designations: Low Density Residential, Medium Density Residential, High Density Residential, Community Commercial, Public / Quasi Public and Parks and Recreation. Staff has 0reviewed the proposed General Plan Amendment and determined it to be consistent with the goals and objectives of the City's General Plan, including COS North TOD plan, the City's Climate Action Plan, and Title 10 of the City of Tulare Municipal Code.

Zone Amendment

The area proposed for annexation is currently subject to the County's zoning requirements and is zoned AE-40 (Agricultural Exclusive, 40-acre minimum parcel size). The applicant is proposing to pre-zone the project site to the City's zoning to become effective upon annexation into the City limits of the City of Tulare. Proposed zoning designations of the project site are C-3 (Retail Commercial), R-1-5 (Single Family Residential, 5,000 sq. ft. minimum lot area), R-M-2 (Multiple-family Residential, 3,000 sq. ft. minimum per unit), R-M-4 (Multiple-family Residential, 1,500 sq. ft. minimum per unit), and PL (Public Lands). The proposed Zone Amendment is consistent with the goals and objectives of the City's General Plan, including the proposed General Plan Amendment associated with the project and the COS North Transit Oriented Development Plan.

Site Plan Review

While the proposed applications include a conceptual land use plan, more detailed subsequent site plans and maps, including subdivision and parcel maps, will be subject to the City's Site Plan Review process. The Site Plan Review Committee consists of representatives from Public Works, Engineering, Planning, Community Services, Fire and Solid Waste. Subsequent site plans, parcel, and subdivision maps will be reviewed by the Site Plan Review Committee to ensure appropriate coordination on the construction of public utility and circulation infrastructure. These entitlement processes will then be required to be reviewed by the relevant authority (Parcel Map Committee, Planning Commission, City Council) for approval.

ENVIRONMENTAL:

An environmental impact report (EIR) has been prepared for this project, in accordance with the California Environmental Quality Act (CEQA). The City of Tulare published a Notice of Availability (NOA) for the Draft EIR on July 27, 2023, inviting comments from the general public, agencies, organizations, and other interested parties. The NOA was filed with the State Clearinghouse (SCH #2022090149), the County Clerk, and published in a newspaper of regional circulation pursuant to the public noticing requirements of CEQA. The public review period was from July 27, 2023 through September 11, 2023 (45 days).

The City of Tulare received two (2) comment letters on the Draft EIR during the public review period. The comment letters were received from the California Department of Fish and Wildlife (CDFW) and the San Joaquin Valley Air Pollution Control District (SJVAPCD). The CDFW's letter expressed the opinion that the Draft EIR does not adequately address Crotch's Bumblebee and recommends a qualified biologist conduct a habitat assessment to determine if suitable habitat is present. The City provided response to the CDFW's comments and directed district staff to Appendix C of the Draft EIR in Section 3.2.1, Page 9, a qualified biologist conducted a habitat assessment on July 26, 2022 to determine the potential for special-status wildlife species, including Crotch's Bumblebee, to occur onsite. Further, the biologist had been trained in the identification of the species and suitable habitat and determined that Crotch's bumblebee is "not expected to occur, no suitable habitat present on the Project Site." The district also requested that if construction be scheduled during Swainson's Hawk nesting

season (February 1 through September 15) that a pre-construction survey be completed by a qualified biologist for active nests within 0.5 miles of the project site rather then 0.25 miles. Staff has amended Mitigation Measure BIO-3 as requested.

SJVAPCD comments generally centered upon district rules and requirements that are either suggested or will be required of the project. The comments did suggest that the Draft EIR be revised to include a Voluntary Emission Reduction Agreement (VERA) to decrease the Project's operational emissions below thresholds. City staff provided response to SJVAPCD comments and acknowledged the districts rules and requirements of the applicant. Staff communicated that the Project proponent has considered the districts VERA suggestion and has elected to not enter into the voluntary agreement. The applicant will be required to meet the districts Rule 9510 which will result in the Project's operational emissions of oxides of nitrogen (NOx) and particulate matter with an aerodynamic diameter less than or equal to 10 microns (PM10) being reduced below the districts regional thresholds of significance after compliance. However, emissions of organic gases (ROG) or volatile organic compounds (VOC) will be above district regional thresholds of significance primarily from consumer products used by future residents.

In accordance with CEQA Guidelines Section 15088, the Final EIR responds to all comments received during the public review period. The Final EIR also contains minor edits to the Draft EIR, which are included in Section 2, Changes to the Draft EIR, of the Final EIR. The responses to comments do not involve any new significant impacts or "significant new information" that would require recirculation of the Draft EIR pursuant to CEQA Guidelines Section 15088.5.

The initial study and Final EIR prepared for the project found that despite the implementation of mitigation measures identified in the Mitigation Monitoring and Reporting Program (MMRP), significant unavoidable impacts would remain as a result of the project to agricultural resources, air quality, greenhouse gas emissions and transportation. As a result, staff is recommending that the Planning Commission recommend that the City Council certify the final environmental impact report with appropriate Findings, and Statement of Overriding Considerations, and a Mitigation Monitoring and Reporting Program.

FINDINGS:

Staff recommends that the Planning Commission make the following findings with regard to the Chandler Grove project applications:

Environmental:

1) That an Environmental Impact Report (EIR) was prepared pursuant to the California Environmental Quality Act of 1970 and State CEQA Guidelines.

2) That in accordance with CEQA Guidelines Section 15088, the Final EIR responds to all comments received during the public review period.

3) That responses to comments do not involve any new significant impacts or "significant new information" that would require recirculation of the Draft EIR pursuant to CEQA Guidelines Section 15088.5.

4) That mitigation measures are included as conditions of approval for the EIR, to mitigate the potential impacts of the Project on the environment to the extent feasible, and that these mitigation measures are recommended for approval and will be monitored and tracked for compliance with City Council adoption of the Mitigation Monitoring and Reporting Program (MMRP), included and attached to this Staff Report.

5) That despite the implementation of mitigation measures identified in the MMRP, significant unavoidable impacts would remain as a result of the proposed project to the following resources:

    - Agricultural resources based on the conversion of Prime farmland and conflict with an existing Williamson Act contract.
    - Air quality based upon cumulatively considerable net increase of criteria pollutants for which the project region is non-attainment.
    - Greenhouse gas emissions based upon the projects cumulative effect on greenhouse gas emissions and potential to conflict with an applicable plan, policy or regulation adopted for the purpose of reducing greenhouse gases.
    - Transportation based upon cumulative transportation impacts and potential to substantially increase hazards due to a geometric design feature or incompatible use.

6) That based on the entire record and the EIR, the economic and social benefits of the project in Tulare outweigh and override any significant unavoidable environmental impacts that would result from future project implementation, and therefore, the Planning Commission recommends that the Tulare City Council adopt the Statement of Overriding Considerations related to the Project Findings, included herein, and attached to this Staff Report.

7) That the Final EIR was presented to the Planning Commission, which reviewed and considered the information in the Final EIR, prior to recommending to the Tulare City Council, the decision-making body of the lead agency, approval of the Project and Certification of the EIR.

8) The Planning Commission finds that the Final EIR reflects the independent judgment and analysis of the City of Tulare.

General Plan Amendment No. 2022-04:

1) That the proposed General Plan amendment is consistent with the goals and objectives of the Tulare General Plan.

2) That the proposed conceptual land use plan for this project is consistent with the growth projections in the Tulare General Plan.

Zone Amendment No. 743:

1) The proposed amendment is consistent with the Tulare General Plan.

2) That the proposed request will not be detrimental to the public health, safety, welfare or be materially injurious to properties or improvements in the vicinity.

Annexation No. 2020-01 – Chandler Grove

1) The proposed annexation is consistent with the Tulare General Plan.

2) The proposed annexation is within the City's approved Urban Development Boundary.

APPEAL INFORMATION:

According to the City of Tulare Zoning Ordinance Section 10.20.020, decisions of the Planning Commission may be appealed by filing a letter with the City Clerk, located at 411 East Kern Avenue, Tulare, CA 93274, no later than ten (10) days after the day on which the decision was made. The appeal shall state the name of the person making the appeal, the decision that is being appealed, and the reasons for the appeal, including an error, abuse of discretion or a decision that is not supported by the evidence in the record.

Given that the Planning Commission's actions on this matter are recommendations to the City Council, and that the City Council will take final action on the proposed Annexation, Zone Amendment, General Plan Amendment, and supporting CEQA environmental documents, the item will automatically be forwarded to the City Council for review and consideration.

Attachments:

I. Location Map – Proposed Annexation Area
II. COS North Concept Plan (Figure 3-3)
III. Conceptual Master Plan
IV. Proposed General Plan Land Use
V. Proposed Zoning
VI. Final EIR, including Responses to Comments and Mitigation Monitoring and Reporting Plan (MMRP)
VII. CEQA Findings of Fact and Statement of Overriding Considerations
VIII. Resolution 5465

Final Environmental Impact Report

Chandler Grove Master Plan and Annexation Project

State Clearinghouse No. 2022090149

OCTOBER 2023

Prepared for:

CITY OF TULARE PLANNING DEPARTMENT
411 East Kern Avenue
Tulare, California 93274
Contact: Steven Sopp

Prepared by:

DUDEK

4900 California Avenue, Suite 210-B
Bakersfield, California 93309
Contact: Ronelle Candia

Printed on 30% post-consumer recycled material.

Table of Contents

SECTION **PAGE NO.**

TABLES

INTENTIONALLY LEFT BLANK

1 Introduction

1.1 Introduction

This Final Environmental Impact Report (EIR) was prepared for the Chandler Grove Master Plan and Annexation Project (Project) in accordance with the California Environmental Quality Act (CEQA) (California Public Resources Code Sections 21000-21177).

Project Overview

The proposed Project consists of a mixed-use development on approximately 231 acres of active agricultural land in Tulare County, CA. The Project includes dedicating 10.3 acres of perimeter right-of-way leaving approximately 220 acres for development. Once developed, the proposed Project site would include approximately 1,197 total units of low, medium, and high-density residential (163.1 acres), a central park (14.1 acres), a neighborhood commercial center (10.8 acres), a school (4.9 acres), and a community center (0.78 acres). Parks would act as natural areas, provide stormwater detention, and include playgrounds, plazas and shelters, open turf areas for field sports, as well as trails for recreation. Trails throughout the site would connect to the school, parks, community center and the commercial center. An open irrigation canal currently passes through the property from the north to the south and would be piped underground within the same general alignment during Project development and flow through the channel would not be changed. The Project is proposing approximately 364 units of low-density single-family units, 281 units of medium density single-family units and townhomes, and 552 high density apartments.

The Project also includes annexing approximately 863 acres into the City of Tulare (City), including the 231-acre Project site. However, no change in existing land use is proposed for the remaining 632-acres. In addition, at the time of annexation proceedings by Tulare County Local Agency Formation Commission (LAFCO) for the proposed project, LAFCO will consider including additional land west of the project site for inclusion with the project. This area is not being requested for inclusion by the project applicant or the City of Tulare but may be required by LAFCO. If included, no additional development of this area is proposed at this time. Therefore, the analysis in this EIR is focused on the construction and operation of the proposed Chandler Grove Master Plan.

Contents and Use of a Final EIR

As described in CEQA and the CEQA Guidelines, public agencies are charged with the duty to avoid or substantially lessen significant environmental effects, with consideration of other conditions, including economic, social, technological, legal, and other benefits. As required by CEQA, this Final EIR assesses the significant direct and indirect environmental effects of the Project, as well as the significant cumulative impacts that could occur from implementation of the Project. This Final EIR is an informational document only, the purpose of which is to identify the significant effects of the Project on the environment; to indicate how those significant effects could be avoided or significantly lessened, including feasible mitigation measures; to identify any significant and unavoidable adverse impacts that cannot be mitigated to less than significant; and to identify reasonable and feasible alternatives to the Project that would avoid or substantially lessen any significant adverse environmental effects associated with the Project and achieve the fundamental objectives of the Project.

Before approving a project, CEQA requires the lead agency to prepare and certify a Final EIR. The contents of a Final EIR are specified in Section 15132 of the CEQA Guidelines, as follows:

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

In accordance with the above-listed requirements, this Final EIR for the Project incorporates the publicly circulated Draft EIR, which is provided under a separate cover, and consists of the following:

1. All agency and public comments received during the public review comment period for the Project.
2. Responses to public comments.
3. Changes to the Draft EIR since it was circulated for public review.
4. The Project's Mitigation Monitoring and Reporting Program.

This Final EIR, in combination with the Draft EIR, as amended by text changes, constitute the EIR that will be considered for certification by the City and may be used to support approval of the proposed Project, either in whole or in part, or one of the alternatives to the Project discussed in the Draft EIR.

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

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

As required by Section 15091 of the CEQA Guidelines, no public agency can approve or carry out a project for which an EIR has been certified that identifies one or more significant environmental effects of the project unless the public agency makes one or more written findings (Findings of Fact) for each of those significant effects, accompanied by a brief explanation of the rationale for each finding, supported by substantial evidence in the record. The possible findings are as follows:

1. Changes or alterations have been required in, or incorporated into the project which avoid or substantially lessen the significant environmental effect as identified in the Final EIR.
2. Such changes or alterations are within the responsibility and jurisdiction of another public agency and not the agency making the finding. Such changes have been adopted by such other agency or can and should be adopted by such other agency.
3. Specific economic, legal, social, technological, or other considerations, including provision of employment opportunities for highly trained workers, make infeasible the mitigation measures or project alternatives identified in the Final EIR.

Additionally, pursuant to Section 15093(b) of the CEQA Guidelines, when a lead agency approves a project that would result in significant unavoidable impacts that are disclosed in the Final EIR, the agency must state in writing the reasons supporting the action. The Statement of Overriding Considerations must be supported by substantial evidence in the lead agency's administrative record.

The Draft Findings of Fact and Statement of Overriding Considerations are provided as a separate document that may be considered for adoption by the City at the time at which the Project is considered.

1.2 Contents and Organization

The Final EIR will be used by the City as an informational document for the proposed Project. The Final EIR, in compliance with Section 15132 of the CEQA Guidelines, is organized as follows:

Chapter 1, Introduction. This chapter provides general information on, and the procedural compliance of, the proposed Project and the Final EIR.

Chapter 2, Changes to the Draft Environmental Impact Report. This chapter contains a summary of changes made to the document since publication of the Draft EIR as a result of comments received. Revisions clarify information presented in the Draft EIR, and only minor technical changes or additions have been made. These text changes provide additional clarity in response to comments received on the Draft EIR, but do not change the significance of the conclusions presented in the Draft EIR. Changes are signified by strikeout text (i.e., ~~strikeout~~) where text was removed and by underlined text (i.e., <u>underline</u>) where text was added.

Chapter 3, Responses to Comments. This chapter includes a list of public agencies and individuals who provided comments on the Draft EIR during the public review period. This chapter also includes the comments received on environmental issues raised during the public review process for the Draft EIR and the City's responses to these comments. Each comment letter is numbered and presented with brackets indicating how the letter has been divided into individual comments. Each comment is given a binomial with the number of the comment letter appearing first, followed by the comment number. Responses to specific comments are included in Chapter 3 of this Final EIR, each with binomials that correspond to the bracketed comments.

Chapter 4, Mitigation Monitoring and Reporting Program. This chapter provides the Mitigation Monitoring and Reporting Program for the proposed Project. The Mitigation Monitoring and Reporting Program is presented in table format and identifies mitigation measures for the proposed Project, the party responsible for implementing the mitigation measures, the timing of implementing the mitigation measures, and the monitoring and reporting procedures for each mitigation measure. Project design features that were identified in the EIR are also included in this chapter to verify that these features are incorporated within the Project.

Draft EIR (Under Separate Cover). This Final EIR incorporates the Draft EIR as circulated during public review. The Draft EIR includes a detailed description of the Project, an analysis of the Project's environmental impacts, and a discussion of alternatives to the Project. The Draft EIR is available for review on the City's website at https://www.tulare.ca.gov/government/departments/community-economic-development/planning. Copies of the Draft EIR are also available for public review at the following locations:

Tulare City Hall, Planning Department
411 E Kern Avenue
Tulare, California 93274

Tulare Public Library
475 N M Street
Tulare, California 93274

1.3 California Environmental Quality Act Review

In accordance with Section 15082 of the CEQA Guidelines, the City released an Notice of Preparation on September 9, 2022, for the required 30-day review period to interested agencies, organizations, and individuals. The purpose of the Notice of Preparation is to provide notification that an EIR for the Project was being prepared, and to solicit guidance on the scope and content of the document. The Notice of Preparation was sent to the State Clearinghouse at the California Governor's Office of Planning and Research. The State Clearinghouse assigned a state identification number (SCH No. 2022090149) to the Project. The Notice of Preparation was also posted at the County Clerk's office and on the City's website at https://www.tulare.ca.gov/government/departments/community-economic-development/planning. Copies of the Notice of Preparation were distributed to all applicable agencies and tribes on the City's noticing list, as well as surrounding property owners. Hard copies of the Notice of Preparation were made available for review at both the City's Planning Department, located at 411 E. Kern Avenue, Tulare California. A public scoping meeting was held on September 29, 2022, at the Tulare Public Library Olympic Room to gather additional public input on the scope of the environmental document. During the scoping meeting, the City did not receive any substantive comments on the scope of the environmental analysis to be included in the Draft EIR.

The 30-day public scoping period ended on September 29, 2022. Comments received during the 30-day public scoping period were considered during preparation of the Draft EIR. Copies of the comment letters received in 2022 are provided in Appendix A of the Draft EIR, and included comments from the following:

- Native American Heritage Commission
- Department of Toxi Substances Control
- California Department of Conservation – Geologic Energy Management Division
- California Department of Conservation Division of Land Resource Protection
- San Joaquin Valley Air Pollution Control District
- California Department of Transportation

Issues, concerns, and potential impacts raised in comment letters received during the 2022 public scoping period were discussed and addressed in the Draft EIR, and no further response to these comments is needed in this Final EIR.

A Notice of Availability of the Draft EIR was sent to agencies and interested parties on July 27, 2023, and the Draft EIR was circulated for a public review period from July 27, 2023, through September 11, 2023. The Notice of Availability was also posted at the County Clerk's office and both the Notice of Availability and Draft EIR were posted on the City's website. Copies of the Notice of Availability were distributed to all applicable agencies and tribes on the City's noticing list, as well as surrounding property owners. Hard copies of the Draft EIR were made available for review at both the City's Planning Department, located at 411 E. Kern Avenue, Tulare, California 93274, and at the Tulare Public Library, located at 475 N M Street Tulare, California 93274.

The City received two (2) comments letter during the 2022-2023 Draft EIR public review period. A list of the comments received, copy of the comment letter received, and responses to comments are included in Chapter 2 of this Final EIR.

Per CEQA Guidelines Section 15088, responses to comments submitted by public agencies are required to be provided to the commenting agency at least 10 days prior to the public hearing at which the EIR and Project will be considered. Notwithstanding, the City has distributed a NOA of a Final EIR to all parties that commented on the Draft EIR. The City has also posted this Final EIR on the City's website. Hard copies of the Final EIR were made available for review at the City's Planning Department, located at 411 E. Kern Avenue, Tulare, California 93274.

INTENTIONALLY LEFT BLANK

2 Changes to the Draft Environmental Impact Report

2.1 Introduction

As provided in Section 15088(c) of the CEQA Guidelines, responses to comments may take the form of a revision to a Draft EIR or may be a separate section in the Final EIR. The revisions that follow were made to the text of the Draft EIR. Amended text is identified by page number. Additions to the Draft EIR text are shown with underline and text removed from the Draft EIR is shown with strikethrough. The revisions, as outlined below, fall within the scope of the original project analysis included in the Draft EIR and do not result in an increase to any identified impacts or produce any new impacts. No new significant environmental impact would result from the changes or from a new mitigation measure proposed to be implemented. Therefore, no significant revisions have been made which would require recirculation of the Draft EIR pursuant to CEQA Guidelines Section 15088.5 (Recirculation of an EIR Prior to Certification).

2.2 Changes to the Draft Environmental Impact Report

2.2.1 Chapter 1, Executive Summary

Section 1.6, Summary of Impacts: Table 1-1, Summary of Project Impacts, (page 1-9):

Result in a cumulatively considerable net increase of any criteria pollutant for which the project region is non-attainment under an applicable federal or state ambient air quality standard	Potentially Significant	MM-AQ-1 though MM-AQ-5	Significant and Unavoidable ~~during construction; Less than significant during operations.~~ [1]

Section 1.6, Summary of Impacts: Table 1-1, Summary of Project Impacts, (pages 1-13 through 1-15):

Have a substantial adverse effect, either directly or through habitat modifications, on any species identified as a	Potentially Significant	**MM-BIO-3**	Swainson's Hawk. Should initiation of construction be scheduled during the Swainson's hawk nesting season (February 1 through September 15), the Project applicant shall have pre-	Less than significant

[1] Note the significance level related to cumulative impacts in the Executive Summary's Table 1-1 was incorrectly copied from the analysis that was correctly described in the "Significant and Unavoidable" section of Chapter 1, Executvie Summary, in Chapter 4.2, Air Quality, and in Chapter 5, Cumulative Effects, of the Draft EIR. This revision is editorial in nature and no change in analysis or significance determination from what was previously analyzed in the Draft EIR has occurred.

candidate, sensitive, or special status species in local or regional plans, policies, or regulations, or by the California Department of Fish and Game or U.S. Fish and Wildlife Service.			construction Swainson's hawk surveys conducted by a qualified biologist in accordance with the California Department of Fish and Wildlife (CDFW)-endorsed protocol for the Central Valley as detailed in the Swainson's Hawk Technical Advisory Committee's Recommended Timing and Methodology for Swainson's Hawk Nesting Surveys in California's Central Valley. ~~Given the disturbed nature of the Project site, t~~These surveys shall be conducted in areas of suitable nesting habitat within ~~0.25~~ 0.5 miles of the site, including staging areas, where accessible. Pursuant to the protocols, surveys shall be conducted for at least two survey periods immediately prior to construction activities, if possible. If 21 days have lapsed from the end of the last survey to the beginning of construction activities, a pre-construction survey shall be conducted no more than 1 week prior to the start of scheduled construction activities during the Swainson's hawk nesting season. For any active Swainson's hawk nest found within ~~0.25~~ 0.5 miles of proposed construction activities, a no-disturbance buffer shall be established and maintained until, as determined by periodic monitoring by a qualified biologist, the nest is empty, and the young are no longer dependent on the nest. The actual no-disturbance buffer distance shall be determined by a qualified biologist and shall take into consideration the level and extent of construction disturbance; nesting phase of the active nest; existing vegetative, topographic, noise, or visual barriers between the nest and the project site; and existing levels of human activity and land uses in the immediate	

			area. The biologist shall prepare and issue periodic reports to the Client on the status of the nesting hawks, noting whether hawks are still present and describing the stage of breeding activities and nesting behavior. Once the hawks have left the area, restrictions on construction shall be lifted. In addition, during the monitoring period, if any behaviors are observed indicating potential distress by the adult birds, the biologist will confer with the construction supervisors and CDFW to determine a course of action that will reduce distress levels for the nesting pair. If a no disturbance buffer is not feasible, the Project applicant shall consult with CDFW to determine whether the Project can avoid take. If take cannot be avoided, the Project applicant may need to apply for an Incidental Take Permit pursuant to Fish and Game Code Section 2081(b), prior to initiating ground-disturbing activities.	

Section 1.6, Summary of Impacts: Significant and Unavoidable Impacts, (page 1-48).

Air Quality. The SJVAB has been designated as a nonattainment area for O_3, PM_{10}, and $PM_{2.5}$ under national and/or California standards. The Project's annual construction emissions would not exceed the SJVAPCD significance thresholds for VOC, NO_x, CO, SO_x, PM_{10}, or $PM_{2.5}$ during construction in all construction years. The Project would implement MM-AQ-1 and MM-AQ-2 during construction. MM-AQ-1 was not quantified for this analysis. The Project would exceed the Level 1 Ambient Air Quality Analysis (AAQA) thresholds for 1-hour NO_2, 24-hour PM_{10}, annual PM_{10}, and 24-hour $PM_{2.5}$ during construction with the incorporation of MM-AQ-2. The Level 2 AAQA shows that the project would exceed the 24-hour $PM_{2.5}$ standard during construction with the incorporation of MM-AQ-2. As such, the project would have significant and unavoidable impacts related to criteria air pollutant emissions during construction activities even with the implementation of MM-AQ-1 through MM-AQ-2.

The project's combined annual area, energy, and mobile source emissions would not exceed the SJVAPCD's operational thresholds for CO, SO_x, or $PM_{2.5}$. However, the Project would exceed the SJVAPCD's operational threshold<u>s</u> for VOC, NO_x, and PM_{10} <u>without the implementation of Rule 9510 and would exceed the SJVAPCD's operational threshold for VOC with the implementation of Rule 9510</u>. In addition, the project would exceed the 1-hour NO_2, 24-hour PM_{10}, annual PM_{10} 24-hour $PM_{2.5}$, and annual $PM_{2.5}$ Level 1 AAQA during operation; however, 24-hour PM_{10}, annual PM_{10}, and annual $PM_{2.5}$ passed the Level 2 significance test. In the Level 2 analysis, the

project would still exceed the 1-hour NO_2 and 24-hour $PM_{2.5}$ significance thresholds during operation. The project would implement MM-AQ-3 through MM-AQ-5 during project operations; however, none of the measures were quantified for this analysis. Therefore, the Project would have significant and unavoidable impacts related to criteria air pollutant emissions during operational activities, even with the incorporation of MM-AQ-3 through MM-AQ-5.

The Project is in excess of the operational VOC, NO_x, ~~CO,~~ and PM_{10} thresholds without the implementation of Rule 9510 and is in excess of the SJVAPCD's operational threshold for VOC with the implementation of Rule 9510 and would exceed the 24-hour PM2.5 Level 2 AAQA standard during construction even with the incorporation of mitigation. The Project would exceed the 1-hour NO_2 and 24-hour $PM_{2.5}$ Level 2 AAQA significance thresholds during operation. Therefore, the Project's cumulative impacts with respect to such emissions would remain significant and unavoidable.

2.2.2 Section 4.3, Air Quality

Section 4.3.3, Thresholds of Significance; Approach and Methodology (pages 4.3-28 through 4.3-31):

Project Design Features

The following project design features (PDFs) would be included as part of the Project:

PDF-AQ-1 **Fugitive Dust.** Prior to the City of Tulare's (City) approval of any grading permits and during Project construction, a Fugitive Dust Control Plan shall be prepared demonstrating compliance with San Joaquin Valley Air Pollution Control District's (SJVAPCD) Rules 8021, 8031, 8041, 8051, 8061, and 8071, to the satisfaction of the City. The Project applicant or its designee shall require implementation of the following fugitive dust measures to minimize course particulate matter emissions as part of the Fugitive Dust Control Plan. All measures shall be designated on Grading Plans.

a. Grading areas shall be watered, or another SJVAPCD-approved dust control non-toxic agent shall be used, at least three times daily to minimize fugitive dust only where chemical stabilizers are not used.
b. All permanent roads and the paved access roadway improvements shall be constructed and paved as early as possible in the construction process to reduce construction vehicle travel on unpaved roads. Foundations shall be finalized as soon as possible following site preparation and grading activities to reduce fugitive dust from earth-moving operations.
c. Grading areas shall be stabilized as quickly as possible to minimize fugitive dust.
d. Chemical stabilizer shall be applied, a gravel pad shall be installed, or the last 100 feet of internal travel path within the construction site shall be paved prior to public road entry.
e. Wheel washers, grates, rock, or road washers shall be installed adjacent to the site access points for tire inspection and washing prior to vehicle entry on public roads.
f. Visible track-out into traveled public streets shall be removed with the use of sweepers, water trucks, or similar method within 30 minutes of occurrence.
g. Perimeter erosion control shall be provided to prevent washout of silty material onto public roads. Unpaved construction site egress points shall be graveled to prevent track-out.
h. The construction access point shall be wet-washed at the end of the workday if any vehicle travel on unpaved surfaces has occurred.

i. Haul trucks shall be covered or at least 2 feet of freeboard shall be maintained to reduce blow-off during hauling.

j. On-site stockpiles of excavated material shall be covered.

k. A 15 mile per hour speed limit on unpaved surfaces shall be enforced.

l. Construction traffic control plans shall route delivery and haul trucks required during construction away from sensitive receptor locations and congested intersections to the extent feasible. Construction traffic control plans shall be finalized and approved prior to issuance of grading permits.

PDF-AQ-2 **Valley Fever.** The Project applicant or its designee shall provide to all Project construction employees the fact sheet entitled "Preventing Work-Related Coccidioidomycosis (Valley Fever)" by the California Department of Public Health and ensure all employees are aware of the potential risks the site poses. The Project applicant or its designee shall inform all Project construction employees of all occupational responsibilities and requirements contained in these measures to reduce potential exposure to *Coccidioides* spores.

The training shall include all the following topics:

a. What Valley Fever is and how it is contracted.

b. High-risk areas and types of work and environmental conditions during which the risk of contracting Valley Fever is highest.

c. Personal risk factors that may create a higher risk for some individuals.

d. Personal and environmental exposure prevention methods.

e. Importance of early detection, diagnosis, and treatment.

f. Recognizing common signs and symptoms of Valley Fever.

g. Importance of reporting symptoms to the employer and seeking medical attention.

h. Common treatment and prognosis for Valley Fever.

PDF-AQ-3 **Restricted Commercial Lot Sizes.** During Project operation, all lots available to retailers in the commercial land use would be restricted in size to approximately 30,000 square feet. Furthermore, no big-box stores that would require an increase of more than 5 Heavy Heavy-Duty or Medium Heavy-Duty trucks per day or require the use of diesel or natural-gas fueled forklifts, yard trucks, or other cargo handling equipment would be permitted to open a location in the commercial space.

PDF-AQ-4 **Under-Fired Charbroilers.** During Project operation, the Project Applicant or successor in interest shall contact the San Joaquin Valley Air Pollution to conduct an assessment and potential installation, as technologically feasible, of particulate matter emission control systems for large new restaurants operating under-fired charbroilers within the Project's commercial land use.

Construction

Emissions from the construction phase of the Project were estimated using California Emissions Estimator Model (CalEEMod) Version 2020.4.0. Construction scenario assumptions, including phasing, equipment mix, and vehicle trips, were based on information provided by the Project applicant and CalEEMod default values when Project specifics were not known. For purposes of estimating Project emissions, and based on information provided by the

Project applicant, it is assumed that construction of the Project would commence in January 2023 and would last approximately 9.5 years, ending in September 2032. During the demolition phase, approximately 11,388 square feet of existing buildings would be demolished, and during the site preparation phase, approximately 754 tons of debris would be exported off of the Project site. The analysis contained herein is based on the following assumptions (duration of phases is approximate):

- Demolition: 20 days (January 2023)
- Site Prep: 180 days (January 2023 to October 2023)
- Grading: 465 days (October 2023 to July 2025)
- Vertical Building Construction
  - High Density Residential: 440 days (July 2025 to March 2027)
  - Low Density and Medium Density Single Family Residential: 1550 days (doubled equipment) (July 2025 to June 2031)
  - Medium Density Multi-Family Residential: 300 days (July 2025 to September 2026)
  - School, park, community/commercial centers: 500 days (July 2025 to June 2027)
- Architectural Coating: Overlapping, occurring after the conclusion of each construction phase
- Paving: 330 days (June 2031 to October 2032)

The construction equipment mix and vehicle trips used for estimating the Project-generated construction emissions are shown in Table 4.3-6.

Table 4.3-6. Construction Scenario Assumptions

Construction Phase	One-Way Vehicle Trips			Equipment		
	Average Daily Worker Trips	Average Daily Vendor Truck Trips	Total Haul Truck Trips	Equipment Type	Quantity	Usage Hours
Demolition	16	4	52	Concrete/Industrial Saws	1	8
				Excavators	3	8
				Rubber Tired Dozers	2	8
Site Preparation	18	4	76	Tractors/Loaders/ Backhoes	4	8
				Rubber Tired Dozers	3	8
Grading	20	4	0	Excavators	2	8
				Graders	1	8
				Rubber Tired Dozers	1	8
				Scrapers	2	8
				Tractors/Loaders/ Backhoes	2	8
Building Construction (High Density	398	60	0	Cranes	1	7
				Forklifts	3	8
				Generator Sets	1	8

Table 4.3-6. Construction Scenario Assumptions

Construction Phase	One-Way Vehicle Trips			Equipment		
	Average Daily Worker Trips	Average Daily Vendor Truck Trips	Total Haul Truck Trips	Equipment Type	Quantity	Usage Hours
Apartments)				Tractors/Loaders/ Backhoes	3	7
				Welders	1	8
Building Construction (Medium Density Townhomes)	88	14	0	Cranes	1	7
				Forklifts	3	8
				Generator Sets	1	8
				Tractors/Loaders/ Backhoes	3	7
				Welders	1	8
Building Construction (Low and Medium Density SFH)	190	56	0	Cranes	2	7
				Forklifts	6	8
				Generator Sets	2	8
				Tractors/Loaders/ Backhoes	6	7
				Welders	2	8
Building Construction (School, Commercial, Community, Park)	512	218	0	Cranes	1	7
				Forklifts	3	8
				Generator Sets	1	8
				Tractors/Loaders/ Backhoes	3	7
				Welders	1	8
Paving	16	4	0	Pavers	2	8
				Paving Equipment	2	8
				Rollers	2	8
Architectural Coating	38 (Low- and Medium-Density SFH) 18 (Medium - Density Multi-Family) 80 (High-Density) 102 (School, Commercial/ Community Centers, Park) 6 (Paving)	4 (All)	0	Air Compressors	1	6

Notes: See Appendix B for details.

Section 4.3.4, Impact Analysis (pages 4.3-37 through 4.3-38):

Threshold a: Would the Project conflict with or obstruct implementation of the applicable air quality plan?

Significant and Unavoidable Impact. A project is non-conforming with an air quality plan if it conflicts with or delays implementation of any applicable attainment or maintenance plan. The SJVAPCD has prepared plans to attain federal and state O_3 and PM ambient air quality standards as required under the federal and California Clean Air Act, as detailed in Section 4.3.2, Relevant Plans, Policies, and Ordinances. The SJVAPCD has established thresholds of significance for criteria pollutant emissions, which are based on SJVAPCD New Source Review offset requirements for stationary sources. Stationary sources in the SJVAPCD jurisdiction are subject to some of the toughest regulatory requirements in the nation. Emissions reductions achieved through implementation of the SJVAPCD offset requirements are a major component of SJVAPCD's air quality plans. Thus, projects with emissions below the thresholds of significance for criteria pollutants would not conflict or obstruct implementation of the SJVAPCD's air quality plan (SJVAPCD 2015a). As discussed for Threshold b, below, the Project would not exceed any SJVAPCD thresholds during construction and would exceed the SJVAPCD's operational thresholds for VOC, NO_x, ~~CO,~~ and PM_{10} without the implementation of Rule 9510 and would exceed the SJVAPCD's operational threshold for VOC with the implementation of Rule 9510. Implementation of Mitigation Measure (MM) AQ-1 (development of a low VOC/green cleaning product and Low VOC architectural coating educational program), and MM-AQ-2 (use of Tier 4 Final engines), MM-AQ-3 (Multi-Family Residential Parking), MM-AQ-4 (Multi-Family Residential and Park/Trail Parking), and MM-AQ-5 (Preferential Parking and Electric Vehicle Charging for Non-Residential Buildings) would reduce the Project's impacts to the greatest extent feasible; however, the Project emissions would exceed the SJVAPCD's operational threshold for VOC, NO_x, and PM_{10} without the implementation of Rule 9510 and would exceed the SJVAPCD's operational threshold for VOC with the implementation of Rule 9510. Therefore, the Project would conflict with or delay implementation of the SJVAPCD attainment plans and impacts would be significant and unavoidable.

Section 4.3.4, Impact Analysis (pages 4.3-39 through 4.3-40):

Threshold b: Would the Project result in a cumulatively considerable net increase of any criteria pollutant for which the Project region is non-attainment under an applicable federal or state ambient air quality standard?

Table 4.3-10. Estimated Annual Construction Criteria Air Pollutant Emissions - Unmitigated

Year	VOC	NO_x	CO	SO_x	PM_{10}	$PM_{2.5}$
	Tons per Year					
2023	0.37	3.77	2.78	0.01	2.90	1.25
2024	0.43	4.27	3.73	0.01	1.74	0.68
2025	0.91	6.74	9.25	0.02	3.56	1.10
2026	2.57	9.88	15.09	0.040	5.00	1.52
2027	6.30	5.51	8.03	0.02	2.39	0.75
2028	0.44	3.59	4.93	0.01	0.49	0.23
2029	0.44	3.60	4.91	0.01	0.49	0.23
2030	0.42	2.41	4.90	0.01	0.39	0.14
2031	4.69	1.79	3.77	0.01	0.31	0.11

Table 4.3-10. Estimated Annual Construction Criteria Air Pollutant Emissions - Unmitigated

Year	VOC	NO_x	CO	SO_x	PM_{10}	$PM_{2.5}$
	Tons per Year					
2032	3.23	0.85	1.88	<0.01	0.12	0.06
Rolling 12-Month Total	**6.30**	**9.88**	**15.09**	**0.04**	**5.00**	**1.52**
SJVAPCD Threshold	*10*	*10*	*100*	*27*	*15*	*15*
Threshold Exceeded?	**No**	**No**	**No**	**No**	**No**	**No**
Annual Emissions with ISR Compliance[1]	6.30	7.90	15.09	0.04	2.75	1.52

Source: Appendix B.
Notes: ROG = reactive organic gas; NO_x = oxides of nitrogen; CO = carbon monoxide; SO_x = sulfur oxides; PM_{10} = coarse particulate matter; $PM_{2.5}$ = fine particulate matter; SJVAPCD = San Joaquin Valley Air Pollution Control District; <0.01 = reported value less than 0.01.
See Appendix B for complete results.
These emissions reflect CalEEMod "mitigated" output, which accounts for compliance with SJVAPCD's Rule 4601 (Architectural Coatings) and implementation of the Project's fugitive dust control strategies, including watering of the Project site and unpaved roads three times per day, and restricting vehicle speed on unpaved roads to 15 miles per hour.
[1] This row reflects minimum required emissions reductions in NO_x and PM_{10} to comply with Rule 9510.

As shown in Table 4.3-10, annual construction emissions would not exceed the SJVAPCD significance thresholds for VOC, NO_x, CO, SO_x, PM_{10}, or $PM_{2.5}$ during construction in all construction years. Thus, impacts would be less than significant. The Project would also comply with SJVAPCD Rule 9510, Indirect Source Review, which requires large development projects to reduce exhaust emissions from construction equipment by 20% for NO_x and 45% for PM_{10}, compared to the statewide average.

Operational Emissions

The Project would involve construction of low-, medium-, and high-density residences, a community center, a commercial center, park space, and a school. Operation of the Project would generate ROG, NOx, CO, SOx, PM_{10}, and $PM_{2.5}$ emissions from mobile sources, including vehicle trips from passenger vehicles; area sources, including the use of consumer products, architectural coatings for repainting, and landscape maintenance equipment; and energy sources, including combustion of fuels used for space and water heating. As discussed in Section 4.3.3, Thresholds of Significance, pollutant emissions associated with long-term operations were quantified using CalEEMod for area, energy, and mobile sources, and were primarily based on CalEEMod default values. Project-generated mobile source emissions were based on the trip rates provided in the Transportation Impact Analysis (Appendix I).

Table 4.3-11 presents the annual area, energy, mobile, off-road, and stationary source emissions associated with operation (year 2033) of the Project. Details of the emissions calculations are provided in Appendix B.

Table 4.3-11. Estimated Annual Operational Criteria Air Pollutant Emissions - Unmitigated

Emission Source	VOC	NO_x	CO	SO_x	PM_{10}	$PM_{2.5}$
	Tons per Year					
Area	19.77	0.75	9.14	0.00	0.10	0.10
Energy	0.14	1.23	0.61	0.01	0.10	0.10

Table 4.3-11. Estimated Annual Operational Criteria Air Pollutant Emissions - Unmitigated

Emission Source	VOC	NO_x	CO	SO_x	PM_{10}	$PM_{2.5}$
	Tons per Year					
Mobile	7.45	10.97	70.49	0.17	21.91	5.94
Total	**27.36**	**12.94**	**80.23**	**0.18**	**22.11**	**6.14**
SJVAPCD Threshold	*10*	*10*	*100*	*27*	*15*	*15*
Threshold Exceeded?	**Yes**	**Yes**	**No**	**No**	**Yes**	**No**
Annual Emissions with ISR Compliance[1]	**27.36**	**8.63**	**80.23**	**0.18**	**11.06**	**6.14**

Source: Appendix B.
Notes: ROG = reactive organic gas; NO_x = oxides of nitrogen; CO = carbon monoxide; SO_x = sulfur oxides; PM_{10} = coarse particulate matter; $PM_{2.5}$ = fine particulate matter; SJVAPCD = San Joaquin Valley Air Pollution Control District; <0.01 = reported value less than 0.01.
See Appendix B for complete results.
Totals may not sum due to rounding.

As shown in Table 4.3-11, the combined annual area, energy, and mobile source emissions would not exceed the SJVAPCD's operational thresholds for CO, SO_x, or $PM_{2.5}$. However, the Project would exceed the SJVAPCD's operational threshold for VOC, NO_x, and PM_{10}. MM-AQ-3 through MM-AQ-5 would be implemented to reduce Project -generated operational criterial air pollutant emissions; however, impacts would remain significant and unavoidable for VOC, NOx, and PM10 pollutants. The Project would also comply with SJVAPCD Rule 9510, Indirect Source Review, which requires large development projects to reduce operational baseline emissions by 33.3% for NO_x and 50% for PM_{10} over a period of 10 years. When accounting for compliance with Rule 9510, emissions of NOx and PM_{10} would be reduced below thresholds of significance; however, emissions of VOC would remain significant and unavoidable.

Section 4.3.4, Impact Analysis (page 4.3-49):

Threshold b: Would the Project result in a cumulatively considerable net increase of any criteria pollutant for which the Project region is non-attainment under an applicable federal or state ambient air quality standard?

Health Effects

As demonstrated in Table 4.3-11, operation of the Project would result in emissions that would exceed the SJVAPCD thresholds for VOC, NO_x, and PM_{10} without the implementation of Rule 9510 and would exceed the SJVAPCD threshold for VOC with the implementation of Rule 9510.

ROGs and NO_x are precursors to O_3, for which the SJVAB is designated as nonattainment with respect to the NAAQS and CAAQS. The health effects associated with O_3 are generally associated with reduced lung function. The contribution of ROGs and NO_x to regional ambient O_3 concentrations is the result of complex photochemistry. The increases in O_3 concentrations in the SJVAB due to O_3 precursor emissions tend to be found downwind from the source location to allow time for the photochemical reactions to occur. However, the potential for exacerbating excessive O_3 concentrations would also depend on the time of year that the ROG emissions would occur because exceedances of the O_3 CAAQS/NAAQS tend to occur April through October when solar radiation is highest. The holistic effect of a single project's emissions of O_3 precursors is speculative due to the lack of quantitative methods to assess this impact. Because operation of the Project would exceed the SJVAPCD thresholds for NO_x (without the

implementation of Rule 9510) and VOC, implementation of the Project could contribute to regional O_3 concentrations and the associated health effects.

Operation of the Project would contribute to exceedances of the NAAQS and CAAQS for NO_2. Health effects that result from NO_2 and NO_x include respiratory irritation, which could be experienced by nearby receptors during the periods of heaviest use of off-road construction equipment. However, Project construction would be relatively short term, and off-road construction equipment would be operating at various portions of the site and would not be concentrated in one portion of the site at any one time. In addition, existing NO_2 concentrations in the area are well below the NAAQS and CAAQS standards. Due to exceedances in operation-generated emissions of NO_x, the Project could result in potential health effects associated with NO_2 and NO_x. However, implementation of Rule 9510 would reduce the Project's operational NO_x emissions below the applicable threshold.

Operation of the Project would also exceed thresholds for PM_{10} as a result of the sheer number of vehicles associated with Project operation. Pursuant to Regulation VIII, Rule 8021, Section 6.3, the Project would be required to develop, prepare, submit, obtain approval of, and implement a dust control plan, which would reduce fugitive dust impacts. The Project's PM_{10} emissions would be potentially significant. However, implementation of Rule 9510 would reduce the Project's operational PM_{10} emissions below the applicable threshold.

In summary, because operation of the Project would result in exceedances of the SJVAPCD significance thresholds, the potential health impacts are significant and unavoidable. Notably, there are numerous scientific and technological complexities associated with correlating criteria air pollutant emissions from an individual project to specific health effects or potential additional nonattainment days, and there are currently no modeling tools that could provide reliable and meaningful additional information regarding health effects from criteria air pollutants generated by individual projects.

Section 4.3.4, Impact Analysis (page 4.3-54):

Threshold e: Would the Project result in cumulatively considerable air quality impacts?

Because the Project would exceed thresholds for VOC, NO_x, and PM_{10} during operation without the implementation of Rule 9510 and would exceed operational VOC thresholds with the implementation of Rule 9510, the Project's cumulative impacts with respect to such emissions would be considerable and significant even with implementation of MM-AQ-1 through MM-AQ-5.

Section 4.3.4, Level of Significance After Mitigation (pages 4.3-56 through 4.3-57):

Threshold a: The Project would result in potentially significant impacts with regard to conflicting with or obstructing implementation of an applicable air quality plan. Implementation of MM-AQ-1 through MM-AQ-2 for ~~construciton~~ construction and MM-AQ-3 through MM-AQ-5 for operations would reduce the Project's impacts to the greatest extent feasible; however, impacts would remain **significant and unavoidable**.

Threshold b: Short-Term Construction Impacts

The Project's annual construction emissions would not exceed the SJVAPCD significance thresholds for VOC, NO_x, CO, Sox, PM_{10}, or $PM_{2.5}$ in all construction years. However, the project would exceed the Level 1 AAQA thresholds for 1-hour NO_2, 24-hour PM_{10}, annual PM_{10}, and 24-hour $PM_{2.5}$ during construction with the incorporation of MM-AQ-1 through MM-AQ-2. The Level 2 AAQA shows that the project would exceed the 24-hour $PM_{2.5}$ standard during construction with the incorporation of MM-AQ-2. As such, the Project would have **significant and unavoidable impacts** related to criteria air pollutant emissions during construction activities.

Long-Term Operational Impacts

The Project's combined annual area, energy, and mobile source emissions would not exceed the SJVAPCD's operational thresholds for CO, SO_x, or $PM_{2.5}$. However, the Project would exceed the SJVAPCD's operational threshold for VOC, NO_x, and PM_{10} without the inclusion of Rule 9510 and would exceed the SJVACPD's operational threshold for VOC with the inclusion of Rule 9510. In addition, the Project would exceed the 1-hour NO_2, 24-hour PM_{10}, annual PM_{10} 24-hour $PM_{2.5}$, and annual $PM_{2.5}$ Level 1 AAQA during operation; however, 24-hour PM_{10}, annual PM_{10}, and annual $PM_{2.5}$ passed the Level 2 significance test. In the Level 2 analysis, the Project would still exceed the 1-hour NO_2 and 24-hour $PM_{2.5}$ significance thresholds during operation. The Project would implement MM-AQ-3 through MM-AQ-5 during Project operations; however, none of the measures were quantified for this analysis. The Project would have **significant and unavoidable impacts** related to criteria air pollutant emissions during operational activities.

Threshold e: ~~Construction-related impacts would be less than significant. However, t~~The Project is in excess of operational VOC, NOx, ~~CO, ~~and PM10 thresholds without the implementation of Rule 9510 and is in excess of the operational VOC threshold with the implementation of Rule 9510. The Project would exceed the 24-hour PM2.5 Level 2 AAQA standard during construction even with the incorporation of MM-AQ-1 and MM-AQ-2. The Project would exceed the 1-hour NO2 and 24-hour PM2.5 Level 2 AAQA significance thresholds during operation even with the incorporation of MM-AQ-3 through MM-AQ-5. Therefore, the Project's cumulative impacts with respect to such emissions would remain **significant and unavoidable**.

2.2.3 Section 4.4, Biological Resources

Section 4.4, Mitigation Measures (pages 4.4-23 through 4.4-24):

MM-BIO-3 Swainson's Hawk. Should initiation of construction be scheduled during the Swainson's hawk nesting season (February 1 through September 15), the Project applicant shall have pre-construction Swainson's hawk surveys conducted by a qualified biologist in accordance with the California Department of Fish and Wildlife (CDFW)-endorsed protocol for the Central Valley as detailed in the Swainson's Hawk Technical Advisory Committee's Recommended Timing and Methodology for Swainson's Hawk Nesting Surveys in California's Central Valley. ~~Given the disturbed nature of the Project site, t~~These surveys shall be conducted in areas of suitable nesting habitat within ~~0.25~~ 0.5 miles of the site, including staging areas, where accessible. Pursuant to the protocols, surveys shall be conducted for at least two survey periods immediately prior to construction activities, if possible. If 21 days have lapsed from

the end of the last survey to the beginning of construction activities, a pre-construction survey shall be conducted no more than 1 week prior to the start of scheduled construction activities during the Swainson's hawk nesting season.

For any active Swainson's hawk nest found within ~~0.25~~ 0.5 miles of proposed construction activities, a no-disturbance buffer shall be established and maintained until, as determined by periodic monitoring by a qualified biologist, the nest is empty, and the young are no longer dependent on the nest. The actual no-disturbance buffer distance shall be determined by a qualified biologist and shall take into consideration the level and extent of construction disturbance; nesting phase of the active nest; existing vegetative, topographic, noise, or visual barriers between the nest and the Project site; and existing levels of human activity and land uses in the immediate area. The biologist shall prepare and issue periodic reports to the Client on the status of the nesting hawks, noting whether hawks are still present and describing the stage of breeding activities and nesting behavior. Once the hawks have left the area, restrictions on construction shall be lifted. In addition, during the monitoring period, if any behaviors are observed indicating potential distress by the adult birds, the biologist will confer with the construction supervisors and CDFW to determine a course of action that will reduce distress levels for the nesting pair.

If a no disturbance buffer is not feasible, the Project applicant shall consult with CDFW to determine whether the Project can avoid take. If take cannot be avoided, the Project applicant may need to apply for an Incidental Take Permit pursuant to Fish and Game Code Section 2081(b), prior to initiating ground-disturbing activities.

2.2.4 Section 5, Cumulative Effects

Section 5.1.1.3, Air Quality (page 5-4):

Construction-related impacts would be less than significant. However, the Project is in excess of the operational VOC, NO_x, ~~CO,~~ and PM_{10} thresholds without the implementation of Rule 9510, and is in excess of operational VOC thresholds with the implementation of Rule 9510. The Project would exceed the 24-hour PM2.5 Level 2 AAQA standard during construction even with the incorporation of MM-AQ-1 and MM-AQ-2. The Project would exceed the 1-hour NO_2 and 24-hour $PM_{2.5}$ Level 2 AAQA significance thresholds during operations even with the incorporation of MM-AQ-3 through MM-AQ-5. Therefore, the Project's cumulative impacts with respect to such emissions would remain significant and unavoidable.

INTENTIONALLY LEFT BLANK

3 Response to Comments

This chapter of the Final Environmental Impact Report (EIR) for the Chandler Grove Master Plan and Annexation Project (Project) includes a copy of all comment letters that were submitted during the public review period for the Draft EIR, along with responses to comments in accordance with California Environmental Quality Act (CEQA) Guidelines Section 15088. The 45-day review period for the Draft EIR began on July 28, 2023, and ended on September 11, 2023.

The responses amplify or clarify information provided in the Draft EIR and/or refer the reader to the appropriate place in the document where the requested information can be found. Comments that are not directly related to environmental issues (e.g., opinions on the merits of the Project unrelated to its environmental impacts) are noted for the record. Where text changes in the Draft EIR are warranted based on comments received, updated Project information, or other information provided by City staff, those changes are noted in the response to comment and the reader is directed to Chapter 2, Changes to the Draft EIR, of this Final EIR.

These changes to the analysis contained in the Draft EIR represent only minor clarifications/amplifications and do not constitute significant new information. In accordance with CEQA Guidelines Section 15088.5, recirculation of the Draft EIR is not required.

All written comments on the Draft EIR are listed in Table 3-1. All comment letters received on the Draft EIR have been coded with a number to facilitate identification and tracking. The comment letters were reviewed and divided into individual comments, with each comment containing a single theme, issue, or concern. Individual comments and the responses to them were assigned corresponding numbers. To aid readers and commenters, electronically bracketed comment letters have been reproduced in this document and are included before each response. The State and Regional Agencies listed in Table 3-1 submitted letters during the public review period for the Draft EIR.

Table 3-1. Comments Received on the Draft EIR

Comment Number	Comment Letter	Commenter	Date
1	California Department of Fish and Wildlife	Julie A. Vance, Regional Manager	September 21, 2023
2	San Joaquin Valley Air Pollution Control District	Brian Clements, Mark Montelongo, Matt Crow	September 7, 2023

To finalize the EIR for the Project, the following responses were prepared to comments that were received during the public review period.

INTENTIONALLY LEFT BLANK

Comment Letter 1

DocuSign Envelope ID: D67E283A-B91A-44A7-BB81-04DC518BE1D0

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

GAVIN NEWSOM, Governor
CHARLTON H. BONHAM, Director

September 21, 2023

Steve Sopp
City of Tulare
411 E Kern Avenue
Tulare California, 93274

Subject: Chandler Grove Master Plan and Annexation Project (Project)
Draft Environmental Impact Report (DEIR)
SCH No. 2022090149

Dear Steve Sopp:

The California Department of Fish and Wildlife (CDFW) received a DEIR from the City of Tulare for the above-referenced Project pursuant to the California Environmental Quality Act (CEQA) and CEQA Guidelines.[1]

Thank you for the opportunity to provide comments and recommendations regarding those activities involved in the Project that may affect California fish and wildlife. Likewise, CDFW appreciates the opportunity to provide comments regarding those aspects of the Project that CDFW, by law, may be required to carry out or approve through the exercise of its own regulatory authority under Fish and Game Code. While the comment period may have ended, CDFW would appreciate if you would still consider our comments.

1-1

CDFW ROLE

CDFW is California's **Trustee Agency** for fish and wildlife resources and holds those resources in trust by statue for all the people of the State (Fish & G. Code, §§ 711.7, subd. (a) & 1802; Pub. Resources Code, § 21070; CEQA Guidelines § 15386, subd. (a)). CDFW, in its trustee capacity, has jurisdiction over the conservation, protection, and management of fish, wildlife, native plants, and habitat necessary for biologically sustainable populations of those species (*Id.*, § 1802). Similarly, for purposes of CEQA, CDFW is charged by law to provide, as available, biological expertise during public agency environmental review efforts, focusing specifically on

[1] CEQA is codified in the California Public Resources Code in section 21000 et seq. The "CEQA Guidelines" are found in Title 14 of the California Code of Regulations, commencing with section 15000.

Conserving California's Wildlife Since 1870

projects and related activities that have the potential to adversely affect fish and wildlife resources.

CDFW is also submitting comments as a **Responsible Agency** under CEQA (Pub. Resources Code, § 21069; CEQA Guidelines, § 15381). CDFW expects that it may need to exercise regulatory authority as provided by the Fish and Game Code. As proposed, for example, the Project may be subject to CDFW's lake and streambed alteration regulatory authority (Fish & G. Code, § 1600 et seq.). Likewise, to the extent implementation of the Project as proposed may result in "take" as defined by State law of any species protected under the California Endangered Species Act (CESA) (Fish & G. Code, § 2050 et seq.), related authorization as provided by the Fish and Game Code may be required.

Nesting Birds: CDFW has jurisdiction over actions with potential to result in the disturbance or destruction of active nest sites or the unauthorized take of birds. Fish and Game Code sections that protect birds, their eggs and nests include, sections 3503 (regarding unlawful take, possession or needless destruction of the nest or eggs of any bird), 3503.5 (regarding the take, possession or destruction of any birds-of-prey or their nests or eggs), and 3513 (regarding unlawful take of any migratory nongame bird).

1-1 Cont.

PROJECT DESCRIPTION SUMMARY

Proponent: Toor Capital LLC

Objective: The proposed Project consists of a mixed-use development on approximately 231 acres of active agricultural land in Tulare County, CA. A total of 10.3 acres of perimeter right-of way would be dedicated as part of the Project, leaving approximately 220 acres for development. Once developed, the proposed Project would include approximately 1,197 total units of low, medium, and high-density residential (163.1 acres), a central park (14.1 acres), a neighborhood commercial center (10.8 acres), a school (4.9 acres), and a community center (0.78 acres). Parks would act as natural areas, provide stormwater detention, and include playgrounds, plazas and shelters, open turf areas for field sports, as well as trails for recreation. Trails throughout the site would connect to schools, parks, the community center and the commercial center. An open irrigation canal currently passes through the property from the north to the south and would be piped underground within the same general alignment during project development and flow through the channel would not be changed.

1-2

COMMENTS AND RECOMMENDATIONS

CDFW offers the following comments and recommendations to assist the City of Tulare in adequately identifying and/or mitigating the Project's significant, or potentially significant, direct and indirect impacts on fish and wildlife (biological) resources.

1-3

Editorial comments or other suggestions may also be included to improve the CEQA document prepared for this Project.

There are special-status species that may be present at the Project site that were not appropriately evaluated in the DEIR for this project (CDFW 2023a). CDFW recommends that these resources be evaluated and addressed prior to any approvals that would allow ground-disturbing activities or land use changes. CDFW is concerned regarding potential impacts to special-status species including, but not limited to, the State candidate endangered Crotch's bumblebee (*Bombus crotchii*) and the State threatened Swainson's hawk (*Buteo swainsoni*). 1-3 Cont.

In order to adequately assess any potential impact to biological resources, focused biological surveys should be conducted by a qualified wildlife biologist during the appropriate survey period(s) in order to determine whether any special-status species may be present within the Project area. Properly conducted protocol-level biological surveys, and the information assembled from them, are essential to identify any necessary avoidance measures to fully avoid any potential impacts to these species or the need for CESA take permits along with associated minimization and compensatory mitigation measures, and to identify any Project-related impacts under CEQA.

I. Environmental Setting and Related Impact

Would the Project have a substantial adverse effect, either directly or through habitat modifications, on any species identified as a candidate, sensitive, or special-status species in local or regional plans, policies, or regulations, or by CDFW or the United States Fish and Wildlife Service (USFWS)?

COMMENT 1: Crotch's Bumblebee

The DEIR does not include any evaluation for Crotch's bumblebee (CBB). CBB are known to inhabit areas of grasslands and scrub that contain requisite habitat elements for nesting, such as small mammal burrows and bunch/thatched grasses. CBB was once common throughout most of central and southern California. However, it now appears to be absent from most of their range, especially in the central portion of its historic range within California's Central Valley (Hatfield et al. 2014). Analyses by the Xerces Society et al. (2018) suggest there have been sharp declines in relative abundance by 98% and persistence by 80% over the last ten years. 1-4

CDFW recommends a qualified biologist conduct a habitat assessment to determine if the Project area and the immediate surrounding vicinity contain habitat suitable to support CBB. Potential nesting sites, which include all small mammal burrows, perennial bunch grasses, thatched annual grasses, brush piles, old bird nests, dead trees, and hollow logs would need to be documented as part of the assessment. If potentially suitable habitat is identified, CDFW recommends that a qualified biologist

conduct focused surveys for CBB, and their requisite habitat features following the methodology outlined in the Survey Considerations for California Endangered Species Act Candidate Bumble Bee Species (CDFW 2023b). 1-4 Cont.

COMMENT 2: Crotch's Bumblebee

If CBB is detected, then CDFW recommends that all small mammal burrows and thatched/bunch grasses be avoided by a minimum of 50 feet to avoid take and potentially significant impacts. If ground-disturbing activities will occur during the overwintering period (October through February), consultation with CDFW is warranted to discuss how to implement Project activities and avoid take. Any detection of CBB prior to or during Project implementation warrants consultation with CDFW to discuss how to avoid take. 1-5

COMMENT 3: Crotch's Bumblebee

If take cannot be avoided, CDFW recommends acquiring an Incidental Take Permit (ITP) pursuant to Fish and Game Code Section 2081(b), prior to initiating ground-disturbing activities. 1-6

COMMENT 4: Swainson's Hawk

MM-BIO-3 mentions performing surveys according to the "Swainson's Hawk Technical Advisory Committee's Recommended Timing and Methodology for Swainson's Hawk Nesting Surveys in California's Central Valley" (SWHA TAC, 2000) with a modified 0.25-mile buffer area. CDFW recommends adhering to the 0.5-mile buffer area as described in the SWHA TAC in order to avoid inadvertent take. 1-7

COMMENT 5: Swainson's Hawk

If a 0.5-mile avoidance buffer is not feasible and take cannot be avoided, CDFW recommends acquiring an ITP prior to initiating ground-disturbing activities. 1-8

II. Editorial Comments and/or Suggestions

ENVIRONMENTAL DATA

CEQA requires that information developed in environmental impact reports and negative declarations be incorporated into a database which may be used to make subsequent or supplemental environmental determinations (Pub. Resources Code, § 21003, subd. (e)). Accordingly, please report any special-status species and natural communities detected during Project surveys to the CNDDB. The CNDDB field survey form can be found at the following link: https://www.wildlife.ca.gov/Data/CNDDB/Submitting-Data. The completed form can be 1-9

mailed electronically to CNDDB at the following email address: CNDDB@wildlife.ca.gov. The types of information reported to CNDDB can be found at the following link: https://www.wildlife.ca.gov/Data/CNDDB/Plants-and-Animals.

1-9 Cont.

FILING FEES

If it is determined that the Project has the potential to impact biological resources, an assessment of filing fees will be necessary. Fees are payable upon filing of the Notice of Determination by the Lead Agency and serve to help defray the cost of environmental review by CDFW. Payment of the fee is required for the underlying project approval to be operative, vested, and final (Cal. Code Regs, tit. 14, § 753.5; Fish & G. Code, § 711.4; Pub. Resources Code, § 21089).

CDFW appreciates the opportunity to comment on the Project to assist the City of Tulare in identifying and mitigating the Project's impacts on biological resources.

More information on survey and monitoring protocols for sensitive species can be found at CDFW's website (https://www.wildlife.ca.gov/Conservation/Survey-Protocols). If you have any questions, please contact Jaime Marquez, Environmental Scientist, at the address provided on this letterhead, or by electronic mail at Jaime.Marquez@wildlife.ca.gov.

1-10

Sincerely,

DocuSigned by:
Julie Vance
FA83F09FE08945A...

Julie A. Vance
Regional Manager

ec: State Clearinghouse
Governor's Office of Planning and Research
State.Clearinghouse@opr.ca.gov

REFERENCES

California Department of Fish and Wildlife. 2023a. Biogeographic information and observation system. <https://www.wildlife.ca.gov/Data/BIOS>. Accessed September 7, 2023.

California Department of Fish and Wildlife. 2023b. Survey considerations for California Endangered Species Act candidate bumble bee species. https://nrm.dfg.ca.gov/FileHandler.ashx?DocumentID=213150&inline June 6, 2023.

Hatfield, R., S. Jepsen, R. Thorp, L. Richardson, and S. Colla. 2015. Bombus crotchii. The International Union for Conservation of Nature red list of threatened Species. https://www.iucnredlist.org/species/44937582/46440211

Swainson's Hawk Technical Advisory Committee [SWHA TAC]. 2000. Recommended timing and methodology for Swainson's hawk nesting surveys in California's central valley. Swainson's Hawk Technical Advisory Committee. May 31, 2000.

Xerces Society for Invertebrate Conservation, Defenders of Wildlife, and Center for Food Safety. 2018. A petition to the state of California fish and game commission to list the Crotch's bumble bee (*Bombus crotchii*), Franklin's bumble bee (*Bombus franklini*), Suckley cuckoo bumble bee (*Bombus suckleyi*), and western bumble bee (*Bombus occidentalis occidentalis*) as Endangered under the California Endangered Species Act. October 2018.

Response to Comment Letter 1

California Department of Fish and Wildlife
Julie Vance
September 21, 2023

1-1 These comments provide introductory comments include an overview of California Department of Fish and Wildlife's (CDFW) role as a CEQA Trustee Agency and potentially a CEQA Responsible Agency for the proposed Project. No further response is necessary.

1-2 This comment provides a summary of the proposed Project. No further response is necessary.

1-3 These comments note that that there are special status species that may be present on the site and focused biological surveys should be conducted. See responses 1-4 through 1-8 below for response to specific comments.

1-4 This comment states the Draft EIR does not adequately address Crotch's bumblebee and recommends a qualified biologist conduct a habitat assessment to determine if suitable habitat is present on the Project site and surrounding areas.

As described in the Appendix C of the Draft EIR in Section 3.2.1, Page 9, a qualified biologist conducted a habitat assessment on July 26, 2022, to determine the potential for special-status wildlife species, including Crotch's bumble bee, to occur on site. Further, the biologist had been trained in the identification of the species and suitable habitat. In Table 3 of Appendix C of the DEIR on Page 23, it states that Crotch's bumble bee is "Not expected to occur. No suitable habitat present on the Project site. The Project site is regularly maintained and has been for over 10 years, which makes the site unsuitable. In addition, there are no occurrences within approximately 5 miles of the Project site (CDFW 2022a)." This assessment is consistent with the CDFW (2023) Survey Considerations document, which outlines various habitat features – none of which were present. Therefore, a habitat assessment has been conducted by a qualified and there is no suitable habitat on site. Therefore, a focused survey Crotch's bumble fee is not necessary. Because no new environmental issues were identified, no further analysis is necessary.

1-5 This comment details the requirements if Crotch's bumblebee is found on site. See Response 1-4, above.

1-6 This comment details the requirements if take of Crotch's bumblebee cannot be avoided. See Response 1-4, above.

1-7 This comment recommends adhering to the Swainson's Hawk Technical Advisory Committee's Recommend Timing and Methodology for Swainson's Hawk Nesting Surveys in California's Central Valley 0.5-mile buffer instead of the modified 0.25-mile proposed by Mitigation Measure (MM) BIO-3.

As such, MM-BIO-3 will be modified as follows:

MM-BIO-3 Swainson's Hawk. Should initiation of construction be scheduled during the Swainson's hawk nesting season (February 1 through September 15), the Project applicant shall have pre-construction Swainson's hawk surveys conducted by a qualified biologist in accordance with the California Department of Fish and Wildlife (CDFW)-endorsed protocol for the Central

Valley as detailed in the Swainson's Hawk Technical Advisory Committee's Recommended Timing and Methodology for Swainson's Hawk Nesting Surveys in California's Central Valley. ~~Given the disturbed nature of the Project site,~~ ~~t~~These surveys shall be conducted in areas of suitable nesting habitat within ~~0.25~~ 0.5 miles of the site, including staging areas, where accessible. Pursuant to the protocols, surveys shall be conducted for at least two survey periods immediately prior to construction activities, if possible. If 21 days have lapsed from the end of the last survey to the beginning of construction activities, a pre-construction survey shall be conducted no more than 1 week prior to the start of scheduled construction activities during the Swainson's hawk nesting season.

For any active Swainson's hawk nest found within ~~0.25~~ 0.5 miles of proposed construction activities, a no-disturbance buffer shall be established and maintained until, as determined by periodic monitoring by a qualified biologist, the nest is empty, and the young are no longer dependent on the nest. The actual no-disturbance buffer distance shall be determined by a qualified biologist and shall take into consideration the level and extent of construction disturbance; nesting phase of the active nest; existing vegetative, topographic, noise, or visual barriers between the nest and the Project site; and existing levels of human activity and land uses in the immediate area. The biologist shall prepare and issue periodic reports to the Client on the status of the nesting hawks, noting whether hawks are still present and describing the stage of breeding activities and nesting behavior. Once the hawks have left the area, restrictions on construction shall be lifted. In addition, during the monitoring period, if any behaviors are observed indicating potential distress by the adult birds, the biologist will confer with the construction supervisors and CDFW to determine a course of action that will reduce distress levels for the nesting pair.

If a no disturbance buffer is not feasible, the Project applicant shall consult with CDFW to determine whether the Project can avoid take. If take cannot be avoided, the Project applicant may need to apply for an Incidental Take Permit pursuant to Fish and Game Code Section 2081(b), prior to initiating ground-disturbing activities.

1-8 This comment notes the requirements if the avoidance buffer is not feasible. As noted above in MM BIO-3, "If a no disturbance buffer is not feasible, the Project applicant shall consult with CDFW to determine whether the Project can avoid take. If take cannot be avoided, the Project applicant may need to apply for an Incidental Take Permit pursuant to Fish and Game Code Section 2081(b), prior to initiating ground-disturbing activities." Because no new environmental issues were identified, no further analysis is necessary.

1-9 This comment provides the links to report any special-status species and natural communities detected during Project surveys. No further response is necessary.

1-10 These comments detail the required fees that shall be paid upon filing of the Project's Notice of Determination and lists links for survey and monitoring protocols for sensitive species. No further response is required.

Comment Letter 2

San Joaquin Valley AIR POLLUTION CONTROL DISTRICT

HEALTHY AIR LIVING™

September 7, 2023

Steven Sopp
City of Tulare
Planning Department
411 East Kern Avenue
Tulare, CA 93724

Project: Draft Environment Impact Report: Chandler Grove Master Plan and Annexation Project

District CEQA Reference No: 20230687

Dear Mr. Sopp:

The San Joaquin Valley Air Pollution Control District (District) has reviewed the Draft Environmental Impact Report (DEIR) from the City of Tulare (City) for the Chandler Grove Master Plan and Annexation project. Per the DEIR, the project consists of a mixed-use development on approximately 231 acres that includes approximately 1,197 total units of low, medium, and high-density residential housing a central park, a neighborhood commercial center, a school, and a community center (Project). The Project is located in western Tulare County and is generally bound by S. Oakmore Street to the west, the East Tulare Villa community to the east, Avenue 228 to the north, and E. Bardsley Avenue to the south in the City of Tulare. 2-1

The District offers the following comments regarding the Project:

1) <u>Project Related Emissions</u>

The Mitigation Monitoring Reporting Program for the Project in the DEIR, specifically page 1-9, states the Project's air quality impact from criteria pollutant emissions after mitigation will be significant and unavoidable during construction and less than significant for operations. However, on page 4.3-37 the DEIR states the "*Project would not exceed any SJVAPCD thresholds during construction…"* and "*… Project emissions would exceed the SJVAPCD's operational threshold for VOC, NOx, and PM10*." The determinations on the Project air quality impacts are conflicting in several areas of the DEIR. As such, the District recommends the determinations be verified for consistency and that the DEIR be clarified where appropriate. 2-2

Samir Sheikh
Executive Director/Air Pollution Control Officer

Northern Region
4800 Enterprise Way
Modesto, CA 95356-8718
Tel: (209) 557-6400 FAX: (209) 557-6475

Central Region (Main Office)
1990 E. Gettysburg Avenue
Fresno, CA 93726-0244
Tel: (559) 230-6000 FAX: (559) 230-6061

Southern Region
34946 Flyover Court
Bakersfield, CA 93308-9725
Tel: (661) 392-5500 FAX: (661) 392-5585

www.valleyair.org www.healthyairliving.com

2) Truck Routing

Truck routing involves the assessment of which roads Heavy Heavy-Duty (HHD) trucks take to and from their destination, and the emissions impact that the HHD trucks may have on residential communities and sensitive receptors. Since the Project includes commercial development, there is potential for an increase in HHD truck trips.

The District recommends the City evaluate HHD truck routing patterns for the Project, with the aim of limiting exposure of residential communities and sensitive receptors to emissions. This evaluation would consider the current truck routes, the quantity and type of each truck (e.g., Medium Heavy-Duty, HHD, etc.), the destination and origin of each trip, traffic volume correlation with the time of day or the day of the week, overall Vehicle Miles Traveled (VMT), and associated exhaust emissions. The truck routing evaluation would also identify alternative truck routes and their impacts on VMT and air quality. 2-3

3) Cleanest Available Heavy-Duty Trucks

The San Joaquin Valley will not be able to attain stringent health-based federal air quality standards without significant reductions in emissions from HHD trucks, the single largest source of NOx emissions in the San Joaquin Valley. Accordingly, to meet federal air quality attainment standards, the District's ozone and particulate matter attainment plans rely on a significant and rapid transition of HHD fleets to zero or near-zero emissions technologies.

Since the Project includes commercial development, there is potential for an increase in HHD truck trips. Since the Project is expected to exceed the District significance thresholds for operations, the District recommends that the following measures be considered by the City to reduce Project-related operational emissions: 2-4

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

4) Recommended Mitigation to Reduce Operational Air Quality Impacts

Per the DEIR specifically page 4.3-40, Table 4.3-11, demonstrates the Project operational emissions are expected to exceed the District's significance thresholds. Therefore, the District recommends the DEIR be revised to include a Voluntary Emission Reduction Agreement (VERA) for this Project. 2-5

A VERA is a mitigation measure by which the project proponent provides pound-for-pound mitigation of emissions increases through a process that develops, funds, and implements emission reduction projects, with the District serving a role of administrator of the emissions reduction projects and verifier of the successful mitigation effort. To implement a VERA, the project proponent and the District enter into a contractual agreement in which the project proponent agrees to mitigate project specific emissions by providing funds for the District's incentives programs. The funds are disbursed by the District in the form of grants for projects that achieve emission reductions. Thus, project-related impacts on air quality can be mitigated. Types of emission reduction projects that have been funded in the past include electrification of stationary internal combustion engines (such as agricultural irrigation pumps), replacing old heavy-duty trucks with new, cleaner, more efficient heavy-duty trucks, and replacement of agricultural equipment with the latest generation technologies.

In implementing a VERA, the District verifies the actual emission reductions that have been achieved as a result of completed grant contracts, monitors the emission reduction projects, and ensures the enforceability of achieved reductions. After the project is mitigated, the District certifies to the Lead Agency that the mitigation is completed, providing the Lead Agency with an enforceable mitigation measure demonstrating that project-related emissions have been mitigated. To assist the Lead Agency and project proponent in ensuring that the environmental document is compliant with CEQA, the District recommends the environmental document includes an assessment of the feasibility of implementing a VERA.

2-5 Cont.

5) <u>Electric On-Site Off-Road and On-Road Equipment</u>

Since the Project includes commercial uses, the Project may have the potential to result in increased use of off-road equipment (e.g., forklifts) and on-road equipment (e.g., mobile yard trucks with the ability to move materials). The District recommends that the DEIR include requirements for project proponents to utilize electric or zero emission off-road and on-road equipment.

2-6

6) <u>Under-fired Charbroilers</u>

The Project includes commercial development, which may result in the construction and operation of restaurants with under-fired charbroilers. Such charbroilers may pose the potential for immediate health risk, particularly when located in densely populated areas or near sensitive receptors.

Since the cooking of meat can release carcinogenic PM2.5 species, such as polycyclic aromatic hydrocarbons, controlling emissions from new under-fired charbroilers will have a substantial positive impact on public health. The air quality impacts on neighborhoods near restaurants with under-fired charbroilers can be significant on days when meteorological conditions are stable, when dispersion is

2-7

limited and emissions are trapped near the surface within the surrounding neighborhoods. This potential for neighborhood-level concentration of emissions during evening or multi-day stagnation events raises air quality concerns.

Furthermore, reducing commercial charbroiling emissions is essential to achieving attainment of multiple federal PM2.5 standards. Therefore, the District recommends that the DEIR include a measure requiring the assessment and potential installation, as technologically feasible, of particulate matter emission control systems for new large restaurants operating under-fired charbroilers.

The District is available to assist the City and project proponents with this assessment. Additionally, the District is currently offering substantial incentive funding that covers the full cost of purchasing, installing, and maintaining the system during a demonstration period covering two years of operation. Please contact the District at (559) 230-5800 or technology@valleyair.org for more information, or visit: http://valleyair.org/grants/rctp.htm

2-7 Cont.

7) Vegetative Barriers and Urban Greening

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

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

2-8

8) Clean Lawn and Garden Equipment in the Community

Since the Project consists of residential and commercial development, gas-powered lawn and garden equipment have the potential to result in an increase of NOx and PM2.5 emissions. Utilizing electric lawn care equipment can provide residents with immediate economic, environmental, and health benefits. The District recommends the Project proponent consider the District's Clean Green Yard Machines (CGYM) program, which provides incentive funding for replacement of existing gas powered lawn and garden equipment.

2-9

More information on the District CGYM program and funding can be found at: http://www.valleyair.org/grants/cgym.htm and http://valleyair.org/grants/cgym-commercial.htm. 2-9 Cont.

9) On-Site Solar Deployment

It is the policy of the State of California that renewable energy resources and zero-carbon resources supply 100% of retail sales of electricity to California end-use customers by December 31, 2045. While various emission control techniques and programs exist to reduce air quality emissions from mobile and stationary sources, the production of solar energy is contributing to improving air quality and public health. The District suggests that the City consider incorporating solar power systems as an emission reduction strategy for the Project. 2-10

10) Electric Infrastructure

The District recommends that the City require all nonresidential buildings be designed to provide electric infrastructure to support the use of on-road zero emissions vehicles, such as HHD trucks associated with a commercial development.

To support and accelerate the installation of electric vehicle charging equipment and development of required infrastructure, the District offers incentives to public agencies, businesses, and property owners of multi-unit dwellings to install electric charging infrastructure (Level 2 and 3 chargers). The purpose of the District's Charge Up! Incentive program is to promote clean air alternative-fuel technologies and the use of low or zero-emission vehicles. The District recommends that the City and project proponents install electric vehicle chargers at project sites, and at strategic locations. 2-11

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

11) District Rules and Regulations

The District issues permits for many types of air pollution sources, and regulates some activities that do not require permits. A project subject to District rules and regulations would reduce its impacts on air quality through compliance with the District's regulatory framework. In general, a regulation is a collection of individual rules, each of which deals with a specific topic. As an example, Regulation II (Permits) includes District Rule 2010 (Permits Required), Rule 2201 (New and Modified Stationary Source Review), Rule 2520 (Federally Mandated Operating Permits), and several other rules pertaining to District permitting requirements and processes. 2-12

The list of rules below is neither exhaustive nor exclusive. Current District rules can be found online at: www.valleyair.org/rules/1ruleslist.htm. To identify other District

rules or regulations that apply to future projects, or to obtain information about District permit requirements, the project proponents are strongly encouraged to contact the District's Small Business Assistance (SBA) Office at (559) 230-5888. 2-12 Cont.

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

Stationary Source emissions include any building, structure, facility, or installation which emits or may emit any affected pollutant directly or as a fugitive emission. District Rule 2010 (Permits Required) requires operators of emission sources to obtain an Authority to Construct (ATC) and Permit to Operate (PTO) from the District. District Rule 2201 (New and Modified Stationary Source Review) requires that new and modified stationary sources of emissions mitigate their emissions using Best Available Control Technology (BACT). 2-12.1

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

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

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

The purpose of District Rule 9510 is to reduce the growth in both NOx and PM emissions associated with development and transportation projects from mobile and area sources; specifically, the emissions associated with the construction and subsequent operation of development projects. The ISR Rule requires developers to mitigate their NOx and PM emissions by incorporating clean air design elements into their projects. Should the proposed development project clean air design elements be insufficient to meet the required emission reductions, developers must pay a fee that ultimately funds incentive projects to achieve off-site emissions reductions. 2-12.2

Per Section 5.0 of the ISR Rule, an Air Impact Assessment (AIA) application is required to be submitted no later than applying for project-level approval from a public agency. As of the date of this letter, the District has not received an AIA application for this Project. Please inform the project proponent to immediately submit an AIA application to the District to comply with District Rule 9510 so that proper mitigation and clean air design under ISR can be incorporated into

the Project's design. One AIA application should be submitted for the entire Project.

Information about how to comply with District Rule 9510 can be found online at: http://www.valleyair.org/ISR/ISRHome.htm.
The AIA application form can be found online at: http://www.valleyair.org/ISR/ISRFormsAndApplications.htm.

District staff is available to provide assistance with determining if the Project OR future development projects will be subject to Rule 9510, and can be reached by phone at (559) 230-5900 or by email at ISR@valleyair.org.

2-12.2 Cont.

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

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

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

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

2-12.3

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

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

2-12.4

11e) District Rule 4601 (Architectural Coatings)

The Project will be subject to District Rule 4601 since it is expected to utilize architectural coatings. Architectural coatings are paints, varnishes, sealers, or stains that are applied to structures, portable buildings, pavements or curbs. The purpose of this rule is to limit VOC emissions from architectural coatings.

2-12.5

In addition, this rule specifies architectural coatings storage, cleanup and labeling requirements. Additional information on how to comply with District Rule 4601 requirements can be found online at: http://www.valleyair.org/rules/currntrules/r4601.pdf

2-12.5 Cont.

11f) District Regulation VIII (Fugitive PM10 Prohibitions)

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

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

2-12.6

The application for both the Construction Notification and Dust Control Plan can be found online at: https://www.valleyair.org/busind/comply/PM10/forms/DCP-Form.docx

Information about District Regulation VIII can be found online at: http://www.valleyair.org/busind/comply/pm10/compliance_pm10.htm

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

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

2-12.7

Information about District Rule 4901 can be found online at: http://valleyair.org/rule4901/

11h) Other District Rules and Regulations

The Project may also be subject to the following District rules: Rule 4102 (Nuisance) and Rule 4641 (Cutback, Slow Cure, and Emulsified Asphalt, Paving and Maintenance Operations).

2-12.8

12)District Comment Letter

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

2-13

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

Sincerely,

Brian Clements
Director of Permit Services

Mark Montelongo
Program Manager

INTENTIONALLY LEFT BLANK

Response to Comment Letter 2

San Joaquin Valley Air Pollution Control District
Brian Clements
September 7, 2023

2-1 The San Joaquin Valley Air Pollution Control District (SJVAPCD) provided introductory remarks and a summary of the project description to open its comments. No further response is required.

2-2 **Project Related Emissions.** This comment notes an inconsistency between the significance conclusions in the Mitigation Monitoring Reporting Program in the DEIR and the Air Quality Section of the DEIR. The significance conclusions in the Executive Summary and Air Quality of the Draft EIR have since been revised to be consistent. Please refer to Chapter 2, Changes to the Draft EIR. These revisions do not change the conclusions presented in the Draft EIR. Because no new environmental issues were identified, no further analysis is necessary.

2-3 **Truck Routing.** This comment recommends the evaluation of Heavy Heavy-Duty (HHD) truck routing patterns for the Project, as the commercial development land use could potentially result in an increase in HHD truck trips. However, the City and the Applicant have both agreed that no big-box stores would be introduced into the commercial lots, as the lots are approximately 30,000 square feet each. The smaller commercial retailers would not require a significant increase in Medium Heavy-Duty or HHD truck trips. This clarification has been inserted into the text of the Draft EIR as **PDF-AQ-3.** Therefore, truck routing is not necessary to support the conclusions made in the Air Quality section and the EIR's analysis is adequate as presented.

2-4 **Cleanest Available Heavy-Duty Trucks.** This comment recommends that the cleanest available HHD trucks and zero-emission cargo handling equipment (forklifts, yard hostlers, etc.) be utilized during Project, as the commercial development land use could potentially result in an increase in HHD truck trips. As stated in Response 1-2, the City and the Applicant have both agreed that no big-box stores would be introduced into the commercial lots, as the lots will be restricted to approximately 30,000 square feet each. The smaller commercial retailers would not require a significant increase in Medium Heavy-Duty or HHD truck trips or require the use of cargo handling equipment. This clarification has been inserted into the text of the DEIR as **PDF-AQ-3.** No further response is required.

2-5 **Recommended Mitigation to Reduce Operational Air Quality Impacts.** This comment suggests that the DEIR be revisited to include a Voluntary Emission Reduction Agreement (VERA) to decrease the Project's operational emissions below thresholds. The Project proponent has considered the SJVAPCD's comment and has elected to not enter into the voluntary agreement. Notably, the Project's operational emissions of oxides of nitrogen (NO_x) and particulate matter with an aerodynamic diameter less than or equal to 10 microns (PM_{10}) will be reduced below the SJVAPCD's regional thresholds of significance after compliance with Rule 9510. Emissions of reactive organic gases (ROG) or volatile organic compounds (VOC) will be above the SJVAPCD regional thresholds of significance primarily from consumer products as opposed to Vehicle Miles Travelled (VMT). The SJVAPCD Rule 9510 and Rule 3180 (Administrative Fees for Indirect Source Review) are the result of state requirements outlined in the California Health and Safety Code, Section 40604 and the State Implementation Plan (SIP). The District's SIP commitments are contained in the SJVAPCD's 2003 PM_{10} Plan and Extreme Ozone Attainment Demonstration Plan (Plans), which identify the need to reduce PM_{10} and NO_x to reach the

ambient air-pollution standards on schedule. The purpose of Rule 9510 is to encourage developers to incorporate clean air measures and reduce emissions of NO_x and PM_{10}. In general, new development contributes to the air pollution problem by increasing the number of vehicles and VMT. The Project includes a mix of uses that locates residential near commercial and institutional (school) uses, thus providing a local community and minimizing VMT. In addition, the Project incorporates robust pedestrian infrastructure and open space to encourage alternative transportation. In compliance with regulatory measures, the Project will include onsite solar and EV charging which will further reduce air quality impacts.

As noted above and in the Draft EIR, ROG/VOC emissions will exceed the SJVAPCD's regional thresholds of significance, with most emissions associated with consumer products. The use of VOCs in consumer products is continuing to decline. The California Air Resources Board (CARB) has adopted regulations to reduce VOC content in consumer products. Since the Consumer Products Program began in 1988, CARB has limited the allowable VOC content of more than 100 categories of products, achieving 250 tons per day of VOC reductions.

As noted in Appendix H of the SJVAPCD's 2022 Plan for the 2015 8-Hour Ozone Plan, the ROG/NO_x ratio in the San Joaquin Valley Air Basin is NOx-limited, meaning that ROG emission reductions will generally be less effective in lowering ozone, while NO_x emission reductions will be more effective. The Project complies with this strategy through the incorporation of clean air measures which serve to reduce VMT and through compliance with Rule 9510. Therefore, the EIR's analysis is adequate as presented an no further analysis is required.

2-6 **Electric On-Site Off-Road and On-Road Equipment.** This comment recommends the electrification (or transition to other zero emissions technology) of forklifts, yard trucks, and other off- and on-road equipment that could potentially be associated with the Project's commercial uses. As stated in Response 1-2, the City and the Applicant have both agreed that no big-box stores would be introduced into the commercial lots, as the lots will be restricted to approximately 30,000 square feet each. The smaller commercial retailers would not require the use of forklifts, yard trucks, and other off- and on-road equipment. This clarification has been inserted into the text of the Draft EIR as **PDF-AQ-3.** No further response is required.

2-7 **Under-Fired Charbroilers.** This comment suggests the inclusion of a measure in the DEIR requiring the assessment and potential installation, as technologically feasible, of particulate matter emission control systems for large new restaurants operating under-fired charbroilers within the Project's commercial land use. This measure has been inserted into the text of the DEIR as **PDF-AQ-4.** No further response is required.

2-8 **Vegetative Barriers and Urban Greening.** This comment recommends the incorporation of vegetative barriers and urban greening into the Project to further reduce sensitive receptor exposure to air pollution. The Project will include the planting of trees and bushes as part of the base design, which will increase the interception of airborne particles and the uptake of gaseous pollutants. Additionally, the Project will include 14.1 acres of park space and 12.3 acres of natural land. The concerns in this comment are addressed by the vegetation planting and urban greening included in the Project design and the Project's substantial green space land uses. Therefore, the analysis within the Draft EIR remains adequate as presented.

2-9 **Clean Lawn and Garden Equipment in the Community.** This comment suggest that the Project consider the San Joaquin Valley Air Pollution Control District's (District's) Clean Green Yard Machines program, which provides incentive funding for replacement of existing gas-powered lawn and garden equipment. The Clean Green Yard Machines program is targeted at individual residents through the replacement of existing gas/diesel-powered equipment or the purchase of new electric equipment. The Project will incorporate outdoor electric outlets in compliance with California Building Code. The outlets would serve to promote the use of electric-powered lawn maintenance equipment. Individual residents within the Master Plan community will have the option to access grant funding through the District's Clean Green Yard Machines program. The comment does not address any inadequacies of the EIR and not further response is required.

2-10 **On-Site Solar Deployment.** This comment includes the District's suggestion to incorporate solar power systems as an emission reduction strategy for the Project. The Project will include the requisite photovoltaic installation to comply with Title 24 requirements. The comment does not address any inadequacies of the EIR and not further response is required.

2-11 **Electric Infrastructure.** This comment recommends that the Project require all nonresidential buildings to be designed to provide electric infrastructure to support the use of on-road zero emissions vehicles, such as HHD trucks associated with a commercial development. As stated in Response 1-2, the City and the Applicant have both agreed that no big-box stores would be introduced into the commercial lots, as the lots will be restricted to approximately 30,000 square feet each. The smaller commercial retailers would not require a significant increase in HHD truck trips. This clarification has been inserted into the text of the DEIR as **PDF-AQ-3.** No further response is required.

2-12 **District Rules and Regulations.** This comment provides introductory text to the district rules and regulations section. As summarized below, no further response is required.

2-12.1 **District Rules 2010 and 2201 – Air Quality Permitting for Stationary Sources.** The Project is not anticipated to include stationary sources. The Project will comply with applicable rules and regulations.

2-12.2 **District Rule 9510 – Indirect Source Review (ISR).** The Project will comply with Rule 9510 concurrent with the Final EIR. An Air Impact Assessment for the Project will be submitted prior to the first public hearing for approval of the Project.

2-12.3 **District Rule 9410 – Employer Based Trip Reduction.** The Project's proposed uses are not anticipated to generate more than 100 employees for individual employers within the Master Plan community. Should an individual employer within the Master Plan community include more than 100 employees that employer will be required to comply with Rule 9410.

2-12.4 **District Rule 4002 – National Emissions Standards for Hazardous Air Pollutants.** The Project will include demolition. As discussed in Section 4.9 Hazards and Hazardous Materials in the Draft EIR, Mitigation Measure HAZ-2 includes abatement of hazardous building materials, including potential asbestos pursuant to District Rule 4002.

2-12.5 **District Rule 4601 – Architectural Coatings.** The Project will comply with applicable rules and regulations.

2-12.6 **District Regulation VIII – Fugitive PM_{10} Prohibitions**. The Project will abide by applicable rules and regulations. Prior to initiating work on the project site meeting the Regulation VIII applicable size requirements, construction notifications or dust control plans will be submitted for review and approval in compliance with the rule.

2-12.7 **District Rule 4901 – Wood Burning Fireplaces and Homes.** The Project will not include any wood-burning fireplaces or heaters. The Project will comply with applicable rules and regulations.

2-12.8 **Other District Rules and Regulations.** The Project will comply with applicable rules and regulations.

2-12.9 **District Comment Letter.** A copy of the District's comments were provided to the Project proponent per the District's request.

4 Mitigation Monitoring and Reporting Program

4.1 Introduction

California Public Resources Code Section 21081.6 requires that, upon certification of an EIR, "the public agency shall adopt a reporting or monitoring program for the changes made to the project or conditions of project approval, adopted in order to mitigate or avoid significant effects on the environment. The reporting or monitoring program shall be designed to ensure compliance during project implementation." (PRC Section 21000–21177)

This Mitigation Monitoring and Reporting Program was developed in compliance with Section 21081.6 of the California Public Resources Code and Section 15097 of the CEQA Guidelines (14 CCR 15000–15387 and Appendices A–L.), and includes the following information:

- A list of mitigation measures
- The timing for implementation of the mitigation measures
- The party responsible for implementing or monitoring the mitigation measures
- The date of completion of monitoring

The City of Tulare must adopt this Mitigation Monitoring and Reporting Program, or an equally effective program, if it approves the proposed Project with the mitigation measures that were adopted or made conditions of Project approval.

4.2 Mitigation Monitoring and Reporting Program Table

Mitigation Measure	Implementation Timing	Agency Responsible for Monitoring	Initials	Date
Agriculture and Forestry Resources				
MM-AG-1. Prior to issuance of a grading or building permit, whichever occurs first, the Project proponent shall provide written evidence of completion of one or more of the following measures, consistent with Tulare General Plan Policy COS-P3.12 to mitigate the loss of agricultural land at a ratio of 1:1 for net acreage before conversion: ▪ Funding and/or purchasing agricultural conservation easements which shall be managed and maintained by an appropriate entity; ▪ Purchasing credits from an established agricultural farmland mitigation bank; ▪ Contributing agricultural land or equivalent funding to an organization that provides for the preservation of farmland in California; or ▪ Participating in any agricultural land mitigation program adopted by Tulare County that provides equal or more effective mitigation than the measures listed above. The net acreage calculation used to determine mitigation lands shall exclude the existing roads and areas already developed with structures on the project site. A site plan shall be submitted to the City of Tulare Community Development Department to substantiate the net acreage calculation, along with written evidence of compliance. Mitigation land shall meet the definition of Prime Farmland and be of similar agricultural quality or higher, as established by the Department of Conservation. Completion of the selected measure or a combination of selected mitigation measures can occur on qualifying land within the southern San Joaquin Valley (Kings, Tulare, or Kern County) that is located outside of a City's UDB and shall be	Prior to issuance of grading or building permit	City of Tulare		

Mitigation Measure	Implementation Timing	Agency Responsible for Monitoring	Initials	Date
approved by the City of Tulare Community Development Department Director.				
MM-AG-2. Prior to the issuance of a grading or building permit, Project proponent must submit proof of the executed exchange and cancellation of the existing Williamson Act Contract to the City of Tulare Planning Director.	Prior to issuance of grading or building permit	City of Tulare		
Air Quality				
MM-AQ-1. Low-VOC/Green Cleaning Product and Low VOC Architectural Coating Educational Program. Prior to the occupancy of any on-site development, the Project Applicant or its designee shall provide evidence to the City of Tulare that the applicant/phase developer has developed a Green Cleaning Product and Architectural Coating (Paint) education program to be made available at rental offices, leasing spaces, and/or on websites.	Prior to the occupancy of any on-site development	City of Tulare		
MM-AQ-2. Tier 4 Final Equipment. For heavy-duty diesel equipment with engines 75 horsepower or greater, use equipment equipped with Tier 4 Final engines. Prior to the commencement of construction activities for the Project, the Project Applicant shall require its construction contractor to demonstrate that all 75-horsepower or greater diesel-powered equipment is powered with California Air Resources Board (CARB)-certified Tier 4 Final engines. An exemption from this requirement may be granted if (a) the Project Applicant documents equipment with Tier 4 Final engines are not reasonably available, and (b) the required corresponding reductions in criteria air pollutant emissions can be achieved from other combinations of construction equipment. Before an exemption may be granted, the Project Applicant's construction contractor shall: (1) demonstrate that at least two construction fleet owners/operators in Tulare County were contacted and that those owners/operators confirmed Tier 4 Final equipment could not be located within Tulare County during the desired construction schedule; and (2) the proposed replacement equipment has been evaluated using California Emissions Estimator Model (CalEEMod) or other industry standard emission estimation method and documentation provided to	Prior to the commencement of construction	City of Tulare		

Mitigation Measure	Implementation Timing	Agency Responsible for Monitoring	Initials	Date
the City to confirm that Project-generated emissions do not exceed applicable San Joaquin Valley Air Pollution Control District (SJVAPCD) carcinogenic (cancer) risk threshold.				
MM-AQ-3. Multi-Family Residential Parking. Applications for building permits submitted to City by the project proponent/developer shall include plans and specifications demonstrating that the following features have been incorporated into the building designs or specifications for multifamily residential buildings: ▪ Visitor parking shall include preferentially located parking spaces for electric vehicles. ▪ Bicycle parking shall be provided as specified in Section A4.106.9, Residential Voluntary Measures, of the California Green Building Standards (CALGreen) Code.	Prior to issuance of grading or building permit	City of Tulare		
MM-AQ-4. Multi-Family Residential and Park/Trail Parking. Applications for a tentative tract map, parcel map (excluding financing map), or commercial site plan review, that include parking structures, parking lots with 20 or more parking spaces that serve uses other than residential or nonresidential buildings (e.g., trailhead, park), and parking structures and parking lots that serve multifamily residential buildings with 15 or more multifamily units, shall include a minimum of 5% of preferentially located parking spaces shall be reserved for electric and ride-share vehicles.	Prior to issuance of grading or building permit	City of Tulare		
MM-AQ-5. Preferential Parking and Electric Vehicle Charging for Nonresidential Buildings. Applications for commercial site plan review and building permits for nonresidential buildings shall include preferential parking for electric cars, low emission vehicles, and carpools/vanpools to encourage use of such vehicles. Proof of compliance shall be provided to the City prior to the issuance of occupancy permits. Preferential parking for such vehicles shall include two spaces for non-residential lots containing 10 to 25 spaces; four spaces for 26 to 50 space lots; six spaces for 51 to 75 space lots; nine spaces for 76 to 100 space lots; eleven spaces for 101 to 150 space lots; 18 spaces for 151 to 200 space lots; and at least 10% of total spaces for lots with more than 200 spaces.	Prior to issuance of grading or building permit	City of Tulare		

Mitigation Measure	Implementation Timing	Agency Responsible for Monitoring	Initials	Date
Biological Resources				
MM-BIO-1. San Joaquin Kit Fox. The Project applicant shall have a qualified biologist conduct a pre-construction survey for San Joaquin kit fox no less than 14 days and no more than 30 days prior to any construction related activities. Surveys shall be conducted on the Project site including within a 200-foot buffer zone within areas where legal access is available in order to evaluate and ascertain if kit fox is using the Project site. If an active kit fox den is observed within the work area or 200-foot buffer zone, the CDFW and USFWS shall be contacted prior to disturbance within 200 feet of the den to determine the best course of action. If no kit fox activity is detected, work shall continue as planned and a brief memorandum shall be prepared and submitted to the CDFW and USFWS after the completion of the pre-construction survey. 1. While San Joaquin kit foxes are not anticipated to access the site during construction, the Project applicant shall implement precautionary measures following the Standardized Recommendations for Protection of the San Joaquin Kit Fox Prior to or During Ground Disturbance developed by the USFWS (2011) as follows: 2. Project-related construction vehicles shall observe a 20-mph speed limit 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 shall be minimized. Off-road traffic outside of designated Project areas shall be prohibited. 3. Kit foxes are attracted to den-like structures such as pipes and may enter stored pipes, becoming trapped or injured. If a San Joaquin kit fox is discovered inside a pipe, that section of pipe shall not be moved until the USFWS has been consulted. If necessary, and under the direct supervision of the biologist, the pipe may be moved once to remove it from the path of construction activity, until the fox has escaped.	No less than 14 days and no more than 30 days prior to any construction related activities.	City of Tulare		

Mitigation Measure	Implementation Timing	Agency Responsible for Monitoring	Initials	Date
4. All food-related trash items such as wrappers, cans, bottles, and food scraps shall be disposed of in closed containers and removed regularly from the Project site during all construction activities. 5. Use of rodenticides and herbicides in the Project site shall be restricted as follows: All uses of such compounds shall observe label and other restrictions mandated by the U.S. Environmental Protection Agency, California Department of Food and Agriculture, and other state and federal legislation, as well as additional Project-related restrictions deemed necessary by the USFWS. If rodent control must be conducted, zinc phosphide shall be used because of proven lower risk to kit fox. 6. Escape ramps shall be provided for all open trenches or ditches deeper than 2 feet to allow animals to escape. 7. Any contractor or construction employee who inadvertently kills or injures a San Joaquin kit fox shall immediately report the incident to the overall Project contractor and biologist. The Project contractor or biologist shall contact the USFWS and CDFW immediately in the case of a dead, injured, or entrapped kit fox is encountered. 8. The USFWS and CDFW shall be notified in writing within 3 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.				
MM-BIO-2. Pre-Construction Surveys for Burrowing Owl and Avoidance. The Project applicant shall have a pre-construction burrowing owl survey completed by a qualified biologist no more than 14 days before initiation of site preparation or grading activities, and a second survey shall be completed within 24 hours of the start of site preparation or grading activities. If ground-disturbing activities are delayed or suspended for more than 30 days after the pre-construction surveys, the Project site shall be resurveyed. Surveys for burrowing owl shall be conducted in	No more than 14 days before initiation of site preparation or grading activities and within 24 hours of the start of site preparation or grading activities	City of Tulare		

Mitigation Measure	Implementation Timing	Agency Responsible for Monitoring	Initials	Date
accordance with protocols established in the 2012 Staff Report on Burrowing Owl Mitigation prepared by the California Department of Fish and Game (now California Department of Fish and Wildlife [CDFW]). If burrowing owls are detected, a Burrowing Owl Relocation Plan shall be implemented in consultation with CDFW. As required by the Burrowing Owl Relocation Plan, disturbance to burrows shall be avoided during the nesting season (February 1 through August 31). Buffers shall be established around occupied burrows in accordance with guidance provided in the Staff Report on Burrowing Owl Mitigation or current version. No Project activities shall be allowed to encroach into established buffers without the consent of a monitoring biologist. The buffer shall remain in place until it is determined that occupied burrows have been vacated or the nesting season has completed. Outside of the nesting season, passive owl relocation techniques approved by CDFW shall be implemented. Owls shall be excluded from burrows in the immediate Project area and within a buffer zone by installing one-way doors in burrow entrances. These doors shall be placed at least 48 hours prior to ground-disturbing activities. The Project area shall be monitored daily for 1 week to confirm owl departure from burrows prior to any ground-disturbing activities. Compensatory mitigation for permanent loss of owl habitat shall be provided following the guidance in the Staff Report on Burrowing Owl Mitigation (current version). Where possible, burrows shall be excavated using hand tools and refilled to prevent reoccupation. Sections of flexible plastic pipe shall be inserted into the tunnels during excavation to maintain an escape route for any wildlife inside the burrow.				
MM-BIO-3. Swainson's Hawk. Should initiation of construction be scheduled during the Swainson's hawk nesting season (February 1 through September 15), the Project applicant shall have pre-construction Swainson's hawk surveys conducted by a qualified biologist in accordance with the California Department of Fish and	Immediately prior to construction activities during the Swainson's hawk nesting season (February 1 through September 15)	City of Tulare		

Mitigation Measure	Implementation Timing	Agency Responsible for Monitoring	Initials	Date
Wildlife (CDFW)-endorsed protocol for the Central Valley as detailed in the Swainson's Hawk Technical Advisory Committee's Recommended Timing and Methodology for Swainson's Hawk Nesting Surveys in California's Central Valley. These surveys shall be conducted in areas of suitable nesting habitat within 0.5 miles of the site, including staging areas, where accessible. Pursuant to the protocols, surveys shall be conducted for at least two survey periods immediately prior to construction activities, if possible. If 21 days have lapsed from the end of the last survey to the beginning of construction activities, a pre-construction survey shall be conducted no more than 1 week prior to the start of scheduled construction activities during the Swainson's hawk nesting season. For any active Swainson's hawk nest found within 0.5 miles of proposed construction activities, a no-disturbance buffer shall be established and maintained until, as determined by periodic monitoring by a qualified biologist, the nest is empty, and the young are no longer dependent on the nest. The actual no-disturbance buffer distance shall be determined by a qualified biologist and shall take into consideration the level and extent of construction disturbance; nesting phase of the active nest; existing vegetative, topographic, noise, or visual barriers between the nest and the Project site; and existing levels of human activity and land uses in the immediate area. The biologist shall prepare and issue periodic reports to the Client on the status of the nesting hawks, noting whether hawks are still present and describing the stage of breeding activities and nesting behavior. Once the hawks have left the area, restrictions on construction shall be lifted. In addition, during the monitoring period, if any behaviors are observed indicating potential distress by the adult birds, the biologist will confer with the construction supervisors and CDFW to determine a course of action that will reduce distress levels for the nesting pair. If a no disturbance buffer is not feasible, the Project applicant shall consult with CDFW to determine whether the Project can avoid take. If take cannot be avoided, the Project applicant may need to apply				

Mitigation Measure	Implementation Timing	Agency Responsible for Monitoring	Initials	Date
for an Incidental Take Permit pursuant to Fish and Game Code Section 2081(b), prior to initiating ground-disturbing activities.				
MM-BIO-4. Pre-Construction Nesting Bird Surveys and Avoidance. Construction activities shall avoid the migratory bird nesting season (typically February 1 through August 31) to reduce any potential significant impact to birds that may be nesting in the survey area. If construction activities must occur during the migratory bird nesting season, the Project applicant shall have an avian nesting survey of the Project site conducted by a qualified wildlife biologist including within 500 feet of all impact areas to determine the presence/absence of protected migratory birds and active nests. The avian nesting survey shall be conducted within 72 hours prior to the start of construction. If an active bird nest is found, the nest shall be flagged and mapped on the construction plans along with an appropriate "no disturbance" buffer established around the nest, which shall be determined by a the biologist based on various criteria including existing visual, noise, or topographic barriers between the disturbance area and the nest; the type, timing, and extent of the disturbance activity; and the nesting phase (nest building, incubation, age of young, etc.) of active nests being avoided and construction personnel shall be instructed on the sensitivity of nest areas. The nest area shall be avoided until the nest is vacated and the juveniles have fledged, as determined by the biologist. The biologist shall serve as a construction monitor during those periods when construction activities shall occur near active nest areas to ensure that no inadvertent impacts on these nests shall occur. No Project activities shall encroach into established buffers without the consent of the monitoring biologist.	Within 72 hours prior to the start of construction if activities occur during nesting bird season (February 1 through August 31)	City of Tulare		
MM-BIO-5 Compliance Monitoring. A qualified biologist shall be on site daily, or as otherwise determined to be necessary, if active bird nests were detected during the pre-construction nest surveys (MM-BIO-4) to ensure established no-disturbance buffers are recognized and to determine when such nest are no longer active. The qualified biologist shall also conduct compliance inspections to minimize incidental impacts to other sensitive biological resources;	During construction activities if active bird nests are detected.	City of Tulare		

Mitigation Measure	Implementation Timing	Agency Responsible for Monitoring	Initials	Date
prevent unlawful take of those resources; to ensure that signs, stakes, and fencing are intact; and to ensure that impacts are only occurring within the permitted development footprint. Weekly written observation and inspection records shall be prepared by the biologist that summarize oversight activities and compliance inspections and monitoring activities and be submitted to Client.				
MM-BIO-6: Education Program. A Worker Environmental Awareness Program (WEAP) for all construction workers working in the Project area shall be administered before the initiation of any Project-associated ground disturbances occur. The WEAP shall consist of a presentation from a qualified biologist that includes a discussion of the biology and status of special-status animal species potentially occurring on the Project site and various biological resources mitigation measures described herein. Interpretation for non-English-speaking workers shall be provided if necessary, and the same instruction shall be provided to any new workers before they are authorized to perform work in the Project area. Upon completion of the WEAP, employees shall sign a form indicating attendance at the program and that all protection measures are understood.	Prior to the initiation of any Project-associated ground disturbance.	City of Tulare		
MM-BIO-7: Construction Monitoring. The Project applicant shall retain a qualified biological monitor to maintain a construction-monitoring notebook on site throughout the construction period, which shall include a copy of the biological resources mitigation measures with attachments and a list of signatures of all construction personnel who have successfully completed the Worker Environmental Awareness Program. The biologist and/or Project contractor shall ensure that a copy of the construction monitoring notebook is available for review at the Project site upon request by the California Department of Fish and Wildlife, the U.S. Fish and Wildlife Service, and/or the City of Tulare.	During construction activities	City of Tulare		
MM-BIO-8: Hazardous Waste. If any fuel or hazardous waste leaks or spills occurs during construction activities, the Project applicant shall immediately stop work and, pursuant to state and federal statutes and regulations, arrange for repair and clean up by qualified individuals at the time of occurrence, or as soon as it is safe to do so.	During construction activities	City of Tulare		

Mitigation Measure	Implementation Timing	Agency Responsible for Monitoring	Initials	Date
MM-BIO-9: Nighttime Lighting. If nighttime lighting for construction activities and operations is required and is within 50 feet of the outside edge of areas containing habitat for special-status wildlife, as determined by the qualified biologist, lighting shall be directed away from those areas that contain habitat for special-status wildlife.	During construction activities	City of Tulare		
MM-BIO-10. Trash and Debris. The following avoidance and minimization measures shall be implemented during Project construction: 1. Fully covered trash receptacles that are animal-proof shall be installed on-site during construction and used by all construction workers to contain food, food scraps, food wrappers, beverage containers, and other miscellaneous trash. Trash contained within the receptacles shall be removed at least once a week from the Project site. 2. Construction work areas shall be kept clean of debris, such as cables, trash, and construction materials. All construction/contractor workers shall collect all litter, vehicle fluids, and food waste from the Project site on a daily basis and stored in a covered refuse container.	During construction activities	City of Tulare		
MM-BIO-11: Aquatic Resources Mitigation. The Project site supports aquatic resources that are potentially jurisdictional under the Army Corp of Engineers (ACOE), Regional Water Quality Control Board (RWQCB) and California Department of Fish and Wildlife (CDFW). Prior to the initiation of any construction activity potentially affecting the onsite irrigation canal, the Project applicant shall conduct a formal jurisdictional delineation to determine whether or not the canal is considered waters of the U.S. and, if so, to determine the extent of the jurisdiction on the Project site. The delineation shall also serve to determine the extent of RWQCB and CDFW jurisdiction within the Project site. If the canal is considered under the jurisdiction of any or all of these resource agencies, impacts to jurisdictional areas shall require appropriate permits from each agency and implementation of any compensatory mitigation	Prior to the issuance of building or grading permits	City of Tulare		

Mitigation Measure	Implementation Timing	Agency Responsible for Monitoring	Initials	Date
required in each permit to mitigate the loss of the biological functions and values of the canal. The compensatory mitigation ratio shall be determined in consultation with the appropriate agencies with the goal of no net loss of habitat functions and values. Potential compensatory mitigation options include purchasing mitigation credits from an agency-approved wetlands mitigation bank or paying an agency-approved in-lieu fee. Where direct impacts to jurisdictional aquatic resources can be avoided, exclusion fencing shall be installed between the avoided aquatic resource and limits of disturbance to protect from indirect impacts. A qualified wetland specialist shall oversee and guide installation of exclusion fencing. Appropriate best management practices and spill prevention measures shall also be implemented to ensure protection of jurisdictional aquatic resources during Project construction.				
MM-BIO-12: Heritage Trees. If Project construction requires removal of the on-site Valley oak trees that meet the City's definition of a heritage tree, the Project applicant shall obtain a heritage tree removal permit. Within seven days of receipt of the application, the Director shall inspect the premises whereon the heritage trees are located and shall issue an intended decision in writing as to whether or not the application will be approved, with or without conditions; provided, however, that failure to render an intended decision within such period shall not be deemed approval. The intended decision of the Director shall be based upon reasonable standards, including, but not limited to, the following: ▪ The condition of the heritage tree with respect to its general health, status as a public nuisance, danger of falling, proximity to existing or proposed structures, interference with utility services and its status as host for plant, pest or disease endangering other species of trees or plants with infection or infestations. ▪ The necessity of the requested action to allow construction of improvements or otherwise allow economic or other reasonable enjoyment of property.	Prior to the issuance of building or grading permits	City of Tulare		

Mitigation Measure	Implementation Timing	Agency Responsible for Monitoring	Initials	Date
▪ The topography of the land and the effect of the requested action on soil retention, water retention and diversion or increased flow of surface waters. ▪ The number, species, size, and location of existing trees in the area and the effect of the requested action on shade areas, air pollution, historic values, scenic beauty, and the general welfare of the city as a whole. ▪ Good forestry practices such as, but not limited to, the number of healthy trees the subject parcel of land will support. In the intended decision on an application for a permit, the Director may attach reasonable conditions to ensure compliance with the stated purposes of this chapter, such as, but not limited to, a condition requiring up to two replacement trees from 15-gallon containers or larger, in a suitable location as substitutes for the removed tree or trees, at the sole expense of the applicant. Any such intended decision shall include a statement for the reasons for the decision.				
Cultural and Tribal Cultural Resources				
MM-CUL-1. Workers Environmental Awareness Program (WEAP) Training. All construction personnel and monitors who are not trained archaeologists should be briefed regarding unanticipated discoveries prior to the start of construction activities. A basic presentation should be prepared and presented by a qualified archaeologist to inform all personnel working on the Project about the archaeological sensitivity of the area. The purpose of the WEAP training is to provide specific details on the kinds of archaeological materials that may be identified during construction of the Project and explain the importance of and legal basis for the protection of significant archaeological resources. Each worker should also learn the proper procedures to follow in the event that cultural resources or human remains are uncovered during ground-disturbing activities. These procedures include work curtailment or redirection, and the immediate contact of the on-call archaeologist and if appropriate,	Prior to commencement of ground disturbing activities	City of Tulare		

Mitigation Measure	Implementation Timing	Agency Responsible for Monitoring	Initials	Date
tribal representative. Necessity of training attendance should be stated on all construction plans.				
MM-CUL-2. On-Call Archaeological Construction Monitoring. In consideration of the general sensitivity of the Project site for cultural resources, a qualified archaeologist should be retained to conduct spot monitoring as well as on-call response in the case of an inadvertent discovery of archaeological resources. A qualified archaeologist, meeting the Secretary of the Interior's Professional Qualification Standards, should oversee and adjust monitoring efforts as needed (increase, decrease, or discontinue monitoring frequency) based on the observed potential for construction activities to encounter cultural deposits. The archaeologist should be responsible for maintaining monitoring logs. Following the completion of construction, the qualified archaeologist should provide an archaeological monitoring report to the lead agency and the San Joaquin Valley Information Center with the results of the archaeological monitoring program.	During grading phases	City of Tulare		
MM-CUL-3. Inadvertent Discovery of Archaeological Resources. All construction crew members shall be alerted to the potential to encounter archaeological material. In the unlikely event that cultural resources (sites, features, or artifacts) are exposed during construction activities, all construction work occurring within 100 feet of the find shall immediately stop and the lead agency representative contacted. A qualified specialist, meeting the Secretary of the Interior's Professional Qualification Standards, shall be assigned to review the unanticipated find, and evaluation efforts of this resource for the NRHP and CRHR listing shall be initiated in consultation with the lead agency. Prehistoric archaeological deposits may be indicated by the presence of discolored or dark soil, fire-affected material, concentrations of fragmented or whole freshwater bivalves shell, burned or complete bone, non-local lithic materials, or the characteristic observed to be atypical of the surrounding area. Common prehistoric artifacts may include modified or battered lithic materials; lithic or bone tools that appeared to have been used for chopping, drilling, or grinding;	During construction activities	City of Tulare		

Mitigation Measure	Implementation Timing	Agency Responsible for Monitoring	Initials	Date
projectile points; fired clay ceramics or non-functional items; and other items. Historic-age deposits are often indicated by the presence of glass bottles and shards, ceramic material, building or domestic refuse, ferrous metal, or old features such as concrete foundations or privies. Preservation in place through avoidance, capping, or other options should be considered the preferred option for management of any inadvertent cultural discovery. If the discovery proves potentially significant under CEQA, and the area cannot be feasibly avoided, additional work, such as preparation of an Archaeological Treatment Plan, testing, or data recovery, may be warranted.				
MM-CUL-4. Inadvertent Discovery of Human Remains. Should human remains be discovered, work shall halt in that area and procedures set forth in PRC Section 5097.98 and California Health and Safety Code Section 7050.5 shall be followed, beginning with notification to the County Coroner. No further excavation or disturbance of the site or any nearby area reasonably suspected to overlie adjacent remains shall occur until the County Coroner has reviewed the site conditions and determined, within 2 working days of notification of the discovery, if the remains are human and appropriate next steps. If the County Coroner determines that the remains are, or are believed to be, Native American, he or she shall notify the Native American Heritage Commission (NAHC) within 24 hours. In accordance with PRC Section 5097.98, the NAHC must immediately notify those persons it believes to be the most likely descendant from the deceased Native American. The most likely descendant shall provide their recommendation within 48 hours of being granted access to the site. The designated Native American representative would then determine, in consultation with the property owner, the disposition of the human remains.	During construction activities	City of Tulare		
Geology and Soils				
MM-GEO-1. Prior to commencement of any grading activity on-site, the applicant shall retain a qualified paleontologist as defined by the Society of Vertebrate Paleontology 2010 Standard Procedures for	Prior to any grading activity occurring	City of Tulare		

Mitigation Measure	Implementation Timing	Agency Responsible for Monitoring	Initials	Date
the Assessment and Mitigation of Adverse Impacts to Paleontological Resources. The qualified paleontologist or their representative shall attend the preconstruction meeting and present a worker environmental awareness training to construction personnel. A paleontological monitor shall be on-site during any ground disturbance below a depth of 10 feet below the ground surface to determine the feasibility for the sediments to contain paleontological resources. Based on subsurface observations by the paleontological monitor, in consultation with qualified paleontologist, monitoring needs may be increased or decreased. In the event that paleontological resources (e.g., fossils) are unearthed during grading, the paleontological monitor will temporarily halt and/or divert grading activity to allow recovery of paleontological resources. The area of discovery will be roped off with a 50-foot radius buffer. Once documentation and collection of the find is completed, the monitor will remove the rope and allow grading to recommence in the area of the find. Upon completion of the paleontological monitoring program, the qualified paleontologist shall prepare a final monitoring report documenting the results of the mitigation program. This report should include discussions of the methods used, stratigraphic section(s) exposed, fossils collected, and significance of recovered fossils.				
Greenhouse Gas Emissions				
MM-GHG-1. Construction Emission Reductions. Prior to the issuance of grading permits, the Project Applicant or its designee shall provide evidence to the City of Tulare that the following strategies are implemented: ▪ Use electric or hybrid powered equipment for generators and other small pieces of equipment (e.g., forklifts and saws), as commercially available. ▪ Use cleaner-fuel equipment such as replacing diesel fuel with compressed natural gas (CNG) or renewable diesel, as commercially available.	Prior to the issuance of grading permits	City of Tulare		

Mitigation Measure	Implementation Timing	Agency Responsible for Monitoring	Initials	Date
▪ Reduce idling time of heavy-duty trucks either by shutting them off when not in use or reducing the time of idling to no more than 3 minutes (5-minute limit is required by the state airborne toxics control measure 13 CCR 2485). Commercially available equipment is herein defined as equipment sourced within 50 vehicle miles of the Project site and within 10% of the cost of the diesel-fueled-equivalent equipment. The Project Applicant must contact at least 3 contractors or vendors within Tulare County and submit to the City justification if the specified equipment is not commercially available.				
MM-GHG-2. Require Energy Efficient Appliances. Prior to the issuance of building permits, the Project Applicant or its designee shall provide evidence to the City that exclusively ENERGY STAR-certified appliances shall be installed, which exceed the energy efficiency of conventional appliances.	Prior to the issuance of building permits	City of Tulare		
MM-GHG-3. Outdoor Electrical Outlets. Prior to the issuance of building permits, the applicant or its designee shall provide evidence to the City of Tulare that the design plans include electrical outlets in the front and rear of the structure to facilitate use of electrical lawn and garden equipment.	Prior to the issuance of building permits	City of Tulare		
MM-GHG-4. Tree Planting. Prior to the issuance of building permits, the applicant or its designee shall plant, at a minimum, one tree per every new residential dwelling unit proposed. Additionally, the applicant shall demonstrate that at least 75% of species planted are native to California or drought tolerant and appropriate for the climate zone region. These trees can be planted roadside, in medians, or in other commonly landscaped areas.	Prior to the issuance of building permits	City of Tulare		
MM-GHG-5. Water Use Efficiency and Water Conservation. Prior to the issuance of building permits, the Project Applicant or its designee shall provide evidence to the City that the residential and recreational building design plans include the following water use efficiency and conservation measures, including: a) High-efficiency appliances/fixtures to reduce water use, and/or include water-efficient landscape design	Prior to the issuance of building permits	City of Tulare		

Mitigation Measure	Implementation Timing	Agency Responsible for Monitoring	Initials	Date
b) Low-flow or high-efficiency water fixtures c) Water-efficient landscapes with lower water demands than required by the California Department of Water Resources (DWR) 2015 Model Water Efficient Landscape Ordinance (MWELO) d) Planting of drought-tolerant plant species only e) Provide educational materials to future tenants and building occupants about water saving behaviors and water-conserving landscaping.				
MM-GHG-6. Electric Vehicle Charging Infrastructure. Prior to the issuance of building permits, the Project Applicant or its designee shall provide evidence to the City that the Project shall meet the EV charging infrastructure standards required by the most recent CALGreen standards. In order to be "EV Capable," the Project shall provide EV charging infrastructure for 10% of parking spaces for medium- and high-density residential housing and the neighborhood commercial center.	Prior to the issuance of building permits	City of Tulare		
Hazards and Hazardous Materials				
MM-HAZ-1. Soil Management Plan. Prior to the commencement of any earthwork or construction activities at the Project site, a Soil Management Plan (SMP) shall be developed that addresses potential impacts in soil associated with the prior uses of the Project site. The SMP shall outline procedures for characterization of soils in potentially impacted areas, including sampling procedures and screening levels for evaluation of current and future exposure scenarios (construction and residential, including future school site). Potential contaminants of concern may include, but are not limited to, organochlorine pesticides due to historical agricultural use, petroleum hydrocarbons and volatile organic compounds due to former releases of automotive fluids and petroleum products, and metals associated with pesticide application and possible lead-based paints on structures. The SMP will outline which areas are above applicable regulatory screening levels, and outline procedures for removal and offsite disposal, or other disposition of impacted soils (burial under clean fill) during earthwork procedures. The SMP	Prior to the commencement of any earthwork or construction activities	City of Tulare		

Mitigation Measure	Implementation Timing	Agency Responsible for Monitoring	Initials	Date
will include training procedures for identification of contamination, and shall describe procedures for assessment, characterization, management, and disposal of contaminated soils. Contaminated soils shall be managed and disposed of in accordance with local and state regulations. The SMP shall include health and safety measures, which may include but are not limited to periodic work breathing zone monitoring and monitoring for volatile organic compounds using a handheld organic vapor analyzer in the event impacted soils are encountered during excavation activities. The SMP will include procedures for characterization of imported fill materials, which will generally follow the 2001 DTSC Information Advisory, Clean Imported Fill Material. The applicant or its designee shall implement the SMP during excavation, grading, demolition, and construction activities for the proposed Project.				
MM-HAZ-2. Hazardous Building Material Survey and Abatement. Prior to issuance of demolition permits, a survey shall be completed that identifies all hazardous building materials within the structures scheduled for demolition on the Project site. A California-licensed company will be contracted to conduct the survey; their report will include identification of all hazardous materials required for removal, and specifications for proper abatement. The Project applicant/developer shall ensure that the demolition contractor's contract specifications incorporate abatement procedures for the removal of materials containing asbestos, lead, polychlorinated biphenyls, hazardous material, hazardous wastes, and universal waste items. A California-licensed abatement contractor will be contracted to complete all abatement. A final report will be submitted following abatement that documents materials removed, disposal, permits, and licenses/certifications of contractors. Confirmation of adequate removal of such materials shall be provided prior to application of demolition permits. All abatement work shall be done in accordance with federal, state, and local regulations, including those of the U.S. Environmental Protection	Prior to the issuance of demolition permits	City of Tulare		

Mitigation Measure	Implementation Timing	Agency Responsible for Monitoring	Initials	Date
Agency (which regulates disposal), Occupational Safety and Health Administration, U.S. Department of Housing and Urban Development, California Occupational Safety and Health Administration (which regulates employee exposure), and the South Coast Air Quality Management District.				
Mineral Resources				
MM-MIN-1. If during development activities, any unknown oil, gas, or geothermal wells are encountered, CalGEM's construction site well review engineer in the Inland District Office will be immediately notified, and file for review of an amended site plan with well casing diagrams for review and approval by the District office.	During construction activities	City of Tulare		
Noise				
MM-NOI-1. A temporary noise barrier of a minimum 12-foot height (as measured from the ground surface) shall be erected along any portions of the east boundary of the Project site for construction activities that would take place within 300 feet of a given section of this boundary, and maintained in place for the duration of construction activities taking place within 300 feet of a given portion of the boundary.	During construction activities	City of Tulare		
Transportation				
MM-TRA-1. Local Site Access Analysis. Conduct local site access analysis for individual driveway and access locations at the time detailed development plan(s) are proposed. Fair share costs shall be calculated when local access studies are completed as the plan area is developed.	Prior to the issuance of building permits or grading permits	City of Tulare		

Findings of Fact and Statement of Overriding Considerations
Chandler Grove Master Plan and Annexation Project
Environmental Impact Report
SCH No. 2022090149

Prepared for:

City of Tulare, Planning Department
411 E Kern Avenue
Tulare, California 93274

Prepared by:

DUDEK

4900 California Avenue, Suite 210-B
Bakersfield, California 93309

OCTOBER 2023

Table of Contents

SECTION **PAGE NO.**

1 Introduction

These Findings of Fact (Findings) for The Chandler Grove Master Plan and Annexation Project (Project or proposed Project) are made pursuant to the California Environmental Quality Act (CEQA) (California Public Resources Code [PRC] Section 21000 et seq.), specifically PRC Sections 21081, 21081.5, and 21081.6, and the CEQA Guidelines (14 CCR 15000 et seq.), specifically Sections 15091 and 15093. The Final EIR examines the full range of potential effects of construction and operation of the Project, identifies standard mitigation practices that could be employed to reduce, minimize, or avoid those potential effects, and evaluates alternatives to the Project. The Final EIR is incorporated into these Findings by reference.

1.1 Purpose

PRC Section 21081, and CEQA Guidelines Section 15091 require that the lead agency, in this case the City of Tulare (City), prepare written findings for identified significant effects, accompanied by a brief explanation of the rationale for each finding. Specifically, CEQA Guidelines Section 15091 states, in part, that:

a) 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:
    1) 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.
    2) Such changes or alterations are within the responsibility and jurisdiction of another public agency and not the agency making the finding. Such changes have been adopted by such other agency or can and should be adopted by such other agency.
    3) Specific economic, legal, social, technological, or other considerations, including provision of employment opportunities for highly trained workers, make infeasible the mitigation measures or project alternatives identified in the final EIR.

In accordance with PRC Section 21081, and CEQA Guidelines Section 15093, whenever significant effects cannot be mitigated to below a level of significance, the decision-making agency is required to balance, as applicable, the benefits of the project against its unavoidable environmental risks when determining whether to approve the project. If the benefits of a project outweigh the unavoidable adverse environmental effects, the adverse effects may be considered "acceptable." In that case, the decision-making agency may prepare and adopt a Statement of Overriding Considerations, pursuant to the CEQA Guidelines. State 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.

Section 15093 of the CEQA Guidelines states the following:

a) CEQA requires the decision-making agency to balance, as applicable, the economic, legal, social, technological, or other benefits of a proposed project against its unavoidable environmental risks when determining whether to approve the project. If the specific economic, legal, social, technological, or other benefits of a proposed project outweigh the unavoidable adverse environmental effects, the adverse environmental effects may be considered "acceptable."
b) When the lead agency approves a project which will result in the occurrence of significant effects which are identified in the final EIR but are not avoided or substantially lessened, the

agency shall state in writing the specific reasons to support its action based on the Final EIR and/or other information in the record. The statement of overriding considerations shall be supported by substantial evidence in the record.

c) If an agency makes a statement of overriding considerations, the statement should be included in the record of the project approval and should be mentioned in the notice of determination. This statement does not substitute for, and shall be in addition to, findings required pursuant to Section 15091.

The Final EIR for the Project identified potentially significant effects that could result from the Project. The City finds that the inclusion of certain mitigation measures as part of the approval of the Project would reduce these effects to less-than-significant levels.

The City also finds that the Mitigation Monitoring and Reporting Program for the Project, which is incorporated by reference and made part of these Findings, meets the requirements of PRC Section 21081.6 by providing for the implementation and monitoring of measures intended to mitigate potentially significant effects of the Project.

Pursuant to PRC Section 21082.1(c)(3), the City also finds that these Findings reflect the City's independent judgment as the lead agency for the Project.

1.1.1 Custodian and Location of Records

The documents and other materials that constitute the Record of Proceedings for the City's actions related to the Project are located at the City of Tulare, 411 E Kern Avenue, Tulare, California 93274. The City is the custodian of the Record of Proceedings for the Project.

1.2 Project Description

Project Summary

The proposed Project consists of a mixed-use development on approximately 231 acres of active agricultural land in Tulare County, CA (see Figure 3-1, Location Map and Figure 3-2, Project Site). 10.3 acres of perimeter right-of-way would be dedicated as part of the project, leaving approximately 220 acres for development. Once developed, proposed project site would include approximately 1,197 total units of low, medium, and high-density residential (163.1 acres), a central park (14.1 acres), a neighborhood commercial center (10.8 acres), a school (4.9 acres), and a community center (0.78 acres). Parks would act as natural areas, provide stormwater detention, and include playgrounds, plazas and shelters, open turf areas for field sports, as well as trails for recreation. Trails throughout the site would connect to schools, parks, the community center and the commercial center. An open irrigation canal currently passes through the property from the north to the south and would be piped underground within the same general alignment during project development and flow through the channel would not be changed. The housing would include approximately 364 units of low-density single-family units, 281 units of medium density single family units and townhomes, and 552 high density apartments.

As noted above, the project proposes to annex into the City the 231-acre Project site, approximately 489.26-acres of land owned by the COS which comprises the existing COS Tulare Campus, and approximately 142.41-acres located south of E. Bardsley Avenue which is currently being utilized as a groundwater recharge basin and is owned

by the KDWCD. The intent of the annexation is to facilitate development of the approximately 231-acre 'Chandler Grove' area consistent with the City's adopted TOD Plan. The COS and KDWCD areas are included as part of the annexation request, but no changes in existing uses are proposed for these areas. Rather, these areas are being included in order to ensure an orderly manner of growth of the City, as these properties would be complimentary and supportive of the Chandler Grove proposed master plan area.

In addition, at the time of annexation proceedings by Tulare County Local Agency Formation Commission (LAFCO) for the proposed project, LAFCO will consider including additional land west of the project site for inclusion with the project. This area is not being requested for inclusion by the project applicant or the City of Tulare but may be required by LAFCO. If included, no additional development of this area is proposed at this time.

Project Construction

Construction of the proposed Project, if approved, would be completed in phases. Development is anticipated to be constructed over the course of up to 10 years. Utilities such as water, electrical, and gas required for the Project would tie into the existing infrastructure near the Project site within the road rights-of way. Perimeter improvements such as the installation of curbs, gutters, sidewalks on adjacent roads, and transit stops would be completed as required by the City's development standards and the TOD Plan.

1.2.1 Project Objectives

The following are the objectives of the Project:

1. Provide housing opportunities that are consistent with the City's Housing Element and the College of the Sequoias (COS) North Transit Oriented Development Plan Area, including having access to a robust transit network, a mix of land uses (housing types as well as business and public uses), as well as available pedestrian and bicycle facilities, while minimizing environmental effects.
2. Create a new community to serve existing and future Tulare residents as well as the COS community, by providing a plan that includes child- and family-oriented neighborhood amenities in a central location within the development where residents can access many of their basic activities and needs via walking or biking.
3. Provide functional compatibility with existing residential neighborhoods and development while enhancing the City's ability to provide for fiscally positive development.
4. Develop homes on a site that can be served by existing utilities, services, and street access.
5. Amend the City's jurisdictional boundary to include the Project site and adjacent property to be consistent with the Tulare County Local Agency Formation Commission's (LAFCO) mission to encourage the logical and orderly development of cities and to promotes the efficient extensions of municipal services.

1.2.2 Discretionary Action

A discretionary action is an action taken by an agency that calls for the exercise of judgment in deciding whether to approve or how to carry out a project. The Project would require consideration of the following discretionary actions by the City:

- Consideration and certification of EIR
- Approval of a zone amendment (pre-zoning for anticipated annexation)

- Approval of General Plan Amendment
- Exclusion from Agricultural Preserve Number 0002326,
- Cancellation of Agricultural Preserve Contract 06925, and
- Annexation of the property from the County of Tulare to the City of Tulare
- Upon completion of the annexation of the project site into City limits, a parcel map detailing site development per the approved land use and zoning designations would be submitted to the City for review and approval prior to the start of construction.
- Approval for water and sewer infrastructure
- Approval for surrounding roadway and perimeter improvements such as sidewalks, curbs, gutters
- Issue grading and building permits

2 CEQA Findings of Independent Judgement

2.1 Independent Review and Analysis

Under CEQA, the lead agency must (1) independently review and analyze the Environmental Impact Report (EIR); (2) circulate draft documents that reflect its independent judgment; (3) as part of the certification of an EIR, find that the EIR or declaration reflects the independent judgment of the lead agency; and (4) submit copies of the documents to the State Clearinghouse if there is state agency involvement or if the project is of statewide, regional, or area-wide significance (PRC Section 21082.1[c]).

These Findings reflects the City's independent judgment. The City has exercised independent judgment in accordance with CEQA Section 21082.1(c)(3) in retaining its own environmental consultant in the preparation of the EIR, as well as reviewing, analyzing, and revising material prepared by the consultant.

Having received, reviewed, and considered the information in the EIR, as well as any and all other information in the record, the City hereby makes findings pursuant to and in accordance with CEQA Sections 21081, 21081.5, and 21081.6.

2.2 Impacts Determined to Be Significant and Unavoidable

This section identifies the significant unavoidable impacts that require a statement of overriding considerations to be issued by the City, pursuant to Section 15093 of the CEQA Guidelines, if the Project is approved. Based on the analysis contained in the EIR, the Project would result in significant and unavoidable impacts with regard to agriculture and forestry resources, air quality, greenhouse gas emissions, and transportation:

Agricultural Resources

- The conversion of 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 Agency, to non-agricultural use.
- Conflict with existing zoning for agricultural use, or a Williamson Act contract.
- Involve other changes in the existing environment which, due to their location or nature, could result in conversion of Farmland, to non-agricultural use or conversion of forest land to non-forest use.
- Cumulative effect to agriculture resources

Air Quality

- Conflict with or obstruct implementation of the applicable air quality plan?
- Result in a cumulatively considerable net increase of any criteria pollutant for which the project region is non-attainment under an applicable federal or state ambient air quality standard
- Cumulative effect to air quality resources

Greenhouse Gas Emissions

- Generate greenhouse gas emissions, either directly or indirectly, that may have a significant impact on the environment
- Conflict with an applicable plan, policy or regulation adopted for the purpose of reducing the emissions of greenhouse gases
- Cumulative effect on greenhouse gas emissions

Transportation

- Substantially increase hazards due to a geometric design feature (e.g., sharp curves or dangerous intersections) or incompatible uses (e.g., farm equipment).
- Cumulatively considerable transportation impacts.

These impacts are discussed in further detail below.

2.2.1 Agriculture and Forestry Resources

2.2.1.1 Significant Impacts to Agriculture and Forestry Resources

Prime Farmland, Unique Farmland, or Farmland of State Importance (Farmland)

Implementation of the proposed Project would result in the conversion of approximately 231 acres of active agricultural land into a master planned transit-oriented community. As shown on Figure 4.2-1, approximately 169.1 acres of land within the Project site is designated as Prime Farmland, 51.8 acres designated as Farmland of Statewide Importance, and 3.3 acres designated as Urban and Built-Up Land. The Project site has been actively farmed within the past 10 years and has a developed on-site irrigation water supply that is dependable. While the Project site lands designated as "Prime Farmland" and "Unique Farmland" only represent a fraction of a percent of the 377,827 acres of Prime Farmland and Unique Farmland within Tulare County, the direct loss of this farmland is considered significant, even with implementation of Mitigation Measure (MM) AG-1.

MM AG-1 would require the Project proponent to mitigate the loss of agricultural land at a ratio of 1:1 consistent with the City's General Plan Policy COS-P3.12 (City of Tulare 2014). Although MM AG-1 preserves farmland that may otherwise be converted to non-agricultural use in the future, it does not provide additional farmland to replace the 231 acres lost as a result of Project implementation.

Therefore, although implementation of the Project would convert a very small portion of the County's "Prime Farmland" and "Unique Farmland" to non-agricultural uses, the conversion of approximately 231 acres to non-agricultural uses constitutes a significant and unavoidable impact even with the incorporation of Mitigation Measure AG-1.

Conflict with existing Agricultural Use or a Williamson Act Contract Prime Farmland

The Project site is currently within the County's Exclusive Agricultural Zone – 40 Acre Minimum (AE-40), Ag Preserve Number 0002326, and under Ag Preserve Contract Number 06925 (City of Tulare 2023). The Williamson Act

Easement Exchange is a program that provides a voluntary rescission process for local entities and landowners to cancel the Williamson Act contract and simultaneously dedicate a permanent agricultural conservation easement on other land. The land to be placed under easement must be of equal size or larger than the Williamson Act contracted land. In addition, the value of the easement parcel must be equal to or greater than the cancellation fee required to cancel the contract. To initiate this process, the landowner must submit a petition for Williamson Act easement exchange proposal to the local governing city of county. The city or county may approve the proposal upon determining that the eligibility criteria has been met. The proposal is then submitted to the Department of Conservation for review. If approved, the City or County may enter into an agreement with the landowner to rescind the Williamson Act Contract and simultaneously place the other land under an agricultural conservation easement. Implementation of MM-AG-1 would require the Project proponent to mitigate the loss of agricultural land at a ratio of 1:1 through implementation of a conservation easement. In addition, compliance with MM-AG-2, which requires the Project proponent submit proof cancellation or exchange of Williamson Act lands within the Project site would be required prior to the issuance of building or grading permits.

Although the Project proponent would be required to mitigate the loss of agricultural land at a ratio of 1:1 through implementation of a conservation easements and submit proof of cancellation or exchange of the active Williamson Act lands per MM-AG-1 and MM-AG-2, respectively, the proposed Project would still result in the cancellation of an existing Williamson Act Contract.

As described above, *approximately* 169.1 acres of land within the Project site is designated as Prime Farmland, 51.8 acres designated as Farmland of Statewide Importance, and 3.3 acres designated as Urban and Built-Up Land. Although the Project proponent would be required to mitigate the loss of agricultural land at a ratio of 1:1 through implementation of a conservation easements and submit proof of cancellation or exchange of the active Williamson Act lands per MM-AG-1 and MM-AG-2, respectively, the proposed Project would result in the conversion of Farmland to non-agricultural uses.

Cumulative Agriculture and Forestry Impact

Cumulative projects in the County would have the potential to continue to convert agricultural lands and resources to non-agricultural uses, resulting in a significant cumulative impact. The County General Plan EIR found a significant and unavoidable impact for conversion of farmland due to development that may occur in the County (Tulare County 2012). The General Plan EIR identifies a significant impact at both the county level, and in the Project area. As part of the County's discretionary review process, all future projects would be evaluated under CEQA and would be required to implement feasible measures to minimize impacts to forest land or timberland, as necessary. Although implementation of the proposed Project would not conflict with zoning for, or cause rezoning of, forest land or timberland or timberland zoned for timber production, off-site. As such, no impacts would occur related to the conversion or loss of land zoned for forest land or timberland production. In the occurrence that the Project does conflict with a Williamson Act Contract and results in the permanent conversion of farmland to non-agricultural uses. Ultimately even with implementation of MM-AG-1 and MM-AG-2, the proposed Project when combined with the projects in the County would be cumulatively significant and unavoidable for agriculture resources.

2.2.1.2 Mitigation Measures

MM-AG-1 Prior to issuance of a grading or building permit, whichever occurs first, the Project proponent shall provide written evidence of completion of one or more of the following measures, consistent with

Tulare General Plan Policy COS-P3.12 to mitigate the loss of agricultural land at a ratio of 1:1 for net acreage before conversion:

- Funding and/or purchasing agricultural conservation easements which shall be managed and maintained by an appropriate entity;
- Purchasing credits from an established agricultural farmland mitigation bank;
- Contributing agricultural land or equivalent funding to an organization that provides for the preservation of farmland in California; or
- Participating in any agricultural land mitigation program adopted by Tulare County that provides equal or more effective mitigation than the measures listed above.

The net acreage calculation used to determine mitigation lands shall exclude the existing roads and areas already developed with structures on the project site. A site plan shall be submitted to the City of Tulare Community Development Department to substantiate the net acreage calculation, along with written evidence of compliance.

Mitigation land shall meet the definition of Prime Farmland and be of similar agricultural quality or higher, as established by the Department of Conservation. Completion of the selected measure or a combination of selected mitigation measures can occur on qualifying land within the southern San Joaquin Valley (Kings, Tulare, or Kern County) that is located outside of a City's UDB and shall be approved by the City of Tulare Community Development Department Director.

MM-AG-2 Prior to the issuance of a grading or building permit, Project proponent must submit proof of the executed exchange and cancellation of the existing Williamson Act Contract to the City of Tulare Planning Director.

2.2.1.3 Findings per CEQA Guidelines

The City finds that the above mitigation measures are feasible, are adopted, and will reduce the proposed project's agriculture and forestry resources impact. The Project would convert a very small portion of the County's "Prime Farmland" and "Unique Farmland" to non-agricultural uses, the conversion of approximately 231 acres to non-agricultural uses. The Project would also result in the cancellation of an existing Williamson Act Contract even with implementation of MM-AG-1 and MM-AG-2. However, the effectiveness of all the required mitigation measures cannot be accurately quantified at this time. Therefore, these impacts must be considered significant and unavoidable even after implementation of all feasible mitigation measures. Pursuant to Section 21081(a)(3) of the California Public Resources Code, as described in the Statement of Overriding Considerations, the City has determined that specific economic, legal, social, technological, or other considerations make infeasible the alternatives identified in the EIR, and the identified agricultural resources impacts are thereby acceptable because of specific overriding considerations (see Section 5).

2.2.1.4 Facts in Support of the Findings Related to Agriculture and Forestry Resources

Based on the impact analysis, the proposed project would result in significant agriculture and forestry resources impacts. Implementation of MM-AG-1 and MM-AG-2 would reduce potential impacts from agriculture and forestry resources. However, the Project would convert a very small portion of the County's "Prime Farmland" and "Unique Farmland" to non-agricultural uses, the conversion of approximately 231 acres to non-agricultural uses. The Project would also result in the cancellation of an existing Williamson Act Contract therefore, agriculture and forestry resources impacts would remain significant and unavoidable.

2.2.2 Air Quality

2.2.2.1 Significant Impacts to Air Quality

Conflict with or Obstruct Implementation of the Applicable Air Quality Plan; Cumulative Federal or State Ambient Air Quality Standard

The San Joaquin Valley Air Basin (SJVAB) has been designated as a nonattainment area for O_3, PM_{10}, and $PM_{2.5}$ under national and/or California standards. The Project's annual construction emissions would not exceed the SJVAPCD significance thresholds for VOC, NO_x, CO, SO_x, PM_{10}, or $PM_{2.5}$ during construction in all construction years. The Project would implement MM-AQ-1 and MM-AQ-2 during construction. MM-AQ-1 was not quantified for this analysis. The Project would exceed the Level 1 Ambient Air Quality Analysis (AAQA) thresholds for 1-hour NO_2, 24-hour PM_{10}, annual PM_{10}, and 24-hour $PM_{2.5}$ during construction with the incorporation of MM-AQ-2. The Level 2 AAQA shows that the project would exceed the 24-hour $PM_{2.5}$ standard during construction with the incorporation of MM-AQ-2. As such, the project would have significant and unavoidable impacts related to criteria air pollutant emissions during construction activities even with the implementation of MM-AQ-1 through MM-AQ-2.

The Project's combined annual area, energy, and mobile source emissions would not exceed the SJVAPCD's operational thresholds for CO, SO_x, or $PM_{2.5}$. However, the Project would exceed the SJVAPCD's operational thresholds for VOC, NO_x, and PM_{10} without the implementation of Rule 9510 and would exceed the SJVAPCD's operational threshold for VOC with the implementation of Rule 9510. In addition, the project would exceed the 1-hour NO_2, 24-hour PM_{10}, annual PM_{10} 24-hour $PM_{2.5}$, and annual $PM_{2.5}$ Level 1 AAQA during operation; however, 24-hour PM_{10}, annual PM_{10}, and annual $PM_{2.5}$ passed the Level 2 significance test. In the Level 2 analysis, the project would still exceed the 1-hour NO_2 and 24-hour $PM_{2.5}$ significance thresholds during operation. The project would implement MM-AQ-3 through MM-AQ-5 during project operations; however, none of the measures were quantified for this analysis. Therefore, the Project would have significant and unavoidable impacts related to criteria air pollutant emissions during operational activities, even with the incorporation of MM-AQ-3 through MM-AQ-5.

The Project is in excess of the operational VOC, NO_x, and PM_{10} thresholds without the implementation of Rule 9510 and is in excess of the SJVAPCD's operational threshold for VOC with the implementation of Rule 9510 and would exceed the 24-hour PM2.5 Level 2 AAQA standard during construction even with the incorporation of mitigation. The Project would exceed the 1-hour NO_2 and 24-hour $PM_{2.5}$ Level 2 AAQA significance thresholds during operation. Therefore, the Project's cumulative impacts with respect to such emissions would remain significant and unavoidable.

2.2.2.2 Mitigation Measures

Construction

MM-AQ-1 Low-VOC/Green Cleaning Product and Low VOC Architectural Coating Educational Program. Prior to the occupancy of any on-site development, the Project Applicant or its designee shall provide evidence to the City of Tulare that the applicant/phase developer has developed a Green Cleaning Product and Architectural Coating (Paint) education program to be made available at rental offices, leasing spaces, and/or on websites.

MM-AQ-2 Tier 4 Final Equipment. For heavy-duty diesel equipment with engines 75 horsepower or greater, use equipment equipped with Tier 4 Final engines. Prior to the commencement of construction activities for the Project, the Project Applicant shall require its construction contractor to demonstrate that all 75-horsepower or greater diesel-powered equipment is powered with California Air Resources Board (CARB)-certified Tier 4 Final engines.

An exemption from this requirement may be granted if (a) the Project Applicant documents equipment with Tier 4 Final engines are not reasonably available, and (b) the required corresponding reductions in criteria air pollutant emissions can be achieved from other combinations of construction equipment. Before an exemption may be granted, the Project Applicant's construction contractor shall: (1) demonstrate that at least two construction fleet owners/operators in Tulare County were contacted and that those owners/operators confirmed Tier 4 Final equipment could not be located within Tulare County during the desired construction schedule; and (2) the proposed replacement equipment has been evaluated using California Emissions Estimator Model (CalEEMod) or other industry standard emission estimation method and documentation provided to the City to confirm that Project-generated emissions do not exceed applicable San Joaquin Valley Air Pollution Control District (SJVAPCD) carcinogenic (cancer) risk threshold.

Operations

MM-AQ-3 Multi-Family Residential Parking. Applications for building permits submitted to City by the project proponent/developer shall include plans and specifications demonstrating that the following features have been incorporated into the building designs or specifications for multifamily residential buildings:

- Visitor parking shall include preferentially located parking spaces for electric vehicles.
- Bicycle parking shall be provided as specified in Section A4.106.9, Residential Voluntary Measures, of the California Green Building Standards (CALGreen) Code.

MM-AQ-4 Multi-Family Residential and Park/Trail Parking. Applications for a tentative tract map, parcel map (excluding financing map), or commercial site plan review, that include parking structures, parking lots with 20 or more parking spaces that serve uses other than residential or nonresidential buildings (e.g., trailhead, park), and parking structures and parking lots that serve multifamily residential buildings with 15 or more multifamily units, shall include a minimum of 5% of preferentially located parking spaces shall be reserved for electric and ride-share vehicles.

MM-AQ-5 Preferential Parking and Electric Vehicle Charging for Nonresidential Buildings. Applications for commercial site plan review and building permits for nonresidential buildings shall include preferential parking for electric cars, low emission vehicles, and carpools/vanpools to encourage use of such vehicles. Proof of compliance shall be provided to the City prior to the issuance of occupancy permits. Preferential parking for such vehicles shall include two spaces for non-residential lots containing 10 to 25 spaces; four spaces for 26 to 50 space lots; six spaces for 51 to 75 space lots; nine spaces for 76 to 100 space lots; eleven spaces for 101 to 150 space lots; 18 spaces for 151 to 200 space lots; and at least 10% of total spaces for lots with more than 200 spaces.

2.2.2.3 Findings per CEQA Guidelines

The City finds that the above mitigation measures are feasible, are adopted, and will reduce the proposed Project's air quality impacts. The Project would result in potentially significant impacts with regard to conflicting with or obstructing implementation of an applicable air quality plan. Implementation of MM-AQ-1 through MM-AQ-2 for construction and MM-AQ-3 through MM-AQ-5 for operations would reduce the Project's impacts to the greatest extent feasible; however, impacts would remain significant and unavoidable.

*T*he Project would exceed the Level 1 AAQA thresholds for 1-hour NO_2, 24-hour PM_{10}, annual PM_{10}, and 24-hour $PM_{2.5}$ during construction *even* with the incorporation of MM-AQ-1 through MM-AQ-2. The Level 2 AAQA shows that the project would exceed the 24-hour $PM_{2.5}$ standard during construction with the incorporation of MM-AQ-2. As such, the Project would have significant and unavoidable impacts related to criteria air pollutant emissions during construction activities.

For long-term operational emissions, the Project would exceed the SJVAPCD's operational threshold for VOC, NO_x, and PM_{10} without the inclusion of Rule 9510 and would exceed the SJVACPD's operational threshold for VOC with the inclusion of Rule 9510. In addition, the Project would exceed the 1-hour NO_2, 24-hour PM_{10}, annual PM_{10} 24-hour $PM_{2.5}$, and annual $PM_{2.5}$ Level 1 AAQA during operation. In the Level 2 analysis, the Project would still exceed the 1-hour NO_2 and 24-hour $PM_{2.5}$ significance thresholds during operation. The Project would implement MM-AQ-3 through MM-AQ-5 during Project operations; however, none of the measures were quantified for this analysis. The Project would have significant and unavoidable impacts related to criteria air pollutant emissions during operational activities.

Finally, the Project is in excess of operational VOC, NO_x, and PM_{10} thresholds without the implementation of Rule 9510 and is in excess of the operational VOC threshold with the implementation of Rule 9510. The Project would exceed the 24-hour $PM_{2.5}$ Level 2 AAQA standard during construction even with the incorporation of MM-AQ-1 and MM-AQ-2. The Project would exceed the 1-hour NO_2 and 24-hour $PM_{2.5}$ Level 2 AAQA significance thresholds during operation even with the incorporation of MM-AQ-3 through MM-AQ-5. Therefore, the Project's cumulative impacts with respect to such emissions would remain significant and unavoidable.

Pursuant to Section 21081(a)(3) of the California Public Resources Code, as described in the Statement of Overriding Considerations, the City has determined that specific economic, legal, social, technological, or other considerations make infeasible the alternatives identified in the EIR, and the identified air quality impacts are thereby acceptable because of specific overriding considerations (see Section 5).

2.2.2.4 Facts in Support of the Findings Related to Air Quality

Based on the impact analysis, the proposed Project would result in significant operational VOC, NO_x, and PM_{10} emission impacts without the inclusion of Rule 9510 and would exceed the SJVACPD's operational threshold for VOC with the inclusion of Rule 9510. Implementation of MM-AQ-1 through MM-AQ-5 would reduce potential impacts from criteria air pollutants and project emissions. All feasible and reasonable mitigation has been applied to the Project to reduce potential air quality impacts; however, even after implementation of mitigation, impacts would remain significant and unavoidable.

2.2.3 Greenhouse Gas Emissions

2.2.3.1 Significant Impacts to Greenhouse Gas Emissions

Directly or Indirectly Significant Impact on the Environment; Conflict with an Applicable Plan, Policy, or Regulation

Construction of the Project would result in GHG emissions primarily associated with the use of off-road construction equipment, haul trucks, on-road vendor trucks, and worker vehicles. GHG emissions generated during construction of the Project would be short term, lasting only for the duration of the construction period, and would not represent a long-term source of GHG emissions. Operation of the Project would generate GHG emissions through passenger vehicle to and from the Project site; landscape maintenance equipment operation; energy use (natural gas and generation of electricity consumed by the Project); solid waste disposal; generation of electricity associated with water and wastewater use. Estimated annual Project-generated GHG emissions would be approximately 21,764 MT CO_2e per year as a result of Project operations and amortized construction. This project's efficiency metric is 6.36 MT CO_2e per service population (SP), assuming a project SP of 3,424; this exceeds the 2033 efficiency metric of 1.62 MT CO_2e. The project would implement GHG Emission reduction measures recommend by the SJVAPCD, which would provide a 6.625% reduction in GHG emissions and would reduce the project's efficiency metric from 6.02 to 5.62 MT CO_2/SP. However, because this metric would still be greater than the City metric of 1.62 MT CO_2/SP, MM-GHG-1 through MM-GHG-6 would be implemented. Despite implementation of MM-GHG-1 through MM-GHG-6, impacts related to GHG emissions would remain significant and unavoidable. In addition, while the project would be consistent with most of the applicable, plans, policies, and regulations, it would be inconsistent with CARB's 2022 Scoping Plan. As such, impacts on the project-level and cumulatively would remain significant and unavoidable, even with the incorporation of mitigation.

2.2.3.2 Mitigation Measures

MM-GHG-1 Construction Emission Reductions. Prior to the issuance of grading permits, the Project Applicant or its designee shall provide evidence to the City of Tulare that the following strategies are implemented:

a) Use electric or hybrid powered equipment for generators and other small pieces of equipment (e.g., forklifts and saws), as commercially available.

b) Use cleaner-fuel equipment such as replacing diesel fuel with compressed natural gas (CNG) or renewable diesel, as commercially available.

c) Reduce idling time of heavy-duty trucks either by shutting them off when not in use or reducing the time of idling to no more than 3 minutes (5-minute limit is required by the state airborne toxics control measure 13 CCR 2485).

Commercially available equipment is herein defined as equipment sourced within 50 vehicle miles of the Project site and within 10% of the cost of the diesel-fueled-equivalent equipment. The Project Applicant must contact at least 3 contractors or vendors within Tulare County and submit to the City justification if the specified equipment is not commercially available.

MM-GHG-2 Require Energy Efficient Appliances. Prior to the issuance of building permits, the Project Applicant or its designee shall provide evidence to the City that exclusively ENERGY STAR-certified appliances shall be installed, which exceed the energy efficiency of conventional appliances.

MM-GHG-3 Outdoor Electrical Outlets. Prior to the issuance of building permits, the applicant or its designee shall provide evidence to the City of Tulare that the design plans include electrical outlets in the front and rear of the structure to facilitate use of electrical lawn and garden equipment.

MM-GHG-4 Tree Planting. Prior to the issuance of building permits, the applicant or its designee shall plant, at a minimum, one tree per every new residential dwelling unit proposed. Additionally, the applicant shall demonstrate that at least 75% of species planted are native to California or drought tolerant and appropriate for the climate zone region. These trees can be planted roadside, in medians, or in other commonly landscaped areas.

MM-GHG-5 Water Use Efficiency and Water Conservation. Prior to the issuance of building permits, the Project Applicant or its designee shall provide evidence to the City that the residential and recreational building design plans include the following water use efficiency and conservation measures, including:

a) High-efficiency appliances/fixtures to reduce water use, and/or include water-efficient landscape design
b) Low-flow or high-efficiency water fixtures
c) Water-efficient landscapes with lower water demands than required by the California Department of Water Resources (DWR) 2015 Model Water Efficient Landscape Ordinance (MWELO)
d) Planting of drought-tolerant plant species only
e) Provide educational materials to future tenants and building occupants about water saving behaviors and water-conserving landscaping.

MM-GHG-6 Electric Vehicle Charging Infrastructure. Prior to the issuance of building permits, the Project Applicant or its designee shall provide evidence to the City that the Project shall meet the EV charging infrastructure standards required by the most recent CALGreen standards. In order to be "EV Capable," the Project shall provide EV charging infrastructure for 10% of parking spaces for medium- and high-density residential housing and the neighborhood commercial center.

2.2.3.3 Findings Per CEQA Guidelines

The City finds that the above mitigation measures are feasible, are adopted, and will reduce the proposed Project's greenhouse gas emissions impact. Although the Project would comply with the implementation of MM-GHG-1 through MM-GHG-6, to reduce further GHG impacts associated with construction activities and operation, the Project would remain significant and unavoidable after mitigation. Therefore, these impacts must be considered significant and unavoidable even after implementation of all feasible mitigation measures. Pursuant to Section 21081(a)(3) of the California Public Resources Code, as described in the Statement of Overriding Considerations, the City has determined that specific economic, legal, social, technological, or other considerations make infeasible the alternatives identified in the EIR, and the identified greenhouse gas emission impacts are thereby acceptable because of specific overriding considerations (see Section 5).

2.2.3.4 Facts in Support of the Findings Related to Greenhouse Gas Emissions

Based on the impact analysis, the proposed Project would result in significant greenhouse gas emission impacts even with implementation of MM-GHG-1 through MM-GHG-6. All feasible and reasonable mitigation has been applied to the Project to reduce potential impacts related to GHG emissions; however, impacts would remain significant and unavoidable despite the incorporation of mitigation.

2.2.4 Transportation

2.2.4.1 Significant Impacts to Transportation

Multiple intersections the vicinity of the Project site are expected to experience periodic queuing issues during peak hours, which can lead to potential safety concern if a significant speed differential exists between queue vehicles and vehicles proceeding beyond the queue. The Project would result in additional traffic that would exacerbate these conditions under the Opening Year (2032) plus Project traffic conditions and Horizon Year (2040) plus Project conditions (queueing issues would continue to occur without Project-generated traffic for many intersections regardless of the Project). As such, improvement measures required to mitigate the project's level of service and queuing impacts would include fair-share contributions these intersections as detailed in MM-TRA-1. The City does not have jurisdiction over state facilities (SR-137 and SR-99), therefore these improvements cannot be assumed to be in place prior to project's occupancy. Therefore, the Project's impact to increase in hazardous conditions (i.e., queuing) would be partially mitigated with implementation of MM-TRA-1, but impacts would remain significant and unavoidable.

2.2.4.2 Mitigation Measures

MM-TRA-1 Local Site Access Analysis. Conduct local site access analysis for individual driveway and access locations at the time detailed development plan(s) are proposed. Fair share costs shall be calculated when local access studies are completed as the plan area is developed.

2.2.4.3 Findings per CEQA Guidelines

The City finds that the Project may increase a hazardous condition due to queuing impacts at various intersections that the City does not have jurisdiction over, therefore, these improvements cannot be assumed to be in place prior to Project's occupancy. Improvement measures required to mitigate the project's level of service and queuing impacts would include fair-share contributions these intersections as detailed in MM-TRA-1.Therefore, the Project's impact to increase in hazardous conditions (i.e. queuing) would be significant and unavoidable. Pursuant to Section 21081(a)(3) of the California Public Resources Code, as described in the Statement of Overriding Considerations, the City has determined that specific economic, legal, social, technological, or other considerations make infeasible the alternatives identified in the EIR, and the identified transportation impacts are thereby acceptable because of specific overriding considerations (see Section 5).

2.2.4.4 Facts in Support of the Findings Related to Transportation

Since the City does not have jurisdiction over all of the study intersections, improvements cannot be assumed to be in place prior to the Project's occupancy. Therefore, even with implementation of MM-TRA-1, the Project's impact to increase hazardous conditions (e.g., queuing) would be significant and unavoidable. All feasible and reasonable mitigation has been applied to the Project to reduce potential impacts related to transportation; however, even after implementation of mitigation, impacts would remain significant and unavoidable.

2.3 Impacts Determined to Be Less Than Significant with Mitigation

The following summarizes the potentially significant impacts of the Project identified in the Final EIR that would be less than significant with implementation of mitigation measures.

2.3.3 Biological Resources

2.3.3.1 Potentially Significant Impacts to Biological Resources

Special-Status Wildlife

Direct Impacts

Less-than-Significant Impact with Mitigation Incorporated. The following evaluates the Project's potential direct and indirect effects on three special-status wildlife species that could potentially occur onsite during construction activities: San Joaquin kit fox, burrowing owl, and Swainson's hawk.

San Joaquin Kit Fox

The Project site has been heavily disturbed due to past agricultural activities and provides marginal denning or foraging habitat for San Joaquin kit fox. In addition, no sign (e.g., tracks, scat, dens, prey remains) of kit fox presence was observed during the field survey. The loss of the site as low marginal foraging and habitat for kit fox is not

expected to substantially affect populations of this species in the region. Per the results of the CNDDB search, one historic (1975) occurrence of San Joaquin kit fox was documented within 5 miles of the Project site (CDFW 2022a). While the species is not expected to den and/or breed on the Project site, individual foxes could temporarily move through the site in search of prey or during movements between larger open space areas in the region with more suitable foraging habitat. In the unlikely event that an individual kit fox could temporarily move onto or through the site prior to or during construction, proposed Project activities could result in injury or mortality to individual kit foxes. Because of the rarity of this species, which is federally listed as endangered and state-listed as threatened, the loss of a San Joaquin kit fox would be a potentially significant impact under CEQA absent mitigation. Implementation of mitigation measure MM-BIO-1 includes a requirement for pre-construction surveys, as well as standard measures recommended by the U.S. Fish and Wildlife Service to avoid impacts to San Joaquin kit fox prior to and during construction activities.

With implementation of MM-BIO-1 (Pre-Construction Survey for San Joaquin Kit Fox and Avoidance), potential impacts to San Joaquin kit fox would be reduced to less than significant with mitigation.

Burrowing Owl

The Project site provides marginally suitable foraging and nesting habitat for burrowing owls due to the disturbed nature of the site from ongoing and extensive agricultural production. For this reason, and the extensive amount of higher quality foraging and nesting habitat in the Project site vicinity, the loss of the site as low marginal foraging and nesting habitat for burrowing owls is not expected to substantially affect populations of this species in the region; therefore, the loss of burrowing owl habitat as a result of Project implementation would not represent a significant impact.

As previously noted, no burrowing owls or their sign (i.e., whitewash, pellets, prey remains, feathers) were observed during the biological survey conducted on the Project site. However, the potential of burrowing owls to utilize the ground squirrel burrows on site as temporary shelter, nesting, or over-wintering prior to Project implementation cannot be entirely ruled out. In the unlikely event that a single owl or pair of burrowing owls move onto the site prior to construction, ground-disturbance activities could result in injury or mortality to burrowing owls. Because this species is considered a Species of Special Concern by CDFW and is protected by provisions in the California Fish and Game Code addressing active bird nests and raptors, such injury or mortality would constitute a potentially significant impact under CEQA. MM-BIO-2 includes a requirement for a pre-construction survey for burrowing owls on the site, prescribes buffers for avoidance of occupied burrows, and describes when passive relocation may be used, if necessary, to exclude owls from the Project site.

With implementation of MM-BIO-2 (Pre-Construction Surveys for Burrowing Owl and Avoidance), potential direct impacts to burrowing owl would be reduced to less than significant.

Swainson's Hawk

A nest survey conducted during the site visit resulted in no observations of Swainson's hawk nests on the Project site or within 0.5 miles of the site. In addition, the CNDDB includes no recorded occurrences of nesting Swainson's hawks within 1.0 mile of the site. While a few trees on the site could serve as suitable nesting habitat for this species, the Project site was determined to be marginally suitable as Swainson's hawk foraging habitat due to the highly disturbed nature of the site, ongoing agricultural operations, and the general lack of extensive areas of preferred foraging habitat (rangeland, grassland, low-growing grain or agricultural crop fields, etc.). As such, and

because of the presence of extensive and undisturbed foraging habitat in the Project vicinity, the loss of the site as potential foraging habitat for Swainson's hawks, should they occur in the area, would not be expected to substantially affect regional populations of the species. Therefore, the loss of the site as potential foraging habitat for this raptor species would be a less-than-significant impact.

While no Swainson's hawk nests were observed during the Project site survey, the potential for a pair of Swainson's hawks to establish a nest on the Project site cannot be entirely ruled out. If construction activities occur during the Swainson's hawk nesting season (March 1 to September 15), and in the event that Swainson's hawks' nest within an existing tree on the Project site, indirect impacts through excessive noise or human activity associated with construction could potentially cause changes in nesting behavior of adult birds that could result in eventual abandonment of an active nest. Removal of an active nest during construction could also result in injury or mortality to eggs or young. Because Swainson's hawk is a state-listed threatened species, this would represent a significant impact under CEQA.

With implementation of MM-BIO-3, potential impacts to nesting Swainson's hawks would be reduced to less than significant with mitigation.

Nesting Migratory Birds and Raptors

Similar to most other sites containing trees, shrubs, and other vegetation, the Project site contains opportunities for birds of prey (raptors) and other avian species to nest on site. Native nesting bird species with potential to occur within the Project site are protected by California Fish and Game Code Sections 3503 and 3503.5, and by the federal MBTA (16 USC 703–711). In particular, California Fish and Game Code Section 3503 provides that it is unlawful to take, possess, or needlessly destroy the active nests or eggs of any bird in California; Section 3503.5 protects all raptors and their eggs and active nests; and the MBTA prohibits the take (including killing, capturing, selling, trading, and transport) of native migratory bird species throughout the United States. Currently, California considers any nest that is under construction or modification, or is supporting eggs, nestlings, or juveniles as "active." Therefore, impacts to nesting migratory birds and raptors would be significant under CEQA absent mitigation.

To ensure compliance with the California Fish and Game Code and MBTA and to avoid potential impacts to nesting birds, it is recommended that vegetation removal activities be conducted outside the general bird nesting season (February 1 through August 31, depending on the species). If vegetation cannot be removed outside the bird nesting season, a pre-construction nesting bird survey by a qualified biologist is required prior to vegetation removal; if active nests are found, appropriate non-disturbance buffers would be established around any active nests until young have successfully fledged. This represents a significant impact under CEQA.

With implementation of MM-BIO-4 (Pre-Construction Nesting Bird Surveys and Avoidance), direct impacts to nesting migratory birds and raptors would be less than significant.

Indirect Impacts

San Joaquin Kit Fox

Construction activities have the potential to result in short-term indirect impacts to San Joaquin kit fox, should any be passing through or foraging on the Project site during construction. Those impacts could include construction-

associated dust, noise and vibration, trash and debris, increased human presence, vehicle collisions, and chemical spills. Should individual kit foxes occupy the Project site prior to construction, these short-term or temporary indirect impacts to kit foxes would be potentially significant under CEQA.

MM-BIO-1 would require a pre-construction survey for San Joaquin kit fox and, if determined present, would result in establishment of a San Joaquin kit fox monitoring and mitigation plan which would include avoidance and minimization measures to reduce potential indirect impacts. MM-BIO-6, MM-BIO-7, MM-BIO-8, and MM-BIO-9 would require that all workers complete a Worker Environmental Awareness Program (WEAP) training and would require ongoing biological monitoring and compliance with all biological resource mitigation requirements. MM-BIO-11 would ensure that a prompt and effective response to any accidental chemical spills would be implemented, and that repair and clean-up of any hazardous waste occurs. To reduce fugitive dust resulting from construction and to minimize adverse air quality impacts, the Project would employ dust mitigation measures which would limit the amount of fugitive dust generated during construction.

Implementation of MM-BIO-1 (Pre-Construction Survey for San Joaquin Kit Fox and Avoidance), MM-BIO-5 (Compliance Monitoring), MM-BIO-6 (Education Program), MM-BIO-7 (Construction Monitoring), and MM-BIO-8 (Hazardous Waste) and MM-BIO-10 (Trash and Debris) would reduce potential indirect impacts to San Joaquin kit fox to less than significant.

Burrowing Owl

Construction activities have the potential to result in indirect impacts to burrowing owls both on and immediately adjacent to the Project site, if this species occurs prior to and/or during Project construction. These impacts include dust, noise and vibration, trash and debris, increased human presence, vehicle collisions, and chemical spills. These potential short-term or temporary indirect impacts to burrowing owls would be potentially significant under CEQA.

MM-BIO-3 would require burrowing owl surveys be conducted prior to ground-disturbance activities and appropriate construction buffers established around any burrowing owl burrows found on or immediately adjacent to the Project site, thus minimizing most short-term indirect impacts. Additionally, MM-BIO-5, MM-BIO-6, and MM-BIO-7, would require that all workers complete WEAP training and would require ongoing biological monitoring and compliance with all biological resource mitigation requirements. MM-BI0-10 would require trash and debris to be removed regularly from the site during construction activities and would require animal-resistant trash receptacles to avoid attracting urban-related, predator species. MM-BIO-8 would ensure that a prompt and effective response to any accidental chemical spills would be implemented, and that repair and clean-up of any hazardous waste occurs. To reduce fugitive dust resulting from Project construction and to minimize adverse air quality impacts, the Project would employ dust mitigation measures which would limit the amount of fugitive dust generated during construction.

Implementation of MM-BIO-2 (Pre-Construction Surveys for Burrowing Owl and Avoidance), MM-BIO-4 (Pre-Construction Nesting Bird Surveys and Avoidance), MM-BIO-5 (Compliance Monitoring), MM-BIO-6 (Education Program), MM-BIO-7 (Construction Monitoring), MM-BIO-8 (Hazardous Waste), and MM-BIO-10 (Trash and Debris) would reduce potential indirect impacts to burrowing owl to less than significant.

Swainson's Hawk

Construction activities have the potential to result in indirect impacts to Swainson's hawk. Those impacts could include dust, noise and vibration, increased human presence, vehicle collisions, and night-time lighting that could

adversely affect nesting Swainson's hawks on or adjacent to the Project site. These potential short-term or temporary indirect impacts to Swainson's hawk would be potentially significant under CEQA.

Post-construction (long-term) activities have the potential to result in indirect impacts to Swainson's hawk and their nesting habitat. Long-term impacts that could result from development adjacent to actively nesting Swainson's hawks include night-time lighting that could adversely affect nesting pairs. These potential long-term indirect impacts would be potentially significant under CEQA.

MM-BIO-3 would require conducting protocol surveys prior to construction that would occur during the Swainson's hawk nesting season and the establishment of an appropriate non-disturbance buffer around any Swainson's hawk nests found on or adjacent to the site until young have successfully fledged. MM-BIO-13 would require night-time lighting during construction within 50 feet of habitat for special-status species (including nesting Swainson's hawks) to be shielded downward. MM-BIO-6, MM-BIO-7, MM-BIO-8, and MM-BIO-9 would require that all workers complete a WEAP training and would require ongoing biological monitoring and compliance with all biological resource mitigation requirements.

Implementation of MM-BIO-4 (Pre-Construction Nesting Bird Surveys and Avoidance), MM-BIO-5 (Compliance Monitoring), MM-BIO-6 (Education Program), MM-BIO-7 (Construction Monitoring), and MM-BIO-9 (Nighttime Lighting) would reduce potential indirect impacts to Swainson's hawks to less than significant.

Nesting Migratory Birds and Raptors

Construction activities have the potential to result in indirect impacts to nesting migratory birds and raptors. Those impacts could include the loss of an active nest through increased dust, noise and vibration, increased human presence, and night-time lighting. Potential short-term or temporary indirect impacts to active bird nests would be significant under CEQA.

Potential post-construction (long-term) activities that have the potential to result in significant indirect impacts to migratory birds and raptors include nighttime lighting that may adversely affect active nests. This long-term indirect impact to migratory birds and raptors would be potentially significant under CEQA.

To ensure compliance with the California Fish and Game Code and MBTA and to avoid potential indirect impacts to nesting birds, vegetation removal activities should be conducted outside the general bird nesting season (February 1 through August 31, depending on the species). If vegetation cannot be removed outside the bird nesting season, a pre-construction nesting bird survey (MM-BIO-4) by a qualified biologist would be required prior to vegetation removal. Indirect impacts including increased dust, noise, and vibration, increased human presence, night-time lighting, and vehicle collision. MM-BIO-5, MM-BIO-6, and MM-BIO-7 would require that all construction workers complete a WEAP training, ongoing biological monitoring, and compliance with all biological resource mitigation requirements.

Implementation of MM-BIO-4 (Pre-Construction Nesting Bird Surveys and Avoidance), MM-BIO-5 (Compliance Monitoring), MM-BIO-6 (Education Program), MM-BIO-7 (Construction Monitoring), and MM-BIO-9 (Lighting) would reduce potential indirect impacts to nesting birds and raptors to less than significant.

The Project site currently supports one irrigation canal and several culverts along the canal which convey water in a southernly and westerly direction away from the site. The irrigation canal on the Project site consists of approximately 4,750 linear feet (0.9 miles) of a soft bottom ephemeral drainage. The canal feature is likely subject

to CDFW and/or RWQCB jurisdiction based on evidence of a bed and bank. This feature could be subject to USACE jurisdiction if it meets the relatively permanent or significant nexus standard as a water of the United States.

Substantial Adverse Effect on State or Federal Wetlands

Direct Impacts

As currently proposed, the irrigation canal would be replaced with an underground pipe that would be installed within the existing drainage bottom and continue to convey water through the Project site. A formal wetland delineation is recommended to be conducted to determine the extent of USACE, RWQCB, and/or CDFW jurisdiction.

Direct Impacts (dredge or fill) to aquatic features that are regulated under the federal Clean Water Act, the California Porter–Cologne Water Quality Control Act, and/or the California Fish and Game Code typically require permits from each of these regulatory agencies. These permits, in turn, typically entail providing mitigation to offset the impacts and the loss of identified beneficial uses, functions and values associated with the impacted water features.

MM-BIO-16 (Aquatic Resources Mitigation) would require obtaining permits from each of the regulatory agencies identified above. MM-BIO-6 (Designated Biologist Authority), MM-BIO-7 (Compliance Monitoring), MM-BIO-8 (Education Program), and MM-BIO-9 (Construction Monitoring) would require that all workers complete a WEAP training and would require ongoing biological monitoring and compliance with all biological resource mitigation requirements.

Including those measures outlined above, implementation of MM-BIO-5 (Compliance Monitoring), MM-BIO-6 (Education Program), MM-BIO-7 (Construction Monitoring), MM-BIO-8 (Hazardous Waste), and MM-BIO-11 (Aquatic Resources Mitigation) would reduce potential indirect impacts to jurisdictional aquatic resources to less than significant.

Preservation of Heritage Trees

Chapter 8.52 of the City Code of Ordinances regulates and protects the preservation of heritage trees. As discussed above, two valley oak trees are located in the walnut orchard in the northwest portion of the Project site.

The City defines a heritage tree as any Valley oak tree (*Quercus lobata*) with a trunk diameter of two inches or greater at a point four and one-half feet above the root crown (also referred to as diameter at breast height or DBH); or any living tree designated by resolution of the City Council as a historic tree because of an association of the tree with a specific event or person of historical significance to the community; or if special recognition is given to a tree due to its size, condition, or aesthetic qualities. The two Valley oak trees on the Project site meet the definition of a City heritage tree based on trunk diameter being greater than two inches of DBH. Therefore, the loss of these trees as a result of Project development would be considered a significant impact under CEQA.

Implementation of MM-BIO-12 (Heritage Trees), consistent with the City Code of Ordinances, would reduce the impact to less than significant.

Cumulative Biological Resources Impact

Potential impacts to special-status wildlife species, such as burrowing owl, Swainson's hawk, San Joaquin kit fox and nesting birds and raptors would be reduced to less than significant through Project implementation of MM-BIO-

1 through MM-BIO-12. Implementing these mitigation measures would reduce potential impacts to less than significant and would significantly reduce the potential for direct or indirect impacts to special-status species. Therefore, there would not be a cumulatively considerable impact on any special-status species.

Potential impacts to jurisdictional waters of the state, if necessary, would be reduced to less than significant through implementation of MM-BIO-5 (Compliance Monitoring), MM-BIO-6 (Education Program), MM-BIO-7 (Construction Monitoring), MM-BIO-7 (Hazardous Waste), and MM-BIO-12 (Aquatic Resources Mitigation). Implementing these mitigation measures would reduce potential impacts to less than significant and would significantly reduce the potential for direct or indirect impacts to waters of the state. Therefore, there would not be a cumulatively considerable impact to waters of the state.

Additionally, the Project would not result in a significant impact to wildlife corridors and linkages, nor to local policies and regional conservation plans. Therefore, the impacts would be less than cumulatively considerable and would not contribute to a cumulative impact on these resources.

2.3.3.2 Mitigation Measures

MM-BIO-1 San Joaquin Kit Fox. The Project applicant shall have a qualified biologist conduct a pre-construction survey for San Joaquin kit fox no less than 14 days and no more than 30 days prior to any construction related activities. Surveys shall be conducted on the Project site including within a 200-foot buffer zone within areas where legal access is available in order to evaluate and ascertain if kit fox is using the Project site. If an active kit fox den is observed within the work area or 200-foot buffer zone, the CDFW and USFWS shall be contacted prior to disturbance within 200 feet of the den to determine the best course of action. If no kit fox activity is detected, work shall continue as planned and a brief memorandum shall be prepared and submitted to the CDFW and USFWS after the completion of the pre-construction survey.

While San Joaquin kit foxes are not anticipated to access the site during construction, the Project applicant shall implement precautionary measures following the Standardized Recommendations for Protection of the San Joaquin Kit Fox Prior to or During Ground Disturbance developed by the USFWS (2011) as follows:

1. Project-related construction vehicles shall observe a 20-mph speed limit 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 shall be minimized. Off-road traffic outside of designated Project areas shall be prohibited.
2. Kit foxes are attracted to den-like structures such as pipes and may enter stored pipes, becoming trapped or injured. If a San Joaquin kit fox is discovered inside a pipe, that section of pipe shall not be moved until the USFWS has been consulted. If necessary, and under the direct supervision of the biologist, the pipe may be moved once to remove it from the path of construction activity, until the fox has escaped.
3. All food-related trash items such as wrappers, cans, bottles, and food scraps shall be disposed of in closed containers and removed regularly from the Project site during all construction activities.

4. Use of rodenticides and herbicides in the Project site shall be restricted as follows: All uses of such compounds shall observe label and other restrictions mandated by the U.S. Environmental Protection Agency, California Department of Food and Agriculture, and other state and federal legislation, as well as additional Project-related restrictions deemed necessary by the USFWS. If rodent control must be conducted, zinc phosphide shall be used because of proven lower risk to kit fox.
5. Escape ramps shall be provided for all open trenches or ditches deeper than 2 feet to allow animals to escape.
6. Any contractor or construction employee who inadvertently kills or injures a San Joaquin kit fox shall immediately report the incident to the overall Project contractor and biologist. The Project contractor or biologist shall contact the USFWS and CDFW immediately in the case of a dead, injured, or entrapped kit fox is encountered.
7. The USFWS and CDFW shall be notified in writing within 3 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.

MM-BIO-2 Pre-Construction Surveys for Burrowing Owl and Avoidance. The Project applicant shall have a pre-construction burrowing owl survey completed by a qualified biologist no more than 14 days before initiation of site preparation or grading activities, and a second survey shall be completed within 24 hours of the start of site preparation or grading activities. If ground-disturbing activities are delayed or suspended for more than 30 days after the pre-construction surveys, the Project site shall be resurveyed. Surveys for burrowing owl shall be conducted in accordance with protocols established in the 2012 Staff Report on Burrowing Owl Mitigation prepared by the California Department of Fish and Game (now California Department of Fish and Wildlife [CDFW]).

If burrowing owls are detected, a Burrowing Owl Relocation Plan shall be implemented in consultation with CDFW. As required by the Burrowing Owl Relocation Plan, disturbance to burrows shall be avoided during the nesting season (February 1 through August 31). Buffers shall be established around occupied burrows in accordance with guidance provided in the Staff Report on Burrowing Owl Mitigation or current version. No Project activities shall be allowed to encroach into established buffers without the consent of a monitoring biologist. The buffer shall remain in place until it is determined that occupied burrows have been vacated or the nesting season has completed.

Outside of the nesting season, passive owl relocation techniques approved by CDFW shall be implemented. Owls shall be excluded from burrows in the immediate Project area and within a buffer zone by installing one-way doors in burrow entrances. These doors shall be placed at least 48 hours prior to ground-disturbing activities. The Project area shall be monitored daily for 1 week to confirm owl departure from burrows prior to any ground-disturbing activities. Compensatory mitigation for permanent loss of owl habitat shall be provided following the guidance in the Staff Report on Burrowing Owl Mitigation (current version).

Where possible, burrows shall be excavated using hand tools and refilled to prevent reoccupation. Sections of flexible plastic pipe shall be inserted into the tunnels during excavation to maintain an escape route for any wildlife inside the burrow.

MM-BIO-3 Swainson's Hawk. Should initiation of construction be scheduled during the Swainson's hawk nesting season (February 1 through September 15), the Project applicant shall have pre-construction Swainson's hawk surveys conducted by a qualified biologist in accordance with the California Department of Fish and Wildlife (CDFW)-endorsed protocol for the Central Valley as detailed in the Swainson's Hawk Technical Advisory Committee's Recommended Timing and Methodology for Swainson's Hawk Nesting Surveys in California's Central Valley. These surveys shall be conducted in areas of suitable nesting habitat within 0.5 miles of the site, including staging areas, where accessible. Pursuant to the protocols, surveys shall be conducted for at least two survey periods immediately prior to construction activities, if possible. If 21 days have lapsed from the end of the last survey to the beginning of construction activities, a pre-construction survey shall be conducted no more than 1 week prior to the start of scheduled construction activities during the Swainson's hawk nesting season.

For any active Swainson's hawk nest found within 0.5 miles of proposed construction activities, a no-disturbance buffer shall be established and maintained until, as determined by periodic monitoring by a qualified biologist, the nest is empty, and the young are no longer dependent on the nest. The actual no-disturbance buffer distance shall be determined by a qualified biologist and shall take into consideration the level and extent of construction disturbance; nesting phase of the active nest; existing vegetative, topographic, noise, or visual barriers between the nest and the Project site; and existing levels of human activity and land uses in the immediate area. The biologist shall prepare and issue periodic reports to the Client on the status of the nesting hawks, noting whether hawks are still present and describing the stage of breeding activities and nesting behavior. Once the hawks have left the area, restrictions on construction shall be lifted. In addition, during the monitoring period, if any behaviors are observed indicating potential distress by the adult birds, the biologist will confer with the construction supervisors and CDFW to determine a course of action that will reduce distress levels for the nesting pair.

If a no disturbance buffer is not feasible, the Project applicant shall consult with CDFW to determine whether the Project can avoid take. If take cannot be avoided, the Project applicant may need to apply for an Incidental Take Permit pursuant to Fish and Game Code Section 2081(b), prior to initiating ground-disturbing activities.

MM-BIO-4 Pre-Construction Nesting Bird Surveys and Avoidance. Construction activities shall avoid the migratory bird nesting season (typically February 1 through August 31) to reduce any potential significant impact to birds that may be nesting in the survey area. If construction activities must occur during the migratory bird nesting season, the Project applicant shall have an avian nesting survey of the Project site conducted by a qualified wildlife biologist including within 500 feet of all impact areas to determine the presence/absence of protected migratory birds and active nests. The avian nesting survey shall be conducted within 72 hours prior to the start of construction. If an active bird nest is found, the nest shall be flagged and mapped on the construction plans along with an appropriate "no disturbance" buffer established around the nest, which shall be

determined by a the biologist based on various criteria including existing visual, noise, or topographic barriers between the disturbance area and the nest; the type, timing, and extent of the disturbance activity; and the nesting phase (nest building, incubation, age of young, etc.) of active nests being avoided and construction personnel shall be instructed on the sensitivity of nest areas. The nest area shall be avoided until the nest is vacated and the juveniles have fledged, as determined by the biologist. The biologist shall serve as a construction monitor during those periods when construction activities shall occur near active nest areas to ensure that no inadvertent impacts on these nests shall occur. No Project activities shall encroach into established buffers without the consent of the monitoring biologist.

MM-BIO-5 Compliance Monitoring. A qualified biologist shall be on site daily, or as otherwise determined to be necessary, if active bird nests were detected during the pre-construction nest surveys (MM-BIO-4) to ensure established no-disturbance buffers are recognized and to determine when such nest are no longer active. The qualified biologist shall also conduct compliance inspections to minimize incidental impacts to other sensitive biological resources; prevent unlawful take of those resources; to ensure that signs, stakes, and fencing are intact; and to ensure that impacts are only occurring within the permitted development footprint. Weekly written observation and inspection records shall be prepared by the biologist that summarize oversight activities and compliance inspections and monitoring activities and be submitted to Client.

MM-BIO-6 Education Program. A Worker Environmental Awareness Program (WEAP) for all construction workers working in the Project area shall be administered before the initiation of any Project-associated ground disturbances occur. The WEAP shall consist of a presentation from a qualified biologist that includes a discussion of the biology and status of special-status animal species potentially occurring on the Project site and various biological resources mitigation measures described herein. Interpretation for non-English-speaking workers shall be provided if necessary, and the same instruction shall be provided to any new workers before they are authorized to perform work in the Project area. Upon completion of the WEAP, employees shall sign a form indicating attendance at the program and that all protection measures are understood.

MM-BIO-7 Construction Monitoring. The Project applicant shall retain a qualified biological monitor to maintain a construction-monitoring notebook on site throughout the construction period, which shall include a copy of the biological resources mitigation measures with attachments and a list of signatures of all construction personnel who have successfully completed the Worker Environmental Awareness Program. The biologist and/or Project contractor shall ensure that a copy of the construction monitoring notebook is available for review at the Project site upon request by the California Department of Fish and Wildlife, the U.S. Fish and Wildlife Service, and/or the City of Tulare.

MM-BIO-8 Hazardous Waste. If any fuel or hazardous waste leaks or spills occurs during construction activities, the Project applicant shall immediately stop work and, pursuant to state and federal statutes and regulations, arrange for repair and clean up by qualified individuals at the time of occurrence, or as soon as it is safe to do so.

MM-BIO-9 Nighttime Lighting. If nighttime lighting for construction activities and operations is required and is within 50 feet of the outside edge of areas containing habitat for special-status wildlife, as

determined by the qualified biologist, lighting shall be directed away from those areas that contain habitat for special-status wildlife.

MM-BIO-10 Trash and Debris. The following avoidance and minimization measures shall be implemented during Project construction:

1. Fully covered trash receptacles that are animal-proof shall be installed on-site during construction and used by all construction workers to contain food, food scraps, food wrappers, beverage containers, and other miscellaneous trash. Trash contained within the receptacles shall be removed at least once a week from the Project site.
2. Construction work areas shall be kept clean of debris, such as cables, trash, and construction materials. All construction/contractor workers shall collect all litter, vehicle fluids, and food waste from the Project site on a daily basis and stored in a covered refuse container.

MM-BIO-11 Aquatic Resources Mitigation. The Project site supports aquatic resources that are potentially jurisdictional under the Army Corp of Engineers (ACOE), Regional Water Quality Control Board (RWQCB) and California Department of Fish and Wildlife (CDFW). Prior to the initiation of any construction activity potentially affecting the onsite irrigation canal, the Project applicant shall conduct a formal jurisdictional delineation to determine whether or not the canal is considered waters of the U.S. and, if so, to determine the extent of the jurisdiction on the Project site. The delineation shall also serve to determine the extent of RWQCB and CDFW jurisdiction within the Project site. If the canal is considered under the jurisdiction of any or all of these resource agencies, impacts to jurisdictional areas shall require appropriate permits from each agency and implementation of any compensatory mitigation required in each permit to mitigate the loss of the biological functions and values of the canal. The compensatory mitigation ratio shall be determined in consultation with the appropriate agencies with the goal of no net loss of habitat functions and values. Potential compensatory mitigation options include purchasing mitigation credits from an agency-approved wetlands mitigation bank or paying an agency-approved in-lieu fee. Where direct impacts to jurisdictional aquatic resources can be avoided, exclusion fencing shall be installed between the avoided aquatic resource and limits of disturbance to protect from indirect impacts. A qualified wetland specialist shall oversee and guide installation of exclusion fencing. Appropriate best management practices and spill prevention measures shall also be implemented to ensure protection of jurisdictional aquatic resources during Project construction.

MM-BIO-12 Heritage Trees. If Project construction requires removal of the on-site Valley oak trees that meet the City's definition of a heritage tree, the Project applicant shall obtain a heritage tree removal permit. Within seven days of receipt of the application, the Director shall inspect the premises whereon the heritage trees are located and shall issue an intended decision in writing as to whether or not the application will be approved, with or without conditions; provided, however, that failure to render an intended decision within such period shall not be deemed approval. The intended decision of the Director shall be based upon reasonable standards, including, but not limited to, the following:

A. The condition of the heritage tree with respect to its general health, status as a public nuisance, danger of falling, proximity to existing or proposed structures, interference with utility

services and its status as host for plant, pest or disease endangering other species of trees or plants with infection or infestations.

B. The necessity of the requested action to allow construction of improvements or otherwise allow economic or other reasonable enjoyment of property.
C. The topography of the land and the effect of the requested action on soil retention, water retention and diversion or increased flow of surface waters.
D. The number, species, size, and location of existing trees in the area and the effect of the requested action on shade areas, air pollution, historic values, scenic beauty, and the general welfare of the city as a whole.
E. Good forestry practices such as, but not limited to, the number of healthy trees the subject parcel of land will support. In the intended decision on an application for a permit, the Director may attach reasonable conditions to ensure compliance with the stated purposes of this chapter, such as, but not limited to, a condition requiring up to two replacement trees from 15-gallon containers or larger, in a suitable location as substitutes for the removed tree or trees, at the sole expense of the applicant. Any such intended decision shall include a statement for the reasons for the decision.

2.3.3.3 Findings Per CEQA Guidelines

Consistent with the CEQA Guidelines Section 15126.4(a)(1), feasible measures that can minimize significant adverse impacts were developed for the potentially significant impacts described in Section 2.3.3.1. These feasible measures, MM-BIO-1 through MM-BIO-12, are listed in Section 2.3.3.2.

The City finds that these mitigation measures are feasible, are adopted, and will reduce the potential biological resources impacts of the proposed project to less than significant levels. Accordingly, the City finds that, pursuant to CEQA 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 potentially significant biological-related impacts of the proposed project identified in the Final EIR.

2.3.3.4 Facts in Support of the Findings Related to Biological Resources

Implementation of MM-BIO-1 through MM-BIO-12 would reduce potentially significant impacts related to biological resources to a less than significant level. There would be no significant, unavoidable impacts related to biological resources after implementation of these mitigation measures.

2.3.4 Cultural and Tribal Cultural Resources

2.3.4.1 Potentially Significant Impacts to Cultural and Tribal Cultural Resources

Historical Resources

The Project proposes to develop approximately 220 acres of the 231-acre Master Plan Project site. Development would include residential buildings, commercial uses, community and park facilities, a future school, and roadways. Project construction would require building demolition, site clearing, grading, and trenching for utilities. These activities could disturb on-site historical resources, which hereafter are described as “historic-era built environment

resources", as represented by buildings, structures, and objects that are older than 45-years in age. Impacts to archaeological resources, including both historic-era archaeological resources and prehistoric archaeological resources, are addressed under Threshold b below.

As defined by the CEQA Guidelines (14 CCR 15000 et seq.), a "historical resource" is defined as a resource that is listed in or eligible for listing in the NRHP or CRHR, has been identified as significant in a historical resource survey, or is listed on a local register of historical resources. Under CEQA, a project may have a significant effect on the environment if it may cause "a substantial adverse change in the significance of an historical resource" (PRC Section 21084.1; 14 CCR 15064.5(b)). If a site is listed or eligible for listing in the CRHR, or included in a local register of historic resources, or identified as significant in a historical resources survey (meeting the requirements of PRC Section 5024.1(q)), it is a historical resource and is presumed to be historically or culturally significant for the purposes of CEQA (PRC Section 21084.1; 14 CCR 15064.5(a)).

A Built Environment Inventory and Evaluation Report was prepared for the Project (Appendix D-2), and a cultural resources records search, review of literature and archival resources (historic maps, aerial photographs, topographic maps), and an archeological field survey were conducted for the Project site (Appendix D-1). Three properties containing buildings and structures over the age of 45 (historic age) were identified on the site. Property 1 includes six historic-age buildings or structures located at 12607 and 12609 Avenue 228 (APNs: 184-050-007, 184-050-034, and 184-050-035), Property 2 contains four historic-age buildings or structures located at 12905 Avenue 228 (APN: 184-050-010), and Property 3 is limited to one historic-age linear structure, the Bates Slough Ditch that crosses the Project site.

As a result of research, review of previous reports and records, and evaluation for historical significance of the three properties within the Project site, it was determined that the 12607 and 12609 Avenue 228 property is not significant under any criteria, it does not have a period of significance and the integrity of the property does not require examination; the 12905 Avenue 228 property is not significant under any criteria, it does not have a period of significance and the integrity of the property does not require examination; and the Bate Slough Ditch is not significant under any criteria, it does not have a period of significance and the integrity of the property does not require examination. None of the three properties inside the Project site are recommended eligible for listing in the NRHP, CRHR, or Tulare County register. Therefore, no known historical resources for the purposes of CEQA are within the Project site. Therefore, there would be no impacts to any known historic-era built environment resources because these resources are not NRHP or CRHR eligible and, thus, are not considered a significant historical resource under CEQA.

However, the potential for intact cultural deposits to exist within native soils to the depths of assumed ground disturbance is unknown. In the event that unanticipated cultural resources are encountered during Project implementation, an assessment and evaluation of the resource would be conducted potentially resulting in the determination that the resource is historical in accordance with the definition outlined in Section 15064.5. As a result, the Project has a potential to impact and thus cause a substantial adverse change in the significance of a yet unknown historical resource.

Thus, mitigation is required to address impacts related to the inadvertent discovery of yet unknown historical resources, as outlined in Mitigation Measure (MM) CUL-1, MM-CUL-2, and MM-CUL-3. MM-CUL-1 requires that all project construction personnel participate in a Workers Environmental Awareness Program training for the proper identification and treatment of inadvertent discoveries. MM-CUL-2 requires the retention of an on-call qualified archaeologist to address inadvertent discoveries. MM-CUL-3 requires construction work occurring within 100 feet

of a cultural resource discovery be immediately halted until the qualified archaeologist, meeting the Secretary of Interior's Professional Qualification Standards for Archaeology, can assess and evaluate the discovery pursuant to CEQA. Additionally, MM-CUL-3 requires the inadvertent discovery clause be included on all construction plans.

Archaeological Resources

A CHRIS database records search, NAHC Sacred Lands File (SLF) search, background research, and an archaeological pedestrian survey were conducted as part of the Archaeological Resources Inventory Report that was prepared for the Project (Appendix D-1). No prehistoric archaeological resources and no historic-era archaeological resources were identified within the Project site. A review of the geomorphology of the Project site has revealed that the area has been highly disturbed by previous agricultural activities. The Project site is an area that has a sparse record of prehistoric occupation, as supported by the SSJVIC records search. Based on review of the Project setting, the Project has a low potential to impact any cultural resources.

Although no archaeological resources were identified within the Project site, based on undisturbed conditions in much of the Project site, there is a potential, albeit low, for the discovery of unanticipated cultural resources during initial Project-related ground disturbance. Construction activities could result in damaging or destroying unknown archeological resources. Archaeological resources are often difficult to identify from surface evidence alone and may contain buried cultural deposits in areas with appropriate soils. Such subsurface deposits are most likely to be exposed within 3 feet of the surface during activities requiring grading and other ground preparation. Additionally, recreation areas, such as paths and trails introduce access by higher frequencies of people to areas where unknown archaeological resources may be present, thereby elevating the potential for resources to be identified and disturbed by the public that may have been missed during an archaeological survey.

The loss of and/or substantial damage to undiscovered historic-era or prehistoric archaeological resources would be less than significant with implementation of MM-CUL-1 through MM-CUL-3 to reduce impacts to unknown subsurface archaeological resources.

Disturbance of Human Remains

Development of the proposed Project could result in the destruction, damage, or discovery of human remains on the Project site during site disturbing construction activities, particularly site clearing, grading, trenching and excavation. As stated in the Environmental Setting, the area has been used both historically and during prehistoric times by Native American inhabitants as well as early settlers to the area. Human remains were not discovered during the site survey and a search of the NAHC Sacred Land Files failed to identify any known onsite resources. A cultural resources records search, review of literature and archival resources (historic maps, aerial photographs, topographic maps), and a field survey were conducted for the Project site. The CHRIS records search results and archival document review did not identify any location within or near the Project where human burials/remains exist, including those interred outside of formal cemeteries. The pedestrian survey also did not identify any evidence of human remains or archaeological resources that may suggest the potential presence of human burials/remains, including those interred outside of formal cemeteries.

However, in the unlikely event that human remains are encountered, California Health and Safety Code Section 7050.5 states that no further disturbance shall occur until the County Coroner has made a determination of origin and disposition pursuant to PRC Section 5097.98, pursuant to MM-CUL-4. The County Coroner must be notified of the inadvertent discovery immediately. If the remains are determined to be Native American, the County Coroner

will notify the NAHC, which will determine and notify an MLD. With the permission of the landowner or his/her authorized representative, the MLD may inspect the site of the discovery. The MLD shall complete the inspection within 48 hours of notification by the NAHC. The MLD will have the opportunity to offer recommendations for the disposition of the remains. With incorporation of MM-CUL-4, impacts associated with human remains would be less than significant.

The proposed Project would comply with Section 7050.5 of the California Health and Safety Code as well as CEQA Guidelines Section 15064.5; however, there is a potential to discover unknown buried human remains during construction. If unanticipated human remains were discovered because of ground-disturbing activities, implementation of MM-CUL-4 would ensure impacts would be reduced to a less-than-significant level.

Register of Historical Resources/Public Resource Code Section 5024.1

The Project proposes to develop approximately 220 acres of the total 231-acre Master Plan Project site. Development would include residential buildings, commercial uses, community and park facilities, a future school, and roadways. Project construction would require building demolition of the three on-site buildings and associated outbuildings, site clearing, grading, and trenching for utilities which could cause substantial adverse changes in the significance of a TCR (site, feature, place, cultural landscape, sacred place, or object) with cultural value to a California Native American tribe.

A review of the NAHC Sacred Lands File was conducted as part of the cultural survey conducted for the Project and the search "failed to indicate the presence of Native American cultural resources in the immediate Project area" (Appendix D-1). The proposed Project is subject to compliance with SB 18 and AB 52 to ensure that consultation with tribes is conducted and tribes are allowed the opportunity to provide comments, monitor, and preserve TCRs if found during construction. As part of the AB 52 and SB 18 consultation requirements, the City sent Project notification letters on September 2, 2022 to the Santa Rosa Rancheria Tachi Yokut Tribe, Tubatulabals of Kern Valley, Tule River Indian Tribe, Wuksache Indian Tribe/Eshom Valley Band, and Kern Valley Indian Community, inviting each tribe to engage in tribal consultation, if desired. Compliance with the notification and outreach required under AB 52 and SB 18 is complete and no further tribal consultation was requested.

Under CEQA, an effect to a Tribal Cultural Resource is considered a "substantial adverse change," if it is shown that the change would materially impair the significance of the resource. That is, a project that demolishes or materially alters in an adverse manner those physical characteristics of a Tribal Cultural Resource conveying its historic significance would materially impair the significance of a historical resource. Therefore, such a change would constitute a "substantial adverse change" under CEQA. As previously discussed in Section 4.5.1, Existing Conditions, no previously recorded archaeological resources of Native American origin or Tribal Cultural Resources listed in the CRHR or a local register were identified within the Project site as a result of the SCCIC records search nor as a result of information provided from consulting tribes. Therefore, the Project would not adversely affect tribal cultural resources that are listed or eligible for listing in the state or local register.

The Project site has been thoroughly researched, surveyed, and analyzed to identify the level of potential for TCRs. TCRs have not been identified through tribal consultation under AB 52 or SB 18, and the lead agency has not identified any TCRs within the Project site that would warrant discretionary designation of a resource as a TCR. Notwithstanding, MM-CUL-3 and MM-CUL-4 are required to help ensure the proper treatment of TCRs and human remains that may be inadvertently encountered during ground-disturbing activities. With incorporation of MM-CUL-3, MM-CUL-4, impacts associated with TCRs would be less than significant.

Cumulative Cultural and Tribal Cultural Resources Impact

The Project would be less than significant with the implementations of MM-CUL-1 (Workers Environmental Awareness Program (WEAP) Training), MM-CUL-2 (On-Call Archaeological Construction Monitoring), MM-CUL-3 (Inadvertent Discovery of Archaeological Resources), MM-CUL-4 (Inadvertent Discovery of Human Remains). The Project would be implementing the discussed mitigations, General Plan, regulations, and in compliance with AB 52 and SB 18, assuming the surrounding projects would have similar mitigations and implement General Plan regulations. However, cumulatively with surrounding projects the impacts would be less than cumulatively considerable.

2.3.4.2 Mitigation Measures

MM-CUL-1 Workers Environmental Awareness Program (WEAP) Training. All construction personnel and monitors who are not trained archaeologists should be briefed regarding unanticipated discoveries prior to the start of construction activities. A basic presentation should be prepared and presented by a qualified archaeologist to inform all personnel working on the Project about the archaeological sensitivity of the area. The purpose of the WEAP training is to provide specific details on the kinds of archaeological materials that may be identified during construction of the Project and explain the importance of and legal basis for the protection of significant archaeological resources. Each worker should also learn the proper procedures to follow in the event that cultural resources or human remains are uncovered during ground-disturbing activities. These procedures include work curtailment or redirection, and the immediate contact of the on-call archaeologist and if appropriate, tribal representative. Necessity of training attendance should be stated on all construction plans.

MM-CUL-2 On-Call Archaeological Construction Monitoring. In consideration of the general sensitivity of the Project site for cultural resources, a qualified archaeologist should be retained to conduct spot monitoring as well as on-call response in the case of an inadvertent discovery of archaeological resources. A qualified archaeologist, meeting the Secretary of the Interior's Professional Qualification Standards, should oversee and adjust monitoring efforts as needed (increase, decrease, or discontinue monitoring frequency) based on the observed potential for construction activities to encounter cultural deposits. The archaeologist should be responsible for maintaining monitoring logs. Following the completion of construction, the qualified archaeologist should provide an archaeological monitoring report to the lead agency and the San Joaquin Valley Information Center with the results of the archaeological monitoring program.

MM-CUL-3 Inadvertent Discovery of Archaeological Resources. All construction crew members shall be alerted to the potential to encounter archaeological material. In the unlikely event that cultural resources (sites, features, or artifacts) are exposed during construction activities, all construction work occurring within 100 feet of the find shall immediately stop and the lead agency representative contacted. A qualified specialist, meeting the Secretary of the Interior's Professional Qualification Standards, shall be assigned to review the unanticipated find, and evaluation efforts of this resource for the NRHP and CRHR listing shall be initiated in consultation with the lead agency. Prehistoric archaeological deposits may be indicated by the presence of discolored or dark soil, fire-affected material, concentrations of fragmented or whole freshwater bivalves shell, burned

or complete bone, non-local lithic materials, or the characteristic observed to be atypical of the surrounding area. Common prehistoric artifacts may include modified or battered lithic materials; lithic or bone tools that appeared to have been used for chopping, drilling, or grinding; projectile points; fired clay ceramics or non-functional items; and other items. Historic-age deposits are often indicated by the presence of glass bottles and shards, ceramic material, building or domestic refuse, ferrous metal, or old features such as concrete foundations or privies. Preservation in place through avoidance, capping, or other options should be considered the preferred option for management of any inadvertent cultural discovery. If the discovery proves potentially significant under CEQA, and the area cannot be feasibly avoided, additional work, such as preparation of an Archaeological Treatment Plan, testing, or data recovery, may be warranted.

MM-CUL-4 Inadvertent Discovery of Human Remains. Should human remains be discovered, work shall halt in that area and procedures set forth in PRC Section 5097.98 and California Health and Safety Code Section 7050.5 shall be followed, beginning with notification to the County Coroner. No further excavation or disturbance of the site or any nearby area reasonably suspected to overlie adjacent remains shall occur until the County Coroner has reviewed the site conditions and determined, within 2 working days of notification of the discovery, if the remains are human and appropriate next steps. If the County Coroner determines that the remains are, or are believed to be, Native American, he or she shall notify the Native American Heritage Commission (NAHC) within 24 hours. In accordance with PRC Section 5097.98, the NAHC must immediately notify those persons it believes to be the most likely descendant from the deceased Native American. The most likely descendant shall provide their recommendation within 48 hours of being granted access to the site. The designated Native American representative would then determine, in consultation with the property owner, the disposition of the human remains.

2.3.4.3 Findings per CEQA Guidelines

Consistent with CEQA Guidelines Section 15126.4(a)(1), feasible measures that can minimize significant adverse impacts were developed for the potentially significant impacts described in Section 2.3.4.1. These feasible measures, MM-CUL-1 through MM-CUL-4, are listed in Section 2.3.4.2.

The City finds that these mitigation measures are feasible, are adopted, and will reduce the potential cultural resources impacts of the proposed project to less than significant levels. Accordingly, the City finds that, pursuant to CEQA 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 will mitigate or avoid potentially significant impacts on cultural resources.

2.3.4.4 Facts in Support of the Findings Related to Cultural and Tribal Cultural Resources

Implementation of MM-CUL-1 through MM-CUL-4 would reduce potentially significant impacts related to cultural resources to a less than significant level. There would be no significant, unavoidable impacts related to cultural resources after implementation of these mitigation measures.

2.3.5 Geology and Soils

2.3.5.1 Potentially Significant Impacts to Geology and Soils

Unique Paleontological Resource or Site or Unique Geologic Feature

The Project site is underlain by Holocene (less than 11,700 years ago) to possibly late Pleistocene (approximately 128,000 – 11,700 years ago) alluvial fan deposits (map unit Qf) and basin deposits (map unit Qb). These deposits are part of the Great Valley Sequence, which includes stream channel deposits, fan deposits, and basin deposits.

A paleontological records search request was submitted to the Natural History Museum of Los Angeles County (NHMLA) of the Project site and the surrounding vicinity on September 23, 2022, and the results were received on October 23, 2022. The NHMLA reported no fossil localities from within the Project site; however, they did report nearby Pleistocene terrestrial fossil localities (NHMLA 2022). Fossil Locality LACM VP CIT (Los Angeles County Museum Vertebrate Paleontology California Institute of Technology) 117 produced a fossil horse (Equus) from 425 feet below the ground surface (bgs) in a well boring east of Angiola. The next closest locality, LACM VP 4087 yielded a fossil mammoth (Mammuthus) from an unknown depth bgs approximately 3 miles east of Terra Bella (NHMLA 2022). Other fossil localities include LACM VP 6701, which produced a fossil mammoth (Mammuthus) from 6 feet bgs southeast of Ducor; LACM VP 7844 – 7845 yielded deer (Cervidae cf. Odocoileus) and a microvertebrate assemblage from an unknown depth bgs along Highway 46 in Polonia Pass; and LACM VP 6216 produced a fossil mammoth (Mammuthus) approximately 4 miles north of Creston from an unknown depth bgs.

In addition to the NHMLA fossil records, Jefferson (1991) reported numerous amphibian, reptile and mammal fossils from early Holocene to Pleistocene deposits in Tulare County. Nearby fossils include horses (Equus sp.) from Exeter, Earlimart, Tipton, and Delano; mammoths (Mammuthus sp. and Mammuthus columbi) from Badger, Exeter, Lindsay, and Fountain Springs; mastodon (Mammut americanum) from Lindsay; camel (Camelops sp.) from Strathmore and Tipton.

No paleontological resources or unique geological features were identified within the Project site as a result of the institutional records search and desktop geological and paleontological review. However, intact paleontological resources may be encountered below the Holocene alluvial fan and basin deposits during deeper excavations that reach undisturbed late Pleistocene alluvial deposits. Given the proximity of past fossil discoveries in the area and the underlying paleontologically sensitive deposits Pleistocene alluvial deposits, the Project site has the potential to yield scientifically significant paleontological resources at depth. In the event that intact paleontological resources are located on the Project site, ground-disturbing activities associated with construction of the Project, such as grading during site preparation and trenching for utilities, have the potential to destroy a unique paleontological resource or site. However, implementation of MM-GEO-1 would reduce potential impacts to a level less than significant because it would require a qualified paleontological monitor to observe deep excavations and halt or divert grading activity in the event that paleontological resources are unearthed.

Cumulative Geology and Soils Impact

The County is relatively flat topography and there are no known active or potentially active Alquist-Priolo Earthquake Fault Zones, which minimizes the potential for soil erosion or loss of topsoil and/or landslides. The Project would implement the 2019 CBC design therefore minimizes the long-time effects of the potential for structure distress as

a result of seismically induced ground shaking. However, construction can potentially expose soils to erosion or loss of topsoil therefore, a Stormwater Pollution Prevention Plan (SWPPP) would be submitted prior to construction to incorporate BMPs to ensure that potential water quality impacts during construction from erosion would be minimized. Therefore, by implementing the 2019 CBC design and submitting a SWPPP the Project in combination with the impacts of other projects in the region would be less than cumulatively considerable.

In addition, although paleontological findings were not encountered during the paleontological records search to the Natural History Museum of Los Angeles County. However, by implementing MM-GEO-1 in case any paleontological resources are unearthed during grading, the Project in combination with the impacts of other projects in the region would be less than cumulatively considerable with regard to paleontological resources.

2.3.5.2 Mitigation Measures

MM-GEO-1 Prior to commencement of any grading activity on-site, the applicant shall retain a qualified paleontologist as defined by the Society of Vertebrate Paleontology 2010 Standard Procedures for the Assessment and Mitigation of Adverse Impacts to Paleontological Resources. The qualified paleontologist or their representative shall attend the preconstruction meeting and present a worker environmental awareness training to construction personnel. A paleontological monitor shall be on-site during any ground disturbance below a depth of 10 feet below the ground surface to determine the feasibility for the sediments to contain paleontological resources. Based on subsurface observations by the paleontological monitor, in consultation with qualified paleontologist, monitoring needs may be increased or decreased. In the event that paleontological resources (e.g., fossils) are unearthed during grading, the paleontological monitor will temporarily halt and/or divert grading activity to allow recovery of paleontological resources. The area of discovery will be roped off with a 50-foot radius buffer. Once documentation and collection of the find is completed, the monitor will remove the rope and allow grading to recommence in the area of the find. Upon completion of the paleontological monitoring program, the qualified paleontologist shall prepare a final monitoring report documenting the results of the mitigation program. This report should include discussions of the methods used, stratigraphic section(s) exposed, fossils collected, and significance of recovered fossils.

2.3.5.3 Findings per CEQA Guidelines

Consistent with CEQA Guidelines Section 15126.4(a)(1), feasible measures that can minimize significant adverse impacts were developed for the potentially significant impacts described in Section 2.3.5.1. This feasible measure, MM-GEO-1, is listed in Section 2.3.5.2.

The City finds that this mitigation measures is feasible, is adopted, and will reduce the potential paleontological impacts of the proposed Project to less than significant levels. Accordingly, the City finds that, pursuant to CEQA 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 will mitigate or avoid potentially significant impacts on geology and soils.

2.3.5.4 Facts in Support of the Findings Related to Geology and Soils

Implementation of MM-GEO-1 would reduce potentially significant impacts related to paleontological resources to a less than significant level. There would be no significant, unavoidable impacts related to geology and soils after implementation of these mitigation measures.

2.3.6 Hazards and Hazardous Materials

2.3.6.1 Potentially Significant Impacts to Hazards and Hazardous Materials

Routine Transport, Use, or Disposal of Hazardous Materials

Construction would require the use of heavy equipment and machinery. Hazardous materials that may be used during construction activities of the proposed Project include, but are not limited to, gasoline, diesel fuel, lubricants, grease, adhesives, welding gases, solvents, paints, and vehicle and equipment-maintenance related materials. These materials would be stored in designated construction staging areas within the boundaries of the Project site and the construction contractor must ensure that they would be transported, handled, used, stored, and disposed of in accordance with all applicable federal, state, and local laws and regulations. Proper use, handling, and storage of materials must be conducted in accordance with the manufacturer's specifications. The use of these hazardous materials for their intended purpose would not pose a significant risk to the public or environment. Many of the anticipated construction materials can be recycled. Hazardous wastes that cannot be recycled would be transported by a licensed hazardous waste hauler following manifest procedures disposed of at an appropriately permitted offsite facility. The use and handling of these substances are subject to applicable federal, state, and local health and safety laws and regulations, as summarized in Section 4.9.2, Relevant Plans, Policies, and Ordinances, which would minimize health risk to the public associated with hazardous materials.

As discussed in Section 4.9.1, the Hazardous Material Assessment completed on the Project site identified multiple potential sources of soil contamination, including historical agricultural use (pesticides and herbicides), evidence of former automotive junkyard and dismantling (automotive fluids and petroleum products), and evidence of petroleum releases (petroleum products). During construction, excavation, grading, and other routine soil movement activities could result in improper transport and disposal of hazardous material-contaminated soils. By implementing MM-HAZ-1, soils would be properly characterized, handled, and transported, and health-and-safety procedures would be put in place to protect both onsite workers and the nearby public from releases of hazardous materials. Contaminated soils would be removed during construction, thereby removing the hazard for Project operation.

Should fill material be required for grading of the Project site, imported fill materials will be screened to ensure the imported soil is free of contamination. Procedures for imported fill screening are also outlined in MM-HAZ-1.

In addition to potential soil contamination, the structures located in the northern portion of the Project site are scheduled for demolition as part of the proposed Project. Based on information provided in the Hazardous Material Assessment (Appendix F) hazardous building materials, including ACM and LBP, are potentially present in onsite buildings. There is also the potential for other hazardous building materials, such as fluorescent light ballasts and mercury switches (in thermostats). Demolition of the buildings, and removal and disposal of hazardous materials could present a hazard through the routine transport, handling, and disposal of these materials. A pre-demolition survey and abatement required

by MM-HAZ-2 would identify and remove the hazardous building materials in onsite structures scheduled for demolition. As such, hazardous building materials would be properly identified and removed.

The operational phase of the proposed Project would not be expected to create a significant hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials. Hazardous materials would be limited to use of commercially available cleaning products, chlorine for swimming pools, landscaping chemicals and fertilizers, and various other commercially available substances. Although the Project would introduce additional amounts of commercially available potentially hazardous materials, such as cleaning supplies and landscaping products, to the Project site, the routine transport, use, and/or disposal of these substances would be subject to applicable federal, state, and local health and safety laws and regulations, as summarized in Section 4.9.2, which would minimize health risk to the public associated with hazardous materials.

Proposed new school sites or school expansions wishing to receive state funding shall undergo a risk assessment to determine the presence or absence of hazardous materials which could pose a risk to children's health. This process requires sampling and assessment of the proposed school site with oversight by DTSC. The school site included in the proposed Project would follow these procedures to evaluate the site and verify there are no potential health and safety risks to future students. With implementation of MM-HAZ-1 and MM-HAZ-2 during the construction phase of the proposed Project, impacts would be less than significant.

Release of Hazardous Materials and the Potential for Upset Conditions

The Project site may have resulted in contaminated soils, which could be released to the environment during earthwork activities. MM-HAZ-1 requires a soil management plan (SMP) to be prepared which requires proper characterization, handling, and disposal of soils, reducing the potential impact due to potential accident or upset condition. As also discussed in the previous impact section, demolition of onsite structures could result in release of hazardous building materials. MM-HAZ-2 would require identification, documentation, and abatement of hazardous building materials prior to demolition of onsite structures, again reducing the potential impact due to potential accident or upset condition.

During construction, the amount of hazardous materials stored onsite is not expected to be such that a reportable release would occur. As discussed in the previous impact section, all hazardous materials would be handled, storage, and disposed of in accordance with applicable local, state, and federal rules and regulations, which are written to provide spill prevention and response measures. Should the amount of onsite hazardous materials, including hazardous wastes, be greater than reporting thresholds (55 gallons of liquid, 500 pounds of solid, or 200 cubic feet of compressed gas), a Hazardous Materials Business Plan (HMBP) would be required under California HSC, Division 20, Chapter 6.11, Sections 25404–25404.9. The HMBP, which would be submitted to Tulare County Environmental Health (the local CUPA) via the California Environmental Reporting System, would include emergency and spill prevention and response measures, thereby reducing the potential for an upset or accident condition.

As discussed above, operation of the proposed Project would only require limited use of commercially available hazardous material products, including janitorial and landscaping products. Should any company that occupies the commercial spaces within the proposed Project handle an amount of hazardous materials greater than reporting thresholds (55 gallons of liquid, 500 pounds of solid, or 200 cubic feet of compressed gas), an HMBP would be required for that company under California HSC, Division 20, Chapter 6.11, Sections 25404–25404.9. The HMBP, which would be submitted to Tulare County Environmental Health (the local CUPA) via the California Environmental

Reporting System, would include emergency and spill prevention and response measures, thereby reducing the potential for an upset or accident condition.

The Phase I ESA identified the potential for contaminated groundwater to be present beneath the Project site, based on data from nearby water supply wells (Appendix G). A Water Supply Assessment was prepared for the proposed Project and is attached as Appendix G. The Water Supply Assessment discusses groundwater quality, and the potential for elevated concentrations of arsenic, nitrate, and 1,2,3-TCP. Water will be supplied to the Project site by the City of Tulare (Section 1.3.1 of Appendix G), and the City of Tulare is in the final stages of a wellhead treatment project to address contamination identified in groundwater wells (Section 4.2.5 of Appendix G). As such, the groundwater contamination is not anticipated to impact operation of the proposed Project.

With implementation of MM-HAZ-1 and MM-HAZ-2 during the construction phase of the proposed Project, impacts would be less than significant. Operation of the proposed Project would not likely create an upset or accident condition, and impacts would be less than significant with mitigation.

Hazardous Materials within One-Quarter mile of an Existing or Proposed School

The Project site adjoins Mission Oak High School and College of the Sequoias. As discussed in previous impact sections, hazardous materials required for construction and operation would be transported, handled, stored, and disposed of in accordance with federal, state, and local laws and regulations. Hazardous materials used during construction of the proposed Project would be stored within proposed Project boundaries, and quantities of hazardous materials are expected to be less than reportable quantities. However, if hazardous materials are stored above reportable quantities, the appropriate plans will be submitted (California HSC, Division 20, Chapter 6.11, Sections 25404–25404.9). Potential soil impacts would be mitigated by MM-HAZ-1, which would include measures for dust control, thereby reducing the potential for emissions of hazardous materials through fugitive dust. Contaminated soils would also be removed during construction, thereby removing any hazard for future schools on the Project site. Hazardous building materials will be properly identified and abated as described in MM-HAZ-2, thereby reducing the potential for emission of asbestos, lead, or other hazardous materials during building demolition.

As discussed above, operation of the proposed Project would only require limited use of commercially available hazardous materials, including janitorial and landscaping products. Should any company that occupies the commercial spaces within the proposed Project handle an amount of hazardous materials greater than reporting thresholds an HMBP would be required for that company. Use of extremely hazardous materials and accumulation of acutely hazardous wastes are not anticipated. The proposed Project also includes construction and operation of a school within the Project site. As such, the Project would be zoned accordingly for compatible uses surrounding the school as defined in the City of Tulare and County of Tulare zoning ordinances and General Plans.

With implementation of MM-HAZ-1 and MM-HAZ-2 during the construction phase of the proposed Project, impacts would be less than significant. Operation of the proposed Project would not likely create hazardous emissions within 0.25 miles of a proposed school, and therefore impacts would be less than significant.

Cumulative Hazards and Hazardous Materials Impacts

During the construction of the Project, impacts related to transport, disposal, and handling of hazardous material would occur. However, the implementation of the Hazardous Materials Business Plan (HMBP), the federal, state,

and local health and safety laws and regulations would remove the hazard for Project operation. The site would require the demolition of onsite structures; therefore, a pre-demolition survey and abatement are required with the implementation of MM-HAZ-1 and MM-HAZ-2 during the construction phase of the proposed Project and impacts would be less than significant. The Project site adjoins Mission Oak High School and College of the Sequoias, however potential impacts would be mitigated by MM-HAZ-1 and zoned accordingly to the City and County zoning ordinances and General Plans. Therefore, impacts would be less than cumulatively considerable.

2.3.6.2 Mitigation Measures

MM-HAZ-1 Soil Management Plan. Prior to commencement of any earthwork or construction activities at the Project site, a Soil Management Plan (SMP) shall be developed that addresses potential impacts in soil associated with the prior uses of the Project site. The SMP shall outline procedures for characterization of soils in potentially impacted areas, including sampling procedures and screening levels for evaluation of current and future exposure scenarios (construction and residential, including future school site). Potential contaminants of concern may include, but are not limited to, organochlorine pesticides due to historical agricultural use, petroleum hydrocarbons and volatile organic compounds due to former releases of automotive fluids and petroleum products, and metals associated with pesticide application and possible lead-based paints on structures. The SMP will outline which areas are above applicable regulatory screening levels, and outline procedures for removal and offsite disposal, or other disposition of impacted soils (burial under clean fill) during earthwork procedures. The SMP will include training procedures for identification of contamination, and shall describe procedures for assessment, characterization, management, and disposal of contaminated soils. Contaminated soils shall be managed and disposed of in accordance with local and state regulations. The SMP shall include health and safety measures, which may include but are not limited to periodic work breathing zone monitoring and monitoring for volatile organic compounds using a handheld organic vapor analyzer in the event impacted soils are encountered during excavation activities.

The SMP will include procedures for characterization of imported fill materials, which will generally follow the 2001 DTSC Information Advisory, Clean Imported Fill Material.

The applicant or its designee shall implement the SMP during excavation, grading, demolition, and construction activities for the proposed Project.

MM-HAZ-2 Hazardous Building Material Survey and Abatement. Prior to issuance of demolition permits, a survey shall be completed that identifies all hazardous building materials within the structures scheduled for demolition on the Project site. A California-licensed company will be contracted to conduct the survey; their report will include identification of all hazardous materials required for removal, and specifications for proper abatement. The Project applicant/developer shall ensure that the demolition contractor's contract specifications incorporate abatement procedures for the removal of materials containing asbestos, lead, polychlorinated biphenyls, hazardous material, hazardous wastes, and universal waste items. A California-licensed abatement contractor will be contracted to complete all abatement. A final report will be submitted following abatement that documents materials removed, disposal, permits, and licenses/certifications of contractors. Confirmation of adequate removal of such materials shall be provided prior to application of

demolition permits. All abatement work shall be done in accordance with federal, state, and local regulations, including those of the U.S. Environmental Protection Agency (which regulates disposal), Occupational Safety and Health Administration, U.S. Department of Housing and Urban Development, California Occupational Safety and Health Administration (which regulates employee exposure), and the South Coast Air Quality Management District.

2.3.6.3 Findings per CEQA Guidelines

Consistent with CEQA Guidelines Section 15126.4(a)(1), feasible measures that can minimize significant adverse impacts were developed for the potentially significant impacts described in Section 2.3.6.1. The feasible measures, MM-HAZ-1 through MM-HAZ-2, are listed in Section 2.3.6.2.

The City finds that the mitigation measures is feasible, is adopted, and will reduce the potential hazardous impacts of the proposed project to less-than-significant levels. Accordingly, the City finds that, pursuant to CEQA 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 will mitigate or avoid potentially significant impacts on hazards and hazardous materials.

2.3.6.4 Facts in Support of the Findings Related to Hazards and Hazardous Materials

Implementation of MM-HAZ-1 would reduce potentially significant impacts related to hazards and hazardous materials to a less than significant level. There would be no significant, unavoidable impacts related to hazardous and hazardous materials after implementation of this mitigation measure.

2.3.7 Mineral Resources

2.3.7.1 Potentially Significant Impacts to Mineral Resources

Mineral Resources and Recovery Sites

The Project site does not contain MRZ-2a, MRZ-2b and MRZ-3a zones. The nearest MRZ is located approximately 12 miles northeast from the Project site. There are no oil or gas extraction wells or geothermal wells on the Project site (DOC 2019). Implementation of the Project would not result in the loss of availability of aggregate resources including sand, gravel, crushed rock, or minerals such as tungsten, chromite, copper, gold, lead, manganese, silver, zinc, barite, feldspar, limestone, and silica. The Project site is not designated as a mineral recovery site within the City's General Plan or within the TOD Plan.

In addition, as noted in CalGEM's NOP comment letter (Appendix A), the Project site is not within the boundaries of an oil or gas field and there are no known oil, gas, or geothermal wells on site. However, in the unlikely event that unknown wells are discovered during Project development, Mitigation Measure (MM) MIN-1, which requires immediate notification to CalGEM, would be implemented. With the implementation of MM-MIN-1, impacts would be less than significant.

Cumulative Mineral Resources Impact

Cumulative projects could cause significant cumulative impacts if they caused a loss of availability of a known mineral resource valuable to the region and the state or caused a loss of availability of an important mining site delineated in a local general plan or other land use plan. Urbanization and growth in the jurisdictions adjacent to the unincorporated areas of the County could have the potential to result in land uses that are incompatible with mining and resource recovery and would result in a cumulative loss of available resources. Adjacent jurisdictions have therefore included protections in their general plans or other planning documents to protect these and other mineral resources. It is noted that all the mineral resource zone areas (MRZ-2a, MRZ-2b and MRZ-3a) identified in the County are within unincorporated parts of the County. Cumulative impacts would therefore be less than significant.

2.3.7.2 Mitigation Measures

MM-MIN-1 If during development activities, any unknown oil, gas, or geothermal wells are encountered, CalGEM's construction site well review engineer in the Inland District Office will be immediately notified, and file for review of an amended site plan with well casing diagrams for review and approval by the District office.

2.3.7.3 Finding per CEQA Guidelines

Consistent with CEQA Guidelines Section 15126.4(a)(1), feasible measures that can minimize significant adverse impacts were developed for the potentially significant impacts described in Section 2.3.7.1. The feasible measure, MM-MIN-1, is listed in Section 2.3.7.2.

The City finds that the mitigation measures is feasible, is adopted, and will reduce the potential mineral resources impacts of the proposed project to less-than-significant levels. Accordingly, the City finds that, pursuant to CEQA 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 will mitigate or avoid potentially significant impacts on mineral resources.

2.3.7.4 Facts in Support of the Findings Related to Mineral Resources

Implementation of MM-MIN-1 would reduce potentially significant impacts related to minerals and mineral resources to a less than significant level. There would be no significant, unavoidable impacts related to minerals and mineral resources after implementation of this mitigation measure.

2.3.8 Noise

2.3.8.1 Potentially Significant Impacts to Noise

Construction Noise

Construction noise and vibration are temporary phenomena. Construction noise and vibration levels vary from hour to hour and day to day, depending on the equipment in use, the operations performed, and the distance between the source and receptor.

Construction assumptions, including timing, phasing, and equipment type and quantity, as well as worker and vendor truck trips, were based on information provided by the applicant, along with default values from the California Emissions Estimator Model (CalEEMod) where necessary to address Project site-specific information that is not currently available. Equipment that could be in use during construction would include, in part, graders, backhoes, concrete saws, excavators, dump trucks, loaders, cranes, forklifts, cement mixers, pavers, rollers, welders, and air compressors. The typical maximum noise levels for various pieces of construction equipment at a distance of 50 feet. Usually, construction equipment operates in alternating cycles of full power and low power, producing average noise levels over time that are less than the listed maximum noise level. The average sound level of construction activity also depends on the amount of time that the equipment operates and the intensity of construction activities during that time.

Aggregate noise emission from assumed construction activities, broken down by sequential phase, was predicted for the two closest noise-sensitive receivers to the Project site at two distances: 1) from the nearest position of the construction site boundary and 2) from the geographic center of the given construction phase, which serves as the time-averaged location or geographic acoustical centroid of active construction equipment for the phase under study. The intent of the former distance is to help evaluate anticipated construction noise from a limited quantity of equipment or vehicle activity expected to be at the boundary for some period of time, which would be most appropriate for phases such as site preparation, grading, and paving. The latter distance is used in a manner similar to the general assessment technique as described in Federal Transit Administration (FTA) guidance for construction noise assessment (FTA 2018), when the location of individual equipment for a given construction phase is uncertain over some extent of (or the entirety of) the construction site area. Because of this uncertainty, all the equipment for a construction phase is assumed to operate—on average—from the acoustical centroid. These two distances to the two closest noise-sensitive receptors for each of the construction phases. Residences east of the Project site are located immediately adjacent to the site boundary, and therefore represent the receivers with worst-case noise exposure during construction, The next closest residences are located to the north of the Project site, across Avenue 228.

A Microsoft Excel–based noise prediction model emulating and using reference data from the Federal Highway Administration Roadway Construction Noise Model (RCNM) (FHWA 2006b) was used to estimate construction noise levels at the nearest residences. (Although the RCNM was funded and promulgated by the Federal Highway Administration, it is often used for non-roadway projects, because the same types of construction equipment used for roadway projects are often used for other types of construction.) Input variables for the predictive modeling consist of the equipment type and number of each (e.g., two graders, a loader, a tractor), the duty cycle for each piece of equipment (e.g., percentage of time within a specific time period, such as an hour, when the equipment is expected to operate at full power or capacity and thus make noise at a level comparable to and the distance from the noise-sensitive receiver. The predictive model also considers how many hours that equipment may be on site and operating (or idling) within an established work shift. Conservatively, no topographical or structural shielding was assumed in the modeling. The RCNM has default duty-cycle values for the various pieces of equipment, which were derived from an extensive study of typical construction activity patterns. Those default duty-cycle values were used for this noise analysis and produce the predicted results. With respect to the FTA recommended 8-hour average noise level limit, this analysis assumes that the equipment may be operating up to all of 8 hours per day (i.e., comparable to a typical on-site work shift).

One additional aspect of the envisioned construction approach for the entire Project site is important to consider. The construction noise analysis assumes that demolition, site preparation and grading would occur in distinct

sequential phases, and would each involve the entire Project site; No overlap is assumed between these phases. With respect to building construction, work could occur simultaneously within any or all of the different land use/development zones (i.e., single-family, townhome, apartment, commercial). Therefore, while the construction noise analysis evaluates the noise levels from each distinct phase at the nearest residential receivers, it also quantifies the worst-case noise level resulting from simultaneous construction activity within all of the building type zones.

The estimated construction noise levels at the closest residences to the east are predicted to be greater than 80 dBA Leq even averaged over an 8-hour period, when activities take place along the closest boundary of the construction zone for demolition, site preparation, grading, and medium density residential building construction. In addition, with the potential for simultaneous building construction across multiple building types, the construction noise level from combined building activities at the closes construction zone boundaries would exceed 80 dBA Leq 8-hr at the closest residences to the east. Note that these estimated noise levels at a source-to-receiver distance of 45 feet occur when identified pieces of heavy equipment would each operate for a cumulative period of 8 hours a day. Since construction noise at the closest off-site noise-sensitive receiver would exceed the FTA recommended daytime threshold, construction noise impacts could be potentially significant, thereby requiring implementation of MM-NOI-1.

With respect to construction noise exposure for the closest residences to the north of the Project. The noise would reach levels no greater than 72 dBA Leq 8-hr for equipment operating along the closest edge of the construction zone for each phase, and for the worst-case with simultaneous building construction across multiple building types. Consequently, construction noise levels at existing residences north of the Project site, as well as west and southwest of the Project site, would be less than significant.

Finally, the results of the construction noise analysis based upon the distance from the acoustical centroid to the closest existing residences east and north of the Project site. This scenario is meant to address construction activities distributed across the site, rather than those occurring along the closest site boundary to the sensitive receptor. The values based on the acoustical centroid are considered to be more representative of average construction noise exposure levels at adjacent properties across the entire construction period. The the analysis performed on the basis of the acoustic centroid for construction concluded that noise levels would range from 43 to 66 dBA Leq 8-hr for the closest residences east and from 45 to 62 dBA Leq 8-hr for the closest residences to the north. Consequently, with typical construction activities distributed across the site (rather than along the closest boundaries to adjacent residences), overall construction noise levels at adjacent residences would generally not be expected to reach annoyance levels.

Compared to measurements of the daytime outdoor ambient sound level at representative sample locations, the predicted construction noise levels at the existing residences east of the Project site ranging from 86-88 dBA Leq 8-hr for construction along the closest construction zone boundaries are considerably higher and would be clearly perceptible to an average listener having healthy human hearing. Likewise, when construction is occurring along the closest boundary of each construction phase to the adjacent northern residences, with construction noise levels ranging up to 68 to 72 dBA Leq 8-hr the construction noise would also be clearly audible above ambient noise levels as reported. However, using the acoustic centroid evaluation method, which should be more representative of the overall construction levels experienced by a given off-site receiver over the course of the entire Project construction, the average construction noise levels would in most cases be very similar to ambient noise levels, and therefore not as noticeable or annoying, In addition, because it is anticipated that construction activities associated with

future development as a result of the proposed Project would take place within the hours of 6:00 a.m. and 10:00 p.m. Monday through Saturday, the noise-producing activity would thus be in compliance with the City's Municipal Code with respect to allowable hours and construction (City of Tulare 1995).

2.3.8.2 Mitigation Measures

MM-NOI-1 A temporary noise barrier of a minimum 12-foot height (as measured from the ground surface) shall be erected along any portions of the east boundary of the Project site for construction activities that would take place within 300 feet of a given section of this boundary, and maintained in place for the duration of construction activities taking place within 300 feet of a given portion of the boundary.

2.3.8.3 Finding per CEQA Guidelines

Consistent with CEQA Guidelines Section 15126.4(a)(1), feasible measures that can minimize significant adverse impacts were developed for the potentially significant impacts described in Section 2.3.8.1. The feasible measure, MM-NOI-1, is listed in Section 2.3.8.2.

The City finds that the mitigation measures is feasible, is adopted, and will reduce the potential noise impacts of the proposed project to less-than-significant levels. Accordingly, the City finds that, pursuant to CEQA 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 will mitigate or avoid potentially significant impacts on noise.

2.3.8.4 Facts in Support of the Findings Related to Noise

Implementation of MM-NOI-1 would reduce potentially significant impacts related to temporary construction noise impacts to a less than significant level. There would be no significant, unavoidable impacts related noise after implementation of this mitigation measure.

2.4 Impacts Determined to Be Less Than Significant

Based on the analysis contained in the EIR, the following issue areas have been determined to fall within the "less than significant impact" category for all thresholds: aesthetics, energy, hydrology and water quality, land use, noise, population and housing, public services, recreation, utilities and service systems, and wildfire.

Other impacts under agricultural resources, air quality, biological resources, cultural and tribal cultural resources, geology and soils, greenhouse gas emissions, hazards and hazardous materials, mineral resources noise, and transportation not addressed below are addressed in Section 2.2 and Section 2.3.

2.4.1 Aesthetics

Visual Character or Quality of Public Views

California Public Resources Code Section 21071 defines an "urbanized area" as "an incorporated city that meets either of the following criteria: (1) Has a population of at least 100,000 persons, or (2) Has a population of less than 100,000 persons if the population of that city and not more than two contiguous incorporated cities combined equals at least 100,000 persons." The City's population in 2021 was approximately 70,733 people (U.S. Census 2021). However, the City is surrounded by unincorporated Tulare County land in all directions, and it can be assumed the combined population of the City and the County lands is over 100,000 persons. Thus, the Project site is considered to be within an urbanized area and the following analysis considers whether the Project would conflict with applicable zoning or other regulations governing scenic quality.

To ensure that development within the City is designed and constructed to conform to existing visual character and quality, the City Development Standards (Title 10 Zoning, Chapter 10.32 Single-Family Residential, 10.36 Multi-Family Residential District, 10.52 Retail-Commercial District, 10.80 Public Lands District of the City's Municipal Code) include design standards related to building size, height, floor area ratio, and setbacks, as well as landscaping, signage, and other visual considerations (City of Tulare 2000). These design standards help adjacent land uses to be visually consistent with one another and their surroundings and reduces the potential for conflicting visual elements.

The Project site is located within the COS North TOD Plan Area that is outlined in the Tulare Transit-Oriented Development (TOD) Plan for the City. Characteristics of transit-oriented development consist of having access to a robust transit network, a mix of land uses (housing types as well as business and public uses), as well as available pedestrian and bicycle facilities (City of Tulare 2013). The proposed Project would be generally consistent with the TOD plan in its design. The Project would also incorporate the development guidelines listed in Chapter 5, Section D of the TOD Plan to the greatest extent feasible.

The Project site would be developed with approximately 1,197 units of low, medium, and high-density housing, with the low density single-family detached lots on the northern portion of the Project site and the medium and high-density residential lots on the southern portion of the Project site. As detailed in the City's 2035 General Plan Land Use Element, Low Density Residential has a density of 3.1 to 7 dwelling units per acre with a minimum lot size of 5,000 square feet, Medium Density Residential has 7.1 to 14 dwelling units per acre with a minimum lot size of 3,000 square feet, and High Density Residential 14.1 to 29 dwelling units per acre with a minimum lot size of 1,500 square feet (City of Tulare 2014). The density of the proposed residential development would adhere to these density requirements.

Upon completion of the annexation of the Project site into City limits, a parcel map detailing site development per the approved land use and zoning designations would be submitted to the City for review and approval prior to the start of Project construction. The design specifications for the Project will be reviewed by the City for compliance with all applicable provisions set forth by the City's Development Standards. As part of the City's development review process, the Project's architectural plans are reviewed by City staff and the Planning Commission to determine whether Project design conforms to the Development Standards and promotes the visual character and quality of the surrounding area.

Additionally, due to the size and scale of the proposed Project, it is especially important to consider design to ensure compatibility with other parts of the community. Chapters 10.32, 10.36, 10.52 and 10.80 of the Municipal Code provides additional details regarding design standards and guidelines for development (City of Tulare 2000). In accordance with the Development and Design Standards guidelines, all setback areas would be landscaped, and building orientation, siting and entrances would be designed to minimize conflicts with the surrounding visual environment.

The COS Tulare Campus and Kaweah-Delta Water Conservation District areas are being included in the annexation, but no changes in existing development plans are proposed for these areas. Rather, these areas are being included in order to ensure an orderly manner of growth of the City, as these properties will be complimentary and supportive of the Chandler Grove proposed development plan area.

In summary, the Project would be consistent with the visual character of the surrounding area, therefore the Project would not conflict with applicable zoning, land use, Tulare TOD Plan, or other regulations governing scenic quality at the Project site and impacts would be less than significant.

Sources of Light or Glare

The Project site is currently an agricultural land and does not support any existing sources of light or glare. Existing sources of light and glare in the Project site include vehicular headlights, streetlights and exterior building lights in scattered residences and school campuses. Development of the Project would introduce new sources of light and glare to the Project site.

The majority of construction activities associated with the Project would occur during daytime hours consistent with standard industry practices. In the event that work is required outside the standard construction hours (to reduce traffic or other impacts), lighting would be focused directly on work activity areas and would be temporary. As such, nighttime construction lighting impacts would be less than significant.

Upon Project implementation, the Project could potentially result in significant adverse light and glare impacts on nighttime views due to the residential, commercial, and public lands development proposed by the Project. However, in compliance with the City of Tulare General Plan, Zoning Ordinance, and TOD Plan, the Project would minimize light and glare impacts to sensitive land uses through the incorporation of setbacks, site planning, and other design techniques. The Project would comply with the City's Municipal Code, specifically with Chapters 10.32 (Single Family Residential), 10.36 (Multiple-Family Residential District), 10.52 Retail-Commercial District, and 10.80 Public Lands District, which state development standards for the various development types proposed by the Project. In addition, the Project would also comply with Chapter 7.28 Nuisances Generally (Section 7.28.140 Exterior Lighting) which contains general performance standards related to light and glare for all types of development in City.

Since the Project would be located adjacent to sensitive receptors and also includes the construction of sensitive receptors such as residences and public lands, the Project's lighting would be designed such that lighting is directed on-site and away from neighboring and residential parcels. Lighting associated with streetlights would be designed consistent with City standards for safety and proper roadway illumination, consistent with other streetlights throughout the City. All light fixtures would be required to be consistent with the California Green Building Standards Code for illumination. The California Green Building Standards Code sets forth minimum requirements based on Lighting Zones, as defined in Chapter 10 of the California Administrative Code. The requirements are designed to

minimize light pollution in an effort to maintain dark skies and ensure new development reduces backlight, uplight, and glare (BUG) from exterior light sources (CALGreen 2019).

In summary, while the Project would create new sources of light and glare, compliance with the City's General Plan, Zoning Ordinance, TOD Plan, and other development regulations would reduce any impacts to a less than significant levels and no mitigation would be required.

Cumulative Aesthetics Impact

Projects contributing to a cumulative aesthetic impact include those within the Project viewshed. The viewshed encompasses the geographic area within which the viewer is most likely to observe the proposed Project and surrounding uses. Typically, this is delineated based on topography, as elevated vantage points, such as from scenic vistas, offer unobstructed views of expansive visible landscapes.

Cumulative aesthetic impacts would occur if projects combine to result in substantial adverse impacts to the visual quality of the environment and/or increase sources of substantial lighting and glare. The Project site is located within unincorporated Tulare County (County) but is proposing to be annexed to the City of Tulare (City). Thus, it would be designed and constructed according to the design guidelines and standards outlined in the City's Development Standards, General Plan, Zoning Ordinance, and other development regulations. All projects located within the City would be subject to these design guidelines and standards, which include recommendations for the architectural character of new buildings to maximize views of the landscape while taking inspiration from surrounding natural elements.

Related development in the City and surrounding areas would introduce new sources of light in a setting that includes large areas of undeveloped land. However, Project lighting would comply with existing requirements (i.e., lighting would be consistent with the City standards for safety and proper roadway illumination, consistent with other streetlights throughout the City to ensure lighting has a minimal effect on the overall night sky and reduce the potential for glare. Other projects located throughout the City would similarly be required to comply with these regulations. Therefore, compliance with these regulations would ensure that lighting and glare impacts would be less than cumulatively considerable.

Finding

The City finds that, based upon substantial evidence in the record, the proposed project would have a less than significant impact on aesthetics and visual resources as it relates to scenic resource damage within a state scenic highway and sources of light and glare; therefore, no mitigation is required.

2.4.2 Air Quality

Sensitive Receptors to Substantial Pollutant Concentrations

Health Impacts of Carbon Monoxide

As described previously, exposure to high concentrations of CO can result in dizziness, fatigue, chest pain, headaches, and impairment of central nervous system functions. Mobile-source impacts, including those related to CO, occur essentially on two scales of motion. Regionally, Project-related operational travel would add to regional

trip generation and increase the vehicle miles traveled within the local airshed and the SJVAB. Locally, Project operational traffic would be added to the roadway system in the vicinity of the Project site. Although the SJVAB is currently an attainment area for CO, there is a potential for the formation of microscale CO hotspots to occur immediately around points of congested traffic. Hotspots can form if such traffic occurs during periods of poor atmospheric ventilation, is composed of many vehicles cold-started and operating at pollution-inefficient speeds, and/or is operating on roadways crowded with non-Project traffic. Because of continued improvement in vehicular emissions at a rate faster than the rate of vehicle growth and/or congestion, the potential for CO hotspots in the SJVAB is steadily decreasing.

The 2015 SJVAPCD Guidance states that a quantitative CO hotspots analysis should be performed if either of the following two conditions exist: a traffic study for the project indicates that the LOS on one or more streets or at one or more intersections in the project vicinity would worsen to LOS E or F, or a traffic study indicates that the project would substantially worsen an already existing LOS F on one or more streets or at more or more intersections in the project vicinity (SJVAPCD 2015a).

The Traffic Impact Analysis prepared for the Project evaluated whether there would be a worsening in the LOS (e.g., congestion) at the intersections affected by the Project. The Project's traffic analysis evaluated 23 intersections based on existing traffic volumes and current street geometry. The results of the LOS assessment show that under Cumulative Plus Project conditions, 11 of the 23 study intersections are forecast to operate at unacceptable LOS (LOS E or worse) during the peak hours in 2032, the first operational year. In the horizon year of 2040, the same 11 intersections are forecast to operate at an unacceptable LOS.

Ambient CO levels for the Project are monitored at the Fresno-Foundry Park Ave air quality monitoring station, which is approximately 42 miles northwest of the Project site and represents ambient CO in the Project area. Ambient CO levels monitored at this representative monitoring station indicate that the highest recorded 1-hour concentration of CO is 2.6 ppm (the State standard is 20 ppm) and highest 8-hour concentration is 2.7 ppm (the State standard is 9 ppm) during the past 3 years of available data (EPA 2022a). As discussed above, the highest CO concentrations typically occur during peak traffic hours, so CO impacts calculated under peak traffic conditions represent a worst-case analysis.

Consider the CO "hot spot" analysis conducted by the South Coast Air Quality Management District (SCAQMD) for their request to the USEPA for resignation as a CO attainment area (SCAQMD 2003). In SCAQMD's analysis, they modeled the four most congested intersections identified in their basin (South Coast Air Basin [SCAB]), which included the following:

- Long Beach Boulevard and Imperial Highway – proximity to the Lynwood monitoring station, which consistently records the highest 8-hour CO concentrations in the SCAB each year.
- Wilshire Boulevard and Veteran Avenue – the most congested intersection in Los Angeles County, with an average daily traffic volume of 100,000 vehicles/day.
- Highland Avenue and Sunset Boulevard – one of the most congested intersections in the City of Los Angeles.
- Century Boulevard and La Cienega Boulevard – one of the most congested intersections in the City of Los Angeles.

The SCAQMD's analysis found that these intersections had an average 7.7 ppm 1-hour CO concentrations predicted by the models, which is only 38.5% of the 1-hour CO CAAQS of 20 ppm. Therefore, even the most congested intersections in SCAQMD's air basin would not experience a CO "hot spot."

The air quality monitoring station closest to the most congested intersection in Los Angeles County (Wilshire Boulevard/Veteran Avenue) is the VA Hospital, West Los Angeles Station (Site ID 060370113) located at Wilshire Boulevard and Sawtelle Boulevard, approximately 0.5 miles to the southwest. Ambient CO levels monitored at this representative monitoring station for the original analysis year (2002), and for the most recent year of available data (2021). There is noticeable improvement in background levels of CO since the SCAQMD's regional hotspot analysis.

For the Project, there are no roadways/segments identified as deficient facilities under the worst-case traffic scenario that have an ADT greater than the 100,000 that was anticipated for the most congested intersection analyzed by SCAQMD. According to the Project Volumes Summary conducted for this Project, the intersection between Mooney Boulevard and Tulare Avenue (SR-137) would have the highest existing ADT before construction, at 32,990. With the addition of Project trips, the ADT of this intersection is expected to increase to 50,050 ADT, which is approximately half the ADT of the most congested intersection in Los Angeles County, shown above to not create a "hot spot" according to SCAQMD's 2003 analysis.

In addition, the CO "hot spot" analysis performed by the SCAQMD included emissions for 1997 and 2002. Both running exhaust emission factors and idling emission factors predicted by the EMFAC model decreased from 1997 through 2002. This decrease in CO emission factors is indicative of a phase-out of older vehicles and increasingly strict emissions standards implemented by CARB. Emission factors for San Diego County from the EMFAC2007 Model, which were used in the General Plan Update analysis, indicated that running exhaust emissions of CO would be less than 6.708 g CO per mile in 2010. Continued improvement in vehicular emissions at a rate faster than the rate of vehicle growth and/or congestion means that the potential for CO hotspots in the SDAB is likely to decrease.

Given that proposed development will not result in traffic that exceeds traffic volumes considered in the SCAQMD analysis, coupled with the considerably low level of CO concentrations in the Project area, and continued improvements in vehicle emissions, the proposed Project is not anticipated to result in CO "hot spots". Consequently, implementation of the proposed Project would not result in CO concentrations in excess of the health protective CAAQS or NAAQS, and as such, would not expose sensitive receptors to significant pollutant concentrations or health effects. Therefore, impacts related to sensitive receptor exposure to substantial CO concentrations would be less than significant, and no mitigation measures are required.

Health Impacts of Toxic Air Contaminants

A substance is considered toxic if it has the potential to cause adverse health effects in humans, including increasing the risk of cancer upon exposure, or acute (immediate) and/or chronic (cumulative) non-cancer health effects. Potential construction-related health risk is qualitatively evaluated, and operational health risk is quantitatively evaluated for the Project, below.

Construction Health Risk

Project construction would result in emissions of DPM from heavy construction equipment and trucks accessing the site. DPM is characterized as a TAC by California. The Office of Environmental Health Hazard Assessment has

identified carcinogenic and chronic noncarcinogenic effects from long-term exposure but has not identified health effects due to short-term exposure to diesel exhaust. According to the Office of Environmental Health Hazard Assessment, HRAs, which determine the exposure of sensitive receptors to toxic emissions, should be based on a 70-year exposure period for the maximally exposed individual resident; however, such assessments should be limited to the period/duration of activities associated with a project (OEHHA 2015). A construction HRA was prepared to evaluate the cancer and non-cancer health impacts of the construction on proximate sensitive receptors. the maximum individual cancer risk for the Project during construction would exceed the SJVAPCD threshold of 20 in 1 million. The chronic hazard index would not exceed the threshold of 1.0. As such, MM-AQ-2, requiring Tier 4 Final engines for equipment over 75 horsepower, would be implemented during construction activities.

An HRA was performed to estimate the Maximum Individual Cancer Risk and Chronic Hazard Index for residential receptors as a result of emissions from the Project during construction on sensitive receptors proximate of the Project.

The TAC emissions from operation of the Project would result in Maximum Individual Cancer Risk and Chronic Hazard Index less than the applicable SJVAPCD significance thresholds, resulting in a less-than-significant impact with mitigation.

Operational Health Risk

No residual TAC emissions and corresponding cancer risk are anticipated after construction. The Proposed Project is not anticipated to generate long-term, operational sources of TAC emissions because the Proposed Project would only include residential units, commercial/retail land uses, and public space. The Project would not include heavy industrial uses or other land uses typically associated with stationary sources of TACs. As such, the Project would not result in substantial TAC emissions that may affect nearby receptors, nor would the Project be exposed to nearby sources of TACs. Impacts would be less than significant.

Valley Fever

The average incidence rate of Valley Fever within the County is below the statewide average. Furthermore, construction of the Project would comply with SJVAPCD Regulation VIII (Fugitive PM_{10} Prohibition), which requires fugitive dust sources to implement best available control measures for all sources and prohibits all forms of visible PM from crossing any property line. SJVAPCD Regulation VIII is intended to reduce PM_{10} emissions from any transportation, handling, construction, or storage activity that has the potential to generate fugitive dust. In addition, the Project would implement various dust control strategies and provide Valley Fever awareness and training to all Project construction employees as required by PDF-AQ-1 and PDF-AQ-2. The nearest sensitive receptor land use to the Project is existing residences bordering the Project site on its eastern edge. Because the Project would implement dust control strategies and Valley Fever awareness and training, it is not anticipated that earth-moving activities during Project construction would result in exposure of nearby sensitive receptors to Valley Fever. Pursuant to Regulation VIII, Rule 8021, the Project would be required to develop, prepare, submit, obtain approval of, and implement a dust control plan that would control the release of the *Coccidioides immitis* fungus during construction activities. Therefore, the Project would have a less-than-significant impact with respect to Valley Fever exposure for sensitive receptors.

Other Emissions

The analysis of the Project's potential to result in other emissions is focused on potential odor impacts. The occurrence and severity of potential odor impacts depends on numerous factors. The nature, frequency, and intensity of the source; the wind speeds and direction; and the sensitivity of receiving location each contribute to the intensity of the impact. Although offensive odors seldom cause physical harm, they can be annoying and cause distress among the public and generate citizen complaints.

Odors would be potentially generated from vehicle and equipment exhaust emissions during construction of the Project. Potential odors produced during construction would be attributable to concentrations of unburned hydrocarbons from tailpipes of construction equipment, architectural coatings, and asphalt pavement application. Such odors would disperse rapidly from the Project site and generally occur at magnitudes that would not affect substantial numbers of people. Furthermore, SJVAPCD Rule 4641 limits the amount of VOC emissions from cutback asphalt. Thus, any potential odors generated during asphalt paving would be regulated through mandatory compliance with SJVAPCD rules. Therefore, impacts associated with odors during construction would be less than significant.

Finding

The City finds that, based upon substantial evidence in the record, the proposed project would have a less than significant impact on air quality as it relates to other emissions; therefore, no mitigation is required.

2.4.3 Biological Resources

Special-Status Plant Species

Direct Impacts

Fourteen special-status plant species are known to occur in the Project region per the results of a CNDDB search. Because of frequent disturbance to the Project site for ongoing agricultural production and the lack of suitable habitat for any of these species on the site, none of these species are expected to occur on the site. Therefore, construction of the proposed Project would have no direct or indirect impacts on special-status plants.

Vegetation and Land Covers

The Project would result in permanent impacts to 231 acres of land cover types, including orchards, disturbed, and urban/developed lands, that are not considered sensitive by CDFW (see Figure 4.4-1). Therefore, no significant impacts to habitat or vegetation communities identified in local or regional plans, policies, regulations or by the California Department of Fish and Game or U.S. Fish and Wildlife Service would occur, and the impact is less than significant.

Wildfire Corridors and Habitat Linkages

The Project site does not provide for regional wildlife movement or serve as a regional wildlife corridor nor include any streams or water courses, Project development would not impede local or seasonal wildlife movement between large open space areas in the Project region. Therefore, no adverse or significant impacts would occur to wildlife movement corridors. In addition, because no native wildlife nursery sites, such as bat colony roosting sites or colonial bird nesting areas, occur on the Project site, development of the site would

not impede the use of wildlife nursery sites by native species and impacts to native resident or migratory wildlife corridors would be less than significant.

Habitat Conservation Plan, Natural Community Conservation Plan, or other Conservation Plan

The Project site is not located within an adopted Habitat Conservation Plan, Natural Community Conservation Plan, or other approved local, regional, or state habitat conservation plan. Therefore, the Project would not be in conflict with an adopted Habitat Conservation Plan or Natural Community Conservation Plan

Finding

The City finds that, based upon substantial evidence in the record, the proposed project would have a less than significant impact on biological resources as it relates to specific special-status wildlife species; the interference with the movement of any native resident or migratory fish or wildlife species; and as it relates to a habitat conservation plan, natural community conservation plan, or other conservation plan. Therefore, no mitigation is required.

2.4.4 Energy

Wasteful, Inefficient, or Unnecessary Consumption of Energy

Electricity

Construction Energy Usage

Temporary electric power for as-necessary lighting and electronic equipment, such as computers inside temporary construction trailers, would be provided by SCE. The electricity used for such activities would be temporary, would be substantially less than that required for Project operation, and would therefore have a negligible contribution to the Project's overall energy consumption.

Operational Energy Usage

The operational phase would require electricity for multiple purposes, including building heating and cooling, lighting, and electronics. CalEEMod was used to estimate Project emissions from electricity uses (see Appendix B for calculations). Default electricity generation rates in CalEEMod were used based on the proposed land use and climate zone and were adjusted to reflect compliance with 2019 Title 24 standards. Water consumption estimates for both indoor and outdoor water use were estimated using CalEEMod default values. Electricity use for water supply were based on the electric pump rating, pump flowrate, electricity intensity factors from CalEEMod for Tulare County, and the indoor and outdoor water use default values in CalEEMod (CAPCOA 2021). According to these estimations, the Project would consume approximately 12,237,585 kilowatt-hours per year (Appendix B). For disclosure, in comparison, approximately 4.6 billion kilowatt-hours of electricity were used in Tulare County in 2020 (CEC 2020c).

In summary, although electricity consumption would increase at the Project site due to implementation of the Project, the Project would comply with the applicable energy standards and regulations. Construction electricity usage would be minimal relative to the Project's overall energy consumption. For these reasons, electricity

consumption of the Project would not be considered inefficient, wasteful, or unnecessary, and impacts would be less than significant.

Natural Gas

Construction Energy Usage

Natural gas is not anticipated to be required during construction of the Project. Fuels used for construction would primarily consist of diesel and gasoline, which are discussed below under the "petroleum" subsection. Any minor amounts of natural gas that may be consumed as a result of Project construction would be substantially less than that required for Project operation and would have a negligible contribution to the Project's overall energy consumption.

Operational Energy Usage

Default natural gas usage rates in CalEEMod for the proposed land use and climate zone were used and adjusted based on compliance with 2019 Title 24 standards. According to these estimations, the Project would consume approximately 26,333,954 kBTU per year (Appendix B). This amount of natural gas is equivalent to 263,402 therms. For disclosure, in comparison, Tulare County consumed approximately 160,000,000 therms of natural gas in 2020 (CEC 2020b).

In summary, although natural gas usage would increase due to implementation of the Project, the Project would comply with the applicable energy standards and regulations, and usage would be decreased through green building standards. For these reasons, the natural gas consumption of the Project would not be considered inefficient or wasteful, and impacts would be less than significant.

Petroleum

Construction Energy Usage

Heavy-duty construction equipment of various types would be used during each phase of Project construction. The CalEEMod analysis discussed in Section 4.3, Air Quality, and included in Appendix B lists the assumed equipment usage for each phase of construction.

Fuel consumption from construction equipment was estimated by converting the total CO_2 emissions from each construction phase, as estimated using CalEEMod, to gallons using the conversion factors for CO_2 to gallons of gasoline or diesel. Construction is estimated to occur in the years 2024 and 2025 based on the construction phasing schedule; all details for construction criteria air pollutants discussed in Section 4.3, and Appendix B is also applicable for the estimation of construction-related GHG emissions. The conversion factor for gasoline is 8.78 kilograms per metric ton CO_2 per gallon, and the conversion factor for diesel is 10.21 kilograms per metric ton CO_2 per gallon.

In summary, construction associated with the potential future development facilitated by the Project over the construction period is anticipated to consume 388,755 gallons of gasoline from worker vehicles and 1,422,055 gallons of diesel from off-road equipment, haul trucks, and vendor trucks. In Tulare County in 2023, it is estimated that approximately 240 million gallons of petroleum would be consumed by on-road vehicles, and approximately 7.8 million gallons of petroleum would be consumed by off-road equipment (CARB 2022). Approximately 28.7 billion gallons of petroleum are consumed in California annually (EIA 2020d).

The Project would be required to comply with CARB's Airborne Toxics Control Measure, which restricts heavy-duty diesel vehicle idling time to 5 minutes, which would minimize fuel consumption. Although construction activities would consume petroleum-based fuels, consumption of such resources would be temporary and would cease upon the completion of construction. Further, the petroleum consumed related to Project construction would be typical of construction projects of similar types and sizes and would not necessitate new petroleum resources beyond what are typically consumed in California. Therefore, because petroleum use during construction would be temporary and relatively minimal, and would not be wasteful or inefficient, impacts would be less than significant.

Operational Energy Usage

During operations, the majority of fuel consumption resulting from the Project would involve the use of motor vehicles traveling to and from the Project site.

Petroleum fuel consumption associated with motor vehicles traveling to and from the Project site is a function of the vehicle miles traveled (VMT) as a result of Project operation. The annual VMT attributable to the Project is expected to be 58,493,551 VMT (Appendix B). The Project would consume an estimated 1,453,718 gallons of gasoline per year and 305,007 gallons of diesel per year from operation of vehicle trips traveling to and from the Project site. For disclosure, by comparison, approximately 28.7 billion gallons of petroleum are consumed in California annually (EIA 2020d).

Over the lifetime of the Project, the fuel efficiency of the vehicles being used by the Project is expected to increase. As such, the amount of petroleum consumed as a result of vehicular trips to and from the Project site during operation would decrease over time. Numerous regulations are in place that require and encourage increased fuel efficiency. For example, CARB has adopted a new approach to passenger vehicles by combining the control of smog-causing pollutants and GHG emissions into a single coordinated package of standards. The new approach also includes efforts to support and accelerate the numbers of plug-in hybrids and ZEVs in California (CARB 2017). The Project would be required to comply with CARB's Airborne Toxics Control Measure, which restricts heavy-duty diesel vehicle idling time to 5 minutes, which would minimize fuel consumption. Operation of the Project is expected to use decreasing amounts of petroleum over time due to advances in fuel economy. The Project would provide a hub for public transportation, connecting residential development and commercial and community spaces within a bike-friendly, public transport-centric development.

The Project's impacts in the category of air quality emissions were determined to be potentially significant, and the Project would implement Mitigation Measure (MM) AQ-1 through MM-AQ-6, including implementing a Transportation Demand Management Program to facilitate opportunities for bicycling and pedestrian travel, as well as ride-sharing and carpooling to reduce VMT. Reducing air quality emissions during operation would help reduce construction-related fuel usage.

In summary, although Project implementation would result in an increase in petroleum use during construction and operation, over time vehicles would use less petroleum due to advances in fuel economy. Additionally, the Project would include a variety of features that would encourage electric and zero-emissions technology, ride-sharing and carpooling, and reduced vehicle miles traveling to and from the site during operation. Given these considerations, petroleum consumption associated with the Project would not be considered inefficient or wasteful, and impacts would be less than significant.

Conflict with Plan for Renewable Energy or Energy Efficiency

The Project would be subject to and would comply with, at a minimum, the California Building Energy Efficiency Standards (24 CCR, Part 6). Part 6 of Title 24 establishes energy efficiency standards for residential and non-residential buildings constructed in California in order to reduce energy demand and consumption.

Successful implementation of the TCAG 2022 RTP/SCS would result in GHG emission reductions, reducing potential impact on the environment, facilitating efficient public investments, maximizing mobility and accessibility, supporting economic vitality, improving public health, and building on active transportation. The Project would be consistent with the policies and supportive strategies within the TCAG 2022 RTP/SCS. The Project would be required to comply with CALGreen standards. Furthermore, the Project would implement MM-AQ-1 through MM-AQ-5 to facilitate opportunities for bicycling and pedestrian travel, ride-sharing, and carpooling; encouraging electric, zero-emission technology, ride-sharing, and carpooling; and reducing VMT to and from the site during operation. The Project is in accordance with the City Transportation System Management Plan. As a transit-oriented development, approximately 6 transit stops would be located around the perimeter of the Project site for use by residents. In addition, pedestrian and bicycle trails throughout the site would connect the schools, parks, community center, and the commercial center to the residential areas.

Because the Project would comply with the applicable energy standards and regulations, the Project would result in a less-than-significant impact associated with the potential to conflict with energy standards and regulations.

Cumulative Energy Impacts

The geographic area considered for the analysis of cumulative energy impacts is Tulare County. Potential cumulative impacts on energy would result if the Project, in combination with past, present, and future projects, would result in the wasteful or inefficient use of energy. Significant energy impacts could result from development that would not incorporate sufficient building energy efficiency features or would not achieve building energy efficiency standards, or if projects result in the unnecessary use of energy during construction or operation.

The Project would not result in wasteful, inefficient, or unnecessary use of energy during construction or operations, nor would it conflict with an applicable plan. Cumulative projects within the County would have a construction period during which electricity, natural gas, and petroleum would be used; however, it is expected that such usage would be temporary and would not constitute a wasteful, inefficient, or unnecessary consumption of energy. Additionally, although some of the cumulative projects within the County could result in increases in energy consumption during their operation, the increased demand is anticipated to be minimal relative to statewide energy usage and, in combination with the Project, would not contribute to any potentially significant cumulative energy impacts. Furthermore, any commercial and residential cumulative projects that may take place in the County that include long-term energy demand would be subject to CALGreen, which provides energy efficiency standards. In addition, cumulative projects would be required to meet or exceed the Title 24 building standards, as applicable, further reducing the inefficient use of energy. Future development would also be required to meet even more stringent requirements, including the objectives set forth in the AB 32 Scoping Plan, which seek to make all newly constructed residential homes produce a sustainable amount of renewable energy through the use of on-site photovoltaic solar systems. Furthermore, various federal and state regulations, including the Low Carbon Fuel Standard, Pavley Clean Car Standards, and Low Emission Vehicle Program, would serve to reduce the transportation fuel demand of cumulative projects.

For the reasons above, the Project, together with the cumulative projects, would not result in wasteful, inefficient, or unnecessary use of energy, or conflict with applicable plans. Therefore, the Project, in combination with past, present, and reasonably foreseeable future development, would not result in a significant cumulative impact related to energy, and the impacts would be less than cumulatively considerable.

Finding

The City finds that, based upon substantial evidence in the record, the proposed project would have a less than significant impact on energy as it relates to inefficient or wasteful energy use, conflict with a state or local plan for renewable energy or energy efficiency, and cumulative energy impacts; therefore, no mitigation is required.

2.4.5 Geology and Soils

Expose People or Structures to Strong Seismic Ground Shaking

The Project site is situated in a low to moderate seismicity area in the tectonically stable San Joaquin–Sierran tectonic block. However, as with most of central California, seismically induced ground shaking can be expected during the life of the Project. The proposed Project would be required to comply with the then current CBC, which includes requirements to ensure that new development would not cause or exacerbate geological and soil hazards. The 2019 CBC design parameters are specifically tailored to minimize the risk of structure failure due to seismic hazards and include a requirement for a standard, Project-specific geotechnical report (also known as a soils investigation), as part of the building permit process (CBC Chapter 18 and 18A).

In accordance with the CBC, the geotechnical report provides specific recommendations related to soils and seismic engineering, including recommendations for remedial grading, foundation design, and retaining walls, thus minimizing the potential for structural distress as a result of seismically induced ground shaking. The geotechnical report is a standard report that provides performance standards, including seismic engineering, which can be used to mitigate standard geotechnical issues. The geotechnical report provides the understanding of the significant effects of the proposed Project and its alternatives. In the case of the relatively flat Project site, with no potential for landslides, fault rupture, or other unmitigable geologic hazards, it can reasonably be assumed that no unresolved geotechnical issues would arise.

Compliance with recommendations of the geotechnical report(s) would minimize the potential for structural damage during an earthquake. As with all development in the City of Tulare, the City's plan check and building inspection procedures would ensure that the proposed Project is constructed according to CBC standards, including the recommendations provided in the geotechnical report. Furthermore, based on the nature of the Project (i.e., residential development), development of the proposed Project would not directly or indirectly cause or exacerbate adverse effects involving strong seismic ground shaking. The Project would be designed to current CBC regulations, with respect to seismic engineering and would therefore be considered seismically safe. Constructing new structures within an earthquake-prone area would not, in and of itself, increase seismic risks to surrounding uses. Therefore, impacts would be **less than significant,** and no mitigation is required.

Expose People or Structures to Liquefaction

Due to the lack of shallow groundwater, liquefaction and lateral spreading are not considered potential geologic hazards. However, other seismic related ground failures are possible at the site, including seismically induced ground settlement, which can result in distress to overlying structures.

In addition, as discussed in Threshold GEO-1b, the proposed Project would be required to comply with the then current CBC, which currently includes provisions to ensure that new development would not cause or exacerbate geological and soil hazards, including seismically induced settlement. These provisions would include incorporation of recommendations of the Project-specific geotechnical report, which would minimize the potential for structural damage during an earthquake. Furthermore, development of the proposed Project would not foreseeably cause ground failure or directly or indirectly cause or exacerbate adverse effects involving seismic related ground failure, including ground settlement. Therefore, impacts would be less than significant.

Soil Erosion or Loss of Topsoil

Construction

On-site soils consist of well-drained sandy loam and loamy sand, on relatively flat topography, which minimizes the potential for erosion. However, construction activities associated with the Project would include substantive earthwork activities that could potentially expose soils to erosion or loss of topsoil. As part of the plan checking process, the City would require submittal of a SWPPP that is required to be submitted to the Central Valley RWQCB prior to construction, in adherence to the conditions set forth under the Construction General Permit. A SWPPP is required for all projects with ground disturbance greater than 1.0 acre. The SWPPP would incorporate BMPs to ensure that potential water quality impacts during construction from erosion would be minimized.

Typical BMPs would include grading during dry-weather conditions, moisture control of exposed soils to prevent wind erosion when temporarily disturbed, covering of temporary soil stockpiles, construction of temporary catch basins, and utilization of sandbags, as appropriate. If excavations are made during the rainy season (normally from November through April), BMPs would typically include the installation of berms, plastic sheeting, or other devices, to protect exposed soils from the effects of precipitation. Surface water would be prevented from flowing over or ponding at the top of excavations. Construction activities would also be required to comply with the City's grading requirements to eliminate or reduce erosion or sedimentation, which are targeted for protection of water quality, but would also be effective in minimizing erosion or loss of topsoil. Once land disturbance is completed, landscaping would be installed and nonerosive drainage features such as private storm drains and debris/infiltration basins would be constructed. Disturbed areas would be protected until sustainable vegetated growth is established. Typically, protection can be provided by the use of sprayed polymers, straw waddles, jute mesh, or by other measures in accordance with City and statewide general construction stormwater permit requirements. In addition, the Project would be required to comply with all applicable City grading permit regulations, plans, and inspections to reduce sedimentation and erosion.

Thus, with implementation of BMPs, compliance with applicable City grading permit regulations, and compliance with requirements of the statewide NPDES General Construction Permit, the Project construction activities would not result in substantial erosion or loss of topsoil.

Operation

operation of the Project would have a more limited degree of erosion potential because of the proposed improvements and associated drainage control features. During operations, the Project site would include design measures that meet post-construction requirements of the City's Stormwater Management Plan, which include a combination of structural and/or non-structural BMPs. These BMPs could include use of bioswales, porous pavement, landscaping, and onsite detention ponds. The design measures would be required to meet the NPDES MS4 requirements and enforced through the Site plan review process by the City. The implementation of these required water quality BMPs and storm drainage system design measures, consistent with the City's Stormwater Management Plan, would ensure that the potential for adverse effects related to water quality would be minimized.

Liquefaction

The Project site is not susceptible to landslides, liquefaction, or lateral spreading. Based on a land subsidence map compiled by the U.S. Geological Survey, the Project site is located within a regional area of subsidence due to groundwater pumping. However, more specifically, the Project site is not located within an area of historic ground subsidence that occurred in the Tulare-Wasco area from 1948 to 1954. The Project site is located northeast of this area of historic subsidence. Project construction and operation would not induce subsidence and result in unstable ground conditions.

Compliance with recommendations of a site-specific geotechnical report would minimize the potential for structural damage of proposed structures due to geologic hazards. As with all development in the City of Tulare, the City's plan check and building inspection procedures would ensure that the proposed Project is constructed according to CBC standards, including the recommendations provided in the geotechnical report. Furthermore, based on the nature of the Project (i.e., residential development), development of the proposed Project would not directly or indirectly cause or exacerbate adverse effects involving strong seismic ground shaking, subsidence, or collapse. The Project would be designed to current CBC regulations, with respect to seismic engineering and would therefore be considered seismically safe. Constructing new structures within an earthquake-prone area would not, in and of itself, increase seismic risks to surrounding uses.

Expansive Soil

On-site soils generally consist of loamy sand and sandy loam, which have a component of clay. Therefore, the potential exists on-site for expansive soils. The proposed Project would be required to comply with the then current CBC, which currently includes requirements to minimize the potential for substantial risks to life or property due to expansive soils. In addition, the Project-specific geotechnical report would include recommendations to address potentially expansive soils during grading and construction. Compliance with these recommendations would minimize the potential for structural damage associated with expansive soils. In addition, Project construction and operation would not increase the potential for substantial risks to life or property associated with the presence of expansive soils because this type of project would not foreseeably create hazards or risks to life or property from expansive soils given the soil engineering that would be done prior to Project construction.

Finding

The City finds that, based upon substantial evidence in the record, the proposed project would have a less than significant impact on geological resources or soils; therefore, no mitigation is required.

2.4.7 Hazards and Hazardous Materials

Emergency Response and Evacuation Plans

The Project site will be incorporated into the City of Tulare jurisdiction. The City's General Plan includes policies that require the City to maintain adequate emergency response services. While the proposed Project would ultimately increase population in the area, both the City of Tulare and County of Tulare have emergency response capabilities for both fire and hazardous materials. Emergency evacuation routes would not be impacted, as construction would occur within the Project site boundaries and would not impact any nearby evacuations. The Project site is not located along an identified emergency evacuation route and is not identified in any adopted emergency evacuation plans. The proposed Project would include emergency vehicle access at multiple points on the Project site, providing evacuation ability to residents and emergency ingress for emergency responders. As such, the Project would not interfere with an adopted emergency response plan or evacuation plan, and impacts would be less than significant.

Finding

The City finds that, based upon substantial evidence in the record, the proposed project would have a less than significant impact on hazards and hazardous materials as it relates to the interference with an adopted emergency response plan or emergency evacuation plan therefore, no mitigation is required.

2.4.8 Hydrology and Water Quality

Violate Water Quality Standards or Waste Discharge Requirements

Short-Term Construction Impacts

Construction of the Project would include ground disturbing activities that have the potential to expose soils to the effects of erosion and siltation including during and immediately following excavation, grading, trenching, and soil stockpiling. Each of these construction-related activities would result in potential siltation or otherwise adversely affect water quality of nearby drainages if not managed appropriately. In addition, construction equipment and materials would include the use and storage of fuels, oils and lubricants, solvents and cleaners, cements and adhesives, paints and thinners, degreasers, cement and concrete, and asphalt mixtures. If not managed appropriately, accidental spill of hazardous materials could also adversely affect the water quality of stormwater and/or surface water bodies.

Construction activities would disturb more than 1 acre and therefore must be conducted in compliance with the National Pollutant Discharge Elimination System (NPDES) Construction General Permit. Compliance with the NPDES permit requires preparation and implementation of a stormwater pollution prevention plan (SWPPP). The SWPPP must include BMPs to address the potential to transport sediment and protect properties from erosion, flooding, or the deposition of mud, debris, or construction-related pollutants. The SWPPP must include erosion control measures and proper handling of hazardous materials, such as proper petroleum product storage and spill response practices, to prevent pollution in stormwater discharge. The construction-phase BMPs would assure effective control of not only sediment discharge, but also of pollutants associated with sediments, such as nutrients, heavy metals, and pesticides. The SWPPP would also be required to be consistent with the construction control requirements found within the City's Stormwater Management Plan. Through compliance with these existing

regulations, the Project would not result in any significant water quality impacts related to soil erosion or release of hazardous materials during the construction phase.

Long-Term Operational Impacts

The Project includes replacement of existing agricultural land with new mixed land uses, and associated infrastructure. The primary sources of pollution in runoff from these land uses are expected to include oil, grease, petroleum products, and automobile-related pollutants, pathogens/bacteria from pets, pesticides/herbicides/insecticides and nitrogen and phosphorous from fertilizers for landscaping, and trash, lawn clippings, and debris that can accumulate impervious surfaces, such as parking lots, driveways, and sidewalks. Other potential pollutants that may be generated by the Project include household-type cleaning products, maintenance products (e.g., paints, solvents, cleaning products), and refrigerants associated with building mechanical heating, ventilation, and air conditioning (HVAC) systems.

Excess fertilizers, nutrients, and pathogens/bacteria from pets can impact water quality by promoting excessive and/or rapid growth of aquatic vegetation, which reduces water clarity and results in oxygen depletion. Pesticides/herbicides/insecticides can also enter urban runoff after application on landscaped areas and can be toxic to aquatic organisms and can bioaccumulate in larger species, such as birds and fish. Oil, grease, and heavy metals can enter dry-weather and stormwater runoff from vehicle leaks, traffic, and vehicle maintenance activities, and metals can enter runoff as surfaces corrode, decay, or leach.

These anticipated pollutants would be addressed through adherence to existing water quality control measures included as part of the NPDES Phase II requirements for new development contained within the City's Stormwater Management Plan. During operations, the Project site would include design measures that meet post-construction requirements of the City's Stormwater Management Plan that include a combination of structural and/or non-structural BMPs. These BMPs could include use of bioswales, porous pavement, landscaping, and on-site detention ponds. The design measures would be required to meet the NPDES MS4 requirements and enforced through the site plan review process by the City. The implementation of these required water quality BMPs and storm drainage system design measures consistent with the City's Stormwater Management Plan would ensure that the potential for adverse effects related to water quality would be minimized.

In addition, any land uses on the Project site that would include hazardous materials would be required to prepare a Hazardous Materials Business Plan (HMBP), which requires any hazardous materials used for operations to be properly used and stored in appropriate containers, that spill prevention measures are implemented, and that spill response procedures are in place to respond to accidental releases. The designated CUPA responsible for implementing the HMBP program is the Tulare County Division of Environmental Health. The laws and regulations that established these programs require businesses that use or store certain quantities of hazardous materials to submit a HMBP that describes the hazardous materials usage, storage, and disposal to the local CUPA that demonstrates secure management. The California Fire Code would also require measures for the safe storage and handling of hazardous materials. Compliance with relevant regulations, primarily Hazardous Materials Release Response Plans and Inventory Act and the HMBP implemented to comply with this Act, would reduce the potential for the accidental release of these hazardous materials and have procedures in place to respond to spills.

The Project's implementation of water quality BMPs and compliance with applicable laws and regulations would ensure that operation of the Project would not violate any water quality standards or waste discharge requirements

or otherwise substantially degrade surface or groundwater quality, and impacts would be less than significant with no mitigation required.

Deplete Groundwater Supplies or Interfere with Groundwater Recharge

The Project area is located within the Kaweah Subbasin of the San Joaquin Groundwater Basin. The Kaweah Subbasin is considered by DWR to be a high priority basin according to SGMA and in critical overdraft condition (Appendix G). The subbasin is collectively managed by three GSAs consisting of the East Kaweah GSA, the Mid-Kaweah GSA (MKGSA), and the Greater Kaweah GSA (GKGSA). The Project site is currently within the boundaries of the GKGSA, however once annexed by the City as proposed, it would be governed by the MKGSA. Each of the GSAs within the subbasin have developed a Groundwater Sustainability Plan (GSP) but collectively have determined a subbasin-wide sustainable yield of 660,000 acre-feet per year (AFY) (Appendix G).

Water supply for the proposed Project would primarily be provided by the City although some irrigation of landscaping and the park may come from existing on-site wells. The City sources its water supply from groundwater through a network of 24 different wells widely distributed throughout the City. The estimated water demand for the proposed Project is 629 AFY. According to the WSA prepared for the Project, the existing use of the on-site wells for the orchard irrigation and domestic water use for the residential properties totals 699 AFY (Appendix G). Therefore, the proposed Project would represent a decline in the total groundwater demand for the Project site and would not decrease groundwater supplies or impede with sustainable groundwater management of the basin.

The proposed Project would create new impervious surfaces that would reduce the amount of on-site infiltration that occurs under existing conditions. However, as mentioned above, the proposed Project would be required to include post-construction BMPs in accordance with the City's Stormwater Management Plan. Post-construction BMPs would include stormwater drainage features that encourage on-site infiltration of stormwater runoff including vegetated swales, porous pavement, landscaped areas, detention basins and/or similar improvements. The proposed residential areas would include natural areas that would be graded to also serve for stormwater detention. As a result, the amount of runoff that is discharged offsite would be minimized.

Therefore, the proposed Project would require decreases in water demands from the subbasin and while there would be an increase in impervious surfaces compared to existing conditions, the adherence to drainage control requirements would minimize the effect on groundwater recharge. As such, the potential impacts related to groundwater supplies would be considered less than significant.

Alter Existing Drainage Pattern

Erosion and Siltation

Construction of the proposed Project elements would occur in phases over a 9 to 10-year period. However, as construction occurs, new impervious surfaces would be created and would alter the existing drainage patterns of the site, which is currently entirely pervious. There would be no alteration of the course of a stream or river. During construction, all earthwork activities would be required to adhere to the NPDES Construction General Permit and the required SWPPP, which would include erosion and sedimentation control BMPs such as use of straw bales, silt fences, and protection of stockpiled soil. Implementation of these construction control BMPs would ensure that during construction and associated earthwork activities the potential for erosion or siltation on- or off-site is reduced to less than significant levels.

Once constructed, as noted above, all proposed improvements must include drainage control measures to effectively manage stormwater runoff that is consistent with the City's Stormwater Management Plan. These requirements include post-construction BMPs that would be designed to minimize the potential for erosion or siltation. Use of landscaped areas for detention basins and other control features such as vegetated swales and permeable paving, which are designed to increase on-site infiltration and reduce runoff volumes are effective in minimizing the potential for erosion and siltation.

Therefore, with adherence to the existing regulatory requirements for stormwater controls both during construction and operation, the proposed Project would have a less than significant impact related to erosion and siltation from the proposed changes in drainage patterns.

Flooding on or Off-site

The proposed improvements would increase the amount of impervious surfaces on the Project site, but would not alter the course of a stream or river. The proposed improvements would be required to include stormwater management features that include meeting stormwater runoff volume minimum standards in accordance with the City's Stormwater Management Plan. Typically, use of detention basins such as those that would be included in the Project design plans for some of the natural open space areas, can be sized to ensure that peak storm flows do not create adverse flooding effects either on- or off-site. Adherence to these existing drainage control requirements would ensure that stormwater is managed in a manner that meets City requirements and reduces the potential for flooding on- or off-site to less than significant levels.

Substantial Additional Sources of Polluted Runoff

The Project's water quality BMPs and compliance with applicable laws and regulations would ensure that operation of the Project would not substantially degrade surface or groundwater quality, and impacts would be less than significant.

The proposed Project would include construction of drainage control features such as detention basins, that would meet City requirements in accordance with their Stormwater Management Plan. Therefore, the Project would not contribute runoff that would exceed the capacity of any existing or planned stormwater drainage systems or provide substantial additional sources of polluted runoff. The impact would be less than significant.

Flood Hazard, Tsunami, or Seiche Zones

The Project site is not located within a flood hazard area. The Project site is also located well inland where the threat of tsunami inundation is not present. There are also no nearby enclosed or semi-enclosed bodies of water where potential seiche hazards could occur. Therefore, due to the Project site characteristics the potential for risk of release of pollutants due to inundation is considered less than significant.

Impede or Redirect Flood Flows

The Project site is not within a 100-year flood hazard area and is in an area that FEMA has identified as having minimal potential for flood risks (FEMA 2009). Adherence to existing regulatory requirements regarding stormwater drainage control such as the use of on-site detention basins, sized to meet City standards, would ensure that the potential for flooding or impeding or redirecting flood flows would be minimized. Therefore, the potential for the proposed changes

to drainage patterns at the Project site would have a less than significant impact on impeding or redirecting flood flows.

Conflict with Water Quality Control Plan or Sustainable Groundwater Management Plan

The Project would be required to comply with the NPDES Construction General Permit requiring preparation and implementation of a SWPPP to control runoff from construction work sites, which is consistent with the Central Valley RWQCB Basin Plan policies and goals. Implementation of BMPs including physical barriers to prevent erosion and sedimentation, construction of sedimentation basins, limitations on work periods during storm events, use of infiltration swales, protection of stockpiled materials, and a variety of other measures would substantially reduce the potential for impacts to surface water quality from occurring during construction. Construction activities would also require water supplies for activities such as dust suppression and grading, however the quantities required would be relatively low compared to existing operational water demands. Therefore, the Project would not conflict with or obstruct implementation of a water quality control plan or sustainable groundwater management plan and impacts from construction would be less than significant.

Once constructed, the Project is subject to the City's drainage control requirements, which is consistent with NPDES requirements and meets the water quality policies and objectives of the Central Valley RWQCB Basin Plan. The Basin Plan outlines water quality objectives for all surface water resources within the basin. Compliance with the Basin Plan is ensured through Waste Discharge Requirements for all surface water discharges including stormwater. The proposed Project would have no other discharges outside of stormwater. Compliance with the existing drainage control requirements would ensure that the Project is consistent with the Basin Plan's water quality objectives.

As noted above, the proposed water demand for the Project would primarily come from groundwater sources however the Project's demand (629 AFY) would be reduced from the existing demands (699 AFY) and therefore would benefit the subbasin's goal to reach a sustainable yield in accordance with SGMA. Therefore, operation of the proposed Project would not conflict with or obstruct implementation of a water quality control plan or sustainable groundwater management plan, and impacts would be less than significant.

Cumulative Hydrology and Water Quality Impacts

The Project would result in potentially less than significant cumulative impacts with regard to hydrology and water quality. The implementation of City's Stormwater Management Plan, National Pollutant Discharge Elimination System (NPDES) permit, and Stormwater Pollution Prevention Plan (SWPPP) would require water quality BMPs and storm drainage system design measures to minimize the potential for erosion, siltation, flooding, or the deposition of mud, debris, or construction-related pollutants. Post-construction requirements of the City's Stormwater Management Plan would be implemented, and water supply would be provided by the City, therefore the Project minimizes the effect on groundwater recharge and would have a decline for ground water demand. The Project and cumulative projects would implement the City and County's plans and regulations; therefore, impacts would be less than cumulatively considerable.

Finding

The City finds that, based upon substantial evidence in the record, the proposed project would have a less than significant impact on hydrology and water quality. Therefore, no mitigation is required.

2.4.9 Land Use

Division of an Existing Community

The physical division of an established community typically refers to the construction of a linear feature (e.g., a major highway or railroad tracks) or removal of a means of access (e.g., a local road or bridge) that would impair mobility within an existing community or between a community and outlying area.

Under the existing condition, the Project site is vacant land and is not used as a connection between established communities. Instead, connectivity within the area surrounding the Project site is facilitated via local roadways. As such, the Project would not impede movement within the Project area, within an established community, or from one established community to another. Therefore, no impacts associated with division of an existing community would occur.

Conflict with Land Use Plans

General Plan

Project implementation would require entitlements, approvals, and permits in compliance with applicable land use plans. These include approval of a zone amendment (pre-zoning for anticipated annexation), general plan amendment, exclusion from Agricultural Preserve Number 0002326, cancellation of Agricultural Preserve Contract 06925, and annexation of the property from the County to the City.

The City of Tulare General Plan 2035 serves as the comprehensive land use plan for development within the City and therefore, the Project site. As described previously, the Project would also be subject to the policies listed in the Transit Oriented Development Plan, which provides for the City's planning and urban design concept that calls for a mix of land uses centered on access to public transit.

Cumulative Land Use and Planning Impacts

The proposed General Plan Amendment and Zone Change would allow for the development of the proposed residential community. Implementation of the Project's proposed General Plan Amendment and Zone Change would eliminate any inconsistencies between the proposed land use and the site's existing General and Specific Plan land use designations and zoning code, respectively. Presumably, as development occurs elsewhere throughout the City and the larger Tulare County area, any proposal to change the underlying land use or development intensity for a specific property would similarly be resolved through an amendment to the applicable land use plan. Given that amendments to land use plans are discretionary in nature, any action involving an amendment would be subject to CEQA and reviewed on a case-by-case basis. Should any amendment result in a significant environmental effect, mitigation measures would be identified to reduce those impacts. Additionally, the periodic and frequent nature of regional planning efforts such as updates to the Regional Transportation Plan and AQMP allow for changes in land use to be integrated into a regional planning context, thereby accounting for ever-changing land use patterns. Given these factors, the Project would not result in any cumulatively considerable land use and planning conflicts in the context of compliance with applicable environmental plans, policies, and regulations beyond those identified in other sections of this EIR.

Finding

The Initial Study for the proposed project found no potential for significant impacts to land use; therefore, land use was not addressed in the Draft EIR. No mitigation would be required, and no significant, unavoidable adverse impacts would occur.

2.4.10 Noise

Off-Site Traffic Noise

Dudek's transportation team evaluated Project-related traffic levels along roadways to which the Project would principally contribute vehicle trips, including East Bardsley Avenue and South Oakmore Street (Transportation Impact Analysis for Chandler Grove Master Plan, Dudek, January 2023). Project-related traffic noise levels were examined along these same roadways using the results of the traffic analysis. Acoustical calculations using standard noise modeling equations adapted from the FHWA noise prediction model were performed for the following scenarios: Existing, Existing Plus Project, Opening Year (2032), Opening Year Plus Project, Future Buildout Year (2040), and Future Buildout Year Plus Project.

The modeling calculations take into account the posted vehicle speed, average daily traffic volumes for each scenario, and the estimated vehicle mix (i.e., automobiles, medium and heavy trucks). The model assumed hard-site propagation conditions (worst-case, which accounts for pavement or hard-packed dirt adjacent to roadway travel lanes). Noise levels were modeled at a distance representing the closest existing residences to the roadway centerline. Noise levels at greater distances from the roadway centerline would be lower due to attenuation provided by increased distance from the noise source. Generally, noise from heavily traveled roadways would experience a decrease of approximately 3 dBA for every doubling of distance from the roadway. The noise model does not take into account the sound-attenuating effect of intervening structures, barriers, vegetation, or topography. Therefore, the noise levels predicted by the model are conservative with respect to traffic noise exposure levels along these roadways.

Based on the FICON significance thresholds for Project-added traffic noise, under the opening year (2032) and future build-out (2040) scenarios the Project would not result in traffic noise level increases greater than FICON significance thresholds. Consequently, traffic noise impacts of the Project would be less than significant.

Exterior Noise Exposure for Future Project Occupants

CEQA does not require the evaluation of the noise environment on proposed noise-sensitive uses. The following discussion is therefore provided for informational purposes, and to assist the City in determining if the proposal would be consistent with noise element polices (City of Tulare 2013b). The traffic noise modeling in the preceding section was completed using a setback distance from each roadway that represents the setback for the closest existing residences from those roadways. To determine worst-case traffic noise exposure for future Project residents, traffic noise modeling was performed at the setback distance for proposed residential uses within the Project. The future buildout year (2040) with Project traffic contributions was used for this analysis, to address the worst-case traffic along the roadways adjacent to the Project.

The predicted exterior sound level along South Oakmore Street is calculated at the fence-line of the rear yards adjacent to South Oakmore Street (the residences would be at greater distances, with a lower traffic noise exposure

level). According to the data, traffic noise exposure for lots along South Oakmore Street would fall within the recommended maximum of 60 dBA CNEL for residences. These lots would therefore not be exposed to elevated traffic noise levels, and no noise control measures would be required. With similar setback distances to the rear yard lot line for residences along Avenue 228, future traffic noise exposure levels for residential lots along Avenue 228 would also be anticipated to experience traffic noise exposure levels that fall below the 60 dBA CNEL recommended maximum. No special construction techniques or materials would be required for residences on lots fronting South Oakmore Street or Avenue 228 in order to achieve compliance with the State interior criterion of 45 dBA CNEL maximum.

Exterior sound levels are higher than 65 dBA CNEL indicate potential locations where an exterior-to-interior noise analysis should be performed for residences that include an exterior wall on the indicated building façade. As such analyses should be performed for residences in the first (closest) row to East Bardsley Avenue.

Based on the Year 2040 with Project results of the above traffic noise analysis, the first row of structures adjacent to East Bardsley Avenue could have traffic noise levels at the façade facing East Bardsley Avenue. of approximately 67 dBA CNEL. The California Department of Health Services guidelines consider an exterior noise exposure of 60 to 70 dBA CNEL for high density residences to be "conditionally acceptable" while CCR Title 24 requires that an interior noise analysis be performed where exterior noise exposure would exceed 60 dBA CNEL. CCR Title 24 also requires that interior noise levels due to exterior noise sources not exceed 45 dBA CNEL for multi-family residences. An interior noise analysis is not currently required under CEQA, but a preliminary discussion for informational purposes is provided below.

No exterior wall assembly has been provided yet, but it is assumed the exterior wall for the Project structures will be of standard construction and consist of 3-coat stucco or exterior paneling over sheathing, on wood studs with a single layer of gypsum board on the interior and batt insulation in the cavity. This assembly has an attenuation capacity of typically 40-45 (identified by a Sound Transmission Classification [STC] rating), which means the exterior solid wall could reduce exterior noise levels by at least 40 dBA in interior spaces.

On-Site Stationary Noise (Commercial)

The Neighborhood Commercial Center component of the Project would have the greatest potential for noise generation associated with stationary noise sources, most notably heating, ventilation and air conditioning (HVAC) equipment for climate control within the larger commercial structures. This component is also located at the southern and western property boundary, with the shortest distance to adjacent property boundaries. The frontage of the Neighborhood Commercial Center is approximately 975 feet along East Bardsley Avenue and 850 feet along South Oakmore Street. With the potential for several rows of buildings to occupy the commercial center, analysis of stationary noise sources can be limited to the building row immediately along the street frontages (because the building closest to the street would act as a barrier for noise from interior buildings). Based on the scale of the apartment buildings within the high density residential adjacent to the east side of this component, the assumption is made that up to three commercial buildings with a total of 30,000 SF could be in the first situated along Bardsley Avenue. The first building row along South Oakmore Street is assumed to be composed of no more than two buildings, with combined total of approximately 20,000 SF.

Rooftop HVAC mechanical equipment noise was modelled as a set of point sources located on the rooftops of the. first row of buildings along East Bardsley Street and South Oakmore Street. The equipment used for sound level reference is the York Series ZE-060 package HVAC unit, 5-ton capacity. The York ZE-060 has a sound power level

of 82 dBA Lw. It was assumed that one 5-ton HVAC unit would be required for each 5,000 SF of building floor area. Based on the assumptions described above, up to six HVAC units could be installed on the roof-top of the first row of buildings fronting East Bardsley Avenue; up to four units could be on the rooftops of the first row of buildings along South Oakmore Street. The combined sound level for six units would be 82 dBA L_{eq} at 1 meter (3.28 feet); the combined sound level for four units would be 80 dBA L_{eq} at 1 meter.

Using a building setback from East Bardsley Avenue for commercial center buildings not closer than the depicted adjacent apartment buildings, the distance to the property line across East Bardsley Avenue is approximately 140 feet. At a minimum separation distance of 140 feet, the sound pressure level of the six HVAC units for the building row along East Bardsley Avenue would be reduced to 49 dBA L_{eq}. This expected mechanical equipment noise level would be below the daytime ambient noise level of 64 dBA L_{eq} along East Bardsley Avenue. In addition, the land across East Bardsley is currently used for agriculture, which is not considered a noise-sensitive receiver. However, the predicted sound level of 49 dBA L_{eq} would equate to 56 dBA CNEL (assuming equipment is operated continuously 24 hours per day). HVAC sound levels across East Bardsley Avenue would therefore also fall below the recommended maximum exterior noise level of 60 dBA CNEL for residences.

Using a building setback from South Oakmore Street for commercial center buildings not closer than the depicted setback from East Bardsley Avenue for apartment buildings, the distance to the property line across South Oakmore Avenue is approximately 180 feet. At a minimum separation distance of 180 feet, the sound pressure level of the four HVAC units for the building row along South Oakmore Street would be reduced to 45 dBA L_{eq}. This expected mechanical equipment noise level would be below the daytime ambient noise level of 58 dBA L_{eq} along South Oakmore Street. The land across East Oakmore Street is developed with a high school; classrooms are sometimes considered a noise-sensitive use, with a recommended exterior noise exposure the same as for residences (60 dBA CNEL). The predicted sound level of 45 dBA L_{eq} would equate to 52 dBA CNEL (assuming equipment is operated continuously 24 hours per day). HVAC sound levels across South Oakmore Street would therefore also fall below the recommended maximum exterior noise level of 60 dBA CNEL for residences (which is sometime applied to classrooms). Therefore, impacts from on-site stationary mechanical equipment noise are less than significant.

Vibration Generation

Construction Vibration

California Department of Transportation (Caltrans) has been assembling data for vibration levels generated by heavy construction equipment operation during the building of transportation projects for many years. The vibration levels from use of such equipment are representative for other types of construction efforts, not just transportation projects, and are therefore widely employed to assess vibration levels from heavy equipment use for any effort. According to Caltrans (2020b) the most important equipment relative to generation of vibration, and the vibration levels produced by such equipment.

Caltrans uses a threshold of 0.2 ips PPV for annoyance to persons to address construction, or 0.24 ips PPV for long-term vibration sources. Since it is more stringent, the construction threshold of 0.2 ips PPV for human annoyance is used in this analysis. For residential structures employing concrete foundation and wood frame construction, Caltrans and FTA identify a conservative damage threshold vibration level standard of 0.3 ips PPV (Caltrans 2020b; FTA 2018). Using the human annoyance threshold of 0.2 ips PPV in the analysis also conservatively avoids potential for damage to existing residential structures in the vicinity of the Project site.

Vibration levels at 25 feet from various construction equipment, in order to determine the vibration levels at distances other than 25 feet, the following formula is used.

$$\text{Peak particle velocity at distance (d)} = \text{peak particle velocity}(d_{ref}) * (d_{ref}/d)1.5$$

In the above equation, "d" is the distance between the receiver and a vibration source, "d_{ref}" is the reference distance that applies for the indicated vibration magnitude. The calculated distance to a vibration level of 0.20 ips PPV represents the radius from each equipment type within which potentially significant vibration impacts from Project construction could occur.

The ground borne vibration levels for the most common heavy construction equipment would attenuate to less than 0.2 in/sec PPV within 26 feet from the equipment. The closest existing residences to the boundaries of the Project site are no closer than 45 feet. Therefore, construction vibration impacts of the Project would be less than significant.

Operational Vibration

Vibration impacts associated with industrial and commercial facility operations are limited to large scale equipment with rotational components or involving repeated impact or "striking" movements (e.g., industrial grade compressors, stamping machines, printing presses), or with the maneuvering of heavy trucks or similar large-scale materials-transport equipment. The ongoing operation of the proposed Chandler Grove Annexation Project would not involve rotational equipment, impact equipment, with truck activities limited to medium weight trucks for supply deliveries to the commercial component of the Project. Consequently, long-term operation of the Project would not be anticipated to generated perceptible vibration levels; operational vibration levels are therefore less than significant.

Cumulative Noise Impact

Based on comparison of the Year 2040 and Year 2040 Plus Project traffic noise levels, the Project would not result in traffic noise level increases greater than FICON significance thresholds. Consequently, the Project's contribution to potential cumulative traffic noise impacts would remain less than significant.

Temporary changes to the outdoor sound environment could occur not only due to Project construction noise that has already been presented herein, but as a cumulative result of potential concurrent Project construction activity noise and the noise emission from construction of other projects in the vicinity.

Due to the decrease in noise levels with distance and the presence of physical barriers (i.e., intervening buildings and topography), noise due to construction of other projects would not meaningfully combine with that of the proposed Project and produce a cumulative noise effect during construction. By way of illustration, if there are two concurrent construction projects of comparable sound emission intensity, and the activity nearest to a common studied noise-sensitive receptor is compliant with the aforementioned 80 dBA 8-hour L_{eq}, then the other activity could be no closer than three times the distance of the receptor to the nearest activity and not make a cumulatively measurable contribution to the total noise exposure level. If, on the other hand, two concurrent projects were comparably close to a receptor, the cumulative noise would be one of the following:

- The louder (in dBA) of the two concurrent activities; or

- a logarithmic sum of the two activity noise levels that, per acoustic principles, cannot be more than 3 dBA greater than the louder of the two individual noise-producing activities.

In sum, cumulative construction noise is likely to be dominated by the closest or loudest activity to the receptor, and the combination will be no more than a barely perceptible difference (i.e., up to a 3 dBA change). On the basis of such a barely perceptible cumulative construction noise level occurring due to the proposed Project and what may be a nearby concurrent construction activity, the impact would be considered less than significant.

Akin to the preceding discussion of cumulative construction noise, operation noise from stationary equipment attributed to the proposed Project (as already presented herein) and any others potentially operating in the future and in the vicinity of a common offsite noise-sensitive receptor would need to be compliant with the City's applicable standards. Cumulative contribution of the proposed Project to this future aggregate noise level from multiple established projects or facilities assumed to have comparable individual noise emission from stationary sources would be bounded by the same potential outcomes as follows:

- The louder (in dBA) of the two concurrently operating projects or facilities; or
- a logarithmic sum of the two operation noise levels that, per acoustic principles, cannot be more than 3 dBA greater than the louder of the two individual levels.

In summary, cumulative operation noise is likely to be dominated by the closest or loudest project to the receptor, and the combination will be no more than a barely perceptible difference (i.e., up to a 3 dBA change). On the basis of such a barely perceptible cumulative operation noise level occurring due to the proposed Project and what may be nearby and concurrent operation of offsite stationary noise sources, the impact would be considered less than significant.

The Project has virtually no potential to contribute to cumulative vibration impacts, as vibration levels with the potential to result in human annoyance would be limited to a distance of 26 feet from any construction. At this distance, it is highly unlikely that other vibration sources would be present in order to exacerbate existing ambient vibration levels.

Finding

The City finds that, based upon substantial evidence in the record, the proposed project would have a less than significant impact on noise as it relates to excessive groundbourne vibration or noise levels; therefore, no mitigation is required.

2.4.11 Population and Housing

Inducement Population Growth

The Project is requesting to be annexed into the City. The Project site is within the City's Sphere of Influence and Urban Development Boundary and annexation of this area is anticipated under the City's 2035 General Plan (City of Tulare 2014). The Project proposes to construct a residential and mixed-use Project that would include 1,197 dwelling units which could support 4,178 residents based on the U.S. Census household size of 3.49 persons per

household (United States Census Bureau 2021). This new population would not exceed the population projections for the City, which are based on planned development within the City's General Plan.

Based on the year 2021 and an estimated population in the City of 70,733 (United States Census Bureau 2021) and the County's General Plan population projections of approximately 498,559 residents up to 616,547 residents by 2035, the addition of up to 4,178 residents within the City as a result of the Project would not result in a substantial increase in unplanned population growth (County of Tulare 2012). Further, the Project would not indirectly encourage unplanned population growth because it would not construct any new roadways or offsite public service and utility infrastructure that could support additional development or contribute to unplanned development in the area.

The origin of potential new residents cannot be determined at this time; however, some of the estimated 4,104 new residents are anticipated to be current residents of the City, while others are anticipated to move to the Project site from areas outside the City. For some, the Project site would provide new first-time home buyer or rental opportunities. The Project site would also provide an opportunity for "move-up" housing for existing homeowners inside and outside the City who are seeking to purchase a home that is newer, larger, and/or has more amenities than their current home.

As described above, the City has an unmet housing need, as does the rest of the state. The proposed Project would contribute to the City meeting its housing needs. However, the construction and operation of the proposed Project, to accommodate the increased population, would result in potentially significant impacts to the environment.

Indirect Population Growth

The Project site is located adjacent to S. Oakmore Street (Road 124) to the west. Avenue 228 to the north, and E. Bardsley Ave to the south. The Project would not require the extension of any existing roadways but would require construction of on-site roads as well as utilities and other infrastructure as well as fair-share contributions for intersection improvements in the vicinity of the Project site. More specifically, implementation of the proposed Project would include the construction of new water supply and wastewater infrastructure, internal roadways, telecommunication facilities, electrical utility infrastructure, and natural gas pipelines to service the Project site. The new infrastructure improvements would extend through and connect to the City's existing infrastructure near the Project site. The proposed infrastructure improvements would be sized to serve the Project itself and to serve future development of areas to the north of the Project site, should the area be developed in the future. Improvements may also be sized and located to serve existing residents to the west of the project site should the Tulare County LAFCO require annexation of the area in the future

The proposed Project would include perimeter improvements such as sidewalks, curbs, and gutters. In addition, as stated in MM-TRA-1, the Project would be required to pay fair share costs for intersection improvements in the vicinity of the Project site for queuing impacts directly related to Project implementation. These improvements would not be designed to extend services to non-Project-related undeveloped areas. Development of the proposed Project site is identified as a planned improvement in the City's Transit Oriented Development Plan. and therefore, would not induce or encourage substantial unplanned population growth within undeveloped areas in the adjacent County. Therefore, the potential direct and indirect effects of the Project on population growth are considered less than significant.

Displacement of Existing Housing and People

The proposed Project involves development of a Master Plan to include 1,176 new residences. The three existing residences on the site that would be removed to accommodate the Project. These residences are currently occupied as part of the exiting agricultural activities onsite Therefore, the proposed Project would not displace substantial numbers of existing residents living on the site. Because only three residences would be removed it would not be considered to be a "substantial number". Therefore, the proposed Project would not displace a substantial number of people or housing units and would add to the overall availably of housing within the City. Impacts would be less than significant.

Cumulative Population and Housing Impacts

Cumulatively, growth in the Tulare County region has the potential to result in significant environmental impacts. The County planning documents, such as the Final Regional Housing Needs Plan for Tulare County 2014-2023 *and* the general plans for the incorporated cities within the County, have been prepared to be consistent with the population forecasts identified for the region. As mentioned above, the proposed Project would result in a direct and indirect population growth. Although the Project is expected to lead to direct population growth, new residents are anticipated to be current residents of the City. In terms of indirect impacts, perimeter improvements may allow future growth to occur in undeveloped areas. However, those improvements would not be designed to extend services to non-Project-related undeveloped areas and would not service demand for utilities not associated with Project operations. Additionally, the proposed Project would accommodate for the housing needs identified in the County's RHNA plan. As such, impacts related to population and housing would not be cumulatively considerable.

The proposed Project would not displace a significant number of homes and instead add up to 1,176 homes to a vacant area. Therefore, the proposed Project would not contribute to a cumulative housing displacement impact and impacts would not be cumulatively considerable.

Any future development would be required to comply with applicable federal, state, and local regulations related to population and housing. Required compliance with these regulations would ensure impacts related to population and housing would be less than significant. Therefore, impacts related to population and housing would not be cumulatively considerable.

Finding

The City finds that, based upon substantial evidence in the record, the proposed project would have a less than significant impact on population and housing; therefore, no mitigation is required.

2.4.12 Public Services

Fire Protection Facilities

Fire protection requirements are based on the number of residents and workers in the TFD service areas. Service demand is primarily tied to population, not building size, because emergency medical calls typically make up the majority of responses provided by the fire department. As the number of residents and workers increases, so does the number of emergency medical calls. The proposed Project is a residential development' therefore, residents would occupy the Project site full-time and there would be an increase in demand for fire protection services.

Service demands during Project construction activities could increase. However, the presence of construction workers on site would be temporary and would cease after construction of the Project is complete. It would therefore not substantially increase the service demand for fire protection services in the City.

In addition, the proposed Project would be designed and constructed in accordance with all applicable provisions of the 2019 California Fire Code, which includes requirements for adequate fire flows, width of emergency access routes, turning radii for equipment, automatic sprinkler systems, fire alarms, and floor to sky height limits along emergency access routes. As part of the standard development practices, Project plans would be reviewed by the City and TFD, prior to construction. Compliance with fire code standards would reduce the potential demand for fire services by decreasing the likelihood and/or severity of a fire emergency at the site.

As previously discussed, the nearest fire station to the Project site is Fire Station 61 (at 800 S. Blackstone), located approximately 2 miles southwest. The TFD aims to arrive on scene of an emergency within a total response time of under 6 minutes 90% of the time. In the event that Fire Station No. 61 could not meet the immediate needs of a call for services independently or does not have capability to address the full extent of a larger incident. The second closest Fire Station No. 62 located approximately 4.4 miles from the Project site or other fire stations within the Tulare/Kings mutual aid agreement, as well as CAL FIRE, could respond or provide support (Tulare County Fire 2022).

The proposed Project would be subject to the payment of a Development Impact Fees (DIF), per Chapter 8.56 (Development Impact Mitigation Fees) of the City's Municipal Code. This fee would be used for future facility improvements necessary to ensure that the development contributes its fair share of the cost of facilities and equipment determined to be necessary to adequately accommodate new development in the City. The DIF amount is determined through evaluation of the need for new public service facilities as it relates to the level of service demanded by new development, which varies in proportion to specific land uses. A portion of the DIF would be used exclusively toward fire protection services.

If the Project is approved and annexed to the City the Project site would be located within the TFD's response area, and the department would provide service to the Project site. With the nearby services of Fire Station No. 61, as well as fire stations in neighboring jurisdictions, the Project would be served by sufficient fire protection services, and it is not anticipated that the Project would hinder the TFD from meeting its response time targets. Furthermore, payment of DIFs would ensure the Project contributes its fair share towards future facility improvements and equipment. The revenues and taxes generated from Project development would contribute to funding for facilities and services that have been identified by the TPD as needed for services in the future. Because the Project would increase the City's population by approximately 4,178 people and the TFD has indicated they can adequately serve the site, the Project would not result in the need for new or expanded fire protection facilities, and impacts would be less than significant.

Police Protection Facilities

Police services are provided by the TPD (at 260 South M Street), located approximately 4 miles west of the Project site.

The Project site is currently located in the unincorporated County near the eastern edge of the City and is surrounded by undeveloped agricultural land and scattered rural development. It is therefore unlikely to attract attention that would make the Project susceptible to crime.

Construction activities may temporarily increase traffic volumes along Avenue 232 and S. Bardsley Road and other nearby roadways during the construction period. The added traffic associated with workers commuting to the Project site, haul routes, deliveries, and other Project-related activities may increase the need for law enforcement services during construction activities. During construction, it is anticipated temporary security measures including security fencing and lighting would be installed to deter criminal activity. However, construction would be temporary and would not have a significant adverse effect on the TPD's ability to service the site.

A need for new or expanded public services, such as police facilities, is typically associated with a population increase. Although the proposed Project includes construction of new homes and would generate an increase of approximately 4,178 new residents to the area, it would not induce substantial population growth such that a new police station would need to be constructed on-site. It is anticipated Project design would employ defensible design, lighting, and landscaping, as well as open fencing. These techniques would minimize spaces that are hidden from public view, which would help prevent loitering and crime. Building entries, parking areas, and walkways would be sufficiently lit, which would facilitate safe pedestrian movement. These design and operational practices would lessen the demand for police protection services at the Project site by reducing the potential for crime to occur.

Police units are continuously mobile, and service calls are responded to by the nearest available mobile unit. As previously discussed, TPD's average response time for highest priority emergency calls is 5 minutes. Further, the police service ratio is one police officer per 1,500 population. Therefore, at full build out of the Project, it is estimated an additional 2.8 new officers would be required. However, it is not anticipated that the Project would hinder the TPD from continuing to meet or exceed target response times and provide adequate service levels. In addition, The proposed Project would be subject to the payment of a DIFs per Chapter 8.56 of the City's Municipal Code. This fee would be used for future facility improvements necessary to ensure that the development contributes its fair share of the cost of facilities and equipment determined to be necessary to adequately accommodate new development in the City. The DIF amount is determined through evaluation of the need for new public service facilities as it relates to the level of service demanded by new development, which varies in proportion to specific land uses. A portion of the DIF would be used exclusively toward fire protection services.

Additionally, the proposed Project would be consistent with or would not hinder implementation of the City General Plan goals and policies pertaining to police protection services. The proposed Project is not anticipated to adversely affect service ratios or response times for police services such that new or expanded police facilities would be required. Therefore, the proposed Project would not result in substantial adverse physical impacts associated with the provision of new or physically altered police facilities, or the need for new or physically altered police facilities; impacts would be less than significant.

School Facilities

The proposed Project would be served by the SUESD and TJUHSD school districts. Consistent with General Plan policy LU-P11.9, the City will ensure early coordination with the school districts serving the site, along with the Project applicant.

As part of the Project, an approximately 5.0-acre site has been designated for a Kindergarten through 8th grade public school located at the core of the Project site, adjacent to Central Park. A community center would be sited on approximately 0.78 acres directly adjacent to the school. This would provide a joint use area for school use and a place for community activities, meetings, and gatherings, consistent with General Plan policy LU-P11.24 which encourages community facilities (such as community centers, schools, parks, libraries, fire stations with community

rooms), when proposed in the same area, to be co-located to form a stronger activity node within the neighborhood. Elementary and middle school students could be accommodated by this school once it is constructed. However, the timeline for constructing this school is not known at this time. Therefore, school-age students would have to attend off-site schools until the need exists for construction of a new school within the Project site and adequate funding is acquired for the new school to be built. High school students would attend schools outside of the Project site. The closest elementary school to the Project site is Sundale Union Elementary School located approximately 2.7 miles northeast, and the closest high school is Mission Oak High School located 0.2 miles west.

School districts impose fees on new residential and commercial development to compensate for the impact that a project would have on existing school facilities or services. Pursuant to SB 50, the Project applicant would be required to pay school impact fees shared between SUESC and TJUHSD prior to the issuance of building and grading permits. This payment is considered full mitigation for any impacts to school services that would result from a project. Payment of the school impact fees would provide funding for new school construction, improvements, and expansion to existing schools. Payment of the required school impact fees would ensure satisfaction of the Proposition 1A/SB 50 statutory requirements and the impact would be less than significant.

Parks

The proposed Project would provide new recreational opportunities or facilities to serve the community population, including a 14-acre Central Park and 12 acres in natural areas which would help to achieve the City of Tulare's standard of providing 4 acres of developed parkland per 1,000 residents. Trails throughout the site would also connect to the proposed school, Central Park, the community center, and the commercial center.

Development of the proposed Project would not in and of itself necessitate the construction of new or expanded parks within the city. Parks would act as natural areas, provide stormwater detention, and include trails for recreation. The increase in population associated with the Project would not create a significant impact on city parks outside of the Project site such that there would be substantial deterioration or a need for new or expanded parks, as the new parks would be highly accessible for all Project residents. The proposed Project would also be subject to the payment of DIFs, as per Chapter 8.56 (Development Impact Mitigation Fees) of the City's Municipal Code. This fee would be used for future facility improvements necessary to ensure that the Project contributes its fair share of the cost of facilities and equipment determined to be necessary to adequately accommodate new development in the City. The DIF amount is determined through evaluation of the need for new public service facilities as it relates to the level of service demanded by new development, which varies in proportion to specific land uses. Additionally, the Project would comply with all the applicable goals and policies highlighted in the City's General Plan. As such, impacts associated with parks would be less than significant.

Other Public Facilities

The TPL, located at 475 North M Street, provides library services to the residents of Tulare. The increase in population associated with the proposed Project could increase the need for library services in the City but not to the extent that a new library facility would need to be constructed. As previously discussed, TPL is a member of the San Joaquin Library System, which provides library users with access to a wide variety of resources and materials in diverse formats. In the event that the local library could not provide services to the residents or does not have the capacity to do so, the City would continue to expand library facilities and services as necessary to accommodate the increase in demand. In addition, the proposed Project would be subject to the payment of a DIFs per Chapter 8.56 of the City's Municipal Code. This fee would be used for future facility improvements necessary to

ensure that the development contributes its fair share of the cost of facilities and equipment determined to be necessary to adequately accommodate new development in the City. The DIF amount is determined through evaluation of the need for new public service facilities as it relates to the level of service demanded by new development, which varies in proportion to specific land uses. A portion of the DIF would be used exclusively toward fire protection services. Finally, compliance with the City of Tulare General Plan goals and policies would ensure that impacts associated with the provisioning of library services would remain less than significant.

Cumulative Public Service Impacts

Fire Protection

Fire protection services within the region often cross jurisdictional boundaries. Cumulative growth within the Project site at buildout would result in a need for additional fire protection services to serve new development. Cumulative projects proposed under general plans of surrounding cities and counties, such as commercial, residential, or industrial projects, would require fire protection services from fire agencies within the region. In order to maintain adequate travel times to serve cumulative projects, the construction or expansion of fire protection facilities would be required, which would have the potential to result in an adverse impact on the environment. While the majority of cumulative projects involve discretionary actions and therefore would be required to demonstrate compliance with CEQA and/or NEPA prior to project approval, they would incrementally increase the need for fire services. However, these impacts would be mitigated through the compliance with the County Fire Code and the Development Impact Fees to fund the purchase of fire station sites, the construction of new stations, and capital equipment and services related to fire watch, fire clearances, inspections, or investigations. Therefore, cumulative impacts would be less than significant.

Law Enforcement

Cumulative growth within the Project site at buildout would require increased law enforcement services to serve new development. Additionally, future commercial, residential, or industrial projects, would also require law enforcement services. The increase in demand for law enforcement services from implementation of cumulative projects would have the potential to result in the need to construct or expand existing police facilities, which would have the potential to create an adverse impact on the environment. While the majority of cumulative projects require discretionary actions and would be required to demonstrate compliance with CEQA and/or NEPA prior to project approval, they would incrementally increase the need for law enforcement services. Operational funding for the Tulare Police Department and other police stations in the County is derived from the Development Impact Fees pursuant to Chapter 8.56 of the City's Municipal Code. Provided that staff and facilities are expanded to serve future development in the Project site and cities, a less than significant cumulative impacts to law enforcement are anticipated.

School Services

Cumulative growth within the Project site at buildout may result in an increase in the public school population in the region and require the construction or expansion of school facilities off-site so that adequate service ratios are maintained. While the majority of cumulative projects require discretionary actions and would be required to demonstrate compliance with CEQA and/or NEPA prior to project approval, they would incrementally increase the need for school facilities. As discussed above, under state law, development projects are required to pay established school impact fees in accordance with SB 50 at the time of building permit issuance. The funding program

established by SB 50 has been found by the Legislature to constitute "full and complete mitigation of the impacts of any legislative or adjudicative act…on the provision of adequate school facilities" (Government Code Section 65995[h]). The fees authorized for collection under SB 50 are conclusively deemed full and adequate mitigation of impacts on school district facilities. Therefore, the increase in the demand for school facilities and services due to cumulative development would be adequately mitigated to a less than significant level by the payment of SB 50 fees.

Library Services

The Tulare Public Library serves the Project site. Cumulative growth within the Project site at buildout may increase the population of library users and result in an increase in demand for library services. This could result in the need to construct additional or expand existing library facilities, which would create an adverse impact on the environment. While the majority of cumulative projects require discretionary actions and would be required to demonstrate compliance with CEQA and/or NEPA prior to project approval, they would incrementally increase the need for library facilities and materials.

Future cumulative development would generate new tax revenues, and as noted above, funding sources for the county library and city libraries consist of non-profit organizations such as Tulare Library Foundation and Tulare Friends of the Library. In order to minimize potentially adverse effects, future projects would be required to pay DIFs to account for library-related construction and acquisition costs. Requiring payment of this fee in effect would mitigate cumulative impacts on the County Library to a less-than-significant level.

Finding

The City finds that, based upon substantial evidence in the record, the proposed project would have a less than significant impact on public services; therefore, no mitigation is required.

2.4.13 Recreation

Increase the use of Neighborhood and Regional Parks or other Recreational Facilities

Implementation of the proposed residential Project would include the construction of multiple recreational amenities, which would provide recreational opportunities for use by future community residents and visitors. Private amenities for use by residents of the Chandler Grove Master Plan area include a park, natural areas, and trails. Central Park would be located near the core of the Project site and would include a playground, plaza, field area, walnut grove, and planning beds. Two natural areas, that also provide stormwater detention during storm events, are available for use by residents and are surrounded by a trail system that runs through the entire Project site. This trail system connects the residential areas to the parks, schools, and neighborhood commercial center, as well as to the multiple transit stops available throughout the Project site. All developed areas would be landscaped and would provide green space throughout the Project site.

Specifically, at buildout, the proposed Project is expected to have a 13-acre central park, a 10.8-acre neighborhood commercial center, a 0.78-acre community center, and a 6-acre school with a community use area. The proposed Project would include a full range of land uses, including commercial, residential, and recreational uses, within one master-planned community at buildout. Since the proposed Project is located within the College of the Sequoias (COS) North Transit Oriented Development Plan Area, which is characterized by a robust transit network, a mix of

land uses (housing types as well as business and public uses), and available pedestrian and bicycle facilities, the Project and its amenities would be consistent with the TOD plan.

As stated previously, the City of Tulare 2035 General Plan Update (Land Use Element) sets an overall standard of 4 acres of developed parkland per 1,000 persons, which is more conservative than the 3 acres per 1,000 persons established by the Quimby Act (City of Tulare 2014). The recreational facilities proposed as part of the Project would continue to meet this goal.

The extent to which the City can implement parks, trails, and other recreational facilities is related to the availability of funding for land acquisition, construction, operations, and maintenance, and programming. As discussed in Section 4.16.2, Relevant Plans, Policies, and Ordinances, the Mello-Roos Community Facilities Act of 1982 and the Landscaping and Lighting Act of 1972 help to ensure funding for the maintenance of existing and new parks. Adherence to the City's municipal code (Chapter 8.56 Development Impact Mitigation Fees) provides funding for the maintenance and operation of existing parks and the development of new parks in the City. Additionally, the City's non-profit organization, the Greater Tulare Recreation Foundation, promotes the acquisition, development and enhancement of open space, park, and recreation facilities in and around the Tulare area while providing crucial funding to maintain these areas. These funding sources would help ensure that new parks are developed, and existing parks are improved, which in turn would serve to reduce the potential for deterioration of existing facilities.

In summary, the proposed Project would not increase the use of existing recreational facilities such that substantial physical deterioration would occur as residents and visitors of the Project site would be more likely to use on-site amenities. Conformance with existing regulations and General Plan policies along with the presence of a variety of recreation options beyond local park facilities such as trails and open space lands, a planning framework that would allow for an efficient allocation of funds and would require funding for parks to be proportional to future increases in population, would all serve to reduce the potential for significant deterioration of recreational facilities associated with buildout of the Proposed Project. Therefore, impacts related recreational facilities would be less than significant.

Existing, Expanded, and New Recreation Facilities

Implementation of the proposed Project would require the construction of new recreational facilities to serve the population generated by the proposed Project. The approximately 13-acre Central Park would be located near the core of the Project site and would include a playground, plaza, field area, walnut grove, and planning beds. Two natural areas, that also provide stormwater detention during storm events, are available for use by residents and are surrounded by a trail system that runs through the entire Project site. As discussed in Threshold b above, the Project would not require construction of additional recreational facilities other than those currently proposed as the Project meets the 4 acres per 1,000 residents requirement. The goals, policies, and actions in the City of Tulare General Plan, and the Tulare Transit-Oriented Development (TOD) Plan and other applicable standards would guide the development of the recreational facilities within the Project site.

Development of the Project's recreational facilities itself would not have a significant impact on the environment due to the already disturbed nature of the site and the lack of sensitive resources on the Project site. For more information on specific impacts related to potential impacts of the overall Project development, including the recreational facilities. Consequently, the Proposed Project would result in less than significant impacts relating to new or expanded recreational facilities.

Cumulative Recreational Impacts

Cumulative projects in the City would have the potential to result in a significant cumulative impact if they would, in combination, result in the deterioration of parks and recreational facilities due to increased usage. The geographic boundary for this cumulative analysis includes all parks and recreational facilities within the City. Some cumulative projects, such as residential developments, would have the potential to increase the demand for recreational facilities, which could result in deterioration of existing facilities. However, the deterioration that would occur to parks and recreational facilities from regional population growth would be offset with funding from new development, such as in-lieu fees for parks, or donation of parkland pursuant to the Quimby Act. In addition, grants from state and County bond sources are available to fund park and recreational facilities in urban areas, and funding for maintenance of those facilities would be provided through property assessments and taxes.

The proposed Project would include the recreational resources necessary to serve the needs of the proposed community, and residents would not likely use any pre-existing, off-site pocket, neighborhood, or community parks. Additionally, off-site state and federal recreational areas plan for long-term growth, and their projections are consistent with the potential increased usage associated with implementation of the proposed Project. Therefore, the proposed Project's contribution would not be cumulatively considerable.

Finding

The City finds that, based upon substantial evidence in the record, the proposed project would have a less than significant impact on recreation; therefore, no mitigation is required.

2.4.14 Transportation

Conflict with Circulation System Plan, Ordinance, or Policy

The Project would not conflict with a program, plan, ordinance, or policy addressing the circulation system, including transit, roadway, bicycle, and pedestrian facilities, as discussed below.

Regional Transportation Plan/Sustainable Communities Strategy

The Project would be consistent with the 2023 RTP/SCS. TCAG is the designated MPO for the County of Tulare, and is federally mandated to develop plans for its forecasting future growth, identifying regional priorities, and planning for infrastructure improvements.

The 2022 Regional Transportation Plan/Sustainable Communities Strategy (RTP/SCS) is to be adopted in 2023, and presents the land use and transportation vision for the region through the year 2046, providing a long-term investment framework for addressing the region's challenges (TCAG 2022). The RTP/SCS explicitly lays out goals related to housing, transportation, equity and resilience in order to adequately reflect the increasing importance of these topics in the region, and where possible the goals have been developed to link to potential performance measures and targets. The RTP/SCS development process involved working closely with local governments throughout the region to collect and compile data on land use and growth trends. The core vision of the RTP/SCS is to build upon and expand land use and transportation strategies established over several planning cycles to increase mobility options and achieve a more sustainable growth pattern.

City of Tulare General Plan Circulation Element

The Project would be consistent with the applicable goals and policies of the City's General Plan Circulation Element. The Project would not hinder the City's ability to develop a safe, efficient, and affordable transportation system throughout the community. The Project would include on and off-site roadway improvements to serve internal circulation needs, as well as to mitigate impacts to ensure a safe and efficient level of service that meets the City's established standards. The Project provides improved transit, pedestrian, and bicycle facilities that meet the City's goals to maintain and develop an adequate transit system that provides for the local and regional transit needs of Tulare residents and to maintain an efficient and safe non-vehicular circulation system through Tulare.

County of Tulare General Plan Circulation Element

The Project would be consistent with the applicable goals and policies of the County's General Plan Circulation Element. The Project site is currently under the jurisdiction of Tulare County; however, the Project site is within the City's SOI and UDB and future development of the area was contemplated in the City's 2035 General Plan and evaluated in the General Plan EIR. Because development of the Master Plan is dependent upon the site being annexed into the City, the City is serving as lead agency. As such, an analysis of consistency with the Tulare County General Plan is not provided. However, as roadways within the study area analyzed in the TIA fall within the County of Tulare, consistency with the County's Circulation Element was reviewed. Specifically, the Project is consistent with the County's goal to encourage the development of safe, continuous, and easily accessible bicycle and trail systems that facilitate the use of viable transportation alternatives in a safe and financially feasible manner and to address the transportation system from a multimodal perspective.

Transit, Bicycle, and Pedestrian Facilities

The Project would not conflict with any plans or policies regarding existing or proposed bicycle and pedestrian facilities in the study area and would be consistent with the City of Tulare General Plan non-motorized transportation plan; the Regional Active Transportation Plan for the Tulare County Region; the College of the Sequoias North Transit Oriented Development Plan Area. As a transit-oriented development, approximately six transit stops are proposed, as approved by the Regional Transit Agency, would be located around the perimeter of the Project site for use by residents. In addition, pedestrian and bicycle trails throughout the site would connect the schools, parks, community center, and the commercial center to the residential areas. The site improvements would improve transit, pedestrian, and bicycle access over existing conditions and would not impede the construction of new or the expansion of such existing facilities in the future.

Based on analysis provided above, the Project would not conflict with a program, plan, ordinance, or policy addressing the circulation system, including transit, roadway, bicycle, and pedestrian facilities, and its impact to transportation plans and programs would be less than significant.

Conflict with CEQA Guidelines section 15064.3, subdivision (b)

CEQA Guidelines Section 15064.3(b) focuses on VMT for determining the significance of transportation impacts. As shown in the following analysis, the Project is estimated to generate VMT per service population below the county regional average for this metric. The Project would be consistent with CEQA Guidelines Section 15064.3(b) and therefore, impacts would be less than significant.

VMT Screening

The County's SB 743 Guidelines provide five types of VMT screening that can be applied to the proposed Project to screen from a project-level VMT assessment. If a project meets at least one of the below screening criteria, it will not require a detailed VMT analysis:

- **Small Projects (less than 500 daily trips):** If a development project generates less than 500 daily vehicle trips, a project can be presumed to have a less than significant impact. Based on the Transportation Analysis prepared for the Project (Appendix I), the Project would generate 20,954 daily trips and therefore does not meet this screening criterion based on its proposed size and land use.
- **Local Serving Retail and Similar Land Uses:** Consistent with OPR's Technical Advisory, local-serving retail uses are presumed to have a less than significant impact on VMT since they tend to attract vehicle trips from adjacent areas that would have otherwise been made to more distant retail locations. This presumption also applies in Tulare County. Most retail developments in the unincorporated area of Tulare County are anticipated to be local serving. In cases where there is reasonable doubt on whether a project is local serving or regional, County staff can exercise an option of requesting, or requiring, a market study to assist in the evaluation/determination of localness or regionality. The retail component of the Project meets this criterion, and therefore this portion of the Project is screened from VMT.
- **Local Serving Public Facilities.** Similar to retail land uses, local-serving public facilities are presumed to have a less than significant impact on VMT. This would include government facilities intended to typically serve the local public, parks, and public elementary schools, public middle schools, and high schools. The school component of the Project meets this criterion, and therefore this portion of the Project is screened from VMT.
- **Affordable and Farmworker Housing.** OPR's Technical Advisory allows for a less than significant finding for transportation impacts of residential projects that that are 100% affordable housing located in infill areas. For Tulare County, affordable housing is defined as affordable to all persons with a household income equal to or less than 50% of the area median income (as defined by California Health and Safety Code Section 50093), housing for senior citizens, housing for transitional foster youth, disabled veterans, and homeless persons. In addition, this screening category applies to all 100% affordable housing projects that meet the detailed criteria above, regardless of whether they are located in infill areas. It also applies to all developments intended primarily for farm worker housing regardless of their status with respect to affordability. The Project does not include affordable housing or farm worker housing and therefore does not meet this screening criterion.
- **Redevelopment Projects That Result in a Net Reduction of VMT**. According to CEQA, projects are considered to have a less than significant impact if they result in a net reduction in the relevant performance measure (in this case VMT). Therefore, redevelopment projects in Tulare County that generate less VMT than the existing project they are replacing would be considered to have a less than significant impact on VMT. For the purposes of VMT analysis, a redevelopment project is any project that replaces an existing development rather than being built on vacant/undeveloped land, Since VMT/capita and VMT/employee are efficiency metrics, a redevelopment project that would produce more VMT than the existing project it is replacing would need to conduct a VMT analysis assuming the proposed land use (with no credit taken for the existing land use) to determine whether the proposed Project meets the applicable significance thresholds (i.e. a value below the average VMT/capita or VMT/employee of the TAZ in which the Project is located). The Project is not considered a redevelopment project and does not meet this criterion.

- **Mixed-Use Projects That Result in a Net Reduction of VMT.** Mixed-use projects typically generate less VMT than the individual component land uses would generate if they were built on separate project sites because mixed-use projects allow some trips to be made by walking or by short vehicle trips, which would occur within or very near the project site. Mixed-use projects that wish to demonstrate a net reduction in VMT would need to conduct an internal capture analysis using the methodology described in the current edition ITEs' Trip Generation Handbook. Once a reduction in VMT is demonstrated through internal capture, the VMT reduction would be used to indicate a reduced level of VMT/capita or VMT/employee for one or more of the individual land uses. After applying this reduction, the individual land use components of the Project would be analyzed separately with respect to applicable significance thresholds. The Project is a mixed-use development and the VMT for each individual land use has been calculated, as further described below.

VMT Impact Thresholds

The following VMT significance threshold applies to the Project:

- **General Plan Updates/Community Plans:** A significant impact would result if the VMT/capita of the study area within the planning horizon year exceeds the VMT/capita of the study area in the base year.

Project-Specific Analysis

The proposed Project includes approximately 1,197 total units of low-, medium-, and high-density housing (524 single family and 673 multi-family), a neighborhood commercial center, a community center, and a Kindergarten through 8th grade public school, and a central park. As a transit-oriented development, approximately six transit stops are proposed to be located around the perimeter of the Project site for use by residents (or as approved by the Regional Transit Agency). In addition, pedestrian and bicycle trails throughout the site would connect the schools, parks, community center, and the commercial center to the residential areas. Due to its size and extent, this Project is considered a community plan for the purposes of this analysis.

The VMT analysis provided in Appendix I was conducted by TJKM (January 6, 2023) based on the County's SB 743 Guidelines (adopted June 8, 2020). The VMT of the proposed Project and the forecast regional VMT was calculated using the 2018 Regional Transportation Plan (RTP) model from the Tulare Council of Governments (TCAG). The model run included both the baseline conditions (2018) and horizon/forecast year (2042).

The Project generated VMT is defined as the VMT attributed to automobile trips to and from the Project. For VMT forecasting, the Tulare County SB 743 Guidelines state that for a community plan VMT analysis, total VMT/capita of the Project in the horizon year is compared with the VMT/capita of the study area in the base year. If the horizon year with project VMT/capita is lower than the base year VMT per capita, the Project is deemed to be VMT insignificant. The study area is set as the TAZ the Project is located in (#1898).

Based on review of the TCAG model, the horizon year for TAZ #1898 has 243 households with a population of 708. The Project will add 1,197 households and 3,483 people for a total of 1,440 households and 4,191 people. A base year model run and a horizon year plus project model run was conducted with the land use changes added (+1,197 households and +3,483 population).

The Project's VMT was compared between the Horizon year plus project VMT per capita and the base year no project VMT per capita within the study area of the plan (TAZ #1898) using TCAG SB 743 Guidelines. TCAG model run

results show that the horizon year plus project model run has a slightly lower total VMT per capita than the base year model run (9.335 vs 10.873) in the study area of TAZ #1898. Since the VMT/capita is lower in the horizon year with project compared to the base year conditions, the Project's impact to VMT would be less than significant

Finding

The City finds that, based upon substantial evidence in the record, the proposed project would have a less than significant impact on transportation as it relates to conflicts with a circulation system plan, ordinance, or policy, CEQA Guidelines section 15064.3, subdivision (b), and inadequate emergency access. Therefore, no mitigation is required.

2.4.15 Utilities and Service Systems

Require or Result in the Construction of New Water, Wastewater Treatment, Stormwater Drainage, Electric Power, Natural Gas, or Telecommunications Facilities

As discussed in further detail below, the Project would result in less-than-significant impacts with regard to 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.

Water Facilities

The proposed Project would involve the construction of water distribution infrastructure (e.g., pipes, valves, meters) to provide domestic water and irrigation water to serve the new buildings and facilities within the Project site. The on-site water facilities would be connected to the 12-inch water lines in East Bardsley Avenue, although as noted above, the existing on-site groundwater wells may be used for irrigation. The on-site facilities and installation/construction of tie-ins are considered part of the proposed Project. All construction work within the City public right-of-way would be subject to City municipal code requirements. Other than the lateral connections from the Project site to existing water mains, the proposed Project is not expected to require or result in construction or expansion of off-site infrastructure.

Construction impacts associated with the installation of water distribution lines would primarily involve trenching in order to place the water distribution lines below surface and would be limited to on-site water distribution, and minor offsite work associated with connections to the public water mains. In addition, and consistent with standard best management practices, installed as part of an NPDES-mandated stormwater pollution prevention plan, would reduce potential water quality impacts associated with the referenced water facility connections to less-than-significant levels. In addition, adherence to the General Plan policies LU P11.7 and P11.8 require that adequate infrastructure are included in design plans and adherence to City requirements are considered conditions of approval for all infrastructure improvements. As such, the proposed Project would not result in the expansion or construction, or relocation of existing water infrastructure located in East Bardsley Avenue, and it is unlikely that there would be any significant environmental effects related to the construction of water infrastructure within the Project site. As a result, impacts would be less than significant.

Water Treatment Facilities

The Project would require construction of new wastewater infrastructure within the Project site to serve the buildings and facilities of the proposed Project. There is no existing wastewater infrastructure on the Project site. The existing residences are served by septic systems. Construction impacts within the Project site associated with wastewater infrastructure would primarily be confined to trenching for miscellaneous utility lines and connections to public infrastructure. Installation of wastewater infrastructure would be limited to on-site wastewater distribution, and minor off-site work associated with connections to the public main that is located within E. Bardsley Avenue.

Wastewater in the City is directed to the city's wastewater treatment facilities (WWTP) that is operated and maintained by the Wastewater Treatment Plant Division. The WWTF consists of a domestic plant with a 6.0 MGD capacity and an industrial plant with a 12.0 MGD capacity (City of Tulare 2022). The domestic plant is treating about 4.15 MGD and the industrial plant 7.5 MGD (City of Tulare 2022).

The Project's total proposed peak flow would discharge approximately 696,430 gpd into the sewer system and the City's WWTP has adequate capacity to treat the Project's wastewater and no upgrades to the plant would be required. Therefore, buildout of the proposed Project would not require the construction of new infrastructure beyond what has been identified and evaluated in this EIR. Therefore, in relation to wastewater conveyance systems, the Project would result in a less-than-significant impact.

Stormwater Drainage

The Project site is located at the boundary of urban developed land uses and rural agriculture land uses. While the Project would include open space and landscaped areas, it would also introduce new impervious surfaces. The introduction of new impervious surfaces prevents stormwater from percolating into the ground, and increasing the amount of runoff reaching the storm drain infrastructure. In addition, stormwater control features would be required as part of the proposed Project, which would include features such as detention/retention basins and other stormwater features that encourage on-site infiltration. With adherence to the City's stormwater control requirements, the amount of stormwater that is discharged offsite would be minimized. Therefore, the proposed Project would not create or contribute runoff water, which would exceed the capacity of existing stormwater drainage systems.

As a result, the Project would not result in the expansion of any existing off-site stormwater facilities or in the construction or relocation of new off-site facilities beyond the tie in connections to existing storm drain lines adjacent to the Project site on East Bardsley Avenue and the west side of South Oakmore Street. Upon compliance with the applicable regulatory requirements, impacts associated with the construction or expansion of any new stormwater drainage facilities would be less than significant.

Electrical Power and Natural Gas

Connections upgrades would be required with respect to electric power, natural gas, and telecommunication facilities (i.e., cable television services), based on the change in land use (i.e., greater intensification). These utilities would be provided by Southern California Edison and Southern California Gas Company and would be part of a dry utility package that would be installed on site and in the adjacent public roadways to provide service to the Project. Upgrades would be confined to the connections to the Project site and not any off-site centralized facilities. The existing overhead electrical infrastructure located along S. Oakmore and Avenue 228 are adjacent to the Project

site. No natural gas infrastructure is currently available within the Project site. Connection to these existing utilities would require limited construction, which would be temporary and limited to overhead electrical line connections and also trenching, to the depth of the underground lines. Per CPUC Rule 20, additional electrical and natural gas infrastructure and facilities added on site would be collocated with other utilities underground within roadway right-of-way as the Project site is developed. Project construction would occur in accordance with all applicable regulatory requirements, including accordance with Title 24, California's Energy Efficiency Standards for Residential and Nonresidential Buildings. As a result, impacts associated with upgrades of electric, natural gas, connections to the Project site would be less than significant.

Sufficient Water Supplies

Water supply for the proposed Project would be supplied by the City with the option of using one or more of the existing on-site wells for irrigation of the public spaces. The City obtains all of its water supply from local groundwater supplies through the existing network of 24 groundwater production wells. The City's groundwater supplies are sourced from the Kaweah Groundwater Subbasin, which is in critical overdraft condition. However, consistent with the findings of the City's 2020 UWMP Update, there is adequate water available to supply the Project, in addition to other existing and planned future uses, under normal- year, single-dry-year, and multiple-dry-year conditions over a 20-year projection (Appendix G).

Although the City relies 100% on groundwater to supply its customers, it has an agreement with Tulare Irrigation District to receive surface water that it uses for intentional groundwater recharge. The City also treats and uses its wastewater effluent for either percolation or agriculture uses in order to reduce demand on groundwater supplies. The City is also working cooperatively with the Mid-Kaweah Groundwater Sustainability Agency (MKGSA) and the Tulare Irrigation District to implement additional projects and management actions identified in the GSP to offset the City's groundwater pumping impacts.

The Project site is currently being used for agricultural purposes with an estimated water demand of 699 AFY, which includes irrigation uses and the existing residential uses. According to the WSA that was prepared for the proposed Project, the demand for the Project would be 629 AFY (Appendix G). Notably, the Project would require less water than is currently supplied for irrigation of the on-site orchard, which is the primary water consumer under existing conditions.

Therefore, considering that the City has demonstrated through the 2020 UWMP that it has sufficient water supplies to meet Project water demands out to 2040 under normal, single dry year, and multiple dry year scenarios, and the proposed Project would represent a decrease in water demands compared to existing conditions, the Project's potential impact to water supplies would be less than significant.

Adequate Capacity for Wastewater Treatment

Wastewater produced from the Project would be conveyed through tie-ins to the City's existing sewer infrastructure to the Domestic WWTP for treatment. The City's WWTP has an approximate treatment capacity of 6.0 MGD and, reportedly, is currently treating approximately 4.15 MGD, or approximately 69% of its total capacity (City of Tulare 2022). The Project's total projected wastewater demand would be 0.696 mgd or 0.05% of the remaining capacity of the treatment facility. As such, since the Project would not exceed the available treatment capacity of the City's WTP, it would not require the construction of additional wastewater treatment infrastructure. Impacts related to wastewater treatment facilities would be less than significant.

Generation of Solid Waste

The proposed Project would generate an increase in solid waste associated with construction activities as well as from Project operation.

Solid waste disposal in Tulare is primarily hauled to Visalia and Woodville Landfills with Woodville being the closest to the site at just about 5 miles to the southeast. The Woodville facility has a maximum permitted daily throughput of 1,078 tons per day and a remaining capacity of 7,093,145 tons. The facility is permitted through to 2026 when current capacity is projected to be reached (CalRecycle 2022b). However, the facility has a planned expansion that would add an additional capacity of 14 million cubic yards and push projected closure to 2074. The expansion is estimated to be completed sometime during the 2022-2023 fiscal year.

Construction of the Project would generate construction debris such as wood, metal, asphalt and concrete, containers and packaging, and other miscellaneous waste. The Project is estimated to generate 35,853 tons of construction debris. Building contractors would be required by CALGreen to recycle 50% of Construction and Demolition debris from all new construction projects; therefore, the amount of solid waste requiring disposal would be less than estimated. Given the remaining capacity of 7,093,145 tons at Woodville Landfill, the net increase in solid waste generation from construction would not exceed the capacity of the landfill. Therefore, short-term construction impacts on landfill capacity would be less than significant.

Once operational, the proposed Project would produce solid waste on a regular basis, in association with operation and maintenance activities. Anticipated solid waste generation attributable to the Project is would conservatively generate an estimated 1,815.56 tons of operational solid waste annually. The Project's estimated operational waste generation represents 0.026% of the available capacity at the Woodville landfill. Adequate landfill capacity is available to meet the needs of the Project at full buildout. Implementation of the proposed General Plan policies and associated actions including AB 341, CALGreen standards and City diversion standards would further assist in solid waste reduction measures. Considering the existing remaining capacity and the anticipated expansion, Project operations would not generate solid waste in excess of state or local standards, or in excess of the capacity of local infrastructure, or otherwise impair the attainment of solid waste reduction goals. Impacts would be less than significant.

Solid Waste Statutes and Regulations

As described above, solid waste from the City is currently disposed of at one of three different landfill facilities including Visalia, Woodville, and Teapot Dome. However, Teapot Dome is being phased out and expected to close in the near future. The Woodville facility has planned for expansion that would extend operations out to 2074. Regardless, all of these facilities are regulated under federal, state, and local laws. Additionally, the City is required to comply with the solid waste reduction and diversion requirements set forth in AB 939, AB 341, AB 1327, and AB 1826 (Section 4.18.2, Relevant Regulations, Plans, Policies, and Ordinances). Per AB 341, businesses that generate 4 cubic yards or more of commercial solid waste per week are required to arrange for organic waste recycling services.

In addition, as previously described, waste diversion and reduction during Project construction and operations would be completed in accordance with CALGreen standards and City diversion standards. As a result, the proposed Project would comply with federal, state, and local management and reduction statutes and regulations related to solid waste. Impacts are considered less than significant.

Cumulative Utilities and Service Systems Impact

The Project would not cumulatively impact the utilities and service systems. The Project would be implementing the General Plan policies LU P11.7 and P11.8, design plans, and Project construction would occur in accordance with all applicable regulatory requirements, including accordance with Title 24, California's Energy Efficiency Standards for Residential and Nonresidential Buildings. Project would result in less-than-significant cumulative impacts related to utilities and service systems.

Finding

The City finds that, based upon substantial evidence in the record, the proposed project would have a less than significant impact on utility and service systems, as it relates to water, wastewater, electric power, natural, telecommunications, and solid waste; therefore, no mitigation is required.

2.4.16 Wildfire

Impair an Adopted Emergency Response Plan

The Project would add new residents and buildings in an area that is presently undeveloped increasing the demand for emergency respond and related services.

While the site is located in a rural, sparsely developed area with limited population, it is just east outside of the City of Tulare and west of the Tulare Villas neighborhood within the County. The Project site is not located along an identified emergency evacuation route as evacuation routes are not pre-determined in the County's General Plan or Strategic Plan. The polices outlined in HS-7 are designed to provide effective emergency response to natural or human-made hazards and disasters. This includes coordination with government agencies and mutual aid. Emergency evacuation plans have been prepared as part of the County's Strategic Plan and Emergency Operations Plan. The County's Emergency website (https://tularecounty.ca.gov/emergencies/) provides a digital wildfire evacuation map that is updates in the event of wildfire evacuation orders or warnings within the County (County of Tulare 2022). Development of the Project would require, at a minimum, two points of ingress/egress in the event of an emergency, The Project would also be required to adhere to the City's emergency access requirements, which could include designing internal Project roads to accommodate fire equipment.

Currently, the Project site is under the fire protection of the Tulare County Fire Department. Upon approval of the Project and annexation of the site to the City, the City's Fire Department would be the first responder for fire protection and emergency response services to the Project site. It is assumed the City would maintain the cooperative agreement with both Tulare County to provide support in the event of a major wildfire. The nearest fire stations are the City Fire Station #61 (800 S. Blackstone) and County Fire Station #25 (2082 Foster Drive) are both approximately 2 miles from the Project site. Given the proximity of the nearest fire stations and the inclusion of fire suppression features onsite, it is reasonable to expect that an initial response time of five and a half minutes would be met. While a new fire station is not proposed within the Project site, the Project applicant or future developers would be required to pay an impact fee for capital improvements that would provide funding for new City fire stations and related improvements (City of Tulare 2022).

The proposed Project is not expected to impair evacuation procedures as evacuation routes are not pre-determined in the County's General Plan or Strategic Plan. The Project would also be required to comply with the City's General

Plan policies addressing fire safety and access, described above in the regulatory setting. Lastly, due to the location of the Project site in an area not designated as having a high fire risk and not in a WUI area, the proposed Project would have a less-than-significant impact on emergency response and access.

Exacerbate Wildfire Risk Due to Slope, Prevailing Winds, and Other Factors

The Project site is undeveloped, and the vegetation community is dominated by orchards. According to the Fire Hazard Severity Zones map, the Project site is not classified as being within a high fire hazard severity zone. In addition, the Project site is flat which poses less of a threat as wildfires typically burn up slopes faster and more intensely than along flat ground. Flat areas do not typically present an increased wildfire risk. Moderate or steep slopes greater than 20%, are considered a higher risk for wildfires. The prevailing winds typically come from the northwestern direction.

Overhead electrical transmission lines area located along Ave 228, as described in the Environmental Setting. Faulty power lines have resulted in igniting wildfires and can be considered a hazard. Although the Project's on-site electrical infrastructure would be placed underground and would not have the potential to ignite a wildfire, the Project would not be placing residences in an area with existing overhead transmission lines thereby exposing future residents to an existing wildfire risk.

Other factors that could exacerbate wildfire risks include construction activities due to the use of flammable materials, tools, and equipment capable of generating a spark and igniting a wildfire. During construction activities, heat or sparks from construction equipment and vehicles have the potential to ignite vegetation and start a fire. Construction sites also store and use of flammable hazardous materials. The risk of wildfire would be especially high during weather events that include low humidity and high wind speeds. The potential risk of wildfire ignition and spread associated with construction activities can be managed so that the potential for vegetation ignition is reduced. In addition, pre-planning and construction personnel fire awareness, reporting, and suppression training can lower the probability of ignition, and increase the probability that fire can be controlled and extinguished in its early stages. Measures that would help reduce construction-related wildfire impacts include having adequate water available to service construction activities, implementing a construction-phase fire prevention plan, providing proper wildfire awareness, reporting, and suppression training to construction personnel, and following construction best management practices (City of Tulare 2022).

In addition, the City's General Plan contains goals and policies that help to reduce the risk of wildfires (see Section 4.19.2, Relevant Regulations, Plans, Policies, and Ordinances, specifically Policies SAF-P 1.5, 1.8, 1.9, 3.2, 3.5, 6.1, 6.2, 6.4, 6.5, 6.8, 6.9 and 6.10, which require the City to develop hazard awareness and public education, emergency plans within government agencies such as police and fire departments, mutual aid agreements, and wildfire management plans). Compliance with applicable regulations, goals, and policies as previously described would ensure that the proposed Project would not result in a significant increase to wildfire risks and minimize impacts related to wildland fires. Therefore, because the Project does not include factors that could exacerbate wildfire risks the proposed Project would have a **less-than-significant impact** associated with wildfire.

Exacerbate Fire Risk from Installation or Maintenance of Associated Infrastructure

The proposed Project proposes: a mix of low, medium and high-density residential uses, parks and trails; neighborhood commercial uses, and a school. Development of the Project is anticipated to take place in three phases over the course of 3 to 4 years. Utilities such as water, electrical, and gas required for the Project would tie

into the City's existing infrastructure near the Project site. Electrical power lines would be installed below ground and would not exacerbate wildfire risk.

The installation of the new utilities would not be placed within a high fire hazard zone, and would not result in increased fire risks that could result in temporary or ongoing impacts to the environment. Additionally, compliance with applicable regulations, goals, and policies would ensure that the Project would not result in a significant increase in fire risk through the installation or maintenance of associated infrastructure. Therefore, the Project would have a less-than-significant impact associated with fire risk through the installation or maintenance of associated infrastructure.

Expose People or Structures to Significant Risks

As discussed above, the Project site is flat and is not located within or near a fire hazard safety zone. Wildfires can greatly reduce the amount of vegetation within a burned area. Plant roots stabilize the soil and above-ground plants allow water to percolate more slowly into the soil. Removal of surface vegetation resulting from a wildfire reduces the ability of the soil surface to absorb rainwater and can allow for increased runoff that may include large amounts of debr is. If water-resistant soil conditions exist post-fire, the rate of surface water runoff is increased as water percolation into the soil is reduced. Development of the proposed Project would alter existing on-site drainage patterns compared to existing conditions and include the introduction of new impervious surfaces. However, the Project site is flat so there would be no risks due to downstream flooding, landslides, or post-fire instability. The Project's stormwater drainage system would include undergrounding the existing Bates Slough Ditch that traverses the Project site which would likely not be affected by a fire. It is anticipated drainage features would be unaffected under post-fire conditions and would result in a minimum increase in the risk of post-fire flooding and increased runoff. Compliance with applicable regulations, goals, and policies would ensure that the proposed Project would not result in significant risks to people or buildings resulting from post-fire runoff or drainage changes. Therefore, the proposed Project would have a less-than-significant impact.

Cumulative Wildfire Impacts

Any future development would be required to comply with applicable federal, state, and local regulations related to emergency response and wildland fires. Required compliance with these regulations would ensure impacts related to emergency response and wildfire would be less than significant. Therefore, impacts related to emergency response and wildfires would not be cumulatively considerable.

Finding

The City finds that, based upon substantial evidence in the record, the proposed project would have a less than significant impact on wildfire as it relates to impairing an adopted emergency response plan; exacerbating fire risk from installation or maintenance of associated infrastructure; and exposing people or structure to significant risks. Therefore, no mitigation is required.

2.5 Impacts Determined to Be No Impact

Based on the analysis contained in the EIR, the following issue areas have been determined to fall within the "no impact" category for all thresholds: aesthetics, agriculture and forestry resources, geology and soils, hazards and hazardous materials, land use and planning.

2.5.1 Aesthetics

Substantial Adverse Effect on a Scenic Vista

The Project site and surrounding area contain agricultural lands with scattered residents. In addition, the Mission Oak High School and the COS Tulare College Center Campus are adjacent to the Project site. Physical improvements proposed as part of the Project would be limited to the Project site and the immediate vicinity. Given that no scenic resources are located in the Project's disturbance footprint, the Project would not result in any physical modifications to scenic resources that would comprise a scenic vista.

A project could also have a potential indirect impact on a scenic vista if it results in a significant loss of viewing opportunities from publicly available viewpoints. There are no federal, State, or County designated scenic vistas in the vicinity of the proposed Project. In addition, the City's General Plan does not designate the Project site as a scenic area or within an area having scenic value (City of Tulare 2014). As such, development of the proposed Project would have no impacts related to a scenic vista.

Substantially Damage to Scenic Resources

There are no officially designated scenic roads or highways within City boundaries. The nearest eligible scenic highway, Route 198, is located approximately 10 miles north of the Project site (Caltrans 2019). Due to distance and intervening terrain, vegetation and development, the eligible scenic highway is not visible from the Project site, nor is the Project site visible from this highway. Therefore, no impacts associated with scenic resources within a state scenic highway would occur.

Finding

The City finds that, based upon substantial evidence in the record, the proposed Project would have no impact on aesthetics as it relates to a substantial adverse effect on a scenic vista and substantially damage to scenic resources; therefore, no mitigation is required.

2.5.2 Agriculture and Forestry Resources

Conflict with Existing Zoning or Cause Rezoning

The City does not contain lands zoned for forest land or timberland production. The proposed Project includes the development of approximately 1,176 total units of low, medium, and high-density housing, a neighborhood commercial center, a community center, and a Kindergarten through 8th grade public school, and a central park. All development proposed by the Project would be confined to the Project site boundaries and, therefore, would not affect protected forest lands or timberlands located within the Project vicinity. Therefore, implementation of the

proposed Project would not conflict with zoning for, or cause rezoning of, forest land or timberland or timberland zoned for timber production, off-site.

Result in the Loss of Forest Land or Conversion of Forest Land to Non-Forest Use

Since the Project site is not located on a site zoned for forest land or timberland production, development of proposed uses would not result in the conversion or loss of land zoned for forest land or timberland, and no impact would occur.

Finding

The City finds that, based upon substantial evidence in the record, the proposed Project would have no impact on agricultural and forestry resources, as it relates to a conflict with existing zoning or cause rezoning and result in loss of forest land or conversion of forest land to non-forest use; therefore, no mitigation is required.

2.5.3 Geology and Soils

Alquist-Priolo Earthquake Fault

The Project site does not overlie an Alquist-Priolo Earthquake Fault Zone, or any other known active or potentially active fault. In addition, based on the nature of the Project (i.e., residential development), the Project would not directly or indirectly cause potential substantial adverse effects as a result of rupture of a known earthquake fault.

Landslides

The topography of the Project site and surrounding area is relatively flat to gently sloping. Therefore, Project grading would not directly or indirectly cause potential substantial adverse effects as a result of landslides.

Septic Tanks or Alternative Waste Water Disposal Systems

The Project would be provided sewer service by the City. No septic tanks or alternative wastewater disposal systems would be utilized for the Project.

Finding

The City finds that, based upon substantial evidence in the record, the proposed Project would have no impact on geology and soils as it relates to an Alquist-Priolo Earthquake Fault, landslides, and septic tanks or alternative wastewater disposal systems; therefore, no mitigation is required.

2.5.4 Hazards and Hazardous Materials

List of Hazardous Materials Site

The proposed Project is not located on a Cortese List site (pursuant to Government Code Section 65762.5). As such, it would not create a significant hazard to the public or environment.

Airport Land Use Plan

The proposed Project site is not within 2 miles of a public use airport, nor is it within the boundaries of an airport land use plan. As such, the proposed Project would not involve placing people or structures in proximity to aircraft operations.

Directly or Indirectly Expose People or Structures to Wildland Fires

The Project site is not located in or near a wildfire hazard safety zone and is surrounded by areas zoned as urban-unzoned. As such, the Project would not expose people or structures to significant risk due to wildland fires.

Finding

The City finds that, based upon substantial evidence in the record, the proposed Project would have no impact on hazards and hazardous materials, as it relates to a list of hazardous materials sites compiled *to Government Code Section 65762.5,* airport land use plan, and directly or indirectly exposing people or structures to wildland fires*;* therefore, no mitigation is required.

2.5.5 Land Use and Planning

Divide an Established Community

The proposed Project consists of a mixed-use development on approximately 231 acres of active agricultural land in the County which, if approved, would be annexed to the City . The Project includes approximately 1,197 total units of low, medium, and high-density housing, a neighborhood commercial center, a community center, and a Kindergarten through 8th grade public school, and a park. Since the Project site is currently used for agricultural activities and does not contain any established communities, the proposed Project would not physically divide any existing communities. Therefore, the proposed Project would not physically divide an established community and there would be no impact.

Finding

The City finds that, based upon substantial evidence in the record, the proposed Project would have no impact on land use and planning, as it relates to division of an established community; therefore, no mitigation is required.

INTENTIONALLY LEFT BLANK

INTENTIONALLY LEFT BLANK

3 Findings on Project Alternatives

CEQA requires that an EIR describe a range of reasonable alternatives to a project, or to the location of the project, that could feasibly attain the basic objectives of that project, and to evaluate the comparative merits of the alternatives (14 CCR 15126.6[a]). The CEQA Guidelines direct that the selection of alternatives be governed by "a rule of reason" (14 CCR 15126.6[a], [f]). CEQA directs that the scope of alternatives considered shall be limited to ones that would avoid or substantially lessen the significant effects of the Project (14 CCR 15126.6[f]).

3.1 Alternatives Considered and Eliminated During the Scoping/Project Planning Process

The CEQA Guidelines provide that an EIR should "identify any alternatives that were considered by the Lead Agency but were rejected as infeasible during the scoping process and briefly explain the reasons underlying the Lead Agency's determination" (14 CCR 15126.6[c]). The following is a discussion of the Project alternatives proposed during the scoping and planning process and the reasons they were not selected for detailed analysis in the EIR.

With respect to the feasibility of potential alternatives to the Project, CEQA Guidelines Section 15126.6(t)(I) states, "Among the factors that may be taken into account when addressing the feasibility of alternatives are site suitability, economic viability, availability of infrastructure, general plan consistency, other plans or regulatory limitations, jurisdictional boundaries … and whether the proponent can reasonably acquire, control or otherwise have access to the alternative site."

In determining an appropriate range of Project alternatives to be evaluated in the EIR, a number of possible alternatives were initially considered and then rejected. The proposed Project alternatives were rejected because they could not accomplish the basic objectives of the Project, or they would not have resulted in a reduction of significant adverse environmental impacts.

Alternate Sites

CEQA does not require that an analysis of an alternate or off-site alternative be included in an EIR. However, if the surrounding circumstances make it reasonable to consider an alternate site, then a project alternative should be considered and analyzed in the 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 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 off-site alternative was rejected as infeasible because the Project applicant does not own any other property that would be feasible for this Project and cannot "reasonably acquire, control or otherwise have access to [an] alternative site" (refer to Section 15126.6[f][1] of the CEQA Guidelines). In addition, the proposed Project is not unique in that development of a similar project elsewhere would not preclude nor eliminate demand for the development of the Project on this site. In addition, development of the Project in an alternate location would have similar impacts as would occur with implementation of the Project at its proposed location. Thus, moving the Project to an alternative site – assuming that another 231-acres of property exists within the County and City of Tulare is available – would merely displace environmental impacts instead of avoiding or minimizing them. Thus, this alternative was eliminated from further consideration.

All-Residential Alternative

Senate Bill 8 Housing Crisis Act of 2019 (SB 8), was approved by Governor Newsom in September 2021 in order to increase housing in California, and to have the approval of housing development projects within local governments. Therefore, an All-Residential Alternative would develop the entire site with a combination of low, medium, and high residential units, remove the 10.8 acres of neighborhood commercial, reduce the size of the 14.1-acre central park, and eliminate the 4.9-acre school site and community center. Because the site would be fully developed in a manner similar to that of the proposed project, impacts from implementation of this alternative would remain same. In addition, while this alternative would bring more housing to the County and the City of Tulare, it would not meet the project's objectives of developing a transit-oriented community. Project impacts related to air quality, greenhouse gases, energy, and traffic would likely be greater than those of the proposed project since residences of the community would need to use personal vehicles and travel greater distances for services and educational needs. Because of these reasons, the All-Residential Alternative was eliminated from further consideration.

3.2 Alternatives Selected for Further Analysis

This section discusses a reasonable range of alternatives to the Project, including a No Project Alternative, in compliance with CEQA Guidelines Section 15126.6(e). These alternatives are as follows:

- Alternative 1: No Project/No Development Alternative
- Alternative 2: Reduced Development per 2013 Tulare Transit-Oriented Development (TOD) Plan
- Alternative 3: Development of Commercial Area Only

These alternatives are evaluated for their ability to avoid or substantially lessen the impacts of the Project identified in the Final EIR, and in consideration of their ability to meet the basic objectives of the Project as described in the Final EIR.

3.2.1 Alternative 1: No Project/No Development

Section 15126.6(e) of the CEQA Guidelines requires that an EIR evaluate and analyze the impacts of a No Project/No Development Alternative. The "purpose of describing and analyzing a no project alternative is to allow decision makers to compare the impacts of approving the proposed project with the impacts of not approving the proposed project" (14 CCR 15126.6[e][1]). When defining the No Project/No Development Alternative, the analysis must be informed by "what would be reasonably expected to occur in the foreseeable future if the project were not approved, based on current plans and consistent with available infrastructure and community services" (14 CCR 15126.6[e][2]).

Description

Section 15126.6(e) of the CEQA Guidelines requires that an EIR evaluate and analyze the impacts of the No Project/No Development Alternative, which reflects the "circumstances under which the project does not proceed." Under the No Project/No Development Alternative, no development would occur on the project site. Accordingly, the site characteristics of this alternative would be equivalent to the existing conditions.

Impacts

Under Alternative 1, the No Project/ No Development Alternative, all environmental impacts would be reduced further below the Project's less- than – significant impacts.

Finding

The City rejects the No Project/No Development Alternative on the following grounds, each of which individually provides sufficient justification for rejection of this alternative: (1) the No Project/No Development Alternative fails to meet any of the project objectives; (2) the No Project/No Development Alternative does not reduce or eliminate any significant and unavoidable impacts associated with the Project, as the Project does not result in any significant and unavoidable impacts. Therefore, pursuant to Section 15091(a)(3) of the CEQA Guidelines, specific economic, legal, social, technological, or other considerations make this alternative infeasible.

3.2.2 Alternative 2: Reduced Development per the 2013 Tulare TOD Plan

Description

Under the Reduced Development per the 2013 Tulare TOD Plan Alternative, the project site would be annexed into the City and developed in a similar manner as the proposed Project. A maximum development of 1,577 residential units would be constructed on a total of 113 acres under this Alternative. In addition, a maximum of 23.5 acres of other development would occur, including a neighborhood commercial center, Park, school, and community use area. As such, a reduction in the overall development area would be reduced under Alternative 2 and approximately 84 acres of land in the northern portion of the project area would remain in agricultural production.

Under Alternative 2, it is assumed that development in the project area would occur consistent with the TOD land use assumptions that would result in a smaller development footprint of approximately 84 acres when compared to the proposed project. The reduced scale of development would result in impacts that are less severe or similar to the those of the proposed project as detailed below. It is assumed that all mitigation required for the project would be implemented for this Alternative.

Impacts

All of the mitigation measures required for the Project would also apply to Alternative 2, as the land use type, development intensity, and/or site coverage would be similar to the Project, and thus, construction and operation characteristics should also be relatively similar. There is the possibility under Alternative 2, however, that some impacts associated with agriculture and forestry, air quality, GHG, noise, and transportation would be similar, but less than, those of the proposed Project.

Finding

The City rejects Alternative 2 on the following grounds, each of which individually provides sufficient justification for rejection of this alternative: (1) Alternative 1 fails to meet most of the Project objectives; (2) Alternative 2 would result in similar impacts to some environmental resource areas; and (3) Alternative 3 does not reduce or eliminate any significant and unavoidable impacts associated with the Project, as the project does not result in any significant and

unavoidable impacts. Therefore, pursuant to Section 15091(a)(3) of the CEQA Guidelines, specific economic, legal, social, technological, or other considerations make this alternative infeasible.

3.2.3 Alternative 3: Development of Commercial Area Only

Description

Under the Development of Commercial Area Only Alternative, the project site would not be annexed into the City and only the 10.8-acre neighborhood commercial center would be constructed and operated at the corner of S. Oakmore Street and E. Bardsley Avenue. No residential areas, school, central park, bike trails, or community center would be developed as part of this alternative. Approximately 210 acres of the site would remain in agricultural production and the three residential homes and agricultural outbuildings would remain on-site.

Impacts

Under Alternative 3, it is assumed that development in the project area would occur on 10.8 acres in the southwest corner of the site. The reduced scale of development would result in impacts that are less severe or similar to the those of the proposed project as detailed below. It is assumed that all mitigation required for the project would be implemented for this Alternative.

Objectives

The Commercial Area Only Alternative would only partially meet the objective of providing functional compatibility with existing residential neighborhoods and development while enhancing the City's ability to provide for fiscally positive development. The neighborhood commercial center would serve the surrounding neighborhoods and developments and provide additional job opportunities. However, this alternative would not develop a TOD plan area, nor would it meet the City's need for residential development.

Finding

The City rejects the Development of Commercial Area Only Alternative as undesirable as it fails to satisfy the project's underlying purpose and to meet most project objectives, and because specific economic, legal, social, technological or other considerations make the alternative infeasible.

3.2.4 Environmentally Superior Alternative

An EIR must identify an "environmentally superior" alternative; and, where the no project alternative is environmentally superior, the EIR is then required to identify an alternative from among the others evaluated as environmentally superior (14 CCR 15126.6[e][2]).

Each of the three Project alternatives considered herein would lessen at least one environmental impact relative to the Project. As previously addressed, if the No Project/No Development Alternative is the environmentally superior alternative—which is the case in this analysis—the EIR must also identify another environmentally superior alternative among the remaining alternatives.

Based on a comparison of Alternative 2 and Alternative 3, all environmental impacts associated with development and operation would be less under Alternative 3 compared to Alternative 2. Alternative 3 would have a greater reduction to the significant and unavoidable impacts related to agricultural resources, air quality, greenhouse gas emissions, and transportation when compared to Alternative 2. Overall, based on these findings, Alternative 3 would be considered the environmentally superior alternative.

4 General CEQA Findings

Based on the foregoing Findings and the information contained in the administrative record, and as conditioned by the foregoing, the City has determined the following:

6. The plans for the Project have been prepared and analyzed so as to provide for public involvement in the planning and the CEQA processes.
7. To the degree that any impacts described in the Draft EIR are perceived to have a significant effect on the environment, or such impacts appear ambiguous as to their effect on the environment, any significant effect of such impacts has been substantially lessened or avoided by the mitigation measures set forth in the Draft and Final EIR.
8. Comments regarding the Draft EIR received during the public review period have been adequately addressed in the Final EIR. Any significant effects described in such comments were avoided or substantially lessened by the mitigation measures described in the Draft and Final EIR.

4.1 Findings Regarding Recirculation

The City finds that the Draft EIR does not require recirculation under CEQA (CEQA Section 21092.1, CEQA Guidelines Section 15088.5). CEQA Guidelines Section 15088.5 requires recirculation of an EIR prior to certification of the Final EIR when "significant new information is added to the EIR after public notice is given of the availability of the draft EIR for public review." As described in CEQA Guidelines Section 15088.5:

> New information added to an EIR is not "significant" unless the EIR is changed in a way that deprives the public of a meaningful opportunity to comment upon a substantial adverse environmental effect of the project or a feasible way to mitigate or avoid such an effect (including a feasible project alternative) that the project's proponents have declined to implement. "Significant new information" requiring recirculation includes, for example, a disclosure showing that:
>
> 1. A new significant environmental impact would result from the project or from a new mitigation measure proposed to be implemented;
> 2. 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;
> 3. A feasible project alternative or mitigation measure considerably different from others previously analyzed would clearly lessen the significant environmental impacts of the project, but the project's proponents decline to adopt it;
> 4. The draft EIR was so fundamentally and basically inadequate and conclusory in nature that meaningful public review and comment were precluded.

In addition, CEQA Guidelines Section 15088.5(b) provides that "recirculation is not required where the new information added to the EIR merely clarifies and amplifies or makes insignificant modifications in an adequate EIR." Recirculation also is not required simply because new information is added to an EIR; indeed, new information is oftentimes added given CEQA's public/agency comment and response process and CEQA's post-Draft EIR circulation requirement of proposed responses to comments submitted by public agencies. In short, recirculation is "intended to be an exception rather than the general rule" (*Laurel Heights Improvement Assn. v. Regents of University of California* (1993) 6 Cal.4th 1112, 1132).

As such, the City makes the following Findings:

1. None of the public comments submitted to the City regarding the Draft EIR present any significant new information that would require the Draft EIR to be recirculated for public review.
2. No new or modified mitigation measures are proposed that would have the potential to create new significant environmental impacts.
3. The Draft EIR adequately analyzed Project alternatives and there are no feasible alternatives or mitigation measures considerably different from others previously analyzed that would clearly lessen the significant environmental impacts of the Project.
4. The Draft EIR was not fundamentally and basically inadequate and conclusory in nature and did not preclude meaningful public review and comment.

In this legal context, the City finds that recirculation of the Draft EIR prior to certification is not required. In addition to providing responses to comments, the Final EIR includes revisions to expand upon information already presented in the Draft EIR; explain or enhance the evidentiary basis for the Draft EIR's findings; update information; and to make clarifications, amplifications, updates, or helpful revisions to the Draft EIR. The Final EIR's revisions, clarifications, and/or updates do not result in any new significant impacts or increase the severity of a previously identified significant impact.

In sum, the Final EIR demonstrates that the Project would not result in any new significant impacts or increase the severity of a significant impact compared to the analysis presented in the Draft EIR. The changes reflected in the Final EIR also do not indicate that meaningful public review of the Draft EIR was precluded in the first instance. Accordingly, recirculation of the EIR is not required because revisions to the EIR are not significant as defined in Section 15088.5 of the CEQA Guidelines.

5 Statement of Overriding Considerations

Pursuant to PRC Section 21081(b) and CEQA Guidelines Sections 15093(a) and (b), the decision-making agency (City of Tulare) is required to balance, as applicable, the economic, legal, social, technological, or other benefits of a project against its unavoidable environmental risks when determining whether to approve a project. If the specific economic, legal, social, technological, or other benefits of a project outweigh the unavoidable adverse environmental effects, those effects may be considered "acceptable" (14 CCR 15093[a]). CEQA requires the agency to support, in writing, the specific reasons for considering a project acceptable when significant impacts are not avoided or substantially lessened. Those reasons must be based on substantial evidence in the Final EIR or elsewhere in the administrative record (14 CCR 15093[b]).

Courts have upheld overriding considerations that were based on a variety of policy considerations including, but not limited to, new jobs, stronger tax base, implementation of an agency's economic development goals, growth management policies, redevelopment plans, the need for housing and employment, conformity to community plan, and provision of construction jobs. See *Towards Responsibility in Planning v. City Council* (1988) 200 Cal App. 3d 671; *Dusek v. Redevelopment Agency* (1985) 173 Cal App. 3d 1029; *City of Poway v City of San Diego* (1984) 155 Cal App. 3d 1037; *Markley v. City Council* (1982) 131 Cal App.3d 656. In accordance with the requirements of CEQA and the CEQA Guidelines, the City finds that the mitigation measures identified in the Final EIR and the MMRP, when implemented, will avoid or substantially lessen virtually all of the significant effects identified in the Final EIR for the Chandler Grove Mater Plan and Annexation Project. However, certain significant impacts of the proposed project are unavoidable even after incorporation of all feasible mitigation measures. These significant unavoidable impacts are to agricultural and forestry resources, air quality, greenhouse gas emissions, and transportation. The Final EIR provides detailed information regarding these impacts (see also, Findings, Section 2.2, Impacts Determined to be Significant and Unavoidable).

The City finds that all feasible mitigation measures identified in the Final EIR that are within the purview of the City would be implemented with the proposed Project, and that those mitigation measures that may be within another agency's discretion have been, or can and should be, adopted by that other agency. As identified below, the City further finds that the remaining significant unavoidable effects are outweighed and are found to be acceptable due to the following specific overriding economic, legal, social, technological, or other benefits, based upon the facts set forth above, the Final EIR, and the record.

Overriding Benefits Resulting from the Project

The City finds that the Project would have the economic, legal, social, technological, or other overriding benefits, including region-wide or statewide environmental benefits, listed below. Each of the benefits cited below constitutes a separate and independent basis that justifies approval of the Project and outweighs the unavoidable adverse environmental effects of approving the Project and thus makes the adverse environmental effects acceptable. Therefore, even in the absence of one or more of the reasons set forth below, the City has determined that each remaining reason, or any combinations of reasons, is a sufficient basis for approving the Project, notwithstanding any significant and unavoidable impacts that may occur.

- **Develop the Project per the Tulare Transit-Oriented Development Plan:** The Project site is within the College of the Sequoia's (COS) North Transit Oriented Development Plan Area that is outlined in the City Council adopted 2013 Tulare Transit-Oriented Development (TOD) Plan and designated as such on the City's 2035 General Plan Land Use Map. The Project would develop a mix of land uses centered on access to public transit to create walkable and bikeable neighborhoods with easy access to daily needs and bus services. The Project would include: development that provides access to a robust transit network (within ¼-mile); development that provides a good mix of housing types, businesses, and public uses while auto-oriented

land uses are discouraged; and development that provides safe pedestrian and bicycle access to services and daily needs within the plan area.

1. **Range of Housing Types:** Project would develop a portion of the TOD Plan and the growth induced by the Project is consistent with that analyzed in the City's General Plan and TOD Plan for the College of the Sequoia area. The proposed Project will provide approximately 1,197 total units of both single and multi-family housing opportunities with a range of unit types, sizes, prices, and number of different bedroom counts to accommodate a full spectrum of family demographics. In so doing, the Project will provide a range of housing opportunities for existing and future City residents. The Project's proposed residential developments and associated amenities would also support a reasonable share of the City's projected regional population growth to help the City meet its required regional housing needs, as detailed in the City's General Plan Housing Element.

2. **Tax and Public Facilities Financing:** The Project will provide a stable and significant source of property tax revenue for the City. The Project will make a fair share contribution towards the financing of intersection improvements and services, including police, fire, parks and recreation.

3. **Job Creation:** The Project will boost the local economy by supporting temporary construction related jobs over the 10 years project construction is anticipated to take. In addition, the neighborhood commercial and school and community use developments will create permanent, secure jobs within the City during Project operations.

4. **Housing in Proximity to Jobs and Services:** The Project would encourage people to live in the City of Tulare and would help encourage people to stay in the City to take advantage of proximity to the College of the Sequoias, local businesses, and other amenities. The Project would provide an opportunity for workers in the area to reside within the Master Planned Community. It would help reduce the jobs-to-housing imbalance by developing housing within the City. By providing reasonably priced housing in the City, the project would also support the City's employers and their ability to attract quality employees.

Conclusion

In light of the foregoing, and the information contained within the Final EIR and other portions of the project record, the City concludes that implementation of the proposed Chandler Grove Master Plan and Annexation Project will result in the development of a beneficial project as outlined above. The City also finds that the benefits identified above outweigh and make acceptable the significant, unavoidable environmental impacts associated with the proposed Project and, accordingly, adopts this Statement of Overriding Considerations.