DRAFT ENVIRONMENTAL IMPACT REPORT

Henderson Commercial Project

December 2024

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EXECUTIVE SUMMARY

EXECUTIVE SUMMARY

Introduction

This Draft Environmental Impact Report (Draft EIR or EIR) has been prepared consistent with the California Environmental Quality Act (CEQA) for the proposed Henderson Commercial Project (Project). Its intent is to inform the public, regulatory agencies and the City of Porterville (City) decision makers of the potential environmental impacts the proposed Project would have on environmental factors as specified in the CEQA Guidelines. This Draft EIR, in its entirety, addresses and discloses potential environmental effects associated with construction and operation of the proposed Project, including direct, indirect, and cumulative impacts to the environmental resources identified in the CEQA Guidelines environmental checklist. The City of Porterville is the "Lead Agency" pursuant to CEQA and is responsible for the preparation and distribution of the Draft EIR.

CEQA Process

The City of Porterville circulated a Notice of Preparation (NOP) of an EIR for the proposed Project from June 13, 2023 through July 13, 2023 to trustee and responsible agencies, the State Clearinghouse (SCH #2023060320), and the public. Following publication of the original NOP, a comment at the June 27, 2023 scoping meeting recognized that the Project could cause potentially significant traffic impacts. Therefore, the Project's NOP was re-circulated from July 25, 2023 through August 25, 2023 to disclose such impacts.

The next step in the process is circulation of this Draft EIR which will be distributed to the public for review and comment for at least 45 days. This Draft EIR is organized as follows:

Executive Summarizes the analysis contained in the Draft EIR.

Chapter 1 – Introduction: Provides a brief introduction to CEQA and the scope/contents of the Draft EIR.

Chapter 2 – Project Description: Describes the Project in detail. Includes Project location, objectives, environmental setting and regulatory context.

Chapter 3 – Environmental Analysis: Contains the CEQA checklist. Each topic discusses environmental/regulatory setting, Project impact analysis, mitigation measures and conclusions.

Chapter 4 – Alternatives: Describes and evaluates alternatives to the Project. The proposed Project is compared to each alternatives and potential environmental impacts are analyzed.

Chapter 5 – Other CEQA Sections: Describes other required sections such as environmental effects that cannot be avoided, social effects, growth inducement, etc.

Appendices: Following the text of the Draft EIR, four appendices including three technical studies have been included as reference material.

Project Location

The Henderson Commercial Project (referred to herein as the "Project" or "proposed Project") is located on approximately 10.54 acres in the north-central area of Porterville and is generally bound by West Henderson Avenue to the south, State Route 65 to the east, and North Prospect Street to the west. The site comprises six parcels: Assessor's Parcel Numbers (APNs) 246-111-065, -026, -046, -043 and -045, and 246-240-020. APNs 246-111-065, -026, -046, -045, -043 are currently designated as Retail Centers. APN 246-240-020 is currently designated as Low Density Residential. Refer to Figure 2-1: Regional Location Map, Figure 2-2: Aerial Site Vicinity Map, and Figure 2-3: Site Plan.

Project Description Summary

The proposed Project consists of the development of retail and restaurant buildings on approximately 10.54 acres of land, up to a total of 92,060 square feet of building area (see Figure 3). Entitlements required include a Conditional Use Permit, a General Plan Amendment, and a Parcel Map.

The proposed Project components are described below.

Project Components

- Development of approximately 92,060 square feet consisting of
 - Three quick serve drive-thru buildings
 - +/- 3,750 square feet
 - +/- 5,500 square feet

- +/- 4,500 square feet
- Inline major buildings and retail buildings totaling +/- 77,585 square feet to be used for:
 - General Retail
 - Grocery store with alcohol sales
 - 24-hour drug store
- Installation of a new east-bound left turn lane off West Henderson Avenue
- New signage including:
 - 80' pylon sign in the northeast site corner
 - 60' pylon sign in the southeast site corner
- 20' monument sign along West Henderson Avenue.
- Associated improvements including parking areas, nighttime lighting, and site landscaping, in accordance with Porterville City standards.

Site Circulation and Access

Access to the project site would be provided by the two driveways that are shown on Figure 3. The easterly driveway would accommodate right-in and right-out turning movements. The westerly driveway would allow for right-in, right-out and eastbound left turns in to the site.

Infrastructure

Existing City services (water, sewer, and stormwater) are located in W. Henderson Avenue and the applicant will be required to tie into these existing facilities. The proposed Project will require gas, telephone, cable, and electrical improvements. Natural gas will be provided by The Gas Company; telephone services will be provided by AT&T; electric power will be provided by Southern California Edison Company (SCE); and cable television will be provided by Charter Communication. The extent of work required for utilities and gas will be determined during final Project design.

Refer to Chapter Two – Project Description for the full description of the Project.

Project Objectives

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

- To provide a commercial/retail development area at pricing appropriate for the market, within an established area of the City of Porterville that satisfies the City of Porterville's policies, regulations and expectations as defined in the City's General Plan, Zoning Ordinance and other applicable plans, documents, and programs adopted by the City.
- To provide conveniently located commercial development to serve north and central Porterville residents in an established urban area of the City of Porterville.
- To provide a sense of community and walkability within the development using street patterns, parks/open space areas, landscaping, and other project amenities.

Summary of Environmental Impacts

As described in Chapter 3, it was determined that all impacts were either less than significant, or could be mitigated to a less than significant level with the exception of the following:

• **Transportation** – Conflict with Plan/Program (project and cumulative level)

Even with the mitigation measures described in Chapter 3, Environmental Setting, Impacts, and Mitigation Measures, of this Draft EIR, impacts in this issue area would be significant and unavoidable.

Summary of Project Alternatives

CEQA Guidelines Section 15126.6 requires the consideration of a range of reasonable alternatives to the proposed Project that could feasibly attain most of the objectives of the proposed Project. This Draft EIR analyzed the following alternatives:

- **No Project Alternative:** Under this Alternative, the Project would not be constructed and the site would remain in agricultural production.
- Alternate Locations Alternative: Under this Alternative, the Project would be developed on a different site of similar size and scale.
- **Reduced (50%) Project Alternative:** Under this Alternative, the Project would be reduced by 50% (overall site acreage and commercial acreage).

See Chapter 4 – Alternatives for a full description of potential environmental impacts associated with each alternative.

Mitigation Monitoring and Reporting Program

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

Mitigation Measure	Party responsible for Implementing Mitigation	Timing	Party responsible for Monitoring	Verification (name/ date)
Air Quality				
Alk-1: Before a construction permit is issued for the proposed Project, the Project applicant, Project sponsor, or construction contractor shall submit provide reasonaby detailed compliance with one of the following requirements to the City of Porterville: Option 1) Where portable diesel engines are used during construction, all off-road equipment with engines greater than 75 horsepower shall have engines that meet either EPA or ARB Tier 4 Interim off-road emission standards. Option 2) Prior to the issuance of any demolition, greading, or building permits (whichever occurs earliest), the Project applicant and/or construction contractor shall prepare a construction operations plan that, during construction activities, requires all off-road equipment with engines or be equipped with Level 3 diesel particulate filters. Tier 4 Interim engines shall, at a minimum, meet EPA or ARB particulate matter emissions standards for Tier 4 Interim engines shall, at a particulate filters. Tier 4 Interim engines shall, at a particulate filters. Tier 4 Interim engines shall, at a minimum, meet EPA or ARB particulate matter emissions standards for Tier 4 Interim engines. Alternatively, use of ARB-certified Level 3 disesel particulate filters on offroad equipment with engines greater than 75 horsepower can be used in lieu of Tier 4 Interim engines. Alternatively, use of ARB-certified Level 3 disesel particulate matter ensistons standards for Tier 4 Interim engines. Alternatively, use of ARB-certified Level 3 disesel particulate matter ensistons standards for Tier 4 Interim engines. Alternatively, use of a minimum, meet EPA or ARB particulate matter ensistons standards for Tier 4 Interim engines. Alternatively, use of ARB-certified Level 3 disesel particulate matter ensistons standards for Tier 4 Interim engines. Alternatively or of the particulate matter funce of Tier 4 Interim engines.	Project Applicant	Prior to issuance of building permits	City of Porterville	

Mitigation Measure	Party responsible for Implementing Mitigation	Timing	Party responsible for Monitoring	Verification (name/ date)
contractor shall maintain records documenting its efforts to comply with this requirement, including equipment lists. Off-road equipment descriptions and information shall include, but are not limited to, equipment type, equipment manufacturer, equipment identification number, engine model year, engine certification (tier rating), horsepower, and engine serial number. The Project applicant, Project sponsor, or construction contractor shall submit the records of compliance to the City of Porterville.				
Biological Resources				
BIO-1: Protect nesting Swainson's hawk No sooner than 30 days prior to any ground disturbing activity, a qualified biologist shall conduct pre- construction surveys of nests in the Project area and determine if any are occupied. The pre-construction nest surveys shall follow the protocols set out in the Recommended Timing and Methodology for Swainson's Hawk Nesting Surveys in California's Central Valley (Swainson's Hawk Technical Advisory Committee [SHTAC] 2000). Any active Swainson's hawk nests (defined as a nest used one or more times in the last five years) found within 0.5-mile of the boundary of the Project site during the nesting season (February 1 to September 1) will be monitored daily by a qualified biologist to assess whether the nest is occupied. If the nest is occupied, the qualified biologist will establish no- work buffers following CDFW's Staff Report Regarding	Project Applicant	Prior to issuance of grading or building permits	City of Porterville and CDFW	

Henderson Commercial Project EIR | Executive Summary

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	Mitigation Measure	Party responsible for Implementing Mitigation	Timing	Party responsible for Monitoring	Verification (name/ date)
	Mitigation for Impacts to Swainson's Hawks (Buteo swainsoni) in the Central Valley of California (CDFG 1994), and the status of the nest will be monitored until the young fledge or for the length of construction activities, whichever occurs first. Adjustments to the buffer(s) may be made in consultation with CDFW. If an occupied Swainson's hawk nest tree is to be removed, an incidental take permit under CESA will be obtained and impacts will be minimized and fully mitigated.				
- <u>-</u>	Compensate for loss of Swainson's hawk foraging habitat (i.e., grasslands on the Project site). in	Applicant	issuance of grading or building	Porterville and CDFW	
	accordance with the CDFW Staff Report Regarding Mitigation for Impacts to Swainson's Hawks (Buteo swainsoni) in the Central Valley of California. The CDFW requires that projects adversely affecting Swainson's hawk foraging habitat provide Habitat Management (HM) lands to the department. Projects within 1 mile of an active nest shall provide one acre of HM lands for each acre of development authorized (1:1 ratio). Projects within 5 miles of an active nest shall provide 0.75 acres of HM lands		permits		
	for each acre of urban development authorized (0.75:1 ratio). And projects within 10 miles of an active nest but greater than 5 miles from an active nest shall provide 0.5 acres of HM lands for each acre of urban development authorized (0.5:1 ratio). No compensation is required if an active nest is not found within 10 miles of the Project				

	Mitigation Measure	Party responsible for Implementing Mitigation	Timing	Party responsible for Monitoring	Verification (name/ date)
	site.				
BIO-3:	Protect Crotch Bumble Bee A qualified biologist shall conduct focused surveys for Crotch Bumble Bee (CBB), and their requisite habitat features prior to Project implementation to evaluate impacts resulting from potential ground- and vegetation-disturbing activities. If surveys cannot be completed, all small mammal burrows and thatched/bunch grasses shall avoided by a minimum of 50 feet to avoid take. If ground-disturbing activities will occur during the overwintering period (October through February), consultation with CDFW is required to discuss how to implement Project implementation requires consultation with CDFW to discuss how to avoid take. If CBB prior to or during surveys, consultation with CDFW is required to determine if the Project can avoid take. If take cannot be avoided, take authorization prior to any ground-disturbing activities may be warranted. Take authorization would occur through issuance of an incidental Take Permit (ITP) by CDFW, pursuant to Fish and Game Code Section 2081 subdivision (b).	Project Applicant	Prior to issuance of grading permits	City of Porterville and CDFW	
BIO-4:	Protect American Badger Prior to any ground disturbing activity, a qualified Biologist shall conduct pre-construction surveys for American Badger den sites within suitable habitat	Project Applicant	Prior to issuance of grading or building permits	City of Porterville and CDFW	

	Mitigation Measure	Party responsible for Implementing Mitigation	Timing	Party responsible for Monitoring	Verification (name/ date)
	located within the Project site. These surveys shall be conducted no less than 14 days and no more than 30 days prior to the start of ground disturbing activities in the Project area. A qualified biologist shall establish a 100-foot no-work buffer around occupied maternity dens throughout the pup-rearing season (February 15 through July 1) and a 50- foot no-work buffer around occupied dens during other times of the year. If non- maternity dens are found and cannot be avoided during construction activities, they shall be monitored for badger activity. If the qualified biologist determines that dens may be occupied, passive den exclusion measures shall be implemented for three to five days to disturbance activities.				
BIO-5:	Protect nesting birds Within 30 days prior to ground disturbance activities associated with construction or grading that would occur during the nesting/breeding season of native bird species potentially nesting on the site (typically March through August in the project region, or as determined by a qualified biologist), the applicant shall have weekly surveys conducted by a qualified biologist to determine if active nests of bird species protected by the MBTA and/or the California Fish and Game Code are present in the disturbance zone or within 300 feet (500 feet for raptors and special-status species) of the disturbance	Project Applicant	Prior to issuance of grading or building permits	City of Porterville and CDFW	

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Verification (name/ date)			
Party responsible for Monitoring			City of Porterville
Timing			During construction
Party responsible for Implementing Mitigation			Project Applicant
Mitigation Measure	zone. The surveys shall continue on a weekly basis with the last survey being conducted no more than seven days prior to initiation of disturbance work. If ground disturbance activities are delayed, then additional pre- disturbance surveys shall be conducted such that no more than seven days will have elapsed between the survey and ground disturbance activities. If active nests are found, clearing and construction within 300 feet of the nest (500 feet for raptors and special-status species) shall be postponed or halted, at the discretion of the qualified biologist, until the nest is vacated and juvenies have fledged, as determined by the qualified biologist, and there is no evidence of a second attempt at nesting. Limits of construction to avoid an active nest shall be instructed on the sensitivity of nest areas. The qualified biologist shall serve as a construction monitor during those periods when construction activities will occur near active nest areas to ensure that no inadvertent impacts on these nests occur. Results of the surveys shall be provided to CDFW in the Annual Mitigation Status Report.	Cultural Resources	 CUL - 1: Before initiation of construction or ground-disturbing activities associated with the Project, the City shall

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Verification (name/ date)	
Party responsible for Monitoring	
Timing	
Party responsible for Implementing Mitigation	
Mitigation Measure	 require all construction personnel to be alerted to the possibility of buried cultural resources, including historic, archeological and paleontological resources; including historic, archeological and paleontological resources; and The general contractor and its supervisory staff shall be responsible for monitoring the construction Project for disturbance of cultural resources; and If a potentially significant historical, archaeological, or paleontological resource, such as structural features, unusual amounts of bone or shell, artifacts, human remains, or architectural remains or trash depositis are encountered during subsurface construction activities within a 100-foot radius of the identified potential resource shall cease until a qualified archaeologist evaluates the item for its significance and records the item on the appropriate State Department of Parks and Recreation (DPR) forms. The archaeologist shall determine whether the item requires turther study. If, after the qualified archaeologist shall cease undition activities shall recommend feasible mitigation measures, which may include avoidance, preservation in place or other appropriate measure, as outlined in Public Resources Code Section 21083.2. The City of Porterville shall implement said measures.

e Verification (name/ date)	
Party responsible for Monitoring	City of Porterville
Timing	Prior to issuance of any grading permit and ongoing during construction
Party responsible for Implementing Mitigation	Applicant
Mitigation Measure	CUL-2: In order to ensure that the proposed Project does not impact buried human remains during Project construction, the Project proponent shall be responsible for on-going monitoring of Project construction. Prior to the issuance of any grading permit, the Project proponent shall be responsible for on-site monitoring. If buried human remains are encountered during construction, further excavation or disturbance of the site or any nearby area resonable for on-site monitoring. If buried human remains and the coroner has made the determines shall be halted until the Tulare County coroner is contacted and the coroner has made the determines that Health and Safety Code Section 7050.5(c) require that he give notice to the Native American Heritage Commission, then such notice shall be given within 24 hours, as required by Health and Safety Code Section 7050.5(c) require that he give notice to the Native American Heritage Commission, then such notice shall be given within 24 hours, as required by Health and Safety Code Section 7050.5(c) require that the give notice to the Native American Heritage Commission, then such notice shall be given within 24 hours, as required by Health and Safety Code Section 7050.5(c) require that he give notice to the Native American Heritage Commission, then such notice shall be given within 24 hours, as required by Health and Safety Code Section 7050.5(c) require that the give notice to the Native American Heritage Commission, then such notice shall be given within 24 hours, as required by Health and Safety Code Section 7050.5(c) require that the give notice to the Native American Heritage Commission, then such notice shall be given within 24 hours, as required by Health and Safety Code Section 7050.5(c) require that the give notice to the Native American Heritage Commission, then such notice shall be given within 24 hours, as required by Health and Safety Code Section 7050.5(c) require that the give notice to the Native American Heritage Commission, then such notice shall be here and

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Mitigation Measure	Party responsible for Implementing Mitigation	Timing	Party responsible for Monitoring	Verification (name/ date)
the Most Likely Descendants on all reasonable options regarding the descendants' preferences and treatments, as prescribed by Public Resources Code Section 5097.98(b). The NAHC will mediate any disputes regarding treatment of remains in accordance with Public Resources Code Section 5097.94(k). The landowner shall be entitled to exercise rights established by Public Resources Code Section 5097.98(e) if any of the circumstances established by that provision become applicable.				
Geology & Soils				
GEO-1 In order to reduce on-site erosion due to project construction and operation, an erosion control plan and storm Water Pollution Prevention Plan (SWPPP) shall be prepared for the site preparation, construction, and post-construction periods by a registered civil engineer or certified professional. The erosion control plan shall incorporate best management practices consistent with the requirements of the National Pollution Discharge Elimination System (NPDES). The erosion component of the plan must at least meet the requirements of the SWPPP required by the Central Valley RWQCB. If earth disturbing activities are proposed between October 15 and April 15, these activities shall be limited to the extent feasible to minimize potential erosion related impacts. Additional erosion control	Project Applicant	Prior to issuance of grading permits	City of Porterville	

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Mitigation Measure	Party responsible for Implementing Mitigation	Timing	Party responsible for Monitoring	Verification (name/ date)
olemented in consultation with the r to the issuance of any permit, the hall submit detailed plans to the y of Porterville. The components of an and SWPPP shall be monitored				
ne City of Porterville. Erosion control ide, but not be limited to, the				
urbance of soils and vegeration ce removal to the minimum area / for access and construction; all vehicular traffic associated with ion to the right-of-way of ed access roads; o construction schedules designed periods of heavy precipitation or ls; at all exposed soil is provided with y drainage and soil protection instruction activity is shut down e winter periods; and construction personnel prior to ion and periodically during				
on activities of environmental pertinent laws and regulations, nents of the proposed erosion easures.				

Verification (name/ date)		
Party responsible for Monitoring		City of Porterville
Timing		Prior to issuance of building permits
Party responsible for Implementing Mitigation		Project Applicant
Mitigation Measure	Transportation	 TRA-1: The Applicant shall pay the City of Porterville for their Fair Share Portion of intersection improvements described in Table 3.17-9 and as summarized below to maintain or improve the operational level of service of the street system in the vicinity of the Project. 12.5% of adding one westbound through lane, modify northbound through/right lane to northbound right turn lane at the N Newcomb St & W Henderson Ave intersection by 2043. 41.96% of modifying eastbound right turn lane to eastbound right turn lane, and modifying westbound right turn lane to westbound through/right lane at the N Prospect St & W Henderson Ave intersection by opening day.

Chapter 1 INTRODUCTION

1 INTRODUCTION

This Environmental Impact Report (EIR or Draft EIR) has been prepared on behalf of the City of Porterville (City) in accordance with the California Environmental Quality Act (CEQA). This chapter outlines the purpose of and overall approach to the preparation of the EIR for the proposed Project. The Project Applicant is proposing to develop up to 92,060 square feet of commercial and restaurant space on a 10.54-acre site in the north-central area of Porterville. The site comprises six parcels and is generally bound by West Henderson Avenue to the south, State Route 65 to the east and North Prospect Street to the west. Refer to Chapter Two – Project Description for the full description of the Project.

It is the intent of this EIR to provide the City of Porterville, decision makers, and the general public with the relevant environmental information to use in considering the required approvals for the proposed Project. The City will use this EIR for the discretionary approvals of entitlements required to develop the proposed Project.

1.1 Purpose of EIR

The City of Porterville, as Lead Agency, determined that the proposed activities constitute a "project" within the definition of CEQA. The preparation of an EIR is required by CEQA prior to approving any project that may have a significant impact on the environment. For the purposes of CEQA, the term "project" refers to the whole of an action, which has the potential for resulting in a direct physical change or a reasonably foreseeable indirect physical change in the environment (CEQA Guidelines Section 15378[a]).

This Draft EIR has been prepared according to CEQA requirements to evaluate the potential environmental impacts associated with the implementation of the proposed Project. The Draft EIR also discusses alternatives to the Project, and proposes mitigation measures that will offset, minimize, or otherwise avoid significant environmental impacts. This Draft EIR has been prepared in accordance with CEQA, California Public Resources Code Section 21000, et seq.; the Guidelines for the California Environmental Quality Act (California Code of Regulations, Title 14, Chapter 3); and the rules, regulations, and procedures for implementing CEQA as adopted by the City of Porterville.

An EIR must disclose the expected direct and indirect environmental impacts associated with a project, including impacts that cannot be avoided, growth-inducing effects, impacts found not to be significant, and significant cumulative impacts, as well as identify mitigation measures and

alternatives to the proposed project that could reduce or avoid its adverse environmental impacts. CEQA requires government agencies to consider and, where feasible, minimize environmental impacts of proposed development.

1.2 Type of EIR

The State CEQA Guidelines identify several types of EIRs, each applicable to different project circumstances. This EIR has been prepared as a Project-level EIR pursuant to CEQA Guidelines Section 15161. A Project-level EIR is described as: "The most common type of EIR (which) examines the environmental impacts of a specific development project. This type of EIR should focus primarily on the changes in the environment that would result from the development project. The EIR shall examine all phases of the project including planning, construction, and operation."¹ The project-level analysis considers the broad environmental effects of a proposed project.

1.3 Intended Uses of the EIR

The City of Porterville, as the Lead Agency, has prepared this EIR to provide the public and responsible and trustee agencies with an objective analysis of the potential environmental impacts resulting from implementation of the proposed Project. The environmental review process enables interested parties to evaluate the proposed project in terms of its environmental consequences, to examine and recommend methods to eliminate or reduce potential adverse impacts, and to consider a reasonable range of alternatives to the project. While CEQA requires that consideration be given to avoiding adverse environmental effects, the lead agency must balance adverse environmental effects against other public objectives, including the economic and social benefits of a project, in determining whether a project should be approved.

This EIR will be used as the primary environmental document to evaluate all subsequent planning and permitting actions associated with the Project. This EIR may also be used by other agencies within the area, including the Air District, which may use this EIR during the permitting process.

1.4 Other Public Agencies Approval and Consultation

¹ CEQA Guidelines Section 15161

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

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

1.5 Environmental Review Process

The review and certification process for the EIR has involved, or will involve, the following general procedural steps:

Notice of Preparation

The City of Porterville circulated a Notice of Preparation (NOP) of an EIR for the proposed Project from June 13, 2023 through July 13, 2023 to trustee and responsible agencies, the State Clearinghouse (SCH #2023060320), and the public. Following publication of the original NOP, a comment at the June 27, 2023 scoping meeting recognized that the Project could cause potentially significant traffic impacts. Therefore, the Project's NOP was re-circulated from July 25, 2023 through August 25, 2023 to disclose such impacts.

During the two NOP public comment periods, the City received comments from two public agencies and two members of the public; those comments are presented in Appendix A and summarized here as follows:

- Native American Heritage Commission (June 16, 2023): Recommended consultation with California Native American tribes pursuant to AB 52 and SB 18. Refer to Sections 3.5 Cultural Resources and 3.18 Tribal Resources for further information.
- **CA Department of Fish & Wildlife** (July 12, 2023): Identified potential species in the project area and provided recommendations on handling of such species. Refer to Section 3.4 Biological Resources for more information.
- Fennemore Dowling Aaron Daniel C. Stein representing Gary Griger (August 21, 2023): Identified potential traffic impacts and expectations of the Project traffic study.

Identified expectations for air quality analysis along with potential impacts from loss of residential potential due to rezoning. Refer to Section 3.3 – Air Quality Resources, Section 3.11 – Land Use, and Section 3.17 - Transportation for more information.

 Michael Camarena – Porterville Citizen (August 2, 2023): Identified areas of concern relating to traffic congestion in the Project vicinity. Refer to Section 3.17 – Transportation for more information.

Draft EIR

This document constitutes the Draft EIR. The Draft EIR contains a description of the Project, description of the environmental setting, identification of the Project's direct and reasonably foreseeable indirect impacts on the environment, and mitigation measures for impacts found to be potentially significant, as well as an analysis of project alternatives, identification of significant irreversible environmental changes, growth-inducing impacts, and cumulative impacts. This Draft EIR identifies issues determined to have no impact or a less than significant impact and provides detailed analysis of potentially significant and significant impacts. The City considered comments received in response to the NOP in preparing the analysis in this EIR. To initiate the public review process, the City of Porterville will file the Notice of Completion (NOC) with the State Clearinghouse of the Governor's Office of Planning and Research.

Public Notice/Public Review

Concurrent with the NOC, the City of Porterville will provide a public notice of availability for the Draft EIR, and invite comment from the general public, agencies, organizations, and other interested parties. Consistent with CEQA requirements, the review period for this Draft EIR is forty-five (45) days. Public comment on the Draft EIR will be accepted in written form. All comments or questions regarding the Draft EIR should be addressed to:

Claudia Calderon 291 North Main Street Porterville, CA 93257 planning@ci.porterville.ca.us

Responses to Comments/Final EIR

Following the public review period, a Final EIR will be prepared. The Final EIR will respond to written comments received during the public review period and to oral comments during such review period.

Entitlement Procedures / Certification of the EIR / Project Consideration

Pursuant to CEQA, the City of Porterville will be the Lead Agency for the proposed Project. The Project will require the following approvals from the City of Porterville:

- Certification of the Project EIR
- Approval of a Conditional Use Permit
- Approval of a General Plan Amendment
- Parcel Map, if necessary, to reconfigure parcel lines and/or create new parcels
- Site Plan Review
- Issuance of Grading / Building Permits (ministerial)

Prior to taking action to approve the project, the City of Porterville will review and consider the Final EIR. If the City finds that the Final EIR is "adequate and complete," the City Council may certify the Final EIR in accordance with CEQA. As set forth by CEQA Guidelines Section 15151, the standards of adequacy require an EIR to provide a sufficient degree of analysis to allow decisions to be made regarding the proposed project that intelligently take account of environmental consequences.

Upon review and consideration of the Final EIR, the City Council may take action to approve, revise, or reject the project. A decision to approve a proposed project for which an EIR identifies significant environmental effects, must be accompanied by written findings and a statement of overriding considerations in accordance with State CEQA Guidelines Sections 15091 and 15093. A Mitigation Monitoring and Reporting Program (MMRP) would also be adopted in accordance with Public Resources Code Section 21081.6(a) and CEQA Guidelines Section 15097 for mitigation measures that have been incorporated into or imposed upon the project to reduce or avoid significant effects on the environment. The MMRP will be designed to ensure that these measures are carried out during project implementation in a manner that is consistent with the EIR.

1.6 Organization and Scope

State CEQA Guidelines Sections 15122 through 15132 identify the content requirements for Draft and Final EIRs. An EIR must include a description of the environmental setting, an environmental impact analysis, mitigation measures, alternatives, significant irreversible environmental changes, growth-inducing impacts, and cumulative impacts. Discussion of the environmental issues addressed in the Draft EIR was established through review of environmental and planning documentation developed for the project, environmental and planning documentation prepared for recent projects located within the City of Porterville, and responses to the NOP. This Draft EIR is organized in the following manner:

Executive Summary

The Executive Summary summarizes the characteristics of the proposed project, known areas of controversy and issues to be resolved, and provides a concise summary matrix of the project's environmental impacts and possible mitigation measures. This chapter identifies alternatives that reduce or avoid at least one significant environmental effect of the proposed project.

Chapter 1.0 – Introduction

Chapter 1.0 briefly describes the proposed project, the purpose of the environmental evaluation, identifies the lead, trustee, and responsible agencies, summarizes the process associated with preparation and certification of an EIR, identifies the scope and organization of the Draft EIR, and summarizes comments received on the NOP.

Chapter 2.0 – Project Description

Chapter 2.0 provides a detailed description of the proposed project, including the location, intended objectives, background information, the physical and technical characteristics, including the decisions subject to CEQA, subsequent projects and activities, and a list of related agency action requirements.

Chapter 3.0 - Environmental Setting, Impacts and Mitigation Measures

Chapter 3.0 contains an analysis of environmental topic areas as identified below. Each subchapter addressing a topical area is organized as follows:

Environmental Setting. A description of the existing environment as it pertains to the topical area.

Regulatory Setting. A description of the regulatory environment that may be applicable to the project.

Impacts and Mitigation Measures. Identification of the thresholds of significance by which impacts are determined, a description of project-related impacts associated with the environmental topic, identification of appropriate mitigation measures, and a conclusion as to the significance of each impact.

The following environmental topics are addressed in this Draft EIR:

- Aesthetics
- Agriculture and Forestry Resources
- Air Quality
- Biological Resources
- Cultural Resources
- Energy
- Geology and Soils
- Greenhouse Gas Emissions
- Hazards and Hazardous Materials
- Hydrology and Water Quality
- Land Use and Planning
- Mineral Resources
- Noise
- Population and Housing
- Public Services
- Recreation
- Transportation and Traffic
- Tribal Cultural Resources
- Utilities and Services
- Wildfire

Chapter 4.0 – Project Alternatives

Chapter 4.0 provides a comparative analysis between the merits of the proposed Project and the selected alternatives. State CEQA Guidelines Section 15126.6 requires that an EIR describes a range of reasonable alternatives to the project, which could feasibly attain the basic objectives of the project and avoid and/or lessen any significant environmental effects of the project.

Chapter 5.0 – Other CEQA-Required Topics

Chapter 5.0 evaluates and describes the following CEQA required topics: growth-inducing effects, significant and irreversible effects, significant and unavoidable impacts, substantial adverse effects on protected fish, wildlife, and plant species, substantial adverse effects on human beings, and effects not found to be significant.

Chapter 6.0 – Report Preparers

Chapter 6.0 lists all authors and agencies that assisted in the preparation of the Draft EIR, by name, title, and company or agency affiliation.

Appendices

This section includes the NOP and responses to the NOP in addition to the cultural, air quality/GHG, and traffic technical studies.

Incorporation by Reference

In compliance with CEQA Guidelines Section 15150, this Draft EIR has incorporated by reference the *Porterville 2030 General Plan - Environmental Impact Report*, adopted March 4, 2008 (State Clearinghouse #2006011033). That document is available for review at the City of Porterville, 291 North Main Street, Porterville, CA 93257.

Chapter 2 PROJECT DESCRIPTION

2 Project Description

2.1 Project Location and Surrounding Land Use

The Henderson Commercial Project (referred to herein as the "Project" or "proposed Project") is located on approximately 10.54 acres in the north-central area of Porterville and is generally bound by West Henderson Avenue to the south, State Route 65 to the east, and North Prospect Street to the west. The site comprises six parcels: Assessor's Parcel Numbers (APNs) 246-111-065, -026, -046, -043 and -045, and 246-240-020. APNs 246-111-065, -026, -046, -045, -043 are currently designated as Retail Centers. APN 246-240-020 is currently designated as Low Density Residential. Refer to Figure 2-1: Regional Location Map, Figure 2-2: Aerial Site Vicinity Map, and Figure 2-3: Site Plan.

The Project site is located in an established urban area with commercial land uses located immediately to the south, east, and west. Residential developments lie farther to the south, east, and west and directly to the north. Monache High School is located approximately 0.5 miles to the west, and City parks are located approximately 0.20 and 0.60 miles to the northeast and southwest, respectively. Land uses of adjacent parcels surrounding the Project site are as follows:

Location	Existing Land Use
North	Low Density Residential housing
South	Commercial/retail businesses, West Henderson Avenue
West	Residential housing, permitted future hotel development
East	SR 65, commercial/retail businesses, Hayes Field

Surrounding Land Uses

Figure 2-1 Regional Location Map



Figure 2-2 Aerial Site Vicinity



Figure 2-3 Site Plan


2.2 Project Description

The proposed Project consists of the development of retail and restaurant buildings on approximately 10.54 acres of land, up to a total of 92,060 square feet of building area (see Figure 3). The Project will be developed on APNs 246-111-065, -026, -046, -045, -043 and 246-240-020. The Project site is located in north-central Porterville, at the northwest corner of State Route (SR) 65 and West Henderson Avenue. Refer also to Figure 2-2: Aerial Site Vicinity. The proposed Project components are described below.

Project Components

- Development of approximately 92,060 square feet consisting of
 - Three quick serve drive-thru buildings
 - +/- 3,750 square feet
 - +/- 5,500 square feet
 - +/- 4,500 square feet
 - Inline major buildings and retail buildings totaling +/- 77,585 square feet to be used for:
 - General Retail
 - Grocery store with alcohol sales
 - 24-hour drug store
- Installation of a new east-bound left turn lane off West Henderson Avenue
- New signage including:
 - o 80' pylon sign in the northeast site corner
 - 60' pylon sign in the southeast site corner
- 20' monument sign along West Henderson Avenue.
- Associated improvements including parking areas, nighttime lighting, and site landscaping, in accordance with Porterville City standards.

Site Circulation and Access

Access to the project site would be provided by the two driveways that are shown on Figure 3. The easterly driveway would accommodate right-in and right-out turning movements. The westerly driveway would allow for right-in, right-out and eastbound left turns in to the site.

Roadway Descriptions

- *Henderson Avenue* is a major (four-lane) east-west arterial that provides access to State Route 65 and residential and commercial land uses.
- *Newcomb Street* is a major (four-lane) north-south arterial located approximately 0.75 miles west of State Route 65. Within the study area, it provides access to residential land uses and Monache High School.
- *Porter Road* is a north-south collector that runs parallel to and directly east of State Route 65 from Olive Avenue to Henderson Avenue. It provides access primarily to residential and commercial land uses within the study area.
- *Prospect Street* is a north-south roadway located approximately 0.25 miles west of State Route 65. It is designated as a major (four-lane) arterial between Morton Avenue and Westfield Avenue and provides access to residential and commercial land uses within the study area.
- *State Route 65* is a north-south state highway that begins at State Route 99 north of Bakersfield and terminates at State Route 198 north of Exeter. It exists as a four-lane freeway through Porterville with an interchange connection at Henderson Avenue.

The Project will be responsible for construction of internal roadways as well as for potential improvements to surrounding roadways to accommodate the Project. The Project also includes improvements and landscaping along the frontage roads and within the site itself.

Infrastructure

Existing City services (water, sewer, and stormwater) are located in W. Henderson Avenue and the applicant will be required to tie into these existing facilities. The proposed Project will require gas, telephone, cable, and electrical improvements. Natural gas will be provided by The Gas Company; telephone services will be provided by AT&T; electric power will be provided by Southern California Edison Company (SCE); and cable television will be provided by Charter Communication. The extent of work required for utilities and gas will be determined during final Project design.

Entitlements

Since the development is proposed to be greater than 50,000 square feet, a Conditional Use Permit is required for project approval and a General Plan Amendment is required to change APN 246-240-020 from Low Density Residential to Retail Centers. Additionally, a Parcel Map may be required to reconfigure parcel lines and/or create new parcels meeting the requirements of all applicable codes for sale or lease. To offset the reduction of potential residential development resulting from the proposed land use change, the City will concurrently increase the permissible density in the RM-3 zone district from 30.0 to 30.5 units per acre.

2.3 Project Objectives

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

- To provide a commercial/retail development area at pricing appropriate for the market, within an established area of the City of Porterville that satisfies the City of Porterville's policies, regulations and expectations as defined in the City's General Plan, Zoning Ordinance and other applicable plans, documents, and programs adopted by the City.
- To provide conveniently located commercial development to serve north and central Porterville residents in an established urban area of the City of Porterville.
- To provide a sense of community and walkability within the development using street patterns, parks/open space areas, landscaping, and other project amenities.

2.4 Required Approvals

City of Porterville

The City of Porterville will be the Lead Agency for the proposed Project, pursuant to CEQA. The Project will require the following approvals from the City of Porterville:

- Certification of the Project EIR
- Approval of a Conditional Use Permit
- Approval of a General Plan Amendment
- Parcel Map, if necessary, to reconfigure parcel lines and/or create new parcels
- Site Plan Review
- Issuance of Grading / Building Permits (ministerial)

Other Public Agencies Approval and Consultation

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

- San Joaquin Valley Air Pollution Control District approval of construction and/or operational air quality permits
- Dust Control Plan Approval letter from the San Joaquin Valley Air Pollution Control District
- Regional Water Quality Control Board (Storm Water Pollution Prevention Plan)
- Compliance with other federal, State, and local requirements.

ENVIRONMENTAL SETTING, IMPACTS & MITIGATION

Chapter 3

3 Environmental Setting, Impacts and Mitigation Measures

3.1 Aesthetics

This section of the DEIR identifies potential impacts of the proposed Project on visual character, scenic resources, views, scenic highways, and sources of light and glare. No NOP comment letters were received pertaining to Aesthetics.

Environmental Setting

Project Site and Surrounding Areas

As noted in Section 2.1, the Project site consists of vacant land in an urbanized area completely surrounded by commercial and residential urban uses. SR 65, an above-grade freeway, abuts the Project site to the west. The aesthetic features of the existing visual environment in the Project area are largely residential and commercial/retail. There are no scenic resources or scenic vistas in the area. In addition to SR 65, SR 190 runs east-to-west approximately two miles to the south.

Regulatory Setting

Federal Regulations

There are no applicable federal regulations, plans or policies pertaining to aesthetics that are applicable to the proposed Project.

State Regulations

Title 24 Outdoor Lighting Standards

The 2019 Title 24 Outdoor Lighting Standards were adopted by the State of California Energy Commission (CEC) ((Title 24, Parts 1 and 6, Building Energy Efficiency Standards (Standards)) went into effect on January 1, 2020. The changes included modified standards to reflect an industry shift to LED lighting, and other changes.

State Scenic Highway Program

The State Scenic Highway Program, created by the California Legislature in 1963, allows county and city governments to apply to the California Department of Transportation (Caltrans) to

establish a scenic corridor protection program. Its purpose is to protect and enhance the natural scenic beauty of California highways and adjacent corridors through special conservation treatment. The State laws governing the State Scenic Highway Program are found in the Streets and Highways Code, Sections 260 through 268. While not Designated State Scenic Highways, two Eligible State Scenic Highways occur in Tulare County: SR 198 and SR 190.

Local Regulations

Porterville General Plan

The City of Porterville General Plan includes specific goals and policies related to aesthetics and scenic resources. Those that apply to the proposed project are listed below.

- LU-I-20: Establish standards for pedestrian-oriented design in neighborhood centers Pedestrian-oriented design standards may include, but would not be limited to:
 - Limitations on maximum block length;
 - Minimum sidewalk width;
 - Required streetscape improvements, including street trees;
 - Building height and articulation;
 - Building setbacks;
 - Location of entries; and
 - Parking location and required landscaping.

The City also may provide additional incentives for projects that contribute to the pedestrian, bicycle, and transit networks, and/or the open space network

Thresholds of Significance

The thresholds of significance for this section are established by the CEQA Appendix G Checklist. Would the Project:

- Have a substantial adverse effect on a scenic vista?
- Substantially damage scenic resources, including, but not limited to, trees, rock outcroppings, and historic buildings within a state scenic highway?
- In non-urbanized areas, substantially degrade the existing visual character or quality of public views of the site and its surroundings? If the project is in an urbanized area, would the project conflict with applicable zoning and other regulations governing scenic quality?
- Create a new source of substantial light or glare which would adversely affect day or

nighttime views in the area?

Impacts and Mitigation Measures

Impact 3.1-1: *Have a substantial adverse effect on a scenic vista?*

Less than Significant Impact. The proposed Project includes the construction of multiple buildings, totaling approximately 92,060 square feet, to be occupied by quick-serve drive-thru, major retail, grocery, and drug store businesses. Additional improvements include parking areas, nighttime lighting, and site landscaping, as well as a new left turn for West Henderson Avenue and roadway signage. The structures will conform to design standards set forth by the City's General Plan and Zoning Ordinance. The maximum permissible building height in the CR (Retail Centers) zone is 50 feet; the Project proposes a maximum building height of 40 feet. The Project site is located in an area that is substantially surrounded by urban uses and will not result in a use that is visually incompatible with the surrounding area.

The City of Porterville General Plan does not identify any scenic vistas within the Project area.² A scenic vista is generally considered a view of an area that has remarkable scenery or a resource that is indigenous to the area. The Project is located in an area of minimal topographic relief, and views to and from the site are easily obscured by buildings, other structures, SR 65, and trees. Neither the Project area nor any surrounding land contains features typically associated with scenic vistas (e.g., ridgelines, peaks, overlooks).

Construction activities will be visible from the adjacent roadsides; however, the construction activities will be temporary in nature and will not affect a scenic vista. The impact will be *less than significant*.

Mitigation Measures: None are required.

Impact 3.1-2: Substantially damage scenic resources, including, but not limited to, trees, rock outcroppings, and historic buildings within a state scenic highway?

² Porterville 2030 General Plan. Open Space & Conservation Element. Page 113.

https://cms9files.revize.com/PortervilleCA/Document_Center/Department/Community%20Development/General%20Plan%20Upda te/Chapter6OpenSpaceandConservation_000.pdf. Accessed April 2024.

No Impact. There are no State designated scenic highways within proximity to the Project site. Caltrans' Scenic Highway Mapping System identifies SR 190 east of SR 65 as an Eligible State Scenic Highway.³ This is the closest eligible highway, located approximately 2.1 miles south of the Project site; however, the Project site is both physically and visually separated from SR 190 by intervening land uses. In addition, no scenic highways or roadways are listed within the Project area in the City of Porterville's General Plan or Tulare County's General Plan. Based on the National Register of Historic Places (NRHP), the California Register of Historical Resources (CRHR) and the City's General Plan, no historic buildings exist on the Project site. The proposed Project would not cause damage to rock outcroppings or historic buildings within a State scenic highway corridor. There is *no impact*.

Mitigation Measures: None are required.

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

Less than Significant Impact. The Project Site is within an urbanized area. It would comply with the development standards of the CR zone district and General Plan policies related to scenic resources. The impact will be *less than significant*.

Mitigation Measures: None are required.

Impact 3.1-4: Create a new source of substantial light or glare which would adversely affect day or nighttime views in the area?

Less Than Significant Impact. Nighttime lighting is necessary to provide and maintain safe, secure, and attractive environments; however, these lights have the potential to produce spillover light and glare and waste energy, and if designed incorrectly, could be considered unattractive. Light that falls beyond the intended area is referred to as "light trespass". Types of light trespass include spillover light and glare. Minimizing all these forms of obtrusive light is an important

³ Caltrans. California State Scenic Highway System Map.

https://caltrans.maps.arcgis.com/apps/webappviewer/index.html?id=465dfd3d807c46cc8e8057116f1aacaa. Accessed April 2024.

environmental consideration. A less obtrusive and well-designed energy efficient fixture would face downward, emit the correct intensity of light for the use, and incorporate energy timers.

Spillover light is light emitted by a lighting installation that falls outside the boundaries of the property on which the installation is sited. Spillover light can adversely affect light-sensitive uses, such as residential neighborhoods at nighttime. Because light dissipates as it travels from the source, the intensity of a light fixture is often increased at the source to compensate for the dissipated light. This can further increase the amount of light that illuminates adjacent uses. Spillover light can be minimized by using only the level of light necessary, and by using cutoff type fixtures or shielded light fixtures, or a combination of fixture types.

Glare results when a light source directly in the field of vision is brighter than the eye can comfortably accept. Squinting or turning away from a light source is an indication of glare. The presence of a bright light in an otherwise dark setting may be distracting or annoying, referred to as discomfort glare, or it may diminish the ability to see other objects in the darkened environment, referred to as disability glare. Glare can be reduced by design features that block direct line of sight to the light source and that direct light downward, with little or no light emitted at high (near horizontal) angles, since this light would travel long distances. Cutoff-type light fixtures minimize glare because they emit relatively low-intensity light at these angles.

Current sources of light within the vicinity of the Project site include streetlights, light from the adjacent restaurants and associated parking lots, the vehicles traveling along SR 65, W. Henderson Avenue, N. Prospect Avenue, and other adjacent roadways, and light from nearby residences. The Project would necessitate parking lot lighting and building safety and security lighting. Such lighting would be subject to the requirements of the Porterville Development Ordinance Section 300.07, which ensures that outdoor lighting does not produce obtrusive glare onto the public right-of-way or adjoining properties. Accordingly, the Project would not create substantial new sources of light or glare. Potential impacts are *less than significant*.

Mitigation Measures: None are required.

Cumulative Impacts

Would the project make a cumulatively considerable contribution to a significant cumulative impact related to scenic vistas, scenic resources, or the existing visual character of the area, including the introduction of light and glare?

Less Than Cumulatively Considerable. The scope for considering cumulative impacts to aesthetics includes the viewshed of the proposed Project and the areas surrounding the Project site from which the Project could be visible to viewers in the area. As described above, the Project will not result in significant aesthetic impacts due to adverse effects to a scenic vista, damaging scenic resources, degrading existing visual character or creating substantial sources of light and glare. Proposed site development would occur in an area completely surrounded by urban uses. The landscape in Porterville has been changing over the years from one of generally rural residential and agricultural uses to urban uses. Construction of future projects in the area allowed under Porterville and Tulare County General Plans would be required to be in compliance with the numerous policies and programs related to the preservation and enhancements of viewsheds and the protection of scenic resources, which will help ensure that projects are consistent with the character envisioned for these areas. Any cumulative impacts resulting from site development would be *less than significant*.

3.2 Agricultural Resources

This section of the DEIR identifies potential impacts of the proposed Project pertaining to Agricultural Resources. No NOP comment letters were received pertaining to this resource.

Environmental Setting

The Project site does not contain land under a Williamson Act Contract, and the entire Project site is designated Urban and Built-Up Land by the California Department of Conservation Farmland Mapping and Monitoring Program (FMMP).⁴

The Project site does not contain any land defined as forest land (as defined by Public Resources Code Section 12220(g)), timberland (as defined by Public Resources Code Section 4526), or land zoned Timberland Production (as defined by Government Code Section 51104(g)).

Regulatory Setting

Federal Regulations

Farmland Protection Policy Act

⁴ California Important Farmland Finder, California Department of Conservation. <u>https://maps.conservation.ca.gov/DLRP/CIFF/</u>. Accessed October, 2024.

The federal Farmland Protection Policy Act, part of the Agriculture and Food Act of 1981, was passed in response to the National Agricultural Land Study of 1980-1981, which found that millions of acres of farmland were being converted in the U.S. each year and a related report which found that much of this conversion was the result of programs funded by the federal government. The intent of the Act is to minimize the impact that federal programs have on unnecessary and irreversible conversion of farmland to nonagricultural uses. It assures that – to the extent possible – federal programs are administered to be compatible with state and local government and private programs and policies to protect farmland.

State of California Regulations

Farmland Mapping and Monitoring Program

The California Department of Conservation uses the Natural Resources Conservation Service soil classifications to classify agricultural lands under the FMMP. The FMMP was established in 1982 to assess the location, quality, and quantity of agricultural lands and the conversion of these lands. These designated agricultural lands are included in the farmland maps used in planning for the present and future of California's agricultural resources. The California Department of Conservation has a minimum mapping unit of 10 acres, with parcels that are smaller than 10 acres being absorbed into the surrounding classifications. The categories are described below. In addition to mapping existing farmland, the FMMP provides analysis of agricultural land use changes throughout California.

California Public Resources Code Section 21060.1 defines agricultural land for the purposes of assessing environmental impacts. Collectively, land classified as Prime Farmland, Unique Farmland, and Farmland of Statewide Importance is referred to as "agricultural land". These same classifications of farmland are described as Important Farmland under the FMMP and are also used in CEQA Guidelines Appendix G as the farmland classifications on which impacts on agricultural resources are to be evaluated.

Prime Farmland. This farmland has the best combination of physical and chemical features able to sustain long-term agricultural production. This land has the soil quality, growing season, and moisture supply necessary to produce sustained high yields. To be classified as Prime Farmland, the land must have been used for irrigated agricultural production at some time during the four years prior to the mapping date.

Unique Farmland. This is farmland of lesser quality than prime farmland used for the production of the State's leading agricultural crops. This land is usually irrigated but may include non-

irrigated orchards or vineyards as found in some climatic zones in California. The land must have been cropped at some time during the four years prior to the mapping date.

Farmland of Statewide Importance. This is farmland similar to Prime Farmland but with minor shortcomings, such as greater slopes or less ability to store soil moisture. The land must have been used for irrigated agricultural production at some time during the four years prior to the mapping date.

Farmland of Local Importance. This is farmland of importance to the local agricultural economy as determined by each county's board of supervisors and a local advisory committee.

Grazing Land. Grazing land is land on which the existing vegetation is suited to the grazing of livestock. This category was developed in cooperation with the California Cattlemen's Association, University of California Cooperative Extension, and other groups interested in the extent of grazing activities. The minimum contiguous mapping area for Grazing Land is 40 acres.

Urban and Built-up Land. Land occupied by structures with a building density of at least one building unit to 1.5 acres, or approximately six structures to a 10-acre parcel. This land is used for residential, industrial, commercial, institutional, public and transportation uses, and other developed purposes.

Other Land. Land not included in any other mapping category, including low density rural developments; brush, timber, wetland, and riparian areas not suitable for livestock grazing; animal confinement facilities; mines; and water bodies smaller than 40 acres. Vacant and nonagricultural land surrounded on all sides by urban development and greater than 40 acres is mapped as Other Land.

Williamson Act

The California Land Conservation Act of 1965, commonly referred to as the Williamson Act, enables local governments to enter into contracts with private landowners for the purpose of restricting specific parcels of land to agricultural or related open space use as a means of preserving California's prime agricultural lands from urbanization. Prime Farmland under the Williamson Act includes land that qualifies as Class I and II under the Natural Resources Conservation Service classification of land. Through the voluntary contracts between landowners and a city or county, the owners agree to retain their lands in agricultural or other open space uses for a minimum of 10 years.

In return for entering into a Williamson Act contract, landowners receive property tax relief on the lands under contract. This relief is provided through the assessment of lands based upon their

income-producing value rather than their market value, which may be considerably higher. Local governments receive an annual subvention of forgone property tax revenues from the state via the Open Space Subvention Act of 1971. The Project site contains no lands that are subject to a Williamson Act Contract.

Local Regulations

City of Porterville General Plan

The Land Use Element of the City's General Plan establishes a fairly compact urban area, encouraging infill development and new growth adjacent to or near existing urban uses, thus minimizing sprawl and unnecessary conversion of agricultural lands. The proposed Project site is located within the City of Porterville city limits. No specific General Plan policies regarding agricultural resources apply to the proposed Project.

Thresholds of Significance

The thresholds of significance for this section are established by the CEQA Appendix G Checklist. Would the project:

- Convert Prime Farmland, Unique Farmland, or Farmland of statewide Importance (Farmland), as shown on the maps prepared pursuant to the Farmland Mapping and Monitoring Program of the California Resources Agency, to non-agricultural use?
- Conflict with existing zoning for agricultural use, or a Williamson Act contract?
- Conflict with existing zoning for, or cause rezoning of, forest land as defined in Public Resources Code Section 12220(g)), timberland as defined by Public Resources Code Section 4526), or timberland zoned Timberland Production (as defined by Government Code Section 51104(g))?
- Result in the loss of forest land or conversion of forest land to non-forest use?
- 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?

Impacts and Mitigation Measures

Impact 3.2-1: Convert Prime Farmland, Unique Farmland, or Farmland of statewide Importance (Farmland), as shown on the maps prepared pursuant to the Farmland Mapping and Monitoring Program

of the California Resources Agency, to non-agricultural use?

No Impact. The Project site is located within the City of Porterville and is currently zoned CR and designated Retail Centers and Low Density Residential by the City. According to the FMMP, the site is designated Urban and Built-Up Land⁵ and does not contain any farmland. *No impacts* resulting from farmland conversion will occur.

Mitigation Measures

None are required.

Impact 3.2-2: Conflict with existing zoning for agricultural use, or a Williamson Act contract?

No Impact. As previously noted, the Project site is not subject to a Williamson Act contract, nor is the site zoned for agricultural use. Therefore, there would be no conflict with a Williamson Act Contract and there is *no impact* to this subject area.

Mitigation Measures

None are required.

Impact 3.2-3: Conflict with existing zoning for, or cause rezoning of, forest land as defined in Public Resources Code Section 12220(g)), timberland as defined by Public Resources Code Section 4526), or timberland zoned Timberland Production (as defined by Government Code Section 51104(g)), or result in the loss of forest land or convert forest land to non-forest use?

No Impact. The Project is not zoned for forestland, timberland, or timberland zoned Timberland Production and does not propose any zone changes related to forest or timberland. Accordingly, there are *no potential impacts* resulting from forest or timber land conflicts or conversion of forest land to non-forest use.

Mitigation Measures

None are required.

⁵ California Department of Conservation. Farmland Mapping and Monitoring Program. <u>https://maps.conservation.ca.gov/DLRP/CIFF/</u>. Accessed September 2024.

Impact 3.2-4: 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?

No Impact. The approximately 10.54-acre Project site is located at the northwest corner of SR 65 and West Henderson Avenue. The Project site is surrounded by urban uses, with the exception of APN 246-111-001 to the immediate west on which the City has approved additional commercial development. Single-family residences, commercial uses, and a future hotel development lie to the west, commercial uses and a shopping center to the south, SR 65 to the east, and single-family residences to the north. The site is zoned as Retail Centers and is thus intended for urban use. The proposed Project does not have the potential to result in the conversion of Farmland to non-agricultural uses or forestland uses to non-forestland. There is *no impact*.

Mitigation Measures

None are required.

Cumulative Impacts

No Impacts. The geographic area of this cumulative analysis is the entire State of California. This cumulative analysis is based on the Statewide FMMP map. As discussed above, the Project does not include significant impacts related to the conversion of protected farmland, forestland, or timberland to urban uses. The Project does not require related mitigation measures and therefore would have *no cumulatively considerable impacts* on agricultural resources.

3.3 Air Quality

This section of the DEIR evaluates the potential air quality impacts associated with the implementation of the proposed Project. This assessment was conducted within the context of the CEQA. The methodology follows the Guidance for Assessing and Mitigating Air Quality Impacts (GAMAQI) prepared by the San Joaquin Valley Air Pollution Control District (District or SJVAPCD) for quantification of emissions and evaluation of potential impacts to air resources. The information and analysis presented in this section is based on the Air Quality, Greenhouse

Gas, and Energy Analysis Report (AQGGEA) prepared for this Project by Johnson, Johnson & Miller Air Quality Consulting. The full AQGGEA report can be reviewed in Appendix B. During the NOP comment period, the City received a letter from Mr. Daniel C. Stein requesting emissions information from vehicles idling as a result of the Project.

Environmental Setting

San Joaquin Valley Air Basin

Topography

Topography of a region is important for air quality because mountains can block airflow that would help disperse pollutants and can channel air from upwind areas that transports pollutants to downwind areas. The San Joaquin Valley Air Basin (SJVAB) is generally shaped like a bowl. It is open in the north and is surrounded by mountain ranges on all other sides. The Sierra Nevada mountains are along the eastern boundary (8,000 to 14,000 feet in elevation), the Coast Ranges are along the western boundary (3,000 feet in elevation), and the Tehachapi Mountains are along the southern boundary (6,000 to 8,000 feet in elevation).

Climate

Climate is important for air quality because of differences in the atmosphere's ability to trap pollutants close to the ground, which creates adverse air quality; inversely, the atmosphere's ability to rapidly disperse pollutants over a wide area prevents high concentrations from accumulating under different climatic conditions. The Air Basin has an "inland Mediterranean" climate and is characterized by long, hot, dry summers and short, foggy winters. Sunlight can be a catalyst in the formation of some air pollutants (such as ozone); the Air Basin averages over 260 sunny days per year.⁶

Inversion layers are significant in determining pollutant concentrations. Concentration levels can be related to the amount of mixing space below the inversion. Temperature inversions that occur on the summer days are usually encountered 2,000 to 2,500 feet above the valley floor. In winter months, overnight inversions occur 500 to 1,500 feet above the valley floor.

Dominant airflows provide the driving mechanism for transport and dispersion of air pollution. The mountains surrounding the Air Basin form natural horizontal barriers to the dispersion of air contaminants. Wind generally flows south-southeast through the valley, through Tehachapi

⁶ San Joaquin Valley Air Pollution Control District (SJVAPCD). 2015. Guidance for Assessing and Mitigating Air Quality Impacts. Revised March 19, 2015. <u>https://www.valleyair.org/transportation/GAMAQI.pdf</u>. Accessed November 2024.

Pass and into the Mojave Desert Air Basin portion of Kern County. As wind moves through the Air Basin, it mixes with the air pollution generated locally, generally transporting air pollutants from the north to the south in the summer and in a reverse flow in the winter.

These winds and unstable air conditions experienced during the passage of winter storms result in periods of low pollutant concentrations and excellent visibility. Between winter storms, high pressure and light winds allow cold moist air to pool on the valley floor. This creates strong, lowlevel temperature inversions and very stable air conditions, which can lead to Tule fog, or Valley Fog. Valley fog is a type of radiation fog which can be very dense and reduce visibility to near zero at times.⁷ Wintertime conditions favorable to fog formation are also conditions favorable to high concentrations of particulate matter 2.5 micrometers in diameter (PM_{2.5}) and particulate matter 10 micrometers in diameter (PM₁₀).

Existing Air Quality Conditions

The United States Environmental Protection Agency (EPA) developed the Air Quality Index (AQI) as an easy-to-understand measure of health impacts compared with concentrations in the air. Table 3.3-1 provides a description of the health impacts of ozone at different concentrations.

Air Quality Index/ 8-hour Ozone Concentration	Health Effects Description
AQI—51–100—Moderate Concentration 55–70 ppb	Sensitive Groups : Children and people with asthma are the groups most at risk.
	Health Effects Statements: Unusually sensitive individuals may experience respiratory symptoms.
	Cautionary Statements : Unusually sensitive people should consider limiting prolonged outdoor exertion.
AQI—101–150—Unhealthy for Sensitive Groups Concentration 71–85 ppb	Sensitive Groups : Children and people with asthma are the groups most at risk.
	Health Effects Statements : Increasing likelihood of respiratory symptoms and breathing discomfort in active children and adults and people with respiratory disease, such as asthma.
	Cautionary Statements: Active children and adults, and people with respiratory disease, such as asthma, should limit prolonged outdoor exertion.

Table 3.3-1Air Quality Index and Health Effects from Ozone8

⁷ National Weather Service. How Fog Forms. <u>https://www.weather.gov/lmk/fog_tutorial</u>. Accessed March 2024.

⁸ AQI Calculator: AQI to Concentration. AirNow. Website: <u>https://www.airnow.gov/aqi/aqi-calculator-concentration/</u>. Accessed September, 2024.

Air Quality Index/ 8-hour Ozone Concentration	Health Effects Description
AQI—151–200—Unhealthy Concentration 86–105 ppb	Sensitive Groups : Children and people with asthma are the groups most at risk.
	Health Effects Statements: Greater likelihood of respiratory symptoms and breathing difficulty in active children and adults and people with respiratory disease, such as asthma; possible respiratory effects in general population.
	Cautionary Statements : Active children and adults, and people with respiratory disease, such as asthma, should avoid prolonged outdoor exertion; everyone else, especially children, should limit prolonged outdoor exertion.
AQI—201–300—Very Unhealthy Concentration 106–200 ppb	Sensitive Groups : Children and people with asthma are the groups most at risk.
	Health Effects Statements : Increasingly severe symptoms and impaired breathing likely in active children and adults and people with respiratory disease, such as asthma; increasing likelihood of respiratory effects in general population.
	Cautionary Statements : Active children and adults, and people with respiratory disease, such as asthma, should avoid all outdoor exertion; everyone else, especially children, should limit outdoor exertion.

In addition to ozone, another nonattainment pollutant of concern is PM_{2.5}. An AQI of 100 or lower is considered moderate and would be triggered by a 24-hour average concentration of 12.1 to 35.4 μ g/m3. The relationship of the AQI to health effects in shown Table 3.3-2.

Air Quality Index/ PM _{2.5} Concentration	Health Effects Description
AQI—51–100—Moderate Concentration 12.1–35.4 µg/m ³	Sensitive Groups : Some people who may be unusually sensitive to particle.
	Health Effects Statements: Unusually sensitive people should consider reducing prolonged or heavy exertion.
	Cautionary Statements : Unusually sensitive people: Consider reducing prolonged or heavy exertion. Watch for symptoms such as coughing or shortness of breath. These are signs to take it easier.

Table 3.3-2Air Quality Index and Health Effects of Particulate Pollution?

⁹ Ibid.

Air Quality Index/ PM2.5 Concentration	Health Effects Description
AQI—101–150—Unhealthy for Sensitive Groups	Sensitive Groups : Sensitive groups include people with heart or lung disease, older adults, children, and teenagers.
Concentration 35.5–55.4 µg/m ³	Health Effects Statements: Increasing likelihood of respiratory symptoms in sensitive individuals, aggravation of heart or lung disease and premature mortality in persons with cardiopulmonary disease, and the elderly.
	If you have heart disease: Symptoms such as palpitations, shortness of breath, or unusual fatigue may indicate a serious problem. If you have any of these, contact your health care provider.
AQI—151–200—Unhealthy Concentration 86–105 µg/m ³	Sensitive Groups: Children and people with asthma are the groups most at risk.
	Health Effects Statements : Greater likelihood of respiratory symptoms and breathing difficulty in active children and adults and people with respiratory disease, such as asthma; possible respiratory effects in general population.
	Cautionary Statements : Active children and adults, and people with respiratory disease, such as asthma, should avoid prolonged outdoor exertion; everyone else, especially children, should limit prolonged outdoor exertion.
AQI—201–300—Very Unhealthy Concentration 106–200 µg/m ³	Sensitive Groups: Children and people with asthma are the groups most at risk.
	Health Effects Statements: Increasingly severe symptoms and impaired breathing likely in active children and adults and people with respiratory disease, such as asthma; increasing likelihood of respiratory effects in general population.
	Cautionary Statements: Active children and adults, and people with respiratory disease, such as asthma, should avoid all outdoor exertion; everyone else, especially children, should limit outdoor exertion.

Attainment Status

The EPA and the California Air Resources Board (ARB) designate air basins where ambient air quality standards are exceeded as "nonattainment" areas. If standards are met, the area is designated an "attainment" area. If there is inadequate or inconclusive data to make a definitive attainment designation, they are considered "unclassified". National nonattainment areas are further designated marginal, moderate, serious, severe, or extreme as a function of deviation from standards.

Each standard has a different definition, or "form" of what constitutes attainment, based on specific air quality statistics. For example, the federal 8-hour carbon monoxide (CO) standard is not to be exceeded more than once per year; therefore, an area is in attainment of the CO standard if no more than one 8-hour ambient air monitoring values exceeds the threshold per year. In contrast, the federal annual PM_{2.5} standard is met if the three-year average of the annual average PM_{2.5} concentration is less than or equal to the standard.

The current attainment designations for the Air Basin are shown in Table 3.3-3. The Air Basin is designated nonattainment for ozone, PM₁₀, and PM_{2.5}.

Pollutant	State Status	National Status
Ozone—One Hour	Nonattainment/Severe	No Standard
Ozone—Eight Hour	Nonattainment	Nonattainment/Extreme
Carbon monoxide	Attainment/Unclassified	Merced, Madera, and Kings Counties are unclassified; others are in Attainment
Nitrogen dioxide	Attainment	Attainment/Unclassified
Sulfur dioxide	Attainment	Attainment/Unclassified
PM10	Nonattainment	Attainment
PM _{2.5}	Nonattainment	Nonattainment
Lead	Attainment	No Designation/Classification
Source of State status: California Air Resources Board (ARB 2013). ¹⁰		
Source of National status: U.S. Environmental Protection Agency (EPA 2021).11		
Source of additional status information (SJVAPCD 2017). ¹²		
Federal and State standards can be found: <u>https://ww2.valleyair.org/air-quality-information/ambient-air-</u> <u>quality-standards-valley-attainmnet-status/</u>		

Table 3.3-3 San Joaquin Valley Air Basin Attainment Status

Regulatory Setting

Air pollutants are regulated to protect human health and for secondary effects such as visibility and building soiling. The Clean Air Act of 1970 tasks the EPA with setting air quality standards.

¹⁰ California Air Resources Board (ARB). 2013. Area Designation Maps/State and National. 2012 State Area Designations. Page last reviewed October 18, 2017. https://ww2.arb.ca.gov /resources/documents/maps-state-and-federal-area-designations. Accessed May 15, 2023.

¹¹ U.S. Environmental Protection Agency (EPA). 2021. Green Book Nonattainment Areas for Criteria Pollutants as of September 30, 2021. Website: https://www.epa.gov/green-book. Accessed May 15, 2023.

¹² San Joaquin Valley Air Pollution Control District (SJVAPCD). 2017. Ambient Air Quality Standards & Valley Attainment Status. Website: https://www.valleyair.org/aqinfo/attainment.htm. Accessed May 15, 2023.

The State of California also sets air quality standards, which are in some cases more stringent than federal standards, in addition to addressing additional pollutants. The following section describes these federal and State standards and the health effects of the regulated pollutants.

Federal Clean Air Act

Congress established much of the basic structure of the Clean Air Act (CAA) in 1970, and made major revisions in 1977 and 1990. Six common air pollutants (also known as criteria pollutants) are addressed in the CAA: particulate matter, ground-level ozone, carbon monoxide (CO), sulfur oxides (SO_x), nitrogen oxides (NO_x), and lead. The EPA labels these pollutants as criteria air pollutants because they are regulated by developing human health-based and/or environmentally based criteria (science-based guidelines), which sets permissible levels. The set of limits based on human health are called primary standards. Another set of limits intended to prevent environmental and property damage are called secondary standards.¹³

The federal standards are called National Ambient Air Quality Standards (NAAQS). The air quality standards provide benchmarks for determining whether air quality is healthy at specific locations and whether development activities will cause or contribute to a violation of the standards. The federal standards were set to protect public health, including that of sensitive individuals; thus, the EPA is tasked with updating the standards as more medical research is available regarding the health effects of the criteria pollutants. Primary federal standards are the levels of air quality necessary, with an adequate margin of safety, to protect the public health.

California Clean Air Act

The California Legislature enacted the California Clean Air Act (CCAA) in 1988 to address air quality issues of concern not adequately addressed by the federal CAA at the time. California's air quality problems were and continue to be some of the most severe in the nation, and required additional actions beyond the federal mandates. The ARB administers California Ambient Air Quality Standards (CAAQS) for the 10 air pollutants designated in the CCAA. The 10 State air pollutants are the six federal standards listed above as well visibility-reducing particulates, hydrogen sulfide, sulfates, and vinyl chloride. The EPA authorized California to adopt its own regulations for motor vehicles and other sources that are more stringent than similar federal regulations implementing the CAA.

¹³ U.S. Environmental Protection Agency (EPA). 2014. Clean Air Act Requirements and History. Website: https://www.epa.gov/cleanair-act-overview/clean-air-act-requirements-and-history. Accessed May 15, 2023

The federal and State ambient air quality standards, relevant effects, properties, and sources of the pollutants are summarized in Table 1 of Appendix B.

Toxic Air Contaminants (TACs)

A TAC is defined as an air pollutant that may cause or contribute to an increase in mortality or serious illness, or that may pose a hazard to human health. TACs are usually present in minute quantities in the ambient air; however, their high toxicity or health risk may pose a threat to public health even at low concentrations. There are no ambient air quality standards for TAC emissions. TACs are regulated in terms of health risks to individuals and populations exposed to the pollutants. The 1990 CAA Amendments significantly expanded the EPA's authority to regulate hazardous air pollutants (HAP). Section 112 of the CAA lists 187 hazardous air pollutants to be regulated by source category. Authority to regulate these pollutants was delegated to individual states. ARB and local air districts regulate TACs and HAPs in California.

Exposures to TAC emissions can have both chronic long-term (over a year or longer) and acute short-term (over a period of hours) health impacts. The TACs of greatest concern are those that cause serious health problems or affect many people. Health problems can include cancer, respiratory irritation, nervous system problems, and birth defects. Some health problems occur very soon after a person inhales a TAC. These immediate effects may be minor, such as watery eyes, or they may be serious, such as life-threatening lung damage. Other health problems may not appear until many months or years after a person's first exposure to the TAC. Cancer is one example of a delayed health problem.

The California Almanac of Emissions and Air Quality—2009 Edition¹⁴ presents the relevant concentration and cancer risk data for the ten TACs that pose the most substantial health risk in California based on available data. These ten TACs are acetaldehyde, benzene, 1.3-butadiene, carbon tetrachloride, hexavalent chromium, para-dichlorobenzene, formaldehyde, methylene chloride, perchloroethylene, and diesel particulate matter (DPM).

DPM

Some studies indicate that DPM poses the greatest health risk among the TACs listed above. A 10-year research program ¹⁵ demonstrated that DPM from diesel-fueled engines is a human

¹⁴ California Air Resources Board (ARB). 2009b. The California Almanac of Emissions and Air Quality—2009 Edition. Chapter 4, Air Basin Trends and Forecasts—Criteria Pollutants. Website: https://www.cityofdavis.org/home/showdocument?id=4101. Accessed November 8, 2022.

¹⁵ California Air Resources Board (ARB). 1998. The Toxic Air Contaminant Identification Process: Toxic Air Contaminant Emissions from Diesel-fueled Engines. Website: http://www.arb.ca.gov /toxics/dieseltac/factsht1.pdf. Accessed November 8, 2022.

carcinogen and that chronic (long-term) inhalation exposure to DPM poses a chronic health risk. In addition to increased risk of lung cancer, exposure to diesel exhaust can have other health effects. Diesel exhaust can irritate the eyes, nose, throat, and lungs, and it can cause a cough, headaches, lightheadedness, and nausea. Diesel exhaust is a major source of fine particulate pollution as well, and studies have linked elevated particle levels in the air to increased hospital admissions, emergency room visits, asthma attacks, and premature deaths among those suffering from respiratory problems.

DPM differs from other TACs in that it is not a single substance, but a complex mixture of hundreds of substances. Although DPM is emitted by diesel-fueled, internal combustion engines, the composition of the emissions varies, depending on: engine type, operating conditions, fuel composition, lubricating oil, and whether an emission control system is present. Unlike the other TACs, however, no ambient monitoring data is available for DPM because no routine measurement method currently exists. The ARB has made preliminary concentration estimates based on a DPM exposure method. This method uses the ARB emissions inventory's PM10 database, ambient PM10 monitoring data, and the results from several studies to estimate concentrations of DPM.

Health risks attributable to the top 10 TACs listed above are available from the ARB as part of its California Almanac of Emissions and Air Quality (Almanac). As shown therein for data collected at air monitoring stations in urban areas of the SJVAB, cancer risks attributable to all of the listed TACs above with the exception of DPM have declined about 70 percent from the mid-1990s to 2007. Risks associated with DPM emissions are provided only for the year 2000 and have not been updated in the Almanac. Although more recent editions of the Almanac do not provide estimated risk, they do provide emission inventories for DPM for later years. The 2013 Almanac provides emission inventory trends for DPM from 2000 through 2035. The same Almanac reports that DPM emissions were reduced in the SJVAB from 16 tons per day in 2000 to 11 tons per day in 2010, a 31 percent decrease. DPM emissions in the San Joaquin Valley are projected to decrease to 6 tons per day by 2015, a 62 percent reduction from year 2000 levels. ARB predicts a reduction to three tons per day by 2035, which would be an 81 percent reduction from year 2000 levels. Continued implementation of the ARB's Diesel Risk Reduction Plan is expected to provide continued reductions in DPM well into the future.¹⁶

¹⁶ California Air Resources Board (ARB). 2013. The California Almanac of Air Quality and Emissions – 2013 Edition. Website: http://www.arb.ca.gov/aqd/almanac/almanac13/almanac13.htm. Accessed May 1, 2023.

Benzene

Out of the toxic compounds emitted from gasoline stations, benzene, ethylbenzene, and naphthalene have cancer toxicity values. However, benzene is the TAC which drives the risk, accounting for 85 percent of cancer risk from gasoline vapors. Furthermore, benzene constitutes more than three to four times the weight of gasoline than ethylbenzene and naphthalene, respectively.¹⁷ Therefore, ethylbenzene and naphthalene have not been modeled and are instead considered significant in the case that benzene emissions are significant. Additionally, there are substances emitted from gasoline stations, such as toluene and xylene which possess acute adverse health effects (though not cancer risk). However, it is not until the benzene concentrations are more than two orders of magnitude above 10 in one million that the emissions have not been modeled and are instead considered significant in the case that benzene rore, toluene and xylene emissions have not been modeled and are instead considered significant in the case that benzene rore, toluene and xylene emissions have not been modeled and are instead considered significant in the case that benzene concentrations are identified at two orders of magnitude above 10 in one million cancer risk.

Asbestos

Asbestos is the name given to a number of naturally occurring fibrous silicate minerals that have been mined for their useful properties such as thermal insulation, chemical and thermal stability, and high tensile strength. The three most common types of asbestos are chrysotile, amosite, and crocidolite. Chrysotile, also known as white asbestos, is the most common type of asbestos found in buildings. Chrysotile makes up approximately 90 to 95 percent of all asbestos contained in buildings in the United States. Exposure to asbestos is a health threat; exposure to asbestos fibers may result in health issues such as lung cancer, mesothelioma (a rare cancer of the thin membranes lining the lungs, chest, and abdominal cavity), and asbestosis (a non-cancerous lung disease that causes scarring of the lungs). Exposure to asbestos can occur during demolition or remodeling of buildings that were constructed prior to the 1977 ban on asbestos for use in buildings. Exposure to naturally occurring asbestos can occur during soil-disturbing activities in areas with deposits present. No naturally occurring asbestos is located near the Project site.

Air Quality Plans and Regulations

¹⁷ South Coast Air Quality Management District (SCAQMD). 2015. Risk Assessment Procedures for Rules 1401, 1401.1, and 212. Website: http://www.aqmd.gov/docs/default-source/rule-book/Proposed-Rules/1401/appx_1401riskassessproc_071517nw.pdf. Accessed May 1, 2023.

¹⁸ California Air Pollution Control Officers Association (CAPCOA). 1997. Gasoline Service Station Industrywide Risk Assessment Guidelines. Website: https://www.co.monterey.ca.us/home/showdocument?id=22409. Accessed May 1, 2023.

Air pollutants are regulated at the national, State, and air basin or county level, and each agency has a different level of regulatory responsibility: the EPA regulates at the national level, the ARB at the State level, and the District at the air basin level.

The EPA is responsible for national and interstate air pollution issues and policies. The EPA sets national vehicle and stationary source emission standards, oversees approval of all State Implementation Plans (SIPs), provides research and guidance for air pollution programs, and sets NAAQS—also known as the federal standards described earlier.

A SIP is a document prepared by each state describing existing air quality conditions and measures that will be followed to attain and maintain federal standards. The SIP for the State of California is administered by the ARB, which has overall responsibility for statewide air quality maintenance and air pollution prevention. California's SIP incorporates individual federal attainment plans for regional air districts; specifically, an air district prepares their federal attainment plan, which is sent to ARB to be approved and incorporated into the California SIP. Federal attainment plans include the technical foundation for understanding air quality (e.g., emission inventories and air quality monitoring), control measures and strategies, and enforcement mechanisms. The ARB then submits the SIP to the EPA for approval. After reviewing submitted SIPs, the EPA proposes to approve or disapprove all or part of each plan. The public has an opportunity to comment on the EPA's proposed action. The EPA considers public input before taking final action on a state's plan. If the EPA approves all or part of a SIP, those control measures are enforceable in federal court. If a state fails to submit an approvable plan or if the EPA disapproves a plan, the EPA is required to develop a federal implementation plan (FIP). The SIP approval process often takes several years.

Areas designated nonattainment must develop air quality plans and regulations to achieve standards by specified dates, depending on the severity of the exceedances. For much of the country, implementation of federal motor vehicle standards and compliance with federal permitting requirements for industrial sources are adequate to attain air quality standards on schedule. For many areas of California, however, additional State and local regulation is required to achieve the standards. Regulations adopted by California are described below.

California Regulations

Low-Emission Vehicle Program. The ARB first adopted Low-Emission Vehicle (LEV) program standards in 1990. These first LEV standards ran from 1994 through 2003. LEV II regulations, running from 2004 through 2010, represent continuing progress in emission reductions. As the State's passenger vehicle fleet continues to grow and more sport utility vehicles and pickup trucks

are used as passenger cars rather than work vehicles, the more stringent LEV II standards were adopted to provide reductions necessary for California to meet federally mandated clean air goals outlined in the 1994 SIP. In 2012, ARB adopted the LEV III amendments to California's LEV regulations. These amendments, also known as the Advanced Clean Car Program, include more stringent emission standards for model years 2017 through 2025 for both criteria pollutants and greenhouse gases (GHGs) for new passenger vehicles.¹⁹

On-Road Heavy-Duty Vehicle Program. The ARB has adopted standards for emissions from various types of new on-road heavy-duty vehicles. Section 1956.8, Title 13, California Code of Regulations contains California's emission standards for on-road heavy-duty engines and vehicles, as well as test procedures. ARB has also adopted programs to reduce emissions from inuse heavy-duty vehicles including the Heavy-Duty Diesel Vehicle Idling Reduction Program, the Heavy-Duty Diesel In-Use Compliance Program, the Public Bus Fleet Rule and Engine Standards, and the School Bus Program and others.²⁰

The regulations apply to nearly all privately and federally owned diesel-fueled trucks and buses and to privately and publicly owned school buses with a gross vehicle weight rating (GVWR) greater than 14,000 pounds. The regulations provide a variety of flexibility options tailored to fleets operating low-use vehicles, fleets operating in selected vocations like agricultural and construction, and small fleets of three or fewer trucks.²¹

ARB Truck and Bus Regulation. The latest amendments to the Truck and Bus regulation became effective on December 31, 2014. The amended regulation requires diesel trucks and buses that operate in California to be upgraded to reduce emissions. Newer heavier trucks and buses must meet PM filter requirements beginning January 1, 2012. Lighter and older heavier trucks must be replaced starting January 1, 2015. By January 1, 2023, nearly all trucks and buses will need to have 2010 model year engines or equivalent.

The regulation applies to nearly all privately and federally owned diesel-fueled trucks and buses and to privately and publicly owned school buses with a GVWR greater than 14,000 pounds. The regulation provides a variety of flexibility options tailored to fleets operating low-use vehicles,

¹⁹ California Air Resources Board (ARB). 2012. Low Emission Vehicle Program. Website: http://www.arb.ca.gov/msprog/levprog/levprog.htm. Accessed May 15, 2023.

²⁰ California Air Resources Board (ARB). 2013. The California Almanac of Air Quality and Emissions—2013 Edition. Website: http://www.arb.ca.gov/aqd/almanac/almanac13/almanac13.htm. Accessed May 15, 2023.

²¹ California Air Resources Board (ARB). 2015. Regulation for Reducing Emissions from Consumer Products. Website: https://ww2.arb.ca.gov/our-work/programs/consumer-products-program/current-regulations. Accessed May 15, 2023.

fleets operating in selected vocations like agricultural and construction, and small fleets of three or fewer trucks.²²

Advanced Clean Truck Regulation. The Advanced Clean Trucks regulation was approved on June 25, 2020 and has two main components, a manufacturers zero emission vehicle (ZEV) sales requirement and a one-time reporting requirement for large entities and fleets. Promoting the development and use of advanced clean trucks will help ARB achieve its emission reduction strategies as outlined in the SIP, Sustainable Freight Action Plan, Senate Bill (SB) 350, and Assembly Bill (AB) 32.

The proposed regulation has two components including a manufacturer sales requirement, and a reporting requirement:

- Zero-emission truck sales: Manufacturers who certify Class 2b-8 chassis or complete vehicles with combustion engines would be required to sell zero-emission trucks as an increasing percentage of their annual California sales from 2024 to 2035. By 2035, zero-emission truck/chassis sales would need to be 55% of Class 2b 3 truck sales, 75% of Class 4 –8 straight truck sales, and 40% of truck tractor sales.
- Company and fleet reporting: Large employers including retailers, manufacturers, brokers and others would be required to report information about shipments and shuttle services. Fleet owners, with 50 or more trucks, would be required to report about their existing fleet operations. This information would help identify future strategies to ensure that fleets purchase available zero-emission trucks and place them in service where suitable to meet their needs.²³

ARB Regulation for In-Use Off-Road Diesel Vehicles. On July 26, 2007, the ARB adopted a regulation to reduce DPM and nitrous oxide (NOx) emissions from in-use (existing) off-road heavy-duty diesel vehicles in California. Such vehicles are used in construction, mining, and industrial operations. The regulation limits idling to no more than five consecutive minutes, requires reporting and labeling, and requires disclosure of the regulation upon vehicle sale. The ARB is enforcing that part of the rule with fines up to \$10,000 per day for each vehicle in violation. Performance requirements of the rule are based on a fleet's average NOx emissions, which can be met by replacing older vehicles with newer, cleaner vehicles or by applying exhaust retrofits. The regulation was amended in 2010 to delay the original timeline of the performance requirements, making the first compliance deadline January 1, 2014 for large fleets (over 5,000 horsepower),

²² California Air Resources Board (ARB). 2015a. On-Road Heavy-Duty Diesel Vehicles (In-Use) Regulation. Website: http://www.arb.ca.gov/msprog/onrdiesel/onrdiesel.htm. Accessed May 15, 2023.

²³ California Air Resources Board (ARB). 2020a. Advanced Clean Trucks Fact Sheet. Website: https://ww2.arb.ca.gov/resources/factsheets/advanced-clean-trucks-fact-sheet. Accessed May 15, 2023.

2017 for medium fleets (2,501–5,000 horsepower), and 2019 for small fleets (2,500 horsepower or less).

ARB Regulation for Consumer Products. The ARB Consumer Products Regulation was last amended in January 2015. The ARB regulates the volatile organic compounds (VOC) content of a wide variety of consumer products sold and manufactured in California. The purpose of the regulation is to reduce the emission of ozone precursors, TACs, and GHG emissions in products that are used by homes and businesses. The regulated products include but are not limited to solvents, adhesives, air fresheners, soaps, aromatic compounds, windshield cleaners, charcoal lighter, dry cleaning fluids, floor polishes, and general cleaners and degreasers.²⁴

ARB Airborne Toxic Control Measure for Asbestos. In July 2001, the ARB approved an Air Toxic Control Measure for construction, grading, quarrying, and surface mining operations to minimize emissions of naturally occurring asbestos. The regulation requires application of best management practices to control fugitive dust in areas known to have naturally occurring asbestos and requires notification to the local air district prior to commencement of ground-disturbing activities. The measure establishes specific testing, notification and engineering controls prior to grading, quarrying, or surface mining in construction zones where naturally occurring asbestos is located on projects of any size. There are additional notification and engineering controls at work sites larger than 1 acre in size. These projects require the submittal of a Dust Mitigation Plan and approval by the air district prior to the start of a project.

Construction sometimes requires the demolition of existing buildings where construction occurs. Buildings often include materials containing asbestos. Asbestos is also found in a natural state, known as naturally occurring asbestos. Exposure and disturbance of rock and soil that naturally contain asbestos can result in the release of fibers into the air and consequent exposure to the public. Asbestos most commonly occurs in ultramafic rock that has undergone partial or complete alteration to serpentine rock (serpentinite) and often contains chrysotile asbestos. In addition, another form of asbestos, tremolite, can be found associated with ultramafic rock, particularly near faults. Sources of asbestos emissions include unpaved roads or driveways surfaced with ultramafic rock, construction activities in ultramafic rock deposits, or rock quarrying activities where ultramafic rock is present.

The ARB has an Air Toxic Control Measure for construction, grading, quarrying, and surface mining operations, requiring the implementation of mitigation measures to minimize emissions

²⁴ California Air Resources Board (ARB). 2015. Regulation for Reducing Emissions from Consumer Products. Website: https://ww2.arb.ca.gov/our-work/programs/consumer-products-program/current-regulations. Accessed May 15, 2023.

of asbestos-laden dust. The measure applies to road construction and maintenance, construction and grading operations, and quarries and surface mines when the activity occurs in an area where naturally occurring asbestos is likely to be found. Areas are subject to the regulation if they are identified on maps published by the California Department of Conservation as ultramafic rock units or if the Air Pollution Control Officer or owner/operator has knowledge of the presence of ultramafic rock, serpentine, or naturally occurring asbestos on the site. The measure also applies if ultramafic rock, serpentine, or asbestos is discovered during any operation or activity.

Diesel Risk Reduction Plan. The ARB's Diesel Risk Reduction Plan has led to the adoption of State regulatory standards for all new on-road, off-road, and stationary diesel-fueled engines and vehicles to reduce DPM emissions by about 90 percent overall from year 2000 levels. The projected emission benefits associated with the full implementation of this plan, including federal measures, are reductions in DPM emissions and associated cancer risks of 75 percent by 2010, and 85 percent by 2020.²⁵

San Joaquin Valley Air Pollution Control District Regulations (SJVAPCD)

The SJVAPCD is responsible for controlling emissions primarily from stationary sources. The SJVAPCD, in coordination with the eight countywide transportation agencies, is also responsible for developing, updating, and implementing air quality attainment plans for the Air Basin. The SJVAPCD also has roles under CEQA, which are described below after the rules and regulations.

SJVAPCD Rules and Regulations

The SJVAPCD rules and regulations that apply to projects that will occur during buildout of the Project include but are not limited to the following:

Rule 4102—**Nuisance.** The purpose of this rule is to protect the health and safety of the public, and applies to any source operation that emits or may emit air contaminants or other materials. This rule is enforced on a complaint basis.

Rule 4601—Architectural Coatings. The purpose of this rule is to limit Volatile Organic Compounds (VOC) emissions from architectural coatings. Emissions are reduced by limits on VOC content and providing requirements on coatings storage, cleanup, and labeling. Only compliant components are available for purchase in the San Joaquin Valley.

²⁵ Ibid, California Air Resources Board (ARB). 2000. Risk Reduction Plan to Reduce Particulate Matter Emissions from Diesel-fueled Engines and Vehicles. Website: http://www.arb.ca.gov/diesel /documents/rrpfinal.pdf. Accessed May 1, 2023

Rule 4641—Cutback, Slow Cure, and Emulsified Asphalt, Paving and Maintenance Operations. The purpose of this rule is to limit VOC emissions from asphalt paving and maintenance operations. If asphalt paving will be used, then the paving operations will be subject to Rule 4641. This regulation is enforced on the asphalt provider.

Regulation VIII–Fugitive PM¹⁰ **Prohibitions.** Rules 8011–8081 are designed to reduce PM¹⁰ emissions (predominantly dust/dirt) generated by human activity, including construction and demolition activities, road construction, bulk materials storage, paved and unpaved roads, carryout and trackout, etc. All development projects that involve soil disturbance are subject to at least one provision of the Regulation VIII series of rules.

Rule 9510—Indirect Source Review. This rule reduces the impact of NO_x and PM₁₀ emissions from growth within the Air Basin. The rule places application and emission reduction requirements on development projects meeting applicability criteria in order to reduce emissions through on-site mitigation, off-site District-administered projects, or a combination of the two. The Project is subject to Rule 9510.

Local Regulations

The City of Porterville 2030 General Plan was adopted on March 4, 2008. The City's applicable air quality goals and policies from the Air Quality section are listed below.

City of Porterville Air Quality Goals and Policies

The General Plan lists the following policies that are supportive of improved air quality. Policies that are directly related to the Project are listed below:

• Land Use Element

LU-G-3: Promote sustainability in the design and development of public and private development projects.

LU-I-20: Establish standards for pedestrian-oriented design in neighborhood centers. Pedestrian-oriented design standards may include, but would not be limited to:

- Limitations on maximum block length;
- Minimum sidewalk width;
- Required streetscape improvements, including street trees;
- Building height and articulation;
- Building setbacks;
- Location of entries; and

- Parking location and required landscaping.

The City also may provide additional incentives for projects that contribute to the pedestrian, bicycle and transit networks, and/or the open space network.

Circulation Element

C-G-3: Make efficient use of existing transportation facilities and, through coordinated land use planning, strive to improve accessibility to shops, schools, parks and employment centers and reduce total vehicle miles traveled per household to minimize vehicle emissions and save energy.

C-I-3: Provide for greater street connectivity by: Incorporating in subdivision regulations requirements for a minimum number of access points to existing local or collector streets for each development;

Encouraging roundabouts over signals, where feasible and appropriate;

Requiring the bicycle and pedestrian connections from cul-de-sacs to nearby public areas and main streets; and

Requiring new residential communities on undeveloped land planned for urban uses to provide stubs for future connections to the edge of the property line. Where stubs exist on adjacent properties, new streets within the development should connect to these stubs.

C-G-8: Promote the use of public transit for daily trips to schools and work and for other purposes.

C-G-9: Promote the use of bicycles to alleviate vehicle traffic and improve public health.

C-G-10: Promote pedestrian activity.

C-I-21: Develop a series of continuous walkways within new office parks, commercial districts, and residential neighborhoods so they connect to one another.

• Open Space & Conservation Element

OSC-G-9: Improve and protect Porterville's air quality by making air quality a priority in land use and transportation planning and in development review.

OSC-I-58: Continue to assess air quality impacts through environmental review and require developers to implement best management practices to reduce air pollutant emissions associated with the construction and operation of development projects.

The City will use the San Joaquin Valley Air Pollution Control District (SJVAPCD) Guidelines for Assessing and Mitigating Air Quality Impacts for determining and mitigating project air quality impacts and related thresholds of significance for use in environmental documents. The City shall cooperate with the SJVAPCD in the review of development proposals.

BMPs could include transportation demand management strategies for large development projects such as:

- Providing bicycle access and parking facilities;
- Providing preferential parking for high-occupancy vehicles, carpools, or alternative fuels vehicles;
- Establishing telecommuting programs or satellite work centers;
- Allowing alternative work schedules;
- Subsidizing public transit costs for employee; and
- Scheduling deliveries at off-peak traffic periods.

OSC-I-59: Require preparation of a Health Risk Assessment for any development subject to the Air Toxics "Hot Spots" Act.

OSC-I-60: Require dust control measures as a condition of approval for subdivision maps, site plans, and all grading permits.

OSC-I-61: Coordinate air quality planning efforts with other local, regional and State agencies.

OSC-I-62. Be proactive in educating the public about the linkages between land use, transportation and air quality.

OSC-I-63: Notify local and regional jurisdictions of proposed projects that may affect regional air quality.

OSC-I-65: When asbestos has been identified in the preliminary soils report, require all new development and public works projects to comply with all provisions of State and regional ATCM regulations for control of airborne asbestos emissions relating to construction, road maintenance, and grading activities.

The City will establish Best Management Practices for construction, grading, and road maintenance in areas with naturally occurring asbestos, consistent with State and regional regulations for Asbestos Airborne Toxic Control Measure for Construction, Grading, Quarrying, and Surface Mining Operations. BMPs may include but are not limited to:

- Wetting soil during excavation and other dust suppression measures;
- Wetting roads, excavated materials and rinsing equipment;
- Limiting vehicle speeds within construction areas;
- Creating wind breaks and berms;
- Suspending activities when wind creates visible dust;
- Prohibiting rock-crushing of asbestos-containing materials;
- Monitoring dust levels;
- Posting warning signs;
- Replanting; and
- Paving or other permanent sealants or covers.

Existing Sources of Toxic Emissions

No existing sources were identified that exceed ARB recommendations in its Air Quality Land Use Handbook for siting sensitive land uses impact the Project.

ARB Air Quality Land Use Handbook

Table 3.3-4 lists the following ARB advisory recommendations that address the issue of siting "sensitive land uses" near specific sources of air pollution:²⁶

- High traffic freeways and roads
- Distribution centers
- Rail yards
- Ports

- Refineries
- Chrome plating facilities
- Dry cleaners
- Large gas dispensing facilities

The analysis examines the area around the site to determine if potential sources of TAC emissions may impact the Project, based on the ARB recommended screening distances.

Source Category	Advisory Recommendations
Freeways and High-Traffic Roads	Avoid siting new sensitive land uses within 500 feet of a freeway, urban roads with 100,000 vehicles/day, or rural roads with 50,000 vehicles/day.
Distribution Centers	Avoid siting new sensitive land uses within 1,000 feet of a distribution center (that accommodates more than 100 trucks per day, more than 40 trucks with operating transport refrigeration units (TRUs) per day, or where TRU unit operations exceed 300 hours per week). Take into account the configuration of existing distribution centers and avoid

Table 3.3-4Recommendations on Siting New Sensitive Land Uses

²⁶ California Air Resources Board (ARB). 2005. California Environmental Protection Agency. Air Quality and Land Use Handbook: A Community Health Perspective. April 2005. Website: www.arb.ca.gov/ch/landuse.htm. Accessed May 15, 2023.

Source Category	Advisory Recommendations
	locating residences and other new sensitive land uses near entry and exit points.
Rail Yards	Avoid siting new sensitive land uses within 1,000 feet of a major service and maintenance rail yard. Within one mile of a rail yard, consider possible siting limitations and mitigation approaches.
Ports	Avoid siting of new sensitive land uses immediately downwind of ports in the most heavily impacted zones. Consult local air districts or the ARB on the status of pending analyses of health risks.
Refineries	Avoid siting new sensitive land uses immediately downwind of petroleum refineries. Consult with local air districts and other local agencies to determine an appropriate separation.
Chrome Platers	Avoid siting new sensitive land uses within 1,000 feet of a chrome plater.
Dry Cleaners Using Perchloroethylene	Avoid siting new sensitive land uses within 300 feet of any dry-cleaning operation. For operations with two or more machines, provide 500 feet. For operations with three or more machines, consult with the local air district. Do not site new sensitive land uses in the same building with perchloroethylene dry cleaning operations.
Gasoline Dispensing Facilities	Avoid siting new sensitive land uses within 300 feet of a large gas station (defined as a facility with a throughput of 3.6 million gallons per year or greater). A 50-foot separation is recommended for typical gas dispensing facilities.
Note: These recommendations are advisory. Land use agencies have to balance other considerations, including housing and transportation needs, economic development priorities, and other quality of life issues.	

Thresholds of Significance

The CEQA Guidelines define a significant effect on the environment as "a substantial, or potentially substantial, adverse change in the environment." To determine if a project would have a significant impact on air quality, the type, level, and impact of emissions generated by the project must be evaluated.

The following air quality significance thresholds are contained in Appendix G of the CEQA Guidelines. A significant impact would occur if the Project would:

- a) Conflict with or obstruct implementation of the applicable air quality plan;
- b) Result in a cumulatively considerable net increase of any criteria pollutant for which the project region is nonattainment under an applicable national or state ambient air quality standard;

- c) Expose sensitive receptors to substantial pollutant concentrations; or
- d) Result in other emissions (such as those leading to odors adversely affecting a substantial number of people).

While the final determination of whether a project is significant is within the purview of the lead agency pursuant to Section 15064(b) of the CEQA Guidelines, the District recommends that its quantitative air pollution thresholds be used to determine the significance of project emissions. If the lead agency finds that the project has the potential to exceed these air pollution thresholds, the project should be considered to have significant air quality impacts. The applicable SJVAPCD thresholds and methodologies are contained under each impact statement below.

Impacts and Mitigation Measures

Impact 3.3-1: Would the project conflict with or obstruct implementation of the applicable air quality plan?

Less Than Significant Impact. The CEQA Guidelines indicate that a significant impact would occur if the Project would conflict with or obstruct implementation of the applicable air quality plan(s). The GAMAQI indicates that projects that do not exceed SJVAPCD regional criteria pollutant emissions quantitative thresholds would not conflict with or obstruct applicable air quality plans (AQPs). An additional criterion regarding the Project's implementation of control measures was assessed to provide further evidence of the Project's consistency with current AQPs. This document employs the following criteria for determining project consistency with the current AQPs:

- 1. Will the Project result in an increase in the frequency or severity of existing air quality violations or cause or contribute to new violations, or delay timely attainment of air quality standards or the interim emission reductions specified in the AQPs?
- 2. Will the Project comply with applicable control measures in the AQPs? The primary control measures applicable to development Projects include Regulation VIII—Fugitive PM₁₀ Prohibitions and Rule 9510 Indirect Source Review.

Contribution to Air Quality Violations

A measure for determining if the Project is consistent with the air quality plans is if the Project would not result in an increase in the frequency or severity of existing air quality violations, cause or contribute to new violations, or delay timely attainment of air quality standards or the interim emission reductions specified in the air quality plans. Regional air quality impacts and attainment
of standards are the result of the cumulative impacts of all emission sources within the Air Basin. Individual projects are generally not large enough to contribute measurably to an existing violation of air quality standards. Therefore, the cumulative impact of the Project is based on its project-level contribution of regional air pollutants. Because of the region's nonattainment status for ozone, PM_{2.5}, and PM₁₀—if Project-generated emissions of either of the ozone precursor pollutants (ROG and NOX), PM₁₀, or PM_{2.5} would exceed the SJVAPCD's significance thresholds—then the Project would be considered to contribute to violations of the applicable standards and conflict with the attainment plans.

As discussed in Impact 3.3-2 below, emissions of ROG, NOX, CO, PM₁₀, and PM₂₅ associated with the operation of the Project would not exceed the SJVAPCD's regional significance thresholds.

Compliance with Applicable Control Measures

The AQP contains a number of control measures, which are enforceable requirements through the adoption of rules and regulations. A description of rules and regulations that apply to this Project is provided below.

SJVAPCD Rule 9510—Indirect Source Review (ISR) is a control measure in the 2006 PM10 Plan that requires NOX and PM₁₀ emission reductions from development projects in the San Joaquin Valley. The NOX emission reductions help reduce the secondary formation of PM10 in the atmosphere (primarily ammonium nitrate and ammonium sulfate) and also reduce the formation of ozone. Reductions in directly emitted PM₁₀ reduce particles such as dust, soot, and aerosols. Rule 9510 is also a control measure in the 2016 Plan for the 2008 8-Hour Ozone Standard. Developers of projects subject to Rule 9510 must reduce emissions occurring during construction and operational phases through on-site measures, or pay off-site mitigation fees. The Project is required to comply with Rule 9510.

Regulation VIII—Fugitive PM10 Prohibitions is a control measure that is one main strategies from the 2006 PM₁₀ for reducing the PM₁₀ emissions that are part of fugitive dust. Residential projects over 10 acres and non-residential projects over 5 acres are required to file a Dust Control Plan (DCP) containing dust control practices sufficient to comply with Regulation VIII. The Project will be required to prepare a DCP to comply with Regulation VIII.

Other control measures that apply to the Project are Rule 4641—Cutback, Slow Cure, and Emulsified Asphalt, Paving and Maintenance Operation that requires reductions in VOC emissions during paving and Rule 4601—Architectural Coatings that limits the VOC content of all types of paints and coatings sold in the San Joaquin Valley. These measures apply at the

point of sale of the asphalt and the coatings, so Project compliance is ensured without mitigation measures.

The Project would comply with all applicable SJVAPCD rules and regulations. Therefore, the Project complies with this criterion and would not conflict with or obstruct implementation of the applicable air quality attainment plan under this criterion.

Conclusion

The Project's emissions are less than significant for all criteria pollutants at the regional level and would not result in inconsistency with the AQP for this criterion. The Project complies with applicable control measures of the AQP. Therefore, the Project is consistent with the AQP, and the impact would be *less than significant*.

Mitigation Measures

None are required.

Impact 3.3-2: 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?

Less Than Significant Impact. To result in a less than significant impact, emissions of nonattainment pollutants must be below the SJVAPCD's regional significance thresholds. This is an approach recommended by the SJVAPCD in its GAMAQI.

Regional Emissions

Air pollutant emissions have both regional and localized effects. This analysis assesses the regional effects of the Project's criteria pollutant emissions in comparison to SJVAPCD thresholds of significance for short-term construction activities and long-term operation of the Project. Localized emissions from Project construction and operation are assessed under Impact 3.3-3—Sensitive Receptors using concentration-based thresholds that determine if the Project would result in a localized exceedance of any ambient air quality standards or would make a cumulatively considerable contribution to an existing exceedance.

The primary pollutants of concern during construction and operation of the Project are ROG, NOx, PM₁₀, and PM_{2.5}. The SJVAPCD GAMAQI adopted in 2015 contains thresholds for CO, NOx, ROG, SOx, PM₁₀, and PM_{2.5}.

Ozone is a secondary pollutant that can be formed miles from the source of emissions, through reactions of ROG and NO_x emissions in the presence of sunlight. Therefore, ROG and NO_x are termed ozone precursors. The Air Basin often exceeds the state and national ozone standards. Therefore, if the Project emits a substantial quantity of ozone precursors, the Project may contribute to an exceedance of the ozone standard. The Air Basin also exceeds air quality standards for PM₁₀, and PM_{2.5}; therefore, substantial emissions generated by the Project may contribute to an exceedance for these pollutants. The SJVAPCD's annual emission significance thresholds used for the Project define the substantial contribution for both operational and construction emissions as follows:

- 100 tons per year CO
- 10 tons per year NOx
- 10 tons per year ROG

- 27 tons per year SOx
- 15 tons per year PM₁₀
- 15 tons per year PM_{2.5}

The Project does not contain sources that would produce substantial quantities of SO₂ emissions during construction and operation. Modeling conducted for the Project show that SO₂ emissions are well below the SJVAPCD GAMAQI thresholds, as shown in the modeling results contained in Appendix B. No further analysis of SO₂ is required.

Construction Emissions

Construction emissions were modeled using the CalEEMod version 2020.4.0. It should be noted that unmitigated construction emissions incorporate the basic dust control measures required under District Rule 8021, which requires that vehicle speeds on unpaved roads and surfaces be reduced to no more than 15 miles per hour and exposed construction areas are watered during earthmoving activities. The results of the modeling are presented in Table 3.3-5 below.²⁷

Construction Activity	Emissions (tons per construction period)			d)	
	ROG	NOx	со	PM 10	PM2.5
Demolition	0.01	0.11	0.10	0.01	< 0.01
Site Preparation	0.01	0.14	0.09	0.05	0.03
Grading	0.05	0.55	0.44	0.09	0.05
Building Construction	0.32	2.59	3.23	0.38	0.17
Paving	0.02	0.10	0.15	0.01	0.01
Architectural Coating	0.30	0.01	0.03	< 0.01	< 0.01

Table 3.3-5Construction Air Pollutant Emissions Summary (Unmitigated)

²⁷ Air Quality, Greenhouse Gas, and Energy Analysis Report for the Henderson Commercial Development Project. Prepared by Johnson, Johnson & Miller Air Quality Consulting. See Appendix B, page 70.

Construction Activity	Emissions (tons per construction period)			ł)	
	ROG	NOx	СО	PM 10	PM _{2.5}
Grand Total for All Construction Activities	0.71	3.5	4.04	0.54	0.26
Significance threshold (tons/year)	10	10	100	15	15
Exceed threshold — significant impact?	No	No	No	No	No
Notes:					
PM10 and PM2.5 emissions are from the mitigated output to reflect compliance with Regulation VIII—Fugitive PM10 Prohibitions.					
ROG = reactive organic gases, NOX = nitrogen oxides, PM10 and PM2.5 = particulate matter					
Source: CalEEMod output (App A of Appendix B)					

As shown in Table 3.3-5, annual average emissions are below the applicable SJVAPCD significance thresholds. Therefore, regional construction emissions would have a less-thansignificant impact on a Project basis.

Operational Emissions

Operational emissions occur over the lifetime of a project and are from two main sources: area sources and motor vehicles, or mobile sources. The SJVAPCD considers construction and operational emissions separately when making significance determinations. For assumptions in estimating the emissions, please refer to Section 4, Modeling Parameters and Assumptions, of Appendix B. The emissions modeling results for Project operation are summarized in Table 3.3-6.

Project Operational Emissions, Source	Maximum Annual Emissions (tons per year)				
	ROG	NOx	со	PM 10	PM2.5
Area	0.42	< 0.01	< 0.01	< 0.01	< 0.01
Energy	0.02	0.18	0.15	0.01	0.01
Mobile	6.19	8.79	49.91	10.23	2.8
Total Project Emissions	6.63	8.98	50.07	10.25	2.81
Significance threshold (tons/year)	10	10	100	15	15
Exceed threshold — significant impact?	No	No	No	No	No
Notes: ROG = reactive organic gases, NOX = nitrogen oxides, PM10 and PM2.5 = particulate matter					

Table 3.3-6 Operational Air Pollutants Emissions

Area source emissions include emissions from natural gas, landscape, and painting.

Source: CalEEMod output (App A of Appendix B)

As shown in Table 3.3-6, operational emissions are below the SJVAPCD significance thresholds prior to application of mitigation measures and, therefore, would result in a less than significant impact.

Conclusion

The Project's estimated emissions would not exceed SJVAPCD's applicable regional criteria pollutant thresholds for ROG, NOX, CO, SO₂, PM₁₀, or PM_{2.5} during Project construction operations. Therefore, the Project would not result in a cumulatively considerable net increase of any criteria pollutant for which the Project region is nonattainment under an applicable federal or State ambient air quality standard. Therefore, the impacts are *less than significant*.

Mitigation Measures

None are required.

Impact 3.3-3: Would the project expose sensitive receptors to substantial pollutant concentrations?

Less than Significant Impact with Mitigation. Those who are sensitive to air pollution include children, the elderly, and persons with preexisting respiratory or cardiovascular illness. The SJVAPCD considers a sensitive receptor a location that houses or attracts children, the elderly, people with illnesses, or others who are especially sensitive to the effects of air pollutants. Examples of sensitive receptors include hospitals, residences, convalescent facilities, and schools.

The closest off-site sensitive receptors are existing residences located adjacent to the Project site to the north, east, south, and west. Specifically, the closest sensitive receptor is an apartment building located within approximately 30 feet of the Project boundary to the west. Due to the prevailing wind direction and other factors, the maximally exposed sensitive receptor was determined to be an existing single-family residence located approximately 100 feet north of the project site at 36°05'00.9"N 119°02'23.9"W. The surrounding land uses are as follows:

- North—To the north of the Project is primarily residential housing with a few schools and commercial businesses over a quarter mile away, followed by agricultural land over a mile away. The residences and schools would be considered as sensitive receptor land uses.
- East—Immediately East of the Project is a mix of commercial businesses, including: a grocery store, car dealership, and a few fast-food restaurants. There is also a small park just east of the

project, followed by residential housing, commercial businesses and schools. Over two miles east is agricultural land. The residences and schools would be considered sensitive receptor land uses.

- South—Immediately south of the Project is primarily commercial businesses, including: shopping centers, fast food restaurants, a movie theater and a car wash. Farther south is a mix of residential housing, schools, medical facilities, hotels and other commercial businesses with downtown Porterville to the southeast and a Wastewater Treatment Plant to the southwest. Over three miles directly south is agricultural land but up to five miles to the southeast is East Porterville with a mix of residences, businesses and schools followed by agricultural land. The residences, schools, hotels and medical facilities would be considered sensitive receptor land uses.
- West—To the west of the Project is a small residential neighborhood followed by: a shopping center, several restaurants and a High School. Beyond the High School is primarily residential housing followed by a few more schools to the southwest. Just over two miles west is agricultural land. The residences and schools would be considered sensitive receptor land uses.

Off-site Sensitive Receptors

Impacts to receptors located outside the Project boundaries would occur primarily during Project construction. Construction emissions were modeled to begin as early as July 2023 and continue until through the end of August 2024. The use of an earlier construction schedule presents a conservative estimate of construction emission and related impacts, as emissions for the same level of activity are expected to decrease in future years due to the replacement of older equipment with cleaner models, increasingly more stringent regulations, and technological improvements.

Construction activities emissions are expected to occur mostly during the initial site preparation and grading activities and to a lesser extent during ground-up construction. For criteria pollutants, impacts to receptors located outside of the Project are based on emissions during the highest emissions during any construction year. As shown in Table 3.3-7, emissions generated from construction of the Project are less than SJVAPCD screening criteria. As shown in Table 3.3-8, the Project would not exceed SJVAPCD screening thresholds for localized operational criteria pollutant impacts for NO_x, PM10, or PM2.5; however, emissions would exceed the localized screening thresholds for CO. Although the Project exceeds the 100-pound-per screening threshold for CO, the majority of the estimated emissions are from mobile sources. Therefore, the Project's operational impacts from CO are assessed by evaluating the Project's potential to create or contribute to a CO hotspot. As discussed below, the proposed Project would not result in a CO hotspot. As such, emissions of CO from mobile sources would not have a localized significant impact. Considering all of the information discussed above, this impact would be less than significant.

Construction: ROG

ROG is emitted during the application of architectural coatings (painting). The amount emitted is dependent on the amount of ROG (or VOC) in the paint. ROG emissions are typically an indoor air quality health hazard concern rather than an outdoor air quality health hazard concern. In addition, SJVACD Rule 4601 Architectural Coatings limits the VOCs allowed in architectural coatings used in the San Joaquin Valley. As any architectural coating activities associated with buildout and development contemplated under the proposed Project would be subject to compliance with Rule 4601, these activities would not create a localized impact. Therefore, exposure to ROG during architectural coatings is a less than significant health impact.

There are three types of asphalt that are typically used in paving: asphalt cements, cutback asphalts, and emulsified asphalts. However, SJVAPCD Rule 4641 prohibits the use of the following types of asphalt: rapid cure cutback asphalt; medium cure cutback asphalt; slow cure asphalt that contains more than one-half (0.5) percent of organic compounds that evaporate at 500 degrees Fahrenheit (°F) or lower; and emulsified asphalt containing organic compounds, in excess of 3 percent by volume, that evaporate at 500°F or lower. An exception to this is medium cure asphalt when the National Weather Service official forecast of the high temperature for the 24-hour period following application is below 50°F.

The acute (short-term) health effects from worker direct exposure to asphalt fumes include irritation of the eyes, nose, and throat. Other effects include respiratory tract symptoms and pulmonary function changes. The studies were based on occupational exposure of fumes. Residents are not in the immediate vicinity of the fumes; therefore, they would not be subjected to concentrations high enough to evoke a negative response. In addition, the restrictions that are placed on asphalt in the San Joaquin Valley reduce ROG emissions from asphalt and exposure. The impact to nearby sensitive receptors from ROG during construction would be less than significant.

Localized Pollutant Screening Analysis

Emissions occurring at or near the Project have the potential to create a localized impact, also referred to as an air pollutant hotspot. Localized emissions are considered significant if, when

combined with background emissions, they would result in exceedance of any health-based air quality standard. The impact from localized pollutants is based on the impact to the nearest sensitive receptor.

The SJVAPCD's GAMAQI includes screening thresholds for identifying projects that need detailed analysis for localized impacts. Projects with on-site emission increases from construction activities or operational activities that exceed the 100 pounds per day screening level of any criteria pollutant after compliance with Rule 9510 and implementation of all enforceable mitigation measures would require preparation of an ambient air quality analysis. The criteria pollutants of concern for localized impact in the SJVAB are PM10, PM2.5, NOX, and CO. There is no localized emission standard for ROG and most types of ROG are not toxic and have no health-based standard; however, ROG was included for informational purposes only.

The highest daily emissions occur during Project grading activities except for ROG emissions, which are highest during application of architectural coatings. Daily emissions would not exceed the screening thresholds. The results of the construction screening analysis are presented in Table 3.3-7.

Maximum Daily Emissions by	Emissions (pounds per day)				
Development	ROG	NOx	со	PM 10	PM2.5
Project Site 2023	4.65	34.9	36.09	0.06	10.12
Project Site 2024	32.34	18.31	23.28	0.04	0.85
Highest Daily Emissions	32.34	34.9	36.09	0.06	10.12
Screening Thresholds	—	100	100	100	100
Exceeds Threshold (Yes or No)	—	No	No	No	No
Notes: NO _x = nitrogen oxides CO = carbon monoxide PM ₁₀ and PM _{2.5} = particulate matter Emissions shown are from the winter model output. There is no ambient air quality standard for ROG. Source: CalEEMod output (App A of Appendix B).					

Table 3.3-7Maximum Daily Air Pollutant Emissions During Construction (Unmitigated)

Maximum Daily Operational Emissions

An analysis of maximum daily emissions during operation was conducted to determine if emissions would exceed 100 pounds per day for any pollutant of concern. Using earlier operational years constitutes a conservative analysis because emissions decline over time as older, high-emitting vehicles are replaced with new low-emitting vehicles compliant with current emission standards. Operational emissions include emissions generated on-site by area sources such as natural gas combustion and landscape maintenance, and off-site by motor vehicles accessing the Project. Most motor vehicle emissions would occur distant from the site and would not contribute to a violation of ambient air quality standards; therefore, only emissions from vehicles operating within 0.25 mile of the site were included in the assessment. The results of the screening analysis are presented in Table 3.3-8.

	Emissions (pounds per day)				
Category	ROG	NOx	со	PM 10	PM _{2.5}
Project Operations					
Area	2.28	< 0.01	0.01	< 0.01	< 0.01
Energy	0.11	1.00	0.84	0.08	0.08
Mobile	35.48	16.73	115.39	3.02	0.86
Maximum Daily Total	37.87	17.73	116.24	3.10	0.94
Screening threshold	—	100	100	100	100
Exceed screening threshold?	—	No	Yes	No	No
Notes: $NO_X = nitrogen oxides$ CO = carbon monoxide PM_{10} and $PM_{2.5} = particulate matter$ N/A = Not applicable Source: CalEEMod output (Appendix A of Appendix B).					

Table 3.3-8Maximum Daily Air Pollutant Emissions during Operations

The Project would not exceed SJVAPCD screening thresholds for localized operational criteria pollutant impacts for NOX, PM10, or PM2.5; however, emissions would exceed the localized screening thresholds for CO. The exceedance for CO is primarily due to emissions from mobile sources. Therefore, further a CO hotspot analysis was conducted to determine if the Project would result in a significant adverse impact to air quality resources due to the generation of localized CO during Project operations. This discussion is provided further below.

Operation: ROG

During operation, ROG would be emitted primarily from motor vehicles. Direct exposure to ROG from Project motor vehicles would not result in health effects, because the ROG would be

distributed across miles and miles of roadway and in the air. The concentrations would not be great enough to result in direct health effects.

Operation: PM10, PM2.5, NO2

As shown in Table 3.3-8, localized emissions of PM10, PM2.5 and NOX would not exceed the SJVAPCD screening thresholds at full Project buildout. The largest source of emissions from commercial projects is motor vehicles. Most motor vehicle emissions occur when employee and customer vehicles travel to and from the Project site and not during parking and idling on the site. The localized emissions of PM10, PM2.5, and NOX would not exceed the screening threshold; therefore, the Project would not expose sensitive receptors located near the commercial sites to substantial criteria air pollutant concentrations during operation.

Carbon Monoxide Hot Spot Analysis

As shown in 3.3-8, the majority of CO emissions would be from mobile sources, such as passenger vehicles driven by future customers, employees, and other visitors to access the Project site. Localized high levels of CO are associated with traffic congestion and idling or slow-moving vehicles. A CO hotspot represents a condition wherein high concentrations of CO may be produced by motor vehicles accessing a congested traffic intersection under heavy traffic volume conditions. It has long been recognized that CO exceedances are caused by vehicular emissions, primarily when idling at intersections. Accordingly, vehicle emissions standards have become increasingly more stringent to help remedy this impact.

The analysis prepared for CO attainment in the South Coast Air Basin (SoCAB) by the South Coast Air Quality Management District (SCAQMD) has been used to assist in evaluating potential for CO exceedances in other air basins. Although the SoCAB and the SCAQMD would not be the applicable air basin or air district for the project, applying this guidance is appropriate in this analysis because CO exceedances are caused by idling vehicles and regardless of air district. For example, any project-generated vehicles trips would result in idling of passenger vehicles or trucks at the project site and on adjacent roadways that could lead to a CO exceedance. By using the 1992 CO Plan as a worst-case scenario, the proposed project can measure CO impacts against intersections that experienced significantly more vehicle traffic than adjacent to the proposed project. The 1992 CO Plan is used as a worst-case scenario because it included a CO hot spot analysis for four busy intersections in Los Angeles at the peak morning and afternoon time periods. The intersections evaluated included Long Beach Boulevard and Imperial Highway (Lynwood); Wilshire Boulevard and Veteran Avenue (Westwood); Sunset Boulevard and Highland Avenue (Hollywood); and La Cienega Boulevard and Century Boulevard (Inglewood). The busiest intersection evaluated was that at Wilshire Boulevard and Veteran Avenue, which has a daily traffic volume of approximately 100,000 vehicles per day. Subsequently the CO Plan determined that no CO hotspot would occur even with 100,000 vehicles per day at this one intersection.

The traffic volumes near the Project site, with Project trips, are provided in the Project-specific traffic impact analysis. The Project-specific traffic impact study reported the number of average daily trips for the proposed Project: 11,453 average weekday trips after adjustments for internal capture and pass-by trips.²⁸ The traffic impact study also analyzed the traffic volumes at seven (7) intersections near the project site. In the "2025 + Project" scenario, the highest peak-hour traffic was projected to be 3,596 vehicles (PM peak-hour at N Prospect Street & W Henderson Avenue). The PM peak-hour traffic volume at N Prospect Street & W Henderson Avenue was projected to be 4,280 trips in the "2043 + Project" scenario. At a maximum of 4,280 vehicles at any one intersection during peak hours under any cumulative scenario, the traffic volumes at intersections in the study area around the project are lower than what was analyzed in the 1992 CO Plan. Therefore, none of the intersections near the Project site would have peak-hour traffic volumes exceeding those at the intersections modeled in the 1992 CO Plan. Furthermore, there would not be any reason unique to the local meteorology to conclude that this intersection would yield higher CO concentrations if modeled in detail because the Project site is not located in an area where air flow would be severely restricted, such as a tunnel or canyon. In conclusion, the addition of the proposed Project's daily trips would not generate a CO hotspot at local intersections and operational CO impact would be less than significant. In addition, the highest background 8-hour average CO concentration during the latest year it was monitored is 2.06 ppm, which is 78 percent lower than the CAAQS of 9.0 ppm or the NAAQS of 9 ppm. Therefore, the Project would not significantly contribute to an exceedance of state or federal CO standards.

Toxic Air Contaminants

Project construction would involve the use of diesel-fueled vehicles and equipment that emit DPM, which is considered a TAC. The SJVAPCD's latest threshold of significance for TAC emissions is an increase in cancer risk for the maximally exposed individual of 20 in a million (formerly 10 in a million). The SJVAPCD's 2015 GAMAQI does not currently recommend analysis of TAC emissions from project construction activities, but instead focuses on projects with operational emissions that would expose sensitive receptors over a typical lifetime of 70 years. However, SJVAPCD comment letters in recent years have emphasized that multi-year

²⁸ Ruettgers & Schuler Civil Engineers. 2023. Traffic Study: Proposed Commercial Development Henderson Avenue & State Route 65 City of Porterville. May. Appendix D.

construction projects are also of concern in the San Joaquin Valley and have the potential to expose sensitive receptors to significant health risk impacts.

Health Risk Assessment

During construction and operation, the proposed Project would result in emissions of several TACs that could potentially impact nearby sensitive receptors. As previously noted, the SJVAPCD has defined health risk significance thresholds. These thresholds are represented as a cancer risk to the public and a non-cancer hazard from exposures to TACs. Cancer risk represents the probability (in terms of risk per million individuals) that an individual would contract cancer resulting from exposure to TACs continuously over a period of several years. The principal TAC emission analyzed in this assessment was DPM from operation of off-road equipment and diesel-powered delivery and worker vehicles during construction and operation. DPM has been identified by the ARB as a carcinogenic substance. For purposes of this analysis, DPM is represented as exhaust emissions of PM10. DPM represented as exhaust PM10 adequately addresses impacts from PM10 and PM2.5 emissions, as PM2.5 comprises a component of PM10. Fugitive dust components of PM10 and PM2.5 would be controlled through the use of required dust control practices during Project construction.

Exposures to TACs can also result in both short-term (acute) or long-term (chronic) non-cancer health impacts. Such impacts could include illnesses related to reproductive effects, respiratory effects, eye sensitivity, immune effects, kidney effects, blood effects, central nervous system, birth defects, or other adverse environmental effects.

Estimation of Cancer Risks

Cancer risks are estimated as the upper-bound incremental probability that an individual will develop cancer as a direct result of exposure to potential carcinogens over a specified exposure duration. The cancer risk attributed to a chemical is calculated by multiplying the chemical intake or dose at the human exchange boundaries (e.g., lungs) by the chemical-specific cancer potency factor (CPF). A risk level of 20 in a million implies a likelihood (or risk) that up to 20 persons, out of one million equally exposed people would contract cancer if exposed continuously (24 hours per day) to the levels of TACs over a specified duration of time. This risk would be an excess cancer risk that is in addition to any environmental cancer risk borne by a person not exposed to these air toxics.

California Office of Environmental Health Hazard Assessment (OEHHA) has developed guidance for estimating cancer risks that considers the increased sensitivity of infants and adults

to TAC emissions, different breathing rates, and time spent at home. This guidance was applied in estimating cancer risks from the construction and operation of the proposed Project.

The recommended method for the estimation of cancer risk is shown in the equations.

Cancer Risk = C_{DPM} x Inhalation Exposure Factor (EQ-1)

Where:

Cancer Risk = Total individual excess cancer risk defined as the cancer risk a hypothetical individual faces if exposed to carcinogenic emissions from a particular source for specified exposure durations; this risk is defined as an excess risk because it is above and beyond the background cancer risk to the population; cancer risk is expressed in terms of risk per million exposed individuals.

CDPM = Period average DPM air concentration calculated from the air dispersion model in μ g/m3

Inhalation is the most important exposure pathway to impact human health from DPM and the inhalation exposure factor is defined as follows:

Inhalation Exposure Factor=CPF x EF x ED x DBR x AAF/AT (EQ-2)

Where:

CPF = Inhalation cancer potency factor for the TAC: 1.1 (mg/kg-day)-1 for DPM EF = Exposure frequency (days/year)

ED = Exposure duration (years of construction)

AAF = set of age-specific adjustment factors that include age sensitivity factors (ASF), daily breathing rates (DBR), and time at home factors (TAH)

AT = Averaging time period over which exposure is averaged (days)

Estimation of Chronic Non-Caner Hazards

An evaluation of potential non-cancer effects of chronic chemical exposures was also conducted. Adverse health effects are evaluated by comparing the annual receptor concentration of each chemical compound with the appropriate Reference Exposure Level (REL). Available RELs promulgated by OEHHA were considered in the assessment. Risk characterization for non-cancer health hazards from TACs is expressed as an HI. The HI is a ratio of the predicted concentration of the project's emissions to a concentration considered acceptable to public health professionals, termed the REL.

To quantify non-carcinogenic impacts, the HI approach was used.

Where:

HI = chronic hazard index

Cann = annual average concentration of TAC as derived from the air dispersion model (μ g/m3) REL = reference exposure level above which a significant impact is assumed to occur (μ g/m3)

The HI assumes that chronic exposures to TACs adversely affect a specific organ or organ system (toxicological endpoint) of the body. For each discrete chemical exposure, target organs presented in regulatory guidance were used. To calculate the HI, each chemical concentration or dose is divided by the appropriate toxicity REL. For compounds affecting the same toxicological endpoint, this ratio is summed. Where the total equals or exceeds 1, a health hazard is presumed to exist. OEHHA has defined a REL for DPM of 5 μ g/m3. The principal toxicological endpoint assumed in this assessment was through inhalation.

Toxic Air Contaminant Construction Analysis

Major sources of DPM during construction include off-road construction equipment and heavyduty delivery truck activities. The results of the health risk analysis (HRA) prepared for Project construction for cancer risk and long-term chronic cancer risk are summarized below. Air dispersion modeling was utilized to assess the Project's potential health risks using AERMOD Version 22112, which is an air dispersion model accepted by the EPA and the SJVAPCD for preparing HRAs. Exhaust emissions of DPM (as PM10 exhaust) were estimated using CalEEMod Version 2020.4.0. Construction emissions were estimated assuming adherence to all applicable rules, regulations, and Project design features. The construction emissions were assumed to be distributed over the Project area with a working schedule of eight hours per day and five days per week. Emissions were adjusted by a factor of 4.2 to convert for use with a 24-hour-per-day, 365 day-per-year averaging period. Detailed parameters, a description of methodology, and complete calculations are contained in Appendix B of Appendix B. The estimated health and hazard impacts at the Maximally Exposed Receptor (MER) from the Project's construction emissions are provided in Table 3.3-9.

Source	Cancer Risk (risk per million)	Chronic Non-Cancer HI	
Risks and Hazards at the MER	14.5	0.014	
Significance Threshold	20	1	
Exceeds Individual Source Threshold	No	No	
Source: Health Risk Assessments (Appendix B of Appendix B).			

Table 3.3-9Estimated Health Risks and Hazards During Project Construction (Unmitigated)

As noted in Table 3.3-12, the proposed project's construction DPM emissions would not exceed the health risk thresholds at the MER after incorporation of MM AIR-3A.

Toxic Air Contaminants Operational Analysis

Operational DPM emissions from diesel trucks were estimated using Emission Factors Model (EMFAC) 2021 emission factors and estimated truck travel and idling at the Project site. The emissions were entered into the SJVAPCD Prioritization Screening Tool to determine the risk scores. Complete calculations and assumptions are included as part of Appendix B. The results of the operational screening analysis are provided in Table 3.3-10.

Table 3.3-10Prioritization Tool Health Risk Screening Results – Project Operations

Impact Source	Cancer Risk (risk per million)	Chronic Non-Cancer HI	
Project Operations (DPM)	53.81	0.580	
Screening Risk Score Threshold	10	1	
Screening Thresholds Exceeded	Yes	No	
Source: Operational Health Risk Screening (Appendix B of Appendix B).			

As noted in Table 3.3-10, cancer risks from Project operations do not fall under the SJVAPCD prioritization screening level of 10 in million. A prioritization score of 10 or greater is considered to be potentially significant and a refined HRA using dispersion modeling and a health risk model

should be performed to determine significance. Therefore, a Project-specific HRA was conducted for the proposed Project.

Results of the HRA are summarized in Table 3.3-11 below. Because the same receptors could be exposed to Project operations and Project construction, Table 3.3-11 also includes health risks from Project operations plus construction. The complete HRA prepared for the proposed Project, including HARP2 calculations, is included as part of Appendix B of the technical report (Appendix B).

Impact Source	Cancer Risk (risk per million)	Chronic Non-Cancer HI	
Project Operations	9.19	0.002	
Project Operations + Construction	23.69	0.016	
Risks and Hazards at the MER (Highest of Either Scenario)	23.69	0.0161	
Exceeds Individual Score Threshold	20	1	
Screening Thresholds	Yes	No	
Source: Health Risk Assessments (Appendix B of Appendix B).			

Table 3.3-11Prioritization Tool Health Risk Screening Results – Project Operations

As noted in Table 3.3-11, the proposed Project's combined construction and operational DPM emissions would exceed the cancer risk significance threshold at the MER. Implementation of MM AIR-3A would reduce estimated health risks and hazards during Project construction compared to the results presented in the unmitigated scenario. Estimated health risks and hazards during Project construction and operations, after application of MM AIR-3A is presented below in Table 3.3-12.

Table 3.3-12Prioritization Tool Health Risk Screening Results – Project Operations

Impact Source	Cancer Risk (risk per million)	Chronic Non-Cancer HI
Construction Impacts after Incorporation of	of MM AIR-3A	
Risks and Hazards at the MER (Tier 4 Option)	1.73	0.002
Risks and Hazards at the MER (Level 3 Filters Option)	2.89	0.003

Impact Source	Cancer Risk (risk per million)	Chronic Non-Cancer HI	
Combined Construction and Operational I	mpacts after Incorporation o	of MM AIR-3A	
Risks and Hazards at the MER (Tier 4 Option)	10.92	0.004	
Risks and Hazards at the MER (Level 3 Filters Option)	12.08	0.005	
Risks and Hazards at the MER (Highest of Either Two Options)	12.08	0.005	
Significance Threshold	20	1	
Exceeds Individual Source Threshold	No	No	
Source: Health Risk Assessments (Appendix B of Appendix B).			

As shown in Table 3.3-12, the Project would not exceed the cancer risk or chronic hazard threshold levels after employment of mitigation. The primary source of the emissions responsible for chronic risk are from diesel trucks. DPM does not have an acute risk factor. Since the Project does not exceed the applicable SJVAPCD health risk thresholds for cancer risk, acute risk, or chronic risk, after incorporation of MM AIR-3A this impact would be less than significant with mitigation incorporated.

Valley Fever

Valley fever, or coccidioidomycosis, is an infection caused by inhalation of the spores of the fungus, *Coccidioides immitis* (*C. immitis*). The spores live in soil and can live for an extended time in harsh environmental conditions. Activities or conditions that increase the amount of fugitive dust contribute to greater exposure, and they include dust storms, grading, and recreational offroad activities.

The San Joaquin Valley is considered an endemic area for Valley fever. During 2000–2018, a total of 65,438 coccidioidomycosis cases were reported in California; median statewide annual incidence was 7.9 per 100,000 population and varied by region from 1.1 in Northern and Eastern California to 90.6 in the Southern San Joaquin Valley, with the largest increase (15-fold) occurring in the Northern San Joaquin Valley. Incidence has been consistently high in six counties in the Southern San Joaquin Valley (Fresno, Kern, Kings, Madera, Tulare, and Merced counties) and

Central Coast (San Luis Obispo County) regions. California experienced 6,490 new cases of Valley fever in 2020. A total of 195 Valley fever cases were reported in Tulare County in 2020.²⁹

The distribution of *C. immitis* within endemic areas is not uniform and growth sites are commonly small (a few tens of meters) and widely scattered. Known sites appear to have some ecological factors in common suggesting that certain physical, chemical, and biological conditions are more favorable for *C. immitis* growth. Avoidance, when possible, of sites favorable for the occurrence of *C. immitis* is a prudent risk management strategy. Listed below are ecologic factors and sites favorable for the occurrence of *C. immitis*:

- 1) Rodent burrows (often a favorable site for *C. immitis,* perhaps because temperatures are more moderate and humidity higher than on the ground surface)
- 2) Old (prehistoric) Indian campsites near fire pits
- 3) Areas with sparse vegetation and alkaline soils
- 4) Areas with high salinity soils
- 5) Areas adjacent to arroyos (where residual moisture may be available)
- 6) Packrat middens
- 7) Upper 30 centimeters of the soil horizon, especially in virgin undisturbed soils
- 8) Sandy, well-aerated soil with relatively high water-holding capacities

Sites within endemic areas less favorable for the occurrence of *C. immitis* include:

- 1) Cultivated fields
- 2) Heavily vegetated areas (e.g. grassy lawns)
- 3) Higher elevations (above 7,000 feet)
- 4) Areas where commercial fertilizers (e.g. ammonium sulfate) have been applied
- 5) Areas that are continually wet
- 6) Paved (asphalt or concrete) or oiled areas
- 7) Soils containing abundant microorganisms

²⁹ California Department of Public Health (CDPH). 2021. Coccidioidomycosis in California Provisional Monthly Report January 2021. Website: https://www.cdph.ca.gov/Programs/CID

[/]DCDC/CDPH%20Document%20Library/CocciinCAProvisionalMonthlyReport.pdf. Accessed May 1, 2023.

8) Heavily urbanized areas where there is little undisturbed virgin soil.

The Project site is situated in a City growth area. The Project includes urbanization of a site that was formerly used for agricultural purposes. Therefore, implementation of the Project would have a low probability of the site having *C. immitis* growth sites and exposure to the spores from disturbed soil.

Construction activities would generate fugitive dust that could contain *C. immitis* spores. The Project will minimize the generation of fugitive dust during construction activities by complying with the District's Regulation VIII. Therefore, this regulation, combined with the relatively low probability of the presence of *C. immitis* spores, would reduce Valley fever impacts to less than significant.

During operations, dust emissions are anticipated to be negligible, because most of the Project area would be occupied by buildings, pavement, and landscaped areas. This condition would preclude the possibility of the Project providing habitat suitable for *C. immitis* spores and for generating fugitive dust that may contribute to Valley fever exposure. Impacts would be less than significant.

Naturally Occurring Asbestos

According to a map of areas where naturally occurring asbestos in California are likely to occur ³⁰, there are no such areas in the project area. Ultramafic rock that contains asbestos is located at various locations in the foothills of Tulare County but are not near the project site. Therefore, development of the project is not anticipated to expose receptors to naturally occurring asbestos. Impacts would be less than significant.

Summary

In summary, the proposed Project would not exceed SJVAPCD localized emission daily screening levels for any criteria pollutant during construction and would not result in a significant impact for any criteria pollutant during operations. The Project would not result in TAC emissions that could cause a significant health impact after incorporation of MM AIR-3A. The Project is not a significant source of TAC emissions during operation. The Project is not in an area with suitable habitat for Valley fever spores and is not in area known to have naturally occurring asbestos.

³⁰ U.S. Geological Survey. 2011. Van Gosen, B.S., and Clinkenbeard, J.P. California Geological Survey Map Sheet 59. Reported Historic Asbestos Mines, Historic Asbestos Prospects, and Other Natural Occurrences of Asbestos in California. Open-File Report 2011-1188. Website: http://pubs.usgs.gov/of/2011/1188/. Accessed May 15, 2023.

Therefore, the Project would not result in significant impacts to sensitive receptors. The Project will result in *less than significant impacts after mitigation*.

Mitigation Measures

AIR-1 Before a construction permit is issued for the proposed Project, the Project applicant, Project sponsor, or construction contractor shall submit provide reasonably detailed compliance with one of the following requirements to the City of Porterville:

Option 1) Where portable diesel engines are used during construction, all off-road equipment with engines greater than 75 horsepower shall have engines that meet either EPA or ARB Tier 4 Interim off-road emission standards.

Option 2) Prior to the issuance of any demolition, grading, or building permits (whichever occurs earliest), the Project applicant and/or construction contractor shall prepare a construction operations plan that, during construction activities, requires all off-road equipment with engines greater than 75 horsepower to meet either the particulate matter emissions standards for Tier 4 Interim engines or be equipped with Level 3 diesel particulate filters. Tier 4 Interim engines shall, at a minimum, meet EPA or ARB particulate matter emissions standards for Tier 4 Interim engines. Alternatively, use of ARB-certified Level 3 diesel particulate filters on offroad equipment with engines greater than 75 horsepower can be used in lieu of Tier 4 Interim engines or in combination with Tier 4 Interim engines. The construction contractor shall maintain records documenting its efforts to comply with this requirement, including equipment lists. Off-road equipment descriptions and information shall include, but are not limited to, equipment type, equipment manufacturer, equipment identification number, engine model year, engine certification (tier rating), horsepower, and engine serial number. The Project applicant, Project sponsor, or construction contractor shall submit the records of compliance to the City of Porterville.

Impact 3.3-4: Would the project result in other emissions (such as those leading to odors) adversely affecting a substantial number of people?

Less Than Significant. Odor impacts on residential areas and other sensitive receptors, such as hospitals, day-care centers, schools, etc. warrant the closest scrutiny, but consideration should

also be given to other land uses where people may congregate, such as recreational facilities, worksites, and commercial areas.

Two situations create a potential for odor impact. The first occurs when a new odor source is located near an existing sensitive receptor. The second occurs when a new sensitive receptor locates near an existing source of odor. According to the *CBIA v. BAAQMD* ruling, impacts of existing sources of odors on the Project are not subject to CEQA review. The SJVAPCD has determined the common land use types that are known to produce odors in the Air Basin. These types are shown in Table 3.3-13.

Odor Generator	Screening Distance
Wastewater Treatment Facilities	2 miles
Sanitary Landfill	1 mile
Transfer Station	1 mile
Composting Facility	1 mile
Petroleum Refinery	2 miles
Asphalt Batch Plant	1 mile
Chemical Manufacturing	1 mile
Fiberglass Manufacturing	1 mile
Painting/Coating Operations (e.g., auto body shop)	1 mile
Food Processing Facility	1 mile
Feed Lot/Dairy	1 mile
Rendering Plant	1 mile
Source: SJVAPCD 2015.31	

Table 3.3-13Screening Levels for Potential Odor Sources

According to the SJVAPCD's GAMAQI, analysis of potential odor impacts should be conducted for the following two situations:

• **Generators:** projects that would potentially generate odorous emissions proposed to locate near existing sensitive receptors or other land uses where people may congregate, and

³¹ San Joaquin Valley Air Pollution Control District (SJVAPCD). 2015. Guidance for Assessing and Mitigating Air Quality Impacts. Revised March 19, 2015. Website: http://www.valleyair.org/transportation/GAMAQI_3-19-15.pdf. Accessed May 1, 2023.

• **Receivers:** residential or other sensitive receptor projects or other projects built for the intent of attracting people located near existing odor sources.

Project as a Generator

Land uses that are typically identified as sources of objectionable odors include landfills, transfer stations, sewage treatment plants, wastewater pump stations, composting facilities, feed lots, coffee roasters, asphalt batch plants, and rendering plants. The Project would not engage in any of these activities. Therefore, the Project would not be considered a generator of objectionable odors during operations.

During construction, the various diesel-powered vehicles and equipment in use on-site would create localized odors. These odors would be temporary and would not likely be noticeable for extended periods of time beyond the Project's site boundaries.

Project as a Receptor

As a commercial development, the Project would not locate residential or other sensitive receptors. However, employees and visitors could be subject to existing sources of TACs at the Project site. With the *CBIA v. BAAQMD* ruling, analysis of odor impacts on receivers is not required for CEQA compliance unless the project would exacerbate the impact. As discussed above, the proposed Project would not be considered to be a generator of objectionable odors during operations. Therefore, the Project would not exacerbate any potential odor impacts and further analysis is not required.

The potential for diesel odor impacts would therefore be *less than significant*.

Mitigation Measures

None Required.

Cumulative Impacts

In analyzing cumulative impacts from the proposed Project, the analysis must specifically evaluate a project's contribution to the cumulative increase in pollutants of concern for the Air Basin. A project would be considered to have a significant cumulative impact if its contribution accounts for a significant proportion of the cumulative total emissions (i.e., it represents a "cumulatively considerable contribution" to the cumulative air quality impact). The geographic context for the analysis of cumulative impacts related to air quality is the Air Basin. The

SJVAPCD's attainment statuses are a result of cumulative emissions from all sources of these air pollutants and their precursors within the Air Basin. For pollutants that the Air Basin is designated as non-attainment for the CAAQS and NAAQS, a cumulative impact exists regardless of a project's incremental contribution. Significance thresholds established by the SJVAPCD are used to manage total regional and local emissions within the Air Basin based on the Air Basin's attainment status for criteria pollutants.

Cumulative impacts from the proposed Project are as follows:

- As identified in Impact 3.3-1, the Project would not conflict with the applicable air quality plans and impacts were demonstrated to be less than significant. Because the Project's contribution to the cumulative impact was determined to be less than significant, the impact is considered to be *less than cumulatively considerable*.
- Cumulative criteria pollutant impacts are discussed in Impact 3.3-2 and, within that analysis, the Project's contribution to cumulative impacts were demonstrated to be less than significant with mitigation incorporated. As such, cumulative impacts with mitigation are considered *less than cumulatively considerable*.
- As identified in Impact 3.3-3, after mitigation, the project would not exceed SJVAPCD localized emission daily screening levels for any criteria pollutant during construction and would not result in a significant impact for any criteria pollutant during operations. The project would not result in TAC emissions that could cause a significant health impact after incorporation of MM AIR-3a. The project is not a significant source of TAC emissions during operation. Therefore, the project would not result in significant impacts to sensitive receptors. As such, cumulative impacts, with mitigation, are considered *less than cumulatively considerable*.
- As identified in Impact 3.3-4, the Project would not result in other emissions such as odors. Therefore, evaluation of the information supports a finding that the Project's contribution would be *less than cumulatively considerable* under this impact because the proposed Project's local impact would be less than significant.

3.4 Biological Resources

This section of the DEIR addresses the biological resources that could be present within the proposed Project area. The section includes a discussion of the special-status species that may potentially occur within the proposed Project area as well as any sensitive habitats in the area. It

also recognizes the potential impacts of implementing the proposed Project on such resources and identifies mitigation measures, where appropriate. One NOP comment letter, from California Department of Fish and Wildlife, was received pertaining to this topic.

Environmental Setting

The Project site is located in a portion of the central San Joaquin Valley that has, for decades, experienced intensive agricultural and urban disturbances. Current agricultural endeavors in the region include orange groves, olive orchards and row crops.

Like most of California, the central San Joaquin Valley experiences a Mediterranean climate. Warm dry summers are followed by cool moist winters. Summer temperatures usually exceed 90 degrees Fahrenheit, and the relative humidity is generally very low. Winter temperatures rarely rise much above 70 degrees Fahrenheit, with daytime highs often below 60 degrees Fahrenheit. Annual precipitation within the Project site is about 10 inches, almost 85% of which falls between the months of October and March. Nearly all precipitation falls in the form of rain and stormwater readily infiltrates the soils of the site and surrounding sites.

Native plant and animal species once abundant in the region have become locally extirpated or have experienced large reductions in their populations due to conversion of upland, riparian, and aquatic habitats to agricultural and urban uses. Remaining native habitats are particularly valuable to native wildlife species including special status species that still persist in the region.

The 10.54-acre site currently consists of vacant land, entirely surrounded by urban development and regularly disked for weed control. A shopping center, single-family residences, and a permitted future hotel development lie to the west, commercial businesses and a shopping center to the south, SR 65 to the east, and single-family residences to the north. Hayes Field is less than one-quarter mile to the northeast across SR 65. No aquatic or wetland features occur on the Project site or the surrounding area according to the National Wetlands Inventory; ³² therefore, jurisdictional waters are absent from the site.

Regulatory Setting

Federal Regulations

³² U.S. Fish and Wildlife Service. National Wetlands Inventory. Surface Waters and Wetlands. <u>https://fwsprimary.wim.usgs.gov/wetlands/apps/wetlands-mapper/</u>. Accessed September, 2024.

Endangered Species Act

The United States Fish and Wildlife Service (USFWS) and the National Oceanographic and Atmospheric Administration's (NOAA) National Marine Fisheries Service (NMFS) enforce the provisions stipulated in the federal Endangered Species Act of 1973 (ESA, 16 United States Code [USC] § 1531 et seq.). Threatened and endangered species on the federal list (50 Code of Federal Regulations [CFR] 17.11 and 17.12) are protected from take unless a Section 10 permit is granted to an entity other than a federal agency or a Biological Opinion with incidental take provisions is rendered to a federal lead agency via a Section 7 consultation. Take is defined as harassing, harming, pursuing, hunting, shooting, wounding, killing, trapping, capturing, or collecting or attempting to engage in any such conduct in relation to a special status species. Pursuant to the ESA, an agency reviewing a proposed action within its jurisdiction must determine whether any federally listed species may be present in the proposed action area and determine whether the proposed action may affect such species. Under the ESA, habitat loss is considered an effect to a species. In addition, the agency is required to determine whether the proposed action is likely to jeopardize the continued existence of any species that is listed or proposed for listing under the ESA (16 USC § 1536[3], [4]). Therefore, proposed action-related effects to these species or their habitats would be considered significant and would require mitigation.

Migratory Bird Treaty Act

The federal Migratory Bird Treaty Act (MBTA) (16 USC § 703, Supp. I, 1989) prohibits killing, possessing, trading, or other forms of take of migratory birds except in accordance with regulations prescribed by the Secretary of the Interior. Under the MBTA "Take" is defined as the pursuing, hunting, shooting, capturing, collecting, or killing of birds, their nests, eggs, or young (16 USC § 703 and § 715n). This act encompasses whole birds, parts of birds, and bird nests and eggs. The MBTA specifically protects migratory bird nests from possession, sale, purchase, barter transport, import, and export, and take. For nests, the definition of take per 50 CFR 10.12 is to collect. The MBTA does not include a definition of an "active nest". However, the "Migratory Bird Permit Memorandum" issued by the USFWS in 2003 clarifies the MBTA in that regard and states that the removal of nests, without eggs or birds, is legal under the MBTA, provided no possession (which is interpreted as holding the nest with the intent of retaining it) occurs during the destruction.

U.S. Army Corps of Engineers Jurisdiction

Areas meeting the regulatory definition of "waters of the United States" (jurisdictional waters) are subject to the jurisdiction of the United States Army Corps of Engineers (USACE) under

provisions of Section 404 of the Clean Water Act (1972) and Section 10 of the Rivers and Harbors Act (1899). These waters may include all waters used, or potentially used, for interstate commerce, including all waters subject to the ebb and flow of the tide, all interstate waters, all other waters (intrastate lakes, rivers, streams, mudflats, sandflats, playa lakes, natural ponds, etc.), all impoundments of waters otherwise defined as waters of the United States, tributaries of waters otherwise defined as waters of the United States, and wetlands adjacent to waters of the United States (33 CFR part 328.3). Ditches and drainage canals where water flows intermittently or ephemerally are not regulated as waters of the United States.

Wetlands on non-agricultural lands are identified using the *Corps of Engineers Wetlands Delineation Manual* and related Regional Supplement.^{33,34} Construction activities, including direct removal, filling, hydrologic disruption, or other means in jurisdictional waters are regulated by the USACE. The placement of dredged or fill material into such waters must comply with permit requirements of the USACE. No USACE permit will be effective in the absence of State water quality certification pursuant to Section 401 of the Clean Water Act. The State Water Resources Control Board is the California agency (together with the Regional Water Quality Control Boards) charged with implementing water quality certification in California.

State Regulations

California Endangered Species Act

The California Endangered Species Act (CESA) of 1970 (Fish and Game Code Section 2050, et seq. and California Code of Regulations (CCR) Title 14, Sections 670.2, 670.51) prohibits the take of species listed under CESA (14 CCR Sections 670.2, 670.5). Take is defined as hunting, pursuing, catching, capturing, or killing or attempting to hunt, pursue, catch, capture, or kill a special status species. Under CESA, State agencies are required to consult with the California Department of Fish and Wildlife (CDFW) when preparing CEQA documents. Consultation ensures that proposed projects or actions do not have a negative impact on State-listed species. During consultation, CDFW determines whether take would occur and identifies "reasonable and prudent alternatives" for the project and conservation of special-status species. CDFW can authorize take of State-listed species under Fish and Game Code Sections 2080.1 and 2081(b) in

³³ United States Army Corps of Engineers (USACE). 1987. Corps of Engineers Wetlands Delineation Manual. Wetland Research Program Technical Report Y-87-1.

³⁴ United Sates Army Corps of Engineers (USACE). 2008. Regional Supplement to the Corps of Engineers Wetland Delineation Manual: Arid West Region (Version 2.0). ERDC/EL TR-08-28. https://www.nrcs.usda.gov/Internet/FSE_DOCUMENTS/stelprdb1046489.pdf. Accessed December 2024.

those cases where it is demonstrated that the impacts are minimized and mitigated. Take authorized under Section 2081(b) must be minimized and fully mitigated.

A CESA permit must be obtained if a project will result in take of listed species, either during construction of or over the life of the project. Under Fish and Game Code Section 2070, CDFW is responsible for maintaining a list of threatened and endangered species designated. CDFW also maintains lists of species of special concern, which serve as "watch lists". Pursuant to the requirements of CESA, a State or local agency reviewing a proposed project within its jurisdiction must determine whether the proposed project will have a potentially significant impact upon such species. Project-related impacts to species of concern or fully protected species would be considered significant under certain circumstances.

Native Plant Protection Act

The California Native Plant Protection Act of 1977 (Fish and Game Code Sections 1900–1913) requires all State agencies to use their authority to carry out programs to conserve endangered and otherwise rare species of native plants. Provisions of the act prohibit the taking of listed plants from the wild and require the project proponent to notify CDFW at least 10 days in advance of any change in land use, which allows CDFW to salvage listed plants that would otherwise be destroyed.

Nesting Birds

Fish and Game Code Sections 3503, 3503.5, and 3800 prohibit the possession, incidental take, or needless destruction of birds, their nests, and eggs. Fish and Game Code Section 3511 lists birds that are "Fully Protected" as those that may not be taken or possessed except under specific permits.

California Department of Fish and Wildlife Jurisdiction

The CDFW has regulatory jurisdiction over lakes and streams in California. Activities that divert or obstruct the natural flow of a stream; substantially change its bed, channel, or bank; or use any materials (including vegetation) from the streambed, may require that the project applicant enter into a Streambed Alteration Agreement with the CDFW in accordance with Fish and Game Code Section 1602.

California Environmental Quality Act

CEQA requires that CDFW be consulted during the CEQA review process regarding impacts of proposed projects on special-status species. Special-status species are defined under CEQA Guidelines Sections 15380(b) and (d) as those listed under the ESA and the CESA and species that are not currently protected by statute or regulation but would be considered rare, threatened, or endangered under these criteria or by the scientific community. Therefore, species considered rare or endangered are addressed in this biological resource evaluation regardless of whether they are afforded protection through any other statute or regulation. The California Native Plant Society (CNPS) inventories the native flora of California and ranks species according to rarity.³⁵

Although threatened and endangered species are protected by specific federal and State statutes, CEQA Guidelines Section 15380(d) provides that a species not listed on the federal or State list of protected species may be considered rare or endangered if it can be shown to meet certain specified criteria. These criteria have been modeled after the definition in the ESA and the section of the California Fish and Game Code dealing with rare and endangered plants and animals. Section 15380(d) allows a public agency to undertake a review to determine if a significant effect on species that have not yet been listed by either the USFWS or CDFW (i.e., candidate species) would occur. Thus, CEQA provides an agency with the ability to protect a species from the potential impacts of a project until the respective government agency has an opportunity to designate the species as protected, if warranted.

Porter-Cologne Act

The California State Water Resources Control Board (SWRCB) has determined in response to the U.S. Supreme Court decisions that reduce federal jurisdiction over Waters of the U.S., that the State would require that a Report of Waste Discharge be required for any discharge of waste, including fill, into "waters of the state", other than those projects requiring a federal Clean Water Act (CWA) Section 404 permit and the State's CWA Section 401 Certification of the federal permit, under the authority of the state Porter-Cologne Act. The Central Valley Regional Water Quality Control Board (Central Valley RWQCB) is responsible for issuing Waste Discharge Requirements (WDRs) to protect state surface and groundwater quality after reviewing a Report of Waste Discharge.

³⁵ California Native Plant Society, Rare Plant Program. 2022. Rare Plant Inventory (online edition, v9-01 1.5). <u>https://www.rareplants.cnps.org</u>. Accessed September, 2023.

Local

Porterville General Plan Policies

• OSC-G-7: Protect habitat for special status species, designated under State and federal law.

Thresholds of Significance

The thresholds of significance for this section are established by the CEQA Checklist Item. In accordance with Appendix G of the CEQA Guidelines, the proposed Project would have a significant environmental impact if it would:

- Have a substantial adverse effect, either directly or through habitat modifications, on any species identified as a candidate, sensitive, or special-status species in local or regional plans, policies, or regulations, or by the California Department of Fish and Game or the U.S. Fish and Wildlife Service;
- Have a substantial adverse effect on any riparian habitat or other sensitive natural community identified in local or regional plans, policies, or regulations, or by the California Department of Fish and Game or the U.S. Fish and Wildlife Service;
- Have a substantial adverse effect on state or federally-protected wetlands (including, but not limited to marsh, vernal pool, coastal, etc.) through direct removal, filling, hydrological interruption, or other means;
- Interfere substantially with the movement of any native resident or migratory fish or wildlife species or with established native resident or migratory wildlife corridors, or impede the use of native wildlife nursery site;
- Conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance;
- Conflict with the provisions of an adopted Habitat Conservation Plan, Natural Community Conservation Plan, or other approved local, regional, or state habitat conservation plan.

Impacts and Mitigation Measures

Impact 3.4-1: *Have a substantial adverse effect, either directly or through habitat modifications, on any species identified as a candidate, sensitive, or special-status species in local or regional plans, policies, or regulations, or by the California Department of Fish and Game or the U.S. Fish and Wildlife Service?*

Less Than Significant Impact with Mitigation. During the NOP public review period, the California Department of Fish and Wildlife (CDFW) submitted a comment letter which provided recommendations regarding potential onsite sensitive species. The analysis below is based off of the letter received from CDFW.

Based on aerial imagery and species occurrence records as documented in the California Natural Diversity Database (CNDDB), the proposed Project site has the potential to support special-status species (CDFW 2023). These resources may need to be evaluated and addressed prior to any approvals that would allow ground disturbing activities. CDFW provided comments regarding potential impacts to special-status species including, but not limited to, the State Threatened (ST) Swainson's hawk (*Buteo swainsoni*), the State candidate-listed as endangered (SCE) Crotch bumble bee (*Bombus crotchii*,), and the State species of special concern (SSC) American badger (*Taxidea taxus*).³⁶

Swainson's hawk

Swainson's hawks (SWHA) exhibit high nest-site fidelity year after year in the San Joaquin Valley. There was a SWHA occurrence approximately 2.5-miles west of Project limits in 2017.³⁷ Per Google Earth historical imagery, the proposed Project site habitat has been grassland and has frequently been disturbed since at least 1994. There was an orchard directly to the west until 2011 and by 2014, the site appears to have been graded/disturbed and still appears to contain grasslands. This habitat has the potential to contain insects, rodents, etc., that could serve as prey for this species. Trees that remain in the Project vicinity are located to the east, adjacent to SR 65.

The Project as proposed would involve noise, groundwork, and movement of workers that could affect nests and has the potential to result in nest abandonment, significantly impacting local nesting SWHA. Without appropriate avoidance and minimization measures for SWHA, potential significant impacts that may result from Project activities include nest abandonment, and reduced

³⁶ California Department of Fish and Wildlife – Notice of Preparation response letter dated July 12, 2023. See Appendix A.

³⁷ Ibid.

nesting success (loss or reduced health or vigor of eggs or young) from loss of foraging habitat. Implementation of BIO-1 and BIO-2 would reduce potential impacts to *less than significant*.

Crotch bumble bee

The Crotch bumble bee (CBB) has the potential to occur within the Project site. 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. 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.³⁸

Suitable CBB habitat includes areas of grasslands and upland scrub that contain requisite habitat elements, such as small mammal burrows, which may be present within Project limits. CBB primarily nest in late February through late October underground in abandoned small mammal burrows but may also nest under perennial bunch grasses or thatched annual grasses, under brush piles, in old bird nests, and in dead trees or hollow logs. Therefore, ground disturbance and vegetation removal associated with project activities have the potential to significantly impact local CBB populations. BIO-3 is required to reduce potential impacts to *less than significant*.

American badger

American badgers (AMBA) occupy sparsely vegetated land cover with dry, friable soils to excavate dens, which they use for cover, and that support fossorial rodent prey populations. Per Google aerial and Street View imagery (2023), the Project site appears to have been disturbed, and contains grassland habitat, which may support burrows and dens. There are also disturbed areas to the immediate west of the Project site.

Habitat loss is a primary threat to AMBA.³⁹ The Project will result in a high degree of land conversion and potential habitat fragmentation. As a result, ground-disturbing activities have the potential to significantly impact local populations of AMBA. BIO-4 will reduce potential impacts to *less than significant*.

Nesting birds

In addition to the three species discussed above, migratory birds could also be expected to nest on or near the Project site. Project implementation has the potential to impede the use of nursery

³⁸ California Department of Fish and Wildlife – Notice of Preparation response letter dated July 12, 2023. See Appendix A.

³⁹ California Department of Fish and Wildlife – Notice of Preparation response letter dated July 12, 2023. See Appendix A.

sites for native birds protected under the federal MBTA and the California Fish and Game Code. Disturbance associated with construction during the breeding season could result in the incidental loss of fertile eggs or nestlings or otherwise lead to nest abandonment. Disturbance that causes nest abandonment or loss of reproductive effort is considered "take" by the CDFW. Loss of fertile eggs or nestlings, or any activities resulting in nest abandonment, could constitute a significant impact if the species is particularly rare in the region. Construction activities that disturb a rare nesting bird on the site or immediately adjacent to the construction zone could constitute a significant impact. Implementation of BIO-4 would reduce potential impacts to *less than significant*.

Mitigation Measure:

- BIO-1 No sooner than 30 days prior to any ground disturbing activity, a qualified biologist shall conduct pre-construction surveys of nests in the Project area and determine if any are occupied. The pre-construction nest surveys shall follow the protocols set out in the Recommended Timing and Methodology for Swainson's Hawk Nesting Surveys in California's Central Valley (Swainson's Hawk Technical Advisory Committee [SHTAC] 2000). Any active Swainson's hawk nests (defined as a nest used one or more times in the last five years) found within 0.5-mile of the boundary of the Project site during the nesting season (February 1 to September 1) will be monitored daily by a qualified biologist to assess whether the nest is occupied. If the nest is occupied, the qualified biologist will establish no-work buffers following CDFW's Staff Report Regarding Mitigation for Impacts to Swainson's Hawks (Buteo swainsoni) in the Central Valley of California (CDFG 1994), and the status of the nest will be monitored until the young fledge or for the length of construction activities, whichever occurs first. Adjustments to the buffer(s) may be made in consultation with CDFW. If an occupied Swainson's hawk nest tree is to be removed, an incidental take permit under CESA will be obtained and impacts will be minimized and fully mitigated.
- BIO-2 Compensate for loss of Swainson's hawk foraging habitat (i.e., grasslands on the Project site). in accordance with the CDFW Staff Report Regarding Mitigation for Impacts to Swainson's Hawks (*Buteo swainsoni*) in the Central Valley of California. The CDFW requires that projects adversely affecting Swainson's hawk foraging habitat provide Habitat Management (HM) lands to the department. Projects within 1 mile of an active nest shall provide one acre of HM lands for each acre of development authorized (1:1 ratio). Projects within 5 miles of an active nest but

greater than 1 mile from the nest shall provide 0.75 acres of HM lands for each acre of urban development authorized (0.75:1 ratio). And projects within 10 miles of an active nest but greater than 5 miles from an active nest shall provide 0.5 acres of HM lands for each acre of urban development authorized (0.5:1 ratio). No compensation is required if an active nest is not found within 10 miles of the Project site.

- **BIO-3** A qualified biologist shall conduct focused surveys for Crotch Bumble Bee (CBB), and their requisite habitat features prior to Project implementation to evaluate impacts resulting from potential ground- and vegetation-disturbing activities. If surveys cannot be completed, all small mammal burrows and thatched/bunch grasses shall avoided by a minimum of 50 feet to avoid take. If ground-disturbing activities will occur during the overwintering period (October through February), consultation with CDFW is required to discuss how to implement Project activities. Any detection of CBB prior to or during Project implementation requires consultation with CDFW to discuss how to avoid take. If CBB is identified during surveys, consultation with CDFW is required to determine if the Project can avoid take. If take cannot be avoided, take authorization prior to any ground-disturbing activities may be warranted. Take authorization would occur through issuance of an Incidental Take Permit (ITP) by CDFW, pursuant to Fish and Game Code Section 2081 subdivision (b).
- **BIO-4** Prior to any ground disturbing activity, a qualified Biologist shall conduct preconstruction surveys for American Badger den sites within suitable habitat located within the Project site. These surveys shall be conducted no less than 14 days and no more than 30 days prior to the start of ground disturbing activities in the Project area. A qualified biologist shall establish a 100-foot no-work buffer around occupied maternity dens throughout the pup-rearing season (February 15 through July 1) and a 50- foot no-work buffer around occupied dens during other times of the year. If non-maternity dens are found and cannot be avoided during construction activities, they shall be monitored for badger activity. If the qualified biologist determines that dens may be occupied, passive den exclusion measures shall be implemented for three to five days to discourage the use of these dens prior to project disturbance activities.

BIO-5 Within 30 days prior to ground disturbance activities associated with construction or grading that would occur during the nesting/breeding season of native bird species potentially nesting on the site (typically March through August in the project region, or as determined by a qualified biologist), the applicant shall have weekly surveys conducted by a qualified biologist to determine if active nests of bird species protected by the MBTA and/or the California Fish and Game Code are present in the disturbance zone or within 300 feet (500 feet for raptors and special-status species) of the disturbance zone. The surveys shall continue on a weekly basis with the last survey being conducted no more than seven days prior to initiation of disturbance work. If ground disturbance activities are delayed, then additional pre-disturbance surveys shall be conducted such that no more than seven days will have elapsed between the survey and ground disturbance activities. If active nests are found, clearing and construction within 300 feet of the nest (500 feet for raptors and special-status species) shall be postponed or halted, at the discretion of the qualified biologist, until the nest is vacated and juveniles have fledged, as determined by the qualified biologist, and there is no evidence of a second attempt at nesting. Limits of construction to avoid an active nest shall be established in the field with flagging, fencing, or other appropriate barriers and construction personnel shall be instructed on the sensitivity of nest areas. The qualified biologist shall serve as a construction monitor during those periods when construction activities will occur near active nest areas to ensure that no inadvertent impacts on these nests occur. Results of the surveys shall be provided to CDFW in the Annual Mitigation Status Report.

Impact 3.4-2: Have a substantial adverse effect on any riparian habitat or other sensitive natural community identified in local or regional plans, policies, or regulations, or by the California Department of Fish and Game or the U.S. Fish and Wildlife Service?

No Impact. The proposed Project site is currently vacant and regularly disked for weed control, which precludes the presence of a sensitive natural community. According to the National Wetlands Inventory, there are no waterways, or riparian habitats on site.⁴⁰ Therefore, Project

⁴⁰ U.S. Fish and Wildlife Service. National Wetlands Inventory. Surface Waters and Wetlands. <u>https://fwsprimary.wim.usgs.gov/wetlands/apps/wetlands-mapper/</u>. Accessed December 2022.

implementation would have no impact on riparian habitat, or any other sensitive natural community. There is *no impact*.

Mitigation Measures

None are required.

Impact 3.4-3: *Have a substantial adverse effect on federally or state-protected wetlands (including, but not limited to marsh, vernal pool, coastal, etc.) through direct removal, filling, hydrological interruption, or other means?*

No Impact. According to the National Wetlands Inventory⁴¹, no wetlands occur in or near the Project site. There are *no impacts*.

Mitigation Measure:

None are required.

Impact 3.4-4: Interfere substantially with the movement of any native resident or migratory fish or wildlife species or with established native resident or migratory wildlife corridors, or impede the use of native wildlife nursery site?

Less Than Significant Impact with Mitigation. The proposed Project site does not contain features likely to function as wildlife movement corridors as the site is completely surrounded by urban development. However, migratory birds may nest on and near the Project site. BIO-5 discussed above would reduce potential impacts to migratory birds to *less than significant*.

Mitigation Measure:

See BIO-5.

⁴¹ U.S. Fish and Wildlife Service. National Wetlands Inventory. Surface Waters and Wetlands. <u>https://fwsprimary.wim.usgs.gov/wetlands/apps/wetlands-mapper/</u>. Accessed December 2022.

Impact 3.4-5: Conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance?

Less Than Significant Impact. The City of Porterville's General Plan includes various policies for the protection of biological resources. The proposed Project would not conflict with any of the adopted policies and any impacts would be considered *less than significant*.

Mitigation Measures:

None are required.

Impact 3.4-6: *Conflict with the provisions of an adopted Habitat Conservation Plan, Natural Community Conservation Plan, or other approved local, regional, or state habitat conservation plan?*

Less Than Significant Impact. Several conservation and recovery plans apply to land in the City, including the Recovery Plan for Upland Species of the San Joaquin Valley and the Valley Elderberry Longhorn Beetle Habitat Conservation Plan. A review of Figure 6-4 (Special Status Species and Sensitive Vegetation) in the City of Porterville's General Plan indicates the Project site is not within an area set aside for the conservation of habitat or sensitive plant or animal species pursuant to such plans. The nearest area is the Valley Elderberry Longhorn Beatle Conservation Area, located over five miles to the east along the Tule River within the Yaudanchi Ecological Reserve. As such, any impacts would be *less than significant*.

Mitigation Measures:

None are required.

Cumulative Impacts

Would the Project make a cumulatively considerable contribution to a significant cumulative impact related to biological resources?

Less Than Cumulatively Considerable. The scope for considering cumulative impacts to biological resources are the geographic the San Joaquin Valley. Mitigation measures associated with this topic are included to ensure that potential impacts to biological resources remains less than significant at a project level. Cumulative development would result in the conversion of existing potential habitat to urban uses. Both the City's and County's General Plan EIR, in
addition to regional, State and federal regulations, include policies and measures that mitigate impacts to biological resources associated with future development.

As described in this impact section, the Project will involve construction of multiple commercial use buildings, totaling approximately 92,060 square feet. The Project site could provide habitat for migratory birds in addition to special-status species such as Swainson's hawk, Crotch bumble bee and American badger. However, implementing Mitigation Measures BIO-1 through BIO-5 would reduce any impacts to less than significant, resulting in a less than considerable contribution to cumulative impacts. As development occurs in the region, the City and County will review projects on a case-by-case basis at the time each is considered for approval. Most projects in the region would generally occur within or around urban areas that have either been previously disturbed or are near existing urban development. However, some future projects may occur on undeveloped portions of the City and County that could result in potential impacts to biological resources. These projects would likely be required to implement mitigation measures in order to reduce these potential impacts to less than significant levels. Compliance with applicable State and federal permit requirements for these resources would be required for all future projects, which would ensure that these projects would not significantly affect sensitive biological resources or contribute to a cumulatively significant impact to such resources in the area.

Implementation of the proposed Project, with mitigation, would not make a cumulatively considerable contribution to any significant impact to biological resources. Impacts are *less than cumulatively considerable* with implementation of Mitigation Measures BIO-1 through BIO-5.

3.5 Cultural Resources

This section of the DEIR identifies potential impacts of the proposed Project on cultural, archaeological and historical resources.

Cultural resources include prehistoric-era archaeological sites, historic-era archaeological sites, Native American traditional cultural properties, sites of religious and cultural significance, and historical buildings, structures, objects, and sites. The importance of any single cultural resource is defined by the context in which it was first created, current public opinion and modern yet evolving analysis. From the analytical perspective temporal and geographic considerations help to define the historical context of the Project area.

A search of the California Historical Resources Information System was conducted for the Project (see Appendix C). Tribal consultations pursuant to SB 18 and AB 52 are addressed in Section 3.18 – Tribal Cultural Resources.

Environmental Setting

Archaeological resources are places where human activity has measurably altered the earth or left deposits of physical remains. Archaeological resources may be either prehistoric (before the introduction of writing in a particular area) or historic (after the introduction of writing). The majority of such places in this region are associated with either Native American or Euroamerican occupation of the area. The most frequently encountered prehistoric and early historic Native American archaeological sites are village settlements with residential areas and sometimes cemeteries; temporary camps where food and raw materials were collected; smaller, briefly occupied sites where tools were manufactured or repaired; and special-use areas like caves, rock shelters, and sites of rock art. Historic archaeological sites may include foundations or features such as privies, corrals, and trash dumps.

The City of Porterville and Tulare County were inhabited by indigenous California Native American groups consisting of the Southern Valley Yokuts, Foothill Yokuts, Monache, and Tubatulabal. Most information regarding these groups is based on Spanish government and Franciscan mission records of the 18th and 19th centuries, and in studies conducted during the 1900s to 1930s by American and British ethnographers. The ethnographic setting presented below is derived from the early works, compiled by W. J. Wallace, Robert F.G. Spier, and Charles R. Smith, with statistical information provided by the California Native American Heritage Commission.

Of the four main groups inhabiting the Tulare County area, the Southern Valley Yokuts occupied the largest territory, which is defined roughly by the crest of the Diablo Range on the west and the foothills of the Sierra Nevada on the east, and from the Kings River on the north, to the Tehachapi Mountains on the south. The Foothill Yokuts inhabited the western slopes of the Sierra Nevada, between the Fresno River and Kern River, with settlements generally occurring between the 2,000 to 4,000-foot elevations. The Tubatulabal inhabited the Sierra Nevada Mountains, at the higher elevations, near Mt. Whitney in the east, extending westward along the drainages of the Kern River, and the Kern River-South Fork. The Monache were comprised of six small groups that lived in the Sierra east of the Foothill Yokuts, in locations ranging between 3,000-to 7,000-foot elevations.

A records search of the site files and maps was conducted at the Southern San Joaquin Valley Archaeological Information Center, California State University, Bakersfield (see Appendix C). These investigations determined that there were no previous cultural resource studies performed within the Project area and there have been six cultural resources studies performed within a onehalf mile radius. There are no recorded resources within the Project area or within the one-half mile radius.

Regulatory Setting

Federal Regulations

National Historic Preservation Act (1966)

The National Historic Preservation Act (NHPA) is the most prominent federal law regulating historic preservation. The NHPA established guidelines to "preserve important historic, cultural, and natural aspects of our national heritage, and to maintain, wherever possible, an environment that supports diversity and a variety of individual choice". The NHPA includes regulations specifically for federal land-holding agencies, but also includes regulations (Section 106) which pertain to all projects that are funded, permitted, or approved by any federal agency and which have the potential to affect cultural resources. All projects that are subject to the National Environmental Policy Act (NEPA) are also subject to compliance with Section 106 of the NHPA and the NEPA requirements concerning cultural resources can be addressed through compliance with Section 106 of the NHPA process.

Provisions of NHPA establish a National Register of Historic Places (The National Register) maintained by the National Park Service, the Advisory Council on Historic Preservation, Office

of Historic Preservation, and grants-in-aid programs. At the federal level, California's State Historic Preservation Officer (SHPO) carries out reviews under Section 106 of the National Historic Preservation of 1966, as amended.

State of California Regulations

In the State of California, the process of reviewing projects and decisions that may impact cultural resources including historic, archaeological, and paleontological resources is conducted under several different federal, State, and local laws. CEQA requires that public agencies consider the effects of their actions on historical resources eligible for listing on the California Register of Historical Resources.

Additionally, California Public Resources Code 5024 requires consultation with SHPO when a project may impact historical resources located on State-owned land. California State law (SB 18) requires cities and counties to notify and consult with California Native American Tribes about proposed local land use planning decisions for the purpose of protecting Traditional Tribal Cultural Places ("cultural places").

California Register of Historic Resources (CRHR)

California State law also provides for the protection of cultural resources by requiring evaluations of the significance of prehistoric and historic resources identified in CEQA documents. Under CEQA, a cultural resource is considered an important historical resource if it meets any of the criteria found in Section 15064.5(a) of the CEQA Guidelines. Criteria identified in the CEQA Guidelines are similar to those described under the NHPA. The Office of Historic Preservation maintains the CRHR. Historic properties listed, or formally designated for eligibility to be listed, on The National Register are automatically listed on the CRHR. State Landmarks and Points of Interest are also automatically listed.

The CRHR can also include properties designated under local preservation ordinances or identified through local historical resource surveys.

Human Remains - Health and Safety Code, Section 7050.5

Section 7050.5 of the California Health and Safety Code requires that construction or excavation be stopped in the vicinity of discovered human remains until the county coroner can determine whether the remains are those of a Native American. If the remains are determined to be Native American, the coroner must contact the California Native American Heritage Commission (NAHC). CEQA Guidelines (Public Resources Code Section 5097) specify the procedures to be followed in case of the discovery of human remains on non-federal land. The disposition of Native American burials falls within the jurisdiction of the NAHC.

California Government Code 65352.3-5, Local Government – Tribal Consultation California Government Code Sections 65092, 65351, 65352, 65352.3 and 65352.4, formally known as Senate Bill (SB) 18.

These regulations regulate the consultation with California Native American tribes having traditional lands located within the jurisdiction of cities and counties. The intent of the legislation is to provide all California Native American tribes that are on the contact list maintained by the NAHC, an opportunity to consult with local governments for the purpose of preserving and protecting their sacred places. Such consultations apply to the preparation, adoption and amendment of general plans.

The NOP, which briefly describing the proposed Project, including a map of the Project area, was sent to the State Clearinghouse which notifies the NAHC of the opportunity to comment on the proposed Project. In a letter dated June 16, 2023 NAHC recommended notifying Tribes pursuant to AB 52 and SB 18. As mentioned, this is discussed under Tribal Cultural Resources.

California Historical Resources Information System (CHRIS)

The California Historical Resources Information System (CHRIS) is a statewide system for managing information on the full range of historical resources identified in California. The CHRIS is a cooperative partnership between the citizens of California, historic preservation professionals, twelve Information Centers, and various agencies. This system bears the following responsibilities: integrating newly recorded sites and information on known resources into the California Historical Resources Inventory; furnishing information on known resources and surveys to governments, institutions, and individuals who have a justifiable need to know; and supplying a list of consultants who are qualified to do work within their area.

Typically, the initial step in addressing cultural resources in the project review process involves contacting the appropriate Information Center to conduct a record search. A record search should identify any previously recorded historical resources and previous archaeological studies within the project area, as well as provide recommendations for further work, if necessary. Depending on the nature and location of the project, the project proponent or lead agency may be required to contact appropriate Native American representatives to aid in the identification of traditional cultural properties.

If known cultural resources are present within the project area, or if the project area has not been previously investigated for the presence of such resources, the Information Center may

recommend a survey for historical, archaeological, and paleontological sites. Cultural resources that may be adversely affected by an undertaking should be evaluated for significance. For archaeological sites, a significance evaluation typically involves conducting test excavations. For historical sites or standing structures, historical research should be conducted and an architectural evaluation may be warranted. If significant, the resource should be protected from adverse impacts. Data recovery excavations may be warranted in the case of unavoidable damage to archaeological sites. If human burials are present, the appropriate coroner's office should be contacted. A professional archaeologist and appropriate Native American representatives should also be consulted.

When an initial study identifies the existence, or the probable likelihood, of Native American human remains within the project site, a lead agency shall work with the appropriate Native American tribe as identified by the NAHC as provided in Public Resources Code 5097.98. The applicant may develop an agreement for treating or disposing of, with appropriate dignity, the human remains and any items associated with Native American burials with the appropriate Native Native Americans as identified by the NAHC.

California Environmental Quality Act (CEQA)

Under CEQA, lead agencies must analyze impacts to cultural resources. Significant impacts under CEQA occur when "historically significant" or "unique" cultural resources are adversely affected, which occurs when such resources could be altered or destroyed through project implementation. Historically significant cultural resources are defined by eligibility for or by listing in the CRHR. In practice, the federal NRHP criteria for significance applied under Section 106 are generally (although not entirely) consistent with CRHR criteria (see PRC Section 5024.1, Title 14 CCR, Section 4852 and Section 15064.5(a)(3)). In addition, pursuant to CEQA and Public Resources Code § 21084.1, historical resources included on a local register or otherwise determined locally to be historically significant shall also be considered.

Local Regulations

Porterville General Plan Goals and Policies

- OSC-G-11: Identify and protect archaeological, paleontological, and historic resources.
- OSC-I-73: Require that new development analyze and avoid any potential impacts to archaeological, paleontological, and historic resources by:

- Requiring a records review for development proposed in areas that are considered archaeologically sensitive, including hillsides and near the Tule River;
- Studying the potential effects of development and construction (as required by CEQA);
- Developing, where appropriate, mitigation measures to minimize potential impacts; and Implementing appropriate measures to avoid the identified impacts.

Thresholds of Significance

In accordance with Appendix G to the State CEQA Guidelines, the project would have a significant impact on cultural resources if it would cause any of the following conditions to occur:

- Cause a substantial adverse change in the significance of a historical resource pursuant to §15064.5; or
- Cause a substantial adverse change in the significance of an archaeological resource pursuant to §15064.5; or
- Disturb any human remains, including those interred outside of dedicated cemeteries.

Under CEQA, significant cultural resources are those archaeological resources and historical properties that:

- Are associated with events that have made a significant contribution to the broad patterns of California's history and cultural heritage;
- Are associated with the lives of persons important in our past;
- Embody the distinctive characteristics of a type, period, region, or method of construction, or represent the work of an important creative individual, or possess high artistic values; or
- Have yielded, or may be likely to yield, information important in prehistory or history.

Unique resources under CEQA, in slight contrast, are those that represent:

An archaeological artifact, object, or site about which it can be clearly demonstrated that, without merely adding to the current body of knowledge, there is a high probability that it meets any of the following criteria:

- 1. Contains information needed to answer important scientific research questions and that there is a demonstrable public interest in that information.
- 2. Has a special and particular quality such as being the oldest of its type or the best available example of its type.
- 3. Is directly associated with a scientifically recognized important prehistoric or historic event or person (Public Resources Code [PRC] § 21083.2(g)).

Preservation in place is the preferred approach under CEQA to mitigating adverse impacts to significant or unique cultural resources.

Impacts and Mitigation Measures

Impact 3.5-1: *Cause a substantial adverse change in the significance of a historical resource pursuant to §*15064.5?

Less than Significant Impact with Mitigation.

Archival Records Search

An archival records search was conducted by the staff of the Southern San Joaquin Valley Information Center (SSJVIC), California State University Bakersfield, on June 8, 2020. The records search was completed to determine: (i) if prehistoric or historical archaeological sites had previously been recorded within the study areas; (ii) if the Project area had been systematically surveyed by archaeologists prior to the initiation of this field study; and/or (iii) whether the general area within which the Project lies was known to contain archaeological sites and to thereby be archaeologically sensitive. Records examined included archaeological site files and maps, the NRHP, Historic Property Data File, California Inventory of Historic Resources, and the California Points of Historic Interest.

The records search conducted at the SSJVIC (Appendix C) indicated that there are no recorded cultural resources within the Project area and there are six previous studies within the one-half mile. There are no recorded cultural resources within the Project area or within ½ mile that are listed in the NRHP, the CRHR, the California Points of Historical Interest, California Inventory of Historic Resources, or the California State Historic Landmarks.

Subsurface construction activities associated with the proposed Project could potentially damage or destroy previously undiscovered historic resources. This is considered a potentially significant impact; however, implementation of Mitigation Measure CUL-1 will ensure that significant impacts remain *less than significant with mitigation incorporation*.

Mitigation Measure:

- **CUL-1** The following measures shall be implemented:
 - Before initiation of construction or ground-disturbing activities associated with the Project, the City shall require all construction personnel to be alerted to the possibility of buried cultural resources, including historic, archeological and paleontological resources;
 - The general contractor and its supervisory staff shall be responsible for monitoring the construction Project for disturbance of cultural resources; and
 - If a potentially significant historical, archaeological, or paleontological resource, such as structural features, unusual amounts of bone or shell, artifacts, human remains, or architectural remains or trash deposits are encountered during subsurface construction activities (i.e., trenching, grading), all construction activities within a 100-foot radius of the identified potential resource shall cease until a qualified archaeologist evaluates the item for its significance and records the item on the appropriate State Department of Parks and Recreation (DPR) forms. The archaeologist shall determine whether the item requires further study. If, after the qualified archaeologist conducts appropriate technical analyses, the item is determined to be significant under California Environmental Quality Act, the archaeologist shall recommend feasible mitigation measures, which may include avoidance, preservation in place or other appropriate measure, as outlined in Public Resources Code Section 21083.2. The City of Porterville shall implement said measures.

Impact 3.5-2: *Cause a substantial adverse change in the significance of an archaeological resource pursuant to* §15064.5?

Less than Significant Impact with Mitigation. The possibility exists that subsurface construction activities may encounter undiscovered archaeological resources. This would be a potentially significant impact. Implementation of Mitigation Measure CUL-1 would require implementation of practices for inadvertent discoveries should previously undiscovered archeological resources be located. As such, impacts to undiscovered archeological resources would be *less than significant with mitigation incorporation.*

Mitigation Measure:

CUL-1

Impact 3.5-3: Disturb any human remains, including those interred outside of formal cemeteries?

Less Than Significant With Mitigation. California Health and Safety Code Section 7050.5, CEQA Section 15064.5, and Public Resources Code Section 5097.98 mandate the process to be followed in the event of an accidental discovery of any human remains in a location other than a dedicated cemetery. Specifically, California Health and Safety Code Section 7050.5 requires that in the event that human remains are discovered within a project site, disturbance of the site shall remain halted until the coroner has conducted an investigation into the circumstances, manner and cause of any death, and the recommendations concerning the treatment and disposition of the human remains have been made to the person responsible for the excavation, or to his or her authorized representative, in the manner provided in Section 5097.98 of the Public Resources Code. If the coroner determines that the remains are not subject to his or her authority and if the coroner recognizes or has reason to believe the human remains to be those of a Native American, he or she shall contact, by telephone within 24 hours, the NAHC. Although soil-disturbing activities associated with development in accordance with the proposed project could result in the discovery of human remains, compliance with existing law would ensure that impacts to human remains would not be significant.

Project development would occur on existing disturbed lands; however, further disturbance could potentially uncover human remains. This would be a potentially significant impact. However, mitigation measure CUL-2 included herein will reduce the impact to a *less than significant* level.

Mitigation Measures:

CUL – 2: In order to ensure that the proposed Project does not impact buried human remains during Project construction, the Project proponent shall be responsible for on-going monitoring of Project construction. Prior to the issuance of any grading permit, the Project proponent shall provide the City with documentation identifying construction personnel that will be responsible for on-site monitoring. If buried human remains are encountered during construction, further excavation or disturbance of the site or any nearby area reasonably suspected to overlie adjacent remains shall be halted until the Tulare County coroner is contacted and the coroner has made the determinations and notifications required pursuant to Health and Safety Code Section 7050.5. If the coroner determines that Health and

Safety Code Section 7050.5(c) require that he give notice to the Native American Heritage Commission, then such notice shall be given within 24 hours, as required by Health and Safety Code Section 7050.5(c). In that event, the NAHC will conduct the notifications required by Public Resources Code Section 5097.98. Until the consultations described below have been completed, the landowner shall further ensure that the immediate vicinity, according to generally accepted cultural or archaeological standards or practices where Native American human remains are located, is not disturbed by further development activity until the landowner has discussed and conferred with the Most Likely Descendants on all reasonable options regarding the descendants' preferences and treatments, as prescribed by Public Resources Code Section 5097.98(b). The NAHC will mediate any disputes regarding treatment of remains in accordance with Public Resources Code Section 5097.94(k). The landowner shall be entitled to exercise rights established by that provision become applicable

Cumulative Impacts

Would the Project make a cumulatively considerable contribution to a significant cumulative impact related to cultural resources?

Less Than Cumulatively Considerable. The scope for considering cumulative impacts to cultural resources the San Joaquin Valley.. Development in Tulare County and the San Joaquin Valley has likely resulted in the loss or degradation of historic and/or archaeological resources. As discussed above, implementation of mitigation measures will ensure that Project implementation avoids and/or minimizes a cumulative loss of these resources if they are found during Project activities. Implementation of the proposed Project, with mitigation, would not make a cumulatively considerable contribution to any significant impact to cultural resources. Impacts are less than cumulatively considerable with implementation of Mitigation Measures CUL-1 and CUL-2.

3.6 Energy

This section of the DEIR analyzes the Project's potential impacts on energy resources. The information and analysis presented in this section is based on the AQGGEA prepared for this Project by Johnson, Johnson & Miller Air Quality Consulting. The full AQGGEA report can be reviewed in Appendix B. No NOP comments were received pertaining to energy.

Environmental Setting

Electricity

Electricity as a consumptive utility is a man-made resource. The production of electricity requires the consumption or conversion of energy resources, including water, wind, oil, gas, coal, solar, geothermal, and nuclear resources, into energy. The delivery of electricity involves a number of system components, including substations and transformers that lower transmission line power (voltage) to a level appropriate for on-site distribution and use. The electricity generated is distributed through a network of transmission and distribution lines commonly called a power grid. Conveyance of electricity through transmission lines is typically responsive to market demands.

Energy Usage

Energy usage is typically quantified using the British Thermal Unit (BTU). Total energy consumption in California was approximately 7,360 trillion BTU in 2021 (the most recent year for which this specific data is available), which equates to an average of 189 million BTU per capita.⁴² Of California's total energy usage, the breakdown by sector is 37.8 percent transportation, 23.2 percent industrial, 19.0 percent commercial, and 20.0 percent residential.⁴³ Electricity and natural gas in California are generally consumed by stationary users such as residences and commercial and industrial facilities, whereas petroleum consumption is generally accounted for by transportation-related energy use.

While BTUs measure total energy usage, electricity is generally measured in kilowatt-hours (kWh) which is the standard billing unit for energy delivered to consumers by electrical utilities.

⁴² U.S. Energy Information Administration, California State Profile and Energy Estimates. https://www.eia.gov/state/print.php?sid=CA. Accessed December 2024.

⁴³ Ibid.

The electricity consumption attributable to Tulare County from 2012 to 2022 is shown in Table 3.6-1. As indicated, energy consumption in Tulare County varied approximately 30 percent over the last 10 years but is trending upwards.

Year	Electricity Consumption (in millions of KWh)
2012	4,136
2013	4,317
2014	4,492
2015	4,477
2016	4,363
2017	4,244
2018	4,438
2019	4,249
2020	4,643
2021	4,878
2022	4,958

Table 3.6-1Electricity Consumption in Tulare County 2012 – 202244

<u>Natural Gas</u>

Natural gas is a combustible mixture of simple hydrocarbon compounds (primarily methane) that is used as a fuel source. Natural gas consumed in California is obtained from naturally occurring reservoirs, mainly located outside the State, and delivered through high-pressure transmission pipelines. The natural gas transportation system is a nationwide network, and, therefore, resource availability is typically not an issue. Natural gas provides almost one-third of the state's total energy requirements and is used in electricity generation, space heating, cooking, water heating, industrial processes, and as a transportation fuel.

Natural gas is provided to the Project area by Southern California Gas. The natural gas consumption attributable to Tulare County from 2012 to 2022 is provided in Table 3.6-2. Natural gas consumption in Tulare County varied approximately 13 percent over the 10-year span.

⁴⁴ California Energy Commission. Energy Reports. Electricity Consumption by County. <u>https://ecdms.energy.ca.gov/elecbycounty.aspx</u>. Accessed December 2024.

Year	Natural Gas Consumption (in millions of BTU)
2012	158
2013	158
2014	151
2015	149
2016	151
2017	150
2018	157
2019	155
2020	159
2021	168
2022	165

Table 3.6-2

Natural Gas Consumption in Tulare County 2012 – 2022⁴⁵

Transportation Energy

According to the U.S. Energy Administration, transportation accounted for approximately 37.8 percent of California's total energy consumption in 2021.⁴⁶ California is the largest consumer of jet fuel and second-largest consumer of motor gasoline among the 50 states. California has the highest number of motor vehicles registered and vehicle miles than any other state.⁴⁷

According to the Board of Equalization (BOE), statewide taxable sales figures estimate a total of 181 million gallons of gasoline and 70 million gallons of diesel fuel were sold in Tulare County in 2022.⁴⁸

⁴⁵ California Energy Commission. Energy Reports. Gas Consumption by County. <u>http://www.ecdms.energy.ca.gov/gasbycounty.aspx</u> Accessed December 2024.

 ⁴⁶ U.S. Energy Information Administration, California State Profile and Energy Estimates. <u>https://www.eia.gov/state/print.php?sid=CA</u>. Accessed December 2024.
⁴⁷ Ibid.

⁴⁸ California Energy Commission. California Retail Fuel Outlet Annual Reporting (CEC-A15) Results. <u>https://www.energy.ca.gov/media/3874</u> Accessed December 2024.

Regulatory Setting

Federal Regulations

Federal Energy Policy and Conservation Act

In 1975, Congress enacted the Energy Policy and Conservation Act, which established the first fuel economy standards for on-road motor vehicles in the United States. Pursuant to the act, the National Highway Traffic Safety Administration (NHTSA) is responsible for establishing additional vehicle standards.

Energy Independence and Security Act (EISA) of 2007

This act set increased Corporate Average Fuel Economy (CAFE) standards for motor vehicles and includes the following provisions related to energy efficiency:

- Renewable fuel standards (RFS)
- Appliance and lighting efficiency standards
- Building energy efficiency

This act requires increasing levels of renewable fuels to replace petroleum. The EPA is responsible for developing and implementing regulations to ensure transportation fuel sold into the United States contains a minimum volume of renewable fuel.

The RFS program's regulations were developed in collaboration with refiners, renewable fuel products, and other stakeholders and were created under the Energy Policy Act of 2005. The RFS program established the first renewable fuel volume mandate in the United States. As required under the act, the original RFS program required 7.5 billion gallons of renewable fuel to be blended into gasoline by 2012. Under the act, the RFS program was expanded in several key ways that laid the foundation for achieving significant reductions of GHG emissions through the use of renewable fuels, for reducing imported petroleum, and for encouraging the development and expansion of the nation's renewable fuels sector. The updated program is referred to as RFS2 and includes the following:

- EISA expanded the RFS program to include diesel, in addition to gasoline;
- EISA increase the volume of renewable fuel required to be blended into transportation fuel from 9 billion gallons in 2008 to 36 billion gallons by 2022;
- EISA established new categories of renewable fuel and set separate volume requirements for each one; and

• EISA required by the EPA to apply lifecycle GHG performance threshold standards to ensure that each category of renewable fuel emits fewer GHGs than the petroleum fuel it replaces.⁴⁹

Additional provisions of the EISA address energy savings in government and public institutions, promoting research for alternate energy, additional research in carbon capture, international energy programs, and the creation of "green jobs."

Federal Vehicle Standards

The CAFE law, first introduced in 1975, has become more stringent over time. In 2009, the NHTSA issued a final rule regulating fuel efficiency and GHG emissions from cars and light-duty trucks for model year 2011; and, in 2010, the EPA and NHTSA issued a final rule regulating cars and light-duty trucks for model years 2012–2016.

In 2010, President Obama issued a memorandum directing the Department of Transportation, Department of Energy, EPA, and NHTSA to establish additional standards regarding fuel efficiency and GHG reduction, clean fuels, and advanced vehicle infrastructure. In response to this directive, the EPA and NHTSA proposed stringent, coordinated federal GHG and fuel economy standards for model years 2017–2025 light-duty vehicles. The proposed standards projected to achieve 163 grams per mile of carbon dioxide (CO₂) in model year 2025, on an average industry fleetwide basis, which is equivalent to 54.5 miles per gallon if this level were achieved solely through fuel efficiency. The final rule was adopted in 2012 for model years 2017–2021, and NHTSA intends to set standards for model years 2022–2025 in a future rulemaking.

In addition to the regulations applicable to cars and light-duty trucks described above, in 2011, the EPA and NHTSA announced fuel economy and GHG standards for medium- and heavyduty trucks for model years 2014 – 2018. The standards for CO₂ emissions and fuel consumption are tailored to three main vehicle categories: combination tractors, heavy-duty pickup trucks and vans, and vocational vehicles. According to the EPA, this regulatory program will reduce GHG emissions and fuel consumption for the affected vehicles by 6 to 23 percent over the 2010 baselines.

In August 2016, the EPA and NHTSA announced the adoption of the phase two program related to the fuel economy and GHG standards for medium- and heavy-duty trucks. The phase two program will apply to vehicles with model year 2018-2027 for certain trailers, and model years 2021-2027 for semi-trucks, large pickup trucks, vans, and all types and sizes of buses and work

⁴⁹ U.S. EPA. Renewable Fuel Standard Program. Overview for Renewable Fuel Standard. <u>https://www.epa.gov/renewable-fuel-standard-program/overview-renewable-fuel-standard.</u> Accessed December 2024.

trucks. The final standards are expected to lower CO2 emissions by approximately 1.1 billion Metric Tons and reduce oil consumption by up to 2 billion barrels over the lifetime of the vehicles sold under the program.⁵⁰

In August 2018, the EPA and NHTSA released a notice of proposed rulemaking called Safer Affordable Fuel-Efficient (SAFE) Vehicles Rule for Model Years 2021-2026 Passenger Cars and Light Trucks (SAFE Vehicles Rule). This rule would modify the existing CAFE standards and tailpipe carbon dioxide emissions standards for passenger cars and light trucks, and establish new standards covering model years 2021-2026. SAFE standards are expected to uphold model year 2020 standards through 2026.⁵¹

State of California Regulations

Integrated Energy Policy Report

SB 138 (Bowen Chapter 568, Statues of 2002) requires the CEC to prepare a biennial integrated energy policy report that assesses major energy trends and issues facing the State's electricity, natural gas, and transportation fuel sectors and provides policy recommendations to conserve resources; protect the environment; ensure reliable, secure, and diverse energy supplies; enhance the State's economy; and protect public and safety (Public Resources Code §25301(a)).

The 2021 Integrated Energy Policy Report (IEPR) was adopted in March 2022, and continues to work towards improving electricity, natural gas, and transportation fuel energy use in California.⁵² The IEPR provides the results of the CEC's assessments of energy issues facing the state. The IEPR discusses building decarbonization, energy reliability, decarbonizing California's gas system, and the State's energy demand forecast.

State of California Energy Plan

The CEC is responsible for preparing the State Energy Plan, which identifies emerging trends related to energy supply, demand, conservation, public health and safety, and the maintenance of a healthy economy. The plan calls for the State to assist in the transformation of the transportation system to improve air quality, reduce congestion, and increase the efficient use of

⁵⁰ U.S. Department of Transportation. Briefing Room. EPA and DOT Finalize Greenhouse Gas and Fuel Efficiency Standards for Heavy-Duty Trucks. <u>https://www.transportation.gov/briefing-room/epa-and-dot-finalize-greenhouse-gas-and-fuel-efficiencystandards-heavy-duty-trucks</u>. Accessed December 2024.

⁵¹ U.S. Department of Transportation. SAFE. The Safer Affordable Fuel-Efficient 'SAFE' Vehicles Rule. <u>https://www.nhtsa.gov/corporate-average-fuel-economy/safe</u>. Accessed December 2024.

⁵² California Energy Commission. 2021 Integrated Energy Policy Report Update. <u>https://www.energy.ca.gov/data-reports/reports/integrated-energy-policy-report/2021-integrated-energy-policy-report</u>. Accessed December 2024.

fuel supplies with the least environmental end energy costs. To further this policy, the plan identifies a number of strategies, including assistance to public agencies and fleet operators and encouragement of urban designs that reduce vehicle miles traveled and accommodate pedestrian and bicycle access.

California's Energy Efficiency Standards for Residential and Nonresidential Buildings (Title 24)

Part 6 of the Title 24 refers to California's Energy Efficiency Standards for Residential and Nonresidential Buildings which was first adopted in 1978 in response to a legislative mandate to reduce energy consumption in California. Although not originally intended to reduce GHG emissions, increased energy efficiency and reduced consumption of electricity, natural gas, and other fuels would result in fewer GHG emissions from residential and nonresidential buildings subject to the standard. The standards are updated periodically to allow for the consideration and inclusion of new energy efficiency technologies and methods. The 2019 Building Energy Efficiency Standards went into effect on January 1, 2020. The 2022 Standards went into effect January 1, 2023, replacing the 2019 standards.

Part 11 of the Title 24 Building Standards Code is referred to as the California Green Building Standards Code (CALGreen Code). The purpose of the CALGreen Code is to "improve public health, safety and general welfare by enhancing the design and construction of buildings through the use of building concepts having a positive environmental impact and encouraging sustainable construction practices in the following categories: (1) planning and design; (2) energy efficiency; (3) water efficiency and conservation; (4) material conservation and resource efficiency; and (5) environmental air quality." The CALGreen Code is not intended to substitute or be identified as meeting the certification requirements of any green building program that is not established and adopted by the California Building Standards Commission (CBSC).

CALGreen contains both mandatory and voluntary measures. For nonresidential land uses, there are 39 mandatory measures including, but not limited to, exterior light pollution reduction, wastewater reduction by 20 percent, and commissioning of projects over 10,000 square feet. Two tiers of voluntary measures apply to nonresidential land uses, for a total of 36 additional elective measures.

Executive Order B-30-15

Executive Order B-30-15, 2030 Carbon Target and Adaptation, issued by Governor Brown in April 2015, set a target of reducing GHG emissions by 40 percent below 1990 levels in 2030. To achieve this ambitious target, Governor Brown identified five key goals for reducing GHG emissions in California through 2030:

- Increase the amount of renewable electricity provided state-wide to 50 percent;
- Double energy efficiency savings achieved in existing buildings and make heating fuels cleaner;
- Reduce petroleum use in cars and trucks by up to 50 percent;
- Reduce emissions of short-lived climate pollutants; and
- Manage farms, rangelands, forests, and wetlands to increasingly store carbon.

Executive Order B-55-18

In 2018, Governor Brown signed EO B-55-18 to achieve carbon neutrality by moving California to 100 percent clean energy by 2045. This Executive Order also includes specific measures to reduce GHG emissions via clean transportation, energy efficient buildings, directing cap-and-trade funds to disadvantaged communities, and better management of the State's forest land.

SB 375 (Sustainable Communities and Climate Protection Act)

In January 2009, California SB 375, known as the Sustainable Communities and Climate Protection Act, went into effect. The objective of SB 375 is to better integrate regional planning of transportation, land use, and housing to reduce sprawl and ultimately reduce GHG emissions and other air pollutants. SB 375 tasks California Air Resources Board (CARB) to set GHG reduction targets for each of California's 18 regional Metropolitan Planning Organizations (MPOs). Each MPO is required to prepare a Sustainable Communities Strategy (SCS) as part of its Regional Transportation Plan (RTP). The SCS is a growth strategy in combination with transportation policies that will show how the MPO will meet its GHG reduction target. If the SCS cannot meet the reduction goal, an Alternative Planning Strategy may be adopted that meets the goal through alternative development, infrastructure, and transportation measures or policies.

In 2010, ARB released the proposed GHG reduction targets for the MPOs. The proposed reduction targets for the Tulare County Association of Governments (TCAG) region were 13 percent by year 2020 and 16 percent by year 2035 beginning in October of 2018.⁵³

Renewables Portfolio Standard Program

In 2002, California established its Renewables Portfolio Standard (RPS) Program, with the goal of increasing the percentage of renewable energy in the State's electricity mix to 20 percent of retail sales by 2017. The 2003 Integrated Energy Policy Report recommended accelerating that goal to

⁵³ California Air Resources Board. Regional Plan Targets. <u>https://ww2.arb.ca.gov/our-work/programs/sustainable-communities-program/regional-plan-targets</u>. Accessed December 2024.

20 percent by 2010, and the 2004 Energy Report Update further recommended increasing the target to 33 percent by 2020. The State's Energy Action Plan also supported this goal. In 2006 under Senate Bill 107, California's 20 percent by 2010 RPS goal was codified. The legislation required retail sellers of electricity to increase renewable energy purchases by at least one percent each year with a target of 20 percent renewables by 2010. Publicly owned utilities set their own RPS goals, recognizing the intent of the legislature to attain the 20 percent by 2010 target.

In 2008, Governor Schwarzenegger signed Executive Order S-14-08 requiring that "all retail sellers of electricity shall serve 33 percent of their load with renewable energy by 2020." The following year, Executive Order S-21-09 directed ARB to enact regulations to achieve the goal of 33 percent renewables by 2020.

In 2015, Governor Brown signed SB 350 to codify ambitious climate and clean energy goals. One key provision of SB 350 is for retail sellers and publicly owned utilities to procure "half of the state's electricity from renewable sources by 2030."

The State's RPS program was further strengthened by SB 100 in 2018. SB 100 revised the State's RPS Program to require retail sellers of electricity to serve 50 percent and 60 percent of the total KWh sold to retail end-use customers be served by renewable energy sources by 2026 and 2030, respectively, and to require that 100 percent of all electricity supplied come from renewable sources by 2045.

Executive Order S-01-07 Low Carbon Fuel Standard Regulation

ARB initially adopted the Low Carbon Fuel Standard (LCFS) regulation in 2009, identifying it as one of the nine discrete early action measures in the 2008 Scoping Plan to reduce California's GHG emissions. The LCFS regulation defines a Carbon Intensity, or "CI," reduction target (or standard) for each year, which the rule refers to as the "compliance schedule." The LCFS regulation requires a reduction of at least 10 percent in the CI of California's transportation fuels by 2020 and maintains that target for all subsequent years.

ARB has begun the rulemaking process for strengthening the compliance target of the LCFS through the year 2030. For a new LCFS target, the preferred scenario in the 2017 Scoping Plan Update identifies an 18 percent reduction in average transportation fuel carbon intensity, compared to a 2010 baseline, by 2030 as one of the primary measures for achieving the State's GHG 2030 target. Achieving the SB 32 reduction goals will require the use of a low carbon

transportation fuels portfolio beyond the amount expected to result from the current compliance schedule.⁵⁴

Advanced Clean Cars Program

In 2012, ARB approved the Advanced Clean Cars (ACC) Program (formerly known as Pavley II) for model years 2017-2025. The components of the ACC program are the LEV regulations and the Zero-Emission Vehicle (ZEV) regulation. The program combines the control of smog, soot, and global warming gases with requirements for greater numbers of zero-emission vehicles into a single package of standards. By 2025, new automobiles under California's Advanced Clean Car program will emit 34 percent less global warming gases and 75 percent less smog-forming emissions.

EO B-48-18, issued by Governor Brown in 2018, establishes a target to have five million ZEVs on the road in California by 2030. This Executive Order is supported by the State's 2018 ZEV Action Plan Priorities Update, which expands upon the State's 2016 ZEV Action Plan. While the 2016 plan remains in effect, the 2018 update functions as an addendum, highlighting the most important actions State agencies took in 2018 to implement the directives of EO B-48-18.

Local Regulations

The City of Porterville General Plan includes goals and strategies related to energy efficiency. The following policies relate to energy efficiency and are relevant to the proposed Project:

- **OSC-G-10:** Reduce and conserve energy use in existing and new commercial, industrial, and public structures.
- OSC-I-66: Adopt guidelines and incentives for using green building standards in new construction. Green building design guidelines may include required and recommended "green" design and construction strategies including: Building Site and Form, Natural Heating or Cooling, transportation, Building Envelope and Space Planning, Building Materials, Water Systems, Electrical Systems, HVAC Systems, Construction Management, and Commissioning.
- **OSC-I-70:** Ensure City codes allow for environmentally acceptable alternative forms of energy production and green building techniques.

⁵⁴ California Air Resources Board. CARB amends Low Carbon Fuel Standard for wider impact. <u>https://ww2.arb.ca.gov/index.php/news/carb-amends-low-carbon-fuel-standard-wider-impact</u>. Accessed December 2024.

Thresholds of Significance

Consistent with Appendix G of the CEQA Guidelines, the proposed Project will have a significant impact related to energy if it will:

- Result in a wasteful, inefficient or unnecessary consumption of energy resources, during project construction or operation; or
- Conflict with or obstruct state or local plans for renewable energy or energy efficiency.

Impacts and Mitigation Measures

Impact 3.6-1: Would the project result in potentially significant environmental impact due to wasteful, inefficient, or unnecessary consumption of energy resources, during project construction or operation?

Less Than Significant. The Project would result in a less than significant impact as it will not entail wasteful, inefficient, or unnecessary use of energy. While Project implementation could increase the demand for electricity and natural gas within the Project area and could increase the demand for gasoline and diesel consumption in the region during construction and operation of the Project (as described below), it involves a necessary and efficient use of energy resources.

Construction Energy Consumption

Project construction is anticipated to be completed over approximately 1.2 years. Construction activities would consume energy through the operation of heavy off-road equipment, trucks, and worker traffic. Construction equipment fuel consumption for each was based on equipment lists generated using CalEEMod default values. Equipment fuel consumption was calculated using Offroad2017 v1.0.1 for Tulare County. Fuel consumption was estimated assuming all equipment would be diesel-powered. and the horsepower, usage hours, and load factors from CalEEMod model runs prepared for the Project's air quality analysis.

Based on the anticipated construction schedule and hours of use, off-road construction equipment would result in the consumption of approximately 20,693 gallons of diesel fuel over the entire construction period.

Worker, vendor, and haul trips would result in approximately 746,089 Vehicle Miles Traveled (VMT) over the entire construction period. Fuel consumption averages were calculated for worker, vendor, and haul trips separately and per phase based on data from EMFAC 2017 for Tulare County. EMFAC 2017 was used, as this database corresponds with the data used in

CalEEMod version 2020.4.0. The results indicate that construction trips would consume approximately 37,908 gallons of motor vehicle fuel over the entire construction period.

Although the proposed Project would result in the consumption of an estimated 20,693 gallons of diesel from off-road equipment and 37,908 gallons of motor vehicle fuels during construction, the Project is expected to achieve energy efficiencies typical for commercial projects in the City of Porterville and the larger Tulare County area. Construction equipment fleet turnover and increasingly stringent State and federal regulations on engine efficiency, combined with local, State, and federal regulations limiting engine idling times and requiring recycling of construction debris, would further reduce the amount of transportation fuel demand during Project construction. Considering these reductions in transportation fuel use, the proposed Project would not result in the wasteful and inefficient use of energy resources during construction, and impacts would be less than significant. Detailed modeling results are provided in Appendix B. Construction energy use is summarized in Table 3.6-3.

Activity		Energy Consumption Activity	Consumption Amount		
Project Construction					
Construction Equipment Diesel Fuel Use	Off-road Construction Equipment fuel	982,497 Horsepower Hours (total)	20,693 gallons (diesel)		
On-road Construction	Worker	581,202 VMT (miles)	20,232 gallons (gasoline and diesel combined)		
Venicle ruei	Vendor	153,227 VMT (miles)	16,009 gallons (gasoline and diesel combined)		
	Haul	11,660 VMT (miles)	1,667 gallons (diesel)		
	Project Construction Vehicle Fuel Subtotal	746,089 VMT (miles)	37,908 gallons (gasoline and diesel combined)		
Notes: VMT = vehicle miles tr Source of data for co	aveled Instruction and VMT: Cale	: EMod 2020.4.0 2017 (see Appendix A of Ap	pendix Bl.		

Table 3.6-3 Construction Energy Consumption

Energy calculations are provided in Appendix D of Appendix B.

Operation Energy Consumption

Long-term energy consumption associated with the Project includes electricity and natural gas consumption by businesses, energy required for water supply, treatment, distribution, and wastewater treatment, and motor vehicle travel.

Electricity and Natural Gas Consumption

During operations, the proposed Project would consume natural gas for space heating, water heating, and cooking associated with the land uses on the Project site. The natural gas consumption was estimated using the CalEEMod default values and results. The results of the analysis indicate that the proposed Project would consume approximately 3,719,199 thousand British thermal units (kBTU) of natural gas per year during operation.

In addition to the consumption of natural gas, the proposed Project would use electricity for lighting, appliances, and other uses associated with the Project. Electricity use during operations was estimated using CalEEMod default values. The results of the modeling indicate that the proposed Project would use approximately 1,137,299 kWh of electricity per year. Title 24 (2022 standards) requires the installation of solar panels in commercial developments, including most newly constructed shopping center developments. Variations in the amount installed can be due to local conditions and project design. In addition, some projects may use community solar instead of rooftop solar installations. Although the energy estimates show total consumption, a portion of the electricity used by the proposed Project is expected to be generated by zero emission renewable sources. In addition, additional solar panels may be installed voluntarily to take advantage of energy cost savings that are increasingly possible as the cost of solar has declined over time.

As described above, the proposed Project would result in a long-term increase in demand for electricity from SCE. However, the Project would be designed to meet the most recent Title 24 standards. Title 24 specifically establishes energy efficiency standards for residential and nonresidential buildings constructed in the State of California in order to reduce energy demand and consumption. Title 24 is updated periodically to incorporate and consider new energy efficiency technologies and methodologies. Therefore, impacts from the wasteful or inefficient use of electricity or natural gas during operation of the Project would be less than significant.

Fuel Consumption

During operation of the proposed project, vehicle trips would be generated by the Project. The Project was modeled with CalEEMod using Project-specific trip generation rates and default trip

lengths. The results show that the vehicle trips generated would result in approximately 27,156,353 annual VMT from the proposed Project. As shown in Table 3.6-4, the proposed Project would result in the consumption of an estimated 1,084,804 gallons per year of transportation fuel.

Vehicle Type	Percent of Vehicle Trips	Annual VMT	Average Fuel Economy (miles/gallon)	Total Annual Fuel Consumption (gallons)
Project				
Passenger Cars (LDA)	51.0	13,846,196	33.45	413,946
Light Trucks and Medium Duty Vehicles (LDT1, LDT2, MDV)	39.3	10,675,010	24.24	440,420
Light-Heavy to Heavy-Heavy Diesel Trucks (LHD1, LHD2, MHDT, HHDT)	6.7	1,828,113	9.62	190,121
Motorcycles (MCY)	2.4	639,641	37.85	16,900
Other (OBUS, UBUS, SBUS, MH)	0.6	167,392	7.15	23,416
Project Total	100%	27,156,380	-	1,084,804
Notes: VMT = vehicle miles traveled "Other" consists of buses and Source of data for vehicle trip Source of Tulare County miles, Energy Calculations are provid	motor homes. s and VMT: CalEE (gallon for the ec ded in Appendix	EMod 2020.4.0 arliest operationc B.	ıl year (2024)): EMFA	.C 2017.

Table 3.6-4Long Term Operational Vehicle Fuel Consumption

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 Project's transportation fuel consumption progressively into the future. Therefore, the Project would be designed to avoid the wasteful and inefficient use of transportation fuel during operations, and impacts would be less than significant.

State and federal regulatory requirements addressing fuel efficiency are expected to increase fuel efficiency over time as older, less fuel-efficient vehicles are retired. The efficiency standards and light/heavy vehicle efficiency/hybridization programs contribute to increased fuel efficiency and

therefore would reduce vehicle fuel energy consumption rates over time. While the Project would increase the consumption of gasoline and diesel proportionately with projected population growth, the increase would be accommodated within the projected growth as part of the energy projections for the State and the region and would not require the construction of new regional energy production facilities. Therefore, energy impacts related to fuel consumption/efficiency during project operations would be less than significant.

Summary

As described above, the Project would result in less than significant impacts on the wasteful, inefficient, or unnecessary use of energy due to Project design features that will comply with the City's design guidelines and regulations that apply to the Project such as Title 24 Building Energy Efficiency Standards and the California Green Building Standards Code that apply to commercial and residential buildings. The installation of solar panels required by 2022 Title 24 standards is expected to offset some of the electricity used by the proposed Project. Furthermore, various federal and state regulations including the Low Carbon Fuel Standard, Pavley Clean Car Standards, and Low Emission Vehicle Program would serve to reduce the transportation fuel demand by the Project.

With the adherence to the increasingly stringent building and vehicle efficiency standards as well as implementation of the Project's design features that would reduce energy consumption, the proposed Project would not contribute to a cumulative impact to the wasteful or inefficient use of energy. As such, the Project would not result in a significant environmental impact, due to wasteful, inefficient, or unnecessary consumption of energy resources, during Project construction or operation. A summary of the Project's estimated operational energy consumption is provided in Table 3.6-5.

Energy Consumption Activity	Annual Consumption
Project Operations	
Electricity Consumption	1,137,299 kWh/year
Natural Gas Consumption	3,719,199 kBTU/year
Total Vehicle Fuel Consumption	1,084,804 gallons/year (gallons of gasoline and diesel)
Notes: kWh = kilowatt-hour	

Table 3.6-5Summary of Estimated Operational Annual Energy Consumption

Energy Consumption Activity	Annual Consumption
kBTU = kilo-British Thermal Unit	
VMT = vehicle miles traveled	
Source: Appendix D of Appendix B.	

Based on the analysis herein, the Project would not result in the unnecessary, inefficient, or wasteful use of energy resources. This impact would be *less than significant*.

Mitigation Measures

None Required.

Impact 3.6-2: Would the project conflict with or obstruct a state or local plan for renewable energy or energy efficiency?

Less Than Significant. The Project would comply with all applicable goals and strategies identified in the City of Porterville General Plan.

Construction

As discussed under Impact 3.6-1, the proposed Project would result in energy consumption through the combustion of fossil fuels in construction vehicles, worker commute vehicles, and construction equipment, and the use of electricity for temporary buildings, lighting, and other sources. CCR Title 13, Sections 2449(d)(3) and 2485, limit idling from both on-road and off-road diesel-powered equipment and are enforced by the ARB. The proposed Project would comply with these regulations. Consistent with required regulations, buildout of the proposed Project would increase the use of energy conservation features and renewable sources of energy within the City due to the previously discussed Project design features. Thus, the proposed Project would not conflict with any applicable plan, policy, or regulation adopted for the purpose of reducing energy use or increasing the use of renewable energy. Therefore, construction-related energy efficiency and renewable energy standards consistency impacts would be less than significant.

Operation

The proposed Project would be served with electricity provided by SCE. SCE's 2019 Green Rate 50 percent option includes 67.5 percent eligible renewable resources, including wind, geothermal, solar, eligible hydroelectric, and biomass and biowaste; 4 percent large hydroelectric; 8.1 percent natural gas; 4.1 percent nuclear; 0.1 percent other; and 16.3 percent unspecified sources of power.

SCE's 2019 Green Rate 100 percent option includes 100 percent eligible renewable resources, composed entirely of solar. Approximately 43 percent of the electricity that SCE delivered in 2020 was a combination of renewable and GHG-emissions-free resources.⁵⁵ SCE is ahead of schedule in meeting the California's RPS 2020 mandate of serving its load with at least 33 percent RPS-eligible resources. SCE would be required to meet California's RPS standards of 60 percent by 2030 and carbon-free sourced-electricity by 2045.

Part 11, Chapter 4 and 5, of the State's Title 24 energy efficiency standards establishes mandatory measures for residential and nonresidential buildings, including solar, electric vehicle (EV) charging equipment, bicycle parking, energy efficiency, water efficiency and conservation, and material conservation and resource efficiency. The proposed Project would be required to comply with these mandatory measures. The proposed Project would locate commercial uses, which results in employment opportunities, next to existing housing as well as existing commercial, which could help reduce motor vehicle travel for home-to-work trips. In addition, the Project's location in an existing community provides connectivity through pedestrian connections. Compliance with these mandatory measures would ensure that the proposed Project would not conflict with any applicable plan, policy, or regulation adopted for the purpose of reducing energy use or increasing the use of renewable energy. Therefore, operational energy efficiency and renewable energy standards consistency impacts would be less than significant.

The Project was reviewed for consistency with local and State of California plans that aimed to reduce GHG emissions in GHG impact analysis. These plans also serve as the applicable energy plans. The ARB 2008 Scoping Plan, the ARB 2017 Scoping Plan, and the ARB 2022 Scoping Plan provide the State's strategy for achieving legislated GHG reduction targets. Although the primary purpose of the Scoping Plans is to reduce GHG emissions, the strategies to achieve the GHG reduction targets rely on the use of increasing amounts of renewable fuels under the LCFS and RPS, and energy efficiency with updates to Title 24 and the CalGreen Code. Buildings constructed as part of the Project will meet the latest efficiency standards. In addition, vehicles and equipment continue to become cleaner over time as new vehicles and equipment are required to adhere to the latest fuel efficiency standards. In addition, vehicles and equipment associated with the proposed Project will use fuels subject to the LCFS.⁵⁶

⁵⁵ Edison International. 2021. 2020 Sustainability Report. Website: <u>https://www.edison.com/home/sustainability/sustainabilityreport.html</u>. Accessed May 15, 2024

⁵⁶ California Energy Commission (CEC). 2019. Final Staff Report 2019 California Energy Action Plan. Website: <u>https://www.energy.ca.gov/filebrowser/download/1900</u>. Accessed May 15, 2024.

Summary

The Project is consistent with applicable plans and policies discussed above and would not result in wasteful or inefficient use of nonrenewable energy sources; therefore, impacts would be *less than significant*.

Mitigation Measures

None Required.

Cumulative Impacts

Less Than Cumulatively Considerable. Potential cumulative impacts on energy would result if the proposed Project, in combination with past, present, and future projects, would result in the wasteful or inefficient use of energy. This could result from development that would not incorporate sufficient building energy efficiency features, would not achieve building energy efficiency standards, or would result in the unnecessary use of energy during construction and/or operation. The cumulative projects within the areas serviced by the energy service providers would be applicable to this analysis; this includes existing aging structures that are energy inefficient. Projects that include development that would have the potential to consume energy in an inefficient manner would have the potential to contribute to a cumulative impact.

As previously described, the proposed Project would not result in significant environmental impacts due to wasteful, inefficient, or unnecessary use of energy due to various design features, including installation of solar, EV charging equipment, bicycle parking, as well as following standards that promote energy efficiency, water efficiency and conservation, and material conservation and resource efficiency. Similar to the proposed Project, newly constructed cumulative projects would be subject to CALGreen, which provides energy efficiency standards for commercial and residential buildings. Over time, CALGreen would implement increasingly stringent energy efficiency standards that would require the proposed Project and newly constructed cumulative projects to minimize the wasteful and inefficient use of energy. Furthermore, various federal and State regulations - including the LCFS, Pavley Clean Car Standards, and Low Emission Vehicle Program -would serve to reduce the transportation fuel demand of cumulative projects.

Development associated with buildout of the proposed Project would be required to accommodate growth. As discussed above, new development and land use turnover would be

required to comply with statewide mandatory energy requirements outlined in Title 24, Part 6, of the California Code of Regulations (the CALGreen Code), which could decrease estimated electricity and natural gas consumption compared to existing structures. Furthermore, energy consumed by development in the Project area would continue to be subject to the regulations described in the Regulatory Setting of this Section. For these reasons, energy that would be consumed by the Project is not considered unnecessary, inefficient, or wasteful. Considering the information provided above, the proposed Project, in conjunction with other cumulative development, would not result in a significant cumulative impact to energy resources. Impacts are *not cumulatively considerable*.

3.7 Geology/Soils

This section of the DEIR identifies potential impacts of implementing the proposed Project on geology and soils. No NOP comment letters were received pertaining to this topic.

Environmental Setting

The City of Porterville is situated along the western slope of the Sierra Nevada. The Sierra Nevada geomorphic province is primarily composed of cretaceous granitic plutons and remnants of Paleozoic and Mesozoic metavolcanic and metasedimentary rocks, and Cenozoic volcan and sedimentary rocks. The majority of Porterville has elevations ranging from 400 to 800 feet.

The San Joaquin Valley represents the southern portion of the Great Central Valley of California. The San Joaquin Valley is a structural trough up to 200 miles long and 70 miles wide. It is filled with up to 32,000 feet of marine and continental sediments deposited during periodic inundation by the Pacific Ocean and by erosion of the surrounding mountains, respectively. Continental deposits shed from the surrounding mountains form an alluvial wedge that thickens from the valley margins toward the axis of the structural trough. This depositional axis is below to slightly west of the series of rivers, lakes, sloughs, and marshes, which mark the current and historic axis of surface drainage in the San Joaquin Valley.

Faulting and Seismicity

There are no known active earthquake faults in the City of Porterville. The Project site is not located within an Alquist-Priolo Earthquake Fault Zone and no known faults cut through the local soil at the site. There are several faults located within a 70-mile radius of the Project site. Pond Fault is approximately 27 miles southwest, New Hope Fault is approximately 32 miles southwest, Little Lake Fault Zone is approximately 61 miles east, and Owens Valley Fault is approximately 64 miles northeast of the Project site.⁵⁷ These faults have exhibited activity in the last 1.6 million years, but not in the last 200 years. It is possible, but unlikely, that previously unknown faults could become active in the area. No Alquist-Priolo Earthquake Fault Zones are in or near Porterville. Porterville is designated as an area in Seismic Design Category 4 according to the most recent version of the California Building Code. Under this designation, earthquake

⁵⁷ Porterville 203 General Plan. Public Health & Safety Element. Page 159.

https://cms9files.revize.com/PortervilleCA/Document_Center/Department/Community%20Development/General%20Plan%20Upda te/Chapter7PublicHealthandSafety_000.pdf, Accessed April 2024.

resistant design and materials are required to meet or exceed the current seismic engineering standards of the Building Code.

<u>Soils</u>

According to the City's General Plan EIR, much of the Project area has soils with moderate to high erosion potential. Generally, areas most susceptible to soil erosion are hilly or have slopes greater than 15 percent. Lower flatlands, such as the Project site, are usually less likely to erode than those located on slopes. Soils on the Project site consist of San Emigdio loam, with 0 - 2% slopes.⁵⁸

Regulatory Setting

Federal Regulations

Earthquake Hazards Reduction Act

The Earthquake Hazards Reduction Act was enacted in 1997 to "reduce the risks to life and property from future earthquakes in the United States through the establishment and maintenance of an effective earthquake hazards and reduction program." To accomplish this, the act established the National Earthquake Hazards Reduction Program (NEHRP). This program was significantly amended in November 1990 by the National Earthquake Hazards Reduction Program Act (NEHRPA), which refined the description of agency responsibilities, program goals, and objectives.

The NEHRP's mission includes improved understanding, characterization, and prediction of hazards and vulnerabilities; improvement of building codes and land use practices; risk reduction through post-earthquake investigations and education; development and improvement of design and construction techniques; improvement of mitigation capacity; and accelerated application of research results.

The NEHRPA designates Federal Emergency Management Agency (FEMA) as the lead agency of the program and assigns it several planning, coordinating, and reporting responsibilities.

Paleontological Resources Preservation Act

⁵⁸ USDA, Natural Resources Conservation Service. Web Soil Survey.

The primary legislation pertaining to fossils from National Park Service (NPS) and other federal lands is the Paleontological Resources Preservation Act of 2009 (PRPA) (16 U.S.C. Section 470 aaa 1-11) which was enacted on March 30, 2009 within the Omnibus Public Land Management Act of 2009. PRPA directs the Department of Agriculture (U.S. Forest Service) and the Department of the Interior (NPS, Bureau of Land Management, Bureau of Reclamation, and Fish and Wildlife Service) to manage and protect paleontological resources on federal land using scientific principles and expertise.

State Regulations

Seismic Hazards Mapping Act

The Seismic Hazards Mapping Act (SHMA) of 1990 (Public Resources Code, Chapter 7.8, Section 2690-2699.6) directs the Department of Conservation, California Geological Survey to identify and map areas prone to earthquake hazards of liquefaction, earthquake-induced landslides and amplified ground shaking. The purpose of the SHMA is to reduce the threat to public safety and to minimize the loss of life and property by identifying and mitigating these seismic hazards. The SHMA was passed by the legislature following the 1989 Loma Prieta earthquake.

The SHMA requires the State Geologist to establish regulatory zones (Zones of Required Investigation) and to issue appropriate maps (Seismic Hazard Zone maps). These maps are distributed to all affected cities, counties, and state agencies for their use in planning and controlling construction and development. Single family frame dwellings up to two stories not part of a development of four or more units are exempt from the state requirements. However, local agencies can be more restrictive than state law requires.⁵⁹

California Environmental Quality Act

CEQA requires lead agencies to consider the potential effects of a project on unique paleontological resources, erosion and sedimentation, and other geological processes. CEQA requires an assessment of impacts associated with the direct or indirect destruction of unique paleontological resources or sites that are of value to the region or the State.

California Building Code

California law provides a minimum standard for building design through the California Building Code (CBC). The CBC is based on the International Building Code with amendments for

^e California Department of Conservation. California Seismic Hazard Zones. <u>e</u>. Accessed April 2024.

California conditions. Part 2, Volume 2, Chapter 16 of the CBC contains specific requirements for seismic safety. Part 2, Volume 2, Chapter 18 of the CBC regulates soils and foundations. Part 2, Volume 2, Appendix J of the CBC regulates grading activities. Construction activities also are subject to occupational safety standards for excavation, shoring, and trenching as specified in California Occupational Safety and Health Administration regulations (Title 8 of the California Code of Regulations) and in Section A33 of the CBC. About one-third of the text within the California Building Code has been tailored for California earthquake conditions.

Alquist-Priolo Earthquake Fault Zoning Act

The Alquist-Priolo Earthquake Fault Zoning Act (formerly the Alquist-Priolo Special Studies Zone Act), signed into law December 1972, requires the delineation of zones along active faults in California. The purpose of the Alquist-Priolo Act is to regulate development on or near active fault traces to reduce the hazards associated with fault rupture and to prohibit the location of most structures for human occupancy across these traces.

Paleontological Resources

Paleontological resources are the fossilized remains of plants and animals and associated deposits. The Society of Vertebrate Paleontology has identified vertebrate fossils, their taphonomic and associated environmental indicators, and fossiliferous deposits as significant nonrenewable paleontological resources. Botanical and invertebrate fossils and assemblages may also be considered significant resources.

In addition, CEQA requires that a determination be made as to whether a project would directly or indirectly destroy a unique paleontological resource or site or unique geological feature (CEQA Appendix G(v)(c)). If an impact is significant, CEQA requires feasible measures to minimize the impact (CCR Title 14, Chapter 3, Section 15126.4 (a)(1)). PRC Section 5097.5 (see above) also applies to paleontological resources.

Local Regulations

Porterville General Plan Policies

- OSC-G-5: Preserve soil resources to minimize damage to people, property, and the environment resulting from potential hazards.
- OSC-I-21: Adopt soil conservation regulations to reduce erosion caused by overgrazing, plowing, mining, new roadways and paths, construction, and off-road vehicles.

- OSC-I-23: Require adequate grading and replanting to minimize erosion and prevent slippage of manmade slopes.
- PHS-G-4: Protect soils, surface water, and groundwater from contamination from hazardous materials.
- PHS-G-1: Minimize risks of property damage and personal injury posed by geologic and seismic hazards.
- PHS-I-2: Maintain and enforce appropriate building standards and codes to avoid and/or reduce risks associated with geologic constraints and to ensure that all new construction is designed to meet current safety regulations.

Tulare County Multi-Jurisdictional Hazard Mitigation Plan

A hazard mitigation plan is a formal document that outlays the plans to reduce or eliminate the long-term risk to human life and property from natural or man-made hazards. Porterville participates in the preparation of the Multi-Jurisdictional Local Hazard Mitigation Plan (LHMP) which covers Tulare County.. The plan has been designed to meet four goals; (1) significantly reduce life loss and injuries, (2) minimize damage to structures and property, as well as disruption of essential services and human activities, (3) protect the environment, and (4) promote hazard mitigation as an integrated public policy.

Thresholds of Significance

The thresholds of significance for this section are established by the CEQA Checklist Items below.

- Directly or indirectly cause potential substantial adverse effects, including the risk of loss, injury or death involving:
 - Rupture of a known earthquake fault, as delineated on the most recent Alquist-Priolo Earthquake Fault Zoning Map issued by the State Geologist for the area or based on other substantial evidence of a known fault?
 - Strong seismic ground shaking?
 - Seismic-related ground failure, including liquefaction?
 - Landslides?
- Result in substantial soil erosion or the loss of topsoil?

- Be located on a geologic unit or soil that is unstable, or that would become unstable as a result of the project, and potentially result in on- or off-site landslide, lateral spreading, subsidence, liquefaction or collapse?
- Be located on expansive soil, as defined in Table 18-1-B of the Uniform Building Code (1994) creating substantial direct or indirect risks to life or property?
- Have soils incapable of adequately supporting the use of septic tanks or alternative waste water disposal systems where sewers are not available for the disposal of waste water?
- Directly or indirectly destroy a unique paleontological resource or site or unique geological feature?

Impacts and Mitigation Measures

Impact 3.7-1: *Expose people or structures to potential substantial adverse effects, including the risk of loss, injury, or death involving:*

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

Less Than Significant Impact. This impact analysis evaluates the proposed Project's potential to expose persons or structures to seismic hazards (fault rupture, ground shaking, ground failure, and landsliding).

Fault Rupture

The proposed Project site is not located within an Alquist-Priolo Earthquake Fault Zone. Additionally, according to the Fault Rupture Zones Map prepared by the California Department of Conservation in 2007, the Project area is not located within a Fault-Rupture Hazard
Area.⁶⁰ Since no surface expression of active faults is known to cross the site, fault rupture through the site is not anticipated.

Strong Ground Shaking

Although the Project area is in an area with historically low to moderate level of seismicity, strong ground shaking could occur in the region; however, the Project would be designed in compliance with the CBC to withstand strong ground shaking, minimizing the potential effects of ground shaking and other seismic activity.

Seismic Related Ground Failure (including Liquefaction)

The City's General Plan states that there is a moderate risk of landslides and liquefaction near the Tule River due to the hillside topography and soil slumping.⁶¹ Because the proposed Project site is generally level and is approximately 1.4 miles north of the Tule River, the proposed Project would not expose people or structures to potential substantial effects associated with seismic-related ground failure, including liquefaction.

Landsliding

The City of Porterville's General Plan, Figure 7-1 (Geological and Soil Hazards) indicates that the Project site is located on relatively flat topography and is not located adjacent to any steep slopes or areas that would otherwise be subject to landslides. Therefore, the impact is *less than significant*.

Mitigation Measures

None are required.

⁶⁰ California Department of Conservation. CGS Information Warehouse. Regulatory Maps and Reports.

https://maps.conservation.ca.gov/cgs/informationwarehouse/regulatorymaps/. Accessed October 2023.

⁶¹ Porterville 2030 General Plan. Public Health & Safety Element. <u>https://cms9files.revize.com/PortervilleCA/Document_Center/Department/Community%20Development/General%2</u> <u>0Plan%20Update/Chapter7PublicHealthandSafety_000.pdf</u>. Accessed April 2024.

Impact 3.7-2: Result in substantial soil erosion or the loss of topsoil?

Less Than Significant Impact. Soils on the Project site consists of San Emigdio loam which consists of very deep, well drained soils that formed in dominantly sedimentary alluvium. These soils have negligible to low runoff and moderately rapid permeability.⁶²

Construction activities associated with the Project involves ground preparation work for the proposed development of the site. These activities could expose barren soils to sources of wind or water, resulting in the potential for erosion and sedimentation on and off the Project site.

Grading of the Project site would be minimized and would follow the existing topography of the Project site to the greatest extent feasible to limit potential erosion and maintain existing drainage patterns. The temporary and permanent site roadways would be graded and compacted prior to road construction. Any existing vegetation would be scarified and grubbed for the development of temporary and permanent access roads, and the soil surface would be smoothed, moisture conditioned, and compacted with a crown in the center and swale on the side to prepare the roadway surface. Grading, excavation, removal of vegetation cover, development of access roads, and disturbance of soils during construction activities would result in the disturbance of an area greater than 1 acre and would temporarily increase erosion, runoff, and sedimentation. Construction activities would also result in soil compaction and wind erosion effects that could adversely affect soils at the construction sites and staging areas.

During grading, erosion prevention measures would be implemented, including the separation of topsoil, whereby topsoil is separated and stockpiled separately from subsoil and stabilized to prevent erosion. When Project construction is complete, stripped subsoil and topsoil would be replaced as required. Other erosion and sediment control measures would include watering for dust control and soil compaction during grading and throughout construction activities.

The Applicant and/or contractor would be required to employ appropriate sediment and erosion control Best Management Practices (BMPs) as part of a Stormwater Pollution Prevention Plan (SWPPP) that would be required and submitted to the Central Valley Regional Water Quality Control Board (Central Valley RWQCB) in accordance with the National Pollution Discharge Elimination System (NPDES). In addition, soil erosion and loss of topsoil would be minimized through implementation of the San Joaquin Valley Air Pollution Control District (SJVAPCD) fugitive dust control measures (See Section 3.3 – Air Quality). Once construction is complete, the

⁶² USDA Soil Series. San Emigdio Series. https://soilseries.sc.egov.usda.gov/OSD_Docs/S/SAN_EMIGDIO.html, Accessed April 2024.

Project would not result in significant soil erosion or loss of topsoil. Mitigation Measure GEO – 1 (requirement to prepare a SWPPP) will ensure that impacts remain *less than significant*.

Mitigation Measures:

- GEO 1 In order to reduce on-site erosion due to project construction and operation, an erosion control plan and Storm Water Pollution Prevention Plan (SWPPP) shall be prepared for the site preparation, construction, and post-construction periods by a registered civil engineer or certified professional. The erosion control plan shall incorporate best management practices consistent with the requirements of the National Pollution Discharge Elimination System (NPDES). The erosion component of the plan must at least meet the requirements of the SWPPP required by the Central Valley RWQCB. If earth disturbing activities are proposed between October 15 and April 15, these activities shall be limited to the extent feasible to minimize potential erosion related impacts. Additional erosion control measures may be implemented in consultation with the City of Porterville. Prior to the issuance of any permit, the Project proponent shall submit detailed plans to the satisfaction of the City of Porterville. The components of the erosion control plan and SWPPP shall be monitored for effectiveness by the City of Porterville. Erosion control measures may include, but not be limited to, the following:
 - **i.** Limit disturbance of soils and vegetation disturbance removal to the minimum area necessary for access and construction;
 - **ii.** Confine all vehicular traffic associated with construction to the right-ofway of designated access roads;
 - **iii.** Adhere to construction schedules designed to avoid periods of heavy precipitation or high winds;
 - **iv.** Ensure that all exposed soil is provided with temporary drainage and soil protection when construction activity is shut down during the winter periods; and
 - **v.** Inform construction personnel prior to construction and periodically during construction activities of environmental concerns, pertinent laws and regulations, and elements of the proposed erosion control measures.

Impact 3.7-3: Be located on a geologic unit or soil that is unstable, or that would become unstable as a result of the project, and potentially result in on- or off-site landslide, lateral spreading, subsidence, liquefaction or collapse?

Less Than Significant Impact With Mitigation. As previously discussed herein, the proposed Project would not be located within an area identified as a landslide hazard area. The proposed Project is located on relatively flat land, and the threat of a landslide occurring on or adjacent to the project site is considered low.

The Porterville 2030 General Plan states that earthquake-induced ground failures, such as ruptures, lateral spreading, ground lurching, seiches, or mudslides, are unlikely to occur in the Porterville area because of its relatively stable geologic formation and lack of active faults. As such, any impacts are *less than significant*.

Mitigation Measures

None are required.

Impact 3.7-4: *Be located on expansive soil, as defined in Table 18-1-B of the Uniform Building Code* (1994), creating substantial direct or indirect risks to life or property?

Less Than Significant Impact. As previously described, the soils present on the Project site have low to moderate potential for expansion, as San Emigdio soils have high permeability and do not hold on to water. Additionally, the proposed Project would be designed in accordance with all applicable building code requirements and structural improvement requirements, which would also address expansive soil hazards. Therefore, with foundation and structural design in accordance with the City of Porterville and current California Building Code standards, impacts from expansive soil on the proposed Project would be less than significant.

Mitigation Measures

None are required.

Impact 3.7-5: *Have soils incapable of adequately supporting the use of septic tanks or alternative waste water disposal systems where sewers are not available for the disposal of waste water?*

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

Mitigation Measures

None are required.

Impact 3.7-6: *Directly or indirectly destroy a unique paleontological resource or site or unique geological feature?*

Less than Significant Impact with Mitigation. Paleontological resources are valued for the information they yield about the history of the earth and its past ecological settings. A review of cultural and historical resources has been provided in Section 3.5 and 3.18, Cultural Resources and Tribal Resources, respectively. There are currently no unique geologic features located in the Project Area.

While the discovery of paleontological resources within the Project footprint is considered unlikely, Project buildout would adhere to California Public Resources Code Section 21083.2 which requires all earth-disturbing work to be temporarily suspended or redirected until a qualified paleontologist has evaluated the nature and significance of the records, in accordance with federal, State, and local guidelines. In addition, Mitigation Measure CUL-1 would be implemented in the case of any inadvertent discoveries. With adherence to these regulatory requirements and measures, impacts would be *less than significant with mitigation*.

Mitigation Measure

CUL-1, as described in Section 3.5.

Cumulative Impacts

Would the project make a cumulatively considerable contribution to a significant cumulative impact related to geology, soils, seismicity, or paleontological resources?

Less Than Cumulatively Considerable. The scope for considering cumulative impacts to geology and soils is generally site-specific rather than cumulative in nature because each project site has

different geological considerations that would be subject to review. Construction of the individual Project components allowed under the Porterville or Tulare County General Plan may result in individual development risks associated with geology and soils. For example, there will always be a chance that a fault located anywhere in the state (or region) could rupture and cause seismic ground shaking. Additionally, grading, excavation, removal of vegetation cover, and loading activities associated with construction activities could temporarily increase runoff, erosion, and sedimentation.

While some cumulative impacts may occur in the region as Project components are constructed, the City's General Plan goals, objectives and policies, as well as State and federal regulations, will reduce the risk to people in the region. Considering the protection granted by local, State, and federal agencies and their requirements for the seismic design, as discussed above, the overall cumulative impact would not be significant. Implementation of the Project would not make a cumulatively considerable contribution to any geological or soils resources.

3.8 Greenhouse Gas Emissions

This section discusses regional GHG emissions and climate change impacts that could result from implementation of the proposed Project. The information and analysis presented in this section are based on the AQGGEA prepared for this Project by Johnson Johnson & Miller Air Quality Consulting. The full AQGGEA can be reviewed in Appendix B. No NOP comment letters were received pertaining to this topic.

Environmental Setting

Climate Change

Climate change is a change in the average weather of the earth that is measured by alterations in wind patterns, storms, precipitation, and temperature. These changes are assessed using historical records of temperature changes occurring in the past, such as during previous ice ages. Many of the concerns regarding climate change use this data to extrapolate a level of statistical significance, specifically focusing on temperature records from the last 150 years (the Industrial Age) that differ from previous climate changes in rate and magnitude.

The United Nations Intergovernmental Panel on Climate Change (IPCC) constructed several emission trajectories of GHGs needed to stabilize global temperatures and climate change impacts. In its Fourth Assessment Report, the IPCC predicted that the global mean temperature change from 1990 to 2100, given six scenarios, could range from 1.1 degrees Celsius (°C) to 6.4°C. Regardless of analytical methodology, global average temperatures and sea levels are expected to rise under all scenarios (IPCC 2007a).⁶³ The report also concluded that "[w]arming of the climate system is unequivocal," and that "[m]ost of the observed increase in global average temperatures since the mid-20th century is very likely due to the observed increase in anthropogenic greenhouse gas concentrations".

An individual project cannot generate enough GHG emissions to cause a discernible change in global climate. However, a project participates in the potential for global climate change by its incremental contribution of GHGs—and when combined with the cumulative increase of all other sources of GHGs—could constitute potential influences on global climate change.

⁶³ Intergovernmental Panel on Climate Change (IPCC). 2007a. Climate Change 2007: The Physical Science Basis. Contribution of Working Group I to the Fourth Assessment Report of the Intergovernmental Panel on Climate Change (Solomon, S., D. Qin, M. Manning, Z. Chen, M. Marquis, K.B. Averyt, M. Tignor and H.L. Miller [eds.]). Cambridge University Press, Cambridge, United Kingdom and New York, NY, USA, Website: https://www.ipcc.ch/report/ar4/wg1/. Accessed May 1, 2023.

Consequences of Climate Change in California

In California, climate change may result in consequences such as the following^{64,65}:

- **Reduction in the quality and supply of water from the Sierra snowpack.** If heat-trapping emissions continue unabated, more precipitation will fall as rain instead of snow, and the snow that does fall will melt earlier, reducing the Sierra Nevada mountain range spring snowpack by as much as 70 to 90 percent. This can lead to challenges in securing adequate water supplies. It can also lead to a potential reduction in hydropower.
- Increased risk of large wildfires. If rain increases as temperatures rise, wildfires in the grasslands and chaparral ecosystems of southern California are estimated to increase by approximately 30 percent toward the end of the 21st century because more winter rain will stimulate the growth of more plant "fuel" available to burn in the fall. In contrast, a hotter, drier climate could promote up to 90 percent more northern California fires by the end of the century by drying out and increasing the flammability of forest vegetation.
- **Reductions in the quality and quantity of certain agricultural products.** The crops and products likely to be adversely affected include wine grapes, fruit, nuts, and milk.
- Exacerbation of air quality problems. If temperatures rise to the medium warming range, there could be 75 to 85 percent more days with weather conducive to ozone formation in Los Angeles and the San Joaquin Valley, relative to today's conditions. This is more than twice the increase expected if rising temperatures remain in the lower warming range. This increase in air quality problems could result in an increase in asthma and other health-related problems.
- A rise in sea levels resulting in the displacement of coastal businesses and residences. During the past century, sea levels along California's coast have risen about seven inches. If emissions continue unabated and temperatures rise into the higher anticipated warming range, sea level is expected to rise an additional 22 to 35 inches by the end of the century. Elevations of this magnitude would inundate coastal areas with salt water, accelerate

⁶⁴ California Climate Change Center (CCCC). 2006. Our Changing Climate, Assessing the Risks to California: A Summary Report from the California Climate Change Center. July 2006. CEC-500-2006-077. Website: <u>www.scc.ca.gov/webmaster/ftp/pdf/climate change/assessing risks.pdf</u>. Accessed May 1, 2023.

⁶⁵ Moser et al. 2009. Moser, Susie, Guido Franco, Sarah Pittiglio, Wendy Chou, Dan Cayan. 2009. The Future Is Now: An Update on Climate Change Science Impacts and Response Options for California. California Energy Commission, PIER Energy-Related Environmental Research Program. CEC-500-2008-071. Website: <u>http://www.susannemoser.com/documents/CEC-500-2008-071 Moseretal FutureisNow.pdf</u>. Accessed May 1, 2023.

coastal erosion, threaten vital levees and inland water systems, and disrupt wetlands and natural habitats.

- An increase in temperature and extreme weather events. Climate change is expected to lead to increases in the frequency, intensity, and duration of extreme heat events and heat waves in California. More heat waves can exacerbate chronic disease or heat-related illness.
- A decrease in the health and productivity of California's forests. Climate change can cause an increase in wildfires, an enhanced insect population, and establishment of non-native species.

Greenhouse Gases

Gases that trap heat in the atmosphere are referred to as GHGs. The effect is analogous to the way a greenhouse retains heat. Common GHGs include water vapor, CO₂, methane, NO_X, chlorofluorocarbons, hydrofluorocarbons, perfluorocarbons, sulfur hexafluoride, ozone, and aerosols. Natural processes and human activities emit GHGs. The presence of GHGs in the atmosphere affects the earth's temperature. It is believed that emissions from human activities, such as electricity production and vehicle use, have elevated the concentration of these gases in the atmosphere beyond the level of naturally occurring concentrations.

Climate change is driven by forcings and feedbacks. Radiative forcing is the difference between the incoming energy and outgoing energy in the climate system. Positive forcing tends to warm the surface while negative forcing tends to cool it. Radiative forcing values are typically expressed in watts per square meter. A feedback is a climate process that can strengthen or weaken a forcing. For example, when ice or snow melts, it reveals darker land underneath which absorbs more radiation and causes more warming. The global warming potential is the potential of a gas or aerosol to trap heat in the atmosphere. The global warming potential of a gas is essentially a measurement of the radiative forcing of a GHG compared with the reference gas, CO₂.

Individual GHG compounds have varying global warming potential and atmospheric lifetimes. CO₂, the reference gas for global warming potential, has a global warming potential of one. The global warming potential of a GHG is a measure of how much a given mass of a GHG is estimated to contribute to global warming. To describe how much global warming a given type and amount of GHG may cause, the carbon dioxide equivalent is used. The calculation of the carbon dioxide equivalent is a consistent methodology for comparing GHG emissions since it normalizes various GHG emissions to a consistent reference gas, CO₂. For example, CH₄'s warming potential of 25 indicates that CH₄ has 25 times greater warming effect than CO₂ on a molecule-per-molecule basis. A

carbon dioxide equivalent is the mass emissions of an individual GHG multiplied by its global warming potential.

GHGs defined by AB 32 (see the Climate Change Regulatory Environment section for a description) include CO₂, CH₄, NOX, hydrofluorocarbons, perfluorocarbons, and sulfur hexafluoride. They are described in Table 3.8-1.⁶⁶ A seventh GHG, nitrogen trifluoride, was added to Health and Safety Code Section 38505(g)(7) as a GHG of concern. The global warming potential amounts are from IPCC Fourth Assessment Report (AR4). The AR4 global warming potential (GWP) amounts, incorporated into the CalEEMod version 2020.4.0, are used in this analysis. Although the newer IPCC Fifth Assessment Report (AR5) includes new global warming potential amounts, ARB continues to use AR4 rates for inventory purposes, including the 2018 inventory released on October 19, 2020, to ensure consistency with past inventories. Until such time as ARB updates its Scoping Plan inventories to utilize AR5 GWPs, it is appropriate to continue using AR4 GWPs for CEQA analyses, which are based on Scoping Plan consistency.

Greenhouse Gas	Description and Physical Properties	Sources
Nitrous oxide	Nitrous oxide (laughing gas) is a colorless GHG. It has a lifetime of 114 years. Its global warming potential is 298.	Microbial processes in soil and water, fuel combustion, and industrial processes.
Methane	Methane is a flammable gas and is the main component of natural gas. It has a lifetime of 12 years. Its global warming potential is 25.	Methane is extracted from geological deposits (natural gas fields). Other sources are landfills, fermentation of manure, and decay of organic matter.
Carbon dioxide	Carbon dioxide (CO ₂) is an odorless, colorless, natural GHG. Carbon dioxide's global warming potential is 1. The concentration in 2005 was 379 parts per million (ppm), which is an increase of about 1.4 ppm per year since 1960.	Natural sources include decomposition of dead organic matter; respiration of bacteria, plants, animals, and fungus; evaporation from oceans; and volcanic outgassing. Anthropogenic sources are from burning coal, oil, natural gas, and wood.
Chlorofluorocarbons	These are gases formed synthetically by replacing all hydrogen atoms in methane or ethane with chlorine and/or fluorine atoms. They are nontoxic, nonflammable, insoluble, and chemically unreactive in the troposphere (the level of air at the	Chlorofluorocarbons were synthesized in 1928 for use as refrigerants, aerosol propellants, and cleaning solvents. They destroy stratospheric ozone. The Montreal Protocol on Substances that Deplete the Ozone Layer prohibited their production in 1987.

Table 3.8-1Description of Greenhouse Gases

⁶⁶ Henderson Commercial Development Project - Air Quality, Greenhouse Gas, and Energy Analysis Report (AQGGEA) Report. May 2023. Johnson Johnson & Miller Air Quality Consulting (Appendix B). Page 37.

Greenhouse Gas	Description and Physical Properties	Sources
	earth's surface). Global warming potentials range from 124 to 14,800.	
Perfluorocarbons	Perfluorocarbons have stable molecular structures and only break down by ultraviolet rays about 60 kilometers above Earth's surface. Because of this, they have long lifetimes, between 10,000 and 50,000 years. Global warming potentials range from7,390 to 12,200.	Two main sources of perfluorocarbons are primary aluminum production and semiconductor manufacturing.
Sulfur hexafluoride	Sulfur hexafluoride (SF ₆) is an inorganic, odorless, colorless, and nontoxic, nonflammable gas. It has a lifetime of 3,200 years. It has a high global warming potential of 22,800.	This gas is man-made and used for insulation in electric power transmission equipment, in the magnesium industry, in semiconductor manufacturing, and as a tracer gas.
Nitrogen trifluoride	Nitrogen trifluoride (NF3) was added to Health and Safety Code Section 38505(g)(7) as a GHG of concern. It has a high global warming potential of 17,200.	This gas is used in electronics manufacture for semiconductors and liquid crystal displays.

The State has begun the process of addressing pollutants referred to as short-lived climate pollutants. SB 605, approved by the governor on September 14, 2014, required the ARB to complete a comprehensive strategy to reduce emissions of short-lived climate pollutants by January 1, 2016. ARB was required to complete an emission inventory of these pollutants, identify research needs, identify existing and potential new control measures that offer co-benefits, and coordinate with other state agencies and districts to develop measures. The Short-Lived Climate Pollutant Strategy was approved by the ARB in March 2017. The strategy calls for reductions of 50 percent from black carbon, 40 percent from methane, and 40 percent from hydrofluorocarbons HFCs from the 2030 Business as Usual (BAU) inventory for these pollutants.⁶⁷

The short-lived climate pollutants include three main components: black carbon, fluorinated gases, and methane. Fluorinated gases and methane are described in Table 3.8-1 and are already included in the California GHG inventory. Black carbon has not been included in past GHG inventories; however, ARB will include it in its comprehensive strategy.⁶⁸

⁶⁷ California Air Resources Board (ARB). 2017. Short-Lived Climate Pollutant Reduction Strategy. March. Website: <u>https://www.arb.ca.gov/cc/shortlived/meetings/03142017/final_slcp_report.pdf</u>. Accessed May 1, 2023

⁶⁸ California Air Resources Board (ARB). 2015. Short-Lived Climate Pollutant Reduction Strategy, Concept Paper. May. Website: <u>https://ww2.arb.ca.gov/resources/documents/slcp-strategy-draft-may2015</u>. Accessed May 1, 2023.

Ozone is another short-lived climate pollutant that will be part of the strategy. Ozone affects evaporation rates, cloud formation, and precipitation levels. Ozone is not directly emitted, so its precursor emissions—VOC and NO_X on a regional scale and CH₄ on a hemispheric scale—will be subject of the strategy.⁶⁹

Black carbon is a component of fine particulate matter. Black carbon is formed by incomplete combustion of fossil fuels, biofuels, and biomass. Sources of black carbon within a jurisdiction may include exhaust from diesel trucks, vehicles, and equipment, as well as smoke from biogenic combustion. Biogenic combustion sources of black carbon include the burning of biofuels used for transportation, the burning of biomass for electricity generation and heating, prescribed burning of agricultural residue, and natural and unnatural wildfires. Black carbon is not a gas but an aerosol—particles or liquid droplets suspended in air. Black carbon only remains in the atmosphere for days to weeks, whereas other GHGs can remain in the atmosphere for years. Black carbon can be deposited on snow, where it absorbs sunlight, reduces sunlight reflectivity, and hastens snowmelt. Direct effects include absorbing incoming and outgoing radiation; indirectly, black carbon can also affect cloud reflectivity, precipitation, and surface dimming (cooling).

Global warming potentials for black carbon were not defined by the IPCC in its AR4. The ARB has identified a global warming potential of 3,200 using a 20-year time horizon and 900 using a 100-year time horizon from the IPCC Fifth Assessment. Sources of black carbon are already regulated by ARB, and air district criteria pollutant and toxic regulations that control fine particulate emissions from diesel engines and other combustion sources.⁷⁰ Additional controls on the sources of black carbon specifically for their GHG impacts beyond those required for toxic and fine particulates are not likely to be needed.

Water vapor is also considered a GHG. Water vapor is an important component of our climate system and is not regulated. Increasing water vapor leads to warmer temperatures, which causes more water vapor to be absorbed into the air. Warming and water absorption increase in a spiraling cycle. Water vapor feedback can also amplify the warming effect of other greenhouse gases, such that the warming brought about by increased CO₂ allows more water vapor to enter the atmosphere.⁷¹

Emissions Inventories

⁶⁹ California Air Resources Board (ARB). 2015c. Short-Lived Climate Pollutant Reduction Strategy, Concept Paper. May. Website: <u>https://ww2.arb.ca.gov/resources/documents/slcp-strategy-draft-may2015</u>. Accessed May 15, 2023

⁷⁰ California Air Resources Board (ARB). 2015d. ARB Emissions Trading Program. Website: <u>http://www.arb.ca.gov/cc/capandtrade/guidance/cap_trade_overview.pdf</u>. Accessed May 15, 2023.

⁷¹ National Aeronautics and Space Administration (NASA). 2021. NASA—Global Climate Change, Vital Signs of a Planet. September 28. Website: http://climate.nasa.gov/causes/. Accessed May 15, 2023.

An emissions inventory is a database that lists, by source, the amount of air pollutants discharged into the atmosphere of a geographic area during a given time period. Figure 3.8-1 shows the contributors of GHG emissions in California between years 2000 and 2019 by Scoping Plan category. The main contributor was transportation. The second highest sector in 2019 was industrial, which includes sources from refineries, general fuel use, oil and gas extraction, cement plants, and cogeneration heat output. Emissions from the electricity sector account for 14 percent of the inventory and have shown a substantial decrease in 2019 due to increases in renewables. ARB reported that California's GHG emissions inventory was 418.2 Million Metric Tons of Carbon Dioxide Equivalent (MMTCO2e) in 2019.⁷²





Regulatory Setting

Federal Regulations

The following are actions regarding the federal government, GHGs, and fuel efficiency that are relevant to the proposed Project.

⁷² California Air Resources Board (ARB). 2021b. California Greenhouse Gas Emissions for 2000 to 2019: Trends of Emissions and Other Indicators. Website: <u>https://ww3.arb.ca.gov/cc/inventory/pubs/reports/2000_2019/ghg_inventory_trends_00-19.pdf. July_28</u>. Accessed November May 15, 2023.

⁷³ California Air Resources Board (ARB). 2021b. California Greenhouse Gas Emissions for 2000 to 2019: Trends of Emissions and Other Indicators. Website: https://ww3.arb.ca.gov/cc/inventory/pubs/reports/2000_2019/ghg_inventory_trends_00-19.pdf. July 28. Accessed May 15, 2023.

Greenhouse Gas Endangerment

Massachusetts v. EPA (Supreme Court Case 05-1120) was argued before the United States Supreme Court on November 29, 2006, in which it was petitioned that the EPA regulate four GHGs, including carbon dioxide, under Section 202(a)(1) of the CAA. A decision was made on April 2, 2007, in which the Supreme Court found that GHGs are air pollutants covered by the CAA. The Court held that the Administrator must determine whether emissions of GHGs from new motor vehicles cause or contribute to air pollution, which may reasonably be anticipated to endanger public health or welfare, or whether the science is too uncertain to make a reasoned decision. On December 7, 2009, the EPA Administrator signed two distinct findings regarding GHGs under Section 202(a) of the CAA:

- Endangerment Finding: The Administrator finds that the current and projected concentrations of the six key well-mixed GHGs—carbon dioxide, methane, nitrous oxide, hydrofluorocarbons, perfluorocarbons, and sulfur hexafluoride—in the atmosphere threaten the public health and welfare of current and future generations.
- Cause or Contribute Finding: The Administrator finds that the combined emissions of these well-mixed GHGs from new motor vehicles and new motor vehicle engines contribute to the GHG pollution, which threatens public health and welfare.

These findings do not impose requirements on industry or other entities. However, this was a prerequisite for implementing GHG emissions standards for vehicles, as discussed in the section "Clean Vehicles" below. After a lengthy legal challenge, the United States Supreme Court declined to review an Appeals Court ruling upholding the EPA Administrator findings.⁷⁴

Clean Vehicles

Congress first passed the Corporate Average Fuel Economy law in 1975 to increase the fuel economy of cars and light duty trucks. The law has become more stringent over time. On May 19, 2009, President Obama put in motion a new national policy to increase fuel economy for all new cars and trucks sold in the United States. On April 1, 2010, the EPA and the Department of Transportation's National Highway Safety Administration announced a joint final rule establishing a national program that would reduce GHG emissions and improve fuel economy for new cars and trucks sold in the United States.

The first phase of the national program applies to passenger cars, light-duty trucks, and mediumduty passenger vehicles, covering model years 2012 through 2016. They require these vehicles to meet

⁷⁴ U.S. Environmental Protection Agency (EPA). 2009c. Endangerment and Cause or Contribute Findings for Greenhouse Gases under Section 202(a) of the Clean Air Act. Website: <u>https://www.epa.gov/ghgemissions/endangerment-and-cause-or-contributefindingsgreenhouse-gases-under-clean-air-act</u>. Accessed May 15, 2023

an estimated combined average emissions level of 250 grams of CO₂ per mile, equivalent to 35.5 miles per gallon; that is, if the automobile industry were to meet this CO₂ level solely through fuel economy improvements. Together, these standards would cut CO₂ emissions by an estimated 960 million metric tons and 1.8 billion barrels of oil over the lifetime of the vehicles sold under the program (model years 2012–2016). The EPA and the National Highway Safety Administration issued final rules on a second-phase joint rulemaking, establishing national standards for light-duty vehicles for model years 2017 through 2025 in August 2012. The new standards for model years 2017 through 2025 in August 2012. The new standards for model years 2017 through senger cars, light-duty trucks, and medium duty passenger vehicles. The final standards are projected to result in an average industry fleetwide level of 163 grams/mile of CO₂ in model year 2025, which is equivalent to 54.5 miles per gallon if achieved exclusively through fuel economy improvements.

The EPA and the U.S. Department of Transportation issued final rules for the first national standards to reduce GHG emissions and improve fuel efficiency of heavy-duty trucks and buses on September 15, 2011, which became effective November 14, 2011. For combination tractors, the agencies are proposing engine and vehicle standards that began in the 2014 model year and achieve up to a 20-percent reduction in CO₂ emissions and fuel consumption by the 2018 model year. For heavy-duty pickup trucks and vans, the agencies are proposing separate gasoline and diesel truck standards, which phase in starting in the 2014 model year and achieve up to a 10-percent reduction for gasoline vehicles, and a 15-percent reduction for diesel vehicles by 2018 model year (12 and 17 percent respectively if accounting for air conditioning leakage). Lastly, for vocational vehicles, the engine and vehicle standards would achieve up to a 10-percent reduction in fuel consumption and CO₂ emissions from the 2014 to 2018 model years.

In September 2020, Governor Gavin Newsom issued Executive Order N-79-20, which requires sales of all new passenger vehicles to be zero-emission by 2035 and additional measures to eliminate harmful emissions from the transportation sector.

Mandatory Reporting of Greenhouse Gases

The Consolidated Appropriations Act of 2008, passed in December 2007, requires the establishment of mandatory GHG reporting requirements. On September 22, 2009, the EPA issued the Final Mandatory Reporting of Greenhouse Gases Rule, which became effective January 1, 2010. The rule requires reporting of GHG emissions from large sources and suppliers in the United States, and is intended to collect accurate and timely emissions data to inform future policy decisions. Under the rule, suppliers of fossil fuels or industrial GHGs, manufacturers of vehicles and engines, and facilities that emit 25,000 metric tons or more per year of GHG emissions are required to submit annual reports to the EPA.

New Source Review

The EPA issued a final rule on May 13, 2010 that establishes thresholds for GHGs, which will define when permits under the New Source Review Prevention of Significant Deterioration and Title V Operating Permit programs are required for new and existing industrial facilities. This final rule "tailors" the requirements of these CAA permitting programs to limit which facilities will be required to obtain Prevention of Significant Deterioration and Title V permits. In the preamble to the revisions to the federal code of regulations, the EPA states:

This rulemaking is necessary because without it the Prevention of Significant Deterioration and Title V requirements would apply, as of January 2, 2011, at the 100 or 250 tons per year levels provided under the Clean Air Act, greatly increasing the number of required permits, imposing undue costs on small sources, overwhelming the resources of permitting authorities, and severely impairing the functioning of the programs. EPA is relieving these resource burdens by phasing in the applicability of these programs to greenhouse gas sources, starting with the largest greenhouse gas emitters. This rule establishes two initial steps of the phase-in. The rule also commits the agency to take certain actions on future steps addressing smaller sources, but excludes certain smaller sources from Prevention of Significant Deterioration and Title V permitting for greenhouse gas emissions until at least April 30, 2016.

The EPA estimates that facilities responsible for nearly 70 percent of the national GHG emissions from stationary sources will be subject to permitting requirements under this rule. This includes the nation's largest GHG emitters—power plants, refineries, and cement production facilities.

Standards of Performance for Greenhouse Gas Emissions for New Stationary Sources: Electric Utility Generating Units

As required by a settlement agreement, the EPA proposed new performance standards for emissions of carbon dioxide for new, affected, fossil fuel-fired electric utility generating units on March 27, 2012. New sources greater than 25 megawatts would be required to meet an output based standard of 1,000 pounds of carbon dioxide per megawatt-hour, based on the performance of widely used natural gas combined cycle technology. President Trump signed the Executive Order on Energy Independence (E.O. 13783), which calls for a review of the Clean Power Plan. On October 16, 2017, the EPA issued

the proposed rule Repeal of Carbon Pollution Emission Guidelines for Existing Stationary Sources: Electric Utility Generating Units an Energy Independence.⁷⁵

Cap-and-Trade

Cap-and-Trade refers to a policy tool where emissions are limited to a certain amount and can be traded, or provided flexibility on how the emitter can comply. There is no federal GHG Cap-and-Trade program currently; however, some states have joined to create initiatives to provide a mechanism for Cap-and-Trade.

The Regional Greenhouse Gas Initiative is an effort to reduce GHGs among the states of Connecticut, Delaware, Maine, Maryland, Massachusetts, New Hampshire, New York, Rhode Island, and Vermont. Each state caps carbon dioxide emissions from power plants, auctions carbon dioxide emission allowances, and invests the proceeds in strategic energy programs that further reduce emissions, save consumers money, create jobs, and build a clean energy economy. The Initiative began in 2008.

The Western Climate Initiative partner jurisdictions have developed a comprehensive initiative to reduce regional GHG emissions to 15 percent below 2005 levels by 2020. The partners are California, British Columbia, Manitoba, Ontario, and Quebec. Currently, only California and Quebec are participating in the Cap-and-Trade program.⁷⁶

State of California Regulations

Legislative Actions to Reduce GHGs

The State of California legislature has enacted a series of bills that constitute the most aggressive program to reduce GHGs of any State in the nation. Some legislation such as the landmark AB 32 California Global Warming Solutions Act of 2006 was specifically enacted to address GHG emissions. Other legislation such as Title 24 and Title 20 energy standards were originally adopted for other purposes such as energy and water conservation, but also provide GHG reductions. This section describes the major provisions of the legislation.

AB 32. The California State Legislature enacted AB 32, the California Global Warming Solutions Act of 2006. AB 32 requires that GHGs emitted in California be reduced to 1990 levels by the year 2020.

⁷⁵ U.S. Environmental Protection Agency (EPA). 2017. Electric Utility Generating Units: Repealing the Clean Power Plan. Website: <u>https://www.epa.gov/stationary-sources-air-pollution/electric-utility-generating-units-repealing-clean-power-plan</u>. Accessed May 1, 2023

⁷⁶ Center for Climate and Energy Solutions (C2ES). 2015. Multi-State Climate Initiatives. Website: <u>http://www.c2es.org/us-</u> <u>statesregions/regional-climate-initiatives</u>. Accessed November 8, 2022.

"Greenhouse gases" as defined under AB 32 include CO₂, methane, NO_x, hydrofluorocarbons, perfluorocarbons, and sulfur hexafluoride. Since AB 32 was enacted, a seventh chemical, nitrogen trifluoride, has also been added to the list of GHGs. The ARB is the state agency charged with monitoring and regulating sources of GHGs. AB 32 states the following:

Global warming poses a serious threat to the economic well-being, public health, natural resources, and the environment of California. The potential adverse impacts of global warming include the exacerbation of air quality problems, a reduction in the quality and supply of water to the state from the Sierra snowpack, a rise in sea levels resulting in the displacement of thousands of coastal businesses and residences, damage to marine ecosystems and the natural environment, and an increase in the incidences of infectious diseases, asthma, and other human health-related problems.

The ARB approved the 1990 GHG emissions level of 427 MMTCO₂e on December 6, 2007. Therefore, to meet the State's target, emissions generated in California in 2020 are required to be equal to or less than 427 MMTCO₂e. Emissions in 2020 in a BAU scenario were estimated to be 596 MMTCO₂e, which does not account for reductions from AB 32 regulations . At that rate, a 28 percent reduction was required to achieve the 427 MMTCO₂e 1990 inventory. In October 2010, ARB prepared an updated 2020 forecast to account for the effects of the 2008 recession and slower forecasted growth. The 2020 inventory without the benefits of adopted regulation is now estimated at 545 MMTCO₂e. Therefore, under the updated forecast, a 21.7 percent reduction from BAU is required to achieve 1990 levels.⁷⁷

Calculation of the original 1990 limit approved in 2007 was revised in 2014 using the scientifically updated IPCC AR4 global warming potential values, to 431 MMTCO₂e. ARB approved 431 MMTCO₂e as the 2020 emission limit with the approval of the First Update to the Scoping Plan on May 22, 2014.

Progress in Achieving AB 32 Targets

The State made steady progress in implementing AB 32 and achieving targets included in Executive Order S-3-05. The progress was evident in emission inventories prepared by ARB, which showed that the State inventory dropped below 1990 levels for the first time in 2016. The 2017 Scoping Plan Update includes projections indicating that the State will meet or exceed the 2020 target with adopted regulations. In 2019, emissions from GHG emitting activities statewide were 418.2 MMTCO2e, 7.2

⁷⁷ California Air Resources Board (ARB). 2010. 2020 Greenhouse Gas Emissions Projection and BAU Scenario Emissions Estimate. Website: <u>https://ww3.arb.ca.gov/cc/inventory/archive/captrade_2010_projection.pdf</u>. Accessed May 1, 2023.

MMTCO2e lower than 2018 levels and almost 13 MMTCO2e below the 2020 GHG Limit of 431 MMTCO2e. 78

ARB 2008 Scoping Plan. The ARB's Climate Change Scoping Plan (Scoping Plan) contains measures designed to reduce the State's emissions to 1990 levels by the year 2020 to comply with AB 32. The Scoping Plan identifies recommended measures for multiple GHG emission sectors and the associated emission reductions needed to achieve the year 2020 emissions target—each sector has a different emission reduction target. Most of the measures target the transportation and electricity sectors. As stated in the Scoping Plan, the key elements of the strategy for achieving the 2020 GHG target include:

- Expanding and strengthening existing energy efficiency programs as well as building and appliance standards;
- Achieving a statewide renewables energy mix of 33 percent;
- Developing a California cap-and-trade program that links with other Western Climate Initiative partner programs to create a regional market system;
- Establishing targets for transportation-related GHG emissions for regions throughout California and pursuing policies and incentives to achieve those targets;
- Adopting and implementing measures pursuant to existing State laws and policies, including California's clean car standards, goods movement measures, and the LCFS; and
- Creating targeted fees, including a public goods charge on water use, fees on high global warming potential gases, and a fee to fund the administrative costs of the State's long-term commitment to AB 32 implementation.

Cap-and-Trade Program. The Cap-and-Trade Program is a key element of the Scoping Plan. It sets a statewide limit on sources responsible for 85 percent of California's greenhouse gas emissions, and establishes a price signal needed to drive long-term investment in cleaner fuels and more efficient use of energy. The program is designed to provide covered entities the flexibility to seek out and implement the lowest cost options to reduce emissions. The program conducted its first auction in November 2012. Compliance obligations began for power plants and large industrial sources in January 2013. Other significant milestones include linkage to Quebec's Cap-and-Trade system in January 2014 and starting the compliance obligation for distributors of transportation fuels, natural gas, and other fuels in January 2015.⁷⁹

⁷⁸ Henderson Commercial Development Project - Air Quality, Greenhouse Gas, and Energy Analysis Report (AQGGEA) Report. May 2023. Johnson Johnson & Miller Air Quality Consulting (Appendix B). Page 45.

⁷⁹ California Air Resources Board (ARB). 2015. ARB Emissions Trading Program. Website:

http://www.arb.ca.gov/cc/capandtrade/guidance/cap_trade_overview.pdf . Accessed May 15, 2023.

The Cap-and-Trade Program provides a firm cap, ensuring that the 2020 statewide emission limit will not be exceeded. An inherent feature of the Cap-and-Trade Program is that it does not guarantee GHG emissions reductions in any discrete location or by any particular source. Rather, GHG emissions reductions are guaranteed only on an accumulative basis. As summarized by ARB in the First Update:

The Cap-and-Trade Regulation gives companies the flexibility to trade allowances with others or take steps to cost-effectively reduce emissions at their own facilities. Companies that emit more have to turn in more allowances or other compliance instruments. Companies that can cut their GHG emissions have to turn in fewer allowances. But as the cap declines, aggregate emissions must be reduced. In other words, a covered entity theoretically could increase its GHG emissions every year and still comply with the Cap-and-Trade Program if there is a reduction in GHG emissions from other covered entities. Such a focus on aggregate GHG emissions is considered appropriate because climate change is a global phenomenon, and the effects of GHG emissions are considered cumulative.⁸⁰

The Cap-and-Trade Program works with other direct regulatory measures and provides an economic incentive to reduce emissions. If California's direct regulatory measures reduce GHG emissions more than expected, then the Cap-and-Trade Program will be responsible for relatively fewer emissions reductions. If California's direct regulatory measures reduce GHG emissions less than expected, then the Cap-and-Trade Program will be responsible for relatively more emissions reductions. Thus, the Cap-and-Trade Program assures that California will meet its 2020 GHG emissions reduction mandate:

The Cap-and-Trade Program establishes an overall limit on GHG emissions from most of the California economy — the "capped sectors." Within the capped sectors, some of the reductions are being accomplished through direct regulations, such as improved building and appliance efficiency standards, the [Low Carbon Fuel Standard] LCFS, and the 33 percent [Renewables Portfolio Standard] RPS. Whatever additional reductions are needed to bring emissions within the cap is accomplished through price incentives posed by emissions allowance prices. Together, direct regulation and price incentives assure that emissions are brought down cost-effectively to the level of the overall cap. The Cap-and-Trade Regulation provides assurance that California's 2020 limit will be met because the regulation sets a firm limit on 85 percent of California's GHG emissions. In sum, the Cap-and-Trade Program will achieve aggregate, rather than site specific or project-level, GHG emissions reductions. Also, due to the regulatory architecture adopted by ARB in AB 32, the reductions attributed to the Cap-and-

⁸⁰ Appendix B, page 45.

Trade Program can change over time depending on the State's emissions forecasts and the effectiveness of direct regulatory measures.⁸¹

AB 398. Governor Brown signed AB 398 on July 25, 2017 to extend the Cap-and-Trade Program to 2030. The legislation includes provisions to ensure that offsets used by sources are limited to 4 percent of their compliance obligation from 2021 through 2025 and 6 percent from 2026 through 2030. AB 398 also prevents air districts from adopting or implementing emission reduction rules from stationary sources that are also subject to the Cap-and-Trade Program.⁸²

SB 32 and 2017 Scoping Plan. Governor Brown signed SB 32 on September 8, 2016. SB 32 now gives ARB the statutory responsibility to include the 2030 target previously contained in Executive Order B-30-15 in the 2017 Scoping Plan Update. SB 32 states that "In adopting rules and regulations to achieve the maximum technologically feasible and cost-effective greenhouse gas emissions reductions authorized by this division, the ARB shall ensure that statewide GHG emissions are reduced to at least 40 percent below the statewide GHG emissions limit no later than December 31, 2030." The 2017 Climate Change Scoping Plan Update addressing the SB 32 targets was adopted on December 14, 2017. The major elements of the framework proposed to achieve the 2030 target are as follows:

- 1. SB 350
 - Achieve 50 percent RPS by 2030.
 - Doubling of energy efficiency savings by 2030.
- 2. LCFS
 - Increased stringency (reducing carbon intensity 18 percent by 2030, up from 10 percent in 2020).
- 3. Mobile Source Strategy (Cleaner Technology and Fuels Scenario)
 - Maintaining existing GHG standards for light- and heavy-duty vehicles.
 - Put 4.2 million ZEVs on the roads.
 - Increase ZEV buses, delivery and other trucks.
- 4. Sustainable Freight Action Plan
 - Improve freight system efficiency.
 - Maximize use of near-zero emission vehicles and equipment powered by renewable energy.

⁸¹ Ibid, Page 47.

⁸² Ibid.

- Deploy over 100,000 zero-emission trucks and equipment by 2030.
- 5. Short-Lived Climate Pollutant (SLCP) Reduction Strategy
 - Reduce emissions of methane and hydrofluorocarbons 40 percent below 2013 levels by 2030.
 - Reduce emissions of black carbon 50 percent below 2013 levels by 2030.
- 6. SB 375 Sustainable Communities Strategies
 - Increased stringency of 2035 targets.
- 7. Post-2020 Cap-and-Trade Program
 - Declining caps, continued linkage with Québec, and linkage to Ontario, Canada.
 - ARB will look for opportunities to strengthen the program to support more air quality cobenefits, including specific program design elements. In Fall 2016, ARB staff described potential future amendments including reducing the offset usage limit, redesigning the allocation strategy to reduce free allocation to support increased technology and energy investment at covered entities and reducing allocation if the covered entity increases criteria or toxics emissions over some baseline.
- 8. 20 percent reduction in GHG emissions from the refinery sector.
- 9. By 2018, develop Integrated Natural and Working Lands Action Plan to secure California's land base as a net carbon sink.

ARB 2022 Scoping Plan. The most recent version of the ARB's Scoping Plan, the 2022 Scoping Plan for Achieving Carbon Neutrality (2022 Scoping Plan), was adopted in December 2022. The 2022 Scoping Plan provides a detailed sector-by-sector guide to address climate change by reducing GHG emissions by 85 percent and achieving carbon neutrality by 2045, with the bulk of emission reductions efforts being tackled in the transportation and energy sectors.

The elements of the framework proposed to achieve the emission reduction targets are as follows:

- Transportation
 - Achieve 100 percent ZEV sales of light-duty vehicles by 2035 and medium heavyduty vehicles by 2040.
 - Achieve a 20 percent zero-emission target for the aviation sector.
 - Prioritize and increase funding for clean transportation equity programs.

- Accelerate the reduction and replacement of fossil fuel production and consumption in California.
- Increase the stringency and scope of the LCFS.
- Achieve a per capita VMT reduction of at least 25 percent below 2019 levels by 2030 and 30 percent below by 2045.
- Clean Electricity Grid
 - Per SB 350 (Clean Energy and Pollution Reduction Act), double Statewide energy efficiency savings by 2030.
 - Use long-term planning processes to support grid reliability and expansion of renewable and zero-carbon development.
 - Per SB 100 (the 100 Percent Clean Energy Act of 2018) and 1020 (the Clean Energy, Jobs, and Affordability Act of 2022), achieve 90 percent, 95 percent, and 100 percent renewable and zero-carbon retail sales by 2035, 2040, and 2045, respectively.
- Sustainable Manufacturing and Buildings
 - Maximize air quality benefits using the best available control technologies for stationary sources in communities most in need.
 - Implement SB 905, which requires CARB to create the Carbon Capture, removal, Utilization, and storage Program to evaluate, demonstrate, and regulate carbon capture, utilization, and sequestration and carbon dioxide removal projects and technology.
 - End fossil gas infrastructure expansion for newly constructed buildings.
 - Develop a net-zero cement strategy to meet SB 956 targets for the GHG intensity of cement use.
 - Leverage energy efficiency and low carbon hydrogen programs.
 - Prioritize most vulnerable residents with the majority of funds in the new \$922 million Equitable Building Decarbonization program.
 - Achieve three million all-electric and electric-ready homes by 2030 and seven million by 2035 with six million heat pumps installed by 2030.
 - Adopt a zero-emission standard for new space and water heaters sold in California beginning in 2030.

- Implement biomethane procurement targets for investor-owned utilities as specified in SB 1440.
- Carbon Dioxide Removal and Capture
 - Implement SB 905.
 - Achieve the 85 percent reduction in anthropogenic sources below 1990 levels per AB 1279 by incorporating Carbon Capture and Storage (CCS) into sectors and programs beyond transportation.
 - Evaluate and propose the role for CCS in cement decarbonization and as part of hydrogen peroxide pathways.
 - Explore carbon capture application for zero-carbon power for reliability needs per SB 100.
- Short-Lived Climate Pollutants (Non-Combustion Gases)
 - Install anaerobic digesters to maximize air and water quality protection, maximize biomethane capture, and direct biomethane to specific sectors.
 - Increase alternative manure management projects.
 - Expand markets for products made from organic waste.
 - Pursuant to SB 1137, develop leak detection and repair plans for facilities in health protection zones, implement emission detection system standards, and provide public access to emissions data.
 - Convert large HFC emitters to the lowest practical GWP technologies.
- Natural and Working Lands
 - Implement AB 1757 and SB 27.
 - AB 1757 requires state agencies to set targets for natural carbon removal and emissions reductions on natural and working lands. AB 1757 is expected to catalyze natural carbon sequestration in California by: requiring California Natural Resources Agency and CARB to establish targets for sequestration on natural and working lands for 2030, 2038, and 2045; ensuring that natural sequestration projects have rigorous measurement and verification;

and establishing an expert committee to advise state agencies on modeling and implementation. $^{\rm 83}$

- SB 27 is designed to accelerate the removal of carbon from the atmosphere by expanding California's carbon removal capability (i.e. sequestration) and improve the carbon retention of the state's natural and working lands.⁸⁴
- Implement the Climate Smart Strategy.
- Accelerate the pace and scale of climate smart forest management to at least 2.3 million acres annually by 2025.
- Accelerate the pace and scale of healthy soils practices to 80,000 acres annually by 2025, conserve at least 8,000 acres of annual crops annually, and increase organic agriculture to 20 percent of all cultivated acres by 2045.
- Restore 60,000 acres of Delta wetlands annually by 2045.
- Increase urban forestry investment annually by 200 percent, relative to business as usual.

SB 375—The Sustainable Communities and Climate Protection Act of 2008. SB 375 was signed into law on September 30, 2008. According to SB 375, the transportation sector is the largest contributor of GHG emissions, emitting over 40 percent of the total GHG emissions in California. SB 375 states, "Without improved land use and transportation policy, California will not be able to achieve the goals of AB 32." SB 375 does the following: (1) requires metropolitan planning organizations to include sustainable community strategies in their regional transportation plans for reducing GHG emissions, (2) aligns planning for transportation and housing, and (3) creates specified incentives for the implementation of the strategies.

Concerning CEQA, SB 375-as codified in PRC Section 21159.28-states that CEQA findings determinations for certain projects are not required to reference, describe, or discuss (1) growth-

⁸³ The Climate Center. 2022. Press Release: Governor Newsom Signs California's Natural Climate Solutions Bill AB 1757 into Law. September 16. Website: https://theclimatecenter.org/carbon-sequestration/governor-newsom-signs-californias-natural-climate-solutions-bill-ab-1757-into-law/. Accessed April 2024.

⁸⁴ Senate District 09 Office. 2021. Press Release: Newsom Greenlights Skinner's Carbon Removal Bill, SB 27, Along with \$15B Climate & Wildfire Package. Website: https://sd09.senate.ca.gov/news/20210923-newsom-greenlights-skinners-carbon-removal-billsb-27-along-15b-climate-wildfire. Accessed April 2024.

inducing impacts or (2) any project-specific or cumulative impacts from cars and light-duty truck trips generated by the project on global warming or the regional transportation network if the project:

- 1. Is in an area with an approved Sustainable Communities Strategy or an alternative planning strategy that the ARB accepts as achieving the greenhouse gas emission reduction targets;
- 2. Is consistent with that strategy (in designation, density, building intensity, and applicable policies); and
- 3. Incorporates the mitigation measures required by an applicable prior environmental document.

The ARB has prepared the Proposed Update to the SB 375 GHG Emission Reduction Targets.

AB 1493 Pavley Regulations and Fuel Efficiency Standards. California AB 1493, enacted on July 22, 2002, required the ARB to develop and adopt regulations that reduce GHGs emitted by passenger vehicles and light-duty trucks. It should be noted that the EPA reinstated California's waiver for its GHG and ZEV mandates that were more stringent than other federal regulations implementing the CAA.⁸⁵

The second phase of the implementation for the Pavley Bill was incorporated into Amendments to the Low emission Vehicle Program referred to as LEV III or the Advanced Clean Cars program. The Advanced Clean Car program combines the control of smog-causing pollutants and GHG emissions into a single coordinated package of requirements for model years 2017 through 2025. The regulation is anticipated to reduce GHGs from new cars by 34 percent from 2016 levels by 2025. The new rules will reduce pollutants from gasoline and diesel-powered cars, and deliver increasing numbers of zero-emission technologies, such as full battery electric cars, newly emerging plug-in hybrid electric vehicles and hydrogen fuel cell cars.

SB 1368—Emission Performance Standards. In 2006, the State Legislature adopted SB 1368, which was subsequently signed into law by Governor Schwarzenegger. SB 1368 directs the California Public Utilities Commission to adopt a performance standard for GHG emissions for the future power purchases of California utilities. SB 1368 seeks to limit carbon emissions associated with electrical energy consumed in California by forbidding procurement arrangements for energy longer than 5 years from resources that exceed the emissions of a relatively clean, combined cycle natural gas power plant. Because of the carbon content of its fuel source, a coal-fired plant cannot meet this standard because such plants emit roughly twice as much carbon as natural gas, combined cycle plants.

⁸⁵ United States Environmental Protection Agency (EPA). 2022. What They Are Saying: EPA Restoration of California Waiver Will Support State Climate Action, Improve Air Quality, and Advance our Electric Vehicle Future. March 11. Website: https://www.epa.gov/newsreleases/what-they-are-saying-epa-restoration-california-waiver-will-support-state-climate. Accessed May 1, 2023

Accordingly, the new law effectively prevents California's utilities from investing in, otherwise financially supporting, or purchasing power from new coal plants located in or out of the State. The California Public Utilities Commission (CPUC) adopted the regulations required by SB 1368 on August 29, 2007. The regulations implementing SB 1368 establish a standard for baseload generation owned by, or under long-term contract to publicly owned utilities, of 1,100 lbs. CO₂ per megawatt-hour (MWh).

SB 1078—Renewable Electricity Standards. On September 12, 2002, Governor Gray Davis signed SB 1078, requiring California to generate 20 percent of its electricity from renewable energy by 2017. SB 107 changed the due date to 2010 instead of 2017. On November 17, 2008, Governor Arnold Schwarzenegger signed Executive Order S-14-08, which established a Renewable Portfolio Standard target for California requiring that all retail sellers of electricity serve 33 percent of their load with renewable energy by 2020. Governor Schwarzenegger also directed the ARB (Executive Order S-21-09) to adopt a regulation by July 31, 2010, requiring the State's load serving entities to meet a 33 percent renewable energy target by 2020 The ARB approved the Renewable Electricity Standard on September 23, 2010 by Resolution 10-23. In 2011, the state legislature adopted this higher standard in SB X1-2. Renewable sources of electricity include wind, small hydropower, solar, geothermal, biomass, and biogas.

SB 350—Clean Energy and Pollution Reduction Act of 2015. The legislature approved and Governor Brown then signed SB 350 on October 7, 2015, which reaffirms California's commitment reducing its GHG emissions and addressing climate change. Key provisions include an increase in the RPS, higher energy efficiency requirements for buildings, initial strategies towards a regional electricity grid, and improved infrastructure for electric vehicle charging stations. Provisions for a 50 percent reduction in the use of petroleum statewide were removed from the bill because of opposition and concern that it would prevent the Bill's passage. Specifically, SB 350 requires the following to reduce statewide GHG emissions:

- Increase the amount of electricity procured from renewable energy sources from 33 percent to 50 percent by 2030, with interim targets of 40 percent by 2024, and 25 percent by 2027.
- Double the energy efficiency in existing buildings by 2030. This target will be achieved through the CPUC, the CEC, and local publicly owned utilities.
- Reorganize the Independent System Operator (ISO) to develop more regional electricity transmission markets and improve accessibility in these markets, which will facilitate the growth of renewable energy markets in the western United States (515).

SB 100—**California Renewables Portfolio Standard Program.** Governor Brown approved SB 100 on September 10, 2018. The legislation revised the RPS goals to achieve the 50 percent renewable

resources target by December 31, 2026, and to achieve a 60 percent target by December 31, 2030. The bill would require that retail sellers and local publicly owned electric utilities procure a minimum quantity of electricity products from eligible renewable energy resources so that the total kWh of those products sold to their retail end-use customers achieve 44 percent of retail sales by December 31, 2024, 52 percent by December 31, 2027, and 60 percent by December 31, 2030.⁸⁶

SBX 7-7—The Water Conservation Act of 2009. This legislation directs urban retail water suppliers to set individual 2020 per capita water use targets and begin implementing conservation measures to achieve those goals. Meeting this statewide goal of 20 percent decrease in demand was projected to result in a reduction of almost 2 million acre-feet in urban water use in 2020. This is relevant to GHG emissions because water use at the Project site would result in indirect GHG emissions from the electricity use needed to convey water.

Executive Orders Related to GHG Emissions

California's Executive Branch has taken several actions to reduce GHGs through the use of executive orders. Although not regulatory, they set the tone for the State and guide the actions of state agencies.

Executive Order S-3-05. On June 1, 2005, Governor Arnold Schwarzenegger announced through Executive Order S-3-05, the following reduction targets for GHG emissions:

- By 2010, reduce greenhouse gas emissions to 2000 levels.
- By 2020, reduce greenhouse gas emissions to 1990 levels.
- By 2050, reduce greenhouse gas emissions to 80 percent below 1990 levels.

The 2050 reduction goal represents what some scientists believe is necessary to reach levels that will stabilize the climate. The 2020 goal was established to be a mid-term target. Because this is an executive order, the goals are not legally enforceable for local governments or the private sector.

Executive Order B-30-15. On April 29, 2015, Governor Edmund G. Brown Jr. issued an executive order to establish a California GHG reduction target of 40 percent below 1990 levels by 2030.⁸⁷ The Governor's executive order aligns California's GHG reduction targets with those of leading international governments ahead of the United Nations Climate Change Conference in Paris late 2015. The executive order sets a new interim statewide GHG emission reduction target to reduce GHG emissions to 40 percent below 1990 levels by 2030 in order to ensure California meets its target

⁸⁶ California Legislative Information (California Leginfo). 2018. Senate Bill 100 California Renewables Portfolio Standard Program. Website: https://leginfo.legislature.ca.gov/faces /billNavClient.xhtml?bill_id=201720180SB100. Accessed May 1, 2023.

⁸⁷ Brown, Edmund G. Jr. 2015. Press Release: California Establishes Most Ambitious Greenhouse Gas Goal in North America. Website: https://www.ca.gov/archive/gov39/2015/04/29/news18938/index.html. Accessed May 1, 2023.

of reducing GHG emissions to 80 percent below 1990 levels by 2050, and directs the ARB to update the Climate Change Scoping Plan to express the 2030 target in terms of MMTCO2e. The executive order also requires the State's climate adaptation plan to be updated every three years and for the State to continue its climate change research program, among other provisions. As with Executive Order S-3-05, this executive order is not legally enforceable against local governments and the private sector. Legislation that would update AB 32 to provide post-2020 targets was signed by the Governor in 2016. SB 32 includes a 2030 mandate matching the requirements of the Executive Order.

Executive Order S-01-07—**Low Carbon Fuel Standard**. Governor Schwarzenegger signed Executive Order S 01-07 on January 18, 2007. The order mandates that a statewide goal shall be established to reduce the carbon intensity of California's transportation fuels by at least 10 percent by 2020. In particular, the executive order established a LCFS and directed the Secretary for Environmental Protection to coordinate the actions of the CEC, the ARB, the University of California, and other agencies to develop and propose protocols for measuring the "life-cycle carbon intensity" of transportation fuels. This analysis supporting development of the protocols was included in the SIP for alternative fuels (State Alternative Fuels Plan adopted by California Energy Commission on December 24, 2007) and was submitted to ARB for consideration as an "early action" item under AB 32. The ARB adopted the LLCFS on April 23, 2009.

The LCFS was subject to legal challenge in 2011. Ultimately, ARB adopted a new LCFS regulation in. The updated LCFS regulation was required to contain revisions to the 2010 LCFS as well as new provisions designed to foster investments in the production of the low-carbon fuels, offer additional flexibility to regulated parties, update critical technical information, simplify and streamline program operations, and enhance enforcement. The Office of Administrative Law (OAL) approved the regulation on November 16, 2015.⁸⁸ The regulation was amended in 2018 to strengthen and smooth carbon intensity benchmarks through 2030, in-line with GHG reduction target enacted through SB 32.

ARB passed the Advanced Clean Fleets Regulations in 2020 and aims to transform California's medium- and heavy-duty diesel-fueled truck fleets to zero-emission vehicles in less than 20 years.⁸⁹

Executive Order S-13-08. Executive Order S-13-08 states that "climate change in California during the next century is expected to shift precipitation patterns, accelerate sea level rise and increase temperatures, thereby posing a serious threat to California's economy, to the health and welfare of its

⁸⁸ California Air Resources Board (ARB). 2015e. Low Carbon Fuel Standard Regulation. Website: http://www.arb.ca.gov/regact/2015/lcfs2015/lcfs2015.htm. Accessed May 1, 2023.

⁸⁹ California Air Resources Board (ARB). 2022. CARB Advanced Clean Fleet Regulation.

population and to its natural resources." Pursuant to the requirements in the order, the 2009 California Climate Adaptation Strategy (Ill Resources Agency 2009) was adopted, which is the "... first statewide, multi-sector, region-specific, and information-based climate change adaptation strategy in the United States." Objectives include analyzing risks of climate change in California, identifying and exploring strategies to adapt to climate change, and specifying a direction for future research.

Executive Order B-55-18. Executive Order B-55-18 issued by Governor Brown on September 10, 2018 established a new statewide goal to achieve carbon neutrality as soon as possible, but no later than 2045, and achieve and maintain net negative emissions thereafter. The executive order directs ARB to work with relevant state agencies to develop a framework for implementation and accounting that tracks progress toward this goal.⁹⁰

California Regulations and Building Codes

California has a long history of adopting regulations to improve energy efficiency in new and remodeled buildings. These regulations have kept California's energy consumption relatively flat even with rapid population growth.

Title 20 Appliance Efficiency Regulations. CCR, Title 20: Division 2, Chapter 4, Article 4, Sections 1601–1608: Appliance Efficiency Regulations regulates the sale of appliances in California. The Appliance Efficiency Regulations include standards for both federally regulated appliances and non-federally regulated appliances. 23 categories of appliances are included in the scope of these regulations including lighting, air conditioning, and most home appliances. The standards within these regulations apply to appliances that are sold or offered for sale in California, except those sold wholesale in California for final retail sale outside the State and those designed and sold exclusively for use in recreational vehicles or other mobile equipment.⁹¹

Title 24 Energy Efficiency Standards. CCR Title 24 Part 6: California's Energy Efficiency Standards for Residential and Nonresidential Buildings, was first adopted in 1978 in response to a legislative mandate to reduce California's energy consumption. The standards are updated periodically to allow consideration and possible incorporation of new energy efficient technologies and methods. Energy efficient buildings require less electricity; therefore, increased energy efficiency reduces fossil fuel

⁹⁰ Edmund G. Jr. 2018. EO B-55-18. Website https://www.ca.gov/archive/gov39/wp- Brown content/uploads/2018/09/9.10.18-Executive-Order.pdf. Accessed May 1, 2023.

⁹¹ California Energy Commission (CEC). 2018a. California Code of Regulations Title 20, Division 2, Article 4 Appliance Efficiency Regulations. Website:

https://govt.westlaw.com/calregs/Browse/Home/California/CaliforniaCodeofRegulations?guid=I8F8F3BC0D44E11DEA95CA442 8EC25FA0&originationContext=documenttoc&transitionType=Default&contextData=(sc.Default). Accessed May 1, 2023.

consumption and decreases GHG emissions. The 2019 Building Energy Efficiency Standards went into effect on January 1, 2020.⁹² The 2022 Standards went into effect January 1, 2023.

Title 24 California Green Building Standards Code (CCR Title 24, Part 11 code) is a comprehensive and uniform regulatory code for all residential, commercial, and school buildings that went in effect January 1, 2011. The code is updated on a regular basis, with the most recent update consisting of the 2016 California Green Building Code Standards that became effective January 1, 2017. Local jurisdictions are permitted to adopt more stringent requirements, as State law provides methods for local enhancements. The Code recognizes that many jurisdictions have developed existing construction and demolition ordinances, and defers to them as the ruling guidance provided they provide a minimum 50-percent diversion requirement. The code also provides exemptions for areas not served by construction and demolition recycling infrastructure. State building code provides the minimum standard that buildings need to meet in order to be certified for occupancy, which is generally enforced by the local building official.

The California Green Building Standards Code (CCR Title 24, Part 11 code) requires:

- Short-term bicycle parking. If a commercial project is anticipated to generate visitor traffic, provide permanently anchored bicycle racks within 200 feet of the visitors' entrance, readily visible to passers-by, for five percent of visitor motorized vehicle parking capacity, with a minimum of one two-bike capacity rack (5.106.4.1.1).
- **Long-term bicycle parking.** For buildings with over 10 tenant-occupants, provide secure bicycle parking for five percent of tenant-occupied motorized vehicle parking capacity, with a minimum of one space (5.106.4.1.2).
- **Designated parking.** Provide designated parking in commercial projects for any combination of low-emitting, fuel-efficient and carpool/van pool vehicles as shown in Table 5.106.5.2 (5.106.5.2).
- **Recycling by Occupants.** Provide readily accessible areas that serve the entire building and are identified for the depositing, storage, and collection of nonhazardous materials for recycling. (5.410.1).
- **Construction waste.** A minimum 50-percent diversion of construction and demolition waste from landfills, increasing voluntarily to 65 and 80 percent for new homes and 80-percent for commercial projects. (5.408.1, A5.408.3.1 [nonresidential], A5.408.3.1 [residential]). All (100

⁹² California Energy Commission (CEC). 2018b. 2019 Building Energy Efficiency Standards Frequently Asked Questions. Website: <u>https://www.energy.ca.gov/sites/default/files/2020-03/Title_24_2019_Building_Standards_FAQ_ada.pdf</u>. Accessed May 1, 2023.

percent) of trees, stumps, rocks and associated vegetation and soils resulting from land clearing shall be reused or recycled (5.408.3).

- **Wastewater reduction.** Each building shall reduce the generation of wastewater by one of the following methods:
 - 1. The installation of water-conserving fixtures or
 - 2. Using non-potable water systems (5.303.4)
- Water use savings. Twenty percent mandatory reduction in indoor water use with voluntary goal standards for 30, 35, and 40 percent reductions (5.303.2, A5303.2.3 [nonresidential]).
- Water meters. Separate water meters for buildings in excess of 50,000 square feet or buildings projected to consume more than 1,000 gallons per day (5.303.1).
- Irrigation efficiency. Moisture-sensing irrigation systems for larger landscaped areas (5.304.3).
- Materials pollution control. Low-pollutant emitting interior finish materials such as paints, carpet, vinyl flooring, and particleboard (5.404).
- **Building commissioning**. Mandatory inspections of energy systems (i.e., heat furnace, air conditioner, mechanical equipment) for nonresidential buildings over 10,000 square feet to ensure that all are working at their maximum capacity according to their design efficiencies (5.410.2).

Model Water Efficient Landscape Ordinance. The Model Water Efficient Landscape Ordinance (Ordinance) was required by AB 1881 Water Conservation Act. The bill required local agencies to adopt a local landscape ordinance at least as effective in conserving water as the Model Ordinance by January 1, 2010. Reductions in water use of 20 percent consistent with (SBX-7-7) 2020 mandate are expected for the ordinance. Former Governor Brown's Drought Executive Order of April 1, 2015 (EO B-29-15) directed DWR to update the ordinance through expedited regulation.⁹³ The California Water Commission approved the revised ordinance on July 15, 2015, which became effective on December 15, 2015. New development projects that include landscaped areas of 500 square feet or more are subject to the ordinance. The update requires:

• More efficient irrigation systems

⁹³ Brown, Edmund G. Jr. 2015. Press Release: California Establishes Most Ambitious Greenhouse Gas Goal in North America. Website: <u>https://www.ca.gov/archive/gov39/2015/04/29/news18938/index.html</u>. Accessed May 1, 2023

- Incentives for graywater usage
- Improvements in on-site stormwater capture
- Limiting the portion of landscapes that can be planted with high water use plants
- Reporting requirements for local agencies.

SB 97 and the CEQA Guidelines Update. Passed in August 2007, SB 97 added Section 21083.05 to the PRC. The code states: "(a) On or before July 1, 2009, the Office of Planning and Research shall prepare, develop, and transmit to the Resources Agency guidelines for the mitigation of GHG emissions or the effects of GHG emissions as required by this division, including, but not limited to, effects associated with transportation or energy consumption. (b) On or before January 1, 2010, the Resources Agency shall certify and adopt guidelines prepared and developed by the Office of Planning and Research pursuant to subdivision (a)."

Section 21097 was also added to the PRC. This provided an exemption until January 1, 2010 for transportation projects funded by the Highway Safety, Traffic Reduction, Air Quality, and Port Security Bond Act of 2006, or projects funded by the Disaster Preparedness and Flood Prevention Bond Act of 2006—in stating that the failure to analyze adequately the effects of GHGs would not violate CEQA. The California Natural Resources Agency completed the approval process and the Amendments became effective on March 18, 2010. The Natural Resources Agency adopted additional amendments related to GHGs in the 2019 CEQA Guidelines Update adopted on December 28, 2018.

The 2010 CEQA Amendments along with the 2018 CEQA Amendments provide guidance to public agencies regarding the analysis and mitigation of the effects of GHG emissions in CEQA documents. The CEQA Amendments fit within the existing CEQA framework by amending existing CEQA Guidelines to reference climate change.

Section 15064.4(b) of the CEQA Guidelines provides direction for lead agencies for assessing the significance of impacts of GHG emissions:

- The extent to which the project may increase or reduce GHG emissions as compared to the existing environmental setting;
- Whether the project emissions exceed a threshold of significance that the lead agency determines applies to the project; or
- The extent to which the project complies with regulations or requirements adopted to implement a statewide, regional, or local plan for the reduction or mitigation of GHG emissions. Such regulations or requirements must be adopted by the relevant public agency through a public review process and must include specific requirements that reduce or

mitigate the project's incremental contribution of GHG emissions. If there is substantial evidence that the possible effects of a particular project are still cumulatively considerable notwithstanding compliance with the adopted regulations or requirements, an EIR must be prepared for the project. In determining the significance of impacts, the lead agency may consider a project's consistency with the State's long-term climate goals or strategies, provided that substantial evidence supports the agency's analysis of how those goals or strategies address the project's incremental contribution to climate change and its conclusion that the project's incremental contribution is not cumulatively considerable.

Section 15064.4(c) states that a lead agency may use a model or methodology to estimate GHG emissions resulting from a project. The lead agency has discretion to select the model or methodology it considers most appropriate to enable decision makers to intelligently take into account the project's incremental contribution to climate change. The lead agency must support its selection of a model or methodology with substantial evidence. The lead agency should explain the limitations of the particular model or methodology selected for use.

The 2018 CEQA Guidelines include the following discussion regarding thresholds of significance.

(d) Using environmental standards as thresholds of significance promotes consistency in significance determinations and integrates environmental review with other environmental program planning and regulation. Any public agency may adopt or use an environmental standard as a threshold of significance. In adopting or using an environmental standard as a threshold of significance, a public agency shall explain how the particular requirements of that environmental standard reduce project impacts, including cumulative impacts, to a level that is less than significant, and why the environmental standard is relevant to the analysis of the project under consideration. For the purposes of this subdivision, an "environmental standard" is a rule of general application that is adopted by a public agency through a public review process and that is all of the following:

- (1) a quantitative, qualitative or performance requirement found in an ordinance, resolution, rule, regulation, order, plan or other environmental requirement;
- (2) adopted for the purpose of environmental protection;
- (3) addresses the environmental effect caused by the project; and,
- (4) applies to the project under review.

In addition, the 2018 amendments revised Appendix G Checklist questions to include a new question specifically on energy conservation, which focuses on potentially significant environmental impacts due to wasteful, inefficient, or unnecessary consumption of energy resources during project construction or operation.

CEQA emphasizes that the effects of GHG emissions are cumulative and should be analyzed in the context of CEQA's requirements for cumulative impacts analysis (see CEQA Guidelines Section 15130(f)).

California Supreme Court GHG Ruling

A November 30, 2015 ruling, the *California Supreme Court in Center for Biological Diversity (CBD) v. California Department of Fish and Wildlife (CDFW)* on the Newhall Ranch project, concluded that whether the project was consistent with meeting statewide emission reduction goals is a legally permissible criterion of significance, but the significance finding for the project was not supported by a reasoned explanation based on substantial evidence. The Court offered potential solutions on pages 25 to 27 of the ruling to address this issue summarized below.

Specifically, the Court advised that:

- Substantiation of Project Reductions from BAU. A lead agency may use a BAU comparison based on the Scoping Plan's methodology if it also substantiates the reduction a particular project must achieve to comply with statewide goals. The Court suggested a lead agency could examine the "data behind the Scoping Plan's business-as-usual model" to determine the necessary project-level reductions from new land use development at the proposed location.
- Compliance with Regulatory Programs or Performance Based Standards. "A lead agency might assess consistency with AB 32's goal in whole or part by looking to compliance with regulatory programs designed to reduce greenhouse gas emissions from particular activities. (See Final Statement of Reasons, supra, at p. 64 [greenhouse gas emissions 'may be best analyzed and mitigated at a programmatic level.'].) To the extent a project's design features comply with or exceed the regulations outlined in the Scoping Plan and adopted by the ARB or other State agencies, a lead agency could appropriately rely on their use as showing compliance with 'performance based standards' adopted to fulfill 'a statewide... plan for the reduction or mitigation of greenhouse gas emissions.' (CEQA Guidelines § 15064.4(a)(2), (b)(3); see also id., § 15064(h)(3) [determination that impact is not cumulatively considerable may rest on compliance with previously adopted plans or regulations, including 'plans or regulations for the reduction of greenhouse gas emissions'].)"
- Compliance with GHG Reduction Plans or Climate Action Plans (CAPs). A lead agency may utilize "geographically specific GHG emission reduction plans" such as climate action plans or GHG emission reduction plans to provide a basis for the tiering or streamlining of project-level CEQA analysis.

- **Compliance with Local Air District Thresholds.** A lead agency may rely on "existing numerical thresholds of significance for greenhouse gas emissions" adopted by, for example, local air districts .Therefore, consistent with CEQA Guidelines Appendix G, the three factors identified in CEQA Guidelines Section 15064.4 and the recently issued Newhall Ranch opinion, the GHG impacts would be considered significant if the Project would:
- Conflict with a compliant GHG Reduction Plan if adopted by the lead agency;
- Exceed the SJVAPCD GHG Reduction Threshold; or
- Conflict with an applicable plan, policy, or regulation adopted for the purpose of reducing the emission of GHGs.

San Joaquin Valley Air Pollution Control District Regulations

Climate Change Action Plan

On August 21, 2008, the SJVAPCD Governing Board approved a proposal called the Climate Change Action Plan (CCAP). The CCAP began with a public process bringing together stakeholders, land use agencies, environmental groups, and business groups to conduct public workshops to develop comprehensive policies for CEQA guidelines, a carbon exchange bank, and voluntary GHG emissions mitigation agreements for the Board's consideration. The CCAP contains the following goals and actions:

- Develop GHG significance thresholds to address CEQA projects with GHG emission increases.
- Develop the San Joaquin Valley Carbon Exchange for banking and trading GHG reductions.
- Authorize use of the SJVAPCD's existing inventory reporting system to allow use for GHG reporting required by AB 32 regulations.
- Develop and administer GHG reduction agreements to mitigate proposed emission increases from new projects.
- Support climate protection measures that reduce greenhouse gas emissions as well as toxic and criteria pollutants. Oppose measures that result in a significant increase in toxic or criteria pollutant emissions in already impacted areas.

On December 17, 2009, the SJVAPCD Governing Board adopted "Guidance for Valley Land-use Agencies in Addressing GHG Emission Impacts for New Projects under CEQA," and the policy "District Policy—Addressing GHG Emission Impacts for Stationary Source Projects Under CEQA When Serving as the Lead Agency." The SJVAPCD concluded that the existing science is inadequate to support quantification of the impacts that project-specific GHG emissions have on global climatic
change. The SJVAPCD found the effects of project-specific emissions to be cumulative, and without mitigation, their incremental contribution to global climatic change could be considered cumulatively considerable. The SJVAPCD found that this cumulative impact is best addressed by requiring all projects to reduce their GHG emissions, whether through project design elements or mitigation.

The SJVAPCD's approach is intended to streamline the process of determining if project-specific GHG emissions would have a significant effect. Projects exempt from the requirements of CEQA, and projects complying with an approved plan or mitigation program, would be determined to have a less than significant cumulative impact. Such plans or programs must be specified in law or adopted by the public agency with jurisdiction over the affected resources, and must have a certified final CEQA document.

For non-exempt projects, those projects for which there is no applicable approved plan or program, or those projects not complying with an approved plan or program, the lead agency must evaluate the project against performance-based standards and would require the adoption of design elements, known as Best Performance Standards (BPS), to reduce GHG emissions. The BPS have not yet fully been established, though they must be designed to achieve a 29 percent reduction when compared with the BAU projections identified in ARB's AB 32 2008 Scoping Plan.

BAU represents the emissions that would occur in 2020 if the average baseline emissions during the 2002–2004 period were grown to 2020 levels, without control. Thus, these standards would carry with them pre-quantified emissions reductions, eliminating the need for project-specific quantification. Therefore, projects incorporating BPS would not require specific quantification of GHG emissions, and automatically would be determined to have a less than significant cumulative impact for GHG emissions.

For stationary source permitting projects, BPS means, "The most stringent of the identified alternatives for control of GHG emissions, including type of equipment, design of equipment and operational and maintenance practices, which are achieved-in-practice for the identified service, operation, or emissions unit class." The SJVAPCD has identified BPS for the following sources: boilers; dryers and dehydrators; oil and gas extraction; storage, transportation, and refining operations; cogeneration; gasoline dispensing facilities; volatile organic compound control technology; and steam generators.

For development projects, BPS means, "Any combination of identified GHG emission reduction measures, including project design elements and land use decisions that reduce project-specific GHG emission reductions by at least 29 percent compared with business as usual."

Projects not incorporating BPS would require quantification of GHG emissions and demonstration that BAU GHG emissions have been reduced or mitigated by 29 percent. As stated earlier, ARB's adjusted inventory reduced the amount required by the State to achieve 1990 emission levels from 29 percent to 21.7 percent to account for slower growth experienced since the 2008 recession. The SJVAPCD has not yet adopted BPS for development projects. The SJVAPCD has not updated its guidance to address SB 32 2030 targets or AB 1279 2045 targets.

San Joaquin Valley Carbon Exchange

The SJVAPCD initiated work on the San Joaquin Valley Carbon Exchange in November 2008. The purpose of the carbon exchange is to quantify, verify, and track voluntary GHG emissions reductions generated within the San Joaquin Valley. However, the SJVAPCD has pursued an alternative strategy that incorporates the GHG emissions into its existing Rule 2301—Emission Reduction Credit Offset Banking that formerly only addressed criteria pollutants. The SJVAPCD is also participating with the California Air Pollution Control Officers Association (CAPCOA), of which it is a member, in the CAPCOA Greenhouse Gas Reduction Exchange (GHG Rx). The GHG Rx is operated cooperatively by air districts that have elected to participate. Participating districts have signed a Memorandum of Understanding (MOU) with CAPCOA and agree to post only those credits that meet the Rx standards for quality. The objective is to provide a secure, low-cost, high-quality greenhouse gas exchange for credits created in California. The GHG Rx is intended to help fulfill compliance obligations or mitigation needs of local projects subject to environmental review, reducing the uncertainty of using credits generated in distant locations. The SJVAPCD currently has no credits posted to the GHG Rx website as of this writing.⁹⁴

Rule 2301

While the Climate Change Action Plan indicated that the GHG emission reduction program would be called the San Joaquin Valley Carbon Exchange, the District incorporated a method to register voluntary GHG emission reductions into its existing Rule 2301—Emission Reduction Credit Banking through amendments of the rule. Amendments to the rule were adopted on January 19, 2012. The purposes of the amendments to the rule include the following:

- Provide an administrative mechanism for sources to bank voluntary GHG emission reductions for later use.
- Provide an administrative mechanism for sources to transfer banked GHG emission reductions to others for any use.

⁹⁴ California Air Pollution Control Officers Association (CAPCOA). 2021. CAPCOA Greenhouse Gas Reduction Exchange. Website: <u>http://www.ghgrx.org/</u>. Accessed May 1, 2023.

• Define eligibility standards, quantitative procedures, and administrative practices to ensure that banked GHG emission reductions are real, permanent, quantifiable, surplus, and enforceable.

Tulare County Association of Governments

Regional Transportation Plan

Tulare County Association of Governments (TCAG)⁹⁵ is the Metropolitan Planning Organization (MPO) for Tulare County and has responsibilities as Tulare County's Council of Governments (COG), transportation authority, and the Regional Transportation Planning Agency (RTPA).

The Regional Transportation Plan (RTP) is a long-range plan that every MPO is required to complete. The plan is meant to provide a long-range, fiscally constrained guide for the future of Tulare County's transportation system. The 2018 RTP plan extends to the year 2042 in its scope. As required by the Sustainable Communities and Climate Protection Act of 2008 (Senate Bill 375), the 2018 Regional Transportation Plan and Sustainable Communities Strategy (RTP/SCS) contains a Sustainable Communities Strategy that considers both land use and transportation together in a single, integrated planning process that accommodates regional housing needs and projected growth. ⁹⁶ The 2018 RTP/SCS meets the requirements of SB 375 and demonstrates how the integrated land use and transportation plan achieves the region's mandated GHG emission targets for passenger vehicles.

Local Regulations

The City of Porterville General Plan includes a number of air quality and energy policies that reduce GHG emissions. The air quality policies are listed in the Air Quality and Energy Resources Sections of this document. The energy policies are listed below.

City of Porterville General Plan

The City of Porterville General Plan includes numerous policies aimed at reducing and controlling GHG emissions. The General Plan includes the following goals and policies that would reduce GHG emissions:

OSC-G-10: Reduce and conserve energy use in existing and new commercial, industrial, and public structures.

⁹⁵ Tulare County Association of Governments (TCAG). Planning: Regional Transportation Plan (RTP). Website: <u>https://tularecog.org/tcag/planning/rtp/</u>. Accessed May 1, 2023.

⁹⁶ Ibid.

OSC-I-66: Adopt guidelines and incentives for using green building standards in new construction. Green building design guidelines may include required and recommended "green" design and construction strategies including: Building Site and Form, Natural Heating or Cooling, transportation, Building Envelope and Space Planning, Building Materials, Water Systems, Electrical Systems, HVAC Systems, Construction Management, and Commissioning.

OSC-I-70: Ensure City codes allow for environmentally acceptable alternative forms of energy production and green building techniques.

<u>Water Diversion</u>: With the passage of SB 1016, the Per Capita Disposal Measurement System, only per capita disposal rates are measured. Targets are based on the per capita and employee disposal rates. The City of Porterville's disposal rate for 2018 was 4.6 pounds per person per day, and 13.2 pounds per employee per day, which is well below the target of 7.6 pounds per person per day and 18 pounds per day.⁹⁷

Thresholds of Significance

The CEQA Guidelines define a significant effect on the environment as "a substantial, or potentially substantial, adverse change in the environment."

The following GHG significance thresholds are contained in Appendix G of the CEQA Guidelines, which were amendments adopted into the Guidelines on March 18, 2010, pursuant to SB 97 and most recently amended December 28, 2019. A significant impact would occur if the project would:

- (a) Generate greenhouse gas emissions, either directly or indirectly, that may have a significant impact on the environment; or
- (b) Conflict with any applicable plan, policy, or regulation of an agency adopted for the purpose of reducing the emissions of greenhouse gases.

⁹⁷ California Department of Resources Recycling and Recovery (CalRecycle). 2020. Countywide, Regionwide, and Statewide Jurisdiction Diversion/Disposal Progress Report06). <u>https://www2.calrecycle.ca.gov/LGCentral/AnnualReporting/DiversionDisposal</u>. Accessed May 1, 2023.

Approach to Analysis

Section 15064.4(b) of the CEQA Guidelines states that a lead agency may take into account the following three considerations in assessing the significance of impacts from GHG emissions.

- Consideration #1: The extent to which the project may increase or reduce GHG emissions as compared to the existing environmental setting.
- Consideration #2: Whether the project emissions exceed a threshold of significance that the lead agency determines applies to the project.
- Consideration #3: The extent to which the project complies with regulations or requirements adopted to implement a statewide, regional, or local plan for the reduction or mitigation of GHG emissions. Such regulations or requirements must be adopted by the relevant public agency through a public review process and must include specific requirements that reduce or mitigate the project's incremental contribution of GHG emissions. If there is substantial evidence that the possible effects of a particular project are still cumulatively considerable notwithstanding compliance with the adopted regulations or requirements, an EIR must be prepared for the project. In determining the significance of impacts, the lead agency may consider a project's consistency with the State's long-term climate goals or strategies, provided that substantial evidence supports the agency's analysis of how those goals or strategies address the project's incremental contribution to climate change and its conclusion that the project's incremental contribution is not cumulatively considerable.

The SJVAPCD's *Guidance for Valley Land-use Agencies in Addressing GHG Emission Impacts for New Projects under CEQA* provides guidance for preparing a BAU analysis. Under the SJVAPCD guidance, projects meeting one of the following would have a less than significant impact on climate change:

- Exempt from CEQA;
- Complies with an approved GHG emission reduction plan or GHG mitigation program;
- Project achieves 29 percent GHG reductions by using approved BPS; and
- Project achieves AB 32 targeted 29 percent GHG reductions compared with "business as usual".

The SJVAPCD has not yet adopted BPS for development projects. For development projects, BPS means, "Any combination of identified GHG emission reduction measures, including project

design elements and land use decisions that reduce project-specific GHG emission reductions by at least 29 percent compared with business as usual."

The 29 percent GHG reduction level is based on the target established by ARB's AB 32 Scoping Plan, approved in 2008. The GHG reduction level for the State to reach 1990 emission levels by 2020 was reduced to 21.7 percent from BAU in 2020 in the 2014 First Update to the Scoping Plan to account for slower than projected growth after the 2008 recession. First occupancy at the Project site is expected to occur in 2025 which is after the AB 32 target year. The SJVAPCD has not updated its guidance to address SB 32 2030 targets or AB 1279 2045 targets.

The analysis also addresses consistency with the SB 32 targets and the 2017 Scoping Plan Update with an assessment of the project's reduction from BAU based on emissions in 2030 compared with the 21.7 percent reduction and with a consistency analysis. This approach provides estimates of Project emissions in the new 2030 milestone year with the existing threshold to address Considerations 1 and 2 above. Therefore, whether the Project's GHG emissions would result in a significant impact on the environment is determined by assessing consistency with relevant GHG reduction plans.

Impacts and Mitigation Measures

Impact 3.8-1: Would the project generate direct or indirect greenhouse emissions that would result in a significant impact on the environment?

Less Than Significant. The proposed Project would have a significant impact if the Project would generate direct or indirect GHG emissions that would have a significant impact on the environment.

Impact Analysis

The City of Porterville has not adopted a GHG reduction plan. In addition, the City has not completed the GHG inventory, benchmarking, or goalsetting process required to identify a reduction target and take advantage of the streamlining provisions contained in the CEQA Guidelines amendments adopted for SB 97 and clarifications provided in the CEQA Guidelines amendments adopted on December 28, 2018. The SJVAPCD has adopted a Climate Action Plan, but it does not contain measures that are applicable to the Project. Therefore, the SJVAPCD Climate Action Plan cannot be applied to the Project. Since no other local or regional Climate

Action Plan is in place, the Project is assessed for its consistency with ARB's adopted Scoping Plans.

Consistency with ARB's Adopted Scoping Plans

The State's regulatory program implementing the 2008 Scoping Plan is now fully mature. All regulations envisioned in the Scoping Plan have been adopted, and the effectiveness of those regulations has been estimated by the agencies during the adoption process and then tracked to verify their effectiveness after implementation. The combined effect of this successful effort is that the State now projects that it will meet the 2020 target and achieve continued progress toward meeting post-2020 targets. Governor Brown, in the introduction to Executive Order B-30-15, stated "California is on track to meet or exceed the current target of reducing greenhouse gas emissions to 1990 levels by 2020, as established in the California Global Warming Solutions Act of 2006 (AB 32)."

Consistency with SB 32 and the 2017 Scoping Plan

Table 3.8-2 provides an analysis of the project's consistency with the 2017 Scoping Plan Update measures.

Scoping Plan Measure	Project Consistency
SB 350 50% Renewable Mandate . Utilities subject to the legislation will be required to increase their renewable energy mix from 33% in 2020 to 50% in 2030.	Consistent : The Project will purchase electricity from a utility subject to the SB 350 Renewable Mandate.
SB 350 Double Building Energy Efficiency by 2030. This is equivalent to a 20 percent reduction from 2014 building energy usage compared to current projected 2030 levels	Not Applicable . This measure applies to existing buildings. New structures are required to comply with Title 24 Energy Efficiency Standards that are expected to increase in stringency until the State achieves zero net energy. Existing structures are not a part of the proposed development.
Low Carbon Fuel Standard. This measure requires fuel providers to meet an 18 percent reduction in carbon content by 2030.	Consistent . Vehicles accessing the Project site will use fuel containing lower carbon content as the fuel standard is implemented.

Table 3.8-2Consistency with SB 32 2017 Scoping Plan Update

Scoping Plan Measure	Project Consistency
Mobile Source Strategy (Cleaner Technology and Fuels Scenario) Vehicle manufacturers will be required to meet existing regulations mandated by the LEV III and Heavy-Duty Vehicle programs. The strategy includes a goal of having 4.2 million ZEVs on the road by 2030 and increasing numbers of ZEV trucks and buses.	Consistent . Future Project occupants and visitors can be expected to purchase increasing numbers of more fuel efficient and zero emission cars and trucks each year. The 2022 CALGreen Code requires commercial developments to include EV infrastructure. In addition, deliveries will be made by increasing numbers of ZEV delivery trucks.
Sustainable Freight Action Plan The plan's target is to improve freight system efficiency 25 percent by increasing the value of goods and services produced from the freight sector, relative to the amount of carbon that it produces by 2030. This would be achieved by deploying over 100,000 freight vehicles and equipment capable of zero emission operation and maximize near-zero emission freight vehicles and equipment powered by renewable energy by 2030.	Not Applicable . The measure applies to owners and operators of trucks and freight operations. Deliveries to the proposed commercial development are expected to be made by increasing number of ZEV delivery trucks.
Short-Lived Climate Pollutant Reduction Strategy. The strategy requires the reduction of SLCPs by 40 percent from 2013 levels by 2030 and the reduction of black carbon by 50 percent from 2013 levels by 2030.	Consistent . Commercial uses contemplated as part of the proposed Project are not expected to be sources of black carbon.
SB 375 Sustainable Communities Strategies. Requires Regional Transportation Plans to include a sustainable communities strategy for reduction of per capita vehicle miles traveled.	Consistent . The Project will provide commercial development in the region that is consistent with the RTP/SCS strategy to increase development densities to reduce VMT. The Project is near existing residential and commercial development within the same area, which will also contribute to reductions in VMT.
Post-2020 Cap-and-Trade Program. The Post 2020 Cap-and-Trade Program continues the existing program for another 10 years. The Cap-and-Trade Program applies to large industrial sources such as power plants, refineries, and cement manufacturers.	Consistent. The post-2020 Cap-and-Trade Program indirectly affects people who use the products and services produced by the regulated industrial sources when increased cost of products or services (such as electricity and fuel) are transferred to the consumers. The Cap-and-Trade Program covers the GHG emissions associated with electricity consumed in California, whether generated in-state or imported. Accordingly, GHG emissions associated with CEQA projects' electricity usage are covered by the Capand- Trade Program. The Cap-and-Trade Program also covers fuel suppliers (natural gas and propane fuel providers and transportation fuel providers) to

Scoping Plan Measure	Project Consistency
	address emissions from such fuels and from combustion of other fossil fuels not directly covered at large sources in the program's first compliance period.
Natural and Working Lands Action Plan. The ARB is working in coordination with several other agencies at the federal, State, and local levels, stakeholders, and with the public, to develop measures as outlined in the Scoping Plan Update and the governor's Executive Order B-30-15 to reduce GHG emissions and to cultivate net carbon sequestration potential for California's natural and working land.	Not Applicable . The Project is commercial development and will not be considered natural or working lands.
Source: ARB 2017 Scoping Plan Update	

As described in Table 3.8-2, the proposed Project would be consistent with applicable 2017 Scoping Plan Update measures and would not obstruct the implementation of others that are not applicable. The State's regulatory program is able to target both new and existing development because the two most important strategies, motor vehicle fuel efficiency and emissions from electricity generation, obtain reductions equally from existing sources and new sources. This is because all vehicle operators use cleaner low carbon fuels and buy vehicles subject to the fuel efficiency regulations and all building owners or operators purchase cleaner energy from the grid that is produced by increasing percentages of renewable fuels. This includes regulations on mobile sources such as the Pavley standards that apply to all vehicles purchased in California, the LCFS that applies to all fuel sold in California, and the RPS and Renewable Energy Standard under SB 100 that apply to utilities providing electricity to all California end users.

Moreover, the Scoping Plan strategy will achieve more than average reductions from energy and mobile source sectors that are the primary sources related to development projects and lower than average reductions from other sources such as agriculture. The proposed Project's operational GHG emissions would principally be generated from electricity consumption and vehicle use (including heavy trucks), which are directly under the purview of the Scoping Plan strategy and have experienced reductions above the State average reduction. Considering the information summarized above, the proposed Project would be consistent with the State's AB 32 and SB 32 GHG reduction goals. As such, the proposed Project's GHG impacts would be less than significant.

Consistency Regarding GHG Reduction Goals for 2050 under Executive Order S-3-05 and GHG Reduction Goals for 2045 under the 2022 Scoping Plan

Regarding goals for 2050 under Executive Order S-3-05, at this time it is not possible to quantify the emissions savings from future regulatory measures, as they have not yet been developed; nevertheless, it can be anticipated that operation of the proposed Project would comply with whatever applicable measures are enacted that State lawmakers decide would lead to an 80 percent reduction below 1990 levels by 2050. Many of these measures will reduce GHG emissions in the transportation and energy sectors. For instance, the utility companies will be required to increase the percentage of renewable sources until all retail sales of electricity to customers are supplied by renewable and zero-carbon energy resources by 2045. As such, any electricity consumption at the project site received from the utility will be sourced from an GHG-free sources by 2045 without any additional steps taken by the project itself. Likewise, on average, automobiles visiting the project site are expected to get cleaner over time due to turnover and car manufacturers being subject to more stringent regulations.

ARB's 2022 Scoping Plan for Achieving Carbon Neutrality was approved in December 2022 and expands on prior Scoping Plans and legislations-such as AB 1279-by outlining a technologically feasible, cost-effective, and equity-focused path to achieve the State's climate target of reducing anthropogenic GHG emissions to 85 percent below 1990 levels and achieving carbon neutrality by 2045 or earlier.⁹⁸ To achieve carbon neutrality by 2045, the 2022 Scoping Plan contains GHG reductions, technology, and clean energy mandated by statutes, reduction of short-lived climate pollutants, and mechanical carbon dioxide capture and sequestration actions. Table 3.8-3 contains a list of key GHG emission reduction actions and strategies from the 2022 Scoping Plan and assesses the project's consistency with these actions and strategies.

2022 Scoping Plan Actions and Strategies	Responsible Party(ies)	Project Consistency
 Transportation Technology Achieve 100 percent ZEV sales of light duty vehicles by 2035 and medium heavy-duty vehicles by 2040. 	State agencies and local agencies	No Conflict : Vehicles must transition to zero- emission technology to decarbonize the transportation sector. Executive Order N-79-20 reflects the urgency of transitioning to zero emission vehicles (ZEVs) by establishing target dates for reaching 100 percent ZEV sales or fleet

Table 3.8-3Project Consistency with SB 32 2022 Scoping Plan Update

⁹⁸ California Air Resources Board (ARB). 2022. Final 2022 Scoping Plan Update and Appendices. December. Website: 3. Accessed April 2024.

2	2022 Scoping Plan Actions and Strategies	Responsible Party(ies)	Project Consistency
•	Achieve 20 percent zero- emission target for the aviation sector.		transitions to ZEV technology. EO N-79-20 calls for 100 percent ZEV sales of new light-duty vehicles by 2035. The Advanced Clean Cars II regulation
•	Develop a rapid and robust network of ZEV refueling infrastructure to support needed transition to ZEVs.		tultills this goal and serves as the primary mechanism to help deploy ZEVs. A number of existing incentive programs also support this transition, including the Clean Cars 4 All Program. EO N-79-20 also sets targets for transitioning the
•	Ensure that the transition of ZEV technology is affordable for low income households and communities of color and meets the needs of communities and small business.		medium- and heavy-duty fleet to zero emissions: by 2035 for drayage trucks and by 2045 for buses and heavy-duty long-haul trucks where feasible. Replacing heavy-duty vehicles with ZEV technology will substantially reduce GHG emissions and diesel PM emissions in communities adjacent to ports, distribution centers, and
•	Prioritize incentive funding for heavy-duty ZEV technology deployment in regions of the state with the highest concentrations of harmful criteria and toxic air contaminant emissions.		highways. EO N-79-20 sets an off-road equipment target of transitioning the entire fleet to ZEV technology by 2035, where feasible. There are a number of funding sources available to support this transition, including FARMER, Carl Moyer, and Community Air Protection Incentives: as well as
•	Promote private investment in the transition to ZEV technology,		Low Carbon Transportation Incentives, us well as the Clean Off-Road Equipment program.
	undergirded by regulatory certainty such as infrastructure credits in the Low Carbon Fuel Standard for hydrogen and electricity and hydrogen station grants from the CEC's Clean Transportation Program pursuant to Executive Order B- 48-18.		Refueling infrastructure is a crucial component of transforming transportation technology. Electric vehicle chargers and hydrogen refueling stations must become easily accessible for all drivers to support a wholesale transition to ZEV technology. Deployment of ZEV refueling infrastructure is currently supported by a number of existing State public funding mechanisms.
•	Evaluate and continue to offer incentives similar to those through FARMER, Carl Moyer, the Clean Fuel Reward Program, the Community Air Protection Program, the Low Carbon		Intrastate aviation relies on internal combustion engine technology today, but battery-electric and hydrogen fuel cell aviation applications are in development, along with sustainable aviation fuel.

2022 Scoping Plan Actions and	Responsible	Project Consistency
Siraregies	Party(les)	
 Transportation, including CORE. Where feasible, prioritize and increase funding for clean transportation equity programs. Continue and accelerate funding support for zero emission vehicles and refueling infrastructure through 2030 to ensure the rapid transformation of the transportation sector. 		GHG emissions generated by project-related passenger and truck vehicle travel would benefit from the above regulations and programs, and mobile source emissions generated by the proposed project would be reduced as automobiles and truck fleets are transitioned to ZEV technology. Additionally, the project would include EV charging infrastructure in accordance with regulations which would support the transition to EV technology. Thus, the project would not conflict with actions under the transportation technology sector.
 Accelerate the reduction and replacement of fossil fuel production and consumption in California. 	agencies and local agencies	will play a key role in diversifying the transportation fuel supply away from fossil fuels. EO N-79-20 calls on state agencies to support the transition of existing fuel production facilities away from fossil fuels and directs that this transition also protects and supports workers
Incentivize private investment in new zero-carbon fuel production in California.		public health, safety, and the environment. In-line with this direction, existing refineries could be repurposed to produce sustainable aviation fuel,
• Incentivize the transition of existing fuel production and distribution assets to support deployment of low- and zero- carbon fuels while protecting public health and the environment.		GHG emissions generated by project-related passenger and delivery trucks would benefit from the above regulations and programs, and mobile source emissions generated by the project would be reduced with implementation of the wider use of zero-carbon fuels consistent with reduction of
• Invest in the infrastructure to support reliable refueling for transportation such as electricity and hydrogen refueling.		GHG emissions under AB 1279. Additionally, the project would utilize energy efficiency appliances and equipment and will meet the applicable energy standards in the Title 24 Building Energy Efficiency Standards and
• Evaluate and propose, as needed, changes to strengthen the Cap-and-Trade Program.		CALGreen Code, which will limit the amount of fossil fuel use and GHG emissions. During operations the project will provide improvements to the pedestrian network. Considering the
Initiate a public process focused on options to increase the		actions and strategies require action by the state

2022 Scoping Plan Actions and Strategies	Responsible Party(ies)	Project Consistency
 stringency and scope of the LCFS: Evaluate and propose accelerated carbon intensity targets pre-2030 for LCFS. Evaluate and propose further declines in LCFS post-2030 carbon intensity targets to align with this 2022 Scoping Plan. Consider integrating opt-in sectors into the program. Provide capacity credits for hydrogen and electricity for heavy-duty fueling. Monitor for and ensure that raw materials used to produce low-carbon fuels or technologies do not result in unintended consequences. 		and local agencies, project consistency is determined by assessing whether the project would conflict with the actions needed in the transportation fuels sector. As supported by the information provided above, the project would not conflict with actions in the transportation fuels sector.
 Vehicles Miles Traveled Achieve a per capita VMT reduction of at least 25 percent below 2019 levels by 2030 and 30 percent below 2019 levels by 2045. Reimagine new roadway projects that decrease VMT in a way that meets community needs and reduces the need to drive. 	State agencies and local agencies	No Conflict : VMT reductions will play a crucial role in reducing overall transportation energy demand and achieving California's climate, air quality, and equity goals. ARB did not set regulatory limits on VMT in the 2022 Scoping Plan because the authority to reduce VMT largely lies with state, regional, and local transportation, land use, and housing agencies, along with the Legislature and its budgeting choices. The project-specific traffic report includes a VMT analysis for the project. ⁹⁹ The traffic report found that, after mitigation, the project would have a

⁹⁹ Ruettgers & Schuler Civil Engineers. 2023. Traffic Study: Proposed Commercial Development Henderson Avenue & State Route 65 City of Porterville. May.

2	2022 Scoping Plan Actions and Strategies	Responsible Party(ies)	Project Consistency
•	Invest in making public transit a viable alternative to driving by increasing affordability, reliability, coverage, service frequency, and consumer experience.		less than significant VMT impact. As such, the project would not conflict with actions in the vehicle miles traveled sector.
•	Implement equitable roadway pricing strategies based on local context and need, reallocating revenues to improve transit, bicycling, and other sustainable transportation choices.		
•	Expand and complete planned networks of high-quality active transportation infrastructure.		
•	Channel the deployment of autonomous vehicles, ride- hailing services, and other new mobility options toward high passenger-occupancy and low VMT-impact service models that complement transit and ensure equitable access or priority populations.		
•	Streamline access to public transportation through programs such as the California Integrated Travel Project.		
•	Ensure alignment of land use, housing, transportation, and conservation planning in adopted regional plans and local plans (e.g., general plans, zoning, and local transportation plans), and develop tools to support implementation of these plans.		

2022 Scoping Pl	an Actions and	Responsible	Project Consistency
Strate	egies	Party(ies)	
Accelerate in and housing affordability transportation with a focus on income reside	nfill development production at all levels in -efficient places, n housing for lower nts.		
Clean Electricity G	rid	State	No Conflict: Decarbonizing the electricity sector
 Per SB 350, a energy effici electricity an uses by 20 combination efficiency and actions. 	double statewide ency savings in d fossil gas end)30, through a of energy d fuel substitution	agencies and local agencies	depends on both using energy more efficiently and replacing fossil-fueled generation with renewable and zero carbon resources, including solar, wind, energy storage, geothermal, biomass, and hydroelectric power. The RPS Program and the Cap-and-Trade Program continue to incentivize dispatch of renewables over fossil generation to serve state demand.
 Use long-to processes to reliability and renewable of resource and deployment. 	term planning o support grid d expansion of and zero-carbon nd infrastructure		SB 100 increased RPS stringency to require 60 percent renewables by 2030 and for California to provide 100 percent of its retail sales of electricity from renewable and zero-carbon resources by 2045. Furthermore, SB 1020 has added interim targets to SB 100's policy framework to require
Complete syst reliability as: assessments completed agencies electricity sect	emwide and local sessments. Such should be before state update their tor GHG targets.		renewable and zero-carbon resources to supply 90 percent of all retail electricity sales by 2035 and 95 percent of all electricity retail sales by 2040; establish a planning goal of at least 20 GW of offshore wind by 2045; and that state agencies plan for an energy transition that avoids the need for new fossil gas capacity to meet California's
 Prioritize acti impacts to el and affordate sufficient flexite decarbonizati adjustments a 	ons to mitigate lectricity reliability wility and provide bility in the state's on roadmap for s may be needed.		California also continues to advance its appliance and building energy efficiency standards to reduce growth in electricity consumption and meet the SB 350 goal to double statewide energy efficiency savings in electricity
 Facilitate I resource deve Continue between ene 	ong lead-time elopment. coordination rgy agencies and		and fossil gas end uses by 2030. Increased transportation and building electrification and continued policy commitment to behind-the- meter solar and storage will continue to drive

2022 S	coping Plan Actions and Strategies	Responsible Party(ies)	Project Consistency
ener maxi	gy proceedings to mize opportunities for		growth of microgrids and other distributed energy resources.
 Cont of reg deco affor 	and response. inue to explore the benefits gional markets to enhance arbonization, reliability, and dability.		Continued transition to renewable and zero- carbon electricity resources will enable electricity to become a zero-carbon substitute for fossil fuels. This transformation will drive investments in a large fleet of generation and storage resources
 Addr chall perm and upgr 	ress resource build-out enges, including hitting, interconnection, transmission network ades.		but will also require significant transmission to accommodate these new capacity additions. Resources such as storage and demand-side management are essential to maintain reliability with high concentrations of renewables. Hydrogen produced from renewable resources
 Explo mechaddr 	bre new financing hanisms and rate designs to ess affordability.		and renewable feedstocks can serve a dual role as a low-carbon fuel for existing combustion turbines or fuel cells, and as energy storage for later use.
 Per S 90 perc carb and 2 	B 100 and SB 1020, achieve ercent, 95 percent, and 100 ent renewable and zero- on retail sales by 2035, 2040, 2045, respectively.		The proposed project would utilize energy efficiency appliances and equipment and will meet the applicable energy standards in the Title 24 Building Energy Efficiency Standards and CALGreen Code, As such, the project would not
• Evalu need the C	uate and propose, as ded, changes to strengthen Cap-and-Trade Program.		conflict with actions under the clean electricity grid sector.
Target to su to re energy solar, contristora comminiculur rural, comminicative rural rural comminicative rural rurad ru	et programs and incentives pport and improve access newable and zero-carbon gy projects (e.g., rooftop , community owned or rolled solar or wind, battery ge, and microgrids) for munities most at need, ding frontline, low-income, and indigenous munities.		
 Priori zero- 	tize public investments in carbon energy projects to		

2022 Scoping Plan Actions and Strategies	Responsible Party(ies)	Project Consistency
first benefit the most overly burdened communities affected by pollution, climate impacts, and poverty.		
 Sustainable Manufacturing and Buildings Maximize air quality benefits using the best available control technologies for stationary sources in communities most in need. Implement SB 905, which requires CARB to create the Carbon Capture, Removal, Utilization, and Storage Program to evaluate, demonstrate, and regulate carbon capture, utilization, and sequestration and carbon dioxide removal projects and technology. End fossil gas infrastructure expansion for newly constructed buildings. Develop a net-zero cement strategy to meet SB 956 targets for the GHG intensity of cement use. Leverage energy efficiency and low carbon hydrogen programs. Prioritize most vulnerable residents with the majority of funds in the new \$922 million Equitable Building Decarbonization program. 	State agencies and local agencies	No Conflict: The 2022 Scoping Plan reduces dependence on fossil gas in the industrial and building sectors by transitioning substantial energy demand to alternative fuels. Combustion of fossil gas, other gaseous fossil fuels, and solid fossil fuels provide energy to meet three broad industry needs: electricity, steam, and process heat. Non-combustion emissions result from fugitive emissions and from the chemical transformations inherent to some manufacturing processes. Decarbonizing industrial facilities depends upon displacing fossil fuel use with a mix of electrification, solar thermal heat, biomethane, low- or zero-carbon hydrogen, and other low-carbon fuels to provide energy for heat and reduce combustion emissions. Emissions also can be reduced by implementing energy efficiency measures and using substitute raw materials that can reduce energy demand and some process emissions. Some remaining combustion technologically feasible or costeffective alternatives for certain industrial sectors. Microgrids powered by renewable resources and with battery storage are emerging as a key enabler of electrification and decarbonization at industrial facilities.

2022 Scoping Plan Actions and Strategies	Responsible Party(ies)	Project Consistency
 Achieve three million all-electric and electric-ready homes by 2030 and seven million by 2035 with six million heat pumps installed by 2030. Adopt a zero-emission standard for new space and water heaters sold in California beginning in 2030. Implement biomethane procurement targets for investor-owned utilities as specified in SB 1440. 		and CALGreen Code. During operations, the project will provide improvements to the pedestrian network and would have a less-than- significant VMT impact after mitigation identified in the traffic report. ¹⁰⁰ As such, the project would not conflict with sustainable manufacturing buildings industry sector.
Carbon Dioxide Removal and	State	No Conflict: ARB has acknowledged that the
Capture Sector	agencies	deployment of carbon dioxide removal to
• Implement SB 905.	and local	emissions is needed to achieve net zero GHG
• Achieve the 85 percent reduction in anthropogenic sources below 1990 levels per AB 1279 by incorporating Carbon Capture and Storage (CCS) into sectors and programs beyond transportation.	agencies	emissions. Modeling shows that emissions from the AB 32 GHG Inventory sources will continue to persist even if all fossil related combustion emissions are phased out. Carbon dioxide removal includes both sequestration in natural and working lands and mechanical approaches such as: direct air capture, CCS (which is carbon capture from anthropogenic point sources
• Evaluate and propose the role for CCS in cement decarbonization and as part of hydrogen peroxide pathways.		involves capturing carbon from a smokestack of an emitting facility), or direct air capture (which captures carbon directly from the atmosphere).
• Explore carbon capture application for zero-carbon power for reliability needs per SB 100.		Ine project would not conflict with measures to increase carbon dioxide removal and capture. As such, the project would not conflict with action under the carbon dioxide removal and capture sector.

¹⁰⁰ Ruettgers & Schuler Civil Engineers. 2023. Traffic Study: Proposed Commercial Development Henderson Avenue & State Route 65 City of Porterville. May.

2022 Scoping Plan Actions and Strategies	Responsible Party(ies)	Project Consistency
Sindlegies	T dify(les)	
 Short-Lived Climate Pollutants (Non-Combustion Gases) Install anaerobic digesters to maximize air and water quality protection, maximize biomethane capture, and direct biomethane to specific sectors. Increase alternative manure management projects. Expand markets for products made from organic waste. Pursuant to SB 1137, develop leak detection and repair plans for facilities in health protection zones, implement emission detection system standards, and provide public access to emissions data. Convert large HFC emitters to the lowest practical global warming potential (GWP) technologies. 	State agencies and local agencies	No Conflict: SLCPs include black carbon, methane, and fluorinated gases. Dairy and livestock are the largest source of methane emissions followed by landfills. Black Carbon (soot) comes primarily from transportation, specifically heavy-duty vehicles followed by fuel combustion for residential, commercial, and industrial uses. The project would not conflict with SLCP dairy and livestock methane sector actions in the 2022 Scoping Plan. The project is a commercial development and does not include dairy or livestock. Furthermore, the project does not include a new landfill or any oil or gas production, processing, or storage facilities. The project would comply with the 2022 CalGreen Code for energy efficiency and use of high-GWP refrigerants and would not conflict with these policies or actions. The project is a commercial development that would not include fireplaces and would not result in a significant VMT impact; lower VMT results in a reduction of fuel combustion. Considering the information presented above, the project would not conflict with SLCP sector actions in the 2022 Scoping Plan.
Natural and Working Lands	State	No Conflict: AB 1757 requires state gaencies to set
 Implement AB 1757 and SB 27. Implement the Climate Smart Strategy. Accelerate the pace and scale of climate smart forest management to at least 2.3 million acres annually by 2025. 	agencies and local agencies	targets for natural carbon removal and emissions reductions on natural and working lands. AB 1757 is expected to catalyze natural carbon sequestration in California by: requiring California Natural Resources Agency and ARB to establish targets for sequestration on natural and working lands for 2030, 2038, and 2045; ensuring that natural sequestration projects have rigorous measurement and verification; and establishing

2022 Scoping Plan Actions and Strategies	Responsible Party(ies)	Project Consistency
 Accelerate the pace and scale of healthy soils practices to 80,000 acres annually by 2025, conserve at least 8,000 acres of annual crops annually, and increase organic agriculture to 20 percent of all cultivated acres by 2045. 		an expert committee to advise state agencies on modeling and implementation. SB 27 is designed to accelerate the removal of carbon from the atmosphere by expanding California's carbon removal capability (i.e. sequestration) and improve the carbon retention of the state's natural and working lands.
 Restore 60,000 acres of Delta wetlands annually by 2045. Increase urban forestry investment annually by 200 percent, relative to business as usual. 		The project is a commercial development and would not include natural working lands. As such, the project would not conflict with natural and working strategies under the 2022 Scoping Plan.
Source: ARB's 2022 Scoping Plan.		

As shown above in Table 3.8-3, the Project would not conflict with relevant 2022 Scoping Plan actions or strategies that aim to achieve the State's climate target of reducing anthropogenic emissions to 85 percent below 1990 levels and achieving carbon neutrality by 2045.

In its 2008 Scoping Plan, ARB acknowledged that the "measures needed to meet the 2050 are too far in the future to define in detail." In the First Scoping Plan Update; however, ARB generally described the type of activities required to achieve the 2050 target: "energy demand reduction through efficiency and activity changes; large scale electrification of on-road vehicles, buildings, and industrial machinery; decarbonizing electricity and fuel supplies; and rapid market penetration of efficiency and clean energy technologies that requires significant efforts to deploy and scale markets for the cleanest technologies immediately."

The ARB recognized that AB 32 established an emissions reduction trajectory that will allow California to achieve the more stringent 2050 target: "These [greenhouse gas emission reduction] measures also put the State on a path to meet the long-term 2050 goal of reducing California's GHG emissions to 80 percent below 1990 levels. This trajectory is consistent with the reductions that are needed globally to stabilize the climate." In addition, ARB's First Update "lays the foundation for establishing a broad framework for continued emission reductions beyond 2020,

on the path to 80 percent below 1990 levels by 2050," and many of the emission reduction strategies recommended by ARB would serve to reduce the proposed Project's post-2020 emissions level to the extent applicable by law:

- Energy Sector: Continued improvements in California's appliance and building energy efficiency programs and initiatives, such as the State's zero net energy building goals, would serve to reduce the proposed Project's emissions level. Additionally, further additions to California's renewable resource portfolio would favorably influence the Project's emissions level.
- **Transportation Sector:** Anticipated deployment of improved vehicle efficiency, zero emission technologies, lower carbon fuels, and improvement of existing transportation systems all will serve to reduce the Project's emissions level.
- Water Sector: The Project's emissions level will be reduced as a result of further desired enhancements to water conservation technologies.
- Waste Management Sector: Plans to further improve recycling, reuse and reduction of solid waste will beneficially reduce the project's emissions level.

For the reasons described above, the Project's post-2020 emissions trajectory is expected to follow a declining trend, consistent with the 2030 and 2050 targets. The trajectory required to achieve the post-2020 targets is shown in Figure 3.8-2.¹⁰¹



¹⁰¹ Henderson Commercial Development Project - Air Quality, Greenhouse Gas, and Energy Analysis Report (AQGGEA) Report. May 2023. Johnson Johnson & Miller Air Quality Consulting (Appendix B). Page 95.

¹⁰² ARB 2017 Scoping Plan Update. <u>https://ww2.arb.ca.gov/our-work/programs/ab-32-climate-change-scoping-plan/2017-scoping-plan-documents</u>. Accessed December 2024.

In his January 2015 inaugural address, former Governor Brown expressed a commitment to achieve "three ambitious goals" that he would like to see accomplished by 2030 to reduce the State's GHG emissions:

- Increasing the State's RPS from 33 percent in 2020 to 50 percent in 2030;
- Cutting the petroleum use in cars and trucks in half; and
- Doubling the efficiency of existing buildings and making heating fuels cleaner.

These expressions of executive branch policy may be manifested in adopted legislative or regulatory action through the State agencies and departments responsible for achieving the State's environmental policy objectives, particularly those relating to global climate change. Further, recent studies show that the State's existing and proposed regulatory framework will allow the State to reduce its GHG emissions level to 40 percent below 1990 levels by 2030, and to 80 percent below 1990 levels by 2050. Even though these studies did not provide an exact regulatory and technological roadmap to achieve the 2030 and 2050 goals, they demonstrated that various combinations of policies could allow the statewide emissions level to remain very low through 2050, suggesting that the combination of new technologies and other regulations not analyzed in the studies could allow the State to meet the 2050 target.

Given the proportional contribution of mobile source-related GHG emissions to the State's inventory, recent studies also show that relatively new trends—such as the increasing importance of web-based shopping, the emergence of different driving patterns, and the increasing effect of web-based applications on transportation choices—are beginning to substantially influence transportation choices and the energy used by transportation modes. These factors have changed the direction of transportation trends in recent years and will require the creation of new models to effectively analyze future transportation patterns and the corresponding effect on GHG emissions. For the reasons described above, the proposed Project future emissions trajectory is expected to follow a declining trend, consistent with the 2030 and 2050 targets.

The 2017 Scoping Plan provides an intermediate target that is intended to achieve reasonable progress toward the 2050 target. In addition, the 2022 Scoping Plan outlines objectives, regulations, planning efforts, and investments in clean technologies and infrastructure that outlines how the State can achieve carbon-neutrality by 2045. Accordingly, taking into account the proposed Project's design features and the progress being made by the State towards reducing emissions in key sectors such as transportation, industry, and electricity, the proposed Project would be consistent with State GHG Plans and would further the State's goals of reducing GHG emissions 40 percent below 1990 levels by 2030, carbon neutral by 2045, and 80 percent below

1990 levels by 2050, and does not obstruct their attainment. Therefore, impacts related to GHGs will be *less than significant*.

Mitigation Measures:

None Required.

Impact 3.8-2: Would the project conflict with an applicable plan, policy or regulation adopted for the purpose of reducing the emissions of greenhouse gases?

Less Than Significant. The following analysis assesses the Project's compliance with Consideration #3 regarding consistency with adopted plans to reduce GHG emissions. The City of Porterville has not adopted a GHG reduction plan. In addition, the City has not completed the GHG inventory, benchmarking, or goal-setting process required to identify a reduction target and take advantage of the streamlining provisions contained in the CEQA Guidelines amendments adopted for SB 97 and clarifications provided in the CEQA Guidelines amendments adopted on December 28, 2018.

The SJVAPCD has adopted a Climate Action Plan, but it does not contain measures that are applicable to the Project. Therefore, the SJVAPCD Climate Action Plan cannot be applied to the Project. Since no other local or regional Climate Action Plan is in place, the Project is assessed for its consistency with ARB's adopted Scoping Plans. This assessment is included under Impact 3.8-1 above. As demonstrated in the analysis contained under Impact 3.8-1, the Project would not conflict with any applicable plan, policy, or regulation of an agency adopted to reduce the emissions of greenhouse gases. Impacts are *less than significant*.

Mitigation Measures:

None Required.

Cumulative Impacts

Less Than Cumulatively Considerable. The State of California, through AB 32, has acknowledged that GHG emissions are a statewide impact. Emissions generated by the proposed Project combined with past, present, and reasonably probable future projects could contribute to this impact. The CEQA Guidelines emphasize that effects of GHG emissions are cumulative in nature and should be analyzed in the context of CEQA's existing cumulative impacts analysis.

The California Governor's Office of Planning and Research acknowledges that although climate change is cumulative in nature, not every individual project that emits GHGs must necessarily be found to contribute to a significant cumulative impact on the environment.

As discussed above, the proposed Project would not generate significant GHG emissions and would be consistent with GHG reduction plans. Therefore, the proposed Project's incremental contribution would be *less than cumulatively considerable*.

3.9 Hazards and Hazardous Materials

This section of the DEIR identifies potential impacts of the proposed Project pertaining to hazards and hazardous materials, proximity to airports/schools, and assessment of wildfire risk. No NOP letters were received pertaining to this topic.

Hazards include man-made or natural materials or man-made or natural conditions that may pose a threat to human health, life, property, or the environment. Hazardous materials and waste present health hazards for humans and the environment. These health hazards can result during the manufacture, transportation, use, or disposal of such materials if not handled properly. Hazards to humans can also exist from natural or human induced wildfire and air traffic accidents.

Environmental Setting

Project Site

The Project site is located in the northcentral portion of the City of Porterville, near primarily residential and commercial land uses. The site is currently vacant.

Residences exist within a quarter-mile of the Project site to the north and west. The Project site is approximately 3.8 miles northeast of the Porterville Municipal Airport.

Hazardous Materials

A hazardous material is a substance or combination of substances which, because of its quantity, concentration, or physical, chemical, or infectious characteristics, may either (1) cause or significantly contribute to an increase in mortality or an increase in serious, irreversible, or incapacitating irreversible illness; or (2) pose a substantial present or potential hazard to human health and safety, or the environment when improperly treated, stored, transported, or disposed of.

Hazardous materials include a variety of substances such as lubricants, herbicides and pesticides, solvents, gasoline, household cleaning products, refrigerants and radioactive substances. Some are common to industrial and commercial processes, while others are commonly used in households. A hazardous waste is simply the spent or used hazardous material that requires disposal. Improper transport, storage, handling, use and disposal of hazardous wastes can have significant impacts on the environment and human health.

Hazardous Sites

The Cortese List is a planning document used by the State, local agencies, and land owners to comply with CEQA requirements in providing information about the location of hazardous materials release sites. Government Code Section 65962.5 requires the California Environmental Protection Agency to develop at least annually an updated Cortese List. The California Department of Toxic Substances Control (DTSC) and the SWRCB are responsible for a portion of the information contained in the Cortese List. Other State and local government agencies are required to provide additional hazardous material release information for the Cortese List.

DTSC maintains the *Envirostor Data Management System* (*Envirostor*), which provides information on hazardous waste facilities (both permitted and corrective action) as well as any available site cleanup information. This site cleanup information includes: Federal Superfund Sites, State Response Sites, Voluntary Cleanup Sites, School Cleanup Sites, Corrective Action Sites, Tiered Permit Sites, and Evaluation / Investigation Sites. The hazardous waste facilities include: Permitted–Operating, Post-Closure Permitted, and Historical Non-Operating. There are no hazardous waste facilities identified on Envirostor within 2,500 feet of the proposed Project site.¹⁰³

GeoTracker is the SWRCB's data management system for managing sites that impact groundwater, especially those that require groundwater cleanup (Underground Storage Tanks (USTs), Department of Defense, Site Cleanup Program) as well as permitted facilities such as operating USTs and land disposal sites. The Project site was not identified within the GeoTracker Database. The Database identified seven cleanup program sites within 2,000 feet of the proposed Project site with two of those sites being immediately adjacent, as described below:

• The Sierra Minit Mart #2 located at 1012 W. Henderson Avenue which is a leaking underground storage tank (LUST) site. Gasoline was the potential contaminant of concern in 1996; however the site underwent remediation in 1998 and the case was closed as of 12/22/2010.¹⁰⁴

¹⁰³ Department of Toxic Substances Control. Envirostor. <u>https://www.envirostor.dtsc.ca.gov/public/map/?myaddress=porterville</u>. Accessed October 2024.

¹⁰⁴ California Water Resource Control Board. GeoTracker Database.

https://geotracker.waterboards.ca.gov/profile_report.asp?global_id=T0610700362. Accessed October 2024.

• The 7-11 Food Store #2241-22928 located at 1174 W. Henderson Avenue. Similar to the previous site, it is a LUST site with gasoline as the potential contaminant of concern. The site underwent remediation in 1989 and the case was closed on 9/22/1994.¹⁰⁵

The remaining five cleanup sites within the 2,000 feet include:

- Porterville Town Center located at 820 W. Henderson Ave case closed.
- Nobles Texaco located at 940 W. Henderson Ave case closed.
- Chevron # 9-7169 located at 957 W. Henderson Ave case closed.
- Henderson Shell located at 960 W. Henderson Ave case closed.
- Save Center #4 located at 770 N. Porter Road open site assessment as of 7/26/2016, which means that site characterization, investigation, risk evaluation, and/or site conceptual model development are occurring at the site.

Wildfire Hazards

In California, responsibility for wildfire prevention and suppression is shared by federal, State and local agencies. Federal agencies are responsible for federal lands in Federal Responsibility Areas. The State of California has determined that some non-federal lands in unincorporated areas with watershed value are of statewide interest and have classified those lands as State Responsibility Areas (SRA), which are managed by California Department of Forestry and Fire Protection (CAL FIRE). All incorporated areas and other unincorporated lands are classified as Local Responsibility Areas (LRA). While nearly all of California is subject to some degree of wildfire hazard, there are specific features that make certain areas more hazardous. CAL FIRE is required by law to map areas of significant fire hazards based on fuels, terrain, weather and other relevant factors (PRC 4201-4204 and California Government Code 51175-89). As described above, the primary factors that increase an area's susceptibility to fire hazards include slope, vegetation type and condition, and atmospheric conditions. CAL FIRE maps fire hazards based on zones, referred to as Fire Hazard Severity Zones. CAL FIRE maps three fire hazard severity zones within SRAs: 1) Moderate Fire Hazard Severity Zones; 2) High Fire Hazard Severity Zones; and 3) Very High Fire Hazard Severity Zones. Only the Very High Fire Hazard Severity Zones are mapped for LRAs. Each of the zones influence how people construct buildings and protect property to reduce risk associated with wildland fires. Under State regulations, areas within very high fire hazard risk zones must comply with specific building and vegetation management requirements intended to reduce property damage and loss of life within these areas. According to CAL FIRE's

¹⁰⁵ California Water Resource Control Board. GeoTracker Database.

https://geotracker.waterboards.ca.gov/profile_report.asp?global_id=T0610700007. Accessed April 2024.

SRA and Fire Hazard Severity Zones (FHSZ) map, the City is in a LRA, and approximately 1.2 miles from the closest SRA to the northwest, west, and southwest, which have a Moderate FHSZ designation.¹⁰⁶ Intervening urban land uses exist between the Project area and the closest SRA.

<u>Airports</u>

The nearest public airport is the Porterville Municipal Airport, approximately 3.8 miles southwest of the Project site.

<u>Schools</u>

The Porterville Unified School District (PUSD) comprises of 23 schools with schools in Porterville and Strathmore. Monte Vista School is located approximately 0.4 miles to the northeast of the Project site, and Monache High School is approximately 0.6 miles to the west. Prospect Education Center School is located approximately 0.25 miles to the southwest of the proposed Project site. While not currently in use, the school site has historically been used as a PUSD facility and is planned and zoned for public uses.

Regulatory Setting

Federal Regulations

Hazardous Materials Transportation Act

The Hazardous Materials Transportation Act of 1975 (HMTA), as amended, is the major federal transportation-related statute affecting the transportation of hazardous material in commerce. The objective of the HMTA according to the policy enacted by Congress is "... to improve the regulatory and enforcement authority of the Secretary of Transportation to protect the Nation adequately against risks to life and property which are inherent in the transportation of hazardous materials in commerce." The HMTA empowers the Secretary of Transportation to designate as hazardous material any "particular quantity or form" of a material that "may pose an unreasonable risk to health and safety or property."

Regulations apply to "... any person who transports, or causes to be transported or shipped, a hazardous material; or who manufactures, fabricates, marks, maintains, reconditions, repairs, or tests a package or container which is represented, marked, certified, or sold by such person for

¹⁰⁶ Fire Hazard Severity Zones Maps, California Department of Forestry and Fire Protection. <u>https://osfm.fire.ca.gov/fire-hazard-severity-zones-maps-2022/</u>. Accessed October, 2024.

use in the transportation in commerce of certain hazardous materials."107

Superfund Sites

The Comprehensive Environmental Response, Compensation and Liability Act (CERCLA), commonly referred to as "Superfund", was enacted on December 11, 1980. The purpose of CERCLA was to provide authorities with the ability to respond to uncontrolled releases of hazardous substances from inactive hazardous waste sites that endanger public health and the environment. CERCLA established prohibitions and requirements concerning closed and abandoned hazardous waste sites, provided for liability of persons responsible for releases of hazardous waste at such sites, and established a trust fund to provide for cleanup when no responsible party could be identified. Additionally, CERCLA provided for the revision and republishing of the National Contingency Plan (NCP) that provides the guidelines and procedures needed to respond to releases and threatened releases of hazardous substances, pollutants, or contaminants. The NCP also provides for the National Priorities List, a list of national priorities among releases or threatened releases throughout the United States for the purpose of taking remedial action.

The Superfund Amendments and Reauthorization Act SARA amended CERCLA on October 17, 1986. This amendment increased the size of the Hazardous Response Trust Fund to \$8.5 billion, expanded the EPA's response authority, strengthened enforcement activities at Superfund sites, and broadened the application of the law to include federal facilities. In addition, new provisions were added to the law that dealt with emergency planning and community right to know. SARA also required the EPA to revise the Hazard Ranking System to ensure that the system accurately assesses the relative degree of risk to human health and the environment posed by sites and facilities subject to review for listing on the National Priorities List.

Federal Insecticide, Fungicide and Rodenticide Act

The Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA) provides for federal regulation of pesticide distribution, sale, and use. All pesticides distributed or sold in the United States must be registered (licensed) by the EPA. Before the EPA may register a pesticide under FIFRA, the applicant must show, among other things, that using the pesticide according to specifications "will not generally cause unreasonable adverse effects on the environment." 7 U.S.C. Section 136 et seq.

¹⁰⁷ United States Department of Labor. Occupational Safety and Health Administration. Transporting Hazardous Materials. <u>https://www.osha.gov/trucking-industry/transporting-hazardous-materials</u>. Accessed October 2023.

Resource Conservation and Recovery Act

The Resource Conservation and Recovery Act (RCRA) provides the EPA with the authority to control hazardous waste from the "cradle-to-grave." This includes the generation, transportation, treatment, storage, and disposal of hazardous waste. The RCRA also set forth a framework for the management of non-hazardous solid wastes. The 1986 amendments to the RCRA enabled the EPA to address environmental problems that could result from underground tanks storing petroleum and other hazardous substances. The Federal Hazardous and Solid Waste Amendments (HSWA) are the 1984 amendments to the RCRA that focus on waste minimization and phasing out land disposal of hazardous waste as well as corrective action for releases. Some of the other mandates of this law include increased enforcement authority for the EPA, more stringent hazardous waste management standards, and a comprehensive UST program.

State of California Regulations

California Environmental Protection Agency (Cal/EPA), DTSC

Cal/EPA has regulatory responsibility under Title 22 of the CCR for administration of the state and federal Superfund programs for the management and cleanup of hazardous materials. The DTSC is responsible for regulating hazardous waste facilities and overseeing the cleanup of hazardous waste sites in California. The Hazardous Waste Management Program (HWMP) regulates hazardous waste through its permitting, enforcement and Unified Program activities. The HWMP maintains the EPA authorization to implement the RCRA program in California, and develops regulations, policies, guidance and technical assistance/training to assure the safe storage, treatment, transportation and disposal of hazardous wastes. The State Regulatory Programs Division of DTSC oversees the technical implementation of the State's Unified Program, which is a consolidation of six environmental programs at the local level, and conducts triennial reviews of Unified Program agencies to ensure that their programs are consistent statewide and conform to standards.

Hazardous Substance Account Act (1984), California Health and Safety Code Section 25300 ET SEQ (HSAA)

This act, known as the California Superfund, has three purposes: 1) to respond to releases of hazardous substances; 2) to compensate for damages caused by such releases; and 3) to pay the State's 10 percent share in CERCLA cleanups. Contaminated sites that fail to score above a certain threshold level in the EPA's ranking system may be placed on the California Superfund list of hazardous wastes requiring cleanup.

California Code of Regulations

Title 3 of the CCR pertains to the application of pesticides and related chemicals. Parties applying regulated substances must continuously evaluate application equipment, the weather, the treated lands and all surrounding properties. Title 3 prohibits any application that would:

- Contaminate persons not involved in the application
- Damage non-target crops or animals or any other public or private property
- Contaminate public or private property or create health hazards on said property

Title 8 of the CCR establishes California Occupational Safety and Health Administration (Cal OSHA) requirements related to public and worker protection. Topics addressed in Title 8 include materials exposure limits, equipment requirements, protective clothing, hazardous materials, and accident prevention. Construction safety and exposure standards for lead and asbestos are set forth in Title 8.

Title 14 of the CCR establishes minimum standards for solid waste handling and disposal.

Title 17 of the CCR establishes regulations relating to the use and disturbance of materials containing naturally occurring asbestos.

Title 19 of the CCR establishes a variety of emergency fire response, fire prevention, and construction and construction materials standards.

Title 22 of the CCR sets forth definitions of hazardous waste and special waste. The title also identifies hazardous waste criteria and establishes regulations pertaining to the storage, transport, and disposal of hazardous waste.

Title 26 of the CCR is a medley of State regulations pertaining to hazardous materials and waste that are presented in other regulatory sections. Title 26 mandates specific management criteria related to hazardous materials identification, packaging, and disposal. In addition, Title 26 establishes requirements for hazardous materials transport, containment, treatment, and disposal. Finally, staff training standards are set forth in Title 26.

Title 27 of the CCR sets forth a variety of regulations relating to the construction, operation and maintenance of the State's landfills. The title establishes a landfill classification system and categories of waste. Each class of landfill is constructed to contain specific types of waste (household, inert, special, and hazardous).

California Fire Code

The California Fire Code (CFC) is Part 9 of Title 24, CCR, also referred to as the California Building Standards Code. The CFC incorporates the 2009 International Fire Code of the International Code Council with necessary California amendments. The purpose of the CFC is to establish the minimum requirements consistent with nationally recognized good practices to safeguard the public health, safety and general welfare from the hazards of fire, explosion or dangerous conditions in new and existing buildings, structures and premises, and to provide safety and assistance to fire fighters and emergency responders during emergency operations.

California Health and Safety Code

Division 11 of the Health and Safety Code establishes regulations related to a variety of explosive substances and devices, including high explosives and fireworks. Section 12000 et seq. establishes regulations related to explosives and explosive devices, including permitting, handling, storage, and transport (in quantities greater than 1,000 pounds).

Division 12 of the Health and Safety Code establishes requirements for buildings used by the public, including essential services buildings, earthquake hazard mitigation technologies, school buildings, and postsecondary buildings.

Division 20 of the Health and Safety Code establishes DTSC authority and sets forth hazardous waste and underground storage tank regulations. In addition, the division creates a State superfund framework that mirrors the federal program.

Division 26 of the Health and Safety Code establishes ARB authority. The division designates ARB as the air pollution control agency per federal regulations and charges the ARB with meeting Clean Air Act requirements.

California Health and Safety Code and UBC Section 13000 et seq.

State fire regulations are set forth in §13000 *et seq.* of the California Health and Safety Code, which is divided into "Fires and Fire Protection" and "Buildings Used by the Public." The regulations provide for the enforcement of the Uniform Building Code (UBC) and mandate the abatement of fire hazards. The code establishes broadly applicable regulations, such as standards for buildings and fire protection devices, in addition to regulations for specific land uses, such as childcare facilities and high-rise structures.

California Vehicle Code §31600 (Transportation of Explosives)

The California Vehicle Code establishes requirements related to the transportation of explosives in quantities greater than 1,000 pounds, including licensing and route identification.

Cal/EPA Cortese List

The provisions in Government Code Section 65962.5 are commonly referred to as the "Cortese List" (after the Legislator who authored the legislation that enacted it). The list, or a site's presence on the list, has bearing on the local permitting process as well as on compliance with CEQA. The Cortese List identifies the following:

- Hazardous Waste and Substance Sites
- Cease and desist order Sites
- Waste Constituents above Hazardous Waste Levels outside the Waste Management Unit Sites
- LUST Cleanup Sites
- Other Cleanup Sites
- Land Disposal Sites
- Military Sites
- WDR Sites
- Permitted UST Facilities Sites
- Monitoring Wells Sites
- DTSC Cleanup Sites

Local Regulations

Porterville General Plan Policies

- PHS-I-17: Require remediation and cleanup of sites contaminated with hazardous substances.
- PHS-I-19: Ensure that all specified hazardous facilities conform to the Tulare County Hazardous Waste Management Plan.
- PHS-I-21: Coordinate enforcement of the Hazardous Material Disclosure Law and the implementation of the Hazardous Material Emergency Response Plan with the Tulare County Health and Human Service Agency.

• PHS-I-28: Ensure that new development incorporates safety concerns into the site, circulation, building design and landscaping plans.

Tulare County Environmental Health Division

Tulare County Environmental Health Division (TCEHD) is the local agency responsible for the implementation of the State-mandated Unified Hazardous Waste and Hazardous Materials Management Regulatory Program. The closest location of TCEHD is in the City of Visalia. Tulare County has prepared a Hazardous Materials Business Plan and a Multi-Jurisdictional Local Hazard Mitigation Plan (LHMP) which serves as the County's emergency response plan for hazardous materials emergency incidents. In addition, the TCEHD acts as lead agency to ensure proper remediation of leaking underground petroleum storage tank sites and certain other contaminated sites. TCEHD provides three permanent Household Hazardous Waste (HHW) drop-off facilities in the County including one in Visalia, and operates mobile collection events throughout the year. These services are available free of charge to any Tulare County resident.

The City of Porterville Fire Department (PFD) provides some oversight of hazardous materials. The PFD is responsible for conducting inspections for code compliance and fire-safe practices and for investigation of fire and hazardous materials incidents. The PFD also regulates explosive and hazardous materials under the Uniform Fire Code, and permits the handling, storage and use of any explosive or other hazardous material.

Tulare County Multi-Jurisdictional Local Hazard Mitigation Plan

A hazard mitigation plan is a formal document that outlays the plans to reduce or eliminate the long-term risk to human life and property from natural or man-made hazards. Porterville participates in the preparation of the LHMP which covers Tulare County and eleven participating cities. The LHMP was prepared to assess the natural, technological, and human-caused risks to County communities, to reduce the potential impact of the hazards by creating mitigation strategies. The 2017 LHMP represents the County's commitment to create a safer, more resilient community by taking actions to reduce risk and by committing resources to lessen the effects of hazards on the people and property of the County.

The plan has been designed to meet four goals; (1) significantly reduce life loss and injuries, (2) minimize damage to structures and property, as well as disruption of essential services and human activities, (3) protect the environment, and (4) promote hazard mitigation as an integrated public policy.

This plan complies with The Federal Disaster Mitigation Act of 2000 (DMA 2000), Federal Register 44 CFR Parts 201 and 206, which modified the Robert T. Stafford Disaster Relief and Emergency Assistance Act (Stafford Act) by adding a new Section, 322 - Mitigation Planning. This law, as of November 1, 2004, requires local governments to develop and submit hazard mitigation plans as a condition of receiving FEMA Hazard Mitigation Grant Program (HMGP) and other mitigation project grants. The County; the Cities of Dinuba, Exeter, Farmersville, Lindsay, Porterville, Tulare, Visalia, and Woodlake; the Tule River Tribe; and Tulare County Office of Education staffs have coordinated preparation of the LHMP in cooperation with stakeholders, partner agencies and members of the public, will seek LHMP approval and adopt their appropriate sections.

The development, approval, and implementation of the LHMP can dramatically reduce future risk and loss by evaluating risk and identifying mitigation actions. The LHMP will also assist the County in qualifying for several types of funding offered by FEMA including Pre-Disaster Mitigation (PDM) funds (funding for projects that are implemented before a disaster occurs), and HMGP (post-disaster funds funding for hazard reduction projects). In addition, the LHMP improves the County's access to other types of Federal disaster assistance, including funds for permanent repairs. This increased eligibility for grant programs affords the County an opportunity to prepare for the future and work with neighbors to protect the local community.

As the costs of damage from natural disasters continue to increase, governmental and local agencies, as well as the general public, have come to realize the importance of identifying effective ways to reduce vulnerability and losses. The LHMP assists entities and jurisdictions in reducing impacts from hazards by recognizing vulnerability in relation to risk, identifying resources, creating an orderly data collection process and developing strategies for risk reduction, while helping to guide and coordinate mitigation activities. The resources and information within the LHMP:

- Establish a basis for coordination and collaboration among agencies and the public
- Assist in the integration of mitigation goals and objectives with other County and community plans
- Identify existing mitigation projects and prioritize future projects
- Assist in meeting the requirements of federal mitigation programs
- Lay the foundation for future LHMP updates and LHMP maintenance

In addition, the LHMP is designed to ensure the long-term values of the community are not compromised in the course of preparing for, responding to or recovering from, natural and manmade hazards.

Standardized Emergency Management System (SEMS)

The standardized emergency management system (SEMS) is a structure for coordination between the government and local emergency response organizations. It provides and facilitates the flow of emergency information and resources within and between the organizational levels of field response, local government, operational areas, regions and state management. SEMS facilitates priority setting, integrated coordination, effective flow of resources and information between all stakeholders. SEMS incorporates the use of the Incidental Command System (ICS), Master Mutual Aid Agreement (MMAA), Operational Area (OA) concept and multi-agency and interagency coordination. State agencies and local government units are to use SEMS in order to become eligible for reimbursement costs led by the State's disaster assistance program.

San Joaquin Valley Air Pollution Control District

The SJVAPCD is a public health agency whose mission is to improve the health and quality of life for all Valley residents through efficient, effective and entrepreneurial air qualitymanagement strategies. SJVAPCD's ten core values include: protection of public health; active and effective air pollution control efforts with minimal disruption to the Valley's economic prosperity; outstanding customer service; ingenuity and innovation; accountability to the public; open and transparent public process; recognition of the uniqueness of the Valley; continuous improvement; effective and efficient use of public funds; and respect for the opinions and interests of all Valley residents.¹⁰⁸ To achieve these core values the SJVAPCD has adopted air quality plans pursuant to the CCAA and a comprehensive list of rules to limit air quality impacts. The air plans currently in effect in the SJVAB and specific rules that may apply to the proposed Project are listed and described further below.

The SJVAPCD is responsible for controlling emissions primarily from stationary sources. The SJVAPCD, in coordination with the eight countywide transportation agencies, is also responsible for developing, updating, and implementing air quality attainment plans for the SJVAB. The SJVAPCD also regulates asbestos demolition and other hazardous materials handling.

Certified Unified Program Agency (CUPA)

¹⁰⁸ San Joaquin Valley Air Pollution Control District. About the District. https://ww2.valleyair.org/about/#Mission. Accessed October 2023.
The California Environmental Protection Agency designates specific local agencies as Certified Unified Program Agencies (CUPA), typically at the county level. The TCEHD is the agency that has been designated the Certified Unified Program Agency (CUPA) for the County. Each designated CUPA is responsible for the implementation of six statewide programs within its jurisdiction. These programs include:

- Underground storage of hazardous substances (USTs)
- Hazardous Materials Business Plan (HMP) requirements
- Hazardous Waste Generator requirements
- California Accidental Release Prevention (Cal-ARP) program
- Uniform Fire Code hazardous materials management plan

• Above Ground Storage Tanks (Spill Prevention Control and Countermeasures Plan only) Implementation of these programs involves:

- Permitting and inspection of regulated facilities
- Providing educational guidance and notice of changing requirements stipulated in State or federal laws and regulations
- Investigations of complaints regarding spills or unauthorized releases
- Administrative enforcement actions levied against facilities that have violated applicable laws and regulations

Thresholds of Significance

The thresholds of significance for this section are established by the CEQA Checklist Items below:

- Create a significant hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials.
- Create a significant hazard to the public or the environment through reasonably foreseeable upset and accident conditions involving the release of hazardous materials into the environment.
- Emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste within one-quarter mile of an existing or proposed school.
- Be located on a site which is included on a list of hazardous materials sites compiled pursuant to Government Code Section 65962.5 and, as a result, would it create a significant hazard to the public or the environment.
- For a project located within an airport land use plan or where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project

result in a safety hazard or excessive noise for people residing or working in the project area.

- Impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan.
- Expose people or structures, either directly or indirectly, to a significant risk of loss, injury or death involving wildland fires.

Impacts and Mitigation Measures

Impact 3.9-1: *Create a significant hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials into the environment?*

Less Than Significant Impact. This impact is associated with hazards caused by the routine transport, use, or disposal of hazardous materials or through reasonably foreseeable upset and accident conditions involving the release of hazardous materials into the environment.

The proposed Project includes the construction and operation of a 92,060-square-foot retail and restaurant development, to be occupied by quick serve drive-thru, major retail, grocery and drug store businesses. Additional improvements include parking areas, nighttime lighting and site landscaping, as well as a new left turn for west Henderson Avenue and roadway signage. Project construction activities may involve the use and transport of hazardous materials. These materials may include fuels, oils, mechanical fluids, and other chemicals used during construction. Transportation, storage, use, and disposal of hazardous materials during construction activities would be required to comply with applicable federal, State, and local statutes and regulations. Compliance would ensure that human health and the environment are not exposed to hazardous materials.

In addition, the Project would be required to comply with the NPDES permit program through the submission and implementation of a SWPPP during construction activities to prevent contaminated runoff from leaving the Project site. Therefore, no significant impacts would occur during construction activities.

The operational phase of the proposed Project would occur after construction is completed and the retail and quick serve restaurants open for business. Upon General Plan Amendment, CUP, and Parcel Map approval, the proposed Project will include uses that are compatible with those surrounding the site. The current land uses are also considered compatible with the surrounding uses. None of these land uses routinely transport, use, or dispose of hazardous materials, or present a reasonably foreseeable release of hazardous materials, with the exception of common commercial grade hazardous materials such cleaners, paint, etc. The proposed Project would not create a significant hazard through the routine transport, use, or disposal of hazardous materials, nor would a significant hazard to the public or to the environment through the reasonably foreseeable upset and accidental conditions involving the likely release of hazardous materials into the environment occur. Therefore, the proposed Project will not create a significant hazard to the public or the environment and any impacts would be *less than significant*.

Mitigation Measures:

None are required.

Impact 3.9-2: *Create a significant hazard to the public or the environment through reasonably foreseeable upset and accident conditions involving the release of hazardous materials into the environment?*

Less Than Significant Impact. See Response a. above. Any accumulated hazardous construction or operational wastes will be collected and transported away from the site in compliance with all federal, State and local regulations. Any impacts would be *less than significant*.

Mitigation Measures:

None are required.

Impact 3.9-3: *Emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste within one-quarter mile of an existing or proposed school?*

Less Than Significant Impact. Prospect Education Center School is approximately 0.25 miles to the southwest of the Project site. Monte Vista School is located approximately 0.4 miles to the northeast of the Project site, and Monache High School is approximately 0.6 miles to the west. As the proposed Project includes the development of a retail shopping center with quick serve restaurants, it is not reasonably foreseeable that the proposed Project will cause a significant impact by emitting hazardous waste or bringing hazardous materials near a proposed or existing school. Retail Center land uses do not typically generate, store, or dispose of significant quantities of hazardous materials. Such uses also do not normally involve dangerous activities that could expose persons onsite or in the surrounding areas to large quantities of hazardous materials. See also Responses a. and b. regarding hazardous material handling. The impact is *less than significant*.

Mitigation Measures:

None are required.

Impact 3.9-4: *Be located on a site which is included on a list of hazardous materials sites compiled pursuant to Government Code Section 65962.5 and, as a result, would it create a significant hazard to the public or the environment?*

No Impact. The proposed Project site is not located on a list of hazardous materials sites complied pursuant to Government Code Section 65962.5 (Geotracker¹⁰⁹ and DTSC Envirostor¹¹⁰ databases – accessed in October 2024). As such, *no impacts* would occur that would create a significant hazard to the public or the environment.

Mitigation Measures: None are required.

Impact 3.9-5: For a project located within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project result in a safety hazard or excessive noise for people residing or working in the project area?

No Impact. The proposed Project site is approximately 3.8 miles northeast of the Porterville Municipal Airport. Additionally, the Tulare County Comprehensive Airport Land Use Plan indicates that the Project area is outside the Porterville Municipal Airport Safety Zone.¹¹¹. There is *no impact*.

Therefore, there is *no impact*.

Mitigation Measures:

None are required.

¹⁰⁹ EnviroStor, Department of Toxic Substances Control. <u>https://www.envirostor.dtsc.ca.gov/public/</u>. Accessed October 2024.

¹¹⁰ GeoTracker, State Water Resources Control Board. <u>https://geotracker.waterboards.ca.gov/</u>. Accessed October, 2024.

^e Tulare County Comprehensive Airport Land Use Plan. December 2012. Figure PTV-2. <u>https://tularecounty.ca.gov/rma/rma-documents/planning-documents/tulare-county-comprehensive-airport-land-use-plan/</u>. Accessed April 2024.

Impact 3.9-6: *Impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan?*

Less Than Significant Impact. The California Emergency Services Act (Government Code Sections 8550-8668) provides a framework for local jurisdictions to prepare and maintain an Emergency Plan for natural, manmade, or war-caused emergencies that result in conditions of disaster or in extreme peril to life. The Porterville Emergency Operations Plan (EOP), adopted in 2004, includes planning and response scenarios for seismic hazards, extreme weather conditions, landslides, dam failure and other flooding. The City has designated several evacuation routes through Porterville to be used in case of catastrophic emergencies. It is meant to work in conjunction with the State Emergency Plan. The PFD is represented on the County's Emergency Council, which meets for regional coordination purposes at least four times per year. The PFD also houses the City's Emergency Operations Center and lead emergency preparedness and planning for the City. In addition, the PFD has specific procedures for hazardous materials emergency response.

The Project will not interfere with any adopted emergency response or evacuation plan. Access for emergency vehicles to the site will be maintained at all times. There is *no impact*.

Mitigation Measures:

None are required.

Impact 3.9-7: *Expose people or structures either directly or indirectly to a significant risk of loss, injury or death involving wildland fires?*

No Impact. There are no wildlands on or near the Project site. There are no other factors of the proposed Project or the surrounding area that would exacerbate wildfire or the uncontrolled spread of a wildfire. For these reasons, there is *no impact*.

Mitigation Measures:

None are required.

Cumulative Impacts

Less Than Cumulatively Considerable. The scope for considering cumulative impacts to hazards and hazardous materials is generally site-specific rather than cumulative in nature because each project site has different hazardous considerations that would be subject to review. Project construction may involve the transportation, use, and/or disposal of hazardous materials, which may involve the use of equipment that contains hazardous materials (e.g., solvents and fuels, diesel-fueled equipment), or the transportation of excavated soil and/or groundwater containing contaminants from areas that are identified as being contaminated.

With respect to impacts related to the creation of a hazard through upset or accident conditions involving the release of a hazardous material, site grading could generate dust.. However, conformance with existing State and City regulations, as well as Project safety design features, would render this impact less than significant. This impact does not have the potential to contribute to cumulative hazards associated with other projects. The impacts would be localized, occurring only in the immediate vicinity of the project sites, and the implementation of appropriate safety measures during construction of the proposed Project would reduce the impact to a level that would not contribute to cumulative effects.

The Project is located 0.25 miles from Prospect Education Center School; however, it is not reasonably foreseeable that the proposed Project will cause a significant impact by emitting hazardous waste or bringing hazardous materials near a proposed or existing school. The proposed Project will not contribute to cumulative effects resulting from hazardous emissions or the handling of hazardous materials, substances, or waste. The Project is not located on a listed hazardous materials site and accordingly would not contribute to cumulative impacts resulting from the creation of a significant hazard to the public due to its location.

Because of the Project's location in an area with adequate emergency response times and the absence of project features that would physically impair emergency response or evacuation, the Project would not contribute to cumulative impacts on an adopted emergency response plan or evacuation plan. Similarly, the Project would not contribute to cumulative wildland fire-related impacts due to its location in an area with low wildland fire risk. Considering the protection granted by local, State and federal agencies and their requirements for the use of hazardous materials in the region, the overall cumulative impact would be less than significant. As such, the proposed Project's incremental contribution to cumulative hazards and human health impacts would be *less than cumulatively considerable*.

3.10 Hydrology and Water Quality

This section of the DEIR identifies potential impacts of the proposed Project pertaining to hydrology, water supply and water quality. No NOP letters were received pertaining to this topic.

Environmental Setting

The City of Porterville has a dry, mediterranean climate with evaporation rates that exceed rainfall. Annual precipitation within the proposed Project site is about 11 inches, almost 85% of which falls between the months of October and March. Nearly all precipitation falls in the form of rain and storm-water readily infiltrates the soils of the Project site and surrounding areas.

The City of Porterville is located in the Tulare Lake Basin, and within the Tule Sub-basin, which has been classified as a critically overdrafted basin.¹¹² According to the City's General Plan EIR, wells in and around the city have shown a moderate groundwater level decline of about 0.75 feet per year over the past 20 years. The City's municipal wells are generally scattered west of Plano Avenue and south of Westfield Avenue and the distribution system is operated under pressure. The City of Porterville receives all of its municipal water from groundwater.¹¹³

According to the City of Porterville 2020 Urban Water Master Plan (UWMP),¹¹⁴ water demands within the City's service area are largely residential, with commercial, industrial, institutional, and City-related consumption accounts for approximately 23% of the total water demand. Similarly, as part of the Eastern Tule Groundwater Sustainability Agency (GSA), the City plans to reduce groundwater usage by diversifying their supply portfolio as well as implement additional groundwater recharge in the future. The 2020 UWMP shows a total gross potable water use of 3,647 Million Gallons (MG), which is a net reduction of 1,210 MG when compared to the Projected 2020 gross water use of 4,857 MG. The projected total gross water use in comparison to the 2015 UWMP was adjusted based on the 2020 actual value. The significant drop in total gross projections takes into consideration the standard practice of domestic water consumption and the implementation of conservation efforts set by the City. Water use reduction efforts throughout the city have promoted a conservation culture which in turn has decreased total usage over time. Available rebates for high efficiency plumbing, installation of water meters on new and existing services, water waste audits, landscape rebates and selection, and a more

¹¹² California Department of Water Resources. Critically Overdrafted Basins Map. <u>https://water.ca.gov/Programs/Groundwater-Management/Bulletin-118/Critically-Overdrafted-Basins</u>. Accessed October 2023.

¹¹³ City of Porterville - Hydraulic Analysis, page 1. Dee Jaspar & Associates, Inc. (May 2015).

¹¹⁴ City of Porterville 2020 Urban Water Management Plan. April 2022. <u>https://wuedata.water.ca.gov/public/uwmp_attachments/6335752189/Porterville%5F2020%20UWMP%20Final%2Epdf</u>. Accessed October 2024.

conscientious effort by citizens has proved to reduce total usage and ultimately decrease projections over the next 20 years.

The combination of continued below average and inconsistent precipitation (early 2023 notwithstanding), general water conservation mindset, and metering has decreased typical potable water consumption to approximately 130 gallons per capita per day (gpcd). Moving forward, the City's per capita water usage is expected to increase with population growth and favorable hydrologic conditions. The City utilizes the 179 gpcd as a conservative approach for planning purposes in their UWMP.

The City implements its Drought Response Plan during certain times of the year when watering is limited or restricted. Currently, the City is in Drought Response Phase IV which allows residents outdoor watering once per week on either Saturday or Sunday, depending on address number. This and other mandatory water conservation measures are being enforced with fines of up to \$500 for violations.¹¹⁵

Regulatory Setting

Federal Agencies and Regulations

Clean Water Act (CWA)

The CWA is intended to restore and maintain the chemical, physical, and biological integrity of the nation's waters (33 CFR 1251). The regulations implementing the CWA protect waters of the U.S. including streams and wetlands (33 CFR 328.3). The CWA requires states to set standards to protect, maintain, and restore water quality by regulating point source and some non-point source discharges. Under Section 402 of the CWA, the NPDES permit process was established to regulate these discharges.

The National Flood Insurance Act (1968) makes available federally subsidized flood insurance to owners of flood-prone properties. To facilitate identifying areas with flood potential, FEMA has developed FIRM that can be used for planning purposes.

State

¹¹⁵ City of Porterville, Public Works, Water Conservation. <u>https://www.ci.porterville.ca.us/departments/public_works/water_conservation.php</u>. Accessed October 2023.

State Water Resources Control Board

The SWRCB is the agency with jurisdiction over water quality issues in California. The SWRCB is governed by the Porter-Cologne Water Quality Act (Division 7 of the Water Code), which establishes the legal framework for water quality control activities by the SWRCB. The intent of the Porter-Cologne Act is to regulate factors which may affect the quality of waters of the State to attain the highest quality which is reasonable, considering a full range of demands and values. Much of the implementation of the SWRCB's responsibilities is delegated to its nine Regional Boards. The Project site is located within the Central Valley Region.

Regional Water Quality Board

The Central Valley RWQCB administers the NPDES storm water-permitting program in the Central Valley region. Construction activities on one acre or more are subject to the permitting requirements of the NPDES General Permit for Discharges of Storm Water Runoff Associated with Construction Activity (General Construction Permit). The General Construction Permit requires the preparation and implementation of a SWPPP. The plan will include specifications for Best Management Practices (BMPs) that will be implemented during proposed Project construction to control degradation of surface water by preventing the potential erosion of sediments or discharge of pollutants from the construction area. The General Construction Permit program was established by the Central Valley RWQCB for the specific purpose of reducing impacts to surface waters that may occur due to construction activities.

BMPs have been established by the Central Valley RWQCB in the California Storm Water Best Management Practice Handbook (2003), and are recognized as effectively reducing degradation of surface waters to an acceptable level. Additionally, the SWPPP will describe measures to prevent or control runoff degradation after construction is complete, and identify a plan to inspect and maintain these facilities or project elements.

Sustainable Groundwater Management Act

In 2014, California enacted the Sustainable Groundwater Management Act (SGMA) (Water Code §10720 et seq.). SGMA requires that groundwater basins designated by the state Department of Water Resources (DWR) as high priority and/or critically overdrafted must be managed under a Groundwater Sustainability Plan (GSP) that avoids "undesirable results" as defined in the Act within 20 years from January 31, 2020. The GSP must be developed by a Groundwater Sustainability Agency (GSA) approved by the DWR.

Local

Porterville General Plan Policies

- OSC-I-44: Work with the Regional Water Quality Control Board to ensure that all point source pollutants are adequately mitigated (as part of the CEQA review and project approval process) and monitored to ensure long-term compliance.
- OSC-I-45: Continue to require use of feasible and practical best management practices (BMPs) and other mitigation measures designed to protect surface water and groundwater from the adverse effects of construction activities and urban runoff in coordination with the Regional Water Quality Control Board.
- OSC-I-51: Prior to the approval of individual projects, require the City Engineer and/or Building Official to verify that the provisions of applicable point source pollution programs have been satisfied.
- PHS-G-2: Protect the community from risks to life and property posed by flooding and stormwater runoff.
- PU-I-7: Continue to require water meters in all new development.

Thresholds of Significance

The thresholds of significance for this section are established by the CEQA Checklist Items below.

- Violate any water quality standards or waste discharge requirements or otherwise substantially degrade surface or ground water quality?
- Substantially decrease groundwater supplies or interfere substantially with groundwater recharge such that the project may impede sustainable groundwater management of the basin?
- Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river or through the addition of impervious surfaces, in a manner which would:
 - i. result in substantial erosion or siltation on- or offsite;
 - ii. substantially increase the rate or amount of surface runoff in a manner which would result in flooding on- or offsite;

- iii. create or contribute runoff water which would exceed the capacity of existing or planned stormwater drainage systems or provide substantial additional sources of polluted runoff; or
- iv. impede or redirect flood flows?
- In flood hazard, tsunami or seiche zones, risk release of pollutants due to project inundation?
- Conflict with or obstruct implementation of a water quality control plan or sustainable groundwater management plan?

Impacts and Mitigation Measures

Impact 3.10-1: Violate any water quality standards or waste discharge requirements or otherwise substantially degrade surface or ground water quality?

Less Than Significant Impact. The SWRCB requires any new construction project over an acre to complete a SSWPPP. A SWPPP involves site planning and scheduling, limiting disturbed soil areas, and determining BMPs to minimize the risk of pollution and sediments being discharged from construction sites. Implementation of the SWPPP will minimize the potential for impacts associated with erosion or siltation onsite or offsite.

The proposed Project will result in wastewater from retail and restaurant units that will be discharged into the City's existing wastewater treatment system. The wastewater will be typical of other urban development consisting of bathrooms, kitchen drains and other similar features. The Project will not discharge any unusual or atypical wastewater. The proposed retail and restaurant development would result in the same wastewater generation as anticipated for the parcels designated as Retail Centers and for the northern parcel designated as Low Density Residential there would be less wastewater generated than anticipated in the 2020 UWMP. The proposed Project will not result in additional production of wastewater that was not already accounted for in the City's infrastructure planning documents.

Additionally, there will be no discharge to any surface or groundwater source. As such, the proposed Project will not violate any water quality standards and will not impact waste discharge requirements. The impact will be *less than significant*.

Mitigation Measures:

None are required.

Impact 3.10-2: Substantially decrease groundwater supplies or interfere substantially with groundwater recharge such that the project may impede sustainable groundwater management of the basin?

Less Than Significant. Project demands for groundwater resources in connection with the proposed Project would not substantially decrease groundwater supplies. The proposed Project is not anticipated to result in additional demands for water resources beyond those considered in the 2020 UWMP. The proposed retail and restaurant development would result in the same water demand as anticipated for the parcels designated as Retail Centers and for the northern parcel designated as Low Density Residential there would be less water demand than anticipated in the 2020 UWMP. The Project would, however, increase demand for water resources beyond existing levels (vacant land). As a result, the Project would affect water resources by increasing on-site water use as compared to current on-site use.

While the Project would increase demand for water resources beyond current levels, the Project would utilize less water than the water demand projections contained in the 2020 UWMP with respect to site development. The northern portion of the site is currently designated for residential housing. If the parcel designated as residential were developed fully with residential uses, the water use would exceed that of the retail and restaurant development. Based on the assumptions in the City's UWMP, Project implementation would not result in a substantial negative impact on water supplies. Moreover, the proposed Project is not anticipated to interfere with groundwater recharge efforts being implemented by the City. The City's UWMP contains a detailed evaluation of existing sources of water supply, anticipated future water demand, extensive conservation measures, and the development of new water supplies (recycled water, increased recharge, surface water treatment, etc.).

The City recognizes that continued overdraft of groundwater is not sustainable. As such, the City has and/or is planning to implement several mechanisms to address this shortfall. These include on the use of surface water, increased groundwater recharge projects, and water system consolidation projects. The City's General Plan EIR indicates that by 2030, total water demand by the City will be 30,000 acre-feet per year, which will exceed groundwater availability. However, actual population growth within the City has not kept up with the population growth projections of the General Plan. Therefore, the actual water use in the City is less than what was projected under the City's General Plan.

According to the City's Urban Water Management Plan (UWMP), future demand within the City planning area can be met with continued groundwater pumping, surface water purchases and conservation measures. Therefore, the proposed Project will not result in additional groundwater use that was not already accounted for in the City's UWMP. As such, there is a *less than significant impact* to this impact area.

Mitigation Measures:

None are required.

Impact 3.10-3: Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river or through the addition of impervious surfaces, in a manner which would:

- *i. result in substantial erosion or siltation on- or offsite;*
- *ii.* substantially increase the rate or amount of surface runoff in a manner which would result in flooding on- or offsite;
- *iii.* create or contribute runoff water which would exceed the capacity of existing or planned stormwater drainage systems or provide substantial additional sources of polluted runoff; or
- iv. impede or redirect flood flows?

Less Than Significant Impact. The site is presently vacant. At full buildout, the stormwater will tie into the City's existing storm drain system, which has adequate capacity. The storm water collection system design will be subject to review and approval by the City Public Works Department. Storm water during construction will be managed as part of the SWPPP. A copy of the SWPPP is retained on-site during construction.

Storm water during construction will be managed as part of the SWPPP. A copy of the SWPPP is retained on-site during construction. All other on-site drainage will be collected and deposited in the City's storm drain system.

Implementation of the proposed Project will not require expansion of the City's existing stormwater system (other than onsite collection system), nor will it result in additional sources of polluted runoff. The Project would not degrade water quality and therefore the impact is *less than significant*.

Mitigation Measures:

None are required.

Impact 3.10-4: *In flood hazard, tsunami or seiche zones, risk release of pollutants due to project inundation,* OR Conflict with or obstruct implementation of a water quality control plan or sustainable groundwater management plan?

Less Than Significant. The Project site is not within a 100-year or 500-year flood zone, as indicated by FEMA flood hazard map 06107C1630E, effective 6/16/2009. The site will be designed for adequate storm drainage.

Flows of the Tule River are controlled by the Richard L. Schafer Dam located approximately seven miles from the proposed Project site. A dam failure is usually the result of neglect, poor design, or structural damage caused by a major event such as an earthquake. Dams must be operated and maintained in a safe manner, which is ensured through inspections for safety deficiencies, analyses using current technologies and designs, and taking corrective actions as needed based on current engineering practices.

The Project site is located within the Richard L. Schafer Dam inundation area, as shown on Figure 7-3 of the 2030 General Plan. This inundation area runs through Porterville to a location downstream of Corcoran, a distance of approximately 44 miles. The Richard L. Schafer Dam at Lake Success has historically performed adequately and significantly reduces the risk of flooding to the City¹¹⁶; however, there is an Emergency Action Plan (EAP) in place to lower the risk of flooding if the dam were to fail. In the event of a dam failure, most of the City would be flooded within one hour.

There are no inland water bodies that could be potentially susceptible to a seiche in the Project vicinity. This precludes the possibility of a seiche inundating the Project site. The Project site is more than 100 miles from the Pacific Ocean, a condition that precludes the possibility of inundation by tsunami. There are no steep slopes that would be susceptible to a mudflow in the Project vicinity, nor are there any volcanically active features that could produce a mudflow in the City of Porterville. This precludes the possibility of a mudflow inundating the Project site.

¹¹⁶ U.S. Army Corps of Engineers. National Inventory of Dams. <u>https://nid.sec.usace.army.mil/#/dams/system/CA10113/risk</u>. Accessed October 2023.

As discussed previously, the Porterville Emergency Operations Plan (EOP), adopted in 2004, includes planning and response scenarios for seismic hazards, extreme weather conditions, landslides, dam failure and other flooding. The City has designated several evacuation routes through Porterville to be used in case of catastrophic emergencies. In the unlikely event that the dam fails the USACE would follow the EAP developed for the Richard L. Schafer Dam. The EAP includes a notification flowchart, early detection systems, notification for warning and evacuation by State and local emergency management officials, steps to moderate or alleviate the effects of a dam failure, and inundation maps. As such, impacts related to exposure of people or structures to a risk of loss, injury, or death involving flooding as a result of the failure of a levee or dam would be *less than significant*.

Mitigation Measures:

None are required.

Cumulative Impacts

Less Than Cumulatively Considerable. The geographic area for cumulative hydrology analysis is the Tulare Lake Basin, and the Tule Sub-basin (Basin), which includes the City of Porterville. The Basin has been classified as a critically overdrafted basin. Buildout of the City's General Plan and other pending projects in the Basin area will contribute to changes to stormwater collection systems and groundwater quality as well as an increase in groundwater demand.

Development of the Project in combination with future projects associated with buildout of the General Plan would increase the amount of impervious surfaces in the area. Stormwater runoff is typically directed into adjacent streets where it flows to the nearest drainage system. As with the Project, each new development would be required to design and develop a stormwater collection system that ensures appropriate water quality protection measures and sufficient capacity. All projects would be required to implement Best Management Practices and to conform to the existing NPDES water quality regulations. The Project applicant would be required to prepare and implement a SWPPP in accordance with State requirements. Similarly, all projects that would not retain all runoff onsite would be required to prepare a SWPPP, which would include BMPs designed to prevent the mixture of sediment and other pollutants with stormwater, degrading water quality, and minimize direct impacts on erosion, drainage, and flooding. Cumulative impacts of the Project to water quality would be less than significant. Therefore, cumulative impacts associated with stormwater collection and water quality is less than cumulatively considerable.

It is anticipated that other cumulative scenario projects would be required to implement similar measures, in order to minimize erosion, drainage, and flooding related impacts. Additionally, drainage related impacts from cumulative scenario projects would be primarily localized. Therefore, cumulative scenario impacts on erosion, drainage, and flooding are not anticipated to be cumulatively considerable, and the Project would not contribute to a cumulative impact on flooding, erosion, or drainage.

With respect to water supplies, while the Project would increase demand for water resources beyond current levels, the Project would utilize less water than the water demand projections contained in the 2020 UWMP with respect to site development. The City's General Plan EIR indicates that by 2030, total water demand by the City will be 30,000 acre-feet per year, which will exceed the groundwater availability. However, actual population growth within the City has not kept up with the population growth projections of the General Plan. Therefore, the actual water use in the City is less than what was projected under the City's General Plan. Therefore, with compliance with the GSP and implementation of water-reduction measures required by the California Water Service (Cal Water), the Project would result in *less than cumulatively considerable impacts* to groundwater supplies in the Basin.

3.11 Land Use and Planning

This section of the DEIR evaluates the potential environmental effects related to land use and planning associated with implementation of the proposed Project. One NOP comment letter was received pertaining to this topic.

Environmental Setting

The proposed Project site is located in the north-central part of the City of Porterville and is currently vacant. Single-family residences and a permitted future hotel development lie to the west, commercial businesses and a shopping center to the south, SR 65 to the east, and single-family residences to the north. The proposed Project includes the construction of multiple buildings, totaling approximately 92,060 square feet, to be occupied by fast food drive-thru, major retail, grocery, and drug store businesses.

The site is currently zoned CR (Retail Centers) and is designated as Retail Centers and Low Density Residential. General Plan Designation, existing use and zoning surrounding the site are identified in Table 3.11-1.

Location	Existing Land Use	Current Zoning Classification	General Plan Designation
North	Single family residences.	Low Density Residential (RS-2)	Low Density Residential
South	West Henderson Avenue, commercial, shopping center.	Planned Development (PD)	Retail Centers
West	Single family residences, future hotel development.	High Density Residential (RM-3), Retail Centers (CR)	Medium Density Residential
East	SR 65, Commercial, shopping center.	Planned Development (PD)	Commercial Mixed Use

Table 3.11-1Existing Land Use, General Plan Designation and Zoning

Existing land uses in the City of Porterville have been organized into generalized categories that are summarized below on Table 3.11-2. The City of Porterville has a 2030 General Plan planned build-out of approximately 36,341 acres in size, equivalent to approximately 56.6 square-miles.

Generalized Land Use Category	Total	Percentage
Agriculture/Rural/Conservation	21,270	59%
Single Family Residential	4,760	13%
Multi Family Residential	240	1%
Retail Shopping	80	0%
Commercial	760	2%
Industrial	350	1%
Public/Quasi-Public	2,630	7%
Vacant	3,590	10%
Unclassified (Roads, water, etc.)	2,661	7%
Total Area	36,341	100%

Table 3.11-2Existing Land Use: City of Porterville Planning Area (2005)117

Regulatory Setting

Federal Regulations

Federal regulations for land use are not relevant to the proposed Project because it is not a federal undertaking (the proposed Project site is not located on lands administered by a federal agency, and the Project applicant is not requesting federal funding or a federal permit).

State of California Regulations

The Cortese-Knox-Hertzberg Local Government Reorganization Act

The Cortese-Knox-Hertzberg Local Government Reorganization Act of 2000 (Government Code Section 56300 et seq.) governs the establishment and revision of local government boundaries.

¹¹⁷ City of Porterville Land Use Element

The act was a comprehensive revision of the Cortese-Knox-Hertzberg Local Government Reorganization Act of 1985. The act is a policy of the State to encourage orderly growth and development that are essential to the social, fiscal, and economic well-being of the state. The intent of the act is to promote orderly development while balancing competing State interests of preserving open space and prime agricultural lands by discouraging urban sprawl while accommodating growth and efficient extension of government services. The act had previously established the County Local Agency Formation Commission (LAFCo), which it gave authority to consider and approve city and special district annexation, dissolution, and formation.

Senate Bill 330

Not specifically related to CEQA or environmental protection, SB 330, the Housing Crisis Act of 2019, is intended to increase housing supply in California by working in conjunction with the Housing Accountability Act to reduce or remove barriers to housing development. In pertinent part, SB 330 at GC Section 66300(b)(1)(A), prohibits a city from taking actions that reduce the developable residential density or intensity of a parcel by way of amending the parcel's general plan land use designation, specific plan land use designation, or zoning below what was allowed as of January 1, 2018, except under specified conditions, in order to ensure that there is "no net loss" of potential residential capacity.

Assembly Bill 2339

Also not specifically related to CEQA, AB 2339 made changes to the required contents and administration of housing elements. Specifically, GC Section 65863 requires that a city identifies within its housing element—and maintains—an adequate site inventory for development of its share of unmet regional housing needs for the duration of the housing element planning period. It places limitations on cities' ability to reduce the capacity of the inventory by removing sites from the inventory or by reducing the allowable density at which the sites could be developed such that there is "no net loss" to the identified housing capacity.

Local Regulations

Local Agency Formation Commission of Tulare County

LAFCos review proposals for the formation of new local governmental agencies and for changes in the organization of existing agencies. The Tulare County LAFCo is responsible for coordinating logical and timely changes in local governmental boundaries, conducting special studies which review ways to reorganize, simplify, and streamline governmental structure and preparing Spheres of Influence for each city and special district within the county. LAFCo's efforts are directed to seeing that services are provided efficiently and economically while agricultural and open-space lands are protected.

Porterville General Plan Policies

- LU-I-20: Establish standards for pedestrian-oriented design in neighborhood centers.
- LU-I-21: Prohibit new strip commercial developments.
- LU-I-22: Promote and support the revitalization and infill development in existing retail shopping centers.
- LUI-23: Establish an incentive program that will provide for density and FAR bonuses for mixed-use development that includes amenities for public benefit, such as workforce housing, pedestrian-oriented facilities (outdoor seating, plazas, weather protection, transit waiting areas), historic preservation, cultural facilities, public art and water features, and open space preservation.
- LU-I-24: Allow supporting retail, business services and other complementary uses in Professional Office districts.

Thresholds of Significance

In accordance with Appendix G to the State CEQA Guidelines, the project would have a significant impact on land use if the project would:

- Physically divide an established community?
- Cause a significant environmental impact due to a conflict with any land use plan, policy, or regulation adopted for the purpose of avoiding or mitigating an environmental effect?

Impacts and Mitigation Measures

Impact 3.11-1: *Physically divide an established community?*

No Impact. The proposed Project is located in the north-central portion of the City of Porterville, in an area of residential and commercial land uses and would not divide an established community. There would be *no impact*.

Impact 3.11-2: *Cause a significant environmental impact due to a conflict with any land use plan, policy, or regulation adopted for the purpose of avoiding or mitigating an environmental effect?*

The Project includes a General Plan amendment that would change the Land Use designation of the Project's northernmost parcel (APN 246-240-020) from Low Density Residential to Retail Centers. The zoning of that parcel is currently CR (Retail Centers) and would remain unchanged. The resulting development would be consistent with the General Plan as amended. CEQA requires evaluation of the potential environmental effects resulting from a project as proposed in comparison to the existing baseline: in this case undeveloped land. It does not contemplate an examination of project impacts under a proposed planned land use compared to the existing planned land use. Accordingly, analysis in this EIR concerns development of a commercial project on vacant land and not development of a commercial project on land that could have, under other circumstances, been developed with a residential use. See *Woodward Park Homeowners Association v. City of Fresno* (2007) 150 Cal.App.4th 683.

The proposed Project includes the construction of multiple buildings, totaling approximately 92,060 square feet, to be occupied by quick serve drive-thru, major retail, grocery and drug store businesses. Access to the existing surrounding areas will be improved.

Based upon compliance with the policies referenced herein below, the proposed Project is determined to be consistent with the Porterville General Plan goals and objectives related to land use and the urban form:

• Implementing Policy LU-G-8 of the Porterville General Plan encourages infill land development in existing neighborhoods.

The proposed Project is located in an area that is planned for development and is located within and near existing communities.

• Implementing Policy LU-I-21 of the Porterville General Plan prohibits new strip commercial developments.

The proposed Project includes the construction of multiple buildings, totaling approximately 92,060 square feet, to be occupied by fast food drive-thru, major retail, grocery and drug store businesses. The site plan (see Figure 3) indicates that development will be laid out in a manner consistent with this Policy.

• Implementing Policy LU-I-22 promotes and supports the revitalization and infill development in existing retail shopping centers.

While the proposed Project does not include the revitalization or infill of an existing shopping center, it does include infill development of a retail and restaurant center within a generalized

commercial shopping area. Commercial shopping centers exist south, southeast and west of the Project area; the proposed Project will complement the flow and nature of the surrounding areas.

While the provisions of SB 330 are not directly a CEQA concern, the proposed land use change does bear some discussion as it relates to analysis of the project as a whole. The Low Density Residential Land Use designation permits up to 6.0 units per gross acre. At an area of approximately 4.7 acres, APN 246-240-020 could support up to 28.2 units. Amending the parcel's planned land use to Retail Centers would reduce this capacity to zero (0), for a net loss of approximately 28 units. While SB 330 generally precludes reducing a parcel's developable residential density through amending its planned land use designation, such an amendment is allowed if the city "concurrently changes the development standards, policies, and conditions applicable to other parcels within the jurisdiction to ensure that there is no net loss in residential capacity." 118 In the context under which this Project would be considered for approval, "concurrently" is defined as "the same meeting of the legislative body." ¹¹⁹ In a process that precedes the development of this EIR, the City has initiated an amendment to the text of the Porterville Development Ordinance such that the maximum density in the RM-3 (High Density Residential) zone would increase from 30.0 to 30.5 units per acre. Taken across the city limits, that modest increase would increase the RM-3 capacity by 167 units, for a net gain of approximately 139 potential units. The City Council would consider the proposed text amendment at the same meeting at which it considers the proposed Project. Therefore, the City is complying with a statutory mandate and there is no violation of SB 330.

Similarly, the provisions of AB 2339 are not directly related to CEQA. Although the General Plan Land Use of APN 246-240-020 would be changed from Low Density Residential to Retail Centers, the parcel is not part of the site inventory identified in either the adopted 2015-2023 Housing Element or the draft 2023-2031 Housing Element. Accordingly, GC Section 65863 is not violated.

It is determined that the proposed Project is consistent with Porterville 2030 General Plan objectives and policies and will not significantly conflict with applicable land use plans, policies or regulations of the City of Portville and no statutory provision regarding land use would be violated. *No impacts* would occur as a result of this Project.

Mitigation Measures

None are required.

¹¹⁸ Gov. Code Section 66300, subdivision h, paragraph 1.

¹¹⁹ Gov. Code Section 66300, subdivision h, paragraph 2, subparagraph A.

Cumulative Impacts

Less Than Cumulatively Considerable. The geographic area of this cumulative analysis is the areas covered by the City of Porterville General Plan. As discussed above, the Project does not divide an existing community.

The anticipated impacts of the Project in conjunction with cumulative development in the area of the Project would increase urbanization. Potential land use impacts require evaluation on a caseby-case basis because of the interactive effects of a specific development and its immediate environment. As described above, the Project would be consistent with the goals and policies of the Porterville General Plan. In addition, with approval of all discretionary actions, the Project would be a permitted use that would not conflict with the land use designation or zone classification for the sites. There would be no violation of any local or State requirement related to land use. Accordingly, implementation of the proposed Project would not make a cumulatively considerable contribution to any significant impact to land use and planning.

3.12 Mineral Resources

This section of the DEIR describes impacts on mineral resources associated with proposed Project development. No NOP comment letters were received pertaining to this topic.

Environmental Setting

The City of Porterville is situated along the western slope of a northwest-trending belt of rocks comprising the Sierra Nevada Mountains and within the southern portion of the Cascade Range. The Sierra Nevada geomorphic province is primarily composed of cretaceous granitic plutons and remnants of Paleozoic and Mesozoic metavolcanic and metasedimentary rocks, and Cenozoic volcan and sedimentary rocks. The majority of the Planning Area has elevations ranging between 400 and 800 feet.

Historically, the quarrying of magnesite was a significant industry in the City of Porterville. Currently, the most economically significant mineral resources in Tulare County are sand, gravel, and crushed stone, used as sources for aggregate (road materials and other construction).¹²⁰ The two major sources of aggregate are alluvial deposits (river beds, and floodplains), and hard rock quarries. Consequently, most Tulare County mines are located along rivers at the base of the Sierra foothills.

The Tule River contains various State-classified mineral resource zones (MRZ-2a, MRZ-2b, and MRZ-3a). While this area was once suitable for mining operations, it is now surrounded by urban development. Approximately 890 acres along the Tule River, or 2.5 percent of all lands within the Planning Area, are within mineral resource zones.

Regulatory Setting

State of California Regulations

Mineral Resource Zones

Sections 2761(a) and (b) and 2790 of the Surface Mining and Reclamation Act (SMARA) provide for a mineral lands inventory process termed classification-designation. The California Division

¹²⁰ Porterville 2030 General Plan. Open Space & Conservation Element. Page 123. <u>https://cms9files.revize.com/PortervilleCA/Document_Center/Department/Community%20Development/General%20Plan%20Upda</u> <u>te/Chapter6OpenSpaceandConservation_000.pdf</u>. Accessed April 2024.

of Mines and Geology, and the State Mining and Geology Board are the State agencies responsible for administering this process. The primary objective of the process is to provide local agencies, such as cities and counties, with information on the location, need, and importance of minerals within their respective jurisdictions. It is also the intent of this process, through the adoption of Draft General Plan mineral resource management policies, that this information be considered in future local land-use planning decisions. Areas are classified on the basis of geologic factors, without regard to existing land use and land ownership. The areas are categorized into four MRZs. Of the four categories, lands classified as MRZ-2 are of the greatest importance because they identify significant mineral deposits of a particular commodity. MRZ-3 areas are also of interest because they identify areas that may contain additional resources of economic importance. Areas designated by the Mining and Geology Board as "regionally significant" are incorporated by regulation into Title 14, Division 2 of the CCR. Such designations require that a lead agency's land use decisions involving designated areas are made in accordance with its mineral resource management policies, and that they consider the importance of the mineral resource to the region or the state as a whole and not just the lead agency's jurisdiction.

Thresholds of Significance

The thresholds of significance for this section are established by the CEQA Appendix G Checklist:

- Result in the loss of availability of a known mineral resource that would be of value to the region and the residents of the state?
- Result in the loss of availability of a locally-important mineral resource recovery site delineated on a local general plan, specific plan or other land use plan?

Impacts and Mitigation Measures

Impact 3.12-1: Would the project result in the loss of availability of a known mineral resource that would be of value to the region and the residents of the state or a locally-important mineral resource recovery site delineated on a local general plan, specific plan or other land use plan?

No Impact. As shown in Figure 6-3 of the 2030 General Plan, the proposed Project area is not included in a State classified MRZs. Soil disturbance for the proposed Project would be limited site groundwork such as grading, foundations, and installation of infrastructure. Therefore, there is *no impact*.

Mitigation Measures

None are required.

Cumulative Impacts

No Cumulative Impact. The scope for considering cumulative impacts to mineral resources is generally site-specific rather than cumulative in nature because each project site has different mineral-related considerations that would be subject to review. As discussed above, there are no known mineral resources within the proposed Project area and as such, Project development would not cumulatively impact any known mineral resources. There is *no cumulatively considerable impact*.

3.13 Noise

This section evaluates the potential for noise and groundborne vibration impacts resulting from implementation of the proposed Project. This includes the potential for the proposed Project to result in impacts associated with a substantial temporary and/or permanent increase in ambient noise levels in the vicinity of the Project site; exposure of people in the vicinity of the Project site to excessive noise levels, groundborne vibration, or groundborne noise levels; and whether this exposure is in excess of standards established in the City's General Plan or noise ordinance.

Fundamentals of Sound and Environmental Noise

Sound is technically described in terms of amplitude (loudness) and frequency (pitch). The standard unit of sound amplitude measurement is the decibel (dB). The decibel scale is a logarithmic scale that describes the physical intensity of the pressure vibrations that make up any sound. The pitch of the sound is related to the frequency of the pressure vibration. Since the human ear is not equally sensitive to a given sound level at all frequencies, a special frequency-dependent rating scale has been devised to relate noise to human sensitivity. The A-weighted decibel scale (dBA) provides this compensation by discriminating against frequencies in a manner approximating the sensitivity of the human ear.

Noise, on the other hand, is typically defined as unwanted sound. A typical noise environment consists of a base of steady ambient noise that is the sum of many distant and indistinguishable noise sources. Superimposed on this background noise is the sound from individual local sources. These can vary from an occasional aircraft or train passing by to virtually continuous noise from, for example, traffic on a major highway. Table 3.13-1, Representative Environmental Noise Levels, illustrates representative noise levels in the environment.

Common Outdoor Activities	Noise Level (dBA)	Common Indoor Activities		
	—110—	Rock Band		
Jet Fly-over at 100 feet				
	—100—			
Gas Lawnmower at 3 feet				
	—90—			
		Food Blender at 3 feet		
Diesel Truck going 50 mph at 50 feet		Garbage Disposal at 3 feet		
Noisy Urban Area during Daytime				
Gas Lawnmower at 100 feet	—70—	Vacuum Cleaner at 10 feet		
Commercial Area		Normal Speech at 3 feet		
Heavy Traffic at 300 feet	60			
		Large Business Office		
Quiet Urban Area during Daytime	—50—	Dishwasher in Next Room		
Quiet Urban Area during Nighttime	—40—	Theater, Large Conference Room (background)		
Quiet Suburban Area during Nighttime				
		Library		
Quiet Rural Area during Nighttime		Bedroom at Night, Concert Hall (background)		
	—20—			
		Broadcast/Recording Studio		
	—10—			
Lowest Threshold of Human Hearing	0	Lowest Threshold of Human Hearing		
Source: California Department of Transportation, Technical Noise Supplement, October 1998.				

Table 3.13-1Representative Environmental Noise Levels

Several rating scales have been developed to analyze the adverse effect of community noise on people. Since environmental noise fluctuates over time, these scales consider that the effect of noise upon people is largely dependent upon the total acoustical energy content of the noise, as well as the time of day when the noise occurs. Some commonly used rating scales that are applicable to this analysis are as follows:

- L_{eq} An L_{eq}, or equivalent energy noise level, is the average acoustic energy content of noise for a stated period of time. Thus, the L_{eq} of a time-varying noise and that of a steady noise are the same if they deliver the same acoustic energy to the ear during exposure. For evaluating community impacts, this rating scale does not vary, regardless of whether the noise occurs during the day or the night.
- L_{max} The maximum instantaneous noise level experienced during a given period of time.
- L_{min} The minimum instantaneous noise level experienced during a given period of time.
- L_{dn} The Day-Night Average Level, is a 24-hour average L_{eq} with a 10 dBA "weighting" added to noise during the hours of 10:00 P.M. to 7:00 A.M. to account for noise sensitivity in the nighttime. The logarithmic effect of these additions is that a 60 dBA 24 hour L_{eq} would result in a measurement of 66.4 dBA L_{dn}.

CNEL – The Community Noise Equivalent Level is a 24-hour average L_{eq} with a 5 dBA "weighting" during the hours of 7:00 P.M. to 10:00 P.M. and a 10 dBA "weighting" added to noise during the hours of 10:00 P.M. to 7:00 A.M. to account for noise sensitivity in the evening and nighttime, respectively. The logarithmic effect of these additions is that a 60 dBA 24 hour L_{eq} would result in a measurement of 66.7 dBA CNEL.

Noise environments and consequences of human activities are usually well represented by median noise levels during the day, night, or over a 24-hour period. Environmental noise levels are generally considered low when the CNEL is below 60 dBA, moderate in the 60–70 dBA range, and high above 70 dBA. Noise levels greater than 85 dBA can cause temporary or permanent hearing loss. Examples of low daytime levels are isolated, natural settings with noise levels as low as 20 dBA and quiet suburban residential streets with noise levels around 40 dBA. Noise levels above 45 dBA at night can disrupt sleep. Examples of moderate level noise environments are urban residential or semi-commercial areas (typically 55–60 dBA) and commercial locations (typically 60 dBA). People may consider louder environments adverse, but most will accept the higher levels associated with noisier urban residential or residential-commercial areas (60–75 dBA) or dense urban or industrial areas (65–80 dBA).

Under controlled conditions, in an acoustics laboratory, the trained (enhanced listening abilities) healthy human ear is able to discern changes in sound levels of 1 dBA, when exposed to steady, single frequency "pure tone" signals in the mid-frequency range. Outside of such controlled conditions, the trained ear can detect changes of 2 dBA in normal environmental noise. It is widely accepted that in the community noise environment the average healthy ear can barely perceive CNEL noise level changes of 3 dBA. CNEL changes from 3 to 5 dBA may be noticed by some individuals who are extremely sensitive to changes in noise. A 5 dBA CNEL increase is readily noticeable, while the human ear perceives a 10 dBA CNEL increase as a doubling of sound.

Noise levels from a particular source generally decline as distance to the receptor increases. Other factors, such as the weather and reflecting or barriers, also help intensify or reduce the noise level at any given location. A commonly used rule of thumb for roadway noise is that for every doubling of distance from the source, the noise level is reduced by about 3 dBA at acoustically "hard" locations (i.e., the area between the noise source and the receptor is nearly complete asphalt, concrete, hard-packed soil, or other solid materials) and 4.5 dBA at acoustically "soft" locations (i.e., the area between the source and receptor is normal earth or has vegetation, including grass). Noise from stationary or point sources is reduced by about 6 to 7.5 dBA for every doubling of distance at acoustically hard and soft locations, respectively. Noise levels are

also generally reduced by 1 dBA for each 1,000 feet of distance due to air absorption. Noise levels may also be reduced by intervening structures – generally, a single row of buildings between the receptor and the noise source reduces the noise level by about 5 dBA, while a solid wall or berm reduces noise levels by 5 to 10 dBA. The normal noise attenuation within residential structures with open windows is about 17 dBA, while the noise attenuation with closed windows is about 25 dBA.¹²¹

Fundamentals of Environmental Groundborne Vibration

Vibration is sound radiated through the ground. Vibration can result from a source (e.g., train operations, motor vehicles, machinery equipment, etc.) causing the adjacent ground to move, thereby, creating vibration waves that propagate through the soil to the foundations of nearby buildings. This effect is referred to as groundborne vibration. The peak particle velocity (PPV) or the root mean square (RMS) velocity is usually used to describe vibration levels. PPV is defined as the maximum instantaneous peak of the vibration level, while RMS is defined as the square root of the average of the squared amplitude of the level. PPV is typically used for evaluating potential building damage, while RMS velocity in decibels (VdB) is typically more suitable for evaluating human response.

The background vibration velocity level in residential areas is usually around 50 VdB. The vibration velocity level threshold of perception for humans is approximately 65 VdB. A vibration velocity level of 75 VdB is the approximate dividing line between barely perceptible and distinctly perceptible levels for many people. Most perceptible indoor vibration is caused by sources within buildings, such as the operation of mechanical equipment, movement of people, or the slamming of doors. Typical outdoor sources of perceptible groundborne vibration are construction equipment, steel-wheeled trains, and traffic on rough roads. If a roadway is smooth, the groundborne vibration from traffic is rarely perceptible. The range of interest is from approximately 50 VdB, which is the typical background vibration velocity level, to 100 VdB, which is the general threshold where minor damage can occur in fragile buildings.

The general human response to different levels of groundborne vibration velocity levels is described in Table 3.13-2, Human Response to Different Levels of Groundborne Vibration.

¹²¹ National Cooperative Highway Research Program Report 117, Highway Noise: A Design Guide for Highway Engineers, 1971.

Vibration		
Velocity Level	Human Reaction	
65 VdB	Approximate threshold of perception for many people.	
75 VdB	Approximate dividing line between barely perceptible and distinctly perceptible. Many people find that transportation-related vibration at this level is unacceptable.	
85 VdB	Vibration acceptable only if there are an infrequent number of events per day.	
Source: Federal Transit Administration, Transit Noise and Vibration Impact Assessment, May 2006.		

Table 3.13-2Human Response to Different Levels of Groundborne Vibration

Environmental Setting

Study Area

The Project site is located in the northcentral part of the City of Porterville and is currently vacant. The site is located in an established urban area that provides a mix of land uses, including residential and retail/commercial.

The primary existing noise sources contributing to ambient noise in the proposed Project area are traffic noises and noises associated with neighborhoods.

Regulatory Setting

Federal Regulations

Noise Standards

There are no federal noise standards that directly regulate environmental noise related to the construction or operation of the proposed Project. With regard to noise exposure and workers, the Office of Safety and Health Administration (OSHA) regulations safeguard the hearing of workers exposed to occupational noise.

Vibration Standards

The Federal Transit Administration (FTA) has adopted vibration standards that are used to evaluate potential building damage impacts related to construction activities. The vibration damage criteria adopted by the FTA are shown in Table 3.13-3, Construction Vibration Damage Criteria.

Building Category	PPV (in/sec)			
I. Reinforced-concrete, steel or timber (no plaster)	0.5			
II. Engineered concrete and masonry (no plaster)	0.3			
III. Non-engineered timber and masonry buildings	0.2			
IV. Buildings extremely susceptible to vibration				
damage	0.12			
Source: Federal Transit Administration, Transit Noise and Vibration Impact Assessment, May				
2006.				

Table 3.13-3 Construction Vibration Damage Criteria

In addition, the FTA has also adopted standards associated with human annoyance for groundborne vibration impacts for the following three land-use categories: (1) Vibration Category 1 – High Sensitivity, (2) Vibration Category 2 – Residential, and (3) Vibration Category 3 – Institutional. The FTA defines Category 1 as buildings where vibration would interfere with operations within the building, including vibration-sensitive research and manufacturing facilities, hospitals with vibration-sensitive equipment, and university research operations. Vibration-sensitive equipment includes, but is not limited to, electron microscopes, high-resolution lithographic equipment, and normal optical microscopes. Category 2 refers to all residential land uses and any buildings where people sleep, such as hotels and hospitals. Category 3 refers to institutional land uses such as schools, churches, other institutions, and quiet offices that do not have vibration-sensitive equipment, but still have the potential for activity interference.

Under conditions where there are an infrequent number of events per day¹²², the FTA has established thresholds of 65 VdB for Category 1 buildings, 80 VdB for Category 2 buildings, and 83 VdB for Category 3 buildings.

Under conditions where there are an occasional number of events per day¹²³, the FTA has established thresholds of 65 VdB for Category 1 buildings, 75 VdB for Category 2 buildings, and 78 VdB for Category 3 buildings. No thresholds have been adopted or recommended for commercial, office, and industrial uses.

State of California Regulations

California Government Code

¹²² The Federal Transit Administration, Transit Noise and Vibration Impact Assessment (May 2006) defines "Infrequent Events" as "fewer than 30 vibration events of the same kind per day." Page 8-3.
https://www.two.it.add.com/Glac/data/GTA_Naise_and_Vibration_Manual add. Accessed October 2022.

https://www.transit.dot.gov/sites/fta.dot.gov/files/docs/FTA_Noise_and_Vibration_Manual.pdf, Accessed October 2023. ¹²³ Ibid.

California Government Code Section 65302(f) mandates that the legislative body of each county and city adopt a noise element as part of its comprehensive general plan. The local noise element must recognize the land use compatibility guidelines established by the State Department of Health Services as shown in Table 3.13-4, California Land Use Compatibility Noise Guidelines.

The guidelines rank noise/land use compatibility in terms of "normally acceptable," "conditionally acceptable" and "clearly unacceptable" noise levels for various land use types. Single-family homes are "normally acceptable" in exterior noise environments up to 60 CNEL and "conditionally acceptable" up to 70 CNEL. Multiple-family residential uses are "normally acceptable" up to 65 CNEL and "conditionally acceptable" up to 70 CNEL. Schools, libraries, and churches are "normally acceptable" up to 70 CNEL, as are office buildings and business, commercial, and professional uses.

Land Use Category	Community Noise Exposure (dBA CNEL)			
	Normally Acceptable	Conditionally Acceptable	Normally Unacceptable	Clearly Unacceptable
Residential – Low Density, Single-Family, Duplex, Mobile Homes	50 - 60	55 - 70	70 – 75	75 – 85
Residential – Multiple Family	50 - 65	60 - 70	70 – 75	70 – 85
Playgrounds, Neighborhood Parks	50 - 70	NA	67.5 – 75	72.5 – 85

 Table 3.13-4

 California Land Use Compatibility Noise Guidelines

California State Building Code

The CBC, Title 24, Part 2 of the CCR establishes uniform minimum noise insulation performance standards to protect persons within new buildings which house people, including hotels, motels, dormitories, apartment houses and dwellings other than single-family dwellings. Title 24 mandates that interior noise levels attributable to exterior sources shall not exceed 45 dB Ldn or CNEL in any habitable room.

Title 24 also mandates that for structures containing noise-sensitive uses to be located where the L_{dn} or CNEL exceeds 60 dB, an acoustical analysis must be prepared to identify mechanisms for limiting exterior noise to the prescribed allowable interior levels. If the interior allowable noise levels are met by requiring that windows be kept closed, the design for the structure must also specify a ventilation or air conditioning system to provide a habitable interior environment.

Local Regulations

Measuring and reporting noise levels involves accounting for variations in sensitivity to noise during the daytime versus nighttime hours. Noise descriptors used for analysis need to factor in human sensitivity to nighttime noise when background noise levels are generally lower than in the daytime and outside noise intrusions are more noticeable. Common descriptors include the CNEL and the Ldn. Both reflect noise exposure over an average day with weighting to reflect the increased sensitivity to noise during the evening and night. The two descriptors are roughly equivalent. The CNEL descriptor is used in relation to major continuous noise sources, such as aircraft or traffic, and is the reference level for the Noise Element under State planning law. The Noise Element included in the 2030 City of Porterville General Plan includes noise and land use compatibility standards for various land uses. These are shown in Table 3.13-5 below.

Land Use Category	Community Noise Exposure, Ldn or CNEL dB			
	Normally Acceptable	Conditionally Acceptable	Normally Unacceptable	Clearly Unacceptable
Residential – Low density single family, duplex, mobile homes	<65 (<45 Interior)	65 to 70	70 to 75	>75 (>45 Interior)
Residential – Multiple family	<65 (<45 Interior)	65 to 70	70 to 75	>75 (>45 Interior)
Schools, libraries, churches, hospitals, nursing homes	<70	60 to 75	70 to 80	>80
Industrial, manufacturing, utilities, agriculture	<75	70 to 80	75 to 85	No levels identified

Table 3.13-5Land Use Compatibility for Community Noise Environment

Land Use Category	Community Noise Exposure, Ldn or CNEL dB			
	Normally Acceptable	Conditionally Acceptable	Normally Unacceptable	Clearly Unacceptable
Office Buildings, Businesses Commercial and Professional	<55	55 to 75	73-83	>80

<u>Normally acceptable</u> – Specified land use is satisfactory, based upon the assumption that any buildings involved are of normal conventional construction, without any special noise insulation requirements.

<u>Conditionally acceptable</u> – New construction or development should be undertaken only after a detailed analysis of the noise reduction requirements is made and needed noise insulation features included in the design. Conventional construction, but with closed windows and fresh air supply systems or air conditioning will normally suffice.

<u>Normally unacceptable</u> – New construction or development should generally be discouraged. If new construction or development does proceed, a detailed analysis of the noise reduction requirements must be made and needed noise insulation features included in the design.

<u>Clearly unacceptable</u> – New construction or development should generally not be undertaken.

Porterville General Plan Policies

- N-G-1: Minimize vehicular and stationary noise levels and noise from temporary activities.
- N-G-2: Ensure that new development is compatible with the noise environment.
- N-G-5: Reduce noise intrusion generated by miscellaneous noise sources through conditions of approval to control noise-generating activities.
- N-I-7: Require noise from existing mechanical equipment to be reduced by soundproofing materials and sound-deadening installation.

Thresholds of Significance

In accordance with Appendix G to the State CEQA Guidelines, the Project would have a significant impact on noise if it would cause any of the following conditions to occur:

- Generation of a substantial temporary or permanent increase in ambient noise levels in the vicinity of the project in excess of standards established in the local general plan or noise ordinance, or applicable standards of other agencies?
- Generation of excessive groundborne vibration or groundborne noise levels?
- For a project located within the vicinity of a private airstrip or an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project expose people residing or working in the project area to excessive noise levels?

CEQA does not define what constitutes a substantial increase in noise levels. Some guidance is provided by the 1992 findings of the Federal Interagency Committee on Noise (FICON), which assessed changes in ambient noise levels resulting from aircraft operations. The FICON recommendations are based upon studies that relate aircraft and traffic noise levels to the percentage of persons highly annoyed by the noise. The rationale for the FICON recommendations is that it is possible to consistently describe the annoyance of people exposed to transportation noise in terms of the DNL (or CNEL). Annoyance is a summary measure of the general adverse reaction of people to noise that results in speech interference, sleep disturbance, or interference with other daily activities.

Impacts and Mitigation Measures

Impact 3.13-1: Will the Project lead to generation of a substantial temporary or permanent increase in ambient noise levels in the vicinity of the project in excess of standards established in the local general plan or noise ordinance, or applicable standards of other agencies, OR generation of excessive groundborne vibration or groundborne noise levels?

Less Than Significant. According to the City's General Plan EIR, the major noise sources in Porterville are related to roadways and vehicle traffic. As shown in Figure 9-2 of the City's General Plan Noise Element, the Project site is within the 55 dB and 60 dB CNEL noise contours. Design features will be incorporated into the site plan to limit any noise exposure to residences if needed.
The site itself is located in an urban area adjacent to roadways that are heavily travelled, particularly SR 65 and Henderson Avenue. Noise from the proposed Project will be similar to existing sources of noise in the vicinity and will generally include noise from vehicles, air conditioner units, and other similar equipment. It is not expected that the proposed Project will result in a discernable increase in noise to surrounding land uses.

Proposed Project construction related activities will involve temporary noise sources. Typical construction related equipment include graders, trenchers, small tractors and excavators. During the proposed Project construction, noise from construction related activities will contribute to the noise environment in the immediate vicinity; however, the City of Porterville noise ordinance includes limiting construction activities to 6am to 9pm on weekdays and 7am to 5pm on weekends. The ordinance also restricts construction delivery trucks to daylight hours to avoid noise-sensitive hours of the day.

Activities involved in construction will generate maximum noise levels, as indicated in Table 3.13-6, ranging from 79 to 91 dBA at a distance of 50 feet, without feasible noise control (e.g., mufflers) and ranging from 75 to 80 dBA at a distance of 50 feet, with feasible noise controls.

Type of Equipment	dBA at 50 ft							
	Without Feasible Noise Control	With Feasible Noise Control						
Dozer or Tractor	80	75						
Excavator	88	80						
Scraper	88	80						
Front End Loader	79	75						
Backhoe	85	75						
Grader	85	75						
Truck	91	75						

Table 3.13-6 Typical Construction Noise Levels

The City of Porterville's General Plan Noise Element (2008) sets the standard noise threshold of 60 dBA at the exterior of nearby residences; however, it does not identify a short-term, construction-noise-level threshold. The distinction between short-term construction noise impacts and long-term operational noise impacts is a typical one in both CEQA documents and local noise ordinances, which generally recognize the reality that short-term noise from construction is inevitable and cannot be mitigated beyond a certain level. Thus, local agencies frequently tolerate short-term noise at levels that they would not accept for permanent noise sources. A more severe approach would be impractical and might preclude the kind of construction activities that are to be expected from time to time in urban environments. Most residents of urban areas recognize this reality and expect to hear construction activities on occasion.

Typical outdoor sources of perceptible ground borne vibration are construction equipment, steelwheeled trains, and traffic on rough roads. Construction vibrations can be transient, random, or continuous. Construction associated with the proposed Project includes the construction of residences and roadways.

Vibration from construction activities will be temporary and not exceed the FTA threshold for the nearest residences, which are located approximately 25 feet from the development.

The approximate threshold of vibration perception is 65 VdB, while 85 VdB is the vibration acceptable only if there are an infrequent number of events per day. Table 3.13-7 describes the typical construction equipment vibration levels.

Equipment	VdB at 25 ft
Small Bulldozer	58
Jackhammer	79

Table 3.13-7Typical Construction Vibration Levels

Impacts are *less than significant*.

Mitigation Measures

None are required.

Impact 3.13-3: For a project located within the vicinity of a private airstrip or an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project expose people residing or working in the project area to excessive noise levels?

Less Than Significant. The Project is not located within two miles of a public airport or private airstrip. The Project is not located within the Porterville Municipal Airport's projected airport influence area. The Project site is not within any airport land use plans and the Project would not expose people residing or working in the Project area to excessive airport-related noise levels. Therefore, there is a *less than significant impact*.

Mitigation Measures

None are required.

Cumulative Impacts

Less Than Cumulatively Considerable. Construction of individual development projects allowed under the land use designations of the City of Porterville General Plan may result in the generation of site-specific noise increases from stationary noise sources, and may contribute incrementally to noise from mobile sources. Due to the localized nature of noise impacts, cumulative impacts would be largely limited to areas within the general vicinity of the Project, which is generally considered 1,000 feet. As shown in Section 3.13-1, the Project will result in less than significant impacts pertaining to increases in ambient noise levels at both the Project and cumulative level.

The proposed Project's temporary construction activities, in combination with the construction of other reasonably foreseeable projects in the area, could result in increased short-term construction noise levels in the Project area (depending upon the specific timing of the construction of those other projects and proximity to the Project site). Construction activities associated with other projects in proximity to the Project site could occur at the same time as the proposed Project. However, other projects would also be required to adhere to all City noise-related regulations.

Cumulative construction may also result in the exposure of people to or the generation of excessive groundborne vibration. The same receptors as identified for construction noise would be the closest to be impacted by the Project with respect to construction related vibration as well. Due to these distances, and the rapid attenuation of groundborne vibration, the Project and any other nearby project would not be in close enough proximity to the sensitive receptors such that any sensitive receptor would be exposed to substantial groundborne vibration levels,

since there are no significant vibration-producing construction activities (such as pile driving). Therefore, cumulative impact in terms of groundborne vibration would be less than significant.

As indicated herein, the Project will not result in significant permanent (operational) increases in noise or vibration levels. Therefore, the proposed Project's incremental contribution to both temporary (construction) and permanent (operational) cumulative noise impacts would be *less than cumulatively considerable*.

3.14 Population and Housing

This section of the DEIR evaluates the potential environmental effects related to population and housing associated with implementation of the proposed Project. No comments pertaining to population and housing were received during the NOP public review period.

Environmental Setting

According to the Porterville 2030 General Plan, over the 30 years prior to its adoption (1975-2005), the City of Porterville's population grew at an average annual rate of 3.7 percent. However, the City's population growth slowed to an average annual rate of 2.8 percent between 1990-2005. At the time of current General Plan adoption in 2006, the California Department of Finance (DOF) estimated the City with a population of 45,220 residents. According to the most recent DOF report¹²⁴, the City currently is at approximately 62,588 residents, representing an annual increase of approximately 2.26 percent from 2006-2023. Build-out of the 2030 General Plan is planned to accommodate a population of approximately 107,300 in Porterville.

Regulatory Setting

Federal Regulations

US Department of Housing and Urban Development (HUD)

HUD's mission is to create strong, sustainable, inclusive communities and quality affordable homes for all. HUD is working to strengthen the housing market to bolster the economy and protect consumers; meet the need for quality affordable rental homes: utilize housing as a platform for improving quality of life; and build inclusive and sustainable communities free from discrimination.¹²⁵

State of California Regulations

California Department of Housing and Community Development (HCD)

¹²⁴ E-5 Population and Housing Estimates for Cities, Counties, and the State, 2020-2023. State of California Department of Finance. <u>https://dof.ca.gov/forecasting/demographics/estimates/e-5-population-and-housing-estimates-for-cities-counties-and-the-state-2020-2023/</u>. Accessed October 2023.

¹²⁵ U.S. Department of Housing and Urban Development, Mission. <u>https://www.hud.gov/about/mission</u>. Accessed October 2023.

HCD's mission is to "[p]romote safe, affordable homes and vibrant, inclusive, sustainable communities for all Californians."¹²⁶ "In 1977, HCD adopted regulations under the California Administrative Code, known as the Housing Element Guidelines, which are to be followed by local governments in the preparation of local housing elements. AB 2853, enacted in 1980, further codified housing element requirements. Since that time, new amendments to State Housing Law have been enacted.

State Housing Law also mandates that local governments identify existing and future housing needs in a Regional Housing Needs Assessment (RHNA).

California Relocation Assistance Act

The State of California adopted the California Relocation Assistance Act (*California Government Code* §7260 et seq.) in 1970. This State law, which follows the federal Uniform Relocation Assistance and Real Property Acquisition Act, requires public agencies to provide procedural protections and benefits when they displace businesses, homeowners, and tenants in the process of implementing public programs and projects. The law calls for fair, uniform, and equitable treatment of all affected persons through the provision of relocation benefits and assistance to minimize the hardship of displacement on the affected persons.

Local Regulations

City of Porterville

City of Porterville Housing Element. California Housing Element law requires every jurisdiction to prepare and adopt a housing element as part of a City's General Plan.

State Housing Element requirements are framed in the Government Code Sections 65580 through 65589. The law requires HCD to administer the law by reviewing housing elements for compliance with State law and by reporting its written findings to the local jurisdiction. Although State law allows local governments to decide when to update their general plans, State Housing Element law mandates that housing elements be updated every eight years. The City's Housing Element was adopted in December of 2015, and contains information on housing needs, land inventory, constraints, and a program of action.

¹²⁶ California Department of Housing and Community Development, Mission, <u>https://www.hcd.ca.gov/about-hcd</u>. Accessed October 2023.

Thresholds of Significance

The thresholds of significance for this section are established by the CEQA Checklist Items below.

- Induce substantial unplanned population growth in an area, either directly or indirectly?
- Displace substantial numbers of existing people or housing, necessitating the construction of replacement housing elsewhere?

Impacts and Mitigation Measures

Impact 3.14-1: *Induce substantial unplanned population growth in an area, either directly or indirectly OR displace substantial numbers of existing people or housing, necessitating the construction of replacement housing elsewhere?*

No Impact. The proposed Project includes the construction of multiple buildings, totaling approximately 92,060 square feet, to be occupied by fast food drive-thru, major retail, grocery, and drug store businesses.

The site is currently zoned CR (Retail Centers) and is designated as Retail Centers and Low Density Residential by the General Plan. The proposed Project is located in the northcentral portion of the City of Porterville, in an area of residential and commercial land uses. There are no new homes associated with the proposed Project. The new employment opportunities that would be created by the proposed Project could be readily filled by the existing employment base, given the City's existing unemployment rate of 12.3% as of March 2024,¹²⁷ compared to the national unemployment rate of 3.8%¹²⁸ during the same time period. The proposed Project will not affect any regional population, housing, or employment projections anticipated by City policy documents. There are no residential structures currently onsite and the Project will not displace any people. There is *no impact* on population and housing.

Mitigation Measures:

None are required.

¹²⁷ US Bureau of Labor Statistics. Economy at a Glance. Visalia-Porterville, CA. <u>https://www.bls.gov/eag/eag.ca_visalia_msa.htm#eag_ca_visalia_msa.f.1</u>. Accessed April 2024.

¹²⁸ US Bureau of Labor Statistics. Economy at a Glance. United States. <u>https://www.bls.gov/eag/eag.us.htm</u>. Accessed April 2024.

Cumulative Impacts

Less Than Cumulatively Considerable. The proposed Project is a commercial development, therefore, it would not result in direct or indirect population growth. As noted above, the site is zoned and designated for urban development and anticipated that the City can accommodate the Project and other developments in the City. Population growth is typically associated with construction of residential housing.

The Project in conjunction with the current and reasonably foreseeable projects would not lead to what is anticipated population growth. The proposed Project would provide short-term and long-term employment opportunities, along with commercial services, to the residents of the City. Since the proposed Project will not result in an increase in population or housing units, there would not be a cumulative impact associated with unplanned growth adversely affecting population and housing. As a result, the proposed project would *not contribute to a significant cumulative impact*.

3.15 Public Services

This section of the DEIR identifies potential impacts associated with the City's police and fire protection services, school facilities, and other public facilities. No NOP comment letters were received pertaining to this topic.

Environmental Setting

Fire Protection

Fire protection services in the vicinity of the Project site are provided by the Porterville Fire Department (PFD). According to the PFD's 2022 Annual Report, PFD staffing includes 49 sworn firefighters, one Fire Marshal, three code enforcement officers, two administrative assistants, one part-time code enforcement officer, and one part-time clerical aid.¹²⁹ The Operations Division has a primary responsibility for emergency response and preparedness within the City of Porterville. The division staffs three fire stations and responds to a wide variety of emergencies including fires, rescues, emergency medical incidents and hazardous conditions. The Operations Division provides services such as: Fire Suppression, Emergency Medical Response, Technical Rescue, Hazardous Materials Response, and Fire Prevention Inspections.

Police Services

Law enforcement services in Porterville are provided by the Porterville Police Department (PPD). The Office of the Chief of Police is staffed with an Administrative Sergeant who serves as the Department's Press Information Officer, along with the Chief's Administrative Assistant, and a Juvenile Diversion/Crime Prevention Officer. The Chief's Administrative Assistant and Administrative Sergeant are points of contact for the community to the Chief and his office. The Patrol Division is the largest of the divisions and has the greatest number of personnel assigned to it. Besides Patrol Officers, the Division contains the K-9 Teams, School Resource Officers, Traffic Unit, Field Training Unit and the Police Reserve Unit. Patrol Officers are assigned to each sector, one on each shift, allowing for 24 hour coverage.

¹²⁹ Porterville Fire Department Annual Report 2022.

https://cms9files.revize.com/PortervilleCA/2022%20PFD%20Annual%20Report%20Final%20Copy.pdf, page 8. Accessed October 2024.

Schools

Porterville Unified School District (PUSD) provides public education from Kindergarten through 12th Grade in the City of Porterville and nearby rural areas. The district is comprised of ten elementary schools, three middle schools, four comprehensive high schools, one magnet academy, one continuation high school, and three alternative sites. Based on the 2022-2023 Local Control and Accountability Plan, Porterville Unified School District served 14,208 students.¹³⁰

<u>Parks</u>

The City's Parks & Leisure office is located at 15 E. Thurman, Suite A. The Parks division maintains open spaces including eight parks, trails, and medians as well as several community facilities. The Leisure Services division facilitates programs, youth and adult sports, and special community events.

Libraries

The City's Library division provides literacy materials and services for all ages throughout the community. The Porterville Public Library is a member of the San Joaquin Valley Library System. The interim location for the Porterville Library is 50 W. Olive Ave., Suite B. An Adult Learning Center is located at 15 E. Thurman Ave, Suite B.

Regulatory Setting

Federal Regulations

National Fire Protection Association

The National Fire Protection Association (NFPA) is an international nonprofit organization that provides consensus codes and standards, research, training, and education on fire prevention and public safety. The NFPA develops, publishes, and disseminates more than 300 such codes and standards intended to minimize the possibility and effects of fire and other risks. The NFPA publishes the NFPA 1, Uniform Fire Code, which provides requirements to establish a reasonable level of fire safety and property protection in new and existing buildings.

¹³⁰ 2023 Local Control and Accountability Plan, Porterville Unified School District, 2023-2024. <u>https://www.portervilleschools.org/apps/pages/index.jsp?uREC_ID=212525&type=d&pREC_ID=2262970</u>. Accessed October 2024.

State of California Regulations

California Occupational Safety and Health Administration

In accordance with CCR Title 8 Sections 1270 "Fire Prevention" and 6773 "Fire Protection and Fire Equipment," Cal-OSHA has established minimum standards for fire suppression and emergency medical services (EMS). The standards include, but are not limited to, guidelines on the handling of highly combustible materials, fire hose sizing requirements, restrictions on the use of compressed air, access roads, and the testing, maintenance and use of all firefighting and emergency medical equipment.

City Emergency Response/Evacuation Plans

The State of California passed legislation authorizing the Office of Emergency Services (OES) to prepare a SEMS program, which sets forth measures by which a jurisdiction should handle emergency disasters. Non-compliance with SEMS could result in the State withholding disaster relief from the non-complying jurisdiction in the event of an emergency disaster.

California Fire Code

The CFC (Title 24, Part 9 of the California Code of Regulations) establishes regulations to safeguard against hazards of fire, explosion, or dangerous conditions in new and existing buildings, structures, and premises. The CFC also establishes requirements intended to provide safety and assistance to fire fighters and emergency responders during emergency operations. The provision of the CFC includes regulations regarding fire-resistance rated construction, fire protection systems such as alarm and sprinkler systems, fire service features such as fire apparatus access roads, fire safety during construction and demolition, and wildland urban interface areas.

California Health and Safety Code

State fire regulations are set forth in Sections 13000 et seq. of the California Health and Safety Code, which includes regulations for building standards, fire protection and notification systems, fire protection devices such as extinguishers, smoke alarms, high-rise buildings, childcare facility standards, and fire suppression training.

Government and Education Codes (Funding for Schools)

Funding for schools and school facilities impacts is outlined in Education Code Section 17620 and Government Code Section 65995 et. seq., which governs the amount of fees that can be levied

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

Local Regulations

City of Porterville General Plan

- PHS-I-13: Maintain automatic and/or mutual aid agreements with surrounding jurisdictions for fire protection.
- PHS-I-28: Ensure that new development incorporates safety concerns into the site, circulation, building design and landscaping plans.
- PU-I-20: Adopt programs to promote waste reduction and recycling and expand recycling programs in multi-family residential and commercial development.

Thresholds of Significance

The thresholds of significance for this section are established by the CEQA Checklist Item as follows.

 Would the project result in substantial adverse physical impacts associated with the provision of new or physically altered governmental facilities, need for new or physically altered governmental facilities, the construction of which could cause significant environmental impacts, in order to maintain acceptable service ratios, response times or other performance objectives for any of the public services:

Fire protection? Police protection? Schools? Parks? Other public facilities?

Impacts and Mitigation Measures

Impact 3.15-1: Would the project result in substantial adverse physical impacts associated with the provision of new or physically altered governmental facilities, need for new or physically altered governmental facilities, the construction of which could cause significant environmental impacts, in order to maintain acceptable service ratios, response times or other performance objectives for any of the public services:

Fire protection?

Less than Significant Impact. The Project site will continue to be served by City of Porterville Fire Station No. 2, which is approximately 0.8 miles to the southwest of the site. The Project applicant would be required to submit plans to the PFD for review and approval prior to the issuance of building permits to ensure the Project would conform to applicable building codes and would provide an on-site fire hydrant system. The Project would connect to the larger existing circulation system to ensure adequate provision of emergency access to the Project site. As such, any impacts would be less *than significant*.

Police Protection?

Less than Significant Impact. The proposed Project will continue to be served by the PPD. As the Project site is located in an area currently served by the PPD and the site has been designated for urban use by the General Plan, the department would not need to expand its existing service area or construct a new facility to serve the Project site. The impact is *less than significant*.

Schools?

No Impact. The direct increase in demand for schools is normally associated with new residential projects that bring new families with school-aged children to a region. The proposed Project does not contain any residential uses. The proposed Project, therefore, would not result in an influx of new students in the Project area and is not expected to result in an increased demand to PUSD resources and would not require the construction of new facilities. There is *no impact*.

Parks?

No Impact. The Project would not result in an increase in demand for parks and recreation facilities because it would not result in an increase in population. Accordingly, the proposed Project would have *no impacts* on parks.

Other public facilities?

No Impact. The proposed Project is a commercial development and aligns with the land use and growth projections identified in the City's General Plan and other infrastructure studies. An increase in public services is typically a result of residential developments. The Project, therefore, would not result in increased demand for, or impacts on, other public facilities such as library services. Accordingly, *no impact* would occur.

Therefore, the proposed Project will have a *less than significant impact* on public services.

Mitigation Measures:

None are required.

Cumulative Impacts

Less Than Cumulatively Considerable. The scope for considering cumulative impacts to public services is generally area-specific rather than cumulative in nature because each project site has different considerations that would be subject to review. The service area for the City of Porterville services is considered the cumulative analysis area. Cumulative growth that would occur over the life of the Porterville General Plan / EIR will result in increased demand for public services. As the demand for public services increases, there will likely be a need to increase staffing and equipment in order to maintain acceptable performance standards. Cumulative impacts to public services are primarily related to other residential development projects that could occur during the same time frame as those considered for this Project and within the same vicinity as this Project. Because the Project is commercial in nature, it does not result in additional requirements for public services beyond those planned for within the General Plan and does not result in significant long-term impacts to public services, the Project's incremental contribution to cumulative impacts to public services would be *less than cumulatively considerable*.

3.16 Recreation

This section of the DEIR identifies potential impacts associated with the proposed Project on the City's recreational facilities and services. NOP comment letters were not received pertaining to this topic.

Environmental Setting

The City of Porterville provides its residents with several types of parks and recreational facilities. Parks are defined as land owned or leased by the City and used for public recreational purposes. The Parks & Leisure Services Department of the City of Porterville consists of three divisions with the same mission of providing excellent customer service-enhancing quality of life by providing opportunities for public enjoyment, inspiration, education, personal development and cultural enrichment, and providing clean, safe, well designed parks and facilities. The Parks division maintains open spaces including nine parks, trails, and medians as well as several community facilities. The Leisure Services division facilitates programs, youth and adult sports, and special community events. The Library division provides literacy materials and services for all ages throughout our community.¹³¹ Buildout of the 2030 City of Porterville General Plan is expected to provide a total of 1,100 acres of parks.¹³²

Regulatory Setting

State of California Regulations

Quimby Act

The Quimby Act (California Government Code Section 66477) states that "the legislative body of a city or county may, by ordinance, require the dedication of land or impose a requirement of the payment of fees in lieu thereof, or a combination of both, for park or recreational purposes as a condition to the approval of a tentative or parcel map." Requirements of the Quimby Act apply only to the acquisition of new parkland and do not apply to the physical development of new park facilities or associated operations and maintenance costs. The Quimby Act seeks to preserve open space needed to develop parkland and recreational facilities; however, the actual

¹³¹ Parks & Leisure Services, City of Porterville. <u>https://www.ci.porterville.ca.us/departments/parks</u> leisure/index.php. Accessed October 2024.

¹³² Chapter 5: Parks, Schools & Community Facilities Element, City of Porterville 2030 General Plan, page 95.

development of parks and other recreation facilities is subject to discretionary approval and is evaluated on a case-by-case basis with new residential development.

The proposed Project is being evaluated pursuant to CEQA; however, there are no additional federal, State, or local regulations, plans, programs, or guidelines associated with recreation that are applicable to the proposed Project.

Thresholds of Significance

The thresholds of significance for this section are established by the CEQA Guidelines Appendix G.

- Would the project increase the use of existing neighborhood and regional parks or other recreational facilities such that substantial physical deterioration of the facility would occur or be accelerated?
- Does the project include recreational facilities or require the construction or expansion of recreational facilities which might have an adverse physical effect on the environment?

Impacts and Mitigation Measures

Impact 3.16-1: Would the project increase the use of exiting neighborhood and regional parks or other recreational facilities such that substantial physical deterioration of the facility would occur or be accelerated OR does the project include recreational facilities or require the construction or expansion of recreational facilities which might have an adverse physical effect on the environment?

No Impact. The proposed Project does not include the construction of residential uses and would not directly or indirectly induce population growth. Therefore, the proposed Project would not cause physical deterioration of existing recreational facilities from increased usage or result in the need for new or expanded recreational facilities. The proposed Project does not include recreational facilities, nor does it include any residential uses that would induce population growth and require subsequent construction or expansion of parks or recreational facilities. The Project would have *no impact* to parks and recreational facilities.

Mitigation Measures:

None are required.

Cumulative Impacts

Less Than Cumulatively Considerable. The scope for considering cumulative impacts to recreational facilities is generally city-wide rather than cumulative in nature because each project site has different recreational considerations that would be subject to review, and parkland is required to be provided for every 1,000 residents across the City. As described above, proposed Project implementation would not result in an increased demand for recreational facilities, the deterioration of existing facilities, or the construction or expansion of recreational facilities. The proposed Project's incremental contribution to cumulative recreation impacts would be *less than cumulatively considerable*.

3.17 Transportation/Traffic

This section of the DEIR identifies potential impacts of the proposed Project pertaining to transportation and traffic in and around the Project vicinity. Two comment letters were received during the NOP public comment period regarding potential transportation/traffic issues. Both letters identified potential traffic impacts and expectations of the Project traffic study (see Appendix A). The analysis presented in this EIR section is based, in part, on the Traffic Study prepared for the Project by Ruettgers & Schuler Civil Engineers, Inc. which is included as Appendix D.

Environmental Setting

The proposed development is located on APN's 246-111-065, -026, -046, -043 and -045, and 246-240-020 and totals approximately 10.54 acres at the northwest corner of State Route (SR) 65 and west Henderson Avenue. Single-family residences and a future hotel development lie to the west, commercial businesses and a shopping center to the south, SR 65 to the east, and single-family residences to the north. Porterville is bisected north-south by State Route (SR) 65 and SR 190 runs east-west in the southern portion of the City. See Figures 1 and 2– Location and Site Aerial, respectively.

The existing streets in the Project vicinity are as follows:

<u>W. Henderson Avenue</u> is a major (four-lane) east-west arterial that provides access to SR 65 and residential and commercial land uses.

<u>N. Newcomb Street</u> is a major (four-lane) north-south arterial located approximately 0.75 miles west of SR 65. Within the study area, it provides access to residential land uses and Monache High School.

<u>N. Porter Road</u> is a north-south collector that runs parallel to and directly east of SR 65 from Olive Avenue to Henderson Avenue. It provides access primarily to residential and commercial land uses within the study area.

<u>N. Prospect Street</u> is a north-south roadway located approximately 0.25 miles west of SR 65. It is designated as a major (four-lane) arterial between W. Morton Avenue and W. Westfield Avenue and provides access to residential and commercial land uses within the study area.

<u>SR 65</u> is a north-south state highway that begins at SR 99 north of Bakersfield and terminates at SR 198 north of Exeter. It exists as a four-lane freeway through Porterville with an interchange connection at W. Henderson Avenue.

<u>W. Westfield Street</u> is a minor (two-lane) east-west arterial that provides access to residential land uses and Westfield Elementary School.

Project Land Use and Site Access

The Project site is situated on approximately 10.54 acres of undeveloped vacant land. The property is zoned CR (Retail Centers) and has a General Plan Land Use designation of Retail Centers and Low Density Residential. The proposed development would include approximately 92,060 square feet of retail building space, including a grocery store, pharmacy and three drive-through fast-food restaurants.

Access to the Project site would be provided by two driveways depicted in Figure 2-3. The easterly driveway would accommodate right-in and right-out turning movements. The westerly driveway would also allow for right-in, right-out and eastbound left turns into the site.

Regulatory Setting

<u>Federal</u>

Federal Transit Administration

The FTA is an authority that provides financial and technical assistance to local public transit systems, including buses, subways, light rail, commuter rail, trolleys, and ferries. The FTA is funded by Title 49 of the United States Code, which states the FTA's interest in fostering the development and revitalization of public transportation.

Americans with Disabilities Act (ADA) of 1990

Titles I, II, III, IV, and V of the ADA have been codified in Title 42 of the USC, beginning at Section 12101. Title III prohibits discrimination on the basis of disability in "places of public accommodation" (businesses and nonprofit agencies that serve the public) and "commercial facilities" (other businesses). The regulation includes Standards for Accessible Design, which establish minimum standards for ensuring accessibility when designing and constructing a new facility or altering an existing facility.

<u>State</u>

SB 743

On September 27, 2013, Governor Jerry Brown signed SB 743 into law and codified a process that changed transportation impact analysis as part of CEQA compliance. SB 743 directs the California Office of Planning and Research to administer new CEQA guidance for jurisdictions that removes automobile vehicle delay and LOS or other similar measures of vehicular capacity or traffic congestions from CEQA transportation analysis. Rather, it requires the analysis of VMT or other measures that "promote the reduction of greenhouse gas emissions, the development of multimodal transportation networks, and a diversity of land uses," to be used as a basis for determining significant impacts to circulation in California. The goal of SB 743 is to appropriately balance the needs of congestion management with statewide goals related to reducing GHG emissions, encourage infill development, and promote public health through active transportation.

Local

The City of Porterville and the Tulare County Regional Transportation Plan designate LOS "D" as the minimum acceptable intersection peak hour level of service standard.

Porterville General Plan Policies

- C-G-6: Maintain acceptable levels of service and ensure that future development and the circulation system are in balance.
- C-G-7: Ensure that new development pays its fair share of the costs of transportation facilities.
- C-I-12: Continue to require that new development pay a fair share of the costs of street and other traffic and local transportation improvements based on traffic generated and impacts on traffic service levels.

Thresholds of Significance

In accordance with the CEQA Guidelines, a project impact would be considered significant if the project would:

- Conflict with a program plan, ordinance or policy addressing the circulation system, including transit, roadway, bicycle and pedestrian facilities
- Conflict or be inconsistent with CEQA Guidelines Section 15064.3, subdivision (b)

- Substantially increase hazards due to a geometric design feature (e.g., sharp curves or dangerous intersections) or incompatible uses (e.g., farm equipment)
- Result in inadequate emergency access

Impacts and Mitigation Measures

Ruettgers & Schuler Civil Engineers, Inc. (R&S) prepared a Traffic Study (see Appendix D) analyzing potential impacts the proposed Project would have on the existing roadway and transportation system. The study methodology is consistent with Caltrans "Guide for the Preparation of Traffic Impact Studies," dated December 2002, and County of Tulare "SB 743 Guidelines," dated June 8, 2020. The scope of the study includes seven intersections (all signalized) and was developed in coordination with staff from the City of Porterville.

The Traffic Study provides an analysis of the surrounding roadway system and the effects of the proposed Project on the existing and planned roadway infrastructure, including potential mitigation measures to reduce Project transportation impacts. Study results are summarized in the text below. For the full text, graphics, and traffic counts, please refer to Appendix D.

Impact 3.17-1: Would the project conflict with a program plan, ordinance or policy addressing the circulation system, including transit, roadway, bicycle and pedestrian facilities?

Significant and Unavoidable Impact.

Project Trip Generation

The Project trip generation and design hour volumes shown in Table 3.17-1 were estimated using the Institute of Transportation Engineers (ITE) Trip Generation Manual, 11th Edition. Trip rates, equations and directional splits for ITE Land Use Codes 820 and 934 were used to estimate Project trips for weekday peak hour of adjacent street traffic based on the information on the site plan. The AM and PM peak hours of adjacent street traffic were determined to be between 7:30 AM and 8:30 AM, and between 4:30 PM and 5:30 PM.

General Information				Daily Trips AM Peak Hour Trips		PM I	PM Peak Hour Trips			
ITE Code	Development Type	Variable	ADT RATE	ADT	Rate	In % Split/ Trips	Out % Split/ Trips	Rate	In % Split/ Trips	Out % Split/ Trips
934	Fast-Food Restaurant w/Drive-	13.75	467.48	6428	44.61	51%	49%	33.03	52%	48%
	Thru	1000 sq ft GFA				313	301		236	218
820	Shopping Center	78.31	eq	7908	eq	62%	38%	eq	48%	52%
		1000 sq ft GLA				111	69		227	246
sub-total				14,336		424	370		463	464
Adjustments										
Capture 5%		5%		717		21	19		23	23
Pass-by 15%			2,150		64	56		69	70	
Total				11,469		339	295		371	371

Table 3.17-1 Project Trip Generation

A capture rate of five percent was applied to account for internal trips generated by the Project. These trips neither enter or leave the Project site, and therefore, have no impact on adjacent street traffic. A pass-by rate of 15 percent was applied to account for Project trips that are made as intermediate stops between trip origin and primary destination. Pass-by trips are drawn from traffic passing the site, and therefore, do not add trips to the adjacent street system.

Project Trip Distribution and Assignment

The distribution of Project peak hour trips is shown in Table 3.17-2 and represents the movement of traffic accessing the Project site by direction. The Project trip distribution was developed based on site location and travel patterns anticipated for the proposed land uses.

Direction	Percent
North	20
East	30
South	20
West	30

Table 3.17-2 Project Trip Distribution

Project trip assignment was developed based on trip generation, trip distribution and likely travel routes for traffic accessing the Project site. See Appendix D for figures.

Existing And Future Traffic

Existing peak hour turning movement counts were obtained in October 2022 and compared to preCOVID turning movement volumes. It was determined that no adjustment factor was

necessary due to traffic being generally similar to historical count data with applicable growth rates.

Average annual growth rates ranging between 0.4 and 4.13 percent were applied to the 2023 peak hour volumes to estimate peak hour volumes for the year 2043. These growth rates were developed based on a review of historical count data and output from TCAG's regional travel demand model. Cumulative volumes were estimated based on information provided by the City of Porterville regarding build year, land use, size and location for each pending development. See Appendix D for peak hour volume scenario figures.

Intersection Analysis

A capacity analysis of the study intersections was conducted using Synchro 9 software from Trafficware. This software utilizes the capacity analysis methodology in the Transportation Research Board's Highway Capacity Manual 2010 (HCM 2010). The analysis was performed for each of the following traffic scenarios.

- Existing (2023)
- Existing (2023) + Project
- Build (2025)
- Build (2025) + Project
- Future (2043)
- Future (2043) + Project

LOS criteria for unsignalized and signalized intersections, as defined in HCM 2010, are presented in the tables below. The City of Porterville and Tulare County Regional Transportation Plan designate LOS D as the minimum acceptable intersection peak hour level of service.

Level of Service	Average Control Delay (sec/veh)	Expected Delay to Minor Street Traffic
А	≤ 10	Little or no delay
В	$> 10 \text{ and } \le 15$	Short delays
С	> 15 and ≤ 25	Average delays
D	> 25 and ≤ 35	Long delays
E	> 35 and ≤ 50	Very long delays
F	> 50	Extreme delays

Table 3.17-3Level of Service Criteria Unsignalized Intersection

Level of Service	Average Control Delay (sec/veh)	Volume-to-Capacity Ratio
А	≤ 10	< 0.60
В	$> 10 \text{ and } \le 20$	0.61 - 0.70
С	> 20 and ≤ 35	0.71 - 0.80
D	> 35 and ≤ 55	0.81 - 0.90
Е	> 55 and ≤ 80	0.91 - 1.00
F	> 80	> 1.00

Table 3.17-4Level of Service Signalized Intersection

Peak hour LOS for the study intersections is presented in Tables 3.17-5 and 3.17-6. Intersection delay in seconds per vehicle is shown within parentheses for intersections operating at or below LOS D.

Table 3.17-5Intersection Level of Service Weekday PM Peak Hour

#	Intersection	Control Type	2023	2023+ Project	2025	2025+ Project	2043	2043+ Project	2043+ Project w/Mitigation ¹
1	N Prospect St & W Westfield Ave	Signal	С	С	С	С	С	С	-
2	N Newcomb St & W Henderson Ave	Signal	D (37.9)	D (40.3)	D (38.3)	D (41.2)	D (46.4)	D (50.0)	D (49.4)
3	N Prospect St & W Henderson Ave	Signal	D (48.1)	E (59.5)	D (49.6)	E (61.5)	E (74.7)	F (91.7)	E (77.7)
4	SR 65 SB Onramp & W Henderson Ave	Signal	В	В	В	В	В	В	-
5	SR 65 NB Offramp & W Henderson Ave	Signal	В	В	В	В	В	В	-
6	Porter Rd & W Henderson Ave	Signal	D (39.5)	D (39.2)	D (39.7)	D (39.4)	D (41.3)	D (41.6)	-
7	N Prospect St & Morton Ave	Signal	С	С	С	С	D (37.5)	D (45.8)	-

1- See Table 3.17-9 for mitigation measures

#	Intersection	Control Type	2023	2023+ Project	2025	2025+ Project	2043	2043+ Project	2043+ Project w/Mitigation ¹
1	N Prospect St & W Westfield Ave	Signal	С	С	С	С	D (37.4)	D (41.7)	-
2	N Newcomb St & W Henderson Ave	Signal	E (75.7)	E (75.7)	E (77.3)	E (77.5)	F (91.7)	F (93.2)	D (54.1)
3	N Prospect St & W Henderson Ave	Signal	D (41.0)	D (42.8)	D (41.6)	D (43.3)	D (54.4)	E (56.3)	E (58.0)
4	SR 65 SB Onramp & W Henderson Ave	Signal	В	В	В	В	В	В	-
5	SR 65 NB Offramp & W Henderson Ave	Signal	В	В	В	В	В	В	-
6	Porter Rd & W Henderson Ave	Signal	D (39.5)	D (39.7)	D (39.4)	D (39.6)	D (38.8)	D (39.0)	-
7	N Prospect St & Morton Ave	Signal	В	В	В	В	С	С	-

Table 3.17-6Intersection Level of Service Weekday AM Peak Hour

1- See Table 3.17-9 for mitigation measures

As demonstrated in Tables 3.17-5 and 3.17-6, the intersections at North Prospect Street and West Henderson Avenue and at North Newcomb Street and West Henderson Avenue, at both AM and PM Peak Hours, will be at LOS E with Project implementation. Available mitigation at these intersections include:

- Modifying the eastbound right turn lane to eastbound through/right lane traffic at North Prospect Street and West Henderson Avenue
- Modifying the westbound right turn lane to westbound through/right lane at North Prospect Street and West Henderson Avenue
- Adding one westbound through lane at North Newcomb Street and West Henderson Avenue
- Modifying the northbound through/right lane to northbound right turn lane at North Newcomb Street and West Henderson Avenue

Tables 3.17-5 and 3.17-6 also demonstrate that both intersections will be at LOS E after mitigation implementation.

Roadway Analysis

A capacity analysis of the study roadways was conducted using Table 4 in the State of Florida Department of Transportation *Quality/Level of Service Handbook* dated June 2020, which is the National Standard for capacity analysis (see Appendix D). The City of Porterville Circulation Element states that the peak hour level of service for roadways shall be no lower than LOS "D" for urban areas. The analysis was performed for the following AM and PM traffic scenarios:

- Existing (2023)
- Existing (2023) + Project
- Build (2025)
- Build (2025) + Project
- Future Cumulative (2043)
- Future Cumulative (2043) + Project

Street	2023 Two-Way LOS VOL LOS		2023+Project Two-Way LOS VOL LOS		2025 Two-Way LOS		2025+Project Two-Way LOS		2043 Two-Way LOS		2043+Project Two-Way LOS	
	VOL	LUS	VOL	LUS	VOL	LUS	VOL	LUS	VOL	LUS	VOL	LUS
Prospect St: Westfield Ave - Henderson Ave	1256	с	1374	С	1294	с	1412	с	1697	С	1815	С
Prospect St: Henderson Ave - Morton Ave	1111	С	1410	С	1147	с	1446	С	1525	С	1824	С
Henderson Ave: Newcomb St - Prospect St	1655	С	1781	С	1691	С	1817	С	2055	С	2181	С
Henderson Ave: Prospect St - SR 65 SB Ramps	2137	С	2466	С	2160	с	2489	С	2377	С	2706	С
Henderson Ave: SR 65 SB Ramps - SR 65 NB Ramps	1895	С	2130	С	1915	с	2150	с	2129	С	2364	С

Table 3.17-7 PM Roadway Level of Service

Table 3.17-8 AM Roadway Level of Service

Street	2023 Two-Way LOS		2023+Project Two-Way LOS		2025 Two-Way LOS		2025+Project Two-Way LOS		2043 Two-Way LOS		2043+Project Two-Way LOS	
	VOL	LOS	VOL	LOS	VOL	LOS	VOL	LOS	VOL	LOS	VOL	LOS
Prospect St: Westfield Ave - Henderson Ave	1016	С	1115	С	1043	С	1142	С	1337	С	1436	С
Prospect St: Henderson Ave - Morton Ave	719	С	965	с	744	С	990	С	1014	С	1260	с
Henderson Ave: Newcomb St - Prospect St	1314	С	1422	С	1338	С	1446	С	1581	С	1689	с
Henderson Ave: Prospect St - SR 65 SB Ramps	1693	С	1972	с	1711	С	1990	С	1883	С	2162	с
Henderson Ave: SR 65 SB Ramps - SR 65 NB Ramps	1584	с	1783	с	1603	с	1802	С	1785	с	1984	с

Mitigation

Intersection and roadway segment improvements needed by the years 2025 and 2043 to maintain or improve the operational level of service of the street system in the vicinity of the Project are presented in Tables 3.17-9. Shown also is the Project's percent share of the cost for these improvements.

Table 3.17-9Future Intersection Improvements and Local Mitigation

щ	Interception	Mitigation Required	Mitigation Required	Percent
#	imersection	by 2025 (Opening Day)	by 2043	Share
	N Newcomb St & W		Add one westbound through	
2	Henderson Ave		lane, modify northbound	10.0407
2		_	through/right lane to	12.70/0
			northbound right turn lane	
		Modify eastbound right turn		
	N Prospect St & W	lane to eastbound		
3	Handarson Ava	through/right lane, Modify	-	41.96%
	Hendelson Ave	westbound right turn lane to		
		westbound through/right lane		

Project percent share is calculated using the following formula:

Intersection and roadway segment improvements will be needed in the years 2025 and 2043 to maintain or improve the operational level of service of the street system in the vicinity of the Project; however, the intersection at North Prospect Street and West Henderson Avenue will remain at a LOS E after mitigation implementation.

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

Mitigation Measures

TRA-1: The Applicant shall pay the City of Porterville for their Fair Share Portion of intersection improvements described in Table 3.17-9 to maintain or improve the operational level of service of the street system in the vicinity of the Project.

Impact 3.17-2: Would the project conflict or be inconsistent with CEQA Guidelines Section 15064.3, subdivision (b)?

Less Than Significant Impact. An evaluation of VMT for project traffic was conducted in accordance with CEQA requirements. The City of Porterville has adopted the "County of Tulare SB 743 Guidelines", dated June 8, 2020, which contains recommendations regarding VMT assessment, significance thresholds and mitigation measures.

The County of Tulare guidelines identify project types that are presumed to have a less than significant impact on VMT, and therefore, a less than significant impact on transportation. These projects are identified by meeting the "screening thresholds" criteria listed in the guidelines. Projects meeting one or more of these screening criteria would not be required to undergo a detailed VMT analysis as they are presumed to have a less than significant traffic impact.

One screening threshold pertains to local-serving retail uses. The guidelines state that "localserving 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." There is no defined building size in the guidelines which preclude screening for retail projects. The project meets the definition of locally serving for the following reasons:

- The project offers additional options for shopping locally in Porterville.
- The project is considered an infill project, with residential, retail, school, and other land uses nearby which would allow the opportunity for combining trips, and also reduces the radius of travel distance to the site. Being an infill project, it will attract shoppers which may have travelled further in order to shop at similar establishments.
- Notwithstanding the fact that the guidelines do not state a size restriction for locally serving retail, none of the shops shown on the site plan are over 25,000 square feet in size. Generally, stores that are 25,000 square feet or less would not be a regional draw for customers and would serve a more local customer base.

Therefore, since the project meets the definition of local-serving retail, it is presumed to have a less than significant transportation impact under CEQA.

Mitigation Measures:

None are required.

Impact 3.17-3: Would the project substantially increase hazards due to a geometric design feature (e.g., sharp curves or dangerous intersections) or incompatible uses (e.g., farm equipment), OR would the project result in inadequate emergency access?

Less Than Significant Impact. No roadway design feature associated with this proposed Project would result in an increase in hazards due to a design feature or be an incompatible use. The City has reviewed the site layout and determined that the two points of ingress/egress (both along W. Henderson Avenue), combined with access through the existing and proposed development to the west, provide adequate emergency access. Any impacts are *less than significant*.

Mitigation Measures

None are required.

Cumulative Impacts

Significant and Unavoidable Impacts. The potential for cumulative transportation impacts exists where there are multiple projects proposed in an area that have overlapping operational phases that could affect similar resources. Projects with overlapping schedules for operations could result in a substantial contribution to increased traffic levels throughout the surrounding roadway network.

Intersection improvements will be needed by the year 2043 to maintain or improve the operational LOS of the street system in the vicinity of the Project. The applicant will be responsible for the Fair Share portion of aforementioned intersections; however, significant impacts will still occur at the intersection of North Prospect Street and West Henderson Avenue, even after mitigation is incorporated. As such, *significant and unavoidable cumulative impacts* will result from Project implementation.

3.18 Tribal Cultural Resources

This section of the DEIR evaluates the potential impacts to TCRs associated with Project implementation. One comment letter from the NAHC was received during the NOP public comment period. The NAHC recommended consultation with California Native American tribes pursuant to AB 52 and SB 18, which is discussed in this impact analysis. A CHRIS search was completed for the proposed Project (see Appendix C). In addition, the City of Porterville notified applicable Tribes to request consultation on the Project, pursuant to AB 52 and SB 18.

Environmental Setting

Natural Environment

The City of Porterville is located in Tulare County in the southern part of the San Joaquin Valley. The approximately 10.54-acre Project site is located in north-central Porterville at the northwest corner of SR 65 and West Henderson Avenue. Single-family residences and a permitted future hotel development lie to the west, commercial businesses and a shopping center to the south, SR 65 to the east, and single-family residences to the north.

The Project site is located in a portion of the San Joaquin Valley that has, for decades, experienced intensive agricultural and urban disturbances. Current agricultural endeavors in the region include orange groves, olive orchards and row crops.

Regulatory Setting

<u>Federal</u>

The National Historic Preservation Act

The NHPA established federal regulations for the purpose of protecting significant cultural resources. The legislation established the NRHP and the National Historic Landmarks Program. It mandated the establishment of the OHP, responsible for implementing statewide historic preservation programs in each state.

<u>State</u>

Assembly Bill (AB) 52

AB 52, which was approved in September 2014 and became effective on July 1, 2015, requires that CEQA lead agencies consult with a California Native American tribe that is traditionally and culturally affiliated with the geographic area of a proposed project, if requested by the tribe. A

provision of the bill, chaptered in CEQA Section 21086.21, also specifies that a project with an effect that may cause a substantial adverse change in the significance of a TCR is a project that may have a significant effect on the environment.

Defined in Section 21074(a) of the Public Resources Code, TCRs are:

- 1. Sites, features, places, cultural landscapes, sacred places and objects with cultural value to a California Native American tribe that are either of the following:
 - a. Included or determined to be eligible for inclusion in the California Register of Historical Resources; or
 - b. Included in a local register of historical resources as defined in subdivision (k) of Section 5020.1.
- 2. A resource determined by the lead agency, in its discretion and supported by substantial evidence, to be significant pursuant to criteria set forth in subdivision (c) of Section 5024.1. In applying the criteria set forth in subdivision (c) of Section 5024.1 for the purposes of this paragraph, the lead agency shall consider the significance of the resource to a California Native American tribe.

TCRs are further defined under Section 21074 as follows:

- a. A cultural landscape that meets the criteria of subdivision (a) is a TCR to the extent that the landscape is geographically defined in terms of the size and scope of the landscape; and
- b. A historical resource described in Section 21084.1, a unique archaeological resource as defined in subdivision (g) of Section 21083.2, or a "non-unique archaeological resource" as defined in subdivision (h) of Section 21083.2 may also be a TCR if it conforms with the criteria of subdivision (a).

Mitigation measures for TCRs must be developed in consultation with the affected California Native American tribe pursuant to newly chaptered Section 21080.3.2, or according to Section 21084.3. Section 21084.3 identifies mitigation measures that include avoidance and preservation of TCRs and treating TRCs with culturally appropriate dignity, taking into account the tribal cultural values and meaning of the resource.

According to AB 52, it is the responsibility of the tribes to formally request of a lead agency that they be notified of projects in the lead agency's jurisdiction so that they may request consultation related to TCRs. The City of Porterville conducted their required tribal outreach related to the proposed Project in May of 2021.

Native American Heritage Commission

PRC Section 5097.91 established the NAHC, the duties of which include inventorying places of religious or social significance to Native Americans and identifying known graves and cemeteries of Native Americans on private lands. Section 5097.98 of the PRC specifies a protocol to be followed when the NAHC receives notification of a discovery of Native American human remains from a county coroner.

Senate Bill 18

SB 18 (Statutes of 2004, Chapter 905), which went into effect January 1, 2005, requires local governments (city and county) to consult with Native American tribes before making certain planning decisions and to provide notice to tribes at certain key points in the planning process. The intent is to "provide California Native American tribes an opportunity to participate in local land use decisions at an early planning stage, for the purpose of protecting, or mitigating impacts to, cultural places" (Governor's Office of Planning and Research, 2005).

The purpose of involving tribes at these early planning stages is to allow consideration of cultural places in the context of broad local land use policy, before individual site-specific, project-level, land use designations are made by a local government. The consultation requirements of SB 18 apply to general plan or specific plan processes proposed on or after March 1, 2005.

According to the Tribal Consultation Guidelines: Supplement to General Plan Guidelines (Governor's Office of Planning and Research, 2005), the following are the contact and notification responsibilities of local governments:

- Prior to the adoption or any amendment of a general plan or specific plan, a local government must notify the appropriate tribes (on the contact list maintained by the NAHC) of the opportunity to conduct consultations for the purpose of preserving, or mitigating impacts to, cultural places located on land within the local government's jurisdiction that is affected by the proposed plan adoption or amendment. Tribes have 90 days from the date on which they receive notification to request consultation, unless a shorter timeframe has been agreed to by the tribe (Government Code Section 65352.3).
- Prior to the adoption or substantial amendment of a general plan or specific plan, a local government must refer the proposed action to those tribes that are on the NAHC contact list and have traditional lands located within the city or county's jurisdiction. The referral must allow a 45-day comment period (Government Code Section 65352).

Notice must be sent regardless of whether prior consultation has taken place. Such notice does not initiate a new consultation process.

• Local government must send a notice of a public hearing, at least 10 days prior to the hearing, to tribes who have filed a written request for such notice (Government Code Section 65092).

Local

Porterville General Plan Policies

• OSC-I-72: Develop an agreement with Native American representatives for consultation in the cases where new development may result in disturbance to Native American sites.

Thresholds of Significance

The thresholds of significance for this section are established by the CEQA Checklist Item below.

- Would the project cause a substantial adverse change in the significance of a tribal cultural resource, defined in Public Resources Code Section 21074 as either a site, feature, place, cultural landscape that is geographically defined in terms of the size and scope of the landscape, sacred place, or object with cultural value to a California Native American tribe, and that is:
 - Listed or eligible for listing in the California Register of Historical Resources, or in the local register of historical resources as defined in Public Resources Code Section 5020.1j(k) or
 - A resource determined by the lead agency, in its discretion and supported by substantial evidence, to be significant pursuant to criteria set forth in subdivision (c) of Public Resources Code Section 5024.1, the lead agency shall consider the significance of the resource to a California Native American tribe.

As previously described, to evaluate the Project's potential effects on tribal cultural resources a SLF search was conducted by the NAHC, and SB 18 and AB 52 notification letters were sent to Native American groups and individuals indicated by the NAHC to solicit information regarding the presence of tribal cultural resources. Impacts to tribal cultural resources may include direct impacts resulting from ground-disturbing activities or indirect visual impacts associated with the

construction of above ground structures within the view shed of an identified tribal cultural resource.

Impacts and Mitigation Measures

Impact 3.18-1: Would the project cause a substantial adverse change in the significance of a tribal cultural resource, defined in Public Resources Code Section 21074 as either a site, feature, place, cultural landscape that is geographically defined in terms of the size and scope of the landscape, sacred place, or object with cultural value to a California Native American tribe, and that is:

- *i)* Listed or eligible for listing in the California Register of Historical Resources, or in a local register of historical resources as defined in Public Resources Code Section 5020.1(k), or
- *ii)* A resource determined by the lead agency, in its discretion and supported by substantial evidence, to be significant pursuant to criteria set forth in subdivision (c) of Public Resources Code Section 5024.1. In applying the criteria set forth in subdivision (c) of Public Resource Code Section 5024.1, the lead agency shall consider the significance of the resource to a California Native American tribe.

Less Than Significant with Mitigation. A TCR is defined under PRC Section 21074 as a site, feature, place, cultural landscape that is geographically defined in terms of size and scope, sacred place, and object with cultural value to a California Native American tribe that that is listed or eligible for inclusion in the CRHR or in a local register of historical resources, or if the City of Porterville, acting as the Lead Agency, supported by substantial evidence, chooses at its discretion to treat the resource as a TCR.

The City of Porterville received a Sacred Lands File (SLF) search from the Native American Heritage Commission (NAHC) on April 22, 2021. The search was negative for sacred sites and tribal cultural resources. The City sent outreach letters to the tribes provided by the NAHC including:

- Big Sandy Rancheria of Western Mono Indians
- Kern Valley Indian Community
- Santa Rosa Rancheria Tachi Yokut Tribe
- Tule River Indian Tribe
- Wuksache Indian Tribe / Eshom Valley Band

According to SB 18, the tribes had 90 days from the receipt of the letter to request consultation with the City of Porterville. Of the tribes that were notified in May 2021, no responses were received by the City.

As previously discussed in Section 3.5 – Cultural Resources, the subject site is not known to contain any tribal cultural resources (TCRs). As further noted in that section, with respect to archaeological resources and human remains that may be present in areas where there would be some ground disturbance, mitigation measures set forth in the section would be implemented to ensure that should resources be encountered, they would be protected from damage. Therefore, while no TCRs are expected to be affected by the proposed Project, the mitigation measures set forth in Section 3.5 - Cultural Resources ensure that any resources encountered would not be adversely affected. Any impacts to TCR would be considered *less than significant*.

Mitigation Measures

CUL-1 See Section 5 Cultural Resources.

Cumulative Impacts

Less Than Cumulatively Considerable. The scope for considering cumulative impacts to TCRs is the geographic areas in Tulare County as well as the areas designated by the Native American Heritage Commission as having potential to impact TCRs as a result of the Project. As discussed above, the proposed Project area is not known to contain any TRCs; however, mitigation is included to reduce any potential impacts to Tribal Resources. Implementation of the proposed Project, with mitigation, would not make a cumulatively considerable contribution to any significant impact to tribal cultural resources.

3.19 Utilities and Service Systems

This section of the DEIR identifies potential impacts of the proposed Project pertaining to water supply and infrastructure, wastewater service, solid waste and other utility services. No NOP comment letters were received pertaining to utilities and service systems.

Environmental Setting

The Project site is located on the San Joaquin Valley floor in the north-central portion of the City of Porterville, California. The approximately 10.54-acre Project site is located at the northwest corner of SR 65 and West Henderson Avenue. Single-family residences, commercial uses, and a future hotel development lie to the west, commercial uses and a shopping center to the south, SR 65 to the east, and single-family residences to the north.

Utilities required to serve the proposed Project would include: water, sanitary sewer, storm drainage, electricity, and telecommunications infrastructure. Water service, sewage disposal, storm drainage, and refuse collection would be provided by the City of Porterville.

Solid Waste

The City of Porterville's Public Works Department provides commercial, residential, and industrial refuse collection to all locations within the City of Porterville. Private companies offer solid waste collection services in other unincorporated areas. Porterville has various programs to encourage recycling and waste reduction, such as curbside collection of residential and yard recyclables (green can), a recycling drop-off center, a commercial/industrial recycling program, school recycling programs, bi-annual special collection events, and public education/outreach activities.¹³³

Disposal services in Porterville are provided by the Tulare County Consolidated Waste Management Authority (CWMA). CWMA currently owns and operates two landfills (Visalia Landfill and Woodville Landfill) and six transfer stations. The Woodville Landfill site is located approximately 13 miles northwest of the City of Porterville at the intersection of Avenue 200 and 152. In April 2021, Tulare County certified an EIR which allowed the expansion to of Woodville Landfill to a total of 400 acres with anticipated closure in 55 years, or by 2073. (SCH# 2018121007).¹³⁴

¹³³ Ch 8: Public Utilities Element, Porterville 2030 General Plan. 2007, page 194.

¹³⁴ Draft Environmental Impact Report – Woodville Disposal Site, County of Tulare Resource Management Agency (SCH# 2018121007). April 2021.
Electrical and Natural Gas

Electricity

Electricity as a consumptive utility is a man-made resource. The production of electricity requires the consumption or conversion of energy resources, including water, wind, oil, gas, coal, solar, geothermal, and nuclear resources, into energy. The delivery of electricity involves a number of system components, including substations and transformers that lower transmission line power (voltage) to a level appropriate for on-site distribution and use. The electricity generated is distributed through a network of transmission and distribution lines commonly called a power grid. Conveyance of electricity through transmission lines is typically responsive to market demands. Southern California Edison provides electric service to Porterville residents.

Natural Gas

Natural gas is a combustible mixture of simple hydrocarbon compounds (primarily methane) that is used as a fuel source. Natural gas consumed in California is obtained from naturally occurring reservoirs, mainly located outside the State, and delivered through high-pressure transmission pipelines. The natural gas transportation system is a nationwide network, and, therefore, resource availability is typically not an issue. Natural gas provides almost one-third of the State's total energy requirements and is used in electricity generation, space heating, cooking, water heating, industrial processes, and as a transportation fuel. Natural gas service is primarily provided by the Southern California Gas Company.

Telecommunications

Three major communication companies provide communications services in Porterville: AT&T, Sprint & Verizon. Charter Communications/Spectrum is the primary provider of internet and cable television.

Regulatory Setting

Federal Agencies and Regulations

Clean Water Act

The CWA is intended to restore and maintain the chemical, physical, and biological integrity of the nation's waters (33 CFR 1251). The regulations implementing the CWA protect waters of the U.S. including streams and wetlands (33 CFR 328.3). The CWA requires states to set standards to protect, maintain, and restore water quality by regulating point source and some non-point

source discharges. Under Section 402 of the CWA, the NPDES permit process was established to regulate these discharges.

Safe Drinking Water Act

The Safe Drinking Water Act (SDWA) was established to protect the quality of drinking water in the United States. This SDWA focuses on all waters either designed or potentially designed for drinking water use, whether from surface water or groundwater sources. The SDWA and subsequent amendments authorized the EPA to establish health-based standards, or maximum contaminant levels (MCLs), for drinking water to protect public health against both natural and anthropogenic contaminants. All owners or operators of public water systems are required to comply with these primary (health-related) standards. State governments, which can be approved to implement these primary standards for the EPA, also encourage attainment of secondary (nuisance-related) standards. At the federal level, the EPA administers the SDWA and establishes MCLs for bacteriological, organic, inorganic, and radiological constituents (United States Code Title 42, and CFR Title 40). At the State level, California has adopted its own SDWA, which incorporates the federal SDWA standards with some other requirements specific only to California (California Health and Safety Code, Section 116350 et seq.).

The 1996 federal SDWA amendments established source water assessment programs pertaining to untreated water from rivers, lakes, streams, and groundwater aquifers used for drinking water supply. According to these amendments, the EPA must consider a detailed risk and cost assessment, as well as best available peer-reviewed science, when developing standards for drinking water. These programs are the foundation of protecting drinking water resources from contamination and avoiding costly treatment to remove pollutants. In California, the Drinking Water Source Assessment and Protection (DWSAP) Program fulfills these federal mandates. The California State Water Resources Control Board: Division of Drinking Water (SWRCB-DDW) is the primary agency for developing and implementing the DWSAP Program and is responsible for performing the assessments of existing groundwater sources.

Federal Emergency Management Agency

The National Flood Insurance Act (1968) makes available federally subsidized flood insurance to owners of flood-prone properties. To facilitate identifying areas with flood potential, FEMA has developed FIRMs that can be used for planning purposes.

Resource Conservation and Recovery Act

The RCRA was enacted in 1976 to address the huge volumes of municipal and industrial solid waste generated nationwide. After several amendments, the act as it stands today governs the management of solid and hazardous waste and USTs. RCRA is an amendment to the SWDA. RCRA has been amended several times, most significantly by the HSWA of 1984. RCRA is a combination of the first solid waste statutes and all subsequent amendments. RCRA authorizes the EPA to regulate waste management activities. RCRA authorizes states to develop and enforce their own waste management programs, in lieu of the federal program, if a state's waste management program is substantially equivalent to, consistent with, and no less stringent than the federal program.

State of California Regulations

California Green Building Standards Code

Construction- and demolition-generated (C&D) waste is heavy, inert material. This material creates significant problems when disposed of in landfills. Since C&D debris is heavier than paper and plastic, it is more difficult for counties and cities to reduce the tonnage of disposed waste. For this reason, C&D waste debris has been specifically targeted by the State of California for diversion from the waste stream.

The California Green Building Standards Code (Standards Code) will apply to the construction related activities of this Project. The purpose of the Standards Code is to improve public health, safety, and general welfare by enhancing the design and construction of buildings using building concepts that have a positive environmental impact and encouraging sustainable construction practices. Provisions of the Standards Code shall apply to the design and construction of building structures subject to State regulation.

California Department of Resources Recycling and Recovery

CalRecycle is the State agency designated to oversee, manage, and track California's 76 million tons of waste generated each year. It is one of the six agencies under the umbrella of the California Environmental Protection Agency. CalRecycle develops regulations to control and manage waste, for which enforcement authority is typically delegated to the local government. CalRecycle works jointly with local government to implement regulations and fund programs.

Assembly Bill 939 and Senate Bill 1016

The California Integrated Waste Management Act of 1989, or AB 939, established the Integrated Waste Management Board, required the implementation of integrated waste management plans, and mandated that local jurisdictions divert at least 50 percent of all solid waste generated (from

1990 levels), beginning January 1, 2000, and divert at least 75 percent by 2010. Projects that would have an adverse effect on waste diversion goals are required to include waste diversion mitigation measures to assist in reducing these impacts to less-than-significant levels. With the passage of SB 1016 (the Per Capita Disposal Measurement System) in 2006, only per capita disposal rates are measured to determine if a jurisdiction's efforts are meeting the intent of AB 939.

State Water Resources Control Board

The SWRCB, located in Sacramento, is the agency with jurisdiction over water quality issues in the State of California. The SWRCB is governed by the Porter-Cologne Water Quality Act (Division 7 of the California Water Code), which establishes the legal framework for water quality control activities by the SWRCB. The intent of the Porter-Cologne Act is to regulate activities which may adversely affect the quality of waters of the State to attain the highest water quality which is reasonable, considering a full range of demands and values. The act authorizes the SWRCB to establish water quality principles and guidelines for long-range resource planning including groundwater and surface water management programs and control and use of recycled water. Much of the implementation of the SWRCB's responsibilities is delegated to nine RWQCBs.

California Water Code

The CWA establishes certain guidelines for the states to follow in developing programs for the control of surface water pollution and for planning the development and use of water resources. Under certain circumstances, the CWA allows the EPA to withdraw the primary responsibility for these programs from states with inadequate implementation mechanisms.

California's primary statute governing water quality and water pollution issues with respect to both surface waters and groundwater is the Porter-Cologne Act (Division 7 of the California Water Code). The Porter-Cologne Act grants the SWRCB and each of the RWQCBs power to protect water quality, and is the primary vehicle for implementation of California's responsibilities under the CWA. The Porter-Cologne Act grants the SWRCB and the RWQCBs authority and responsibility to adopt plans and policies, to regulate discharges to surface and groundwater, to regulate waste disposal sites and to require cleanup of discharges of hazardous materials and other pollutants. The Porter-Cologne Act also establishes reporting requirements for unintended discharges of any hazardous substance, sewage, or oil or petroleum product.

Each RWQCB must formulate and adopt a water quality control plan (basin plan) for its region. The regional plans must conform with the policies set forth in the Porter-Cologne Act and established by the State water policy adopted by the SWRCB. The Porter-Cologne Act also provides that a RWQCB may include within its regional plan water discharge prohibitions applicable to particular conditions, areas, or types of waste.

Water Code Section 13260 requires all dischargers of waste that may affect water quality in waters of the State to prepare and provide a water quality discharge report to the RWQCB. Section 13260a-c is as follows:

- (a) Each of the following persons shall file with the appropriate regional board a report of the discharge, containing the information that may be required by the regional board:
 - (1) A person discharging waste, or proposing to discharge waste, within any region that could affect the quality of the waters of the state, other than into a community sewer system.
 - (2) A person who is a citizen, domiciliary, or political agency or entity of this state discharging waste, or proposing to discharge waste, outside the boundaries of the state in a manner that could affect the quality of the waters of the state within any region.
 - (3) A person operating, or proposing to construct, an injection well.
- (b) No report of waste discharge need be filed pursuant to subdivision (a) if the requirement is waived pursuant to Section 13269.
- (c) Each person subject to subdivision (a) shall file with the appropriate regional board a report of waste discharge relative to any material change or proposed change in the character, location, or volume of the discharge.

Water Code Section 10910 (SB 610)

Water Code Section 10910 (SB 610) requires that a lead agency obtain a water supply assessment from an applicable public water system for certain projects subject to CEQA, which are defined as (a) a residential development of more than 500 dwelling units; (b) a shopping center or business employing more than 1,000 persons or having more than 500,000 square feet of floor space; (c) a commercial office building employing more than 1,000 persons or having more than 250,000 square feet; (d) a hotel or motel with more than 500 rooms; (e) an industrial or manufacturing establishment housing more than 1,000 persons or having more than 650,000 square feet or 40 acres; (f) a mixed use project containing any of the foregoing; or (g) any other project that would have a water demand at least equal to a 500 dwelling unit project.

Regional Water Quality Board

The Central Valley RWQCB administers the NPDES storm water-permitting program in the Central Valley region, including Porterville. Construction activities on one acre or more are subject to the permitting requirements of the NPDES General Construction Permit. The General Construction Permit requires the preparation and implementation of a SWPPP. The plan must include specifications for BMPs that will be implemented during proposed construction to control degradation of surface water by preventing the potential erosion of sediments or discharge of pollutants from the construction area. The General Construction Permit program was established by the SWRCB and the Central Valley RWQCB for the specific purpose of reducing impacts to surface waters that may occur due to construction activities. BMPs have been established in the California Storm Water Best Management Practice Handbook (2003), and are recognized as effectively reducing degradation of surface waters to an acceptable level. Additionally, the SWPPP describes measures to prevent or control runoff degradation after construction is complete, and identifies a plan to inspect and maintain these facilities or project elements.

Waste Discharge Requirements

The Central Valley RWQCB typically requires a WDR permit for any facility or person discharging or proposing to discharge waste that could affect the quality of the waters of the State, other than into a community sewer system. Those discharging pollutants (or proposing to discharge pollutants) into surface waters must obtain an NPDES permit from the Central Valley RWQCB.

The NPDES serves as the WDR. For other types of discharges, such as those affecting groundwater or in a diffused manner (e.g., erosion from soil disturbance or waste discharges to land), a Report of Waste Discharge must be filed with the Central Valley RWQCB in order to obtain a WDR. For specific situations, the Central Valley RWQCB may waive the requirement to obtain a WDR for discharges to land or may determine that a proposed discharge can be permitted more effectively through enrollment in a general NPDES permit or general WDR.

Porter-Cologne Water Quality Control Act

Under the Porter-Cologne Water Quality Control Act, waters of the State fall under the jurisdiction of the appropriate RWQCB. Under the act, the RWQCB must prepare and periodically update water quality control basin plans. Each basin plan sets forth water quality standards for surface water and groundwater, as well as actions to control nonpoint and point sources of pollution to achieve and maintain these standards. Projects that affect wetlands or waters must meet waste discharge requirements of the RWQCB, which may be issued in addition

to a water quality certification or waiver under CWA Section 401.

Assembly Bill 1881

AB 1881 expanded previous legislation related to landscape water use efficiency. AB 1881, the Water Conservation in Landscaping Act of 2006, enacted landscape efficiency recommendations of the California Urban Water Conservation Council (CUWCC) for improving the efficiency of water use in new and existing urban irrigated landscapes in California. AB 1881 required the California Department of Water Resources (DWR) to update the existing Model Local Water Efficient Landscape Ordinance and local agencies to adopt the updated model ordinance or an equivalent. The law also requires the CEC to adopt performance standards and labeling requirements for landscape irrigation equipment, including irrigation controllers, moisture sensors, emission devices, and valves to reduce the wasteful, uneconomic, inefficient, or unnecessary consumption of energy or water.

Assembly Bill 2882

AB was passed in 2008 and encourages public water agencies throughout California to adopt conservation rate structures that reward consumers who conserve water. AB 2882 clarifies the allocation-based rate structures and establishes standards that protect consumers by ensuring a lower base rate for those who conserve water.

Sustainable Groundwater Management Act

In 2014, California enacted the Sustainable Groundwater Management Act (SGMA) (Water Code §10720 et seq.). SGMA requires local agencies to form groundwater sustainability agencies (GSAs) for the high and medium priority basins. GSAs develop and implement groundwater sustainability plans (GSPs) to avoid undesirable results and mitigate overdraft within 20 years.

DWR serves two roles to support local SGMA implementation: 1) regulatory oversight through the evaluation and assessment of GSPs and 2) providing ongoing assistance to locals through the development of best management practices and guidance, and planning, technical, and financial assistance.

California Drought Regulations

Beginning in January 2014, Governor Jerry Brown issued three Executive Orders (EOs), B-26-14, B-28-14, and B-29-15, regarding water supply, water demand, and water use within the State during severe drought conditions. EO B-29-15, issued April 1, 2015, sets limitations not only for

existing land uses and water supply systems, but also for new construction. Some of these restrictions include:

- The Water Board shall prohibit irrigation with potable water of ornamental turf on public street medians.
- The Water Board shall prohibit irrigation with potable water outside of newly constructed homes and buildings that is not delivered by drip or microspray systems.
- The California Energy Commission shall adopt emergency regulations establishing standards that improve the efficiency of water appliances, including toilets, urinals, and faucets available for sale and installation in new and existing buildings.

In addition, EO B-29-15 requires that DWR update the State Model Water Efficient Landscape Ordinance through expedited regulation by the end of 2015. This ordinance will increase water efficiency standards for new and existing landscapes through more efficient irrigation systems, greywater usage, onsite storm water capture, and by limiting the portion of landscapes that can be covered in turf (EO B-29-15, Increase Enforcement Against Water Waste, Action #11, 2015).

On November 13, 2015, Governor Brown issued EO B-36-15, which upheld the previous EOs, and directs the SWRCB to extend of urban water use restrictions through October 31, 2016 based on drought conditions known through January 2016. The SWRCB issued emergency regulations on February 2, 2016, in compliance with EO B-36-15. These emergency regulations maintain the current tiers of required water reductions; however, additional adjustments in response to stakeholders; equity concerns were included in the emergency regulations.

California Integrated Waste Management Act

To minimize the amount of solid waste that must be disposed of by transformation and land disposal, the State Legislature passed the California Integrated Waste Management Act of 1989 (AB 939), effective January 1990. According to AB 939, all cities and counties are required to divert 25 percent of all solid waste from landfill facilities by January 1, 1995, and 50 percent by January 1, 2000, and beyond. Solid waste plans are required to explain how each city's AB 939 plan will be integrated with the respective county plan. They must promote (in order of priority) source reduction, recycling and composting, and environmentally safe transformation and land disposal.

Short-Lived Climate Pollutant (SLCP) Reduction Strategy (SB 1383)

In September 2016, the governor signed into law SB 1383, establishing methane emissions reduction targets in a statewide effort to reduce emissions of SLC in various sectors of California's

economy. SB 1383 targets include 50% reduction of organic waste disposal in landfills by 2020, 75% reduction of organic waste disposal in landfills by 2025 and 20% rescue of currently wasted surplus food by 2025.

Local Regulations

Porterville General Plan Policies

- OSC-I-44: Work with the Regional Water Quality Control Board to ensure that all point source pollutants are adequately mitigated (as part of the CEQA review and project approval process) and monitored to ensure long-term compliance.
- OSC-I-51: Prior to the approval of individual projects, require the City Engineer and/or Building Official to verify that the provisions of applicable point source pollution programs have been satisfied.

Thresholds of Significance

The thresholds of significance for this section are established by the CEQA Checklist Item.

- Require or result in the relocation or construction of new or expanded water, wastewater treatment or storm water drainage, electric power, natural gas, or telecommunications facilities, the construction or relocation of which could cause significant environmental effects?
- Have sufficient water supplies available to serve the project and reasonably foreseeable future development during normal, dry and multiple dry years?
- Result in a determination by the wastewater treatment provider which serves or may serve the project that it has adequate capacity to serve the project's projected demand in addition to the provider's existing commitments?
- 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?

• Comply with federal, state and local management and reduction statutes and regulations related to solid waste?

Impacts and Mitigation Measures

Impact 3.19-1: Require or result in the relocation or construction of new or expanded water, wastewater treatment or storm water drainage, electric power, natural gas, or telecommunications facilities, the construction or relocation of which could cause significant environmental effects?

Less Than Significant Impact. Implementation of the proposed Project includes the construction of multiple buildings, totaling approximately 92,060 square feet, to be occupied by quick serve drive-thru, major retail, grocery, and drug store businesses. Additional improvements include parking areas, nighttime lighting and site landscaping, as well as a new left turn for west Henderson Avenue and roadway signage.

The Project would tie into the City's water system, sewer system and stormwater system. The proposed Project site is designated for urban development under the General Plan and it is not anticipated that the Project would result in the relocation or construction of new or expanded wastewater treatment facilities, power plants, natural gas extraction facilities or telecommunication facilities. In the event that any of these facilities become required to relocate or expand, they would be required to serve more than just the proposed Project and would be subject to separate environmental review and approval. Impacts are *less than significant*.

Mitigation Measures:

None are required.

Impact 3.19-2: *Have sufficient water supplies available to serve the project and reasonably foreseeable future development during normal, dry and multiple dry years?*

Less Than Significant. See Section 10 – Hydrology for a full discussion pertaining to available water supply. The site is designated and zoned for urban development and has been accounted for in the General Plan and other infrastructure planning documents, such as the City's UWMP. The site's General Plan land use designation is currently Retail Centers and Low Density Residential.

The City will have sufficient supply to serve the proposed Project and as such, the proposed Project will have a *less than significant impact*.

Mitigation Measures:

None are required.

Impact 3.19-3: Result in a determination by the wastewater treatment provider which serves or may serve the project that it has adequate capacity to serve the project's projected demand in addition to the provider's existing commitments?

Less Than Significant. As discussed in Section 18(a), implementation of the proposed Project would result in the need for additional wastewater treatment service; however, the proposed development was accounted for in the General Plan and the land use changes proposed on the northern parcel as a part of the Project will result in a less intensive use than what was planned. In addition, as acknowledged in the General Plan, the City will begin planning for additional WWTF capacity to accommodate growth and development allowed under the General Plan when the influent flow reaches 6.4 million gallons per day (MGD). Currently, flows average 4.5 MGD.¹³⁵ Additionally, the proposed Project applicant would be required to comply with any applicable City and WWTF regulations and would be subject to applicable development impact fees and wastewater connection charges. Therefore, with compliance to applicable standards and payment of required fees and connection charges, the Project would not result in a significant impact related to construction or expansions of existing wastewater treatment facilities.

Mitigation Measures:

None are required.

Impact 3.19-4: 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?

Less Than Significant. Disposal services within the City are provided by the City. According to the City of Porterville Municipal Service Review (MSR), there is no evidence suggesting that the City will not be capable of providing solid waste collection and disposal services to areas within the City, the Sphere of Influence and/or Urban Development Boundary. The City's ability to

¹³⁵ Michael Knight, City of Porterville Public Works Director, email communication.

provide solid waste collection and disposal services at lower rates compared to other providers in Tulare County is an indication of the service efficiency.¹³⁶ The proposed Project site is designated for urban development by the City's General Plan and as such, site development has been accounted for in the City's infrastructure planning documents. CWMA anticipates the available landfill capacity will be sufficient through 2073. The proposed Project would result in *less than significant* impacts to solid waste and landfill facilities.

Mitigation Measures:

None are required.

Impact 3.16-5: *Comply with federal, state, and local management and reduction statutes and regulations related to solid waste?*

Less Than Significant. See response to Impact 3.19-4, above. The proposed Project would be required to comply with all federal, State, and local regulations related to solid waste. Furthermore, the proposed Project would be required to comply with all standards related to solid waste diversion, reduction, and recycling during Project construction and operation. The proposed Project will comply with all federal, State and local statutes and regulations related to solid waste. As such, any impacts would be *less than significant*.

Mitigation Measures:

None are required.

Cumulative Impacts

Less Than Cumulatively Considerable. The Project will be required to access public utilities for water supply, wastewater, solid waste, electric power, and natural gas; however the Project site is designated for urban uses and site development has been accounted for in the City's infrastructure planning documents. The Project will require connection to these existing electrical utilities and to Southern California Edison for electrical power, and Southern California Gas Company for natural gas facilities. No new off-site electrical or natural gas infrastructure

¹³⁶ City of Porterville Draft Municipal Service Review. Prepared by Tulare County Local Agency Formation Commission. September 2014. Page 29. <u>https://lafco.co.tulare.ca.us/msr/city-of-porterville-msr-update/</u>. Accessed April 2024.

construction is anticipated to be required and there are less than significant impacts at the Project level. As with the proposed Project, for future projects, the City collects development impact fees to help cover the cost of wastewater (sewer), water, and solid waste infrastructure and facilities. In addition, revenue from sales tax from future projects assists in maintaining these services. The proposed Project would generate a minimal amount of construction waste due to compliance with State recycling requirements and is not expected to significantly impact Tulare County landfills. As described herein, there is adequate existing and future (planned) capacity at existing Tulare County landfills. Therefore, cumulative impacts related to public utilities and facilities would be *less than significant*.

3.20 Wildfire

This section of the DEIR addresses the potential for the proposed Project to exacerbate wildfire risks. Additionally, the potential impacts related to exposure to wildfire, including smoke and subsequent flooding and runoff, are assessed in this section. No NOP comment letters were received pertaining to this topic.

Environmental Setting

A wildfire is an uncontrolled fire in an area of combustible vegetation that is generally extensive in size. Wildfires differ from other fires in that they take place outdoors in areas of grassland, woodlands, brush land, scrubland, peatland, and other wooded areas that act as a source of fuel, or combustible material. The primary factors that increase an area's susceptibility to wildfire include topography, fuel (vegetation type), and weather.¹³⁷ These factors, as they exist and occur relative to the Project area are described below.

- **Topography**. According to the U.S Forest Service, fires burn faster uphill than downhill because the fuels above the fire are brought into closer contact with upward moving flames. The steeper the slope, the faster the fire burns. Additionally, steep slopes may hinder firefighting efforts. Following severe wildfires, sloping land is also more susceptible to landslide or flooding from increased runoff during substantial precipitation events. The proposed Project is located on the San Joaquin Valley floor in the City of Porterville and topography in the area is nearly flat.
- **Fuel.** Fuel is any combustible material. Wildland fuels are live and/or dead plant material. These vary from one area of the country to another within the ecosystem; however, they are grouped into four major types based on the primary fuel that carries the fire. These are grasses, shrubs, timber litter and logging slash. Timber litter and logging slash are exclusively associated with forested areas, while grasses and shrubs are found in most ecosystems. The proposed Project is located in a highly urbanized area developed with residential and commercial uses.
- Weather. Wind, temperature, and relative humidity are the most influential weather elements in fire behavior and susceptibility. Fire moves more quickly under hot, dry, and windy conditions. Wind may also blow burning embers ahead of a fire, causing its spread.

¹³⁷ U.S. Forest Service. Fire Management Study Unit. <u>https://www.fs.usda.gov/Internet/FSE_DOCUMENTS/fsm9_028958.pdf</u>. Accessed October, 2023.

Drought conditions also lead to extended periods of excessively dry vegetation, increasing the fuel load and ignition potential. According to the Western Regional Climate Center, average annual precipitation in the City of Porterville is 11 inches.¹³⁸ Generally, in an average or typical year, most precipitation is received from October through April. May through September are the driest parts of the year and coincide with what has traditionally been considered the fire season in California. However, increasingly persistent drought and climatic changes in California have resulted in drier winters and fires during the autumn, winter, and spring months are becoming more common.

Wildfire Hazards

In California, responsibility for wildfire prevention and suppression is shared by federal, State and local agencies. Federal agencies are responsible for federal lands in Federal Responsibility Areas. The State of California has determined that some non-federal lands in unincorporated areas with watershed value are of statewide interest and have classified those lands as SRAs, which are managed by CAL FIRE. All incorporated areas and other unincorporated lands are classified as LRAs. While nearly all of California is subject to some degree of wildfire hazard, there are specific features that make certain areas more hazardous. CAL FIRE is required by law to map areas of significant fire hazards based on fuels, terrain, weather and other relevant factors (PRC 4201-4204 and California Government Code 51175-89). As described above, the primary factors that increase an area's susceptibility to fire hazards include slope, vegetation type and condition, and atmospheric conditions. CAL FIRE maps fire hazards based on zones, referred to as FHSZ's. CAL FIRE maps three zones on SRA: 1) Moderate Fire Hazard Severity Zones; 2) High Fire Hazard Severity Zones; and 3) Very High Fire Hazard Severity Zones. Only the Very High Fire Hazard Severity Zones are mapped on for LRA. Each of the zones influence how people construct buildings and protect property to reduce risk associated with wildland fires. Under State regulations, areas within very high fire hazard risk zones must comply with specific building and vegetation management requirements intended to reduce property damage and loss of life within these areas. The majority of the Porterville is developed into urban uses or in active agriculture, severely reducing the risk of wildland fire. According to the Tulare County Background Report,¹³⁹ the majority of the City has no threat of wildfire.

¹³⁸ Western Regional Climate Center. e. Accessed April 2024.

¹³⁹ Tulare County General Plan Background Report. February 2010. Figure 8-2: Fire Threat. <u>https://generalplan.co.tulare.ca.us/documents/GeneralPlan2010/BackgroundReport.pdf</u>. Accessed April 2024.

Regulatory Setting

Federal Regulations

The Disaster Mitigation Act of 2000

The Disaster Mitigation Act of 2000 requires a State mitigation plan as a condition of disaster assistance. There are two different levels of State disaster plans: "Standard" and "Enhanced." States that develop an approved Enhanced State Plan can increase the amount of funding available through the Hazard Mitigation Grant Program. The act has also established new requirements for local mitigation plans.

National Fire Plan

The National Fire Plan was developed under EO 11246 in August 2000, following a historic wildland fire season. Its intent is to establish plans for active response to severe wildland fires and their impacts to communities while ensuring sufficient firefighting capacity. The plan addresses firefighting, rehabilitation, hazardous fuels reduction, community assistance, and accountability.

State of California Regulations

The California Fire Plan

The Strategic Fire Plan for California is the State's road map for reducing the risk of wildfire. The most recent version of the plan was finalized in August 2018 and directs each CAL FIRE Unit to prepare a locally specific Fire Management Plan. In compliance with the California Fire Plan, individual CAL FIRE units are required to develop Fire Management Plans for their areas of responsibility. These documents assess the fire situation within each of the 21 CAL FIRE units and six contract counties. The plans include stakeholder contributions and priorities and identify strategic areas for pre-fire planning and fuel treatment as defined by the people who live and work with the local fire problem. The plans are required to be updated annually.¹⁴⁰

California Office of Emergency Services

The California OES prepares the State of California Multi-Hazard Mitigation Plan (SHMP). The SHMP identifies hazard risks and includes a vulnerability analysis and a hazard mitigation strategy. The SHMP is federally required under the Disaster Mitigation Act of 2000 in order for

¹⁴⁰ California Department of Forestry and Fire Protection. 2018 Strategic Fire Plan for California. <u>https://osfm.fire.ca.gov/media/5590/2018-strategic-fire-plan-approved-08_22_18.pdf</u>. Accessed October, 2023.

the State to receive Federal funding. The Disaster Mitigation Act of 2000 requires a State mitigation plan as a condition of disaster assistance.

California Fire Code (2016)

The 2016 CFC establishes the minimum requirements consistent with nationally recognized good practices to safeguard the public health, safety, and general welfare for the hazards of fire, explosion, or dangerous conditions in new and existing buildings, structures and premises, and to provide safety and assistance to firefighters and emergency responders during emergency operations. The provisions of this code apply to some construction, alteration, movement enlargement, replacement, repair, equipment, use and occupancy, location, maintenance, removal, and demolition of buildings or structures or any appurtenances connected or attached to such building structures throughout California. The 2016 CFC has been updated to the 2019 CFC and went into effect January 1, 2020. The code update is fully integrated and based on the 2018 International Fire Code.

Local Regulations

City of Porterville and Tulare County Fire Departments

The PFD provides fire and life safety services for residents located within the city limits while the Tulare County Fire Department provides additional services for unincorporated areas within the City's Planning Area. PFD provides 49 sworn-full time professional firefighters and administrative staff, including other related services, from three fire station locations. All apparatus are staffed with a paramedic at all times. The City of Porterville requires new development incorporates safety concerns into the site, circulation, building design and landscaping plans.

Thresholds of Significance

In accordance with Appendix G to the State CEQA Guidelines, the project would have a significant impact on land use as follows:

- If located in or near state responsibility areas or lands classified as very high fire hazard severity zones, would the project:
- Substantially impair an adopted emergency response plan or emergency evacuation plan?

- Due to slope, prevailing winds, and other factors, exacerbate wildfire risks, and thereby expose project occupants to pollutant concentrations from a wildfire or the uncontrolled spread of a wildfire?
- Require the installation or maintenance of associated infrastructure (such as roads, fuel breaks, emergency water sources, power lines or other utilities) that may exacerbate fire risk or that may result in temporary or ongoing impacts to the environment?
- Expose people or structures to significant risks, including downslope or downstream flooding or landslides, as a result of runoff, post-fire slope instability, or drainage changes?

Impacts and Mitigation Measures

Impact 3.20-1: Would the project substantially impair an adopted emergency response plan or emergency evacuation plan, expose project occupants to pollutant concentrations from a wildfire or the uncontrolled spread of a wildfire, require the installation or maintenance of associated infrastructure that may exacerbate fire risk or that may result in temporary of ongoing impacts to the environment, or expose people or structures to significant risks, including downslope or downstream flooding or landslides, as a result of runoff, post-fire slope instability, or drainage changes, if the project were located in or near state responsibility areas or lands classified as very high fire hazard severity zones?

Less Than Significant. The proposed Project is located in a highly urbanized area developed with residential and commercial uses, which precludes the risk of wildfire. The area is flat in nature which would limit the risk of downslope flooding and landslides, and limit any wildfire spread.

According to CAL FIRE's SRA FHSZ map, the City is in a LRA, and approximately 1.2 miles from the closest SRA to the northwest, west, and southwest, which are designated as Moderately severe FHSZ's.¹⁴¹ Intervening urban land uses exist between the Project area and the closes SRA.

No roadway design features associated with this proposed Project would result in an impairment of an adopted emergency response or evacuation plan. The City has reviewed the site layout and determined that the Project provides adequate emergency access.

¹⁴¹ Fire Hazard Severity Zones Maps, California Department of Forestry and Fire Protection. <u>https://osfm.fire.ca.gov/fire-hazard-severity-zones-maps-2022/</u>. Accessed October, 2024.

To receive building permits, the proposed Project would be required to be in compliance with the adopted emergency response plan. Impacts associated with Project development would be *less than significant* related to wildfires given the distance the proposed Project from the SRA and the Very High FHSZ and the intervening land uses between them.

Mitigation Measures

None are required.

Cumulative Impacts

Less Than Cumulatively Considerable. As discussed above, the topography in the Project area is nearly flat with intervening urban land uses between the nearest SRA. The proposed Project lies on the San Joaquin Valley floor and is surrounded by active agriculture, in various stages of production, and urban development, which precludes likelihood of wildfires within the vicinity. Implementation of the proposed Project would not make a cumulatively considerable contribution to any significant impact to wildfires.

Chapter 4 ALTERNATIVES

4 PROJECT ALTERNATIVES

4.1 Introduction

CEQA Guidelines Section 15126.6 requires the consideration of a range of reasonable alternatives to a proposed project that could feasibly attain most of the objectives of the proposed project. The CEQA Guidelines further require that the discussion focus on alternatives capable of eliminating significant adverse impacts of the project or reducing them to a less-than significant level, even if the alternative would not fully attain the project objectives or would be more costly. According to the CEQA Guidelines, the range of alternatives required in an EIR is governed by the "rule of reason" that requires an EIR to evaluate only those alternatives necessary to permit a reasoned choice. An EIR need not consider alternatives that have effects that cannot be reasonably ascertained and/or are remote and speculative.

The EIR shall include sufficient information about each alternative to allow meaningful evaluation, analysis, and comparison with the proposed project. A matrix displaying the major characteristics and significant environmental effects of each alternative may be used to summarize the comparison. If an alternative would cause one or more significant effects in addition to those that would be caused by the project as proposed, the significant effects of the alternative shall be discussed, but in less detail than the significant effects of the project as proposed.

CEQA Guidelines §15126.6(e) identifies the requirements for the "No Project" alternative. The specific alternative of "No Project" shall also be evaluated along with its impact. 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. The No Project alternative analysis is not the baseline for determining whether the proposed project's environmental impacts may be significant, unless it is identical to the existing environmental setting analysis which does establish that baseline (see CEQA Guidelines Section 15125).

Alternative locations can also be evaluated if there are feasible locations available. Each alternative is evaluated against the Project objectives and criteria established by the Lead Agency. The proposed Project has the potential to have significant adverse effects on:

• Transportation – Conflict with General Plan/Circulation Element (LOS impacts) (Project and cumulative level)

Even with the mitigation measures described in Chapter 3, Environmental Setting, Impacts, and Mitigation Measures, of this EIR, impacts in this issue area would be significant and unavoidable.

Therefore, per the CEQA Guidelines, this section discusses alternatives that are capable of avoiding or substantially lessening effects on these resources. The significant and unavoidable impacts of the proposed Project are discussed below.

4.2 Project Objectives

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

- To provide an economically feasible commercial development in an established area of the City of Porterville that satisfies the City of Porterville's policies, regulations and expectations as defined in the City's General Plan, Zoning Ordinance and other applicable plans, documents, and programs adopted by the City.
- To provide conveniently located retail and restaurant buildings to serve northcentral Porterville residents in an established area of the City of Porterville.
- To provide a sense of community and walkability within the development using street patterns, parks/open space areas, landscaping and other Project amenities.

4.3 Alternatives Considered in this EIR

- No Project
- Alternate Locations
- Reduced (50%) Project

4.4 Analysis Format

In accordance with CEQA Guidelines Section 15126.6(d), each alternative is evaluated in sufficient detail to determine whether the overall environmental impacts would be less, similar, or greater than the corresponding impacts of the Project. Furthermore, each alternative is evaluated to determine whether the project objectives identified in Chapter 2 - Project Description, of this Draft EIR would be mostly attained by the alternative. The evaluation of each of the alternatives follows the process described below:

a) The net environmental impacts of the alternative after implementation of reasonable mitigation measures are determined for each environmental issue area analyzed in this EIR.

- b) Post-mitigation significant and less than significant environmental impacts of the alternative and the Project are compared for each environmental issue area as follows:
 - Less: Where the impact of the alternative after feasible mitigation would be clearly less adverse than the impact of the Project, the comparative impact is said to be "less."
 - Greater: Where the impact of the alternative after feasible mitigation would be clearly more adverse than the impact of the Project, the comparative impact is said to be "greater."
 - Similar: Where the impacts of the alternative after feasible mitigation and the Project would be roughly equivalent, the comparative impact is said to be "similar."
- c) The comparative analysis of the impacts is followed by a general discussion of whether the underlying purpose for the Project, as well as the Project's basic objectives would be substantially attained by the alternative.

4.5 Project Alternatives Impact Analysis

No Project Alternative

CEQA Guidelines Section 15126.6(e) requires the discussion of the No Project Alternative "to allow decision makers to compare the impacts of approving the proposed project with the impacts of not approving the proposed project". The No Project scenario in this case consists of retaining the property in its original configuration, with no construction or operation of the proposed Henderson Commercial Development. Under this alternative, the site remains vacant and disked regularly for weed control, and no new urban development would occur on the site.

Description

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

Environmental Considerations

Continuation of the site as undeveloped vacant land would result in all environmental impacts being less than the proposed Project. There would be no changes to any of the existing conditions and there would be no impact on each of the 20 CEQA Checklist evaluation topics. Impacts from the No Project Alternative, as compared to the Project, are summarized as follows:

- Aesthetics With no development, the site would remain primarily as vacant disturbed land with minimal vegetation and no new impacts would occur. Therefore, impacts are less than the proposed Project.
- **Agriculture and Forestry Resources** With no development, the site would remain vacant disturbed land with minimal vegetation and no new impacts would occur. Therefore, impacts are less than the proposed Project.
- Air Quality With no development, the site would remain vacant disturbed land with minimal vegetation and no new impacts would occur. Therefore, impacts are less than the proposed Project.
- **Biological Resources** With no development, the site would remain as a vacant disturbed land with minimal vegetation and no new impacts would occur. Therefore, impacts are less than the proposed Project.
- **Cultural Resources** With no development, the site would remain vacant disturbed land with minimal vegetation and no new impacts would occur. Therefore, impacts are less than the proposed Project.
- **Energy** With no development, the site would remain as a vacant disturbed land with minimal vegetation and no new impacts would occur. Therefore, impacts are less than the proposed Project.
- **Geology/Soils** With no development, the site would remain as a vacant disturbed land with minimal vegetation and no new impacts would occur. Therefore, impacts are less than the proposed Project.
- **Greenhouse Gas Emissions** With no development, the site would remain as vacant disturbed land with minimal vegetation and no new impacts would occur. Therefore, impacts are less than the proposed Project.
- Hazards & Hazardous Materials With no development, the site would remain vacant disturbed land with minimal vegetation and no new impacts would occur. Therefore, impacts are less than the proposed Project.
- Hydrology & Water Quality With no development, the site would remain as vacant disturbed land with minimal vegetation and no new impacts would occur. Therefore, impacts are less than the proposed Project.
- Land Use / Planning With no development, the site would remain vacant disturbed land with minimal vegetation and no new impacts would occur. Therefore, impacts are less than the proposed Project.
- **Mineral Resources** With no development, the site would remain vacant disturbed land with minimal vegetation and no new impacts would occur. Therefore, impacts are less than the proposed Project.

- **Noise** With no development, the site would remain vacant disturbed land with minimal vegetation and no new impacts would occur. Therefore, impacts are less than the proposed Project.
- **Population & Housing** With no development, the site would remain as vacant disturbed land with minimal vegetation and no new impacts would occur. Therefore, impacts are less than the proposed Project.
- **Public Services** With no development, the site would remain vacant disturbed land with minimal vegetation and no new impacts would occur. Therefore, impacts are less than the proposed Project.
- **Recreation** With no development, the site would remain vacant disturbed land with minimal vegetation and no new impacts would occur. Therefore, impacts are less than the proposed Project.
- **Transportation** With no development, the site would remain as vacant disturbed land with minimal vegetation and no new impacts would occur. Therefore, impacts are less than the proposed Project. This Alternative would also eliminate the significant and unavoidable impacts (project level and cumulative level) associated with this topic from the proposed Project.
- **Tribal Cultural Resources** With no development, the site would remain as vacant disturbed land with minimal vegetation and no new impacts would occur. Therefore, impacts are less than the proposed Project.
- Utilities & Service Systems With no development, the site would remain as vacant disturbed land with minimal vegetation and no new impacts would occur. Therefore, impacts are less than the proposed Project.
- Wildfire With no development, the site would remain as vacant disturbed land with minimal vegetation and no new impacts would occur. Therefore, impacts are less than the proposed Project.

Refer to Table 4-1 for a comparison of each environmental topic for the No Project Alternative versus the proposed Project.

Project Objectives

The No Project Alternative would not meet any of the objectives of the proposed Project that were outlined in Section 4.2, herein.

Alternate Locations Alternative

The environmental considerations associated with an alternative site would be highly dependent

on several variables, including physical site conditions, surrounding land use, site access, and suitability of the local roadway network. Physical site conditions include land, air, water, minerals, flora, fauna, noise, or objectives of historic or aesthetic significance, and would affect the nature and degree of direct impacts, needed environmental control systems, mitigation, and permitting requirements. Surrounding land use and the presence of sensitive receptors would influence neighborhood compatibility issues such as air pollutant emissions and health risk, odor, noise, and traffic. Site access and the ability of the local roadway network to accommodate increased traffic without excessive and costly off-site mitigation would be an important project feasibility issue.

The constraint on alternative site selection is the lessening or elimination of significant project impacts. The economic viability of the proposed Project is dependent on ability to effectively develop a commercial use project in the Porterville area. To maintain most of the Project objectives, any potentially feasible alternative site would need to be of adequate size and in a location that is accessible and serviceable (utilities) by the City of Porterville.

Description

There are relatively few sites within the City of Porterville that provide adequately sized lands suitable for the proposed Project. The criteria for selection included whether the alternate site would substantially reduce environmental impacts, availability of land, adequately sized parcels, efficiency of access, and acceptable land use designations/zoning. There are areas of vacant, disturbed land of similar size located both south and north of the proposed Project. These areas could conceivably support the proposed Project and are depicted in the Figure A-1 (Location of Alternative Sites in Relation to Proposed Project Site), A-2 (Alternative Site #1: approximately 9.99 acres) and A-3 (Alternative Site #2: approximately 9.93 acres). These parcels have similar urban zoning and land use designations as the proposed Project site. In addition, these sites would offer contiguous growth areas within an urban landscape. Alternative Site #1 is located approximately one mile north of the proposed Project and would be generally bound by SR 65 to the east, West North Grand Avenue to the south, and Douglas Street to the west. Alternative Site #2 is located south of the proposed Project site approximately 300 feet south of Henderson Avenue and would be generally bound by North Prospect Avenue to the west and West Grand Avenue to the south.



Figure A-1



Figure A-2 Alternative Site #1: Approximately 9.99 Acres



Figure A-3 Alternative Site #2: Approximately 9.93 Acres

Perhaps the greatest obstacle in selecting an alternative site for the proposed Project is that the Project Applicant does not already own land at these locations and/or does not have control of land at these locations. However, for purposes of environmental evaluation, a description of potential environmental impacts is provided below.

Environmental Considerations

Development of an alternate site could theoretically meet most of the Project objectives presented earlier in this chapter. However, construction and operation of an alternate site would likely not be as economically efficient (since the Applicant does not own or control the land) and thus is not fully consistent with the Project objectives. In addition, construction and operation at an alternate site would result in environmental impacts that are likely equal to or in some cases could be greater than the proposed project. The majority, if not all, of Project impacts are likely to occur at an alternate site.

In addition to procuring the land, either of the alternative sites would require environmental review once the applicant has prepared sufficient project description information. This alternative would be the most complex, costly, and time-consuming alternative to implement. Various engineering and technical studies would then be completed to define the project and its components. Environmental review and obtaining entitlements would follow prior to construction activities.

Impacts from the Alternate Locations Alternative, as compared to the Project, are summarized as follows:

- Aesthetics With development of a similar project on an alternate site, aesthetic impacts would occur through the conversion of vacant, disturbed land to urban uses, introduction of light/glare, and construction of commercial establishments on vacant land. Since this Alternative would be of similar size and scale to the Project, impacts are determined to be similar to the proposed Project.
- Agriculture and Forestry Resources With development of a similar project on an alternate site, agricultural impacts would be similar to the proposed Project since the alternate sites are currently zoned and planned for urban uses. Therefore, impacts are similar to the proposed Project.
- Air Quality With development of a similar project on an alternate site, air quality impacts would occur from construction activities (construction vehicles and equipment, dust and other emissions) and from operational activities (vehicle trip emissions and other emissions from the development). Since this Alternative would be of similar size and scale to the Project, impacts are determined to be similar to the proposed Project.

- **Biological Resources** With development of a similar project on an alternate site, biological impacts would be similar to the proposed Project as the sites are also planned and designated for urban uses. Therefore, impacts are similar to the proposed Project.
- **Cultural Resources** With development of a similar project on an alternate site, cultural resource impacts could occur from development of a vacant, disturbed land. Since this Alternative would be of similar size and scale to the Project, impacts are determined to be similar to the proposed Project.
- **Energy** With development of a similar project on an alternate site, energy impacts would occur from construction activities (electricity, fuel) and operational activities (electricity, natural gas, fuel). Since this Alternative would be of similar size and scale to the Project, impacts are determined to be similar to the proposed Project.
- **Geology/Soils** With development of a similar project on an alternate site, impacts to geology and soils would occur from construction activities (grading and land disturbing activities) and operational activities (the Alternative project would be subject to geotechnical evaluation). Since this Alternative would be of similar size and scale to the Project, impacts are determined to be similar to the proposed Project.
- **Greenhouse Gas Emissions** With development of a similar project on an alternate site, greenhouse gas emission impacts would occur from construction activities (construction equipment emissions and vehicle emissions) and operational activities (vehicle emissions). Since this Alternative would be of similar size and scale to the Project, impacts are determined to be similar to the proposed Project.
- Hazards & Hazardous Materials With development of a similar project on an alternate site, hazardous impacts would occur from construction activities (use and storage of hazardous substances) and operational activities (use and storage of hazardous substances). A database search of the DTSC Envirostor¹⁴² and the SWRCB's Geotracker¹⁴³ was conducted for the Alternate sites. The searches indicated that no known hazardous waste sites existing on the Alternative sites. Since this Alternative would be of similar size and scale to the Project, impacts are determined to be similar to the proposed Project.
- Hydrology & Water Quality With development of a similar project on an alternate site, hydrology and water quality impacts would occur from construction activities (water for dust control, requirement for preparation of a SWPPP, drainage control) and operational activities (water demand associated with the commercial development, drainage control).

¹⁴² Envirostor Database, California Department of Toxic Substances Control. <u>https://www.envirostor.dtsc.ca.gov/public/map/?myaddress=porterville+ca</u>. Accessed October 2024.

¹⁴³ GeoTracker Database California Water Resource Control Board. <u>https://geotracker.waterboards.ca.gov/map/</u>. Accessed October 2024.

Since this Alternative would be of similar size and scale to the Project, impacts are determined to be similar to the proposed Project.

- Land Use / Planning With development of a similar project on an alternate site, land use and planning impacts would occur from development of commercial uses on parcels zoned and designated in the General Plan as residential. The Alternative sites would not divide an established community. Alternative Site 1 is zoned CR and RS-2 (low density residential), similar to the proposed Project, while Alternative Site 2 is zoned CR and RM-3 (high density residential), which has greater residential unit potential. As such, rezoning residential to commercial on Alternative Site 2 may convert more residential units, resulting in lower available housing potential for the City and would result in a greater impact than the proposed Project.
- **Mineral Resources** With development of a similar project on an alternate site, mineral resource impacts could occur from construction activities (grading and ground-disturbing activities) and operational activities (conversion of vacant land to urban uses). Since this Alternative would be of similar size and scale to the Project, impacts are determined to be similar to the proposed Project.
- Noise With development of a similar project on an alternate site, noise impacts would occur from construction activities (construction equipment and vehicles) and operational activities (vehicles, air conditioners, lawn mowers, etc.). The Alternative locations are similarly proximate to existing urban uses (as compared to the proposed Project). Since this Alternative would be of similar size and scale to the Project, impacts are determined to be similar to the proposed Project.
- **Population & Housing** With development of a similar commercial project on an alternate site, no significant population and housing impacts would occur from development of these sites. Since this Alternative would be of similar size and scale to the Project, impacts are determined to be similar to the proposed Project.
- **Public Services** With development of a similar project on an alternate site, public service impacts would occur from development of these sites (need for police, fire, and public facilities). Since this Alternative would be of similar size and scale to the Project, impacts are determined to be similar to the proposed Project.
- **Recreation** With development of a similar project on an alternate site, no significant recreation impacts would occur from development of these sites. Since this Alternative would also be of commercial use and similar size and scale to the Project, impacts are determined to be similar to the proposed Project.
- **Transportation** With development of a similar project on an alternate site, transportation impacts would occur from construction (vehicles and equipment, which would require a

Traffic Control Plan) and operation (vehicles associated with the commercial development). Since this Alternative would be of similar size and scale to the Project, impacts are determined to be similar to the proposed Project. This Alternative would not eliminate the significant and unavoidable impacts (LOS impacts at the project and cumulative level) associated with this topic from the proposed Project.

- **Tribal Cultural Resources** With development of a similar project on an alternate site, tribal cultural resource impacts could occur from development of these sites (development of vacant lands to urban uses). Since this Alternative would be of similar size and scale to the Project, impacts are determined to be similar to the proposed Project.
- Utilities & Service Systems With development of a similar project on an alternate site, utility and service system impacts would occur from construction activities (water for dust control, solid waste disposal) and operational activities (water demand associated with the development, wastewater disposal, solid waste disposal). Since this Alternative would be of similar size and scale to the Project, impacts are determined to be similar to the proposed Project.
- Wildfire With development of a similar project on an alternate site, wildfire impacts could occur from development of these sites (development of vacant lands to urban uses). Since this Alternative would be of similar size and scale to the Project, impacts are determined to be similar to the proposed Project.

Refer to Table 4-1 for a comparison of each environmental topic for the Alternate Locations Alternative versus the proposed Project.

Project Objectives

The Alternative Sites Alternative would meet most of the Project Objectives outlines in Section 4.2 herein. However, this Alternative would not be as economically feasible as compared to the proposed Project and thus would not be consistent with the Project objective of providing an economically feasible commercial development in a growing area of the City of Porterville.

Reduced (50%) Project Alternative

A reduction of 50% in the Project's size and scope is a reasonable amount to illustrate what impact such an alternative would have on the significant effects of the proposed Project.

Description

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

- Reduction in Project acreage from 10.54 acres to 5.27 acres
- Reduction in commercial acreage from 92,060 square feet to 46,030 square feet
- Corresponding reductions in infrastructure, etc.

The Project would remain a commercial development with a variety of general commercial and retail buildings, with the 50% reduction.

Environmental Considerations

Most of the environmental issues associated with this alternative would be less or similar to those of the proposed Project. Impacts from the Reduced (50%) Alternative, as compared to the Project, are summarized as follows:

- Aesthetics With development of the 50% of the site, aesthetic impacts would occur through the development of vacant land to urban uses, introduction of light/glare, and construction of residential units on non-urbanized land. Since this Alternative would occur on less acreage as compared to the Project, impacts are determined to be less than the proposed Project.
- Agriculture and Forestry Resources With development of 50% of the site, no significant agricultural impacts would occur with the development of existing vacant land to urban uses. The proposed Project site and the Alternative sites consist of vacant and disturbed land. Although this Alternative would occur on less acreage as compared to the Project, impacts are determined to be similar to the proposed Project.
- Air Quality With development of 50% of the site, air quality impacts would occur from construction activities (construction vehicles and equipment, dust and other emissions) and from operational activities (vehicle trip emissions and other emissions from the development). According to the Project's AQGGEA Study prepared for the Project, the proposed Project will have annual air pollutant emission rates that are within the applicable SJVAPCD thresholds of significance. Due to the reduction in commercial facilities (and corresponding reduction in vehicle trips), this alternative would have lower annual emission rates than the proposed Project for the following criteria pollutants: CO, NOx, VOC, SOx, PM10 and PM2.5. Air pollutant emission rates associated with this alternative are thus lower than the proposed Project due to the reduced commercial acreage (and associated reduction in vehicle trips), and impacts are determined to be less than the proposed Project, and remain less than significant.
- **Biological Resources** With development of the Project site with 50% of the site, biological impacts could occur from development of a previously disturbed site to urban uses. Since this Alternative would occur on less acreage as compared to the Project, impacts are determined to be less than the proposed Project.
- **Cultural Resources** With development of 50% of the site, cultural resource impacts could occur from development of a previously vacant and disturbed site to urban uses. Since this Alternative would occur on less acreage as compared to the Project, impacts are determined to be less than the proposed Project.

- Energy With development of 50% of the site, energy impacts would occur from construction activities (electricity, fuel) and operational activities (electricity, natural gas, fuel). However, since this Alternative would have 50% less commercial components as compared to the proposed Project, energy impacts would be less than the proposed Project.
- **Geology/Soils** With development of 50% of the site, impacts to geology and soils would occur from construction activities (grading and land disturbing activities) and operational activities (the Alternative project would be subject to geotechnical evaluation). Since this Alternative would occur on less acreage as compared to the Project, impacts are determined to be less than the proposed Project.
- **Greenhouse Gas Emissions** With development of 50% of the site, greenhouse gas emission impacts would occur from construction activities (construction equipment emissions and vehicle emissions) and operational activities (vehicle emissions). However, since this Alternative would have 50% less commercial components as compared to the proposed Project, greenhouse gas emissions would be less than the proposed Project.
- Hazards & Hazardous Materials With development of 50% of the site, hazardous impacts would occur from construction activities (use and storage of hazardous substances) and operational activities (use and storage of hazardous substances). Since this Alternative would have fewer commercial facilities as compared to the Project, impacts are determined to be less than the proposed Project.
- **Hydrology & Water Quality** With development of 50% of the site, hydrology and water quality impacts would occur from construction activities (water for dust control, requirement for preparation of a SWPPP, drainage control) and operational activities (water demand associated with the development, drainage control). However, since this Alternative would have 50% less commercial acreage as compared to the proposed Project, hydrology and water quality impacts would be less than the proposed Project.
- Land Use / Planning With development of 50% of the site, land use and planning impacts would occur from development of existing vacant, disturbed lands to urban uses. The Alternative would not divide an established community. With a 50% decrease in developed land, development could occur on the southern portion of the site which is designated appropriately for commercial development, negating the need for a General Plan Amendment. As such, impacts are determined to be less than the proposed Project.
- **Mineral Resources** With development of 50% of the site, mineral resource impacts could occur from construction activities (grading and ground-disturbing activities) and operational activities (development of vacant land to urban uses). Since this Alternative

would occur on less acreage as compared to the Project, impacts are determined to be less than the proposed Project.

- Noise With development of 50% of the site, noise impacts would occur from construction activities (construction equipment and vehicles) and operational activities (commercial activities, vehicles, air conditioners, lawn mowers, etc.). However, since this Alternative would have 50% less commercial components as compared to the proposed Project, noise impacts would be less than the proposed Project.
- **Population & Housing** With development of 50% of the site, no significant population and housing impacts would occur from development of these sites. The proposed Project and the Alternatives does not include development of residential units. Population and housing impacts would be similar to the proposed Project.
- **Public Services** With development of 50% of the site, public service impacts would occur from development of these sites (need for police, fire, and other public facilities). However, since this Alternative would have 50% less commercial components as compared to the proposed Project, public service impacts would be less than the proposed Project.
- **Recreation** With development of 50% of the site, no significant recreations impacts would occur from development of the site. The proposed Project and the Alternatives does not include development of residential units. Impacts to recreation would be similar to the proposed Project.
- **Transportation** With development of 50% of the site, transportation impacts would occur from construction (vehicles and equipment, which may require a Traffic Control Plan) and operation (vehicles associated with the commercial developments). However, since this Alternative would have 50% less commercial components as compared to the proposed Project, transportation impacts would be less than the proposed Project This Alternative may also eliminate the significant and unavoidable impacts (project level and cumulative level) associated with this topic from the proposed Project.
- **Tribal Cultural Resources** With development of 50% of the site, tribal cultural resource impacts could occur from development of these sites (conversion of agricultural lands to urban uses). Since this Alternative would occur on less acreage as compared to the Project, impacts are determined to be less than the proposed Project.
- Utilities & Service Systems With development of 50% of the site, utility and service system impacts would occur from construction activities (water for dust control, solid waste disposal) and operational activities (water demand associated with the development, wastewater disposal, solid waste disposal). However, since this Alternative
would have 50% less commercial components as compared to the proposed Project, utility and service system impacts would be less than the proposed Project.

• Wildfire - With development of 50% of the site, wildfire impacts could occur from development of these sites (conversion of agricultural lands to urban uses). Since this Alternative would occur on less acreage as compared to the Project, impacts are determined to be less than the proposed Project.

Refer to Table 4-1 for a comparison of each environmental topic for the Reduced (50%) Project Alternative versus the proposed Project.

Project Objectives

The Reduced (50%) Alternative would meet the Project Objectives outlines in Section 4.2 herein; however, it would be at a smaller scale and as such, it would not create as many business opportunities and retail services to the residents of the City of Porterville. In addition, this Alternative would not be as economically feasible as compared to the proposed Project due to economies of scale, meaning there are cost advantages a development gains with the increase in size. Typically, the bigger the size of a development, the bigger the cost savings are in building it. Reducing the development size would not be consistent with the Project objective of providing an economically feasible commercial development in a growing area of the City of Porterville.

4.6 Summary of Potential Impacts of Alternatives

Table 4-1 provides a summary and side-by-side comparison of the proposed project with the impacts of each of the alternatives analyzed. Please note that under "No Project", "Alternate Sites" and "Reduced (50%) Project" columns in Table 4-1, the references to "less, similar, or greater," refer to the impact of the alternative compared to the proposed Project, and the impacts "no impact, less than significant, or significant and unavoidable," in the parentheses refer to the significant impact of the specific alternative.

Environmental Issues	Proposed	No	Alternate	Reduced
	Project	Project	Locations	(50%) Project
Aesthetics	Less than Significant	Less	Similar	Less

Table 4-1Alternatives Potential Impact Analysis

Environmental Issues	Proposed Project	No Project	Alternate Locations	Reduced (50%) Project
Agriculture / Forest Resources	Less than Significant	Less	Similar	Less
Air Quality	Less than Significant	Less	Similar	Less
Biological Resources	Less than Significant	Less	Similar	Less
Cultural Resources	Less than Significant	Less	Similar	Less
Geology and Soils	Less than Significant	Less	Similar	Less
Greenhouse Gas Emissions	Less than Significant	Less	Similar	Less
Hazards and Hazardous Materials	Less than Significant	Less	Similar	Less
Hydrology and Water Quality	Less than Significant	Less	Similar	Less
Land Use / Planning	Less than Significant	Less	More	Less
Noise	Less than Significant	Less	Similar	Less
Population / Housing	Less than Significant	Less	Similar	Less
Public Services	Less than Significant	Less	Similar	Less
Recreation	Less than Significant	Less	Similar	Less

Environmental Issues	Proposed Project	No Project	Alternate Locations	Reduced (50%) Project
Transportation and Traffic	Significant and unavoidable – level of service (project and cumulative)	Less	Similar	Less / Still Significant and Unavoidable
Tribal Cultural Resources	Less than Significant	Less	Similar	Less
Utilities and Service Systems	Less than Significant	Less	Similar	Less
Cumulative Impacts	Significant and unavoidable for Transportation	Less	Similar	Less / Still Cumulatively Considerable
Impact Reduction		Yes	No	Yes

Environmentally Superior Alternative

As presented in the comparative analysis above, and as shown in Table 4-1, there are a number of factors in selecting the environmentally superior alternative. An EIR must identify the Environmentally Superior Alternative to the Project. The No Project Alternative would be environmentally superior to the Project on the basis of its minimization or avoidance of physical environmental impacts. However, CEQA Guidelines Section 15126.6(e)(2) states:

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

Because the No Project Alternative cannot be the Environmentally Superior Alternative under CEQA, the Reduced (50%) Project Alternative would be the Environmentally Superior Alternative because it would result in less adverse physical impacts to the environment with regard to traffic. However, the Reduced (50%) Project Alternative does not eliminate the proposed Project's significant and unavoidable impacts associated Transportation (level of

service impacts) (project and cumulative). Furthermore, the Reduced (50%) Project Alternative does not meet all of the Project objectives, particularly with regard to providing an economically feasible commercial development.

Summary and Determination

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

Chapter 5 OTHER CEQA CONSIDERATIONS

5 CEQA CONSIDERATIONS

5.1 Growth-Inducing Impacts

CEQA Guidelines Sections 15126 (d) and 15126.2(e) require that any growth-inducing aspect of a project be addressed in an EIR. This discussion includes consideration of ways in which the proposed Project could directly (e.g., foster economic growth) or indirectly (e.g. construction of oversized public utilities) result in physical impacts on the environment if the Project's construction or operation induces economic or population growth in the surrounding area, including an analysis of the infrastructure and planning changes necessary to accommodate any induced growth.

The proposed Project involves the establishment of a commercial development that is being built out in general conformance with the long-term planning documents and is in response to increased population int eh City. Refer to Section 3.14 – Population and Housing for more information pertaining to City population growth. The Project is consistent with the City of Porterville's General Plan and Zoning Ordinance, with the exception of the 4.7-acre APN 246-240-020, which would undergo a General Plan Amendment as a part of Project implementation and will connect to all existing City utility services. The proposed Project would create a relatively minor amount of new employment opportunities during construction and for the proposed commercial/retail facilities associated with the Project. As of March 2024, the Visalia-Porterville Metropolitan Statistical Area had an unemployment rate of 12.3 percent ¹⁴⁴ and it is anticipated that those new employment opportunities associated with the Project would likely be filled by the existing employment base. There are no other indirect aspects of the Project (such as creation of oversized public utility lines, etc.) that would induce further growth in the area. The proposed Project would not result in significant growth-inducing impacts.

Conclusion: The project would have *less than significant* growth-inducing impacts.

5.2 Irreversible Environmental Changes

Section 15126(c) of the CEQA Guidelines requires that an EIR include a discussion of significant irreversible environmental changes that would result from project implementation. CEQA Section

¹⁴⁴ US Bureau of Labor Statistics. Economy at a Glance. Visalia-Porterville, CA. <u>https://www.bls.gov/eag/eag.ca_visalia_msa.htm#eag_ca_visalia_msa.f.1</u>. Accessed April 2024.

15126.2(d) identifies irreversible environmental changes as those involving a large commitment of nonrenewable resources or irreversible damage resulting from environmental accidents.

Irreversible changes associated with the project include the use of nonrenewable resources during construction, including concrete, plastic, and petroleum products and renewable resources such as timber. To the extent nonrenewable uses are used during construction, the Project is being created to meet existing demand for commercial and retail services in the City, which would lead to the consumption of these resources elsewhere if the Project were not built. Therefore, the Project would not result in a new impact on nonrenewable resources. During the operational phase of the proposed Project, energy would be used for lighting, heating, cooling, and other requirements and petroleum products would be used by vehicles associated with the commercial facilities. The use of these resources would not be substantial, would not be inefficiently used, and would not constitute a significant effect. Refer to Section 3.6 – Energy for more information pertaining to the proposed Project's energy use.

The proposed Project would not result in irreversible damage resulting from environmental accidents. The Project consists of commercial development. The Project would not routinely transport, use, or dispose of hazardous materials, or present a reasonably foreseeable release of hazardous materials, with the exception of common commercial hazardous materials such as cleaners, paint, petroleum products, etc. Handling and use of hazardous materials and the disposal of the resulting hazardous wastes would be required to follow the applicable laws and regulations, as described in Section 3.9 – Hazards & Hazardous Materials herein. As such, irreversible environmental accidents are unlikely.

Conclusion: The project would have *less than significant* irreversible environmental changes.