

FINAL FOCUSED ENVIRONMENTAL IMPACT REPORT

Concord Center Industrial Project

May 2020

PREPARED FOR:



City of Woodlake
350 N. Valencia Avenue
Woodlake, California 93286

PREPARED BY:



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Final Focused Environmental Impact Report
Concord Center Industrial Project

Prepared for:



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May 2020

State Clearinghouse Number: 2019090505

TABLE OF CONTENTS

CHAPTER ONE - Introduction.....	1
Introduction.....	1
Background.....	1
CEQA Requirements	2
Use of the Final EIR	3
CHAPTER TWO – Comments and Responses	4
Introduction.....	4
Comment Letters	5
CHAPTER THREE – Text Changes to the DEIR	30
Other Public Agencies Involved.....	30
CHAPTER FOUR – Mitigation Monitoring and Reporting Program.....	37

CHAPTER ONE - Introduction

Introduction

This Final Environmental Impact Report (EIR) contains the public and agency comments received during the public review period for the City of Woodlake's Concord Center Industrial Complex Project (proposed Project), and responses to each of those comments.

This EIR is an informational document intended to disclose to the decision makers of the City of Woodlake (City) and the public the environmental consequences of approving and implementing the Concord Center Industrial Complex Project or one of the alternatives to the proposed Project, which are described in the Draft EIR. All written comments received during the public review period (January 1, 2022 through February 14, 2020) of the Draft EIR are addressed in this Final EIR.

The responses in the Final EIR clarify, correct, and/or amplify text in the Draft EIR. Also included in the Final EIR are minor text changes made at the initiative of the City (the Lead Agency) and in response to comments. The Final EIR was prepared in accordance with the California Environmental Quality Act (CEQA) (California Public Resources Code Sections 21000-21177).

Background

Notice of Preparation

In accordance with CEQA, the City released a Notice of Preparation (NOP) on September 20, 2019, for a review period that closed on October 21, 2019. The purpose of the NOP was to provide notification that an EIR for the proposed Project was being prepared and to solicit guidance on the scope and content of the document. The City received four comment letters during the NOP review period. NOP letters were received from:

- California Department of Food and Agriculture CalCannabis Division – providing general comments and recommendations, and specific edits/revisions for the Initial Study/NOP.
- Native American Heritage Commission – providing information regarding cultural resources discovery.

- Central Valley Regional Water Quality Control Board – providing information regarding various permit requirements.
- California Department of Transportation – Requesting a Transportation Impact Study be completed.

Draft EIR

The Draft EIR was properly noticed and circulated for public review and comment for 45 days, from January 1, 2020 through February 14, 2020. The Notice of Availability was published in the Sun Gazette on January 1, 2020. The Draft EIR and Appendices were sent to the State Clearinghouse for distribution and notices were mailed to local agencies and other interested individuals. The City received two comment letters on the Draft EIR. These letters are reproduced in their entirety in Chapter Two of this Final EIR and responses are shown after each letter.

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

CEQA Requirements

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

- a) The Draft EIR or a revision of the Draft EIR.
- b) Comments and recommendations received on the Draft EIR either verbatim or in summary.
- c) A list of persons, organizations, and public agencies commenting on the Draft EIR.
- d) The responses of the Lead Agency to significant environmental points raised in the review and consultation process.
- e) Any other information added by the Lead Agency.

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

Use of the Final EIR

The Final EIR allows the public and the City an opportunity to review revisions to the Draft EIR and the responses to comments received during the Draft EIRs public review period. The Final EIR serves as the environmental document to inform the City of the environmental consequences of the proposed project, either in whole or in part, or one of the alternatives to the project discussed in the Draft EIR.

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

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

As required by Section 15091 of the CEQA Guidelines, a public agency cannot approve or carry out a project for which an EIR has been certified that identifies one or more significant environmental effects of the project unless the public agency makes one or more written findings (Findings of Fact) for each of those significant effects, accompanied by a brief explanation of the rationale to reach findings supported by substantial evidence in the record. The possible findings are as follows:

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

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

If the City approves the project, and as part of that action adopts mitigation measures, the City will also adopt a Mitigation Monitoring and Reporting Program (see Public Resources Code Section 21081.6).

CHAPTER TWO – Comments and Responses

Introduction

This chapter of the Final EIR contains a copy of each of the written comments received from the public and other agencies with jurisdiction over the proposed Project, followed by responses to each comment. A total of two comment letters were received from the following groups and agencies:

<p><u>Comment Letter 1</u> David Deel, Associate Transportation Planner Department of Transportation – District 6 Office 1352 West Olive Avenue Fresno, CA 93778 February 14, 2020</p>	<p><u>Comment Letter 2</u> Lindsay Rains, Licensing Program Manager Kevin Ponce, Senior Environmental Scientist Supervisor CalCannabis Cultivation Licensing Division 1220 N Street, Suite 400 Sacramento, CA 95814 February 18, 2020</p>
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Comment Letters

Comment Letter 1

STATE OF CALIFORNIA—CALIFORNIA STATE TRANSPORTATION AGENCY

GAVIN NEWSOM, Governor

DEPARTMENT OF TRANSPORTATION

DISTRICT 6 OFFICE

1352 WEST OLIVE AVENUE
P.O. BOX 12616
FRESNO, CA 93778-2616
PHONE (559) 488-7396
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Making Conservation
a California Way of Life

February 14, 2020

06-TUL-216-13.07
FOCUSED DEIR & TIS
INDUSTRIAL-RETAIL COMPLEX
CONCORD CENTER (3)
WOODLAKE, CA
SCH # 2019090505

SENT VIA EMAIL

Mr. Jason Waters
Community Services Director
City of Woodlake
350 N. Valencia Boulevard; Suite 2
Woodlake, CA 93286

Dear Mr. Waters:

Thank you for the opportunity to review the Focused Draft Environmental Impact Report (EIR) and associated Traffic Impact Study (TIS) for the Concord Center Industrial Project.

- The Project proposes various industrial uses allowed by the zone district, including cannabis cultivation, manufacturing, and distribution which is allowed with a Conditional Use Permit.
- A Tentative Parcel Map will be processed to divide the approximately 17.8-acre site into 13 lots, ranging in size from 42,000 square feet (sf) to 62,000 sf each. Each lot will be developed with a building ranging in size from 10,000 sf to 22,000 sf, for a potential total of 210,000 sf of building floor space.
- The project site is located at the southeast corner of State Route (SR) 216 (Avenue 344/Naranjo Blvd.) and Road 204 (Blair Road). Access to the site is provided from SR 216 (Avenue 344/Naranjo Blvd.) and Road 204 (Blair Road) via a shared driveway and access road to each building lot.
- Site improvements and building construction will occur in one phase, anticipated to be completed within 2 years.
- The EIR indicated that the Project at full build-out will employ up to 30 full time staff and will operate from 8am to 5pm, up to seven days per week.
- According to the Institute of Transportation Engineers (ITE) Trip Generation, 10th Edition, 210,000 square feet of general light industrial space is estimated to generate 1,467 daily vehicle trips with 179 trips during the PM peak hour.

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Mr. Jason Waters – CONCORD LIGHT INDUSTRIAL COMPLEX (3)
 February 14, 2020
 Page 2

The mission of Caltrans is to provide a safe, sustainable, integrated and efficient transportation system to enhance California's economy and livability. To ensure a safe and efficient transportation system, we encourage early consultation and coordination with local jurisdictions and project proponents on all development projects that utilize the multimodal transportation network.

Caltrans provides the *following comments* consistent with the State's smart mobility goals that support a vibrant economy and sustainable communities:

1. Please verify the location description (section 2.3) in the EIR on page 2-1.
2. As noted, access to the site will be via a new driveway and access road connected to Road 204/Blair Road. Based on the aerial mapping, this connection appears to be situated approximately 200 feet south of the SR 216/Road 204 intersection. However, this dimension is not shown on the site plan. Please provide this dimension on the site plan for Caltrans review.
3. Caltrans review of the Traffic Impact Study (Appendix C) found the Project trip generation (Table 1) to be satisfactory. Caltrans comments made during the TIS scope review, requested clarification on the proposed trip distribution, specifically the 40% directional split in the south. The TIS explains that the City anticipates a significant amount of Project traffic will travel along SR 65 between Woodlake and other towns such as Exeter, Lindsey, Porterville and Tulare. Caltrans acknowledges this explanation.
4. Caltrans also requested clarification regarding vehicle usage, specifically the largest vehicle anticipated to access the Project site, and whether Blair Road is designed to accommodate that design vehicle. Please provide clarification on the vehicle type and provide turning templates of the largest vehicle design at the SR 216/ Blair Road intersection to verify this intersection is adequate to accommodate turning movements of the design vehicle.
5. Pages 3-18 and 3-19 of the EIR indicate that the TIS analysis determined in the opening year (2021) with the addition of project traffic, the intersection of SR 216 (Naranjo Boulevard) and Road 204 is anticipated to operate below an acceptable level of service.
6. The TIS analysis concluded that the Projects impact to this intersection will be reduced to a less than significant impact with the implementation of Mitigation Measure TRA-1:

Mitigation Measure TRA-1:

The Project shall be responsible for paying its fair share cost percentages and/or constructing improvements as detailed in Table 3.11, subject to reimbursement for the costs that are in excess of the Project's equitable responsibility as determined by the City of Woodlake. This shall be itemized and enforced through conditions of approval or a development agreement, at the discretion of the City of Woodlake.

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 February 14, 2020
 Page 3

7. Table 3.11 on page 3-19 of the EIR indicates that the Projects Pro-Rata Fair Share Percentage towards future intersection improvements is 31.49%.
8. As noted, the TIS analysis indicated that the Concord Center Industrial Project will cause an impact at the intersection of SR 216 and Road 204 during the evening peak hour period in the opening year (year 2021). Specifically, the failure is on the northbound movement. With the addition of the Project, the northbound queue length and delay on Road 204 (Blair Road) will increase significantly.
9. The TIS analysis recommends converting the existing two-way stop control intersection on Road 204 (Blair Road) to a signalization intersection. Signalization of the intersection was selected as the intersection control improvement in the TIS analysis as mitigation for the Project related traffic impacts.
10. However, Caltrans will require the developer to conduct an Intersection Control Evaluation (ICE) to determine which type of intersection control solution is warranted at this intersection.
11. Any new project that may require employing full control at state highway intersections (i.e. to control all approaching traffic via use of signal, stop or yield control) must consider all three intersection control strategies (stop, roundabout and signal) and the supporting design configurations per the Intersection Control Evaluation (ICE) guidelines. ICE establishes a context and performance-based evaluation process to produce engineering recommendations on intersection traffic control strategies and geometric configurations for location specific needs and conditions. The first step of the ICE process will constitute conceptual approval by Caltrans Traffic Operations Office. The project opening day mitigation at an intersection must be evaluated per the ICE procedure. This new policy will affect the engineering process to determine the intersection improvement on State Route (SR) 216. The ICE requirements can be found on the Caltrans website: <http://www.dot.ca.gov/hq/traffops/liasons/ice.html>.
12. As a point of information, the City and the developer should be aware that Caltrans anticipates that a Roundabout would potentially be the type of intersection control improvement at the intersection of SR 216 and Road 204(Blair Road).
13. According to the Caltrans Transportation Concept Report (TCR), this segment of SR 216 in the vicinity of the proposed project is currently a 2-lane conventional highway and ultimately planned to be a 4-lane facility within a total of 84 feet of right-of-way (42 feet from the centerline). Caltrans existing ROW map shows this segment with a ROW total, varying from 50 feet to 73 feet with **25 feet** on the south side of the centerline - along the Project's northern boundary with SR 216.
14. Caltrans recommends that an irrevocable offer of dedication (IOD) to Caltrans for **17 feet** of ROW is needed to accommodate the ultimate configuration of SR 216.
 - Dedications need to be shown on a revised site plan and forwarded for our review. A summary of the requirements for right-of-way dedications can be provided.

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 February 14, 2020
 Page 4

15. The below cross section design for SR 216 (comment #15), based on the above 84-foot right-of-way width for a 4-lane highway, was discussed and agreed to by Caltrans and the City of Woodlake for the Green Bean, Uncle Green and other developments located along the southside of SR 216.
16. The following cross section is valid and recommended for the current Project. The opening day curb line will be approximately 27 feet from the SR 216 centerline which will allow for a travel lane, bike lane and shoulder. The above ROW dedication will also preserve right-of-way for a 3-lane cross section in the future consisting of one (1) 12-foot wide lane in each direction with a 14-foot wide two-way left turn (TWLT) lane (7 feet on both side centerline) and a shoulder. Caltrans determined that a TWLT lane would allow safer access and turning movements for properties developed along SR 216. This transition from a 2-lane to a 3-lane highway would take place west of the Green Bean Project site (west of Acacia Street) as the City's downtown area merges with the envisioned "industrial park" area west of downtown. Restriping SR 216 to the two-way left turn lane in the future may require Caltrans to eliminate and prohibit on-street parking.
17. Caltrans requires a minimum 6-foot sidewalk (10-foot preferred), measured from the back of the curb along SR 216.
18. Caltrans recommends placement of the back of the sidewalk at the ultimate right of way line.
19. The sidewalk and any landscaping shall be maintained per a "Caltrans District 6" approved maintenance agreement.
20. The SR 216 cross sections and the site plan should show dimensions measured from the existing SR 216 centerline.
21. Opening day improvements constructed along SR 216 for the Project may reduce the right-of-way needed for the IOD.
22. Dust control measures shall be implemented on the site in a manner to prevent dust from entering the State right-of-way.
23. No water from the proposed project shall flow into the State right-of-way without approval from the District Hydraulic Engineer.
24. The Caltrans Permit Department and the Environmental Planning Branch will review and approve the activity and work in the State right-of-way before an encroachment permit is issued.
25. The CEQA (California Environmental Quality Act) document prepared and submitted to the State Clearing House for the Project will need to include analysis of the frontage improvements (new ROW, curb-gutter-sidewalk)

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 February 14, 2020
 Page 5

along SR 216 for environmental clearance (using the assigned SCH #) required during the Caltrans encroachment permit process.

26. An encroachment permit must be obtained for all proposed activities for placement of encroachments within, under or over the State highway rights-of-way. Activity and work planned in the State right-of-way shall be performed to State standards and specifications, at no cost to the State. Engineering plans, calculations, specifications, and reports (documents) shall be stamped and signed by a licensed Engineer or Architect. Engineering documents for encroachment permit activity and work in the State right-of-way may be submitted using English Units. The Permit Department and the Environmental Planning Branch will review and approve the activity and work in the State right-of-way before an encroachment permit is issued. The Streets and Highways Code Section 670 provides Caltrans discretionary approval authority for projects that encroach on the State Highway System. Encroachment permits will be issued in accordance with Streets and Highway Codes, Section 671.5, "Time Limitations." Encroachment permits do not run with the land. A change of ownership requires a new permit application. Only the legal property owner or his/her authorized agent can pursue obtaining an encroachment permit. **Please call the Caltrans Encroachment Permit Office - District 6: 1352 W. Olive, Fresno, CA 93778, at (559) 488-4058. Please review the permit application checklist at:**
<https://forms.dot.ca.gov/v2Forms/servlet/FormRenderer?frmId=TR0402&distpath=MAOTO&brapath=PERM>
27. Upon project approval by the local public agency and prior to an encroachment permit application submittal, the project proponent is required to schedule a "Pre-Submittal" meeting with District 6 Encroachment Permit Office. Please contact District 6 Encroachment Permit Office at (559) 488-4058 to schedule this meeting. **Please contact District 6 Encroachment Permit Office at (559) 488-4058 to schedule this meeting. Please review the permit application checklist at:**
<https://forms.dot.ca.gov/v2Forms/servlet/FormRenderer?frmId=TR0402&distpath=MAOTO&brapath=PERM>.
28. Page 3-2 of the EIR states 'There are no established pedestrian or bicycle paths in the City'. As a point of information, the map on page 90 of the 2010 Tulare County Regional Bicycle Transportation Plan (<http://www.tularecog.org/wp-content/uploads/2015/07/2010-Tulare-County-Regional-Bicycle-Transportation-Plan.pdf>) indicates an existing bike path around the northern portion of Bravo Lake. The 2010 Bike Plan also indicates that the City of Woodlake will be extending the bike path around Lake Bravo and will establish other bike lanes/paths within the City. Please verify.
29. The TIS completed an evaluation of the average vehicle miles traveled (VMT) for the Project's traffic. VMT data was obtained from the Tulare County Association of Governments (TCAG). Based on household and employment populations in the Woodlake area, as well as travel patterns throughout the region, *TCAG data has established the regional average VMT per inbound and outbound trip to be 15.21 miles and 15.31 miles, respectively.*

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 February 14, 2020
 Page 6

In order to establish the anticipated VMT profile for the proposed light industrial project, an investigation into the employee trips was conducted. The primary factor involved in this evaluation is the location of the project site in relation to the surrounding population centers. The City anticipates a significant amount of traffic will travel between Woodlake and surrounding cities.

Based on the information gathered and the project traffic distribution, 39% of the employees will be traveling from within Woodlake city limits while 43% of employees are anticipated to be traveling from Visalia, Tulare and Hanford and 17% of the employees are anticipated to be traveling from Exeter, Lindsay, and Porterville.

The average trip length for employees traveling from surrounding cities was determined to be approximately 20.77 miles. The average trip length for employees traveling from Woodlake was determined to be approximately 1.50 miles. The combined average trip length for all employees resulted in an average trip length of 13.19 miles.

As previously mentioned, the regional average VMT for inbound and outbound trips as established by TCAG is 15.21 miles and 15.31 miles, respectively. The project's average VMT is anticipated to bring down the regional average, and therefore will not cause a transportation impact.

30. Alternative transportation policies should be applied to the development. An assessment of multi-modal facilities should be conducted to develop an integrated multi-modal transportation system to serve and help alleviate traffic congestion caused by the project and related development in this area of the City. The assessment should include the following:
- a. Pedestrian walkways should link this proposal to an internal project area walkway, transit facilities, as well as other walkways in the surrounding area.
 - b. The project should consider bicycles as an alternative mode of transportation and offer internal amenities to encourage bicycle use which should include parking, security, lockers and showers.
 - c. If transit is not available within ¼-mile of the site, transit should be extended to provide services to what will be a high activity center.

If you have any other questions, please call me at (559) 488-7396.

Sincerely,



DAVID DEEL
 Associate Transportation Planner
 Transportation Planning – North

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Responses to Comment Letter 1:

- In response to Comment 1: The Draft Focused EIR has been revised to reflect the correct location description. Please see Chapter Three of this Final EIR.
- In response to Comment 2: The Draft Focused EIR has been revised to include a site plan that illustrates road dimensions. Please see Chapter Three of this Final EIR.
- In response to Comment 3: The City appreciates Caltrans' concurrence with the trip generation rates.
- In response to Comment 4: The Draft Focused EIR has been revised to include a site plan that includes a turning template at the SR 216/ Blair Road intersection for the largest vehicle anticipated. Please see Chapter Three of this Final EIR.
- In response to Comments 10 - 12: The City recognizes the need for the Applicant to conduct an Intersection Control Evaluation (ICE) to determine the type of intersection control solution is warranted and to obtain an encroachment permit for all proposed activities within the State highway right-of-way. It is noted that Caltrans anticipates a roundabout would potentially be the type of intersection control improvement at SR 216 and Road 204 (Blair Road).
- In response to Comments 13 – 18, 20: The site plan in the Draft Focused EIR has been revised to include the 17-foot IOD of ROW to Caltrans, a cross section which depicts the proposed improvements to State Route 216, and dimensions as requested.
- In response to Comment 19: The City recognizes that the sidewalk and site landscaping will be maintained per a Caltrans District 6 approved maintenance agreement.
- In response to Comment 21 – 24: The City understands that the IOD may be reduced. Dust control measures will be implemented as part of the Dust Control Plan required by the San Joaquin Valley Air Pollution Control District and implementing BMP measures, as described on page 49 of the Initial Study (Appendix A of the Draft Focused EIR) will ensure that no runoff will flow into the State right-of-way.

- In response to Comment 25: The Draft Focused EIR has been revised to include analysis of the SR 216 frontage improvements. Please see Chapter Three of this Final EIR.
- In response to Comment 26 - 27: The City recognizes the need for the applicant to schedule a “Pre-Submittal” meeting with District 6 Encroachment Permit Office before obtaining an encroachment permit for all project-related activities that will take place within the State right-of-way.
- In response to Comment 28: The Draft Focused EIR has been revised to clarify the presence of bike paths within the City. Please see Chapter Three of this Final EIR.
- In response to Comment 29: The City appreciates Caltrans’ concurrence with the VMT analysis contained in the Draft Focused EIR.
- In response to Comment 30: The City recognizes the benefit for alternative transportation policies for all development projects within the City and will likely include alternative transportation policies in its next General Plan Update document. For this specific Project, the County provides out of town bus service, with multiple pickup and dropoff locations around the City. The nearest transit stop is approximately 0.3 miles to the east, at the corner of N. Cypress St and SR 216. A pedestrian walkway linking 13 parcels is included in the site design, as provided in Figure 3 (Page 2-7) of the DEIR.

Comment Letter 2

Lindsay Rains, Licensing Program Manager
Kevin Ponce, Senior Environmental Scientist Supervisor
CalCannabis Cultivation Licensing Division
1220 N Street, Suite 400
Sacramento, CA 95814
February 18, 2020



February 18, 2020

Jason Waters
Community Services Director
City of Woodlake
350 North Valencia Avenue
Woodlake, CA 93286
jwaters@ci.woodlake.ca.us

Re: CDFA Comments on the Draft Focused Environmental Impact Report for the
Proposed Concord Center Industrial Complex Project (SCH No. 2019090505)

Dear Mr. Waters:

Thank you for providing the California Department of Food and Agriculture (CDFA) CalCannabis Cultivation Licensing Division (CalCannabis) the opportunity to comment on the Draft Focused Environmental Impact Report (EIR) (SCH#2019090505) prepared by the City of Woodlake for the proposed Concord Center Industrial Complex Project (Proposed Project).

CDFA has jurisdiction over the issuance of licenses to cultivate, propagate and process commercial cannabis in California. CDFA issues licenses to outdoor, indoor, and mixed-light cannabis cultivators, cannabis nurseries and cannabis processor facilities, where the local jurisdiction authorizes these activities. (Bus. & Prof. Code, §26012(a)(2).) All commercial cannabis cultivation within California requires a cultivation license from CDFA. For a complete list of all license requirements, including CalCannabis Licensing Program regulations, please visit: https://static.cdfa.ca.gov/MCCP/document/CDFA%20Final%20Regulation%20Text_01162019_Clean.pdf.

CDFA expects to be a Responsible Agency for this project because the project will need to obtain an annual cultivation license from CDFA for any site-specific cultivation activities that may occur at the Proposed Project site. In order to ensure that the EIR is sufficient for CDFA's needs at that time, CDFA requests that a copy of the EIR,

CDFA Executive Office • 1220 N Street, Suite 400 • Sacramento, California 95814
Telephone: 916.654.0433 • Fax: 916.654.0403 • www.cdfa.ca.gov

State of California
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revised to respond to the comments provided in this letter, and a signed Notice of Determination be provided to the applicant, so the applicant can include them with the application package it submits to CDFA. This should apply not only to this Proposed Project, but to all future CEQA documents related to cannabis cultivation applications in the City of Woodlake.

Background

The City of Woodlake is the Lead Agency on the Proposed Project, a 17.8-acre industrial center that would house industrial uses allowable by the zone district, including cannabis cultivation. The City of Woodlake allows commercial cannabis cultivation following procurement of a Conditional Use Permit (CUP) and a Commercial Cannabis Regulatory Permit (Regulatory Permit), per Section 5.48.020 of the City's Cannabis Ordinance (Ordinance No. 611). Ordinance No. 611 states, "*the Regulatory Permit shall be site specific and shall specifically identify the commercial cannabis activity that will be allowed at that site. No commercial cannabis activity will be allowed unless specifically identified in the Regulatory Permit (Section 5.48.020).*"

The City of Woodlake prepared an Initial Study (IS) and filed it with the State Clearinghouse on September 20, 2019 (Appendix A of the Focused EIR). The IS was accompanied by a Notice of Preparation (NOP) for an EIR for the same project. The IS found that the Proposed Project would not result in significant impacts to the environment in all resource topics other than Transportation. CDFA submitted comments to the City regarding the IS and the NOP on October 21, 2019. The City of Woodlake included CDFA's comments in Appendix B of its Focused EIR, but has not prepared responses to CDFA's comments.

CDFA has several general comments in response to the City's Focused EIR. Additionally, CDFA has additional comments on the IS that relate to the comments CDFA previously submitted to the City on October 21, 2019. CDFA requests that the City respond to all comments when it prepares the Proposed Project's Final Focused EIR.

General Comments (GCs)

GC 1: Scope of the CEQA Document. Neither the Draft Focused EIR nor the IS specifies whether the scope of these CEQA documents is intended to be solely for the construction of the Concord Center Industrial Complex, or whether the analysis is intended to extend CEQA coverage to any future cannabis cultivation activities or projects proposed by tenants for operation on the 13 subdivided parcels. As described above, Ordinance No. 611 requires cannabis cultivation operators to procure site-specific City-issued permits (CUPs and Regulatory Permits), where issuance of those permits is tied

to specific commercial cannabis activities that will be allowed at that site. CDFA requests the City of Woodlake clarify whether the Focused EIR is intended to provide CEQA coverage to the issuance of CUPs and/or Regulatory Permits that would be issued to future cannabis cultivation tenants at the Proposed Project site.

Note that CDFA requires an annual-license applicant to provide operation-specific evidence of exemption from, or compliance with, CEQA (3 Cal. Code of Regs., § 8102). Cultivation applicants are required to submit a detailed Project Description (see GC 2) and impact analysis (see GC 3) that includes site-specific operation practices of the proposed cannabis cultivation business. For this effort, CDFA encourages local jurisdictions to use CEQA streamlining options when appropriate, including the use of tiering strategies and addenda, to expedite CEQA review for later activities or subsequent projects (see GC 4).

GC 2: Project Description.

If the City intends for the Focused EIR to provide CEQA coverage for all cannabis cultivation activities that would take place at the industrial complex, CDFA requests the City provide additional details regarding future tenants' proposed cultivation activities as part of the EIR's Project Description. CDFA acknowledges the City's effort to expand the Proposed Project Description within the Focused EIR, from the previous description included with the IS. However, the Focused EIR's Project Description still lacks important details about cultivation operations and maintenance that would take place at the project site. To the extent these details are known at this time, or can be provided as an estimation, assumption, or worst-case-scenario, the Project Description should include operation and maintenance details for cannabis cultivation facilities. This includes:

- the proposed canopy size of the cultivation operation and the types of operations (e.g., indoor or mixed light) and cultivation methods that would occur on site;
- the types of and projected duration of use for operation and maintenance equipment anticipated for cultivation businesses;
- the estimated amounts of water to be used for each cultivation business, including any water efficiency equipment that would be used;
- the types of lighting that would be used for cultivation operations;
- the types of odor control methods to be employed;
- the types of hazardous materials that are likely to be used at the cultivation sites;
- environmental protection measures that will be incorporated into the future proposed cultivation operations, and whether these measures will be considered Proposed Project mitigation measures or conditions of permit issuance; and

- the source (equipment) and amounts of energy expected to be used in operating the cultivation facility, including any energy management and efficiency features incorporated into the Proposed Project.

GC3: Analysis of Resource Impacts from Future Tenants. As mentioned in CDFA's previous comment letter to the City in response to the Proposed Project IS and NOP, if the City intends for the Focused EIR to provide CEQA coverage for the cultivation activities of future tenants, it must provide an analysis of impacts specifically resulting from the cultivation operations and maintenance activities that will take place at the site. While the IS provides general descriptions of the potential impacts that may result from cultivation, it does not provide site-specific analyses for future cultivation projects. As examples, resource impacts may result from energy or water use, greenhouse gas emissions from operations and vehicle traffic, odor impacts, and noise generation.

CEQA requires that Lead Agencies evaluate the environmental impacts of proposed projects and support factual conclusions with substantial evidence. If the City intends for the Focused EIR to cover the cultivation activities of future tenants, CDFA requests that the IS be revised to clearly cite the source(s) of the evidence relied upon for each impact discussion. If the City relies upon assumptions or estimates to determine impacts from potential future tenants' activities based on other similar cultivation projects, those assumptions should be clearly described and analyzed. This information would be particularly useful for resource topics, such as air quality, energy, greenhouse gas emissions, and transportation and traffic, where modeling requires baseline assumptions for operational equipment usage, including cannabis ventilation systems, power generators, indoor lighting, and vehicle trips.

GC 4: Subsequent CEQA Analysis/Tiering and Streamlining. If the City anticipates that site-specific CEQA compliance for individual cannabis cultivation projects within the Concord Center Industrial Development would be completed at a later date, CDFA requests that the City of Woodlake indicate how the City intends to complete any subsequent site-specific environmental assessments. For tenant cultivation activities that are not fully covered under the Proposed Project Focused EIR, CDFA recommends that the City use one of the following CEQA compliance options available for cultivation projects, as determined appropriate:

- Complete a Notice of Exemption (NOE) for any projects where it can be demonstrated that the project would not have the potential for a significant effect on the environment (General Rule Exemption, CEQA Guidelines § 15061(b)(3));
- Complete an NOE for any projects qualifying for one or more classes of categorical exemption (CEQA Guidelines § 15300 et. seq.);

- Prepare an addendum to the Focused EIR that fully describes the changes in circumstances or in the project following EIR certification;
- Prepare an IS/ND, IS/MND, or EIR that tiers from the Proposed Project Focused EIR (i.e., incorporating by reference the general discussions from the Focused EIR (and IS) and concentrating a later environmental assessment solely on the issues specific to the later project).

CDFA recommends that the City of Woodlake prepare Notices of Determination (NODs) and file them with the State Clearinghouse for all subsequent site-specific CEQA documentation, addenda, and/or other later activities approved using CEQA streamlining approaches.

GC 5: Analysis of Site-Specific Resource Impacts. The CDFA PEIR determined that some environmental topics generally fell outside of CDFA's regulatory authority because these topics are regulated by local land use. These include issues such as aesthetics, land use and planning, geology and soils, mineral resources, noise, odors, regional recreational structures and services, compliance with building standards, provisions for police and fire protection, and connections to public utilities (e.g., public water, wastewater, and storm drainage systems). Additionally, there are other topics for which detailed analysis in the CDFA PEIR was not possible because of the statewide nature of the CDFA licensure program. Many of these topics involve the evaluation of site-specific conditions, the details of which were infeasible to identify and evaluate in a statewide PEIR, and the characteristics of which were unknown at the time the PEIR was published (e.g., the locations of new cultivation sites that would be planned and licensed were unknown at the time the PEIR was published).

For these topics, listed below, the CDFA PEIR determined that potential impacts would most appropriately be evaluated in local regulatory program-level documents or site-specific project-level documents. The PEIR, where appropriate, provides more general conclusions regarding the likelihood and types of impacts caused by cannabis cultivation, including the cumulative impacts that would be expected under the statewide CDFA Program.

CDFA requests that any subsequent environmental analyses completed for cannabis cultivation operations located in the City of Woodlake evaluate potential impacts on the following resource topics at an appropriate site-specific level. Evaluations should include mitigation measures that, when applied to the proposed project or later activity, will reduce and/or avoid significant adverse impacts on the environment, as determined necessary.

Aesthetics

- Substantial adverse effects on scenic vistas, scenic resources, or State-designated scenic highways, and/or the existing visual character or quality of a site and its surroundings.

Land Use and Planning

- Conflicts with any and all local land use plans, ordinances, policies, and/or resource programs; including but not limited to applicable Habitat Conservation Plans and Natural Community Conservation Plans.

Mineral Resources

- Potential loss of availability of a known mineral resource that would be of value to the region and the residents of the state.
- Potential for the extraction of substantial mineral resources from lands classified by the State as areas that contain mineral resources (Mineral Resource Zone [MRZ]-3).
- Loss of availability of a locally important mineral resource recovery site delineated on a local general plan, specific plan or other land use plan.

Noise

- Exposure of people or residences to excessive noise levels within an airport land use plan or, where such a plan has not been adopted, within 2 miles of a public airport or public use airport.
- Generation of excessive groundborne vibration or groundborne noise levels.
- Substantial permanent increase in ambient noise levels in the vicinity of a licensed cultivation activities above existing levels.
- Excessive noise for sensitive receptors, and/or resulting in a substantial temporary or periodic increase in ambient noise levels.
- Short-term construction-related impacts to noise (if applicable).
- Long-term operation-related noise impacts resulting from traffic and related changes to existing noise levels.

Odor (Air Quality)

- Create objectionable odors affecting a substantial number of people as a result of cannabis cultivation.

Recreation

- Potential impacts to existing neighborhood and regional parks or other recreational facilities.

Public Services and Utilities

- Exceedance of wastewater treatment requirements, resulting in the need to expand wastewater treatment facilities, or result in a determination by the wastewater treatment provider that it has inadequate capacity to serve the project.
- Require or result in the construction of new or expanded water treatment and/or stormwater facilities.
- Potential to be served by a landfill with insufficient capacity.

Traffic and Transportation

- Conflict with circulation plans, ordinances, or policies.
- Conflict with congestion management programs.
- Increase hazards due to a design feature or incompatible uses.

GC 6: Cumulative Impacts. It is important for the Focused EIR to disclose and evaluate the potential cumulative impacts of cannabis cultivation. Of particular importance are topics for which the impacts of the Proposed Project may be less than significant, but collectively with other existing and proposed cannabis growing operations would contribute to a significant cumulative impact.

The Focused EIR narrows its evaluation of cumulative impacts to transportation and traffic, reasoning that “transportation issues are the only potentially significant issues of concern for this project.” However, there are many other resource topics where the City’s IS has identified less than significant impacts as a result of the Proposed Project (e.g., Aesthetics, Air Quality, Cultural Resources, Energy, Geology and Soils, Hydrology and Water Quality, Greenhouse Gas Emissions, Hazards and Hazardous Materials, and Noise). While the impacts of the Proposed Project alone may be less than significant, the City has not provided evidence to conclude that collectively with other existing and proposed cannabis growing operations and/or industrial complexes, the Proposed Project would not contribute to a significant cumulative impact.

Specifically, the EIR should discuss any cumulative impacts that may result from the operation of the 7Points Industrial Complex Project and the Consolidated Gardens Industrial Development, facilities that are proposed to house cannabis cultivation and distribution operations and are located nearby within the City of Woodlake. The Focused EIR would be improved by expanding its cumulative impacts analysis chapter to address all those impacts identified in the IS, and considering other existing, approved, and anticipated development projects nearby.

For cultivation activities specifically, the City should consider contribution to significant cumulative impacts resulting from:

- impacts on terrestrial biological species and habitats, particularly special-status species as defined under CEQA;
- groundwater diversions on the health of the underlying aquifer, including impacts on other users, impacts on stream-related resources connected to the aquifer;
- noise; and
- air quality and objectionable cannabis odors.

GC 7: CDFA Noticing. CDFA requests that a copy of the final Focused EIR, with revisions to the draft EIR, as determined necessary, and responses to comments provided in this letter, be provided to CDFA. For all future CEQA documents for cannabis cultivation projects, CDFA requests the City include CDFA in the Reviewing Agencies Checklist. CDFA requests that a copy of the final EIR and a signed Notice of Determination be provided to future tenants, so future cannabis applicants can include them with their application package submitted to CDFA.

GC 8: CDFA Regulations. The Focused EIR analysis would benefit from discussion of the protections for environmental resources provided by CDFA's regulations. In particular, the impact analysis should acknowledge the effects of state regulations on reducing the severity of impacts on the following resource topics:

- Aesthetics (See 3 California Code of Regulations § 8304(c); § 8304(g).)
- Air Quality and Greenhouse Gas Emissions (See § 8102(s); § 8304(e); § 8305; § 8306.)
- Biological Resources (See § 8102(w); § 8102(dd); § 8216; § 8304(a-c); § 8304(g).)
- Cultural Resources (See § 8304(d).)
- Hazards and Hazardous Materials (See § 8102(q); § 8106(a)(3); § 8304(f); § 8307.)
- Hydrology and Water Quality (See § 8102(p); § 8102(v); § 8102(w); § 8102(dd); § 8107(b); § 8216; § 8304(a and b); § 8307.)

- Noise (See § 8304(e); § 8306.)
- Utilities and Service Systems (See § 8102(s); § 8108; § 8308.)
- Energy (See § 8102(s); § 8305; § 8306.)
- Cumulative Impacts (related to the above topics).

Specific Comments

CDFA provided a table of specific comments on the Proposed Project's IS in its October 21, 2019 letter. CDFA provides the following additional comments on the IS (Appendix A of the Focused EIR).

Comment No.	Page No(s).	Resource Topic	IS Text	CDFA Comment	Additional Comments
1	10	Project Information	Other Public Agencies Involved	The EIR should list all agencies requiring approval of the Proposed Project, including CDFA, the California Department of Fish and Wildlife, the Regional Water Quality Control Board, and the State Water Resources Control Board, as applicable. In addition, if the Proposed Project will require licenses for commercial cannabis manufacturing, the California Department of Health should be listed as a licensing agency. If the Proposed Project will require licenses for commercial cannabis distribution, laboratory testing, retail, or microbusiness, the Bureau of Cannabis Control should be listed as a licensing agency. The type of permit or approval required from each agency should also be listed.	The Focused EIR's Project Description (page 2-6) suggests the industrial center may include cannabis manufacturing and distribution. The Focused EIR would be improved by including approval of these activities by the Bureau of Cannabis Control in Section 2.6 (page 2-6) of the Focused EIR.
2	21 and 57	III. Air Quality and XIII. Noise	(pg. 21) According to the CalEEMod trip summary information for	The EIR should describe any underlying assumptions considered for vehicle trips estimates, including baseline estimates of current operations	As the Focused EIR dismissed these resource impact areas for further evaluation, this comment was not

10

California Department of Food and Agriculture CalCannabis Cultivation Licensing
2/18/2020 – Comments on City of Woodlake Concord Center Industrial Park Draft EIR

Comment No.	Page No(s).	Resource Topic	IS Text	CDFA Comment	Additional Comments
			<p>general light industry, the proposed Project would generate an average of 1,467 trips per day; however, the Project is only expected to generate an additional 60 trips per day.</p> <p>(pg. 57) The primary source of on-going noise from the proposed Project will be from vehicles traveling to and from the site; however, the relatively low number of new trips associated with the</p>	<p>at the existing fruit orchard and estimates for future operations to be conducted within the industrial complex. These assumptions, or estimates, should discuss site-specific cultivation operations by future tenants, as feasible. Discussions would support the assertion that "an additional 60 trips per day" is expected at the facility and support impact determinations for air quality and noise sections.</p>	<p>addressed. The Focused EIR would be improved by including vehicle trip estimates for the existing fruit orchard operations and comparing that with estimations for proposed cannabis cultivation businesses. The City may also consider vehicle trips associated with general operations (beyond employee trips), routine maintenance, and distribution. Such analysis would support impact determinations provided for the air quality and noise resource topics.</p>

11

California Department of Food and Agriculture CalCannabis Cultivation Licensing
2/18/2020 – Comments on City of Woodlake Concord Center Industrial Park Draft EIR

Comment No.	Page No(s).	Resource Topic	IS Text	CDFA Comment	Additional Comments
			<p>project is not likely to increase the ambient noise levels by a significant amount.</p>		
3	27	IV. Biological Resources (e)	<p>The City of Woodlake's General Plan includes policies for the protection of biological resources.</p>	<p>The EIR should describe the policies that would be applicable to the Proposed Project and evaluate whether and how the Proposed Project would be consistent with the General Plan policies.</p>	<p>As the Focused EIR dismissed this resource impact area for further evaluation, this comment was not addressed. The Focused EIR would be improved by describing applicable General Plan policies and evaluating the Proposed Project for consistency against those policies.</p>
4	30	V. Cultural Resources	<p>The archaeologist shall submit reports, to the satisfaction of the City of Fresno, describing the testing program and</p>	<p>Mitigation Measures CUL-1 and CUL-2 require disclosures to the City of Fresno. If these are typographical errors, please correct them and specify the correct entity for cultural resources disclosures.</p>	<p>The City did not revise the IS or respond to this comment. The Focused EIR would be improved by including a revised MMRP as part of the Final Focused EIR.</p>

12

California Department of Food and Agriculture CalCannabis Cultivation Licensing
2/18/2020 – Comments on City of Woodlake Concord Center Industrial Park Draft EIR

Comment No.	Page No(s).	Resource Topic	IS Text	CDFA Comment	Additional Comments
			subsequent results. [...] Prior to the issuance of any grading permit, the project proponent shall provide the City of Fresno with documentation identifying construction personnel that will be responsible for on-site monitoring.		
5	43	IX. Hazards and Hazardous Materials	N/A (General Comment)	If applicable, the EIR should disclose and evaluate the use of hazardous materials such as pesticides for pest management and other hazardous materials that may be used on site for the operation and maintenance of proposed cultivation projects.	As the Focused EIR dismissed this resource impact area for further evaluation, this comment was not addressed. The Focused EIR would be improved if it disclosed and evaluated the use of hazardous materials

13

California Department of Food and Agriculture CalCannabis Cultivation Licensing
2/18/2020 – Comments on City of Woodlake Concord Center Industrial Park Draft EIR

Comment No.	Page No(s).	Resource Topic	IS Text	CDFA Comment	Additional Comments
					for the operation and maintenance of proposed cultivation projects.
6	47	X. Hydrology and Water Quality	The Central Valley Regional Water Quality Control Board adopted a General Waste Discharge Requirements Order for Discharges of Waste Associated with Medical Cannabis Cultivation Activities (Order No. R5-2015-0113). The proposed Project's tenants will be in compliance with the rules	The CVRWQCB order has been superseded by SWRCB General Order WQ 2019-0001-DWQ. All enrollees under the Central Valley Order were required to transition to the SWRCB Cannabis Cultivation General Order by July 1, 2019.	None.

14

California Department of Food and Agriculture CalCannabis Cultivation Licensing
2/18/2020 – Comments on City of Woodlake Concord Center Industrial Park Draft EIR

Comment No.	Page No(s).	Resource Topic	IS Text	CDFA Comment	Additional Comments
			and requirements set forth in the General Waste Discharge Requirements.		
7	50	X. Hydrology and Water Quality	Project demands for groundwater resources in connection with the proposed Project would not substantially deplete groundwater supplies and/or otherwise interfere with groundwater recharge efforts being implemented by the City of Woodlake. The proposed	The EIR should indicate the overdraft status of the groundwater basin from which the Proposed Project would draw its water. It should also provide an estimate of the amount of groundwater projected to be used in operation of the Proposed Project, and provide some evidence for the conclusion that activities would not result in a significant impact to groundwater beyond those considered in the adopted City of Woodlake General Plan.	As the Focused EIR dismissed this resource impact area for further evaluation, this comment was not addressed. The Focused EIR would be improved if it provided evidence to support the conclusion that cannabis cultivation activities would not result in a significant impact beyond those considered in the City's General Plan.

15

California Department of Food and Agriculture CalCannabis Cultivation Licensing
2/18/2020 – Comments on City of Woodlake Concord Center Industrial Park Draft EIR

Comment No.	Page No(s).	Resource Topic	IS Text	CDFA Comment	Additional Comments
			Project is not anticipated to result in additional demands for groundwater resources beyond those considered in the adopted City of Woodlake General Plan.		
8	60	XV. Public Services	The proposed Project site will continue to be served by the City of Woodlake Fire Department, which is less than one mile east of the proposed Project site. No additional fire personnel or equipment is anticipated, as the site is	The State requires that indoor cultivation license applicants obtain an attestation that the local fire department has been notified of the cultivation site. The EIR should disclose whether the Woodlake Fire Department has been notified of proposed cultivation activities and/or an attestation may be included as an attachment that supports the determination that no additional fire personnel or equipment would be required for operation.	As the Focused EIR dismissed this resource impact area for further evaluation, this comment was not addressed. The Focused EIR would be improved if it provided evidence to support the determination that no additional fire personnel or equipment would be required for operation.

16

California Department of Food and Agriculture CalCannabis Cultivation Licensing
2/18/2020 – Comments on City of Woodlake Concord Center Industrial Park Draft EIR

Comment No.	Page No(s).	Resource Topic	IS Text	CDFA Comment	Additional Comments
			already served by the Fire Station.		
9	63	XVII. Transportation and Traffic	According to the ITE Trip Generation Report, 8th edition, the proposed Project will generate approximately 1,467 calculated daily trips with 179 pm peak trips.	The EIR should provide underlying assumptions considered for daily and peak vehicle trips estimates, including estimates used for future tenant operations. The analysis should disclose trips estimated for construction and operation phases separately.	The Focused EIR would be improved if it disclosed trips estimated for construction and operation phases separately.
10	67	XIX. Utilities and Service Systems	The City's water system and solid waste disposal programs have capacity for, or are planned to maintain capacity for, community growth in	The EIR should provide supporting evidence, such as estimated water and waste disposal requirements for operation of the Proposed Project, including projected requirements for cannabis cultivation businesses, and known water system and waste disposal capacity to support the impact determination.	As the Focused EIR dismissed this resource impact area for further evaluation, this comment was not addressed. The Focused EIR would be improved if it provided evidence to support the City's determination that water system and solid waste disposal programs have capacity

17

California Department of Food and Agriculture CalCannabis Cultivation Licensing
2/18/2020 – Comments on City of Woodlake Concord Center Industrial Park Draft EIR

Comment No.	Page No(s).	Resource Topic	IS Text	CDFA Comment	Additional Comments
			accordance with the adopted General Plan.		for cultivation operations

Conclusion

CDFA appreciates the opportunity to provide comments on the City of Woodlake's Concord Center Industrial Development Project EIR. If you require additional information, please contact Kevin Ponce, Senior Environmental Scientist Supervisor, at (916) 263-0801 or via e-mail at kevin.ponce@cdfa.ca.gov.

Sincerely,

Lindsay Rains
Licensing Program Manager

Response to Comment Letter 2:

- Response to GC 1: Page 2-5 of the Draft EIR and page 7 of the Initial Study describes the project at full build out as housing 13 industrial businesses either allowable within the Light Industrial Zone District or cannabis businesses allowable with the approval of a Conditional Use Permit and more specifically, those same pages describe the project as including the following Project component.
 - Constructing and operating an industrial park with buildings ranging from 10,000 to 22,000 square feet each, for a total of up to 210,000 square feet of industrial space.

As such, the City feels that the scope of the Draft Focused EIR and the IS clearly specifies that full buildout of operations on the 13 subdivided parcels, including the issuance of CUPs or other regulatory permits, have been analyzed in the Draft Focused EIR and no further clarification is necessary.

- Response to GC 2: As it is unknown at this time, whether the parcels will be developed with cannabis related facilities or with other industrial uses allowable within the zone district, the analysis presented in the document assumes full buildout of 210,000 square feet of industrial space (see Page 2-5 of the Draft Focused EIR). All operations, cannabis or other, would take place within the 210,000 square feet of space. Page 2-5 of the Draft Focused EIR further discusses that operations will take place from 8am to 5pm up to 7 days per week. Potential water impacts are discussed in Section X of the Initial Study, hazardous materials are discussed in Section IX of the Initial Study and energy impacts are discussed in Section VI of the Initial Study. Mitigation measures have been included in the Initial Study and the Draft Focused EIR which will be certified in the Mitigation Monitoring and Reporting Program and will be applicable to all development that will occur at the Project site. The City has determined that no further analysis is necessary.
- Response to GC 3: As discussed in the response to CG 1 and 2, the Draft Focused EIR covers all development that will occur within the 210,000 square feet of available industrial space. All 20 CEQA-required environmental topics were discussed and analyzed in the Initial Study and Draft Focused EIR. Footnotes were included throughout the Initial Study and Draft Focused EIR to guide the reader to the source of information. Assumptions utilized for estimating criteria pollutant, energy usage and greenhouse gas emissions are clearly stated on page 22 of the Initial Study and the Traffic Impact Analysis provided in Appendix C of the Draft Focused EIR provides the assumptions utilized for traffic modeling. The City has determined that no further analysis is necessary.
- Response to GC 4: This comment is not relevant as the City will not require subsequent site-specific environmental assessments. This document covers CEQA compliance for the

entire 210,000 square foot development. The City has determined that no further analysis is necessary.

- Response to GC 5: As stated in the response to CG3, all 20 CEQA-required environmental topics were discussed and analyzed in the Initial Study and Draft Focused EIR, including aesthetics, land use and planning, mineral resources, noise, odor, recreation, public services and utilities and traffic and transportation. The City has determined that no further analysis is necessary.
- Response to GC 6: As discussed on page 4-1 of the Draft Focused EIR,

“The CEQA Guidelines allow for the use of two alternative methods to determine the scope of projects for the cumulative impact analysis:

- List Method – a list of past, present and probable future projects producing related or cumulative impacts, including, if necessary those projects outside the control of the agency.
- General Plan Projection Method – A summary of projections contained in an adopted General Plan, or related planning document, which described or evaluated regional or area wide conditions contributing to the cumulative impact.

The cumulative impacts analyses in this document are based on the General Plan Projection Method from the 2007 Woodlake General Plan (and its EIR) (CEQA Guidelines Section 15130(1)(B)).”

Additionally, Section 15130(d) of the CEQA Guidelines states:

“Previously approved land use documents, including, but not limited to, general plans... may be used in cumulative impact analysis. A pertinent discussion of cumulative impacts contained in one or more previously certified EIRs may be incorporated by reference pursuant to the provisions for tiering and program EIRs. No further cumulative comparable programmatic plan where the lead agency determines that the regional or areawide cumulative impacts of the proposed project have already been adequately addressed, as defined in section 15152(f), in a certified EIR for that plan.”

As the City’s General Plan EIR (SCH# 2008101159) covered cumulative impacts for the General Plan buildout area and the proposed Project does not include a change in land

use or zoning, the City has determined that the cumulative impact analysis contained in the Draft Focused EIR is appropriate and is in compliance with the intent of CEQA.

- Response to GC 7: The City is happy to provide a copy of the final Focused EIR to CDFA. The City will include CDFA in the Reviewing Agencies Checklist and will provide future tenants a copy of the signed Notice of Determination and Final EIR so cannabis applications can include them with their application package submitted to CDFA.
- Response to GC 8: As discussed in the Initial Study and Draft Focused EIR, the projects potential environmental impacts to aesthetics, air quality and greenhouse gas emissions, biological resources, cultural resources, hazardous and hazardous materials, hydrology and water quality, noise, utilities and service systems, energy and cumulative improvements were determined to be none, less than significant, or less than significant with mitigation incorporation. As such, the City did not feel that additional analysis was necessary to further reduce potential impacts. The City does appreciate the CDFA regulations and should note that projects obtaining permits from CDFA will be in compliance with the stated regulations that will further reduce potential environmental impacts.
- Response to Initial Study (IS) Additional Comments:
 - Comment 2: Page 3-3 of the Draft Focused EIR states,
 “The trip generation and design hour volumes shown in Table 3.1 were calculated using the Institute of Transportation Engineers (ITE) Trip Generation, 10th Edition. The ADT, AM and PM peak hour rates, and peak hour directional splits for ITE Land Use Code 110 (General Light Industrial) were used to estimate the project traffic for peak hour of adjacent street traffic.”

The ITE Trip Generation model is the widely accepted method to generate trip generation information. As such, the City has determined that no further discussion is required.

 - Comment 5: Pages 44 and 45 of the Initial Study discuss the use of hazardous materials during both the construction and operational phases of the proposed Project.

- The Initial Study has been revised to include suggested edits in comments 1, 3, 4, 6, 7 and 8 in the table provided on pages 10 through 18 of the CDFA letter. Please see Chapter Three of this Final EIR.

CHAPTER THREE – Text Changes to the DEIR

1. Based on the table on pages 10 through 18 of the letter from the California Department of Food & Agriculture (CDFA), the following text supersedes the text of the DEIR:

Comment 1 – Section 2.6 Other Required Approvals (page 2-6 of the DEIR) has been changed as follows:

“The proposed Project would include, but not be limited to, the following regulatory requirements:

- The certification of an Environmental Impact Report by the City of Woodlake
- Approval of a Conditional Use Permit
- Issuance of a license to cultivate, propagate and process commercial cannabis from the California Department of Food and Agriculture
- Coverage under General Waste Discharge Requirements and Waiver of Waste Discharge Requirements for Discharges of Waste Associated with Cannabis Cultivation Activities Order No. WQ 2019-0001-DWQ (the Cannabis General Order), issued by the State Water Resources Control Board.
- A license for commercial cannabis manufacturing from the California Department of Health
- Approval of a Stormwater Pollution Prevention Plan by the Central Valley Regional Water Quality Control Board
- Dust Control Plan Approval letter from the San Joaquin Valley Air Pollution Control District
- Compliance with Rule 9510 of the San Joaquin Valley Air Pollution Control District
- Compliance with other federal, state and local requirements”

Comment 1 – Page 10 of Appendix A, Initial Study/Notice of Preparation has been changed as follows:

“Other Public Agencies Involved

- State of California Native American Heritage Commission
- San Joaquin Valley Air Pollution Control District
- Central Valley Regional Water Quality Control Board

- Bureau of Cannabis Control
- California Department of Health

Comment 3 – Page 27 of Appendix A, Initial Study/Notice of Preparation has been changed as follows:

“No Impact. The City of Woodlake’s General Plan includes policies for the protection of biological resources, including minimizing the impact of new development on biotic resources. The proposed Project would not conflict with any of the adopted policies. There is *no impact*. “

Comment 4 – Page 30 of Appendix A, Initial Study/Notice of Preparation has been changed as follows:

“CUL – 1 Should evidence of prehistoric archeological resources be discovered during construction, the contractor shall halt all work within 25 feet of the find and the resource shall be evaluated by a qualified archaeologist. If evidence of any archaeological, cultural, and/or historical deposits is found, hand excavation and/or mechanical excavation shall proceed to evaluate the deposits for determination of significance as defined by the CEQA guidelines. The archaeologist shall submit reports, to the satisfaction of the City of ~~Fresno~~ Woodlake, describing the testing program and subsequent results. These reports shall identify any program mitigation that the project proponent shall complete in order to mitigate archaeological impacts (including resource recovery and/or avoidance testing and analysis, removal, reburial, and curation of archaeological resources).

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 of ~~Fresno~~ Woodlake 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 ~~Fresno~~ 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 Public Resources Code Section 5097.98(e) if any of the circumstances established by that provision become applicable."

Comment 6 – Page 49 of Appendix A, Initial Study/Notice of Preparation has been changed as follows:

~~"The Central Valley Regional Water Quality Control Board adopted a General Waste Discharge Requirements Order for Discharges of Waste Associated with Medical Cannabis Cultivation Activities (Order No. R5-2015-0113). The State Water Resources Control Board has established General Order WQ 2019-0001-DWQ for cannabis cultivation. Any proposed cannabis tenants will be in compliance with the rules and requirements set forth in the Discharge Requirements General Order.~~

Therefore, any impacts are *less than significant*."

Comment 7 – Page 50 of Appendix A, Initial Study/Notice of Preparation has been changed as follows:

"According to the Woodlake General Plan 2008-2028, the aquifer underlying the City is a good supply of water although the relative shallowness of the water table can make the supply susceptible to surface contaminants. The water table is recharged primarily by water moving downhill from the watersheds of Sierra Nevada streams. The St. Johns River, which forms the southern boundary of the City of Woodlake, charges the aquifer from which Woodlake pumps its domestic water.

Project demands for groundwater resources in connection with the proposed Project would not substantially deplete groundwater supplies and/or otherwise interfere with groundwater recharge efforts being implemented by the City of Woodlake. The proposed Project is not anticipated to result in additional demands for groundwater resources beyond those considered in the adopted City of Woodlake General Plan as the proposed Project is an allowable use within the land designation. The proposed Project would use a combination of City water for sanitary facilities and an existing on-site water well for any cultivation. Any impacts would be *less than significant*."

Comment 8 – Page 61 of Appendix A, Initial Study/Notice of Preparation has been changed as follows:

"Less than Significant Impact. The proposed Project site will continue to be served by the City of Woodlake Fire Department, which is less than one mile east of the proposed Project site. The City of Woodlake Fire Department has reviewed the proposed Project and determined that no additional fire personnel or equipment is anticipated. ~~as the site is already served by the Fire Station.~~ The impact is *less than significant*."

2. Based on the comments received from the California Department of Transportation (Caltrans) the following text supersedes the text of the DEIR:

Comment 1 – Section 2.3 Location (page 2-1 of the DEIR) has been changed as follows:

"The City of Woodlake is located in Tulare County in the southern part of the San Joaquin Valley. The proposed Project is located on the southwest corner of Road 204 and Avenue 344 (State Route 216) on APN 060-170-071 and -098. ~~West Ropes Avenue and Mulberry Street on APN 060-270-010.~~ Woodlake is bisected by SR 216 and SR 245 and the City is situated five miles north of SR 198. "

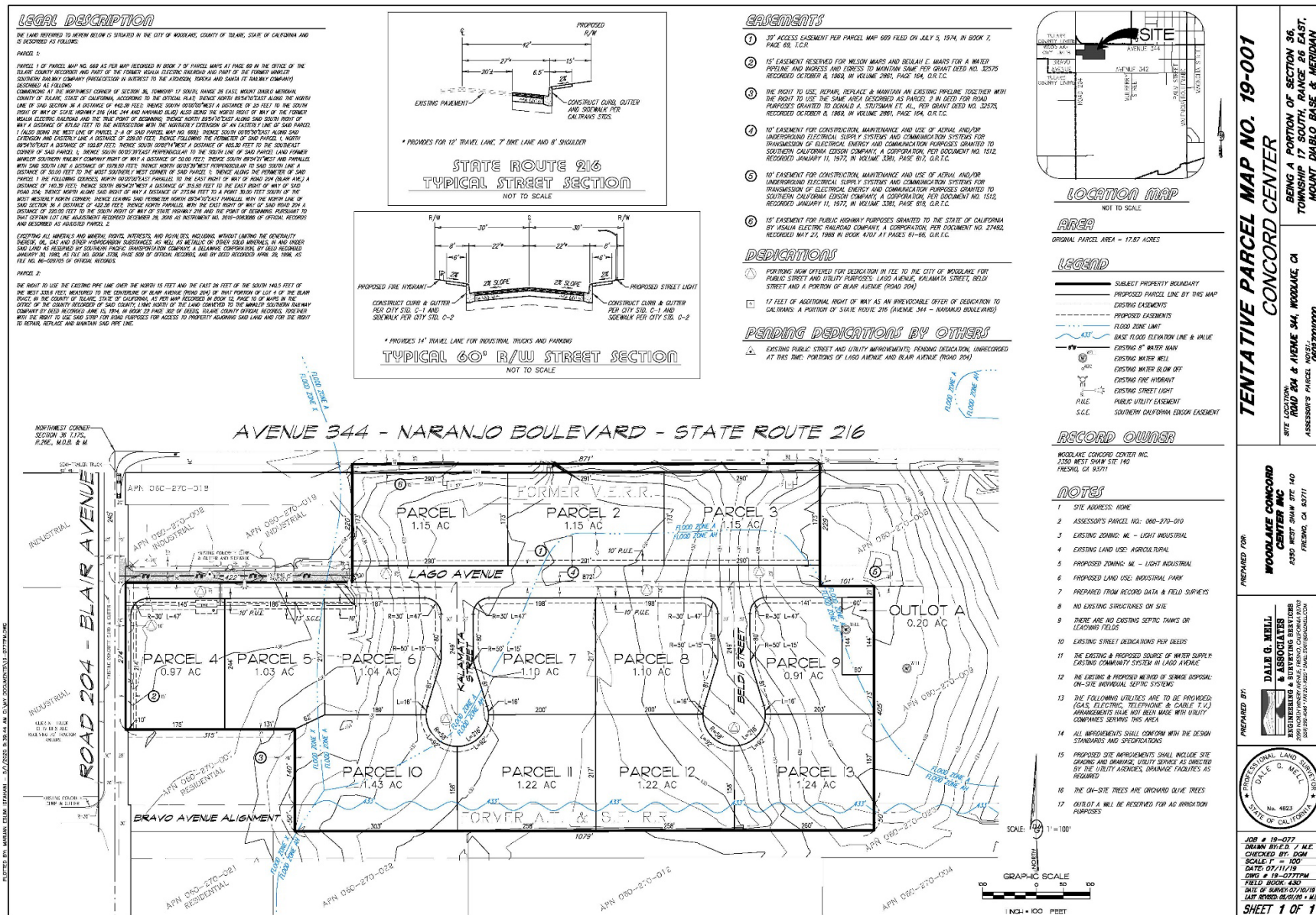
Comments 2 and 4 – Section 2.5 Project Description (page 2-5 of the DEIR) has been changed as follows and a more detailed site plan has been included as Figure 4 – Tentative Map on page 2-8:

"Project Components

- A Tentative Parcel Map to allow for the division of the existing parcels 060-170-071 and -098~~060-270-010~~ into 13 parcels, ranging in size of between 42,000 and 62,000 square feet each.
- Constructing and operating one building on each lot, ranging from 10,000 to 22,000 square feet each, for a total of up to 210,000 square feet of industrial space.

- Constructing internal access roads, parking spaces and associated landscaping, as detailed on Figure 3 – Site Plan and Figure 4 – Tentative Map.
- Including an irrevocable offer of dedication to Caltrans for 17 feet of right-of-way, new curb, gutter and sidewalk along the SR 216, as detailed in Figure 4 – Tentative Map.
- Connecting the Project to the existing City water, wastewater, and stormdrain systems.
- Installation of perimeter security, including lighting and an alarm system, in accordance with Chapter 5.48 of the Woodlake Municipal Code.”

Figure 4 – Tentative Map



Comment 25 – In addition to response to Comment 2 and 4, above, that amends the Draft EIR text to include a Tentative Plan figure that details improvements to the building frontage along SR 216, page 14 of Appendix A, Initial Study/Notice of Preparation has been changed as follows:

“The proposed Project is consistent with the existing character and uses of the surrounding area, as other built-up land, including industrial/commercial businesses, are in the neighboring vicinities. Similar to other developments located along the southside of SR 216, the proposed Project will be required to install curb, gutter and a minimum six-foot sidewalk, per Caltrans standards. As such, Project operations will not degrade the existing visual character of the site. Construction activities may be visible from the adjacent roadside; however, the construction activities will be temporary in nature and will not affect a scenic vista.”

Comment 28 – Section 3.1 – Transportation (page 3-2 of the Draft EIR) has been changed as follows:

“Woodlake has a Class I bike paths that extends 6,000 feet from Magnolia Street to St. Johns Street through the Bravo Lake Botanical Garden, which was established in the abandoned Visalia Electric Railroad right-of-way. In addition, there is a Class I bike path on top of the bank that surrounds Bravo Lake. The two bike paths are linked at the Bravo Lake Botanical Garden, which fronts onto SR 216. These bike paths also serve as a pedestrian pathway, especially for persons walking through the Bravo Lake Botanical Garden. There are no established pedestrian or bicycle paths in the City.”

CHAPTER FOUR – Mitigation Monitoring and Reporting Program

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

Draft Environmental Impact Report
Concord Center Industrial Project
Mitigation Monitoring and Reporting Program

Mitigation Monitoring Reporting Program							
Mitigation Measure		Monitoring Timing/ Frequency	Action Indicating Compliance	Monitoring Agency	Verification of Compliance		
					Initials	Date	Remarks
Biological Resources							
BIO-1	To the extent practicable, construction shall be scheduled to avoid the nesting season, which extends from February through August. If it is not possible to schedule construction between September and January, a pre-construction clearance survey for nesting birds shall be conducted by a qualified biologist to ensure that no active nests will be disturbed during the implementation of the Project. A pre-construction clearance survey shall be conducted no more than 14 days prior to the start of construction activities. During this survey, the qualified biologist shall inspect all potential nest substrates in and immediately adjacent to the impact areas, including within 250 feet in the case of raptor nests. If	Prior to construction	Verification by City and Construction Contractor	City of Woodlake and Construction Contractor			

Draft Environmental Impact Report
Concord Center Industrial Project
Mitigation Monitoring and Reporting Program

	an active nest is found close enough to the construction area to be disturbed by these activities, the qualified biologist shall determine the extent of a construction-free buffer to be established around the nest. If work cannot proceed without disturbing the nesting birds, work may need to be halted or redirected to other areas until nesting and fledging are completed or the nest has failed for non-construction related reasons.						
Cultural Resources							
CUL-1	Should evidence of prehistoric archeological resources be discovered during construction, the contractor shall halt all work within 25 feet of the find and the resource shall be evaluated by a qualified archaeologist. If evidence of any archaeological, cultural, and/or historical deposits is found, hand excavation and/or mechanical excavation shall proceed to evaluate the deposits for determination of significance	During construction	Verification by City and Construction Contractor	City of Woodlake and Construction Contractor			

Draft Environmental Impact Report
Concord Center Industrial Project
Mitigation Monitoring and Reporting Program

	as defined by the CEQA guidelines. The archaeologist shall submit reports, to the satisfaction of the City of Woodlake, describing the testing program and subsequent results. These reports shall identify any program mitigation that the project proponent shall complete in order to mitigate archaeological impacts (including resource recovery and/or avoidance testing and analysis, removal, reburial, and curation of archaeological resources).						
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 of Woodlake with documentation identifying construction personnel that will be responsible for on-site monitoring. If buried human remains are encountered during construction, further excavation	During construction	Verification by City and Construction Contractor	City of Woodlake and Construction Contractor			

Draft Environmental Impact Report
Concord Center Industrial Project
Mitigation Monitoring and Reporting Program

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							
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Draft Environmental Impact Report
Concord Center Industrial Project
Mitigation Monitoring and Reporting Program

	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 Public Resources Code Section 5097.98(e) if any of the circumstances established by that provision become applicable.						
Transportation/Traffic							
TRA-1	The Project Developer shall be responsible for paying its fair share cost percentages and/or constructing improvements as detailed in Table 3.11, subject to reimbursement for the costs that are in excess of the Project's equitable responsibility as determined by the City of	Prior to issuance of grading permit.	Verification by City and Construction Contractor	City of Woodlake and Construction Contractor			

Draft Environmental Impact Report
Concord Center Industrial Project
Mitigation Monitoring and Reporting Program

	Woodlake. This shall be itemized and enforced through conditions of approval or a development agreement, at the discretion of the City of Woodlake.						
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