

CITY OF VISALIA
315 E. ACEQUIA STREET
VISALIA, CA 93291

**NOTICE OF A PROPOSED
INITIAL STUDY AND MITIGATED NEGATIVE DECLARATION**

Project Title: Tentative Parcel Map No. 2018-01 and Conditional Use Permit No. 2018-03

Project Description: Tentative Parcel Map No. 2018-01 is a request by Omni Land Development LLC / Daygo Properties LLC to subdivide a 5.88-acre parcel into five parcels to facilitate commercial development on land in the Mixed Use Commercial (CMU) Zone.

Conditional Use Permit No. 2018-03 is a request by Omni Land Development LLC / Daygo Properties LLC to allow a master-planned commercial development over five parcels on 5.88 undeveloped acres, consisting of approximately 56,395 sq. ft. of commercial and office uses in the Mixed Use Commercial (CMU) Zone. The development will include a gasoline service station with up to an eight-station 4,395 sq. ft. fueling canopy, a 3,300 sq. ft. convenience store, and a 2,000 sq. ft. quick service restaurant; a 3,000 sq. ft. restaurant with drive-thru lane; a 4,700 sq. ft. multi-use retail building with drive-thru lane; a 4,400 sq. ft. car wash; and 34,600 sq. ft. of unspecified commercial uses (conceptually shown as medical office uses).

The project includes on and off-site improvements pertaining to the development of the commercial center, including but not limited to installation of access drives, parking lots, landscaping, utilities, curbs, gutters, and sidewalks, and acquisition of and development within right-of-ways that include a right-of-way dedication to CalTrans along an existing state route and construction of a raised median within an existing state route.

Project Location: The project site is located on the northeast corner of Dinuba Boulevard (State Route 63) and Shannon Parkway within the City of Visalia, situated in Tulare County. (APN: 079-071-029)

Contact Person: Brandon Smith, Senior Planner. Phone: (559) 713-4636 . Email: brandon.smith@visalia.city


Time and Place of Public Hearing: A public hearing time and place is to be announced.

Pursuant to City Ordinance No. 2388, the Environmental Coordinator of the City of Visalia has reviewed the proposed project described herein and has found that the project, with mitigation measures, will not result in any significant effect upon the environment because of the reasons listed below:

Reasons for Mitigated Negative Declaration: Initial Study No. 2018-12 has identified environmental impact(s) that may occur because of the project; however, with the implementation of mitigation measures identified, impact(s) will be reduced to a level that is less than significant. Copies of the initial study and other documents relating to the subject project may be examined by interested parties at the Planning Division in City Hall East, at 315 East Acequia Avenue, Visalia, CA.

Comments on this proposed Negative Declaration will be accepted from October 3, 2019 to November 4, 2019.

Date: 9/30/19

Signed: 
Paul Scheibel, AICP
Environmental Coordinator
City of Visalia

MITIGATED NEGATIVE DECLARATION

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Project Facts: Refer to Initial Study for project facts, plans and policies, and discussion of environmental effects.

Attachments:

Initial Study	(X)
Environmental Checklist	(X)
Location Map	(X)
Mitigation Measures	(X)
Traffic Impact Analysis	(X)
Noise Study	(X)

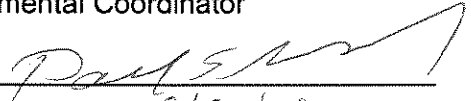
DECLARATION OF NO SIGNIFICANT EFFECT:

This project will not have a significant effect on the environment for the following reasons:

- (a) The project does not have the potential to degrade the quality of the environment, substantially reduce the habitat of a fish or wildlife species, cause a fish or wildlife population to drop below self-sustaining levels, threaten to eliminate a plant or animal community, reduce the number or restrict the range of a rare or endangered plant or animal, or eliminate important examples of the major periods of California history or prehistory.
- (b) The project does not have the potential to achieve short-term environmental goals to the disadvantage of long-term environmental goals.
- (c) The project does not have environmental effects which are individually limited but cumulatively considerable. Cumulatively considerable means that the incremental effects of an individual project are considerable when viewed in connection with the effects of past projects, the effects of other current projects, and the effects of probable future projects.
- (d) The environmental effects of the project will not cause substantial adverse effects on human beings, either directly or indirectly.

This Mitigated Negative Declaration has been prepared by the City of Visalia Planning Division in accordance with the California Environmental Quality Act of 1970, as amended. A copy may be obtained from the City of Visalia Planning Division Staff during normal business hours.

APPROVED
Paul Scheibel, AICP
Environmental Coordinator

By: 

Date Approved: 9/30/19

Review Period: 30 days

INITIAL STUDY

I. GENERAL

A. Project Name and Description:

Tentative Parcel Map No. 2018-01 is a request by Omni Land Development LLC / Daygo Properties LLC to subdivide a 5.88-acre parcel into five parcels to facilitate commercial development on land in the Mixed Use Commercial (CMU) Zone.

Conditional Use Permit No. 2018-03 is a request by Omni Land Development LLC / Daygo Properties LLC to allow a master-planned commercial development over five parcels on 5.88 undeveloped acres, consisting of approximately 56,395 sq. ft. of commercial and office uses in the Mixed Use Commercial (CMU) Zone. The development will include a gasoline service station with up to an eight-station 4,395 sq. ft. fueling canopy, a 3,300 sq. ft. convenience store, and a 2,000 sq. ft. quick service restaurant; a 3,000 sq. ft. restaurant with drive-thru lane; a 4,700 sq. ft. multi-use retail building with drive-thru lane; a 4,400 sq. ft. car wash; and 34,600 sq. ft. of unspecified commercial uses (conceptually shown as medical office uses).

The project includes on and off-site improvements pertaining to the development of the commercial center, including but not limited to installation of access drives, parking lots, landscaping, utilities, curbs, gutters, and sidewalks, and acquisition of and development within right-of-ways that include a right-of-way dedication to CalTrans along an existing state route and construction of a raised median within an existing state route.

The project site is located on the northeast corner of Dinuba Boulevard (State Route 63) and Shannon Parkway within the City of Visalia, situated in Tulare County. (APN: 079-071-029)

B. Identification of the Environmental Setting:

The project site, which contains an orchard and has no improvements, is the western portion of an existing 17.11-acre parcel directly bounded by roadways on the west and south sides and vacant property on the north and east sides. Further to the east, the St. John's River borders the east side of the parcel. Dinuba Boulevard, bordering the west side of the site, is an arterial street designated as State Route 63 and is currently improved with four through lanes. Shannon Parkway, bordering the south side of the site, is a collector street currently improved with two to three through lanes.

The commercial development improvements will include widening the unimproved east side of Dinuba Boulevard to its ultimate right-of-way width determined by Caltrans, and installing improvements that include curb, gutter, sidewalk, and landscaping. The improvements will also include improving the north side of Shannon Parkway with a sidewalk and landscaping and extending the street further to the east. In addition, Court Street will be a new street that will be extended northerly from its terminus at Shannon Parkway, thereby establishing the east side of the site. All improvements for new streets will consist of through travel lanes and curb, gutter, sidewalk, and landscaping along the project frontage.

The property is directly adjacent to urban development on the west and south sides. Fully urbanized development exists further to the west, south, and southeast of the property. The surrounding uses, Zoning, and General Plan are as follows:

	General Plan (2014 Land Use)	Zoning (2017)	Existing uses
North:	Commercial Mixed Use	C-MU (Commercial Mixed Use)	Two single-family residences, vacant land
South:	Commercial Mixed Use	C-MU (Commercial Mixed Use)	Shannon Parkway, community shopping center (Orchard Walk) consisting of large and small-scale commercial buildings

East:	Residential High Density	R-M-3 (Multi-family residential, one unit per 1,200 sq. ft. site area)	Orchard
West:	Parks/Recreation	QP (Quasi-Public)	Dinuba Boulevard, City regional sports park

Fire and police protection services, street maintenance of public streets, refuse collection, and wastewater treatment will be provided by the City of Visalia upon the development of the area.

C. Plans and Policies:

The General Plan Land Use Diagram designates the site as Commercial Mixed Use and the Zoning Map designates the site as C-MU (Commercial Mixed Use). The proposed project is consistent with the Land Use Element of the General Plan.

II. ENVIRONMENTAL IMPACTS

No significant adverse environmental impacts have been identified for this project that cannot be mitigated to a *less than significant impact*. The City of Visalia Land Use Element, Circulation Element, Zoning and Subdivision Ordinances contain policies and regulations that are designed to mitigate impacts to a level of non-significance.

III. MITIGATION MEASURES

The following mitigation measures, which are listed below, will reduce potential environmental impacts related to Transportation / Traffic Impacts to a less than significant level as shown below:

Transportation / Traffic – A Traffic Impact Analysis prepared for the proposed project (ref.: Visalia Center Updated Traffic Impact Analysis (Category III), June 28, 2019, A&M Consulting Engineers) has concluded that roadway operating conditions for intersections and roadways in the vicinity of the project area either are or will be significantly impacted with the addition of the proposed project. To ensure that intersections and roadways will operate at acceptable LOS “D” or better through the year 2027, the Analysis Report recommends mitigation to be incorporated into the project.

Therefore, to ensure that there will not be significant impacts to transportation / traffic in association with the project, the project shall be developed with the four Mitigation Measures as described in the “Phasing of Improvements” section (page 68) of the above-referenced Traffic Impact Analysis. The mitigations are included as an attachment to the Mitigated Negative Declaration.

Staff has incorporated these recommendations as required mitigation measures. Therefore, to ensure that transportation / traffic requirements are met for the proposed project, the project shall be developed and shall operate in substantial compliance with the Mitigation Measures 1.1 through 1.5. These mitigation measures are included in Section IV below as part of this Initial Study.

The City of Visalia Zoning Ordinance contains guidelines, criteria, and requirements for the mitigation of potential impacts related to light/glare, visibility screening, noise, and traffic/parking to eliminate and/or reduce potential impacts to a level of non-significance.

IV. MITIGATION MONITORING PROGRAM

<u>Mitigation Measure</u>	<u>Responsible Party</u>	<u>Timeline</u>
Transportation / Traffic Impact Mitigation Measure 1.1: For the segment of Shannon Parkway between Dinuba Boulevard and Court Street, the existing raised median containing a westbound left-turn lane shall be reconstructed to include an eastbound left-turn lane. The storage lengths of the two left-turn lanes shall be divided equally in length.	Project Applicant	Mitigation shall be enforced and carried out during the project's construction, and shall be completed prior to the final of the first commercial building permit within the development.
Transportation / Traffic Impact Mitigation Measure 1.2: For the Riggan Avenue / Giddings Street intersection, the Project shall mitigate its share of the significant cumulative impact by participating in signalization of the intersection through payment of City development [transportation] impact fees or a fair share.	Project Applicant	Mitigation shall be enforced with the payment of development impact fees, which is done at the time of final map recordation.
Transportation / Traffic Impact Mitigation Measure 1.3: For the Riggan Avenue / Court Street intersection, the Project shall mitigate its share of the significant cumulative impact by participating in signalization of the intersection through payment of City development [transportation] impact fees or a fair share.	Project Applicant	Mitigation shall be enforced with the payment of development impact fees, which is done at the time of final map recordation.
Transportation / Traffic Impact Mitigation Measure 1.4: For the Ferguson Avenue / Giddings Street intersection, the Project shall mitigate its share of the significant cumulative impact by participating in signalization of the intersection through payment of City development [transportation] impact fees or a fair share.	Project Applicant	Mitigation shall be enforced with the payment of development impact fees, which is done at the time of final map recordation.
Transportation / Traffic Impact Mitigation Measure 1.5: A raised median shall be installed on Dinuba Boulevard (State Route 63) between Shannon Parkway and the Visalia Sports Park entrance to restrict access on the project driveway. The raised median shall allow for right turn only into and out of the project site.	Project Applicant	Mitigation shall be enforced and carried out during the project's construction, and shall be completed prior to operation of any commercial business on the project site located within Phase 1.

IV. PROJECT COMPATIBILITY WITH EXISTING ZONES AND PLANS

The project is compatible with the General Plan as the project relates to surrounding properties.

V. SUPPORTING DOCUMENTATION

The following documents are hereby incorporated into this Negative Declaration and Initial Study by reference:

- Visalia General Plan Update. Dyett & Bhatia, October 2014.
- Visalia City Council Resolution No. 2014-38 (Certifying the Visalia General Plan Update) passed and adopted October 14, 2014.
- Visalia General Plan Update Final Environmental Impact Report (SCH No. 2010041078). Dyett & Bhatia, June 2014.
- Visalia General Plan Update Draft Environmental Impact Report (SCH No. 2010041078). Dyett & Bhatia, March 2014.

- Visalia City Council Resolution No. 2014-37 (Certifying the EIR for the Visalia General Plan Update) passed and adopted October 14, 2014.
- Visalia Municipal Code, including Title 17 (Zoning Ordinance).
- California Environmental Quality Act Guidelines.
- City of Visalia, California, Climate Action Plan, Draft Final. Strategic Energy Innovations, December 2013.
- Visalia City Council Resolution No. 2014-36 (Certifying the Visalia Climate Action Plan) passed and adopted October 14, 2014.
- City of Visalia Storm Water Master Plan. Boyle Engineering Corporation, September 1994.
- City of Visalia Sewer System Master Plan. City of Visalia, 1994.
- City of Visalia Zoning Ordinance Update. City of Visalia, March 2017.
- Visalia Center Updated Traffic Impact Analysis (Category III). A&M Consulting Engineers, June 28, 2019.
- Visalia Center Phase I Draft Environmental Noise Assessment. Charles M. Salter Associates, Inc., June 28, 2019.

VI. NAME OF PERSON WHO PREPARED INITIAL STUDY



Brandon Smith, AICP
Senior Planner



Paul Scheibel, AICP
Environmental Coordinator

**INITIAL STUDY
ENVIRONMENTAL CHECKLIST**

Name of Proposal	Tentative Parcel Map No. 2018-01 and Conditional Use Permit No. 2018-03		
NAME OF PROPONENT:	Daygo Properties LLC	NAME OF AGENT:	Omni Land Development LLC
Address of Proponent:	420 N. Court Street	Address of Agent:	935 N. Mae Carden Ct.
	Visalia, CA 93291		Visalia, CA 93291
Telephone Number:	(559) 625-8372	Telephone Number:	(559) 805-5936
Date of Review	September 27, 2019	Lead Agency:	City of Visalia

The following checklist is used to determine if the proposed project could potentially have a significant effect on the environment. Explanations and information regarding each question follow the checklist.

1 = No Impact 2 = Less Than Significant Impact
3 = Less Than Significant Impact with Mitigation Incorporated 4 = Potentially Significant Impact

I. AESTHETICS

Except as provided in Public Resources Code Section 21099, would the project:

- 2 a) Have a substantial adverse effect on a scenic vista?
- 1 b) Substantially damage scenic resources, including, but not limited to, trees, rock outcroppings, and historic buildings within a state scenic highway?
- 2 c) Substantially degrade the existing visual character or quality of public views of the site and its surroundings? (Public views are those that are experienced from publicly accessible vantage point). If the project is in an urbanized area, would the project conflict with applicable zoning and other regulations governing scenic quality?
- 2 d) Create a new source of substantial light or glare that would adversely affect day or nighttime views in the area?

II. AGRICULTURAL RESOURCES

In determining whether impacts to agricultural resources are significant environmental effects, lead agencies may refer to the California Agricultural Land Evaluation and Site Assessment Model (1997) prepared by the California Dept. of Conservation as an optional model to use in assessing impacts on agriculture and farmland. In determining whether impacts to forest resources, including timberland, are significant environmental effects, lead agencies may refer to information compiled by the California Department of Forestry and Fire Protection regarding the state's inventory of forest land, including the Forest and Range Assessment Project and the Forest Legacy Assessment project; and forest carbon measurement methodology provided in Forest Protocols adopted by the California Air Resources Board. Would the project:

- 2 a) Convert Prime Farmland, Unique Farmland, or Farmland of Statewide Importance, as shown on the maps prepared pursuant to the Farmland Mapping and Monitoring Program of the California Resources Agency to non-agricultural use?
- 1 b) Conflict with existing zoning for agricultural use, or a Williamson Act contract?
- 1 c) 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))?
- 1 d) Result in the loss of forest land or conversion of forest land to non-forest use?

- 1 e) Involve other changes in the existing environment which, due to their location or nature, could result in conversion of Farmland to nonagricultural use?

III. AIR QUALITY

Where available, the significance criteria established by the applicable air quality management or air pollution control district may be relied upon to make the following determinations. Would the project:

- 2 a) Conflict with or obstruct implementation of the applicable air quality plan?
- 2 b) Result in a cumulatively considerable net increase of any criteria pollutant for which the project region is non-attainment under applicable federal or state ambient air quality standard?
- 2 c) Expose sensitive receptors to substantial pollutant concentrations?
- 1 d) Result in other emissions, such as those leading to odors adversely affecting a substantial number of people?

IV. BIOLOGICAL RESOURCES

Would the project:

- 2 a) 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 U.S. Fish and Wildlife Service?
- 2 b) Have a substantial adverse effect on any riparian habitat or other sensitive natural community identified in local or regional plans, policies, regulations, or by the California Department of Fish and Game or U.S. Fish and Wildlife Service?
- 2 c) Have a substantial adverse effect on federally protected wetlands (including but not limited to, marsh, vernal pool, coastal, etc.) through direct removal, filling, hydrological interruption, or other means?
- 2 d) 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 sites?

- 1 e) Conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance?
- 1 f) Conflict with the provisions of an adopted Habitat Conservation Plan, Natural Community Conservation Plan, or other approved local, regional, or state habitat conservation plan?

V. CULTURAL RESOURCES

Would the project:

- 1 a) Cause a substantial adverse change in the significance of a historical resource pursuant to Public Resources Code Section 15064.5?
- 1 b) Cause a substantial adverse change in the significance of an archaeological resource pursuant to Public Resources Code Section 15064.5?
- 1 c) Disturb any human remains, including those interred outside of formal cemeteries?

VI. ENERGY

Would the project:

- 2 a) Result in potentially significant environmental impact due to wasteful, inefficient, or unnecessary consumption of energy resources, during project construction or operation?
- 2 b) Conflict with or obstruct a state or local plan for renewable energy or energy efficiency?

VII. GEOLOGY AND SOILS

Would the project:

- a) Directly or indirectly cause potential substantial adverse effects, including the risk of loss, injury, or death involving:
 - 1 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.
 - 1 ii) Strong seismic ground shaking?
 - 1 iii) Seismic-related ground failure, including liquefaction?
 - 1 iv) Landslides?
- 1 b) Result in substantial soil erosion or loss of topsoil?
- 1 c) 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?
- 1 d) Be located on expansive soil, as defined in Table 18-1-B of the Uniform Building Code (1994), creating substantial risks to life or property?
- 1 e) Have soils incapable of adequately supporting the use of septic tanks or alternative wastewater disposal systems where sewers are not available for the disposal of wastewater?
- 1 f) Directly or indirectly destroy a unique paleontological resource or site or unique geologic feature?

VIII. GREENHOUSE GAS EMISSIONS

Would the project:

- 2 a) Generate greenhouse gas emissions, either directly or indirectly, that may have a significant impact on the environment?

- 2 b) Conflict with an applicable plan, policy, or regulation adopted for the purpose of reducing the emissions of greenhouse gases?

IX. HAZARDS AND HAZARDOUS MATERIALS

Would the project:

- 1 a) Create a significant hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials?
- 1 b) 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?
- 1 c) Emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste within one-quarter mile of an existing or proposed school?
- 1 d) 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?
- 1 e) 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 for people residing or working in the project area?
- 1 f) Impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan?
- 1 g) Expose people or structures, either directly or indirectly, to a significant risk of loss, injury or death involving wildland fires?

X. HYDROLOGY AND WATER QUALITY

Would the project:

- 2 a) Violate any water quality standards of waste discharge requirements or otherwise substantially degrade surface or groundwater quality?
- 2 b) Substantially decrease groundwater supplies or interfere substantially with groundwater recharge such that the project may impede sustainable groundwater management of the basin?
- 2 c) 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:
 - 2 i) result in substantial erosion or siltation on- or off-site;
 - 2 ii) substantially increase the rate or amount of surface runoff in a manner which would result in flooding on- or offsite; or
 - 2 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?
- 2 d) In flood hazard, tsunami, or seiche zones, risk release of pollutants due to project inundation?
- 2 e) Conflict with or obstruct implementation of a water quality control plan or sustainable groundwater management plan?

XI. LAND USE AND PLANNING

Would the project:

- 1 a) Physically divide an established community?

- 1 b) 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?

XII. MINERAL RESOURCES

Would the project:

- 1 a) 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?
- 1 b) 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?

XIII. NOISE

Would the project result in:

- 2 a) 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?
- 1 b) Generation of excessive groundborne vibration or groundborne noise levels?
- 1 c) 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?

XIV. POPULATION AND HOUSING

Would the project:

- 1 a) Induce substantial unplanned population growth in an area, either directly (for example, by proposing new homes and businesses) or indirectly (for example, through extension of roads or other infrastructure)?
- 1 b) Displace substantial numbers of existing people or housing, necessitating the construction of replacement housing elsewhere?

XV. PUBLIC SERVICES

Would the project:

- 1 a) 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:
- 1 i) Fire protection?
- 1 ii) Police protection?
- 1 iii) Schools?
- 1 iv) Parks?
- 1 v) Other public facilities?

XVI. RECREATION

Would the project:

- 1 a) 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?

- 1 b) 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?

XVII. TRANSPORTATION / TRAFFIC

Would the project:

- 1 a) Conflict with a program, plan, ordinance or policy addressing the circulation system, including transit, roadway, bicycle and pedestrian facilities?
- 3 b) Conflict with an applicable congestion management program, including, but not limited to level of service standards and travel demand measures, or other standards established by the county congestion management agency for designated roads or highways?
- 1 c) Substantially increase hazards due to a geometric design feature (e.g., sharp curves or dangerous intersections) or incompatible uses (e.g., farm equipment)?
- 1 d) Result in inadequate emergency access?

XVIII. TRIBAL CULTURAL RESOURCES

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:

- 1 a) 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
- 1 b) 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 Resources Code Section 5024.1, the lead agency shall consider the significance of the resource to a California Native American tribe.

XIX. UTILITIES AND SERVICE SYSTEMS

Would the project:

- 2 a) Require or result in the relocation or construction of new or expanded water, wastewater treatment or stormwater drainage, electric power, natural gas, or telecommunications facilities, the construction or relocation of which could cause significant environmental effects?
- 2 b) Have sufficient water supplies available to service the project and reasonable foreseeable future development during normal, dry, and multiple dry years?
- 1 c) 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?
- 1 d) 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?
- 1 e) Comply with federal, state, and local management and reduction statutes and regulations related to solid waste?

XX. WILDFIRE

If located in or near state responsibility areas or lands classified as very high fire hazard severity zones, would the project:

- 1 a) Substantially impair an adopted emergency response plan or emergency evacuation plan?
- 1 b) 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?
- 1 c) 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?
- 1 d) 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?

XXI. MANDATORY FINDINGS OF SIGNIFICANCE

Would the project:

- 2 a) Does the project have the potential to substantially degrade the quality of the environment, substantially reduce the habitat of a fish or wildlife species, cause a fish or wildlife population to drop below self-sustaining levels, threaten to eliminate a plant or animal community, substantially reduce the number or restrict the range of a rare or endangered plant or animal or eliminate important examples of the major periods of California history or prehistory?
- 3 b) Does the project have impacts that are individually limited, but cumulatively considerable? ("Cumulatively considerable" means that the incremental effects of a project are considerable when viewed in connection with the effects of past projects, the effects of other current projects, and the effects of probable future projects)?
- 3 c) Does the project have environmental effects which will cause substantial adverse effects on human beings, either directly or indirectly?

Note: Authority cited: Sections 21083 and 21083.05, Public Resources Code. Reference: Section 65088.4, Gov. Code; Sections 21080(c), 21080.1, 21080.3, 21083, 21083.05, 21083.3, 21093, 21094, 21095, and 21151, Public Resources Code; *Sundstrom v. County of Mendocino*, (1988) 202 Cal.App.3d 296; *Leonoff v. Monterey Board of Supervisors*, (1990) 222 Cal.App.3d 1337; *Eureka Citizens for Responsible Govt. v. City of Eureka* (2007) 147 Cal.App.4th 357; *Protect the Historic Amador Waterways v. Amador Water Agency* (2004) 116 Cal.App.4th at 1109; *San Franciscans Upholding the Downtown Plan v. City and County of San Francisco* (2002) 102 Cal.App.4th 656.

Revised 2019

Authority: Public Resources Code sections 21083 and 21083.09

Reference: Public Resources Code sections 21073, 21074, 21080.3.1, 21080.3.2, 21082.3/ 21084.2 and 21084.3

DISCUSSION OF ENVIRONMENTAL EVALUATION

I. AESTHETICS

- a. This project will not adversely affect the view of any scenic vistas. The Sierra Nevada mountain range may be considered a scenic vista, but views of the range will not be adversely impacted or significantly by the project.

Commercial centers that include gas stations, drive-thru carwash facilities, and drive-thru lanes are considered compatible uses in commercial areas where potential impacts can be addressed through the Conditional Use Permit process. The site is located along Dinuba Boulevard and Shannon Parkway, which are designated arterial and collector roadways. The City's General Plan Land Use Map designates the site as Commercial Mixed Use. Staff believes that the proposed commercial center is consistent in nature and character with existing and future uses surrounding the project site, subject to the inclusion of mitigation measures and the conditions of project approval for this project.

The Visalia General Plan contains multiple policies that together work to reduce the potential for impacts to the development of land as designated by the General Plan. With implementation of these policies and the existing City standards, impacts to land use development consistent with the General Plan will be less than significant.

- b. There are no scenic resources on the site.
- c. The proposed project includes commercial development that will be aesthetically consistent with surrounding development and with General Plan policies. Furthermore, the City has development standards related to landscaping and other amenities that will ensure that the visual character of the area is enhanced and not degraded. Thus, the project would not substantially degrade the existing visual character of the site and its surroundings.
- d. The project will create new sources of light that are typical of commercial development. The City has development standards that require that light be directed and/or shielded so it does not fall upon adjacent properties.

II. AGRICULTURAL RESOURCES

- a. The project is located on property that is identified as Prime Farmland based on maps prepared by the California Department of Conservation and contained within the Visalia General Plan, Figure 6-4

The Visalia General Plan Update Environmental Impact Report (EIR) has already considered the environmental impacts of the conversion of properties within the Planning Area into non-agriculture uses. Overall, the General Plan results in the conversion of over 14,000 acres of Important Farmland to urban uses, which is considered significant and unavoidable. Aside from preventing development altogether the conversion of Important Farmland to urban uses cannot be directly mitigated, through the use of agricultural conservation easements or by other means. However, the General Plan contains multiple policies that

together work to limit conversion only to the extent needed to accommodate long-term growth. The General Plan policies identified under Impact 3.5-1 of the EIR serve as the mitigation that assists in reducing the severity of the impact to the extent possible while still achieving the General Plan's goals of accommodating a certain amount of growth to occur within the Planning Area. These policies include the implementation of a three-tier growth boundary system that assists in protecting open space around the City fringe and maintaining compact development within the City limits.

The project will be consistent with Policy LU-P-34. The conversion of the site from an agricultural use to urban development does not require mitigation to offset the loss of prime farmland as stated in Policy LU-P-34. The policy states; "the mitigation program shall specifically allow exemptions for conversion of agricultural lands in Tier I."

Because there is still a significant impact to loss of agricultural resources after conversion of properties within the General Plan Planning Area to non-agricultural uses, a Statement of Overriding Considerations was previously adopted with the Visalia General Plan Update EIR.

- b. The project site is zoned C-MU (Commercial Mixed Use) which is consistent with the land use designation of Commercial Mixed Use for the project site.

The project site was formerly within Agricultural Preserve No. 647 and under Land Conservation (Williamson Act) Contract No. 4060. At the time the contract was established, the City of Visalia protested the formation of the agricultural preserve and contract. At the time of annexation into city limits, the City exercised its right not to succeed to the contract pursuant to state law. Consequently, the preserve and contract dissolved upon annexation. The project will therefore not conflict with an existing Williamson Act contract.

- c. There is no forest land or timberland currently located on the site, nor does the site conflict with a zoning for forest land, timberland, or timberland zoned Timberland Production.
- d. There is no forest or timberland currently located on the site.
- e. The project will not involve any changes that would promote or result in the conversion of farmland to non-agriculture use. The subject property is currently designated for an urban rather than agricultural land use. Properties that are vacant may develop in a way that is consistent with their zoning and land use designated at any time. The adopted Visalia General Plan's implementation of a three-tier growth boundary system further assists in protecting open space around the City fringe to ensure that premature conversion of farmland to non-agricultural uses does not occur.

III. AIR QUALITY

- a. The project site is located in an area that is under the jurisdiction of the San Joaquin Valley Air Pollution Control District (SJVAPCD). The project in itself does not disrupt implementation of the San Joaquin Regional Air Quality Management Plan, and will therefore be a less than significant impact.
- b. Tulare County is designated non-attainment for certain federal ozone and state ozone levels. The project will result in a net increase of criteria pollutants. This site was evaluated in the Visalia General Plan Update EIR for conversion into urban development. Development under the General Plan will result in increases of construction and operation-related criteria pollutant impacts, which are considered significant and unavoidable. General Plan policies identified under Impacts 3.3-1, 3.3-2, and 3.3-3 serve as the mitigation that assists in reducing the severity of the impact to the extent possible while still achieving the General Plan's goals of accommodating a certain amount of growth to occur within the Planning Area.

The project is required to adhere to requirements administered by the SJVAPCD to reduce emissions to a level of compliance consistent with the District's grading regulations. Compliance with the SJVAPCD's rules and regulations will reduce potential impacts associated with air quality standard violations to a less than significant level.

In addition, development of the project will be subject to the SJVAPCD Indirect Source Review (Rule 9510) procedures that became effective on March 1, 2006. The Applicant will be required to obtain permits demonstrating compliance with Rule 9510, or payment of mitigation fees to the SJVAPCD.

- c. Residences located near the proposed project may be exposed to pollutant concentrations due to construction activities. The use of construction equipment will be temporary and is subject to SJVAPCD rules and regulations. The impact is considered as less than significant.
- d. The proposed project will not involve the generation of objectionable odors that would affect a substantial number of people.

IV. BIOLOGICAL RESOURCES

- a. The site has no known 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 U.S. Fish and Wildlife Service. The project would therefore not have a substantial adverse effect on a sensitive, candidate, or special species.

In addition, staff had conducted an on-site visit to the site between the months of May and August 2019 to observe biological conditions and did not observe any evidence or symptoms that would suggest the presence of a sensitive, candidate, or special species.

Citywide biological resources were evaluated in the Visalia General Plan Update Environmental Impact Report (EIR). The EIR concluded that certain special-status species or their habitats may be directly or indirectly affected by future development within the General Plan Planning

Area. This may be through the removal of or disturbance to habitat. Such effects would be considered significant. However, the General Plan contains multiple policies, identified under Impact 3.8-1 of the EIR, that together work to reduce the potential for impacts on special-status species likely to occur in the Planning Area. With implementation of these policies, impacts on special-status species will be less than significant.

- b. The project is not located within an identified sensitive riparian habitat or other natural community. The east side of the subject parcel is located adjacent to the St. John's River, which is a major surface water resource in the area. However, the portion of the parcel being developed by the project is located approximately 1,600 feet west of the outer bank of the St. John's River, and no development will occur within this area.

Citywide biological resources were evaluated in the Visalia General Plan Update Environmental Impact Report (EIR). The EIR concluded that certain sensitive natural communities may be directly or indirectly affected by future development within the General Plan Planning Area, particularly valley oak woodlands and valley oak riparian woodlands. Such effects would be considered significant. However, the General Plan contains multiple policies, identified under Impact 3.8-2 of the EIR, that together work to reduce the potential for impacts on woodlands located within in the Planning Area. With implementation of these policies, impacts on woodlands will be less than significant.

- c. The project is not located within or adjacent to federally protected wetlands as defined by Section 404 of the Clean Water Act.

Citywide biological resources were evaluated in the Visalia General Plan Update Environmental Impact Report (EIR). The EIR concluded that certain protected wetlands and other waters may be directly or indirectly affected by future development within the General Plan Planning Area. Such effects would be considered significant. However, the General Plan contains multiple policies, identified under Impact 3.8-3 of the EIR, that together work to reduce the potential for impacts on wetlands and other waters located within in the Planning Area. With implementation of these policies, impacts on wetlands will be less than significant.

- d. Citywide biological resources were evaluated in the Visalia General Plan Update Environmental Impact Report (EIR). The EIR concluded that the movement of wildlife species may be directly or indirectly affected by future development within the General Plan Planning. Such effects would be considered significant. However, the General Plan contains multiple policies, identified under Impact 3.8-4 of the EIR, that together work to reduce the potential for impacts on wildlife movement corridors located within in the Planning Area. With implementation of these policies, impacts on wildlife movement corridors will be less than significant.
- e. The City has a municipal ordinance in place to protect valley oak trees. All existing valley oak trees on the project site will be under the jurisdiction of this ordinance. Any oak trees to be removed from the site are subject to the jurisdiction of the municipal ordinance.
- f. There are no local or regional habitat conservation plans for the area.

V. CULTURAL RESOURCES

- a. There are no known historical resources located within the project area. If some potentially historical or cultural resource is unearthed during development all work should cease until a qualified professional archaeologist can evaluate the finding and make necessary mitigation recommendations.
- b. There are no known archaeological resources located within the project area. If some archaeological resource is unearthed during development all work should cease until a qualified professional archaeologist can evaluate the finding and make necessary mitigation recommendations.
- c. There are no known human remains buried in the project vicinity. If human remains are unearthed during development all work should cease until the proper authorities are notified and a qualified professional archaeologist can evaluate the finding and make any necessary mitigation recommendations. In the event that potentially significant cultural resources are discovered during ground disturbing activities associated with project preparation, construction, or completion, work shall halt in that area until a qualified Native American Tribal observer, archeologist, or paleontologist can assess the significance of the find, and, if necessary, develop appropriate treatment measures in consultation with Tulare County Museum, Coroner, and other appropriate agencies and interested parties.

VI. ENERGY

- a. Development of the site will require the use of energy supply and infrastructure. However, the use of energy will be typical of that associated with commercial development associated with the underlying zoning. Furthermore, the use is not considered the type of use or intensity that would result in wasteful, inefficient, or unnecessary consumption of energy resources during construction or operation. The project will be required to comply with California Building Code Title 24 standards for energy efficiency.

Policies identified under Impacts 3.4-1 and 3.4-2 of the EIR will reduce any potential impacts to a less than significant level. With implementation of these policies and the existing City standards, impacts to energy will be less than significant.

- b. The project will not conflict with or obstruct a state or local plan for renewable energy or energy efficiency, based on the discussion above.

VII. GEOLOGY AND SOILS

- a. The State Geologist has not issued an Alquist-Priolo Earthquake Fault Map for Tulare County. The project area is not located on or near any known earthquake fault lines. Therefore, the project will not expose people or structures to potential substantial adverse impacts involving earthquakes.
- b. The development of this site will require movement of topsoil. Existing City Engineering Division standards require that a grading and drainage plan be submitted for review to the City to ensure that off- and on-site improvements will be designed to meet City standards.
- c. The project area is relatively flat and the underlying soil is not known to be unstable. Soils in the Visalia area have

few limitations with regard to development. Due to low clay content and limited topographic relief, soils in the Visalia area have low expansion characteristics.

- d. Due to low clay content, soils in the Visalia area have an expansion index of 0-20, which is defined as very low potential expansion.
- e. The project does not involve the use of septic tanks or alternative wastewater disposal systems since sanitary sewer lines are used for the disposal of wastewater at this location.
- f. There are no known unique paleontological resources or geologic features located within the project area. In the event that potentially significant cultural resources are discovered during ground disturbing activities associated with project preparation, construction, or completion, work shall halt in that area until a qualified Native American Tribal observer, archeologist, or paleontologist can assess the significance of the find, and, if necessary, develop appropriate treatment measures in consultation with Tulare County Museum, Coroner, and other appropriate agencies and interested parties.

VIII. GREENHOUSE GAS EMISSIONS

- a. The project is expected to generate Greenhouse Gas (GHG) emissions in the short-term as a result of the construction of the commercial center and long-term as a result of day-to-day operation of the proposed commercial center.

The City has prepared and adopted a Climate Action Plan (CAP) which includes a baseline GHG emissions inventories, reduction measures, and reduction targets consistent with local and State goals. The CAP was prepared concurrently with the proposed General Plan and its impacts are also evaluated in the Visalia General Plan Update EIR.

The Visalia General Plan and the CAP both include policies that aim to reduce the level of GHG emissions emitted in association with buildout conditions under the General Plan. Although emissions will be generated as a result of the project, implementation of the General Plan and CAP policies will result in fewer emissions than would be associated with a continuation of baseline conditions. Thus, the impact to GHG emissions will be less than significant.

- b. The State of California has enacted the Global Warming Solutions Act of 2006 (AB 32), which included provisions for reducing the GHG emission levels to 1990 "baseline" levels by 2020.

The proposed project will not impede the State's ability to meet the GHG emission reduction targets under AB 32. Current and probable future state and local GHG reduction measures will continue to reduce the project's contribution to climate change. As a result, the project will not contribute significantly, either individually or cumulatively, to GHG emissions.

IX. HAZARDS AND HAZARDOUS MATERIALS

- a. No hazardous materials are anticipated with the project.
- b. Construction activities associated with development of the project may include maintenance of on-site construction equipment that could lead to minor fuel and oil spills. The

use and handling of any hazardous materials during construction activities would occur in accordance with applicable federal, state, regional, and local laws. Therefore, impacts are considered to be less than significant.

- c. There are no schools located within one-quarter mile from the project. There is no reasonably foreseeable condition or incident involving the project that could affect existing or proposed school sites within one-quarter mile of school sites.
- d. The project area does not include any sites listed as hazardous materials sites pursuant to Government Code Section 65692.5.
- e. The City's adopted Airport Master Plan shows the project area is located outside of all Airport Zones. There are no restrictions for the proposed project related to Airport Zone requirements.

The project area is not located within 2 miles of a public airport.
- f. The project will not interfere with the implementation of any adopted emergency response plan or evacuation plan.
- g. There are no wild lands within or near the project area.

X. HYDROLOGY AND WATER QUALITY

- a. Development projects associated with buildout under the Visalia General Plan are subject to regulations that serve to ensure that such projects do not violate water quality standards of waste discharge requirements. These regulations include the Federal Clean Water Act (CWA), the National Pollutant Discharge Elimination System (NPDES) permit program. State regulations include the State Water Resources Control Board (SWRCB) and more specifically the Central Valley Regional Water Quality Control Board (RWQCB), of which the project site area falls within the jurisdiction of.

Adherence to these regulations results in projects incorporating measures that reduce pollutants. The project will be required to adhere to municipal wastewater requirements set by the Central Valley RWQCB and any permits issued by the agency.

Furthermore, there are no reasonably foreseeable reasons why the project would result in the degradation of water quality.

The Visalia General Plan contains multiple policies, identified under Impact 3.6-2 and 3.9-3 of the EIR, that together work to reduce the potential for impacts to water quality. With implementation of these policies and the existing City standards, impacts to water quality will be less than significant.

- b. The project will not substantially deplete groundwater supplies in the project vicinity. The project will be served by a water lateral for domestic, irrigation, and fire protection use. The project area overlies the southern portion of the San Joaquin unit of the Central Valley groundwater aquifer. The project will result in an increase of impervious surfaces on the project site, which might affect the amount of precipitation that is recharged to the aquifer. However, as the City of Visalia is already largely developed and covered by impervious surfaces, the

increase of impervious surfaces through this project will be small by comparison. The project therefore might affect the amount of precipitation that is recharged to the aquifer. The City of Visalia's water conservation measures and explorations for surface water use over groundwater extraction will assist in offsetting the loss in groundwater recharge.

c.

- i. The development of this site will require movement of topsoil. Existing City Engineering Division standards require that a grading and drainage plan be submitted for review to the City to ensure that off- and on-site improvements will be designed to meet City standards.

- ii. Development of the site will create additional impervious surfaces. However, existing and planned improvements to storm water drainage facilities as required through the Visalia General Plan policies will reduce any potential impacts to a less than significant level.

Policies identified under Impact 3.6-2 of the EIR will reduce any potential impacts to a less than significant level. With implementation of these policies and the existing City standards, impacts to groundwater supplies will be less than significant.

- iii. Development of the site will create additional impervious surfaces. However, existing and planned improvements to storm water drainage facilities as required through the Visalia General Plan policies will reduce any potential impacts to a less than significant level.

Policies identified under Impact 3.6-2 of the EIR will reduce any potential impacts to a less than significant level. With implementation of these policies and the existing City standards, impacts to groundwater supplies will be less than significant.

Furthermore, the project will be required to meet the City's improvement standards for directing storm water runoff to the existing City storm water drainage system consistent with the City's adopted City Storm Drain Master Plan.

- iv. The project area is located sufficiently inland and distant from bodies of water, and outside potentially hazardous areas for seiches and tsunamis. The site is also relatively flat, which will contribute to the lack of impacts by mudflow occurrence. Therefore there will be no impact related to these hazards.
- v. Development of the site has the potential to affect drainage patterns in the short term due to erosion and sedimentation during construction activities and in the long term through the expansion of impervious surfaces. Impaired storm water runoff may then be intercepted and directed to a storm drain or water body, unless allowed to stand in a detention area. The City's existing standards may require the preparation and implementation of a Storm Water Pollution Prevention Plan (SWPPP) in accordance with the SWRCB's General Construction Permit process, which would address erosion control measures.

The Visalia General Plan contains multiple policies, identified under Impact 3.6-1 of the EIR, that together work to reduce the potential for erosion. With implementation of these policies and the existing City standards, impacts to erosion will be less than significant.

XI. LAND USE AND PLANNING

- a. The project will not physically divide an established community. The General Plan Land Use Diagram, adopted October 14, 2014, designates the 5.88-acre project area as Commercial Mixed Use. The Zoning Map, adopted on April 6, 2017, designates the site as Commercial Mixed Use (C-MU), which is consistent with the General Plan Land Use Designation of Commercial Mixed Use as identified in Table 9-1 "Consistency Between the Plan and Zoning" of the General Plan. Commercial centers that include gas stations, drive-thru carwash facilities, and drive-thru lanes are considered compatible uses in commercial areas where potential impacts can be addressed through the conditional use permit process. The site is located along Dinuba Boulevard, a designated arterial roadway and Shannon Parkway, which is a designated collector roadway.

The Visalia General Plan contains multiple policies, identified under Impact 3.1-2 of the EIR, that together work to reduce the potential for impacts to the development of land as designated by the General Plan. With implementation of these policies and the existing City standards, impacts to land use development consistent with the General Plan will be less than significant.

- b. The project site is within the Urban Development Tier 1 Boundary. Development of commercial lands in Tier 1 may occur at any time. The proposed project is consistent with Land Use Policies LU-P-19 of the General Plan. Policy LU-P-19 states; "Ensure that growth occurs in a compact and concentric fashion by implementing the General Plan's phased growth strategy."

The project as a whole does not conflict with any land use plan, policy or regulation of the City of Visalia. The site's General Plan Land Use Designation of Commercial Mixed Use and the Zoning Designation of Commercial Mixed Use are consistent with each other based on the underlying allowed land uses and density ranges as identified in Table 9-1 "Consistency between the Plan and Zoning" of the General Plan. The City of Visalia's Zoning Ordinance allows for commercial development as a permitted use, though the subdivision of land requires a Tentative Parcel Map and the specific uses identified in the commercial development together with parcels less than five acres in size require a Conditional Use Permit.

The proposed project will be consistent with the Land Use Element of the General Plan, including Policy LU-P-66 for Commercial Mixed Use Development, and consistent with the standards for commercial development pursuant to the Visalia Municipal Code Title 17 (Zoning Ordinance) Chapters 17.19 and 17.30.

XII. MINERAL RESOURCES

- a. No mineral areas of regional or statewide importance exist within the Visalia area.
- b. There are no mineral resource recovery sites delineated in the Visalia area.

XIII. NOISE

- a. The project will result in noise generation typical of urban development, but not in excess of standards established in the City of Visalia's General Plan or Noise Ordinance. The Visalia Noise Element and City Ordinance contain criterion for acceptable noise levels inside and outside residential living spaces. This standard is 65 dB DNL for outdoor activity areas associated with residences and 45 dB DNL for indoor areas. Traffic and related noise impacts from the proposed project will occur along Dinuba Boulevard (an arterial roadway) on the west and Shannon Parkway (a collector roadway) to the south. The City's standards for setbacks will reduce noise levels to a level that is less than significant. Noise levels will also increase temporarily during the construction of the project but shall remain within the noise limits and restricted to the allowed hours of construction defined by the City of Visalia Noise Ordinance. Temporary increase in ambient noise levels is considered to be less than significant.

Ambient noise levels will increase beyond current levels as a result of the project, however these levels will be typical of noise levels associated with urban development and not in excess of standards established in the City of Visalia's General Plan or Noise Ordinance. The City's standards for setbacks and construction of walls along major streets and between residential uses reduce noise levels to a level that is less than significant. Noise associated with the establishment of new residential uses was previously evaluated with the General Plan for the conversion of land to urban uses.

Noise levels will increase temporarily during the construction of the project but shall remain within the limits defined by the City of Visalia Noise Ordinance. Temporary increase in ambient noise levels is considered to be less than significant.

An acoustical analysis was prepared for the proposed project (ref.: Visalia Center Phase I Draft Environmental Noise Assessment. Charles M. Salter Associates, Inc., June 28, 2019). The purpose of the study is to determine if noise levels associated with the project, particularly the traffic generation, rooftop mechanical equipment, car wash and vacuums, and fast food restaurants with drive-thru lanes, will comply with the City's applicable noise level standards

The analysis is based upon the project site plan, noise measurements obtained by Charles M. Salter Associates (Salter) at the project site, and information provided to Salter by the project applicant concerning the proposed equipment and hours of operation of the project.

The analysis conducted background/ambient short-term noise level measurements on and near the project site. The intent of the noise measurements was to document existing ambient noise levels near the project site. Noise measurements were taken continuously between September 25 and 28, 2018. Noise measurements were conducted at three locations within the project area. The intent of the measurements was to quantify existing (without project) ambient noise levels during the daytime and nighttime hours.

The analysis concludes noise levels associated with the proposed commercial operations would result in a less-than-significant noise impact and are not expected to

exceed the City's applicable daytime or nighttime noise level standards established in the Noise Ordinance as well as those established in the Noise Element of the General Plan. The analysis further concluded that project-generated traffic noise is expected to increase the day-night level environmental noise in the community by 1 decibel, which is considered less than significant. Mitigation is not required for any of the various commercial components of the proposed project provided that appropriate mechanical equipment and building materials with sound insulation ratings are selected that uphold the community noise level standards.

- b. Ground-borne vibration or ground-borne noise levels may occur as part of construction activities associated with the project. Construction activities will be temporary and will not expose persons to such vibration or noise levels for an extended period of time; thus the impacts will be less than significant. There are no existing uses near the project area that create ground-borne vibration or ground-borne noise levels.
- c. The project area is not within two miles of a public airport, and there is no private airstrip near the project area. The project will not expose people residing or working in the project area to excessive noise levels.

XIV. POPULATION AND HOUSING

- a. The project will not directly induce substantial unplanned population growth that is in excess of that planned in the General Plan.
- b. Development of the site will not displace any housing or people on the site. The area being developed is currently vacant land.

XV. PUBLIC SERVICES

- a.
 - i. Current fire protection facilities are located at the Visalia Station 54, located approximately three-quarters mile south of the property, and can adequately serve the site without a need for alteration. Impact fees will be paid to mitigate the project's proportionate impact on these facilities.
 - ii. Current police protection facilities can adequately serve the site without a need for alteration. Impact fees will be paid to mitigate the project's proportionate impact on these facilities.
 - iii. The project will not generate new students for which existing schools in the area may accommodate.
 - iv. Current park facilities can adequately serve the site without a need for alteration. Impact fees will be paid to mitigate the project's proportionate impact on these facilities.
 - v. Other public facilities can adequately serve the site without a need for alteration.

XVI. RECREATION

- a. The proposed project does not include recreational facilities or require the construction or expansion of recreational facilities within the area that might have an adverse physical effect on the environment.
- b. The proposed project does not include recreational

facilities or require the construction or expansion of recreational facilities within the area that might have an adverse physical effect on the environment.

XVII. TRANSPORTATION AND TRAFFIC

- a. Development and operation of the project is not anticipated to conflict with applicable plans, ordinances, or policies establishing measures of effectiveness of the City's circulation system. The project will result in an increase in traffic levels on arterial and collector roadways, although the City of Visalia's Circulation Element has been prepared to address this increase in traffic.
- b. Development of the site will result in increased traffic in the area, but will not cause a substantial increase in traffic on the city's existing circulation pattern. This site was evaluated in the Visalia General Plan Update Environmental Impact Report (EIR) for urban use.

A Traffic Impact Analysis Report was conducted for the project (ref.: Visalia Center Updated Traffic Impact Analysis, Category III. A&M Consulting Engineers, June 28, 2019), which studied key roadways and intersections in the vicinity of the project site. The analysis considered existing roadway conditions and 5-year, 10-year, and 20-year cumulative conditions, with and without the project. The analysis identified recommended roadway and intersection improvements to the vicinity of the project to ensure that the project will operate at acceptable LOS "D" conditions or better through the 10 year period.

Among the recommended mitigation measures in the Analysis were measures that address existing roadway conditions where operating conditions are below acceptable standards.

The intersection of Riggins Avenue and Giddings Street located three-quarters mile south and west of the project site, is recommended for the installation of a traffic signal with northbound and southbound split phasing. This intersection is already identified for future improvements by the City of Visalia Circulation Element, specifically for controlled movements at the intersection. Currently the intersection is operating as a four-way stop intersection as of January 2019. The Report states that the Project shall mitigate its share of the significant cumulative impact by participating in signalization of the intersection through payment of City development [transportation] impact fees or a fair share. The City of Visalia will continue to monitor and evaluate this intersection and carry out improvements for controlled movements when such measures are critically necessary.

The intersection of Riggins Avenue and Court Street located one-quarter mile south of the project site is recommended for the installation of a traffic signal based on the 5-year cumulative conditions. The Report states that the Project shall mitigate its share of the significant cumulative impact by participating in signalization of the intersection through payment of City development [transportation] impact fees or a fair share. The City of Visalia will continue to monitor and evaluate this intersection and carry out improvements for controlled movements when such measures are critically necessary.

The intersection of Ferguson Avenue and Giddings Street located one mile south and west of the project site is recommended for the installation of a traffic signal based

on the 5-year cumulative conditions. The Report states that the Project shall mitigate its share of the significant cumulative impact by participating in signalization of the intersection through payment of City development [transportation] impact fees or a fair share. The City of Visalia will continue to monitor and evaluate this intersection and carry out improvements for controlled movements when such measures are critically necessary.

A recommended mitigation of the Analysis recommended by Caltrans (in a letter from Caltrans dated March 15, 2019 commenting on the Site Plan Review proposal) proposes reconstructing a raised median on Shannon Parkway containing a westbound left-turn lane onto Dinuba Boulevard. The median shall be reconstructed to include an eastbound left-turn lane, and the storage lengths of the two left-turn lanes shall be divided equally in length. The reconstructed median will be a required mitigation with the construction of Phase 1 of the development, and is further described in the Mitigation Measures section of the Initial Study. This mitigation will provide necessary turning movements for accessing the development and will assist in lessening congestion levels and improving safety along Shannon Parkway.

A further requirement by Caltrans (in a letter from Caltrans dated March 15, 2019 commenting on the Site Plan Review proposal) is the placement of a raised median on Dinuba Boulevard adjacent to the project site. The raised median will be a required mitigation with the construction of Phase 1 of the project that includes the gas station and restaurant, and is further described in the Mitigation Measures section of the Initial Study. This mitigation will assist in lessening congestion levels and improving safety at the major project driveway on Dinuba Boulevard, and will prevent any left-turn movements into or out of the site.

The Analysis further recommends an improvement in conjunction with the reconfiguration of the Dinuba Boulevard / Riverway Avenue intersection, based on a portion of Riverway Drive being abandoned as a thru street and the portion of street accessed from Dinuba Boulevard being incorporated as improvements to the adjacent City Sports Park. The recommended improvement is a median or similar measure to be constructed to prevent left turns from the eastbound approach (abandoned Riverway Avenue) onto Dinuba Boulevard. The City's planned improvements for this intersection, which are anticipated to be carried out as part of off-site subdivision improvements for the River Island Ranch Tentative Subdivision Map No. 5569 (approved October 8, 2018), already call for a reconfiguration that prevents any left-turn movements and therefore does not require mitigation.

California Department of Transportation (Caltrans) provided correspondence on the project since the project takes primary vehicular access from Dinuba Boulevard, which is designated as State Route 63. Caltrans provided a letter providing comments on the second draft of the Traffic Impact Analysis Report on March 15, 2019, wherein the agency recommended that one or more roundabouts on Dinuba Boulevard be considered in the future as a means of mitigating multimodal capacity impacts on intersections.

- c. There are no planned geometric designs associated with the project that are considered hazardous.

- d. The project will not result in inadequate emergency access.

XVIII. TRIBAL CULTURAL RESOURCES

The proposed project would not 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.

- a. The site is not 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).
- b. The site has been determined to not 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.

In response to an invitation for early consultation sent out on March 19, 2018, the City of Visalia did not receive return correspondence requesting consultation from any of the tribes contacted.

Further, the EIR (SCH 2010041078) for the 2014 General Plan update included a thorough review of sacred lands files through the California Native American Heritage Commission. The sacred lands file did not contain any known cultural resources information for the Visalia Planning Area.

XIX. UTILITIES AND SERVICE SYSTEMS

- a. The project will be connecting to existing City sanitary sewer lines, consistent with the City Sewer Master Plan. The Visalia wastewater treatment plant has a current rated capacity of 22 million gallons per day, but currently treats an average daily maximum month flow of 12.5 million gallons per day. With the completed project, the plant has more than sufficient capacity to accommodate impacts associated with the proposed project. The proposed project will therefore not cause significant environmental impacts.

The project site will be accommodated by City sanitary sewer lines. As part of the project, sanitary sewer mains will be extended off-site along the Court Street alignment and/or Dinuba Boulevard. Usage of these lines is consistent with the City Sewer System Master Plan. These improvements will not cause significant environmental impacts.

The project site will be accommodated by City storm water drainage lines that handle on-site and street runoff. As part of the project, a storm drain main will be extended off-site along the Court Street alignment and/or Dinuba Boulevard. Usage of these lines is consistent with the City Storm Drain Master Plan. These improvements will not cause significant environmental impacts.

- b. California Water Service Company has determined that there are sufficient water supplies to support the site, and that service can be extended to the site. California Water Service issued a Will Serve Letter, dated March 23, 2018,

stating that water is available to serve the residential subdivision. The determination of water availability shall remain valid for two years from the date of their letter. The letter also states that if the project does not commence within the two-year time frame, Cal Water will be under no obligation to serve the project unless the developer receives an updated letter from Cal Water reconfirming water availability. In addition, the letter can be rescinded at any time in the event that water supply is severely reduced by legislative, regulatory or environmental factors.

- c. The City has determined that there is adequate capacity existing to serve the site's projected wastewater treatment demands at the City wastewater treatment plant.
- d. Current solid waste disposal facilities can adequately serve the site without a need for alteration.
- e. The project will be able to meet the applicable regulations for solid waste. Removal of debris from construction will be subject to the City's waste disposal requirements.

XX. WILDFIRE

- a. The project is located on a site that is adjacent on multiple sides by existing development. The site is further served by multiple points of access. In the event of an emergency response, coordination would be made with the City's Engineering, Police, and Fire Divisions to ensure that adequate access to and from the site is maintained.
- b. The project area is relatively flat and the underlying soil is not known to be unstable. Therefore, the site is not in a location that is likely to exacerbate wildfire risks.
- c. The project is located on a site that is adjacent on multiple sides by existing development. New project development

will require the installation and maintenance of associated infrastructure; however the infrastructure would be typical of commercial development and would be developed to the standards of the underlying responsible agencies.

- d. The project area is relatively flat and the underlying soil is not known to be unstable. Therefore, the site is not in a location that would expose persons or structures to significant risks of flooding or landslides.

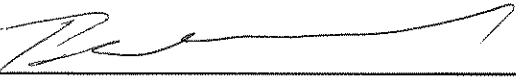
XXI. MANDATORY FINDINGS OF SIGNIFICANCE

- a. The project will not affect the habitat of a fish or wildlife species or a plant or animal community. This site was evaluated in the Program EIR (SCH No. 2010041078) for the City of Visalia's General Plan Update for conversion to urban use. The City adopted mitigation measures for conversion to urban development. Where effects were still determined to be significant a statement of overriding considerations was made.
- b. This site was evaluated in the Program EIR (SCH No. 2010041078) for the City of Visalia General Plan Update for the area's conversion to urban use. The City adopted mitigation measures for conversion to urban development. Where effects were still determined to be significant a statement of overriding considerations was made.
- c. This site was evaluated in the Program EIR (SCH No. 2010041078) for the City of Visalia General Plan Update for conversion to urban use. The City adopted mitigation measures for conversion to urban development. Where effects were still determined to be significant a statement of overriding considerations was made.

DETERMINATION OF REQUIRED ENVIRONMENTAL DOCUMENT

On the basis of this initial evaluation:

- ☐ I find that the proposed project **COULD NOT** have a significant effect on the environment. **A NEGATIVE DECLARATION WILL BE PREPARED.**
- ☒ I find that although the proposed project could have a significant effect on the environment, there will not be a significant effect in this case because the mitigation measures described on the attached sheet have been added to the project. **A MITIGATED NEGATIVE DECLARATION WILL BE PREPARED.**
- ☐ I find the proposed project **MAY** have a significant effect on the environment, and an **ENVIRONMENTAL IMPACT REPORT** is required.
- ☐ I find that the proposed project **MAY** have a "potentially significant impact" or "potentially significant unless mitigated" impact on the environment, but at least one effect 1) has been adequately analyzed in an earlier document pursuant to applicable legal standards, and 2) has been addressed by mitigation measures based on the earlier analysis as described on attached sheets. An **ENVIRONMENTAL IMPACT REPORT** is required, but it must analyze only the effects that remain to be addressed.
- ☐ I find that as a result of the proposed project no new effects could occur, or new mitigation measures would be required that have not been addressed within the scope of the Program Environmental Impact Report (SCH No. 2010041078). The Environmental Impact Report prepared for the City of Visalia General Plan was certified by Resolution No. 2014-37 adopted on October 14, 2014. **THE PROGRAM ENVIRONMENTAL IMPACT REPORT WILL BE UTILIZED.**



Paul Scheibel, AICP
Environmental Coordinator

9/30/19

Date

**Initial Study - Negative Declaration No. 2018-12
for Tentative Parcel Map No. 2018-01 and Conditional Use Permit No. 2018-03**

The project site is located on the northeast corner of Dinuba Boulevard (State Route 63) and Shannon Parkway within the City of Visalia, situated in Tulare County. (APN: 079-071-029)

