

DRAFT INITIAL STUDY AND
MITIGATED NEGATIVE DECLARATION

**VALENCIA MULTI-FAMILY HOME
DEVELOPMENT PROJECT**

AVENAL, CALIFORNIA



AUGUST 2020



**DRAFT INITIAL STUDY AND
MITIGATED NEGATIVE DECLARATION**

**VALENCIA 7TH AVENUE
MULTI-FAMILY HOME
DEVELOPMENT PROJECT**



Prepared by:

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NOTICE OF PUBLIC HEARING AND INTENT TO ADOPT A MITIGATED NEGATIVE DECLARATION

This is to advise that the City of Avenal has prepared a Mitigated Negative Declaration for the Project identified below that is scheduled to be heard at the City of Avenal City Council Meeting on Thursday, **October 8, 2020**

PLEASE BE ADVISED that the City of Avenal will consider adopting the Mitigated Negative Declaration at the City Councils meeting to be held on October 8, 2020. Presentations will be made at approximately 5:15 p.m. Action on items on the board agenda will occur after the presentations. The meeting will be held in the Avenal Theater, 233 East Kings Street, Avenal, CA 93204.

Project Name

Valencia Multi-Family Home Development Project

Project Location

Southeast corner of South Hanford Avenue and South 7th Avenue in Avenal, California.

Project Description

Jose Valencia (Applicant), with the City of Avenal (City) as Lead Agency has proposed to construct four multi-family fourplex units (Project) within the City of Avenal in the western portion of Kings County, California. The residential development would occupy approximately one acre of Accessor's Parcel Number (APN) 040-280-018. The Project would require a General Plan Amendment (GPA) and a Zone Change (ZC). The Project would connect to the City of Avenal's water and sewer systems. The construction of the new residential development would serve current residents of Avenal and is not expected to increase the population of the City.

The construction of fourplex units will take approximately 10 months per unit, with the complete Project to be completed in 40 months. Construction will include no more than five people onsite. Equipment that may be used during construction includes 12 CY and 20 CY scrapers, motor graders, a 500-gallon water truck, a small excavator/tractor, a rubber-tired compactor, 12 CY concrete trucks, and a concrete extrusion machine.

The document and documents referenced in the Initial Study/Mitigated Negative Declaration are available for review at Avenal City Hall located at 919 Skyline Boulevard, Avenal, CA 93204.

As mandated by the California Environmental Quality Act (CEQA), the public review period for this document was 30 days (CEQA Section 15073[b]). The public review period began on August 21, 2020 and ended on September 20, 2020. For further information, please contact Jaymie Brauer at 661-616-2600 or jaymie.bruaer@qkinc.com.

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MITIGATED NEGATIVE DECLARATION

As Lead Agency under the California Environmental Quality Act (CEQA), the City of Avenal (Applicant) reviewed the Project described below to determine whether it could have a significant effect on the environment because of its development. In accordance with CEQA Guidelines Section 15382, “[s]ignificant effect on the environment” means a substantial, or potentially substantial, adverse change in any of the physical conditions within the area affected by the Project, including land, air, water, minerals, flora, fauna, ambient noise, and objects of historic or aesthetic significance.

Project Name

Valencia 7th-Avenue Multifamily Home Development Project

Project Location

Southeast corner of East Mendocino Street and South 7th Avenue in Avenal, California.

Project Description

Jose Valencia (Applicant) has proposed to construct four multi-family fourplex units (Project) within the City of Avenal, located in the western portion of Kings County, California. The residential development would occupy approximately one acre (Accessor’s Parcel Number [APN] 040-280-018). The Project would require a General Plan Amendment (GPA) and a Zone Change. The Project would connect to the City of Avenal’s water and sewer systems.

The construction of fourplex units will take approximately 10 months per unit, with the entire Project to be completed in 40 months. It is anticipated that construction will include up to five staff onsite. Equipment that may be used during construction includes 12 CY and 20 CY scrapers, motor graders, a 500-gallon water truck, a small excavator/tractor, a rubber-tired compactor, 12 CY concrete trucks, and a concrete extrusion machine.

The document and documents referenced in the Initial Study/Mitigated Negative Declaration are available for review at Avenal City Hall located at 919 Skyline Boulevard, Avenal, CA 93204.

As mandated by the California Environmental Quality Act (CEQA), the public review period for this document was 30 days (CEQA Section 15073[b]). The public review period began on August 10, 2020 and ended on September 9, 2020. For further information, please contact Jaymie Brauer at 661-616-2600 or jaymie.bruaer@qkinc.com.

Mailing Address and Phone Number of Contact Person

City of Avenal
919 Skyline Boulevard
Avenal, CA 93204
Contact Person: Fernando Santillan
Phone: (559) 386-5776

Findings

As Lead Agency, the City finds that the Project will not have a significant effect on the environment. The Environmental Checklist (CEQA Guidelines Appendix G) or Initial Study (IS) (*see Section 3 - Environmental Checklist*) identified one or more potentially significant effects on the environment, but revisions to the Project have been made before the release of this Mitigated Negative Declaration (MND) or mitigation measures would be implemented that reduce all potentially significant impacts to less-than-significant levels. The Lead Agency further finds that there is no substantial evidence that this Project would have a significant effect on the environment.

Mitigation Measures Included in the Project to Avoid Potentially Significant Effects

MM BIO-1: Prior to ground disturbing activities, a qualified wildlife biologist shall conduct a biological clearance survey between 14 and 30 calendar days prior to the onset of construction. The clearance survey shall include walking transects to identify presence of San Joaquin kit fox, American badger, Swainson's hawk, Western burrowing owl, nesting birds and other special-status species or signs of, and sensitive natural communities. The preconstruction survey shall be walked by no greater than 30-foot transects for 100 percent coverage of the Project site and the 500-foot buffer, where feasible. A report outlining the results of the survey shall be submitted to the Lead Agency.

Potential kit fox dens may be excavated provided that the following conditions are satisfied: (1) the den has been monitored for at least five consecutive days and is deemed unoccupied by a qualified biologist; (2) the excavation is conducted by or under the direct supervision of a qualified biologist. Den monitoring and excavation should be conducted in accordance with the *Standardized Recommendations for Protection of the Endangered San Joaquin Kit Fox Prior to or During Ground Disturbance* (United States Fish and Wildlife Service, 2011).

MM BIO-2: Prior to ground disturbance activities, or within one week of being deployed at the Project site for newly hired workers, all construction workers at the Project site shall attend a Construction Worker Environmental Awareness Training and Education Program, developed and presented by a qualified biologist.

The Construction Worker Environmental Awareness Training and Education Program shall be presented by the biologist and shall include information on the life history wildlife and plant species that may be encountered during construction activities, their legal protections,

the definition of “take” under the Endangered Species Act, measures the Project operator is implementing to protect the species, reporting requirements, specific measures that each worker must employ to avoid take of the species, and penalties for violation of the Act. Identification and information regarding special-status or other sensitive species with the potential to occur on the Project site shall also be provided to construction personnel. The program shall include:

- An acknowledgement form signed by each worker indicating that environmental training has been completed; and
- A copy of the training transcript and/or training video/CD, as well as a list of the names of all personnel who attended the training and copies of the signed acknowledgement forms shall be maintained onsite for the duration of construction activities.

MM BIO-3: The following measures shall be implemented to reduce potential impacts to Swainson’s hawk: If all Project activities are completed outside of the Swainson’s hawk nesting season (February 15 through August 31), this mitigation measure shall need not be applied. If construction is planned during the nesting season, a preconstruction survey shall be conducted by a qualified biologist to evaluate the site and a 0.5-mile buffer around the site for active Swainson’s hawk nests. If potential Swainson’s hawk nests or nesting substrates occur within 0.5 miles of the Project site, then those nests or substrates must be monitored for Swainson’s hawk nesting activity. Monitoring shall be conducted according to the protocol outlined in the *Recommended Timing and Methodology for Swainson’s Hawk Nesting Surveys in California’s Central Valley* (Swainson’s Hawk Technical Advisory Committee 2000). The protocol recommends visits be made to each nest or nesting site: one during January 1–March 20 to identify potential nest sites, three during March 20–April 5, three during April 5–April 20, and three during June 10–July 30. To meet the minimum level of protection for the species, surveys shall be completed for at least the two survey periods immediately prior to Project-related ground disturbance activities.

If Swainson’s hawks are found to nest within the survey area, , active Swainson’s hawk nests shall be avoided by 0.5 miles during the nesting period, unless this avoidance buffer is reduced through consultation with the CDFW. If an active Swainson’s hawk nest is located within 500 feet of the Project or within the Project site, the Project proponent shall contact CDFW for guidance.

MM BIO-4: A qualified biologist shall conduct a preconstruction survey on the Project site and within 500 feet of its perimeter, where feasible, to identify the presence of the western burrowing owl. The survey shall be conducted between 14 and 30 days prior to the start of construction activities. If any burrowing owl burrows are observed during the preconstruction survey, avoidance measures shall be consistent with those included in the CDFW staff report on burrowing owl mitigation (CDFG 2012). If occupied burrowing owl burrows are observed outside of the breeding season (September 1 through January 31) and within 250 feet of proposed construction activities, a passive relocation effort may be instituted in accordance with the guidelines established by the California Burrowing Owl Consortium (1993) and the California Department of Fish and Wildlife (2012). During the

breeding season (February 1 through August 31), a 200-meter (minimum) buffer zone should be maintained unless a qualified biologist verifies through noninvasive methods that either the birds have not begun egg laying and incubation or that juveniles from the occupied burrows are foraging independently and are capable of independent survival.

In addition, impacts to nest sites shall be avoided in accordance with the following table unless a qualified biologist approved by CDFW verifies through noninvasive methods that either: (1) the birds have not begun egg laying and incubation; or (2) that juveniles from the occupied burrows are foraging independently and are capable of independent survival.

Location	Time of Year	Level of Disturbance		
		Low	Med	High
Nesting sites	April 1-Aug 15	200 m*	500 m	500 m
Nesting sites	Aug 16-Oct 15	200 m	200 m	500 m
Nesting sites	Oct 16-Mar 31	50 m	100 m	500 m

MM BIO-5: If construction is planned outside the nesting period for raptors (other than the western burrowing owl) and migratory birds (February 15 to August 31), no mitigation shall be required. If construction is planned during the nesting season for migratory birds and raptors, a preconstruction survey to identify active bird nests shall be conducted by a qualified biologist to evaluate the site and a 250-foot buffer for migratory birds and a 500-foot buffer for raptors. If nesting birds are identified during the survey, active raptor nests shall be avoided by 500 feet and all other migratory bird nests shall be avoided by 250 feet. Avoidance buffers may be reduced if a qualified onsite monitor determines that encroachment into the buffer area is not affecting nest building, the rearing of young, or otherwise affecting the breeding behaviors of the resident birds. Because nesting birds can establish new nests or produce a second or even third clutch at any time during the nesting season, nesting bird surveys shall be repeated every 30 days as construction activities are occurring throughout the nesting season.

No construction or earth-moving activity shall occur within a non-disturbance buffer until it is determined by a qualified biologist that the young have fledged (left the nest) and have attained sufficient flight skills to avoid Project construction areas. Once the migratory birds or raptors have completed nesting and young have fledged, disturbance buffers will no longer be needed and can be removed, and monitoring can cease.

MM BIO-6: During all construction-related activities, the following mitigation shall apply:

- a. All food-related trash items such as wrappers, cans, bottles, and food scraps shall be disposed of in securely closed containers. All food-related trash items such as wrappers, cans, bottles, and food scraps shall be disposed of in securely closed containers and removed at least once a week from the construction or Project site.

- b. Construction-related vehicle traffic shall be restricted to established roads and predetermined ingress and egress corridors, staging, and parking areas. Vehicle speeds shall not exceed 20 miles per hour (mph) within the Project site.
- c. To prevent inadvertent entrapment of kit fox or other animals during construction, the contractor shall cover all excavated, steep-walled holes or trenches more than two feet deep at the close of each workday with plywood or similar materials. If holes or trenches cannot be covered, one or more escape ramps constructed of earthen fill or wooden planks shall be installed in the trench. Before such holes or trenches are filled, the contractor shall thoroughly inspect them for entrapped animals. All construction-related pipes, culverts, or similar structures with a diameter of four-inches or greater that are stored on the Project site shall be thoroughly inspected for wildlife before the pipe is subsequently buried, capped, or otherwise used or moved in anyway. If at any time an entrapped or injured kit fox is discovered, work in the immediate area shall be temporarily halted and USFWS and CDFW shall be consulted.
- d. Kit foxes are attracted to den-like structures such as pipes and may enter stored pipes and become trapped or injured. All construction pipes, culverts, or similar structures with a diameter of four inches or greater that are stored at a construction site for one or more overnight periods shall be thoroughly inspected for kit foxes before the pipe is subsequently buried, capped, or otherwise used or moved in any way. If a kit fox is discovered inside a pipe, that section of pipe shall not be moved until the USFWS and CDFW has been consulted. If necessary, and under the direct supervision of the biologist, the pipe may be moved only once to remove it from the path of construction activity, until the fox has escaped.
- e. No pets, such as dogs or cats, shall be permitted on the Project sites to prevent harassment, mortality of kit foxes, or destruction of dens.
- f. Use of anti-coagulant rodenticides and herbicides in Project areas shall be restricted. This is necessary to prevent primary or secondary poisoning of kit foxes and the depletion of prey populations on which they depend. All uses of such compounds shall observe label and other restrictions mandated by the U.S. Environmental Protection Agency, California Department of Food and Agriculture, and other State and federal legislation, as well as additional Project-related restrictions deemed necessary by the USFWS and CDFW. If rodent control must be conducted, zinc phosphide shall be used because of the proven lower risk to kit foxes.
- g. A representative shall be appointed by the Project proponent who will be the contact source for any employee or contractor who might inadvertently kill or injure a kit fox or who finds a dead, injured or entrapped kit fox. The representative shall be identified during the employee education program and their name and telephone number shall be provided to the USFWS.
- h. The Sacramento Fish and Wildlife Office of USFWS and CDFW shall be notified in writing within three working days of the accidental death or injury to a San Joaquin kit fox during Project-related activities. Notification must include the date, time, and location of the incident or of the finding of a dead or injured animal and any other pertinent information. The USFWS contact is the Chief of the Division of Endangered Species, at the addresses and telephone numbers below. The CDFW contact can be reached at (559) 243-4014 and R4CESA@wildlifeca.gov.

- i. All sightings of the San Joaquin kit fox shall be reported to the California Natural Diversity Database (CNDDDB). A copy of the reporting form and a topographic map clearly marked with the location of where the kit fox was observed shall also be provided to the Service at the address below.
- j. Any Project-related information required by the USFWS or questions concerning the above conditions, or their implementation may be directed in writing to the U.S. Fish and Wildlife Service at: Endangered Species Division, 2800 Cottage Way, Suite W 2605, Sacramento, California 95825-1846, phone: (916) 414-6620 or (916) 414-6600.
- k. If burrowing owl are found to occupy the Project site and avoidance is not possible, burrow exclusion may be conducted by qualified biologists only during the nonbreeding season, before breeding behavior is exhibited, and after the burrow is confirmed empty through noninvasive methods (surveillance). Replacement or occupied burrows shall consist of artificial burrows at a ratio of 1 burrow collapsed to 1 artificial burrow constructed (1:1). Ongoing surveillance of the Project site during construction activities shall occur at a rate sufficient to detect Burrowing owl, if they return.

MM CUL-1: a) If prehistoric or historic-era cultural materials are encountered during construction activities, all work in the immediate vicinity of the find shall halt until a qualified archaeologist can evaluate the find and make recommendations. Cultural resource materials may include prehistoric resources such as flaked and ground stone tools and debris, shell, bone, ceramics, and fire-affected rock as well as historic resources such as glass, metal, wood, brick, or structural remnants. If the qualified archaeologist determines that the discovery represents a potentially significant cultural resource, additional investigations may be required to mitigate adverse impacts from Project implementation. These additional studies may include avoidance, testing, and evaluation or data recovery excavation.

b) The developer shall retain the Santa Rosa Rancheria Tachi Yokut tribe to conduct a Cultural Resources Sensitivity training session with the construction crew prior to ground disturbance activities.

MM CUL-2: If human remains are discovered during construction or operational activities, further excavation or disturbance shall be prohibited pursuant to Section 7050.5 of the California Health and Safety Code. The specific protocol, guidelines, and channels of communication outlined by the NAHC, in accordance with Section 7050.5 of the Health and Safety Code, Section 5097.98 of the Public Resources Code (Chapter 1492, Statutes of 1982, Senate Bill 297), and Senate Bill 447 (Chapter 44, Statutes of 1987), shall be followed. Section 7050.5(c) shall guide the potential Native American involvement, in the event of discovery of human remains, at the direction of the county coroner.

MM GEO-1: Prior to issuing of grading or building permits, the Project applicant shall submit to the City (1) the approved Stormwater Pollution Prevention Plan (SWPPP) and (2) the Notice of Intent (NOI) to comply with the General National Pollutant Discharge Elimination System (NPDES) from the Central Valley Regional Water Quality Control Board. The requirements of the SWPPP and NPDES shall be incorporated into design specifications and

construction contracts. Recommended best management practices for the construction phase may include the following:

- Stockpiling and disposing of demolition debris, concrete, and soil properly;
- Protecting existing storm drain inlets and stabilizing disturbed areas;
- Implementing erosion controls;
- Properly managing construction materials; and
- Managing waste, aggressively controlling litter, and implementing sediment controls.

Evidence of the approved SWPPP shall be submitted to the Lead Agency.

MM-GEO-2: Prior to the issuance of grading or building permits, the Project geotechnical engineer, structural engineer, civil engineer, general contractor, the earthwork contractor shall meet with the Lead Agency to discuss the grading plan and grading requirements as outlined in the final Geotechnical Report.

MM GEO-3: If any paleontological resources are encountered during ground disturbance activities, all work within 25 feet of the find shall halt until a qualified paleontologist as defined by the Society of Vertebrate Paleontology Standard Procedures for the Assessment and Mitigation of Adverse Impacts to Paleontological Resources (2010), can evaluate the find and make recommendations regarding treatment. Paleontological resource materials may include resources such as fossils, plant impressions, or animal tracks preserved in rock. The qualified paleontologist shall contact the Natural History Museum of Los Angeles County or other appropriate facility regarding any discoveries of paleontological resources.

If the qualified paleontologist determines that the discovery represents a potentially significant paleontological resource, additional investigations and fossil recovery may be required to mitigate adverse impacts from Project implementation. If avoidance is not feasible, the paleontological resources shall be evaluated for their significance. If the resources are not significant, avoidance is not necessary. If the resources are significant, they shall be avoided to ensure no adverse effects, or such effects must be mitigated. Construction in that area shall not resume until the resource appropriate measures are recommended or the materials are determined to be less than significant. If the resource is significant and fossil recovery is the identified form of treatment, then the fossil shall be deposited in an accredited and permanent scientific institution. Copies of all correspondence and reports shall be submitted to the Lead Agency.

MM HAZ-1: Prior to the issuance of grading or building permits, the Project developer shall pay \$1,554.01 for every single-family unit being built in compliance with the Kings County Adopted Public Facilities Fees to offset the increased costs associated with the provision of additional fire protection services. Evidence of payment shall be submitted to the City of Avenal Community Development Department.

MM NSE-1: During construction, the contractor shall implement the following measures:

- a. All stationary construction equipment on the Project site shall be located so that

noise emitting objects or equipment faces away from any potential sensitive receptors.

- b. The construction contractor shall ensure that all construction equipment is equipped with manufacturer-approved mufflers and baffles. During construction, stationary construction equipment shall be placed such that emitted noise is directed away from sensitive noise receivers.
- c. Construction activities shall take place during daylight hours, when feasible.

MM PUB-1: Prior to the issuance of grading or building permits, the Project developer shall pay \$918.39 for Public Protection Fees per each multi-family unit built as required by Kings County Adopted Public Facilities Fees.

MM PUB-2: Prior to the issuance of grading or building permits, the Project developer shall pay appropriate \$3.79 in School Developer Fees per square feet built .

MM PUB-3: Prior to the issuance of grading or building permits, the Project developer shall pay City of Avenal Park Impact Fees.

MM PUB-4: Prior to the issuance of grading or building permits, the Project developer shall pay \$385.03 per Multi-Family Unit to Kings County for the Adopted Public Facilities Fees related to libraries.

SECTION 1 - INTRODUCTION

1.1 - Overview

Jose Valencia (Applicant) has proposed to construct four multi-family fourplex units (Project) within the City of Avenal in the western portion of Kings County, California. Figure 1-1 is a map of the regional location and Figure 1-2 shows the location of the Project site.

1.2 - California Environmental Quality Act

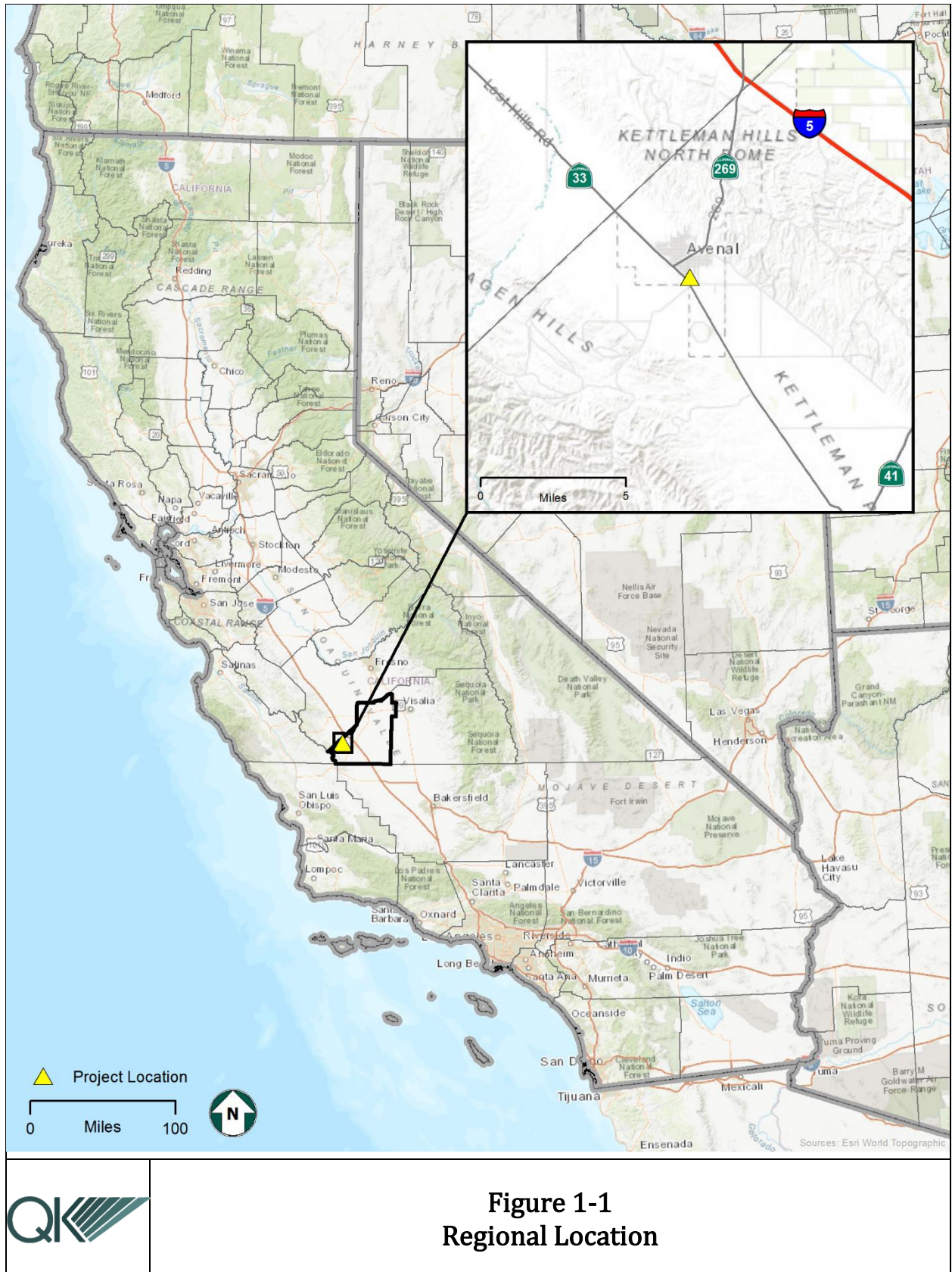
The City of Avenal is the Lead Agency for this Project pursuant to the CEQA Guidelines (Public Resources Code Section 15000 et seq.). The Environmental Checklist (CEQA Guidelines Appendix G) or Initial Study (IS) (see *Section 3 – Initial Study*) provides analysis that examines the potential environmental effects of the construction and operation of the Project. Section 15063 of the CEQA Guidelines requires the Lead Agency to prepare an IS to determine whether a discretionary project will have a significant effect on the environment. A Mitigated Negative Declaration (MND) is appropriate when an IS has been prepared and a determination can be made that no significant environmental effects will occur because revisions to the project have been made or mitigation measures will be implemented that reduce all potentially significant impacts to less-than-significant levels. The content of an MND is the same as a Negative Declaration, with the addition of identified mitigation measures and a Mitigation Monitoring and Reporting Program (MMRP) (see *Section 6 – Mitigation Monitoring and Reporting Program*).

Based on the IS, the Lead Agency has determined that the environmental review for the proposed application can be completed with an MND.

1.3 - Impact Terminology

The following terminology is used to describe the level of significance of impacts.

- A finding of “no impact” is appropriate if the analysis concludes that the Project would not affect a topic area in any way.
- An impact is considered “less than significant” if the analysis concludes that it would cause no substantial adverse change to the environment and requires no mitigation.
- An impact is considered “less than significant with mitigation incorporated” if the analysis concludes that it would cause no substantial adverse change to the environment with the inclusion of environmental commitments that have been agreed to by the applicant.
- An impact is considered “potentially significant” if the analysis concludes that it could have a substantial adverse effect on the environment.



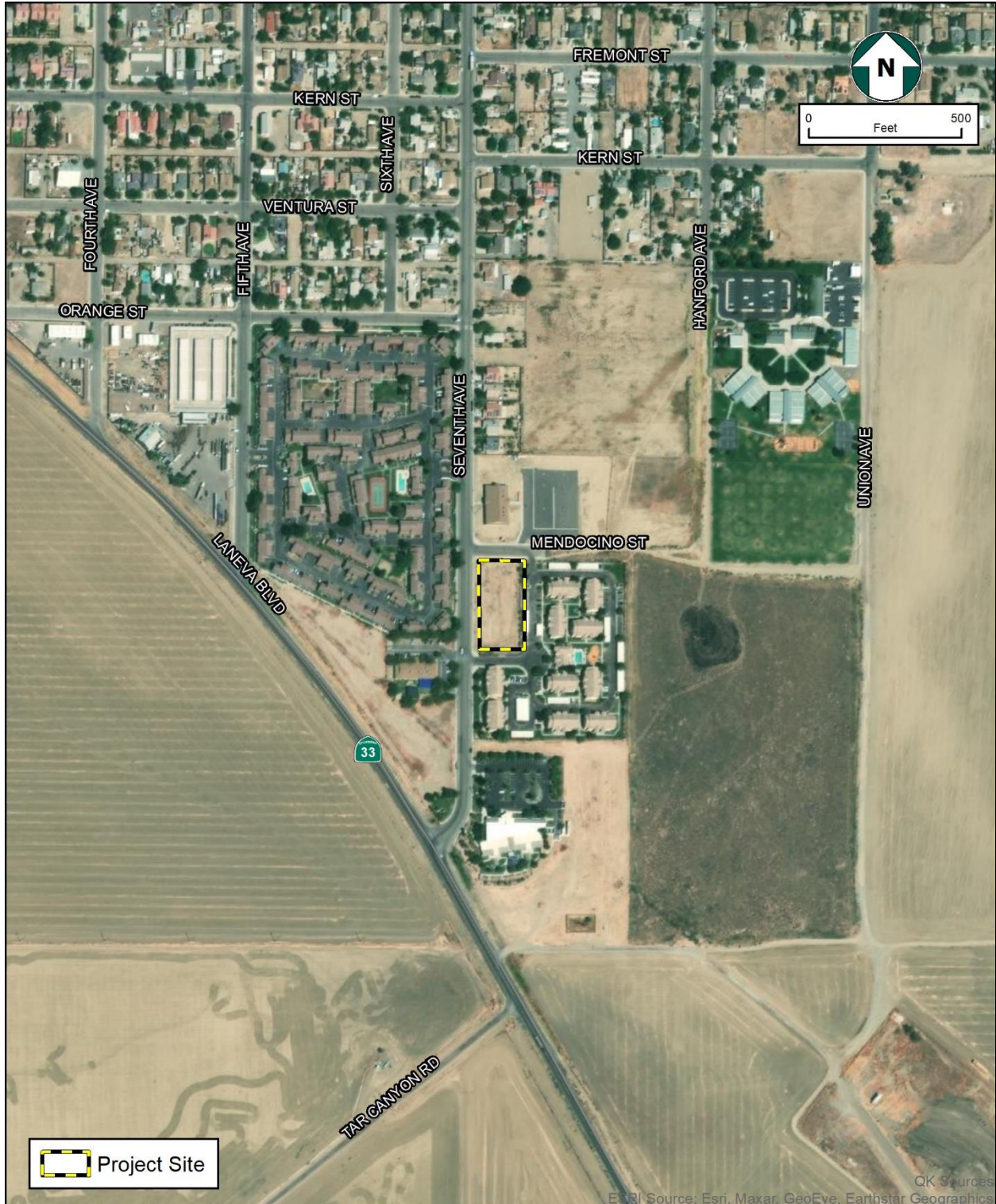


Figure 1-2
Project Site

1.4 - Document Organization and Contents

The content and format of this IS/MND is designed to meet the requirements of CEQA. The report contains the following sections:

- *Section 1 – Introduction:* This section provides an overview of CEQA requirements, intended uses of the IS/MND, document organization, and a list of regulations that have been incorporated by reference.
- *Section 2– Project Description:* This section describes the Project and provides data on the site's location.
- *Section 3 – Initial Study:* This section contains the evaluation of 21 different environmental resource factors contained in Appendix G of the CEQA Guidelines. Each environmental resource factor is analyzed to determine whether the proposed Project would have an impact. One of four findings is made which include: no impact, less-than-significant impact, less than significant with mitigation, or significant and unavoidable. If the evaluation results in a finding of significant and unavoidable for any of the 21 environmental resource factors, then an Environmental Impact Report will be required.
- *Section 4 – List of Preparers:* This section identifies the individuals who prepared the IS/MND.
- *Section 5 – Bibliography:* This section contains a full list of references that were used in the preparation of this IS/MND.
- *Section 6 – Mitigation Monitoring and Reporting Program:* This section contains the Mitigation Monitoring and Reporting Program.

1.5 - Incorporated by Reference

The following documents and/or regulations are incorporated into this IS/MND by reference:

- City of Avenal General Plan 2025
- City of Avenal General Plan Enhancement IS/MND (2018)
- City of Avenal Zoning Ordinance
- City of Avenal USBR Water Management Plan (2016)
- Kings County General Plan EIR
- 2015 Kings County Emergency Operations Plan (2015)
- California Title 24 Code of Regulations (2019)

SECTION 2 - PROJECT DESCRIPTION

2.1 - Introduction

The applicant is proposing to develop four multi-family fourplex units on a one-acre parcel (Project) within the City of Avenal in the western portion of Kings County, California. Figure 1-1 shows the Project's regional location and Figure 1-2 shows the location of the Project site.

2.2 - Project Location

The Project site is located within Section 22, Township 22 South, Range 17 East, Mount Diablo Base and Meridian (MDB&M), within the Kettleman Plain U.S. Geological Survey (USGS) 7.5-minute topographic quadrangle. The site is approximately one acre on Assessor's Parcel Number (APN) 040-280-018. The Project site is located on the southeast corner of Mendocino Street and South 7th Avenue.

2.3 - Project Environment

The Project site has been undeveloped for several years. The site is bordered by residential neighborhoods to the east, west, and south and a church to the north.

Police and fire service will be served by the City of Avenal and/or the County of Kings. The Project will connect to the existing sewer system. The nearest sewer line connection is to the immediate north of the Project site. The Project would tie into the existing water line system. Water will be provided by the City of Avenal, and sanitation/garbage collection will be provided by Mid Valley Disposal with waste being deposited at Avenal Landfill.

The City of Avenal General Plan (General Plan) outlines an anticipated population growth to approximately 16,050 persons through 2035. The U.S. Census estimated the 2018 City population to be 13,218 persons. Construction of the new residential development would meet the housing needs of the current residents of Avenal and is not anticipated to be growth inducing.

2.4 - Proposed Project

The proposed Project consists of a (1) General Plan Amendment (GPA) to amend the land use designation from the existing Low Density Residential to Medium Density Residential; and (2) a Zone Change from Single-Family Residential (R1) zone district to Medium Density Multi-Family Residential (R2) zone district. Approval of the GPA and ZC would allow for the construction of multi-unit residential housing.

The site would be accessed from Mendocino Street on the northern Project boundary. The residential development would connect to the City of Avenal's water and sewer systems.

The construction of fourplex units will take approximately 10 months per unit, with the complete Project to be completed in 40 months. Construction will include no more than five people onsite. Equipment that may be used during construction includes 12 CY and 20 CY scrapers, motor graders, a 500-gallon water truck, a small excavator/tractor, a rubber-tired compactor, 12 CY concrete trucks, and a concrete extrusion machine.

SECTION 3 - INITIAL STUDY

3.1 - Environmental Checklist

1. Project Title:

Valencia Multi-Family Home Development Project

2. Lead Agency Name and Address:

City of Avenal
919 Skyline Blvd.
Avenal, CA 93204

3. Contact Person and Phone Number:

Fernando Santillan
(559) 386-5776

4. Project Location:

Southeast corner of E Mendocino Street and South 7th Avenue, Avenal, CA.

5. General Plan Designation:

Low Density Residential

6. Zoning:

Single-Family Residential (R1)

7. Description of Project:

Please See Section 2.4.

8. Surrounding Land Uses and Setting:

Medium Density Residential to the north, High Density Residential to the west, south, and east.

9. Other Public Agencies Whose Approval May be Required:

- Central Valley Regional Water Quality Control Board
- San Joaquin Valley Air Pollution Control District

3.2 - Environmental Factors Potentially Affected

The environmental factors checked below would be potentially affected by this Project, involving at least one impact that is a "Potentially Significant Impact" as indicated by the checklist on the following pages.

- | | | |
|--|---|---|
| <input type="checkbox"/> Aesthetics | <input type="checkbox"/> Agriculture and Forestry Resources | <input type="checkbox"/> Air Quality |
| <input type="checkbox"/> Biological Resources | <input type="checkbox"/> Cultural Resources | <input type="checkbox"/> Energy |
| <input type="checkbox"/> Geology / Soils | <input type="checkbox"/> Greenhouse Gas Emissions | <input type="checkbox"/> Hazards & Hazardous Materials |
| <input type="checkbox"/> Hydrology / Water Quality | <input type="checkbox"/> Land Use / Planning | <input type="checkbox"/> Mineral Resources |
| <input type="checkbox"/> Noise | <input type="checkbox"/> Population / Housing | <input type="checkbox"/> Public Services |
| <input type="checkbox"/> Recreation | <input type="checkbox"/> Transportation | <input type="checkbox"/> Tribal Cultural Resources |
| <input type="checkbox"/> Utilities / Service Systems | <input type="checkbox"/> Wildfire | <input type="checkbox"/> Mandatory Findings of Significance |

3.3 - Determination

On the basis of this initial evaluation:

- ☐ I find that the proposed Project COULD NOT have a significant effect on the environment, and 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 revisions in the Project have been made by or agreed to by the Project proponent. A MITIGATED NEGATIVE DECLARATION will be prepared.
- ☐ I find that 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 (a) has been adequately analyzed in an earlier document pursuant to applicable legal standards, and (b) has been addressed by mitigation measures based on the earlier analysis as described on attached sheets. An ENVIRONMENT IMPACT REPORT is required, but it must analyze only the effects that remain to be addressed.
- ☐ I find that although the proposed Project could have a significant effect on the environment, because all potentially significant effects (a) have been analyzed

adequately in an earlier EIR or NEGATIVE DECLARATION pursuant to applicable standards, and (b) have been avoided or mitigated pursuant to that earlier EIR or NEGATIVE DECLARATION, including revisions or mitigation measures that are imposed upon the proposed Project, nothing further is required.

Signature

Date

Printed Name

For

3.4 - Evaluation of Environmental Impacts

1. A brief explanation is required for all answers except "No Impact" answers that are adequately supported by the information sources a Lead Agency cites in the parentheses following each question. A "No Impact" answer is adequately supported if the referenced information sources show that the impact simply does not apply to Projects like the one involved (e.g., the Project falls outside a fault rupture zone). A "No Impact" answer should be explained where it is based on Project-specific factors as well as general standards (e.g., the Project will not expose sensitive receptors to pollutants, based on a Project-specific screening analysis).
2. All answers must take account of the whole action involved, including offsite as well as onsite, cumulative as well as Project-level, indirect as well as direct, and construction as well as operational impacts.
3. Once the Lead Agency has determined that a particular physical impact may occur, then the checklist answers must indicate whether the impact is potentially significant, less than significant with mitigation, or less than significant. "Potentially Significant Impact" is appropriate if there is substantial evidence that an effect may be significant. If there are one or more "Potentially Significant Impact" entries when the determination is made, an EIR is required.
4. "Negative Declaration: Less Than Significant With Mitigation Incorporated" applies where the incorporation of mitigation measures has reduced an effect from "Potentially Significant Impact" to a "Less-Than-Significant Impact." The Lead Agency must describe the mitigation measures, and briefly explain how they reduce the effect to a less-than-significant level (mitigation measures from "Earlier Analyses," as described in (5) below, may be cross-referenced).
5. Earlier analyses may be used where, pursuant to the tiering, program EIR, or other CEQA process, an effect has been adequately analyzed in an earlier EIR or negative declaration. Section 15063(c)(3)(D). In this case, a brief discussion should identify the following:
 - a. Earlier Analysis Used. Identify and state where they are available for review.
 - b. Impacts Adequately Addressed. Identify which effects from the above checklist were within the scope of and adequately analyzed in an earlier document pursuant to applicable legal standards, and state whether such effects were addressed by mitigation measures based on the earlier analysis.
 - c. Mitigation Measures. For effects that are "Less than Significant with Mitigation Measures Incorporated," describe the mitigation measures which were incorporated or refined from the earlier document and the extent to which they address site-specific conditions for the Project.

6. Lead agencies are encouraged to incorporate into the checklist references to information sources for potential impacts (e.g., general plans, zoning ordinances). Reference to a previously prepared or outside document should, where appropriate, include a reference to the page or pages where the statement is substantiated.
7. Supporting Information Sources: A source list should be attached, and other sources used or individuals contacted should be cited in the discussion.
8. This is only a suggested form, and lead agencies are free to use different formats; however, lead agencies should normally address the questions from this checklist that are relevant to a Project's environmental effects in whatever format is selected.
9. The explanation of each issue should identify:
 - a. The significance criteria or threshold, if any, used to evaluate each question; and
 - b. The mitigation measure identified, if any, to reduce the impact to less than significant.

	Potentially Significant Impact	Less than Significant with Mitigation Incorporated	Less-than- Significant Impact	No Impact
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3.4.1 - AESTHETICS

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

a.	Have a substantial adverse effect on a scenic vista?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b.	Substantially damage scenic resources, including, but not limited to, trees, rock outcroppings, and historic buildings within a State scenic highway?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
c.	In nonurbanized area, substantially degrade the existing visual character or quality of public views of the site and its surroundings? If the Project is in an urbanized area, would the Project conflict with applicable zoning and other regulations governing scenic quality?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
d.	Create a new source of substantial light or glare that would adversely affect day or nighttime views in the area?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

Discussion

Impact #3.4.1a – Would the Project have a substantial adverse effect on a scenic vista?

The proposed Project site is located in an area characterized by residentially developed land with little topography. The land uses surrounding the Project are primarily residential. The Project will not result in development that is substantially different than surrounding land uses. The site is not within or in the vicinity of a city, county, or State identified scenic vista and there are no aesthetic resources known to exist. The site is not within or in the vicinity of a city, county, or State identified scenic vista. Furthermore, development of the Project would not block or preclude views to any area containing important or what would be considered visually appealing landforms. Therefore, no scenic resources or vistas that will be affected.

MITIGATION MEASURE(S)

No mitigation is required.

LEVEL OF SIGNIFICANCE

There would be *no impact*.

Impact #3.4.1b – Would the Project substantially damage scenic resources, including, but not limited to, trees, rock outcroppings, and historic buildings within a State scenic highway?

See Impact #3.4.1a, above.

The Project does not lie near or within a State Designated or Eligible State Scenic Highway (California Department of Transportation, 2011). The Project does not include the removal of trees determined to be scenic or of scenic value, the destruction of rock outcroppings or degradation of any historic building(s). Therefore, there would be no impact.

MITIGATION MEASURE(S)

No mitigation is required.

LEVEL OF SIGNIFICANCE

There would be *no impact*.

Impact #3.4.1c – In nonurbanized area, substantially degrade the existing visual character or quality of public views of the site and its surroundings? If the Project is in an urbanized area, would the Project conflict with applicable zoning and other regulations governing scenic quality?

See discussion of Impact #3.4.1a, above.

The Project is in an area that is predominantly urbanized and residential. The Project would be visible from passing motorists and the surrounding residential communities. Changes to the visual quality and character of the Project site will be similar in nature to the nearby residential developments. The Project would also include landscaping that would soften the visual impact of the fourplex units. The Project's appearance would not substantially degrade the visual character of the site and would not be in conflict with zoning or development code requirements regarding aesthetics. Therefore, the Project would result in a less-than-significant impact.

MITIGATION MEASURE(S)

No mitigation is required.

LEVEL OF SIGNIFICANCE

Impacts would be *less than significant*.

Impact #3.4.1d – Would the Project create a new source of substantial light or glare that would adversely affect day or nighttime views in the area?

Construction of the proposed Project would generally occur during daytime hours, typically from 7:00 a.m. to 6:00 p.m. All lighting would be directed downward and shielded to focus illumination on the desired work areas only and prevent light spillage onto adjacent properties. Because lighting used to illuminate work areas would be shielded, focused downward, and turned off by 6:00 p.m., the potential for lighting to affect any residents adversely is minimal. Increased truck traffic and the transport of construction materials to the Project site would be minimal, and temporary in nature. Construction activity would focus on specific areas on the sites, and any sources of glare would not be stationary for a prolonged period of time. Therefore, construction of the proposed Project would not create a new source of substantial glare that would affect daytime views in the area.

The Project will include standard lighting for streetlights, pathways, and outdoor spaces, and will comply with Chapter 9.19 Section N, Residential District Specific Standards and Chapter 9.79.06 Section H, Property Maintenance Standards for Developed Properties of the Avenal Zoning Ordinance, which outlines standards for lighting, including the requirement that all outdoor lights be shielded and directed to shine where the lights are located, and not directly on other property or any public right of way (City of Avenal, 2018b). The Project exterior streetlights and residential lighting will be designed to minimize reflective glare and light scatter. These requirements would substantially reduce potential nuisances from light or glare. Compliance with Sections 9.19 and 9.79.6 of the Avenal Zoning Ordinance and other applicable State or local development standards, the proposed Project would not create new sources of substantial light or glare that would adversely affect day or nighttime views in the area. Therefore, the Project would have a less-than-significant impact.

MITIGATION MEASURE(S)

No mitigation is required.

LEVEL OF SIGNIFICANCE

Impacts would be *less than significant*.

Potentially Significant Impact	Less than Significant with Mitigation Incorporated	Less-than- Significant Impact	No Impact
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3.4.2 - AGRICULTURE AND FORESTRY 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 Department 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:

a. Convert Prime Farmland, Unique Farmland, or Farmland of Statewide Importance (Farmland), as shown on the maps prepared pursuant to the Farmland Mapping and Monitoring Program of the California Resources Agency, to nonagricultural use?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b. Conflict with existing zoning for agricultural use or a Williamson Act Contract?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
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])?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
d. Result in the loss of forest land or conversion of forest land to non-forest use?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
e. Involve other changes in the existing environment which, due to their location or nature, could result in conversion of Farmland, to nonagricultural use or conversion of forest land to non-forest use?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

Discussion

Impact #3.4.2a – Would the Project convert Prime Farmland, Unique Farmland, or Farmland of Statewide Importance (Farmland), as shown on the maps prepared pursuant to the Farmland Mapping and Monitoring Program of the California Resources Agency, to nonagricultural use?

The Project parcel is zoned R-1 and is not designated as Prime Farmland, Farmland of Statewide Importance, Unique Farmland, or Farmland of Local Importance California

Department of Conservation Division of Land Resource Protection's Farmland Mapping Project (FMMP). The Project site is designated as Urban and Built-Up Land in the FMMP (Figure 3.4.2-1) (CA Department of Conservation, 2016). Additionally, the Project and surrounding area is currently zoned for nonagricultural uses, and as such would have been previously analyzed when the land was originally converted. Therefore, there would be no impact.

MITIGATION MEASURE(S)

No mitigation is required.

LEVEL OF SIGNIFICANCE

There would be *no impact*.

Impact #3.4.2b – Would the Project conflict with existing zoning for agricultural use or a Williamson Act Contract?

The Project site is currently zoned for Low Density Residential and is not subject to a Williamson Act land use contract. Therefore, the construction of the Project would not result in a conflict with existing zoning for agricultural use or a Williamson Act contract.

See also Impact 3.4.2a.

MITIGATION MEASURE(S)

No mitigation is required.

LEVEL OF SIGNIFICANCE

Impacts would be *no impact*.

Impact #3.4.2c – Would the Project 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])?

The Public Resources Code Section 12220 (g) and Section 4526 defines "Forest land" as land that can support 10 percent native tree cover of any species, including hardwoods, under natural conditions, and that allows for management of one or more forest resources, including timber, aesthetics, fish and wildlife, biodiversity, water quality, recreation, and other public benefits. There are no forest lands identified on the Project site or within its vicinity; therefore, there would be no conflict with or impacts to zoning for forest land or timber land. The Project would not result in the loss or conversion of forest land to a non-forest use.

MITIGATION MEASURE(S)

No mitigation is required.

LEVEL OF SIGNIFICANCE

There would be *no impact*.

Impact #3.4.2d – Would the Project result in the loss of forest land or conversion of forest land to non-forest use?

See discussion of Impact #3.4.2c, above.

MITIGATION MEASURE(S)

No mitigation is required.

LEVEL OF SIGNIFICANCE

There would be *no impact*.

Impact #3.4.2e – Would the Project involve other changes in the existing environment which, due to their location or nature, could result in conversion of Farmland, to nonagricultural use or conversion of forest land to non-forest use?

See discussion of Impacts #3.4.2a, #3.4.2b, and #3.4.2c, above.

MITIGATION MEASURE(S)

No mitigation is required.

LEVEL OF SIGNIFICANCE

Impacts would be *no impact*.

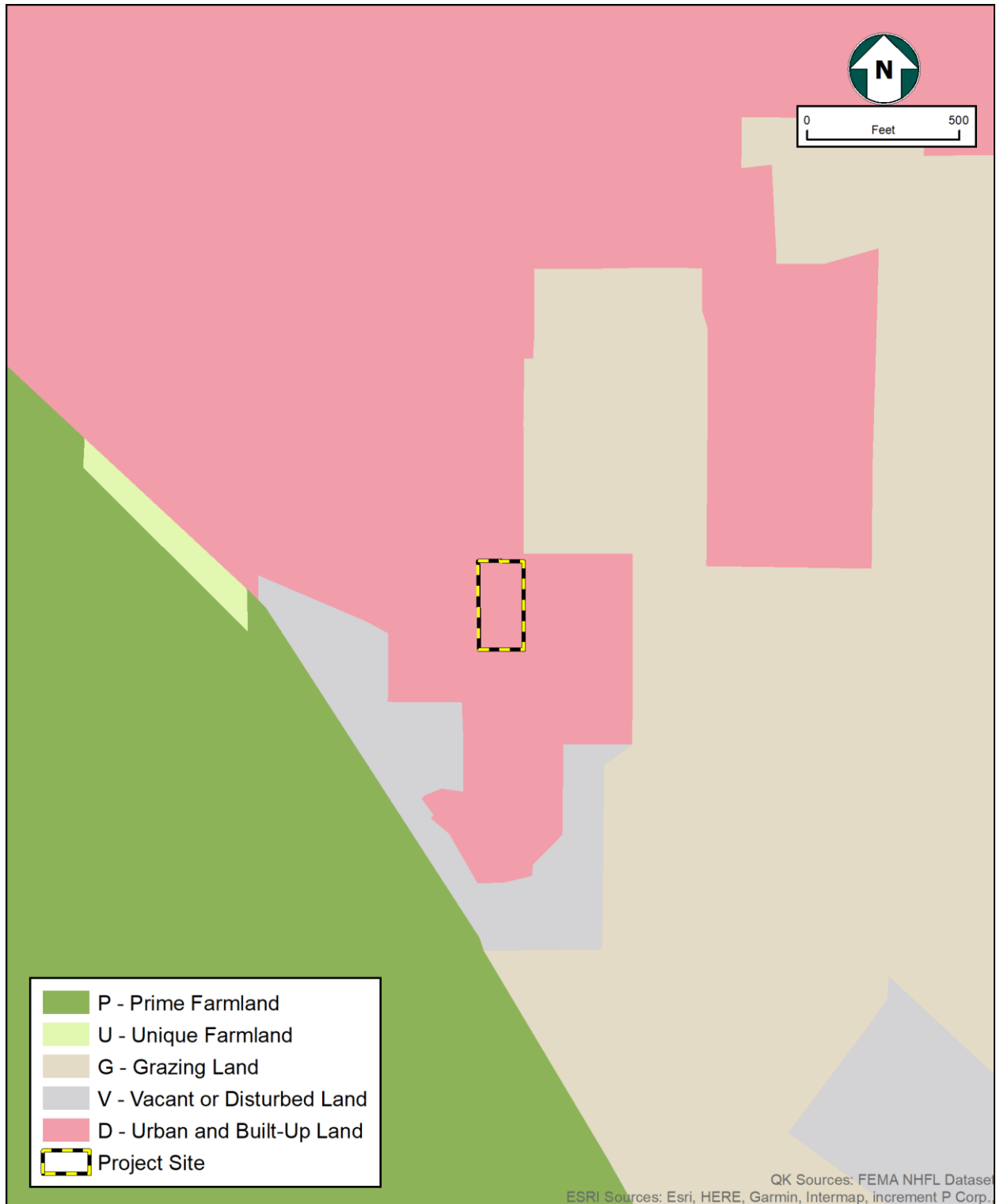


Figure 3.4.2-1
Farmland Mapping and Monitoring Program (FMMP)

	Potentially Significant Impact	Less than Significant with Mitigation Incorporated	Less-than- Significant Impact	No Impact
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3.4.3 - 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:

a.	Conflict with or obstruct implementation of the applicable air quality plan?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b.	Result in a cumulatively considerable net increase of any criteria pollutant for which the Project region is nonattainment under an applicable federal or State ambient air quality standard?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c.	Expose sensitive receptors to substantial pollutant concentrations?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
d.	Result in other emissions (such as those leading to odor) adversely affecting a substantial number of people?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

Discussion

Impact #3.4.3a – Would the Project Conflict with or obstruct implementation of the applicable air quality plan?

The Project is within the San Joaquin Valley Air Basin (SJVAB) and under the jurisdiction of the San Joaquin Valley Air Pollution Control District (SJVAPCD). Using Project type and size categories, the SJVAPCD has pre-quantified emissions and determined a size below which it is reasonable to conclude that a project would not exceed applicable thresholds of significance for criteria pollutants. This Project was determined to qualify as under the Small Project Analysis Level (SPAL).

As noted, the Project proposes to construct four fourplex units. The Project was assessed pursuant to, the SJVAPCD's *Guide to Mitigating and Assessing Air Quality Impacts* (GAMAQI), the CEQA (PRC 21000–21189), and CEQA Guidelines (California Code of Regulations Title 14, Division 6, Chapter 3, Sections 15000–15387). The SJVAPCD created the SPAL screening tool to streamline air quality assessments of commonly encountered projects. According to the GAMAQI, the SJVAPCD “precalculated the emissions on a large number and types of projects to identify the level at which they have no possibility of exceeding the emissions thresholds” (San Joaquin Valley Air Pollution Control District, 2015).

As seen in Table 3.4.3-1 the Project does not exceed the established SPAL limits for a low-rise apartment project.

**Table 3.4.3-1
SPAL Project Analysis Level in Units for Residential**

Land Use Category - Housing	Project Size (Units)*
Single Family	390
Apartments, Low Rise	590
Apartments, High Rise	600
Condominiums, General	590
Condominiums, High Rise	590
Mobile Homes	760
Retirement Community	880
Proposed Project – Apartment, Low Rise	16
SPAL Exceeded?	No

Source: (San Joaquin Valley Air Pollution Control District, 2012)

Note:

* Project size based on SPAL Table 5-3(a) as posed on SJVAPCD webpage:

<http://www.valleyair.org/transportation/CEQA%20Rules/GAMAQI-SPAL.pdf>

Therefore, the Project will not exceed the established SPAL threshold. As indicated in the SJVAPCD GAMAQI, projects that fall within the SPAL analysis levels are “deemed to have a less-than-significant impact on air quality due to criteria pollutant emissions and as such are excluded from quantifying criteria pollutant emissions for CEQA purposes.”

Based on the above analysis, the proposed Project does not have the possibility of exceeding the criteria pollutant emissions threshold and is under the reporting limit for recommendations and guidelines emissions estimates prepared pursuant to the SPAL assessment. The Project does not conflict with or obstruct implementation of an applicable air quality plan or exceed the SJVAPCD’s established emissions thresholds and significance thresholds for all CEQA air quality determinations. Therefore, this Project would not pose a significant impact to the San Joaquin Valley Air Basin. The proposed Project would have a less-than-significant impact.

MITIGATION MEASURE(S)

No mitigation is required.

LEVEL OF SIGNIFICANCE

Impacts would be *less than significant*.

Impact #3.4.3b – Would the Project result in a cumulatively considerable net increase of any criteria pollutant for which the Project region is nonattainment under an applicable federal or State ambient air quality standard (including releasing emissions which exceed quantitative thresholds for ozone precursors)?

The CEQA Guidelines indicate that a significant impact would occur if the proposed Project would conflict with or obstruct implementation of the applicable air quality plan. The San Joaquin Valley Air Basin (SJVAB) is designated nonattainment of State and federal health-based air quality standards for ozone and particulate matter less than 2.5 microns (PM_{2.5}). The SJVAB is designated attainment for federal particulate matter less than 10 microns (PM₁₀) standards and nonattainment of State PM₁₀. To meet Federal Clean Air Act (CAA) requirements, the SJVAPCD has multiple air quality attainment plan (AQAP) documents, including:

- 2008 Extreme Ozone Attainment Demonstration Plan (EOADP) for attainment of the 1-hour ozone standard;
- 2007 Ozone Plan for attainment of the 8-hour ozone standard;
- 2007 PM₁₀ Maintenance Plan and Request for Re-designation; and
- 2008 PM_{2.5} Plan.

Because of the region's federal nonattainment status for ozone and PM_{2.5}, and State nonattainment status for ozone, PM_{2.5}, and PM₁₀, if the Project-generated emissions of either the ozone precursor pollutants (reactive organic gases [ROG] or oxides of nitrogen [NO_x]), PM₁₀, or PM_{2.5} were to exceed the SJVAPCD's significance thresholds, then the Project uses would be considered to conflict with the attainment plans. In addition, if the Project uses were to result in a change in land use and corresponding increases in vehicle miles traveled, they may result in an increase in vehicle miles traveled that is unaccounted for in regional emissions inventories contained in regional air quality control plans.

The SJVAPCD air quality thresholds from the GAMAQI are presented in Table 3.4.3-2. The SJVAPCD separates construction emissions from operational emissions, and further separates permitted operational emissions from nonpermitted operational emissions, for determining significance thresholds for air pollutant emissions.

Table 3.4.3-2
SJVAPCD Air Quality Thresholds of Significant – Criteria Pollutants

Pollutant/Precursor	Construction Emissions Emissions (tpy)	Operational Emissions	
		Permitted Equipment and Activities Emissions (tpy)	Non-Permitted Equipment and Activities Emissions (tpy)
CO	100	100	100
NO _x	10	10	10
ROG	10	10	10
SO _x	27	27	27
PM ₁₀	15	15	15
PM _{2.5}	15	15	15

Source: (San Joaquin Valley Air Pollution Control District, 2015)

The GAMAQI states that the SJVAPCD's established thresholds of significance for criteria pollutant emissions require offsets for stationary sources. Emission reductions achieved

through implementation of the Project offset requirements are a major component of the District's air quality plans. This Project, with emissions well below the thresholds of significance for criteria pollutants would be determined to not conflict or obstruct implementation of the District's air quality plan.

Project's Contribution to Air Quality Violations

As discussed in Impact 3.4.3c below, the predicted construction and operational emissions do not exceed the SJVAPCD's significance thresholds for ROG, NO_x, PM₁₀, and PM_{2.5}. As a result, the Project would not conflict with emissions inventories contained in regional AQAPs and would not result in a significant contribution to the region's air quality nonattainment status.

Consistency with Assumptions in Air Quality Attainment Plans (AQAP)

The primary way of determining consistency with the AQAP's assumptions is determining consistency with the applicable General Plan to ensure that the Project's population density and land use are consistent with the growth assumptions used in the AQAPs for the air basin.

As required by California law, city and county General Plans contain a Land Use Element that details the types and quantities of land uses that the city or county estimates will be needed for future growth, and that designates locations for land uses to regulate growth. The Kings County Council of Governments uses the growth projections and land use information in adopted general plans to estimate future average daily trips and then vehicle miles traveled (VMT), which are then provided to SJVAPCD to estimate future emissions in the AQAPs. Existing and future pollutant emissions computed in the AQAP are based on land uses from area general plans. AQAPs detail the control measures and emission reductions required for reaching attainment of the air standards.

The Project is not anticipated to result in substantial direct or indirect population growth. Accordingly, it can be concluded that the proposed Project's uses are consistent with the vehicle miles traveled projections contained in the AQAP. The Project impact is less than significant for this criterion.

Control Measures

The AQAPs contain a number of control measures, including the rules outlined by the SJVAPCD. The AQAP control measures are enforceable requirements. The Project would comply with all of the SJVAPCD's applicable rules and regulations. Therefore, the Project would comply with this criterion.

With the incorporation of the enforceable requirements outlined in the AQAP, the Project is not anticipated to result in a cumulatively considerable net increase of any criteria pollutant for which the Project region is in nonattainment under any federal or State ambient air quality standards.

The SJVAPCD's Regulation VIII establishes required controls to reduce and minimizing fugitive dust emissions. The following SJVAPCD Rules and Regulations apply to all projects:

- Rule 4102 - Nuisance;
- Regulation VIII – Fugitive PM10 Prohibitions;
- Rule 8011 - General Requirements;
- Rule 8021 - Construction, Demolition, Excavation, Extraction, and Other Earthmoving Activities;
- Rule 8041 - Carryout and Trackout; and
- Rule 8051 - Open Areas.

SJVAPCD's required measures for all projects would also apply:

- Water exposed areas 3 times per day; and
- Reduce vehicle speed to less than 15 miles per hour.

Based on information from the SPAL, the proposed Project is not expected to result in a cumulatively considerable net increase of any criteria pollutant for which the Project region is nonattainment under an applicable federal or State ambient air quality standard (including releasing emissions which exceed quantitative thresholds for ozone precursors). Therefore, the proposed Project will have a less-than-significant impact.

MITIGATION MEASURE(S)

No mitigation is required.

LEVEL OF SIGNIFICANCE

Impacts would be *less than significant*.

Impact #3.4.3c – Would the Project expose sensitive receptors to substantial pollutant concentrations?

Sensitive receptors are defined as areas where young children, chronically ill individuals, the elderly, or people who are more sensitive than the general population reside. The following locations are where several sensitive receptors are likely to reside and be affected by substantial pollutant concentrations: schools, hospitals, nursing homes, and daycare centers. The closest schools are Tamarack Elementary School at approximately 0.25 mile to the northwest and Avenal High School ROP, approximately one mile to the north. The closest hospital is Adventist Health Community Care, approximately one mile to the southeast. The closest daycare facilities are Paramount Child Development Center approximately 0.1 miles south and KCAO Oasis Opportunity approximately 0.1 miles west of the Project. Based on the predicted operational emissions and activity types, the proposed Project is not expected to affect sensitive receptors and is not expected to have any adverse impacts on any known sensitive receptors.

The proposed Project, because of its residential nature, once constructed is not expected to result in the generation of odors or other hazardous air pollutants. During construction of the Project, construction activities and equipment may generate emission from construction equipment exhaust. However, construction will be completed over a time span of 40 months, one unit at a time, with only up to five workers at once, and will not create substantial pollutant concentrations. These impacts are localized and temporary in nature and therefore are considered less than significant. The Project would not expose sensitive receptors to substantial concentrations of localized PM₁₀, carbon monoxide, diesel particulate matter, hazardous air pollutants, or naturally occurring asbestos, as discussed below.

Hazardous Pollutants or Odors

The GAMAQI guidelines introduce two types of projects that should be assessed when considering hazardous air pollutants (HAPs) which includes: (1) placing a toxic land use in an area where it may have an adverse health impact on an existing sensitive land use and (2) placing a sensitive land use in an area where an adverse health impact may occur from an existing toxic land use. Some examples of projects that may include HAPs are:

- Agricultural products processing;
- Bulk material handling;
- Chemical blending, mixing, manufacturing, storage, etc.;
- Combustion equipment (boilers, engines, heaters, incinerators, etc.);
- Metals etching, melting, plating, refining, etc.;
- Plastics & fiberglass forming and manufacturing;
- Petroleum production, manufacturing, storage, and distribution; and
- Rock & mineral mining and processing.

The proposed Project is located on a site that is currently undeveloped land. The proposed Project consists of constructing four fourplex units. During the construction period some odors could result from vehicles and equipment using diesel fuels. However, vehicles and equipment using diesel fuels at the proposed Project would have to comply with the California Air Resources Board (CARB) guidelines, which limit idling time to five minutes with the Airborne Toxic Control Measure (ATCM). All construction would be temporary.

Additionally, the proposed Project is located near other residential or multi-family developments. Residential neighborhoods and multi-family developments are not known to be a source of nuisance odors. The Project is not expected to expose sensitive receptors to substantial pollutant concentrations. Therefore, the Project will have a less-than-significant impact.

MITIGATION MEASURE(S)

No mitigation is required.

LEVEL OF SIGNIFICANCE

Impacts would be *less than significant*.

Impact #3.4.3d – Would the Project result in emissions (such as those leading to odors) adversely affecting a substantial number of people?

As discussed in Impact #3.4.3c, above. The residential nature of this Project is not expected to result in the generation of odors or hazardous air pollutants that would affect a substantial number of people. The emissions associated with the construction of the Project would be temporary in nature and are not anticipated to result in the generation of a substantial amount of hazardous air pollutants. Therefore, the Project will have a less-than-significant impact.

MITIGATION MEASURE(S)

No mitigation is required.

LEVEL OF SIGNIFICANCE

Impacts would be *less than significant*.

	Potentially Significant Impact	Less than Significant with Mitigation Incorporated	Less-than- Significant Impact	No Impact
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3.4.4 - BIOLOGICAL RESOURCES

Would the Project:

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 Wildlife or U.S. Fish and Wildlife Service?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
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 Wildlife or U.S. Fish and Wildlife Service?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
c.	Have a substantial adverse effect on State or federally protected wetlands (including, but not limited to, marsh, vernal pool, coastal, etc.) through direct removal, filling, hydrological interruption, or other means?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
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?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
e.	Conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
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?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

Discussion

A biological reconnaissance survey was conducted to determine whether there are sensitive biological resources that might be adversely affected by the proposed Project. The evaluation is based upon existing site conditions, the potential for sensitive biological resources to occur

on and in the vicinity of the Project site, and any respective impacts that could potentially occur.

In addition to providing an evaluation of the Project's impacts to biological resources, the report includes a detailed description of the regulatory environment as it relates to biological resources.

A literature review of the California Department of Fish and Wildlife's California Natural Diversity Database (CDFW, 2020), California Native Plant Society (CNPS, 2020), and United States Fish and Wildlife Service Information for Planning and Consultation (USFWS, 2020) was conducted to identify special-status plant and wildlife species with the potential to occur within the Project site and vicinity (the surrounding nine quads and a 10-mile radius). Information on the potential presence of wetlands and waters was obtained from the National Wetlands Inventory (NWI), National Hydrography Database (NHD) and Federal Emergency Management Agency (FEMA). Information regarding the presence of Critical Habitat in the Project vicinity was obtained from the United States Fish and Wildlife Service's Critical Habitat Mapper database. The results of the database inquiries were subsequently reviewed to evaluate the potential for occurrence of special-status species and other sensitive biological resources known to occur on or near the Project site prior to conducting the biological reconnaissance survey.

On June 17, 2020, two QK biologists conducted a biological reconnaissance survey of the entire Project site and a 250-foot buffer area (Biological Survey Area [BSA]), where feasible. The purpose of the survey was to determine the locations and extent of potential plant communities and sensitive habitats, determine the potential for occurrence of special-status plant and animal species, and identify other sensitive biological resources within the Survey Area. Survey methodologies included walking meandering pedestrian transects through all present habitat types. Protocol surveys for specific special-status wildlife species were not conducted for this report as it was determined by the consulting biologist that such surveys were not warranted due to the condition of the Project site. Photographs were taken to document existing landscape of the Project site and adjacent land uses; detailed notes on observed plant and wildlife species and site conditions were taken while conducting the survey.

General Site Conditions

The entire Project site has experienced significant disturbance and adjacent to the Project site is residential development. The wildlife species inhabiting the BSA include those typically found in moderately- to heavily-disturbed habitats associated with development zones of Kings County and the southern San Joaquin Valley. The Project site has been previously disturbed, with little nonnative vegetation present. Several pocket gopher (*Thomomys* sp.) burrows were observed on the Project site, primarily along the southern fence line. Also, there were several trees within the BSA that could serve as potential nesting sites for nesting bird species, however, no nests or nesting behavior was observed during the time of the survey. There was minimal potential habitat for special-status species within the BSA.

There were nine plant species and six wildlife species identified during the survey, either through direct observation or by the presence of diagnostic signs (Table 3.4.4-1).

Table 3.4.4-1
List of Plant and Wildlife Species Observed within the Survey Area

Scientific name	Common name
Plants	
<i>Bromus</i> sp.	brome sp.
<i>Chionanthus retusus</i>	ornamental tree
<i>Erodium cicutarium</i>	redstem filaree
<i>Malva parviflora</i>	cheeseweed mallow
<i>Prunus armeniaca</i>	Armenian plum
<i>Salsola tragus</i>	Russian thistle
<i>Schismus barbatus</i>	Mediterranean grass
<i>Senecio vulgaris</i>	common groundsel
<i>Tribulus terrestris</i>	puncture vine
Wildlife	
<i>Canis lupus familiaris</i>	domestic dog*
<i>Corvus brachyrhynchos</i>	American crow
<i>Haemorhous mexicanus</i>	house finch
<i>Mimus polglottos</i>	Northern mockingbird
<i>Thomomys</i> sp.	pocket gopher*
<i>Zenaida macroura</i>	mourning dove

*Indicates that only sign (scat, tracks, prey remains, dens) were observed.

This section describes the results of the database searches using conditions present on the Project site as determined by the onsite examination and provides an analysis of Project impacts on each of six biological evaluation criteria. Each of the evaluation criteria are discussed below and mitigation measures are provided as warranted to, when implemented, reduce impacts to below significant levels.

Impact #3.4.4a – Would the Project have a substantial adverse effect, either directly or through habitat modifications, on any species identified as a candidate, sensitive, or special-status species in local or regional plans, policies, or regulations or by the California Department of Fish and Wildlife or U.S. Fish and Wildlife Service?

The literature search indicated that there is a potential for several sensitive natural communities and special-status species to be present on the Project site. An evaluation of each of the potentially occurring sensitive natural communities and special-status species, which included habitat requirements, likelihood of required habitat to occur within the Project area, and a comparison to the CNDDDB records was conducted. The results of this evaluation concluded that no sensitive natural community or special-status plant species are anticipated to occur on or near the Project site, and that four wildlife species have a reasonable potential to occur on or near the Project site.

Sensitive Natural Communities and Special-Status Species

SENSITIVE NATURAL COMMUNITIES AND SPECIAL-STATUS PLANTS

Based on the USFWS Information and Planning Consultation (IPaC) query, there were no sensitive natural communities and 17 special-status plant species identified as having potential to occur within the subject quadrangle and eight surrounding quadrangles. According to California Natural Diversity Database (CNDDDB) recorded occurrences, there are no sensitive natural communities and 9 special-status plant species found within a 10-mile radius of the Project site. However, the Project site and vicinity has been highly disturbed for years due to nearby residential development, and it does not provide habitat for any of these sensitive natural communities or special-status plant species. No special-status plant species were identified during the biological reconnaissance survey. Although protocol-level botanical surveys were not conducted and the reconnaissance survey did not coincide with optimum blooming periods for all plant species, it is not anticipated that special-status plant species occur on the Project site.

SPECIAL-STATUS WILDLIFE

Based on the IPaC query, there were 25 special-status wildlife species that were identified as having a potential to occur within subject quadrangle and eight surrounding quadrangles. According to CNDDDB recorded occurrences there are 12 special-status wildlife species found within a 10-mile radius of the Project site. Of the 12 species, eight were eliminated from consideration due to the lack of suitable habitat within the Project site. The remaining four species have a low, moderate, or high potential to occur within the Project site and vicinity. There are no species with a high potential to occur on or near the Project site, three species with a moderate potential (western burrowing owl [*Athene cunicularia*], American badger [*Taxidea taxus*], and San Joaquin kit fox [*Vulpes macrotis mutica*]) to occur on or near the Project site and one species Swainson's hawk [*Buteo swainsoni*], with a low potential to occur on or near the Project site. Protocol surveys for specific special-status wildlife species were not conducted for this report because it was determined that such surveys were not warranted due to the conditions present on the Project site.

Western Burrowing Owl

The western burrowing owl has a moderate potential to occur within the Project site and immediate surrounding area. Historically, burrowing owl have been recorded within 2.5 miles of the Project site. The most recent CNDDDB recorded occurrence (EONDX 114226) for a burrowing owl is over 10 miles northwest of the Project site. Therefore, there is a moderate potential for burrowing owl to forage on the Project site. No burrowing owls, suitable nesting sites or sign were observed during the survey.

San Joaquin Kit Fox

The San Joaquin kit fox has a moderate potential to occur within the Project site and immediate surrounding area. Historically, San Joaquin kit fox have been recorded within 0.5

miles of the Project site. The most recent CNDDDB recorded occurrence (EONDX 108902) of a San Joaquin kit fox observation is over 10 miles southwest of the Project site. Therefore, there is a moderate potential for the San Joaquin kit fox to reside or forage on the Project site or open fields near the vicinity of the Project site. No San Joaquin kit fox, suitable burrows for habitation or sign were observed during the survey. The San Joaquin kit fox is known to occur in the vicinity of the Project site and could potentially be present from time to time as a transient forager.

American Badger

The American badger has a moderate potential to occur within the Project site and immediate surrounding area. The most recent CNDDDB record occurrence (EONDX 104584) of American badger observation is over 10 miles southwest of the Project site. Therefore, there is a moderate potential for American badger to reside or forage on the Project site or open fields near the vicinity of the Project site. No American badger or sign were observed during the survey. The American badger is known to occur in the vicinity of the Project site and could potentially be present from time to time as a transient forager.

Swainson's Hawk

The Swainson's hawk has a low potential to occur within the Project site and the immediate area surrounding the Project site. The most recent CNDDDB recorded occurrence (EONDX 103934) of Swainson's hawk was over 10 miles south of the Project site. Swainson's hawks are known to forage in open fields and agricultural fields, such as hay or alfalfa. The surrounding area has been highly disturbed for years due to nearby residential development. There are no substantial number of small mammal burrows or sign that would support this species prey base and there is no suitable nesting habitat on the Project site or immediate vicinity. Additionally, no Swainson's hawks or sign of the species was observed during the survey.

CONCLUSION

The Project site and surrounding area have been previously disturbed by ongoing residential development. The Project site and vicinity does not provide suitable habitat for any special-status plant species and no mitigation measures to protect, avoid, or minimize impacts to special-status plant species are warranted.

There is the potential for several special-status or protected wildlife species to be impacted by Project activities. Compliance with Mitigation Measures MM BIO-1 through MM BIO-6 would protect, avoid, and minimize impacts to special-status wildlife species. When implemented, these measures would reduce impacts to these species to below significant levels.

MITIGATION MEASURE(S)

MM BIO-1: Prior to ground disturbing activities, a qualified wildlife biologist shall conduct a biological clearance survey between 14 and 30 calendar days prior to the onset of construction. The clearance survey shall include walking transects to identify presence of San Joaquin kit fox, American badger, Swainson's hawk, Western burrowing owl, nesting birds and other special-status species or signs of, and sensitive natural communities. The preconstruction survey shall be walked by no greater than 30-foot transects for 100 percent coverage of the Project site and the 500-foot buffer, where feasible. A report outlining the results of the survey shall be submitted to the Lead Agency.

Potential kit fox dens may be excavated provided that the following conditions are satisfied: (1) the den has been monitored for at least five consecutive days and is deemed unoccupied by a qualified biologist; (2) the excavation is conducted by or under the direct supervision of a qualified biologist. Den monitoring and excavation should be conducted in accordance with the *Standardized Recommendations for Protection of the Endangered San Joaquin Kit Fox Prior to or During Ground Disturbance* (United States Fish and Wildlife Service, 2011).

MM BIO-2: Prior to ground disturbance activities, or within one week of being deployed at the Project site for newly hired workers, all construction workers at the Project site shall attend a Construction Worker Environmental Awareness Training and Education Program, developed and presented by a qualified biologist.

The Construction Worker Environmental Awareness Training and Education Program shall be presented by the biologist and shall include information on the life history wildlife and plant species that may be encountered during construction activities, their legal protections, the definition of "take" under the Endangered Species Act, measures the Project operator is implementing to protect the species, reporting requirements, specific measures that each worker must employ to avoid take of the species, and penalties for violation of the Act. Identification and information regarding special-status or other sensitive species with the potential to occur on the Project site shall also be provided to construction personnel. The program shall include:

- An acknowledgement form signed by each worker indicating that environmental training has been completed; and
- A copy of the training transcript and/or training video/CD, as well as a list of the names of all personnel who attended the training and copies of the signed acknowledgement forms shall be maintained onsite for the duration of construction activities.

MM BIO-3: The following measures shall be implemented to reduce potential impacts to Swainson's hawk: If all Project activities are completed outside of the Swainson's hawk nesting season (February 15 through August 31), this mitigation measure shall need not be applied. If construction is planned during the nesting season, a preconstruction survey shall be conducted by a qualified biologist to evaluate the site and a 0.5-mile buffer around the site for active Swainson's hawk nests. If potential Swainson's hawk nests or nesting

substrates occur within 0.5 miles of the Project site, then those nests or substrates must be monitored for Swainson's hawk nesting activity. Monitoring shall be conducted according to the protocol outlined in the *Recommended Timing and Methodology for Swainson's Hawk Nesting Surveys in California's Central Valley* (Swainson's Hawk Technical Advisory Committee 2000). The protocol recommends visits be made to each nest or nesting site: one during January 1–March 20 to identify potential nest sites, three during March 20–April 5, three during April 5–April 20, and three during June 10–July 30. To meet the minimum level of protection for the species, surveys shall be completed for at least the two survey periods immediately prior to Project-related ground disturbance activities.

If Swainson's hawks are found to nest within the survey area, , active Swainson's hawk nests shall be avoided by 0.5 miles during the nesting period, unless this avoidance buffer is reduced through consultation with the CDFW. If an active Swainson's hawk nest is located within 500 feet of the Project or within the Project site, the Project proponent shall contact CDFW for guidance.

MM BIO-4: A qualified biologist shall conduct a preconstruction survey on the Project site and within 500 feet of its perimeter, where feasible, to identify the presence of the western burrowing owl. The survey shall be conducted between 14 and 30 days prior to the start of construction activities. If any burrowing owl burrows are observed during the preconstruction survey, avoidance measures shall be consistent with those included in the CDFW staff report on burrowing owl mitigation (CDFG 2012). If occupied burrowing owl burrows are observed outside of the breeding season (September 1 through January 31) and within 250 feet of proposed construction activities, a passive relocation effort may be instituted in accordance with the guidelines established by the California Burrowing Owl Consortium (1993) and the California Department of Fish and Wildlife (2012). During the breeding season (February 1 through August 31), a 200-meter (minimum) buffer zone should be maintained unless a qualified biologist verifies through noninvasive methods that either the birds have not begun egg laying and incubation or that juveniles from the occupied burrows are foraging independently and are capable of independent survival.

In addition, impacts to nest sites shall be avoided in accordance with the following table unless a qualified biologist approved by CDFW verifies through noninvasive methods that either: (1) the birds have not begun egg laying and incubation; or (2) that juveniles from the occupied burrows are foraging independently and are capable of independent survival.

Location	Time of Year	Level of Disturbance		
		Low	Med	High
Nesting sites	April 1-Aug 15	200 m*	500 m	500 m
Nesting sites	Aug 16-Oct 15	200 m	200 m	500 m
Nesting sites	Oct 16-Mar 31	50 m	100 m	500 m

MM BIO-5: If construction is planned outside the nesting period for raptors (other than the western burrowing owl) and migratory birds (February 15 to August 31), no mitigation shall be required. If construction is planned during the nesting season for migratory birds and raptors, a preconstruction survey to identify active bird nests shall be conducted by a qualified biologist to evaluate the site and a 250-foot buffer for migratory birds and a 500-foot buffer for raptors. If nesting birds are identified during the survey, active raptor nests shall be avoided by 500 feet and all other migratory bird nests shall be avoided by 250 feet. Avoidance buffers may be reduced if a qualified onsite monitor determines that encroachment into the buffer area is not affecting nest building, the rearing of young, or otherwise affecting the breeding behaviors of the resident birds. Because nesting birds can establish new nests or produce a second or even third clutch at any time during the nesting season, nesting bird surveys shall be repeated every 30 days as construction activities are occurring throughout the nesting season.

No construction or earth-moving activity shall occur within a non-disturbance buffer until it is determined by a qualified biologist that the young have fledged (left the nest) and have attained sufficient flight skills to avoid Project construction areas. Once the migratory birds or raptors have completed nesting and young have fledged, disturbance buffers will no longer be needed and can be removed, and monitoring can cease.

MM BIO-6: During all construction-related activities, the following mitigation shall apply:

- a. All food-related trash items such as wrappers, cans, bottles, and food scraps shall be disposed of in securely closed containers. All food-related trash items such as wrappers, cans, bottles, and food scraps shall be disposed of in securely closed containers and removed at least once a week from the construction or Project site.
- b. Construction-related vehicle traffic shall be restricted to established roads and predetermined ingress and egress corridors, staging, and parking areas. Vehicle speeds shall not exceed 20 miles per hour (mph) within the Project site.
- c. To prevent inadvertent entrapment of kit fox or other animals during construction, the contractor shall cover all excavated, steep-walled holes or trenches more than two feet deep at the close of each workday with plywood or similar materials. If holes or trenches cannot be covered, one or more escape ramps constructed of earthen fill or wooden planks shall be installed in the trench. Before such holes or trenches are filled, the contractor shall thoroughly inspect them for entrapped animals. All construction-related pipes, culverts, or similar structures with a diameter of four-inches or greater that are stored on the Project site shall be thoroughly inspected for wildlife before the pipe is subsequently buried, capped, or otherwise used or moved in anyway. If at any time an entrapped or injured kit fox is discovered, work in the immediate area shall be temporarily halted and USFWS and CDFW shall be consulted.
- d. Kit foxes are attracted to den-like structures such as pipes and may enter stored pipes and become trapped or injured. All construction pipes, culverts, or similar structures with a diameter of four inches or greater that are stored at a construction site for one or more overnight periods shall be thoroughly inspected for kit foxes before the pipe is subsequently buried, capped, or otherwise used or moved in any way. If a kit fox is discovered inside a pipe, that section of pipe shall not be moved until the USFWS and

CDFW has been consulted. If necessary, and under the direct supervision of the biologist, the pipe may be moved only once to remove it from the path of construction activity, until the fox has escaped.

- e. No pets, such as dogs or cats, shall be permitted on the Project sites to prevent harassment, mortality of kit foxes, or destruction of dens.
- f. Use of anti-coagulant rodenticides and herbicides in Project areas shall be restricted. This is necessary to prevent primary or secondary poisoning of kit foxes and the depletion of prey populations on which they depend. All uses of such compounds shall observe label and other restrictions mandated by the U.S. Environmental Protection Agency, California Department of Food and Agriculture, and other State and federal legislation, as well as additional Project-related restrictions deemed necessary by the USFWS and CDFW. If rodent control must be conducted, zinc phosphide shall be used because of the proven lower risk to kit foxes.
- g. A representative shall be appointed by the Project proponent who will be the contact source for any employee or contractor who might inadvertently kill or injure a kit fox or who finds a dead, injured or entrapped kit fox. The representative shall be identified during the employee education program and their name and telephone number shall be provided to the USFWS.
- h. The Sacramento Fish and Wildlife Office of USFWS and CDFW shall be notified in writing within three working days of the accidental death or injury to a San Joaquin kit fox during Project-related activities. Notification must include the date, time, and location of the incident or of the finding of a dead or injured animal and any other pertinent information. The USFWS contact is the Chief of the Division of Endangered Species, at the addresses and telephone numbers below. The CDFW contact can be reached at (559) 243-4014 and R4CESA@wildlifeca.gov.
- i. All sightings of the San Joaquin kit fox shall be reported to the California Natural Diversity Database (CNDDB). A copy of the reporting form and a topographic map clearly marked with the location of where the kit fox was observed shall also be provided to the Service at the address below.
- j. Any Project-related information required by the USFWS or questions concerning the above conditions, or their implementation may be directed in writing to the U.S. Fish and Wildlife Service at: Endangered Species Division, 2800 Cottage Way, Suite W 2605, Sacramento, California 95825-1846, phone: (916) 414-6620 or (916) 414-6600.
- k. If burrowing owl are found to occupy the Project site and avoidance is not possible, burrow exclusion may be conducted by qualified biologists only during the nonbreeding season, before breeding behavior is exhibited, and after the burrow is confirmed empty through noninvasive methods (surveillance). Replacement or occupied burrows shall consist of artificial burrows at a ratio of 1 burrow collapsed to 1 artificial burrow constructed (1:1). Ongoing surveillance of the Project site during construction activities shall occur at a rate sufficient to detect Burrowing owl, if they return.

LEVEL OF SIGNIFICANCE

Impacts would be *less than significant with mitigation incorporated*.

Impact #3.4.4b – Would the Project 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 Wildlife or U.S. Fish and Wildlife Service?

According to CNDDDB there are no sensitive natural communities with the potential to occur within 10 miles of the Project site (CDFW, 2020). The Project site is highly disturbed and does not provide habitat to maintain these communities. No sensitive natural communities were identified within the Project site or buffer area during the biological reconnaissance survey. There are no anticipated impacts to sensitive natural communities as a result of the proposed Project. The Project site covers an area of approximately one acre and has been previously disturbed by grading and weed abatement activities. The Project site is primarily surrounded by residential development.

Riparian habitat is defined as lands that are influenced by a river, specifically the land area that encompasses the river channel and its current or potential floodplain. The Project is not located within a river or an area that encompasses a river or potential floodplain. The proposed Project would not have any adverse effect to a riparian habitat.

MITIGATION MEASURE(S)

No mitigation is required.

LEVEL OF SIGNIFICANCE

There would be *no impact*.

Impact #3.4.4c – Would the Project have a substantial adverse effect on State or federally protected wetlands (including, but not limited to, marsh, vernal pool, coastal, etc.) through direct removal, filling, hydrological interruption, or other means?

The United States Army Corps of Engineers (USACE) has regulatory authority over the Clean Water Act (CWA), as provided for by the EPA. The USACE has established specific criteria for the determination of wetlands based upon the presence of wetland hydrology, hydric soils, and hydrophilic vegetation. There are no federally protected wetlands or vernal pools that occur within the Project site.

Wetlands, streams, reservoirs, sloughs, and ponds typically meet the criteria for federal jurisdiction under Section 404 of the CWA and State regulatory authority under the Porter-Cologne Water Quality Control Act. Streams and ponds typically meet the criteria for State regulatory authority under Section 1602 of the California Fish and Game Code. There are no features on the Project site that would meet the criteria for either federal jurisdiction or State

regulatory authority. There would be no impact to federally protected wetlands or waterways or State wetlands or waters.

MITIGATION MEASURE(S)

No mitigation is required.

LEVEL OF SIGNIFICANCE

Impacts would be *no impact*.

Impact #3.4.4d – Would the Project 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?

Wildlife migratory corridors are described as a linear stretch of land that connects two open pieces of habitat that would otherwise be unconnected. These routes provide shelter and sufficient food resources to support wildlife species during migratory movements. Movement corridors generally consist of riparian, woodlands, or forested habitats that span contiguous acres of undisturbed habitat and are important elements of resident species' home ranges.

The proposed Project and surrounding area occur within a known essential connectivity area identified by the Essential Habitat Connectivity Project (Spencer, W.D., et al, 2010). However, due to the existing disturbed condition of the Project site and the urbanized character of the surrounding area, primarily consisting of residential development, the use of connectivity habitat by sensitive wildlife is unlikely. The proposed Project does not occur within terrestrial migration route, significant wildlife corridor, or wildlife linkage area as identified in the Recovery Plan for Upland Species in the San Joaquin Valley (US Fish and Wildlife Service, 1998). The survey conducted for the Project did not provide evidence of a wildlife nursery or important migratory habitat being present on the Project site. Migratory birds and raptors could use habitat on or near the Project for foraging and/or as stopover sites during migrations or movement between local areas.

The Project would not substantially affect migrating birds or other wildlife. The Project will not restrict, eliminate, or significantly alter a wildlife movement corridor, wildlife core area, or Essential Habitat Connectivity area, either during construction or after the Project has been constructed. Project construction will not substantially interfere with wildlife movements or reduce breeding opportunities.

Additionally, the land surrounding the Project site is developed with residences or is planned for continuation of residential development that would sever wildlife movement through the site and eliminate any nursery site. The proposed Project would not interfere 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. Therefore, there would be no impacts to wildlife movements, would not affect movement corridors, or impeded a nursery site.

MITIGATION MEASURE(S)

No mitigation is required.

LEVEL OF SIGNIFICANCE

There would be *less than significant*.

Impact #3.4.4e – Would the Project conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance?

There are no adopted local policies or ordinances protecting biological that would apply to this Project site. Therefore, implementation of the proposed Project would have no conflict related to an adopted local policies or ordinances protecting biological resources.

MITIGATION MEASURE(S)

No mitigation is required.

LEVEL OF SIGNIFICANCE

There would be *no impact*.

Impact #3.4.4f – Would the Project conflict with the provisions of an adopted habitat conservation plan, natural community conservation plan, or other approved local, regional, or State habitat conservation plan?

The Project site is located within the Natural Community Conservation Plan – Aera Energy Southwest San Joaquin Valley HCP/NCCP, however, it does not apply to the Project since it is not an AERA project.

MITIGATION MEASURE(S)

No mitigation is required.

LEVEL OF SIGNIFICANCE

There would be *no impact*.

	Potentially Significant Impact	Less than Significant with Mitigation Incorporated	Less-than- Significant Impact	No Impact
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3.4.5 - CULTURAL RESOURCES

Would the Project:

a. Cause a substantial adverse change in the significance of a historical resource pursuant to CEQA Guidelines Section 15064.5?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
b. Cause a substantial adverse change in the significance of an archaeological resource pursuant to CEQA Guidelines Section 15064.5?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
c. Disturb any human remains, including those interred outside of formal cemeteries?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Discussion

This section is based on the letter received from the Native American Heritage Commission (NAHC) (Native American Heritage Commission, 2020). The letter is included as Appendix A of this document.

Impact #3.4.5a – Would the Project cause a substantial adverse change in the significance of a historical resource pursuant to CEQA Guidelines Section 15064.5?

As defined by CEQA Guidelines Section 15064.5, "historical resources" are:

- A resource listed in, or determined to be eligible by the State Historical Resources Commission, for listing in the California Register of Historical Resources (Public Resource Code Section 5024.1, Title 14 California Code of Regulations, Section 4850 et seq.).
- A resource included in a local register of historical resources, as defined in Section 5020.1(k) of the Public Resources Code or identified as significant in an historical resource survey meeting the requirements Section 5024.1(g) of the Public Resources Code, shall be presumed to be historically or culturally significant. Public agencies must treat any such resource as significant unless the preponderance of evidence demonstrates that it is not historically or culturally significant.
- Any: object, building, structure, site, area, place, record, or manuscript which a Lead Agency determines to be historically significant or significant in the architectural, engineering, scientific, economic, agricultural, educational, social, political, military, or cultural annals of California may be considered to be an historical resource, provided the Lead Agency's determination is supported by substantial evidence in light of the whole record. Generally, a resource shall be considered by the Lead Agency to be "historically significant" if the resource meets the criteria for listing on

the California Register of Historical Resources (Public Resources Code Section 5024.1, Title 14 CCR, Section 4852) including the following:

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

The fact that a resource is not listed in, or determined to be eligible for listing in the California Register of Historical Resources, not included in a local register of historical resources (pursuant to Section 5020.1(k) of the Public Resources Code), or identified in an historical resources survey (meeting the criteria in Section 5024.1(g) of the Public Resources Code) does not preclude a Lead Agency from determining that the resource may be an historical resource as defined in Public Resources Code Sections 5020.1(j) or 5024.1.

Avenal's history dates back to 1850, when American settlers arrived in the area and established settlements east and south of the existing urbanized portion of the City. Accordingly, there are numerous buildings within the Study Area that appear to be more than 50 years old and could qualify as historical architectural resources. The Avenal General Plan 2025 EIR analyzed impacts to cultural resources and found no evidence of archaeological resources in the area (City of Avenal, 2018).

Although there is no obvious evidence of historical or archaeological resources on the Project site, there is the potential during construction for the discovery of cultural resources. Grading and trenching, as well as other ground-disturbing actions, have the potential to damage or destroy these previously unidentified and potentially significant cultural resources within the Project area, including historical resources. Although unlikely, the disturbance of any deposits that have the potential to provide significant cultural data would be considered a significant impact under CEQA. However, implementation of MM CUL-1 would reduce potential impacts to cultural resources to less-than-significant levels.

MITIGATION MEASURE(S)

MM CUL-1: a) If prehistoric or historic-era cultural materials are encountered during construction activities, all work in the immediate vicinity of the find shall halt until a qualified archaeologist can evaluate the find and make recommendations. Cultural resource materials may include prehistoric resources such as flaked and ground stone tools and debris, shell, bone, ceramics, and fire-affected rock as well as historic resources such as glass, metal, wood, brick, or structural remnants. If the qualified archaeologist determines that the discovery represents a potentially significant cultural resource, additional investigations may be required to mitigate adverse impacts from Project implementation. These additional studies may include avoidance, testing, and evaluation or data recovery excavation.

b) The developer shall retain the Santa Rosa Rancheria Tachi Yokut tribe to conduct a Cultural Resources Sensitivity training session with the construction crew prior to ground disturbance activities.

LEVEL OF SIGNIFICANCE

Impact would be *less than significant with mitigation incorporated*.

Impact #3.4.5b – Would the Project cause a substantial adverse change in the significance of an archaeological resource pursuant to CEQA Guidelines Section 15064.5?

See discussion of Impact #3.4.5a, above.

On June 17, 2020, a request was made to the Native American Heritage Commission (NAHC) for a Sacred Lands File (SLF) search. The result of the search was negative.

Pursuant to Public Resources Code § 21080.3.1 and Government Code § 65300 *et seq*, letters were sent to each of the six Native American tribes within the geographic area as identified by the NAHC (see Appendix A). The letters included a Project description and location maps.

A response was received by the Santa Rosa Rancheria Tachi Yokut Tribe requesting that Santa Rosa be retained to conduct a preconstruction presentation to construction staff regarding the law and potential to discover cultural resources. As noted above, MM CUL-1(b) requires the developer to retain a Native American tribal representative to conduct a Cultural Resources Sensitivity Training session prior to ground disturbance activities. Implementation of MM CUL 1 will reduce potential impacts to archaeological resources to less than significant levels.

MITIGATION MEASURE(S)

Implementation of Mitigation Measure MM CUL-1.

LEVEL OF SIGNIFICANCE

Impacts would be *less than significant with mitigation incorporated*.

Impact #3.4.5c – Would the Project disturb any human remains, including those interred outside of formal cemeteries?

There are no known cemeteries or burials on or near the Project. Although unlikely, subsurface construction activities, such as trenching and grading, associated with the proposed Project could potentially disturb previously undiscovered human burial sites. Accordingly, this is a potentially significant impact. Although considered unlikely subsurface construction activities could cause a potentially significant impact to previously undiscovered human burial sites. The cultural resources and Sacred Lands File records searches did not indicate the presence of human remains, burials, or cemeteries within or in the vicinity of the Project site. No human remains have been discovered at the Project site,

and no burials or cemeteries are known to occur within the area of the site. However, construction would involve earth-disturbing activities, and it is still possible that human remains may be discovered, possibly in association with archaeological sites. Implementation of the below mitigation measure would ensure that the proposed Project would not directly or indirectly destroy previously unknown human remains. It is unlikely that the proposed Project would disturb any known human remains, including those interred outside of formal cemeteries. However, with implementation of MM CUL-2, the Project would have a less-than-significant impact.

MITIGATION MEASURE(S)

MM CUL-2: If human remains are discovered during construction or operational activities, further excavation or disturbance shall be prohibited pursuant to Section 7050.5 of the California Health and Safety Code. The specific protocol, guidelines, and channels of communication outlined by the NAHC, in accordance with Section 7050.5 of the Health and Safety Code, Section 5097.98 of the Public Resources Code (Chapter 1492, Statutes of 1982, Senate Bill 297), and Senate Bill 447 (Chapter 44, Statutes of 1987), shall be followed. Section 7050.5(c) shall guide the potential Native American involvement, in the event of discovery of human remains, at the direction of the county coroner.

LEVEL OF SIGNIFICANCE

Impact would be *less than significant with mitigation incorporated*.

	Potentially Significant Impact	Less than Significant with Mitigation Incorporated	Less-than- Significant Impact	No Impact
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3.4.6 - ENERGY

Would the Project:

- | | | | | |
|---|--------------------------|--------------------------|-------------------------------------|--------------------------|
| a. Result in a potentially significant environmental impact due to wasteful, inefficient, or unnecessary consumption of energy resources, during Project construction or operation? | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| b. Conflict with or obstruct a State or local plan for renewable energy or energy efficiency? | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |

Discussion

The following analysis is based on Project data provided by the applicant, the Small Project Analysis Level Assessment (SPAL) and available energy resource consumption data.

Impact #3.4.6a – Would the Project result in a potentially significant environmental impact due to wasteful, inefficient, or unnecessary consumption of energy resources, during Project construction or operation?

Construction

Energy demand during the construction phase would result from the transportation of materials, construction equipment, and construction worker vehicle trips. Construction equipment includes scrapers, motor graders (blades), 500-gallon water trucks, small excavator/tractor, rubber-tired compacter, concrete trucks tractors, and concrete extrusion machine. The Project would comply with the SJVAPCD requirements regarding the use of fuel-efficient vehicles and equipment, to the extent feasible. The Project will not use natural gas during the construction phase. Compliance with standard regional and local regulations, the Project would minimize fuel consumption during construction. By complying with standard regional and local regulations, the Project would minimize fuel consumption during construction. Table 3.4.6-1 displays how the breakdown of construction-related items will use approximately 24,000 gallons of fuel.

Table 3.4.6-1
Energy Consumption – Construction Breakdown

Phase Name	Off-road Equipment Type	Total Hours	Amount	Usage Hours	Horse-power	Load Factor	HP-Hour	Fuel Consumption (gal)	Total per phase per day	Days	Total gallons per phase
Dust Control	500 Gallon Water Truck	16	2	8.00	250	0.42	1680	86.016	86.016	10	860.16
Grading	Small Excavator/Tractor	16	2	8.00	158	0.38	960.64	49.184768			
Grading	Rubber Tired Compactor	8	1	8.00	247	0.40	790.4	40.46848			
Grading	Small Excavator/Tractor	16	2	8.00	97	0.37	574.24	29.401088	119.05434	30	3571.6301
Building Construction	Small Excavator/Tractor	21	3	7.00	97	0.37	753.69	38.588928	38.588928	300	11576.678
Paving	Concrete Extrusion Machine	16	2	8.00	250	0.42	1680	86.016			
Paving	12 CY Concrete Truck	16	2	8.00	132	0.36	760.32	38.928384	799.24838	10	7992.4838
HP-Hour = Load Factor x Total Hours x Horsepower				Fuel Consumption = HP-Hour x .01832 of diesel oil						Total	24000.95

There are no unusual Project characteristics that would cause construction equipment to be less energy efficient compared with other similar construction sites in other parts of the State. Thus, construction-related fuel consumption at the Project would not result in inefficient, wasteful, or unnecessary energy use.

Post-Construction

The Project will use a variety of energy-saving components to reduce energy consumption. These includes, but are not limited to dual-pane glass, low-flow toilets, tankless water heaters, and Energy Star rated insulation and appliances.

Construction-related fuel consumption is not expected to result in inefficient, wasteful, or unnecessary energy use. The Project will comply with all applicable standards and building codes included in the 2019 California Green Building Standards Code. Therefore, the Project would have a less-than-significant impact.

MITIGATION MEASURE(S)

No mitigation is required.

LEVEL OF SIGNIFICANCE

Impacts would be *less than significant*.

Impact #3.4.6b – Would the Project conflict with or obstruct a State or local plan for renewable energy or energy efficiency?

The Project must comply with Title 24, Chapter 4 of the California Green Building Standards Code for residential development and Part 6, of the California Energy Code (CEC) the California Code of Regulations (CCR), Title 20 with adoptions of the California Energy Commission (California Building Standards Commission, 2019).

Energy-saving strategies will be implemented where feasible to reduce the Project's energy consumption during the construction and post-construction phases. Strategies being implemented include those recommended by the California Air Resources Board (CARB) that may reduce both the Project's construction energy consumption, including diesel anti-idling measures, light-duty vehicle technology, usage of alternative fuels such as biodiesel blends and ethanol, and heavy-duty vehicle design measures to reduce energy consumption. Additionally, as outlined in the SJVAPCD's GAMAQI, the Project includes recommendations to reduce energy consumption by shutting down equipment when not in use for extended periods, limiting the usage of construction equipment to eight cumulative hours per day, usage of electric equipment for construction whenever possible in lieu of diesel or gasoline powered equipment, and encouragement of employees to carpool to retail establishments or to remain onsite during lunch breaks.

The Project will also incorporate energy-saving design features in order to offset energy consumption and costs. Energy efficiency design features include, skylights, dual-pane glass

windows with window treatments and by the use of renewable energy. Energy efficient lighting and low flow plumbing infrastructure will also be installed in each home. In addition, the Project will comply with the City of Avenal Uniform Building Codes – Chapter 7, Landscaping Requirements including xeriscaping, the use of drought tolerant plants and drip irrigation to reduce water consumption. Based on this analysis, the Project would be consistent and not conflict with or obstruct a State of local plan related to renewable energy or energy consumption. Impacts would be less than significant.

MITIGATION MEASURE(S)

No mitigation is required.

LEVEL OF SIGNIFICANCE

Impacts would be *less than significant*.

3.4.7 - GEOLOGY AND SOILS

Would the Project:

	Potentially Significant Impact	Less than Significant with Mitigation Incorporated	Less-than- Significant Impact	No Impact
a. Directly or indirectly cause potential substantial adverse effects, including the risk of loss, injury, or death involving:				
(i) Rupture of a known earthquake fault, as delineated on the most recent Alquist-Priolo Earthquake Fault Zoning Map issued by the State Geologist for the area or based on other substantial evidence of a known fault? Refer to Division of Mines and Geology Special Publication 42.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
(ii) Strong seismic ground shaking?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
(iii) Seismic-related ground failure, including liquefaction?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
(iv) Landslides?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b. Result in substantial soil erosion or the loss of topsoil?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
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 offsite landslide, lateral spreading, subsidence, liquefaction, or collapse?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
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?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
e. Have soils incapable of adequately supporting the use of septic tanks or alternative wastewater disposal systems in areas where sewers are not available for the disposal of wastewater?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
f. Directly or indirectly destroy a unique paleontological resource or site or unique geologic feature?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Discussion

The following analysis is based primarily on the Avenal General Plan for 2035, the General Plan Enhancement IS/MND and a Geotechnical Engineering Investigation Report (BSK Associates, 2020) prepared for this Project, which is included as Appendix B of this document, along with other available data.

Impact #3.4.7a(i) – Would the Project Directly or indirectly cause potential substantial adverse effects, including the risk of loss, injury, or death involving – rupture of a known earthquake fault, as delineated on the most recent Alquist-Priolo Earthquake Fault Zoning Map issued by the State Geologist for the area or based on other substantial evidence of a known fault?

All of Kings County and the Central Valley is considered seismically active. The proposed construction and use of the proposed Project would increase the potential exposure of persons working and living in the Project site to possible seismic events including risk of loss, injury, and death related to earthquakes and related hazards.

Although the City of Avenal is located in a seismically active area and there is potential for seismic activity in the Project area, the Project site is not located within the bounds of an active fault zone (BSK Associates, 2020). The lack of mapped active and potentially active faults notwithstanding, the Project could be subjected to strong ground shaking during an earthquake on a nearby fault. By adhering to the 2019 California Building Code, the Project will have a less-than-significant impact of endangering people and structures associated with this Project. Therefore, the Project would have a less-than-significant impact.

MITIGATION MEASURE(S)

No mitigation is required.

LEVEL OF SIGNIFICANCE

Impact would be *less than significant*.

Impact #3.4.7a(ii) – Would the Project Directly or indirectly cause potential substantial adverse effects, including the risk of loss, injury, or death involving – strong seismic ground shaking?

See discussion of Impact #3.4.7a(i), above.

Given the high seismicity of the southern San Joaquin Valley region, moderate to severe ground shaking associated with earthquakes on the nearby faults can be expected within the Project area and throughout Kings County. In the event of an earthquake on one of the nearby faults, it is likely that the Project would experience ground shaking and expose people and structures associated with the Project.

While such seismic shaking would be less severe from an earthquake that originates at a greater distance from the Project site, the side effects could potentially be damaging to residential buildings and supporting infrastructure. The Project is required to design residential buildings and associated infrastructure to withstand substantial ground shaking in accordance with all applicable State law and applicable codes included in the California Building Code (CBC) Title 24 for earthquake construction standards and building standards code including those relating to soil characteristics (California Building Standards Commission, 2019). The Project shall adhere to all applicable local and State regulations to reduce any potentially significant impacts to structures resulting from strong seismic ground shaking at the Project site. Therefore, Project impacts would be less than significant.

MITIGATION MEASURE(S)

No mitigation is required.

LEVEL OF SIGNIFICANCE

Impacts would be *less than significant*.

Impact #3.4.7a(iii) – Would the Project Directly or indirectly cause potential substantial adverse effects, including the risk of loss, injury, or death involving – seismic-related ground failure, including liquefaction?

See discussion of Impact #3.4.7a(i), above.

Liquefaction is defined as a phenomenon where earthquake-induced ground vibrations increase the pore pressure in saturated, granular soils until it is equal to the confining, overburden pressure. When this occurs, the soil can completely lose its shear strength and enter a liquefied state. Fine, well-sorted, loose sand, shallow groundwater, severe seismic ground motion and particularly long durations of ground shaking are conditions conducive for liquefaction. Based on anticipated ground shaking at the site and anticipated groundwater levels greater than 100 bgs, liquefaction potential is considered negligible (BSK Associates, 2020).

The Project near surface soil consists of fine to medium grained clayey sand to sandy clay to the maximum depth of exploration (five to 21.5 feet below ground surface [bgs]). Coarse grained soils generally have a relative density of loose to medium dense, and fine-grained soils generally has a consistency of stiff to very stiff. Because the depth of the groundwater at the Project site is much greater than 50 feet, there is a negligible risk of liquefaction occurring at the Project site during a seismic event.

Based on this analysis, the Project would have a less-than-significant impact exposing people or structures to potential substantial adverse effects, including the risk of loss, injury, or death involving seismic-related ground failure including liquefaction. Structures constructed as part of the Project would be required by State law to be constructed in accordance with all applicable IBC CBC, Title 24 construction standards. Adherence to all applicable

regulations would reduce or avoid any potential impacts to structures resulting from liquefaction at the Project site and impacts would be *less than significant*.

MITIGATION MEASURE(S)

No mitigation is required.

LEVEL OF SIGNIFICANCE

Impacts would be *less than significant*.

Impact #3.4.7a(iv) – Would the Project Directly or indirectly cause potential substantial adverse effects, including the risk of loss, injury, or death involving – landslides?

The land is relatively flat with no significant topological features. As such, there is no potential for rock fall and landslides to impact the Project in the event of a major earthquake, as the area has no dramatic elevation changes. Based on the predicted maximum horizontal accelerations at the Project site and the soil types, minor subsurface settlement may occur onsite during a major earthquake, and this is considered less than significant. The property is flat and there is a low potential for landslides. The Project will not directly or indirectly cause potential substantial adverse effects, including the risk of loss, injury or death involving, landslides. Therefore, the Project will have a less-than-significant impact.

MITIGATION MEASURE(S)

No mitigation is required.

LEVEL OF SIGNIFICANCE

Impacts would be *less than significant*.

Impact #3.4.7b – Would the Project result in substantial soil erosion or the loss of topsoil?

Construction activities associated with the proposed Project will disturb surface vegetation and soils during construction and would expose these disturbed areas to erosion by wind and water. To reduce the potential for soil erosion and loss of topsoil, the Project would comply with the National Pollutant Discharge Elimination System (NPDES) General Construction Permit from the State of California Central Valley Regional Water Quality Control Board (RWQCB) during construction. Under the NPDES, the preparation and implementation of a Stormwater Pollution Prevention Plan (SWPPP) are required for construction activities that would disturb an area of one acre or more. A SWPPP must identify potential sources of erosion or sedimentation as well as identify and implement best management practices (BMPs) that ensure reduce erosion. Typical BMPs intended to control erosion include sandbags, retention basins, silt fencing, street sweeping, etc. Mitigation Measure MM GEO-1 requires the approval of a SWPPP to comply with the NPDES General Construction Permit. The Project will comply with all the grading requirements as outlined in Title 24 and Appendix J of the California Building Code (UpCodes, 2016). The Project is

not expected to result in substantial soil erosion or the loss of topsoil with the incorporation of Mitigation Measure MM GEO-1.

Once constructed the Project will have both impermeable surfaces as well as permeable surfaces. Impermeable surfaces would include roadways, driveways and building sites. Permeable surfaces would include front and back yards, any landscaped areas and open space. Overall, development of the Project would not result in conditions where substantial surface soils would be exposed to wind and water erosion.

MITIGATION MEASURE(S)

MM GEO-1: Prior to issuing of grading or building permits, the Project applicant shall submit to the City (1) the approved Stormwater Pollution Prevention Plan (SWPPP) and (2) the Notice of Intent (NOI) to comply with the General National Pollutant Discharge Elimination System (NPDES) from the Central Valley Regional Water Quality Control Board. The requirements of the SWPPP and NPDES shall be incorporated into design specifications and construction contracts. Recommended best management practices for the construction phase may include the following:

- Stockpiling and disposing of demolition debris, concrete, and soil properly;
- Protecting existing storm drain inlets and stabilizing disturbed areas;
- Implementing erosion controls;
- Properly managing construction materials; and
- Managing waste, aggressively controlling litter, and implementing sediment controls.

Evidence of the approved SWPPP shall be submitted to the Lead Agency.

LEVEL OF SIGNIFICANCE

Impacts would be *less than significant with mitigation incorporated*.

Impact #3.4.7c – Would the Project 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 offsite landslide, lateral spreading, subsidence, liquefaction, or collapse?

See discussion in Impact #3.4.7a(iii) and 3.4.7a(iv), above.

There are no slopes on or near the property and the Project would not expose the people or structures to significant risks from landslides.

As noted above, the depth to regional groundwater at the Project site is greater than 100 feet bgs. Liquefaction potential at the Project site is considered negligible (BSK Associates, 2020). Implementation of Building Code Standard requirements will help to reduce impacts associated with subsidence of the Project site.

The proposed Project shall comply to all City and State regulations pertaining to construction, including, Section 1613 of the CBC and Building Regulations, of the Avenal

Municipal Code. In addition, the California Geologic Society, in implementing the CA Seismic Hazards Mapping Program, has not identified any seismically induced landslide hazard zones in Avenal (City of Avenal, 2018a). Therefore, by complying to the existing regulatory framework would be adequate to reduce any potential impacts to less-than-significant levels.

As indicated in previous responses, the site is flat and does not have slopes. Additionally, the site is not located near any areas with sufficient slope that could result in offsite landslides. Moreover, the Project will be designed by an engineer as to resist potential side-effects of spreading, subsidence, liquefaction or collapse. MM GEO-2 would reduce potential impacts to less than significant.

MITIGATION MEASURE(S)

MM-GEO-2 Prior to the issuance of grading or building permits, the Project geotechnical engineer, structural engineer, civil engineer, general contractor, the earthwork contractor shall meet with the Lead Agency to discuss the grading plan and grading requirements as outlined in the final Geotechnical Report.

LEVEL OF SIGNIFICANCE

Impacts would be *less than significant with mitigation incorporated*.

Impact #3.4.7d – Would the Project 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?

The near surface soil consisted of fine to medium grained clayey sand to sandy clay to the maximum depth of exploration (five to 21.5 feet bgs). Coarse grained soils on the site have a relative density of loose to medium dense, and fine-grained soils in the area have a consistency of stiff to very stiff. The onsite soils below five feet are considered to have a low potential for hydrocompaction (BSK Associates, 2020).

The Project shall comply with all applicable requirements of the California Code of Regulations, and the most recent California Building Standards Code that provides criteria for the appropriate design of buildings. Therefore, the impacts related to expansive soils would be less than significant.

MITIGATION MEASURE(S)

No mitigation is required.

LEVEL OF SIGNIFICANCE

Impacts would be *less than significant*.

Impact #3.4.7e – Would the Project have soils incapable of adequately supporting the use of septic tanks or alternative wastewater disposal systems in areas where sewers are not available for the disposal of wastewater?

The proposed Project will not use septic systems but will connect to the existing city of Avenal wastewater sewer line/system.

Therefore, the Project would have no impact.

MITIGATION MEASURE(S)

No mitigation is required.

LEVEL OF SIGNIFICANCE

There would be *no impact*.

Impact #3.4.7f – Would the Project directly or indirectly destroy a unique paleontological resource or site or unique geologic feature?

Geological records of the region and those prepared for the Avenal General Plan 2025 EIR, found no evidence of paleontological resources or unique geological features in Avenal. However, there is a possibility that future ground disturbing activities could cause damage to, or destruction of, previously undiscovered paleontological resources or unique geologic features.

Implementation of MM GEO-3 would reduce potential impacts to a less-than-significant level. In addition, the Avenal General Plan 2035 policies and guidelines direct the City to require construction to stop immediately if cultural resources, including tribal, archaeological or paleontological resources, are uncovered during grading or other onsite excavation activities, until appropriate mitigation is implemented. Implementation of proposed Policy NR-5.2 would protect paleontological resources. Therefore, with MM GEO-3 the Project will have a less-than-significant impact.

MITIGATION MEASURE(S)

MM GEO-3: If any paleontological resources are encountered during ground disturbance activities, all work within 25 feet of the find shall halt until a qualified paleontologist as defined by the Society of Vertebrate Paleontology Standard Procedures for the Assessment and Mitigation of Adverse Impacts to Paleontological Resources (2010), can evaluate the find and make recommendations regarding treatment. Paleontological resource materials may include resources such as fossils, plant impressions, or animal tracks preserved in rock. The qualified paleontologist shall contact the Natural History Museum of Los Angeles County or other appropriate facility regarding any discoveries of paleontological resources.

If the qualified paleontologist determines that the discovery represents a potentially significant paleontological resource, additional investigations and fossil recovery may be

required to mitigate adverse impacts from Project implementation. If avoidance is not feasible, the paleontological resources shall be evaluated for their significance. If the resources are not significant, avoidance is not necessary. If the resources are significant, they shall be avoided to ensure no adverse effects, or such effects must be mitigated. Construction in that area shall not resume until the resource appropriate measures are recommended or the materials are determined to be less than significant. If the resource is significant and fossil recovery is the identified form of treatment, then the fossil shall be deposited in an accredited and permanent scientific institution. Copies of all correspondence and reports shall be submitted to the Lead Agency.

LEVEL OF SIGNIFICANCE

Impacts would be *less than significant with mitigation incorporated*.

	Potentially Significant Impact	Less than Significant with Mitigation Incorporated	Less-than- Significant Impact	No Impact
3.4.8 - GREENHOUSE GAS EMISSIONS				
Would the Project:				
a. Generate greenhouse gas emissions, either directly or indirectly, that may have a significant impact on the environment?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b. Conflict with any applicable plan, policy, or regulation adopted for the purpose of reducing the emissions of greenhouse gases?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

Discussion

Impact #3.4.8a – Would the Project generate greenhouse gas emissions, either directly or indirectly, that may have a significant impact on the environment?

Although construction of the proposed Project would result in temporary emissions of GHGs, the Project as a whole is not expected to generate greenhouse gas emissions, either directly or indirectly that may have a significant impact on the environment. The Project GHG emissions are primarily from mobile source activities. The Project would not generate a cumulatively considerable GHG impact nor would it conflict with any applicable plan, policy, or regulation adopted for the purpose of reducing the emissions of GHGs. The Project will also not conflict with any elements of the California Air Resources Board's 2008 Climate Change Scoping Plan. Therefore, the Project would have a less-than-significant impact.

See also Impact #3.4.3a.

MITIGATION MEASURE(S)

No mitigation is required.

LEVEL OF SIGNIFICANCE

Impacts would be *less than significant*.

Impact #3.4.8b – Would the Project conflict with any applicable plan, policy, or regulation adopted for the purpose of reducing the emissions of greenhouse gases?

See Impact #3.4.8a, above. The proposed Project will not exceed the SPAL GHGs established by the SJVAPCD. Therefore, the Project would not conflict with any applicable plan, policy, or

regulation adopted for the purpose of reducing the emissions of GHGs and impacts would be less than significant.

MITIGATION MEASURE(S)

No mitigation is required.

LEVEL OF SIGNIFICANCE

Impacts would be *less than significant*.

3.4.9 - HAZARDS AND HAZARDOUS MATERIALS

Would the Project:

	Potentially Significant Impact	Less than Significant with Mitigation Incorporated	Less than Significant Impact	No Impact
a. Create a significant hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
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?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
c. Emit hazardous emissions or involve handling hazardous or acutely hazardous materials, substances, or waste within one-quarter mile of an existing or proposed school?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
d. Be located on a site that 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?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
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 or excessive noise for people residing or working in the Project area?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
f. Impair implementation of, or physically interfere with, an adopted emergency response plan or emergency evacuation plan?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
g. Expose people or structures, either directly or indirectly, to a significant risk of loss, injury, or death involving wildland fires?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Discussion

Impact #3.4.9a – Would the Project create a significant hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials?

Construction of the Project would involve the temporary transport and use of minor quantities of hazardous materials such as fuels, oils, lubricants, hydraulic fluids, paints and solvents. The types and quantities of hazardous materials to be used and stored onsite would not be of a significant amount to create a reasonably foreseeable upset or accident condition. The handling and transport of all hazardous materials onsite would be performed in accordance with all applicable federal, State, and local laws and regulations.

Hazardous and nonhazardous wastes would likely be transported to and from the Project site during the construction phase of the proposed Project. Construction would involve the use of some hazardous materials, such as diesel fuel, hydraulic oil, grease, solvents, adhesives, paints, and other petroleum-based products, although these materials are commonly used during construction activities and would not be disposed of on the Project site. Workers would be trained to properly identify and handle all hazardous materials. Hazardous waste would be either recycled or disposed of at a permitted and licensed treatment and/or disposal facility. Any hazardous waste or debris that is generated during construction of the proposed Project would be collected and transported away from the site and disposed of at an approved offsite landfill or other such facility. In addition, sanitary waste generated during construction would be managed through the use of portable toilets, which would be located at reasonably accessible onsite locations. Hazardous materials such as paint, bleach, water treatment chemicals, gasoline, oil, etc., may be used during construction. These materials are stored in appropriate storage locations and containers in the manner specified by the manufacturer and disposed of in accordance with local, federal, and State regulations. No significant hazard to the public or to the environment through the routine transport, use, or disposal of hazardous waste during construction or operation of the new residential development would occur.

Residential construction generally uses fewer hazardous chemicals or use chemicals in relatively small quantities and concentrations as compared to commercial or industrial uses. In addition, once the Project is completed, the chemicals used would include minor quantities of pesticides/ rodenticides, fertilizers, paints, detergents, and other cleaners.

Once constructed, the use of such materials such as paint, bleach, etc., are considered common for residential developments and would be unlikely for such materials to be stored or used in such quantities that would be considered a significant hazard.

MITIGATION MEASURE(S)

No mitigation is required.

LEVEL OF SIGNIFICANCE

Impacts would be *less than significant*.

Impact #3.4.9b – Would the Project 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?

See discussion on Impact #3.4.8a, above.

Although there are active California Geologic Energy Management Division (CalGEM) identified oil or gas fields in the area surrounding the City of Avenal, there are no known existing or historical oil wells on the Project site. The nearest oil/gas field in relation to the Project is the Kettleman North Dome oil fields that are located approximately 1.8 miles to the northeast of the Project site. There is a capped well within one mile to the southeast of the site (CalGEM, 2020). Both the capped well and the nearby Kettleman North Dome oil fields will not be affected by the Project.

The completed residential Project will not create significant hazards to the public or the environment through a reasonably foreseeable upset and accident conditions involving the release of hazardous materials into the environment. The Project involves the construction of residential homes and will not be involved in the storage or stockpiling of significant levels of hazardous materials. Therefore, the Project will have a less-than-significant impact.

MITIGATION MEASURE(S)

No mitigation is required.

LEVEL OF SIGNIFICANCE

Impacts would be *less than significant*.

Impact #3.4.9c – Would the Project emit hazardous emissions or involve handling hazardous or acutely hazardous materials, substances, or waste within one-quarter mile of an existing or proposed school?

See Impact #3.4.8a and b, above.

The nearest school is Tamarack Elementary School, located approximately 0.25 miles to the northwest of the Project site. Construction activities of the proposed Project will result in the temporary use of minimal amounts of hazardous materials and or substances, such as lubricant, diesel fuel during construction. Exhaust from construction and related activities are also expected to be minimal and not create a significant impact. Once constructed, the homes built are not expected to result in hazardous emissions. Therefore, impacts would be less than significant

MITIGATION MEASURE(S)

No mitigation is required.

LEVEL OF SIGNIFICANCE

Impacts would be *less than significant*.

Impact #3.4.9d – Would the Project be located on a site that 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?

An online search was conducted of Cortese List to identify locations on or near the Project site. The search indicated that there are no hazardous or toxic sites in the vicinity (within one mile) of the Project site (Cal EPA, 2020). There are four Permitted Underground Storage Tanks within a mile of the Project shown in Table 4.4.9-1 below. These are not on the Project site and will not be impacted by the Project. There are no Leaking Underground Storage Tanks, or any other active cleanup sites on or in the vicinity (within one mile) of the Project site (California Water Resources Board, 2020).

**Table 3.4.9-1
Permitted Underground Storage Tanks**

Site Name	Address	Distance from Project
Circle K Store #2701178	428 Skyline Blvd, Avenal, CA 93204	0.8 miles
ARJ Chevron	924 Skyline Blvd, Avenal, CA 93204	0.9 miles
Avenal Food Mart	903 Skyline Blvd, Avenal, CA 93204	0.9 miles
Circle K Store #2701178	428 Skyline Ave, Avenal, CA 93204	0.8 miles

(California Water Resources Board, 2020)

The Project is not located on a site that is included on a list of hazardous materials sites compiled pursuant to Government Code Section 65962.5 and would not create a significant hazard to the public or the environment. The Project site is not within the immediate vicinity of a hazardous materials site and would not impact a listed site. Literature review of available federal, State, and local database information systems was performed for the purpose of identifying known recognized environmental conditions present on the site and the nearby properties that have the potential to adversely impact the site. There is no data identifying any facilities in the vicinity that might reasonably be anticipated to emit hazardous air emissions or handle hazardous materials, substances, or wastes that might affect the proposed residential development. Therefore, impacts would be less than significant.

MITIGATION MEASURE(S)

No mitigation is required.

LEVEL OF SIGNIFICANCE

Impacts would be *less than significant*.

Impact #3.4.9e – For a Project located within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the Project result in a safety hazard or excessive noise for people residing or working in the Project area?

There are no public airports in Avenal; the closest public airport is Coalinga Municipal Airport, approximately 15 miles northwest of the Project. Therefore, the Project would not result in a safety hazard or excessive noise for people residing in the Project area. Therefore, there would be no impacts related to airport safety hazards or excessive noise.

MITIGATION MEASURE(S)

No mitigation is required.

LEVEL OF SIGNIFICANCE

There would be *no impact*.

Impact #3.4.9f – Would the Project Impair implementation of, or physically interfere with, an adopted emergency response plan or emergency evacuation plan?

The 2015 Kings County Emergency Operations Plan (EOP) establishes emergency procedures and policies and identifies responsible parties for emergency response in the County (Kings County, 2015). The EOP includes policies that would prevent new development from interfering with emergency response of evacuation plans. The Project will comply with all local regulations related to the construction of new development that is consistent with the EOP.

Additionally, the proposed Project is required to adhere to the standards set forth in City of Avenal the Uniform Fire Code (Ordinance No. 87-04), which identifies the design standards for emergency access during both the Project's construction and operational phases (City of Avenal, 1988). The Project would also comply with the appropriate local and State requirements regarding emergency response plans and access. The proposed Project would not inhibit the ability of local roadways to continue to accommodate emergency response and evacuation activities.

The proposed Project would not impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan. Therefore, the Project would have a less-than-significant impact.

MITIGATION MEASURE(S)

No mitigation is required.

LEVEL OF SIGNIFICANCE

Impacts would be *less than significant*.

Impact #3.4.9g – Would the Project Expose people or structures, either directly or indirectly, to a significant risk of loss, injury, or death involving wildland fires?

According to available data from Cal Fire, the entire City of Avenal including the Project site is within a Local Responsibility Area (LRA). Within the LRA the Project site is not within a zone of high or moderate fire hazard severity (City of Avenal, 2018). The General Plan includes policies that would protect the Project and the community from fire dangers. These include the installation of fire safety devices in all homes and meeting required fire standards.

Construction activities and the Project is not expected to increase the risk of wildfires on and adjacent to the Project site. The Project will comply with all applicable State and local building standards as required by local fire codes. In addition, to reduce the impacts to the fire protection services, Mitigation Measure MM HAZ-1 would require the Project to pay appropriate impact fees.

MITIGATION MEASURE(S)

MM HAZ-1: Prior to the issuance of grading or building permits, the Project developer shall pay \$1,554.01 for every single-family unit being built in compliance with the Kings County Adopted Public Facilities Fees to offset the increased costs associated with the provision of additional fire protection services. Evidence of payment shall be submitted to the City of Avenal Community Development Department.

LEVEL OF SIGNIFICANCE

Impacts would be *less than significant with incorporation of mitigation*.

	Potentially Significant Impact	Less than Significant with Mitigation Incorporated	Less than Significant Impact	No Impact
3.4.10 - HYDROLOGY AND WATER QUALITY				
Would the Project:				
a. Violate any water quality standards or waste discharge requirements or otherwise substantially degrade surface water quality?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
b. Substantially decrease groundwater supplies or interfere substantially with groundwater recharge such that the Project may impede sustainable groundwater management of the basin?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
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:				
(i) Result in substantial erosion or siltation on or offsite?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
(ii) Substantially increase the rate of amount of surface runoff in a manner which would result flooding on- or offsite?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
(iii) Create or contribute runoff water which would exceed the capacity of existing or planned stormwater drainage systems or provide substantial additional sources of polluted runoff; or	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
(iv) Impede or redirect flood flows?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
d. In flood hazard, tsunami, or seiche zones, risk release of pollutants due to Project inundation?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
e. Conflict with or obstruct implementation of a water quality control plan or sustainable groundwater management plan?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

Discussion

This section is based on information from the City of Avenal USBR Water Management Plan (City of Avenal, 2016).

Impact #3.4.10a – Would the Project violate any water quality standards or waste discharge requirements or otherwise substantially degrade surface water quality?

Construction of the Project would involve minimal grading, and the installation of associated infrastructure. During site grading and construction activities, large areas of bare soil could be exposed to erosive forces for long periods of time. Construction activities involving soil disturbance, excavation, cutting/filling, stockpiling and grading activities could result in increased erosion and sedimentation to surface waters.

As noted in Impact #3.4.7b, accidental spills or disposal of potentially harmful materials used during construction could possibly wash into and pollute surface water runoff. Materials that could potentially contaminate the construction area, or spill or leak, include lead-based paint flakes, diesel fuel, gasoline, lubrication oil, hydraulic fluid, antifreeze, transmission fluid, lubricating grease, and other fluids. In order to reduce potential impacts to water quality during construction activities, the Project SWPPP would include BMPs targeted at minimizing and controlling construction runoff and erosion to the maximum extent practicable. SWPPP for construction-related activities would include, but not be limited to, the following types of BMPs to minimize the potential for pollution related to material spills:

- Vehicles and equipment will be cleaned;
- Vehicle and equipment fueling, and maintenance requirements will be established; and
- A spill containment and clean-up plan will be in place prior to and during construction activities.

With implementation of MM GEO-1 the proposed Project would not violate any water quality standards or degrade surface water quality, and impacts would be less than significant.

MITIGATION MEASURE(S)

Implementation of Mitigation Measure MM GEO-1.

LEVEL OF SIGNIFICANCE

Impacts would be *less than significant with mitigation incorporated*.

Impact #3.4.10b – Would the Project substantially decrease groundwater supplies or interfere substantially with groundwater recharge such that the Project may impede sustainable groundwater management of the basin?

See also Impact #3.4.19b.

There are two main groundwater subbasins that underlie the City of Avenal: the Pleasant Valley Subbasin and the Westside Subbasin. The central portion of the City does not have a designated groundwater basin. Depth to groundwater in the vicinity of Avenal is approximately 1,000 feet below ground surface (bgs) (City of Avenal, 2018a).

The 227-square-mile Pleasant Valley subbasin lies along the west side of the San Joaquin Valley and is surrounded by the Coast Ranges and west flank of the Kettleman Hills. The subbasin includes the older and younger alluvium of the San Joaquin Valley.

Recharge is primary from seepage from various streams that cross the subbasin and is estimated at 4,000 acre-feet per year. With a high amount of total dissolved solids (TDS) in the groundwater, ranging from 1,000 to 3,000 mg/l with an average of 1,500 mg/l, limits the usefulness of groundwater (City of Avenal, 2018a). It is also noted that the City does not have a formal groundwater recharge/management/banking program other than natural recharge (City of Avenal, 2016).

Because of the poor groundwater quality that has high concentrations of sulfate, nitrates, and sodium Avenal does not use groundwater as a water supply source. The City does pump a small quantity of groundwater from a City-owned well for irrigation of the sports complex. The amount varies depending on irrigation needs but the pumped groundwater is not suitable for human consumption (City of Avenal, 2018a). The water purveyor for the Project area is the City of Avenal, supplied solely via the San Luis Canal (City of Avenal, 2018a). The Project intends to connect to the existing City water and sewer systems (see Figures 3.4.10-2 and 3.4.10-3).

The Project's expected water usage was calculated using the following assumptions. A person is estimated to use approximately 60 gallons per day (gpd) of water (Grace Communication Foundation, 2020). Avenal's family household consists of 4.14 people (City of Avenal, 2018). Based on this estimate, the Project is anticipated to use approximately 1,450,656 gallons (60 gpd x 4.14 people x 365 days x 16 homes), or 4.45 acre-feet (AF) of water annually.

As outlined in the adopted City of Avenal Water Management Plan, a number of water conservation measures were enacted to reduce overall water consumption in the City. At this time, it appears there is sufficient potable water available to service the Project.

The City has planned for growth by calculating out a requirement of 433 acres of additional residential land to meet the required 320.7 additional residences by 2020 and approximately 433 residences by 2025 to house their expected population (City of Avenal, 2018a). The City has analyzed the water needed to meet the increased water usage. The proposed Project will not substantially deplete aquifer supplies or interfere substantially with groundwater recharge or significantly alter local groundwater supplies.

Based on the calculated amount of water used and the anticipated surface water use, the proposed Project is not expected to result in a substantial decrease of groundwater supplies or interfere substantially with groundwater recharge such that the Project may impede

sustainable groundwater management of the basin. Therefore, the Project will have a less-than-significant impact.

MITIGATION MEASURE(S)

No mitigation is required.

LEVEL OF SIGNIFICANCE

Impacts would be *less than significant*.

Impact #3.4.10c(i) –Would the Project 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 result in substantial erosion or siltation on or offsite?

The rate and amount of surface runoff is determined by multiple factors, including the following: topography, the amount and intensity of precipitation, the amount of evaporation that occurs in the watershed and the amount of precipitation and water that infiltrates to the groundwater. The proposed Project would alter the existing drainage pattern of the site, which would have the potential to result in erosion, siltation, or flooding on or offsite. The disturbance of soils onsite during construction could cause erosion, resulting in temporary construction impacts. In addition, the placement of permanent structures onsite could affect drainage in the long-term. Impacts from construction and operation are discussed below.

As discussed in Impact #3.4.10a. above, potential impacts on water quality arising from erosion and sedimentation are expected to be localized and temporary during construction. Construction-related erosion and sedimentation impacts as a result of soil disturbance would be less than significant after implementation of an SWPPP (see Mitigation Measure MM GEO-1) and BMPs required by the NPDES. No drainages or other water bodies are present on the Project site, and therefore, the proposed Project would not change the course of any such drainages.

Existing drainage pattern of the site and area would be affected by Project development because of the increase in impervious surfaces at the site. The Project design includes natural features such as landscaping and vegetation that would allow for the percolation of stormwater. However, there will be an addition in impervious surfaces (housing units, parking lot, etc.), which could increase the potential for stormwater runoff and soil erosion. The construction of the Project would require the connection to existing City stormwater sewer infrastructure. The Project will comply with all applicable local building codes and regulations in order to minimize impacts during construction and post-construction of the Project. With implementation of MM GEO-1 impacts that would result in substantial erosion or siltation on or offsite is less than significant.

MITIGATION MEASURE(S)

Implementation of Mitigation Measure MM GEO-1.

LEVEL OF SIGNIFICANCE

Impacts would be *less than significant with mitigation incorporated*.

Impact #3.4.10c(ii) – Would the Project 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 substantially increase the rate of amount of surface runoff in a manner which would result flooding on- or offsite?

See also Impact #3.4.9c, above.

The Project site is flat and grading would be minimal. The topography of the site would not change because of grading activities. The site does not contain any water features, streams or rivers. The Project would develop significant areas of impervious surfaces that could significantly reduce the rate of percolation at the site or concentrate and accelerate surface runoff in comparison to the baseline condition. However, onsite storm drainage infrastructure is required as a condition of approval of the tentative tract map. Any storm runoff would connect to the existing City of Avenal sewer system. An existing City sewer line is located approximately 20 feet west of the Project site along South 7th Avenue (Figure 3.4.10-2).

The Project is outside of a 100-year flood zone. The Project site is located within the FEMA Flood Hazard Zone X: Area of Minimal Flood Hazard, and therefore the potential for flooding at the site appears to be very low (see Figure 3.4.10-1). The General Plan also includes policies that restricts residential development in floodplains and requires that homes be constructed to be at least one foot above freeboard of the 100-year flood levels. The Project would comply with all City codes and regulations related to flooding.

MM GEO-1 requires the development of a SWPPP and the use of BMPs and limit the amount of grading where feasible to reduce impacts to water quality during construction. Once constructed, stormwater would be directed to flow into the existing stormwater sewer system. The Project would not cause substantial surface runoff that would result in flooding on or offsite. Therefore, with mitigation, the Project would have a less-than-significant impact.

MITIGATION MEASURE(S)

Implementation of Mitigation Measure MM GEO-1.

LEVEL OF SIGNIFICANCE

Impacts would be *less than significant with mitigation incorporated*.

Impact #3.4.10c(iii) – Would the Project 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 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?

Please see Impacts #3.4.10a through c (ii), above.

The Project would comply with all applicable State and local codes and regulations. The proposed Project includes the construction of stormwater infrastructure necessary to connect the new residential development. Therefore, the Project would not create or contribute runoff water that would exceed the capacity of existing or planned stormwater drainage systems or provide substantial additional sources of polluted runoff. Impacts would be less than significant.

With implementation of MM GEO-1 as noted above, the Project would not substantially increase the rate or amount of surface runoff in a manner that would result in flooding on or offsite, contribute runoff water which would exceed the capacity of existing or planned stormwater drainage systems, nor provide additional sources of polluted runoff. Therefore, with mitigation, the Project would have a less-than-significant impact.

MITIGATION MEASURE(S)

Implementation of Mitigation Measure MM GEO-1.

LEVEL OF SIGNIFICANCE

Impacts would be *less than significant with mitigation incorporated*.

Impact #3.4.10c(iv) – Would the Project 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 impede or redirect flood flows?

As discussed above in Impact #3.4.10 a through c (iii), construction activities could potentially degrade water quality through the occurrence of erosion or siltation at the Project site.

Construction of the Project would include soil-disturbing activities that could result in erosion and siltation, as well as the use of harmful and potentially hazardous materials required to operate vehicles and equipment. The transport of disturbed soils or the accidental release of potentially hazardous materials could result in water quality degradation. The Project would be required comply with the NPDES Construction General Permit. A SWPPP would be prepared to specify BMPs to prevent construction pollutants as required by MM GEO-1. The proposed Project would not otherwise substantially degrade water quality. Therefore, the Project will have a less-than-significant impact.

MITIGATION MEASURE(S)

Implementation of Mitigation Measure MM GEO-1.

LEVEL OF SIGNIFICANCE

Impacts would be *less than significant with mitigation incorporated*.

Impact #3.4.10d – Would the Project, in flood hazard, tsunami, or seiche zones, risk release of pollutants due to Project inundation?

The Project site is not located near the ocean or a steep topographic feature (i.e., mountain, hill, bluff, etc.). Tsunamis are waves generated in oceans from seismic activity. Due to the inland location of the site, tsunamis are not considered a hazard for the site. Therefore, there is no potential for the site to be inundated by tsunami or mudflow.

A seiche is a wave generated by the periodic oscillation of a body of water whose period is a function of the resonant characteristics of the containing basin as controlled by its physical dimensions. There is no body of water within the vicinity of the Project site. There is no potential for inundation of the Project site by seiche.

See also Impact #3.4.10 c(ii).

MITIGATION MEASURE(S)

No mitigation is required.

LEVEL OF SIGNIFICANCE

Impacts would be *less than significant*.

Impact #3.4.10e – Conflict with or obstruct implementation of a water quality control plan or sustainable groundwater management plan?

See response to Impact #3.4.10b, above.

As the City of Avenal does not use groundwater resources to provide potable water to the City residents, this Project is not anticipated to use or substantially deplete groundwater supplies or conflict with any future adopted groundwater management plan. Therefore, this Project will have a less-than-significant impact.

MITIGATION MEASURE(S)

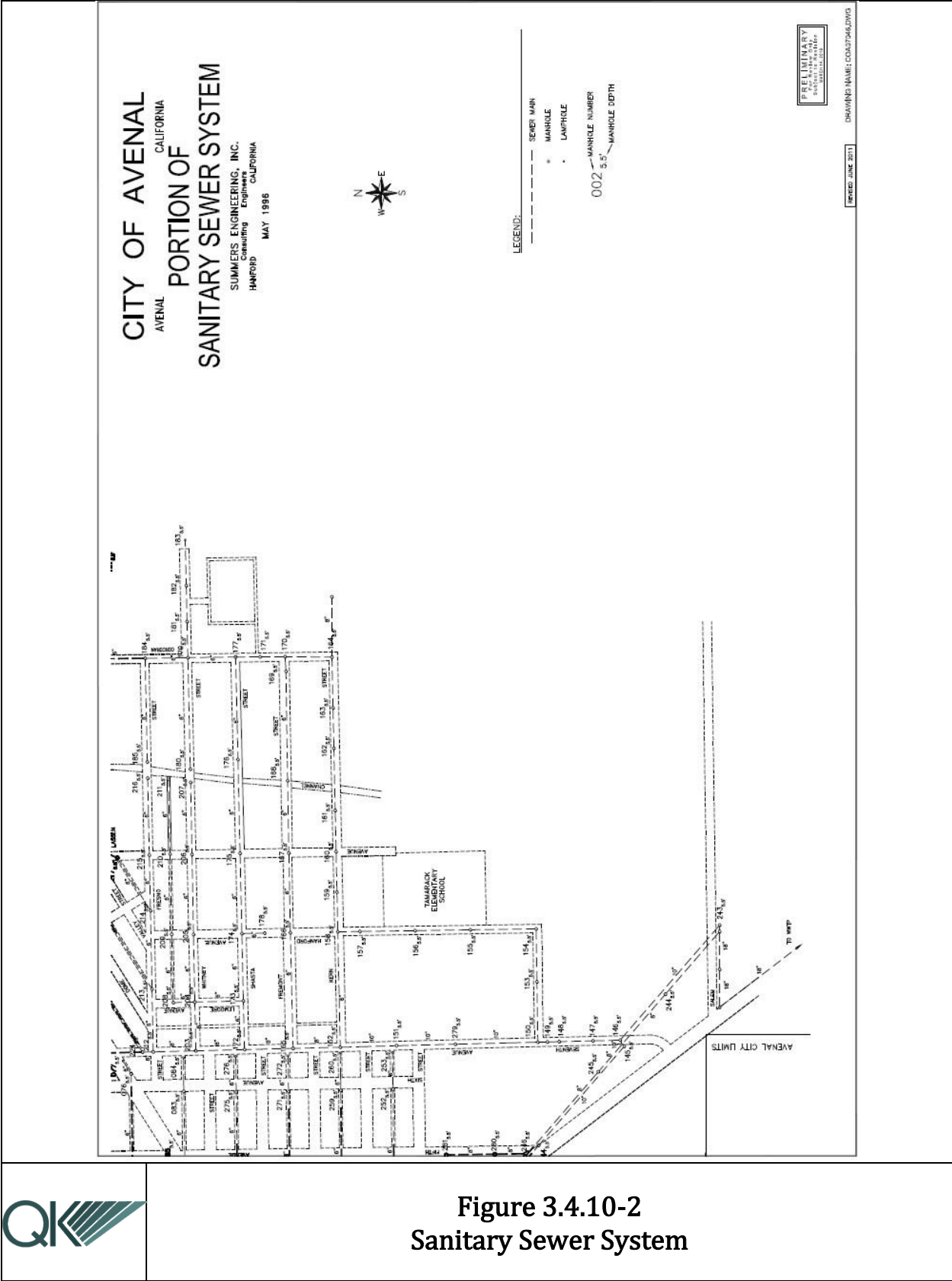
No mitigation is required.

LEVEL OF SIGNIFICANCE

Impacts would be *less than significant*.



Figure 3.4.10-2
FEMA Flood Hazards



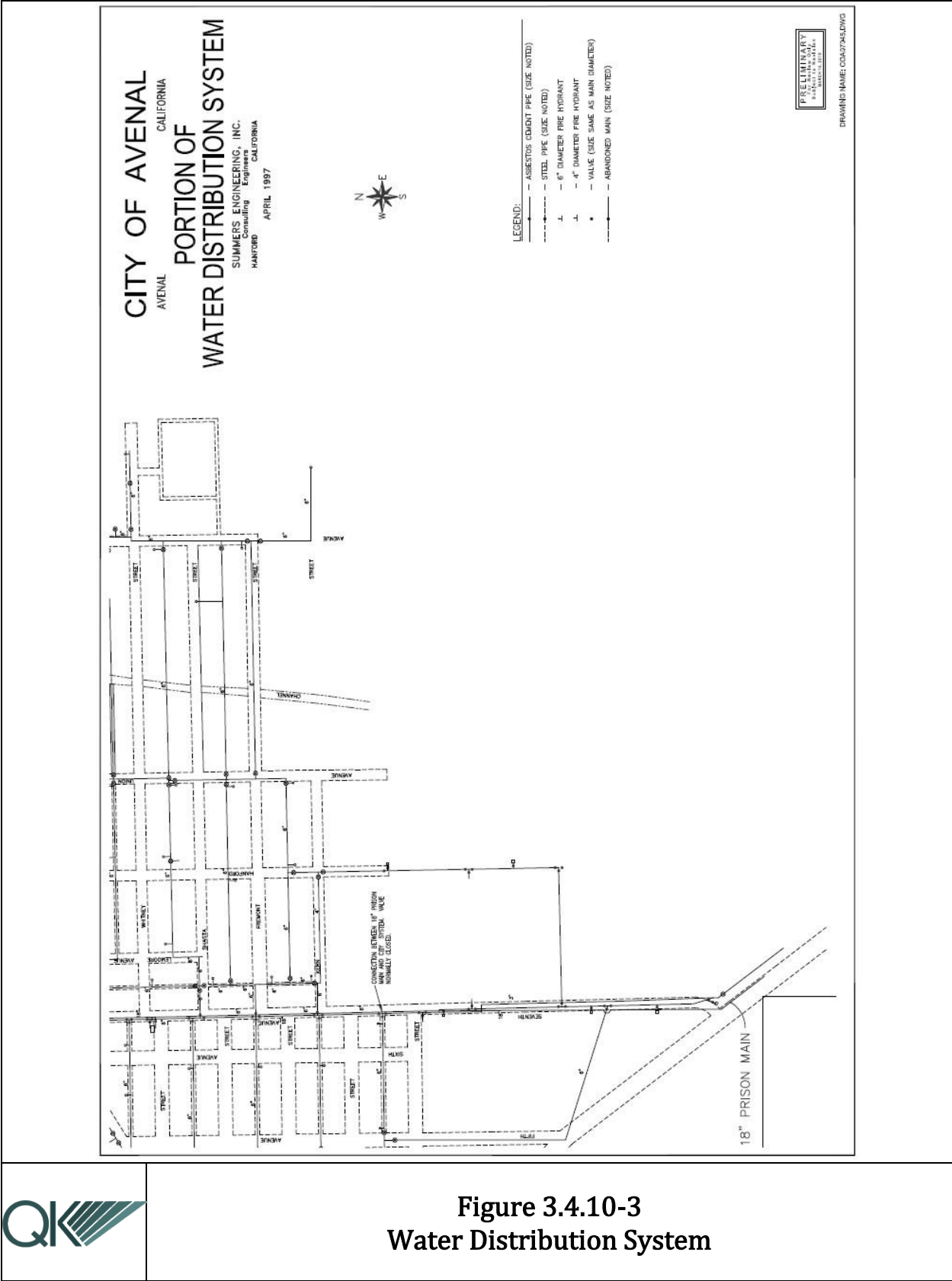


Figure 3.4.10-3
Water Distribution System

	Potentially Significant Impact	Less than Significant with Mitigation Incorporated	Less-than- Significant Impact	No Impact
3.4.11 - LAND USE AND PLANNING				
Would the Project:				
a. Physically divide an established community?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
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?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

Discussion

Impact #3.4.11a – Would the Project physically divide an established community?

The proposed Project site is presently undeveloped land surrounded by properties designated as High Density Residential Development to the east, south and west, and Medium Density Residential to the north, and are developed with residences. The proposed Project would not physically divide an established community. Therefore, the Project will have no impact.

MITIGATION MEASURE(S)

No mitigation is required.

LEVEL OF SIGNIFICANCE

There would be *no impact*.

Impact #3.4.11b – Would the Project cause a significant environmental impact due to a conflict with any land use plan, policy, or regulation adopted for the purpose of avoiding or mitigating an environmental effect?

The Project is within the jurisdictional boundaries of the City of Avenal General Plan, which designates the Project site as Low Density Residential. The proposed Project includes a (1) GPA to amend the land use designation from the existing Low Density Residential to Medium Density Residential; and (2) a ZC from the R1 zone district to the R2 zone district. With approval of the GPA and ZC, the Project will be consistent with the applicable land use plan,

policy, or regulation of the City. Therefore, the Project would have a less-than-significant impact.

MITIGATION MEASURE(S)

No mitigation is required.

LEVEL OF SIGNIFICANCE

Impacts would be *less than significant*.

	Potentially Significant Impact	Less than Significant with Mitigation Incorporated	Less-than- Significant Impact	No Impact
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3.4.12 - MINERAL RESOURCES

Would the Project:

- | | | | | | |
|----|---|--------------------------|--------------------------|-------------------------------------|--------------------------|
| 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? | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| 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? | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |

Discussion

Impact #3.4.12a – Would the Project result in the loss of availability of a known mineral resource that would be of value to the region and the residents of the State?

The California Department of Conservation, Geological Survey classifies lands into Aggregate and Mineral Resource Zones (MRZs) based on guidelines adopted by the California State Mining and Geology Board, as mandated by the Surface Mining and Reclamation Act of 1974. These MRZs identify whether known or inferred significant mineral resources are present in areas. Lead agencies are required to incorporate identified MRZs resource areas delineated by the State into their General Plans. The State has not identified any mineral resources zones within the Avenal planning area (City of Avenal, 2018).

The Project site is not located in a Geologic Energy Management Division (CalGEM) identified oilfield and there are no known wells located on the site. The proposed Project would not result in the loss of availability of mineral resources as the Project does not propose the extraction of mineral resources. Additionally, the proposed Project would not restrict the ability of mineral rights' holders in the area to exercise their legal rights to access surrounding sites for the exploration and/or extraction of underlying oil research or other natural resources.

The proposed Project would not 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. Therefore, impacts would be less than significant.

MITIGATION MEASURE(S)

No mitigation is required.

LEVEL OF SIGNIFICANCE

Impacts would be *less than significant*.

Impact #3.4.12b – Would the Project 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?

As discussed in 3.4.12a, the proposed Project is not designated as a mineral recovery area. The Project would not conflict with any existing plans that protect mineral resources or preclude availability to identified mineral resources in the area. As a result, the proposed Project would not interfere with known mining operations or result in the loss of land designated for mineral and petroleum.

Therefore, impacts would be less than significant.

MITIGATION MEASURE(S)

No mitigation is required.

LEVEL OF SIGNIFICANCE

Impacts would be *less than significant*.

Potentially Significant Impact	Less than Significant with Mitigation Incorporated	Less than Significant Impact	No Impact
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3.4.13 - NOISE

Would the Project result in:

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 a local general plan or noise ordinance or applicable standards of other agencies?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
b.	Generation of excessive groundborne vibration or groundborne noise levels?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
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?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

Discussion

The 2035 Avenal General Plan and the General Plan Enhancement Initial Study were used for discussion for this section.

Impact #3.4.13a – Would the Project result in generation of a substantial temporary or permanent increase in ambient noise levels in the vicinity of the Project in excess of standards established in a local general plan or noise ordinance or applicable standards of other agencies?

The General Plan provides direction for the noise environment for the Project and identifies the policy for land uses that may generate noise and sensitive land uses that may be affected by noise generated elsewhere. Schools, residences, churches, and hospitals are identified as sensitive land uses. The General Plan Policy is to provide noise considerations into the land use decision-making process.

The existing major sources of noise within the City are SR 269 and Avenal Regional Landfill. The Project site is not located in the immediate vicinity of these identified noise sources. Policy SAF-5.3 directs that effective mitigation measures to be incorporated into the design of residential projects to reduce exterior noise levels to 65 dB Ldn (or CNEL) or less and 45 dB Ldn (or CNEL) or less within interior living spaces within 65 dB Ldn existing or future

noise contours (City of Avenal, 2018). The intent of the exterior noise level requirement is to provide an acceptable noise environment for outdoor activities and recreation.

There are a number of nearby residences and other sensitive receptors and neighbors including developed residential developments to the east, west, and south of the Project and a church north of the Project. Tamarack Elementary School and two health centers are within a one-mile radius of the Project.

Construction

Construction-related noise levels and activities will be temporary, intermittent and of low intensity. The proposed Project will generate noise from construction equipment such as tractor/grader, scraper and compactor. Additionally, the minimal traffic and the various other noises generally associated with construction activities will be temporary and only take place during daylight hours. In addition, the construction-related noise will be intermittent and cease once the proposed Project is completed. However, the residences surrounding the Project could be affected by noise from construction-related activities.

Post-Construction

Once constructed, the Project would not significantly increase traffic on local roadways. Residential activities could also result in an increase in ambient noise levels in the immediate Project vicinity. Activities that could be expected to generate noise include cars entering and exiting the development, as well as mechanical systems related to heating, ventilation, and air conditioning systems located on residential buildings. However, noise emanating from residences would be similar to those generated by the nearby existing residential development and would not be of a level that exceeds thresholds.

Implementation of the Mitigation Measure MM NSE-1 will reduce the temporary noise impacts from construction-related activities to levels that will be less than significant.

MITIGATION MEASURE(S)

MM NSE-1: During construction, the contractor shall implement the following measures:

- a. All stationary construction equipment on the Project site shall be located so that noise emitting objects or equipment faces away from any potential sensitive receptors.
- b. The construction contractor shall ensure that all construction equipment is equipped with manufacturer-approved mufflers and baffles. During construction, stationary construction equipment shall be placed such that emitted noise is directed away from sensitive noise receivers.
- c. Construction activities shall take place during daylight hours, when feasible.

LEVEL OF SIGNIFICANCE

Impacts would be *less than significant with mitigation incorporated*.

Impact #3.4.13b – Would the Project result in generation of excessive groundborne vibration or groundborne noise levels?

Construction

Construction activities in general can have the potential to create groundborne vibrations. However, based on the soil types found in the general Project vicinity, it is unlikely that any blasting or pile-driving would be required. Therefore, the potential for groundborne vibrations to occur as part of the construction of the Project is considered minimal.

The Federal Transit Administration (FTA) has published standard vibration velocities for construction equipment operations (Federal Highway Administration (FHWA), U.S. Department of Transportation, 2017). In general, the FTA architectural damage criterion for continuous vibrations (i.e., 0.2 inch/second) appears to be conservative even for sustained pile driving. Building damage can be cosmetic or structural. Ordinary buildings that are not particularly fragile would not experience any cosmetic damage (e.g., plaster cracks) at distances beyond 30 feet. This distance can vary substantially depending on the soil composition and underground geological layer between vibration source and receiver. In addition, not all buildings respond similarly to vibration generated by construction equipment. The typical vibration produced by construction equipment is illustrated in Table 3.4.13-1.

**Table 3.4.13-1
Typical Vibration Levels for Construction Equipment**

Equipment	Reference peak particle velocity at 25 feet (inches/second) ¹	Approximate peak particle velocity at 100 feet (inches/second) ²
Loaded trucks	0.076	0.010
Vibratory compactor/roller	0.210	0.026

Notes:

1 – Federal Transit Administration, Transit Noise and Vibration Impact Assessment Guidelines, May 2006. Table 12-2.

2 – Calculated using the following formula: $PPV_{equip} = PPV_{ref} \times (25/D)^{1.5}$

where: PPV (equip) = the peak particle velocity in in/sec of the equipment adjusted for the distance PPV (ref) = the reference vibration level in in/sec from Table 12-2 of the FTA Transit Noise and Vibration Impact Assessment Guidelines
D = the distance from the equipment to the receiver

As indicated in Table 3.4.13-1, based on the FTA data, vibration velocities from typical heavy construction equipment that would be used during Project construction range from 0.076 to 0.210 inch-per-second peak particle velocity (PPV) at 25 feet from the source of activity. With regard to the proposed Project, groundborne vibration would be generated during site clearing and grading activities onsite facilitated by implementation of the proposed Project. As demonstrated in Table 3.4-13-1, vibration levels at 100 feet would range from 0.010 to

0.026 PPV. Therefore, the anticipated vibration levels would not exceed the 0.2 inch-per-second PPV significance threshold during construction operations at the nearest receptors, which is approximately 50 feet to the east.

It should be noted that 0.2 inch-per-second PPV is a conservative threshold, as that is the construction vibration damage criteria for nonengineered timber and masonry buildings (Kern County Planning Department, 2013). Buildings within the Project area would be better represented by the 0.5 inch-per-second PPV significance threshold (construction vibration damage criteria for a reinforced concrete, steel or timber buildings) (Kern County Planning Department, 2013). Therefore, vibration impacts associated with construction are anticipated to be less than significant.

Post Construction

Once constructed, the Project would not result in activities that would create groundborne vibrations. The proposed Project would not result in exposure of persons to or generation of excessive groundborne vibration or groundborne noise levels. Therefore, the Project would have a no impact.

MITIGATION MEASURE(S)

No mitigation is required.

LEVEL OF SIGNIFICANCE

Impacts would be *less than significant*.

Impact #3.4.13c – 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?

The Project is located within a mile of the nearby private Avenal airstrip/airport. There are no public airports within the vicinity of Avenal and no local airport land use plans have been adopted by the City of Avenal. The Project would not expose people residing or working in the Project area to excessive noise levels.

MITIGATION MEASURE(S)

No mitigation is required.

LEVEL OF SIGNIFICANCE

There would be *no impact*.

	Potentially Significant Impact	Less than Significant with Mitigation Incorporated	Less than Significant Impact	No Impact
3.4.14 - POPULATION AND HOUSING				
Would the Project				
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)?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b. Displace substantial numbers of existing people or housing, necessitating the construction of replacement housing elsewhere?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

Discussion

Impact #3.4.14a – Would the Project 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)?

The population of Avenal is currently 13,496 (United States Census Bureau, 2020) and the City is projected to reach approximately 16,039 by 2025 (City of Avenal, 2018a). To meet the housing demand for 2020 and 2025 the City has planned for growth by calculating out a total requirement of 433 acres of additional residential land. According to Tables 1.1-3 and 1.1-4 of the Avenal 2035 General Plan, the City will need 320.7 residences by 2020 and approximately 433 residences by 2025 to house their expected population (City of Avenal, 2018a). Figure 1.1-4 from the Avenal General Plan (page 122), illustrates the land available for development in the City and Planned Area. This includes land that is either currently vacant or undeveloped and agricultural land. The Project is within the area identified as Available for Development (City of Avenal, 2018a). The proposed Project is comprised of one acre and four multi-family fourplex units; using the average household size of 4.14 people (City of Avenal, 2018a), the Project will house approximately 66 people and is expected to house residents already living within the city. The Project will not be growth-inducing and will not result in population growth.

The Project is not expected to result in other substantial unplanned population growth in an area, either directly (by proposing new homes and businesses) or indirectly (through extensions of roads or other infrastructure). Therefore, Project would have a less-than-significant impact.

MITIGATION MEASURE(S)

No mitigation is required.

LEVEL OF SIGNIFICANCE

Impacts would be *less than significant*.

Impact #3.4.14b – Would the Project displace substantial numbers of existing people or housing, necessitating the construction of replacement housing elsewhere?

See Impact#3.4.14a, above.

Construction of the Project would likely be done by construction workers residing in the City or the surrounding area and would not require new housing. The Project site is undeveloped and will not displace existing people or housing, necessitating the construction of replacement housing elsewhere. Therefore, the Project would have no impact.

MITIGATION MEASURE(S)

No mitigation is required.

LEVEL OF SIGNIFICANCE

There would be *no impact*.

	Potentially Significant Impact	Less than Significant with Mitigation Incorporated	Less than Significant Impact	No Impact
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3.4.15 - PUBLIC SERVICES

Would the Project:

- a. 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 to other performance objectives for any of the public services:

(i) Fire protection?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
(ii) Police protection?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
(iii) Schools?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
(iv) Parks?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
(v) Other public facilities?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Discussion

Impact #3.4.15a(i) – 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 to other performance objectives for any of the public services - Fire Protection?

Fire protection for the Project is provided by the Kings County Fire Department augmented with a local volunteer force. The County maintains Fire Station 12 at 516 E. Fresno Street in Avenal with three captains, three engineers, and two personnel on duty at all times; the station is contracted with the City of Avenal and the surrounding southwest portion of the County. Station 12 maintains two engines. The County also has Station 9 at 85 Brown Street in Kettleman City, 15 miles east of Avenal; the station serves Kettleman and Avenal City and traffic accidents on Interstate 5 (I-5) corridor through Kings County. Station 9 is staffed by three captains, three engineers, two heavy fire equipment operators, three firefighters (during fire season) and two fire personnel on duty at all times. Station 9 maintains two engines a water tender, a fire dozer and a dozer transport truck. Additionally, the County

Fire Department works closely with California Department of Forestry (CDF) and the Avenal State Prison Fire Department. The County and CDF have a "dual responsibility" area west of State Highway 33 (Kings County Fire Department, 2019) (City of Avenal, 2018a).

The Kings County Fire Department indicated that all of the urbanized area of Avenal falls within a three-minute response time. However, a portion of the city limits in the rural area is outside the five-minute response time.

The Kings County Fire Department Station 12 located within one mile of the Project and would provide fire protection and emergency medical services to the residents in the Project area. Station 9 is located approximately 15 miles to the east of the Project site in Avenal.

An approved water supply system capable of supplying required fire flow for fire protection purposes is to be installed by the Project. The establishment of gallons-per-minute requirements for fire flow shall be based on the Guide for Determination of Required Fire Flow, published by the State Insurance Service Office and the Kings County's adopted Fire Code.

Fire hydrants would also be located and installed per the Kings County fire standards. The Project would install the required infrastructure to meet water supply demands for fire protection services. These design standards coupled with existing fire protection infrastructure would provide the proper fire suppression services onsite. Development of the Project will increase the need for fire protection services and expand the service area and response times of the local Kings County Fire Department. By incorporating the fire standards and the required design features in the Project design additional fire protection services will be required to provide coverage for the Project. Because the Project will increase both the need and the demand for fire protection services in Avenal, the Project will comply with the Kings County Adopted Public Facilities Fees requirements.

The General Plan includes policies that would protect the Project and the community from fire dangers. These include the installation of fire safety devices in all homes and meeting required fire standards. Construction activities and the Project is not expected to increase the risk of fires on and adjacent to the Project site. The Project will comply with all applicable State and local building standards as required by local fire codes. In addition, to reduce the impacts to the fire protection services, Mitigation Measure MM HAZ-1 would require the Project to pay appropriate impact fees related to fire protection.

Therefore, with implementation of Mitigation Measure HAZ-1, the Project impacts will be less than significant.

MITIGATION MEASURE(S)

Implementation of Mitigation Measure MM HAZ-1.

LEVEL OF SIGNIFICANCE

Impacts would be *less than significant with mitigation incorporated.*

Impact #3.4.15a(ii) – 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 to other performance objectives for any of the public services – Police Protection?

The Avenal Police Department (APD) provides law enforcement services to the City of Avenal. The APD located at 317 Alpine Street in Avenal and is located approximately 1.5 miles from the Project site. The APD would provide the primary public protection to the Project and the surrounding areas. The APD is comprised of 16 sworn in police officers that cover the residential, commercial and industrial areas (City of Avenal, 2019) (City of Avenal, 2018a). In addition, the Project site is located in the California Highway Patrol's Central Division, that encompasses the heart of the San Joaquin Valley.

The Project will not increase the local population and it is not expected that the Project will result in significant environmental impacts related to acceptable service ratios, response times, or to other performance objectives police protection services.

In order to reduce impacts to public protection services, Mitigation Measure MM PUB-1 will require the Project to pay appropriate Kings County Adopted Public Facilities Fees related to public protection. With implementation of MM PUB-1, the Project will pay support Kings County adopted Public Facilities Fees for each single-family house being constructed and impacts would be less than significant.

MITIGATION MEASURE(S)

MM PUB-1: Prior to the issuance of grading or building permits, the Project developer shall pay \$918.39 for Public Protection Fees per each multi-family unit built as required by Kings County Adopted Public Facilities Fees.

LEVEL OF SIGNIFICANCE

Impacts would be *less than significant with mitigation incorporated*.

Impact #3.4.15a(iii) – 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 to other performance objectives for any of the public services – Schools?

The Project is within the Reef Sunset Unified School District (District), which includes eight school facilities that service both Avenal and Kettleman City. It is not anticipated that the Project will be growth-inducing and it is expected that the Project will house current residents of Avenal. As such, it is not anticipated that the Project will generate new students.

Based the most recent enrollment data from the California Department of Education, the District has a total enrollment of 2,677 students (California Department of Education, 2019).

It is noted that District will be able to accommodate the potential additional students by the using additional portable classrooms. There are no new schools being planned or developed in the District and the impact of the Project is not anticipated to require the District to construct new school buildings, additional roads or facilities will need to be built for the Project. In addition, the Project will be required to pay School Developer Fees to help reduce impacts to the School District. Mitigation Measure MM PUB-2 will require the Project to pay appropriate School Impact Fees. With implementation of MM PUB-2, the Project will pay fees for each multi-family unit being constructed and impacts would be less than significant.

MITIGATION MEASURE(S)

MM PUB-2: Prior to the issuance of grading or building permits, the Project developer shall pay appropriate \$3.79 in School Developer Fees per square feet built .

LEVEL OF SIGNIFICANCE

Impacts would be *less than significant with mitigation incorporated.*

Impact #3.4.15a(iv) – 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 to other performance objectives for any of the public services – Parks?

There are several regional parks within driving distance of Avenal, and there are two City parks within the city limits. There are three main parks and recreational facilities visited by residents of Avenal: (1) Hickey Park located at Flint and Seventeenth Avenues near Hanford approximately 37 miles to the northeast of the Project; (2) Burris Park and historical museum located approximately 52 miles northeast of the Project and (3) Kingston Park, located adjacent to the Kings River, approximately 45 miles to the northeast of the Project (Kings County , 2009).

The City of Avenal also has one nearby community park that is 0.5 miles from the proposed Project, the Avenal Neighborhood Park. There is also a 20-acre Sports Complex approximately one mile from the Project site. In addition, the City of Coalinga's parks facilities are located 18 miles northwest of the Project (City of Avenal, 2018a).

The future residents of the Project are likely to utilize the nearby regional and community parks. Development of the Project is not expected to cause or result in a demand for a new parks or other additional services to the community. The Project is not expected to result in any adverse impacts on the existing parks or recreation areas. However, the City of Avenal requires that the Project developer pay Park Impact Fees for parkland, community centers and recreational facilities, park amenities, vehicles equipment, and impact fee studies to offset any potential impacts from new development. Therefore, with incorporated mitigation measure, MM PUB-3, the proposed Project would have a less-than-significant impact on parks and recreational facilities.

MITIGATION MEASURE(S)

MM PUB-3: Prior to the issuance of grading or building permits, the Project developer shall pay City of Avenal Park Impact Fees.

LEVEL OF SIGNIFICANCE

Impacts would be *less than significant with mitigation incorporated.*

Impact #3.4.15a(v) – 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 to other performance objectives for any of the public services – Other Public Facilities?

The Project is within the Avenal General Plan and has been analyzed and planned as a residential development. However, the residents will come to live in the Project are expected to utilize public facilities such as: libraries and other public services and facilities within Kings County and Avenal.

The General Plan has the existing goal (GOAL LU-10) to providing adequate public facilities to serve the expected growth in the City (City of Avenal, 2018a). It is expected that the fourplexes would be inhabited by existing Avenal residents. As such, the proposed Project would not affect the demand for public services because it will not be increasing local population. However, the Project is required to pay Kings County Adopted Public Facilities Fees related to Libraries. With implementation of MM PUB-4, the proposed Project would have a less-than-significant impact on other public services facilities including libraries.

MITIGATION MEASURE(S)

MM PUB-4: Prior to the issuance of grading or building permits, the Project developer shall pay \$385.03 per Multi-Family Unit to Kings County for the Adopted Public Facilities Fees related to libraries.

LEVEL OF SIGNIFICANCE

Impacts would be *less than significant with mitigation incorporated.*

	Potentially Significant Impact	Less than Significant with Mitigation Incorporated	Less-than- Significant Impact	No Impact
3.4.16 - RECREATION				
Would the Project:				
a. 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?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
b. Include recreational facilities or require the construction or expansion of recreational facilities that might have an adverse physical effect on the environment?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Discussion

Impact #3.4.16a – 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?

As discussed in Impact #3.4.14a, #3.4.15a(iv) and 15a(v), the Project would not increase the use of existing neighborhood and nearby recreational facilities, including regional parks and other public facilities by increasing their use and overall rate of physical deterioration. As such, the Project is not expected to cause a substantial physical deterioration.

As discussed in Impact #3.4.15a(v), the General Plan has the existing goal (GOAL LU-10) to provide adequate public facilities to serve the expected growth in the City of Avenal (City of Avenal, 2018a). Mitigation Measure MM PUB-3 requires that the Project developer pay fees to offset the cost for the upkeep and maintenance of parks and recreational facility. Therefore, with implementation of Mitigation Measure, MM PUB-3, the proposed Project would have a less-than-significant impact on parks and recreational facilities.

MITIGATION MEASURE(S)

Implementation of MM PUB-3.

LEVEL OF SIGNIFICANCE

Impacts would be *less than significant with incorporated mitigation*

Impact #3.4.16b – Would the Project include recreational facilities or require the construction or expansion of recreational facilities that might have an adverse physical effect on the environment?

As discussed in Impacts #3.4.14a, #3.4.15a(iv), (v) and #3.4.16a the Project will not have a significant impact on the local recreational facilities. The Project will be required to pay developer fees to contribute to existing parks, and/or construct either green/open space or additional recreational facilities as part of the approval of the tentative tract map process. Therefore, with implementation of MM PUB-3, the Project will have a less-than-significant impact.

MITIGATION MEASURE(S)

Implementation of MM PUB-3.

LEVEL OF SIGNIFICANCE

Impacts would be *less than significant with mitigation incorporated.*

	Potentially Significant Impact	Less than Significant with Mitigation Incorporated	Less than Significant Impact	No Impact
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3.4.17 - TRANSPORTATION

Would the Project:

a.	Conflict with a program, plan, ordinance or policy addressing the circulation system, including transit, roadway, bicycle and pedestrian facilities?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b.	Conflict or be inconsistent with CEQA Guidelines Section 15064.3, subdivision (b)?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c.	Substantially increase hazards due to a geometric design feature (e.g., sharp curves or dangerous intersections) or incompatible uses (e.g., farm equipment)?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
d.	Result in inadequate emergency access?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

Discussion

Impact #3.4.17a – Would the Project conflict with a program, plan, ordinance or policy addressing the circulation system, including transit, roadway, bicycle and pedestrian facilities?

The construction of the proposed Project is intended to provide homes for current residents of Avenal, and not induce growth that would create unsafe or congested roadways. The Project is not anticipated to impact transportation systems, bike or pedestrian facilities. The roadways provide circulation in the vicinity include the following:

7th Avenue is a north-south collector that extends from SR 33 and dead ends into Mariposa Street adjacent to Avenal High School. In the vicinity of the Project it exists as a two-lane roadway with curb and gutter.

Mendocino Street is an east-west minor collector that extends from 7th Avenue to 36th Avenue and provides access to the Project. In the vicinity of the Project it exists as a two-lane roadway with curb and gutter.

The Project proposed to construct four fourplexes with 16 units that will be used by current residents of Avenal. The Project will not increase vehicle miles traveled (VMT) by residents

because the majority of the units will be inhabited by residents currently residing in Avenal. Therefore, the Project is not expected to result in a significant transportation impact.

MITIGATION MEASURE(S)

No mitigation is required.

LEVEL OF SIGNIFICANCE

Impacts would be *less than significant*.

Impact #3.4.17b – Would the Project conflict or be inconsistent with CEQA Guidelines Section 15064.3, subdivision (b)?

See Impact #3.4.17a, above.

MITIGATION MEASURE(S)

No mitigation is required.

LEVEL OF SIGNIFICANCE

Impacts would be *less than significant*.

Impact #3.4.17c – Would the Project substantially increase hazards due to a geometric design feature (e.g., sharp curves or dangerous intersections) or incompatible uses (e.g., farm equipment)?

The Project will be designed to current standards and safety regulations. All intersections will be constructed as to comply with the Manual on Uniform Traffic Control Devices regulations and design and safety standards of Chapter 33 of the California Building Codes (CBC) and the guidelines of Title 24 in order to create safe and accessible roadways.

Vehicles exiting the subdivision will be provided with a clear view of the roadway without obstructions. Landscaping associated with the entry driveways could, impede such views, if improperly installed. Specific circulation patterns and roadway designs will incorporate all applicable safety measures to ensure that hazardous design features or inadequate emergency access to the site or other areas surrounding the Project area would not occur.

Therefore, with the incorporated design features and all applicable rules and regulations the Project will have a less-than-significant impact.

MITIGATION MEASURE(S)

No mitigation is required.

LEVEL OF SIGNIFICANCE

Impacts would be *less than significant*.

Impact #3.4.17d – Would the Project result in inadequate emergency access?

See Impact# 3.4.17c above.

The proposed Project would be required to comply with all emergency access requirements adopted and set forth in the City of Avenal Municipal Code. These requirements and all others required to be included in the Project design will be verified by the City prior to Project approval. Therefore, emergency access impacts will be less than significant.

MITIGATION MEASURE(S)

No mitigation is required.

LEVEL OF SIGNIFICANCE

Impacts would be *less than significant*.

	Potentially Significant Impact	Less than Significant with Mitigation Incorporated	Less-than- Significant Impact	No Impact
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3.4.18 - TRIBAL CULTURAL RESOURCES

Would the Project:

- | | | | | |
|--|--------------------------|-------------------------------------|--------------------------|--------------------------|
| a. 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: | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
|--|--------------------------|-------------------------------------|--------------------------|--------------------------|

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	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
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A resource determined by the Lead Agency, in its discretion and supported by substantial evidence, to be significant pursuant to criteria set forth in subdivision (c) of Public Resources Code Section 5024.1. In applying the criteria set forth in subdivision (c) of Public Resource Code Section 5024.1, the Lead Agency shall consider the significance of the resource to a California Native American tribe.	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
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Discussion

Impact #3.4.18a(i) – Would the Project cause a substantial adverse change in the significance of a tribal cultural resource, defined in Public Resources Code Section 21074 as either a site, feature, place, cultural landscape that is geographically defined in terms of the size and scope of the landscape, sacred place, or object with cultural value to a California Native American tribe, and that is – listed or eligible for listing in the California Register of Historical Resources, or in a local register of historical resources as defined in Public Resources Code Section 5020.1(k)?

See the discussion presented in *Section 3.4.5 - Cultural Resources*, Impacts #3.4.5a through #3.4.5c. Documentation can be found in Appendix A of this document.

On June 12, 2020, a request was made to the NAHC for a SLF search. The result of the search was negative. As noted in Impact 3.4-5b, a response was received by the Santa Rosa Rancheria Tachi Yokut Tribe requesting that Santa Rosa be retained to conduct a

preconstruction presentation to construction staff regarding the law and potential to discover cultural resources. As noted above, MM CUL-1(b) requires the developer to retain a Native American tribal representative to conduct a Cultural Resources Sensitivity Training session prior to ground disturbance activities. Implementation of MM CUL-1 and MM CUL-2 will reduce potential impacts to archaeological resources to less than significant levels.

MITIGATION MEASURE(S)

Implementation of Mitigation Measures MM CUL-1 and MM CUL-2.

LEVEL OF SIGNIFICANCE

Impacts would be *less than significant with mitigation incorporated*.

Impact #3.4.18a(ii) – 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 – a resource determined by the Lead Agency, in its discretion and supported by substantial evidence, to be significant pursuant to criteria set forth in subdivision (c) of Public Resources Code Section 5024.1. In applying the criteria set forth in subdivision (c) of Public Resource Code Section 5024.1, the Lead Agency shall consider the significance of the resource to a California Native American tribe?

See discussion for Impacts #3.4.5a through #3.4.5c and Impact #3.4.18a(i), above.

MITIGATION MEASURE(S)

Implementation of Mitigation Measures MM CUL-1 and MM CUL-2.

LEVEL OF SIGNIFICANCE

Impacts would be *less than significant with mitigation incorporated*.

	Potentially Significant Impact	Less than Significant with Mitigation Incorporated	Less-than- Significant Impact	No Impact
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3.4.19 - UTILITIES AND SERVICE SYSTEMS

Would the Project:

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?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b. Have sufficient water supplies available to serve the Project and reasonably foreseeable future development during normal, dry and multiple dry years?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c. Result in a determination by the wastewater treatment provider that 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?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
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?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
e. Comply with federal, State, and local management and reduction statutes and regulations related to solid waste?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

Discussion

This analysis relied upon review of applicable requirements of the California Region Water Quality Control Board (CRWQCB) and by the Avenal General Plan.

Impact #3.4.19a – Would the Project 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?

The Project would be constructed on land that has already been designated for residential development by the General Plan. The City has indicated that the infrastructure necessary

to serve the Project is available and sufficient to meet the needs of the residents. As noted previously, the Project site will connect to the City of Avenal's existing water and sewer systems. The Project is located within the designated Land Available for Development and within service area for the Avenal Wastewater Treatment plant. The existing treatment plant has reserved one-half of the treatment plant's capacity for future development in Avenal and will be adequate for the proposed Project (City of Avenal, 2018a). Therefore, no additional sewer capacity would be required for the proposed Project. Impacts are considered less than significant.

The Pacific Gas and Electric Company (PG&E) provides electricity to the City. The existing trunk and transmission facilities are adequate to meet present and projected demand in the community (City of Avenal, 2018a). The Project will connect to the existing PG&E transmission lines for electrical power. Telecommunication requirements for the Project are typical of this type of land use and would not require any expansion or construction of new telecommunication facilities.

The proposed Project would not require or result in the construction or expansion of existing or new water, wastewater treatment, electrical or telecommunications facilities. Therefore, the Project would have a less-than-significant impact.

MITIGATION MEASURE(S)

No mitigation is required.

LEVEL OF SIGNIFICANCE

Impacts would be *less than significant*.

Impact #3.4.19b – Would the Project have sufficient water supplies available to serve the Project and reasonably foreseeable future development during normal, dry and multiple dry years?

The Avenal's drinking water is provided by the San Luis Canal, which is part of the State and federal water project that provides water to the west side of the San Joaquin Valley. The City obtains the canal water through a contract with the U.S. Bureau of Reclamation (USBR) (City of Avenal, 2018a). The USBR contract allocates a maximum delivery of 3,500 acre-feet per year to the City. However, the actual delivery to the City is subject to the availability of water to the San Luis Project. As a result of dry water years, USBR may reduce the City's allocation to a percentage of historical use. The amount of reduction will depend on precipitation levels, snowpack and State reservoir levels.

The Project will connect to the existing sewer system and water supply network. Water will be supplied by the San Luis water Canal by an agreement with the City of Avenal from the U.S. Bureau of Reclamation (USBR). As discussed in Impact#3.4.10b the Project is expected to use 4.45 AF of water annually. As discussed in Impact #3.4.19a, above, there is

adequate water supply and sewer services for the Project. The Project would connect to an existing water line located on 7th Avenue.

MITIGATION MEASURE(S)

No mitigation is required.

LEVEL OF SIGNIFICANCE

Impacts would be *less than significant*.

Impact #3.4.19c – Would the Project result in a determination by the wastewater treatment provider that 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?

See #3.4.19a and b.

MITIGATION MEASURE(S)

No mitigation is required.

LEVEL OF SIGNIFICANCE

Impacts would be *less-than-significant impact*.

Impact #3.4.19d – Would the Project 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?

Implementation of the proposed Project would result in the generation of solid waste on the Project site, which would increase the demand for solid waste disposal. During construction these materials, which are not anticipated to contain hazardous materials, would be collected and transported away from the site. The City of Avenal has a 173-acre, Class III landfill site, Avenal Regional Landfill (ARL), located approximately two miles north of the proposed Project site. The landfill property is owned by the City of Avenal. Waste includes residential refuse, commercial solid wastes, tires, and construction/demolition wastes. The City contracts with Mid Valley Disposal for solid waste collection.

Once constructed, the Project would generate solid waste typical of residential development. Solid waste removed from the site would be transported to the ARL for disposal by a license waste hauler. A generation of solid waste resulting in a significant impact is not anticipated, as the ARL has a remaining capacity of 30,300,000 cubic yards (CalRecycle, 2020).

The Project, in compliance with federal, State, and local statutes and regulations related to solid waste, would dispose of all waste generated onsite at an approved solid waste facility. The Project does not, and would not conflict with federal, State, or local regulations related to solid waste. The proposed Project would be served by a landfill with sufficient permitted

capacity to accommodate the Project's solid waste disposal needs in compliance with federal, State, and local statutes and regulations related to solid waste. Therefore, the Project would have a less-than-significant impact.

MITIGATION MEASURE(S)

No mitigation is required.

LEVEL OF SIGNIFICANCE

Impacts would be *less-than-significant impact*

Impact #3.4.19e – Would the Project comply with federal, State, and local management and reduction statutes and regulations related to solid waste?

See discussion for Impact #3.4.19d.

The 1989 California Integrated Waste Management Act (AB 939) requires Kings County to attain specific waste diversion goals. In addition, the California Solid Waste Reuse and Recycling Access Act of 1991, as amended, requires expanded or new development Projects to incorporate storage areas for recycling bins into the proposed Project design. Reuse and recycling of construction debris would reduce operating expenses and save valuable landfill space.

As stated above, the Avenal Regional Landfill has available capacity to accommodate solid waste generated by the proposed Project. Therefore, the proposed Project would not be expected to significantly impact Kings County landfills. The proposed Project would be required to comply with all federal, State, and local statutes and regulations related to solid waste. Therefore, implementation of the proposed Project would result in a less-than-significant impact.

MITIGATION MEASURE(S)

No mitigation is required.

LEVEL OF SIGNIFICANCE

Impacts would be *less than significant*.

	Potentially Significant Impact	Less than Significant with Mitigation Incorporated	Less-than- Significant Impact	No Impact
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3.4.20 - WILDFIRE

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

a. Substantially impair an adopted emergency response plan or emergency evacuation plan?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b. Due to slope, prevailing winds, and other factors, exacerbate wildfire risks, and thereby expose Project occupants to, pollutant concentration from a wildfire or the uncontrolled spread of a wildfire?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
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?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
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?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Discussion

Impact #3.4.20a – If located in or near State responsibility areas or lands classified as very high fire hazard severity zones, would the Project substantially impair an adopted emergency response plan or emergency evacuation plan?

See also Impact #3.4.9f regarding emergency response.

According to data from the Cal Fire, the Project site is not within a high and moderate fire hazard zone (City of Avenal, 2018a).

As noted previously, Kings County Emergency Operations Plan (EOP) establishes emergency procedures and policies and identifies responsible parties for emergency response in the County (Kings County, 2015). The EOP includes policies that would prevent new development from interfering with emergency response of evacuation plans. The Project will comply with all local regulations related to the construction of new development that is

consistent with the EOP. The Project will adhere to the standards set forth in City of Avenal the Uniform Fire Code (Ordinance No. 87-04) (City of Avenal, 1988). The Project would also comply with the appropriate local and State requirements regarding emergency response plans and access. The proposed Project would not inhibit the ability of local roadways to continue to accommodate emergency response and evacuation activities.

The proposed Project would not impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan. Therefore, the Project would have a less-than-significant-impact.

MITIGATION MEASURE(S)

No mitigation is required.

LEVEL OF SIGNIFICANCE

Impacts would be *less than significant*.

Impact #3.4.20b – If located in or near State responsibility areas or lands classified as very high fire hazard severity zones, would the Project, due to slope, prevailing winds, and other factors, exacerbate wildfire risks, and thereby expose Project occupants to, pollutant concentration from a wildfire or the uncontrolled spread of a wildfire?

As noted previously, fire hydrants would also be located and installed per the Kings County fire standards. The Project would install the required infrastructure to meet water supply demands for fire protection services. Development of the Project will increase the need for fire protection services, expand the service area of the local Kings County Fire Department. However, the Project will comply with the Kings County Adopted Public Facilities Fees requirements related to fire protection. To reduce the impacts to the fire protection services, Mitigation Measure MM HAZ-2 would require the Project to pay appropriate impact fees related to fire protection. Therefore, with implementation of Mitigation Measure HAZ-2, the Project impacts will be less than significant.

The proposed Project site is flat and may be affected by prevailing winds that moves in a predominately, southeasterly direction with an average speed of four-six knots with maximum gusts of 40-50 knots. Avenal has prevailing wind that comes from the north and northwest except in December and January, when the winds blow from the southeast of east-southeast (City of Avenal, 2018a). Such winds may impact the City and the Project. By implementing both State Fire Marshall and the local fire code requirements, the Project would not exacerbate the risk of exposure of Project occupants to wildfire. Therefore, impacts would be less than significant.

MITIGATION MEASURE(S)

Implementation of MM HAZ-2.

LEVEL OF SIGNIFICANCE

Impacts would be *less than significant with mitigation incorporated*.

Impact #3.4.20c – If located in or near State responsibility areas or lands classified as very high fire hazard severity zones, would the Project 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?

See Impacts # 3.4.9a and g, #3.4.20a and b, above.

The Project is not located within 350 feet of high voltage transmission lines. Based on available data, the nearest high voltage electric transmission lines is outside the eastern city limits of Avenal (California Energy Commission, 2020). The Project would require the installation or maintenance of additional distribution lines to connect the residences to the existing utility grid. However, the Project would be constructed in accordance with all local and State regulations regarding power lines and other related infrastructure, as well as fire suppression requirements. Therefore, the Project would not exacerbate fire risk or result in temporary or ongoing impacts to the environment and impacts would be less than significant.

MITIGATION MEASURE(S)

No mitigation is required.

LEVEL OF SIGNIFICANCE

Impacts would be *less than significant*.

Impact #3.4.20d – If located in or near State responsibility areas or lands classified as very high fire hazard severity zones, would the Project 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?

See Impacts # 3.4.9a and g, #3.4.20a, b and c, above.

The site is topographically flat land. There are no slopes on or near the property and the Project would not expose the people or structures to significant risks from downslope or downstream flooding or landslides due to a result of runoff, post fire instability or drainage changes.

According to FEMA Flood Insurance Rate Maps the Project is within an area of minimal flood hazards (FEMA, 2020). In addition, MM GEO-1 requires the preparation of a SWPPP to mitigate the site drainage changes during the construction of the proposed Project. Therefore, no downstream flooding is anticipated as a result of runoff, post-fire slope

instability, or drainage changes. With incorporation of MM GEO-1, the Project will have a less-than-significant impact.

MITIGATION MEASURE(S)

Implementation of MM GEO-1.

LEVEL OF SIGNIFICANCE

Impacts would be *less than significant with mitigation incorporated*.

	Potentially Significant Impact	Less than Significant with Mitigation Incorporated	Less than Significant Impact	No Impact
3.4.21 - MANDATORY FINDINGS OF SIGNIFICANCE				
a. Does the Project 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, 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?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
b. Does the Project have impacts that are individually limited, but cumulatively considerable? ("Cumulatively considerable" means that the incremental effects of a Project are significant when viewed in connection with the effects of past Projects, the effects of other current Projects, and the effects of probable future Projects.)	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
c. Does the Project have environmental effects that would cause substantial adverse effects on human beings, either directly or indirectly?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Discussion

Impact #3.4.21a – Does the Project 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, 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?

As evaluated in this IS/MND, the proposed Project would not 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; reduce the number or restrict the range of an endangered, rare, or threatened species; or eliminate important examples of the major periods of California

history or prehistory. With implementation of the mitigation measures recommended in this document, the proposed Project would not have the potential to degrade the quality of the environment, significantly impact biological resources, or eliminate important examples of the major periods of California history or prehistory. Therefore, with the following mitigation measures the Project would have a less-than-significant impact.

MITIGATION MEASURE(S)

Implementation of Mitigation Measures MM BIO-1 through MM BIO-6 and MM CUL-1 and MM CUL-2.

LEVEL OF SIGNIFICANCE

The Project would have a *less-than-significant impact with mitigation incorporated*.

Impact #3.4.21b - Does the Project have impacts that are individually limited, but cumulatively considerable? (“Cumulatively considerable” means that the incremental effects of a Project are significant when viewed in connection with the effects of past Projects, the effects of other current Projects, and the effects of probable future Projects.)?

As described in the impact analyses in Sections 3.4.1 through 3.4.20 of this IS/MND, any potentially significant impacts of the proposed Project would be reduced to a less-than-significant level following incorporation of the mitigation measures listed in *Section 6, Mitigation Monitoring and Reporting Plan*. The proposed Project would not otherwise combine with impacts of related development to add considerably to any cumulative impacts in the region. With mitigation, the proposed Project would not have impacts that are individually limited, but cumulatively considerable. Therefore, the Project would have a less-than-cumulatively-considerable impact with mitigation incorporated.

MITIGATION MEASURE(S)

Implementation of Mitigation Measures MM BIO-1 through MM BIO-6, MM CUL-1 through MM CUL-2, MM GEO-1 through MM GEO-2, MM HAZ-1, MM NSE-1, and MM PUB-1 through MM PUB-4.

LEVEL OF SIGNIFICANCE

The Project would have a *less-than-significant impact with mitigation incorporated*.

Impact #3.4.21c - Does the Project have environmental effects that would cause substantial adverse effects on human beings, either directly or indirectly?

All of the Project’s impacts, both direct and indirect, that are attributable to the Project were identified and mitigated. The Project mitigation measures will substantially reduce or eliminate impacts of the Project. Therefore, the proposed Project would not either directly or indirectly cause substantial adverse effects on human beings because all potentially

adverse direct impacts of the proposed Project are identified as having no impact, less than-significant-impact, or less-than-significant impact with mitigation.

MITIGATION MEASURE(S)

Implementation of Mitigation Measures MM BIO-1 through MM BIO-6, MM CUL-1 through MM CUL-2, MM GEO-1 through MM GEO-2, MM HAZ-1, MM NSE-1, and MM PUB-1 through MM PUB-4.

LEVEL OF SIGNIFICANCE

The Project would have a *less-than-significant impact with mitigation incorporated*.

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SECTION 6 - MITIGATION MONITORING AND REPORTING PROGRAM

RESERVED- to be included later

APPENDIX A
NATIVE AMERICAN HERITAGE COMMISSION LETTER

APPENDIX B
GEOTECHNICAL ENGINEERING INVESTIGATION REPORT