

Citrus Blossom TSM Project

Prepared for:



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PROJECT INFORMATION

This document is the Initial Study/Mitigated Negative Declaration on the potential environmental effects of the City of Porterville's (City) Citrus Blossom TSM Project (Project). The City of Porterville will act as the Lead Agency for this project pursuant to the California Environmental Quality Act (CEQA) and the CEQA Guidelines. Copies of all materials referenced in this report are available for review in the project file during regular business hours at 291 N. Main Street, Porterville, CA 93257.

Project title

Citrus Blossom TSM Project

Lead agency name and address

City of Porterville
291 N. Main Street
Porterville, CA 93257

Contact person and phone number

Julie Phillips, Community Development Manager
City of Porterville (559) 782-7460

Project location

The City of Porterville is located in Tulare County in the southern part of the San Joaquin Valley. The 11.62-acre Project site is located in northwest Porterville, bounded to the North by west Linda Vista Avenue and to the east by north Newcomb Street. A residential subdivision lies to the east, rural residences and fallowed fields to the south, rural residences to the west, and orchards and rural residences to the north. See Figure 1. Porterville is bisected north-south by State Route (SR) 65 and SR 190 runs east-west in the southern portion of the City.

Figure 1 - Location

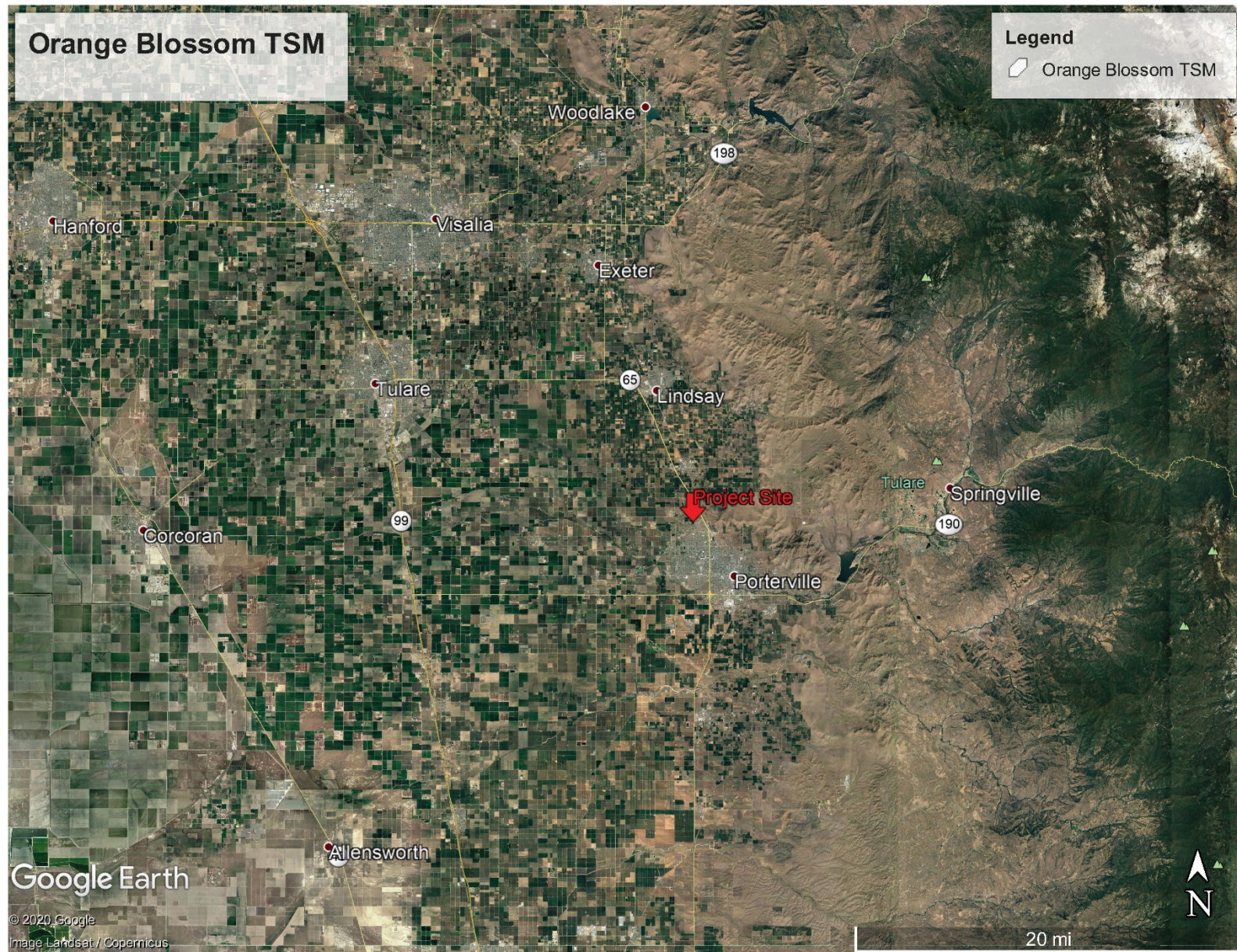


Figure 2 – Site Aerial



Project sponsor's name/address

Santokh S. Toor/Skip Barwick
P.O. Box 244
Castaic, Ca 91310

General plan designation

Low Density Residential

Zoning

RS-1

Project Description

The proposed Project consists of an Annexation, Rezone and a Tentative Subdivision Map to allow for the construction of up to 50 single-family residential units on approximately 11.62 acres of land. The Project would be developed on Assessor Parcel Number 243-130-042. The Project site is located on the southwest corner of west Linda Vista Avenue and north Newcomb Street.

Project Components

- Construction of internal access roads with two points of ingress/egress; one on the northwest corner of the property, off west Linda Vista Avenue and one on the eastern boundary, off north Newcomb Street.
- Improve all streets in or adjacent to the subdivision, in accordance with the approved improvements plan, per Section 407.02(h) of the Porterville Development Ordinance.
- Development of a subdivision tree and landscaping design that will be approved by the City. At least one tree will be planted on each residential lot and street trees will be planted at 35 feet on center along all parkways within and/or bordering the subdivision.
- Development of a Landscape plan, in accordance with Chapter 303 of the Porterville Development Ordinance.
- Change the zone from RS-1 to RS-2 (Very Low Density Residential to Low Density Residential)

Project Operations

Upon Annexation and Rezone from Rural Residential to Low Density Residential, the proposed Project would be in be within City Limits and compliant with land use requirements. Water, sewage disposal and refuse collection services will be provided by the City of Portville and the applicant will be required to tie into the City's existing facilities. The proposed Project would require gas, telephone, cable, and electrical improvements. Natural gas would be provided by

The Gas Company; telephone services would be provided by SBC; electric power would be provided by Southern California Edison Company; and cable television would be provided by Charter Communication. The extent of work required for utilities and gas would be determined during final project design.

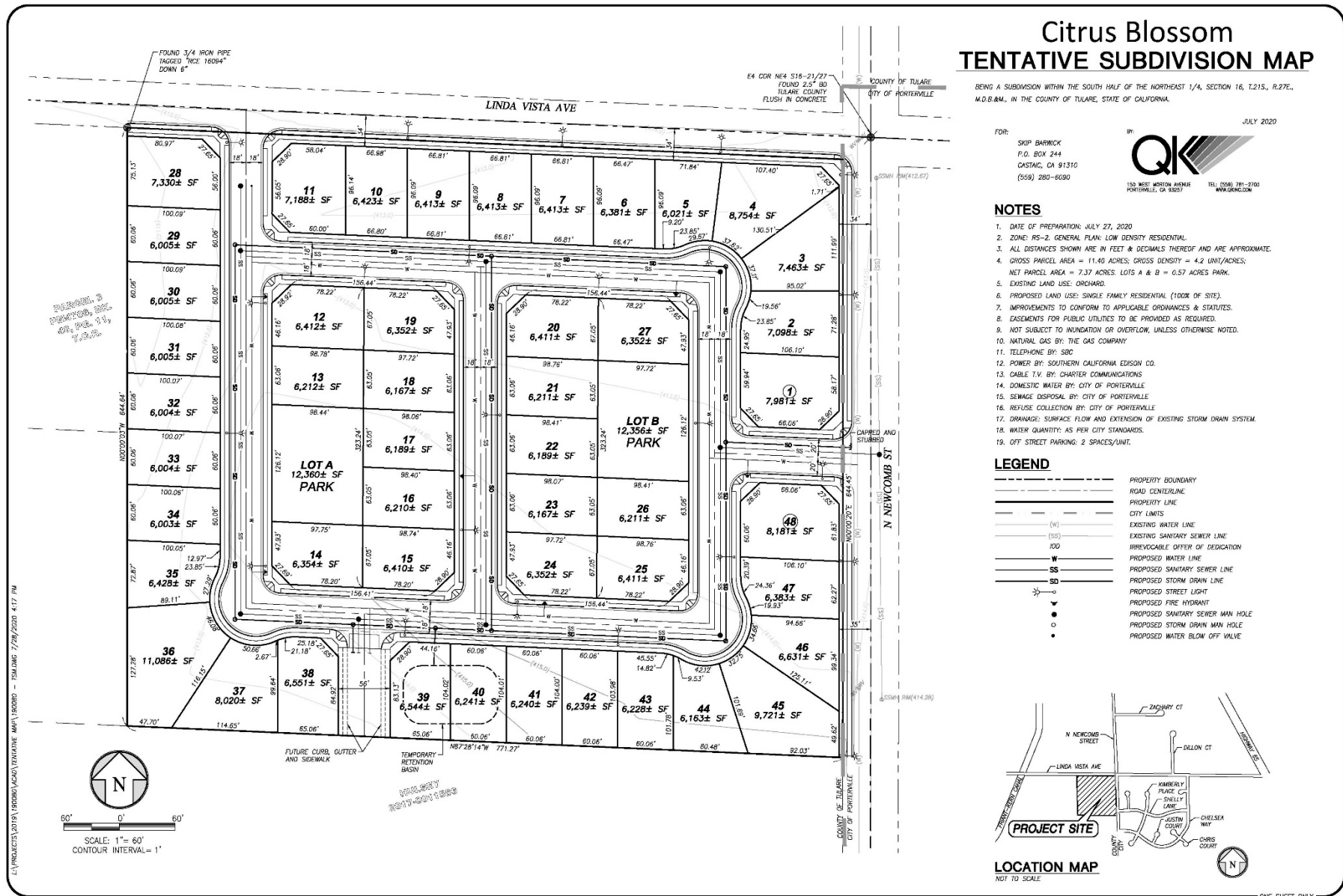
Surrounding Land Uses/Existing Conditions

The proposed Project site is currently in use as predominantly agricultural land, and mainly planted with citrus orchards. A narrow strip along the west of the site is barren and consists of scattered olive trees. A single-family residence lies in the northeast corner.

Lands directly surrounding the proposed Project are described as follows:

- North: Rural residential homes and orchards, identified as Rural Residential.
- South: Rural residential homes and fallowed fields, identified as Rural Residential.
- East: Residential subdivision, identified as Low Density Residential.
- West: Rural residential homes, identified as Rural Residential.

Figure 3 – Site Plan



Other Public Agencies Involved

- The adoption of a Mitigated Negative Declaration by the City of Porterville
- Approval of a Subdivision Map by the City of Porterville
- Rezone approval by the City of Porterville
- Urban Development Boundary and Sphere of Influence Amendment
- Approval of Building Permits by the City of Porterville
- Annexation approval by Tulare County LAFCo
- Approval of a Stormwater Pollution Prevention Plan by the Central Valley Regional Water Quality Control Board
- Dust Control Plan Approval letter from the San Joaquin Valley Air Pollution Control District
- Compliance with other federal, state and local requirements.

Tribal Consultation

The City of Porterville has not received any project-specific requests from any Tribes in the geographic area with which it is traditionally and culturally affiliated with or otherwise to be notified about projects in the City of Porterville.

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 Resources
and Forest Resources | <input type="checkbox"/> Air Quality |
| <input checked="" type="checkbox"/> Biological Resources | <input checked="" type="checkbox"/> Cultural Resources | <input type="checkbox"/> Energy |
| <input type="checkbox"/> Geology / Soils | <input checked="" 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 checked="" 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 checked="" type="checkbox"/> Mandatory
Findings of
Significance |

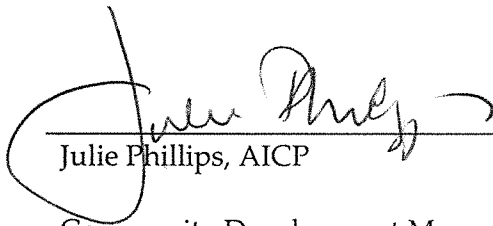
DETERMINATION

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 1) has been adequately analyzed in an earlier document pursuant to applicable legal standards, and 2) has been addressed by mitigation measures based on the earlier analysis as described on attached sheets. An ENVIRONMENTAL IMPACT REPORT is required, but it must analyze only the effects that remain to be addressed.
- ☐ I find that 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.



Julie Phillips, AICP

Community Development Manager

City of Porterville

9/4/20
Date

ENVIRONMENTAL CHECKLIST

I. AESTHETICS

Would the project:

	Potentially Significant Impact	Less than Significant With Mitigation Incorporation	Less than Significant Impact	No Impact
a. Have a substantial adverse effect on a scenic vista?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input 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 checked="" type="checkbox"/>	<input type="checkbox"/>
c. In non-urbanized areas, substantially degrade the existing visual character or quality of public views of the site and its surroundings? (Public views are those that are experienced from publicly accessible vantage point). If the project is in an urbanized area, would the project conflict with applicable zoning and 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 which would adversely affect day or nighttime views in the area?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

ENVIRONMENTAL SETTING

The proposed Project site is located on the San Joaquin Valley floor in the southern portion of the City of Porterville, California. The site is bounded to the north by west Linda Vista Avenue, with a rural residence and orchards across the street. The site is bounded to the east by north Newcomb Street and a residential development across the street. The location is adjacent to a rural residence with orchards to the west and rural residences with vacant fields to the south. The aesthetic features of the existing visual environment in the proposed Project area are residential and agricultural. There are no scenic resources or scenic vistas in the area. State Routes (SR) in the proposed Project vicinity include 99, 65, 190, 137.

Regulatory Setting

Federal

Aesthetic resources are protected by several federal regulations, none of which are relevant to the proposed Project because it will not be located on lands administered by a federal agency, and the proposed Project applicant is not requesting federal funding or a federal permit.

State

Nighttime Sky – Title 24 Outdoor Lighting Standards

The Energy Commission adopted changes to Title 24, Parts 1 and 6, Building Energy Efficiency Standards (Standards), on April 23, 2008. These new Standards became effective on January 1, 2010. Requirements for outdoor lighting remained consistent with past Standards and the requirements vary according to which “Lighting Zone” the equipment is in. The Standards contain lighting power allowances for newly installed equipment and specific alterations that are dependent on which Lighting Zone the Project is located in. Existing outdoor lighting systems are not required to meet these lighting power allowances. However, alterations that increase the connected load, or replace more than 50% of the existing luminaires, for each outdoor lighting application that is regulated by the Standards, must meet the lighting power allowances for newly installed equipment.

An important part of the Standards is to base the lighting power that is allowed on how bright the surrounding conditions are. The eyes adapt to darker surrounding conditions, and less light is needed to properly see; when the surrounding conditions get brighter, more light is needed to see. The least power is allowed in Lighting Zone 1 and increasingly more power is allowed in Lighting Zones 2, 3, and 4.

The Energy Commission defines the boundaries of Lighting Zones based on U.S. Census Bureau boundaries for urban and rural areas as well as the legal boundaries of wilderness and park areas. By default, government designated parks, recreation areas and wildlife preserves are Lighting Zone 1; rural areas are Lighting Zone 2; and urban areas are Lighting Zone 3. Lighting Zone 4 is a special use district that may be adopted by a local government.

California Scenic Highway Program

The Scenic Highway Program allows county and city governments to apply to the California Department of Transportation (Caltrans) to establish a scenic corridor protection program which was created by the Legislature in 1963. Its purpose is to protect and enhance the natural scenic beauty of California highways and adjacent corridors, through special conservation treatment. The state laws governing the Scenic Highway Program are found in the Streets and Highways Code, Sections 260

through 263. While not Designated State Scenic Highways, two Eligible State Scenic Highways occur in Tulare County, SR 198 and SR 190.

Local

Porterville General Plan Policies

- LU-I-14: Allow residential developments to employ creative site design, landscaping, and architectural quality that blend with the characteristics of each location and its surroundings and offer superior design solutions.
- LU-I-18: Protect existing residential neighborhoods from the encroachment of incompatible activities and land uses, and environmental hazards.
- L-I-20: Establish standards for pedestrian-oriented design in neighborhood centers. Pedestrian orientation design standards may include, but would not be limited to:

Limitations on maximum block length

Minimum sidewalk width

Required streetscape improvements, including street trees

Building height and articulation

Building setbacks

Location of entries

Parking location and required landscaping

- LU-I-25: Establish buffering requirements and performance standards intended to minimize harmful effects of excessive noise, light, glare, and other adverse environmental impacts.

RESPONSES

a. Have a substantial adverse effect on a scenic vista?

Less than Significant Impact. The proposed Project includes the construction of up to 50 single-family residences and the improvements associated with a new residential development, including lighting and site landscaping. The structures will conform to design standards set forth by the City's General Plan and Zoning Ordinance. The proposed Project site is located in an area that is substantially surrounded by urban uses and will not result in a use that is visually incompatible with the surrounding area.

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

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

Mitigation Measures: None are required.

b. Substantially damage scenic resources, including, but not limited to, trees, rock outcroppings, and historic buildings within a state scenic highway?

Less than Significant Impact. There are no state designated scenic highways within the immediate proximity to the Project site. California Department of Transportation Scenic Highway Mapping System identifies SR 190 east of SR 65 as an Eligible State Scenic Highway. This is the closest highway, located approximately 3.7 miles southeast of the Project site; however, the Project site is both physically and visually separated from SR 190 by intervening land uses. In addition, no scenic highways or roadways are listed within the Project area in the City of Porterville's General Plan or Tulare County's General Plan. Based on the National Register of Historic Places (NRHP) and the City's General Plan, no historic buildings exist on the Project site. The proposed Project would not cause damage to rock outcroppings or historic buildings within a State scenic highway corridor. Any impacts would be considered *less than significant*.

Mitigation Measures: None are required.

c. In non-urbanized areas, substantially degrade the existing visual character or quality of public views of the site and its surroundings? (Public views are those that are experienced from publicly accessible vantage point). If the project is in an urbanized area, would the project conflict with applicable zoning and regulations governing scenic quality?

Less than Significant Impact. Site construction will include residences, internal access roads, lighting and site landscaping. The residences will be single-family and will conform to design standards set forth by the City's General Plan and Zoning Ordinance, upon Annexation and pending approval. The

proposed Project site is located in an area that is substantially surrounded by urban uses, including residential and agricultural, and as such, will not result in a use that is visually incompatible with the surrounding area. The proposed Project will not substantially degrade the existing visual character or quality of the area or its surroundings.

The impact will be *less than significant*.

Mitigation Measures: None are required.

d. Create a new source of substantial light or glare which would adversely affect day or nighttime views in the area?

Less Than Significant Impact. Nighttime lighting is necessary to provide and maintain safe, secure, and attractive environments; however, these lights have the potential to produce spillover light and glare and waste energy, and if designed incorrectly, could be considered unattractive. Light that falls beyond the intended area is referred to as “light trespass.” Types of light trespass include spillover light and glare. Minimizing all these forms of obtrusive light is an important environmental consideration. A less obtrusive and well-designed energy efficient fixture would face downward, emit the correct intensity of light for the use, and incorporate energy timers.

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

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

Current sources of light in the Project area include street lights, the vehicles traveling along west Linda Vista Avenue and north Newcomb Street, and light from nearby residences. The Project would necessitate street lighting. Such lighting would be subject to the requirements of the Porterville Development Ordinance 300.07, which ensures that outdoor lighting does not produce obtrusive glare onto the public right-of-way or adjoining properties. Accordingly, the Project would not create substantial new sources of light or glare. Potential impacts are *less than significant*.

Mitigation Measures: None are required.

II. AGRICULTURE AND FOREST RESOURCES

Would the project:

	Potentially Significant Impact	Less than Significant With Mitigation Incorporation	Less than Significant Impact	No Impact
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 non-agricultural use?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input 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 non-agricultural use or conversion of forest land to non-forest use?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

ENVIRONMENTAL SETTING

The proposed Project site is located in an area just outside of the City of Porterville planning area. It is primarily considered Farmland of Statewide Importance, with a small south-north strip on the western boundary considered Rural Residential by the State Farmland Mapping and Monitoring Program. However, no land under the Williamson Act contracts occurs within the Project area.

Regulatory Setting

Federal

Federal regulations for agriculture and forest resources are not relevant to the proposed Project because it is not a federal undertaking (the Project site is not located on lands administered by a federal agency, and the Project applicant is not requesting federal funding or a federal permit).

State

State regulations for agriculture and forest resources are not relevant to the proposed Project because no agricultural resources exist on the site.

Local

Porterville General Plan Policies

Porterville General Plan Policies for agriculture and forest resources are not relevant to the proposed Project because the Project site is not currently within City Limits.

RESPONSES

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 non-agricultural use?

Less Than Significant Impact. The Project site is located within the City of Porterville Planning Area and is currently zoned RS-1 and designated as Low Density Residential. The site is designated primarily Farmland of Statewide Importance, with a small south-north strip on the western boundary considered Rural Residential by the State Farmland Mapping and Monitoring Program; however, agricultural conversion impacts of the site were analyzed in the Porterville 2030 General Plan EIR. Impacts were considered significant and unavoidable and a Statement of Overriding Considerations was adopted. No additional farmland conversion would result. Impacts remain *less than significant*.

Mitigation Measures: None are required.

b. Conflict with existing zoning for agricultural use, or a Williamson Act contract?

No Impact. The Project site is not zoned for agriculture nor is the site covered by a Williamson Act contract; no impacts would occur. The Project is not zoned for forestland and does not propose any zone changes related to forest or timberland. There is *no impact*.

Mitigation Measures: None are required.

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))?

No Impact. The Project is not zoned for forestland and does not propose any zone changes related to forest or timberland. There is *no impact*.

Mitigation Measures: None are required.

d. Result in the loss of forest land or conversion of forest land to non-forest use?

No Impact. No conversion of forestland, as defined under Public Resource Code or General Code, as referenced above, would occur as a result of the Project. There is *no impact*.

Mitigation Measures: None are required.

e. Involve other changes in the existing environment which, due to their location or nature, could result in conversion of Farmland, to non-agricultural use or conversion of forest land to non-forest use?

Less Than Significant Impact. No land conversion from Farmland would occur for the Project, as it is currently designated as Rural Residential by Tulare County. Surrounding land uses include residential and agricultural. The proposed Project does not have the potential to result in the conversion of Farmland to non-agricultural uses or forestland uses to non-forestland. Any impacts are considered *less than significant*.

Mitigation Measures: None are required.

III. AIR QUALITY

Would the project:

	Potentially Significant Impact	Less than Significant With Mitigation Incorporation	Less than Significant Impact	No Impact
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 non-attainment 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 odors or adversely affecting a substantial number of people)?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

ENVIRONMENTAL SETTING

The climate of the San Joaquin Valley is characterized by long, hot summers and stagnant, foggy, winters. Precipitation is low and temperature inversions are common. These characteristics are conducive to the formation and retention of air pollutants and are in part influenced by the surrounding mountains which intercept precipitation and act as a barrier to the passage of cold air and air pollutants.

The proposed Project lies within the San Joaquin Valley Air Basin, which is managed by the San Joaquin Valley Air Pollution Control District (SJVAPCD or Air District). National Ambient Air Quality Standards (NAAQS) and California Ambient Air Quality Standards (CAAQS) have been established for the following criteria pollutants: carbon monoxide (CO), ozone (O₃), sulfur dioxide (SO₂), nitrogen dioxide (NO₂), particulate matter (PM₁₀ and PM_{2.5}), and lead (Pb). The CAAQS also set standards for sulfates, hydrogen sulfide, and visibility.

Air quality plans or attainment plans are used to bring the applicable air basin into attainment with all state and federal ambient air quality standards designed to protect the health and safety of residents within that air basin. Areas are classified under the Federal Clean Air Act as either "attainment", "non-attainment", or "extreme non-attainment" areas for each criteria pollutant based on whether the NAAQS have been achieved or not. Attainment relative to the State

standards is determined by the California Air Resources Board (CARB). The San Joaquin Valley is designated as a State and Federal extreme non-attainment area for O₃, a State and Federal non-attainment area for PM_{2.5}, a State non-attainment area for PM₁₀, and Federal and State attainment area for CO, SO₂, NO₂, and Pb.¹

Regulatory Setting

Federal

Clean Air Act

The federal Clean Air Act of 1970 (as amended in 1990) required the U.S. Environmental Protection Agency (EPA) to develop standards for pollutants considered harmful to public health or the environment. Two types of National Ambient Air Quality Standards (NAAQS) were established. Primary standards protect public health, while secondary standards protect public welfare, by including protection against decreased visibility, and damage to animals, crops, landscaping and vegetation, or buildings. NAAQS have been established for six “criteria” pollutants: carbon monoxide (CO), nitrogen dioxide (NO₂), sulfur dioxide (SO₂), ozone (O₃), particulate matter (PM₁₀ and PM_{2.5}), and lead (Pb).

State

California Air Resources Board

The California Air Resources Board (CARB) is the state agency responsible for implementing the federal and state Clean Air Acts. CARB has established California Ambient Air Quality Standards (CAAQS), which include all criteria pollutants established by the NAAQS, but with additional regulations for Visibility Reducing Particles, sulfates, hydrogen Sulfide (H₂S), and vinyl chloride.

The proposed Project is located within the San Joaquin Valley Air Basin, which includes San Joaquin, Stanislaus, Merced, Madera, Fresno, Kings, Tulare, and parts of Kern counties and is managed by the SJVAPCD.

Air basins are classified as attainment, nonattainment, or unclassified. Attainment is achieved when monitored ambient air quality data is in compliance with the standards for a specified pollutant. Non-compliance with an established standard will result in a nonattainment designation and an

¹ San Joaquin Valley Air Pollution Control District. Ambient Air Quality Standards & Valley Attainment Status. <http://www.valleyair.org/aqinfo/attainment.htm>. Accessed March 2020.

unclassified designation indicates insufficient data is available to determine compliance for that pollutant.

Standards and attainment status for listed pollutants in the Air District can be found in Table 1. Note that both state and federal standards are presented.

Table 1
Standards and Attainment Status for Listed Pollutants in the Air District²

	Federal Standard	California Standard
Ozone	0.075 ppm (8-hr avg)	0.07 ppm (8-hr avg) 0.09 ppm (1-hr avg)
Carbon Monoxide	9.0 ppm (8-hr avg) 35.0 ppm (1-hr avg)	9.0 ppm (8-hr avg) 20.0 ppm (1-hr avg)
Nitrogen Dioxide	0.053 ppm (annual avg)	0.30 ppm (annual avg) 0.18 ppm (1-hr avg)
Sulfur Dioxide	0.03 ppm (annual avg) 0.14 ppm (24-hr avg) 0.5 ppm (3-hr avg)	0.04 ppm (24-hr avg) 0.25 ppm (1hr avg)
Lead	1.5 µg/m ³ (calendar quarter) 0.15 µg/m ³ (rolling 3-month avg)	1.5 µg/m ³ (30-day avg)
Particulate Matter (PM ₁₀)	150 µg/m ³ (24-hr avg)	20 µg/m ³ (annual avg) 50 µg/m ³ (24-hr avg)
Particulate Matter (PM _{2.5})	15 µg/m ³ (annual avg)	35 µg/m ³ (24-hr avg) 12 µg/m ³ (annual avg)

µg/m³ = micrograms per cubic meter

Additional State regulations include:

CARB Portable Equipment Registration Program – This program was designed to allow owners and operators of portable engines and other common construction or farming equipment to register their equipment under a statewide program so they may operate it statewide without the need to obtain a permit from the local air district.

U.S. EPA/CARB Off-Road Mobile Sources Emission Reduction Program – The California Clean Air Act (CCAA) requires CARB to achieve a maximum degree of emissions reductions from off-road mobile sources to attain State Ambient Air Quality Standards (SAAQS); off- road mobile sources include most construction equipment. Tier 1 standards for large compression-ignition engines used in off-road mobile sources went into effect in California in 1996. These standards, along with ongoing rulemaking, address emissions of nitrogen oxides (NOX) and toxic particulate matter from diesel engines. CARB is currently

² San Joaquin Valley Air Pollution Control District. Ambient Air Quality Standards & Valley Attainment Status. <http://www.valleyair.org/aqinfo/attainment.htm>. Accessed March 2020.

developing a control measure to reduce diesel PM and NOX emissions from existing off-road diesel equipment throughout the state.

California Global Warming Solutions Act – Established in 2006, Assembly Bill 32 (AB 32) requires that California’s GHG emissions be reduced to 1990 levels by the year 2020. This will be implemented through a statewide cap on GHG emissions, which will be phased in beginning in 2012. AB 32 requires CARB to develop regulations and a mandatory reporting system to monitor global warming emissions levels.

In addition, the proposed Project is being evaluated pursuant to CEQA.

Local

San Joaquin Valley Air Pollution Control District

The San Joaquin Valley Air Pollution Control District (SJVAPCD) is the local agency charged with preparing, adopting, and implementing mobile, stationary, and area air emission control measures and standards. The SJVAPCD has several rules and regulations that may apply to the Project:

Rule 3135 (Dust Control Plan Fees) – This rule requires the project applicant to submit a fee in addition to a Dust Control Plan. The purpose of this rule is to recover the SJVAPCD’s cost for reviewing these plans and conducting compliance inspections.

Rules 4101 (Visible Emissions) and 4102 (Nuisance) – These rules apply to any source of air contaminants and prohibits the visible emissions of air contaminants or any activity which creates a public nuisance.

Rule 4641 (Cutback, Slow Cure, and Emulsified Asphalt, Paving and Maintenance Operations) – This rule applies to use of asphalt for paving new roadways or restoring existing roadways disturbed by project activities.

Regulation VIII (Fugitive PM₁₀ Prohibitions) – This regulation, a series of eight regulations, is designed to reduce PM₁₀ emissions by reducing fugitive dust. Regulation VIII requires implementation of control measures to ensure that visible dust emissions are substantially reduced. The control measures are summarized in Table 2.

Table 2
San Joaquin Valley Air Pollution Control District
Regulation VIII Control Measures for Construction Related Emissions of PM₁₀³

The following are required to be implemented at all construction sites:
All disturbed areas, including storage piles, which are not actively utilized for construction purposes, shall be effectively stabilized of dust emissions using water, chemical stabilizers/suppressants, covered with a tarp or other similar cover, or vegetative
All on-site unpaved roads and off-site unpaved access roads shall be effectively stabilized of dust emissions during construction using water or chemical stabilizer
All land clearing, grubbing, scraping, excavation, land leveling, grading cut and fill, and demolition activities during construction shall be effectively controlled of fugitive dust emissions utilizing application of water or pre-soaking.
When materials are transported off-site, all material shall be covered, or effectively wetted to limit visible dust emissions, and at least six inches of freeboard space from top of container shall be maintained.
All operations shall limit, or expeditiously remove the accumulation of mud or dirt from adjacent public streets at the end of each workday. The use of dry rotary brushes is expressly prohibited except where preceded or accompanied by sufficient wetting to limit the visible dust emissions. Use of
Following the addition of materials to, or the removal of materials from, the surface of outdoor storage piles, said piles shall be effectively stabilized of fugitive dust emissions utilizing sufficient water or chemical stabilizer/suppressant.
Within urban areas, trackout shall be immediately removed when it extends 50 or more feet from the site at the end of each workday.
Any site with 150 or more vehicle trips per day shall prevent carryout and trackout.

Porterville General Plan Policies

- OSC-G-9: Improve and protect Porterville’s air quality by making air quality a priority in land use and transportation planning and in development review.
- OSC-I-59: Require preparation of a Health Risk Assessment for any development subject to the Air Toxics “Hot Spots” Act.
- OSC-I-61: Coordinate air quality planning efforts with other local, regional and State agencies.
- OSC-I-63: Notify local and regional jurisdictions of proposed projects that may affect regional air quality.

³ San Joaquin Valley Air Pollution Control District. Current District Rules and Regulations. <http://www.valleyair.org/rules/1ruleslist.htm#reg8>. Accessed March 2020.

RESPONSES

a. Conflict with or obstruct implementation of the applicable air quality plan?

Less than Significant Impact. The San Joaquin Valley Air Basin (SJVAB) is designated nonattainment of state and federal health-based air quality standards for ozone and PM_{2.5}. The SJVAB is designated nonattainment of state PM₁₀. To meet Federal Clean Air Act (CAA) requirements, the SJVAPCD has multiple air quality attainment plan (AQAP) documents, including:

- Extreme Ozone Attainment Demonstration Plan (EOADP) for attainment of the 1-hour ozone standard (2004);
- 2007 Ozone Plan for attainment of the 8-hour ozone standard;
- 2007 PM₁₀ Maintenance Plan and Request for Redesignation; and
- 2008 PM_{2.5} Plan.

Because of the region's non-attainment status for ozone, PM_{2.5}, and PM₁₀, if the project-generated emissions of either of the ozone precursor pollutants (ROG or 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. The project uses will result in a change in land use and a corresponding slight increase in vehicle miles traveled is expected. 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. However, the overall increase in emissions due to a land use change from Rural Residential to Low Density Residential is minimal.

As discussed in Impact c), below, predicted construction and operational emissions would not exceed the SJVAPCD's significance thresholds for ROG, NO_x, PM₁₀, and PM_{2.5}. As a result, the Project uses would not conflict with emissions inventories contained in regional air quality attainment plans and would not result in a significant contribution to the region's air quality non-attainment status. Additionally, the Project would comply with all applicable rules and regulations. Therefore, this impact is *less than significant*.

Mitigation Measures: None are required.

b. Result in a cumulatively considerable net increase of any criteria pollutant for which the project region is non-attainment under an applicable federal or state ambient air quality standard?

Less than Significant Impact. Because ozone is a regional pollutant⁴, the pollutants of concern for localized impacts are CO and fugitive PM₁₀ dust from construction. Ozone and PM₁₀ exhaust impacts are addressed under Impact c), below. The proposed Project would not result in localized CO hotspots or PM₁₀ impacts, as discussed below. Therefore, the proposed Project would not violate an air quality standard or contribute to a violation of an air quality standard in the Project area.

Localized PM₁₀

Localized PM₁₀ would be generated by proposed Project construction activities, which would include earth-disturbing activities. The SJVAPCD indicates that all control measures in Regulation VIII are required for all construction sites by regulation. The SJVAPCD's Guide for Assessing and Mitigating Air Quality Impacts (GAMAQI) lists additional measures that may be required of very large projects or projects close to sensitive receptors.⁵ If all appropriate "enhanced control measures" in the GAMAQI are not implemented for very large projects or those close to sensitive receptors, then construction impacts would be considered significant (unless the Lead Agency provides a satisfactory detailed explanation as to why a specific measure is unnecessary). The GAMAQI also lists additional control measures (Optional Measures) that may be implemented if further emission reductions are deemed necessary by the Lead Agency. The SJVAPCD's Regulation VIII (Fugitive PM₁₀ Prohibitions) has been updated and expanded since the GAMAQI guidance was written in 2002. Regulation VIII now includes the "enhanced control measures" contained in the GAMAQI.

The proposed Project would comply with the SJVAPCD's Regulation VIII dust control requirements during any proposed construction (including Rules 8011, 8031, 8041, and 8071). Compliance with this regulation would reduce the potential for significant localized PM₁₀ impacts to *less than significant* levels.

CO Hotspot

Localized high levels of CO are associated with traffic congestion and idling or slow-moving vehicles. The SJVAPCD provides screening criteria to determine when to quantify local CO concentrations based on impacts to the level of service (LOS) of roadways in the Project vicinity.

As further discussed in the Transportation/Traffic checklist evaluation, the Project would not generate, or substantially contribute to, additional traffic that would reduce the level of service on local roadways.

⁴ San Joaquin Valley Air Pollution Control District. Air Quality Plans. Ozone Plans, 8-hour ozone standard. https://www.valleyair.org/Air_Quality_Plans/Ozone_Plans.htm. Accessed March 2020.

⁵ San Joaquin Valley Air Pollution Control District. Guidance for Assessing and Mitigating Air Quality Impacts. March 19, 2015. http://www.valleyair.org/transportation/GAMAQI_3-19-15.pdf. Accessed March 2020.

Therefore, the proposed Project would not significantly contribute to an exceedance that would exceed state or federal CO standards. Impacts are considered *less than significant*.

Mitigation Measures: None are required.

c. Expose sensitive receptors to substantial pollutant concentrations?

Less than Significant Impact. The nonattainment pollutants for the SJVAPCD are ozone, PM₁₀ and PM_{2.5}. Therefore, the pollutants of concern for this impact are ozone precursors, regional PM₁₀, and PM_{2.5}. Ozone is a regional pollutant formed by chemical reaction in the atmosphere, and the Project's incremental increase in ozone precursor generation is used to determine the potential air quality impacts, as set forth in the GAMAQI.

The annual significance thresholds to be used for the Project for construction and operational emissions are as follows⁶:

- 100 tons per year CO;
- 10 tons per year NO_x;
- 10 tons per year ROG;
- 27 tons per year SO_x;
- 15 tons per year PM₁₀; and
- 15 tons per year PM_{2.5}.

The estimated annual operational emissions are shown below. The California Emissions Estimator (CalEEMod), Version 2016.3.2, was used to estimate construction and operational (vehicle trips) emissions resulting from the development of up to 50 single-family residential units. The modeling results are provided in Table 3 and the CalEEMod output files are provided in Appendix A.

⁶ San Joaquin Valley Air Pollution Control District. March 19, 2015. Guide for Assessing and Mitigating Air Quality Impacts. http://www.valleyair.org/transportation/GAMAQI_3-19-15.pdf. Page 80. Accessed March 2020.

Table 3
Proposed Project Construction and Operation Emissions

	VOC (ROG) (tons/year)	NO _x (tons/year)	PM ₁₀ (tons/year)	PM _{2.5} (tons/year)	CO ₂ (MT/yr)
Maximum annual construction emissions 2020 - 2021	1.11	2.65	0.37	0.11	313.28
Annual operational emissions	0.68	2.07	0.59	0.17	985.63
Annual Threshold of Significance	10	10	15	15	n/a
Significant?	No	No	No	No	n/a

As demonstrated in Table 3, estimated construction and operational emissions would not exceed the SJVAPCD's significance thresholds for ROG, NO_x, PM₁₀, and PM_{2.5}. As a result, the Project uses would not conflict with emissions inventories contained in regional air quality attainment plans and would not result in a significant contribution to the region's air quality non-attainment status⁷.

Any impacts would be considered *less than significant*.

Mitigation Measures: None are required.

d. Result in other emissions (such as those leading to odors adversely affecting a substantial number of people?

Less than Significant Impact. The proposed Project would not expose sensitive receptors to substantial concentrations of localized PM₁₀, carbon monoxide, diesel particulate matter, or hazardous pollutants, naturally occurring asbestos, or valley fever, as discussed below.

Localized PM₁₀

As shown in Response III-b, above, the Project would not generate a significant impact for construction-generated, localized PM₁₀. Therefore, the Project would not expose sensitive receptors to unhealthy levels of PM₁₀.

PM Hotspot

⁷ San Joaquin Valley Air Pollution Control District. Guide to Assessing and Mitigating Air Quality Impacts. March 19, 2015. Page 65. http://www.valleyair.org/transportation/GAMAQI_3-19-15.pdf. Accessed March 2020.

A PM_{2.5} and PM₁₀ Hotspot Analysis is not required for the Project because it is not a Project of Air Quality Concern (POAQC).

Carbon Monoxide Hotspot

As shown in Impact b), above, the Project would not generate a CO hotspot. In addition, the existing background concentrations of CO are low and any CO emissions would disperse rapidly. The nearest SJVAPCD monitoring station located approximately 45 miles south of the Project site (Bakersfield-Golden State Highway) shows the highest 1-hour and 8-hour CO concentrations for the past three years as 2.08 ppm and 1.46 ppm, respectively. The 1-hour and 8-hour CO standard are 20 ppm and 9 ppm, respectively. Therefore, the Project would not expose sensitive receptors to unhealthy levels of CO.

Naturally Occurring Asbestos

The Department of Conservation, Division of Mines and Geology published a guide entitled A General Location Guide for Ultramafic Rocks in California - Areas More Likely to Contain Naturally Occurring Asbestos, for generally identifying areas that are likely to contain naturally occurring asbestos. The guide includes a map of areas where formations containing naturally occurring asbestos in California are likely to occur. Foothill areas within Tulare County are identified as areas with ultramafic rocks. The City of Porterville's General Plan, Chapter Seven: Public Health and Safety provides a more detailed map, Figure 7-2 that shows some foothill locations adjacent to the City as areas with ultramafic rocks. Those areas are not located near the Project site. For this reason, the Project is not anticipated to expose workers or nearby receptors to naturally occurring asbestos.

If the proposed Project were to result in a sensitive odor receptor being located in the vicinity of an undesirable odor generator, the impact would be considered significant. The SJVAPCD regulates odor sources through its nuisance rule, Rule 4102, but has no quantitative standards for odors. The SJVAPCD presents a list of project screening trigger levels for potential odor sources in its GAMAQI, which is displayed in Table 4. If the project were to result in sensitive receptors being located closer to an odor generator in the list in Table 4 than the recommended distances, a more detailed analysis including a review of SJVAPCD odor complaint records is recommended.

Table 4
Screening Levels for Potential
Odor Sources⁸

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

Significant odor problems are defined as:

- More than one confirmed complaint per year averaged over a three-year period; or
- Three unconfirmed complaints per year averaged over a three-year period.

The proposed Project would allow for residential development within the Project area. These land uses are not considered sources of objectionable odors. Therefore, objectionable odors are not expected to be a significant concern during either proposed Project construction related or operational emissions. As such, any impacts would be considered *less than significant*.

Mitigation Measures: None are required.

⁸ San Joaquin Valley Air Pollution Control District. Current District Rules and Regulations. <http://www.valleyair.org/rules/1ruleslist.htm#reg8>. Accessed March 2020.

IV. BIOLOGICAL RESOURCES

Would the project:

	Potentially Significant Impact	Less than Significant With Mitigation Incorporation	Less than Significant Impact	No Impact
a. Have a substantial adverse effect, either directly or through habitat modifications, on any species identified as a candidate, sensitive, or special status species in local or regional plans, policies, or regulations, or by the California Department of Fish and Game or U.S. Fish and Wildlife Service?	<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 Game 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 federally protected wetlands as defined by Section 404 of the Clean Water Act (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 checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

- e. Conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance? ☐ ☐ ☒ ☐
- 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? ☐ ☐ ☒ ☐

ENVIRONMENTAL SETTING

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

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

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

The site currently consists of land primarily planted in orange orchards, with a small barren strip consisting of scattered olive tree on the west of the property and a single-family residence in the northeast corner. The site is bounded to the north by west Linda Vista Avenue, with a rural residence and orchards across the street. The site is bounded to the east by north Newcomb Street and a residential development across the street. The location is adjacent to a rural residence with orchards to the west and rural residences with vacant fields to the south. The Friant Kern Canal is about 0.3 miles west of the Project site; however, no aquatic or wetland features occur on the proposed Project site or the surrounding fifty-foot buffer, therefore jurisdictional waters are considered absent from the site.

A Biological Assessment was produced on behalf of the Project developer by Colibri Ecological Consulting, LLC on March 24, 2020. The assessment was performed utilizing a combination of data review and a biological reconnaissance survey and is provided as Appendix B.

Regulatory Setting

Federal

Endangered Species Act

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

Migratory Bird Treaty Act

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

possession (which is interpreted as holding the nest with the intent of retaining it) occurs during the destruction.

U.S. Army Corps of Engineers Jurisdiction

Areas meeting the regulatory definition of “waters of the United States” (jurisdictional waters) are subject to the jurisdiction of the United States Army Corps of Engineers (USACE) under provisions of Section 404 of the Clean Water Act (1972) and Section 10 of the Rivers and Harbors Act (1899). These waters may include all waters used, or potentially used, for interstate commerce, including all waters subject to the ebb and flow of the tide, all interstate waters, all other waters (intrastate lakes, rivers, streams, mudflats, sandflats, playa lakes, natural ponds, etc.), all impoundments of waters otherwise defined as waters of the United States, tributaries of waters otherwise defined as waters of the United States, the territorial seas, and wetlands adjacent to waters of the United States (33 CFR part 328.3). Ditches and drainage canals where water flows intermittently or ephemerally are not regulated as waters of the United States. Wetlands on non-agricultural lands are identified using the *Corps of Engineers Wetlands Delineation Manual* and related Regional Supplement.^{9,10} Construction activities, including direct removal, filling, hydrologic disruption, or other means in jurisdictional waters are regulated by the USACE. The placement of dredged or fill material into such waters must comply with permit requirements of the USACE. No USACE permit will be effective in the absence of state water quality certification pursuant to Section 401 of the Clean Water Act. The State Water Resources Control Board is the state agency (together with the Regional Water Quality Control Boards) charged with implementing water quality certification in California.

State

California Endangered Species Act

The California Endangered Species Act (CESA) of 1970 (Fish and Game Code § 2050 et seq. and California Code of Regulations (CCR) Title 14, Subsection 670.2, 670.51) prohibits the take of species listed under CESA (14 CCR Subsection 670.2, 670.5). Take is defined as hunt, pursue, catch, capture, or kill or attempt to hunt, pursue, catch, capture, or kill. Under CESA, state agencies are required to consult with the California Department of Fish and Wildlife when preparing CEQA documents. Consultation ensures

⁹ United States Army Corps of Engineers (USACE). 1987. Corps of Engineers Wetlands Delineation Manual. Wetland Research Program Technical Report Y-87-1.

¹⁰ United States Army Corps of Engineers (USACE). 2008. Regional Supplement to the Corps of Engineers Wetland Delineation Manual: Arid West Region (Version 2.0). ERDC/EL TR-08-28. https://www.nrcs.usda.gov/Internet/FSE_DOCUMENTS/stelprdb1046489.pdf. Accessed March 2020.

that proposed projects or actions do not have a negative effect on state-listed species. During consultation, CDFW determines whether take would occur and identifies “reasonable and prudent alternatives” for the project and conservation of special-status species. CDFW can authorize take of state-listed species under Sections 2080.1 and 2081(b) of Fish and Game Code in those cases where it is demonstrated that the impacts are minimized and mitigated. Take authorized under section 2081(b) must be minimized and fully mitigated. A CESA permit must be obtained if a project will result in take of listed species, either during construction or over the life of the project. Under CESA, CDFW is responsible for maintaining a list of threatened and endangered species designated under state law (Fish and Game Code § 2070). CDFW also maintains lists of species of special concern, which serve as “watch lists.” Pursuant to the requirements of CESA, a state or local agency reviewing a proposed project within its jurisdiction must determine whether the proposed project will have a potentially significant impact upon such species. Project-related impacts to species on the CESA list would be considered significant and would require mitigation. Impacts to species of concern or fully protected species would be considered significant under certain circumstances.

Native Plant Protection Act

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

Nesting Birds

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

California Department of Fish and Wildlife Jurisdiction

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

California Environmental Quality Act

The California Environmental Quality Act (CEQA) of 1970 (Subsections 21000–21178) requires that CDFW be consulted during the CEQA review process regarding impacts of proposed projects on special-status species. Special-status species are defined under CEQA Guidelines subsection 15380(b) and (d) as those listed under FESA and CESA and species that are not currently protected by statute or regulation but would be considered rare, threatened, or endangered under these criteria or by the scientific community. Therefore, species considered rare or endangered are addressed in this biological resource evaluation regardless of whether they are afforded protection through any other statute or regulation. The California Native Plant Society (CNPS) inventories the native flora of California and ranks species according to rarity.¹¹ Plants with Rare Plant Ranks 1A, 1B, 2A, or 2B are considered special-status species under CEQA.

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

Local

Porterville General Plan Policies

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

RESPONSES

¹¹ California Native Plant Society, Rare Plant Program (CNPS). 2019. Inventory of Rare and Endangered Plants (online edition, v8-03 0.39). California Native Plant Society, Sacramento, CA. <http://www.rareplants.cnps.org/> Accessed March 2020.

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

Less than Significant Impact with Mitigation. In addition to the biological reconnaissance survey, a desktop review of literature resources was conducted to determine if the Project area is located within the range of sensitive biological resources, such as state and/or federally-listed threatened and/or endangered species. According to the Biological Resource Evaluation conducted by Colibri Ecological Consulting, only one special-status species could occur on or near the Project site: Swainson's hawk (*Buteo swainsoni*). Potential nesting trees were identified in the survey area but due to lack of foraging habitat, the possibility for Swainson's hawk to occur in the area is low.

During the survey, 18 bird species were observed, as well as four mammal species. All species identified are regionally abundant and adapted to urban, disturbed area such as the Project site. Open burrows or burrow surrogates were not found in the Project area and would indicate there is no habitat capable of supporting San Joaquin kit fox, which are federally listed as endangered and state-listed as threatened, or burrowing owl, which is a California Species of Special Concern.

The Project could substantially impact the state-listed as threatened Swainson's hawk, which could nest near the Project site. Construction disturbance during the breeding season could result in the incidental loss of fertile eggs, nestlings, or young, or otherwise lead to nest abandonment. Loss of fertile eggs, nestlings, or young or any activities resulting in nest or maternal colony abandonment would constitute a significant impact. Implementation of Mitigation Measures BIO-1 and Bio-2 would ensure that potential impacts to Swainson's hawk remain *less than significant*.

Mitigation Measures:

Protecting nesting Swainson's hawks.

- BIO-1** To the extent practicable, construction shall be scheduled to avoid the Swainson's hawk nesting season, which extends from March through August
- BIO-2** If it is not possible to schedule work between September and February, a qualified biologist shall conduct a survey for active Swainson's hawk nests within 0.50 miles of the Project site no more than 14 days prior to the start of construction. If an active nest is found within 0.50 miles, and the qualified biologist determines that Project activities would disrupt nesting, a construction-free buffer or limited operating period shall be implemented in consultation with the CDFW.

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

Less than Significant Impact. Friant Kern Canal, which is west of the Project site, is an artificial waterway operated and maintained by the Friant Water Authority. As it is hydrologically connected to the San Joaquin River, the Friant Kern Canal is likely under the jurisdiction of the USACE and therefore subject to provisions of the Clean Water Act. The Project will involve constructing residences in the canal vicinity; however, no impacts to the Friant Kern Canal are anticipated. As such, any impacts would be *less than significant*.

Mitigation Measures: None are required.

- c. Have a substantial adverse effect on federally protected wetlands as defined by Section 404 of the Clean Water Act (including, but not limited to, marsh, vernal pool, coastal, etc.) through direct removal, filling, hydrological interruption, or other means?

Less than Significant Impact. According to the National Wetlands Inventory¹², no wetlands occur in or near the Project site. Impacts would be *less than significant*.

Mitigation Measures: None are required.

- 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?

Less than Significant Impact with Mitigation. Migratory birds are expected to nest on and near the project site. The Project has the potential to impede the use of nursery sites for native birds protected under the federal Migratory Bird Treaty Act and the California Fish and Game Code. Disturbance associated with construction during the breeding season could result in the incidental loss of fertile eggs or nestlings or otherwise lead to nest abandonment. Disturbance that causes nest abandonment or loss of reproductive effort is considered take by the CDFW. Loss of fertile eggs or nestlings, or any activities resulting in nest abandonment, could constitute a significant impact if the species is particularly rare in

¹² US Department of Fish and Wildlife. National Wetlands Inventory. <https://www.fws.gov/wetlands/data/Mapper.html>. Accessed March 2020.

the region. Construction activities that disturb a rare nesting bird on the site or immediately adjacent to the construction zone could constitute a significant impact. Implementation of Mitigation Measure **BIO-3** would ensure that potential impacts remain *less than significant*.

Mitigation Measures:

Protecting nesting migratory birds.

BIO-3: To the extent practicable, construction shall be scheduled to avoid the nesting season, which extends from February through August. If it is not possible to schedule construction between September and January, preconstruction surveys for nesting birds shall be conducted by a qualified biologist to ensure that no active nests will be disturbed during Project implementation. A preconstruction survey shall be conducted no more than 14 days prior to the initiation of construction activities. During this survey, the qualified biologist shall inspect all potential nest substrates in and immediately adjacent to the impact area for nests. If an active nest is found close enough to the construction area to be disturbed by these activities, the qualified biologist shall determine the extent of a construction-free buffer to be established around the nest. If work cannot proceed without disturbing the nesting birds, work may need to be halted or redirected to other areas until nesting and fledging are completed or the nest has otherwise failed for non-construction related reasons.

e. Conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance?

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

Mitigation Measures: None are required.

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?

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

Mitigation Measures: None are required.

V. CULTURAL RESOURCES

Would the project:

	Potentially Significant Impact	Less than Significant With Mitigation Incorporation	Less than Significant Impact	No Impact
a. Cause a substantial adverse change in the significance of a historical resource as defined in §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 §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"/>

ENVIRONMENTAL SETTING

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

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

Of the four main groups inhabiting the Tulare County area, the Southern Valley Yokuts occupied the largest territory, which is defined roughly by the crest of the Diablo Range on the west and the foothills

of the Sierra Nevada on the east, and from the Kings River on the north, to the Tehachapi Mountains on the south. The Foothill Yokuts inhabited the western slopes of the Sierra Nevada, between the Fresno River and Kern River, with settlements generally occurring between the 2,000 to 4,000-foot elevations. The Tubatulabal inhabited the Sierra Nevada Mountains, at the higher elevations, near Mt. Whitney in the east, extending westward along the drainages of the Kern River, and the Kern River-South Fork. The Monache were comprised of six small groups that lived in the Sierras east of the Foothill Yokuts, in locations ranging between 3,000 to 7,000 foot elevations.

A records search (RS-20-136) of the site files and maps was conducted at the Southern San Joaquin Valley Archaeological Information Center, California State University, Bakersfield (see Appendix C). These investigations determined that there were no recorded within the Project area and one recorded resource, the Friant-Kern Canal, within the one-half mile radius.

Regulatory Setting

Federal

Cultural resources are protected by several federal regulations, none of which are relevant to this proposed Project because it will not be located on lands administered by a federal agency and the Project applicant is not requesting federal funding.

State

The proposed Project is subject to CEQA which requires public or private projects financed or approved by public agencies to assess their effects on historical resources. CEQA uses the term “historical resources” to include buildings, sites, structures, objects or districts, each of which may have historical, prehistoric, architectural, archaeological, cultural, or scientific importance. CEQA states that if implementation of a project results in significant effects on historical resources, then alternative plans or mitigation measures must be considered; however, only significant historical resources need to be addressed (CCR 15064.5, 15126.4). For the purposes of this CEQA document, a significant impact would occur if project implementation:

- Causes a substantial change in the significance of a historical resource
- Causes a substantial adverse change in the significance of an archaeological resource
- Disturbs any human remains, including those interred outside of formal cemeteries

Therefore, before impacts and mitigation measures can be identified, the significance of historical resources must be determined. CEQA guidelines define three ways that a property may qualify as a historical resource for the purposes of CEQA review:

- If the resource is listed in or determined eligible for listing in the California Register of Historical Resources (CRHR)
- If the resource is included in a local register of historical resources, as defined in Section 5020.1(k) of the PRC or identified as significant in an historical resource survey meeting the requirements of Section 5024.1(g) of the PRC unless the preponderance of evidence demonstrates that it is not historically or culturally significant
- The lead agency determines the resource to be significant as supported by substantial evidence in light of the whole record (CCR, Title 14, Division 6, Chapter 3, Section 15064.5(a))

Each of these ways of qualifying as a historical resource for the purpose of CEQA is related to the eligibility criteria for inclusion in the CRHR (PRC 5020.1(k), 5024.1, 5024.1(g)).

A historical resource may be eligible for inclusion in the CRHR if it:

- 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
 - Has yielded, or may be likely to yield, information important in prehistory or history
- Properties that are listed in or eligible for listing in the National Register of Historic Places are considered eligible for listing in the CRHR, and thus are significant historical resources for the purpose of CEQA (PRC Section 5024.1(d)(1)).

Public Resources Code §5097.5

California Public Resources Code §5097.5 prohibits excavation or removal of any "vertebrate paleontological site...or any other archaeological, paleontological or historical feature, situated on public lands, except with express permission of the public agency having jurisdiction over such lands." Public lands are defined to include lands owned by or under the jurisdiction of the state or any city, county, district, authority or public corporation, or any agency thereof. Section 5097.5 states that any unauthorized disturbance or removal of archaeological, historical, or paleontological materials or sites located on public lands is a misdemeanor.

Senate Bill 18

SB 18 requires cities and counties to contact, and consult with California Native American tribes prior to amending or adopting any general plan or specific plan, or designating land as open space.

Human Remains

Section 7050.5 of the California Health and Safety Code states that in the event of discovery or recognition of any human remains in any location other than a dedicated cemetery, there shall be no further excavation or disturbance of the site or any nearby area reasonably suspected to overlie adjacent remains until the coroner of the county in which the remains are discovered has determined whether or not the remains are subject to the coroner's authority. If the human remains are of Native American origin, the coroner must notify the Native American Heritage Commission within 24 hours of this identification. The Native American Heritage Commission will identify a Native American Most Likely Descendant (MLD) to inspect the site and provide recommendations for the proper and dignified treatment of the remains and associated grave artifacts.

Paleontological Resources

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

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

Local

Porterville General Plan Policies

- OSC-G-11: Identify and protect archaeological, paleontological, and historic resources.
- OSC-I-72: Develop an agreement with Native American representatives for consultation in the cases where new development may result in disturbance to Native American sites.
- OSC-I-73: Require that new development analyze and avoid any potential impacts to archaeological, paleontological, and historic resources by:

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

RESPONSES

a. Cause a substantial adverse change in the significance of a historical resource as defined in §15064.5?

Less than Significant Impact with Mitigation. The records search conducted at the SSJVIC (Appendix C) indicated that there are no recorded cultural resources within the Project area and one recorded resources within the one-half mile, the Friant-Kern Canal. There are no recorded cultural resources within the Project area or within ½ mile that are listed in the National Register of Historic Places, the California Register of Historical Resources, the California Points of Historical Interest, California Inventory of Historic Resources, or the California State Historic Landmarks.

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

CUL-1 The following measures shall be implemented:

- Before initiation of construction or ground-disturbing activities associated with the Project, the City shall require all construction personnel to be alerted to the possibility of buried cultural resources, including historic, archeological and paleontological resources;
- The general contractor and its supervisory staff shall be responsible for monitoring the construction Project for disturbance of cultural resources; and
- If a potentially significant historical, archaeological, or paleontological resource, such as structural features, unusual amounts of bone or shell, artifacts, human remains, or architectural remains or trash deposits are encountered during subsurface construction activities (i.e., trenching, grading), all construction activities within a 100-foot radius of

the identified potential resource shall cease until a qualified archaeologist evaluates the item for its significance and records the item on the appropriate State Department of Parks and Recreation (DPR) forms. The archaeologist shall determine whether the item requires further study. If, after the qualified archaeologist conducts appropriate technical analyses, the item is determined to be significant under California Environmental Quality Act, the archaeologist shall recommend feasible mitigation measures, which may include avoidance, preservation in place or other appropriate measure, as outlined in Public Resources Code section 21083.2. The City of Porterville shall implement said measures.

- b. Cause a substantial adverse change in the significance of an archaeological resource pursuant to §15064.5?

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

- c. Disturb any human remains, including those interred outside of formal cemeteries?

Less than Significant Impact with Mitigation. There are no unique geological features or known fossil-bearing sediments in the vicinity of the proposed Project site. However, there remains the possibility for previously unknown, buried paleontological resources or unique geological sites to be uncovered during subsurface construction activities. Therefore, this would be a potentially significant impact. Mitigation is proposed requiring standard inadvertent discovery procedures to be implemented to reduce this impact to a level of *less than significant with mitigation incorporation*.

CUL-2 The Project applicant will incorporate into the construction contract(s) a provision that in the event a fossil or fossil formations are discovered during any subsurface construction activities for the proposed Project (i.e., trenching, grading), all excavations within 100 feet of the find shall be temporarily halted until the find is examined by a qualified paleontologist, in accordance with Society of Vertebrate Paleontology standards. The paleontologist shall notify the appropriate representative at the City of Porterville, who shall coordinate with the paleontologist as to any necessary investigation of the find. If the find is determined to be significant under CEQA, the City shall implement those measures, which may include avoidance, preservation in place, or other appropriate measures, as outlined in Public Resources Code section 21083.2.

VI. ENERGY

Would the project:

	Potentially Significant Impact	Less than Significant With Mitigation Incorporation	Less than Significant Impact	No Impact
a. Result in 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"/>

ENVIRONMENTAL SETTING

California's total energy consumption is second-highest in the nation, but, in 2016, the state's per capita energy consumption ranked 48th, due in part to its mild climate and its energy efficiency programs. In 2017, California ranked second in the nation in conventional hydroelectric generation and first as a producer of electricity from solar, geothermal, and biomass resources while also in 2017, solar PV and solar thermal installations provided about 16% of California's net electricity generation.¹³

Energy usage is typically quantified using the British thermal unit (BTU). As a point of reference, the approximately amounts of energy contained in common energy sources are as follows:

Energy Source	BTUs ¹⁴
Gasoline	120,429 per gallon
Natural Gas	1,037 per cubic foot
Electricity	3,412 per kilowatt-hour

¹³ U.S. Energy Information Administration. Independent Statistics and Analysis. California Profile Overview. <https://www.eia.gov/state/?sid=CA#tabs-1>. Accessed March 2020.

¹⁴ U.S. Energy Information Administration. Energy Units and Calculators Explained. https://www.eia.gov/energyexplained/index.php?page=about_energy_units. Accessed March 2020.

California electrical consumption in 2016 was 7,830.8 trillion BTU¹⁵, as provided in Table 5, while total electrical consumption by Tulare County in 2017 was 14.530 trillion BTU.¹⁶

Table 5 – 2016 California Energy Consumption¹⁷

End User	BTU of energy consumed (in trillions)	Percentage of total consumption
Residential	1,384.4	17.7
Commercial	1,477.2	18.9
Industrial	1,854.3	23.7
Transportation	3,114.9	39.8
Total	7,830.8	--

The California Department of Transportation (Caltrans) reports that approximately 25.1 million automobiles, 5.7 million trucks, and 889,024 motorcycles were registered in the state in 2017, resulting in a total estimated 339.8 billion vehicles miles traveled (VMT).¹⁸ Within Tulare County, an estimated 3.7 million vehicle miles were traveled in 2017 for an average of 10,099 miles per day.¹⁹

Applicable Regulations

California Energy Code (Title 24, Part 6, Building Energy Efficiency Standards)

California Code of Regulations Title 24, Part 6 comprises the California Energy Code, which was adopted to ensure that building construction, system design and installation achieve energy efficiency. The California Energy Code was first established in 1978 by the CEC in response to a legislative mandate to reduce California's energy consumption, and apply to energy consumed for heating, cooling, ventilation, water heating, and lighting in new residential and non-residential buildings. The standards are updated periodically to increase the baseline energy efficiency requirements. The 2013 Building Energy Efficiency Standards focus on several key areas to improve the energy efficiency of newly constructed buildings and additions and alterations to existing buildings and include requirements to enable both demand reductions during critical peak periods and future solar electric and thermal system installations. Although it was not originally intended to reduce greenhouse gas (GHG) emissions, electricity production

¹⁵ U.S. Energy Information Administration. Independent Statistics and Analysis. California Profile Overview. <https://www.eia.gov/state/?sid=CA#tabs-1>. Accessed March 2020.

¹⁶ California Energy Commission. Electricity Consumption by County. <http://ecdms.energy.ca.gov/elecbycounty.aspx>. Accessed March 2020.

¹⁷ U.S. Energy Information Administration. Independent Statistics and Analysis. California Profile Overview. <https://www.eia.gov/state/?sid=CA#tabs-1>. Accessed March 2020.

¹⁸ Caltrans. 2017. California Transportation Quick Facts. <http://www.dot.ca.gov/drsi/library/qf/qf2017.pdf>. Accessed March 2020.

¹⁹ Caltrans. 2017. Tulare County Transportation Quick Facts. <http://www.dot.ca.gov/drsi/library/qfco/tul/tul2017.pdf>. Accessed March 2020.

by fossil fuels results in GHG emissions and energy efficient buildings require less electricity. Therefore, increased energy efficiency results in decreased GHG emissions.

California Green Building Standards Code (Title 24, Part II, CALGreen)

The California Building Standards Commission adopted the California Green Buildings Standards Code (CALGreen in Part 11 of the Title 24 Building Standards Code) for all new construction statewide on July 17, 2008. Originally a volunteer measure, the code became mandatory in 2010 and the most recent update (2013) went into effect on January 1, 2014. CALGreen sets targets for energy efficiency, water consumption, dual plumbing systems for potable and recyclable water, diversion of construction waste from landfills, and use of environmentally sensitive materials in construction and design, including eco-friendly flooring, carpeting, paint, coatings, thermal insulation, and acoustical wall and ceiling panels. The 2013 CALGreen Code includes mandatory measures for non-residential development related to site development; water use; weather resistance and moisture management; construction waste reduction, disposal, and recycling; building maintenance and operation; pollutant control; indoor air quality; environmental comfort; and outdoor air quality. Mandatory measures for residential development pertain to green building; planning and design; energy efficiency; water efficiency and conservation; material conservation and resource efficiency; environmental quality; and installer and special inspector qualifications.

Clean Energy and Pollution Reduction Act (SB 350)

The Clean Energy and Pollution Reduction Act (SB 350) was passed by California Governor Brown on October 7, 2015, and establishes new clean energy, clean air, and greenhouse gas reduction goals for the year 2030 and beyond. SB 350 establishes a greenhouse gas reduction target of 40 percent below 1990 levels for the State of California, further enhancing the ability for the state to meet the goal of reducing greenhouse gas emissions by 80 percent below 1990 levels by the year 2050.

Renewable Portfolio Standard (SB 1078 and SB 107)

Established in 2002 under SB 1078, the state's Renewables Portfolio Standard (RPS) was amended under SB 107 to require accelerated energy reduction goals by requiring that by the year 2010, 20 percent of electricity sales in the state be served by renewable energy resources. In years following its adoption, Executive Order S-14-08 was signed, requiring electricity retail sellers to provide 33 percent of their service loads with renewable energy by the year 2020. In 2011, SB X1-2 was signed, aligning the RPS target with the 33 percent requirement by the year 2020. This new RPS applied to all state electricity retailers, including publicly owned utilities, investor-owned utilities, electrical service providers, and community choice aggregators. All entities included under the RPS were required to adopt the RPS 20 percent by year 2020 reduction goal by the end of 2013, adopt a reduction goal of 25 percent by the end

of 2016, and meet the 33 percent reduction goal by the end of 2020. In addition, the Air Resources Board, under Executive Order S-21-09, was required to adopt regulations consistent with these 33 percent renewable energy targets.

RESPONSES

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

Less Than Significant Impact. The proposed Project consists of an Annexation and Rezone to allow the construction of up to 50 single-family homes and the associated improvements. The Project would introduce energy usage on a site that is currently demanding minimal energy. By comparison, at buildout, the Project would consume large amounts of energy in both the short-term during Project construction and in the long-term during Project operation.

During construction, the Project would consume energy in two general forms: (1) the fuel energy consumed by construction vehicles and equipment; and (2) bound energy in construction materials, such as asphalt, steel, concrete, pipes, and manufactured or processed materials such as lumber and glass. Title 24 Building Energy Efficiency Standards provide guidance on construction techniques to maximize energy conservation and it is expected that contractors and owners have a strong financial incentive to use recycled materials and products originating from nearby sources in order to reduce materials costs. As such, it is anticipated that materials used in construction and construction vehicle fuel energy would not involve the wasteful, inefficient, or unnecessary consumption of energy.

Operational Project energy consumption would occur for multiple purposes, including but not limited to, building heating and cooling, refrigeration, lighting and electronics. Operational energy would also be consumed during each vehicle trip associated with residential use. CalEEMod was utilized to generate the estimated energy demand of the proposed Project, and the results are provided in Table 6 and in Appendix A.

Table 6 – Annual Project Energy Consumption		
Land Use	Electricity Use in kWh/year	Natural Gas Use in kBTU/year
Single Family Housing	481,841	1,437,990

The proposed Project would be required to comply with Title 24 Building Energy Efficiency Standards, which provide minimum efficiency standards related to various building features, including appliances, water and space heating and cooling equipment, building insulation and roofing, and lighting. Implementation of Title 24 standards significantly increases energy savings, and it is generally assumed that compliance with Title 24 ensures projects will not result in the inefficient, wasteful, or unnecessary consumption of energy.

As discussed in Impact XVII – Transportation/Traffic, the proposed Project would generate approximately 526 daily vehicle trips. The length of these trips and the individual vehicle fuel efficiencies are not known; therefore, the resulting energy consumption cannot be accurately calculated. Adopted federal vehicle fuel standards have continually improved since their original adoption in 1975 and assists in avoiding the inefficient, wasteful, and unnecessary use of energy by vehicles.

As discussed previously, the proposed Project would be required to implement and be consistent with existing energy design standards at the local and state level. The Project would be subject to energy conservation requirements in the California Energy Code and CALGreen. Adherence to state code requirements would ensure that the Project would not result in wasteful and inefficient use of non-renewable resources due to building operation.

Therefore, any impacts are *less than significant*.

Mitigation Measures: None are required.

VII. GEOLOGY AND SOILS

Would the project:

a. Expose people or structures to potential substantial adverse effects, including the risk of loss, injury, or death involving:

i. Rupture of a known earthquake fault, as delineated on the most recent Alquist-Priolo Earthquake Fault Zoning Map issued by the State Geologist for the area or based on other substantial evidence of a known fault? Refer to Division of Mines and Geology Special Publication 42.

Potentially Significant Impact	Less than Significant With Mitigation Incorporation	Less than Significant Impact	No Impact
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<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
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ii. Strong seismic ground shaking?

<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
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iii. Seismic-related ground failure, including liquefaction?

<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
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iv. Landslides?

<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
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b. Result in substantial soil erosion or the loss of topsoil?

<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
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c. Be located on a geologic unit or soil that is unstable, or that would become unstable as a result of the project, and potentially result in on- or off-site landslide, lateral spreading, subsidence, liquefaction or collapse?

<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
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d. Be located on expansive soil, as defined in Table 18-1-B of the most recently adopted Uniform Building Code

<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
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creating substantial risks to life or property?

- e. Have soils incapable of adequately supporting the use of septic tanks or alternative waste water disposal systems where sewers are not available for the disposal of waste water? ☐ ☐ ☐ ☒
- f. Directly or indirectly destroy a unique paleontological resource or site or unique geologic feature? ☐ ☐ ☒ ☐

ENVIRONMENTAL SETTING

The City of Porterville is situated along the western slope of a northwest-trending belt of rocks comprising the Sierra Nevada and within the southern portion of the Cascade Range. The Sierra Nevada geomorphic province is primarily composed of Cretaceous granitic plutons and remnants of Paleozoic and Mesozoic metavolcanic and metasedimentary rocks, and Cenozoic volcanic and sedimentary rocks. The majority of Porterville has elevations ranging from 400 to 800 feet. However, the eastern portion of the City is in the Sierra Nevada foothills where elevations reach almost 1,800 feet above sea level.

Faulting and Seismicity

There are no known active earthquake faults in the City of Porterville. The proposed Project site is not located within an Alquist-Priolo Earthquake Fault Zone and no known faults cut through the local soil at the site. There are several faults located within a 70-mile radius of the proposed Project site. An unnamed fault is approximately eight miles south, Poso Creek Fault is approximately 33 miles southwest, White Wolf Fault Zone is approximately 60 miles southwest, and San Andreas and Cholame-Carrizo Fault sections are approximately 70 miles southwest of the proposed Project site. These faults have exhibited activity in the last 1.6 million years, but not in the last 200 years. It is possible, but unlikely, that previously unknown faults could become active in the area. No Alquist-Priolo Earthquake Fault Zones are in or near Porterville. Porterville is designated as an area in Seismic Design Category 4 according to the most recent version of the California Building Code. Under this designation, earthquake resistant design and materials are required to meet or exceed the current seismic engineering standards of the Building Code.

Soils

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

Regulatory Setting

Federal

Federal regulations for geology and soils are not relevant to the proposed Project because it is not a federal undertaking (the Project site is not located on lands administered by a federal agency, and the Project applicant is not requesting federal funding or a federal permit).

State

California Building Code

California law provides a minimum standard for building design through the California Building Code (CBC). The CBC is based on the IBC, with amendments for California conditions. Part 2, Volume 2, Chapter 16 of the CBC contains specific requirements for seismic safety. Part 2, Volume 2, Chapter 18 of the CBC regulates soils and foundations. Part 2, Volume 2, Appendix J of the CBC regulates grading activities. Construction activities also are subject to occupational safety standards for excavation, shoring, and trenching as specified in California Occupational Safety and Health Administration regulations (Title 8 of the California Code of Regulations) and in section A33 of the CBC. About one-third of the text within the California Building Code has been tailored for California earthquake conditions.

In addition, the proposed Project is being evaluated pursuant to CEQA.

Local

Porterville General Plan Policies

- OSC-G-5: Preserve soil resources to minimize damage to people, property, and the environment resulting from potential hazards.
- OSC-G-6: Protect significant mineral resources.
- OSC-I-21: Adopt soil conservation regulations to reduce erosion caused by overgrazing, plowing, mining, new roadways and paths, construction, and off-road vehicles.
- OSC-I-23: Require adequate grading and replanting to minimize erosion and prevent slippage of manmade slopes.

- PHS-G-4: Protect soils, surface water, and groundwater from contamination from hazardous materials.
- PHS-I-17: Require remediation and cleanup of sites contaminated with hazardous substances.

RESPONSES

a-i. Expose people or structures to 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? Refer to Division of Mines and Geology Special Publication 42.

No Impact. The proposed Project site is not located within a currently designated Alquist-Priolo Earthquake Fault Zone. Since no known surface expression of active faults is believed to cross the site, fault rupture through the site is not anticipated. *No impacts* would occur.

Mitigation Measures: None are required.

a-ii. Expose people or structures to potential substantial adverse effects, including the risk of loss, injury, or death involving strong seismic ground shaking?

Less than Significant Impact. The City of Porterville's 2030 General Plan identified the City as being within the Uniform Building Code Seismic Zone 3. The California Geological Survey maintains a web-based computer model that estimates probabilistic seismic ground motions for any location with California. The computer model estimates the "Design Basis Earthquake" ground motion, which is defined as the peak ground acceleration with a 10-percent chance of exceedance in 50 years (475-year return period). For an alluvium soil type, the Project site's estimated peak ground acceleration is approximately 0.22g.

Project related building construction will conform to the latest standards for seismic design as adopted by the Uniform Building Code. Therefore, the impact is *less than significant*.

Mitigation Measures: None are required.

a-iii. Expose people or structures to potential substantial adverse effects, including the risk of loss, injury, or death involving seismic-related ground failure, including liquefaction?

Less than Significant Impact. See Response a-ii. According to the City of Porterville General Plan, Public Health and Safety Element the Project site is in the Seismic -3 zone, the site has a moderate to high risk of damaging ground motion; however, the Project's Valley location has a low risk of liquefaction. No Subsidence prone soils or oil or gas production is involved with the proposed Project. Therefore, the impact is *less than significant*.

Mitigation Measures: None are required.

a-iv. Expose people or structures to potential substantial adverse effects, including the risk of loss, injury, or death involving landslides?

Less than Significant Impact. The City of Porterville's 2030 General Plan, Figure 7-1 (Geological and Soil Hazards) indicates that the proposed Project site is located on relatively flat topography and is not located adjacent to any steep slopes or areas that would otherwise be subject to landslides. Therefore, the impact is *less than significant*.

Mitigation Measures: None are required.

b. Result in substantial soil erosion or the loss of topsoil?

Less than Significant Impact. The City of Porterville sits on top of the alluvial fans of the Tule River and its distributaries. The soil in the proposed Project area is characterized as moderately deep, well-drained, sandy loam underlain by hardpan. The Project site has a generally flat topography, is in an established urban area and does not include any Project features that would result in soil erosion or loss of topsoil. Therefore, the impact is *less than significant*.

Mitigation Measures: None are required.

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

No Impact. The City of Porterville sits on top of the alluvial fans of the Tule River and its distributaries. The soil in the proposed Project area is characterized as moderately deep, well-drained, sandy loam underlain by hardpan. See also Response a-ii. There is *no impact*.

Mitigation Measures: None are required.

- d. Be located on expansive soil, as defined in Table 18-1-B of the most recently adopted Uniform Building Code creating substantial risks to life or property?

Less than Significant Impact. See Responses (c) and (a-ii). The impact is *less than significant*.

Mitigation Measures: None are required.

- e. Have soils incapable of adequately supporting the use of septic tanks or alternative waste water disposal systems where sewers are not available for the disposal of waste water?

No Impact. The project will tie into the City's existing wastewater system and will not require installation of a septic tank or alternate wastewater disposal system. There is *no impact*.

Mitigation Measures: None are required.

- f. Directly or indirectly destroy a unique paleontological resource or site or unique geologic feature?

Less Than Significant Impact. As identified in the cultural evaluation performed for the project site, there are no known paleontological resources on or near the site (See Section V. for more details). Mitigation measures have been added that will protect unknown (buried) resources during construction, including paleontological resources. There are no unique geological features on site or in the area. Therefore, there is a *less than significant impact*.

Mitigation Measures: None are required.

VIII. GREENHOUSE GAS EMISSIONS

Would the project:

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

Potentially Significant Impact	Less than Significant With Mitigation Incorporation	Less than Significant Impact	No Impact
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<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
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b. Conflict with an 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"/>
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ENVIRONMENTAL SETTING

Various gases in the earth's atmosphere play an important role in moderating the earth's surface temperature. Solar radiation enters earth's atmosphere from space and a portion of the radiation is absorbed by the earth's surface. The earth emits this radiation back toward space, but the properties of the radiation change from high-frequency solar radiation to lower-frequency infrared radiation. GHGs are transparent to solar radiation, but are effective in absorbing infrared radiation. Consequently, radiation that would otherwise escape back into space is retained, resulting in a warming of the earth's atmosphere. This phenomenon is known as the greenhouse effect. Scientific research to date indicates that some of the observed climate change is a result of increased GHG emissions associated with human activity. Among the GHGs contributing to the greenhouse effect are water vapor, carbon dioxide (CO₂), methane (CH₄), ozone, Nitrous Oxide (NO_x), and chlorofluorocarbons. Human-caused emissions of these GHGs in excess of natural ambient concentrations are considered responsible for enhancing the greenhouse effect. GHG emissions contributing to global climate change are attributable, in large part, to human activities associated with the industrial/manufacturing, utility, transportation, residential, and agricultural sectors. In California, the transportation sector is the largest emitter of GHGs, followed by electricity generation. Global climate change is, indeed, a global issue. GHGs are global pollutants, unlike criteria pollutants and TACs (which are pollutants of regional and/or local concern). Global climate change, if it occurs, could potentially affect water resources in California. Rising temperatures could be anticipated to result in sea-level rise (as polar ice caps melt) and possibly change the timing and amount of precipitation, which could alter water quality. According to some, climate change could result in more extreme weather patterns; both heavier precipitation that could lead to flooding, as well as more extended drought periods. There is uncertainty regarding the timing, magnitude, and nature of the potential changes to water resources as a result of climate change; however, several trends are evident.

Snowpack and snowmelt may also be affected by climate change. Much of California's precipitation falls as snow in the Sierra Nevada and southern Cascades, and snowpack represents approximately 35 percent of the state's useable annual water supply. The snowmelt typically occurs from April through July; it provides natural water flow to streams and reservoirs after the annual rainy season has ended. As air temperatures increase due to climate change, the water stored in California's snowpack could be affected by increasing temperatures resulting in: (1) decreased snowfall, and (2) earlier snowmelt.

Regulatory Setting

Federal

The USEPA Mandatory Reporting Rule (40 CFR Part 98), which became effective December 29, 2009, requires that all facilities that emit more than 25,000 metric tons CO₂-equivalent per year beginning in 2010, report their emissions on an annual basis. On May 13, 2010, the USEPA issued a final rule that established an approach to addressing GHG emissions from stationary sources under the CAA permitting programs. The final rule set thresholds for GHG emissions that define when permits under the New Source Review Prevention of Significant Deterioration and title V Operating Permit programs are required for new and existing industrial facilities.

In addition, the Supreme Court decision in *Massachusetts v. EPA* (Supreme Court Case 05-1120) found that the USEPA has the authority to list GHGs as pollutants and to regulate emissions of GHGs under the CAA. On April 17, 2009, the USEPA found that CO₂, CH₄, NO_x, hydrofluorocarbons, perfluorocarbons, and sulfur hexafluoride may contribute to air pollution and may endanger public health and welfare. This finding may result in the USEPA regulating GHG emissions; however, to date the USEPA has not proposed regulations based on this finding.

State

California is taking action to reduce GHG emissions. In June 2005, Governor Schwarzenegger signed Executive Order S-3-05 to address climate change and GHG emissions in California. This order sets the following goals for statewide GHG emissions:

- Reduce to 2000 levels by 2010
- Reduce to 1990 levels by 2020
- Reduce to 80 percent below 1990 levels by 2050

In addition, the proposed Project is being evaluated pursuant to CEQA.

Local

San Joaquin Valley Air Pollution Control District (SJVAPCD)

In August 2008, the SJVAPCD adopted the Climate Change Action Plan, which directed the SJVAPCD to develop guidance to assist lead agencies, project proponents, permit applicants, and interested parties in assessing and reducing the impacts of project specific greenhouse gas emissions on global climate change.

In 2009, the SJVAPCD adopted the guidance document: Guidance for Valley Land-Use Agencies in Addressing GHG Emission Impacts for New Projects Under CEQA. This document recommends the usage of performance-based standards, otherwise known as Best Performance Standards (BPS), to assess significance of project-specific greenhouse gas emissions on global climate change during the environmental review process. Projects implementing BPS in accordance with SJVAPCD's guidance would be determined to have a less than significant individual and cumulative impact on greenhouse gas emissions and would not require project specific quantification of greenhouse gas emissions.²⁰

RESPONSES

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

Less Than Significant Impact with Mitigation Incorporation. Greenhouse gas emissions would generate from long-term area and mobile sources as well as indirectly from energy consumption. Mobile sources would include residential vehicle trips and area source emissions would result from consumption of natural gas and electricity. As discussed above, projects implementing BPS would not require quantification of specific greenhouse gas emissions and such projects would be determined to have a less than significant individual and cumulative impact for greenhouse gas emissions; however, GHG gas emissions are also quantified and provided in Table 3. As such, the proposed Project's greenhouse gas emissions would not be considered a significant impact if the Project would implement BPS strategies, in accordance with SJVAPCD recommendations. Exact project feature details are not yet available, therefore, the implementation of **GHG-1** as a mitigation measure would ensure that any impacts remain *less than significant*.

²⁰ SJVAPCD. Guidance for Assessing and Mitigating Air Quality Impacts. March 19, 2015.
http://www.valleyair.org/transportation/GAMAQI_3-19-15.pdf. Page 112.

Mitigation Measures

GHG-1: The project applicant shall demonstrate compliance with the applicable BPS strategies to the Planning Division prior to the issuance of a building permit. The following PBS strategies are considered to be applicable, feasible, and effective in reducing greenhouse gas emissions generated by the project:

- The project applicant shall provide a pedestrian access network that internally links all residential units and connects to the existing surrounding external streets and pedestrian facilities.
- The project applicant shall ensure site design and building placement minimize barriers to pedestrian access and interconnectivity. Physical barriers such as walls, berms, landscaping, and slopes between residential uses that impede bicycle or pedestrian circulation shall be eliminated. In addition, barriers to pedestrian access of neighboring facilities and sites shall be minimized.
- Any transit stops associated with the project shall be provided with safe and convenient bicycle/pedestrian access and provide essential transit stop improvements (i.e., shelters, route information, benches, and lighting).
- The project applicant shall install energy efficient roofing materials.
- The project applicant shall incorporate bike lanes and routes into the street system.
- The project applicant shall plant trees to provide shade.
- The project applicant shall install only natural gas or electric stoves in residences. The project applicant shall install energy efficient heating and cooling systems, appliances and equipment, and control systems.

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

Less Than Significant. As discussed above, the SJVAPCD adopted guidance that relies on the use of BPS strategies to assess significance of project-specific greenhouse gas emissions impacts. Project implementing BPS strategies in accordance with SJVAPCD's guidance would be determined to have a less than significant impact on greenhouse gas emissions and would not require project specific quantification of greenhouse gas emissions. With implementation of GHG-1, the proposed Project would implement BPS strategies as discussed in the SJVAPCD's Guidance for Valley Land-use Agencies in Addressing GHG Emission Impacts for New Projects under CEQA. Therefore, the proposed Project would not conflict with policies or regulations adopted for the purpose of reducing the emissions of greenhouse gases. Any impacts would be *less than significant*.

Mitigation Measures: None are required.

IX. HAZARDS AND HAZARDOUS MATERIALS

Would the project:

	Potentially Significant Impact	Less than Significant With Mitigation Incorporation	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 type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c. Emit hazardous emissions or handle 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 type="checkbox"/>	<input checked="" type="checkbox"/>
d. Be located on a site which is included on a list of hazardous materials sites compiled pursuant to Government Code Section 65962.5 and, as a result, would it create a significant hazard to the public or the environment?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" 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 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	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

response plan or emergency evacuation plan?

- g. Expose people or structures either directly or indirectly to a significant risk of loss, injury or death involving wildland fires?

☐
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☐
☒

ENVIRONMENTAL SETTING

The proposed Project site is located in the northwestern portion of the City of Porterville, near mostly residential and agricultural land uses. The site is currently in agricultural use, specifically planted with orange orchards.

Residences exist within a quarter-mile of the Project site on all sides. The Project site is approximately 5.2 miles north of the Porterville Municipal Airport. Fresno-Yosemite International Airport is the closest regional airport to the proposed Project site, approximately 58 miles northwest.

The Teapot Dome Landfill plant is approximately five miles southwest of the City limits, while the Porterville Wastewater Treatment Plant is located approximately two miles south of the site.

Regulatory Setting

Federal

The primary federal agencies with responsibility for hazardous materials management include the EPA, U.S. Department of Labor Occupational Safety and Health Administration (OSHA), and the U.S. Department of Transportation (DOT). The Environmental Protection Agency (EPA) was created to protect human health and to safeguard the natural environment – air, water and land – and works closely with other federal agencies, and state and local governments to develop and enforce regulations under existing environmental laws. Where national standards are not met, EPA can issue sanctions and take other steps to assist the states in reaching the desired levels of environmental quality. EPA also works with industries and all levels of government in a wide variety of voluntary pollution prevention programs and energy conservation efforts.

State

The California Department of Industrial Relations, Division of Occupational Safety and Health is the administering agency designed to protect worker health and general facility safety. The California Department of Forestry and Fire Protection has designated the area that includes the, proposed Project site as a Local Responsibility Area, defined as an area where the local fire jurisdiction is responsible for emergency fire response.

In addition, the proposed Project is being evaluated pursuant to CEQA.

Local

City of Porterville Fire Department

The City of Porterville Fire Department, Fire Prevention Division provides limited oversight of hazardous materials. The Fire Department is responsible for conducting inspections for code compliance and fire-safe practices, permitting of certain hazardous materials, and for investigation of fire and hazardous materials incidents. The Fire Department regulates explosive and hazardous materials under the California Building Code, and permits the handling, storage and use of any explosive or other hazardous material.

Tulare County Environmental Health Division

The Tulare County Environmental Health Division (TCEHD) is the Certified Unified Program Agency (CUPA) for all cities and unincorporated areas within Tulare County. The CUPA was created by the California Legislature to minimize the number of inspections and different fees for businesses. The TCEHD provides the management and record keeping of hazardous materials and underground storage tank (UST) sites for Tulare County, including the City of Porterville.

Porterville General Plan Policies

- PHS-G-1: Minimize risks of property damage and personal injury posed by geologic and seismic hazards.
- PHS-I-2: Maintain and enforce appropriate building standards and codes to avoid and/or reduce risks associated with geologic constraints and to ensure that all new construction is designed to meet current safety regulations.
- PHS-I-17: Require remediation and cleanup of sites contaminated with hazardous substances.

- PHS-I-18: Adopt a Household Hazardous Waste Program and support the proper disposal of hazardous household waste and waste oil; encourage citizens and crime watch organizations to report unlawful dumping of hazardous materials.
- PHS-I-19: Ensure that all specified hazardous facilities conform to the Tulare County Hazardous Waste Management Plan.
- PHS-I-21: Coordinate enforcement of the Hazardous Material Disclosure Law and the implementation of the Hazardous Material Emergency Response Plan with the Tulare County Health and Human Service Agency.

RESPONSES

a. Create a significant hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials?

The proposed Project would include the construction of up to 50 single-family residential homes, including new internal access roads. Proposed Project construction activities may involve the use and transport of hazardous materials. These materials may include fuels, oils, mechanical fluids, and other chemicals used during construction. Transportation, storage, use, and disposal of hazardous materials during construction activities would be required to comply with applicable federal, state, and local statutes and regulations. Compliance would ensure that human health and the environment are not exposed to hazardous materials. In addition, the Project would be required to comply with the National Pollutant Discharge Elimination System (NPDES) permit program through the submission and implementation of a Stormwater Pollution Prevention Plan during construction activities to prevent contaminated runoff from leaving the project site. Therefore, no significant impacts would occur during construction activities.

The operational phase of the proposed Project would occur after construction is completed and residents move in to occupy the structures on a day-to-day basis. Upon Annexation and Rezone approval, the proposed Project will include land uses that are considered compatible with the surrounding uses. The current land uses are also considered compatible with the surrounding uses. None of these land uses routinely transport, use, or dispose of hazardous materials, or present a reasonably foreseeable release of hazardous materials, with the exception of common residential grade hazardous materials such as household and commercial cleaners, paint, etc. The proposed Project would not create a significant hazard through the routine transport, use, or disposal of hazardous materials, nor would a significant hazard to the public or to the environment through the reasonably foreseeable upset and accidental conditions involving the likely release of hazardous materials into the environment occur. Therefore, the

proposed Project will not create a significant hazard to the public or the environment and any impacts would be *less than significant*.

Mitigation Measures: None are required.

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?

Less than Significant Impact. See Response a. above. Any accumulated hazardous construction or operational wastes will be collected and transported away from the site in compliance with all federal, state and local regulations. Any impacts would be *less than significant*.

Mitigation Measures: None are required.

c. Emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste within one-quarter mile of an existing or proposed school?

Less Than Significant Impact. No schools are located within 0.25 mile of the Project site. This condition precludes the possibility of activities associated with the proposed Project exposing schools within a 0.25-mile radius of the project site to hazardous materials. Additionally, as the proposed Project includes the development of single-family residences, it is not reasonably foreseeable that the proposed Project will cause a significant impact by emitting hazardous waste or bringing hazardous materials near a proposed or existing school. Residential land uses do not generate, store, or dispose of significant quantities of hazardous materials. Such uses also do not normally involve dangerous activities that could expose persons onsite or in the surrounding areas to large quantities of hazardous materials. See also Responses a. and b. regarding hazardous material handling. The impact is *less than significant*.

Mitigation Measures: None are required.

d. Be located on a site which is included on a list of hazardous materials sites compiled pursuant to Government Code Section 65962.5 and, as a result, would it create a significant hazard to the public or the environment?

No Impact. The proposed Project site is not located on a list of hazardous materials sites compiled pursuant to Government Code Section 65962.5 (Geotracker and DTSC Envirostor databases – accessed

in March 2020). The nearest Department of Toxic Substances Control listed site (as a school investigation) is the Burton Middle School site on North Elderwood Street, located approximately 1.7 miles southwest of the proposed Project site. There are no hazardous materials sites that impact the Project. As such, *no impacts* would occur that would create a significant hazard to the public or the environment.

Mitigation Measures: None are required.

- e. For a project located within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project result in a safety hazard for people residing or working in the project area?

No Impact. The proposed Project site is approximately 5.2 miles north of the Porterville Municipal Airport. Upon Annexation and Rezone approval, land use controls for this area will be provided by the City of Porterville General Plan and Development Ordinance, and the Tulare County General Plan and Zoning Ordinance, Part 77.21. The City of Porterville has also prepared an airport master plan for the Porterville Municipal Airport. The Project site is not within an established Airport Safety Zone.²¹ There is *no impact*.

Mitigation Measures: None are required.

- f. Impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan?

No Impact. The Project will not interfere with any adopted emergency response or evacuation plan. There is *no impact*.

Mitigation Measures: None are required.

- g. Expose people or structures to a significant risk of loss, injury or death involving wildland fires, including where wildlands are adjacent to urbanized areas or where residences are intermixed with wildlands?

²¹ Porterville 2030 General Plan: Draft Environmental Impact Report. Figure 3.9-4: Airport Safety Zones. Page 194.

No Impact. There are no wildlands on or near the Project site. There is ***no impact***.

Mitigation Measures: None are required.

X. HYDROLOGY AND WATER QUALITY

Would the project:

	Potentially Significant Impact	Less than Significant With Mitigation Incorporation	Less than Significant Impact	No Impact
a. Violate any water quality standards or waste discharge requirements or otherwise substantially degrade surface or ground water quality?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" 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:	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
i. Result in substantial erosion or siltation on- or off- site;	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
ii. substantially increase the rate or amount of surface runoff in a manner which would result in flooding on- or offsite;	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" 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 type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
iv. impede or redirect flood flows?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

X. HYDROLOGY AND WATER QUALITY

Would the project:

	Potentially Significant Impact	Less than Significant With Mitigation Incorporation	Less than Significant Impact	No Impact
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"/>

ENVIRONMENTAL SETTING

The City of Porterville has a dry climate with evaporation rates that exceed rainfall. The local climate is considered warm desert with annual precipitation between approximately seven to nine inches, and rainfall rates are highly variable. The majority of precipitation (roughly 84%) falls during the months of November through April.

The Porterville area is underlain by an unconfined aquifer that is part of the Tule Sub-basin of the San Joaquin Valley Groundwater Basin.

Regulatory Setting

Federal

Clean Water Act

The Clean Water Act (CWA) is intended to restore and maintain the chemical, physical, and biological integrity of the nation's waters (33 CFR 1251). The regulations implementing the CWA protect waters of the U.S. including streams and wetlands (33 CFR 328.3). The CWA requires states to set standards to protect, maintain, and restore water quality by regulating point source and some non-point source discharges. Under Section 402 of the CWA, the National Pollutant Discharge Elimination System (NPDES) permit process was established to regulate these discharges.

The National Flood Insurance Act (1968) makes available federally subsidized flood insurance to owners of flood-prone properties. To facilitate identifying areas with flood potential, Federal Emergency

Management Agency (FEMA) has developed Flood Insurance Rate Maps (FIRM) that can be used for planning purposes.

State

State Water Resources Control Board

The State Water Resources Control Board (SWRCB), located in Sacramento, is the agency with jurisdiction over water quality issues in the State of California. The SWRCB is governed by the Porter-Cologne Water Quality Act (Division 7 of the California Water Code), which establishes the legal framework for water quality control activities by the SWRCB. The intent of the Porter-Cologne Act is to regulate factors which may affect the quality of waters of the State to attain the highest quality which is reasonable, considering a full range of demands and values. Much of the implementation of the SWRCB's responsibilities is delegated to its nine Regional Boards. The proposed Project site is located within the Central Valley Region.

Regional Water Quality Board

The Regional Water Quality Control Board (RWQCB) administers the NPDES storm water-permitting program in the Central Valley region. Construction activities on one acre or more are subject to the permitting requirements of the NPDES General Permit for Discharges of Storm Water Runoff Associated with Construction Activity (General Construction Permit). The General Construction Permit requires the preparation and implementation of a Storm Water Pollution Prevention Plan (SWPPP). The plan will include specifications for Best Management Practices (BMPs) that will be implemented during proposed Project construction to control degradation of surface water by preventing the potential erosion of sediments or discharge of pollutants from the construction area. The General Construction Permit program was established by the RWQCB for the specific purpose of reducing impacts to surface waters that may occur due to construction activities. BMPs have been established by the RWQCB in the California Storm Water Best Management Practice Handbook (2003), and are recognized as effectively reducing degradation of surface waters to an acceptable level. Additionally, the SWPPP will describe measures to prevent or control runoff degradation after construction is complete, and identify a plan to inspect and maintain these facilities or project elements.

In addition, the proposed Project is being evaluated pursuant to CEQA.

Local

Porterville General Plan Policies

- OSC-I-43: Work with agricultural and industrial uses to ensure that water contamination and waste products are handled in a manner that protects the long-term viability of water resources.
- OSC-I-44: Work with the Regional Water Quality Control Board to ensure that all point source pollutants are adequately mitigated (as part of the CEQA review and project approval process) and monitored to ensure long-term compliance.
- OSC-I-45: Continue to require use of feasible and practical best management practices (BMPs) and other mitigation measures designed to protect surface water and groundwater from the adverse effects of construction activities and urban runoff in coordination with the Regional Water Quality Control Board.
- OSC-I-51: Prior to the approval of individual projects, require the City Engineer and/or Building Official to verify that the provisions of applicable point source pollution programs have been satisfied.
- PHS-G-2: Protect the community from risks to life and property posed by flooding and stormwater runoff.

RESPONSES

- a. Violate any water quality standards or waste discharge requirements or otherwise substantially degrade surface or ground water quality?

Less than Significant Impact. The State Water Resources Control Board requires any new construction project over an acre to complete a Stormwater Pollution Prevention Plan (SWPPP). A SWPPP involves site planning and scheduling, limiting disturbed soil areas, and determining best management practices to minimize the risk of pollution and sediments being discharged from construction sites. Implementation of the SWPPP will minimize the potential for impacts associated with erosion or siltation onsite or offsite.

The proposed Project will result in wastewater from residential units that will be discharged into the City's existing wastewater treatment system. The wastewater will be typical of other urban/residential developments consisting of bathrooms, kitchen drains and other similar features. The Project will not discharge any unusual or atypical wastewater. There is a Rezone proposed in this Project which will change the current zoning from RS-1 (Very Low Density Residential) to RS-2 (Low Density Residential). At site buildout, the anticipated water use differences between these zones will be negligible; therefore, the water use for the proposed Project has been planned for and anticipated. The proposed Project will not result in additional production of wastewater that was not already accounted for in the City's infrastructure planning documents.

Additionally, there will be no discharge to any surface or groundwater source. As such, the proposed Project will not violate any water quality standards and will not impact waste discharge requirements. The impact will be *less than significant*.

Mitigation Measures: None are required.

- b. Substantially decrease groundwater supplies or interfere substantially with groundwater recharge such that the project may impede sustainable groundwater management of the basin?

Background and Existing Conditions

The City of Porterville (and proposed Project site) is located in the Tulare Lake Basin, an area significantly affected by overdraft. The Department of Water Resources (DWR) has estimated the groundwater by hydrologic region and for the Tulare Lake Basin; the total overdraft is estimated at 820,000 acre-feet per year, the greatest overdraft projected in the state, and 56 percent of the statewide total overdraft. The proposed Project site is located within the Tule Sub-basin portion of the greater San Joaquin Valley Groundwater Basin. According to the City's General Plan EIR, wells in and around the city have shown a moderate groundwater level decline of about 0.75 feet per year over the past 20 years. The City's municipal wells are generally scattered west of Plano Avenue and south of Westfield Avenue and the distribution system is operated under pressure.

The City of Porterville receives all of its municipal water from groundwater.²² The current source capacity from the system's wells is 11,965 gallons per minute (gpm). The City's current water demands are estimated to be:²³

Average Day Demand = 7,388 gpm

Maximum Day Demand = 12,250 gpm

Peak Hour Demand = 26,882 gpm

The system maintains 10.1 million gallons of above-ground storage which is allowing it to sufficiently meet the peak hour demand. Current well production is at approximately 51% of the original well design capacity. Due to drought conditions and aging wells, the capacities of the wells have declined over recent years.

²² City of Porterville – Hydraulic Analysis, page 1. Dee Jaspar & Associates, Inc. (May 2015).

²³ Ibid. Page 1.

The City's peak hour demand is being adequately met through storage and source water supplies.²⁴ The City's source water supply appears to be just adequate to meet current maximum day demand, however there is no room for failure of any sources. The well capacity is necessary to refill the storage tanks after they are depleted during peak hour periods. During months of peak water use and with an increase in demand, the current well production may be insufficient for filling the tanks prior to the next day. Additional water sources are recommended in anticipation of water levels continuing to decline and to add a factor of safety to the system.²⁵

Planned Improvements

Well 32 was recently constructed which provides an additional 400 gpm into the central zone. Continuous pumping of this well could provide an additional 400,000 to 500,000 gallons of water per day.²⁶ The City also has a number of projects planned to increase water availability within the City limits over the coming decades. These projects include the Beverly Grand and Akin Water Consolidation Projects. The City also does its own groundwater recharge through a system of ponding basins and waterways. Other potential projects include construction of a surface water treatment plant, water distribution system improvements and ongoing water conservation efforts. It is estimated that these improvements, along with continued groundwater pumping, will allow the City to provide adequate water supplies through Year 2030 and beyond.

Estimated Water Use (City-wide)

The City's Master Water Study had information regarding total water demand through the mid 1990's. Water production records from the past 5 years were provided by Dee Jaspar & Associates Inc. in May 2015. As shown in Table 7, it appears that water production²⁷ has not increased significantly since 1997. The table shows the historical water use of the City.

²⁴ City of Porterville – Hydraulic Analysis, page 7. Dee Jaspar & Associates, Inc. (May 2015).

²⁵ Ibid.

²⁶ Ibid.

²⁷ Ibid.

Table 7
Annual Water Use (Million Gallons)

Year	Water Use
1993	3,027
1994	3,203
1995	3,426
1996	3,444
1997	4,150
2010	4,037
2011	3,958
2012	4,243
2013	4,290
2014	3,883

Similar estimates are provided in the City's General Plan EIR. For example, according to Table 5 above, Year 2010 had a production of approximately 4,037 million gallons/year, which converts to roughly 12,500 acre/feet/year. The City's General Plan EIR estimated that Year 2010 had a consumption of approximately 13,000 acre/feet/year. According to Porterville's General Plan EIR (Table 3.10-3) the City's water demand was and/or is projected as follows:

- Year 2005 12,700 ac/ft/yr
- Year 2010 (projected) 13,000 ac/ft/yr
- Year 2015 (projected) 15,100 ac/ft/yr
- Year 2020 (projected) 16,580 ac/ft/yr
- Year 2030 (projected) 30,000 ac/ft/yr

It should be noted that because of recent water restrictions, the actual water use by the City has decreased yearly since 2013 even though the City's General Plan (2007) anticipated an increase in water use based on an increasing population.

Using more recently updated information from the City's Urban Water Management Plan update (October 2017), the City produced/used approximately 3,117 MG (9,565 ac/ft/yr) of water from groundwater supplies to serve a population of 65,702 in 2015. Of that, approximately 1,786 MG were for single family residential.²⁸ This was approximately 37% less than what the General Plan projected for water use for Year 2015. It should also be noted that actual population growth within the City has not kept up with the population growth projections of the General Plan. Therefore, the actual water use in the City is less than what was projected under the City's General Plan.

²⁸ Porterville 2015 Urban Water Management Plan (October 2017), page 14.

Water Conservation

The City implements its Drought Response Plan during certain times of the year when watering is limited or restricted. This and other mandatory water conservation measures are being enforced with fines of up to \$500 for non-compliance.²⁹

Anticipated Water Use (Project Specific)

To determine the estimated water use by the proposed Project, this analysis uses the same calculation methods as the City's most recent Urban Water Management Plan (UWMP), which was updated in October 2017. According to the City's UWMP, the City has a Year 2020 water usage goal of 179 gallons per capita per day (gpcpd).³⁰ To determine the number of persons (water users) that would result from the proposed Project, this analysis uses the City's 2015-2023 Housing Element (September 2015) which shows an average household size of 3.39 persons per household in Porterville.³¹

The proposed Project would include the construction of up to 50 single family residences. Applying the City's average of 3.39 persons per household, this equates to approximately 170 persons. At 179 gallons per day per capita, the project would require approximately 11.11 MG per year of potable water (170 residents X 179 gpcpd X 365 days = 11,106,950 gallons of potable water per year).

For purposes of comparison, in 2015, the City used approximately 1,786 MG for single family residential. The proposed Project, at 11.11 MG per year would be 0.62% of that total. Upon Annexation and Rezone approval, the Project will be subject to the City Ordinance 1830 Sections 25-54 and other water restricting regulations, the impact to water supply is determined to be less than significant.

Water Availability

The proposed Project is anticipated to utilize City groundwater to support the residential development. The City has historically used groundwater to meet all of their water demands. Although the City's aquifer is in a state of overdraft, they could still meet their water demands for several more years solely with groundwater.³² However, the City recognizes that continued overdraft of the City's groundwater is not sustainable. As such, the City has and/or is planning to implement several mechanisms to address this shortfall. These include reliance on surface water, increased groundwater recharge projects, and consolidated water projects. The City's General Plan EIR indicates that by 2030, total water demand by

²⁹ City of Porterville, Public Works, Water Conservation. <http://www.ci.porterville.ca.us/depts/PublicWorks/waterconservation.cfm> Accessed March 2020.

³⁰ Porterville 2015 Urban Water Management Plan (October 2017), page 15.

³¹ Porterville Housing Element 2015-2023 (Sept 2015), page 30.

³² Porterville UWMP, page 42. (2010).

the City will be 30,000 acre-feet per year, which will exceed the groundwater availability. However, as noted previously, actual population growth within the City has not kept up with the population growth projections of the General Plan. Therefore, the actual water use in the City is less than what was projected under the City's General Plan. The Urban Water Management Plan (UWMP) indicates that future demand can be met with continued groundwater pumping, surface water purchases and conservation measures.

The project site was not included the UWMP and the City's General Plan land use / water use projections, due to it being outside the City planning area. The proposed Annexation and Rezone will change the Project zoning from RS-1 (Very Low Density Residential) to (RS-2) Low Density Residential. The Project is not expected to result in a significantly increased use of groundwater that was not already accounted for in the City's infrastructure planning documents (and subsequently analyzed in their respective CEQA documents). As such, there is *a less than significant impact* to this impact area.

Mitigation Measures: None are required.

- 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;
 - ii. substantially increase the rate or amount of surface runoff in a manner which would result in flooding on- or offsite;
 - iii. create or contribute runoff water which would exceed the capacity of existing or planned stormwater drainage systems or provide substantial additional sources of polluted runoff; or
 - iv. impede or redirect flood flows?

Less than Significant Impact. The site is presently planted in orange orchards, with a single-family residence in the northeast corner of the parcel. The site will be designed so that storm water is collected and deposited in a temporary retention basin, along the southern boundary of the Project site. At full buildout, the stormwater will tie into the City's existing storm drain system, which has adequate capacity. The storm water collection system design will be subject to review and approval by the City Public Works Department. Storm water during construction will be managed as part of the Storm Water Pollution Prevention Plan (SWPPP). A copy of the SWPPP is retained on-site during construction.

Impacts regarding the alteration of drainage patterns to increase runoff that will potentially induce flooding have been discussed in the impact analysis for Response IX-c. Storm water during construction will be managed as part of the Storm Water Pollution Prevention Plan (SWPPP). A copy of the SWPPP is retained on-site during construction. All other on-site drainage will be collected and deposited in the City's storm drain system.

Implementation of the proposed Project will not require expansion of the City's existing stormwater system (other than onsite collection system), nor will it result in additional sources of polluted runoff. The Project would not otherwise degrade water quality and therefore the impact is *less than significant*.

Mitigation Measures: None are required.

- d. In flood hazard, tsunami or seiche zones, risk release of pollutants due to project inundation?
- e. Conflict with or obstruct implementation of a water quality control plan or sustainable groundwater management plan?

Less than Significant Impact. The Project site is not within a 100-year or 500-year flood zone, as indicated by FEMA flood hazard map 06107C1635E, effective 6/16/2009. The site will be designed for adequate storm drainage.

Flows into the Tule River (located approximately one-half mile south of the Project site) are controlled by the Success Dam located approximately five miles upstream from the City. A dam failure is usually the result of neglect, poor design, or structural damage caused by a major event such as an earthquake. Dams must be operated and maintained in a safe manner, which is ensured through inspections for safety deficiencies, analyses using current technologies and designs, and taking corrective actions as needed based on current engineering practices.

The Project site is located within the Success Dam inundation area, as shown on Figure 7-3 of the 2030 General Plan. This inundation area runs through Porterville, to a location downstream of Corcoran, a distance of approximately 44 miles. The Army Corp Of Engineers (ACOE) is in the process of completing an environmental impact statement for reinforcing the strength of the dam in the event of seismically induced failure. The Project site is within the 0.5-hour to 1-hour inundation zone of Success Dam. In the event of a dam failure, most of the City would be flooded within one hour.

There are no inland water bodies that could be potentially susceptible to a seiche in the Project vicinity. This precludes the possibility of a seiche inundating the Project site. The Project site is more than 100 miles from the Pacific Ocean, a condition that precludes the possibility of inundation by tsunami. There

are no steep slopes that would be susceptible to a mudflow in the Project vicinity, nor are there any volcanically active features that could produce a mudflow in the City of Porterville. This precludes the possibility of a mudflow inundating the Project site.

The Porterville Emergency Operations Plan (EOP), adopted in 2004, includes planning and response scenarios for seismic hazards, extreme weather conditions, landslides, dam failure and other flooding. The City has designated several evacuation routes through Porterville to be used in case of catastrophic emergencies. In the unlikely event that the dam fails before the ACOE's proposed dam reinforcement completion date of 2014–2015, the dam owner would follow the emergency action plan (EAP) developed for Success Dam. The EAP includes a notification flowchart, early detection systems, notification for warning and evacuation by state and local emergency management officials, steps to moderate or alleviate the effects of a dam failure, and inundation maps. As such, impacts related to exposure of people or structures to a risk of loss, injury, or death involving flooding as a result of the failure of a levee or dam would be *less than significant*.

Mitigation Measures: None are required.

XI. LAND USE AND PLANNING

Would the project:

	Potentially Significant Impact	Less than Significant With Mitigation Incorporation	Less than Significant Impact	No Impact
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 type="checkbox"/>	<input checked="" type="checkbox"/>

ENVIRONMENTAL SETTING

Environmental Setting

The proposed Project site is located in the northern part of the City of Porterville and is currently planted with orange orchards. The proposed Project site is bounded to the north by west Linda Vista Avenue and to the east by north Newcomb Street. A residential subdivision lies to the east, rural residences and fallowed fields to the south, rural residences to the west, and orchards and rural residences to the north. The Project consists of an Annexation and Rezone to allow the construction of up to 50 single-family residences on approximately 11.62 acres.

The site is currently zoned RS-1 (Very Low Density Residential) but is in process for a Rezone to RS-2 (Low Density Residential). General Plan Designation, land use and zoning surrounding the site are identified in Table 8.

Table 8
Existing Land Use, General Plan Designation and Zoning

Location	Existing Land Use	Current Zoning Classification	General Plan Designation
North	Rural residences, orchards	R-A-43	Rural Residential

Location	Existing Land Use	Current Zoning Classification	General Plan Designation
South	Rural residences, fallowed fields	R-A-43	Rural Residential
West	Rural residences	R-A-43	Rural Residential
East	Residential subdivision	RS-1	Low Density Residential

Existing land uses in City of Porterville have been organized into generalized categories that are summarized below on Table 9. City of Porterville has a 2030 General Plan planned build-out of approximately 36,341 acres in size, equivalent to approximately 56.6 square-miles.

Table 9
Existing Land Use: City of Porterville Planning Area (2005)³³

Generalized Land Use Category	Total	Percentage
Agriculture/Rural/Conservation	21,270	59%
Single Family Residential	4,760	13%
Multi Family Residential	240	1%
Retail Shopping	80	0%
Commercial	760	2%
Industrial	350	1%
Public/Quasi-Public	2,630	7%
Vacant	3,590	10%
Unclassified (Roads, water, etc)	2,661	7%
Total Area	36,341	100%

Regulatory Setting

Federal

³³ City of Porterville Land Use Element

Federal regulations for land use are not relevant to the proposed Project because it is not a federal undertaking (the proposed Project site is not located on lands administered by a federal agency, and the Project applicant is not requesting federal funding or a federal permit).

State

The proposed Project is being evaluated pursuant to CEQA; however, there are no state regulations, plans, programs, or guidelines associated with land use and planning that are applicable to the proposed Project.

Local

Porterville General Plan Policies

- LU-I-20: Establish standards for pedestrian-oriented design in neighborhood centers.
- LU-I-21: Prohibit new strip commercial developments.
- LU-I-22: Promote and support the revitalization and infill development in existing retail shopping centers.
- LUI-23: Establish an incentive program that will provide for density and FAR bonuses for mixed-use development that includes amenities for public benefit, such as workforce housing, pedestrian-oriented facilities (outdoor seating, plazas, weather protection, transit waiting areas), historic preservation, cultural facilities, public art and water features, and open space preservation.
- LU-I-24: Allow supporting retail, business services and other complementary uses in Professional Office districts.

RESPONSES

- a. Physically divide an established community?
- b. Conflict with any applicable land use plan, policy, or regulation of an agency with jurisdiction over the project (including, but not limited to the General Plan, specific plan, local coastal program, or zoning ordinance) adopted for the purpose of avoiding or mitigating an environmental effect?

No Impact. The proposed Project is located in the northwestern portion of the City of Porterville, in an area of rural residential and agricultural land uses. The proposed Project site is currently planted in

orange orchards and has a residential home in the northeast corner of the parcel. The site has a rural residential land use designation and zone. Upon Annexation and Rezone approval, the construction and operation of the Project would not cause any land use changes in the surrounding vicinity nor would it divide an established community.

The Project includes up to 50 single-family residential units on approximately 11.62 acres of land. The Project has no characteristics that would physically divide the City of Porterville. Access to the existing surrounding areas will be improved.

Based upon compliance with the policies referenced herein below, the proposed project is determined to be consistent with the Porterville General Plan goals and objectives related to land use and the urban form:

Implementing Policy LU-G-8 of the Porterville General Plan encourages infill land development in existing neighborhoods.

The proposed project is located in an area that is planned for development, and is located within and near existing communities.

Implementing Policy LU-G-7 of the Porterville General Plan promotes development of land into compact neighborhoods with defined mixed-use centers, which may include public open space, schools or other community facilities.

The proposed project will be constructed in an area planned for residential development where existing infrastructure is available, including several churches, local markets and other commercial businesses.

It is determined that the proposed Project is consistent with Porterville 2030 General Plan objectives and policies and will not significantly conflict with applicable land use plans, policies or regulations of the City of Portville.

No impacts would occur as a result of this Project.

Mitigation Measures: None are required.

XII. MINERAL RESOURCES

Would the project:

	Potentially Significant Impact	Less than Significant With Mitigation Incorporation	Less than Significant Impact	No Impact
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 type="checkbox"/>	<input checked="" 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 type="checkbox"/>	<input checked="" type="checkbox"/>

ENVIRONMENTAL SETTING

The City of Porterville is situated along the western slope of a northwest-trending belt of rocks comprising the Sierra Nevada and within the southern portion of the Cascade Range. The Sierra Nevada geomorphic province is primarily composed of Cretaceous granitic plutons and remnants of Paleozoic and Mesozoic metavolcanic and metasedimentary rocks, and Cenozoic volcanic and sedimentary rocks. The majority of the Planning Area has elevations ranging between 400 and 800 feet; however, the eastern portion is in the Sierra Nevada foothills where elevations reach almost 1,800 feet above sea level.

Historically, the quarrying of magnesite was a significant industry in the City of Porterville. Currently, the most economically significant mineral resources in Tulare County are sand, gravel, and crushed stone, used as sources for aggregate (road materials and other construction). The two major sources of aggregate are alluvial deposits (river beds, and floodplains), and hard rock quarries. Consequently, most Tulare County mines are located along rivers at the base of the Sierra foothills.

Tule River contains various State-classified mineral resource zones (MRZ-2a, MRZ-2b, and MRZ-3a). While this area was once suitable for mining operations, it is now surrounded by urban development. Approximately 890 acres along the Tule River, or 2.5 percent of all lands within the Planning Area, are within mineral resource zones. Tule River contains various State-classified mineral resource zones (MRZ-2a, MRZ-2b, and MRZ-3a). While this area was once suitable for mining operations, it is now surrounded by urban development. Approximately 890 acres along the Tule River, or 2.5 percent of all lands within the Project Area, are within mineral resource zones.

Regulatory Setting

Federal

There are no federal or local regulations pertaining to mineral resources relevant to the proposed Project.

State

California Surface Mining and Reclamation Act of 1975

Enacted by the State Legislature in 1975, the Surface Mining and Reclamation Act (SMARA), Public Resources Code Section 2710 et seq., ensures a continuing supply of mineral resources for the State.

In addition, the proposed Project is being evaluated pursuant to CEQA.

Local

Porterville General Plan Policies

- OSC-I-21: Adopt soil conservation regulations to reduce erosion caused by overgrazing, plowing, mining, new roadways and paths, construction, and off-road vehicles.
- OSC-I-23: Require adequate grading and replanting to minimize erosion and prevent slippage of manmade slopes.
- PHS-G-4: Protect soils, surface water, and groundwater from contamination from hazardous materials.
- PHS-I-17: Require remediation and cleanup of sites contaminated with hazardous substances.

RESPONSES

- 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?

No Impact. As shown in Figure 6-3 of the 2030 General Plan, the proposed Project area is not included in a State classified mineral resource zones. Therefore, there is *no impact*.

Mitigation Measures: None are required.

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?

No Impact. As shown in Figure 6-3 of the 2030 General Plan, the proposed Project area is not included in a State classified mineral resource zones. Soil disturbance for the proposed Project would be limited site ground work such as grading, foundations, and installation of infrastructure. Therefore, there is ***no impact***.

Mitigation Measures: None are required.

XIII. NOISE

Would the project:

	Potentially Significant Impact	Less than Significant With Mitigation Incorporation	Less than Significant Impact	No Impact
a. Generation of a substantial temporary or permanent increase in ambient noise levels in the vicinity of the project in excess of standards established in the local general plan or noise ordinance, or applicable standards of other agencies?	<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 checked="" type="checkbox"/>	<input 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"/>

ENVIRONMENTAL SETTING

The Project site is located in the northwestern part of the City of Porterville and is currently planted in orange orchards, with a single-family residential home in the northeast corner of the site. The site is located in an established area that provides a mix of land uses, including rural residential and agricultural.

The primary existing noise sources contributing to ambient noise in the proposed Project area are traffic noises and noises associated with neighborhoods and agriculture.

Regulatory Setting*Federal*

The Federal Railway Administration (FRA) and the Federal Transit Administration (FTA) have published guidance relative to vibration impacts. According to the FRA, fragile buildings can be exposed

to ground-borne vibration levels of 0.5 PPV without experiencing structural damage³². The FTA has identified the human annoyance response to vibration levels as 80 RMS.

State

The California Noise Control Act was enacted in 1973 (Health and Safety Code § 46010 et seq.), and states that the Office of Noise Control (ONC) should provide assistance to local communities in developing local noise control programs. It also indicates that ONC staff will work with the OPR to provide guidance for the preparation of the required noise elements in city and county General Plans, pursuant to Government Code § 65302(f). California Government Code § 65302(f) requires city and county general plans to include a noise element. The purpose of a noise element is to guide future development to enhance future land use compatibility.

In addition, this proposed Project is being evaluated pursuant to CEQA.

Local

Measuring and reporting noise levels involves accounting for variations in sensitivity to noise during the daytime versus nighttime hours. Noise descriptors used for analysis need to factor in human sensitivity to nighttime noise when background noise levels are generally lower than in the daytime and outside noise intrusions are more noticeable. Common descriptors include the Community Noise Equivalent Level (CNEL) and the Day-Night Average Level (Ldn). Both reflect noise exposure over an average day with weighting to reflect the increased sensitivity to noise during the evening and night. The two descriptors are roughly equivalent. The CNEL descriptor is used in relation to major continuous noise sources, such as aircraft or traffic, and is the reference level for the Noise Element under State planning law. The Noise Element included in the 2030 City of Porterville General Plan (2008) includes noise and land use compatibility standards for various land uses. These are shown in Table 10 below.

Table 10
Land Use Compatibility for Community Noise Environment

Land Use Category	Community Noise Exposure, Ldn or CNEL dB			
	Normally Acceptable	Conditionally Acceptable	Normally Unacceptable	Clearly Unacceptable
Residential – Low density single family, duplex,	<65 (<45 Interior)	65 to 70	70 to 75	>75 (>45 Interior)
Residential – Multiple family	<65 (<45 Interior)	65 to 70	70 to 75	>75 (>45 Interior)

Land Use Category	Community Noise Exposure, L_{dn} or CNEL dB			
	Normally Acceptable	Conditionally Acceptable	Normally Unacceptable	Clearly Unacceptable
Schools, libraries, churches, hospitals, nursing	<70	60 to 75	70 to 80	>80
Industrial, manufacturing, utilities, agriculture	<75	70 to 80	75 to 85	No levels identified

Normally acceptable – Specified land use is satisfactory, based upon the assumption that any buildings involved are of normal conventional construction, without any special noise insulation requirements.

Conditionally acceptable – New construction or development should be undertaken only after a detailed analysis of the noise reduction requirements is made and needed noise insulation features included in the design. Conventional construction, but with closed windows and fresh air supply systems or air conditioning will normally suffice.

Normally unacceptable – New construction or development should generally be discouraged. If new construction or development does proceed, a detailed analysis of the noise reduction requirements must be made and needed noise insulation features included in the design.

Clearly unacceptable – New construction or development should generally not be undertaken.

Porterville General Plan Policies

- N-G-1: Minimize vehicular and stationary noise levels and noise from temporary activities.
- N-G-2: Ensure that new development is compatible with the noise environment.
- N-G-5: Reduce noise intrusion generated by miscellaneous noise sources through conditions of approval to control noise-generating activities.
- N-I-7: Require noise from existing mechanical equipment to be reduced by soundproofing materials and sound-deadening installation.

RESPONSES

- Generation of a substantial temporary or permanent increase in ambient noise levels in the vicinity of the project in excess of standards established in the local general plan or noise ordinance, or applicable standards of other agencies?
- Generation of excessive groundborne vibration or groundborne noise levels?

Less than Significant Impact With Mitigation. According to the City's General Plan EIR, the major noise sources in Porterville are related to roadways and vehicle traffic. The Project site is not in an established noise contour, as shown in Figure 9-2 of the City's General Plan Noise Element.

The site itself is located in an urban area adjacent to roadways that are somewhat heavily travelled. Noise from the proposed Project will be similar to existing conditions and will generally include noise from

vehicles, air conditioner units and other similar equipment. It is not expected that the proposed Project will result in a discernable increase in noise to surrounding land uses.

Proposed Project construction related activities will involve temporary noise sources. Typical construction related equipment include graders, trenchers, small tractors and excavators. During the proposed Project construction, noise from construction related activities will contribute to the noise environment in the immediate vicinity. Activities involved in construction will generate maximum noise levels, as indicated in Table 11, ranging from 79 to 91 dBA at a distance of 50 feet, without feasible noise control (e.g., mufflers) and ranging from 75 to 80 dBA at a distance of 50 feet, with feasible noise controls.

Table 11
Typical Construction Noise Levels

Type of Equipment	dBA at 50 ft	
	Without Feasible Noise Control	With Feasible Noise
Dozer or Tractor	80	75
Excavator	88	80
Scraper	88	80
Front End Loader	79	75
Backhoe	85	75
Grader	85	75
Truck	91	75

The City of Porterville's General Plan Noise Element (2008) sets the standard noise threshold of 60 dBA at the exterior of nearby residences; however, it does not identify a short-term, construction-noise-level threshold. The distinction between short-term construction noise impacts and long-term operational noise impacts is a typical one in both CEQA documents and local noise ordinances, which generally recognize the reality that short-term noise from construction is inevitable and cannot be mitigated beyond a certain level. Thus, local agencies frequently tolerate short-term noise at levels that they would not accept for permanent noise sources. A more severe approach would be impractical and might preclude the kind of construction activities that are to be expected from time to time in urban environments. Most residents of urban areas recognize this reality and expect to hear construction activities on occasion.

Typical outdoor sources of perceptible ground borne vibration are construction equipment, steel-wheeled trains, and traffic on rough roads. Construction vibrations can be transient, random, or continuous. Construction associated with the proposed Project includes the construction of residences and roadways.

The approximate threshold of vibration perception is 65 VdB, while 85 VdB is the vibration acceptable only if there are an infrequent number of events per day. Table 12 describes the typical construction equipment vibration levels.

Table 12
Typical Construction Vibration Levels

Equipment	VdB at 25 ft
Small Bulldozer	58
Jackhammer	79

Vibration from construction activities will be temporary and not exceed the FTA threshold for the nearest residences which are located approximately 50 feet from the development.

Although impacts are considered less than significant, implementation of Mitigation Measure NOI-1 through NOI-3 will ensure that impacts remain *less than significant with mitigation incorporation*.

NOI-1 During the construction period, delivery trucks serving the Project shall be limited to between 6:00 A.M. and 9:00 P.M. Monday through Friday and between 7:00 A.M. and 5:00 PM on Saturday or Sunday to avoid noise-sensitive hours of the day.

NOI-2 Construction activities shall be limited to between 6:00 A.M. and 9:00 P.M. Monday through Friday and between 7:00 A.M. and 5:00 PM on Saturday or Sunday to avoid noise-sensitive hours of the day. Construction activities shall be prohibited on holidays (President's Day, Memorial Day, Fourth of July, Labor Day, Thanksgiving, Day after Thanksgiving, Christmas Day, and New Year's Day).

NOI-3 The construction contract shall require the construction contractor to ensure that construction equipment noise is minimized by muffling and shielding intakes and exhaust on construction equipment (in accordance with the manufacturer's specifications) and by shrouding or shielding impact tools.

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?

No Impact. The Project is not located within an airport land use plan. Therefore, there is *no impact*.

Mitigation Measures: None are required.

XIV. POPULATION AND HOUSING

Would the project:

	Potentially Significant Impact	Less than Significant With Mitigation Incorporation	Less than Significant Impact	No Impact
a. Induce substantial 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 housing, necessitating the construction of replacement housing elsewhere?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

ENVIRONMENTAL SETTING

Over the past 30 years, the City of Porterville's population has grown at an average annual rate of 3.7 percent. However, the City's population growth slowed to an average annual rate of 2.8 percent over the most recent 15 years. In 2006, the California Department of Finance (DOF) estimated the City with a population of 45,220 residents. In 2010, the City had an estimated population of 54,165 residents. In 2011 the City grew to 54,676 residents, while the City recorded an approximate population of 55,490 in 2012. According to the most recent California DOF report, the City currently is at approximately 55,490 residents, a 0.5 percent increase from 2012. Build-out of the 2030 General Plan will accommodate a population of approximately 107,300 in Porterville, which represents an annual population growth rate of 3.7 percent.

Regulatory Setting

The proposed Project is being evaluated pursuant to CEQA; however, there are no federal, state or local regulations, plans, programs, and guidelines associated with population or housing that are applicable to the proposed Project.

RESPONSES

- a. Induce substantial 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)?

Less than Significant Impact. The proposed Project would include the construction of up to 50 single-family residences and internal access roads, which would result in approximately 187 additional residents based on the estimated 3.39 persons per household for the City of Porterville. The proposed Project site will be in accordance with the Low Density Residential General Plan designation upon Annexation and Rezone approval. As such, any impacts are *less than significant*.

Mitigation Measures: None are required.

b. Displace substantial numbers of existing housing, necessitating the construction of replacement housing elsewhere?

Less than Significant. There is one residential structure currently on-site. The Project will displace the persons who live in this structure; however, at full buildout 50 residences will be completed and available. Therefore, the Project will have a *less than significant impact* on housing in the City of Porterville.

Mitigation Measures: None are required.

XV. PUBLIC SERVICES

Would the project:

	Potentially Significant Impact	Less than Significant With Mitigation Incorporation	Less than Significant Impact	No Impact
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- a. Would the project result in substantial adverse physical impacts associated with the provision of new or physically altered governmental facilities, need for new or physically altered governmental facilities, the construction of which could cause significant environmental impacts, in order to maintain acceptable service ratios, response times or other performance objectives for any of the public services:

Fire protection?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Police protection?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Schools?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Parks?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Other public facilities?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

ENVIRONMENTAL SETTING

The proposed Project site is in an area already served by public service systems. The nearest fire station is Porterville Fire Station 2, which is located at the Public Works complex, approximately 2.0 miles south of the proposed Project site. The physical address of the fire station is 500 North Newcomb Street. The Porterville Police Department is located approximately 3.0 miles southeast of the proposed Project site at 350 North D Street.

The Teapot Dome Landfill plant is approximately five miles southwest of the City limits, while the Porterville Wastewater Treatment Plant is located approximately 2.0 miles southeast of the site. Sequoia Middle School is 0.8 miles southeast, Westfield Elementary School is 1.2 miles southeast, and Monache High School and Oak Grove Elementary are 1.5 miles south.

Regulatory Setting

Federal

National Fire Protection Association

The National Fire Protection Association (NFPA) is an international nonprofit organization that provides consensus codes and standards, research, training, and education on fire prevention and public safety. The NFPA develops, publishes, and disseminates more than 300 such codes and standards intended to minimize the possibility and effects of fire and other risks. The NFPA publishes the NFPA 1, Uniform Fire Code, which provides requirements to establish a reasonable level of fire safety and property protection in new and existing buildings.

State

California Fire Code and Building Code

The 2007 California Fire Code (Title 24, Part 9 of the California Code of Regulations) establishes regulations to safeguard against hazards of fire, explosion, or dangerous conditions in new and existing buildings, structures, and premises. The Fire Code also establishes requirements intended to provide safety and assistance to fire fighters and emergency responders during emergency operations. The provision of the Fire Code includes regulations regarding fire-resistance rated construction, fire protection systems such as alarm and sprinkler systems, fire service features such as fire apparatus access roads, fire safety during construction and demolition, and wildland urban interface areas.

In addition, the proposed Project is being evaluated pursuant to CEQA.

Local

Porterville General Plan Policies

- LU-G-5: Promote sustainability in the design and development of public and private
- PHS-I-28: Ensure that new development incorporates safety concerns into the site, circulation, building design and landscaping plans.

RESPONSES

- a. Would the project result in substantial adverse physical impacts associated with the provision of new or physically altered governmental facilities, need for new or physically altered governmental facilities, the construction of which could cause significant environmental impacts, in order to maintain acceptable service ratios, response times or other performance objectives for any of the public services:

Fire protection?

Less than Significant Impact. The proposed Project site will continue to be served by City of Porterville Fire Station No. 2, which is approximately 2.0 miles south of the proposed Project site. The Project applicant would be required to submit plans to the City Fire Department for review and approval prior to the issuance of building permits to ensure the Project would conform to applicable building codes and would provide an on-site fire hydrant system in the event of an on-site fire. The Project would also include new internal access roads that would provide access to emergency vehicles in the event of a fire and would connect to the larger circulation system to ensure adequate provision of emergency access to the Project site. As such, any impacts would be less *than significant*.

Police Protection?

Less than Significant Impact. The proposed Project will continue to be served by the City of Porterville police department. Implementation of the proposed Project would result in an increase in demand for police services; however, this increase would be minimal compared to the number of officers currently employed by the Porterville Police Department and would not trigger the need for new or physically altered police facilities. Additionally, the proposed Project site is in an area of the City planned for residential development. No additional police personnel or equipment is anticipated. The impact is *less than significant*.

Schools?

Less than Significant Impact. The proposed Project site is located within the Porterville Unified School District. The Project site is within the Westfield Elementary School Boundary, the Sequoia Middle School Boundary and the Monache High School Boundary. Based on school district generation rates for new housing units (0.4 elementary, 0.1 middle school and 0.2 high school students per residential unit³⁴), the proposed Project would generate approximately 21 elementary school students, five middle school students and 11 high school students. Pursuant to California Education Code Section 17620(a)(1), the governing board of any school district is authorized to levy a fee, charge, dedication, or other requirement against any construction within the boundaries of the district for the purpose of funding the construction or reconstruction of school facilities. The project applicant would be required to pay such fees to reduce any impacts of new residential development of school services. Payment of the developer fees will offset the addition of school-age children within the district. As such, any impacts would be *less than significant*.

³⁴ Porterville 2030 General Plan EIR. SCH 2006011033. Page 234.

Parks?

Less than Significant Impact. The nearest City park to the proposed Project site is Veterans Park, approximately 1.7 miles to the south on north Newcomb Street and west Henderson Avenue, and Zalud Park, approximately 2.6 miles southeast by West Grand Avenue. To ensure sufficient recreational opportunities, the City has established a Park Impact Fee, implemented by Chapter 19, Parks, Article III, Park Impact Fee, of the Municipal Code. The Municipal Code states that parks must be constructed or expanded commensurate with growth of the City. The City Council determined that a park impact fee is required to assist in the financing of these public park improvements and to pay for new development's fair share of the acquisition and development costs of these improvements. The project applicant would be required to comply with Article III of the Municipal Code. As such, any impacts would remain *less than significant*.

Other public facilities?

Less than Significant Impact. The proposed Project will be within the land use and growth projections identified in the City's General Plan and other infrastructure studies upon Annexation and Rezone approval. As such, the Project would not result in increased demand on other public facilities such as library services that has not already been planned for. Any impacts would be *less than significant*.

Mitigation Measures: None are required.

XVI. RECREATION

Would the project:

	Potentially Significant Impact	Less than Significant With Mitigation Incorporation	Less than Significant Impact	No Impact
a. Would the project increase the use of existing neighborhood and regional parks or other recreational facilities such that substantial physical deterioration of the facility would occur or be accelerated?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b. Does the project include recreational facilities or require the construction or expansion of recreational facilities which might have an adverse physical effect on the environment?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

ENVIRONMENTAL SETTING

The City of Porterville provides its residents several types of parks and recreational facilities. Parks are defined as land owned or leased by the City and used for public recreational purposes. The City classifies parks and recreational facilities in five categories: Pocket Parks, Neighborhood Parks, Community Parks, Specialized Recreation, and Trail/Parkways. Currently, the City of Porterville has 15 parks for a total of approximately 295 acres of parkland.

These facilities range in size from the 0.1-acre North Park pocket park up to the 95-acre Sports Complex facility. With a 2006 population of 45,220 residents, the City has a ratio of 5.1 acres of parkland per 1,000 residents. The park ratio is based on Neighborhood Parks, Community Parks, and Specialized Recreation areas only. Trails, Community Facilities and Pocket Parks do not contribute to the ratio.

Regulatory Setting

The proposed Project is being evaluated pursuant to CEQA; however, there are no additional federal, state or local regulations, plans, programs, and guidelines associated with recreation that are applicable to the proposed Project.

RESPONSES

- a. Would the project increase the use of existing neighborhood and regional parks or other recreational facilities such that substantial physical deterioration of the facility would occur or be accelerated?

Less than Significant Impact. As described in Impact XIV(a), the City has established a Park Impact Fee through the Municipal Code, which states that parks must be constructed or expanded commensurate with growth of the City. The City requires the applicant to pay a Park Impact Fee, dedicate land for open space, or a combination of both. As such, any impacts will be *less than significant*.

Mitigation Measures: None are required.

- b. Does the project include recreational facilities or require the construction or expansion of recreational facilities which might have an adverse physical effect on the environment?

Less than Significant Impact. The proposed Project does not include the construction of recreation facilities, rather, it includes the payment of a Park Impact Fee as directed by the Municipal Code. *Less than significant impacts* would occur.

Mitigation Measures: None are required.

XVII. TRANSPORTATION/TRAFFIC

Would the project:

	Potentially Significant Impact	Less than Significant With Mitigation Incorporation	Less than Significant Impact	No Impact
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. Would the project 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"/>

ENVIRONMENTAL SETTING

The proposed Project is located on APN 243-130-042 and totals approximately 11.62 acres, bounded to the north by west Linda Vista Avenue and to the east by north Newcomb Street. A residential subdivision lies to the east, rural residences and vacant fields to the south, rural residences to the west, and orchards and rural residences to the north. The site is approximately 0.6 miles west of SR-65. See Figures 1 and 2—Regional Map and Vicinity Map, respectively.

The nearest airport to the proposed Project site is the Porterville Municipal Airport, which is located approximately 5.1 miles south of the site.

Newcomb Street is identified by the Porterville General Plan as a major arterial, which essentially begins at west Linda Vista Avenue (prior to this intersection the roadway is called Road 232) and continues south until it is interrupted north of the Tule River. Newcomb Street begins again at SR 190 and runs south until it intersects with west Teapot Dome Avenue (the roadway beyond continues as Road 232). It provides major north-south access for Porterville residents.

Regulatory Setting

Federal

Several federal regulations govern transportation issues. They include:

- Title 49, CFR, Sections 171-177 (49 CFR 171-177), governs the transportation of hazardous materials, the types of materials defined as hazardous, and the marking of the transportation vehicles.
- 49 CFR 350-399, and Appendices A-G, Federal Motor Carrier Safety Regulations, address safety considerations for the transport of goods, materials, and substances over public highways.
- 49 CFR 397.9, the Hazardous Materials Transportation Act of 1974, directs the U.S. Department of Transportation to establish criteria and regulations for the safe transportation of hazardous materials.

State

State of California Transportation Department Transportation Concept Reports

Each District of the State of California Transportation Department (Caltrans) prepares a Transportation Concept Report (TCR) for every state highway or portion thereof in its jurisdiction. The TCR usually represents the first step in Caltrans' long-range corridor planning process. The purpose of the TCR is to determine how a highway will be developed and managed so that it delivers the targeted LOS and quality of operations that are feasible to attain over a 20-year period, otherwise known as the "route concept" or beyond 20 years, for what is known as the "ultimate concept".

The segment of SR 190 in the proposed project vicinity is designated as Segment 3. SR 190 is classified by Caltrans as rural except for the portion in Porterville which is designated urban. The route is also predominately indicated as a Minor Arterial and Major Collector. Therefore, the Route Concept LOS of D has been assigned to the entire route. Segment 3 is a 4-lane expressway and there are no changes expected to this segment.

SR 65 is designated as Segment 7 in the vicinity of the proposed Project site and has a LOS of C. The route concept for Segment 7 of Route 65 is described by Caltrans as a two-lane expressway, with improvements potentially being a four-lane expressway over the next 10 years.

In addition, the proposed Project is being evaluated pursuant to CEQA.

Local

The City of Porterville and the Tulare County Regional Transportation Plan designate level of service “D” as the minimum acceptable intersection peak hour level of service standard.

Porterville General Plan Policies

- C-G-6: Maintain acceptable levels of service and ensure that future development and the circulation system are in balance.
- C-G-7: Ensure that new development pays its fair share of the costs of transportation facilities.
- C-I-12: Continue to require that new development pay a fair share of the costs of street and other traffic and local transportation improvements based on traffic generated and impacts on traffic service levels.

RESPONSES

- a. Conflict with a program plan, ordinance or policy addressing the circulation system, including transit, roadway, bicycle and pedestrian facilities?
- b. Would the project conflict or be inconsistent with CEQA Guidelines section 15064.3, subdivision (b)?
- c. Substantially increase hazards due to a geometric design feature (e.g., sharp curves or dangerous intersections) or incompatible uses (e.g., farm equipment)?
- d. Result in inadequate emergency access?

Less than Significant Impact. The Project Applicant intends to construct up to 50 single-family residential homes. Project components include interior access roads, street lighting and landscaping. Vehicle access to the Project site will be from two entrance/exit access roads; one on north Newcomb Street and one on west Linda Vista Avenue.

According to the Institute of Transportation Engineer’s (ITE) Trip Generation Manual, 9th Edition, the proposed Project of up to 50 single-family residential units are estimated to generate 479 daily vehicle trips and 51 peak PM trips. These estimated trips are well below the City’s standard of 2,500 average daily vehicle trips on local residential streets as identified in General Plan Policy C-I-9. Newcomb street is considered a major north-south arterial; however, at buildout of the General Plan the section of Newcomb near the Project area has not been listed as requiring traffic improvements. The City expects the roadways in the area of northwestern Porterville to maintain acceptable LOS thresholds. The Project will not conflict with any congestion management programs, as none are applicable to the Project. No roadway design features associated with this proposed Project would result in an increase in hazards

due to a design feature or be an incompatible use. Any impacts would be considered *less than significant*.

Mitigation Measures: None are required.

XVIII. TRIBAL CULTURAL RESOURCES

Would the project:

Potentially Significant Impact	Less than Significant With Mitigation Incorporation	Less than Significant Impact	No Impact
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- 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:
- 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
 - 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 the Public Resources Code section 5024.1, the lead agency shall consider the significance of the resource to a California Native American tribe.

☐☐☒☐☐☐☒☐

ENVIRONMENTAL SETTING

Federal

The National Historic Preservation Act

The National Historic Preservation Act of 1966 (NHPA) established federal regulations for the purpose of protecting significant cultural resources. The legislation established the National Register of Historic Places and the National Historic Landmarks Program. It mandated the establishment of the State Historic Preservation Office (SHPO), responsible for implementing statewide historic preservation programs in each state. A key aspect of SHPO responsibilities include surveying, evaluating and nominating significant historic buildings, sites, structures, districts and objects to the National Register. The NHPA also established requirements for federal agencies to consider the effects of proposed federal Projects on historic properties (Section 106, NHPA). Federal agencies and recipients of federal funding are required to initiate consultation with the SHPO as part of the Section 106 review process.³⁵

State

California State Office of Historic Preservation (OHP)

The California State Office of Historic Preservation (OHP) is responsible for administering federally and state mandated historic preservation programs to further the identification, evaluation, registration and protection of California's irreplaceable archaeological and historical resources under the direction of the State Historic Preservation Officer (SHPO), appointed by the governor, and the State Historical Resources Commission, a nine-member state review board appointed by the governor.

Among OHP's responsibilities are identifying, evaluating, and registering historic properties; and ensuring compliance with federal and state regulations. The OHP administers the State Register of Historical Resources and maintains the California Historical Resources Information System (CHRIS) database. The CHRIS database includes statewide Historical Resources Inventory (HRI) database. The records are maintained and managed under contract by eleven independent regional Information Centers. Tulare, Fresno, Kern, Kings and Madera counties are served by the Southern San Joaquin Valley Information Center (Center), located in Bakersfield, CA. The Center provides information on known historic and cultural resources to governments, institutions and individuals.³⁶

³⁵ Advisory Council on Historic Preservation, National Historic Preservation Program: Overview, <http://www.achp.gov/overview.html>, Accessed March 2020.

³⁶ California Office of Historic Preservation, Mission and Responsibilities, http://ohp.parks.ca.gov/?page_id=1066, Accessed March 2020.

A historical resource may be eligible for inclusion in the California Register of Historical Resources (CRHR) if it:

- 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 to 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.³⁷

Tribal Consultation Requirements: SB 18 (Burton, 2004)³⁸

On September 29, 2004, Governor Schwarzenegger signed Senate Bill 18, Tribal Consultation Guidelines, into law. This bill amended Section 815.3 of the Civil Code, to amend Sections 65040.2, 65092, 65351, 65352, and 65560 of, and to add Sections 65352.3, 65352.4, and 65562.2 to, the Government Code, relating to traditional tribal cultural Places. SB 18, enacted March 1, 2005, creates a mechanism for California Native American Tribes to identify culturally significant sites that are located within public or private lands within the city or county's jurisdiction. SB 18 requires cities and counties to contact, and offer to consult with, California Native American Tribes before adopting or amending a General Plan, a Specific Plan, or when designating land as Open Space, for the purpose of protecting Native American Cultural Places (PRC 5097.9 and 5097.993). The Native American Heritage Commission (NAHC) provides local governments with a consultation list of tribal governments with traditional lands or cultural places located within the Project Area of Potential Effect. Tribes have 90 days from the date on which they receive notification to request consultation, unless a shorter timeframe has been agreed to by the tribe.

Tribal Consultation Requirements: AB 52 (Gatto, 2014)³⁹

This bill was approved by Governor Brown on September 25, 2014 and became effective July 1, 2015. This bill amended Section 5097.94 of, and to add Sections 21073, 21074, 21080.3.1, 21080.3.2, 21082.3, 21083.09, 21084.2, and 21084.3 to, the Public Resources Code, relating to Native Americans. The bill specifies that a project with an effect that may cause a substantial adverse change in the significance of a tribal cultural resource, as defined, is a project that may have a significant effect on the environment. This bill requires a lead agency to begin consultation with a California Native American tribe that is traditionally and

³⁷ California Office of Historic Preservation, California Register: Criteria for Designation, http://www.ohp.parks.ca.gov/?page_id=21238. Accessed March 2020.

³⁸ Senate Bill No. 18, Chapter 905, http://leginfo.legislature.ca.gov/faces/billNavClient.xhtml?bill_id=200320040SB18, Accessed March 2020.

³⁹ Assembly Bill No. 52, Chapter 532, http://leginfo.legislature.ca.gov/faces/billNavClient.xhtml?bill_id=201320140AB52, Accessed March 2020.

culturally affiliated (can be a tribe anywhere within the State of California) with the geographic area of the proposed project, if the tribe requested to the lead agency, in writing, to be informed by the lead agency of proposed projects in that geographic area and the tribe requests consultation, prior to determining whether a negative declaration, mitigated negative declaration, or environmental impact report is required for a project.

Existing law establishes the Native American Heritage Commission (NAHC) and vests the commission with specified powers and duties. This bill required the NAHC to provide each California Native American tribe, as defined, on or before July 1, 2016, with a list of all public agencies that may be a lead agency within the geographic area in which the tribe is traditionally and culturally affiliated, the contact information of those agencies, and information on how the tribe may request those public agencies to notify the tribe of projects within the jurisdiction of those public agencies for the purposes of requesting consultation.

The NAHC provides protection to Native American burials from vandalism and inadvertent destruction, provides a procedure for the notification of most likely descendants regarding the discovery of Native American human remains and associated grave goods, brings legal action to prevent severe and irreparable damage to sacred shrines, ceremonial sites, sanctified cemeteries and place of worship on public property, and maintains an inventory of sacred places.⁴⁰

The NAHC performs a Sacred Lands File search for sites located on or near the Project site upon request. The NAHC also provides local governments with a consultation list of tribal governments with traditional lands or cultural places located within the Project Area of Potential Effect. An opportunity has been provided to Native American tribes listed by the Native American Heritage Commission during the CEQA process as required by AB 52. No Project-specific responses were received by the City in response to the consultation request within the mandatory response time-frames; therefore, this Initial Study has been completed consistent and compliant with AB 52.

RESPONSES

- a-i, a-ii. 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 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 the

⁴⁰ Native American Heritage Commission, About the Native American Heritage Commission, <http://nahc.ca.gov/about/>, Accessed March 2020.

Public Resources Code section 5024.1, the lead agency shall consider the significance of the resource to a California Native American tribe?

Less than Significant Impact. A Tribal Cultural Resource (TCR) is defined under Public Resources Code section 21074 as a site, feature, place, cultural landscape that is geographically defined in terms of size and scope, sacred place, and object with cultural value to a California Native American tribe that are either included and that is listed or eligible for inclusion in the California Register of Historic Resources or in a local register of historical resources, or if the City of Porterville, acting as the Lead Agency, supported by substantial evidence, chooses at its discretion to treat the resource as a TCR. As discussed above, under Section V, Cultural Resources, criteria (b) and (d), no known archeological resources, ethnographic sites or Native American remains are located on the proposed Project site. As discussed under criterion (b) implementation of Mitigation Measure CULT-1 would reduce impacts to unknown archaeological deposits, including TCRs, to a less than significant level. As discussed under criterion (d), compliance with California Health and Safety Code Section 7050.5 would reduce the likelihood of disturbing or discovering human remains, including those of Native Americans. Any impacts to TCR would be considered *less than significant*.

Mitigation Measures: No additional measures are required.

XIX. UTILITIES AND SERVICE SYSTEMS

Would the project:

	Potentially Significant Impact	Less than Significant With Mitigation Incorporation	Less than Significant Impact	No Impact
a. Require or result in the relocation or construction of new or expanded water, wastewater treatment or storm water drainage, electric power, natural gas, or telecommunications facilities, the construction or relocation of which could cause significant environmental effects?	<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 which serves or may serve the project that it has adequate capacity to serve the project's projected demand in addition to the provider's existing commitments?	<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"/>
g. Comply with federal, state, and local statutes and regulations related to solid waste?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

ENVIRONMENTAL SETTING

Utilities required to serve the proposed Project would include: water, sanitary sewer, storm drainage, electricity, and telecommunications infrastructure. Water service, sewage disposal and refuse collection would be provided by the City of Porterville.

Regulatory Setting

State

State Water Resources Control Board (SWRCB)

Waste Discharge Requirements Program. State regulations pertaining to the treatment, storage, processing, or disposal of solid waste are found in Title 27, CCR, Section 20005 et seq. (hereafter Title 27). In general, the Waste Discharge Requirements (WDRs) Program (sometimes also referred to as the "Non Chapter 15 (Non 15) Program") regulates point discharges that are exempt pursuant to Subsection 20090 of Title 27 and not subject to the Federal Water Pollution Control Act. Exemptions from Title 27 may be granted for nine categories of discharges (e.g., sewage, wastewater, etc.) that meet, and continue to meet, the preconditions listed for each specific exemption. The scope of the WDRs Program also includes the discharge of wastes classified as inert, pursuant to section 20230 of Title 2744. Several SWRCB programs are administered under the WDR Program, including the Sanitary Sewer Order and recycled water programs.

National Pollutant Discharge Elimination System (NPDES) Permit

As authorized by the Clean Water Act (CWA), the National Pollutant Discharge Elimination System (NPDES) Permit Program controls water pollution by regulating point sources that discharge pollutants into waters of the United States. In California, it is the responsibility of Regional Water Quality Control Boards (RWQCB) to preserve and enhance the quality of the state's waters through the development of water quality control plans and the issuance of waste discharge requirements (WDRs). WDRs for discharges to surface waters also serve as NPDES permits. Tulare County is within the Central Valley RWQCB's jurisdiction.

In addition, the proposed Project is being evaluated pursuant to CEQA.

Local

Porterville General Plan Policies

- OSC-G-10: Reduce and conserve energy use in existing and new commercial, industrial, and public structures.

- OSC-I-41: Work with agricultural and industrial uses to ensure that water contamination and waste products are handled in a manner that protects the long-term viability of water resources.
- OSC-I-44: Work with the Regional Water Quality Control Board to ensure that all point source pollutants are adequately mitigated (as part of the CEQA review and project approval process) and monitored to ensure long-term compliance.
- OSC-I-51: Prior to the approval of individual projects, require the City Engineer and/or Building Official to verify that the provisions of applicable point source pollution programs have been satisfied.

RESPONSES

- a. Require or result in the relocation or construction of new or expanded water, wastewater treatment or storm water drainage, electric power, natural gas, or telecommunications facilities, the construction or relocation of which could cause significant environmental effects?

Less than Significant Impact. Implementation of the proposed Project would include up to 50 single-family residential units on the project site. The project site is located within the service territory of the Porterville Wastewater Treatment Facility (WWTF). Since the WWTF is considered a publicly owned treatment works, operational discharge flows treated at the WWTF would be required to comply with applicable water discharge requirements issued by the Central Valley Regional Water Quality Control Board (RWQCB). Compliance with conditions or permit requirements established by the City as well as water discharge requirements outlined by the Central Valley RWQCB would ensure that wastewater discharges coming from the proposed Project site and treated by the WWTF system would not exceed applicable Central Valley RWQCB wastewater treatment requirements.

As discussed in Section X, Hydrology and Water Quality, with an increase in the area of impervious surfaces on the Project site, an increase in the amount of storm water runoff is anticipated. The site will be designed so that storm water is collected and deposited in the City's existing storm drain system, which has adequate capacity. The storm water collection system design will be subject to review and approval by the City Public Works Department. Storm water during construction will be managed as part of the Storm Water Pollution Prevention Plan (SWPPP). A copy of the SWPPP is retained on-site during construction. Thus, the proposed Project would have a *less than significant impact*.

Mitigation Measures: None are required.

- b. Have sufficient water supplies available to serve the project and reasonably foreseeable future development during normal, dry and multiple dry years?

Less than Significant Impact. See Section X – Hydrology for a full discussion pertaining to available water supply. The City of Porterville (and proposed Project site) is located in the Tulare Lake Basin, an area significantly affected by overdraft. The Department of Water Resources (DWR) has estimated the groundwater by hydrologic region and for the Tulare Lake Basin; the total overdraft is estimated at 820,000 acre-feet per year, the greatest overdraft projected in the state, and 56 percent of the statewide total overdraft. The proposed Project site is located within the Tule Sub-basin portion of the greater San Joaquin Valley Groundwater Basin. According to the City’s General Plan EIR, wells in and around the city have shown a moderate groundwater level decline of about 0.75 feet per year over the past 20 years. The City’s municipal wells are generally scattered west of Plano Avenue and south of Westfield Avenue and the distribution system is operated under pressure. The Project will be subject to the City Ordinance 1830 Sections 25-54 and other water restricting regulations. The City will have sufficient supply to serve the proposed Project with the existing entitlements. As such, the proposed Project will have a *less than significant impact*.

Mitigation Measures: None are required.

- c. Result in a determination by the wastewater treatment provider which serves or may serve the project that it has adequate capacity to serve the project’s projected demand in addition to the provider’s existing commitments?

Less Than Significant Impact. As discussed in Section XVIII(a), implementation of the proposed Project would result in the need for additional wastewater treatment service; however, as acknowledged in the General Plan, the City will begin planning for additional WWTF capacity to accommodate growth and development allowed under the General Plan when the influent flow reaches 6.4 million gallons per day. Additionally, the proposed Project applicant would be required to comply with any applicable City and WWTF regulations and would be subject to applicable development impact fees and wastewater connection charges. Therefore, with compliance to applicable standards and payment of required fees and connection charges, the Project would not result in a significant impact related to construction or expansions of existing wastewater treatment facilities.

Mitigation Measures: None are required.

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?

Less than Significant Impact. Disposal services in the City are provided by the City of Porterville. As of 2004, the City's solid waste was disposed at Teapot Dome landfill, located approximately five miles southwest of the City limits. Teapot Dome is a County-operated Class III landfill permitted to discharge up to 600 tons per day. As of 2004, the landfill was at 84.7 percent capacity with a remaining capacity of 998,468 cubic yards. According to the City's General Plan, once Teapot Dome landfill reaches capacity, the City anticipates using its transfer facility to divert waste to the Visalia landfill.

The Visalia Disposal Site, located approximately 35 miles northwest of the City limits, is a County-operated Class III landfill permitted to discharge up to 2,000 tons a day. As of 2006, the landfill was at 13.3 percent capacity with a remaining capacity of 16,145,600 cubic yards and an anticipated closure date of 2024. The estimated closure date is considered to be worst case scenario, where diversion goals are not met.

Pena Disposal accepts all the recyclables for the City. This processing and transfer facility is approximately 35 miles from City limits and is permitted for unlimited recycling, 2,000 tons per day of mixed solid waste, 100 tons per day of yard waste and 175 tons per day of construction and demolition waste. Most household hazardous wastes, including e-waste, must be taken to various sites in Visalia, except on the biannual clean-up days when the County sets up a drop-off site in Porterville.

According to the General Plan, solid waste generation rates in Porterville are approximately 2.0 pounds per day per resident. Therefore, the proposed Project would include the development of 50 residential units resulting in a population increase of approximately 170 persons, generation approximately 340 pounds per day of solid waste.

Implementation of the proposed Project would result in an increase in solid waste disposal needs; however, this increase would be minimal and, as indicated in the General Plan, the County anticipates the available landfill capacity will be sufficient through 2030. The proposed Project would result in *less than significant* impacts to solid waste and landfill facilities.

Mitigation Measures: None are required.

e. Comply with federal, state, and local statutes and regulations related to solid waste?

Less than Significant Impact. See Response f, above. The proposed Project would be required to comply with all federal, State, and local regulations related to solid waste. Furthermore, the proposed Project

would be required to comply with all standards related to solid waste diversion, reduction, and recycling during project construction and operation. The proposed Project will comply with all federal, state and local statutes and regulations related to solid waste. As such, any impacts would be *less than significant*.

Mitigation Measures: None are required.

XX. WILDFIRE

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

	Potentially Significant Impact	Less than Significant With Mitigation Incorporation	Less than Significant Impact	No Impact
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 concentrations from a wildfire or the uncontrolled spread of a wildfire?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" 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 type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

ENVIRONMENTAL SETTING

Human activities such as smoking, debris burning, and equipment operation are the major causes of wildland fires. Within Tulare County, over 1,029,130 acres (33% of the total area) are classified as “Very High” fire threat and approximately 454,680 acres (15% of the total area) are classified as “High” fire threat. The portion of the county that transitions from the valley floor into the foothills and mountains is characterized by high to very high threat of wildland fires.⁴¹ The majority of the Porterville is developed into urban uses or in active agriculture, severely reducing the risk of wildland fire. According to the

⁴¹ Tulare County General Plan Background Report. February 2010. Page 8-21.

Tulare County Background Report Figure 8-2, the majority of the City has no threat of wildfire. The proposed Project site is relatively flat in an area actively utilized with primarily rural residential and agricultural uses.

RESPONSES

- a. Substantially impair an adopted emergency response plan or emergency evacuation plan?
- b. Due to slope, prevailing winds, and other factors, exacerbate wildfire risks, and thereby expose project occupants to, pollutant concentrations from a wildfire or the uncontrolled spread of a wildfire?
- 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?
- 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?

Less Than Significant Impact. The proposed Project is located in an area developed with rural residential and agricultural uses, which precludes the risk of wildfire. The area is flat in nature which would limit the risk of downslope flooding and landslides, and limit any wildfire spread.

To receive building permits, the proposed Project would be required to be in compliance with the adopted emergency response plan. As such, any wildfire risk to the project structures or people would be *less than significant*.

Mitigation Measures: None are required.

XXI. MANDATORY FINDINGS OF SIGNIFICANCE

Would the project:

	Potentially Significant Impact	Less than Significant With Mitigation Incorporation	Less than Significant Impact	No Impact
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, 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 considerable 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 type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c. Does the project have environmental effects which will cause substantial adverse effects on human beings, either directly or indirectly?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

RESPONSES

- 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, 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?

Less than Significant Impact With Mitigation. The analyses of environmental issues contained in this Initial Study indicate that the proposed Project is not expected to have substantial impact on the environment or on any resources identified in the Initial Study. Mitigation measures have been incorporated in the project design to reduce all potentially significant impacts to *less than significant*.

b. Does the project have impacts that are individually limited, but cumulatively considerable?

(“Cumulatively considerable” means that the incremental effects of a project are considerable when viewed in connection with the effects of past projects, the effects of other current projects, and the effects of probable future projects)?

Less than Significant Impact. CEQA Guidelines Section 15064(i) states that a Lead Agency shall consider whether the cumulative impact of a project is significant and whether the effects of the project are cumulatively considerable. The assessment of the significance of the cumulative effects of a project must, therefore, be conducted in connection with the effects of past projects, other current projects, and probable future projects. Due to the nature of the Project and consistency with environmental policies, incremental contributions to impacts are considered less than cumulatively considerable. The proposed Project would not contribute substantially to adverse cumulative conditions, or create any substantial indirect impacts (i.e., increase in population could lead to an increase need for housing, increase in traffic, air pollutants, etc.). The impact is *less than significant*.

c. Does the project have environmental effects which will cause substantial adverse effects on human beings, either directly or indirectly?

Less than Significant Impact With Mitigation. The analyses of environmental issues contained in this Initial Study indicate that the project is not expected to have substantial impact on human beings, either directly or indirectly. Mitigation measures have been incorporated in the Project design to reduce all potentially significant impacts to *less than significant*.

LIST OF PREPARERS

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