



Photo 2: Western Site boundary (View east).



Photo 3: West Site boundary (View north).



Photo 4: East Site boundary (View west).



Photo 5: Ag Ditch on Northern Site Boundary



Photo 6: Drainage Ditch Along Northern Boundary

Regulatory Setting

California Environmental Quality Act

CEQA establishes that it is the policy of the State to take all action necessary to provide the people of the state “with...enjoyment of aesthetic, natural, scenic, and historic environmental qualities.” (California Public Resources Code Section 21001(b)).

Scenic Vistas

Scenic vistas are designated viewing areas or areas known for high scenic quality. A federal, State, or local agency may designate scenic vistas. Scenic vistas can also include an area designated, signed, and accessible for viewing and sightseeing. No designated Federal, State, or County scenic vistas are near the proposed Project. In addition, the City’s General Plan does not identify any aesthetic resources.

Light and Glare

A range of daytime and nighttime glare sources are typical in cities, including Tulare. Daytime sources of glare typically include reflection of the sun from buildings, car windshields, other highly reflective glass, metal surfaces, and natural surfaces such as lakes or rivers. All these sources of daytime glare occur within the City. Nighttime lighting is the primary source of glare that adversely affects nighttime views and creates sky glow. Typical sources of nighttime glare include high-intensity lighting at playfields, commercial and industrial facilities lighting, parking lot lighting, street lighting, and vehicle headlights.

State Scenic Highways

Caltrans implemented the State Scenic Highway Program to preserve the aesthetic quality of specific highway corridors. Designated highways included in this program are scenic highways. A highway is scenic based on how much of the natural landscape is visible to travelers, the quality of that landscape, and the extent to which development obstructs landscape views. No designated State Scenic Highways or highways are eligible for designation within the City of Tulare. The nearest Scenic Highway is Highway 180 in Fresno County, 35 miles north of the Project Site. Highways 190 and 198 in Tulare County are eligible Scenic Highways.

Title 24 – California Building Standards

Code Title 24, California Building Standards Code, consists of regulations to control building standards throughout the state. The following sections of Title 24 include standards related to lighting:

- Title 24, Part 1 – California Building Code / Title 24, Part 3 – California Electrical Code
 - The California Building Code (Title 24, Part 1) and the California Electrical Code (Title 24, Part 3) stipulate minimum light intensities for pedestrian pathways, circulation ways, parking lots, and paths of egress.
- Title 24, Part 6 – California Energy Code
 - The California Energy Code (CEC) (Title 24, Part 6) contains energy conservation standards applicable to all residential and non-residential building throughout California, including schools and community colleges. This Part stipulates allowances for lighting power and provides lighting control requirements for various lighting systems, with the aim of reducing energy consumption through efficient and effective use of lighting equipment.
- Title 24, Part 11 – California Green Building Standards Code
 - The California Green Building Standards Code (CALGreen) (Title 24, Part 24) is commonly referred to as the CALGreen Code. The CALGreen Code stipulates maximum allowable light levels, efficiency requirements for lighting, miscellaneous control requirements, and light trespass requirements for electric lighting and daylighting.

City of Tulare General Plan

The City of Tulare 2035 General Plan *Land Use Element* includes the following goals and policies intended to protect the City's aesthetic resources and are relevant to the proposed Project.

- Goal LU-2: To promote the productivity of agricultural lands surrounding Tulare and the continued viability of Tulare County agriculture.
 - *Policy LU-2.2: Compact Development*. The City shall promote development patterns that are compact and use space in an efficient but aesthetic manner to promote more walking, biking, and use of public transit.
 - *Policy LU-2.9: Maintain Urban Edge*. The City shall maintain a distinct urban edge, while creating a gradual transition between urban uses, rural uses, and open

space. The City shall maintain rural residential and residential estate designations or utilize project design to incorporate a distinct urban edge, along the City's edge to provide this transition.

- Goal LU-13: To promote the productivity of agricultural lands surrounding Tulare and the continued viability of Tulare County agriculture.
 - *Policy LU-13.1: City Character and Identity.* The City shall reinforce the city's unique character, scale, and identity through urban design programs, including principles and guidelines.
 - *Policy LU-13.2: City Image.* The City shall encourage a high level of design quality (architectural and landscape) for all new development in order to create a pleasant living environment, a source of community pride, and an improved overall City image.
 - *Policy LU-13.3: Innovative Development.* The City shall promote flexibility and innovation in residential, commercial, industrial, mixed-use and other land uses through the use of planned unit developments, developer agreements, specific plans, mixed-use projects, and other innovative development and planning techniques.
 - *Policy LU-13.8: Neighborhood Identification:* The City shall encourage the creation of neighborhoods which have distinct individual identities based on incorporation of high quality individual residential designs and increased emphasis on common design elements (comfortable street scales, street tree canopies, designed entrances, common landscaping, custom street lighting and signage design, common open spaces, etc.).
 - *Policy LU-13.9: Neighborhood Interaction:* The City shall encourage the inclusion of elements in residential design which stimulate neighborhood interaction, (e.g., inclusion of front porches in home design, limitations on front yard fenced areas, etc.).
 - *Policy LU-13.10: Subdivision Design:* The City shall discourage residential design approaches within subdivisions which create monotonous or non-aesthetically pleasing neighborhoods (e.g., excessive repetition in house form, setback, and building height; repetitive driveway configurations; prominence of garage doors; etc.).
 - *Policy LU-13.13: Visual Focal Points.* The City shall encourage existing and future City neighborhood and community park facilities be designed, improved, and maintained as key visual focal points, as well as recreational resources.
 - *Policy LU-13.14: Scenic Features and Views.* The City shall preserve its scenic features and view corridors to the mountains.
 - *Policy LU-13.22: Night Sky Protection.* Upon demonstrated interest by a village or neighborhood, the City will determine the best means by which to protect the visibility of the night sky.

- *Policy LU-13.24: Minimize Lighting Impacts.* The City shall ensure that lighting in residential areas and along roadways shall be designed to prevent artificial lighting from reflecting into adjacent natural or open space areas.
- *Policy LU-13.25: Outdoor Lighting.* The City shall ensure that future development includes provisions for the design of outdoor light fixtures to be directed/shielded downward and screened to avoid nighttime lighting spillover effects on adjacent land uses and nighttime sky conditions.

Tulare Municipal Code

- Section 7.28.140, Exterior Lighting: Exterior lighting shall be directed away from abutting properties so as to cause no annoying glare.
- Section 10.32.070, Design Guidelines: The following standards apply to all development occurring within the R-1 districts and are intended to facilitate high quality development that complements the character of Tulare:
 - a) The minimum width of a primary one-family dwelling or mobile home shall be 20 feet.
 - b) Manufactured homes must be certified under the National Manufactured Home Construction and Safety Standards Act of 1974.
 - c) All residential units shall be attached to a permanent foundation, pursuant to the state's Health and Safety Code.
 - d) Roofing material shall be composed of composition shingles, ceramic tile, wood shakes, wood shingles or other materials consistent with the Uniform Building Code.
 - e) Exterior siding material shall be composed of, or resemble, wood, masonry or plaster.
 - f) Siding shall extend to the ground, except when a solid concrete or masonry perimeter foundation or retaining wall is used, in which case the material need only extend to the top of the foundation or wall.
 - g) Orientation and appearance of all single-family dwellings shall be consistent and compatible with other dwelling units in the surrounding area.
 - h) A manufactured home is prohibited if more than ten years have elapsed between the date of the manufacture and the date of the application for the issuance of a permit to install the manufactured home.

Discussion

a) Would the Project have a substantial adverse effect on a scenic vista?

Less than Significant Impact: A scenic vista is defined as a viewpoint that provides expansive views of highly valued landscapes for the benefit of the public. The City of Tulare General Plan does not contain any scenic vistas. The Tulare General Plan EIR found no significant impacts on scenic vistas from the future buildout of the General Plan, including the Project area. The Project would not replace existing agricultural or Sierra Nevada views from residents. Currently, the Site consists of dead vegetation that decreases the area's aesthetics. The views of the Sierra Nevada Mountains would essentially be unaffected by

the proposed Project because of the distance between the Project Site and the mountains and the limited visibility of these features due to air quality. Additionally, the Project will include a park and tree-lined streets that can enhance the Site's aesthetics. The impact is *less than significant*.

b) Would the Project substantially damage scenic resources, including, but not limited to, trees, rock outcroppings, and historic buildings within state scenic highway?

No Impact: No designated State Scenic Highways or highways are eligible for designation within the City of Tulare. The nearest Scenic Highway is Highway 180 in Tulare County, 35 miles north of the Project Site. Highways 190 and 198 in Tulare County are eligible Scenic Highways; however, the site is not near either of these highways. The Site contains no trees, rock outcroppings, historic buildings, or other scenic resources. There is *no impact*.

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

No Impact: The proposed Project Site is located within City limits and an urbanized area. Currently, the Site is degrading the visual character of the area. The Project will substantially improve the visual character of the Site. The proposed Project would not conflict with applicable zoning or scenic quality regulations. The Project will follow all design guidelines written in *Section 10.32.070* to maintain the visual character of its surroundings. The Project would not degrade the surrounding environment's visual character or quality. There is *no impact*.

d) Would the Project create a new source of substantial light or glare which would adversely affect day or nighttime views in the area?

Less than Significant Impact: The proposed Project would create a new source of nighttime lighting from on-site lighting fixtures and vehicles going to and from the various sites. The surrounding parcels have varying degrees of development and associated lighting. This Project will also be required to reduce nighttime glow by installing light fixtures that are directed/shielded downward and screened consistent with the City of Tulare Design Guidelines. Compliance with the design guidelines requires that the use of reflective materials is limited to reduce the impacts of daytime glare. Consistency with the design guidelines will ensure that the impacts related to light and glare are *less than significant*.

II. AGRICULTURE AND FOREST RESOURCES

<p>In determining whether impacts to agricultural resources are significant environmental effects, lead agencies may refer to the California Agricultural Land Evaluation and Site Assessment Model (1997) prepared by the California Department of Conservation as an optional model to use in assessing impacts on agriculture and farmland. In determining whether impacts to forest resources, including timberland, are significant environmental effects, lead agencies may refer to information compiled by the California Department of Forestry and Fire Protection regarding the state’s inventory of forest land, including the Forest and Range Assessment Project and the Forest Legacy Assessment Project; and forest carbon measurement methodology provided in the Forest Protocols adopted by the California Air Resources Board. Would the Project:</p>	<p>Potentially Significant Impact</p>	<p>Less Than Significant With Mitigation Incorporation</p>	<p>Less than Significant Impact</p>	<p>No Impact</p>
<p>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?</p>	<p><input type="checkbox"/></p>	<p><input type="checkbox"/></p>	<p><input checked="" type="checkbox"/></p>	<p><input type="checkbox"/></p>
<p>b) Conflict with existing zoning for agricultural use, or a Williamson Act Contract?</p>	<p><input type="checkbox"/></p>	<p><input type="checkbox"/></p>	<p><input type="checkbox"/></p>	<p><input checked="" type="checkbox"/></p>
<p>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</p>	<p><input type="checkbox"/></p>	<p><input type="checkbox"/></p>	<p><input type="checkbox"/></p>	<p><input checked="" type="checkbox"/></p>

timberland Production (as defined by Government Code section 51104(g))?				
d) Result in the loss of forestland 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 forestland to non-forest use?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

Environmental Setting

Agriculture is a vital component of Tulare’s economy and is a significant source of the City’s cultural identity. According to the Tulare County Crop & Livestock 2021 Annual Report, Tulare County had a total gross production value of \$8,089,621,300, representing a 13.3% increase over 2020 production value of \$7,140,076,500. Forty-two commodities have a gross value of over \$1,000,000. The top 5 commodities for Tulare County in 2020 and 2021 were Milk, Oranges, Grapes, Cattle, and Pistachios. As such, preserving the productivity of agricultural lands is integral to maintaining the City’s culture and economic viability. The proposed Project Site is designated as *Prime Farmland* under the Important Farmland Mapping and Monitoring Program (FMMP) but is not currently under agricultural use.

Regulatory Setting

California Land Conservation Act of 1965

The California Land Conservation Act of 1965, commonly called the Williamson Act, allows local governments to enter contracts with private landowners to restrict the activities on specific parcels of land to agricultural or open space uses. The landowners benefit from the contract by receiving significantly reduced property tax assessments. The California Department of Conservation oversees the California Land Conservation Act; however, local governments are responsible for determining specific allowed uses and enforcing the contract. The City of Tulare General Plan states that the City encourages using Williamson Act contracts on parcels outside the urban development boundary.

California Farmland Mapping and Monitoring Program (FMMP)

The California Department of Conservation (DOC) implemented the FMMP to conserve and protect agricultural lands within the State. The land included in this program is based on soil type, annual crop yields, and other factors that influence the quality of farmland. The FMMP mapping categories for the most crucial statewide farmland are as follows:

- **Prime Farmland** has the ideal physical and chemical composition for crop production. It has been used for irrigated production four years before classification and can produce sustained yields.
- **Farmland of Statewide Importance** has been used for irrigated production four years before classification and is only slightly poorer quality than Prime Farmland.
- **Unique Farmland** has been cropped in the four years before classification and does not meet the criteria for Prime Farmland or Farmland of Statewide Importance but has produced specific crops with high economic value.
- **Farmland of Local Importance** encompasses farmland that does not meet the criteria for the last three categories. These may lack irrigation or significant crops, and/or support dairy.
- **Grazing Land** has vegetation that is suitable for grazing livestock.

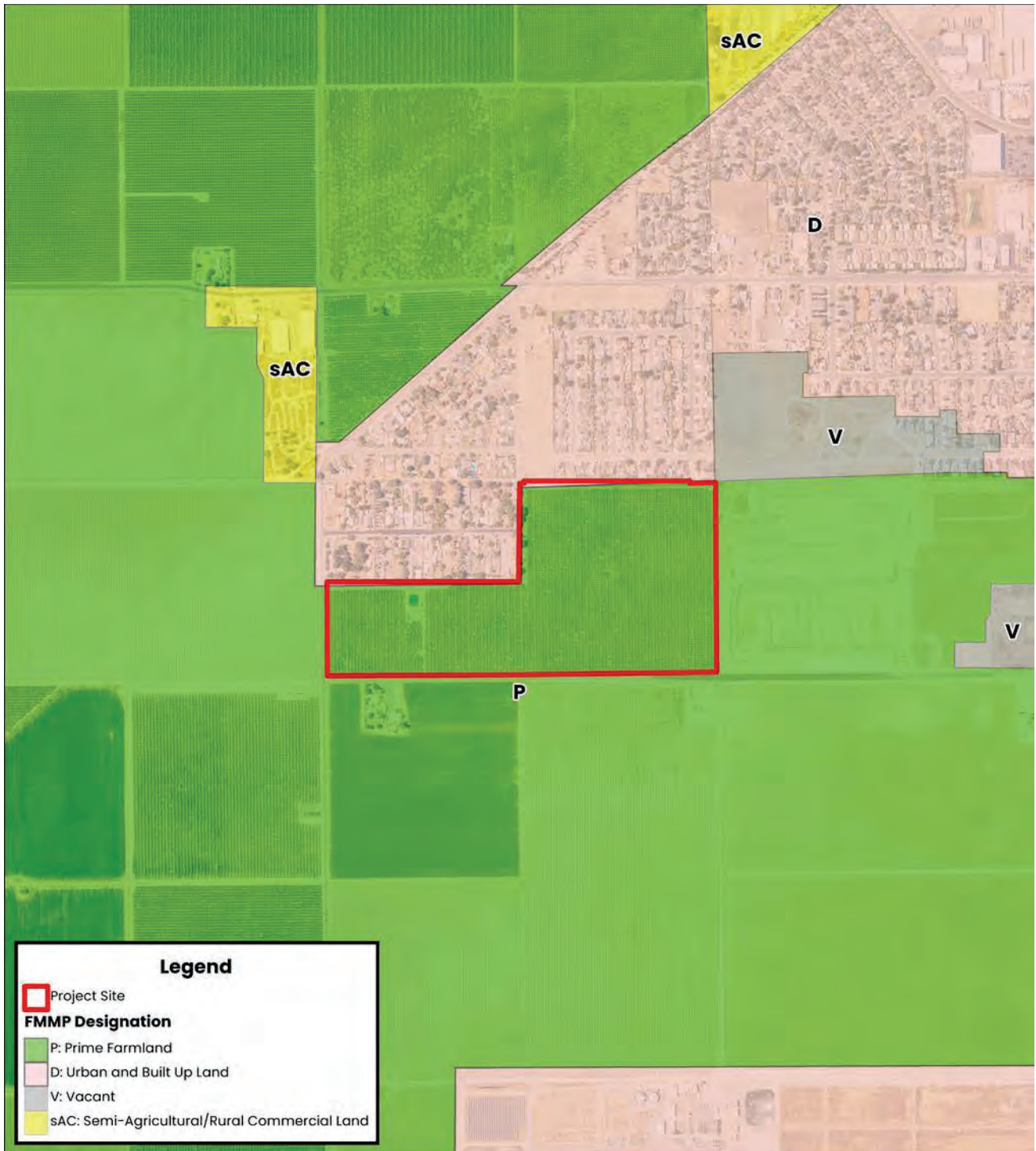
City of Tulare General Plan

The City of Tulare 2035 General Plan *Conservation and Open Space Element* includes the following goals and policies intended to protect the City's agricultural resources and are relevant to the proposed Project.

Agricultural Resources

- Goal COS-3: To promote the productivity of agricultural lands surrounding Tulare and the continued viability of Tulare County agriculture.
 - *Policy COS-3.2 Agricultural Buffers*. The City shall require that agricultural land uses designated for long-term protection (in a Williamson Act contract or under a conservation easement located outside the City's UDB) shall be buffered from urban land uses through the use of techniques including, but not limited to, spatial separations (e.g. greenbelts, open space setbacks, etc.), transitions in density, soundwalls, fencing, and/or berming.
 - *Policy COS-3.3: Agricultural Disclosures*. The City shall require that developers of residential projects, which are within general proximity of agricultural operations in the city, to provide notification to new homeowners within their deeds of the City's right to farm ordinance.
 - *Policy COS-3.4: Discourage Leapfrog Development*. The City shall discourage leapfrog development (defined as urban development more than 1/2 mile from existing urban development) and development of peninsulas extending into agricultural lands to avoid adverse effects on agricultural operations and contribute to premature conversion.
 - *Policy COS-3.7: Supportive Agricultural Services*. The City shall continue to encourage the development of business and services necessary to support agriculture.
 - *Policy COS-3.12: Mitigation for Agricultural Land Conversion*. The City shall create and adopt a mitigation program to address the conversion of Prime Farmland & Farmland of Statewide Importance within the UDB and outside the city limits to non-agricultural uses. This mitigation program shall:

- Require a 1:1 ratio of agricultural land preserved for every acre of land converted.
 - Require land to be preserved be equivalent to the land converted, e.g. Prime Farmland, and further require that the land to be preserved has adequate existing water supply to support agricultural use, is designated and zoned for agriculture, is located outside of a city UDB, and is within the southern San Joaquin Valley.
 - Require mitigation prior to or at time of impact.
 - Allow mitigation to be provided either by purchase of agricultural easements or by payment of agricultural mitigation fees, but state that purchase of conservation easements is the preferred form of mitigation. Both purchase of easements and payment of mitigation fees should cover not only the cost of an agricultural easement, but additional costs of transactional fees and administering, monitoring, and enforcing the easement.
 - Require easements to be held by and/or mitigation fees to be transferred to a qualifying entity, such as a local land trust with demonstrated experience administering, monitoring, and enforcing agricultural easements.
 - Require the qualifying entity to submit annual status and monitoring reports to the City and to Tulare County.
 - Allow stacking of conservation and agricultural easements if habitat needs of species on conservation easement are compatible with agricultural activities/use on agricultural easement.
 - Allow exemptions for conversion of land to agricultural tourism uses, agricultural processing uses, agricultural buffers, public facilities, and roadways.
- *Policy COS-3.13: Farmland Trust and Funding Sources.* The City shall encourage the trust or other qualifying entity to pursue a variety of funding sources (grants, donations, taxes, or other funds) to fund further implementation of mitigation for agricultural land conversion.






 4CREEKS Date: 11/6/2023	<h2>Important Farmlands Map</h2> <h3>Sherwood South Subdivision</h3> <p>City of Tulare</p>	  1 in = 1,000 ft
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Figure 3-3: Important Farmlands Map

Discussion

- a) Would the Project convert Prime Farmland, Unique Farmland, or Farmland of Statewide Importance (Farmland), as shown on the maps prepared pursuant to the Farmland Mapping and Monitoring Program of the California Resources Agency, to non-agricultural use?**

Less than significant: The FMMP has designated the proposed Site *Prime Farmland*. The Project would convert approximately 59.30 acres of Prime Farmland to non-agricultural uses. The conversion of this Project would be minimal compared to the County's total amount of agricultural land and Prime Farmland. Additionally, the Project is within the City's limits and is planned for residential uses. The impacts have been studied and mitigated in the General Plan EIR. Therefore, the impacts would be *less than significant*.

- b) Would the Project conflict with existing zoning for agricultural use, or a Williamson Act Contract?**

No Impact: The proposed Project Site is not zoned for agricultural use or under a Williamson Act Contract. The existing zoning is R-1-5, single family residential and proposed zoning designation is R-1-5 and RM2, multiple family residential. There is *no impact*.

- c) Would the Project conflict with existing zoning for, or cause rezoning of, forest land (as defined in Public Resources Code section 12220(g)), timberland (as defined by Public Resources Code section 4526), or timberland zoned timberland Production (as defined by Government Code section 51104(g))?**

No Impact: The Project site is not within the vicinity of a forest 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)). According to the City of Tulare General Plan, the Project site does not include any land used or designated for timber, forest land, or timber harvesting industry. Therefore, the Project would not conflict with existing zoning or cause rezoning of forest land. Therefore, *no impacts* would occur.

- d) Would the Project result in the loss of forestland or conversion of forest land to non-forest use?**

No Impact: No conversion of forestland, as defined under the Public Resource Code or General Code, will occur as a result of the Project, and there will be *no impacts*.

- e) **Would the Project 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 forestland to non-forest use?**

Less than Significant Impact: The proposed Project would develop a Site designated Prime Farmland by the DOC FMMP for non-agricultural use. The proposed Project is not under active agricultural use and is planned for residential development in the City's General Plan. The Project is within the City's limits. The impacts have been studied and mitigated in the General Plan EIR. The Project includes no features that could convert forestland to non-forest use. Therefore, the impact is *less than significant*.

III. AIR QUALITY

Where available, the significance criteria established by the applicable air quality management district or air pollution control district may be relied upon to make the following determinations. 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) adversely affecting a substantial number of people?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

Environmental Setting

Air pollution is directly related to regional topography. Topographic features can either stimulate the movement of air or restrict air movement. Based on topographic air drainage features, California can be divided into regional air basins. The Project Site is within the San Joaquin Valley Air Basin (SJVAB), which borders the Sierra Nevada Mountains to the east, Coastal Ranges to the west, and the Tehachapi Mountains to the south. The mountain ranges surrounding the SJVAB serve to restrict air movement and prevent the dispersal of pollution.

Air quality is described in terms of emissions rate and concentration of emissions. An emissions rate is the amount of pollutants released into the atmosphere by a given source over a specified period. Emissions rates are expressed in units such as pounds per hour (lbs/hr) or tons per year (tpy). Concentrations of emissions, on the other hand, represent the amount of pollutants in a given space at any time. Concentration is expressed in micrograms per cubic meter, kilograms per metric ton, or parts per million. There are four primary sources of air pollution within the SJVAB: motor vehicles, stationary sources, agricultural activities, and construction activities.

Criteria air pollutants are classified in each air basin, county, or, in some cases, within a specific urbanized area. The classification is determined by comparing actual monitoring data with state and federal standards. If a pollutant concentration is lower than the standard, the pollutant is classified as "attainment." in that area. If an area exceeds the standard, the pollutant is classified as "nonattainment." If insufficient data is available to determine whether the standard is exceeded in an area, the area is designated "unclassified." Table 3-1 shows that the SJVAB is nonattainment for several pollutant standards.

Pollutant	Designation/Classification	
	Federal Standards	State Standards
Ozone – One hour	No Federal Standard ^D	Nonattainment/Severe
Ozone – Eight hour	Nonattainment/Extreme ^C	Nonattainment
PM 10	Attainment ^A	Nonattainment
PM 2.5	Nonattainment ^B	Nonattainment
Carbon Monoxide	Attainment/Unclassified	Attainment/Unclassified
Nitrogen Dioxide	Attainment/Unclassified	Attainment
Sulfur Dioxide	Attainment/Unclassified	Attainment
Lead (Particulate)	No Designation/Classification	Attainment
Hydrogen Sulfide	No Federal Standard	Unclassified
Sulfates	No Federal Standard	Attainment
Visibility Reducing Particles	No Federal Standard	Unclassified
Vinyl Chloride	No Federal Standard	Attainment

A. On September 25, 2008, EPA redesignated the San Joaquin Valley to attainment for the PM10 National Ambient Air Quality Standard (NAAQS) and approved the PM10 Maintenance Plan.
B. The Valley is designated nonattainment for the 1997 PM2.5 NAAQS. EPA designated the Valley as nonattainment for the 2006 PM2.5 NAAQS on November 13, 2009 (effective December 14, 2009).
C. Though the Valley was initially classified as serious nonattainment for the 1997 8-hour ozone standard, EPA approved Valley reclassification to extreme nonattainment in the Federal Register on May 5, 2010 (effective June 4, 2010).
D. Effective June 15, 2005, the U.S. Environmental Protection Agency (EPA) revoked the federal 1-hour ozone standard, including associated designations and classifications. EPA had previously classified the SJVAB as extreme nonattainment for this standard. EPA approved the 2004 Extreme Ozone Attainment Demonstration Plan on March 8, 2010 (effective April 7, 2010). Many applicable requirements for extreme 1-hour ozone nonattainment areas continue to apply to the SJVAB.

Table 3-1. San Joaquin Valley Attainment Status; Source: SJVAPCD

Regulatory Setting

Assembly Bills 1807 and 2588: Tanner Air Toxics Act

California enforces regulations on harmful airborne pollutants known as toxic air contaminants (TACs) primarily through two key legislations: the Tanner Air Toxics Act (AB 1807) and the Air Toxics Hot Spots Information and Assessment Act of 1987 (AB 2588). The Tanner Act outlines a formal procedure wherein the California Air Resources Board (CARB) determines which substances qualify as TACs. This process involves extensive research, public involvement, and scientific peer review to ensure accurate identification. Thus far, CARB has recognized over 21 TACs and has incorporated the Environmental Protection Agency's (EPA) list of Hazardous Air Pollutants (HAPs) into its own TACs list. Diesel Particulate Matter (PM) was recently included as a TAC in CARB's updated list. Once a TAC is identified, CARB establishes an Airborne Toxics Control Measure specifically targeting emissions from sources associated with that particular TAC. CARB's current list of TACs is listed below:

1,3-Butadiene
Asbestos

Ethylene Oxide
Formaldehyde

Benzene	Hexavalent chromium
Cadmium	Inorganic Arsenic
Carbon Tetrachloride	Inorganic Lead
Chloroform	Methylene Chloride
Dibenzo-p-dioxins and Dibenzofurans	Nickel
Environmental Tobacco Smoke	Particulate Emissions from Diesel-Fueled Engines
EPA Hazardous Air Pollutants (187)	Perchloroethylene
Ethylene Dibromide	Trichloroethylene
Ethylene Dichloride	Vinyl chloride

Assembly Bill 170

In 2003, state lawmakers introduced and passed Assembly Bill 170, also known as the Reyes Bill. This legislation led to GC Section 65302.1, which imposes an obligation on cities and counties in the San Joaquin Valley. They must make amendments to their general plans, incorporating essential elements such as data and analysis, comprehensive goals, policies, and feasible implementation strategies to enhance air quality within their respective jurisdictions. AB 170 is a pivotal measure to ensure local entities take proactive steps to address and improve air quality conditions in the San Joaquin Valley region.

Federal Clean Air Act

The 1977 Federal Clean Air Act (CAA) authorized the establishment of the National Ambient Air Quality Standards (NAAQS) and set deadlines for their attainment. The Clean Air Act identifies specific emission reduction goals, requires a demonstration of reasonable further progress and an attainment demonstration, and incorporates more stringent sanctions for failure to meet interim milestones. The U.S. EPA is the federal agency charged with administering the Act and other air quality-related legislation. EPA's principal functions include setting NAAQS, establishing minimum national emission limits for significant sources of pollution, and promulgating regulations. Under CAA, the NCCAB is identified as an attainment area for all pollutants.

California Clean Air Act

The CARB coordinates and oversees California's State and Federal air pollution control programs. As part of this responsibility, the CARB monitors the air quality, establishes California Ambient Air Quality Standards, and limits allowable emissions from vehicular sources. Regulatory authority within established air basins is provided by air pollution control and management districts, which control stationary-source and most categories of area-source emissions and develop regional air quality plans. The Project is in the San Joaquin Valley Air Pollution Control District (SJVAPCD) jurisdiction. The state and federal standards for the pollutants criteria are presented in Section 8.4 of The San Joaquin Valley Unified Air Pollution Control District's 2015 "Guidance for Assessing and Mitigating Air Quality Impacts." These standards are designed to protect public health and welfare. The "primary" standards have been established to protect public health. The "secondary" standards are intended to protect the nation's welfare and account for air pollutant effects on soils, water, visibility, materials, vegetation, and other aspects of the general welfare. The U.S. EPA revoked the national 1-hour

ozone standard on June 15, 2005, and the annual PM₁₀ standard on September 21, 2006, when a new PM_{2.5} 24-hour standard was established.

Pollutant	Averaging Time	California Standards ¹		National Standards ²		
		Concentration ³	Method ⁴	Primary ^{3,5}	Secondary ^{3,6}	Method ⁷
Ozone (O₃)	1 Hour	0.09 ppm (180 µg/m ³)	Ultraviolet Photometry	--	Same as Primary Standard	Ultraviolet 8 Hour Photometry
	8 Hour	0.070 ppm (137 µg/m ³)		0.075 ppm (147 µg/m ³)		
Respirable Particulate Matter (PM₁₀)	24 Hour	50 µg/m ³	Gravimetric or Beta Attenuation	150 µg/m ³	Same as Primary Standard	Inertial Separation and Gravimetric Annual Analysis
	Annual Arithmetic Mean	20 µg/m ³		--		
Fine Particulate Matter (PM_{2.5})	24 Hour		Gravimetric or Beta Attenuation	35 µg/m ³	Same as Primary Standard	Inertial Separation and Gravimetric Annual Analysis
	Annual Arithmetic Mean	12 µg/m ³		15 µg/m ³		
Carbon Monoxide (CO)	1 Hour	20 ppm (23 mg/m ³)	Non-Dispersive Infrared Photometry (NDIR)	35 ppm (40 mg/m ³)	--	Non-Dispersive Infrared Photometry (NDIR)
	8 Hour	9.0 ppm (10 mg/m ³)		9 ppm (10 mg/m ³)	--	
	8 Hour (Lake Tahoe)	6 ppm (7 mg/m ³)		--	--	
Nitrogen Dioxide (NO₂)⁸	1 Hour	0.18 ppm (339 µg/m ³)	Gas Phase Chemiluminescence	100 ppb (188 µg/m ³)	--	Gas Phase Annual Chemiluminescence
	Arithmetic Mean	0.030 ppm (57 µg/m ³)		53 ppb (100 µg/m ³)	Same as Primary Standard	
Sulfur Dioxide	1 Hour	0.25 ppm (655 µg/m ³)	Ultraviolet Fluorescence	75 ppb (196 µg/m ³)	--	Ultraviolet Fluorescence; Spectrophotometry (Pararosaniline Method)
	3 Hour	--		--	0.5 ppm (1300 µg/m ³)	
	24 Hour	0.04 ppm (105 µg/m ³)		0.14 ppm (for certain areas) ⁹	--	
	Annual Arithmetic Mean	--		0.030 ppm (for certain areas) ⁹	--	
Lead^{10,11}	30 Day Average	1.5 µg/m ³	Atomic Absorption	--	--	High Volume Sampler and Atomic Absorption
	Calendar Quarter	--		1.5 µg/m ³ (for certain areas) ¹¹	Same as Primary Standard	
	Rolling 3- Month Average	--		0.15 µg/m ³		
Visibility Reducing Particles¹²	8 Hour	See footnote 12	Beta Attenuation and Transmittance through Filter Tape	No National Standard		

Sulfates	24 Hour	25 $\mu\text{g}/\text{m}^3$	Ion Chromatography
Hydrogen Sulfide	1 Hour	0.03 ppm (42 $\mu\text{g}/\text{m}^3$)	Ultraviolet Fluorescence
Vinyl Chloride¹⁰	24 Hour	0.01 ppm (26 $\mu\text{g}/\text{m}^3$)	Gas Chromatography

1. California standards for ozone, carbon monoxide (except 8-hour Lake Tahoe), sulfur dioxide (1 and 24 hour), nitrogen dioxide, and particulate matter (PM10, PM2.5, and visibility reducing particles), are values that are not to be exceeded. All others are not to be equaled or exceeded. California ambient air quality standards are listed in the Table of Standards in Section 70200 of Title 17 of the California Code of Regulations.

2. National standards (other than ozone, particulate matter, and those based on annual arithmetic mean) are not to be exceeded more than once a year. The ozone standard is attained when the fourth highest 8-hour concentration measured at each Site in a year, averaged over three years, is equal to or less than the standard. For PM10, the 24 hour standard is attained when the expected number of days per calendar year with a 24-hour average concentration above 150 $\mu\text{g}/\text{m}^3$ is equal to or less than one. For PM2.5, the 24 hour standard is attained when 98 percent of the daily concentrations, averaged over three years, are equal to or less than the standard. Contact the U.S. EPA for further clarification and current national policies.

3. Concentration expressed first in units in which it was promulgated. Equivalent units given in parentheses are based upon a reference temperature of 25°C and a reference pressure of 760 torr. Most measurements of air quality are to be corrected to a reference temperature of 25°C and a reference pressure of 760 torr; ppm in this table refers to ppm by volume, or micromoles of pollutant per mole of gas.

4. Any equivalent measurement method which can be shown to the satisfaction of the ARB to give equivalent results at or near the level of the air quality standard may be used.

5. National Primary Standards: The levels of air quality necessary, with an adequate margin of safety to protect the public health.

6. National Secondary Standards: The levels of air quality necessary to protect the public welfare from any known or anticipated adverse effects of a pollutant.

7. Reference method as described by the U.S. EPA. An "equivalent method" of measurement may be used but must have a "consistent relationship to the reference method" and must be approved by the U.S. EPA.

8. To attain the 1-hour national standard, the 3-year average of the annual 98th percentile of the 1-hour daily maximum concentrations at each Site must not exceed 100 ppb. Note that the national standards are in units of parts per billion (ppb). California standards are in units of parts per million (ppm). To directly compare the national standards to the California standards the units can be converted from ppb to ppm. In this case, the national standards of 53 ppb and 100 ppb are identical to 0.053 ppm and 0.100 ppm, respectively.

9. On June 2, 2010, a new 1-hour SO2 standard was established and the existing 24-hour and annual primary standards were revoked. To attain the 1-hour national standard, the 3-year average of the annual 99th percentile of the 1-hour daily maximum concentrations at each Site must not exceed 75 ppb. The 1971 SO2 national standards (24-hour and annual) remain in effect until one year after an area is designated for the 2010 standard, except that in areas designated nonattainment for the 1971 standards, the 1971 standards remain in effect until implementation plans to attain or maintain the 2010 standards are approved. Note that the 1-hour national standard is in units of parts per billion (ppb). California standards are in units of parts per million (ppm). To directly compare the 1-hour national standard to the California standard the units can be converted to ppm. In this case, the national standard of 75 ppb is identical to 0.075 ppm.

10. The ARB has identified lead and vinyl chloride as "toxic air contaminants" with no threshold level of exposure for adverse health effects determined. These actions allow for the implementation of control measures at levels below the ambient concentrations specified for these pollutants.

11. The national standard for lead was revised on October 15, 2008 to a rolling 3-month average. The 1978 lead standard (1.5 $\mu\text{g}/\text{m}^3$ as a quarterly average) remains in effect until one year after an area is designated for the 2008 standard, except that in areas designated nonattainment for the 1978 standard, the 1978 standard remains in effect until implementation plans to attain or maintain the 2008 standard are approved.

12. In 1989, the ARB converted both the general statewide 10-mile visibility standard and the Lake Tahoe 30-mile visibility standard to instrumental equivalents, which are "extinction of 0.23 per kilometer" and "extinction of 0.07 per kilometer" for the statewide and Lake Tahoe Air Basin standards, respectively.

Table 3-2. Ambient Air Quality Standards; Source: SJVAPCD

San Joaquin Valley Air Pollution Control District (SJVAPCD)

The SJVAPCD enforces air quality standards in the Project area. To meet state and federal air quality objectives, the SJVAPCD adopted thresholds of significance for Projects (Table 3-3). Additionally, the following SJVAPCD rules and regulations may apply to the proposed Project:

- **Rule 3135:** Dust Control Plan Fee. All Projects that include construction, demolition, excavation, extraction, or other earth-moving activities as defined by Regulation VIII (Described below) must submit a Dust Control Plan and required fees to mitigate dust-related impacts.
- **Rule 4101:** Visible Emissions. District Rule 4101 prohibits visible emissions of air contaminants that are dark in color or have the potential to obstruct visibility.
- **Rule 4601:** Architectural Coatings. Rule 4601 limits VOC emissions from architectural coatings by regulating the storage, cleanup, and labeling.
- **Rule 4622:** Gasoline Transfer into Motor Vehicle Fuel Tanks. The purpose of this rule is to limit emissions of gasoline vapors from the transfer of gasoline into motor vehicle fuel tanks. It applies to any gasoline storage and dispensing operation or mobile fueler from which gasoline is transferred into motor vehicle fuel tanks with limited exceptions.
- **Rule 5672:** Petroleum Solvent Dry Cleaning Operations. This rule applies to petroleum solvent washers, dryers, solvent filters, settling tanks, vacuum stills, and other containers and conveyors of petroleum solvents used in petroleum solvent dry cleaning facilities.

This rule requires recordkeeping, test methods, and a compliance schedule to limit VOC emissions from petroleum solvent dry-cleaning operations.

- **Rule 7070:** This rule incorporates the Airborne Toxic Control Measure (ATCM) for Emissions of Perchloroethylene from Dry Cleaning and Water-Repelling Operations from the California Code of Regulations (CCR) Sections 93109 through 93109.2 and applies to any person who sells or distributes perchloroethylene to dry cleaners in the District or who sells, distributes, installs, owns, or operates dry cleaning equipment in the District that uses solvents that contain perchloroethylene.
- **Rule 9510:** Indirect Source Review (ISR). This rule reduces the impact of PM10 and NOX emissions from growth on the SJVB. This rule places application and emission reduction requirements on applicable development Projects to reduce emissions through onsite mitigation, offsite SJVAPCD-administered Projects, or a combination of the two. This Project will submit an Air Impact Assessment (AIA) application under Rule 9510's requirements.
- **Regulation VIII:** Fugitive PM10 Prohibitions. Regulation VIII comprises eight rules that limit PM10 emissions by reducing fugitive dust. These rules contain required management practices to limit PM10 emissions during construction, demolition, excavation, extraction, or other earth-moving activities.

Pollutant/ Precursor	Construction Emissions	Operational Emissions	
		Permitted Equipment and Activities	Non-Permitted Equipment and Activities
	Emissions (tpy)	Emissions (tpy)	Emissions (tpy)
CO	100	100	100
Nox	10	10	10
ROG	10	10	10
SOx	27	27	27
PM10	15	15	15
PM2.5	15	15	15

Table 3-3. SJVAPCD Thresholds of Significance for Criteria Pollutants; Source: SJVAPCD

City of Tulare General Plan

The City of Tulare 2035 General Plan *Air Quality Element* includes the following goals and policies intended to protect the City's air quality and are relevant to the proposed Project.

Air Quality

- Goal AQ-1: To promote better air quality conditions locally and regionally.
 - *Policy AQ-1.2: Cumulative Air Quality Impacts.* The City shall require developments to be located, designed, and constructed in a manner that would minimize cumulative air quality impacts. Developers shall be required to present alternatives that reduce air emissions and enhance, rather than harm, the environment.
 - *Policy AQ-1.5: CEQA Compliance.* The City shall ensure that air quality impacts identified during the CEQA review process are fairly and consistently mitigated.

- Goal AQ-2: To improve air quality by reducing single-occupancy vehicle trips and encouraging the use of alternative transportation.
 - *Policy AQ-2.2: Indirect Source Review.* The City shall require major development projects, as defined by the SJVAPCD, to mitigate air quality impacts associated with the project. As feasible the City shall work with SJVAPCD to determine mitigations that may include, but are not limited to the following:
 - Providing bicycle access and parking facilities,
 - Increasing density,
 - Encouraging mixed use developments,
 - Providing walkable and pedestrian-oriented neighborhoods,
 - Providing increased access to public transportation,
 - Providing preferential parking for high-occupancy vehicles, carpools, or alternative fuels vehicles, and
 - Establishing telecommuting programs or satellite work centers.
 - *Policy AQ-2.6: Landscape.* The City shall encourage the use of ecologically based landscape design principles that can improve local air quality by absorbing carbon dioxide, producing oxygen, and filtering particulates. These principles include, but are not limited to, the incorporation of parks, landscaped medians, and landscaping within development.
 - *Policy AQ-2.7: Mixed Land Uses.* The City shall encourage the mixing of land uses that generate high trip volumes, especially when such uses can be mixed with support services and where they can be served by public transportation.
- Goal AQ-3: To reduce the presence of particulate matter and other pollutants in Tulare's air.
 - *Policy AQ-3.1: Air Pollution Control Technology.* The City shall utilize the Best Available Control Measures (BACM) and Reasonably Available Control Measures (RACM) as adopted by the City to maintain healthful air quality and high visibility standards. These measures shall be applied to new development approvals and permit modifications as appropriate.
 - *Policy AQ-3.2: Dust Suppression Measures.* The City shall require developers to implement Best Management Practices including dust suppression measures during excavation, grading, and site preparation activities: Techniques may include, but are not limited to, the following:
 - Site watering or application of dust suppressants,
 - Phasing or extension of grading operations,
 - Covering of stockpiles,
 - Suspension of grading activities during high wind periods (typically winds greater than 25 miles per hour), and
 - Revegetation of graded areas.
 - *Policy AQ-3.5: Construction Emissions.* The City shall require construction firms to reduce construction exhaust emissions to further aid in the reduction of PM10, ROG, and NOx emissions.

Discussion

a) Would the Project conflict with or obstruct implementation of the applicable air quality plan?

Less than Significant Impact: The proposed Project is situated within the jurisdiction of the SJVAPCD and would generate regulated air pollutant emissions during both its construction and operational phases. The SJVAPCD is tasked with achieving compliance with federal and state air quality standards in the City of Tulare. The district maintains Particulate Matter (PM) Plans, Ozone Plans, and Carbon Monoxide Plans, which collectively form the clean air plan for the basin. These plans establish the necessary emission reductions to attain federal and state air quality standards and outline strategies to achieve them. A project is deemed consistent with SJVAPCD air quality plans if its emitted pollutants do not surpass the district's emission thresholds or result in a significant air quality impact.

Construction Phase. Project construction would produce pollutant emissions from activities including site preparation, grading, building construction, application of architectural coatings, and paving. Emissions associated with these activities were quantified using CalEEMod. As indicated in Table 3-4 below, the maximum annual construction-related emissions remain below the thresholds of significance set by the SJVAPCD. Furthermore, adherence to SJVAPCD Regulation VIII would additionally mitigate construction dust impacts.

	CO (tpy)	ROG (tpy)	SOx (tpy) ¹	NOx (tpy)	PM10 (tpy)	PM2.5 (tpy)
Maximum Annual Emissions Generated from Project Construction²	3.60	1.62	0.01	0.54	0.94	0.42
SJVAPCD Air Quality Thresholds of Significance	100	10	27	10	15	15
1. Threshold established by SJVAPCD for SOx; however, emissions are reported as SO2 by CalEEMod.						
2. Values presented are mitigated emissions calculated by CalEEMod						

Table 3-4. Projected Project Emissions Compared to SJVAPCD Thresholds of Significance for Criteria Pollutants related to Construction; Source: SJVAPCD, CalEEMod Analysis (Appendix A)

Operational Phase. Execution of the proposed Project would generate long-term emissions from area sources, including natural gas consumption, landscaping, applications of architectural coatings, and consumer products, as well as from mobile emissions. These emissions were quantified using CalEEMod. The complete CalEEMod Report is available in Appendix A. As shown in Table 3-5 below, the Project's operational emissions do not exceed the thresholds established by the SJVAPCD.

	CO (tpy)	ROG (tpy)	SOx (tpy) ¹	NOx (tpy)	PM10 (tpy)	PM2.5 (tpy)
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Maximum Annual Emissions Generated from Project Operations²	13.8	3.79	0.03	2.32	2.91	0.79
SJVAPCD Air Quality Thresholds of Significance	100	10	27	10	15	15
1. Threshold established by SJVAPCD for SO _x ; however, emissions are reported as SO ₂ by CalEEMod.						
2. Values presented are mitigated emissions calculated by CalEEMod						

Table 3-5. Projected Project Emissions Compared to SJVAPCD Thresholds of Significance for Criteria Pollutants related to Operations; Source: SJVAPCD, CalEEMod Analysis (Appendix A)

Since emissions from both the construction and operational phases of the proposed Project fall below the SJVAPCD's thresholds of significance, and the Project will comply with all applicable SJVAPCD rules, it would not conflict with or obstruct the implementation of an applicable air quality plan. The impact is *less than significant*.

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

Less Than Significant Impact: The San Joaquin Valley Air Basin is designated as nonattainment for several criteria pollutants, including ozone, particulate matter 10 microns or less in diameter (PM₁₀), and particulate matter 2.5 microns or less in diameter (PM_{2.5}), under applicable federal and state ambient air quality standards. The SJVAPCD addresses cumulative impacts on air quality in Section 8.8, "Thresholds of Significance – Cumulative Impacts," of its 2015 Guide for Assessing and Mitigating Air Quality Impacts (GAMAQI). In developing these significance thresholds, the SJVAPCD incorporated consideration of basin-wide cumulative impacts on air quality. A project's emissions are deemed not cumulatively considerable if they remain below the established thresholds for criteria pollutants.

The Health Risk Assessment (HRA) for the Sherwood South Subdivision, prepared in September 2025, quantifies Project emissions using CalEEMod, with results provided in Appendix A. Although the HRA primarily evaluates toxic air contaminants such as diesel particulate matter, it includes an Ambient Air Quality Analysis (AAQA) screening for criteria pollutants. As shown in Table 3, maximum daily emissions during construction and operation are below the SJVAPCD's 100 lb/day screening threshold for all criteria pollutants, indicating no localized exceedance of National Ambient Air Quality Standards or California Ambient Air Quality Standards. Given the limited scale of the Project and the low daily emission levels, annual emissions are anticipated to remain well below the SJVAPCD thresholds of significance. Compliance with SJVAPCD rules and regulations, including Mitigation Measure HRA-1 requiring Tier 4 Final engine controls for off-road construction equipment, further addresses any potential cumulative contributions from operational emissions.

Because the construction and operational emissions fall below the significance thresholds established by the SJVAPCD, and adherence to district regulations mitigates cumulative effects, the Project would not result in a cumulatively considerable net increase of any criteria pollutant. The impact is less than significant.

c) Would the Project expose sensitive receptors to substantial pollutant concentrations?

Less Than Significant Impact with Mitigation Incorporated: The existing residential developments located to the north and east of the Project site represent the closest sensitive receptors. According to Table 1-1 of the California Air Resources Board Air Quality and Land Use Handbook (2005), which provides advisory recommendations for distancing sensitive receptors from various pollution source categories, the proposed residential subdivision will not introduce any of the listed sources, such as industrial facilities or high-volume roadways. The Project includes the development of 209 single-family and 76 multi-family residential units, a 2.8-acre park, a stormwater basin, and associated site improvements on a 59.3-acre site previously used for agricultural purposes but currently covered in weeds and bare dirt.

Construction Phase. The construction phase, anticipated to span approximately 5 years starting as early as January 2026, would generate diesel particulate matter (DPM), a known carcinogen and toxic air contaminant (TAC), from off-road equipment and vehicles. A detailed Health Risk Assessment (HRA) was conducted in accordance with guidelines from the Office of Environmental Health Hazard Assessment (OEHHA), SJVAPCD Policy APR 1906, and SJVAPCD Guidance for Air Dispersion Modeling. This analysis utilized the California Emissions Estimator Model (CalEEMod) for emissions estimation, the U.S. Environmental Protection Agency's American Meteorological Society/EPA Regulatory Model (AERMOD) for dispersion modeling, and the California Air Resources Board's Hotspots Analysis and Reporting Program (HARP2) Air Dispersion Modeling and Risk Tool (ADMRT) for risk quantification.

Unmitigated construction DPM emissions were modeled to assess carcinogenic, acute, and chronic health risks to nearby sensitive receptors. The SJVAPCD thresholds of significance are 20 in one million for excess cancer risk, 1.0 for acute hazard index, and 1.0 for chronic hazard index. Following the application of Mitigation Measure HRA-1, which requires the use of Tier 4 Final engine controls for off-road construction equipment, the modeled health risks were reduced below these thresholds (e.g., maximum cancer risk below 20 in one million). Although DPM exposure could potentially affect sensitive receptors, the limited duration of construction—far shorter than the 70-year exposure period assumed in long-term operational risk assessments—further minimizes the potential for significant impacts.

Operational Phase. Operational activities of the residential subdivision would not produce DPM or other TACs from stationary sources. Emissions would primarily stem from area sources such as architectural coatings (volatile organic compounds), mobile sources

including resident transportation (nitrogen oxides, carbon monoxide, VOCs, and particulate matter), and energy use for landscape maintenance (if natural gas is utilized). An Ambient Air Quality Analysis (AAQA) screening confirmed that maximum daily criteria pollutant emissions during operations would remain below 100 pounds per day, ensuring no localized exceedance of National or California Ambient Air Quality Standards.

Given that TAC releases are confined to the temporary construction phase and mitigated to levels below SJVAPCD significance thresholds, the Project would not expose sensitive receptors to substantial pollutant concentrations. Impacts are *less than significant with mitigation incorporated*.

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

Less Than Significant Impact: Land uses typically identified as sources of objectionable odors include landfills, transfer stations, sewage treatment plants, wastewater pump stations, composting facilities, feed lots, coffee roasters, asphalt batch plants, and rendering plants, among other uses. The Project does not include any of these activities or land uses.

The Project may create temporary localized odors during construction. However, these will be temporary and unlikely to affect nearby residents. The Project will not introduce conflicting land use to the area or include any potential odor sources identified in Table 6 of the SJVAPCD's GAMAQI. The Project would not create objectionable odors affecting a substantial number of people, and the impacts would be *less than significant*.

Mitigation Measures for Biological Resources

Mitigation Measure AIR-1: Implement Tier 4 (Final) Engine Controls for all off-road, diesel-fueled equipment during construction.

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 & 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 US Fish and Wildlife Service?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c) Have a substantial adverse effect on state or federally protected wetlands (including, but not limited to, marsh, vernal pool, coastal, etc.) through director removal, filling, hydrological interruption, or other means?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
d) Interfere substantially with the movement of any native resident or migratory fish or wildlife species or with established native resident or migratory wildlife corridors, or impede the use of native wildlife nursery sites?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
e) Conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
f) Conflict with the provisions of an adopted Habitat Conservation Plan,	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

Natural Community Conservation Plan, or other approved local, regional, or state habitat conservation plan?				
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Discussion for this section originates from the Biological Resource Assessment (BRA) that was prepared for this Project by Soar Environmental Consulting to identify biological resources present or potentially present on the Project site and assess the significance of Project impacts on such resources per provisions of the California Environmental Quality Act (CEQA), the Federal Clean Water Act (CWA), the state and federal endangered species acts (FESA and CESA respectively), California Fish and Game Code, and California Water Code. The research included the California Natural Diversity Database (CNDDB), the United States Fish and Wildlife Service (USFWS) Information for Planning and Consultation (IPaC), and the California Native Plant Society (CNPS) Online Rare Plant Inventory. The full document can be found in Appendix B.

Environmental Setting

The Project Site is in the western portion of the City of Tulare within the lower San Joaquin Valley in the Central Valley of California. The Central Valley is bordered to the east by the Sierra Nevada Mountain Range and the Coast Ranges to the west. Like most of California, Tulare is considered an arid Mediterranean climate.

Warm, dry summers are followed by cool, moist winters. Summer temperatures often reach above 90 degrees Fahrenheit, and the humidity is relatively low. Winter temperatures are often below 60 degrees Fahrenheit during the day and rarely exceed 70 degrees. On average, Tulare receives approximately 10 inches of precipitation in the form of rainfall yearly, most of which occurs between October and March.

Site Description

The topography of the Project Area is relatively flat at approximately 250 to 270 feet elevation. The entire property has been disced and comprises approximately 59.3 acres of active agricultural land that had served as orchards until recently. Based on a review of historical aerial imagery, the property has been active agricultural land for more than five decades. The property has one large heritage native valley oak (*Quercus lobata*) tree. As observed by a onsite survey for the BRA, the agricultural ditch along the northern edge had water, floating vegetation such as Mosquito fern (*Azolla filiculoides*), algae, and mosquito fish (*Gambusia affinis*) in the eastern sections and was dry in the western portion. The proposed Project Site is in an urban and agricultural interface environment just outside of the developed area of the Tulare. The proposed Project site is bounded by agricultural fields to the south and west, with single-family homes to the north. A new residential development is located to the east.

One small, unvegetated open water canal extends east to west at the site's northern edge. This ditch is maintained with no emergent vegetation in the channel. However, floating herbaceous vegetation such as mosquito fern (*Azolla filiculoides*) with a wetland indicator status of OBL or

obligate wetland status was observed in portions of the inundated ditch, as were mosquito fish (*Gambusia affinis*). The area is active agricultural land or is actively maintained and disced. There are no structures on the property. While no shrub layer occurs on the property, one valley oak (*Quercus lobata*) tree has a large diameter and other oak saplings. This oak tree would be considered a heritage valley oak and is greater than 36" in diameter at breast height (dbh). The oak tree provides limited nesting and foraging habitat for birds and wildlife; however, the bare ground and fallow agricultural land represent potential foraging habitats for terrestrial bird and wildlife species.

Soar Environmental conducted a records search for threatened or endangered species that could potentially occur in the vicinity of the Project Area. The records search included a review of the California Natural Diversity Database (CNDDDB), the United States Fish and Wildlife Service (USFWS) Information for Planning and Consultation (IPaC), and the California Native Plant Society (CNPS) Online Rare Plant Inventory. A complete list of special-status wildlife and vascular plant species with the potential to occur in the Project Area is included below in Table 3-6.

No special-status plant or sensitive wildlife species were observed during the site reconnaissance. Several other bird species were observed flying, and mosquito fish were observed in an inundated section of the ditch. While no special status species were observed, the Project Area contains potentially suitable habitat for the following species:

Species Name	Species Observed on Project Site	Potential for Occurrence on Project Site
Amphibians		
Western spadefoot toad (<i>Spea hammondi</i>)	No	None: Species is known to occur within 2 miles of the Project Area and there is no breeding habitat and limited upland dispersal habitat for the species in the Project Area.
California tiger salamander (<i>Ambystoma californiense</i>)	No	None: Species is not known to occur in the vicinity of the site and there is no seasonal pond or breeding habitat for the species in the agricultural land.
Birds		
Burrowing Owl (<i>Athene cunicularia</i>)	No	Low: Potential nesting and foraging habitat in the Project Area. The species is not recorded nearby.
Swainson's hawk (<i>Buteo swainsoni</i>)	No	High: Species known to occur from nine CNDDDB records within 5 miles west of Project Area. The closest previous record is one mile west. There is limited nesting and abundant foraging habitat in the

		Project Area.
Tricolored blackbird (<i>Agelaius tricolor</i>)	No	None: Species is not known to occur in the vicinity of the site and there is no suitable habitat for the species on the site.
Western yellow-billed cuckoo (<i>Coccyzus americanus occidentalis</i>)	No	None: Species is not known to occur in the vicinity of the site and there is no suitable habitat for the species on the site.
Invertebrates		
Monarch butterfly (<i>Danaus plexippus</i>)	No	None: Species is not known to occur in the vicinity of the site and there is no suitable habitat or milkweed host plants for the species on the site.
Valley elderberry longhorn beetle (<i>Desmocerus californicus dimorphus</i>)	No	None: Species is not known to occur in the vicinity of the site and there is no suitable habitat for the species in the form of elderberry shrubs on the site.
Vernal pool fairy shrimp (<i>Branchinecta lynchi</i>)	No	None: Species is not known to occur in the vicinity of the site and there is no suitable habitat for the species on the site.
Mammals		
Fresno kangaroo rat (<i>Dipodomys nitratooides exilis</i>)	No	None: Species is not known to occur in the vicinity of the site and there is no suitable seed foraging habitat for the species on the site.
San Joaquin kit fox (<i>Vulpes macrotis mutica</i>)	No	High: Species is known to occur in the vicinity of the site from historic records and there is potential suitable dispersal and foraging habitat for the species in the Project Area.
Tipton kangaroo rat (<i>Dipodomys nitratooides nitratooides</i>)	No	None: Species is not known to occur in the vicinity of the site and there is no suitable seed foraging habitat for the species on the site.
Western mastiff bat (<i>Eumops perotis californicus</i>)	No	Low: Limited oak tree roosting and moderate open space foraging habitat for this species in the Project Area. The area has been farmed and maintained. Species is not known to occur within 5 miles of Project Area.
Reptiles		
Blunt-nosed leopard lizard (<i>Gambelia sila</i>)	No	None: Species is not known to occur in the vicinity of the site and there is no suitable habitat for the Species in the Project Area.

Western pond turtle (<i>Actinemys marmorata</i>)	No	Low: Low quality potential habitat in the form of an open water unvegetated canal on the northern edge and a pump station stock pond leave potential for this species to occur nearby. No historic occurrences of the species are known within 5 miles of the Project Area.
Plant Species Name/Status	Species Observed in Project Area	Potential For Occurrence in Project Area
California jewelflower/1B/FE/CE (<i>Caulanthus californicus</i>)	No	None. The Project Area is active agricultural land that is disced annually.
Ewan's larkspur/ 1B (<i>Delphinium hanseni</i> ssp. <i>ewanianum</i>)	No	None. The Project Area is active agricultural land that is disced annually.
Recurved larkspur/ 1B (<i>Delphinium recurvatum</i>)	No	None. The Project Area is active agricultural land that is disced annually.
Heartscale/ 1B (<i>Atriplex cordulata</i> ssp. <i>cordulata</i>)	No	None. The Project Area is active agricultural land that is disced annually.
Lesser saltscale / 1B (<i>Atriplex minuscula</i>)	No	None. The Project Area is active agricultural land that is disced annually.
Subtle orache/ 1B (<i>Atriplex subtilis</i>)	No	None. The Project Area is active agricultural land that is disced annually.
California satin-tail grass/ 2B (<i>Imperata brevifolia</i>)	No	None. The Project Area is active agricultural land that lacks a native seed bank.

Table 3-6: Special Status Wildlife and Plant Species Potentially Occurring on Project Site

Regulatory Setting

Federal Endangered Species Act (FESA)

The FESA defines an endangered species as “any species or subspecies that is in danger of extinction throughout all or a significant portion of its range.” A threatened species is defined as “any species or subspecies that is likely to become an endangered species within the foreseeable future throughout all or a significant portion of its range.”

The Federal Migratory Bird Treaty Act (FMBTA: 16 USC 703-712)

The FMBTA prohibits killing, possessing, or trading in any bird species covered in one of four international conventions to which the United States is a party, except in accordance with

regulations prescribed by the Secretary of the Interior. The name of the act is misleading, as it actually covers almost all birds native to the United States, even those that are non-migratory. The FMBTA encompasses whole birds, parts of birds, and bird nests and eggs. Although the USFWS and its parent administration, the U.S. Department of the Interior, have traditionally interpreted the FMBTA as prohibiting incidental as well as intentional “take” of birds, a January 2018 legal opinion issued by the Department of the Interior now states that incidental take of migratory birds while engaging in otherwise lawful activities is permissible under the FMBTA. However, California Fish and Game Code makes it unlawful to take or possess any non-game bird covered by the FMBTA (Section 3513), as well as any other native non-game bird (Section 3800), even if incidental to lawful activities.

Birds of Prey (CA Fish and Game Code Section 3503.5)

Birds of prey are protected in California under provisions of the Fish and Game Code (Section 3503.5), which states that it is unlawful to take, possess, or destroy any birds in the order Falconiformes (hawks and eagles) or Strigiformes (owls), as well as their nests and eggs. The bald eagle and golden eagle are afforded additional protection under the federal Bald and Golden Eagle Protection Act (16 USC 668), which makes it unlawful to kill birds or their eggs.

Clean Water Act

Section 404 of the Clean Water Act of (1972) is to maintain, restore, and enhance the physical, chemical, and biological integrity of the nation’s waters. Under Section 404 of the Clean Water Act, the US Army Corps of Engineers (USACE) regulates discharges of dredged and fill materials into “waters of the United States” (jurisdictional waters). Waters of the US including navigable waters of the United States, interstate waters, tidally influenced waters, and all other waters where the use, degradation, or destruction of the waters could affect interstate or foreign commerce, tributaries to any of these waters, and wetlands that meet any of these criteria or that are adjacent to any of these waters or their tributaries.

California Endangered Species Act (CESA)

Prohibits the take of any state-listed threatened and endangered species. CESA defines take as “any action or attempt to hunt, pursue, catch, capture, or kill any listed species.” If the proposed Project results in a take of a listed species, a permit pursuant to Section 2080 of CESA is required from the CDFG.

City of Tulare Oak Tree Ordinance

The City of Tulare has an oak tree ordinance that protects valley oak trees with a diameter at breast height (dbh) of 2 inches or greater. Under this ordinance, removal, or encroachment within the drip-line of or damage to valley oak trees is prohibited. Removal requires a permit from the city manager and mitigation either by replacement in-kind or payment of an in-lieu fee to be used for oak tree planting.

Discussion

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

Less Than Significant Impact with Mitigation: The Biological Resource Assessment (Appendix B) conducted for the proposed Project found that both Swainson's hawk and San Joaquin kit fox have a high potential to occur in the Project Area based on potential nesting habitat, abundant foraging field habitat, and multiple previous CNDDDB occurrences near the Project Area. Burrowing owl, western mastiff bat, and western pond turtle have a low potential to occur in the Project Area. The entire Project Area is made up of active agricultural land. Localized land management techniques, including regular agricultural activity and routine land management, reduce the potential for these species to occur in the Project Area. Also evaluated was the potential for western spadefoot to occur in the region; avoidance measures are incorporated through Mitigation Measure BIO-4.

Based on the findings of the BRA, the proposed development of this property has the potential to impact foraging and dispersal habitat for San Joaquin kit fox, as well as nesting and foraging habitat for Swainson Hawk and other MBTA bird species, including burrowing owl. With the incorporation of Mitigation Measures BIO-1 and BIO-2(a-c), BIO-3, BIO-4, and BIO-5 the impact of the proposed Project would be *less than significant with mitigation incorporation*.

Mitigation Measure BIO-1 requires Swainson's hawk protocol surveys conducted by a qualified biologist in accordance with the Swainson's Hawk Technical Advisory Committee methodology (SWHA TAC 2000) during the nesting season immediately preceding construction and requires establishment and maintenance of a minimum ½-mile no-disturbance buffer around any active nest during the nesting season (March 1–September 15), unless CDFW-approved avoidance measures are implemented and/or an Incidental Take Permit is obtained, as applicable. Mitigation Measure BIO-2 prioritizes scheduling ground- and vegetation-disturbing activities outside the nesting season (February 1–September 15) and, if work occurs during the nesting season, requires pre-construction nesting bird surveys no more than 10 days prior to disturbance and establishment of species-appropriate buffers and/or monitoring to avoid nest disturbance. Mitigation Measure BIO-3 requires focused western burrowing owl surveys consistent with CDFW guidance and implementation of seasonal no-disturbance buffers to avoid take. Mitigation Measure BIO-4 requires focused western spadefoot surveys, establishment of a 50-foot no-disturbance buffer around occupied refugia and potential breeding features (including ditches and briefly ponded areas even when dry), and immediate halt of nearby activities if any life stage is observed to allow voluntary departure and implement additional avoidance measures. In addition, Mitigation Measure BIO-5 ensures that special-status species detections are reported to CDFW via CNDDDB submittals and that the Lead Agency pays the applicable CDFW filing fee upon filing the Notice of Determination.

b) Would the Project have a substantial adverse effect on any riparian habitat or other sensitive natural community identified in local or regional plans, policies, regulations or by the California Department of Fish and Game or US Fish and Wildlife Service?

Less Than Significant Impact: The Tulare General Plan identifies Grasslands, Valley Oak Riparian Woodland, Valley Oak Woodland, Vernal Pools, and Wetlands as natural communities to protect. The Project site consists of agricultural land and includes a mature Valley Oak tree and associated saplings, which are components of the protected Valley Oak Woodland community. Pursuant to the City of Tulare Oak Tree Ordinance, which safeguards Valley Oak trees with a diameter at breast height of 2 inches or greater, any removal, encroachment within the drip line, or damage to these trees requires a permit from the City Manager, along with mitigation measures. Mitigation includes the planting of two replacement Valley Oak trees. The Project will comply with these requirements to ensure appropriate mitigation, thereby resulting in *less than significant* impacts to sensitive natural communities.

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

Less Than Significant Impact: An agricultural ditch extends along the entire northern boundary of the Project Area and is mapped in the U.S. Fish and Wildlife Service National Wetlands Inventory. Portions of the ditch, particularly in the central and eastern sections, were observed during the BRA to be inundated with water depths of 2 feet or less, supporting obligate wetland indicator species such as mosquito fern (*Azolla filiculoides*), algae, and mosquito fish. The western portion remains dry, and the feature connects to offsite waters to the east, rendering it a potential jurisdictional aquatic resource under the Clean Water Act. However, the Project Area consists primarily of disturbed, fallow agricultural fields cleared for development, with the ditch situated along the site's northern perimeter outside the proposed grading, road, sidewalk, stormwater retention basin, and residential construction footprints. No direct removal, filling, or hydrological interruption of the ditch is proposed, as the ditch will be piped underground, and site development activities will be confined to the interior of the parcel, thereby avoiding substantial adverse effects on this or any other protected wetlands. There is a *Less than Significant Impact*.

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: The proposed Project Area comprises cultivated agricultural lands surrounded by residential development and paved roads, offering limited natural

habitat that would function as a wildlife movement corridor or nursery site. Although larger intact stands of valley oak woodland habitat occur immediately west of the Project Area, potentially providing suitable conditions for species such as Swainson's hawk and San Joaquin kit fox, the Site's highly disturbed, fallow agricultural character and the extent of surrounding urbanization minimize its contribution to such connectivity. Project implementation will incorporate recommended mitigation measures. These measures, combined with the confinement of development to the interior of the parcel, ensure that impacts to native resident or migratory species movement, established corridors, or nursery sites remain *less than significant*.

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

Less Than Significant Impact: The proposed Project would result in the removal of approximately one large valley oak (*Quercus lobata*) tree greater than 36" dbh. Removing this oak tree would require an Oak Tree Permit, which would require submitting a completed Oak Tree Removal Application form documenting the number and size of oak trees to be removed and paying the project-specific permit application fee to the Parks and Recreation Department of the City. To mitigate the loss, the Project will plant two new oak trees, likely within the 2.76-acre park space in the northeast corner of the Site. Impacts would be *less than significant*.

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?

No Impact: There are no adopted Habitat Conservation Plans, Natural Community Plans, Conservation Plans, or other approved local, regional, or State habitat conservation plans for the Project Site or Project area. There is *no impact*.

Mitigation Measures for Biological Resources

Mitigation Measure BIO-1: A qualified biologist shall conduct Swainson's hawk protocol surveys in accordance with the Swainson's Hawk Technical Advisory Committee methodology (SWHA TAC 2000) during the nesting season immediately preceding construction, covering a ¼-mile radius around the Project site and completing the required multiple survey visits within the defined survey period. If Project activities occur during the nesting season (March 1–September 15) and an active Swainson's hawk nest is present (whether detected by survey or incidentally), the Project shall establish and maintain a minimum ½-mile no-disturbance buffer around each active nest. The buffer shall remain in effect until the end of the breeding season or until a qualified biologist confirms that the young have fledged and are independent of the nest and parental care. If a ½-mile buffer is not feasible, the Project applicant shall consult with CDFW to identify measures to avoid take; if take cannot be avoided, the applicant shall obtain

an Incidental Take Permit pursuant to Fish and Game Code section 2081(b) prior to conducting activities that would result in take.

Mitigation Measure BIO-2a: If feasible, ground-disturbing and vegetation-disturbing activities shall be scheduled outside the bird nesting season (February 1–September 15). If work occurs during the nesting season, a qualified biologist shall conduct pre-construction nesting bird surveys for active nests no more than 10 days prior to ground or vegetation disturbance. Surveys shall encompass the Project site and a sufficient surrounding area to identify nests that could be affected directly or indirectly (including through noise, vibration, or construction activity). For any active nest identified, the biologist shall establish a behavioral baseline and shall monitor nests for behavioral changes indicative of disturbance during construction. If disturbance is observed, the Project shall halt the causative work and implement additional avoidance or minimization measures in coordination with CDFW. If continuous monitoring is not feasible, the Project shall maintain a minimum 250-foot no-disturbance buffer around active nests of non-listed non-raptor bird species and a 500-foot no-disturbance buffer around active nests of non-listed raptors until the breeding season ends or a qualified biologist confirms that young have fledged and are independent. Variances may be implemented only when supported by a qualified biologist for compelling biological or ecological reasons and after notifying CDFW.

Mitigation Measure BIO-2b: If an active nest, roost, burrow, or den is located during pre-construction surveys or monitoring, the Project shall avoid active nests, roosts, burrows, or dens, and a no-disturbance buffer shall be determined and established by a Designated Biologist in coordination with applicable agency guidance, as appropriate. The buffer shall be kept in place until after the breeding/nesting season or until the Designated Biologist confirms that young have fledged, are foraging independently, and the nest/roost/burrow/den is no longer active for the season. The extent of these buffers shall be determined by the Designated Biologist based on the species present, the level of noise or construction disturbance, line of sight between the nest and the disturbance, ambient noise and other disturbances, and topographical or artificial barriers. If an active San Joaquin kit fox den is located, consultation with the U.S. Fish and Wildlife Service shall be required to document the presence of this federally listed species and to avoid take.

Mitigation Measure BIO-2c: If a lapse in Project-related work of fourteen calendar days or longer occurs during the nesting season (February 1–September 15), the Designated Biologist shall conduct updated pre-construction nesting bird surveys for active nests no more than ten days prior to reinitiating ground-disturbing or vegetation-disturbing activities in areas that have not yet been disturbed, and shall update buffers and/or monitoring requirements as necessary consistent with Mitigation Measure BIO-2a.

Mitigation Measure BIO-3: A qualified biologist shall conduct focused western burrowing owl surveys in accordance with the protocols in the Staff Report on Burrowing Owl Mitigation (CDFW

2012) during the appropriate survey season immediately preceding ground disturbance. If a burrowing owl or burrow (active or inactive) is detected during surveys or incidentally during construction, the Project shall implement no-disturbance buffers as specified in CDFW's Staff Report on Burrowing Owl Mitigation (CDFW 2012) for the applicable season (wintering and/or breeding) and shall maintain buffers prior to and throughout ground-disturbing activities to avoid take. If the recommended buffers cannot be feasibly implemented, the Project applicant shall consult with CDFW to identify measures to avoid take; if take cannot be avoided, the applicant shall obtain an Incidental Take Permit pursuant to Fish and Game Code section 2081(b) prior to conducting activities that would result in take.

Mitigation Measure BIO-4: A qualified biologist shall conduct focused western spadefoot surveys using appropriate methods prior to any ground-disturbing activities. If occupied burrows, cracks, loose soil, or other refugia are identified, the Project shall delineate and maintain a 50-foot no-disturbance buffer around these features and all potential breeding habitat (including temporary pools, agricultural sumps, irrigation ditches, and briefly ponded areas). If any western spadefoot life stage is observed on site, the Project shall immediately halt nearby activities to allow voluntary departure and shall implement additional avoidance and minimization measures as recommended by the qualified biologist. If western spadefoot becomes a candidate species or is listed under the California Endangered Species Act and full avoidance is infeasible, the Project applicant shall obtain an Incidental Take Permit pursuant to Fish and Game Code section 2081(b), as applicable, prior to conducting activities that would result in take, and shall consult early with CDFW to evaluate avoidance options or initiate ITP proceedings.

Mitigation Measure BIO-5: For any special-status species detections during Project surveys, the Project applicant shall submit a California Natural Diversity Database field survey form to CDFW. The Lead Agency shall pay the applicable CDFW environmental document filing fee upon filing the Notice of Determination, consistent with Fish and Game Code section 711.4 and California Code of Regulations, title 14, section 753.5. CNDDDB reporting shall apply to special-status species detections identified through implementation of Mitigation Measures BIO-1 through BIO-4.

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

Discussion for this section originates from the Cultural Resources Technical Memorandum that was prepared for this Project by Taylored Archaeology to identify Cultural resources present or potentially present on the Project site and assess the significance of Project impacts on such resources per provisions of the California Environmental Quality Act (CEQA). This memorandum was supplemented by a subsequent Historic Architectural Evaluation of the Hooper Ditch, dated November 18, 2025, which provides an updated assessment of the ditch's eligibility as a historical resource.

The research included a review of the following sources: the Archaeological Resources Directory, the National Register of Historic Places, the California Registry of Historic Resources, the California Points of Historical Interest, the California Historical Landmarks, the California State Historic Resources Inventory, and a review of cultural resources reports on file with the SSJVIC. Archival research of available historical maps, aerial photographs, records, and databases was also conducted. The full document can be found in Appendix C.

Environmental Setting

The lands within the City of Tulare have a long history of human settlement, particularly by the Southern Valley Yokut Native Americans. The city was the Site of the Wechikit/Wechikit Yokuts. The Yokut tribes contained a large population throughout the San Joaquin Valley until the mid-to-late 1800s when the railroad system brought European settlers to the area. The extensive railroad system allowed the proliferation of commercial agriculture throughout the Valley.

Records Search

A Cultural Records Search (Appendix C) was completed by the Southern San Joaquin Valley Information Center (SSJVIC) on November 15, 2023. The records search covered the Project area and all land within a 0.5-mile radius of the Project. It included a review of the following sources: the Archaeological Resources Directory, the National Register of Historic Places, the California Registry of Historic Resources, the California Points of Historical Interest, the California Historical Landmarks, the California State Historic Resources Inventory, and a review of cultural resources reports on file with the SSJVIC. Archival research of available historical maps, aerial photographs, records, and databases was also conducted.

The records search revealed one cultural resource report within the Project boundary. This report is an archaeological pedestrian survey that previously surveyed a 30-meter diameter area around two deteriorated pole locations on the Project site. The survey resulted in negative findings.

Eleven cultural resource studies have been conducted within a one-half-mile radius. According to the search, two cultural resources are within a 0.5-mile radius. The first resource was a former railroad segment of the Atchison, Topeka, and Santa Fe Railroad located approximately 0.17 miles north of the Project site. This segment was not evaluated for potential eligibility for listing in federal, state, or local historic registries. A preliminary review of historic aerial photographs shows the railroad was present in 1994 and removed sometime between 1994 and 2003 (Google Earth 2023). The second resource is a historic era ditch called Hooper Ditch; a segment of the ditch runs along the northern portion of the Project boundary. Hooper Ditch was evaluated in 2018 and was recommended as eligible for listing in the National Register of Historic Places (NRHP) under Criterion A and in the California Register of Historic Resources (CRHR) under Criterion 1, as both an individual historic property and as a component of the Tulare Irrigation Historical District. However, a subsequent evaluation conducted on November 17, 2025, by Amber Long, under contract to Taylored Archaeology, determined that the Hooper Ditch dates to at least 1927 but has not maintained its historical integrity due to multiple realignments and modifications. As a result, it is not eligible for inclusion in the NRHP under Criteria A, B, C, or D, nor in the CRHR under Criteria 1, 2, 3, or 4. Consequently, the Hooper Ditch does not meet the definition of a historical resource under CEQA or a historic property under Section 106 of the National Historic Preservation Act.

Archival Research

A review of available USGS 7.5-minute topographic maps of the Paige, CA quadrangle from 1927, 1950, 1951, 1950 photorevised 1969, 2012, 2015, 2018, and 2021 showed the Project site was historically utilized for agricultural purposes (USGS). Topographic maps show the Hooper Ditch crossing the western portion of the Project site in 1927, 1950, and 1951. A single structure is depicted at the southwestern portion of the Project site in the 1927 topographic map along present-day West Bardsley Avenue. By 1950 and 1951, a second structure was depicted along West Bardsley Avenue in the western portion of the Project site. The 1950 photorevised 1969 topographic map depicts the Hooper Ditch alignment changing to its present-day location and orientation running east to west along the northern portion of the Project site. Topographic

maps between 2012 and 2021 show the Project site in its current form. The portion of Hooper Ditch along the northeastern boundary of the Project site appears to be the original alignment still, while the portion of Hooper Ditch along the northwestern boundary of the Project site appears to have been realigned between 1951 and 1969.

A review of available historic aerial photographs from 1956 to the present day showed the Project site similarly utilized for row crops until it was converted to an orchard in 2012 (NETROnline 2023; Google Earth Pro 2023). The 1956 aerial photograph showed the Hooper Ditch and a rural residence in similar configuration to those depicted on the 1927 to 1951 topographic maps. In 1969, Hooper Ditch is shown in a similar alignment to present day. The rural residence on the Project site appears to have been demolished between 2006 and 2009 and replaced by a small stormwater retention basin in 2012.

Regulatory Setting

This report defines “cultural resources” as prehistoric or historical archaeological sites and historical objects, buildings, or structures. Under 36 Code of Federal Regulations (CFR) §60.4, “historical” in this report applies to cultural resources at least 50 years old. The significance or importance of a cultural resource is dependent upon whether the resource qualifies for inclusion at the local level in a local register of historical resources, at the state level in the California Register of Historical Resources (CRHR), or at the federal level in the National Register of Historic Places (NRHP). Cultural resources that are determined to be eligible for inclusion in the CRHR are called “historical resources” (California Code of Regulations [CCR] 15064.5[a]). Under this statute, the determination of eligibility is partially based on the consideration of the criteria of significance as defined in 14 CCR 15064.5(a)(3). Cultural resources eligible for the NRHP are deemed “historic properties.”

National Historic Preservation Act

The National Historic Preservation Act was adopted in 1966 to preserve historical and archeological sites in the United States. The Act created the National Register of Historic Places, the list of National Historic Landmarks, and the State Historic Preservation offices.

California Environmental Quality Act

According to CEQA, a historical resource is listed in, or determined to be eligible for listing in, the CRHR. In addition, a resource included in a local register of historical resources or identified as significant in a local survey conducted in accordance with the state guidelines are also considered historic resources under California Public Resources Code (PRC) Section 5020.1. Historical resources may include, but are not limited to, “any object, building, structure, site, area, place, record, or manuscript which a lead agency determines to be historically or archaeologically significant” (PRC §5020.1[j]).

CEQA details appropriate measures for evaluating and protecting cultural resources in §15064.5 of the CEQA Guidelines. According to CEQA guidelines §15064.5 (a)(3), the criteria for listing on the CRHR includes the following:

- A. *Is associated with events that have made a significant contribution to the broad patterns of California's history and cultural heritage.*
- B. *Is associated with the lives of persons important in our past.*
- C. *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.*
- D. *Has yielded, or may be likely to yield, information important in prehistory or history.*

According to CEQA guidelines §21074 (a)(1), criteria for tribal cultural resources includes the following:

1. *Sites, features, places, cultural landscapes, sacred places, and objects with cultural value to a California Native American tribe that are either of the following:*
 - a. *Included or determined to be eligible for inclusion in the California Register of Historical Resources.*
 - b. *Included in a local register of historical resources as defined in subdivision (k) of Section 5020.1.*

Protection of cultural resources within California is additionally regulated by PRC §5097.5, which prohibits the destruction, defacing, or removal of any historic or prehistoric cultural features on land under the jurisdiction of State or local authorities.

Health and Safety Code, Section 7050.5

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

City of Tulare General Plan

The City of Tulare General Plan *Conservation, Open Space, Parks, and Recreation Element* includes the following goals and policies about cultural and historic resources:

Cultural Resources

- Goal COSP 4.14A: Protect the cultural heritage of Tulare.
 - Policy COSP 4.14.1: Archaeological and historical resources shall be protected and preserved to the maximum extent feasible.

- Policy COSP 4.14.2: Preserves, rehabilitates, or restores architecturally significant historic buildings that are capable of viable use.
- Policy COSP 4.14.3: Identify historic resources through historic landmark markers.
- Policy COSP 4.14.4: Protect significant historical and archaeological resources in accordance with the California Environmental Quality Act.
- Policy COSP 4.14.5: Update the City of Tulare inventory of historic and archaeological resources to determine sites or buildings of local, State, or Federal significance.

Discussion

a) Would the Project cause a substantial adverse change in the significance of a historical resource pursuant to in Section 15064.5?

Less Than Significant Impact with Mitigation: A records search was conducted the Southern San Joaquin Valley Information Center (SSJVIC) to determine if historical or archaeological sites had previously been recorded within the study area or if archaeologists had systematically surveyed the Project area before the initial study, or whether the region of the field Project was known to contain archaeological sites and to be thereby archaeologically sensitive.

The records search revealed one cultural resource report within the Project boundary. This report is an archaeological pedestrian survey that previously surveyed a 30-meter diameter area around two deteriorated pole locations on the Project site. The survey resulted in negative findings.

There have been eleven cultural resource studies conducted within a one-half-mile radius. According to the search, there are two cultural resources within a 0.5-mile radius. The first resource was a former railroad segment of the Atchison, Topeka and Santa Fe Railroad that was located approximately 0.17 miles north of the Project site. This segment was not evaluated for potential eligibility for listing in federal, state, or local historic registries. Preliminary review of historic aerial photographs shows the railroad was present in 1994 and removed sometime between 1994 and 2003 (Google Earth 2023). The second resource is a historic era ditch called Hooper Ditch; a segment of the ditch runs along the northern portion of the Project boundary. Hooper Ditch was evaluated in 2018 and was recommended as eligible for listing in the National Register of Historic Places (NRHP) under Criterion A and in the California Register of Historic Resources (CRHR) under Criterion 1, as both an individual historic property and as a component of the Tulare Irrigation Historical District. However, a subsequent historic architectural evaluation conducted in November 2025 determined that the Hooper Ditch dates to at least 1927 but has not maintained its historical integrity due to multiple realignments, alterations, and underground routing. As a result, it is not eligible for inclusion in the NRHP under Criteria A, B, C, or D, nor in the CRHR under Criteria 1, 2, 3, or 4. Consequently, the Hooper Ditch does not meet the definition of a

historical resource under CEQA or a historic property under Section 106 of the National Historic Preservation Act.

Based on the removal of the railroad segment near the Project site and its distance from the Project site, the Project will not impact the first cultural resource. Additionally, the Project will not result in impacts to the Hooper Ditch, as it is not a historical resource. No other evidence of cultural resources within the Project boundary was found during this investigation.

Although no historical resources would be impacted, the presence of remains or unanticipated cultural resources under the ground surface is possible. Implementing Mitigation Measures CUL-1 and CUL-2 will ensure that impacts on this checklist item will be *less than significant with mitigation incorporation*.

b) Would the Project cause a substantial adverse change in the significance of an archaeological resource pursuant to Section 15064.5?

Less Than Significant Impact with Mitigation: No known archaeological resources are located within the Project area. Implementing Mitigation Measures CUL-1 and CUL-2 will ensure that the potential impact will be *less than significant with mitigation incorporation*.

c) Would the Project disturb any human remains, including those interred outside of formal cemeteries?

Less Than Significant Impact with Mitigation: No known human remains are buried in the Project vicinity. If human remains are unearthed during development, there is a potential for a significant impact. As such, implementation of Mitigation Measure CUL-2 will ensure that impacts remain *less than significant with mitigation incorporation*.

Mitigation Measures for Cultural Resources

Mitigation Measure CUL-1: Construction shall stop near the find if previously unknown resources are encountered before or during grading activities. A qualified historical resources specialist shall be consulted to determine whether the resource requires further study. The qualified historical resources specialist shall make recommendations to the City on the measures that shall be implemented to protect the discovered resources, including but not limited to excavating the finds and evaluating the discoveries following Section 15064.5 of the CEQA Guidelines and the County's General Plan.

If the resources are determined to be unique historical resources as defined under Section 15064.5 of the CEQA Guidelines, measures shall be identified by the monitor and recommended to the Lead Agency. Appropriate measures for significant resources could include avoiding or capping, incorporating the site in green space, parks, or open space, or data recovery

excavations of the finds. No further grading shall occur in the discovery area until the Lead Agency approves the measures to protect these resources. Any historical artifacts recovered as a result of mitigation shall be provided to a City-approved institution or person capable of providing long-term preservation to allow future scientific study.

Mitigation Measure CUL-2: In the event that human remains are unearthed during the excavation and grading activities of any future development project, all activity shall cease immediately. Pursuant to Health and Safety Code (HSC) Section 7050.5, no further disturbance shall occur until the County Coroner has made the necessary findings regarding origin and disposition pursuant to PRC Section 5097.98(a). If the remains are determined to be of Native American descent, the coroner shall within 24 hours notify the Native American Heritage Commission (NAHC). The NAHC shall then contact the most likely descendent of the deceased Native American, who shall then serve as the consultant on how to proceed with the remains. Pursuant to PRC Section 5097.98(b), upon the discovery of Native American remains, the landowner shall ensure that the immediate vicinity, according to generally accepted cultural or archaeological standards or practices, where the Native American human remains are located is not damaged or disturbed by further development activity until the landowner has discussed and conferred with the most likely descendants regarding their recommendations, if applicable, taking into account the possibility of multiple human remains. The landowner shall discuss and consult with the descendants all reasonable options regarding the descendants' preferences for treatment.

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 type="checkbox"/>	<input checked="" type="checkbox"/>

Environmental Setting

Southern California Edison (SCE) provides electricity services to the region. SCE serves 15 million people over 50,000 square miles of central, coastal, and southern California. SCE supplies electricity to its customers through various renewable and nonrenewable sources. Table 3-7 below shows the proportion of each energy resource sold to California consumers by SCE in 2021 compared to the statewide average.

Fuel Type		SCE Power Mix	California Power Mix
Coal		0%	3%
Large Hydroelectric		2.3%	9.2%
Natural Gas		22.3%	37.9%
Nuclear		9.2%	9.3%
Other (Oil/Petroleum Coke/Waste Heat)		0.2%	0.2%
Unspecified Sources of Power¹		34.6%	6.8%
Eligible Renewables	Biomass	0.1%	2.3%
	Geothermal	5.7%	4.8%
	Small Hydro	0.5%	1.0%
	Solar	14.9%	14.2%
	Wind	10.2%	11.4%
	Total Eligible Renewable	31.4%	33.6%

1. "Unspecified sources of power" means electricity from transactions that are not traceable to specific generation sources.

Table 3-7. 2021 PG&E and State average power resources; Source: PG&E and California Energy Commission

SCE also offers Green Rate programs, which allow consumers to indirectly purchase 50% or 100% of their energy from renewable sources without installing private rooftop solar panels. To accomplish this, SCE buys the renewable energy necessary (mainly solar and wind) to meet the needs of participants.

Southern California Gas (SoCalGas) will provide natural gas services to the Project area. Natural gas is an energy source developed from fossil fuels composed primarily of methane (CH₄). According to the U.S. Energy Information Administration (EIA), approximately 30% of the natural gas burned in California is used for electricity generation. The residential sector consumes 21%, the industrial sector consumes 33%, and the commercial sector consumes 11%. In total, approximately 21.7 billion therms of natural gas are consumed annually in California.

Regulatory Setting

Senate Bill 350

The Clean Energy and Pollution Reduction Act of 2015 (SB 350) mandates a significant expansion in energy efficiency savings for retail customers in the electricity and natural gas domains. According to the legislation, these savings must be doubled by implementing robust energy efficiency measures and conservation practices. The deadline for achieving this ambitious goal is December 31, 2030.

California Renewable Portfolio Standard and Senate Bill 100

Enacted on September 10, 2018, with the approval of former Governor Brown, Senate Bill 100 (SB 100) is a critical catalyst for advancing California's Renewable Portfolio Standard program. Building upon the foundations laid by SB 350 in 2015, SB 100 introduces a more ambitious trajectory for procuring electricity from eligible renewable energy sources. The legislation mandates a gradual escalation, necessitating electricity providers to augment their sourcing from such renewable resources to reach 33 percent of total retail sales by 2020, 60 percent by 2030, and ultimately attaining a commendable milestone of 100 percent by 2045. This stringent and progressive framework aligns with the state's commitment to fostering a sustainable and clean energy landscape.

California Code of Regulations, Title 20

Title 20 of the California Code of Regulations establishes standards and requirements for appliance energy efficiency. The standards apply to a broad range of appliances sold in California.

California Code of Regulations, Title 24

Title 24 of the California Code of Regulations is a broad set of standards designed to address the energy efficiency of new and altered homes and commercial buildings. These standards regulate energy consumed for heating, cooling, ventilation, water heating, and lighting. Title 24 requirements will be enforced locally by the City of Tulare Building Department.

California Green Building Standards Code (CALGreen)

California's Green Building Code, commonly known as CalGreen, has been formulated to establish a standardized framework for green building practices throughout the state. This code, which came into effect in January 2020, encompasses the latest iteration of CalGreen, setting forth essential guidelines for newly constructed residential and nonresidential structures. The primary objective of this updated version is to curtail greenhouse gas emissions through enhanced energy efficiency measures and process optimizations. It includes standards for volatile organic compound (VOC) emitting materials, water conservation, construction waste recycling, and more.

By outlining the minimum requirements for sustainable construction, the current rendition of CalGreen endeavors to create environmentally conscious buildings that contribute to reducing GHG emissions. Furthermore, this comprehensive code goes beyond mandatory regulations and introduces voluntary tiers to incentivize builders to adopt practices that enhance public health, safety, and well-being. These voluntary tiers promote incorporating sustainable design principles, fostering a built environment that prioritizes the long-term welfare of individuals and the community at large.

2017 Climate Change Scoping Plan

The CARB took a significant step towards achieving the state's ambitious greenhouse gas emissions reduction target by adopting the 2017 Scoping Plan. This comprehensive plan serves as a strategic roadmap, delineating a framework to attain a 40 percent reduction below 1990 GHG emission levels by 2030.

To accomplish this ambitious target, the 2017 Scoping Plan relies upon a multifaceted approach, combining the continuation and expansion of existing policies and regulations, such as the Cap-and-Trade Program, with the effective implementation of recently enacted policies and legislation. By leveraging these existing and new initiatives, the plan endeavors to create an integrated and cohesive strategy for emissions reduction.

Central to the 2017 Scoping Plan is its robust energy efficiency and renewable energy goals. These objectives encompass a broad spectrum of sectors, including the water industry, ensuring that comprehensive measures are in place to facilitate progress toward the state's 2030 GHG reduction target. By setting specific targets within the water sector and aligning them with broader energy efficiency and renewable energy objectives, the plan acknowledges the critical role of sustainable water management in mitigating climate change and advancing California's environmental goals.

City of Tulare Climate Action Plan (2011)

Establishing the City Climate Action Plan (CAP) is an initial and pivotal measure undertaken by Tulare, intended to provide a strategic framework for implementing initiatives to curb the city's Greenhouse Gas (GHG) emissions. Rooted in a comprehensive GHG emissions inventory, the

CAP serves as both a culmination of these findings and a catalyst for formulating a comprehensive strategy encompassing the municipal and community spheres.

The CAP lays a solid foundation for developing a robust and all-encompassing roadmap by conducting a meticulous inventory of GHG emissions. This strategic framework delves into intricate details, encompassing various sectors and considering various aspects of community operations. Doing so enables the identification of specific areas and sectors with significant emission contributions, thereby paving the way for the targeted and effective implementation of reduction measures.

The City Climate Action Plan is a crucial instrument for Tulare's commitment to sustainability and environmental stewardship, setting forth a roadmap that will guide the city's endeavors in achieving its GHG emission reduction objectives. Furthermore, it signifies Tulare's recognition of the importance of a holistic approach, encompassing both municipal initiatives and broader community involvement, in tackling the challenges posed by climate change and building a more sustainable future. The primary long-term goals of the City's CAP for the City government and the community include the following:

1. Increase energy efficiency and conservation.
2. Promote and support renewable energy generation and use.
3. Shift single-occupancy vehicle trips to alternative modes.
4. Reduce emissions from vehicles.
5. Increase accessible land use to reduce vehicular trips.
6. Reduce solid waste.
7. Promote low emissions in agriculture.

The City identified 2020 and 2030 as pivotal timeframes to establish comprehensive mitigation targets within the City Climate Action Plan (CAP). For 2020, the target was set to achieve a reduction of 15% below the baseline year level of 2006. Looking further ahead, the target for 2030 aims even higher, with a reduction goal of 30% below the baseline year level of 2005.

The City's decision to select these specific years for target establishment serves multiple purposes. Firstly, these milestones aligned with the planning horizon of the 2030 General Plan, ensuring a synchronized approach to future planning and mitigation efforts. Secondly, by setting these intermediate milestones, the City showcases its commitment to making steady progress towards the ambitious statewide objective of an 80% reduction below baseline by 2050. This long-term goal reflects the State's broader vision for substantial GHG emission reductions, emphasizing the City's alignment with and contribution to this objective.

By delineating these targeted reduction levels for 2020 and 2030, the City exemplifies its proactive stance in addressing climate change and reducing its carbon footprint. Establishing these mitigation milestones within the CAP underscores the City's dedication to long-term

sustainability and reinforces its position as a responsible and forward-thinking entity in environmental stewardship.

City of Tulare General Plan

The City of Tulare 2035 General Plan *Conservation and Open Space Element* includes the following goals and policies intended to protect the City's energy resources and are relevant to the proposed Project.

Energy Conservation

- Goal COS-6: To encourage energy conservation in new and existing developments throughout the city.
 - *Policy COS-6.1: Energy Conservation Measures*. The City shall require the use of energy conservation features in new construction and renovation of existing structures in accordance with state law. New features that may be applied to construction and renovation include:
 - a) Green building techniques (such as use of recycled, renewable, and reused materials; efficient lighting/power sources; design orientation; building techniques; etc.);
 - b) Cool roofs;
 - c) Enhanced insulation;
 - d) Application of solar technologies (e.g. photovoltaic, water heating, etc.); and
 - e) Energy Star compliance programs
 - *Policy COS-6.2: Landscape Improvements for Energy Conservation*. The City shall encourage the planting of shade trees along all city streets and as part of new development to reduce radiation heating.
 - *Policy COS-6.4: Local and State Programs*. The City shall participate to the extent feasible in local, regional, and state programs that strive to reduce the consumption of natural or man-made energy sources.
 - *Policy COS-6.5: Promote Renewable Energy Industry Clusters*. The City shall promote development of and capital investment in renewable energy.
 - *Policy COS-6.6: Solar Energy*. The City shall work with developers to encourage the incorporation of passive and active solar devices such as solar collectors, solar cells, and solar heating systems into the design of local buildings. Additionally, the City shall work with developers to ensure that building and site design take into account the solar orientation of buildings during design and construction.

Discussion

- a) **Would the Project result in potentially significant environmental impact due to wasteful, inefficient, or unnecessary consumption of energy resources, during Project construction or operation?**

Less Than Significant Impact: Energy use associated with the construction and operation of the Project was estimated using CalEEMod (Appendix A) and EMFAC data. Energy calculations are summarized below in Tables 3-8 and 3-9.

Construction

The construction will limit energy use to the greatest extent possible through compliance with local, State, and Federal regulations. During Project construction, energy use would be from the petroleum-based fuels used to power construction vehicles and the equipment on the project site, construction workers traveling to and from the project site, and vehicles used to deliver materials to the site (Table 3-8). For a conservative estimate, worker trips are shown using gasoline, while vendor trips use diesel. The Project's construction will average 6,437 MBTU per year.

Source	Energy Use	
	Gallons	MBTU
Site Preparation Off-Road Equipment	9,559	1,329
Grading Off-Road Equipment	32,256	4,484
Construction Off-Road Equipment	125,175	17,399
Paving Off-Road Equipment	5,035	700
Architectural Coating Off-Road Equipment	459	64
Total Off-Road Equipment Fuel (Diesel)	172,482	23,975
On-Road Vehicle Fuel (Gasoline)	38,984	4,526
On-Road Vehicle Fuel (Diesel)	26,503	3,684
Total On-Road Vehicle Fuel	65,487	8,210
Total Construction Energy Use		32,185
Average Annual Construction Energy Use		6,437

Table 3-8. Construction Related Energy Use. Source: CalEEMod & EMFAC (See Appendix A)

Operational

Table 3-9 shows the annual energy use associated with the Project operations. Operations will total approximately 48,406 MBTUs annually under 2030 operational conditions. Expected annual energy use will decrease over time due to improvements in vehicle fuel regulations and building energy efficiency standards. The proposed Project will be subject to energy conservation requirements in the California Energy Code (24 CCR Part 6, California's Energy Efficiency Standards for Residential and Nonresidential Buildings) and the CALGreen Building Standards Code (24 CCR Part 11). Adherence to Title 24 requirements would ensure that the Project would not result in wasteful or inefficient use of non-renewable resources due to Project operations. Additionally, the operational component of the Project will not utilize natural gas directly and will rely entirely on electricity. Therefore, potential impacts would *be less than significant*.

Source	Energy Use	
Fuel Use		
	Gallons/year	MBTU
Mobile Fuel (Gasoline)	306,169	36,828
Mobile Fuel (Diesel)	34,362	4,721
Electricity Use		
Electricity Use	kWh/year	MBTU
	2,153,641	7,348
Total Annual Operational Energy Use		48,897

Table 3-9. Operations Related Energy Use. Source: CalEEMod & EMFAC (See Appendix A)

b) Conflict with or obstruct a state or local plan for renewable energy or energy efficiency?

No Impact: The proposed Project will not conflict with or obstruct any state or local plans for renewable energy or energy efficiency, including AB 32, SB 32, SB 350, and SB 100. The design of the Project will meet or exceed Title 24 and CALGreen requirements. The City of Tulare will enforce compliance with these standards. There is *no impact*.

VII. GEOLOGY AND SOILS

Would the Project:	Potentially Significant Impact	Less Than Significant With Mitigation Incorporation	Less than Significant Impact	No Impact
a) Directly or indirectly cause potential substantial adverse effects, including the risk of loss, injury, or death involving:				
i) Rupture of a known earthquake fault, as delineated on the most recent Alquist-Priolo Earthquake Fault Zoning Map issued by the State Geologist for the area or based on other substantial evidence of a known fault? Refer to Division of Mines and Geology Special Publication 42.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
ii) Strong seismic ground shaking?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
iii) Seismic-related ground failure, including liquefaction?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
iv) Landslides?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b) Result in substantial soil erosion or the loss of topsoil?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c) Be located on a geologic unit or soil that is unstable, or that would become unstable as a result of the Project, and potentially result in on- or off-Site landslide, lateral spreading, subsidence, liquefaction or collapse?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
d) Be located on expansive soil, as defined in Table 18-1-B of the Uniform Building Code (1994), creating substantial direct and indirect risks to life or property?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
e) Have soils incapable of adequately supporting the use of septic tanks or alternative wastewater disposal systems where sewers are not	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

available for the disposal of wastewater?				
f) Directly or indirectly destroy a unique paleontological resource or Site or unique geologic feature?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

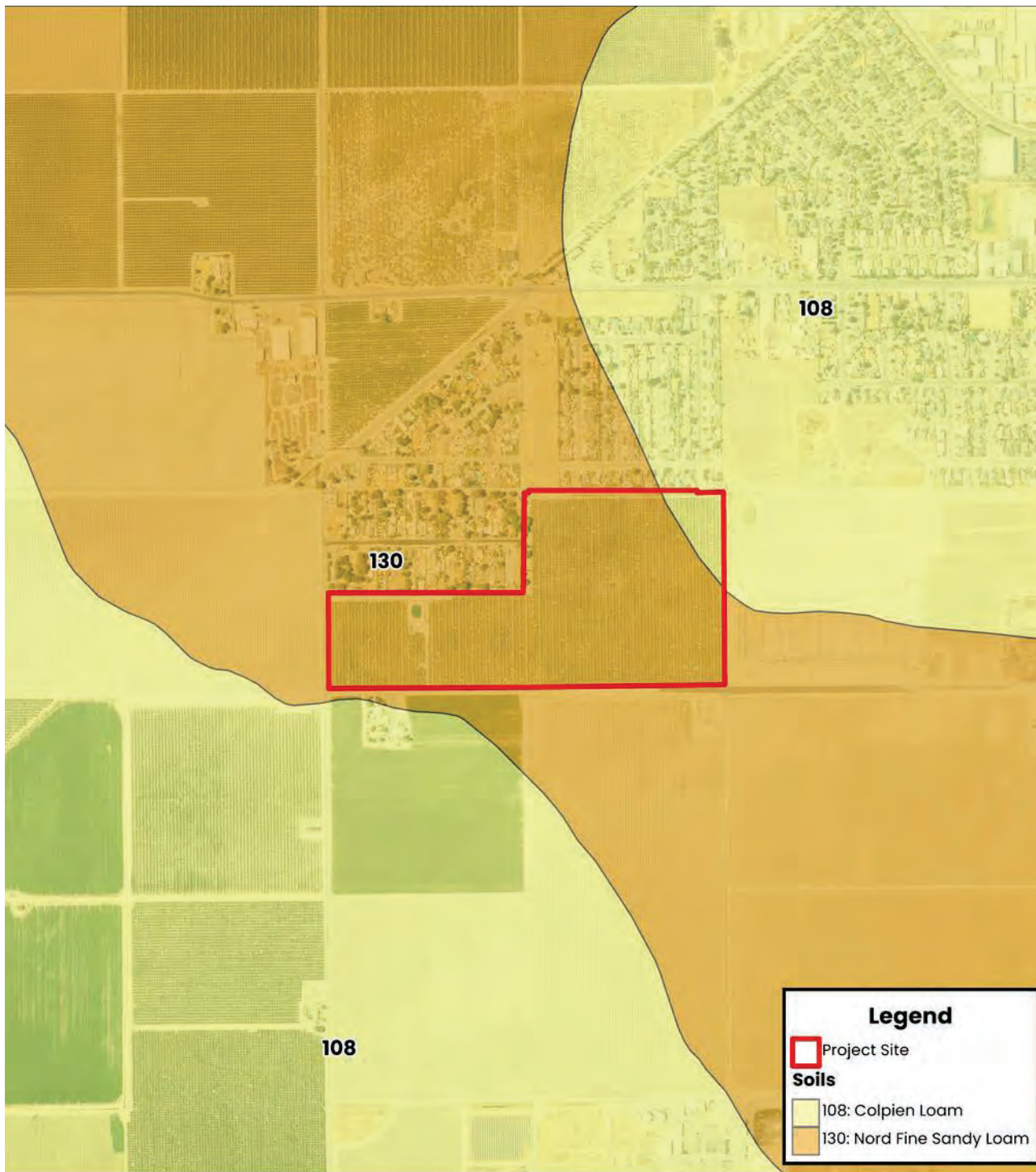
Environmental Setting

Geologic Stability and Seismic Activity

- Seismicity:** Although there are some active and potentially active faults in the region, Tulare has no known active faults. The nearest fault zones are the Owens Valley and San Andreas Faults, approximately 75 miles east and 85 miles west of the Site. The San Andreas Fault is California's most extended and significant fault zone.
- Liquefaction:** Liquefaction is a process whereby soil is temporarily transformed to fluid during intense and prolonged ground shaking. Areas most prone to liquefaction are water-saturated (e.g., where the water table is less than 30 feet below the surface) and consist of relatively uniform, loose to medium-density sands. The relatively rapid loss of soil shear strength during strong earthquake shaking results in temporary, fluid-like soil behavior, which can result in landslides and lateral spreading. Although no specific liquefaction hazard areas have been identified in Tulare County or the City of Tulare, this potential is recognized throughout the San Joaquin Valley, where unconsolidated sediments and a high-water table coincide.
- Landslides:** Landslides refer to a wide variety of processes that result in the downward and outward movement of soil, rock, and vegetation under gravitational influence. Natural and human-induced slope stability changes can cause landslides and often accompany other natural hazard events, such as floods, wildfires, or earthquakes. Eastern portions of Tulare County are at a higher risk of landslides where steep slopes are present. However, because of the Site's flat topography, similar to most of Tulare County, it is at low risk of landslides and mudslides.
- Subsidence:** Land Subsidence refers to the vertical sinking of land because of artificial or natural underground voids. Subsidence has occurred throughout the Central Valley at differing rates since the 1920s because of groundwater, oil, and gas withdrawal. During drought years, the Valley is prone to accelerated subsidence. Although western portions of the County show signs of deep and shallow subsidence, most of the County, including the proposed Project Site, is not considered at risk of subsidence-related hazards. The soils on the Site consist of Nord Fine Sandy Loam and Colpien Loam, described below.

Soils Involved in Project: The proposed Project involves the construction on top of two soil types. The properties of this soil are described below:

- **Colpien Loam:** The Colpien series consists of very deep, moderately well-drained soils. Colpien soils exhibit negligible to low runoff.
- **Nord Fine Sandy Loam, 0 to 2 percent slopes:** The Nord series consists of very deep, well-drained soils. Nord soils exhibit negligible/low runoff and moderate permeability.






 4CREEKS Date: 11/6/2023	<h3>Soils Map</h3> <h2><i>Sherwood South Subdivision</i></h2> <h3>City of Tulare</h3>	  1 in = 1,000 ft
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Figure 3-4: Soil Types within Project Area

Regulatory Setting

Alquist-Priolo Earthquake Fault Zoning Act (1972)

The Alquist-Priolo Earthquake Fault Zoning Act, previously known as the Alquist-Priolo Special Studies Zone Act, is a law in California that mandates the identification and demarcation of specific zones along active faults. The primary goal of this act is to regulate construction and development in areas situated on or near active fault lines to minimize the risk of fault rupture.

Under the Alquist-Priolo Act, constructing structures intended for human occupancy is prohibited across active fault traces. Within these designated zones, cities and counties are required to enforce specific regulations on development activities. These regulations include withholding permits until geological investigations demonstrate that the proposed development sites are not at risk of future surface displacement. There are no designated Alquist-Priolo zones in the Project area.

California Building Code

The California Building Code (CBC) contains general building design and construction requirements for fire and life safety, structural safety, and access compliance. CBC provisions provide minimum standards to safeguard life or limb, health, property, and public welfare by regulating and controlling the design, construction, quality of materials, use and occupancy, location and maintenance of all buildings and structures, and specific equipment.

City of Tulare General Plan

The City of Tulare 2035 General Plan *Safety Element* includes the following goals and policies intended to protect the City's resources and are relevant to the proposed Project.

- Goal SAF-4: To protect people and property from seismic and geotechnical hazards.
 - *Policy SAF-4.1: Update Seismic Safety Element.* The City shall prepare an update Seismic Safety Element to address earthquake and other seismic hazards within the City and Planning Area.
 - *Policy SAF-4.2: Evaluation of Earthquake Risks.* The City shall evaluate areas to determine levels of earthquake risk.
 - *Policy SAF-4.4 Alquist-Priolo Act Compliance.* The City shall not permit any structure for human occupancy to be placed within designated Earthquake Fault Zones (pursuant to and as determined by the Alquist-Priolo Earthquake Fault Zoning Act; Public Resources Code, Chapter 7.5) unless the specific provisions of the Act and Title 14 of the California Code of Regulations have been satisfied.
 - *Policy SAF-4.5 Subsidence.* The City shall confirm that development is not located in any known areas of active subsidence. If urban development may be located in such an area, a special safety study will be prepared and needed safety measures implemented.

City of Tulare Building Division

The Building Division is tasked with providing construction standards enforcement to safeguard health and property in the interest of public welfare. To accomplish this, the Building Division enforces City ordinances, adopts model codes and standards, and inspects construction, alterations, moving, demolition, repair, and use of buildings and structures. The Building Inspection Division issues required permits, checks building plans for compliance with code requirements, validate contractors, licenses workers' compensation insurance, performs inspections during construction, and maintains records of all division activities. If required, the division inspects substandard buildings and issues notices for rehabilitation or demolition. This Division is responsible for enforcing building codes as they apply to all phases of site plan, building and structure inspections.

Tulare County Multi-Jurisdictional Hazard Mitigation Plan

A hazard mitigation plan is a formal document that outlays the plans to reduce or eliminate the long-term risk to human life and property from natural or manmade hazards. Tulare participates in preparing the Multi-Jurisdictional Local Hazard Mitigation Plan (MJ-LHMP), which covers the County and eleven participating cities. The latest adopted MJ-LHMP was prepared in 2018 and is currently being updated in 2023. The plan has been designed to meet four goals:

1. Significantly reduce life loss and injuries.
2. Minimize damage to structures and property, as well as disruption of essential services and human activities.
3. Protect the environment.
4. Promote hazard mitigation as an integrated public policy.

Discussion

a) Would the Project directly or indirectly cause potential substantial adverse effects, including the risk of loss, injury, or death involving:

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

Less than Significant Impact: According to the CalOES MyHazards Tool, no active faults underlay the Project Site, and there is a low seismic risk. Although the Site is in an area of low seismic activity, the Project could be affected by ground shaking from nearby faults. The homes in the Project will be built to CBC standards to reduce the impact of potential ground shaking. However, the potential for strong seismic ground shaking on the Site is not a significant environmental concern due to the infrequent seismic activity of the area and the distance to the faults. The Project has no potential to cause the

rupture of an earthquake fault indirectly or directly. Therefore, the risk of loss, injury, or death involving a rupture of a known earthquake fault would be *less than significant*.

ii. Strong seismic ground shaking?

No Impact: According to the MJ-LHMP, the Project Site is in an area of relatively low seismic activity. The proposed Project does not include any activities or components that could feasibly cause strong seismic ground shaking, either directly or indirectly. There is *no impact*.

iii. Seismic-related ground failure, including liquefaction?

No Impact: The 2018 MJ-LHMP identifies the risk of liquefaction within the County as low because the soil types are unsuitable for liquefaction. According to State soil maps, the Project Site consists of Nord Fine Sandy Loam and Colpien Loam, which is unsuitable for liquefaction. There is *no impact*.

iv. Landslides?

No Impact: The proposed Project Site is flat and has no hill slopes. As a result, there is no potential for landslides. No geologic landforms exist on or near the Site that would result in a landslide event. There is *no impact*.

b) Would the Project result in substantial soil erosion or the loss of topsoil?

Less Than Significant Impact: The potential for erosion is low because the Project Site is flat. However, construction-related activities and increased impervious surfaces can increase the probability of erosion. Construction-related impacts related to erosion will be temporary and subject to best management practices (BMPs). BMPs are developed to prevent significant impacts associated with erosion from construction. Conditions incorporated into the project will include:

1. A Construction Activity Storm Water Permit will be required from the California Regional Water Quality Control Board. This permit somewhat overlaps the City's Grading Plan requirement by applying State standards for erosion-control measures during the Project's construction.
2. California Regional Water Quality Board SWPPP. This plan emphasizes storm-water Best Management Practices and is required as part of the Construction Activity Storm Water Permit. The objectives of the SWPPP are to identify the sources of sediment and other pollutants that affect the quality of storm-water discharges and to describe and ensure the implementation of practices to reduce sedimentation and other pollutants in storm-water discharge.
3. City of Tulare's Standard Operational Procedures Section VII for Grading Plans is required for all multiple family and commercial permits.

Because erosion-related impacts would be temporary and limited to construction and require best management practices would prevent significant impacts related to erosion, the impact will remain *less than significant*.

- c) Would the Project be located on a geologic unit or soil that is unstable, or that would become unstable as a result of the Project, and potentially result in on- or off-Site landslide, lateral spreading, subsidence, liquefaction, or collapse?**

No Impact: The soil type associated with the Project Site is considered stable and has a low capacity for landslides, lateral spreading, subsidence, liquefaction, or collapse. Because the Site is stable, and this Project would not result in a substantial grade change to the topography to the point that it would increase the risk of landslides, lateral spreading, subsidence, liquefaction, or collapse, there is *no impact*.

- d) Would the Project be located on expansive soils, as defined in Table 18-1-B of the Uniform Building Code (1994), creating substantial direct or indirect risks to life or property?**

No Impact: Expansive soils contain large amounts of clay, which absorbs water and causes the soil to increase in volume. Conversely, the soil associated with the proposed Site is granular and well-draining and, therefore, cannot absorb water or exhibit expansive behavior. The proposed construction would be completed following the standards of the City of Tulare Building Code (based on the California Building Code), which requires testing of the site to ensure that structures are not founded on dangerously expansive materials, undertaking special structural design considerations where expansive materials are encountered, or removal or pretreatment of such materials if they are encountered. Because the soils associated with the Project are not suitable for expansion, implementation of the Project will pose no direct or indirect risk to life or property caused by expansive soils, and there is *no impact*.

- e) Would the Project have soils incapable of adequately supporting the use of septic tanks or alternative wastewater disposal systems where sewers are not available for the disposal of wastewater?**

No Impact: The proposed Project will have access to the existing City wastewater infrastructure and will not require septic tanks or alternative wastewater disposal systems. There is *no impact*.

- f) Would the Project directly or indirectly destroy a unique paleontological resource or Site or unique geologic feature?**

Less Than Significant Impact: The Site contains no unique geologic features or known paleontological resources. The Project does not propose excavation in undisturbed soils,

particularly to a depth with the potential to unearth paleontological resources. Potential impacts resulting from Project implementation would be *less than significant*.

VIII. GREENHOUSE GAS EMISSIONS

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

Environmental Setting

Natural processes and human activities emit greenhouse gases. The presence of GHGs in the atmosphere affects the earth's temperature. Without the natural heat-trapping effect of GHGs, the earth's surface would be about 34°C cooler. However, it is believed that emissions from human activities, such as electricity production and vehicle use, have elevated the concentration of these gases in the atmosphere beyond the level of naturally occurring concentrations.

The effect of greenhouse gasses on the earth's temperature is equivalent to how a greenhouse retains heat. Common GHGs include water vapor, carbon dioxide, methane, nitrous oxide, ozone, chlorofluorocarbons, hydrochlorofluorocarbons, hydrofluorocarbons, perfluorocarbons, sulfur, and hexafluoride. Some gases are more effective than others. The Global Warming Potential (GWP) has been calculated for each greenhouse gas to reflect how long it remains in the atmosphere, on average, and how strongly it absorbs energy. Gases with a higher GWP absorb more energy per pound than gases with a lower GWP and thus contribute more to global warming. For example, one pound of methane equals twenty-one pounds of carbon dioxide.

GHGs, as defined by AB 32, are summarized in Table 3-10. GHGs include the following gases: carbon dioxide, methane, nitrous oxide, hydrofluorocarbons, perfluorocarbons, and sulfur hexafluoride. Each gas's effect on climate change depends on three main factors. The first is the quantity of these gases in the atmosphere, how long they stay, and finally, how strongly they impact global temperatures. Regarding the quantity of these gases in the atmosphere, we first must establish the amount of particular gas in the air, known as Concentration or abundance, measured in parts per million, parts per billion, and even parts per trillion. To put

these measurements in more relatable terms, one part per million equals one drop of water diluted into about 13 gallons, roughly a full gas tank in a compact car. Therefore, it can be assumed larger emissions of greenhouse gases lead to a higher concentration in the atmosphere.

Each designated gas described above can reside in the atmosphere for different amounts, ranging from a few years to thousands of years. All these gases remain in the atmosphere long enough to become well mixed, meaning that the amount measured in the atmosphere is roughly the same all over the world regardless of the emission source.

Greenhouse Gas	Description and Physical Properties	Lifetime	GWP	Sources
Methane (CH ₄)	Is a flammable gas and is the main component of natural gas	12 years	21	Emitted during the production and transport of coal, natural gas, and oil. Methane emissions also result from livestock and other agricultural practices and by the decay of organic waste in municipal solid waste landfills.
Carbon dioxide (CO ₂)	An odorless, colorless, natural greenhouse gas.	30-95 years	1	Enters the atmosphere through burning fossil fuels (coal, natural gas and oil), solid waste, trees and wood products, and also as a result of certain chemical reactions (e.g., manufacture of cement). Carbon dioxide is removed from the atmosphere (or "sequestered") when it is absorbed by plants as part of the biological carbon cycle.
Chloro-fluorocarbons	Gases formed synthetically by replacing all hydrogen atoms in methane or ethane with chlorine and/or fluorine atoms. They are non-toxic nonflammable, insoluble and chemically unreactive in the troposphere (the level of air at the earth's surface).	55-140 years	3,800 to 8,100	Were synthesized in 1928 for use as refrigerants, aerosol propellants, and cleaning solvents. They destroy stratospheric ozone.
Hydro-fluorocarbons	A man-made greenhouse gas. It was developed to replace ozone-depleting gases found in a variety of appliances. Composed of a group of greenhouse gases containing carbon, chlorine an at least one hydrogen atom.	14 years	140 to 11,700	Powerful greenhouse gases that are emitted from a variety of industrial processes. Fluorinated gases are sometimes used as substitutes for stratospheric ozone-depleting substances. These gases are typically emitted in smaller quantities, but because they are potent greenhouse gases.

Greenhouse Gas	Description and Physical Properties	Lifetime	GWP	Sources
Nitrous oxide (N ₂ O)	Commonly known as laughing gas, is a chemical compound with the formula N ₂ O. It is an oxide of nitrogen. At room temperature, it is a colorless, non-flammable gas, with a slightly sweet odor and taste. It is used in surgery and dentistry for its anesthetic and analgesic effects.	120 years	310	Emitted during agricultural and industrial activities, as well as during combustion of fossil fuels and solid waste.
Pre-fluorocarbons	Has a stable molecular structure and only breaks down by ultraviolet rays about 60 kilometers above Earth's surface.	50,000 years	6,500 to 9,200	Two main sources of pre-fluorocarbons are primary aluminum production and semiconductor manufacturing.
Sulfur hexafluoride	An inorganic, odorless, colorless, and nontoxic nonflammable gas.	3,200 years	23,900	This gas is manmade and used for insulation in electric power transmission equipment, in the magnesium industry, in semiconductor manufacturing and as a tracer gas.

Table 3-10. Greenhouse Gasses; Source: EPA, Intergovernmental Panel on Climate Change

Regulatory Setting

California Air Resources Board

The California Air Resources Board (CARB) coordinates and oversees air pollution control programs at California's state and local levels. It was established in 1967 through the merger of the California Motor Vehicle Pollution Control Board, the Bureau of Air Sanitation, and its Laboratory. CARB also enacted its air quality legislation, the California Clean Air Act (CCAA), adopted in 1988. CARB plays a crucial role in California by developing and implementing air pollution control plans to achieve and maintain the National Ambient Air Quality Standards (NAAQS) set by the Environmental Protection Agency (EPA). While CARB holds primary responsibility for statewide pollution sources, it relies on local air districts to contribute additional strategies for sources under their jurisdiction. CARB combines its data with the data provided by local districts and submits a comprehensive State Implementation Plan (SIP) to the EPA. This plan includes emissions standards for vehicles and consumer products, which CARB sets, and attainment plans adopted by Air Pollution Control Districts (APCDs) and Air Quality Management Districts (AQMDs) approved by CARB.

States have the authority to establish air quality standards if they are at least as strict as the NAAQS. California has established the California Ambient Air Quality Standards (CAAQS) under Health and Safety Code Section 39606(b) and previous related laws. According to Health and Safety Code Section 39608, CARB must "identify" and "classify" each air basin in California based on specific pollutants. Consequently, CARB has designated certain areas in the state as nonattainment areas due to violations of the California Ambient Air Quality Standards (CAAQS).

The classification of areas in the state was also based on the severity of air pollution issues. The CCAA specifies air quality management strategies that must be implemented for each nonattainment class. Additionally, attainment plans are required for all nonattainment categories, which must demonstrate a five percent-per-year reduction in pollutants or their precursors that contribute to nonattainment. This reduction is averaged over consecutive three-year periods unless an approved alternative measure of progress is developed.

CARB is responsible for monitoring air quality in California. In collaboration with local Air Pollution Control Districts (APCDs) and Air Quality Management Districts (AQMDs), CARB has established and maintains a network called SLAMS (State and Local Air Monitoring Stations). This network continuously monitors pollutant levels in the ambient air to assess the present air quality conditions. Furthermore, in cases where air districts violate the CAAQS, they must prepare an Air Quality Attainment Plan. This plan outlines a program to achieve and maintain the mandates outlined in the CCAA.

California Attorney General

In California, the Attorney General is responsible for safeguarding the environment and promoting public health. By legal mandate, the Attorney General possesses independent

authority and acts directly on behalf of the People to protect the state's natural resources from pollution, impairment, or destruction.

The Attorney General assumes a prominent role in overseeing and enforcing two key laws: the California Environmental Quality Act (CEQA) and the Safe Drinking Water and Toxic Enforcement Act of 1986, also known as Proposition 65. CEQA ensures that environmental considerations are integrated into decision-making processes, while Proposition 65 focuses on identifying and addressing potential risks associated with toxic substances in consumer products and public spaces. The Attorney General is actively monitoring and enforcing compliance with these laws.

Furthermore, the Attorney General is responsible for prosecuting both civil and criminal violations of environmental laws. This is carried out in the name of the People of the State of California, representing the public interest and on behalf of client agencies. By pursuing legal action against those who violate environmental regulations, the Attorney General helps maintain the integrity of environmental laws and protects the well-being of California's people and natural resources.

Executive Order S-3-05

Governor Arnold Schwarzenegger established Executive Order S-3-05 in June 2006, and it establishes statewide emission reduction targets through the year 2050:

- by 2010, reduce GHG emissions to 2000 levels;
- by 2020, reduce GHG emissions to 1990 levels; and
- by 2050, reduce GHG emissions to 80 percent below 1990 levels.

This Executive Order does not include any specific requirements that pertain to the Project. However, actions taken by the State to implement these goals may affect the Project, depending on the specific implementation measures developed.

SB 1368

Senate Bill 1368 (SB 1368) was enacted in 2006 and required the California Public Utilities Commission (CPUC) to establish a CO₂ emissions standard for base load generation owned by or under long-term contracts with publicly owned utilities. The CPUC established a GHG Emissions Performance Standard (EPS) of 1,100 pounds of CO₂ per megawatt-hour. SB 1368 also requires posting notices of public deliberations by publicly owned companies on the CPUC website and establishes a process to determine compliance with the EPS.

AB 32

2006 California enacted the California Global Warming Solutions Act of 2006, commonly called AB 32. This legislation, codified in the Health and Safety Code Sections 38500-38599, establishes a comprehensive framework of regulations, reporting requirements, and market

mechanisms to achieve measurable reductions in greenhouse gas (GHG) emissions. AB 32 also sets a cap on statewide GHG emissions.

The primary goal of AB 32 is to reduce statewide GHG emissions to 1990 levels by 2020. To accomplish this, AB 32 introduces a phased approach to implementing a statewide cap on GHG emissions, starting in 2012. The legislation assigns the CARB responsible for developing and implementing regulations targeting stationary sources of GHG emissions. Additionally, AB 32 specifies that regulations established under AB 1493 should be utilized to address GHG emissions from vehicles. However, in cases where AB 1493 regulations cannot be implemented, AB 32 grants CARB the authority to develop new regulations for controlling vehicle GHG emissions.

AB 32 mandates CARB to adopt a quantified cap on GHG emissions, representing the levels recorded in 1990, and outlines the requirement to disclose the methodology used to determine the cap. The legislation also directs CARB to establish a schedule for meeting the emissions cap and to develop mechanisms for tracking, reporting, and enforcing the necessary reductions to ensure compliance. AB 32 includes guidance on achieving emissions reductions in an economically efficient manner, along with provisions to protect businesses and consumers from unfair impacts resulting from the reductions.

By striving to reach 1990 emission levels by 2020, it is estimated that statewide GHG emissions would be reduced by approximately 25 to 30 percent from current levels. However, AB 32 grants CARB discretionary authority to pursue greater reductions in sectors with significant and growing GHG emissions, such as transportation, compared to sectors with less anticipated emissions growth.

Under the requirements of AB 32, CARB was obligated to adopt regulations by January 1, 2011, to achieve the necessary GHG reductions and meet the 1990 emission cap by 2020. As of 2019, CARB reported that emissions in 2017 were 7 million metric tons of CO₂ equivalent (MMT CO₂e) below the 2020 limit set by the state.

SB 375

In September 2008, Senate Bill 375 (SB 375) was enacted (Chapter 728, Statutes of 2008) to align regional transportation planning, GHG reduction targets, and California's land use/housing allocation. This legislation requires Metropolitan Planning Organizations (MPOs) to adopt a sustainable community strategy (SCS) or an alternative planning strategy (APS) as part of their regional transportation plans. The SCS or APS outlines land use allocations within the MPO's jurisdiction.

Under SB 375, the CARB, in collaboration with MPOs, establishes GHG reduction targets for passenger cars and light trucks in each affected region for the years 2020 and 2035. These targets are updated every eight years, with the option to update them every four years if advancements in emissions technologies impact the strategies for achieving the targets. CARB

is responsible for reviewing the SCS or APS of each MPO to ensure its consistency with the assigned GHG reduction targets.

Additionally, SB 375 extends the minimum period for the regional housing needs allocation cycle from five to eight years for local governments within an MPO that meets specific requirements. Notably, city or county land use policies, including general plans, are not obligated to align with the regional transportation plan or the SCS or APS. However, new California Environmental Quality Act (CEQA) provisions provide incentives, such as streamlined processes, for qualified projects consistent with an approved SCS or APS. These projects fall under the category of "transit priority projects."

In summary, SB 375 seeks to integrate transportation, land use, and housing planning efforts to promote sustainable communities and reduce GHG emissions. It establishes guidelines for MPOs, sets GHG reduction targets, extends housing allocation cycles, and offers incentives for projects that align with approved SCS or APS, known as "transit priority projects."

Office of Planning and Research Technical Advisory

In line with Senate Bill 97 (SB 97), the Office of Planning and Research (OPR) released a Technical Advisory on CEQA and Climate Change on June 19, 2008. The advisory was developed in collaboration with the Resources Agency, the California Environmental Protection Agency (CalEPA), and the CARB. This Technical Advisory provides interim informal guidance to lead agencies on how to address climate change in their CEQA documents until official CEQA guidelines are developed under SB 97. These guidelines will outline how state and local agencies should analyze and, if necessary, mitigate GHG emissions.

According to the OPR's guidance, lead agencies are advised to determine whether a project may generate GHG emissions and, if so, quantify or estimate the emissions by type and source. The agency must then assess whether these emissions are individually or cumulatively significant. When evaluating the cumulative significance of a project's effects on climate change, even if the project's specific GHG contribution is individually limited, the lead agency must consider the project's impact concerning the effects of past, current, and expected future projects. Finally, if the lead agency determines that the proposed project's GHG emissions are potentially significant, it is required to explore and implement measures to avoid, reduce, or mitigate the impacts of those emissions.

On April 13, 2009, the OPR submitted proposed amendments to the CEQA Guidelines to the Secretary of the Resources Agency for official promulgation. These proposed amendments include Model Policies for GHGs in General Plans. The OPR recommended changes to various sections of the existing guidelines, such as significance determination, thresholds, statements of overriding consideration, mitigation, cumulative impacts, and streamlining approaches. The proposed Guidelines also explicitly require EIRs to analyze GHG emissions resulting from a project when the incremental contribution of those emissions may be significant. The OPR adopted new amendments to the CEQA Guidelines in 2018.

California Energy Code

Title 24, Part 6 of the California Code of Regulations, called the California Energy Code, includes standards mandating energy efficiency measures in new construction and retrofitting existing buildings. Since its establishment in 1977, the building efficiency standards (along with standards for energy efficiency in appliances), which regulate energy consumed in buildings for heating, cooling, ventilation, water heating, and lighting, have contributed to reducing California's electricity and natural gas consumption. The standards are updated every three years to allow new energy efficiency technologies to be considered. The latest update to Title 24 standards became effective on January 1, 2020.

CALGreen

CalGreen, the nation's first Green Building Standards Code, became effective in August 2009 for voluntary compliance and local adoption and became effective for mandatory compliance on January 1, 2011. This Code establishes minimum standards for new construction intended to help the State achieve the AB 32 goal of reducing GHG emissions to 1990 levels by 2020. In addition to energy efficiency standards, CalGreen includes mandatory measures for water conservation, storm water drainage and retention, material conservation, and construction waste reduction. The requirements for nonresidential construction also include parking, landscaping, and other standards. Local jurisdictions can adopt procedures by ordinance to improve the level of construction beyond the CalGreen minimum standard.

SB 1078, SB 107, and Executive Order S-14-08

SB 1078, SB 107, and Executive Order S-14-08 require California to generate 20% of its electricity from renewable energy by 2017. SB 107 then changes the 2017 deadline to 2010. Executive Order S-14-08 required that all retail sellers of electricity serve 33 percent of their load with renewable energy by 2020.

City of Tulare General Plan

The City of Tulare 2035 General Plan *Conservation and Open Space Element* includes the following goals and policies intended to protect the City's resources and are relevant to the proposed Project.

Energy Conservation

- Goal COS-6: To encourage energy conservation in new and existing developments throughout the city.
 - *Policy COS-6.1: Energy Conservation Measures.* The City shall require the use of energy conservation features in new construction and renovation of existing structures in accordance with state law. New features that may be applied to construction and renovation include:
 - a) Green building techniques (such as use of recycled, renewable, and reused materials; efficient lighting/power sources; design orientation; building techniques; etc.);

- b) Cool roofs;
 - c) Enhanced insulation;
 - d) Application of solar technologies (e.g. photovoltaic, water heating, etc.); and
 - e) Energy Star compliance programs
- *Policy COS-6.2: Landscape Improvements for Energy Conservation.* The City shall encourage the planting of shade trees along all city streets and as part of new development to reduce radiation heating.
 - *Policy COS-6.6: Solar Energy.* The City shall work with developers to encourage the incorporation of passive and active solar devices such as solar collectors, solar cells, and solar heating systems into the design of local buildings. Additionally, the City shall work with developers to ensure that building and site design take into account the solar orientation of buildings during design and construction.

City of Tulare Climate Action Plan

The City Climate Action Plan (CAP) was created as one of the first key steps to guiding the development and enhancement of actions designed to reduce Tulare’s Greenhouse Gas (GHG) emissions. The CAP represents the results of a GHG emissions inventory effort which serves as a starting point for developing a comprehensive municipal and community strategy for addressing GHG emission reduction goals. The major long-term goals of the City’s CAP for the City government and the community include the following:

1. Increase energy efficiency and conservation.
2. Promote and support renewable energy generation and use.
3. Shift single-occupancy vehicle trips to alternative modes.
4. Reduce emissions from vehicles.
5. Increase accessible land use to reduce vehicular trips.
6. Reduce solid waste.
7. Promote low emissions in agriculture.

The City selected the years 2020 and 2030 to establish mitigation targets for the CAP. A reduction of 15% below the 2006 baseline year level is the target for 2020. A reduction of 30% below the 2005 baseline year level is the target for 2030. The City established two mitigation milestones to correlate with the planning horizon of the 2030 General Plan Update and to ensure that the City is working towards the States goal of an 80% reduction below baseline by 2050.

San Joaquin Valley Air Pollution Control District

The SJVAPCD evaluated performance-based standards that would state “in quantifiable terms the level and extent of the attribute necessary to reach a goal or objective”. The SJVAPCD considered a project achieving the performance-based standard or mitigating GHG emissions to an equivalent emissions reduction level would be considered to have a less-than-significant cumulative impact on climate change. In conclusion, the SJVAPCD found that the state’s GHG emissions reduction target would be accomplished by achieving a 29% reduction from

business-as-usual (BAU), and that achieving this reduction would be a “de facto” performance-based standard for GHG emissions reductions.

On December 17, 2009, the SJVAPCD Governing Board adopted Guidance for Valley Land-Use Agencies in Addressing GHG Emission Impacts for New Projects under CEQA (SJVAPCD 2009b). The guidance recommends the following hierarchy for evaluating a project’s impact with respect to its GHG emissions:

- Projects complying with an approved GHG emission reduction plan or GHG mitigation program that avoids or substantially reduces GHG emissions within the geographic area in which the Project is located would be determined to have a less-than-significant individual and cumulative impact for GHG emissions. Such plans or programs must be specified in law or approved by the lead agency with jurisdiction over the affected resource and supported by a CEQA compliant environmental review document adopted by the lead agency. Projects complying with an approved GHG emission reduction plan or GHG mitigation program would not be required to implement BPS.
- Projects implementing BPSs would not require quantification of project-specific GHG emissions.⁵ Consistent with the CEQA Guidelines, such projects would be determined to have a less-than-significant individual and cumulative impact for GHG emissions.
- Projects not implementing BPSs would require quantification of project-specific GHG emissions and demonstration that project-specific GHG emissions would be reduced or mitigated by at least 29% compared to BAU, including GHG emission reductions achieved since the 2002–2004 baseline period. Projects achieving at least a 29% GHG emission reduction compared to BAU would be determined to have a less-than-significant individual and cumulative impact for GHG (SJVAPCD 2009b).
- For development projects, BPSs would include project design elements, land use decisions, and technologies that reduce GHG emissions. Although the SJVAPCD has adopted BPSs for several types of stationary sources (e.g., boilers), it has not developed BPSs for land development projects. Projects implementing any combination of BPSs and/or demonstrating a total 29% reduction in GHG emissions from BAU would be determined to have a less-than-significant individual and cumulative impact on global climate change (SJVAPCD 2015).

Regarding the BAU threshold, the Supreme Court in its 2015 decision, *Center for Biological Diversity v. Department of Fish and Wildlife*, S217763 (Newhall), concluded that substantial evidence is required to support the application of AB 32 statewide GHG reduction goal of 29% to new land use projects. Since neither the BPS nor BAU approach is generally appropriate for this Project, the SJVAPCD guidance was not used for this analysis.

Discussion

a) Would the Project generate greenhouse gas emissions, either directly or indirectly, that may have a significant impact on the environment.

Less Than Significant Impact:

Construction. Greenhouse gases would be generated during construction from activities including site preparation, grading, building construction, application of architectural coatings, and paving. The CalEEMod Emissions report predicts that this Project will create a maximum of 612 MT of CO₂e emissions per year during construction. Because the SJVAPCD does not have numeric thresholds for assessing the significance of construction related GHG emissions, predicted emissions from Project construction were compared to SJVAPCD thresholds for construction related GHG emissions. The SJVAPCD currently has a threshold of 10,000 metric tons of CO₂e per year for construction emissions amortized over a 30-year Project lifetime. Because Project construction would generate less GHG emissions than this threshold, impacts related to GHG emissions during Project construction would be less than significant.

Operation. The proposed Project would have the following operational greenhouse gas emissions:

- CO₂: 3,999 metric tons per year
- CH₄: 2.98 metric tons per year
- N₂O: 0.17 metric tons per year
- CO₂e: 4,127 metric tons per year (combined CO₂, CH₄, and N₂O emissions w/ some margin of error due to rounding differences and addition of Global Warming Potential)

The SJVAPCD provides guidance for analyzing GHG emissions impacts for projects within the SJVAB through its *Guidance for Valley Land-use Agencies in Addressing GHG Emission Impacts for New Projects under CEQA* (adopted December 17, 2009). This guidance establishes that GHG impacts are less than significant if a project achieves a 29 percent reduction in emissions compared to Business-as-Usual (BAU, defined as 2020 projections based on a 2002-2004 baseline) or implements Best Performance Standards (BPS), consistent with the CARB Scoping Plan under AB 32. In the absence of updated SJVAPCD guidance for post-2020 targets, the following metrics, aligned with this framework, are used to assess impacts.

Bright-Line Numeric Threshold: The bright-line significance threshold is a numeric, mass emissions threshold. In general, the bright-line threshold identifies the point at which additional analysis of Project-related GHG emissions impacts is necessary. Projects below the established bright-line significance criteria have a de minimis contribution to the local, regional, and/or statewide GHG emissions inventory and have less than significant

impacts. Projects above this threshold may result in a substantial increase in GHG emissions.

The bright-line threshold is based on the methodology identified in the 2016 AEP white paper (Walter et al., 2016). It is a market capture approach, reflecting the amount of emissions that 90 percent of development Projects surveyed in four cities within California would generate. CAPCOA identified that a bright-line threshold set at 900 metric tons of CO₂e per year would capture 90 percent of Projects. In general, 900 metric tons of CO₂e per year corresponds to (1) a residential development of 50 dwelling units; (2) 35,000 square feet of office space; (3) 11,000 square feet of retail space; and (4) 6,300 square feet of supermarket space. The 900 metric tons of CO₂e per year is used as it is the most conservative bright line threshold. Exceeding the bright-line significance criterion does not necessarily indicate that the Project generates a significant unavoidable impact. Consistent with how the bright-line threshold is applied in other air districts, this analysis utilizes the bright-line thresholds as a screening criterion to identify whether a full analysis of GHG emissions is warranted. If the Project exceeds the screening threshold, the second level of analysis will compare the Project to the efficiency metric discussed below.

Efficiency-Based Threshold for Residential Projects: The efficiency metric identified by air districts in California, consistent with SJVAPCD guidance and CARB's Scoping Plan under AB 32, is derived from statewide GHG reduction targets for 2020. Residential Projects that exceed the bright-line threshold would not be considered significant if their overall GHG efficiency is less than 6.7 MT CO₂e/yr/capita. This threshold aligns with the 29 percent reduction from BAU required under the SJVAPCD guidance and AB 32, without adjustment for post-2020 goals, as no formal update to the guidance has been issued.

For this Project: The average household size in the City of Tulare is 3.32 persons (US Census Bureau 2024). The Project consists of up to 285 units, leading to an estimated population of:

$$285 \text{ units} \times 3.32 \text{ persons/household} = 946 \text{ people}$$

Using the efficiency-based threshold, the allowable emissions for this residential Project would be:

$$946 \text{ people} \times 6.7 \text{ MT CO}_2\text{e/yr/capita} = 6,338 \text{ metric tons of CO}_2\text{e per year}$$

The total operational GHG emissions amount to 4,127 metric tons of CO₂e per year. Since the Project's emissions are below the efficiency-based threshold for residential Projects (6,338 metric tons of CO₂e per year), the Project's operational GHG emissions are considered *less than significant*.

b) Would the Project conflict with an applicable plan, policy or regulation adopted for the purpose of reducing the emissions of greenhouse gases?

No Impact: The proposed Project will comply with all Federal, State, and Local rules regarding regulating greenhouse gas emissions. As detailed below, the Project was consistent with Tulare's CAP, which states that Projects that achieve a 20% GHG emission reduction relative to a business-as-usual baseline would have a less than significant individual and cumulative impact on GHG. This threshold was developed for Tulare to meet the State mandated GHG emission reductions.

To evaluate consistency, the Project's GHG efficiency is assessed using the efficiency-based threshold for residential projects, as identified by California air districts and aligned with SJVAPCD guidance and the CARB Scoping Plan. This metric derives from statewide GHG reduction targets for 2020, establishing a bright-line threshold of 6.7 MT CO₂e per year per capita. Residential projects exceeding other thresholds are deemed not significant if their overall GHG efficiency falls below this level, which corresponds to a 29 percent reduction from BAU without adjustments for post-2020 goals.

For this Project, the average household size in the City of Tulare is 3.32 persons (U.S. Census Bureau, 2024), yielding an estimated population of 946 persons across up to 285 units (285 units × 3.32 persons per household). The allowable emissions under the efficiency-based threshold are therefore 6,338 MT CO₂e per year (946 persons × 6.7 MT CO₂e/year/capita). The Project's total operational GHG emissions are 4,127 MT CO₂e per year, equivalent to 4.36 MT CO₂e per year per capita. This efficiency level is below the 6.7 MT CO₂e per year per capita threshold, confirming less than significant impacts under the statewide metric.

To derive the BAU baseline consistent with this threshold, the 6.7 MT CO₂e per year per capita allowable equals a 29 percent reduction from an estimated BAU of 9.44 MT CO₂e per year per capita (calculated as $6.7 / 0.71$). The Project's emissions thus represent a 53.8 percent reduction from this BAU level ($(9.44 - 4.36) / 9.44 \times 100$ percent), exceeding the 20 percent reduction threshold in Tulare's CAP. For reference, the CAP-aligned allowable emissions at a 20 percent reduction from BAU would be 7,142 MT CO₂e per year (946 persons × 7.55 MT CO₂e/year/capita), and the Project's emissions are 42.2 percent below this level.

The proposed Project is consistent with all the Federal, State, and Local regulations adopted to reduce greenhouse gas emissions and have *no impact*.

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 checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
b) Create a significant hazard to the public or the environment through reasonably foreseeable upset and accident conditions involving the release of hazardous materials into the environment?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
c) Emit hazardous emissions or 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 checked="" type="checkbox"/>	<input 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 or excessive noise 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 response plan or emergency evacuation plan?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
g) Expose people or structures, either directly or indirectly, to significant risk of loss, injury or death involving wildland fires?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

Environmental Setting

The proposed Project Site is approximately .65 miles west of the nearest school (Mulcahy Middle School) and 3.5 miles north of the nearest airstrip (Mefford Field Airport), however, there is a private heliport (SCE San Joaquin Heliport) 2.5 miles south of the Project Site. The Project Site is not within an adopted Airport Land Use Compatibility Plan (ALUCP).

The Department of Toxic Substances Control's (DTSC's) Envirostor was used to identify any sites associated with releasing hazardous materials or wastes within the Project area. This research confirmed that the Project would not be located on a Site included on a list of hazardous materials sites compiled under Government Code Section 65962.5.

Public Resources Code section 3208.1 addresses responsibility for re-abandonment where previously plugged and abandoned oil, gas, or geothermal wells could be impacted by development. The CalGEM Well Finder database was reviewed for the Project parcels and vicinity, and no oil, gas, or geothermal wells were identified on or near the Project site. If any well, well-related feature, or evidence of leakage is encountered during construction, work in the vicinity shall cease and CalGEM shall be notified in accordance with PRC requirements. Any contaminated soil encountered shall be managed and disposed of in accordance with applicable local, state, and federal laws.

Krazan & Associates, Inc., conducted a Phase I Environmental Site Assessment (ESA) for the Project. No recognized environmental conditions (RECs), controlled RECs (CRECs), or historical RECs (HRECs) were identified, and the Site appeared on no federal, state, or local regulatory databases indicating hazardous material releases. A potential area of concern (PAOC) was noted for low-risk residual persistent pesticides or herbicides from pre-1970s applications, with no evidence of chemical storage or mixing observed.

Because the Project site was historically used for agriculture, residual constituents associated with historical agricultural practices may be present in shallow soils, particularly in areas historically associated with chemical mixing/loading/storage, drainage features, or former structures/outbuildings. Prior to grading, the Project shall complete an agricultural chemical screening and evaluate whether pesticides and organochlorine pesticides and arsenic are present in site soils at concentrations that could pose a risk for residential use. If smudge pots were routinely used historically, additional sampling for polycyclic aromatic hydrocarbons and/or total petroleum hydrocarbons shall be included as warranted by historical use information.