

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

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

Project Title:

The Oaks Marketplace Shopping Center – Conditional Use Permit No. 2020-30, Tentative Parcel Map No. 2020-09, Variance No. 2021-03

Project Description:

Conditional Use Permit No. 2020-30: A request by TMT, LLC to allow a master-planned commercial development on a 38.5-acre parcel in the C-R (Regional Commercial) Zone, for the development of approximately 212,450 square feet of commercial shopping center space in four phases, consisting of a specialty grocery store, seven drive-thru restaurants, a gas station/convenience store with drive-thru facility, a carwash facility, two sit-down restaurants, and 25 retail pads.

Tentative Parcel Map No. 2020-09: A request by TMT, LLC to subdivide 38.5 acres into 22 lots for commercial and right of way use, in the C-R (Regional Commercial) Zone.

Variance No. 2021-03: A request by TMT, LLC to allow a variance to signage standards, allowing 240 sq. ft. of wall signage for a specialty grocery store in the C-R (Regional Commercial) zoning designation.

This project will include on and off-site improvements pertaining to the development of the commercial center, including but not limited to installation of access drives, parking lots, landscaping, utilities, curbs, gutters, sidewalks, signal lights, and acquisition of and development within public rights-of-way. Right-of-way development will include dedications to the City of Visalia and Caltrans for street widening and placement of raised medians within the existing minor arterial Visalia Parkway (City of Visalia) and Mooney Boulevard / State Route 63 (Caltrans).

Project Location: The project site is located on the southeast corner of W. Visalia Parkway and S. Mooney Boulevard (APN: 126-080-025, 056).

Contact Person: Cristobal Carrillo, Associate Planner. Phone: (559) 713-4443. Email: cristobal.carrillo@visalia.city


Time and Place of Public Hearing: A public hearing will be held before the Planning Commission on November 8, 2021 at 7:00 p.m. in the City Hall Council Chambers located at 707 W. Acequia Avenue, Visalia, California.

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

Reasons for Mitigated Negative Declaration: Initial Study No. 2021-42 has identified environmental impact(s) that may occur because of the project; however, with the implementation of mitigation measures identified, impact(s) will be reduced to a level that is less than significant. Copies of the initial study and other documents relating to the subject project may be examined by interested parties at the Planning Division in City Hall East, at 315 East Acequia Avenue, Visalia, CA.

Comments on this proposed Mitigated Negative Declaration will be accepted from October 8, 2021 to November 8, 2021.

Date: 10/7/2021

Signed: 
Brandon Smith, AICP
Environmental Coordinator
City of Visalia

MITIGATED NEGATIVE DECLARATION

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Project Location: The project site is located on the southeast corner of W. Visalia Parkway and S. Mooney Boulevard (APN: 126-080-025, 056).

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

Attachments:

Initial Study	(X)
Environmental Checklist	(X)
Location Map	(X)
Mitigation Measures	(X)
Traffic Impact Analysis	(X)
Cultural Resources Assessment	(X)
Site Plan	(X)
Tentative Parcel Map	(X)

DECLARATION OF NO SIGNIFICANT EFFECT:

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

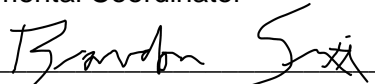
- (a) The project does not have the potential to degrade the quality of the environment, substantially reduce the habitat of a fish or wildlife species, cause a fish or wildlife population to drop below self-sustaining levels, threaten to eliminate a plant or animal community, reduce the number or restrict the range of a rare or endangered plant or animal, or eliminate important examples of the major periods of California history or prehistory.
- (b) The project does not have the potential to achieve short-term environmental goals to the disadvantage of long-term environmental goals.
- (c) The project does not have environmental effects which are individually limited but cumulatively considerable. Cumulatively considerable means that the incremental effects of an individual project are

considerable when viewed in connection with the effects of past projects, the effects of other current projects, and the effects of probable future projects.

- (d) The environmental effects of the project will not cause substantial adverse effects on human beings, either directly or indirectly.

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

APPROVED
Brandon Smith, AICP
Environmental Coordinator

By: 

Date Approved: 10/7/2021

Review Period: 30 days

INITIAL STUDY

I. GENERAL

A. Project Name and Description:

Conditional Use Permit No. 2020-30: A request by TMT, LLC to allow a master-planned commercial development on a 38.5-acre parcel in the C-R (Regional Commercial) Zone, for the development of approximately 212,450 square feet of commercial shopping center space in four phases, consisting of a specialty grocery store, seven drive-thru restaurants, a gas station/convenience store with drive-thru facility, a carwash facility, two sit-down restaurants, and 25 retail pads.

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The project site is located on the southeast corner of W. Visalia Parkway and S. Mooney Boulevard (APN: 126-080-025, 056), within the City of Visalia city limits, situated in Tulare County.

B. Identification of the Environmental Setting:

The 38.5-acre project site is currently employed for the agricultural production of wheat and corn. No structures exist on the project site. The project site is part of a larger 99.27-acre parcel (APN: 126-080-025, 056) which was previously proposed via Tentative Parcel Map No. 2020-08 to be divided into a 43.27-acre "Parcel 1" with an approximately 56-acre Remainder. Annexation No. 2020-02 was processed concurrently with Tentative Parcel Map No. 2020-08, to annex 38.5 acres of Parcel 1 into the Visalia City limits. While the annexation has been completed, the tentative parcel map remains to be recorded. As such, the project site is still a part of the 99.27-acre property.

The remaining 60.77 acres of the overall site that are not a part of the project are also employed for the agricultural production of wheat and corn. No structures exist on this portion of the property, except for an irrigation well on the southeast corner of the overall 99.27-acre parcel. Development is only proposed on the 38.5-acre project site. As such, this study only analyzes the effects of the project contained within the 38.5-acre project site. The site is not under Williamson Act contract and is not within an Agricultural Preserve.

The 38.5-acre project site includes the northern 55 feet of the overall 99.27-acre site, to be used for right of way expansion of Visalia Parkway.

The project site is bounded by active agricultural lands to the east and rural residential development to the south. Areas to the north and west contain active commercial and residential development or vacant lands planned for future development. The project site abuts three roadways; the four lane State Highway 63/South Mooney Blvd to the west, the two-lane West Visalia Parkway to the north, and the two-lane West Midvalley Avenue/Avenue 274 to the south.

The commercial development improvements will include widening of the unimproved east side of Mooney Boulevard to its ultimate six-lane right-of-way width along the property frontage as determined by Caltrans, the widening of the unimproved south side of Visalia Parkway to its ultimate four-lane right-of-way width from the project site, as determined by the City of Visalia, and the widening of the unimproved north side of Midvalley Street to its ultimate two-lane right-of-way width along the property frontage. All improvements for new streets will consist of through travel lanes, curb, gutter, sidewalk, and landscaping along the project frontage. Additional improvements include installation of parking lots and onsite landscaping.

The surrounding uses, Zoning, and General Plan are as follows:

	General Plan (2014)	Zoning (2017)	Existing uses
North:	Regional Commercial	C-R (Regional Commercial)	Commercial shopping centers, vacant commercial land.
South:	Regional Commercial, Residential Low Density	C-R, County Jurisdiction (AE-20)	Active agricultural lands, single family residences.
East:	Residential Low Density	County Jurisdiction (AE-20)	Active agricultural lands.
West:	Regional Commercial, Neighborhood Commercial, Residential Low Density	C-R, C-N (Neighborhood Commercial), R-1-5 (Single Family Residential, 5,000 sq. ft. minimum site are)	Commercial development, Westlake Village Mobile Home Park, vacant commercial land (under development for shopping center on 11 lots).

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

C. Plans and Policies:

The General Plan Land Use Diagram designates the project site as Regional Commercial. The Zoning Map designates the project site as C-R (Regional Commercial), with the remainder of the site which is outside City Limits designated as AE-20 (County jurisdiction zoning). The proposed shopping center project is consistent with the Land Use Element of the General Plan and zoning designation.

II. ENVIRONMENTAL IMPACTS

No significant adverse environmental impacts have been identified for this project. The City of Visalia General Plan and Zoning Ordinance contains policies and regulations that are designed to mitigate impacts to a level of non-significance.

III. MITIGATION MEASURES

The following mitigation measures, which are listed below, will reduce potential environmental impacts related to transportation/traffic and cultural resources to a less than significant level as shown below:

Transportation / Traffic – A Traffic Impact Analysis prepared by TJKM for the proposed project (ref.: Traffic Impact Analysis Report: TMT Shopping Center Development, Southeast Corner of Visalia Parkway & Mooney Boulevard, September 30, 2021) has concluded that roadway operating conditions for intersections and roadways in the vicinity of the project area either are or will be significantly impacted with the addition of the proposed project. To ensure that intersections and roadways will operate at acceptable LOS “D” and VMT reduced to a level of less than significance or better through the year 2042, the Analysis Report recommends mitigation to be incorporated into the project.

Therefore, to ensure that there will not be significant impacts to transportation/traffic in association with the project, the project shall be developed with the mitigation measures as described in the “Table ES-1: Summary of Mitigation Measures” section (page 12 through 14) of the above-referenced Traffic Impact Analysis. The mitigations are included as an attachment to the Mitigated Negative Declaration.

Cultural Resources – A Cultural Resources Study prepared by Taylored Archaeology (ref.: Cultural Resources Assessment for the Oaks Marketplace Master Conditional Use Permit Project, City of Visalia, Tulare County, California, January 2021) assessed the project site to determine whether cultural resources are present within the Project area. The investigation included a records search through the Southern San

Joaquin Valley Information Center (SSJVIC) to identify previously recorded cultural resources and prior studies in the project vicinity, a request to the Native American Heritage Commission (NAHC) to review its Sacred Lands File for known resources, and a pedestrian survey of the proposed Project area.

The records search results from SSJVIC indicated that there were two recorded resources. However, further review of SSJVIC records indicated the two recorded resources within the Project area were actually located outside the Project area to the north. The NAHC’s Sacred Lands File results revealed that there were no known identifications of sacred or important tribal cultural sites within the Project area, and no archaeological cultural resources were identified during Taylored Archaeology’s pedestrian survey of the Project area.

Due to the Project’s close proximity to Packwood Creek, which historically contained a Native American Yokut village within the general region, the Study recommends a Native American monitor and archaeological monitor be present during initial ground disturbance during Project construction activities. In the event of accidental discovery of unidentified archaeological remains during development or ground-moving activities in the Project area, all work within the immediate vicinity (within a 100-foot radius) should be halted until a qualified archaeologist can identify the discovery and assess its significance. Lastly, if human remains are uncovered during construction, the Tulare County Coroner is to be notified to investigate the remains and arrange proper treatment and disposition. If the remains are identified on the basis of archaeological context, age, cultural associations, or biological traits to be those of a Native American, California Health and Safety Code 7050.5 and PRC 5097.98 requires that the Coroner notify the NAHC within 24 hours of discovery.

Staff has incorporated the above recommendations as required mitigation measures. Therefore, to ensure that transportation/traffic and cultural resource requirements are met for the proposed projects, the project shall be developed and shall operate in substantial compliance with the Mitigation Measures 1.1 through 1.18 and 2.1 through 2.3. These mitigation measures are included in Section IV below as part of this Initial Study.

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

IV. MITIGATION MONITORING PROGRAM

<u>Mitigation Measure</u>	<u>Responsible Party</u>	<u>Timeline</u>
<p>Transportation / Traffic Impact Mitigation Measure 1.1: Caldwell Avenue and Dans Street Intersection (Intersection #5 on the TIA):</p> <p>Fair share payment into the City of Visalia Traffic Impact Fee Mitigation Program for the installation of a traffic signal to improve the LOS to an acceptable level, should the City decide to install a traffic signal.</p>	Project Applicant	Contribution to be made prior or deferral agreement entered into prior to finalization of first phase of development.
<p>Transportation / Traffic Impact Mitigation Measure 1.2: Cameron Ave and West Street Intersection (Intersection #14 on the TIA):</p> <p>Fair share payment into the City of Visalia Traffic Impact Fee Mitigation Program for the installation of a traffic signal to improve the LOS to an acceptable level.</p>	Project Applicant	Contribution to be made prior or deferral agreement entered into prior to finalization of first phase of development.

<p>Transportation / Traffic Impact Mitigation Measure 1.3: Visalia Parkway and Dans Street Intersection (Intersection #17 on the TIA):</p> <p>Fair share payment into the City of Visalia Traffic Impact Fee Mitigation Program for the installation of a traffic signal to improve the LOS to an acceptable level.</p>	<p>Project Applicant</p>	<p>Contribution to be made prior or deferral agreement entered into prior to finalization of first phase of development.</p>
<p>Transportation / Traffic Impact Mitigation Measure 1.4: Visalia Parkway and County Center Street Intersection (Intersection #18 on the TIA):</p> <p>Fair share payment into the City of Visalia Traffic Impact Fee Mitigation Program for the installation of a traffic signal to improve the LOS to an acceptable level, should the City decide to install a traffic signal.</p>	<p>Project Applicant</p>	<p>Contribution to be made prior or deferral agreement entered into prior to finalization of first phase of development.</p>
<p>Transportation / Traffic Impact Mitigation Measure 1.5: Visalia Parkway and Mooney Blvd. Intersection (Intersection #20 on the TIA):</p> <p>The intersection shall be widened to include the minimum:</p> <ul style="list-style-type: none"> • Eastbound: 2 left-turn lanes, 1 through lane, 1 right turn-lane; • Westbound: 2 left-turn lanes, 1 through lane, and 1 shared through-right lane • Northbound: 2 left-turn lanes, 1 through lane, and 1 shared through-right lane • Southbound: 1 left-turn lane, 3 through lanes, and 1 right-turn lane. <p>Signal timings shall also be optimized, subject to approval and coordination from Caltrans. Note that project plans indicate the applicant will build out the Northbound and Eastbound lanes to their ultimate configurations, as required by Caltrans and the City of Visalia. This includes Northbound: 2 left-turn lanes, three through lanes, a bike lane, and 1 right-turn lane, and Eastbound: 2 left-turn lanes, 2 through lanes.</p>	<p>Project Applicant</p>	<p>Mitigation shall be enforced and improvements completed prior to final occupancy of any building within the first phase of development.</p>
<p>Transportation / Traffic Impact Mitigation Measure 1.6: Mooney Boulevard and Avenue 272 Intersection (Intersection #23 on the TIA):</p> <p>Fair share payment into the City of Visalia Traffic Impact Fee Mitigation Program for the installation of a traffic signal to improve the LOS to an acceptable level, subject to approval and coordination from Caltrans.</p>	<p>Project Applicant</p>	<p>Contribution to be made prior or deferral agreement entered into prior to finalization of first phase of development.</p>
<p>Transportation / Traffic Impact Mitigation Measure 1.7: Cameron Avenue and Stonebrook Street Intersection (Intersection #13 on the TIA):</p> <p>Fair share payment into the City of Visalia Traffic Impact</p>	<p>Project Applicant</p>	<p>Contribution to be made prior or deferral agreement entered into within five years after the occupancy of the first building within the first phase of</p>

<p>Fee Mitigation Program for the installation of a traffic signal to improve the LOS to an acceptable level.</p> <p>Additionally, the storage length of the northbound lane shall be increased.</p>		<p>development.</p> <p>The increase to the storage length of the northbound lane shall occur within twenty years after the occupancy of the first building within the first phase of development.</p>
<p>Transportation / Traffic Impact Mitigation Measure 1.8: Visalia Parkway and Main Site Access – Target Driveway Intersection (Intersection #19 on the TIA):</p> <p>Fair share payment into the City of Visalia Traffic Impact Fee Mitigation Program for the installation of a traffic signal to improve the LOS to an acceptable level.</p>	<p>Project Applicant</p>	<p>Contribution to be made prior or deferral agreement entered into within five years after the occupancy of the first building within the first phase of development.</p>
<p>Transportation / Traffic Impact Mitigation Measure 1.9: Mooney Boulevard and Sunnyside Avenue Intersection (Intersection #3 on the TIA):</p> <p>Fair share payment into the City of Visalia Traffic Impact Fee Mitigation Program for the optimization of traffic signal timings to improve the LOS to an acceptable level, subject to approval and coordination from Caltrans.</p>	<p>Project Applicant</p>	<p>Contribution to be made prior or deferral agreement entered into within ten years after the occupancy of the first building within the first phase of development.</p>
<p>Transportation / Traffic Impact Mitigation Measure 1.10: Mooney Boulevard and Orchard Avenue Intersection (Intersection #4 on the TIA):</p> <p>Fair share payment into the City of Visalia Traffic Impact Fee Mitigation Program for the optimization of traffic signal timings to improve the LOS to an acceptable level, subject to approval and coordination from Caltrans.</p>	<p>Project Applicant</p>	<p>Contribution to be made prior or deferral agreement entered into within ten years after the occupancy of the first building within the first phase of development.</p>
<p>Transportation / Traffic Impact Mitigation Measure 1.11: Mooney Boulevard and Caldwell Avenue Intersection (Intersection #7 on the TIA):</p> <p>Fair share payment into the City of Visalia Traffic Impact Fee Mitigation Program for the optimization of traffic signal timings to improve the LOS to an acceptable level, subject to approval and coordination from Caltrans.</p>	<p>Project Applicant</p>	<p>Contribution to be made prior or deferral agreement entered into within ten years after the occupancy of the first building within the first phase of development.</p>
<p>Transportation / Traffic Impact Mitigation Measure 1.12: Cameron Avenue and County Center Street Intersection (Intersection #11 on the TIA):</p> <p>Fair share payment into the City of Visalia Traffic Impact Fee Mitigation Program for the installation of a traffic signal and optimization of traffic signal timings to improve the LOS to an acceptable level to improve the LOS to an acceptable level.</p>	<p>Project Applicant</p>	<p>For installation of a traffic signal, contribution shall be made or deferral agreement entered into within 10 years after occupancy of the first building within the first phase of development.</p> <p>For optimization of traffic signal timings, contribution shall be made or deferral agreement entered into within 20 years after occupancy of the first building within the first phase of development.</p>

		development.
<p>Transportation / Traffic Impact Mitigation Measure 1.13: Visalia Parkway and Stonebrook Street Intersection (Intersection #21 on the TIA):</p> <p>Fair share payment into the City of Visalia Traffic Impact Fee Mitigation Program for the installation of a traffic signal to improve the LOS to an acceptable level, should the City decide to install a traffic signal.</p>	Project Applicant	Contribution to be made prior or deferral agreement entered into within twenty years after the occupancy of the first building within the first phase of development.
<p>Transportation / Traffic Impact Mitigation Measure 1.14: Visalia Parkway and Costco Driveway Intersection (Intersection #29 on the TIA):</p> <p>Applicant shall install a raised median with a refuge lane to permit southbound left turn movement.</p>	Project Applicant	Mitigation shall be enforced and improvements completed prior within twenty years after the occupancy of the first building within the first phase of development.
<p>Transportation / Traffic Impact Mitigation Measure 1.15: VMT Mitigation Impact Fees:</p> <p>Payment of an impact fee with the building permit issuance of each parcel to the City, to be placed into a VMT mitigation bank to be created at a later date by the City of Visalia. The fee shall be calculated at \$1,277/ksf, based on project-specific travel demand model for 212,450 sq. ft. of commercial space. If a VMT mitigation fee program is implemented by the City prior to building permits being issued and fees being paid, the project will pay those fees instead. Otherwise, the fees would be calculated as shown in the Traffic Impact Analysis prepared by TJKM for the proposed project, based on the market rate price for GHG equivalents and a time period to be negotiated by the City and project applicant in light of other mitigating factors.</p>	Project Applicant	Contribution to be made prior to issuance of a Building Permit for each building proposed within the shopping center development.
<p>Transportation / Traffic Impact Mitigation Measure 1.16: San Joaquin Valley Air Pollution Control District Mitigation Fees:</p> <p>Payment of mitigation fees to the San Joaquin Valley Air Pollution Control District, which are based in part on mitigating VMT generated by the project.</p>	Project Applicant	Contribution to be made prior to issuance of a Building Permit for each building proposed within the shopping center development.
<p>Transportation / Traffic Impact Mitigation Measure 1.17: Site and Frontage Design Improvements:</p> <p>Implementation of site and frontage design improvements to improve access, circulation, and convenience of transit users, pedestrians, and bicycles. Improvements shall consist of the following:</p>	Project Applicant	Contribution to be made prior or deferral agreement entered into prior to finalization of first phase of development.

<ul style="list-style-type: none"> • Development of new sidewalks on all frontages of the project site, and connecting to existing and proposed pedestrian facilities at the intersections of Visalia Parkway & Mooney Boulevard (Intersection #20) and Midvalley Avenue & Mooney Boulevard (Intersection #22), and including crosswalks at same, to facilitate pedestrian access. • Development of bike facilities along Visalia Parkway, Mooney Boulevard, and Midvalley Avenue. • The improvement of transit access through the buildout of new transit stop on Visalia Parkway at the northwest corner of the project site, and improvement of an existing transit stop along Mooney Boulevard at the southwest corner of the project site. • Development of onsite facility improvements to encourage alternate modes of transportation, to include: <ul style="list-style-type: none"> ○ Pedestrian connections between sidewalks and buildings that provide a shorter path of travel than walking to the nearest driveway; ○ Marked pedestrian crosswalks connecting buildings that are separated by parking areas; ○ Adequate lighting for sidewalks and internal walkways, in particularly at major conflict points with vehicles; ○ Benches and trash cans placed throughout the project site; ○ Bike racks near building entrances; ○ Bike lockers or other long-term bike storage facilities for shopping center employees; ○ For the existing bus stop on Mooney Boulevard at the southwest corner of the project site, reconstruct the transit stop to provide a bus shelter, trash can, and adequate lighting. 		
<p>Transportation / Traffic Impact Mitigation Measure 1.18: Travel Demand Management Program:</p> <p>Implementation of a travel demand management (TDM) program for employees at the proposed shopping center, to be submitted for each building proposed. The TDM program shall include measures such as subsidized transit passes, facilitating ride sharing, contracting with vanpool providers, providing information on local transportation facilities and services, and providing on-site amenities for bicycle commuters such as showers and changing areas if the size of the building allows for such amenities.</p>	<p>Applicant for each individual building proposed for development.</p>	<p>Travel Demand Management Programs shall be submitted for each building within the shopping center prior to final occupancy of each structure.</p>

<p>Cultural Resources Mitigation Measure 2.1: A Native American monitor and archaeological monitor shall be present during initial ground disturbance during Project construction activities.</p>	<p>Project Applicant</p>	<p>Mitigation shall be enforced by the project applicant and carried out during the initial ground disturbance stages of construction for each phase of development.</p>
<p>Cultural Resources Mitigation Measure 2.2: In the event of accidental discovery of unidentified archaeological remains during development or ground-moving activities in the Project area, all work shall be halted in the immediate vicinity (within a 100-foot radius) until a qualified archaeologist can identify the discovery and assess its significance.</p>	<p>Project Applicant</p>	<p>Mitigation shall be enforced by the project applicant and carried out during development or ground moving activities for each phase of development.</p>
<p>Cultural Resources Mitigation Measure 2.3: If human remains are uncovered during construction, the Tulare County Coroner shall be notified to investigate the remains and arrange proper treatment and disposition. If the remains are identified on the basis of archaeological context, age, cultural associations, or biological traits to be those of a Native American the coroner shall notify the Native American Heritage Commission (NAHC) within 24 hours of discovery. The NAHC will then identify the Most Likely Descendent who will be afforded an opportunity to make recommendations regarding the treatment and disposition of the remains.</p>	<p>Project Applicant</p>	<p>Mitigation shall be enforced by the project applicant and carried out during construction of the entire project.</p>

V. PROJECT COMPATIBILITY WITH EXISTING ZONES AND PLANS

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

VI. SUPPORTING DOCUMENTATION

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

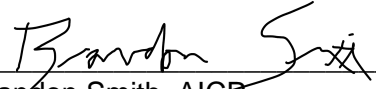
- Visalia General Plan Update. Dyett & Bhatia, October 2014.
- Visalia City Council Resolution No. 2014-38 (Certifying the Visalia General Plan Update) passed and adopted October 14, 2014.
- Visalia General Plan Update Final Environmental Impact Report (SCH No. 2010041078). Dyett & Bhatia, June 2014.
- Visalia General Plan Update Draft Environmental Impact Report (SCH No. 2010041078). Dyett & Bhatia, March 2014.
- Visalia City Council Resolution No. 2014-37 (Certifying the EIR for the Visalia General Plan Update) passed and adopted October 14, 2014.
- Visalia Municipal Code, including Title 17 (Zoning Ordinance).
- California Environmental Quality Act Guidelines.
- City of Visalia, California, Climate Action Plan, Draft Final. Strategic Energy Innovations, December 2013.
- Visalia City Council Resolution No. 2014-36 (Certifying the Visalia Climate Action Plan) passed and adopted October 14, 2014.
- City of Visalia Storm Water Master Plan. Boyle Engineering Corporation, September 1994.
- City of Visalia Sewer System Master Plan. City of Visalia, 1994.
- City of Visalia Zoning Ordinance Update. City of Visalia, March 2017.
- Traffic Impact Analysis Report: TMT Shopping Center Development, Southeast Corner of Visalia

Parkway & Mooney Boulevard, September 30, 2021). TJKM

- Cultural Resources Assessment for the Oaks Marketplace Master Conditional Use Permit Project, City of Visalia, Tulare County, California, January 2021. Taylored Archaeology

VII. NAME OF PERSON WHO PREPARED INITIAL STUDY

Cristobal Carrillo,
Associate Planner



Brandon Smith, AICP,
Environmental Coordinator

**INITIAL STUDY
 ENVIRONMENTAL CHECKLIST**

Name of Proposal Conditional Use Permit No. 2020-30, Tentative Parcel Map No. 2020-09, Variance No. 2021-03	
NAME OF PROPONENT: TMT, LLC	NAME OF AGENT: 4Creeks Inc., attn.: Matt Ainley, Molly McDonnel, and David Duda
Address of Proponent: Attn: Bernard TeVelde 2911 Hanford Armona Road Hanford, CA 93230	Address of Agent: 4Creeks, Inc. 324 S. Santa Fe Street, Ste. A Visalia, CA 93292
Attn: Lance Mouw 20799 Road 132 Tulare, CA 93274	
Attn: Jay TeVelde Jr. 6656 Avenue 328 Visalia, CA 93291	
Telephone Number: Bernard TeVelde – 559-250-3780 Lance Mouw – 559-686-0245 Jay TeVelde Jr. – 559-730-5850	Telephone Number: 559-802-3052
Date of Review October 6, 2021	Lead Agency: City of Visalia

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

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

I. AESTHETICS

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

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

- 2 b) Conflict with existing zoning for agricultural use, or a Williamson Act contract?
- 1 c) Conflict with existing zoning for, or cause rezoning of, forest land (as defined in Public Resources Code section 12220(g)), timberland (as defined by Public Resources Code section 4526), or timberland zoned Timberland Production (as defined by Government Code section 51104(g))?
- 1 d) Result in the loss of forest land or conversion of forest land to non-forest use?
- 2 e) Involve other changes in the existing environment which, due to their location or nature, could result in conversion of Farmland to nonagricultural use?

II. AGRICULTURAL RESOURCES

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

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

III. AIR QUALITY

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

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

IV. BIOLOGICAL RESOURCES

Would the project:

- 2 a) Have a substantial adverse effect, either directly or through habitat modifications, on any species identified as a candidate, sensitive, or special status species in local or

regional plans, policies, or regulations, or by the California Department of Fish and Game or U.S. Fish and Wildlife Service?

- 1 b) Have a substantial adverse effect on any riparian habitat or other sensitive natural community identified in local or regional plans, policies, regulations, or by the California Department of Fish and Game or U.S. Fish and Wildlife Service?
- 1 c) Have a substantial adverse effect on federally protected wetlands (including but not limited to, marsh, vernal pool, coastal, etc.) through direct removal, filling, hydrological interruption, or other means?
- 1 d) Interfere substantially with the movement of any native resident or migratory fish or wildlife species or with established native resident or migratory wildlife corridors, or impede the use of native wildlife nursery sites?
- 1 e) Conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance?
- 1 f) Conflict with the provisions of an adopted Habitat Conservation Plan, Natural Community Conservation Plan, or other approved local, regional, or state habitat conservation plan?

V. CULTURAL RESOURCES

Would the project:

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

VI. ENERGY

Would the project:

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

VII. GEOLOGY AND SOILS

Would the project:

- a) Directly or indirectly cause potential substantial adverse effects, including the risk of loss, injury, or death involving:
 - 1 i) Rupture of a known earthquake fault, as delineated on the most recent Alquist-Priolo Earthquake Fault Zoning Map issued by the State Geologist for the area or based on other substantial evidence of a known fault? Refer to Division of Mines and Geology Special Publication 42.
 - 1 ii) Strong seismic ground shaking?
 - 1 iii) Seismic-related ground failure, including liquefaction?
 - 1 iv) Landslides?
- 1 b) Result in substantial soil erosion or loss of topsoil?
- 1 c) Be located on a geologic unit or soil that is unstable, or that would become unstable as a result of the project, and potentially result in on- or off-site landslide, lateral spreading, subsidence, liquefaction, or collapse?

- 1 d) Be located on expansive soil, as defined in Table 18-1-B of the Uniform Building Code (1994), creating substantial risks to life or property?
- 1 e) Have soils incapable of adequately supporting the use of septic tanks or alternative wastewater disposal systems where sewers are not available for the disposal of wastewater?
- 1 f) Directly or indirectly destroy a unique paleontological resource or site or unique geologic feature?

VIII. GREENHOUSE GAS EMISSIONS

Would the project:

- 2 a) Generate greenhouse gas emissions, either directly or indirectly, that may have a significant impact on the environment?
- 2 b) Conflict with an applicable plan, policy, or regulation adopted for the purpose of reducing the emissions of greenhouse gases?

IX. HAZARDS AND HAZARDOUS MATERIALS

Would the project:

- 1 a) Create a significant hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials?
- 1 b) Create a significant hazard to the public or the environment through reasonably foreseeable upset and accident conditions involving the release of hazardous materials into the environment?
- 1 c) Emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste within one-quarter mile of an existing or proposed school?
- 1 d) Be located on a site which is included on a list of hazardous materials sites compiled pursuant to Government Code section 65962.5 and, as a result, would it create a significant hazard to the public or the environment?
- 1 e) For a project located within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project result in a safety hazard for people residing or working in the project area?
- 1 f) Impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan?
- 1 g) Expose people or structures, either directly or indirectly, to a significant risk of loss, injury or death involving wildland fires?

X. HYDROLOGY AND WATER QUALITY

Would the project:

- 1 a) Violate any water quality standards of waste discharge requirements or otherwise substantially degrade surface or groundwater quality?
- 1 b) Substantially decrease groundwater supplies or interfere substantially with groundwater recharge such that the project may impede sustainable groundwater management of the basin?
- 1 c) Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river or through the addition of impervious surfaces, in a manner which would:

- 1 i) result in substantial erosion or siltation on- or off-site;
- 1 ii) substantially increase the rate or amount of surface runoff in a manner which would result in flooding on- or offsite; or
- 1 iii) create or contribute runoff water which would exceed the capacity of existing or planned stormwater drainage systems or provide substantial additional sources of polluted runoff?
- 1 d) In flood hazard, tsunami, or seiche zones, risk release of pollutants due to project inundation?
- 1 e) Conflict with or obstruct implementation of a water quality control plan or sustainable groundwater management plan?

XI. LAND USE AND PLANNING

Would the project:

- 1 a) Physically divide an established community?
- 1 b) Cause a significant environmental impact due to a conflict with any land use plan, policy, or regulation adopted for the purpose of avoiding or mitigating an environmental effect?

XII. MINERAL RESOURCES

Would the project:

- 1 a) Result in the loss of availability of a known mineral resource that would be of value to the region and the residents of the state?
- 1 b) Result in the loss of availability of a locally-important mineral resource recovery site delineated on a local general plan, specific plan or other land use plan?

XIII. NOISE

Would the project result in:

- 2 a) Generation of a substantial temporary or permanent increase in ambient noise levels in the vicinity of the project in excess of standards established in the local general plan or noise ordinance, or applicable standards of other agencies?
- 2 b) Generation of excessive groundborne vibration or groundborne noise levels?
- 1 c) For a project located within the vicinity of a private airstrip or an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project expose people residing or working in the project area to excessive noise levels?

XIV. POPULATION AND HOUSING

Would the project:

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

XV. PUBLIC SERVICES

Would the project:

- 1 a) Would the project result in substantial adverse physical impacts associated with the provision of new or physically altered governmental facilities, need for new or physically altered governmental facilities, the construction of which could cause significant environmental impacts, in order to

maintain acceptable service ratios, response times or other performance objectives for any of the public services:

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

XVI. RECREATION

Would the project:

- 1 a) Would the project increase the use of existing neighborhood and regional parks or other recreational facilities such that substantial physical deterioration of the facility would occur or be accelerated?
- 1 b) Does the project include recreational facilities or require the construction or expansion of recreational facilities which might have an adverse physical effect on the environment?

XVII. TRANSPORTATION / TRAFFIC

Would the project:

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

XVIII. TRIBAL CULTURAL RESOURCES

Would the project cause a substantial adverse change in the significance of a tribal cultural resource, defined in Public Resources Code section 21074 as either a site, feature, place, cultural landscape that is geographically defined in terms of the size and scope of the landscape, sacred place, or object with cultural value to a California Native American tribe, and that is:

- 2 a) Listed or eligible for listing in the California Register of Historical Resources, or in a local register of historical resources as defined in Public Resources Code section 5020.1(k), or
- 2 b) A resource determined by the lead agency, in its discretion and supported by substantial evidence, to be significant pursuant to criteria set forth in subdivision (c) of Public Resources Code Section 5024.1. In applying the criteria set forth in subdivision (c) of Public Resources Code Section 5024.1, the lead agency shall consider the significance of the resource to a California Native American tribe.

XIX. UTILITIES AND SERVICE SYSTEMS

Would the project:

- 2 a) Require or result in the relocation or construction of new or expanded water, wastewater treatment or stormwater drainage, electric power, natural gas, or telecommunications facilities, the construction or relocation of which could cause significant environmental effects?
- 2 b) Have sufficient water supplies available to service the project and reasonable foreseeable future development during normal, dry, and multiple dry years?

Authority: Public Resources Code sections 21083 and 21083.09

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

- 1 c) Result in a determination by the wastewater treatment provider which serves or may serve the project that it has adequate capacity to serve the project's projected demand in addition to the provider's existing commitments?
- 1 d) Generate solid waste in excess of State or local standards, or in excess of the capacity of local infrastructure, or otherwise impair the attainment of solid waste reduction goals?
- 1 e) Comply with federal, state, and local management and reduction statutes and regulations related to solid waste?

XX. WILDFIRE

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

- 1 a) Substantially impair an adopted emergency response plan or emergency evacuation plan?
- 1 b) Due to slope, prevailing winds, and other factors, exacerbate wildfire risks, and thereby expose project occupants to, pollutant concentrations from a wildfire or the uncontrolled spread of a wildfire?
- 1 c) Require the installation or maintenance of associated infrastructure (such as roads, fuel breaks, emergency water sources, power lines or other utilities) that may exacerbate fire risk or that may result in temporary or ongoing impacts to the environment?
- 1 d) Expose people or structures to significant risks, including downslope or downstream flooding or landslides, as a result of runoff, post-fire slope instability, or drainage changes?

XXI. MANDATORY FINDINGS OF SIGNIFICANCE

Would the project:

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

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

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DISCUSSION OF ENVIRONMENTAL EVALUATION

I. AESTHETICS

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

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

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

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

A conceptual photometric plan for the shopping center has been provided, demonstrating the lighting fixtures installed throughout and directed toward the interior of the site. The on-site lighting for the shopping center use is directed and focused so as to avoid direct illumination spilling beyond the site boundaries into the adjacent residential uses, as required under Section 17.30.015.H of the Zoning Ordinance. The conceptual photometric plans demonstrate that lighting for the proposed uses along the respective property lines primarily do not exceed 0.5 lumens. A condition will be included with the Conditional Use Permit requiring compliance with the 0.5 lumen standard at property line, in particular to the south where scattered residential uses are located.

II. AGRICULTURAL RESOURCES

- a. The project is not located on property that is identified as Prime Farmland, Unique Farmland, or Farmland of Statewide Importance.
- b. The project is not located on property that is party to a Williamson Act contract. The project site is currently under agricultural production for wheat and corn but is zoned for C-R (Regional Commercial) use. As such the use is inconsistent with the applicable land use designation. The project site is bordered by urban development to the north and west, with areas designated for commercial and residential development to the south and east. There are no known Williamson Act contracts on any areas within the subject property.

The Visalia General Plan Update Environmental Impact Report (EIR) has already considered the environmental impacts of the conversion of properties within the Planning Area, which includes the subject property, into non-agriculture uses. Overall, the General Plan results in the conversion of over 14,000 acres of Important Farmland to urban uses, which is considered significant and unavoidable. Aside from preventing development altogether, the conversion of Important Farmland to urban uses cannot be directly mitigated. However, the General Plan contains multiple policies that together work to limit conversion only to the extent needed to accommodate long-term growth. The General Plan policies identified under Impact 3.5-1 of the EIR serve as the mitigation, which assists in reducing the severity of the impact to the extent possible while still achieving the General Plan's goals of accommodating a certain amount of growth to occur within the Planning Area. These policies include the implementation of a three-tier growth boundary system that assists in protecting open space around the City fringe and maintaining compact development within the City limits.

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

The proposed project is consistent with Land Use Policies LU-P-19 of the General Plan. Policy LU-P-19 states; "Ensure that growth occurs in a compact and concentric fashion by implementing the General Plan's phased growth strategy."

- c. There is no forest land or timberland currently located on the site, nor does the site conflict with a zoning for forest land, timberland, or timberland zoned Timberland Production.
- d. There is no forest or timberland currently located on the site.
- e. Development of a commercial shopping center will result in the conversion of active farmland to a non-agricultural use. However, the subject property is currently designated for an urban rather than agricultural land use. Properties

that are vacant may develop in a way that is consistent with their zoning and land use designation at any time. The adopted Visalia General Plan's implementation of a three-tier growth boundary system assists in protecting open space around the City fringe to ensure that premature conversion of farmland to non-agricultural uses does not occur.

The development proposed is consistent with the surrounding area and will comply with General Plan Land Use Policy LU-P-19, which states; "Ensure that growth occurs in a compact and concentric fashion by implementing the General Plan's phased growth strategy." Note that the project site does not contain prime farmland.

III. AIR QUALITY

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

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

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

- c. The project site is primarily bounded by existing commercial development to the north, vacant commercial land to the west, and agricultural land to the east. Scattered residences on land designated by the Visalia General Plan for Regional Commercial use are located south of the project. Residences located near the proposed project may be exposed to pollutant concentrations due to construction activities. The use of construction equipment will be temporary and is subject to SJVAPCD rules and regulations. The impact is considered as less than significant.
- d. The proposed project will not involve the generation of objectionable odors that would affect a substantial number of people.

IV. BIOLOGICAL RESOURCES

- a. The site has no known species identified as a candidate, sensitive, or special status species in local or regional plans, policies, or regulations, or by the California Department of Fish and Game or U.S. Fish and Wildlife Service. The project would therefore not have a substantial adverse effect on a sensitive, candidate, or special species.

In addition, staff conducted an on-site visit to the site on October 6, 2021 to observe biological conditions and did not observe any evidence or symptoms that would suggest the presence of a sensitive, candidate, or special species.

Citywide biological resources were evaluated in the Visalia General Plan Update Environmental Impact Report (EIR). The EIR concluded that certain special-status species or their habitats may be directly or indirectly affected by future development within the General Plan Planning Area. This may be through the removal of or disturbance to habitat. Such effects would be considered significant. However, the General Plan contains multiple policies, identified under Impact 3.8-1 of the EIR, that together work to reduce the potential for impacts on special-status species likely to occur in the Planning Area. With implementation of these policies, impacts on special-status species will be less than significant.

- b. The project is not located within an identified sensitive riparian habitat or other natural community.

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

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

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

- d. Citywide biological resources were evaluated in the Visalia General Plan Update Environmental Impact Report (EIR). The EIR concluded that the movement of wildlife species may be directly or indirectly affected by future development within the General Plan Planning. Such effects would be considered significant. However, the

General Plan contains multiple polices, identified under Impact 3.8-4 of the EIR, that together work to reduce the potential for impacts on wildlife movement corridors located within in the Planning Area. With implementation of these policies, impacts on wildlife movement corridors will be less than significant.

- e. The project will not conflict with any local policies or ordinances protecting biological resources. The City has a municipal ordinance in place to protect valley oak trees; however, no oak trees exist on the project site.
- f. There are no local or regional habitat conservation plans for the area.

V. CULTURAL RESOURCES

- a. A Cultural Resource Assessment was prepared by Taylored Archaeology for the proposed commercial shopping center/tentative parcel map (Study Cultural Resources Assessment for the Oaks Marketplace Master Conditional Use Permit Project, City of Visalia, Tulare County, California. January 2021). The study was conducted to determine if cultural resources are present that could be affected by the proposed Project. Accordingly, background research, a records search from the SSJVIC of the CHRIS, a search of the NAHC Sacred Lands File, and an intensive pedestrian survey of the Project area were conducted.

The SSJVIC records search identified one historic era cultural resource within the Project area. However, further review of SSJVIC records indicated the historic era resource misidentified as within the Project area is actually located outside the Project area to the north. Eight prior cultural resource studies and two previously recorded resources were found to be located within a 0.5-mile radius of the Project area. Both recorded resources were historical in age, but are not located on the project site. No cultural or tribal resources were identified in the Project area as a result of the NAHC Sacred Lands File search, archival research, or pedestrian survey.

- b. A Cultural Resource Assessment was prepared by Taylored Archaeology for the proposed commercial shopping center/tentative parcel map (Study Cultural Resources Assessment for the Oaks Marketplace Master Conditional Use Permit Project, City of Visalia, Tulare County, California. January 2021). The study was conducted to determine if cultural resources are present that could be affected by the proposed Project. Accordingly, background research, a records search from the SSJVIC of the CHRIS, a search of the NAHC Sacred Lands File, and an intensive pedestrian survey of the Project area were conducted.

Per the study, due to the Project's close proximity of 0.25 miles to Packwood Creek, which historically contained a Native American Yokut village on its banks within the general region, Taylored Archaeology recommends a Native American monitor and archaeological monitor be present during initial ground disturbance during Project construction activities. In the event of accidental discovery of unidentified archaeological remains during development or ground-moving activities in the Project area, all work should be halted in the immediate vicinity (within a 100-foot radius) until a qualified archaeologist can identify the discovery and assess its significance. These

recommendations are included as Mitigation Measures No. 2.1 and 2.2.

- c. A Cultural Resource Assessment was prepared by Taylored Archaeology for the proposed commercial shopping center/tentative parcel map (Study Cultural Resources Assessment for the Oaks Marketplace Master Conditional Use Permit Project, City of Visalia, Tulare County, California. January 2021). The study was conducted to determine if cultural resources are present that could be affected by the proposed Project. Accordingly, background research, a records search from the SSJVIC of the CHRIS, a search of the NAHC Sacred Lands File, and an intensive pedestrian survey of the Project area were conducted.

The study recommends that if human remains are uncovered during construction, the Tulare County Coroner be notified to investigate the remains and arrange proper treatment and disposition. If the remains are identified on the basis of archaeological context, age, cultural associations, or biological traits to be those of a Native American, California Health and Safety Code 7050.5 and PRC 5097.98 requires that the Coroner notify the NAHC within 24 hours of discovery. The NAHC will then identify the Most Likely Descendent who will be afforded an opportunity to make recommendations regarding the treatment and disposition of the remains. This has been included as Mitigation Measure No. 2.3.

VI. ENERGY

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

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

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

VII. GEOLOGY AND SOILS

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

- few limitations with regard to development. Due to low clay content and limited topographic relief, soils in the Visalia area have low expansion characteristics.
- d. Due to low clay content, soils in the Visalia area have an expansion index of 0-20, which is defined as very low potential expansion.
 - e. The project does not involve the use of septic tanks or alternative wastewater disposal systems since sanitary sewer lines for the disposal of wastewater are available for connection at this location.
 - f. There are no known unique paleontological resources or geologic features located within the project area. In the event that potentially significant cultural resources are discovered during ground disturbing activities associated with future development, construction, or completion, work shall halt in that area until a qualified Native American Tribal observer, archeologist, or paleontologist can assess the significance of the find, and, if necessary, develop appropriate treatment measures in consultation with Tulare County Museum, Coroner, and other appropriate agencies and interested parties. This is further addressed through Mitigation Measures 2.1, 2.2, and 2.3.

VIII. GREENHOUSE GAS EMISSIONS

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

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

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

- b. The State of California has enacted the Global Warming Solutions Act of 2006 (AB 32), which included provisions for reducing the GHG emission levels to 1990 "baseline" levels by 2020 and to a level 80% below 1990 baseline levels by 2050. In addition, the State has enacted SB 32 which included provisions for reducing the GHG emission levels to a level 40% below 1990 baseline levels by 2030.

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

IX. HAZARDS AND HAZARDOUS MATERIALS

- a. No hazardous materials are anticipated with the project.

- b. Construction activities associated with development of the project may include maintenance of on-site construction equipment that could lead to minor fuel and oil spills. The use and handling of any hazardous materials during future construction activities would occur in accordance with applicable federal, state, regional, and local laws. Therefore, impacts are considered to be less than significant.
- c. There is one school located .6 miles west of the project site (Cottonwood Elementary School). However, there is no reasonably foreseeable condition or incident involving the project that could affect existing or proposed school sites or areas within one-quarter mile of school sites.
- d. The project area does not include any sites listed as hazardous materials sites pursuant to Government Code Section 65692.5.
- e. Tulare County's adopted Comprehensive Airport Land Use Plan shows the project area is located outside of all Airport Safety Hazard Zones. There are no restrictions for the proposed project related to Airport Zone requirements. The project area is not located within 2 miles of a public airport.
- f. The project will not interfere with the implementation of any adopted emergency response plan or evacuation plan.
- g. There are no wild lands within or near the project area.

X. HYDROLOGY AND WATER QUALITY

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

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

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

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

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

- c.
- i. Development of this site will require movement of topsoil. Existing City Engineering Division standards require that a grading and drainage plan be submitted for review to the City to ensure that off- and on-site improvements will be designed to meet City standards.
 - ii. Development of the site will create additional impervious surfaces. However, existing and planned improvements to storm water drainage facilities as required through the Visalia General Plan policies will reduce any potential impacts to a less than significant level.

Polices identified under Impact 3.6-2 of the EIR will reduce any potential impacts to a less than significant level. With implementation of these policies and the existing City standards, future impacts to groundwater supplies will be less than significant.
 - iii. Development of the site will create additional impervious surfaces. However, existing and planned improvements to storm water drainage facilities as required through the Visalia General Plan policies will reduce any potential impacts to a less than significant level.

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

Furthermore, the project will be required to meet the City's improvement standards for directing storm water runoff to the existing City storm water drainage system consistent with the City's adopted City Storm Drain Master Plan.
 - d. The project area is located within Zone X02, which indicates an area that is not within a flood hazard area. The project area is located sufficiently inland and distant from bodies of water, and outside potentially hazardous areas for seiches and tsunamis. The site is also relatively flat, which will contribute to the lack of impacts by mudflow occurrence. Therefore, there will be no impact related to these hazards.
 - e. Development of the site has the potential to affect drainage patterns in the short term due to erosion and sedimentation during construction activities and in the long term through the expansion of impervious surfaces. Impaired storm water runoff may then be intercepted and directed to a storm drain or water body, unless allowed to stand in a detention area. The City's existing standards may require the preparation and implementation of a Storm Water Pollution Prevention Plan (SWPPP) in accordance with the SWRCB's General Construction Permit process, which would address erosion control measures.

The Visalia General Plan contains multiple polices,

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

XI. LAND USE AND PLANNING

- a. The project will not physically divide an established community, as the site is vacant and would not result in development that would split existing urban areas. The General Plan Land Use Diagram, adopted October 14, 2014, designates the 38.5-acre project area as Regional Commercial. The Zoning Map, adopted on April 6, 2017, designates the site as C-R (Regional Commercial), which is consistent with the General Plan Land Use Designation of Regional Commercial as identified in Table 9-1 "Consistency Between the Plan and Zoning" of the General Plan. Commercial centers that include gas stations/convenience stores, retail shops, car wash facilities and drive-thru and sit-down restaurants are considered compatible uses in commercial areas where potential impacts can be addressed through the conditional use permit process. The project site is surrounded by urban development to the north and west, and is bordered by State Highway 63/Mooney Blvd. to the west, minor arterial street Visalia Parkway to the north, and local street Midvalley Avenue/Avenue 274 to the south.

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

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

The project as a whole does not conflict with any land use plan, policy or regulation of the City of Visalia. The site's General Plan Land Use Designation of Regional Commercial and the Zoning Designation of C-R (Regional Commercial) are consistent with each other based on the underlying allowed land uses and density ranges as identified in Table 9-1 "Consistency between the Plan and Zoning" of the General Plan. The City of Visalia's Zoning Ordinance allows for commercial development as a permitted use, though the subdivision of land requires a Tentative Parcel Map and the specific uses identified in the commercial development together with parcels less than five acres in size with no street access require a Conditional Use Permit.

The proposed project will be consistent with the Land Use Element of the General Plan, including Policies LU-P-62, LU-P-65 and LU-P-69 for Regional Commercial Development, and consistent with the standards for commercial development pursuant to the Visalia Municipal Code Title 17 (Zoning Ordinance) Chapters 17.18 and 17.30

XII. MINERAL RESOURCES

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

XIII. NOISE

- a. The project will result in noise generation typical of urban development, but not in excess of standards established in the City of Visalia's General Plan or Noise Ordinance. The Visalia Noise Element and City Ordinance contain criterion for acceptable noise levels inside and outside residential living spaces. This standard is 65 dB DNL for outdoor activity areas associated with residences and 45 dB DNL for indoor areas.
- b. Ground-borne vibration or ground-borne noise levels may occur as a result of future construction activities associated with development of a commercial shopping center. Any construction activities will be temporary and will not expose persons to such vibration or noise levels for an extended period of time; thus, the impacts will be less than significant. There are no existing uses near the project area that create ground-borne vibration or ground-borne noise levels.
- c. The project area is located in excess of two miles from a public airport. The project will not expose people residing or working in the project area to excessive noise levels resulting from aircraft operations.

XIV. POPULATION AND HOUSING

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

XV. PUBLIC SERVICES

- a.
 - i. Current fire protection facilities are located at the Visalia Station 52, located approximately one mile north of the property, and can adequately serve the site without a need for alteration. Impact fees will be paid to mitigate the project's proportionate impact on these facilities.
 - ii. Current police protection facilities can adequately serve the site without a need for alteration. Impact fees will be paid to mitigate the project's proportionate impact on these facilities.
 - iii. The project will not generate new students for which existing schools in the area may accommodate. Development will be required to pay commercial impact fees. These fees are considered to be conclusive mitigation for impacts.
 - iv. Current park facilities can adequately serve the site without a need for alteration. Impact fees will be paid to mitigate a future project's proportionate impact on these facilities.
 - v. Other public facilities can adequately serve the site without a need for alteration.

XVI. RECREATION

- a. The proposed project does not include recreational facilities or require the construction or expansion of recreational facilities within the area that might have an adverse physical effect on the environment. Nor will the project increase the use of existing neighborhood and regional parks as no residential uses are proposed
- b. The proposed project does not include recreational facilities or require the construction or expansion of recreational facilities within the area that might have an adverse physical effect on the environment.

XVII. TRANSPORTATION AND TRAFFIC

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

A Traffic Impact Analysis Report was conducted for the project (ref.: Traffic Impact Analysis Report: TMT Shopping Center Development, Southeast Corner of Visalia Parkway & Mooney Boulevard, September 30, 2021) which studied key roadways and intersections in the vicinity of the project site. The analysis considered existing roadway conditions and 5-year, 10-year, and 20-year cumulative conditions, with and without the project. The analysis identified recommended roadway and intersection improvements to the vicinity of the project to ensure that the project will operate at acceptable LOS "D" conditions or better through the 20-year period.

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

Mitigation primarily consists of primarily requiring the applicant to pay an equitable share of development [transportation] impact fees for the future signalization or installation of traffic signals for the eight intersections identified: (Cameron Avenue and County Center Drive, Caldwell Avenue and Dans Street, Cameron Avenue and West Street, Visalia Parkway and Dans Street, Visalia Parkway and County Center Drive, Mooney Boulevard and Avenue 272, Cameron Avenue and Dans Street, Visalia Parkway and the Main Site Access for the Target Shopping Center, and Cameron Avenue and Stonebrook Street). This is included as Mitigation Measures Nos. 1.1, 1.2, 1.3, 1.4, 1.6, 1.7, 1.8, and 1.12. Payments made for the eventual signalization of the listed intersections will assist in keeping LOS levels to appropriate levels. The City of Visalia will continue to monitor and evaluate the intersections identified and carry out improvements for controlled movements when such measures are critically necessary.

The analysis also recommends optimization of traffic signal timings for four intersections to address impacts

from the development (Mooney Boulevard and Sunnyside Avenue, Mooney Boulevard and Orchard Avenue, Mooney Boulevard and Caldwell Avenue, and Cameron Avenue and County Center Street). This is included as Mitigation Measures Nos. 1.9, 1.10, 1.11 and 1.12.

The TIA recommends a number of improvements be made by the applicant. The TIA recommends that the intersection of Visalia Parkway and Mooney Boulevard be widened to include at minimum:

Eastbound: 2 left-turn lanes, 1 through lane, 1 right turn-lane

Westbound: 2 left-turn lanes, 1 through lane, and 1 shared through-right lane

Northbound: 2 left-turn lanes, 1 through lane, and 1 shared through-right lane

Southbound: 1 left-turn lane, 3 through lanes, and 1 right-turn lane.

This is included as Mitigation Measure No. 1.5. Note that project plans indicate the applicant will build out the Northbound and Eastbound lanes to their ultimate configurations, as required by Caltrans and the City of Visalia. This includes Northbound: 2 left-turn lanes, three through lanes, a bike lane, and 1 right-turn lane, and Eastbound: 2 left-turn lanes, 2 through lanes.

For the intersection of Cameron Avenue and Stonebrook Street, in addition to the payment of fees for the installation of a traffic signal, the TIA calls for lengthening of the northbound storage lane to address impacts expected as part of the 20-year plus Project analysis. This is included with Mitigation Measure No. 1.7.

Last, for the intersection of Visalia Parkway and the Costco Driveway, the TIA calls for the installation of a raised median with a refuge lane to permit southbound left turn movement, to address impacts expected as part of the 20-year plus Project analysis. This is included as Mitigation Measure No. 1.14.

The California Department of Transportation (Caltrans) has reviewed the project, and provided correspondence as a Responsible Agency, because the project takes vehicular access from Mooney Boulevard, a State Highway designated as State Route 63. Caltrans provided a 3rd review letter providing comments on the final draft of the Traffic Impact Analysis on September 9, 2021. Within the letter Caltrans recommended the addition of a right-turn lane at the access connection with State Route 63 (Intersection #31 in the TIA), deceleration lane length information, revisions to the site plan affecting the median within State Route 63 providing left-turn access into the shopping center, and detailed information identifying which VMT mitigations within the section 11 of the TIA would be implemented. A revised TIA was submitted to Caltrans, resulting in submittal by Caltrans of the September 9, 2021 letter on October 6, 2021 reiterating its requests. Comments regarding the right-turn lane at the access connection with State Route 63 and revisions to the site plan affecting the median within State Route 63 will be made conditions of approval of the Conditional Use Permit. Deceleration length information requests will be addressed at the time of Caltrans Encroachment Permit review.

In response to VMT impacts and mitigation, the City of Visalia, in determining the significance of transportation impacts for land use projects, recognizes the adopted City of Visalia Vehicle Miles Travelled (VMT) Thresholds and Implementation Guidelines (“Guidelines”) recommended threshold as the basis for what constitutes a significant or less than significant transportation impact. The Guidelines recommend a 16% reduction target based on the Greenhouse Gas emission reduction target for 2035 for the Tulare County region set by the SB 375 Regional Plan Climate Target.

Since the project does not meet any screening criteria, it therefore requires a detailed VMT analysis. The shopping center project is projected to generate 11,224 trips on a daily basis by year 2042, based on the difference between the “growth with build” and the “no-build growth” scenarios.

In order to mitigate impacts, the TIA proposes a number of measures to reduce VMT to a level considered less than significant. First the TIA recommends payment of an impact fee with the issuance of a building permit in the shopping center development. Fees paid would be placed into a VMT mitigation bank to be created at a later date by the City of Visalia. The fee shall be calculated at \$1,277/ksf, based on project-specific travel demand model for 212,450 sq. ft. of commercial space. If a VMT mitigation fee program is implemented by the City prior to building permits being issued and fees being paid, the project will pay those fees instead. Otherwise, the fees would be calculated as shown in the Traffic Impact Analysis prepared by TJKM for the proposed project,, based on the market rate price for GHG equivalents and a time period to be negotiated by the City and project applicant in light of other mitigating factors. This is included as Mitigation Measure No. 1.15.

The TIA proposes considering payment of fees to the San Joaquin Valley Air Pollution Control District as appropriate VMT mitigation, as the fees also go towards reducing VMT impacts. This is included as Mitigation Measure No. 1.16

The TIA proposes specific on and off-site design improvements to improve access, circulation, and convenience for use of alternative methods of transportation. The specific measures are as follows:

Development of new sidewalks on all frontages of the project site, and connecting to existing and proposed pedestrian facilities at the intersections of Visalia Parkway & Mooney Boulevard (Intersection #20) and Midvalley Avenue & Mooney Boulevard (Intersection #22), and including crosswalks at same, to facilitate pedestrian access.

Development of bike facilities along Visalia Parkway, Mooney Boulevard, and Midvalley Avenue.

The improvement of transit access through the buildout of new transit stop on Visalia Parkway at the northwest corner of the project site, and improvement of an existing transit stop along Mooney Boulevard at the southwest corner of the project site.

Development of onsite facility improvements to encourage alternate modes of transportation, to include:

Pedestrian connections between sidewalks and buildings that provide a shorter path of travel than walking to the nearest driveway;

Marked pedestrian crosswalks connecting buildings that are separated by parking areas;

Adequate lighting for sidewalks and internal walkways, in particularly at major conflict points with vehicles;

Benches and trash cans placed throughout the project site;

Bike racks near building entrances;

Bike lockers or other long-term bike storage facilities for shopping center employees;

For the existing bus stop on Mooney Boulevard at the southwest corner of the project site, reconstruct the transit stop to provide a bus shelter, trash can, and adequate lighting.

This is included as Mitigation Measure No. 1.17.

Lastly, the TIA recommends implementation of a travel demand management (TDM) program for employees at the proposed shopping center. The TDM program shall include measures such as subsidized transit passes, facilitating ride sharing, contracting with vanpool providers, providing information on local transportation facilities and services, and providing on-site amenities for bicycle commuters such as showers and changing areas if the size of the building allows for such amenities. All measures aimed at improving transit use and alternative modes of transportation to reduce VMT. This is included as Mitigation Measure No. 1.18.

With these combined mitigation measures, the project would have a less-than-significant impact on regional VMT.

- c. There are no planned geometric designs associated with the project that are considered hazardous.
- d. The project will not result in inadequate emergency access.

XVIII. TRIBAL CULTURAL RESOURCES

The proposed project would not cause a substantial adverse change in the significance of a tribal cultural resource, defined in Public Resources Code section 21074 as either a site, feature, place, cultural landscape that is geographically defined in terms of the size and scope of the landscape, sacred place, or object with cultural value to a California Native American tribe.

- a. The site is not listed or eligible for listing in the California Register of Historical Resources, or in a local register of historical resources as defined in Public Resources Code section 5020.1(k).

A Cultural Resource Assessment was prepared by Taylored Archaeology for the proposed commercial shopping center/tentative parcel map (Study Cultural Resources Assessment for the Oaks Marketplace Master Conditional Use Permit Project, City of Visalia, Tulare County, California. January 2021). The study was

conducted to determine if cultural resources are present that could be affected by the proposed Project. Accordingly, background research, a records search from the SSJVIC of the CHRIS, a search of the NAHC Sacred Lands File, and an intensive pedestrian survey of the Project area were conducted.

The SSJVIC records search identified one historic era cultural resource within the Project area. However, further review of SSJVIC records indicated the historic era resource misidentified as within the Project area is actually located outside the Project area to the north. Eight prior cultural resource studies and two previously recorded resources were found to be located within a 0.5-mile radius of the Project area. Both recorded resources were historical in age, but are not located on the project site. No cultural or tribal resources were identified in the Project area as a result of the NAHC Sacred Lands File search, archival research, or pedestrian survey.

- b. The site has been determined to not be significant pursuant to criteria set forth in subdivision (c) of Public Resources Code Section 5024.1. In applying the criteria set forth in subdivision (c) of Public Resource Code Section 5024.1, the lead agency shall consider the significance of the resource to a California Native American tribe.

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

A Cultural Resource Assessment was prepared by Taylored Archaeology for the proposed commercial shopping center/tentative parcel map (Study Cultural Resources Assessment for the Oaks Marketplace Master Conditional Use Permit Project, City of Visalia, Tulare County, California. January 2021). The study was conducted to determine if cultural resources are present that could be affected by the proposed Project. Accordingly, background research, a records search from the SSJVIC of the CHRIS, a search of the NAHC Sacred Lands File, and an intensive pedestrian survey of the Project area were conducted.

The SSJVIC records search identified one historic era cultural resource within the Project area. However, further review of SSJVIC records indicated the historic era resource misidentified as within the Project area is actually located outside the Project area to the north. Eight prior cultural resource studies and two previously recorded resources were found to be located within a 0.5-mile radius of the Project area. Both recorded resources were historical in age, but are not located on the project site. No cultural or tribal resources were identified in the Project area as a result of the NAHC Sacred Lands File search, archival research, or pedestrian survey.

Per the study, due to the Project's close proximity of 0.25 miles to Packwood Creek, which historically contained a Native American Yokut village on its banks within the general region, Taylored Archaeology recommends a Native American monitor and archaeological monitor be present during initial ground disturbance during Project construction activities. In the event of accidental discovery

of unidentified archaeological remains during development or ground-moving activities in the Project area, all work should be halted in the immediate vicinity (within a 100-foot radius) until a qualified archaeologist can identify the discovery and assess its significance. These recommendations are included as Mitigation Measures No. 2.1 and 2.2.

The study also recommends that if human remains are uncovered during construction, the Tulare County Coroner be notified to investigate the remains and arrange proper treatment and disposition. If the remains are identified on the basis of archaeological context, age, cultural associations, or biological traits to be those of a Native American, California Health and Safety Code 7050.5 and PRC 5097.98 requires that the Coroner notify the NAHC within 24 hours of discovery. The NAHC will then identify the Most Likely Descendent who will be afforded an opportunity to make recommendations regarding the treatment and disposition of the remains. This has been included as Mitigation Measure No. 2.3.

XIX. UTILITIES AND SERVICE SYSTEMS

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

The project site will be accommodated by an extension of the City's sanitary sewer lines. As part of the project, existing sanitary sewer mains will be extended off-site along Mooney Boulevard, Visalia Parkway, and Midvalley Avenue. Usage of these lines is consistent with the City Sewer System Master Plan. These improvements will not cause significant environmental impacts.

- b. California Water Service Company has determined that there are sufficient water supplies to support the site, and that service can be extended to the site. A Will Serve Letter was provided for the project on December 3, 2020.
- c. The City has determined that there is adequate capacity existing to serve the site's projected wastewater treatment demands at the City wastewater treatment plant.
- d. Current solid waste disposal facilities can adequately serve the site without a need for alteration.

- e. The project will be able to meet the applicable regulations for solid waste. Removal of debris from future construction will be subject to the City's waste disposal requirements.

XX. WILDFIRE

- a. The project is located on a site that is adjacent on multiple sides by existing development. The site is further served by multiple points of access. In the event of an emergency response, coordination would be made with the City's Engineering, Police, and Fire Divisions to ensure that adequate access to and from the site is maintained.
- b. The project area is relatively flat and the underlying soil is not known to be unstable. Therefore, the site is not in a location that is likely to exacerbate wildfire risks.
- c. The project is located on a site that is adjacent on multiple sides by existing development. The project will be required to conduct the installation and maintenance of associated infrastructure; however, the infrastructure would be typical of commercial development and would be developed to the standards of the underlying responsible agencies.
- d. The project area is relatively flat and the underlying soil is not known to be unstable. Therefore, the site is not in a location that would expose persons or structures to significant risks of flooding or landslides.

XXI. MANDATORY FINDINGS OF SIGNIFICANCE

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

DETERMINATION OF REQUIRED ENVIRONMENTAL DOCUMENT

On the basis of this initial evaluation:

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



Brandon Smith, AIGP,
Environmental Coordinator

10/7/2021

Date